

PACIFIC GROVE CITY COUNCIL MINUTES

December 21, 2005

Mayor Pro Tempore Cort called the meeting to order at 6:04 p.m. All members of the Council were present except for Mayor Costello.

PRESENTATIONS

Mayor Pro Tempore Cort presented a Certificate of Recognition to Ed Larson for his commitment to the honorable public display of the American flag.

APPROVAL OF AGENDA

On motion of Schenk, seconded by Miller, Council unanimously approved the agenda.

REPORTS OF COUNCILMEMBERS

- Mayor Pro Tempore Cort reminded all that December 31st is the last day to apply to serve on the City's Boards, Commissions and Committees opened by annual expiration of terms. Cort also announced that applications for the City's 5 current openings would be accepted until the positions are filled.
- Mayor Pro Tempore Cort announced an appreciation reception for those serving on Boards, Commissions and Committees, January 31st from 6-8pm at the Museum of Natural History
- Council Member Miller thanked Ed Larson and Bobbie Morrison as well as all volunteers serving on Boards, Commissions and Committees. Miller further responded to comments made by Barbara Francis at the December 7, 2005 City Council meeting
- Council Member Schenk wished all a Merry Christmas and a Happy Hanukah
- Council Member Goldbeck invited low-income renters to apply to the City of Pacific Grove's Rental Assistance Program

ORAL COMMUNICATIONS

- Gail Morrow encouraged Council to begin consideration of another Senior Housing facility
- Jud Perry invited all to attend the Yellowstone Exhibit opening January 6th at the Pacific Grove Museum of Natural History
- James Leaper, resident of Forest Hill Manor, asked Council to enable Forest Hill Manor to complete its expansion project
- Dr. John Rodenbaugh asked Council to enable Forest Hill Manor to complete its expansion project and voiced concern over the limited number of Council Members able to vote on the issue at the December 7, 2005 Council meeting
- Harriett Johansson, resident of Forest Hill Manor asked Council to enable Forest Hill Manor to complete its expansion project

- Cynthia Phelps expressed concern over gang graffiti in Pacific Grove that has not been removed despite having been reported to the Police Department
- Marion Pearce, resident of Forest Hill Manor asked the Mayor to direct staff to send the requested letter to the Water Management District
- Constance Messenger-Sellers, long-time resident of Pacific Grove, asked Council to enable Forest Hill Manor Complete its expansion project
- Parker Allen, resident of Forest Hill Manor, asked Council to enable Forest Hill Manor to complete its expansion project
- Jean Jakes, resident of Forest Hill Manor, asked Council to expedite the approval of the Forest Hill Manor expansion project
- Margie, on behalf of Mary-Lou Johns, asked Council to allow the Forest Hill Manor expansion to move forward
- Snick Farkas presented the Colossus of Gold
- Daniel Miller indicated that his relationship with his brother, Council Member Miller does not affect Council Member Miller's voting preferences. He further encouraged those speaking in favor of the Forest Hill Manor expansion to research the history of the project
- Bob Lilly expressed his concern over the Council's delay of the Forest Hill Manor expansion project
- Paul Davis, representing Forest Hill Manor, distributed a letter from the Water Management District in response to a staff letter dated October 20, 2005
- Sylvia Davis, resident of Forest Hill Manor, indicated that plans to expand Forest Hill Manor made in 1998 were put on hold when resources were diverted to rebuild the Oakland facility following the Loma Prieta Earthquake
- Susan Barks read a letter on behalf of Reuben Hopkins, encouraging Council to feel what the residents of Forest Hill Manor feel at present
- Joel Ameel announced he would not seek re-appointment to the Golf Course Advisory Committee following the expiration of his term on January 31, 2005.
- Beverly Power, Executive Director of Forest Hill Manor, indicated that Forest Hill Manor has continued to be honest and straightforward with their expansion plans and asked Council to direct staff to send the requested letter to the Water Management District

CONSENT AGENDA

Miller 4C On motion of Schenk, seconded by Bennett, Council **approved the Consent Agenda as follows:**

A. Approved the minutes of the November 16, 2005 regular meeting

1B. Approved the minutes of the December 7, 2005 regular meeting

2A. Passed and adopted Ordinance No. 05-026 amending the Pacific Grove Municipal Code Sections 11.68.040 and 11.68.050, Water Waiting List Process

3A. Approved Resolution No. 5-043 authorizing staff to enter into an agreement with WestMed ambulance service

3B. Approved Resolution No. 5-044 approving Employment Agreements between the City of Pacific Grove and the Community Development Director and the Museum Director

3.A.B.C.D.E.F.G. Received reports of meetings from the following boards, commissions and committees:

Americans with Disabilities Act
Compliance Advisory Committee

October 26, 2005

rchitectural Review Board Site Review

December 13, 2005

rchitectural Review Board
Library Board

December 13, 2005
November 8, 2005

Planning Commission Site Review

December 6, 2005

Planning Commission
Recreation Board

December 8, 2005
November 8, 2005

REGULAR AGENDA

5A. Mayor Pro Tempore Cort introduced Administrative Services Director Olvera who reviewed the Quarterly Financial Report and answered questions from Council. There were no public comments. On motion of Schenk, seconded by Nilmeier, Council unanimously **received the Quarterly Financial Report and the Treasurer's Report for the period ending September 30, 2005.**

5B. Mayor Pro Tempore Cort introduced Community Development Director Biggs who reviewed the proposed modification to the age limitation for the Vista Point Apartments at Pacific Grove and answered questions from Council. John Fischer spoke to the issue. Jan Lindenthal and attorney, Karen Tiedemann spoke to the issue and answered questions from Council. On motion of Goldbeck, seconded by Bennett, Council unanimously **approved Resolution No. 5-045 approving the modification to the minimum age limitation for Vista Point Apartments at Pacific Grove and directed that all relevant documents be amended to reflect the new minimum age requirements.**

5C. Mayor Pro Tempore Cort introduced Recreation Director Miller who reviewed a proposed ordinance to amend the Municipal Code to prohibit smoking on Lovers Point Beaches and answered questions from Council. City Manager Colangelo informed Council that Mayor Costello intended to include Lovers Point Park in his motion at the December 7, 2005 City Council meeting but would consider bringing the item back at a future meeting. There were no public comments. On motion of Schenk, seconded by Nilmeier, Council unanimously **introduced an ordinance amending Pacific Grove Municipal Code Section 14.08.015(c) to prohibit smoking at Lovers Point beaches and approved publication of the summary.**

6A. Mayor Pro Tempore Cort introduced Community Development Director Biggs who explained a request to amend the Pacific Grove Municipal Code to allow wine tasting in Pacific Grove. Michael Bekker, John Fischer and Moe Ammar spoke to the issue. On motion of Bennett, seconded by Miller, Council unanimously **directed the Planning Commission to hold a Public Hearing and make a recommendation on amending the Pacific Grove Municipal Code Section 23.64.290 to allow service of alcoholic beverages in establishments that are not bona fide eating places, to allow wine tasting.**

6B. Mayor Pro Tempore Cort introduced City Manager Colangelo who reviewed a request to increase the number of hours an employee can donate to an Emergency Leave Pool and answered questions from Council. On motion of Bennett, seconded by Goldbeck, Council unanimously **approved Resolution No. 5-046 amending Council Policy 300-4, Emergency Leave Pool, to increase the maximum number of hours an employee can donate from four (4) to sixteen (16).**

7A. Mayor Pro Tempore Cort introduced Council Member Goldbeck who read her report regarding the Planning Commission's perceived unwritten policies. Community Development Director Biggs answered questions from Council. On motion of Bennett, seconded by Nilmeier, Council unanimously **directed staff to evaluate the Zoning Regulations and identify immediate remedies.**

7C. Council gave the following meeting reports:

- There were no meeting reports

ITEMS REMOVED FROM CONSENT

4C. Mayor Pro Tempore Cort introduced Council Member Miller who questioned Community Development Director on item 11a. on the Architectural Review Board (ARB) minutes regarding lack of Planning Commission and Historic Resources Committee review of the project. Miller also expressed concern that several members of the ARB repeatedly had to recuse themselves due to financial conflict of interest leaving very few members to make decisions. There were no public comments

CLOSED SESSION

At 7:53 p.m., pursuant to California Government Code Section 54956.9, Council met in closed session to consider existing litigation, California Nevada Methodist Homes v. City of Pacific Grove and Youssef v. City Council and City of Pacific Grove.

ADJOURNMENT

There being no further business, Council adjourned at 8:24 p.m.

Respectfully Submitted,

Jean-Marie McLaren
Assistant City Clerk

APPROVED BY MAYOR PRO TEMPORE: _____

ATTEST BY ASSISTANT CITY CLERK: _____