



# ACTION MINUTES

## PACIFIC GROVE CITY COUNCIL

Council Chambers – City Hall – 300 Forest Avenue  
6:00 p.m. – Wednesday, May 7, 2008

### APPROVAL OF AGENDA

**COUNCIL ACTION:** Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, Council moved approval of the Agenda.

### COUNCIL AND STAFF ANNOUNCEMENTS

- A. Council Referral Update
- B. Announcements

- **Council Member Bennett** announced that she had attended the first Friends of Gateway (FOG) Luncheon on behalf of the Council. She also noted that FOG was selling tickets to the Monterey Peninsula College's showing of "Plaza Suite" as a fundraising effort for the benefit of the Gateway Center.
- **Mayor Cort** reported on the success of the Lighthouse Cinemas' event, "An Evening with Allison Eastwood," held May 4, 2008, and stated that he felt it was an indication of its future success. He requested support of the operation and announced it would hold a Grand Opening, hosted by the Pacific Grove Chamber of Commerce, on Thursday, May 8, 2008, beginning at 5:30 p.m.
- **Police Chief Engles** reported to the Council about a "sting" operation conducted by the Pacific Grove Police Department as part of their effort to curb the sale of alcohol to minors. He said that all of the businesses approached by minors refused to sell alcohol to them and that several local citizens actually lectured the juveniles about it afterwards.

### ORAL COMMUNICATIONS

*(Comments from the audience will not receive Council action. Comments must deal with matters subject to the jurisdiction of the City and the Council and will be limited to three minutes. Comments regarding agenda items, not on the consent agenda, shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, letters should be submitted to the Council in advance of the meeting.)*

#### **Reference: Mayor Cort**

- **David Dilworth** showed the Council what he had presented to the Light Brown Apple Moth Environmental Advisory Task Force meeting at their May 5, 2008 meeting.
- **Jeanne Graham** expressed concern regarding the closing of a portion of Lighthouse Avenue for the classic car show without adequately notifying the affected businesses and the issues with traffic and pedestrians due to cars being parked in a nonstrategic manner. On a positive note, she commended the Traffic Safety Commission on the recently installed crosswalk signs.
- **Robert Pachelli**, representing Fair Share PG, thanked all who attended the event at The Works bookstore in support of Measure U. He recommended going to the Fair Share PG website for information regarding Measure U. He further announced that the next event

would be held on May 19, 2008, from 6:00 p.m. to 7:00 p.m. at the Black Espresso Café located at Country Club Gate.

- **Carmelita Garcia** reminded those in attendance that the deadline for voter registration was May 19, 2008 and provided further information that those waiting until that date to register would not be eligible to vote an absentee ballot.
- **Linda Bailey** reported on the recent “PG Reads for the Library” fundraising event and thanked all those who gave their support. She further informed the Council that several of the participating children would be reporting the total amount of money collected at the May 21, 2008 Council meeting.
- **Snick Farkas** presented the “Colossus of Gold” No. 271.

## CONSENT AGENDA

*(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Councilmember, member of the audience or staff may request that an item be placed on the regular agenda for further discussion. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.)*

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council moved approval of the Consent Agenda, with corrections as noted:**

### 1. APPROVAL OF CITY COUNCIL MEETING MINUTES

#### A. Minutes of the April 16, 2008 City Council Meeting

**Recommended Action: Approve**

- **Make corrections to Council Action on Regular Agenda Item 6.C to show names of Council Members making and seconding the motion.**
- **Make corrections to Council Action on Regular Agenda Item 6.G to indicate the motion included the removal of Sections 2, 3 and 4 from the Resolution and that the cause for removal of these sections is that the Architectural Review Board and the Historic Resources Board may only be modified by City Ordinance and will be brought back for consideration by the Council at a future Council meeting.**

### 2. REPORTS OF STAFF

#### A. Highlights of the April 18, 2008 Monterey Regional Waste Management District Board Meeting

*Gary Bales, the City’s representative to the Monterey Regional Waste Management District Board, will report on activities and actions by the Monterey Regional Waste Management District Board*

**Reference: City Manager Colangelo**

**Recommended Action: Receive**

#### B. Quarterly Treasurer's Report

*The City's charter requires that a Quarterly Treasurer's Report be delivered to the City Council.*

**Reference: Jim Becklenberg, Director of Management and Budget**

**Recommended Action: Receive the Report**

- C. Claim for Damages No. L2008-01  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Deny claim and refer the matter back to staff**

3. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Meeting Minutes of the April 22, 2008 Architectural Review Board  
**Recommended Action: Receive**
- B. Meeting Minutes of the March 18, 2008 Recreation Board  
**Recommended Action: Receive**
- C. Meeting Minutes of the April 17, 2008 Planning Commission  
**Recommended Action: Receive**

**REGULAR AGENDA**

4. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES

- A. Americans with Disabilities Act Compliance Advisory Committee  
B. Architectural Review Board  
C. Beautification and Natural Resources Committee  
D. Budget and Finance Committee  
E. Cultural Arts Commission  
F. Economic Advisory Committee  
G. Historic Resources Committee  
H. Housing Committee  
I. Library Board  
J. Museum Board  
K. Planning Commission  
L. Recreation Board  
M. Special Events Committee  
N. Traffic Safety Commission  
O. Monterey County Commission on Disabilities

5. OLD BUSINESS

- A. Continued Discussion on Illegal Housing Policies  
*The Council will continue their discussion from their April 16, 2008 meeting regarding enforcement of City codes relative to illegal housing units.*  
**Reference: Council Member Miller**  
**Recommended Action: Continue Discussion/Refine Response to Illegal Housing Issues**  
**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council gave direction to Staff to draft a proposed City Council policy relating to relocation assistance for tenants in discovered illegal units for consideration at a future Council meeting. The draft policy needs to include procedure for when a complaint regarding an illegal unit is registered with the City that includes direction**

that the landlord is required to allow the tenant of that unit 90 days rent free in order to relocate and that the landlord must pay all relocation expenses for that tenant. Further direction was given to staff to set down a list of the pros and cons that could possibly result should the policy be implemented.

**PUBLIC COMMENT:**

- **John Fisher** commented that when the Water District asked the City to estimate how much water was needed for the City it reported needing over 1,200 acre feet which was questioned. He pointed out that the potential for over 5,000 additional housing units in the City justified that amount.
- **Bill Kampe** informed the Council that he was No. 38 of 39 on the City's water waiting list and it had been a long process to get there. He requested the Council give due consideration to applicants who followed the process.

- B. **Ordinance No. 08-009:** Hold the Second Reading of an Ordinance Amending Existing Section 10.08 of the Pacific Grove Municipal Code to Modify Permit Approval Procedures for Maintaining Certain Animals Within City Limits  
*On April 16, 2008 Council introduced an Ordinance modifying permit approval procedures for maintaining certain animals within the City limits. If adopted, the Ordinance will go into effect 30 days from the date of adoption.*

**Reference:** City Attorney Laredo

**Recommended Action:** Adopt the Ordinance

**COUNCIL ACTION:** Upon motion of Council Member Stilwell, seconded by Council Member Bennett, and carried, Council moved the recommended action.

- C. **Ordinance No. 08-010:** Hold the Second Reading of an Ordinance to Require Environmentally Acceptable Food Packaging Within the City Limits  
*On April 16, 2008 Council introduced an Ordinance requiring environmentally acceptable food packaging within the City Limits. If adopted, the Ordinance will go into effect 30 days from the date of adoption.*

**Reference:** City Manager Colangelo

**Recommended Action:** Adopt the Ordinance

**COUNCIL ACTION:** Upon motion of Council Member Stilwell, seconded by Council Member Nilmeier, and carried, Council moved the recommended action.

**PUBLIC COMMENT:**

- **Ryan Kenney**, representing the Plastics Foodservice Packing Group of the American Chemistry Council, expressed opposition to the Ordinance stating there was no scientific evidence supporting the ban. He requested the ban be postponed and the City work with the PFPG on alternative solutions.
- **Bill Kampe** said that he had been asked by a Council Member to do some research on this topic. He indicated that he found the impact of paper use to be more significant than the use of plastic up to the point that it reaches the home and that recycling had proven ineffective in California. However he still

supported the ban as the lasting effective of plastic on the environment is more harmful.

- **Jeff Lindenthal**, Public Ed Coordinator and Recycling Manger for the Monterey Regional Waste Management District, indicated that MRWMD is in support of the ban.
- **Joe Romney** asked that the Council consider making all businesses, including grocery stores, shippers, etc. be part of the ban, not just restaurants and other foodservice businesses.
- **Joy Colangelo**, representing Sustainable P.G., informed the Council that the group was conducting a grass-roots campaign to get businesses in and out of the City to consider doing away with the use of polystyrene and that they had experienced positive results.
- **Christine Xavier**, suggested the recycling of foam rather than plastic covered paper. She said that the closest compost facility was located in San Francisco and was currently experience issues related to capacity.
- **Gary Peterson** reminded the Council of the meeting on April 16, 2008 when the first reading of the Ordinance was held when a tremendous outpouring of public support of the Ordinance had been exhibited.
- **Megan Tolbert**, representing Monterey in Action, noted that polystyrene has been found to produce carcinogens. She observed that the City was the first to take official action against its use.

- D. **Ordinance No. 08-011:** Hold the Second Reading of an Ordinance Approving a Salary Increase of 8.0% for Police Officer Positions, Effective January 1, 2008, Pursuant to Terms of the Existing Memorandum of Understanding (MOU)  
*On April 16, 2008 Council introduced an Ordinance approving a salary increase of 8.0% for Police Officer positions. If adopted, the Ordinance will go into effect 30 days from the date of adoption.*

**Reference: City Manager Colangelo**

**Recommended Action: Adopt the Ordinance**

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, with Council Members Nilmeier and Davis dissenting, Council moved the recommended action.**

## 6. NEW BUSINESS

- A. 1. **Resolution No. 08-017:** Consider Adoption of a Resolution Approving the Joint Powers Agreement to Administer Regional Development Impact Fees; and
2. **Resolution No. 08-018:** Consider Adoption of a Resolution Setting the Base Amount of the Regional Development Impact Fees; and
3. Hold a Public Hearing and First Reading of an Ordinance Adding Chapter 6.12 to the City's Municipal Code for the Establishment of the Fee Program  
*The Council will consider the adoption of two Resolutions and hold a public hearing and first reading of an Ordinance necessary to the implementation of Regional Development Impact Fees.*

**Reference: City Manager Colangelo**

**Recommended Actions:**

1. **Adopt the Resolution approving the Joint Powers Agreement to administer Regional Development Impact Fees; and**
2. **Adopt the Resolution setting the base amount of the Regional Development Impact Fees; and**
3. **Adopt the Ordinance adding Chapter 6.12 to the City's Municipal Code for the establishment of the Fee Program.**

**COUNCIL ACTION:** Upon motion of Council Member Davis, seconded by Council Member Miller, and carried, Council moved the recommended actions.

- B. **Resolution No. 08-019:** Consider a Resolution Adopting the Investment Plan for Transportation Sales Taxes in Monterey County and Related CEQA Documents  
*The Council will consider a Resolution adopting the TAMC Investment Plan for Transportation Sales Taxes in Monterey County to be placed before the voters on a future ballot and consider the certified Environmental Impact Report (EIR) and Addendum that covers the projects included in the Investment Plan and the Regional Development Impact Fee.*

**Reference:** City Manager Colangelo

**Recommended Action:** Consider the Resolution

**COUNCIL ACTION:** Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, with Mayor Cort and Council Member Bennett dissenting, Council considered and approved the Resolution.

**PUBLIC COMMENT:**

- **John Fisher** expressed interest in how the money resulting from the impact fees would be utilized.

- C. Consider Holding the First Reading of an Ordinance to Approve the City Manager's Recommended Budget for Fiscal Year 2008/09  
*The Council will consider the recommended budget for Fiscal Year 2008/09 and consider holding the first reading of an Ordinance adopting the recommended budget. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.*

**Reference:** Jim Becklenberg, Director of Management and Budget

**Recommended Actions:**

1. **Provide direction on desired budget changes; and**
2. **Affirm desire for staff to return to City Council to implement fees:**
  - **Long-range planning fee (15% surcharge on CDD permit and plan check fees)**
  - **Historic preservation deposit (\$1,000 when applicable); and**
3. **Authorize layoffs of three firefighters (with delay until mid-year); and**
4. **Authorize use of Claussen library bequest for library operations in Fiscal Year 2008/09 and avoidance of layoff; and**

5. Hold a public hearing on the budget; and
6. Introduce an Ordinance adopting the recommended Fiscal Year 2008/09 budget (which includes new policy for golf fund balance).

**COUNCIL ACTION:** Upon motion of Mayor Cort, seconded by Council Member Miller, and carried, Council moved the recommended actions.

**PUBLIC COMMENT:**

- **John Fisher** commended Jim Becklenberg, Director of Management and Budget, on preparing a budget that was both transparent and comprehensible.
- **Harry Crawford** requested support from the Council and the public for businesses “up the hill” from the downtown business area.

**COUNCIL ACTION:** Upon motion of Council Member Miller, seconded by Council Member Nilmeier, and carried, Council moved to continue the consideration of items on the Agenda beyond 10:00 p.m.

- D. **Resolution No. 08-020:** Consider a Resolution Authorizing the Issuance of Tax And Revenue Anticipation Notes to Manage an Anticipated Routine, Temporary Cash Flow Shortfall

*The Council will consider a Resolution authorizing the City to issue Tax and Revenue Anticipation Notes (TRANS) for Fiscal Year 2008/09.*

**Reference:** Jim Becklenberg, Director of Management and Budget

**Recommended Action:** Approve the Resolution

**COUNCIL ACTION:** Upon motion of Council Member Davis, seconded by Council Member Nilmeier, and carried, Council moved the recommended action.

- E. Consider Approval of 2007/08 Economic Advisory Committee Partial Program Expenditures

*The Council will consider approval of the expenditure of \$434.88 for the distribution of a brochure, designed and printed by the Business Improvement District, at 220 visitor locations in the County and at the San Jose Airport.*

**Reference:** City Manager Colangelo

**Recommended Action:** Approve the expenditure

**COUNCIL ACTION:** Council Member Stilwell noted that based on the expenditures listed in the Agenda Report, there should be approximately \$2,400 remaining in the funds in the Fiscal Year 2007/08 budget set aside for economic development strategies instead of the approximately \$400 indicated in the Report.

As a result of Council Member Stilwell’s comments, a motion was made by Council Member Miller, seconded by Council Member Bennett, and carried, to approve expenditure of the balance of the funds.

7. REPORTS OF COUNCIL MEMBERS

## A. Consider the Appointment of Hearing Officers to the Administrative Enforcement Hearing Officer Panel

*Based on the recent approval of the Administrative Enforcement Ordinance, the City needs to appoint members to the Hearing Officer Panel.*

**Reference: Mayor Cort**

**Recommended Action: Approve the Mayor's recommendations for appointment to the Administrative Enforcement Hearing Officer Panel.**

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Nilmeier, Council approved the Mayor's recommendation of the following individuals as members of the Panel:**

- **Luke Coletti**
- **Heidi Niggemeyer**
- **Gary Sprader**

## B. Meeting Reports

- Association of Monterey Bay Area Governments
  - **Council Member Stilwell** reported that the next meeting would be May 14, 2008.
- Community Human Services
  - **Council Member Cohen** reported that there would be a retreat to discuss strategies on May 9, 2008.
- Executive Committee, Monterey Bay Division, League of California Cities
  - **Mayor Cort** informed the Council that he had not been able to attend the meeting.
- Fort Ord Reuse Authority
  - **Council Member Davis** reported that the next meeting would be May 9, 2008.
- Monterey County Convention & Visitors Bureau
  - **Council Member Bennett** informed the Council that while there had been no meeting, she had spent three hours with MCCVB staff reviewing their services and endeavors on behalf of the members.
- Monterey Regional Water Pollution Control Agency, JPA
  - **Mayor Cort** reported that there would be a retreat on May 24, 2008
- Monterey-Salinas Transit
  - **Council Member Stilwell** reported that the next meeting would be May 12, 2008.
- Transportation Agency for Monterey County
  - **Council Member Miller** reported that the TAMC items considered by the Council at tonight's meeting had been discussed at the last TAMC meeting.

## C. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

8. ITEMS REMOVED FROM CONSENT AGENDA

**None**

9. CLOSED SESSION

*(Public comment will be invited prior to the Council going into Closed Session. Comments from the audience will not receive Council action and must deal only with items on the current Closed Session list.)*

**No items scheduled**

10. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

*(Following Closed Session, the Council shall reconvene in open session, prior to adjournment, and make disclosures as required by Government Code sections 54957.1 and 54957.7. If this announcement is made in the City Manager’s Conference Room, public participants shall be invited for the purpose of hearing the announcement. Alternatively, the Council may reconvene in the City Council Chambers to enable the public to hear the announcement.)*

**No action to report**

**ORDER FOR ADJOURNMENT**

Respectfully Submitted,

*Ann D. O’Rourke*

Ann D. O’Rourke, Deputy City Clerk

APPROVED BY MAYOR: \_\_\_\_\_ Date \_\_\_\_\_

ATTEST BY CITY CLERK: \_\_\_\_\_ Date \_\_\_\_\_