



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

**August 16, 2006 – 6:00 p.m.
CITY HALL – COUNCIL CHAMBERS
300 FOREST AVENUE, PACIFIC GROVE, CA**

Mayor Daniel Cort called the meeting to order at 6:03 p.m. Members present included Cort, Council Member Lisa Bennett, Council Member Daniel Davis, Council Member Susan Goldbeck, Council Member Scott Miller, Council Member Susan Nilmeier and Council Member Ron Schenk.

PRESENTATIONS

Mayor Cort postponed the presentation to the Pacific Grove Little League Baseball Team honoring them for their achievements in the Bronco World Series to the September 6th City Council meeting.

APPROVAL OF AGENDA

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

REPORTS OF COUNCILMEMBERS

- Council Member Goldbeck asked local seniors to watch their mail for a needs survey sent out by the City of Pacific Grove.
- Council Member Schenk asked the City Attorney if a Request for Proposals would need to be re-issued for operation of a food and beverage concession at the site of the former Old Bath House now that it has been clarified there are no restrictions on lunch service at the site. City Attorney Laredo responded that it would not be necessary.
- Council Member Bennett announced upcoming events on behalf of the Pacific Grove Chamber of Commerce.
- Mayor Cort thanked all Council Members who showed up and gave input on the Marine Life Protection Act (MLPA) issue and City Manager Colangelo who attended the Areas of Special Biological Significance (ASBS) session.
- Mayor Cort announced and invited all to attend a series of events at the Museum
- Mayor Cort announced that there would be a Council team competing in this year's Triathlon at Pacific Grove.
- City Attorney Laredo, on behalf of the Library, notified the public that the Manufacturer of bendable animal toys handed out as prizes for the summer reading program had recalled the toys due to unsafe lead content. These prizes may be returned to the Library and a replacement prize will be issued.

ORAL COMMUNICATIONS

- John Fischer announced the results of the Department of Fish and Game's (DFG) consideration of the MLPA packages. DFG selected Package P, pending final approval.
- Recreation Director John Miller invited all to celebrate the 10 year anniversary of the Youth Center at a barbeque Saturday, August 26th at 11:00 a.m.
- Lee Willoughby thanked all of the Council Members who attended the DFG's consideration of the MLPA packages. She as well as many others were confused as to the outcome of the meeting. She asked the Council and/or City Attorney to address her concerns about local law related to the decision during the 45 day review period.
- Ro Vaccaro, the "Butterfly Lady," spoke on behalf of the Friends of the Monarchs in support of the scientific tagging of the monarch butterfly.
- Peter Aline read a letter addressed to Council regarding the trimming of the trees and ice plant across from his home at 1273 Ocean View Boulevard. He commended City Forester Blecha on his hard work and asked that Public Works employees be re-allocated to help Blecha.
- Thom Akeman reviewed the history of tree removal in the City within the last year and expressed concern that nearly 200 trees were slated for removal in Washington Park without review by the Beautification and Natural Resources Committee or other community committee.
- David Dilworth, representing H.O.P.E., thanked Goldbeck, Miller, Cort, Nilmeier, Bennett and Davis for addressing DFG regarding MLPA noting that the package DFG approved gave only limited protection to the City's Refuge. Dilworth further complimented the Council for their public deliberation of the Campaign Finance Reform Ordinance at the last meeting. He finally noted that such a large removal of trees in the previous year required environmental review.
- Snick Farkas presented the Colossus of Gold.

CONSENT AGENDA

Mayor Cort moved item 3C to 2B. On motion of Goldbeck, seconded by Miller, Council unanimously **approved the consent agenda as follows with Bennett recusing her self from item 3B due to conflict of interest:**

1A. Approved the Minutes of the August 2, 2006 Regular Meeting.

2A. Introduced an Ordinance establishing current classifications, salary ranges, steps and other remuneration for the Safety Personnel positions represented by the Police Officers' Association; and approved it for publication.

2B. Introduced an Ordinance amending the City's Classification Plan and establishing current classifications, salary ranges, steps and other remuneration specified management positions by adding the position of Public Works Mechanical Supervisor; and approved it for publication.

3A. Approved Resolution No. 6-018 authorizing a multi-agency agreement to fund the design of new public safety and local government radio systems.

3B. Authorized the Ventana Wildlife Society (VWS) to scientifically tag monarch butterflies in Pacific Grove during the 2006 Over Wintering season; **with Bennett abstaining due to conflict of interest.**

5A.B.C.D.E. Received reports of meetings from the following Boards, Commissions and Committees:

Architectural Review Board Site Review	August 8, 2006
Architectural Review Board	August 8, 2006
Beautification and Natural Resources Committee	June 27, 2006
Planning Commission	August 3, 2006
Recreation Board	July 6, 2006

REGULAR AGENDA

5A-R. There were no reports of Boards, Commissions or Standing Committees.

6A. Mayor Cort introduced John Miller who reviewed the proposed rules for the Municipal Tennis Courts and answered questions of Council. Jerry Norton spoke to the issue. On motion of Schenk, seconded by Bennett, Council unanimously **approved Resolution No. 6-019, approving the rules for the Municipal Tennis Courts.**

6B. Mayor Cort introduced City Attorney Laredo who reviewed changes to the proposed Campaign Finance Reform Ordinance. Council Member Davis, Chair of the Council Subcommittee on the item, reviewed the modifications the Subcommittee made to the Ordinance at the direction of Council. Steve Gorman; and Steve Riley, representing the League of Women Voters, spoke to the issue.

At 7:23 p.m., Council took a 5 minute break, returning at 7:28 p.m.

Robert Huitt; Lee Yarborough; Marilyn Bell; David Dilworth, representing H.O.P.E.; Daniel Miller; Jan Rohel; Paul Bruno, representing the Monterey County Republican Party; and Madeline Clark spoke to the issue.

By straw vote, Council approved the following amendments to the Ordinance: Section 3(c) – add the language, “A recused official may still exercise their First Amendment right of free speech as an individual.” Removed Sections 7 and 8 and directed staff to return with these provisions in the form of a Council Policy and implementation feasibility information. Section 3 – amend the definition of a non-individual to “a non-natural person.” Move “For the purposes of campaign contributions, a deposit from a business or organization, regardless of form, shall be attributed to an individual if a filed disclosure form clearly and unambiguously attributes that contribution to a single named natural person.” to Section 4, 2.30.030(a). Section 6 – amend the language of Section 6, 2.30.050 (b) to read “No person shall contribute and no person shall deposit a contribution to an elected official’s...”

On motion of Bennett, seconded by Miller, Council **introduced an Ordinance governing campaign finance reform and conflict of interest which adds Section 2.30 entitled, “Campaign Finance Regulations” to the Pacific Grove Municipal Code; and approved it for publication, with Goldbeck and Schenk dissenting.**

A motion of Davis, seconded by Bennett, to direct the Council Subcommittee to consider the effective dates of the provisions of each section of the Ordinance, was withdrawn. On motion of Schenk, seconded by Davis, Council unanimously **amended the language of Section 13 to read, “This Ordinance shall not limit or affect campaign contributions received before that effective date.”**

At 9:01 p.m., Council took a 8 minute break, returning at 9:09 p.m.

7A. Mayor Cort introduced City Manager Colangelo who reviewed a proposed Resolution to allow lodging establishments to reserve advanced tee-times at the Municipal Golf Course and answered questions from Council. There were no comments from the public. On motion of Cort, seconded by Schenk, Council unanimously **approved Resolution 6-020, amending Council Policy No. 200-1, Golf Course Rules and Regulations, to allow lodging establishments within Pacific Grove to reserve advanced tee times at the Municipal Golf Course for their guests.**

7B. Mayor Cort introduced City Manager Colangelo who reviewed a report on the City’s 2000/2001 contribution to BAY NET and answered questions from Council. Lee Willoughby, David Shonman and John Fischer spoke to the issue. Milos Radakovich, Director of BAYNET, answered questions from Council. On motion of Schenk, seconded by Bennett, Council unanimously **received the report on the City’s 2000/2001 contribution to BAY NET.**

7C. Mayor Cort introduced City Manager Colangelo who asked the Council to extend the term of the *ad hoc* Budget and Finance Subcommittee and answered questions from Council. There were no comments from the public. On motion of Goldbeck, seconded by Schenk, Council unanimously **approved the extension of the term of the *ad hoc* Budget and Finance Subcommittee to June 30, 2008.**

8A. Council gave the following reports:

- MST – Schenk: Public Hearing in Pacific Grove in the near future to consider having bus service every 60 minutes rather than 90 minutes. Also will be using a smaller bus around the Asilomar area.
- Council Member Davis: 1.) Received communication from citizen regarding removal of a tree that they felt was healthy. Davis asked for a moratorium on tree removal until a new ordinance was drafted. 2.) Received communication from a citizen requesting residential parking permits for downtown. She was referred by Council Member Miller to the Traffic Commission. 3.) At the request of Davis, Colangelo clarified that the Golf Course Enterprise Fund belongs to the City and the City can use it as necessary. 4.) City of Pacific Grove called first at the Fish and Game Commission’s public hearing regarding the MLPA.

CLOSED SESSION

10A. At 9:59 p.m., City Attorney Laredo announced that pursuant to California Government Code section 54957.6, Council would adjourn to closed session and **meet with its Designated Representative, James J. Colangelo, regarding labor negotiations: General Employees' Association.**

10B. Pursuant to California Government Code section 54956.9, Council **met in closed session with its Legal Counsel, David C. Laredo, to consider existing litigation, Butler v. City of Pacific Grove.**

ADJOURNMENT

There being no further business, Council adjourned at 10:17 p.m.

Respectfully Submitted,

Jean-Marie McLaren
Assistant City Clerk

APPROVED BY MAYOR:

ATTEST BY ASSISTANT CITY CLERK:
