



ACTION MINUTES
PACIFIC GROVE CITY COUNCIL
SPECIAL MEETING

Wednesday, September 17, 2008, 5:30 P.M.
City Manager's Conference Room – City Hall – 300 Forest Avenue

AGENDA

1. **CLOSED SESSION**

(Public comment will be invited in Council Chambers 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. *California-Nevada Methodist Homes v. City of Pacific Grove (M84732)*

2. **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.)

A status report was provided to Council and direction was given to staff. No reportable action taken.

ORDER FOR ADJOURNMENT

Respectfully Submitted,

Ann O'Rourke

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____



ACTION MINUTES **PACIFIC GROVE CITY COUNCIL**

Wednesday, September 17, 2008, 6:00 p.m.

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

PRESENTATIONS

- A. Overview of the City of Monterey's Green Building Program

Reference: John Kuehl, Interim Building Official

A PowerPoint presentation was given by Mr. Kuehl on the City of Monterey's recently adopted Green Building Ordinance.

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

- A. Council Referral Update

- **Council Member Bennett** requested an update on Referral No. 7, Water Waiting List allocations. Chief Planner Lynn Burgess explained the process used to notify those on the list and how responders and nonresponders were being handled.
- **Council Member Bennett** also requested an update on Referral No. 10, the code violation complaint list. Chief Planner Burgess said staff was nearing completion of reviewing active files and will have an update ready by the end of the month.
- **Council Member Davis** requested an update on an item previously on the Referral List regarding meetings of the newly formed Administrative Enforcement Hearing Panel. City Attorney Laredo said staff was polling the panel to determine the best date for the first meeting.

- B. Announcements

- **Council Member Stilwell** announced several Chamber of Commerce events:
 - Grand Opening of Gallery Christine, September 24, 2008
 - Candidate Forum Thursday, September 25, 2008 at the Lighthouse Cinema.
 - Grand Opening of Country Club Gate Vacuum October 2, 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

- **Jeanne Byrne**, Auto Rally Chairperson, presented on the group's behalf a check in the amount of \$5,000 for the Youth Center with a portion to go to the D.A.R.E.

program. Don Mothershead, Senior Recreation Leader, accepted the check on the City's behalf.

- **John Fisher** noted that in the past the City had used a panel of city managers from other cities to review and select a new city manager and wanted to know what process was being used for the current selection.
- **Pat Rutowski**, Museum Association board member, announced the PG Museum's event "Insect Insanity" on September 20, 2008 and the cancellation of the Light Brown Apple Moth Panel Discussion on September 25, 2008.
- **Wayne Rogerson**, requested assistance with the issue regarding his mother being told she could move to Vista Pointe and then being told she couldn't.
- **Mauel Piero**, requested Council support regarding four issues related to the CalAm vs. Division of Ratepayers Advocates action concerning the desal plant.
- **Ken Cuneo**, announced a fund raising breakfast October 5, 2008 at Monterey Live for Joel Woods' family, a Pacific Grove resident killed by an automobile in front of PG Middle School earlier this month. He also recommended higher fines for cars speeding in school zones in the City.
- **Deborah Lindsay** announced the Solar Fair and Sustainability Festival at Carmel Valley Middle School September 27, 2008.
- **Denise Frischmuth** noted that October 3, 2008 was the anniversary of the Council's signing of the US Climate Protection Agreement and acknowledged the City's achievements related to this agreement.
- **Daniel Miller** noted that the pipes on the corner of Fountain Avenue and Gibson Avenue had been in a state of report for four weeks. He also felt that there was a lack of communication regarding who is in charge of the Museum Board and the role of the Museum Association and that the Resolution passed on June 4, 2008 needed clarification. He indicated there were plans for major remodeling to the Museum.
- **Judd Perry**, representing the Museum Association, commented on the previous speaker's comments and stated he felt there was no miscommunications and that the Resolution was clear in its intent. He also stated that the Museum Association is not equipped to take on the role of administering the Packard Foundation grant.
- **David Shonman**, Museum Board Chair, told the Council that Mr. Miller's comments were inaccurate as there are no current plans for remodeling the Museum.
- **Snick Farkas** presented Colossus of Gold No. 280.
- **Marilyn Bell** expressed praise for the City's Police Department and went on to name several positive experiences and noted that the officers involved had acted professionally and courteously in every instance.

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, and carried, Council moved approval of the Consent Agenda.

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Draft Minutes of the September 3, 2008 City Council Meeting

Recommended Action: Approve

2. RESOLUTIONS

- A. Consider a Resolution Authorizing the City Manager to Enter into a Purchase Agreement to Obtain a Generator to use for Backup Power for Operation of the City Owned Pump Stations

Council will consider a Resolution authorizing the City Manager to enter into a purchase agreement to obtain a generator to use for back up power for operation of the City owned pump stations as part of the City's maintenance agreement with the Monterey Regional Water Pollution Control Agency.

Reference: Celia Perez Martinez, Business Manager

Recommended Action: Adopt the Resolution

3. REPORTS OF STAFF

- A. Consider Adding a Second Day to the Big Sur Half Marathon to the Special Events Calendar

Council will consider approve adding a second day to the Big Sur Half Marathon to the Special Events Calendar to allow for a 3K Fun Run and 5K Run on Saturday, November 8, 2008.

Reference: City Manager Colangelo

Recommended Action: Approve the request

- B. Claim for Damages No. G2008-15 / MORRIS, Shirley A.

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: Charlene Wiseman, Deputy City Manager

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

- C. Claim for Damages No. G2008-17 / MOUNNER, Fred

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: Charlene Wiseman, Deputy City Manager

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

- D. Claim for Damages No. G2008-18 / SKONBERG, Albert T.

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: Charlene Wiseman, Deputy City Manager

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

4. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Meeting Minutes of the September 9, 2008 Architectural Review Board Site Review
Recommended Action: Receive
- B. Meeting Minutes of the September 9, 2008 Architectural Review Board
Recommended Action: Receive
- C. Meeting Minutes of the July 10, 2008 Cultural Arts Commission
Recommended Action: Receive
- D. Meeting Minutes of the August 14, 2008 Housing Committee
Recommended Action: Receive
- E. Meeting Minutes of the July 16, 2008 Museum Board Special Meeting
Recommended Action: Receive
- F. Meeting Minutes of the September 2, 2008 Planning Commission Site Review
Recommended Action: Receive
- G. Meeting Minutes of the September 4, 2008 Planning Commission
Recommended Action: Receive
- H. Meeting Minutes of the June 10, 2008 Traffic Safety 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. **Resolution No. 08-053:** Hold a Public Hearing to Consider a Resolution Approving the Spending Plan for State Law Enforcement Supplement Funds (SLESF) Grant Funds
The State of California provides supplemental funding to local law enforcement agencies under the Citizens Option for Public Safety (COPS) through the State Law Enforcement Supplement Funds (SLESF). Council will hold a public hearing and consider a Resolution approving the spending plan for COPS/SLESF grant funds for FY 2008/2009.

Reference: Police Chief Darius Engles

Recommended Action: Adopt the Resolution

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

- B. **Ordinance No. 08-023:** Hold a Public Hearing and Second Reading of 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

On September 3, 2008 Council introduced and held a first reading of an Ordinance adding amendments to the FY 2008/09 Budget and establishment of new funds. If adopted, the Ordinance will go into effect thirty (30) days from the date of adoption.

Reference: Director of Management and Budget James L. Becklenberg

Recommended Action: Adopt the Ordinance

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

PUBLIC COMMENT

- **Daniel Miller** voiced objections to giving a portion of control regarding the spending of Museum grant funds to a foundation.
- **Esther Troscow** asked how was the grant written and why the Museum Association was not asked to do it. She felt the Association should be allowed to oversee funds.
- **Lee Willoughby** concurred with the comments of the first two speakers.
- **Pat Rutowski** representing the Museum Association clarified their position that they are not set up to do a foundation's work and that the grant was written by a Museum Board member with Association input.
- **Judd Perry** agreed with the previous speaker's comments.
- **Carmelita Garcia** said she wanted to be sure that Council Policy is followed regarding the role of the Museum Board and that there needs to be clarification of strategic plan Resolution.
- **David Shonman**, Museum Board Chair, informed the meeting that the Council does not approve any item that has not been reviewed by the Board. He also noted that Board meetings are open to the public.
- **John Pearse**, expressed support of the previous speaker's comments and expressed the opinion that the Museum's future is now more promising.
- **Frank Penner**, Museum Association, noted that the Museum Association had kept the Museum viable during the transition period.
- **David Greenfield**, Museum Association, expressed support for the process and for previous Association members' comments.

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
 - **Manus Donahue** gave a PowerPoint presentation on the Pacific Grove Housing Rehab Loan Program.
- 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 Providing Direction to Staff to Submit a Grant Application to the Monterey Regional Park District (MRPD) to Create an Americans with Disability Act (ADA) Compliant Public Restroom in Jewel Park
Council will consider directing staff to submit a grant application to MRPD to create an ADA compliant public restroom in Jewell Park. MRPD has a grant available for projects that enhance accessibility in compliance with ADA requirements.

Reference: Council Member Cohen

Recommended Action: Direct staff to submit grant application

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

PUBLIC COMMENT

- **Stephanie Lee, Jeanne Byrne, and Ralph Widman, of the Pacific Grove Rotary, expressed their support of the recommendation.**

8. REPORTS OF COUNCIL MEMBERS

- A. Meeting Reports
 - Association of Monterey Bay Area Governments
 - Community Human Services
 - Executive Committee, Monterey Bay Division, League of California Cities
 - Fort Ord Reuse Authority
 - Monterey County Convention & Visitors Bureau
 - Monterey Regional Water Pollution Control Agency, JPA
 - Monterey-Salinas Transit

- Transportation Agency for Monterey County
- B. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

9. ITEMS REMOVED FROM CONSENT AGENDA

None

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 54956.8, Council will Meet in Closed Session with its Real Property Negotiator, Jim Colangelo, Regarding 620 Ocean View Boulevard
- B. Pursuant to California Government Code Section 54957 the City Council will Meet in Closed Session to Consider Public Employment: City Manager

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.)

No reportable action

ORDER FOR ADJOURNMENT

Respectfully Submitted,

Ann O'Rourke

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____