



# ACTION MINUTES

## PACIFIC GROVE CITY COUNCIL

Wednesday, June 4, 2008, 6:00 P.M.

Council Chambers – City Hall – 300 Forest Avenue

### PRESENTATIONS

A. **Presentation by Animal Friends Rescue Project**

*Alexandra McCabe, Executive Director of Animal Friends Rescue Project (AFRP), gave a PowerPoint presentation to the Council regarding AFRP as part of the nonprofit organization's observance of 10 years of service to the community.*

**Reference: Mayor Cort**

### APPROVAL OF AGENDA

**COUNCIL ACTION:** Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, Council moved to remove Regular Agenda Item No. 7.D, place it on the Council Agenda for Wednesday, June 18, 2008, open it to Public Comment, and moved approval of the Agenda.

### COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

B. Announcements

- **Council Member Stilwell** requested an update as to when the Council would receive an update regarding the City's proposal to separate from PERS. City Manager Colangelo informed the Council the item would be brought back at the June 18, 2008 meeting.
- **Council Member Bennett** referred to the balloons she had brought to the meeting as a way of celebration for the passage of Measure U and thanked all those who had supported the measure. She went on to assure the public that the City's government is committed to manage the resulting funds responsibly and will continue to operate as a transparent government.
- **Council Member Cohen** expressed appreciation to the City Manager and Public Works for the recent planting of flowers in the meridians and for putting up promotional banners downtown.
- **Council Member Davis** requested an update regarding the Administrative Hearing Officer Panel. City Attorney Laredo informed the Council that three members had been appointed and one more was needed. Mr. Laredo went on to say that the first task of the panel would be to adopt guidelines before functioning as a hearing body.
- **Council Member Miller** offered praise and appreciation to all those who voted both for and against Measure U for exercising their right to vote and express their opinion. He concurred with Council Member Bennett's promise to the public regarding the use of funds and the operation of City government and went on to assure the public that the City was still looking into an alternative retirement plan for City employees.
- **Mayor Cort** had several announcements:

- Presented a Certificate of Recognition to Randy McKendry in appreciation of nine years of service to the Pacific Grove Art Center, as a volunteer and president of the Board of Directors.
- Introduction of Brandon Ader, a Robert Louis Stevenson student, as the Summer Intern for Pacific Grove’s sustainability projects.
- Announced on behalf of Moe Ammar a celebration sponsored by the Pacific Grove Chamber of Commerce of the passage of Measure U to be held at Lattitudes on June 7, 2008. Mr. Ammar also requests volunteers for the City’s Fourth of July event.
- Expressed appreciation to all those who worked both for and against Measure U for exercising their right to do so.
- Trees for PG has received a grant for \$2,900 from the Monterey Bay Aquarium Conservation Action Fund which will be used to plant trees at the Butterfly Sanctuary.
- Indicated that the Budget and Finance Committee would be looked to for providing input regarding the utilization of funds resulting from Measure U.
- **Police Chief Engles** provided an update on the Pedestrian Awareness Program.

## 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**, representing PG Reads, thanked all who supported the Read-a-Thon for the Library and introduced Mei Bailey who reported the total of donations was \$19,553 and McKinsey Miller who read her poem, “Why I Love My Library,” which won first place in a recent contest.
- **Jeanne Graham**, on behalf of the Business Improvement District, requested the Council consider moving the Farmers Market from Lighthouse Avenue to Jewell Park as a more suitable location.
- **David Polaci** also requested the Farmers Market be moved to Jewell Park.
- **Garland Thompson**, Pacific Grove’s Poet in Residence, related his recent participation in a “poetry slam” with Forest Grove School’s second grade and shared several poems written by the students.
- **Tricia Leibert** commended Pacific Grove for valuing community spirit and further indicated she would like to see more trash cans made available on the beach.
- **Joy Colangelo**, representing Sustainable PG, gave an update on the group’s efforts to promote banning styrofoam in areas in and around Pacific Grove.
- **Amy Lonsinger**, Police Officers Association, expressed appreciation to those who supported Measure U and recommended that the resulting funds be used for services.
- **Snick Farkas**, presented his “Colossus of Gold, No. 273.”

## CONSENT AGENDA

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Nilmeier, and carried, Council moved the recommended actions unless otherwise noted below:**

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the May 21, 2008 City Council Meeting  
**Recommended Action: Approve**

2. RESOLUTIONS

**Upon request by Council Member Davis, the item below was removed from the Consent Agenda and placed on the Regular Agenda for consideration by the Council.**

- A. Consider a Resolution Approving the Renewal of Contractual Administrative Fire Services in the Amount of \$135,000 Annually to the City of Carmel-by-the-Sea  
*The Council will consider a Resolution approving the renewal of contractual administrative fire services to the City of Carmel-by-the-Sea. The initial contract was approved by Council October 5, 2005.*

**Reference: Fire Chief Miller**

**Recommended Action: Adopt the Resolution**

- B. **Resolution No. 08-026:** Consider a Resolution Authorizing the City Manager to Enter into a Contract with Cannon Associates for the Tree Inventory and Master Tree Plan for \$64,850.

*Council will consider a Resolution authorizing the City Manager to enter into a contract for services for the Tree Inventory and Master Tree Plan. Staff is recommending Cannon Associates as a result of a Request for Proposal (RFP) which was sent to nine firms that perform this type of work.*

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

**Recommended Action: Adopt the Resolution**

**Per City Manager Jim Colangelo, the item below was removed from the Consent Agenda for consideration by the Council at a future meeting.**

- ~~C. Consider a Resolution Approving the Prescott Lane Sidewalk Project Concept as Recommended by the Monterey Neighborhood Improvement Program (NIP) Committee that Includes a Portion of Pacific Grove  
*Council will consider a Resolution approving the Prescott Lane sidewalk project concept as described in the Agenda Report and acknowledge staff's statement that shared funding is not possible at this time.*~~

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

~~**Recommended Action: Adopt the Resolution**~~

3. REPORTS OF STAFF

- A. Highlights of the May 16, 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. Claim for Damages No. G2008-06 / NOAA  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. It is recommended that Council approve the claim. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Approve claim and refer the matter back to staff**

- C. Claim for Damages No. G2008-07 / O'DONNELL, June  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. It is recommended that Council approve the claim. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Approve claim and refer the matter back to staff**

- D. Claim for Damages No. G2008-05 / ROLF, Roseanne  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. It is recommended that Council approve the claim. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Approve claim and refer the matter back to staff**

**Upon request by Council Member Davis, the item below was removed from the Consent Agenda and placed on the Regular Agenda for consideration by the Council.**

- E. Claim for Damages No. L2008-04 / SCHELL, Roger R.  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Deny claim and refer the matter back to staff**

- F. Claim for Damages No. L2008-03 / TAYLOR, Frederic W.  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Deny claim and refer the matter back to staff**

4. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Draft Meeting Minutes of the May 22, 2008 Planning Commission

**Recommended Action: Receive**

## REGULAR AGENDA

### 5. PUBLIC HEARINGS

*(With regard to public hearings involving a quasi-judicial determination by the Council, the proponent of an item shall be given 10 minutes to speak and all others in support of the proponent's position will be given three (3) minutes each. A designated spokesperson for opposition to the item shall be given 10 minutes to speak and all others in opposition will be given three (3) minutes each. In public hearings not involving a quasi-judicial determination by the Council, all persons will be given three (3) minutes to speak, whether in support or opposition to the item. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council.)*

- A. Hold a Public Hearing on the Second Reading of an Ordinance of the City Council of the City of Pacific Grove Adding Section 23.64.055 of the Pacific Grove Municipal Code to Allow Public Gatherings in the Public Street Rights-of-Way Within the Downtown (D) Designation Area on the General Plan Land Use Map  
*On May 21, 2008 Council introduced an Ordinance adding Section 23.64.055 of the Pacific Grove Municipal Code to Allow Public Gatherings in the Public Street Rights-of-Way Within the Downtown (D) Designation Area on the General Plan Land Use Map. If adopted, the Ordinance will go into effect 30 days from the date of adoption.*

**Reference: Lynn Burgess, Chief Planner**

**Recommended Actions:**

- 1) **Adopt Mitigated Negative Declaration (MND); and**
- 2) **Hold a public hearing on the second reading of an ordinance to add Section 23.64.055 of the Pacific Grove Municipal Code to allow public gatherings in the public street rights-of-way within the Downtown (D) designation on the General Plan Land Use Map; and**
- 3) **Adopt the ordinance.**

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

### PUBLIC COMMENT

- **Terry Clemens**, representing the Business Improvement District, requested that the Council consider including Jewell Park in the Ordinance.

### 6. 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. Budget and Finance Subcommittee
- E. Cultural Arts Commission
- F. Economic Advisory Committee
- G. Historic Resources Committee
- H. Housing Committee
- I. Library Board

- J. Museum Board
  - **David Shonman**, Chair, informed the Council that the Board had voted at its last meeting to support the efforts of the Transition Team as outlined in Regular Agenda Item No. 7.A.
- K. Planning Commission
- L. Recreation Board
- M. Special Events Committee
- N. Traffic Safety Commission
- O. Monterey County Commission on Disabilities

7. NEW BUSINESS

- A. **Resolution No. 08-027:** Consider the Adoption of a Resolution Approving the Mission Statement and Strategic Goals for the Pacific Grove Museum of Natural History

*The Council will consider a Resolution approving the Mission Statement and Strategic Goals for the Museum. This is the result of work carried out by a “Transition Team” dedicated to developing a strategic plan for the Museum.*

**Reference: City Manager Colangelo**

**Recommended Action: Adopt the Resolution**

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

- **At the end of Section 1 add, “for the purpose of strategic planning.”**
- **In Section 3, change the last part of the statement to read, “and by this action reaffirms its continuing strong support for the Museum and its Mission.”**

PUBLIC COMMENT

- **Nancy Jacobs** expressed her support for Object C as presented in the PowerPoint presentation.
- **Carmelita Garcia** expressed her support of the plan.
- **Darlene Billstrom**, President of the Heritage Society, expressed concern about the future of the Lighthouse.

- B. Hold the First Reading of an Ordinance of the City Council of the City of Pacific Grove that Levies a Tax Rate of .004% on the Assessed Value of Property in Pacific Grove, to Pay the Debt Service on the 1990 Butterfly Habitat Bonds
- The Council will hold the first reading of an Ordinance that levies a tax rate of .004% on the assessed value of property in Pacific Grove, to pay the debt service on the 1990 Butterfly Habitat Bonds. The 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: Jim Becklenberg, Director of Management and Budget**

**Recommended Actions:**

- 1) Introduce an ordinance that levies a tax rate of .004% on the assessed value of property in Pacific Grove, to pay the debt service on the 1990 Butterfly Habitat Bonds; and
- 2) Approve a Resolution that certifies compliance with the law concerning the levying of taxes.

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

- C. Hold the First Reading of an Ordinance of the City Council of the City of Pacific Grove Approving the Adjustments to the FY 2007/08 Budget  
*The Council will hold the first reading of an Ordinance approving the adjustments to the FY 2007/08 Budget. The adjustments were recommended unanimously by the Budget and Finance Committee at its May 22, 2008 meeting. The 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:** Jim Becklenberg, Director of Management and Budget  
**Recommended Action:** Hold first reading of the Ordinance  
**COUNCIL ACTION:** Upon motion of Council Member Bennett, seconded by Council Member Nilmeier, and carried, Council moved the recommended action.

#### **REMOVED FROM AGENDA**

- ~~D. Consider a Resolution Adopting Amendments to Update the Master Fee Schedule for Fees Included in Fiscal Year 2008/09 Budget  
*The Council will consider a Resolution amending the Master Fee Ordinance to include several fees approved conceptually in the FY 2008/09 City Budget.*  
**Reference:** Jim Becklenberg, Director of Management and Budget  
**Recommended Action:** Adopt the Resolution  
**COUNCIL ACTION:** No action was taken as this item was removed from the Agenda during the Approval of the Agenda. The Council heard Public Comment on the issue.~~

#### **PUBLIC COMMENT**

- **Darlene Billstrom** expressed opposition to the guidelines for historic assessment on the proposed Master Fee Schedule.
- **William Kampe** expressed support of the historic assessment process conforming to CEQA, but indicated that the process needed clarification for property owners.
- **Nancy Jacobs** expressed the opinion that the historic assessment fees were prohibitive and would prevent needed repairs and remodeling to homes falling under the guidelines especially for older homeowners and suggested a sliding fee scale.

#### 8. **REPORTS OF COUNCIL MEMBERS**

- A. Meeting Reports

- Association of Monterey Bay Area Governments
    - **Council Member Stilwell** said the next meeting will be the following week.
  - Community Human Services
    - **Council Member Cohen** reported on the graduation ceremony recently held at Genesis House in Seaside.
  - Executive Committee, Monterey Bay Division, League of California Cities
    - **Mayor Cort** said the next meeting would be June 9, 2008.
  - Fort Ord Reuse Authority
    - **Council Member Davis** said the next meeting would be the following week.
  - Monterey County Convention & Visitors Bureau
    - **Council Member Bennett** said the next meeting would be June 18, 2008 when there would be the annual installation of officers.
  - Monterey Regional Water Pollution Control Agency, JPA
    - **Mayor Cort** said the next meeting would be the following week when the topic would be recycled water.
  - Monterey-Salinas Transit
    - **Council Member Stilwell** said the next meeting would be June 9, 2008.
  - Transportation Agency for Monterey County
    - **Council Member Miller** said there was a meeting the previous week with nothing substantial to report. He went on to inform the Council that as a result of the recent meetings of the Office of Emergency Services Policy Group, it had been estimated that Pacific Grove's share in costs for services would be from \$44,000 to \$50,000 annually for 15 years.
- B. Reports on Trips, Conference Attendance, and Meetings (AB 1234)
- **Mayor Cort** informed the Council that he had completed the AB1234 ethics training offered by the City Attorney's office on May 29, 2008.

9. ITEMS REMOVED FROM CONSENT AGENDA

- A. **Resolution No. 08-028:** Consider a Resolution Approving the Renewal of Contractual Administrative Fire Services in the Amount of \$135,000 Annually to the City of Carmel-by-the-Sea
- The Council will consider a Resolution approving the renewal of contractual administrative fire services to the City of Carmel-by-the-Sea. The initial contract was approved by Council October 5, 2005.*
- Reference: Fire Chief Miller**
- Recommended Action: Adopt the Resolution**
- COUNCIL ACTION:** Upon motion of Council Member Davis, seconded by Council Member Stilwell, and carried, with Council Member Miller recusing himself due to possible conflict of interest, Council moved the recommended action.

- B. Claim for Damages No. L2008-04 / SCHELL, Roger R.  
*Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.*

**Reference: Paula Fry, Management Analyst**

**Recommended Action: Deny claim and refer the matter back to staff**

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Mayor Cort, and carried, with Council Member Davis voting against, Council moved the recommended action.**

**10. CLOSED SESSION**

*(Public comment will be invited prior to the Council going into Closed Session. Comments from the audience will not receive Council action and must deal only with items on the current Closed Session list.)*

- A. Pursuant to California Government Code Section 54956.9, Council will Meet in Closed Session with Legal Counsel to Consider Pending Litigation  
i. *Anthony Iriate, et al. v. Monterey Peninsula Engineering, Inc., et al (Monterey County Superior Court Case No.M83497)*
- 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

**11. 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 O'Rourke*

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: \_\_\_\_\_ Date \_\_\_\_\_

ATTEST BY CITY CLERK: \_\_\_\_\_ Date \_\_\_\_\_