



DRAFT ACTION MINUTES **PACIFIC GROVE CITY COUNCIL**

Wednesday, December 3, 2008, 6:00 p.m.

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

ELECTION DECLARATION AND SEATING OF NEWLY ELECTED OFFICIALS:

1. DECLARATION OF ELECTION RESULTS:

- A. **Resolution No. 08-062:** Consider a Resolution Declaring the Results of the General Municipal Election Held in Pacific Grove on November 4, 2008
Reference: City Clerk Charlene Wiseman
Recommended Action: Adopt the Resolution
COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Stilwell, and carried, Council moved the recommended action.

2. SEATING OF NEWLY ELECTED OFFICERS:

- A. Comments by Outgoing Council Members
Reference: Council Members Nilmeier, Davis and Miller
Comments were made by outgoing Council Members Nilmeier, Davis and Miller. Following their remarks, comments were made by Council Members Stilwell, Cohen and Bennett.
- B. Oath of Office for Newly Elected Officers
Reference: City Clerk Charlene Wiseman
The Oath of Office was administered by City Clerk Charlene Wiseman to Mayor-elect Dan Cort, Council Member-elect Carmelita Garcia, Council Member-elect Deborah Lindsay and Council Member-elect Bill Kampe.
- C. Selection of the Mayor Pro Tempore
Reference: Mayor Cort
Recommended Action: Select and approve the appointment of the Mayor Pro Tempore
COUNCIL ACTION: Upon motion of Mayor Cort, seconded by Council Member Cohen, and carried, Council moved to appoint Council Member Stilwell as Mayor Pro Tempore.

PRESENTATIONS

Presentations of Appreciation to Outgoing Council Members

Reference: Mayor Cort

Mayor's Proclamations of commendation and gratitude were presented to outgoing Council Members Davis, Nilmeier and Miller.

APPROVAL OF AGENDA

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, Council moved to approve the Agenda.

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

- **Council Member Garcia** requested an update regarding the City's newspaper of record. City Manager Colangelo indicated that it is currently the Monterey County Weekly and gave an overview of the process leading to that decision.

B. Announcements

- **Council Member Cohen** announced the Friday Night Lights events on December 5, 12 and 19, 2008.
- **Council Member Stilwell** announced:
 - Parade of Lights on December 4, 2008 beginning at 6:00 p.m.
 - Over 18,000 butterflies have arrived in Pacific Grove.
- **Mayor Cort** announced:
 - The City received a \$2,500 grant from PG&E to be used for Trees for PG and expressed thanks to those who were involved.
 - Mayor Cort received complaints regarding handbills on power poles, which is illegal per the City of Pacific Grove's Municipal Code. If Public Works takes them down, the City has the right to charge the poster of the handbill.

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

- **Craig Riddell** congratulated the new Council Members and expressed thanks to each of the outgoing Council Members.
- **Moe Ammar** concurred with the previous speaker's remarks. He also expressed thanks to Jean Anton, Parade Marshall for this year's Parade of Lights and announced that unless the Stilwell Snow in the Park event raises \$14,000, this will be its last year.
- **John Fisher** congratulated the new Council Members and expressed thanks to the outgoing Council Members as well as to the voters of Pacific Grove. He questioned the status of insurance with regards to the City's volunteers.
- **Jessie Bray** expressed thanks to the outgoing Council Members and extended an invitation to the Council to attend school board meetings.
- **Robert Pacelli** expressed thanks to the outgoing Council Members and thanked all who had participated in Fair Share.
- **Susan Nilmeier** gave special thanks to outgoing Council Member Dan Davis.
- **Rebecca Riddell** expressed thanks to the outgoing Council Members.
- **Celia Perez Martinez, Public Works Business Manager**, invited the Council to view the improvements made on the Recreation Trail.
- **Snick Farkas** presented Colossus of Gold No. 285.

CONSENT AGENDA

(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. One motion will cover all items on the Consent Agenda.)

The motion to approve will authorize the action or recommendation indicated. Pursuant to City Council Policy No. 000-14 a Councilmember, member of the audience or staff may request that an item be placed on the regular agenda for further discussion.)

COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Cohen, and carried, Council moved to approve the Consent Agenda with changes as noted below.

3. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the November 19, 2008 City Council Special Meeting
Recommended Action: Approve
- B. Minutes of the November 19, 2008 City Council Meeting
Corrections as noted by Council Member Garcia.
Recommended Action: Approve
- C. Minutes of the November 21, 2008 City Council Special Meeting
Change title of Agenda to reflect “Friday” rather than “Wednesday.”
Recommended Action: Approve

4. REPORTS OF STAFF

- A. Claim for Damages No. G2008-23 / Wartenberg, Mary L.
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. It is recommended that Council approve the claim. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.
Reference: Charlene Wiseman, Deputy City Manager
Recommended Action: Approve claim and refer the matter back to staff.
- B. Highlights of the November 21, 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

5. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Minutes of the June 25, 2008 ADA Compliance Advisory Committee
Recommended Action: Approve
- B. Minutes of the August 27, 2008 ADA Compliance Advisory Committee
Recommended Action: Approve
- C. Minutes of the September 24, 2008 ADA Compliance Advisory Committee
Recommended Action: Approve
- D. Minutes of the October 28, 2008 Architectural Review Board Site Review
Recommended Action: Approve
- E. Minutes of the October 28, 2008 Architectural Review Board
Recommended Action: Approve
- F. Minutes of the November 13, 2008 Architectural Review Board Special Meeting Site Review

- Recommended Action: Approve**
- G. Minutes of the November 13, 2008 Architectural Review Board Special Meeting
Recommended Action: Approve
- H. Minutes of the November 4, 2008 Planning Commission Site Review
Recommended Action: Approve
- I. Minutes of the November 6, 2008 Planning Commission
Recommended Action: Approve
- J. Minutes of the November 18, 2008 Planning Commission Site Review
Recommended Action: Approve
- K. Minutes of the November 20, 2008 Planning Commission
Recommended Action: Approve
- L. Meeting Minutes of the September 9, 2008 Recreation Board
Recommended Action: Receive

REGULAR AGENDA**6. PUBLIC HEARINGS**

(With regard to public hearings involving a quasi-judicial determination by the Council, the proponent of an item shall be given 10 minutes to speak and all others in support of the proponent's position will be given three (3) minutes each. A designated spokesperson for opposition to the item shall be given 10 minutes to speak and all others in opposition will be given three (3) minutes each. In public hearings not involving a quasi-judicial determination by the Council, all persons will be given three (3) minutes to speak, whether in support or opposition to the item. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council.)

- A. Hold a Second Reading and Adopt an Ordinance Amending the City's Classification Plan Establishing, Deleting, and Amending Current Job Specifications and Amending Current Salary Schedules Accordingly
On November 19, 2008 Council introduced and held a first reading of an Ordinance amending the City's classification plan establishing, deleting, and amending current job specifications and amending current salary schedules accordingly. If adopted, the Ordinance will go into effect 30 days from the date of adoption.

Reference: Deputy City Manager Wiseman

Recommended Action: Adopt the Ordinance

COUNCIL ACTION: Upon motion of Mayor Cort, seconded by Council Member Bennett, and carried, Council moved to table adoption of the Ordinance to the meeting of December 17, 2008.

7. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES

- A. Administrative Enforcement Hearing Officers Panel
B. Americans with Disabilities Act Compliance Advisory Committee
C. Architectural Review Board
D. Beautification and Natural Resources Committee
E. Budget and Finance Subcommittee
F. Cultural Arts Commission
G. Economic Advisory Committee

- H. Historic Resources Committee
- I. Housing Committee
- J. Library Board
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission
- P. Monterey County Commission on Disabilities

8. NEW BUSINESS

- A. Consider Introducing and Holding a First Reading of an Ordinance to Lease Property at 620 Oceanview Boulevard to Enea Properties LLC
Council will consider introducing and holding a first reading of an Ordinance to lease property at 620 Oceanview Boulevard (formerly the Old Bath House) to Enea Properties LLC. The Council may approve or reject the first reading of the Ordinance. If the Ordinance is approved, a Public Hearing on the second reading shall be set for the next regular Council meeting.
Reference: City Manager Colangelo
Recommended Action: Hold the first reading of the Ordinance.
COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Kampe, and carried, Council moved the recommended action.

- B. Approve a Schedule for Council Meetings for 2009
Council is being asked to approve a proposed Council meeting schedule for calendar year 2009.
Reference: City Manager Colangelo
Recommended Action: Approve schedule for Council meetings for 2009.
COUNCIL ACTION: Upon motion of Council Member Kampe, seconded by Council Member Bennett, and carried, Council moved the recommended action and further directed that due to lack of a quorum the meeting of January 21, 2009 be moved to January 14, 2009.

9. REPORTS OF COUNCIL MEMBERS

- A. Approve Mayor's Council, Staff and Citizens Assignments and Appointments to the City's Boards, Commissions, Committees and External Agencies
Council will consider approval of the Mayor's Council, staff and citizens assignments and appointments to the City's boards, commissions, committees and external agencies.
Reference: Mayor Cort
Recommended Action: Approve Mayor's assignments and appointments.
COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Cohen, and carried, Council moved the recommended action.

PUBLIC COMMENT

- **John Fisher** said the City needs to be represented on REPOG.

- B. Meeting Reports
 - Association of Monterey Bay Area Governments
 - Community Human Services
 - Executive Committee, Monterey Bay Division, League of California Cities
 - Fort Ord Reuse Authority
 - Monterey County Convention and Visitors Bureau
 - Monterey Regional Water Pollution Control Agency, JPA
 - Monterey-Salinas Transit
 - Transportation Agency for Monterey County
- C. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

10. ITEMS REMOVED FROM CONSENT AGENDA

11. 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.)

- A. Pursuant to California Government Code Section 54956.9, Council will meet in closed session with Legal Counsel to consider pending litigation
 - i. *Anthony Iriarte v. Monterey Bay Engineering; MBE v. City of Pacific Grove (M83497)*
 - ii. *California-Nevada Methodist Homes v. City of Pacific Grove (M84732)*
- B. Pursuant to California Government Code Section 54957 the City Council will Meet in Closed Session to Consider Public Employment: City Manager

12. 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 reportable action.

Respectfully Submitted,

Ann O'Rourke

Ann O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____