



ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, April 15, 2009, 6:00 p.m.

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

PRESENTATIONS

- A. Proclamation Declaring the Week of April 19-25, 2009 National Volunteer Week in the City of Pacific Grove

The Mayor read a Proclamation declaring the week of April 19 –25, 2009 National Volunteer Week in the City of Pacific Grove. Following the reading of the Proclamation, William Fredrickson accepted on behalf of all City volunteers.

Reference: Mayor Cort

- B. Monterey Branch Line Rail Project - Transportation Agency of Monterey County (TAMC)
Debbie Hale, Executive Director, and Kristen Hoschouer, Transportation Planner, from TAMC gave a presentation on the Monterey Branch Line Rail Project.

Reference: Council Member Lindsay

APPROVAL OF AGENDA

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

COUNCIL AND STAFF ANNOUNCEMENTS

- **Interim City Manager Wiseman** announced that staff would be sending the current “tree ordinance” to the Beautification and Natural Resources Committee for their review and input.
- **Council Member Lindsay** expressed appreciation to the volunteers and City staff for their assistance during the recent Good Old Days event.
- **Mayor Cort** announced that the City’s Municipal Code was now up to date and online.

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

- **John Moore** recommended the Council look at Chapter 9 online in order to be aware of the ability city councils have and the steps they are allowed to take when dealing with a financial crisis.
- **Jesse Bray** commented on the recent issues arising from her daughter’s recent dealings with the City regarding the tree ordinance.
- **Dr. Brian Lackey** expressed appreciation to all those who worked to make this year’s Good Old Days a success.
- **Linda Bailey** announced the upcoming “PG Reads” event to be held at and on behalf of the City’s Library.

- **Judy Archibald**, representing Friends of the Library, announced the upcoming Weekly Authors Series to be held at the City's Library.
- **John Fischer** said the City's tree ordinance needs to be reviewed and revised.
- **Natalie Gray** asked that the Library hours not be reduced as it is used by residents of all ages.
- **Richard Stillwell** commented on the need for establishing the Volunteer Fire Department.
- **Snick Farkas** presented the Colossus of Gold.

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 Kampe, seconded by Council Member Stilwell, and carried, Council moved to remove Item No. 2.A and place it at the end of the Agenda as Item No. 9.A and moved approval of the rest of the Consent Agenda with correction(s) as noted.

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

A. Minutes of the April 1, 2009 City Council Meeting

Recommended Action: Approve with correction as noted below:

6. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES

E. Budget and Finance Committee

- **Barry Dolowich** informed the Council that the Committee is recommending either hiring a consultant or directing the City Attorney to study and report on all of the pros and cons related to a city declaring bankruptcy.

2. RESOLUTIONS

The item below was removed from the Consent Agenda and placed at the end of the Agenda as Item No. 9.A per request of Council Member Lindsay.

A. Consider a Resolution Authorizing the City Manager to Enter into an Agreement to Perform Chemical Root Control of Various Sanitary Sewer Lines

Council will consider a resolution authorizing the City Manager to enter into an agreement with Root Tamers of Anderson, CA, to perform chemical root control of various sanitary sewer lines per the City's annual Capital Improvement Program.

Reference: Celia Martinez, Business Manager, Public Works

Recommended Action: Adopt the Resolution

B. **Resolution No. 09-008:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement to Provide Engineering Design Services for the Reconstruction of Pump Station #12

Council will consider a resolution authorizing the City Manager to enter into an agreement with Dodson Psomas to provide engineering design services for the reconstruction of Pump Station #12, owned by the City, per the City's Sewer Enterprise Capital Improvement Plan and the Pump Station Master Plan.

Reference: Celia Martinez, Business Manager, Public Works

Recommended Action: Adopt the Resolution

- C. **Resolution No. 09-009:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement with Travaille Brothers and Others in an Amount not to Exceed \$74,590 to Complete Structural Repairs at 140 18th Street
Council will consider a resolution authorizing the City Manager to enter into an agreement with Travaille Brothers and others in an amount not to exceed \$74,590 to complete structural repairs at 140 18th Street (Poet's Perch). This action is per Council authority granted on November 19, 2008.

Reference: Julie Uretsky, Housing Program Coordinator

Recommended Action: Adopt the Resolution

- D. **Resolution No. 09-010:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement for the Purchase of New Mobile Data Terminals (MDT) for Patrol Fleet from Approved State Law Enforcement Supplement Funds (SLESF)
Council will consider a resolution authorizing the City Manager to enter in an agreement with Data Lux for the purchase of new MDTs for the Police Department's patrol fleet. This action is per Council approval on September 17, 2008 of spending plans for SLESF.

Reference: Darius Engles, Police Chief

Recommended Action: Adopt the Resolution

- E. **Resolution No. 09-011:** Consider a Resolution Authorizing the Issuance of Tax and Revenue Anticipation Notes to Manage an Anticipated Routine, Temporary Cash Flow Shortfall

Council will consider a resolution authorizing the issuance of tax and revenue anticipation notes to manage an anticipated routine and temporary cash flow shortfall due to the uneven timing of the City's major revenue streams.

Reference: Jim Becklenberg, Director of Manage and Budget

Recommended Action: Adopt the Resolution

3. REPORTS OF STAFF

- A. Receive a Report and Notes on City Council Planning Session
Council will receive the report and notes on the City Council Planning Session held March 9, 2009 as prepared by Steve Alexander, Planning Session Facilitator.

Reference: Charlene Wiseman, Interim City Manager

Recommended Action: Receive

- B. Receive a Report on the Highlights of the March 20, 2009 Monterey Regional Waste Management District Board Meeting
Gary Bales, the City's representative to the Monterey Regional Waste Management District Board, has submitted a report to the City Manager highlighting activities and actions by the Monterey Regional Waste Management District Board.

Reference: Charlene Wiseman, Interim City Manager

Recommended Action: Receive

4. MEETING MINUTES OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Minutes of the March 23, 2009 Ad Hoc Alternate Water Source Subcommittee

Recommended Action: Receive

B. American with Disabilities Act Compliance Advisory Committee Notice of Cancellation for March 25, 2009

C. Minutes of the following Beautification and Natural Resources Committee Meetings:

- June 24, 2008
- July 22, 2008
- August 26, 2008
- September 23, 2008
- October 14, 2008
- October 28, 2008
- December 8, 2008
- January 29, 2009
- February 24, 2009

Recommended Action: Receive

D. Minutes of the following Cultural Arts Commission meetings:

- July 10, 2008
- September 11, 2008
- October 6, 2008
- January 8, 2009
- January 23, 2009 Special Meeting
- February 12, 2009

Recommended Action: Receive

E. Minutes of the April 2, 2009 Planning Commission Site Review

Recommended Action: Receive

F. Minutes of the April 2, 2009 Planning 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. **Ordinance No. 09-007:** Hold a Second Reading of an Ordinance Amending the FY 2008/09 Budget

Council will hold a second reading of an Ordinance amending the FY 2008/09 budget regarding budget adjustments that reflect updated cost information since the budget was adopted in June of 2008. The first reading of the Ordinance was held April 1, 2009. If adopted, the Ordinance will go into effect 30 days after date of adoption.

Reference: Jim Becklenberg, Director of Management and Budget

Recommended Action: Adopt the Ordinance

COUNCIL ACTION: Upon motion of Council Member Kampe, seconded by Council Member Bennett, and carried, 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 Committee
- F. Cultural Arts Commission
- G. Economic Advisory Committee
- H. Historic Resources Committee
- I. Housing Committee
- J. Library Board
 - **Susan Steele, Chair**, reminded the Council of the Board's earlier request to not close the Library and to hire a Library Director.
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission

7. NEW BUSINESS

- A. Consider Budget Strategy Options for Closing the Projected \$1.3 Million Budget Gap for FY 2009/10

Council will consider budget strategy options for closing the projected \$1.3 million budget gap for FY 2009/10.

Reference: Jim Becklenberg, Director of Management and Budget

Recommended Actions:

- (1) **Direct staff to incorporate the strategies specified in the Executive Summary for closing the budget gap into the proposed FY 2009/10 budget that will be presented for City Council consideration on May 20, 2009.**
- (2) **Provide direction to staff on the appropriate strategies for inclusion in the FY 2009/10 budget.**

COUNCIL ACTION NO. 1: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, Council moved to refer the following to the Planning Commission:

- 1. **Possible revision of the Ordinance prohibiting short term rentals in order to enhance Transient Occupation Tax revenues.**
- 2. **Re-examine the current operating hours of the golf course.**
- 3. **Discuss expanding the scope of the current use permit for golf course facilities.**
- 4. **Consider modifying the Ordinance regarding food service establishments to allow franchised food service stores.**

COUNCIL ACTION NO. 2: Upon motion of Council Member Kampe, seconded by Council Member Bennett, and carried, Council moved the recommended actions.

PUBLIC COMMENT

The following spoke regarding concerns and suggestions for closing the budget gap: Susan Steele, Emilio Alcaraz, John Fisher, Georgia Nevarus, Sue Renz, Trisha Liebert, Judy Archibald, Moe Ammar, Janice DeLay, Richard Stillwell, Don Murphy, Geva Arcanin, Hank Armstrong

- B. Introduce and Hold a First Reading of an Ordinance to Approve an Agreement to Lease the “Little House” in Jewell Park to the Chamber of Commerce for the Purpose of Renovating and Improving the Facility
Council will introduce and hold a first reading of an ordinance to approve and agreement to lease the “Little House” in Jewell Park to the Chamber of Commerce for the purpose of renovating and improving the facility. Council may approve, with or without modification, or reject the first reading of the ordinance. If approved, a second reading shall be set at the next Council meeting.
Reference: Jim Becklenberg, Director of Management and Budget
Recommended Action: Introduce and hold the first reading of the ordinance.
COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Cohen, and carried, with Council Member Kampe recusing himself due to possible conflict of interest due to his being a voting member of the Rotary Board, Council moved the recommended action.
- C. Introduce and Hold a First Reading of an Ordinance Amending the FY 2008/09 Budget and Receive a Final Report on the Pacific Grove Recreation Trail Bluff Repairs Project
Council will introduce and hold a first reading of an ordinance amending the FY 2008/09 budget and receive a report on the Recreation Trail Bluff Repairs Project. Council may approve, with or without modification, or reject the first reading of the ordinance. If approved, a second reading shall be set at the next Council meeting.
Reference: Celia Martinez, Business Manager, Public Works
Recommended Actions:
(1) Introduce and hold the first reading of the ordinance; and
(2) Receive the report.
COUNCIL ACTION: Upon motion of Council Member Kampe, seconded by Council Member Bennett, and carried, Council moved the recommended actions.
- D. **Resolution No. 09-013 – Agreement with MIIS**
Resolution No. 09-014 – Agreement with CSUMB
Consider Resolutions Authorizing the City Manager to Enter into Agreements for an Internship Program with the Monterey Institute of International Studies (MIIS) and California State University Monterey Bay (CSUMB)
Council will consider a resolution authorizing the City Manager to enter into agreements with MIIS and CSUMB to implement an Internship Program to provide student interns an opportunity to accomplish a variety of projects to be determined by the City Manager.
Reference: Charlene Wiseman, Interim City Manager
Recommended Action: Adopt the Resolution

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

E. Consider Conceptual Approval of a Citywide Volunteer Program

Council will consider approval of the concept of a citywide volunteer program and direct staff to pursue the necessary steps to organize the program and bring back to Council for consideration and approval.

Reference: Charlene Wiseman, Interim City Manager

Recommended Action: Approve the concept

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

8. REPORTS OF COUNCIL MEMBERS

A. Consider Approval of Mayor's Appointment to the Architectural Review Board

Council will consider approval of the Mayor's appointment of Robin Aeschliman to the Architectural Review Board.

Reference: Mayor Cort

Recommended Action: Approve appointment

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

B. Meeting Reports

- Association of Monterey Bay Area Governments
- Community Human Services
 - **Council Member Cohen** requested that a presentation by the Director of Community Human Services outlining services and benefits to the City be placed on a future agenda.
- Executive Committee, Monterey Bay Division, League of California Cities
- Fort Ord Reuse Authority
- Monterey County Commission on Disabilities
- Monterey County Convention and Visitors Bureau
 - **Council Member Garcia** requested that a presentation by a representative from the Bureau outlining the services and benefits to the City be placed on a future agenda.
- 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)

9. ITEMS REMOVED FROM CONSENT AGENDA

- A. ~~2-A~~ **Resolution No. 09-012:** Consider a Resolution Authorizing the City Manager to Enter into an Agreement to Perform Chemical Root Control of Various Sanitary Sewer Lines
Council will consider a resolution authorizing the City Manager to enter into an agreement with Root Tamers of Anderson, CA, to perform chemical root control of various sanitary sewer lines per the City's annual Capital Improvement Program.

Reference: Celia Martinez, Business Manager, Public Works

Recommended Action: Adopt the Resolution

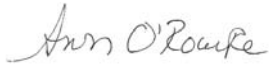
COUNCIL ACTION: Upon motion of Council Member Lindsay, seconded by Council Member Stilwell, and carried, Council moved the recommended action.

PUBLIC COMMENT

- **John Fisher** expressed concern regarding the possibility of the chemical used to treat the roots leaking into the soil through a crack in the sewer pipe.

ORDER FOR ADJOURNMENT

Respectfully Submitted,



Ann O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____