



ACTION MINUTES **PACIFIC GROVE CITY COUNCIL**

Wednesday, September 3, 2008, 6:00 P.M.
Council Chambers – City Hall – 300 Forest Avenue

PRESENTATIONS

A. Sea Otter Awareness Week – Proclamation Presentation

Reference: Mayor Cort

Mayor Cort presented the proclamation to Judy Proud, Marine Program Assistant for Defenders of Wildlife.

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

- **Council Member Cohen** requested an update on Referral No. 2 regarding the placement of news racks. City Manager Colangelo informed the Council that the City had not heard back from the newspaper regarding any opposition to relocating the first set of news racks and that other installations should begin in the Fall.
- **Council Member Bennett** noted that the previous request for an accounting of the number of complaints received by the City had not been placed on the list. City Manager Colangelo responded that Chief Planner Lynn Burgess estimated that information will be available by the end of the month.
- **Council Member Davis** requested an update on Referral No. 3 regarding the Council's direction on reducing the number of Boards, Commissions and Committees. City Manager Colangelo informed the Council that action was pending decisions by the Planning Commission regarding the Historical Resources Committee and the Architectural Review Board.
- **Mayor Cort** requested an update on Referral No. 6 regarding a potential Joint Meeting with the Pacific Grove Unified School District Board of Trustees to discuss potential sharing of services and resources. City Manager Colangelo informed the Council that the Board of Trustees will discuss potential dates at their next meeting.

B. Announcements

- **Joe Riekema, Pacific Grove Golf Course Pro**, provided an update on the Golf Course greens and showed pictures of the progress being made.
- **City Manager Colangelo** announced that the new Golf Course Superintendent would begin work on September 9, 2008.
- **Mayor Cort** thanked the volunteers who participated in the recent event to fix up the Butterfly Sanctuary.

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

- **Norma Brambilla**, Executive Director of Canterbury Woods, addressed the Council regarding a letter she had received from the City's Community Development Department indicating the facility had violated their use permit by expanding beyond their boundaries.
- **The following individuals spoke in support of Canterbury Woods: Jack Beigle, Lynn Chase, Alice Englander, Bill Englander**
- **Laura Sue Mason Campbell** told the Council about her dealings with a problem involving a neighbor's suspected drug use.
- **Rich Watson** told the Council he had previously spoken to Canterbury Woods regarding use permit boundaries and then asked the City to investigate the matter.
- **Moe Ammar**, Pacific Grove Chamber of Commerce President, announced a City Candidate's Debate to be sponsored by the Chamber, Pacific Grove Residents' Association and the League of Women Voters, to be held on September 25, 2008 at 6:30 p.m. at the Lighthouse Cinemas.
- **Snick Farkas** presented the "Colossus of Gold" No. 279.
- **Ken Cuneo** said the parties concerned with the Canterbury Woods matter should get together to clarify the issues.

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 Miller, seconded by Council Member Stilwell, and carried, Council approved the Consent Agenda with corrections as noted below:

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Draft Minutes of the August 20, 2008 City Council Meeting

Recommended Action: Approve

Upon request of Council Member Davis, change Council Action on Consent Agenda Item 3.K to more accurately reflect the motion that was passed.

2. RESOLUTIONS

The item below was pulled for discussion by Council Member Davis and was considered at the end of the Regular Agenda under "Items Removed from the Consent Agenda":

- A. Consider Adoption of a Resolution Authorizing a Contract Extension of \$12,500 with Ikeda Consulting to Cover the Unexpected Expenditures Involved in Investigating the City and MPWMD Water Allocation Records
Council will consider the adoption of a Resolution authorizing a contract extension with Ikeda Consulting to cover unexpected expenditures involved in the investigation of the City and MPWMD water allocation records.
Reference: Lynn Burgess, AICP, Chief Planner
Recommended Action: Adopt the Resolution

3. REPORTS OF STAFF

- A. Highlights of the August 15, 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

4. 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 March 17, 2008 Americans With Disabilities Act (ADA) Compliance Advisory Committee
Recommended Action: Receive
- C. Meeting Minutes of the April 23, 2008 Americans With Disabilities Act (ADA) Compliance Advisory Committee
Recommended Action: Receive
- D. Meeting Minutes of the May 28, 2008 Americans With Disabilities Act (ADA) Compliance Advisory Committee
Recommended Action: Receive
- E. Draft Meeting Minutes of the August 26, 2008 Architectural Review Board Site Review
Recommended Action: Receive
- F. Draft Meeting Minutes of the August 26, 2008 Architectural Review Board
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. **Ordinance No. 08-022:** Hold a Public Hearing on the Second Reading of an Ordinance of the City Council of the City Of Pacific Grove to Amend Existing Sections 23.08 and 23.78 of the Pacific Grove Municipal Code to Modify Procedures for Residential Building Records

On August 20, 2008 Council introduced and held a first reading of an Ordinance amending existing Sections 23.08 and 23.78 of the Pacific Grove Municipal Code to modify procedures for residential building records. If adopted, the Ordinance will go into effect 30 days from the date of adoption.

Reference: Julie Uretsky, Housing Planner

Recommended Action: Adopt the Ordinance

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

PUBLIC COMMENT

- **Jeanne Byrne** said Section 6 of the Ordinance was dependent upon interpretation and needed to be clearer regarding “legal and nonconforming.”
- **Maureen Mason** requested clarification regarding Section 23.08.198 of the Ordinance.
- **Kevin Stone**, Government Affairs Director of the Monterey County Association of Realtors, read a letter into the record regarding the need to modify the language of the Ordinance so it is more specific.

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
- K. Planning Commission
- L. Recreation Board
- M. Special Events Committee
- N. Traffic Safety Commission
- O. Monterey County Commission on Disabilities

7. **NEW BUSINESS**

- A. Consider Holding a First Reading of an Ordinance Adding Amendments to the FY 2008/09 Budget and Establishment of New Funds
- Council will consider holding a first reading of an Ordinance adding amendments to the FY 2008/09 Budget and establishment of new funds and the acceptance of*

two grants. Proceeds from the grants must be budgeted by Ordinance. Council may approve or reject the first reading of the Ordinance. If approved, a summary of the Ordinance shall be published and a second reading shall be set at the next Council meeting.

Reference: Director of Management and Budget James L. Becklenberg

Recommended Actions:

- 1) **Direct staff to establish two new funds:**
 - a) **Operating Donations Fund; and**
 - b) **Operating Grants Fund.**
- 2) **Accept the Community Development Block Grant (CDBG) for FY 2008/09-FY 2010/11 in the total amount of \$450,000 for housing loans and ADA curb modifications**
- 3) **Accept grant from the Packard Foundation in the total amount of \$230,703 for museum activities.**
- 4) **Introduce an ordinance that amends the FY 2008/09 budget as follows:**
 - a) **Fund 15 (Housing services): increase the revenue budget by \$25,000, and the expenditure budget by \$30,938; and**
 - b) **Fund 34 (Housing Rehab Revolving Loans): increase the revenue budget by 121,059, and the expenditure budget; and**
 - c) **Operating grants fund: adopt a revenue budget of \$240,703 and an expenditure budget of \$240,703; and**
 - d) **Operating donations fund: adopt an expenditure budget of \$18,795; and**
 - e) **General Fund: increase transfers out to other funds by \$15,905**

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

PUBLIC COMMENT

- **Laura Sue Mason Campbell** asked if residents could donate to the Museum.
- **John Fisher** asked if the formation of a Foundation would lead to problems and would it affect the accreditation of the Museum. Also, how would facility property improvements be handled.
- **Judd Perry** said that John Fisher’s concerns needed addressing and potential issues worked out.

- B. Receive Report on Union Pacific Railroad Property that is Posted “For Sale”
Council will receive a report regarding the Union Pacific Railroad Company’s property at Sinex Avenue which is posted “For Sale.”

Reference: Chief Planner Lynn Burgess, AICP

Recommended Action: Receive the Report

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

PUBLIC COMMENT

- **Laura Lilimander** referred to Proposition 116 relating to acquisition of rail lines and spoke in support of the trail

- **Al Saxe** asked the Council to look into options for keeping the trail open.
- **Susan Goldbeck** spoke in support of the trail.
- **Don Redgwick** advised against any action causing litigation against the City.
- **Mike Levine** noted that there is another trail in the area that is on City land.
- **Cathy Johnson** had a question regarding available water rights for the property.
- **Ken Cuneo** suggested a Union Pacific Museum as a way to assure trail access.
- **Ed Lake** suggested Union Pacific might consider donating the land to the City.
- **Nancy Tolson** asked what percentage of votes by the public is required to approve rezoning of the land.

8. REPORTS OF COUNCIL MEMBERS

A. Consider the Appointment of an Alternate Member of the Budget and Finance Committee

Council will consider approval of the Mayor's recommendation of the appointment of Dr. Francois Melese as an alternate member of the Budget and Finance Committee.

Reference: Mayor Cort

Recommended Action: Approve the Appointment

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

B. Meeting Reports

- Association of Monterey Bay Area Governments
 - **Council Member Stilwell** – Next meeting on September 10, 2008.
- Community Human Services
 - **Council Member Cohen** – CHS has contracted a safe house located in Monterey for transient youth.
- Executive Committee, Monterey Bay Division, League of California Cities
 - **Mayor Cort** – Conference in Long Beach September 25 – 27, 2008.
- Fort Ord Reuse Authority
 - **Council Member Davis** – Meeting next week.
- Monterey County Convention & Visitors Bureau
 - **Council Member Bennett** – Meeting at the end of the month.
- Monterey Regional Water Pollution Control Agency, JPA
 - **Mayor Cort** – Meeting at the end of the month.
- Monterey-Salinas Transit
 - **Council Member Stilwell** – Next meeting on September 8, 2008 when MST will dedicate the “Bus Stop Shop.”
- Transportation Agency for Monterey County
 - **Council Member Miller** – Formation of a Joint Powers of Authority to oversee the resulting funds from Development Impact Fees. The JPA will also monitor the resulting funds from the Sales Tax, should it pass on the November 4, 2008 ballot.

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

- **Council Member Miller** – Attended a joint special meeting of the Monterey City Council and Monterey's Planning Department regarding traffic issues on Lighthouse Avenue.

9. ITEMS REMOVED FROM CONSENT AGENDA

2.A **Resolution No. 08-052:** Consider Adoption of a Resolution Authorizing a Contract Extension of \$12,500 with Ikeda Consulting to Cover the Unexpected Expenditures Involved in Investigating the City and MPWMD Water Allocation Records

Council will consider the adoption of a Resolution authorizing a contract extension with Ikeda Consulting to cover unexpected expenditures involved in the investigation of the City and MPWMD water allocation records.

Reference: Lynn Burgess, AICP, Chief Planner

Recommended Action: Adopt the Resolution

COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, 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 54957.6 the City Council will Meet in Closed Session with its Designated Representative, James J. Colangelo, Regarding Labor Negotiations: All 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 reportable

ORDER FOR ADJOURNMENT

Respectfully Submitted,

Ann O'Rourke

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____