



# ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, November 5, 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 Miller, seconded by Council Member Bennett, and carried, Council moved approval of the Agenda.

## COUNCIL AND STAFF ANNOUNCEMENTS

- A. Council Referral Update
- B. Announcements

- **Council Member Bennett** announced a reception put on by the Friends of the Library on November 20, 2008 at 5:15 p.m. at the Library. She also expressed appreciation to all of the candidates who participated in the general election.
- **Council Member Cohen** expressed appreciation to the Public Works Department, including Celia Perez Martinez, Business Manager, and the City Manager for the downtown holiday decorations. He also informed the Council that there will be holiday themed events on the first three Fridays in December.
- **Council Member Stilwell** announced a fashion show sponsored by the Chamber of Commerce will occur on November 18, 2008 at 5:30 p.m. in Merrill Hall at Asilomar.
- **Council Member Nilmeier**, in relation to the recent fire department consolidation with the City of Monterey, urged the Council to review the situation after one year and compare the actual with the projected costs.
- **Council Member Davis** expressed appreciation to Snick Farkas for the presentation of medals to the three out-going Council Members.
- **City Manager Colangelo** announced that the City had received the Government Finance Officers Association highest award for budget preparation.

## 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**

- **Moe Ammar**, President of the Chamber of Commerce, announced that the City had received the grant from the Parks District for which the Council had previously approved the application. He requested the item be agendaized so that work could move forward on the bathroom in the park.
- **Ken Cuneo**, thanked the candidates for conducting their campaigns with civility and said he had enjoyed running and had made several friends.
- **John Fisher** reminded those present that votes were still being counted.

## CONSENT AGENDA

*(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated. Pursuant to City Council Policy No. 000-14 a Councilmember, member of the audience or staff may request that an item be placed on the regular agenda for further discussion. )*

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

### 1. APPROVAL OF CITY COUNCIL MEETING MINUTES

#### A. Minutes of the October 15, 2008 City Council Meeting

**Recommended Action: Approve**

### 2. REPORTS OF STAFF

#### A. Highlights of the October 17, 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. Receive Quarterly Treasurer's Report

*The City's charter requires that a Quarterly Treasurer's Report be delivered to Council.*

**Reference: Jim Becklenberg, Director of Management and Budget**

**Recommended Action: Receive the Report**

#### C. Claim for Damages No. G2008-22 / COILE, Russell C.

*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. L2008-13 / BAKER, F. Darlene

*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: Charlene Wiseman, Deputy City Manager**

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

### 3. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

#### A. Meeting Minutes of the October 8, 2008 Administrative Enforcement Hearing Officer Panel

**Recommended Action: Receive**

- B. Meeting Minutes of the October 22, 2008 Administrative Enforcement Hearing Officer Panel  
**Recommended Action: Receive**
- C. Meeting Minutes of the October 14, 2008 Architectural Review Board Site Review  
**Recommended Action: Receive**
- D. Meeting Minutes of the October 14, 2008 Architectural Review Board  
**Recommended Action: Receive**
- E. Meeting Minutes of the October 9, 2008 Housing Committee  
**Recommended Action: Receive**
- F. Meeting Minutes of the October 16, 2008 Planning Commission  
**Recommended Action: Receive**
- G. Meeting Minutes of the October 23, 2008 Planning Commission Special Meeting  
**Recommended Action: Receive**
- H. Meeting Minutes of the September 9, 2008 Traffic Safety Commission  
**Recommended Action: Receive**
- I. Meeting Minutes of the September 16, 2008 Traffic Safety Commission Special Meeting  
**Recommended Action: Receive**

## REGULAR AGENDA

### 4. 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. 08-024:** Hold Second Reading and Consider Adoption of an Ordinance to Delete Chapters 4.08 and 4.10 of the Pacific Grove Municipal Code  
*On October 15, 2008 Council introduced and held a first reading of an Ordinance to Delete Chapters 4.08 and 4.10 of the Pacific Grove Municipal Code. Council will hold the second reading and consider adoption of the Ordinance. If adopted, the Ordinance will go into effect December 16, 2008.*  
**Reference: Council Member Bennett**  
**Recommended Action: Adopt the Ordinance**  
**COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Bennett, and carried, with Council Member Miller voting against, Council moved the recommended action.**

### 5. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES

- A. Administrative Enforcement Hearing Officers Panel
- B. Americans with Disabilities Act Compliance Advisory Committee
- C. Architectural Review Board
- D. Beautification and Natural Resources Committee
- E. Budget and Finance Subcommittee

- F. Cultural Arts Commission
- G. Economic Advisory Committee
- H. Historic Resources Committee
- I. Housing Committee
- J. Library Board
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission
- P. Monterey County Commission on Disabilities

6. OLD BUSINESS

- A. Receive Recommendations from Council Subcommittee on the Use of Public, Educational, and Government (PEG) Funds from the Cable Franchise  
*On October 1, 2008 Council requested the subcommittee to meet with the Monterey County Office of Education and Access Monterey Peninsula (AMP) and to bring back recommendations as a result.*

**Reference: Council Member Nilmeier**

**Recommended Action: Receive recommendations**

**COUNCIL ACTION: Upon motion of Council Member Davis, seconded by Council Member Bennett, and carried, Council moved approval of the following recommendations proposed in the Agenda Report:**

- (1) **Put out an RFP for filming the City Council meetings; and**
- (2) **Place any remaining funds in a dedicated fund for production and design of a new system yet to be determined; and**
- (3) **Explore the ability to broadcast the City Council meetings live on the Internet.**

**PUBLIC COMMENT**

- **Robert Pacelli** who participated on the subcommittee, gave an overview of the process up to now, and further encouraged the Council to explore all available technology.

7. NEW BUSINESS

- A. **Resolution No. 08-056:** Consider a Resolution Approving a Methodology for Allocating the Remaining Monterey Peninsula Water Management District (MPWMD) Water Allocation for Pacific Grove, and Introduce and Hold a First Reading of a Draft Ordinance Creating an In-Lieu Fee for Use of Public Water Credits  
*Council will consider a Resolution approving a methodology for allocating the remaining (MPWMD) water allocation for Pacific Grove, and introduce and hold a first reading of a draft Ordinance creating an in-lieu fee for use of public water credits. The Council may approve or reject the first reading of the Ordinance. Council may direct that publication of the Ordinance may be satisfied by publication of a summary, approved by the City Attorney. If the Ordinance is approved, a second reading shall be set at the next Council meeting.*

**Reference: Chief Planner Lynn Burgess**

**Recommended Actions:**

- (1) **Adopt Resolution approving a methodology for allocating the remaining (MPWMD) water allocation for Pacific Grove; and**
- (2) **Hold a first reading of an Ordinance creating an in-lieu fee for use of public water credits.**

**COUNCIL ACTION:** Upon motion of Mayor Cort, seconded by Council Member Miller, and carried, with Council Member Bennett voting against, Council moved the recommended actions with changes to the Resolution and Ordinance as presented by staff.

**PUBLIC COMMENT**

- **Moe Ammar**, President of Chamber of Commerce, said the encouraging of new businesses should be a priority and those interested in opening a new business should be told they can be placed on the water waiting list.
- **Len Perrone**, representing the Pacific Grove Water Conservation Water Equality Citizens Group, expressed the group's support of the recommendations.

- B. Receive an Update on the Budget and Financial Forecast and Introduce and Hold a First Reading of an Ordinance Ratifying Expenditures in FY 2007/08 and Amending the Approved Budget of the City of Pacific Grove for FY 2008/09 *Council will receive a report on financial results from last fiscal year, the status of the current year's budget, and the updated five-year financial forecast. Council will also consider introducing and holding a first reading of an Ordinance ratifying expenditures in FY 2007/08 and amending the approved Budget of the City of Pacific Grove for FY 2008/09. Council may approve or reject the first reading of the Ordinance. If the Ordinance is approved, a second reading shall be set at the next Council meeting.*

**Reference: Jim Becklenberg, Director of Management and Budget**

**Recommended Actions:**

- (1) **Receive the report.**
- (2) **Introduce an ordinance that**
  - (a) **Ratifies the FY 2007/08 expenditures that exceeded appropriations for the following funds:**
    - i. **Tax and Revenue Anticipation Note (TRAN) Fund: \$27,750**
    - ii. **Gasoline Tax Fund: \$25,512**
    - iii. **Public Safety Augmentation Fund: \$32,531**
    - iv. **Employee Benefits Fund: \$7,719**
  - (b) **Amends the FY 2007/08 budget in the following ways:**
    - i. **Increases the budget in the General Fund for the Fire Department by \$137,243**
    - ii. **Increases the budget in the Fire Emergency Equipment Fund by \$12,500.**
    - iii. **Increases the expenditure budget in the Supplemental Law Enforcement Support Fund (SLESF) by \$6,707.**
    - iv. **Increase the expenditure budget in the Poetry Promotion Fund by \$143,920.**

- v. Increase the budgeted amount of transfers from the General fund to other funds by \$13,425
  - vi. Increase the budgeted expenditures in the Business Improvement District (BID) Fund by \$13,425
- (3) Authorize the City Manager to amend the contract with the Chamber of Commerce to administer the addition \$13,425 for purposes described in this report.

**COUNCIL ACTION:** Upon motion of Council Member Bennett, seconded by Council Member Nilmeier, and carried, Council moved the recommended actions with the exception of (2)(b)ii per recommendation from staff that this was no longer essential.

**PUBLIC COMMENT**

- **Moe Ammar**, President of the PG Chamber of Commerce, said the Measure C severely affect businesses needing to renovate.
- **John Fisher** said that Measure U does not address the City’s reserves and that all of the funds are going towards the General Fund.

- C. Provide Direction to Staff to Prepare Resolution Regarding Use of Measure U Funds  
*Council will discuss and provide direction to staff to prepare a Resolution regarding use of Measure U funds, the tax measure approved by voters in the June 3, 2008 special municipal election.*

**Reference:** Council Member Davis

**Recommended Action:** Provide direction to staff

**NO ACTION TAKEN:** Mayor Cort directed the item be tabled until after the Library’s new strategic plan was completed, the new City Council Members seated and the new City Manager in place.

**PUBLIC COMMENT**

- **Bill Kampe** expressed support for putting Measure U funds back into City services such as the Library, Museum, and Recreation Department.
- **John Fisher** expressed the opinion that the public was misled as to what the funds would be used for when they voted on Measure U.

- D. Receive Report and Review Recommendations of Personnel Ordinance Subcommittee and Dissolve the Subcommittee  
*Council will receive the report and review the recommendations of the subcommittee formed by Council at their February 20, 2008 meeting to consider revisions to the Personnel Ordinance. Council will also consider the dissolution of the subcommittee.*

**Reference:** Council Member Davis

**Recommended Actions:** Receive the report, review recommendations and dissolve the subcommittee.

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

- E. Provide Input into Preparation of a Council Code of Ethics and Protocols Manual  
*Council will provide input into preparation of a Code of Ethics and Protocols Manual based on a questionnaires previously provided in Agenda packets.*

**Reference: Council Member Bennett**

**Recommended Actions: Provide input**

**NO ACTION TAKEN: For discussion purposes only.**

**COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, with Council Member Stilwell voting against, Council moved to continue considering Agenda items after 10:00 p.m.**

- F. Consider Holding a First Reading and Introduce an Ordinance Amending the Municipal Code to Exempt Public Urban Runoff and Storm Water Management Facilities from the City's Sewage Collector System Fee  
*Council will consider introducing and holding a first reading an Ordinance amending the Municipal Code to exempt public urban runoff and storm water management facilities from the City's sewage collector system fee. Council may approve or reject the first reading of the Ordinance. If the Ordinance is approved, a second reading shall be set at the next Council meeting.*

**Reference: Jim Becklenberg, Director of Management and Budget**

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

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

#### **PUBLIC COMMENT**

- **John Fisher** asked how will ASBS be funded.

- G. Consider Holding a First Reading and Introduce an Ordinance to Amend and Codify the City's Conflict-of-Interest Code  
*Council will consider introducing and holding a first reading of an Ordinance to Amend and Codify the City's Conflict-of-Interest Code. Council may approve or reject the first reading of the Ordinance. If the Ordinance is approved, 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 Davis, seconded by Council Member Bennett, and carried, Council moved the recommended action.**

#### **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 and 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 \_\_\_\_\_