



ACTION MINUTES

PACIFIC GROVE CITY COUNCIL

SPECIAL MEETING

6:00 p.m. – Wednesday, February 27, 2008
Council Chambers – City Hall – 300 Forest Avenue

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

- **Mayor Cort** informed the Council that he had attended the grand opening of the Primo Restaurant and Wine Bar previous to coming to the meeting and extended his congratulations to the owners.

ORAL COMMUNICATIONS

- **Carmelita Garcia** referred to the up-coming reopening of the Lighthouse Cinema and recommended several approaches to promoting patronage and increasing revenue such as ticket give-aways, free popcorn night and a senior citizens day. She also suggested the City consider cloth shopping bags promoting shopping in Pacific Grove.
- **Snick Farkas** presented the current installment of his cartoon “Colossus of Gold” and quoted “Jabberwocky.”

REGULAR AGENDA

1. NEW BUSINESS

- A. **Resolution No. 08-007:** Consider Adoption of a Resolution Declaring the Existence of an Emergency that Requires Immediate and Urgent Enactment of a New Tax to Preserve the Public Peace, Health and Safety of the City; and
Not Adopted: A Resolution Calling a Special Municipal Election for the Consideration of a Tax Increase; and

Not Held: First Reading of an Ordinance Amending Chapter 6.09 of the Municipal Code to Increase the Uniform Transient Occupancy Tax

The City Council will consider placing on the ballot for the June 3, 2008 election an increase to the City’s Uniform Transient Occupancy Tax rate from ten percent (10%) to twelve percent (12%). In order to place the proposed tax measure on the ballot, two (2) Resolutions and the first reading of the Ordinance need to be approved by the City Council and sent to the County’s Elections Department no later than March 7, 2008.

Reference: City Manager Colangelo

Recommended Actions:

- (1) Adopt a Resolution Declaring the Existence of an Emergency that Requires the Immediate and Urgent Enactment of a New Tax to Preserve Public Peace, Health, and Safety of the City.**

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Miller and carried, the Council moved Staff recommendation and adopted the Resolution.

(2) Adopt a Resolution Calling a Special Municipal Election for the Purpose of Submitting a Proposal to Adopt an Increase to the City's Uniform Transient Occupancy Tax for General Purposes, and Requesting that the Board of Supervisors for Monterey County Provide for the Consolidation of this Election with the Election to be held on June 3, 2008.

COUNCIL ACTION: Upon motion of Council Member Davis, with no second the motion, the motion to adopt the Resolution failed.

(3) Approve the first reading of an Ordinance Amending Chapter 6.90 to Title 6 of the City's Municipal Code to Implement General Taxes if They Are Approved at the Election to be held on June 3, 2008.

COUNCIL ACTION: As a result of failure of motion on Recommended Action 1.A.(2), the first reading of the Ordinance was not held.

PUBLIC COMMENT

- **Steve Burnett** addressed Council regarding short-term rentals in areas of the City not zoned for this activity. He suggested enforcement of fines against the owners, as well as collecting any TOT due as a result of the profits realized by them, as a possible source of revenue for the City.
- **The following spoke to the Council IN FAVOR of putting a measure on the June 3, 2008 ballot to increase TOT:**
 - **Robert Pacelli** - **William LeClare**
 - **Nancy Jacobs** - **Michael DiCesare**
 - **Carmelita Garcia** - **Adam Sepagan**
 - **Ami Lonsinger**
- **The following spoke to the Council AGAINST putting a measure on the June 3, 2008 ballot to increase TOT:**
 - **Don Redgwick** - **Patrick Sheridan**
 - **Greg Zimmerman** - **Fred Flatley**
 - **Robert Burr** - **Bill Valuch**
 - **Mark Carbonero** - **Rob Carswell**
 - **Amrish Patel** - **Moe Ammar**
 - **Ed Flatley**
 - **Bob Trout**
 - **Mike Becker**
 - **Dr. Brian Lackey**
 - **Roxanne (Best Western Monarch Resort)**

Following discussion, the City Council took the following actions:

COUNCIL ACTION: Upon motion of Council Member Cohen, seconded by Council Member Bennett and carried, the Council moved to direct the

City Attorney to prepare a Resolution to put a 1% City sales tax measure on the June 3, 2008 ballot and to bring the Resolution, along with the accompanying Ordinance for a first reading, back to the Council for consideration at their March 5, 2008 regular meeting.

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Nilmeier and carried, with Council Members Davis and Stilwell dissenting, the Council moved to direct the City Attorney to prepare a Resolution to put a business license tax measure for the purpose of eliminating the cap on the June 3, 2008 ballot and to bring the Resolution, along with the accompanying Ordinance for a first reading, back to the Council for consideration at their March 5, 2008 regular meeting.

2. 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. 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

ORDER FOR ADJOURNMENT

Respectfully Submitted,

Ann O'Rourke

Ann O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ **Date** _____
Daniel E. Cort

ATTEST BY CITY CLERK: _____ **Date** _____
Charlene Wiseman