



# ACTION MINUTES

## PACIFIC GROVE CITY COUNCIL

Council Chambers – City Hall – 300 Forest Avenue  
6:00 p.m. – Wednesday, February 20, 2008

### PRESENTATIONS

- A. Recognition of Bruce and Judy Cowen for volunteerism

**Reference: Mayor Cort**

**Mayor Cort presented a Mayor's Proclamation to Bruce and Judy Cowen commending their individual contributions to the preservation and beautification of Pacific Grove and surrounding areas: Bruce through his professional and personal activities related to landscaping, including volunteering up to 40 hours per week and Judy through her daily observation and activity in clearing away trash in public places. Bruce was present to accept the Proclamation.**

### APPROVAL OF AGENDA

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Nilmeier, and carried, Council moved approval of the Agenda.**

### COUNCIL AND STAFF ANNOUNCEMENTS

- A. Council Referral Update

- **Council Member Stilwell** requested that the status of the placing of news racks be changed to indicate "on-going."
- **Council Member Miller** requested two additions to the Referral List
  - Organize a joint meeting with the school district to evaluate the possibility of sharing duplicate services; specifically recreation and library services.
  - Proposed a joint meeting with the Economic Advisory Committee to ascertain what actions would be feasible to increase revenues for the City.
  - Each of the above requests should be carried out in a workshop format.
- **Council Member Cohen** requested that a Council subcommittee be formed to review Measure C with members of the City's hotel/motel industry to determine its real intent. He further recommended that he and Council Member Bennett make up that subcommittee and that this item be put on the Agenda for the next regular Council meeting

#### **Council Members made the following announcements:**

- **Mayor Court** announced that the news racks were in place and thanked Celia Martinez and the Staff of Public Works, as well as the Beautification and Natural Resources Committee and the Herald for their work. He indicated more would be installed in other areas of the City. **Council Member Bennett** joined in expressing thanks and commendation to those involved.
- **Council Member Stilwell** had two announcements on behalf of the Pacific Grove Chamber of Commerce:
  - Ribbon cutting and grand opening ceremony of the Primo Restaurant and Wine Bar will be held on February 27, 2008 from 5:00 to 7:00 p.m.

- Pacific Grove Middle School will hold a Career Day on February 27, 2008 from 12:00 to 2:30 p.m.
- **Council Member Miller** informed the Council that Joseph Farrow, a Pacific Grove High School graduate, had just been appointed Commissioner of the California Highway Patrol by the Governor.
- **Council Member Stilwell** told the Council that she and Council Member Miller had been in contact with Concorso Italiano, Inc. regarding their revised proposal for bringing the Concorso Italiano to Pacific Grove. She requested the item be placed on the Council's next Agenda.
- **Council Member Bennett** referred to a handout she had distributed to the Council and made available to the public regarding landfill gas. She suggested that the landfill operator be contacted and questioned regarding what methods are used to "clean" gas generated by the landfill.

### 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.)*

#### **Reference: Mayor Cort**

- **Moe Ammar** invited the Council, City Staff, and interested members of the public to a clean-up activity to be held at Beach and Ocean View on Saturday, March 1, 2008 beginning at 10:00 a.m.
- **Jim Quinn** commended the Council and Golf Pro Joe Riekema for the success of the Golf Pro Shop.
- **Ami Longsinger**, on behalf of the Police Officers Association (POA), requested the Council consider placing a measure on the next possible ballot to raise the City's Transient Occupancy Tax (TOT) by 2%. She indicated that they had gathered approximately 600 signatures in support of the proposed measure.
- **Robert Patchelli**, on behalf of Fair Share, informed the Council that they had obtained approximately 200 signatures in support of the City and indicated they were prepared to back up any recommended increase in TOT, sales and/or property taxes.
- **Ed Flatley** spoke to the Council in opposition to the raising of the TOT expressing the opinion that it would hurt the local hospitality businesses and that the industry would work to defeat such a measure.
- **Sam Teale** on behalf of the Monterey Peninsula Taxpayers Association commended the Council on the work being done to improve the City's budget. He suggested changing to a 401K retirement plan. Association would support a temporary tax if this were the case.
- **Sally Herrgott** expressed opinion that the concept of open government in the City has been "trashed." Criticized the City Manager for hiring former County employees.
- **David Dilworth** spoke about the Gateway Center's recent classification as a government institution and thus is on a list to be closed by the Federal Government. He requested the Council adopt a Resolution of support for the Center.
- **Lisa Maddalena** referenced unfavorable comments made at last Council meeting regarding apparent lack of patronage at the Library. She informed the Council that the Library has slow times and her programs are generally well attended.

- Marilyn Bell thanked the Council and City Manager for working hard to improve the budget. She said “tough times don’t last; tough people do.”
- The following addressed the Council indicating support for maintaining the Pacific Grove Police Department and/or the raising of the City’s TOT:
  - Carl Miller
  - Nancy Jacobs
  - Todd Bouhler
  - Lisa Milligan
  - Daniel Miller
  - Tony Aiello
  - Ann Lopez
  - Carmelia Garcia

**COUNCIL ACTION:** Following Oral Communication, and based on the proposal by POA to put a TOT measure on the ballot, as well as comments related to the proposal, Council discussed the proposal and conferred with the City Attorney on the steps needed to submit the measure by the deadline of March 7, 2008 in order to place a TOT measure on the June 3, 2008 ballot. It was determined a Special Meeting of the City Council would be required in order to accomplish this. Upon motion of Council Member Bennett, seconded by Council Member Nilmeier, and carried, the Council moved to hold a Special Meeting on Wednesday, February 27, 2008 for the purpose of considering the placing of a TOT measure on the June 3, 2008 ballot.

#### **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 Mayor Cort, and seconded by Council Member Davis, and carried, the Council approved the following recommended actions unless otherwise noted:

#### 1. APPROVAL OF MINUTES

A. Minutes of the January 23, 2008 City Council Special Meeting

**Recommended Action: Approve**

B. Minutes of the February 6, 2008 City Council Regular Meeting

**Recommended Action: Approve**

#### 2. RESOLUTIONS

A. **Resolution No. 08-003:** Consider Approval of a Resolution Authorizing the Installation of a Stop Sign on Spruce Avenue for Westbound Traffic at 12th Street  
*The Traffic Commission is making this recommendation based on concerns voiced by school officials, parents and residents at their meeting of November 13, 2007.*

**Reference: Celia Perez Martinez, Business Manager, Public Works**

**Recommended Action: Approve Resolution**

- B. **Resolution No. 08-004:** Consider Approval of a Resolution Authorizing the City Manager to sign a Contract with KLIFT Service Co. Inc., in an amount no to exceed \$30,000, to Repair the City-Owned Street Sweeper  
*Repair of the city-owned street sweeper is required in order to comply with the conditions of the Monterey Regional Stormwater Management Plan.*  
**Reference: Celia Perez Martinez, Business Manager, Public Works**  
**Recommended Action: Approve Resolution**
- C. **Resolution No. 08-005:** Consider Approval of a Resolution Authorizing a Contract with Root Tamers of Anderson CA to Perform Chemical Root Control of Various Sanitary Sewer Lines  
*Under the City's annual Capital Improvement Program sewer lines are identified for this treatment each year.*  
**Reference: Celia Perez Martinez, Business Manager, Public Works**  
**Recommended Action: Approve Resolution**

3. REPORTS OF STAFF

- A. Consider Approval of a Permit for the Keeping of Chickens at 1135 Pico Ave  
*Council will consider whether to authorize the property owners at 1135 Pico Ave, the Heebink residence, to keep and maintain 3-5 laying hens, no roosters, at their residence. Council may choose to approve or deny the permit.*  
**Reference: Chief of Police Engles; Elizabeth Yeo, Animal Control Officer**  
**Recommended Action: Approve Permit**  
**Pulled for discussion by Carmelita Garcia, member of the public, with a question regarding the need for Council action on item rather than Administrative decision.**  
**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Mayor Cort, and carried, the Council moved approval of the permit.**  
**Direction was further given to Staff to add the issue of submitting such items for Administrative consideration to Council Referrals for a future Agenda.**

4. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Meeting Minutes of the January 10, 2008 Housing Committee  
**Recommended Action: Receive**
- B. Meeting Minutes of the January 15, 2008 Museum Board  
**Recommended Action: Receive**
- C. Meeting Minutes of the January 22, 2008 Museum Board Special Meeting  
**Recommended Action: Receive**
- D. Meeting Minutes of the February 7, 2008 Planning Commission  
**Recommended Action: Receive**

**REGULAR AGENDA**

5. 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
- 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

6. OLD BUSINESS

- A. **Ordinance No. 08-003:** Second Reading of an Ordinance Granting a Revocable License for the Encroachment of an Awning into the Public Way at 562 Lighthouse Avenue  
*On February 6, 2008, Council introduced and held the first reading of an ordinance for a revocable license that would allow encroachment of a pair of awnings into the public way at 562 Lighthouse Avenue.*  
**Reference: Sheila Stains-Ramp, Senior Planner**  
**Recommended Action: Adopt Ordinance**  
**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Bennett and carried, with Council Members Cohen and Stilwell recusing themselves due to possible conflict of interest, Council moved to adopt the Ordinance.**
  
- B. **Ordinance No. 08-004:** Second 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  
*On February 6, 2008, Council introduced an Ordinance which will require state cable franchisees to provide benefits at the same level as the local franchise.*  
**Reference: Celia Perez Martinez, Business Manager, Public Works**  
**Recommended Action: Adopt Ordinance.**  
**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier and carried, with Council Members Miller and Cohen dissenting, Council moved to strike language referring to “predominant language” and adopt the Ordinance.**

**PUBLIC COMMENT**

**Dr. Betty Saxon**, representing AT&T, addressed the Council expressing AT&T's concern regarding the timing of the Ordinance as well certain language contained within the Ordinance indicating information to be distributed in the "predominant language" of the local area.

7. **NEW BUSINESS**

- A. Consider Police and Fire Department budget strategies and financial framework for FY 2008/09 Budget.

*On January 23, 2008, the City Council began considering strategies for balancing the FY 2008/09 budget and the five-year financial forecast. With this item, the City Council will consider additional budget strategies and the results the strategies produce for the long-term financial health of the community.*

**Reference: City Manager James J. Colangelo**

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

**Recommended Actions:**

1. **Approve recommended budget strategies for the Police and Fire Departments in addition to the strategies affecting other services approved at the January 23, 2008 City Council meeting;**
2. **Approve assumption for the five-year forecast that includes more conservative General Fund revenue growth that is more reflective of moderate recession with flat revenues than previously presented forecasts which assumed modest revenue growth similar to that which the City has experienced in recent years; and**
3. **Direct staff to include the approved strategies and economic assumptions for revenues into a proposed FY 2008/09 budget for the City Council's consideration in April 2008.**

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Davis and carried, with Council Members Stilwell and Cohen dissenting, Council moved Staff recommendations.**

**PUBLIC COMMENT**

- **Ed Blake** expressed concern as to the impact to the Fire Department.
- **John Fisher** noted that the budget strategy does not allow for events where Police Department personnel may be out for any length of time due to illness or other issues.
- **Nancy Jacobs** questioned whether the strategy would eventually reinstate Police Department programs and/or add positions.

- B. Consider the Reduction in Library Hours from 52 Hours per Week to 40 Hours Per Week Effective March 1, 2008

*Staff is proposing to reduce Library open hours from 52 to 40 hours per week effective March 1, 2008 as a result of reduced staffing at the Library. The Council may choose to enact the new schedule, maintain the existing schedule, or direct staff to implement and alternate schedule.*

**Reference: Mary Housel, Senior Librarian**

**Recommended Action: Approve reduction in Library hours.**

**COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Nilmeier and carried Council moved Staff recommendation.**

- C. Transportation Agency of Monterey County (TAMC) Report on a Proposed Regional Development Impact Fee and Sales Tax Initiative  
*The Council will receive a report. No action will be taken.*

**Reference: City Manager Colangelo**

**Recommended Action: Receive Report**

**COUNCIL ACTION: Upon motion of Council Member Cohen, seconded by Council Member Miller and carried, Council moved to receive the Report.**

- D. Consider the Selection of a Farmers Market Manager  
*Staff is recommending the selection of a manager for a farmers market in Pacific Grove. The Council may select the manager recommended by staff, select a different market manager, or identify a different process for proceeding with a farmers market.*

**Reference: City Manager Colangelo**

**Recommended Action: Select C.H.A.M.P. (Community Help Around Monterey Peninsula) as the farmers market manager.**

**COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Davis and carried, Council moved the selection of Everyone's Harvest as manager for a famers market in Pacific Grove.**

**COUNCIL ACTION: Upon motion of Council Member Cort, seconded by Council Member Cohen and carried, with Council Member Miller dissenting, Council moved to direct the City Manager to direct the City's Planning Commission to fast track the permitting process for the famers market.**

#### **PUBLIC COMMENT**

- **Gary Peterson** expressed support for a farmers market with whatever manager was selected by the Council.
- **Sarah Morton**, who would be managing the farmers market for C.H.A.M.P. told the Council of her plan to make the market a place where friends would want to meet and linger on a regular basis.
- **Daniel Miller** expressed the opinion that neither of the choices being considered represented the original vision of the Council regarding the character of a farmers market in Pacific Grove.
- **Joy Colangelo**, requested that when the Council considered its selection for manager that it look to the organization that did the research and followed all instructions of the RFQ from the beginning.
- **Jennifer** expressed support for a farmers market and suggested that the Council may need to do more study before making its selection of a manager.

**The following spoke in support of Everyone's Harvest as manager for a farmers market in Pacific Grove:**

- **Grace Dominguez**
- **Dixie Layne**
- **Kate Miller**
- **David Dilworth**

- Jamie Collins
- Analisa Miller
- Wendy Giles

**The following spoke in support of C.H.A.M.P. as manager for a farmers market in Pacific Grove:**

- Jean Graham
- Eva Hossey
- Sarah Morton

- E. First Reading of a Companion Ordinance to the Administrative Enforcement Ordinance Which Added Chapters 1.19 and 3.30 to the Municipal Code  
*The Council will hold a public hearing on the first reading of a Companion Ordinance to the Administrative Enforcement Ordinance, which added Chapters 1.19 and 3.30 to the Municipal Code. The Companion Ordinance was previously presented for concept review, and reconciles divergent notice and penalty provisions throughout the Municipal Code.*  
**Reference: City Attorney Laredo**  
**Recommended Action: Hold first reading of Companion Ordinance to the Administrative Enforcement Ordinance.**  
**COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Miller, and carried, the Council moved Staff recommendation and directed that only the summary of the Ordinance be published as Notice of Public Hearing at least 72 hours prior to the second reading.**
- F. Second Fiscal Quarter Treasurer's Report  
*The City's charter requires that a quarterly treasurer's report be delivered to the City Council.*  
**Reference: Jim Becklenberg, Director of Management and Budget**  
**Recommended Action: Receive the Report**  
**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier, and carried, the Council received the Report.**
- G. **Resolution No. 08-006:** Consider a Resolution to Increase the Rates Charged by Waste Management for the Collection, Transportation, Recycling, and Disposal of Solid Waste  
*City Council will consider Waste Management's request for a 1.45% rate increase. According to the terms of the franchise agreement, the rate adjustment is non-discretionary.*  
**Reference: Jim Becklenberg, Director of Management and Budget**  
**Recommended Action: Approve Resolution approving the requested rate increase of 1.45% with an effective date of January 1, 2008.**  
**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council approved the Resolution.**

H. Consider the Creation of a Council Subcommittee to Develop Modifications to the City's Personnel Ordinance

*Council will consider the creation of a Council Subcommittee and select up to three Council Members for appointment to a Personnel Ordinance subcommittee.*

**Reference: Council Member Davis**

**Recommended Action: select up to three Council Members for appointment to a Personnel Ordinance subcommittee.**

**COUNCIL ACTION: Upon motion of Council Member Cohen, seconded by Mayor Cort, and carried, the Council moved the recommended action.**

**Council Members Davis, Miller and Stilwell were appointed to serve on the subcommittee.**

8. REPORTS OF COUNCIL MEMBERS

A. Meeting Reports

- Association of Monterey Bay Area Governments
  - **Council Member Stilwell** reported that Nick Papadakis, Executive Director of AMBAG, has announced his retirement.
- Community Human Services
  - **Council Member Cohen** informed the Council that the next meeting would be held on Thursday, February 21, 2008.
- Executive Committee, Monterey Bay Division, League of California Cities
  - **Mayor Cort** informed the Council that no meeting was scheduled.
- Fort Ord Reuse Authority
  - **Council Member Davis** reported that FORA has proposed to loan a committee for the purpose of creating a master development plan for a veterans cemetery He referred to a letter from FORA asking if Pacific Grove would want to contribute to the cemetery, which will be located on former Ft. Ord property. He indicated that other cities in the area, as well as FOR A, had contributed to the effort. Council determined that given the City's current budget situation, the issue would need to be discussed at a future date.
- Monterey Regional Water Pollution Control Agency, JPA
  - **Mayor Cort** informed the Council that the next meeting would be held on Monday, February 25, 2008.
- Monterey-Salinas Transit
  - **Council Member Stilwell** reported that the Board of MST and the related unions had ratified an agreement. She further reported the election of officers and that the incumbents had been selected: Supervisor Fernando Armenta as Chair and Tom Mancini as Vice Chair.
- Transportation Agency for Monterey County

A. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

9. ITEMS REMOVED FROM CONSENT AGENDA

None

10. 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)*

**Due to the lateness of the hour, this item was continued until the next scheduled Closed Session.**

**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 \_\_\_\_\_