



ACTION MINUTES

PACIFIC GROVE CITY COUNCIL

Council Chambers – City Hall – 300 Forest Avenue
6:00 p.m. – Wednesday, March 5, 2008

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referrals Update

- **Council Member Stilwell** had three announcements:
 - Pacific Grove Chamber of Commerce’s City Employee of the Year Reception honoring Roque Pinheiro, Public Works Field Maintenance Supervisor to be held on Wednesday, March 12, 2008 beginning at 5:00 p.m. at the Passionfish restaurant.
 - Annual Chamber of Commerce Membership Luncheon and Award of Excellence presentation to be held on Friday, March 14, 2008 beginning at 11:45 a.m. at the Inn at Spanish Bay. Mayor Cort will deliver his State of the City address.
 - Meet the Press Welcome Reception for Mark Jameson as Managing Editor and Alec Murdoch as a Reporter for the Pacific Grove Hometown Bulletin to be held on Thursday, March 13, 2008 beginning at 5:00 p.m. at Jay Worthington’s Furniture.
- **Mayor Cort** informed the Council and the audience that he would give his State of the City address at a future public meeting. He also announced that the Rotary Club, Chamber of Commerce and volunteers would be holding a clean up event on Ocean View on Saturday, March 15, 2008: Andrew Giles will be utilizing the occasion for his Boy Scout Eagle project.

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

- **Linda Johnson and Jane Duran Jones**, co-chairs of Pacific Grove’s “Good Old Days” announced that the event will be held April 12 and 13, 2008, and that this year’s parade’s Grand Marshall will be John Miller, former City Recreation Director.
- **Richard Stilwell** spoke on the fact that other areas have more volunteer firefighters than paid ones, and that Pacific Grove had once had the same level.
- **Moe Ammar** commended the Council for abiding by their agreement with the members of the Hospitality Improvement District by not placing the Transient Occupancy Tax (TOT) on the June 3, 2008 ballot.
- **Jeanne Graham** expressed disappointment at the Council’s not placing the TOT on the June 3, 2008 ballot in spite of the efforts of the Police Officers Association (POA).

- **Bill Kampe** referred to the recent article in the Coast Weekly regarding the City's hiring of former County employees. He expressed the opinion that the public felt the City was difficult to work with and unfriendly to businesses. Mr. Kampe commended the Council on their choice of "Everyone's Harvest" as manager of the Farmers Market. He asked that the Council look at ways to be more supportive of the City.
- **Sally Aberg** announced a new special event in the City: "Pacific Groove Night: Get into the Grove," April 18, 2008 beginning at 5:00 p.m. to 9:00 p.m. The event will include a scavenger hunt involving 40 Pacific Grove downtown business as a way of attracting visitors to the area.
- **Darlene Billstrom**, representing the Heritage Society, referred to an email she had sent to Council Members earlier today regarding damage to a residence on Congress Avenue and requested written notice to the Heritage Society of the demolition of the residence pursuant to the City's Historic Preservation Ordinance as well as notice of any related public hearings. She further requested that as much of the structure be kept intact as possible.
- **Snick Farkas** presented his latest installation of "The Colossus of Gold."

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 Davis, seconded by Council Member Bennett, the Council moved the following recommended actions unless otherwise noted:

1. APPROVAL OF MINUTES

- A. Minutes of the February 20, 2008 City Council Regular Meeting
Recommended Action: Approve

2. RESOLUTIONS

- A. **Resolution No. 08-009:** Consider the Adoption of a Resolution in Support of the Gateway Center
The City Council will consider the adoption of a Resolution in support of the Gateway Center to not be classified as a government institution.
Reference: Council Member Nilmeier
Recommended Action: Adopt Resolution
Pulled for discussion by David Dilworth, a member of the public. Following public comment and discussion, the Council took the following action:
COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett and carried, the Council moved to adopt the Resolution with revised language.

PUBLIC COMMENT

- **Mez Benton** introduced her granddaughter, Lisa, a resident of Gateway Center, and provided an overview of the history and function of the Center. She explained the Center required a waiver from the State in order to avoid being classified as an institution by the San Andreas Regional Center which would effect its closure.
- **David Dilworth** submitted revised language to the Resolution he had submitted to the Council previous to the meeting.
- **The following spoke to the Council in support of Gateway Center:**
 - **Mary Lou Pilnick** - **Kathy Koviak**
 - **John Fisher** - **Pat Owens**
 - **Charles Scholl** - **Trudy Santos**
 - **David Dilworth**

3. **REPORTS OF STAFF**

- A. Highlights of the February 19, 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

- B. Consider an alternative contract for City payroll services

The City is in the process of implementing a contract payroll system, based on City Council authority granted on October 17, 2007. This item would authorize the City Manager to execute a contract with a different payroll company who can better meet the City's needs.

Reference: Jim Becklenberg, Director of Management and Budget

Recommended Action: Authorize the City Manager to enter into contracts with Automatic Data Processing, Inc. (ADP)

Pulled for discussion by Council Member Stilwell and moved to the end of the meeting for discussion and action by the Council.

4. **REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES**

- A. Meeting Minutes of the February 26, 2008 Architectural Review Board

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

- **Mayor Cort** announced that the issues regarding the news racks had been resolved by placing them on a shorter pedestal and moving them to the correct location.

- 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. 08-006:** Second Reading of a Companion Ordinance to the Administrative Enforcement Ordinance Which Added Chapters 1.19 and 3.30 to the Municipal Code
On February 20, 2008 the City Council introduced a Companion Ordinance to the Administrative Enforcement Ordinance, which added Chapters 1.19 and 3.30 to the Municipal Code. If approved, Council will move adoption of the Ordinance.
Reference: City Attorney Laredo
Recommended Action: Adopt Ordinance
COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett and carried, the Council moved the recommended action.

7. NEW BUSINESS

- A. **Resolution No. 08-008:** Consider Adoption of a Resolution Calling a Special Municipal Election for the Consideration of a Transaction and Use Tax; and
Ordinance No. 08-005: First Reading of an Ordinance Amending Chapter 6.08 of the Municipal Code to Adopt a Transaction and Use Tax
The City Council will consider placing on the ballot for the June 3, 2008 election a one percent (1%) Transaction and Use Tax rate. In order to place the proposed tax measure on the ballot, the Resolution 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 Calling a Special Municipal Election for the Purpose of Submitting a Proposal to Adopt a Transaction and Use 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; and

- (2) Approve the first reading of an Ordinance Amending Chapter 6.08 of the Municipal Code to Adopt a Transaction and Use Tax if Approved at the Election to be held on June 3, 2008.**

COUNCIL ACTION: Upon motion of Mayor Cort, seconded by Council Member Bennett, and carried, the Council moved both of the above recommended actions.

- B. Consider Adoption of a Resolution Calling a Special Municipal Election for the Consideration of an Increase to the Business License Tax; and First Reading of an Ordinance Amending Chapter 7.04 of the Municipal Code to Increase the Business License Tax

The City Council will consider placing on the ballot for the June 3, 2008 election an increase to the City's Business License Tax by deleting the maximum annual tax limit set forth in 7.04.220. In order to place the proposed tax measure on the ballot, the Resolution 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 Calling a Special Municipal Election for the Purpose of Submitting a Proposal to Adopt an Increase to the Business License 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; and**
- (2) Approve the first reading of an Ordinance Amending Chapter 7.04 of the Municipal Code to Increase the Business License Tax if Approved at the Election to be held on June 3, 2008.**

COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier, with Mayor Cort and Council Members Bennett, Cohen, Miller and Stilwell dissenting, the motion failed due to a lack of a majority vote in favor.

PUBLIC COMMENT (Items 7.A and 7.B)

- **The following spoke in support of putting tax measures on the June 3, 2008 ballot:**
 - **Moe Ammar**
 - **Richard Stillwell**
 - **William O'Claire**
 - **Robert Bruner**
 - **Ami Lonsinger (on behalf of the Police Officers Association)**
- **The following spoke against putting tax measures on the June 3, 2008 ballot:**

- **Jeanne Graham**
- **Pat Hergott**
- **Sally Hergott** indicated support for the tax measures conditional on certain revisions which she had emailed to the Council. She felt restoration of City services should get equal consideration with restoring City reserves.

C. Consider the Formation of an ad hoc Subcommittee to Review Measure C
The City Council will consider the formation of an ad hoc subcommittee to review the intent, wording, and interpretation of Measure C. If approved, Council will appoint two Council Members to serve on the subcommittee.

Reference: Council Members Bennett and Cohen

Recommended Action: Appoint Alan Cohen and Lisa Bennett to form an ad hoc subcommittee to review Measure C and report back to the Council.

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

PUBLIC COMMENT

- **Richard Stillwell** expressed the opinion that Measure C should be abolished.
- **Ed Flatley** told the Council that hotels in the City should be allowed the ability to make improvements and that Measure C should be relaxed in its requirements or altogether eliminated.
- **Moe Ammar** recommended that the Holman building be rezoned as a hotel. He also expressed the opinion that Measure C needed to be reviewed for interpretation and intent.

D. Consider the Creation of a Council Subcommittee to Negotiate with the Concorso Italiano, Inc. for an Exotic Car Show at the Pacific Grove Golf Course
The City Council will consider the creation of a Council Subcommittee of Council Members Miller and Nilmeier to negotiate with Concorso Italiano, Inc for an exotic car show at the Pacific Grove Golf Course.

Reference: Council Members Nilmeier and Miller

Recommended Action: Create Council Subcommittee of Council Members Miller and Nilmeier to negotiate with Concorso Italiano, Inc. for an exotic car show at the Pacific Grove Golf Course.

COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, with Mayor Cort and Council Member Davis recusing themselves due to possible conflict of interest and Council Member Miller, Mayor Pro Tempore, acting as Chair, Council moved the recommendation with the exception of appointing Council Member Cohen in place of Council Member Miller.

PUBLIC COMMENT

- **Richard Stillwell** expressed the opinion that the Council needs to examine the possibility of holding the Concorso Italiano.
- **Vic Johnson** informed the Council that the Pacific Grove Concourse Auto Rally was scheduled to happen on the same day as the proposed date for the Concorso

Italiano. He recommended the Council set up an Escrow account to offset any damages to the Golf Course.

- **Moe Ammar** thanked Council Member Nilmeier for her time invested in looking into the possibility of the Concorso Italiano. He also thanked Council Member Miller for considering it.
- **Bill Valuch** expressed support for the event and said he felt the Golf Course was a prime spot to hold it.
- **John Fisher** stated that events do not always generate revenue. He referenced cities that build stadiums for local professional athletic teams as an example. He suggested more money could be made with continued use of the Golf Course.
- **Vince Tuminello** expressed support for the event and further informed the Council that he had spoken to local business owners who also support it. He recommended a plan be put into place to control traffic flow.
- **Wendy Fields, a vendor at Concorso Italiano**, praised the coordinators of the event and stated it was good publicity for Pacific Grove.

E. Consider Adding the “Pacific Grove Old Town Classic Car Show” to the City’s Special Events Calendar

The City Council will consider adding the “Pacific Grove Old Town Classic Car Show” sponsored by Rats to Riches, Inc. a non-profit to the City’s Special Events Calendar.

Reference: City Manager Colangelo

Recommended Action: Approve addition of “Rats to Riches” Car Show to the City’s Special Events Calendar

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, Council moved the recommendation on a trial basis for several months.

PUBLIC COMMENT

- **Moe Ammar** told the Council he had talked to members of “Rats to Riches” per request of the Economic Advisory Committee, many of who live in Pacific Grove. He and Iris Peppard spoke to merchants on Lighthouse Avenue and they indicated enthusiasm for the event.
- **Bill Valuch** informed the Council that the Business Improvement District supports the event based on a presentation they received from the “Rats to Riches” club. He suggested the event would also benefit local hotels and other businesses.
- **Richard Stillwell** expressed support for the event as a means to attract downtown visitors.

8. REPORTS OF COUNCIL MEMBERS

A. **Meeting Reports**

- Association of Monterey Bay Area Governments
 - **Council Member Stilwell** announced the next AMBAG meeting will be held on March 12, 2008.

- Community Human Services
 - **Council Member Cohen** informed the Council he had been ill and unable to attend the meeting.
 - Executive Committee, Monterey Bay Division, League of California Cities
 - **Mayor Cort** announced the Committee would be holding a luncheon on March 7, 2008. He informed the Council he will not be able to attend.
 - Fort Ord Reuse Authority
 - **Council Member Davis** announced that the next meeting would be March 19, 2008.
 - Monterey Regional Water Pollution Control Agency, JPA
 - **Mayor Cort** informed the Council there was nothing to report.
 - Monterey-Salinas Transit
 - **Council Member Stilwell** announced the next MST meeting will be held on March 17, 2008.
 - Transportation Agency for Monterey County
 - **Council Member Miller** they are still working through the Regional Development Impact Fee and the sales tax to determine whether or not to tie the two together on the November 2008 ballot. The concern is that if the sales tax measure doesn't pass, the impact fee will not be in effect..
- A. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

9. ITEMS REMOVED FROM CONSENT AGENDA

- A. Consider an alternative contract for City payroll services

The City is in the process of implementing a contract payroll system, based on City Council authority granted on October 17, 2007. This item would authorize the City Manager to execute a contract with a different payroll company who can better meet the City's needs.

Reference: Jim Becklenberg, Director of Management and Budget

Recommended Action: Authorize the City Manager to enter into contracts with Automatic Data Processing, Inc. (ADP)

- **Council Member Stilwell** requested clarification as to the need to change the payroll process with a contract with new vendor. Jim Becklenberg explained that ADP has more capabilities in handling the complexity of the City's system of payroll codes.

COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Bennett and carried, Council moved the recommendation.

PUBLIC COMMENT

- **Vince Tumenello** expressed appreciation to the Council for their efforts to assure the public sees all of the dynamics involved in their decision making process.

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** _____