



ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, December 16, 2009, 6:00 p.m.

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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Bridge Ministry. Mayor Garcia presented certificates to: Britt Wren, John Rodriguez, Micah Sullivan, Patrick Zwanzig, Robert Luther, Rob Niess, and to the group on behalf of Christopher Kehrer.

2. APPROVAL OF THE AGENDA

COUNCIL ACTION: Upon motion of Councilmember Lisa Bennett, seconded by Councilmember Ken Cuneo, and unanimously carried, Council moved approval of the Agenda.

3. BRIEF PRESENTATIONS

None

4. COUNCIL AND STAFF ANNOUNCEMENTS

• **Councilmember Cuneo**

- Commended Amy Lonsinger and Jose Figueroa of the Police Department for their fine work in the field. He received a letter from a citizen commending their actions recently.

• **Councilmember Kampe**

- Complimented the BLUE summit and Wonders of the Ocean.

5. 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 Garcia

- **Moe Ammar** from the Chamber wished everyone a Happy Holiday Season and acknowledged staff and Council for their help with recent events. Special thanks to Volunteer Fire, the Fashion Models (including Council Members), Richard Stilwell, Council Members Cohen and Cuneo, Steve Thomas, Chief Engles, Celia Martinez and Tom Frutchey for their attendance at all the events, which helped make the events a success.
- **John Moore** expressed concerns over CalPers and the creation of new City jobs by bringing it back.
- **Thom Akeman, BNRC Member** had questions and suggestions about trees and the monthly summaries from Public Works.
- **Geraldine Sabado** voiced support for Item B.1, Day of Inclusion and thanked the Council for their interest.

- **Snick Farkas** recalled the last decade and worldly events.
- **David Shonman, Chair of Museum Board** announced his resignation from the Museum Board and urged the Council to allow the Board to be independent and continue.

6. **CONSENT AGENDA**

The Consent Agenda deals with routine and noncontroversial matters, and may include action on resolutions but not on ordinances. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff or the public may remove an item. One motion shall be made to adopt all non-removed items on the Consent Agenda.

COUNCIL ACTION: Upon motion of Councilmember Kampe, seconded by Councilmember Lindsay, and unanimously carried, Council moved approval of the Consent Agenda except where otherwise noted below.

The item below was pulled by Council Members Huitt and Bennett for discussion and was voted on separately from the rest of the Consent Agenda as Item No. 7.1

APPROVAL OF CITY COUNCIL MEETING MINUTES

Minutes of the December 2, 2009 City Council Meeting

Recommended Action: Approve with Corrections

A. **RESOLUTIONS**

- (1) Consider a Resolution to Adopt AB 811 and CaliforniaFIRST.
Council will consider a resolution to adopt the follow-on resolution for City participation in the CaliforniaFirst Program
Reference: Mayor Carmelita Garcia
Recommended Action: Adopt the resolution.
- (2) Consider a Resolution to Authorize City Manager to enter into an Employment Agreement with Sheila Randazzo
Council will consider a resolution authorizing City Manager to enter into an Employment Agreement with Sheila M. Randazzo to provide temporary employment as Deputy City Clerk.
Reference: City Manager Thomas Frutchey
Recommended Action: Adopt the resolution.
- (3) Consider a resolution to apply for Energy Efficiency and Conservation Block Grant (EECBG) Funding
Council will consider a resolution to apply for Energy Efficiency and Conservation Block Grant (EECBG) Funding through the California Energy Commission
Reference: Celia Perez Martinez, Business Manager, Public Works
Recommended Action: Adopt the resolution.

The item below was removed from the agenda by Mayor Garcia, to be re-agendized on January 6, 2009.

- (4) Consider a Resolution to upgrade Historic Review Processes, Streamline Architectural Review Procedures and Update Planning Feed
Council will consider a resolution to upgrade Historic Review Processes, Streamline Architectural Review Procedures and Update Planning Fees to increase the proportion of program costs covered by applicants.

Reference: Lynn Burgess, Chief Planner

Recommended Action: Adopt the resolution.

- (5) Consider a Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Cities of Carmel, Marina, Monterey, Sand City, Seaside, and the California University at Monterey Bay for the formation of the Monterey Peninsula Regional Special Response Unit (SRU)

Council will consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding with the cities of Carmel, marina, Monterey, Sand City, Seaside, and the California University at Monterey Bay for the formation of the Monterey Peninsula Regional Special Response Unit (SRU) consisting of special weapons and tactics, tactical medical, and crisis negotiations components.

Reference: Darius Engles, Chief of Police

Recommended Action: Adopt the Resolution

B. REPORTS OF STAFF

- (1) Declare December 17, 2009 as "Day of Inclusion"
Council will consider a Request to Declare December 17, 2009 as "Day of Inclusion" to convey recognition and appreciation for contributions of all immigrant to the United States and the state of California.

Reference: Lisa Bennett, Councilmember

Recommended Action: Declaration

The item below was pulled by Councilmember Lindsay for discussion and was voted on separately from the rest of the Consent Agenda as Item No. 7.2.

- (2) Receive Report from the ad hoc Alternative Water Committee and extend the term of the committee for 60 days.

Council will receive an update from the ad hoc Alternative Water Committee and consider the extension of the Committee Term.

Reference: Deborah Lindsay, Councilmember

Recommended Actions:

- 1) **Receive the Report**
- 2) **Extend the Committee Term 60 days**

C. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES

- (1) Planning Commission, Site Review Meeting: 12/1/09

Recommended Action: Receive

- (2) Planning Commission, Regular Meeting: 12/3/09

Recommended Action: Receive

- (3) Planning Commission, Special Site Review Meeting: 12/3/09
Recommended Action: Receive
- (4) Budget & Finance Committee Meeting: 10/8/09
Recommended Action: Receive
- (5) Architectural Review Board, Regular Meeting: 12/8/09
Recommended Action: Receive
- (6) Architectural Review Board, Site Review Meeting: 12/8/09
Recommended Action: Receive

7. **ITEMS REMOVED FROM CONSENT AGENDA**

The items below were removed from the Consent Agenda and were considered separately.

7.1 **APPROVAL OF CITY COUNCIL MEETING MINUTES**

Minutes of the December 2, 2009 City Council Meeting

Councilmember Bennett requested a name correction and Councilmember Huitt requested a change to Page 3 Item C.1 re: Meeting Schedule.

Recommended Action: Approve with Corrections

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Councilmember Cuneo, and unanimously carried, Council moved the recommended actions.

- ~~B-2~~ 7.2 Receive Report from the ad hoc Alternative Water Committee and extend the term of the committee for 60 days.

Council will receive an update from the ad hoc Alternative Water Committee and consider the extension of the Committee Term.

Reference: Deborah Lindsay, Councilmember

Recommended Actions:

- 1. Receive the Report
- 2. Extend the Committee Term 60 days

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Councilmember Kampe, and unanimously carried, Council moved the recommended actions.

REGULAR AGENDA

8. **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 Consider Adoption of an Amendment to Section 21.12 of the Pacific Grove Municipal Code, which Implements the Provisions of the Digital Infrastructure and Video Competition Act (DIVCA) of 2006.

Council will hold a second reading and consider adoption of an amendment to Section 21.12 of the Pacific Grove Municipal Code, which Implements the Provisions of the Digital Infrastructure and Video Competition Act (DIVCA) of 2006. The first reading of the Ordinance was held on December 2, 2009 and if adopted, the Ordinance will go into effect 30 days after date of the adoption.

Reference: Celia Perez Martinez, Business Manager, Public Works

Recommended Action: Adopt the Ordinance

Prior to Council consideration of this item, Councilmember Cuneo recused himself and left Council Chambers due to a possible conflict of interest.

COUNCIL ACTION: Upon motion of Council Member Cohen, seconded by Council Member Bill Kampe, and unanimously carried, Council moved the recommended action.

- B. Hold a Public Hearing and Consider Adopting an Ordinance to Add Chapter 7.40 and Amending Section 23.64.350 of the Pacific Grove a Municipal Code to Establish a License for Transient Residential Use.

Council will hold a public hearing and consider adoption of an ordinance to add chapter 7.40 and amending Section 23.64.350 of the Pacific Grove a Municipal Code to establish a license for transient residential use. The draft ordinance would amend the Municipal Code to allow short-term vacation rentals, and generate revenue from the use, in accord with the direction of Council in April, 2009.

Reference: Sarah Hardgrave, Senior Planner

Recommended Action:

- 1. Hold a Public Hearing**
- 2. Adopt an Ordinance to add chapter and amend section.**

PUBLIC COMMENT

- **John Fischer** expressed concerns over the availability of a code enforcement officer to monitor rentals. If it cannot be enforced, why have the law?
- **Andrea Salamon** Asked questions about moral turpitude and maximum occupants. She supports move in the right direction.
- **Jan Leasure** asked if she would need additional licenses for a duplex or triplex, etc.
- **Arlene Hardenstein** agrees with limitations on cars and number of people. Supports Ordinance.
- **Tony Hibbs** Offered support of Ordinance and keeping Pacific Grove a family community.

COUNCIL ACTION: Upon motion of Council Member Lindsay, seconded by Mayor Garcia, and unanimously carried, Council moved the recommended action with changes in the Ordinance.

- C. Hold a Public Hearing and Consider an Ordinance Rescinding Ordinance 08-024 in part and Re-instating and amending Chapter 4.08 of the Pacific Grove Municipal Code to Create the Pacific Grove Volunteer Fire Department Association.

Council will hold a public hearing and consider adoption of an ordinance rescinding ordinance 08-024 in part and re-instating and amending Chapter 4.08 of the Pacific Grove Municipal Code to create the Pacific Grove Volunteer Fire Department Association. The Measure fosters volunteer emergency and disaster response in a manner that does not conflict with present or future fire service consolidation.

Reference: Thomas Frutchey, City Manager

Recommended Action:

- 1) **Hold a Public Hearing**
- 2) **Adopt an Ordinance to Rescind Ordinance and Re-instate & Amend Chapter**

PUBLIC COMMENT

- **Jim Gunter** indicated that the Association is not seeking funding from the City except possibly for equipment in the future. Asked Council to approve.

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

- D. Hold a Public Hearing to Consider A Staffing Adjustment Plan and the Introduction of an Ordinance Amending the City of Pacific Grove's Position Classification Plan.
Council will hold a public hearing and consider adoption of a Staffing Adjustment Plan and the Introduction of an ordinance amending the City of Pacific Grove's Position Classification Plan. Staff recommends staffing changes to help meet critical needs and reduce liability risk. The changes do not require layoffs and do not affect the total adopted General Fund Budget.

Reference: James Becklenberg, Acting Deputy City Manager

Recommended Action:

- 1) **Hold a Public Hearing**
- 2) **Approve Staffing Adjustment**
- 3) **Adopt an Ordinance to Amend The Classification Plan.**

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

9. **UNFINISHED BUSINESS**

None

10. **NEW BUSINESS**

- A. Receive a Presentation and Consider Sponsoring one or two half-day Library Summit Meetings.

Council will receive presentation and consider sponsoring one or two half-day Library Summit Meetings to provide Pacific Grove Citizens the opportunity to discuss and design the future of the Pacific Grove Library.

Reference: Lisa Maddalena, Senior Librarian

Recommended Actions: Authorize Summit

PUBLIC COMMENT

- **John Fischer** announced that the L.A. City fires vacated 63 branches of Library Services. Asked the Council to come together to save the Library.
- **Vince Tuminello** announced that he has been Library supporter for 30 years. Hopes summit produces a plan to solve the problem for the Library.

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

- B. Consider Authorization to Participate in Initial Exploration and Analysis of Shared Sub-Regional Fire Service Options.

Council will consider authorization to participate in initial exploration and analysis of shared Sub-Regional Fire Service Options. This action authorizes the analysis necessary to determine whether potential shared services options could benefit Pacific Grove.

Reference: Thomas Frutchey, City Manager

Recommended Action: Authorize Participation

PUBLIC COMMENT

Vince Tuminello suggested that the Fire Department pads their expenses in reports. Referenced a SF Chronicle article regarding CalPers.

COUNCIL ACTION: Upon motion of Council Member Lindsay, seconded by Council Member Cuneo, and unanimously carried, Council moved the recommended action.

11. **FULL PRESENTATIONS**

None

12. **CLOSED SESSION**

None

12. **REPORTS OF COUNCIL MEMBERS**

A. Meeting Reports

None

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

1. Councilmember Kampe provided reports from the following meetings:

- FORA Preston Park Loan Subcommittee 11/13/09
- FORA Board of Directors Meeting 11/13/09
- Pacific Grove Planning Commission 12/3/09
- Regional Sustainable Tourism Working Group 12/4/09
- FOR A Board of Directors 12/11/09

14. **PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

Following Closed Session, the Council shall reconvene in open session, in Council Chambers, prior to adjournment, and make disclosures as required by Government Code sections 54957.1 and 54957.7.

None

15. **ADJOURNMENT**

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Cohen, and unanimously carried, Council moved to adjourn the meeting at 9:26 p.m.

Respectfully Submitted,



Sheila Randazzo, Acting Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____