



ACTION MINUTES

PACIFIC GROVE CITY COUNCIL

Special Meeting

Wednesday, April 29, 2009, 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 Kampe, and carried, Council moved approval of the Agenda.

COUNCIL AND STAFF ANNOUNCEMENTS

- **City Attorney Laredo:**
 - For the purpose of clarification due to a recent newspaper article and public speculation, Mr. Laredo informed the Council that at the Budget and Finance Committee of April 16, 2009, he had provided an overview for the purpose of a general, generic discussion, regarding the bankruptcy process for a city. He emphasized that the City is not filing bankruptcy at this time nor is any bankruptcy action pending.
 - The City has prevailed in the case involving California Nevada Methodist Homes. The court validated the City's actions and the judge has issued a 37 page opinion supporting the decision.
- **Council Member Garcia** announced that the Royal Court for this year's Feast of Lanterns will be presented at Canterbury Woods on May 7, 2009 at 6:00 p.m.
- **Council Member Kampe** announced the Colors of the Rainbow Team Match on May 20, 2009 at the Monterey Conference Center at 5:30 p.m.
- **Celia Perez Martinez, Business Manager, Public Works** informed the Council that the initial stimulus funds were now available and Public Works is working with TAMC on the procedure and paperwork necessary to claim the City's portion. The money will be used for the project on Central Avenue between Eardley and Dewey Streets.
- **Lori Mannel, Museum Manager,** announced that Paul Ehrlich, author, had volunteered as a fund raiser to assist the PG Museum of Natural History.
- **Council Member Stilwell** announced a Chamber of Commerce sponsored open house at Edward Jones on April 30, 2009 at 640 Lighthouse Avenue, Suite 130 to welcome John Hantelman.
- **Council Member Lindsay:**
 - Bike Week will be May 10-16, 2009. She challenged the Council to ride bikes to the meeting of May 20, 2009 in support.
 - County of Monterey Department of Social and Employment Services' Office of Employment Training is conducting a youth hiring program.
- **Mayor Cort** recognized Hayward Lumber Company for efforts to keep tax dollars local by offering a 5% discount to the contractors awarded the bid for the Poet's Perch.

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

- **Mae Bailey**, invited participation and attendance at the PG Reads for the Library event on May 2, 2009 beginning at noon at the Library.
- **Linda Bailey** also invited participation, attendance and sponsors for the event.
- **Daniel Miller** expressed concern that the City was not receiving the services it was paying for through the consolidation of the Fire Department with the City of Monterey.
- **John Fisher** thanked Sarah Hardgrave, Senior Planner in the Community Development Department, for assisting him regarding questions he had about the Gateway Center resolution.
- **Thom Akeman** provided an update on the seals at the local beach and thanked the Public Works and Police Departments for their part in assuring their safety and well-being.
- **Richard Ahart** expressed appreciation to Council Members Lindsay and Bennett.
- **Snick Farkas** presented Colossus of Gold No. 294.

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 Lindsay, seconded by Council Member Kampe, and carried, Council moved approval of the Consent Agenda with exceptions as noted:

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the April 15, 2009 City Council Meeting
Recommended Action: Approve

2. RESOLUTIONS

- A. **Resolution No. 09-016:** Consider a Resolution Granting Approval for Gateway Center to Relicense the Existing Facility into Three Separate Licensed Facilities on the Same Site
Council will consider a resolution granting approval for Gateway Center to relicense the existing facility into three separate licensed facilities on the same site.
Reference: Sarah Hardgrave, Senior Planner
Recommended Action: Adopt the resolution.

3. REPORTS OF STAFF

- A. Receive Report on Status of Lighthouse Avenue Design Charrettes and Lovers Point Park Master Plan and on Process for City Council Review and Action
Council will receive a status report from staff on the Lighthouse Avenue and Lovers Point Park design plans and the process by which they can be approved by the City Council.
Reference: Lynn Burgess, Chief Planner
Recommended Actions:
(1) **Receive the report.**
(2) **Provide direction to staff on the process for adopting the 1993 Architectural Charrette and the 1999 Draft Lovers Point Park Master Plan.**

The item below was pulled by a member of the public and was voted on separately from the rest of the Consent Agenda.

- B. Receive the Final Report of the Pedestrian Assessment for the City Of Pacific Grove as Prepared by The Tech Transfer Program at the University of California at Berkeley
Council will receive the final report of the Pedestrian Assessment for the City as prepared by the Tech Transfer Program at the University of California at Berkeley.

Reference: Celia Martinez, Business Manager, Public Works

Recommended Action: Receive the report.

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

PUBLIC COMMENT

- **John Fisher** expressed concern that the report being considered lacked information.

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

- A. Minutes of the April 14, 2009 Architectural Review Board Site Review

Recommended Action: Receive

- B. Minutes of the April 14, 2009 Architectural Review Board

Recommended Action: Receive

- C. Minutes of the April 16, 2009 Planning Commission

Recommended Action: Receive

- D. Minutes of the March 10, 2009 Recreation Board

Recommended Action: Receive

COUNCIL ACTION: Upon motion of Council Member Kampe, seconded by Council Member Stilwell, and carried, Council directed staff to review and make any necessary corrections to the golf course revenue figures contained within the minutes and moved the recommended action.

Council Member Cohen also requested that staff return with information as to the amount of money that is to be spent on marketing the golf course.

PUBLIC COMMENT

- **Daniel Miller** expressed concern that the figures in the minutes regarding the golf course were not accurate and should be reviewed and corrected if necessary.

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.

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
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission

7. OLD BUSINESS

- A. **Resolution No. 09-015:** Consider a Resolution Authorizing the City Manager to Sign a Letter of Intent to Contract with the Museum Foundation of Pacific Grove, Inc. for Operation of the Pacific Grove Museum of Natural History
As the next step in a process started during the summer of 2008, of partnering with a foundation to operate the museum at a level the City cannot afford independently, Council will consider a resolution authorizing the City Manager to sign a non-binding letter of intent to contract with the Museum Foundation of Pacific Grove, Inc. for operation of the Pacific Grove Museum of Natural History.

Reference: Charlene Wiseman, Interim City Manager

Recommended Actions:

- (1) **Approve a resolution authorizing the City Manager to sign a non-binding letter of intent to contract with the Museum Foundation of Pacific Grove, Inc. (Foundation) for operation of the Pacific Grove Museum of Natural History (Museum).**
- (2) **Based on the letter of intent, provide feedback to staff on issues of particular interest or concern for inclusion in a binding service agreement with the Foundation that will be presented for the City Council's consideration at a future meeting.**
- (3) **Direct the City Manager to negotiate an agreement with the Foundation for operating the museum consistent with the letter of intent.**

COUNCIL ACTION: Upon motion of Council Member Kampe, seconded by Council Member Stilwell, and carried, with Council Members Garcia and Cohen voting against, Council moved the recommended actions.

PUBLIC COMMENT

The following spoke in favor of the recommended actions:

Robert Frischmuth, Judd Perry, Tama Olver, Lila Staples, Robert Pacelli, John Pearse, David Shonman, Frank Panter, Pat Herrgott

**The following spoke against the recommended actions:
Daniel Miller, David Dilworth, Esther Trosow**

8. NEW BUSINESS

- A. Review the Request of Lee and Jim Willoughby Contesting City Fees and Determine to (A) Accept it as an Appeal and Set a Hearing, or (B) Accept it as a Claim, or (C) Reject it as an Untimely Challenge to the Master Fee Schedule

Council will review the request of Lee and Jim Willoughby contesting City fees and determine an appropriate course of action.

Reference: David Laredo, City Attorney

Recommended Actions:

- (1) Review the request.**
- (2) Reject the request for further action.**
- (3) Find the request fails to properly frame an appeal of fees to the City Council under Municipal Code Section 6.02.070, fails to comply with the claim requirements under Municipal Code Chapter 6.06, and fails to present a timely challenge to adoption of the 2008/09 Master Fee Schedule.**

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

PUBLIC COMMENT

- **Lee Willoughby, requestor of the appeal**, provided an overview regarding her and her husband's rationale for requesting an appeal to the Council on the issue of City fees.
- **David Dilworth** felt Community Development fees are not connected to the amount of work performed by staff.

- B. Consider a New Model for Delivering Building Services

Council will consider a new model for delivering building services to the City of Pacific Grove. The recommendation is the product of a competitive selection process that staff feels meets the goals of better service and lower cost.

Reference: Lynn Burgess, AICP, Chief Planner and

Jim Becklenberg, Director of Management and Budget

Recommended Actions:

- (1) Direct staff to negotiate a contract with the City of Monterey consistent with its proposal for delivering building services to the City of Pacific Grove.**
- (2) Authorize the City Manager to extend its existing contracts with Precision Inspection, Inc. and the City of Monterey for building services until August 31, 2009 to facilitate the transition to the new service model.**

COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Lindsay, and carried, with Council Members Bennett and Garcia voting against, Council moved the recommended actions.

PUBLIC COMMENT

- **David Dilworth** said full recovery of CDD fees would enable hiring a full staff and suggested giving part of the services to both parties to encourage competitive service.

- C. Consider Approval of Amending Council Policy No. 000-17 - Order of Agenda for Council Meetings

Council will consider approval of amending Council Policy No. 000-17, “Order of Agenda for Council Meetings” and provide direction to staff.

Reference: Council Members Garcia and Cohen

Recommended Actions:

- (1) Approve amending Council Policy No. 000-17.**
- (2) Direct staff to prepare a resolution and amend Council Policy No. 000-17 to reflect the current Order of Agenda for Council Meetings as published and bring back to Council for consideration.**

COUNCIL ACTION: Upon motion of Council Member Garcia, seconded by Council Member Kampe, and carried, Council moved the recommended actions including additional direction given regarding reorganizing the order of the Agenda.

9. REPORTS OF COUNCIL MEMBERS

- A. Consider Approval of the Mayor’s Appointments to the Planning Commission? and the Housing Committee

Council will consider approval of the Mayor’s recommended appointments of William Fredrickson to the Planning Commission and Ken Cuneo to the Housing Committee.

Reference: Mayor Cort

Recommended Action: Approve appointments.

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

- 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 Commission on Disabilities
- Monterey County Convention and 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)

10. ITEMS REMOVED FROM CONSENT AGENDA

11. CLOSED SESSION

Public comment will be invited prior to Council going into Closed Session. Comments from the audience will not receive Council action and must deal only with items in the current Closed Session.

- A. Pursuant to California Government Code Section 54956.9(a), Council will meet in closed session with Legal Counsel to consider pending litigation
- i. *California-Nevada Methodist Homes v. City of Pacific Grove (M84732)*

PUBLIC COMMENT

- **David Dilworth** said he was pleased with the outcome of the California Nevada Methodist Homes case and gave an overview of the history of the building and the events of the issue.

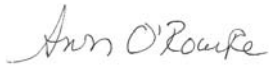
12. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

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, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____