



ACTION MINUTES **PACIFIC GROVE CITY COUNCIL**

**Council Chambers – City Hall – 300 Forest Avenue
6:00 p.m. – Wednesday, April 2, 2008**

PRESENTATIONS

A. Fair Housing Month Proclamation

On behalf of the City Council, the Mayor will read the Proclamation in its entirety to show the City's support of Fair Housing Laws. Following the reading, the Proclamation will be presented to Mr. Manus Donahue, Chair of the Housing Committee.

Reference: Mayor Cort

COUNCIL ACTION: The Mayor read and presented the Fair Housing Month Proclamation to Mr. Manus Donahue, Chair of the Housing Committee.

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

- **Council Member Davis** had two items for the Referral List:

- At the meeting of March 19, 2008, he had requested the formation of the Administrative Enforcement Hearing Panel be on the list. It wasn't listed and he made a second request.
- During discussion of Item No. 4.B, he requested that the Planning Commission consider extending Administrative Approval to include all districts of the City.

B. Announcements

- **Council Member Bennett** expressed appreciation to all City volunteers and their valuable service to the community.
- **Council Member Stilwell** informed the Council that the Woodenickel, the local business she and her husband have owned for the past five years, would be closing and that there would be a liquidation sale beginning Thursday, April 3, 2008. It had been a very difficult decision. She said that the term "sustainability" covers more than issues of ecology, but also applies to the local economy. She indicated that community support for local businesses plays a major role as to whether or not those businesses succeed and asked that when shopping, the residents think of Pacific Grove first.
- **Council Member Miller** echoed Council Member Stilwell's comments and expressed his sympathy and support. He then went on to report on his recent trip to China, which had been sponsored by the Pacific Grove Chamber of Commerce.
- **City Manager Colangelo** informed the Council that while the recreation trail had received approval from the Coastal Commission, the Coastal Commission wouldn't release the permit until they received information as to how construction will occur. He explained that a plan for construction can't be done until the permit is in place. Staff will be going to the Coastal Commission on April 4, 2008, to discuss getting past the impasse.
- **Mayor Cort** also expressed sympathy and support to Council Member Stilwell and concurred that residents need to consider the City as their main shopping destination. He

said that Moe Ammar, President of the Pacific Grove Chamber of Commerce, had sent out numerous letters to residents encouraging them to patronize local businesses. He went on to thank the many volunteers responsible for the City's upcoming "Good Old Days" and announced that "Trees for PG" would be sponsoring a tree planting and distributing 845 trees free of charge, as well as another planting on Arbor Day. Mayor Cort noted the erroneous report in the Hometown Bulletin that there was a surcharge for the trees and a cost for care of the trees.

- **City Attorney Laredo** announced that there would be a Special Joint Meeting of the Pacific Grove Planning Commission, Architectural Resource Board and the Historical Resources Board for the purpose of a CEQA training workshop on April 10, 2008, at the Pacific Grove Museum of Natural History, beginning at 7:00 p.m.
- **Police Chief Engles** gave an automated/narrated PowerPoint presentation on Community Policing Initiatives.

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

- **Vicki Pearse** announced the grand opening of Sustainable Pacific Grove's "The Green Spot," located in the old drive-thru bank building on the corner of Pine and Forest, during the upcoming "Good Old Days" celebration, April 12-13, 2008. She also informed the Council of several events they will be sponsoring during the celebration weekend.
- **Linda Bailey** announced several Read-a-Thon events during the months of April and May involving local schools as a fundraising effort on behalf of the Pacific Grove Public Library's Children's Services. She displayed a flyer listing the events on the overhead projector.
- **Moe Ammar** informed the Council that Council Member Cohen was currently in China as part of a Pacific Grove Chamber of Commerce sponsored trip. He also thanked the Council for approving the "Rats to Riches" classic car show which will be held on the first Friday of every month, beginning with April 4, 2008, beginning at 4:00 p.m., on Lighthouse Avenue between 17th and Park Streets. They will use one half of the street so that traffic will still be able to use the other half.
- **John Fisher** thanked the Council and the public for their interest and concern during his recent hospitalization.
- **Snick Farkas** presented "Colossus of Gold" No. 269.
- **Iris Peppard, Everyone's Harvest**, gave an update on the upcoming Farmers Market. Three potential locations have been identified on Lighthouse Avenue and a Use Permit application has been submitted. The Community Development Department is working on an Ordinance extending zoning to the centerline of City streets. The Planning Commission will be considering the Use Permit on April 17, 2008. Based on that outcome, Ms. Peppard requested that the Council hold the first reading of the Ordinance on May 7, 2008 and immediately following hold a Special Meeting to hold the second reading of the Ordinance.

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.)

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the March 5, 2008 City Council Meeting
Recommended Action: Approve
- B. Minutes of the March 19, 2008 City Council Meeting
Recommended Action: Approve

2. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Meeting Minutes of the February 27, 2008 Americans with Disabilities Act (ADA) Compliance Advisory Committee
Recommended Action: Receive
- B. Meeting Minutes of the February 26, 2008 Library Board
Recommended Action: Receive
- C. Actions Summary of the March 25, 2008 Architectural Review Board
Recommended Action: Receive

REGULAR AGENDA

3. 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
 - **Mayor Cort** informed the Council that the EAC had discussed the closure of a section of Lighthouse Avenue for the purpose of creating a small pedestrian “mall” in the downtown area. He stressed that it was a concept for discussion only and no decisions had been made.
- 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

4. OLD BUSINESS

- A. **Ordinance No. 08-007:** Second Reading of an Ordinance amending sections 18.04.010 and 18.32.010 of the Pacific Grove Municipal Code to adopt the 2007 edition of the California Building Standards Codes, two of The International Codes and One Uniform Code

On March 19, 2008, the City Council introduced an Ordinance amending sections 18.04.010 and 18.32.010 of the Pacific Grove Municipal Code to adopt the 2007 edition of the California Building Standards Codes, two of The International Codes and One Uniform Code.

Reference: City Attorney Laredo

Recommended Action: Adopt Ordinance

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell and carried, with Council Member Cohen absent, Council moved the recommended action.

- B. **Ordinance No. 08-008:** Second Reading of an Ordinance of the City Council of the City of Pacific Grove Adding Sections 23.08.72 and 23.08.76, Amending Section 23.73.040 and Adding Sections 23.73.042 and 23.73.045 of the Pacific Grove Municipal Code to Modify Procedures and Specify Types of Exterior Modifications to Existing Structures Which Qualify for Administrative Architectural Approval

On March 19, 2008, the City Council introduced an adding Sections 23.08.72 and 23.08.76, amending Section 23.73.040 and adding Sections 23.73.042 and 23.73.045 of the Pacific Grove Municipal Code to modify procedures and specify types of exterior modifications to existing structures which qualify for administrative architectural approval.

Reference: Sarah Hardgrave, Senior Planner

Recommended Action: Adopt Ordinance

COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier and carried, with Council Member Cohen absent, Council moved the recommended action.

5. NEW BUSINESS

- A. **Resolution No. 08-013:** Consider the Adoption of a Resolution Proclaiming the Month of May 2008 as "Pedestrian Safety Month" for the City of Pacific Grove
The City Council will consider the approval of a Resolution naming the month of May 2008 as "Pedestrian Safety Month" as part of the Pacific Grove Police Department's ongoing efforts to promote pedestrian safety throughout the City.

Reference: Police Chief Engles

Recommended Action: Adopt the Resolution

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

PUBLIC COMMENT

- **Winston Elstob** stated he had previously shared his concerns regarding pedestrian safety with the City Council, the Traffic Safety Commission and the Police Department. He expressed appreciation that measures were being taken to improve the situation.

- B. **Resolution No. 08-014:** Consider the Adoption of a Resolution Supporting the Memorandum of Understanding for the Monterey Regional Water Projects
The City Council will consider the approval of a Resolution in support of the concept of a Memorandum of Understanding for the Monterey Regional Water Projects.

Reference: City Manager Colangelo

Recommended Action: Adopt the Resolution

COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier and carried, with Council Member Bennett abstaining and Council Member Cohen absent, Council moved the recommended action.

PUBLIC COMMENT

- **John Fisher** gave an account of his experience at a meeting where Curtis Weeks, General Manager of the Monterey County Water Resources Agency, gave an overview to the State Water Resources Control Board of the same presentation given to the Council by RMC Environmental on behalf of the Division of Ratepayers Advocates regarding the proposed desalinization plant.

6. **REPORTS OF COUNCIL MEMBERS**

A. Meeting Reports

- Association of Monterey Bay Area Governments
 - **Council Member Stilwell** announced the next meeting would be April 12, 2008.
- Community Human Services
 - **Council Member Cohen;** absent, no report.
- Executive Committee, Monterey Bay Division, League of California Cities
 - **Mayor Cort** announced the next meeting would be April 4, 2008 during a Mayor's Lunch.
- Fort Ord Reuse Authority
 - **Council Member Davis** announced the next meeting would be April 11, 2008.
- Monterey County Convention & Visitors Bureau
 - **Council Member Bennett** announced the next meeting would be April 16, 2008.
- Monterey Regional Water Pollution Control Agency, JPA
 - **Council Member Davis** informed the Council that the REPOG project and the State's Cease and Desist Order for the Carmel River were discussed. He indicated that Monterey County Supervisor Calcagno

expressed concern regarding the REPOG project regarding the possible impact on his farm and may not support the project.

- Monterey-Salinas Transit
 - **Council Member Stilwell** announced the next meeting would be April 14, 2008. She also informed the Council that previously the Woodenickel had sold MST bus passes and that now this would be handled by The Works bookstore.
- Transportation Agency for Monterey County
 - **Council Member Davis** attended as alternate on behalf of Council Member Miller. He announced that the Board had voted to support the separation of the Regional Development Impact Fee from the proposed Transportation Sales Tax.

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

7. ITEMS REMOVED FROM CONSENT AGENDA

8. 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. *Gerald Butler v. City of Pacific Grove (M80144)*

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

9. 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.)

Nothing to report

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 _____