



**MEETING MINUTES
OF THE
CITY COUNCIL OF THE CITY OF PACIFIC GROVE**

**June 7, 2006 – 6:00 p.m.
CITY HALL – COUNCIL CHAMBERS
300 FOREST AVENUE, PACIFIC GROVE, CA**

Mayor James Costello called the meeting to order at 6:00 p.m. Members present included Costello, Mayor Pro Tempore Daniel Cort, Council Member Lisa Bennett, Council Member Susan Goldbeck, Council Member Scott Miller, Council Member Susan Nilmeier and Council Member Ron Schenk.

PRESENTATIONS

Children's Librarian Lisa Maddalena introduced the Pacific Grove Public Library's Summer Reading Program titled, "Paws, Claws, Scales and Tales."

Mayor Costello presented a Certificate of Recognition to the Pacific Grove High School Varsity Golf Team for their undefeated season as the 2006 Champions of the Mission Trail Athletic League.

Mayor Pro Tempore Cort, on behalf of the City Council, the City and its citizens, thanked retiring Mayor Costello for his service and commitment to the City; and presented him with a floral arrangement.

APPROVAL OF AGENDA

Staff removed item 2C from the agenda. On motion of Schenk, seconded by Miller, Council unanimously **approved the agenda.**

REPORTS OF COUNCILMEMBERS

- Council Member Goldbeck thanked Mayor Costello for his dedicated service and wished him well as he leaves to address his health.
- Council Member Miller also thanked Mayor Costello for his service both as Mayor and as a school teacher.
- Council Member Bennett asked staff to agendize the formal adoption of the retreat goals
- City Attorney Laredo reported out from the May 31, 2006 closed session meeting of the City Council indicating that the Council had decided to have retiring Mayor Costello bring litigation against the City to have a judge review the City's appointment procedures and make a determination.
- Public Works Director Leiker gave an overview of street and sewer repair work underway throughout the City.

- Mayor Costello noted he had received a thank you note from a student in appreciation for use of the Museum. He further announced that Council would be receiving for their review and possible consideration on a future agenda the Port Townsend ordinance regulating retail establishments, a biography on Michael Shuman of the Enterprise for the Training and Development Corporation, and information on land use and water conservation from the Local Government Commission. Finally, Mayor Costello thanked all those who had called, written and sent flowers; indicating that he would miss everyone including the many great friends he has made over the years.

ORAL COMMUNICATIONS

- David Dilworth announced that the Coastal Commission will be meeting on June 14th to vote on Local Coastal Plan amendments for Del Monte Forest and asked the Council to add opposition to the project to tonight's agenda as an urgency item.
- Moe Ammar invited all to attend a farewell party for Mayor Costello, September 7th at 5:30 p.m. at the Monterey Bay Aquarium.
- Milos Radakovich asked the community for suggestions for long-term exhibits at the Pacific Grove Museum of Natural History.
- John Fischer asked City Attorney Laredo to indicate whether or not the May 18, 2006 joint meeting of the Golf Course Advisory Committee and the *ad hoc* Finance and Budget Subcommittee violated the Brown Act. Fischer issued his resignation from the Traffic Safety Commission and the Housing Committee.
- Tim McCormick, Union Negotiator for the General Employees' Association, expressed concern that many City employees decline health insurance as the plan offered by the City is not affordable and urged Council to consider this as a separate item when reviewing the proposed budget for 2006/2007.
- Lee Willoughby of the Tidepool Coalition refuted statements made by Milos Radakovich at the May 3rd City Council meeting stating that the Tidepool Coalition works toward the unification of the City for the preservation of the tidepools and the coastline. Willoughby issued her resignation from the Beautification and Natural Resources Committee.
- Snick Farkas presented the Colossus of Gold.
- Alan Cohen invited all to attend the July 4th picnic in Caledonia Park and asked for volunteers to help make the event a success.
- Mike Nicum thanked Mayor Costello for the difference he has made during his tenure on the Pacific Grove City Council and thanked him for his service.

CONSENT AGENDA

Jeanne Byrne moved item 3C to the Regular Agenda. John Fischer moved item 3A to the Regular Agenda. On motion of Schenk, seconded by Cort, Council unanimously **approved the consent agenda as follows:**

- 1A. Approved** the minutes of the May 17, 2006 special site review meeting.

1B. Approved the minutes of the May 17, 2006 regular meeting.

2A. Introduced an ordinance which sets a tax rate of \$.005 on the assessed value of property in Pacific Grove to pay the debt service on the 1990 Butterfly Habitat Bonds; and resolution certifying compliance with the law concerning the levying of taxes.

2B. Passed and adopted Ordinance No. 06-006 amending Municipal Code section 23.64.290, Liquor Sale Provisions, to allow the sampling of wine in conjunction with the retail sale of wine and allow for the on-site consumption of wine without the service of food in the V-C (Visitor-Commercial) zone district.

3B. Approved Resolution No. 6-006 authorizing the purchase and sale of securities by designated City officials.

5A.B.C.D.E.F.G.H.I.J.K. Received reports of meetings from the following Boards, Commissions and Committees:

Americans with Disabilities Act	
Compliance Advisory Committee	April 26, 2006
Architectural Review Board Site Review	May 23, 2006
Architectural Review Board	May 23, 2006
Beautification and Natural Resources Committee	April 25, 2006
Golf Course Advisory Committee	April 12, 2006
Historic Resources Committee Site Review	May 10, 2006
Historic Resources Committee	May 10, 2006
Housing Committee	May 11, 2006
Planning Commission Site Review	May 16, 2006
Planning Commission	May 18, 2006
Special Events Committee	October 24, 2005

REGULAR AGENDA

3A. Mayor Costello introduced John Fischer who asked Council to clearly define the resident requirements for Council candidates. On motion of Miller, seconded by Schenk, Council unanimously **approved Resolution No. 6-007 calling for a general municipal election to be held on November 7, 2006 and requesting the Monterey County Elections Department to provide for consolidation of the election with the general statewide election.**

3C. Mayor Costello introduced Jeannie Byrne who asked for a waiver of the fee associated with the Downtown Business Improvement District's Memorial Day sidewalk sale. This item was pulled by mistake as the fee waiver would be considered as item 7B on the agenda. On motion of Bennett, seconded by Cort, Council unanimously **approved Resolution No. 6-008 to levy an assessment for the Downtown Business Improvement District.**

6A. Mayor Costello introduced City Manager Colangelo who reviewed the proposed budget for fiscal year 2006/2007 and answered questions from Council. Moe Ammar of the Pacific Grove Chamber of Commerce reviewed the budget and expenditures for the Economic Advisory Committee. Chairman of the *ad hoc* Budget and Finance Committee Barry Dolowich reviewed the Committee's position on the proposed budget.

Mayor Costello opened the public hearing.

- Bob Constant spoke in favor of the Chamber's advertising campaign.
- An un-named citizen spoke in favor of the Chamber's advertising campaign
- David Dilworth spoke to the issue
- John Fischer spoke to the issue
- Jeanne Byrne spoke in favor of funding the Economic Advisory Committee
- Lee Yarborough asked Council to consider funding the replacement of street lights in the Candy Cane Lane area.
- Carmelita Garcia spoke in favor of a full time Police Chief.
- Walter Broda spoke in favor of a full time Police Chief.

Mayor Costello closed the public hearing.

On motion of Costello, seconded by Schenk, Council unanimously **passed and adopted urgency Ordinance No. 06-007 approving and adopting a budget for fiscal year 2006/2007, and approving the final budget for fiscal year 2005/2006.**

On motion of Costello, seconded by Schenk, Council unanimously **introduced an ordinance approving and adopting a budget for fiscal year 2006/2007 with the addition of a Director of Management and Budget, and an engineering study for replacement of the street lights in the Candy Cane Lane area; and approving the final budget for fiscal year 2005/2006.**

6. The following reports were given by the City's Boards, Commissions and Committees:

- Americans with Disabilities Act Compliance Advisory Committee – Carmelita Garcia: Committee has reviewed recommended plans for path improvements at the Museum of Natural History, Committee is creating an inventory of curb ramps within the City, the Committee has developed a handicapped parking plan and a long-range accessibility upgrade plan in accord with the Caramico settlement.

7A. Mayor Costello introduced City Manager Colangelo who reviewed a proposed management plan for the operation of the Golf Course Pro Shop and answered questions from Council. City Attorney Laredo indicated, in response to Fischer's question posed during Oral Communication, that the May 18, 2006 joint meeting of the Golf Course Advisory Committee and the *ad hoc* Finance and Budget Subcommittee did not knowingly or intentionally violate the Brown Act. Chairman of the *ad hoc* Finance and Budget Finance Committee Dolowich answered questions from Council. David Dilworth, Bruce Obbink, Jeanne Byrne, Ed Scholowski, Lee Yarborough, John Rodenbaugh, Gene Cooney, John Fischer, Daniel Miller, Vincent Tuminello, and Barry Dolowich spoke to the issue. On motion of Bennett, seconded by

Miller, Council **introduced an ordinance amending the City's Classification Plan and establishing current classifications, salary ranges, steps and other remuneration for specified management positions by re-titling the classification of Golf Course Superintendent and creating the new classifications of Assistant to the Golf Course Director and Golf Course Supervisor/Pro; and introduced an ordinance amending the part time and temporary salary scales; to provide for the City's three year trial operation of the Golf Course Pro Shop**, with Goldbeck and Schenk dissenting.

Addition of the following language to the job descriptions of the Golf Shop Supervisor/Pro and the Golf Shop Starter: "Plan, prioritize, assign, supervise and review the work of staff responsible for the maintenance and operations of the City's golf course; coordinate organization, staffing and operational activities; observe and monitor condition of golf course greens and tees."

At 10:51 p.m. on motion of Cort, seconded by Bennett, Council unanimously **agreed to address the remaining items on the agenda.**

7B. Mayor Costello introduced City Manager Colangelo who reviewed a request to issue a fee waiver to the Downtown Business Improvement District for their Memorial Day Sidewalk Sale. Jeanne Byrne, Lee Yarborough and David Dilworth spoke to the issue. On motion of Schenk, seconded by Cort, Council **issued a fee waiver for the temporary use permit issued to the Downtown Business Improvement District for their Memorial Day Sidewalk Sale**, with Bennett and Miller dissenting.

8A. Mayor Costello introduced City Attorney Laredo who updated the Council on the process to fill the unexpired term of the Mayor, indicating that retiring Mayor Costello has filed action to have a judge review the scope of authority for the Council to fill the vacant seat. A hearing has been set for Friday, June 9th. Robert Huitt and Marilyn Bell spoke to the issue.

8B. Mayor Costello introduced City Manager Colangelo who reviewed a proposed resolution supporting telecommunications reform. David Dilworth and Bob Davis spoke to the issue. On motion of Miller, seconded by Goldbeck, Council unanimously **approved Resolution No. 6-009 adopting the League of Cities principles on telecommunications reform and authorized staff to transmit the City's position to the League of California Cities.**

10B. Council gave the following reports:

- MRWPCA – Cort: approved a budget

Mayor Costello directed staff to re-transmit the City's position on Measure A to the Coastal Commission for their consideration at their meeting on June 14, 2006.

CLOSED SESSION

11A. At 11:22 p.m., pursuant to California Government Code section 54946.8, Council adjourned to closed session and **met with its Real Property Negotiator, James J. Colangelo, regarding 620 Ocean View Boulevard.**

11B. Pursuant to California Government Code section 54956.9, Council **met in closed session with its Legal Counsel, David C. Laredo, and considered existing litigation, Costello v. City of Pacific Grove.**

ADJOURNMENT

There being no further business, Council adjourned at 11:31 p.m.

Respectfully Submitted,

Jean-Marie McLaren
Assistant City Clerk

APPROVED BY MAYOR: _____

ATTEST BY ASSISTANT CITY CLERK: _____