



# **ACTION MINUTES** **PACIFIC GROVE CITY COUNCIL**

**Council Chambers – City Hall – 300 Forest Avenue  
6:00 p.m. – Wednesday, February 6, 2008**

**Note: The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless, by majority vote, the Council decides to consider an item or items after 10:00 p.m. Any items on this agenda not considered this evening will be continued to a future meeting. It is possible, although not likely, that public hearings will begin at 6:00 p.m. However, it is the policy of the City Council to begin calling public hearing items no later than 7:00 p.m.**

*Copies of the agenda packet are available for review at the Pacific Grove Library located at 550 Central Avenue; the reception counter in City Hall at 300 Forest Avenue, Pacific Grove; and on the internet at: <http://www.ci.pg.ca.us/agendas>*

## **PRESENTATIONS**

- A. Presentation by Stephanie Hughes of RMC Environmental on behalf of the Division of Ratepayers Advocates regarding proposed regional desalinization plant.

**Reference: City Manager Colangelo**

**COUNCIL ACTION: Received**

## **APPROVAL OF AGENDA**

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier, and carried, the Council moved approval of the meeting agenda.**

## **COUNCIL AND STAFF ANNOUNCEMENTS**

- **City Manager Colangelo**
  - Introduction of Rick Katen, Arborist for the Public Works Department. It was noted that Mr. Katen began working at the time of the January 4, 2008 storm and was commended for his ability to provide exemplary service in spite of having just begun with the City.
  - Reference was made to the recent full-page ad in the Hometown Bulletin criticizing the City's response during the storm of January 4, 2008. Mr. Colangelo expressed disappointment at the lack of recognition of the dedication and hard work of the Fire Department, Police Department and Public Works and indicated that the ad was misleading regarding allegations that all that could possibly be done was not accomplished. He also responded to the ad's accusation that the EOC was not put into effect, explaining that this decision was made after careful consideration and the determination that to do so would take away staff who are normally first responders in an emergency situation. Also in response to the criticism regarding the public being directed to call 911 in certain emergencies, Mr. Colangelo explained that this direction would have been given even if the EOC had been put into effect.
- **Council Member Stilwell**
  - Asked City Manager Colangelo for update regarding direction to draft a Referral Table for use by Council Members in order to make and track

progress of referrals made during Council Meetings. Mr. Colangelo informed the Council that it would be brought to the February 20, 2008 City Council Meeting for review and approval.

- **Council Member Cohen**
  - Announcement that Bruce Obbink has been named as Foreman of the 2008 Monterey County Grand Jury.
- **Council Member Bennett**
  - Expressed support of remarks made by City Manager Colangelo regarding the ad in the Hometown Bulletin and added that signatures by all members of the public who support allegations should be included in any similar ads and statements.
- **Council Member Miller**
  - Spoke in support of the service provided by the City's Police Department and made reference to the current discussions being held with the City of Monterey Police Department regarding a possible contract for services. He clarified that direction had been given to Staff to gather quotes for services and that there was no contract in the works at this time.
- **Mayor Cort**
  - Referred to the current Presidential campaign and mentioned that all candidates had the theme of change as part of their platform. He made comparison to the current climate of change in the City. He indicated change is usually not easy and asked for accuracy and forthrightness from the media when reporting on events in relation to actions and events within the City.

## 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.)*

- **David Dilworth** addressed the Council regarding the Presentation on the regional desalination plant by RMC Environmental. He exhibited a binder containing a report regarding the desalination project by the Monterey Regional Waste Management District and expressed the opinion that it would better suit the region's needs and growth capacity.
- **Robin Tokmekian** asked if the RMC presentation is available online, asked who the lead agency would be on the project, and would it be considered an alternative to the CalAm project. (Council Directed that the representative from RMC, Stephanie Hughes, please meet outside the meeting and provide the requested information.)
- **Snick Farkas** presented a cartoon representing recent actions in City and performed "The Golfer's Lament."

## CONSENT AGENDA

*(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Councilmember, member of the audience or staff may request that an item be placed on the regular agenda for further discussion. One*

*motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.)*

**COUNCIL ACTION: Upon motion of Council Member Stilwell, and seconded by Council Member Cohen, and carried, the Council approved the following recommended actions unless otherwise noted:**

1. APPROVAL OF ACTION MINUTES

- A. Action Minutes of the January 16, 2008 City Council Meeting

**Recommended Action: Approve**

2. REPORTS OF STAFF:

- A. Highlights of the January 18, 2008 Monterey Regional Waste Management District Board Meeting

*Gary Bales, the City's representative to the Monterey Regional Waste Management District Board, will report on activities and actions by the Monterey Regional Waste Management District Board*

**Reference: City Manager Colangelo**

**Recommended Action: Receive**

3. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Annual Report for 2007 of the American With Disabilities Act Compliance Advisory Committee

**Recommended Action: Receive**

- B. Meeting Minutes of the January 22, 2008 Architectural Review Board

**Recommended Action: Receive**

- C. Meeting Minutes of the **September 26, 2007** Special Events Committee

**Recommended Action: Receive**

- D. Meeting Minutes of the December 11, 2007 Traffic Safety Commission

**Recommended Action: Receive**

**REGULAR AGENDA**

4. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES

- A. Americans with Disabilities Act Compliance Advisory Committee

- B. Architectural Review Board

- C. Beautification and Natural Resources Committee

- D. Cultural Arts Commission

- E. Economic Advisory Committee

- F. Golf Course Advisory Committee

- G. Historic Resources Committee

- H. Housing Committee

- I. Library Board

- J. Museum Board

- Larry Telles requested that the core positions originally proposed for the Museum be retained even if unfunded by the City's budget. The Board has determined that the need for a part time curator is the most critical of these

and feels that current funds will allow for this and buy time to examine possible resources for sustainable funding.

- K. Planning Commission
  - L. Recreation Board
  - M. Special Events Committee
  - N. Traffic Safety Commission
  - O. *ad hoc* Budget and Finance Subcommittee
  - P. *ad hoc* Campaign Finance Reform/Conflict of Financial Interest Subcommittee
  - Q. *ad hoc* Charter Review Committee
  - R. *ad hoc* Crespi Pond Oversight Subcommittee
  - S. Monterey County Commission on Disabilities
- **Mayor Cort** indicated that the City had received a commitment from the Monterey County Herald regarding news racks and Public Works would be receiving them for placement.
  - **Council Member Cohen** requested the status regarding the merging of certain Committees. City Manager Colangelo indicated the item was planned to be brought before the Council at the meeting of February 20, 2008 for formal action.

5. OLD BUSINESS

- A. **Ordinance No. 08-002 – Adopted** Ordinance Authorizing an Extension of the City’s Lease of a Portion of its Tidelands and Submerged Lands to the Monterey Bay Aquarium

*The Council will hold the second reading of an ordinance to authorize the extension of the City’s lease of a portion of its tidelands and submerged lands to the Monterey Bay Aquarium. The lease expired in December 2005, and the proposed extension is for a 25- year period.*

**Reference: City Attorney David Laredo**

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, the Council moved to adopt the Ordinance.**

6. NEW BUSINESS

- A. First reading of an Ordinance that adds Section 21.12.270 to Chapter 21.12 (“Cable Communication Franchise Procedures”) of Title 21 of the Pacific Grove Municipal Code, which Implements the Provisions of the Digital Infrastructure and Video Competition Act of 2006

*The “Digital Infrastructure and Video Competition Act of 2006” (DIVCA), effective January 1, 2007, requires cities that currently franchise cable television services take the action of passing an ordinance which will require state cable franchisees to provide benefits at the same level as the local franchise.*

**Reference: Celia Perez Martinez, Public Works Supervisor**

**Recommended Action: Hold the first reading of the Ordinance**

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, the Council moved to hold the first reading of the Ordinance.**

**Public Comment**

- **David Dilworth** addressed the Council regarding the possibility of live broadcasting of City Council meetings.

**B. Receive Financial Report on the first 12 months of City Operation of the Golf Pro Shop**

*On January 1, 2007, the City assumed operational responsibility for the pro shop at the Pacific Grove Municipal Golf Course. This report provides a progress report after 12 months of City operations.*

**Reference: Jim Becklenberg, Director of Management and Budget**

**Recommended Action: Receive the report**

**COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Davis, and carried, Council moved to receive the report.**

**Public Comment**

- **David Dilworth** commended the Council for the decision to take over the golf course and the great success resulting from that action.
- **Vince Tuminello** expressed support and praise of the Council for their actions regarding the golf course.
- **Craig Riddell** thanked Council for being willing to take the chance regarding the golf course and making it a success.

**C. First Reading of an Ordinance Granting a Revocable License for the Encroachment of an Awning into the Public Way at 562 Lighthouse Avenue**

*Following public hearing, the Council will review and discuss the first reading of the draft Ordinance. The Council may approve or reject the first reading of the draft. If approved, a second reading shall be set at the next Council meeting.*

**Reference: Sheila Stains-Ramp, Senior Planner**

**Recommended Action: Hold first reading of the Ordinance**

**COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Davis, and carried, with Council Members Stilwell and Cohen recusing themselves due to possible conflict of interest, Council moved to hold the first reading of the Ordinance.**

**Public Comment**

- **Moe Ammar** thanked Staff for bring the Ordinance to the Council and introduced the shop owner, Glen Global. Mr. Ammar made mention of the benefit of Mr. Global's decision to establish a business downtown.

- D. **Resolution No. 08-002:** Consider the Adoption of a Resolution Approving an Employment Agreement with Bob Snyder to Serve as the Interim Museum Manager

**Reference:** City Manager Colangelo

**Recommended Action:** Adopt the attached Resolution.

**COUNCIL ACTION:** Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, the Council moved to adopt the Resolution.

**Public Comment**

- **Fran Horvath** informed the Council that the Pacific Grove Museum Association objected to the process used to hire Mr. Snyder.
- **Larry Telles** supported Ms. Horvath's comments and included the need to retain a part time collections curator.
- **David Dilworth** asked the Council to assure that existing exhibits remain in the Museum.

7. **REPORTS OF COUNCIL MEMBERS:**

- A. Mayor's Annual Appointments to the City's Boards, Commissions and Committee

**Reference:** Mayor Cort

**Recommended Action:** Approve the Mayor's Annual Appointments to the City's Boards, Commissions and Committees

**COUNCIL ACTION:** Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, with Council Member Miller dissenting, the Council moved approval of the Mayor's appointments.

**Public Comment**

- **Maryanne Spradling** assured the Council that the Architectural Review Board appointee, who had been previously unwilling, was now ready to submit full financial disclosure.
- **Craig Riddell** requested that the Council consider the possibility of reducing the number of seats needed on committees.
- **David Dilworth** suggested that the Architectural Review Board not have architects serving as they may face conflict of interests regarding projects being brought forward for review.

- B. Meeting Reports

- Association of Monterey Bay Area Governments
- Community Human Services
  - **Council Member Cohen** reported that the City of Monterey's Community Services is looking at funding in the amount of \$250,000 for a shelter for homeless teenagers.
- Executive Committee, Monterey Bay Division, League of California Cities
- Fort Ord Reuse Authority
- Monterey Regional Water Pollution Control Agency, JPA

- Monterey-Salinas Transit
  - Transportation Agency for Monterey County
- C. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

8. ITEMS REMOVED FROM CONSENT AGENDA

None

9. CLOSED SESSION

- A. Pursuant to California Government Code Section 54956.9, Council will Meet in Closed Session with Legal Counsel to Consider Pending Litigation
- i. *California-Nevada Methodist Homes v. City of Pacific Grove (M84732)*
- B. Consider Claim for Damages No. L2007-31 – Collins, Monterey Bay Property Management
- Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*
- C. Consider Claim for Damages No. L2007-32 - Kellett
- Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*
- D. Pursuant to California Government Code Section 54957.6 Council will Meet in Closed Session with its Designated Representative, James J. Colangelo, Regarding Labor Negotiations: All Bargaining Units

10. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

*(Following Closed Session, the Council shall reconvene in open session, prior to adjournment, and make disclosures as required by Government Code sections 54957.1 and 54957.7. If this announcement is made in the City Manager's Conference Room, public participants shall be invited for the purpose of hearing the announcement. Alternatively, the Council may reconvene in the City Council Chambers to enable the public to hear the announcement.)* **No Action Taken**

**ORDER FOR ADJOURNMENT**

Respectfully Submitted,

*Ann D. O'Rourke*

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: \_\_\_\_\_ Date \_\_\_\_\_

ATTEST BY CITY CLERK: \_\_\_\_\_ Date \_\_\_\_\_