



# ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, December 17, 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 Cohen, and carried, Council moved approval of the Agenda.

## COUNCIL AND STAFF ANNOUNCEMENTS

### A. Council Referral Update

- **Council Member Stilwell** requested clarification on Referral No. 7. Council Member Garcia explained that the intent was to bring the Municipal Code more in line with the Department of Justice' ruling. Other animals may be included as the City deems appropriate.
- **Council Member Lindsay** requested that staff bring back a report regarding the workloads of the Finance and Community Development Departments to see when it would be possible to investigate the amount of building fees per a letter from a resident.
- **Council Member Kampe** requested a status report regarding the website maintenance be brought back to the Council.
- **Council Member Cohen:**
  - Requested that staff look into the institution of a Volunteer Safety Workers chapter in the City to replace the Volunteer Fire Department, which no longer exists.
  - Received a letter asking why recent work was done on the Recreation Trail. City Manager Colangelo gave an overview and explanation of reasons why the work was necessary.
  - Cyclists at times present a safety issue on the Recreation Trail. Requested staff look into any measures the City can take to improve safety for pedestrians on the trail.

### B. Announcements

- **Council Member Bennett** announced she would need to leave the meeting for a period of time to attend her daughter's performance and return to the meeting afterwards.
- **Council Member Garcia** thanked various Pacific Grove interest groups and residents for their support and participation in KSBW's 22<sup>nd</sup> Share Your Holiday.
- **Council Member Lindsay** asked if there would be a Council Members' retreat. Mayor Cort informed her it will be at the end of February 2009.
- **Mayor Cort** announced that the City is eligible for Federal funds for infrastructure and he is looking for suggestions on the utilization of those funds.
- **Mayor Cort** acknowledged that this was City Manager Colangelo's last Council Meeting as City Manager and presented a gift. Mr. Colangelo received a standing ovation.

## 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**

- **Denise Frischmuth** on behalf of Sustainable PG congratulated the new Council Members and provided each member of the Council with a copy of the U.S. Mayors Climate Protection Agreement.
- **Ken Hinshaw** on behalf of the Heritage Society expressed appreciation for the funds from the McIndoo bequest that the Council approved for the Lighthouse and explained that they were concluding making a selection of a contractor for the 10-year plan.
- **Henry Nigos**, Vice Chairman of the Chamber of Commerce, thanked the Police Department, Public Works, and Don Mothershead (Recreation) for assistance in the recent holiday events.
- **Bill Fredrickson** asked the Council to consider reinstating Volunteer Day, which in the past has been used to accomplish several items of routine maintenance around the City.
- **Julie Armstrong**, Marketing Director of the Big Sur Marathon, provided statistics regarding this year's event.

**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 Stilwell, seconded by Council Member Cohen, and carried, with Council Member Bennett absent, Council moved approval of the Consent Agenda.**

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the December 3, 2008 City Council Meeting  
**Recommended Action: Approve**

2. RESOLUTIONS

- A. **Resolution No. 08-063:** Consider a Resolution Authorizing the City Manager to Enter into a Lease-Purchase Agreement for a Police Patrol Vehicle  
*The Council will consider a Resolution authorizing the City Manager to enter into a lease-purchase agreement for a Police patrol vehicle. Funds for the purchase are included in the FY 2008/09 budget.*

**Reference: James L. Becklenberg, Director of Management and Budget**  
**Recommended Action: Adopt the Resolution**

- B. **Resolution No. 08-064:** Consider a Resolution Approving an Agreement with Reliance Trust Company to Act as Trustee for the City's 457 Deferred Compensation Plan  
*The Council will consider a Resolution approving an agreement with Reliance Trust Company to act as Trustee for the City's 457 Deferred Compensation Plan.*

**Reference: City Manager Colangelo**

**Recommended Action: Adopt the Resolution**

- C. **Resolution No. 065:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement with Alliance Resource Consulting LLC to Conduct a Recruitment for City Manager

*The Council will consider a Resolution authorizing the City Manager to enter into an agreement with Alliance Resource Consulting LLC in an amount not to exceed \$20,000 to conduct recruitment for City Manager.*

**Reference: Charlene Wiseman, Deputy City Manager**

**Recommended Action: Adopt the Resolution**

3. REPORTS OF STAFF

- A. Consider Approval of a Purchase of New Mowing Equipment for the Pacific Grove Municipal Golf Course

*Council will consider the approval of a purchase of new mowing equipment for the Pacific Grove Municipal Golf Course fairways.*

**Reference: Daniel Gho, Golf Course Superintendent**

**Recommended Action: Approve the purchase**

- B. Claim for Damages No. G2008-24 / SHATTO, Kelly

*Council will consider approval of a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Charlene Wiseman, City Clerk**

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

- C. Claim for Damages No. G2008-20 / IKUTA, Michele

*Council will consider approval of a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Charlene Wiseman, City Clerk**

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

- D. Claim for Damages No. L2008-14 / WOODS, Adrianna Et Al

*Council will consider denial of a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If Council chooses to deny the claim, the claimant will have six (6) months to file legal action.*

**Reference: Charlene Wiseman, City Clerk**

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

4. MINUTES OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Minutes of the December 4, 2008 Planning Commission

**Recommended Action: Approve**

- B. Minutes of the October 21, 2008 Recreation Board

**Recommended Action: Approve**

- C. Minutes of the November 19, 2008 Recreation Board

**Recommended Action: Approve**

**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. 08-029:** Hold a Second Reading of an Ordinance to Lease Property at 620 Oceanview Boulevard to Enea Properties LLC  
*On December 3, 2008 Council introduced and held a first reading of an Ordinance to lease property at 620 Oceanview Boulevard to Enea Properties, LLC. If adopted, the Ordinance will go into effect 30 days from the date of adoption.*

**Reference: City Manager Colangelo**

**Recommended Action: Adopt the Ordinance**

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

- B. Ordinance No. 08-030:** Hold a Second Reading of an Ordinance Amending the City's Classification Plan Establishing, Deleting, and Amending Current Job Specifications and Amending Current Salary Schedules Accordingly  
*On November 19, 2008 Council introduced and held a first reading of an Ordinance Amending the City's Classification Plan establishing, deleting, and amending current job specifications and amending current salary schedules accordingly. On December 3, 2008 Council moved to table the adoption of the Ordinance to December 17, 2008. If adopted, the Ordinance will go into effect 30 days after adoption.*

**Reference: Charlene Wiseman, Deputy City Manager**

**Recommended Action: Adopt the Ordinance**

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

**6. 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
  - **Susan Steele**, Chair, informed the Council that the Board had voted to request the Senior Librarian to develop a plan to reduce the Library's hours of operation.
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission

7. OLD BUSINESS

- A. **Resolution No. 08-066:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement with Malcolm Pirnie, Inc. to Prepare Phase II of the Stormwater Recycling Feasibility Study in an Amount not to Exceed \$45,000  
*On March 19, 2008, the Council authorized an agreement with Malcolm Pirnie, Inc. to develop Phase I of a Stormwater Recycling Feasibility Study. Council will consider a Resolution authorizing the City Manager to enter into an agreement with Malcolm Pirnie, Inc. to prepare Phase II of the Study.*

**Reference: City Manager Colangelo**

**Recommended Action: Adopt the Resolution**

**COUNCIL ACTION: Upon motion of Mayor Cort, seconded by Council Member Stilwell, and carried, with Council Member Garcia voting against and Council Member Bennett absent, Council moved the recommended action and further directed the removal of language referring to ASBS, as recommended by staff.**

PUBLIC COMMENT

- **John Fischer** said that according to the reservoir inspector the owner of the property needs to obtain plan approval from CalAm.
- **Max Perelman** was impressed with the report and said the long term savings outweighs the initial \$45,000 cost.
- **Joy Colangelo**, representing Sustainable PG, said the group supports the concept.

8. NEW BUSINESS

- A. Introduce and Hold a First Reading of an Ordinance that Amends the Municipal Code to Include Service Stations in the Downtown Business Improvement District  
*Council will consider introducing and holding a first reading of an Ordinance that would amend the Municipal Code to include service stations in the Downtown Business Improvement District (BID). Council may approve or reject the first reading of the Ordinance. If the Ordinance is approved, a Public Hearing on the second reading shall be set for the next regular Council meeting.*

**Reference: James L. Becklenberg, Director of Management and Budget**

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

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

9. REPORTS OF COUNCIL MEMBERS

- A. Consider Mayor's Appointments of Members to the Planning Commission and the Architectural Review Board (ARB)  
*Council will consider approval of the Mayor's recommendation of the appointments of Max Perelman to the Planning Commission and Jeff Edmonds to the ARB.*

**Reference: Mayor Cort**

**Recommended Action: Approve the Appointments**

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

- B. Consider Approving the Creation of an Ad Hoc Alternative Source Water Sub Committee

*Council will consider approving the creation of an ad hoc alternative source water sub committee with members of the Council and the Community.*

**Reference: Council Member Lindsay**

**Recommended Action: Approve creation of the ad hoc committee**

**COUNCIL ACTION: Upon motion of Council Member Cohen, seconded by Council Member Kampe, and carried, with Council Member Bennett absent, Council moved to bring back the item to the next Council meeting with a Statement of Purpose and at that time open it up for public interest.**

**PUBLIC COMMENT**

- **Max Perelman** suggested the possibility of using graduate intern students to assist in any research the committee may require.

- C. 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 Commission on Disabilities
- Monterey County Convention and Visitors Bureau
- Monterey Regional Water Pollution Control Agency, JPA
- Monterey-Salinas Transit
- Transportation Agency for Monterey County

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

10. ITEMS REMOVED FROM CONSENT AGENDA

11. 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 Point Pinos Grill

12. 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 O’Rourke, Deputy City Clerk

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

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