



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

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**April 18, 2007 – 6:00 p.m.  
CITY HALL – COUNCIL CHAMBERS  
300 FOREST AVENUE, PACIFIC GROVE, CA**

Mayor Daniel Cort called the meeting to order at 6:01 p.m. Members present included Cort, Mayor Pro Tempore Scott Miller, Council Member Lisa Bennett, Council Member Alan Cohen, Council Member Daniel Davis, Council Member Susan Nilmeier and Council Member Vicki Stilwell.

**PRESENTATIONS**

The proclamation honoring Ted and Cindy Walter, owners of Passionfish Restaurant, for their receipt of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) designation and certificate, was continued to the May 2, 2007 City Council meeting.

**APPROVAL OF AGENDA**

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

**COUNCIL AND STAFF ANNOUNCEMENTS**

- City Manager Colangelo announced that a special budget workshop would be held in the City Council Chambers on Thursday, April 26, 2007 at 6:00 p.m.
- City Manager Colangelo announced that a Pacific Grove Tsunami Incident Response Plan Review would take place at the Museum of Natural History on Thursday, April 26, 2007 at 6:00 p.m.
- Council Member Cohen reminded all to attend the Good Old Days festivities this weekend.
- Council Member Davis announced that at their April 13<sup>th</sup> meeting, the Department of Fish and Game enacted the first phase of the Marine Life Protection Act (MLPA) which designates two-thirds of the Pacific Grove coast line as a State Marine Reserve and one-third as a State Marine Conservation Area.
- Mayor Cort invited all to attend the April 21<sup>st</sup> opening reception of the Douglas Steakley photographic exhibition of landscape and wildlife at 6:00 p.m. at the Museum of Natural History.
- Mayor Cort encouraged the public to help plant trees gathered by the Trees for P.G. program, Saturday, April 27<sup>th</sup> at 10:00 a.m. in Washington Park.

**ORAL COMMUNICATIONS**

- Terrence Zito encouraged the Council to adopt a resolution opposing the 2007 Seal Hunt in northern Canada wherein seals will be clubbed to death for their pelts. More information can be obtained by visiting [www.protectseals.org](http://www.protectseals.org).
- Roger Pasquire expressed concern that the proposed installation of lights in the Golf Course Clubhouse parking lot would set the stage for a change in Clubhouse hours.

Pasquire indicated that the maneuver is perceived as insincere and will hurt the City when the public is asked to approve a tax measure on the ballot.

- John Fischer indicated that passage of the Marine Life Protection Act was so monumental, it prompted a large article in the New York Times. Fischer further commended Passionfish Restaurant, Delaware North (Asilomar) and Forest Hill Auto Service on their receipt of the Green Business Certificate. Finally, Fischer echoed Zito's comments in opposition to the 2007 Seal Hunt indicating that mother seals do not have enough ice for their babies so the babies are born at sea and die shortly thereafter.
- David Dilworth expressed displeasure with the Council's letter to the Monterey Peninsula Water Management District in support of the District's water quantity targets, indicating that Council has authorized the pursuit of 4,500 acre feet of water above the necessary amount which could be supplied by the "right sized" desalination plant.
- Moe Ammar, President of the Pacific Grove Chamber of Commerce, reminded all to attend the Good Old Days festivities, thanked Council Member Cohen for co-chairing the event and thanked the City Council for waiving the fees for the event. Ammar further announced that Mayor Cort has agreed to participate in the dunk-tank for a half an hour to benefit Pacific Grove High School.
- Art Evjen, representing the Museum Board Association, delivered invitations to each of the City Council Members, the City Manager and the Administrative Services Director for a special volunteer appreciation dinner honoring all those who help with the Museum of Natural History.
- Lee Willoughby, representing the Tidepool Coalition and Save our Shores – Ladies in Their Eighties, expressed her displeasure with the Department of Fish and Game's decision to approve phase one of the MLPA stating that it was a "pathetic" decision that will disappoint California residents for years to come. Willoughby thanked Mayor Cort for sending and re-sending a letter requesting full marine reserve status for the entire Pacific Grove coastline and thanked Bennett for her supportive comments.
- Snick Farkas presented the Colossus of Gold.
- Tricia Leebert indicated that the City of Monterey would be considering a pesticide ordinance and asked the City of Pacific Grove follow suit.
- Susan Goldbeck complimented the City Manager and the Public Works Department for their immediate and unprompted placement of a fence along the coastline to protect the seals from tourists while they are pupping.

## **CONSENT AGENDA**

Council Member Miller removed item 2B to the Regular Agenda. On motion of Cort, seconded by Miller, Council unanimously **approved the Consent Agenda as follows:**

**1A. Approved** the minutes of the April 4, 2007 City Council regular meeting.

**2A. Approved Resolution No. 7-011 awarding the bid for the Community Development Block Grant Renovation of the Pacific Grove Fire Department administrative offices to Boronda Construction, Inc. in the amount of \$124,574.00.**

**3A. Denied and referred** to staff Claim for Damages No. L2007-02 – C.D. Bourdeau.

**3B. Granted** an exception to Council Policy No. 000-2 and approved a reimbursement request from former Council Member Susan Goldbeck in the amount of \$212.03.

**3C. Received** the highlights of the March 16, 2007 Monterey Regional Waste Management District Board meeting.

**4A-H. Received** meeting reports from the following Boards, Commissions and Committees:

Americans with Disabilities Act Compliance Advisory Committee	February 23, 2007
Architectural Review Board Site Review	April 10, 2007
Architectural Review Board	April 10, 2007
Beautification and Natural Resources Committee	January 23, 2007
Golf Course Advisory Committee	March 14, 2007
Planning Commission Site Review	April 3, 2007
Planning Commission	April 4, 2007
Traffic Commission	February 13, 2007

#### **ITEMS REMOVED FROM CONSENT**

**2B. Mayor Cort introduced** Council Member Miller who questioned the fiscal impact of the proposed resolution authorizing the renewal of the Agreement to Provide Library Automation Services. Acting Library Director Pastore answered questions from Council. John Fischer spoke to the issue. On motion of Miller, seconded by Nilmeier, Council unanimously **approved Resolution No. 7-012 authorizing the renewal of the Agreement to Provide Library Automation Services between the Monterey Public Library and the City of Pacific Grove.**

#### **REGULAR AGENDA**

**5A. Mayor Cort introduced** Community Development Director Biggs who reviewed Variance Application No. 06-1706 and answered questions from Council.

**Mayor Cort opened the Public Hearing at 6:43 p.m.**

- Geoff Welch, proponent and property owner, spoke in support of the variance indicating that the obscure shape of the lot; a large, mature oak and additional factors create an “exceptional circumstance,” as defined in the Pacific Grove Municipal Code.
- Donna Wobber spoke in opposition to the project stating that multiple residents in the home could increase the number of vehicles parked on the street.
- Gary Sprader, Planning Commissioner, spoke in opposition to the variance indicating that he did not feel that there was an “exceptional circumstance,” as required by the Municipal Code, to justify the approval of the variance.
- Betty Aickelin, speaking neither in support nor in opposition to the variance, questioned whether the maximum allowable square footage for building had been adjusted as a result of the approval of the variance.
- Craig Riddell, Planning Commission Chairman, spoke in support of the variance indicating that the City’s ordinance requires that if a variance is granted, the maximum

allowable square footage for building must be reduced by the square footage of the variance.

- Linda Bailey, Planning Commissioner, spoke in support of the variance, reiterating her written comments that the small size and odd shape of lot as well as the preservation of the property rights of the petitioner qualified the property for the variance.
- David Dilworth spoke in opposition to the variance, stating that the parking requirement is based on the number of occupants, rather than the size of the project.

#### **Mayor Cort closed the Public Hearing at 6:59 p.m.**

A motion of Cohen, seconded by Cort, to approve the variance with the conditions set by the Planning Commission, failed with Bennett, Davis, Miller and Nilmeier dissenting.

On motion of Davis, seconded by Bennett, Council **denied Variance Application No. 06-1706 which would allow a reduction in the required number of covered parking spaces for the project at 541 Evergreen Road**, with Cohen, Cort and Stilwell dissenting.

**At 7:24 p.m., Council took a nine minute break, returning at 7:33 p.m.**

**5B. Mayor Cort introduced** City Manager Colangelo who reviewed requests for Certificates of Convenience and Necessity and a rate increase for Central Coast Cab Company and Monterey Checker Transportation, and answered questions from Council.

#### **Mayor Cort opened the Public Hearing at 7:35 p.m.**

- Steve Cardinalli of Monterey Checker Transportation (dba Yellow Cab Company) asked Council to approve the rate increase and requested that the criminal background requirement be waived as their drivers are currently required to pass a criminal background check in the City of Monterey. Cardinalli further requested that if the criminal background requirement is approved, that it apply to the owners of cab companies in addition to the drivers.
- Scott Phillips of Monterey Checker Transportation indicated that all of their drivers must have a clear DMV record; pass initial, annual and random drug tests; pass a physical examination; pass a LiveScan criminal background investigation and receive 25 hours of supervised training. Phillips further stated that their taxicabs must pass annual inspections as well as random inspections by the Defense Language Institute and the Naval Post Graduate School.

#### **Mayor Cort closed the Public Hearing at 7:44 p.m.**

On motion of Bennett, seconded by Davis, Council unanimously **issued Certificates of Convenience and Necessity to Central Coast Cab Company (formerly Carmel Taxi) and Monterey Checker Transportation, Inc. (dba, Yellow Cab Company) for the operation of taxicab services within the City of Pacific Grove with the following conditions: (1) that taxicab drivers shall be required to undergo, at the driver's expense, a criminal background check under authority granted in Section 11105(b)(10) of the California Penal Code, and (2) the City shall reserve the right to revoke any driver's permit should the taxicab driver fail to demonstrate a clear criminal history; and 2. established the Schedule**

of Rates as follows: \$2.50 for the flag drop, \$2.50 per mile, and \$30.00 per hour waiting time.

City Manger Colangelo and Police Chief Engles answered questions from Council. On motion of Miller, seconded by Bennett, Council unanimously **directed staff to return with a process to be used by the City for determining acceptable standards (including criminal background investigation standards) for issuing permits.**

#### **6A-T. Reports of Boards, Commissions and Standing Committees**

**Q. ad hoc Charter Review Committee – Committee Chairman/Council Member Miller:** reviewed a report from the Committee detailing and prioritizing proposed revisions to the Pacific Grove Charter. John Fischer spoke to the issue. On motion of Davis, seconded by Bennett, Council unanimously **received the report of the ad hoc Charter Review Committee and established the termination date of the Committee as December 31, 2007.**

**7A. Mayor Cort introduced** Public Works Supervisor Martinez who reviewed the proposed newspaper rack replacement program and answered questions from Council. On motion of Bennett, seconded by Nilmeier, Council unanimously **approved the newspaper rack replacement program for ten (10) identified sites in the downtown area and authorized staff to proceed with the program, with priority given to replacement of the newspaper racks at the corner of Forest and Lighthouse Avenues in front of Hazara Loom.**

**8A. Mayor Cort introduced** Police Chief Engles who reviewed the proposed change in the number of permit parking spaces in City owned “Lot #2,” and answered questions from Council. On motion of Bennett, seconded by Miller, Council unanimously **approved Resolution No. 7-013 amending City Council Policy No. 100-5, Parking Lots – Permit Parking, governing permit parking in City owned “Lot #2” (the 17<sup>th</sup> Street lot, south of Lighthouse and north of Laurel) to increase the number of permit parking spaces from 50 to 60.**

**8B. Mayor Cort introduced** Director of Management and Budget Becklenberg who gave an update on the Fiscal Year 2005/2006 financial audit and finance operational improvement initiatives, and answered questions from Council. On motion of Miller, seconded by Bennett, Council unanimously **received the update on the Fiscal Year 2005/2006 audit and finance operational improvement initiatives.**

#### **9A. Council gave the following meeting reports:**

- **Community Human Services (CHS) – Council Member Cohen:** the City of Pacific Grove has not made its anticipated \$14,000 contribution to CHS for 2006. City Manger Colangelo indicated that the Council had not authorized the contribution in the Fiscal Year 2005/2006 budget nor in the 2006/2007 budget.
- **Fort Ord Reuse Authority (FORA) – Council Member Davis:** the Board issued a re-draft of the Memorandum of Understanding to create a regional approach to developing water resources.
- **Monterey Regional Water Pollution Control Agency (MRWPCA) – Mayor Cort:** met with Keith Israel of MRWPCA and City Manger Colangelo to look at the possibility of re-routing recycled water to Pacific Grove.

- **Monterey-Salinas Transit (MST) – Council Member Stilwell:** the Board discussed operational issues which were not necessary to report at this time.

**9B. Reports on Trips, Conference Attendance, and Meetings (AB 1234):**

- There were no reports.

**CLOSED SESSION**

**11A-B.** At 9:04 p.m. Mayor Cort announced that, pursuant to California Government Code Section 54956.9, Council would meet in closed session with Legal Counsel to consider pending litigation: California Nevada Methodist Homes (Forest Hill Manor); and pursuant to California Government Code Section 54956.9, Council would meet in closed session with Legal Counsel to consider existing litigation: Capobianco v. City of Pacific Grove, Superior Court Case No. M70580. **There was no reportable action.**

**ADJOURNMENT**

There being no further business, Council adjourned at 9:27 p.m.

Respectfully Submitted,

Jean-Marie McLaren  
Assistant City Clerk

APPROVED BY MAYOR:

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ATTEST BY ASSISTANT CITY CLERK:

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