



# ACTION MINUTES

## PACIFIC GROVE CITY COUNCIL

Council Chambers – City Hall – 300 Forest Avenue  
6:00 p.m. – Wednesday, April 16, 2008

### PRESENTATIONS

- A. Mayor's Proclamation of April as "Parliamentary Law Month"  
**Following reading of the Proclamation, the Mayor presented the Proclamation to Ms. Jean Stallings, Professional Registered Parliamentarian, of the National Association of Parliamentarians, California Pi Gamma in Pacific Grove. Ms. Stallings was accompanied by other members of the organization. Ms. Stallings then commented on the origins and importance of parliamentary procedure.**  
**Reference: Mayor Cort**
- B. An Inconvenient Ride  
**Five students from Seattle, Washington gave a presentation on their project "An Inconvenient Ride" in conjunction with "Project Earth Care." The students gave an overview of the conception and purpose of the project and a brief account of the various locations they had ridden through, their itinerary and what they hoped to accomplish as a result of their stopovers in various cities throughout their trip.**  
**Reference: Mayor Cort**

### APPROVAL OF AGENDA

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

**COUNCIL ACTION:** Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council moved to add the following to the Agenda:

#### **REGULAR AGENDA: CLOSED SESSION**

Add the following as 9.A.iii:

*Smolinski v. City of Pacific Grove*

### COUNCIL AND STAFF ANNOUNCEMENTS

- A. Council Referral Update
- **Council Member Miller** requested a referral be added regarding access to the DLI to meet with the Presidio Commandant on a City basis.
- B. Announcements
- **Mayor Cort** expressed appreciation to all those who worked on the "Pacific Grove Good Old Days" event the preceding weekend. He also congratulated the Monterey Regional Waste Management District for recognition by the Monterey County Weekly as "Best Environmentally Friendly Service Business in Monterey County for 2008."

## 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 Bailey** informed the Council that the “PG Reads for the Library” reading marathon would be occurring on Saturday, April 19, 2008, from 12:00 noon to 12:00 midnight. She asked for support and sponsors.
- **Crystal Hahn** informed the Council that the Monterey County Film Commission would be celebrating the re-opening of the Lighthouse Cinemas with an event titled “An Evening with Alison Eastwood” which would include a screening of a movie by Alison Eastwood followed by an after-party with Ms. Eastwood.
- **Dr. Brian Lackey** thanked the Council for supporting the “Good Old Days” event. He also thanked those City staff who assisted: from Public Works: Roque Pinheiro and Emilio Alcaraz, as well as Business Manager Celia Perez-Martinez; Police Chief Darius Engles; Assistant Fire Chief David Brown; volunteers and various local organizations.
- **Garland Thompson**, “Pacific Grove Poet in Residence” read an original poem entitled “A Phat 70’s Groove is Bumping Through the Stereo.”
- **Robert Pachelli** informed the Council that “Fair Share Pacific Grove” now has a website offering a variety of information and interactive features at [www.fairsharepg.com](http://www.fairsharepg.com).
- **Carmelita Garcia** commended the success of the first “Pacific Grove Old Town Classic Car Show.” She also informed the Council that the Post Office had postage-paid baggies available for the recycling of cell phones. Ms. Garcia also announced the first “Coffee Shop Talks” regarding Measure U would be held on April 21, 2008 beginning at 6:00 p.m. at “The Works” bookstore.
- **Snick Farkas** presented “Colossus of Gold” No. 270.”

## CONSENT AGENDA

**COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Nilmeier, and carried, Council moved approval of the Consent Agenda unless otherwise noted below:**

### 1. APPROVAL OF CITY COUNCIL MEETING MINUTES

A. Minutes of the April 2, 2008 City Council Meeting

**Recommended Action: Approve**

B. Minutes of the April 2, 2008 City Council Special Meeting

**Recommended Action: Approve**

### 2. RESOLUTIONS

A. **Resolution No. 08-015:** Consider Approval of a Resolution Authorizing the City Manager to enter into a contract with Monterey Peninsula Engineering for \$15,250 for the Beachcomber Lift Station Access Hatch Replacement

*The Council will consider authorizing the City Manger to enter into a contract with a vendor for the Beachcomber lift station access hatch replacement. The hatch must be replaced with a spring-loaded hatch that adheres to current standards.*

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

**Recommended Action: Adopt the Resolution**

3. REPORTS OF STAFF

- A. Highlights of the March 26, 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 Sponsorship of the Monterey Peninsula College's President's Address on May 9, 2008

*The Council will consider a sponsorship in the amount of \$700.00 for the Monterey Peninsual College (MPC) and MPC Foundation's second annual President's Address.*

**Reference: City Manager Colangelo**

**Recommended Action: Approve the sponsorship**

4. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Meeting Minutes of the April 8, 2008 Architectural Review Board

**Recommended Action: Receive**

- B. Meeting Minutes of the March 25, 2008 Cultural Arts Commission Special Meeting

**Recommended Action: Receive**

- C. Meeting Minutes of the February 12, 2008 Recreation Board

**Recommended Action: Receive**

- D. Meeting Minutes of the February 12, 2008 Traffic Safety 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
  - i. Laura Courtney-Headley gave a presentation introducing the Board members and providing an update on recent accomplishments and activities.
- 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. NEW BUSINESS

- A. Hold the First Reading of an Ordinance to Require Environmentally Acceptable Food Packaging Within the City Limits  
*The Council will hold the first reading of an Ordinance to add Chapter 11.99 to the Municipal Code to require environmentally acceptable food packaging within the City limits. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.*

**Reference: City Manager Colangelo**

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

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

PUBLIC COMMENT

**Members of “Sustainable PG”, “The Surfriders Foundation, Monterey Chapter”, as well as other members of the public, all spoke in support of the Ordinance.**

- B. Approve a Plan for the use of Proposition 1B-Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account Funds  
*The City is in a position to receive \$400,000 from Proposition 1B funds for a variety of transportation priorities. In order to receive these funds, the City must submit a City Council approved plan for the expenditure of the funds.*

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

**Recommended Action: Approve the Plan**

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

- C. Hold the First Reading of an Ordinance Amending Existing Section 10.08 of the Pacific Grove Municipal Code to Modify Permit Approval Procedures for Maintaining Certain Animals Within City Limits

*The Council will hold the first reading of an Ordinance modifying permit approval procedures for maintaining certain animals within the City limits. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.*

**Reference: City Attorney Laredo**

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

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Davis, and carried, Council moved the recommended action and further directed that the word “Council” be replaced with the word “City” in Section 3, 10.08.040 “Permit - Conditions - Revocation or modification.”**

- D. Hold the First Reading of an Ordinance Approving a Salary Increase of 8.0% for Police Officer Positions, Effective January 1, 2008, Pursuant to Terms of the Existing Memorandum of Understanding (MOU)

*The Council will consider approving an updated salary schedule for sworn Police employee classifications represented by the Pacific Grove Police Officers Association and hold the first reading of an Ordinance approving a salary increase of 8.0%. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.*

**Reference: City Manager Colangelo**

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

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, with Council Member Davis dissenting, Council moved the recommended action.**

- E. Assess the Status of the Abatement Program for Illegal Units

*Council will receive the report and, based on a range of criteria, consider approaches to code enforcement regarding the abatement of illegal units. Following deliberation, direction will be given to staff.*

**Reference: Julie Uretsky, Housing Planner**

**Recommended Action: Receive status report and provide direction to staff regarding the abatement of illegal housing units.**

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council moved to receive the report and further directed staff to take a measured approach to the abatement of illegal housing units and to give consideration to Council comments regarding allowing residents of those units time to relocate.**

#### **PUBLIC COMMENT**

- **Larry Scholink** said the Council is being provided an opportunity to take illegal units and establish a rent control constraint that could turn them into affordable housing units.
- **John Fisher** commented that an illegal unit can't be added to the house without the owner knowing about it. He also noted that these units are not always visible from the street which presents a roadblock to enforcement.

- F. 2007 Affordable Housing Monitoring Report  
*The Council will receive an annual report from the Housing Division of the Community Development Department regarding properties that have received discretionary approvals for projects involving the creation of a secondary housing unit or affordable housing unit.*  
**Reference: Julie Uretsky, Housing Planner**  
**Recommended Action: Receive the Report**  
**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, Council moved the recommended action.**
- G. **Resolution No. 08-016:** Consider the Adoption of a Resolution Eliminating the Golf Advisory Committee, ad hoc Campaign Finance Reform/Conflict of Financial Interest Subcommittee, ad hoc Charter Review Committee, ad hoc Crespi Pond Oversight Subcommittee, Modifying the Membership Requirements for the Architectural Review Board (ARB) and Historical Resources Committee (HRC), and Converting the ad hoc Budget and Finance Subcommittee to a Standing Committee  
*The Council will consider elimination of certain committees and subcommittees per direction given to staff on January 23, 2008. Council will also consider modifying membership requirements for the ARB and the HRC and the conversion of the ad hoc Budget and Finance Subcommittee to a Standing Committee.*  
**Reference: City Manager Colangelo**  
**Recommended Action: Adopt the Resolution**  
**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, Council moved to adopt the Resolution with the following changes:**
- **Removal of Sections 2, 3 and 4 from the Resolution relating to modifications to the Architectural Review Board and the Historic Resources Board. The cause for removal of these sections is that these Boards are part of the City’s Municipal Code may only be modified through City Ordinance or Ordinances which will be brought back for consideration by the Council at a future Council meeting.**

7. REPORTS OF COUNCIL MEMBERS

A. Meeting Reports

- Association of Monterey Bay Area Governments
  - **Council Member Stilwell** informed the Council that she had missed the annual workshop for the Board members and awards luncheon which had been held at the Steinbeck Center. She indicated she would bring back any information from that event to the Council.
- Community Human Services
  - **Council Member Cohen** informed the Council that the next meeting would be held on April 17, 2008

- Executive Committee, Monterey Bay Division, League of California Cities
  - **Mayor Cort** reported that the Committee had discussed how cities were dealing with housing and water issues and the development crisis.
- Fort Ord Reuse Authority
  - **Council Member Davis** reported that at the last meeting Congressman Sam Farr, State Senators Jeff Denham and Abel Maldonado and Assembly Member John Laird gave an annual legislative update.
- Monterey County Convention & Visitors Bureau
  - **Council Member Bennett** reported that the last meeting had been the annual budget meeting and the approval of a marketing plan.
- Monterey Regional Water Pollution Control Agency, JPA
  - **Mayor Cort** informed the Council that the next meeting would be held April 28, 2008
- Monterey-Salinas Transit
  - **Council Member Stilwell** reported that per the Operations Summary Report, Pacific Grove's rider share had risen 10%.
- Transportation Agency for Monterey County
  - **Council Member Miller** informed the Council that the next meeting would be held April 23, 2008.

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

**Nothing reported**

8. ITEMS REMOVED FROM CONSENT AGENDA

**None**

9. CLOSED SESSION

**PUBLIC COMMENT**

- **Larry Scholink** gave a history of the events leading to his action against the City.

A. Pursuant to California Government Code Section 54956.9, Council will Meet in Closed Session with Legal Counsel to Consider Pending Litigation

- i. *Butler v. Pacific Grove*
- ii. *Scholink v. Pacific Grove*
- iii. *Smolinski v. Pacific Grove*

B. Pursuant to California Government Code Section 54957(b)(1) the City Council will Meet in Closed Session to Evaluate the Performance of the City Manager

10. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

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