



ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, October 1, 2008, 6:00 p.m.

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

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

B. Announcements

- **Council Member Stilwell** announced she had seen the first Monarch Butterfly and that Jay Worthington's Furniture would be closing at the end of the month. She also expressed appreciation for the packet provided by the sponsors of the Pacific Grove Triathlon event and announced a number of upcoming Chamber of Commerce events.
- **Council Member Bennett** expressed appreciation to Lynn Burgess, Chief Planner, for providing the list of code complaints.

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

- **Lisa Maddalena**, Senior Librarian at the Pacific Grove Library, announced an upcoming library event, "The Big Read: The Poetry of Robinson Jeffers."
- **John Moore**, said that the current economic crisis severely affected CalPERS and further expressed the opinion that the City is in error regarding money available for raises for Police officers.
- **Snick Farkas** presented Colossus of Gold No. 281.

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 Stilwell, seconded by Council Member Bennett, and carried, Council moved the Consent Agenda unless otherwise noted below:

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the September 17, 2008 City Council Meeting
Recommended Action: Approve

2. RESOLUTIONS

- A. **Resolution No. 08-054:** Consider a Resolution Declaring October 6 Through October 10, 2008 as Rideshare Week in Pacific Grove
Council will consider a request from the Association of Monterey Bay Area Governments (AMBAG) to adopt a Resolution declaring the week of October 6 through October 10, 2008 as Rideshare Week in Pacific Grove.

Reference: City Manager Colangelo

Recommended Action: Adopt the Resolution

3. REPORTS OF STAFF

The item below was pulled for discussion by a member of the public and was moved to the beginning of the Regular Agenda:

- A. Consider Approval of a Letter Submitting an Addendum to the City's Response to the 2007 Grand Jury Report
The Grand Jury has requested further explanation of the City's response to Recommendation 5.2 from the 2007 Grand Jury Report. Council will consider approval of both the letter and the attached addendum.

Reference: City Manager Colangelo

Recommended Action: Approve the Letter and Addendum

- B. Consider Approval of Renewal of Contract with City Attorney
Council will consider approval of a renewal of the contract to continue retention of David C. Laredo, of De Lay & Laredo, as City Attorney.

Reference: City Attorney Laredo

Recommended Action: Approve renewal of the contract

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

- C. Notification to Council of the Need to Amend City's Conflict of Interest Code
The Political Reform Act requires each city to review its conflict of interest code biennially and notify the City Council whether it needs to be amended. Council will consider approval the amending of the City's conflict of interest code as recommended by staff.

Reference: City Attorney Laredo

Recommended Action: Approve Amendment of Conflict of Interest Code

- D. Consider Providing Permission to Jessica Griffiths, Wildlife Biologist in Conjunction with the Ventana Wildlife Society to Tag Monarch Butterflies in the Pacific Grove Monarch Sanctuary, George Washington Park and on Private Property (with Owner's Permission)

Council will consider providing permission to Jessica Griffiths, Wildlife Biologist in conjunction with the Ventana Wildlife Society to tag Monarch Butterflies in the

Pacific Grove Monarch Sanctuary, George Washington Park and on private property (with owner's permission).

Reference: Public Works Business Manager, Celia Perez Martinez

Recommended Action: Provide Permission

- E. Claim for Damages No. G2008-19 / PARKS, Janet M.

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 Actions:

- 1) **Approve claim and refer the matter back to staff; and**
- 2) **Direct Pacific Grove Golf Course staff to bring a small claims action in the sum of \$167.13 against Ramie Salameh, the golfer causing damage.**

- F. Highlights of the September 19, 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 September 23, 2008 Architectural Review Board Site Review

Recommended Action: Receive

- B. Meeting Minutes of the September 23, 2008 Architectural Review Board

Recommended Action: Receive

- C. Meeting Minutes of the September 16, 2008 Planning Commission Site Review

Recommended Action: Receive

- D. Meeting Minutes of the September 18, 2008 Planning Commission

Recommended Action: Receive

- E. Meeting Minutes of the August 12, 2008 Traffic Safety Commission

Recommended Action: Receive

REGULAR AGENDA

- 3.A Consider Approval of a Letter Submitting an Addendum to the City's Response to the 2007 Grand Jury Report

The Grand Jury has requested further explanation of the City's response to Recommendation 5.2 from the 2007 Grand Jury Report. Council will consider approval of both the letter and the attached addendum.

Reference: City Manager Colangelo

Recommended Action: Approve the Letter and Addendum

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

5. PUBLIC HEARINGS

None

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. OLD BUSINESS

- A. **Resolution No. 08-055:** Consider a Resolution Approving a Contract With the City of Monterey to Provide Fire Protection Services to the City of Pacific Grove
Council will consider a Resolution approving a contract for the merger of the Pacific Grove and City of Monterey Fire Departments.

Reference: Fire Chief Miller

Recommended Action: Adopt the Resolution

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

PUBLIC COMMENT

The following members of the public expressed support for consolidation:

Charlie Wilkins, Ken Cuneo, Fred McAllister (President, Pacific Grove Firefighters Association), Carol Miller (Battalion Chief, Santa Clara), David Brown (Assistant Fire Chief, PG Fire Department), August Beecham (President, Carmel Professional Firefighters), Stuart Roth (Division Chief, Monterey Fire Department), Marilyn Bell, Jerry Wombacher (Fire Chief Seaside Fire Department), Jim Courtney (Monterey Firefighters Local 3707)

The following members of the public expressed concern regarding consolidation:

John Moore, Richard Ahart, Robert Pacelli, David Dilworth, John O'Brien, Barry Dolowich

- B. Receive Recommendations from Council Subcommittee on the Use of Public, Educational, and Government (PEG) Funds from the Cable Franchise

On June 18, 2008 Council directed the formation of a Council subcommittee to review and consider options for an agreement to provide broadcast coverage of City Council meetings. Council will receive and consider recommendations from the subcommittee.

Reference: Council Member Nilmeier

Recommended Action: Receive recommendations and take appropriate actions.

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, Council moved that the subcommittee should meet with representatives from Monterey County Office of Education (MCOE) and Access Monterey Peninsula (AMP) and return with clarification of the recommendations contained in the report.

8. REPORTS OF COUNCIL MEMBERS

A. Consider the Appointment of Members to the Housing Committee, Recreation Board, and Traffic Safety Commission

Council will consider approval of the Mayor's recommendation of the appointment of Jim Bolger to the Housing Committee, Molly Laughlin to the Recreation Board, and Winston Elstob to the Traffic Safety Commission.

Reference: Mayor Cort

Recommended Action: Approve the Appointments

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

PUBLIC COMMENT

- **John Fisher** spoke in support of the appointments of Molly Laughlin and Winston Elstob.

B. 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

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

- **Mayor Cort and Council Member Miller** attended the League of California Cities Conference the past week. Materials from that conference will be made available to the public.
- **Council Member Bennett** reported on a meeting with the Monterey County Convention and Visitors Bureau regarding the lack of public relations efforts on behalf of Pacific Grove.

9. ITEMS REMOVED FROM CONSENT AGENDA

- 3.C Notification to Council of the Need to Amend City's Conflict of Interest Code

The Political Reform Act requires each city to review its conflict of interest code biennially and notify the City Council whether it needs to be amended. Council will consider approval the amending of the City’s conflict of interest code as recommended by staff.

Reference: City Attorney Laredo

Recommended Action: Approve Amendment of Conflict of Interest Code

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

PUBLIC COMMENT

- **David Dilworth**, representing HOPE, expressed support for the 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 54956.8, 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
- C. 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)*

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 _____