



ACTION MINUTES PACIFIC GROVE CITY COUNCIL

Wednesday, September 16, 2009, 6:00 p.m.

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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE AGENDA

COUNCIL ACTION: Upon motion of Council Member Garcia, seconded by Council Member Bennett, and unanimously carried, Council moved to allow the Library Board Chair to report following Oral Communications, and moved approval of the Agenda.

3. COUNCIL AND STAFF ANNOUNCEMENTS

- **City Attorney Laredo** informed the Council that the 9th Circuit decision regarding the City of Vallejo's bankruptcy case has been published.
- **Council Member Bennett:**
 - Council Members Bennett and Garcia attended the Gateway Center's event commemorating the progress the center has been able to accomplish.
 - Requested that a Council Member attend the California State University at Monterey Bay's Broadband Consortium.
- **Council Member Kampe:**
 - Revisions to the City's Tree Ordinance will be discussed at the September 22, 2009 meeting of the Beautification and Natural Resource Committee.
 - The Holman Hotel subcommittee has been receiving public input and feels they are making good progress.
 - Monterey County Artists Studio Tour will be held on September 26-27, 2009.
- **Mayor Pro Tem Stilwell:**
 - An event for Jerry Morse commemorating the 65th anniversary of his parachuting into Europe during World War II will be held September 17, 2009.
 - Chamber of Commerce Grand Opening for Lamb Designs and the Historic Home Tour.
 - Announced her resignation from the City Council effective September 18, 2009.

4. 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 Pro Tem Stilwell

- **Moe Ammar** announced the Chamber of Commerce's "Fun on Lighthouse" September 24, 2009 and the "Community Expo" September 17, 2009. Thanked all those, including Public Works and the Police, for assistance on the Triathlon.
- **Robert Huitt** said he had learned that a grant from TAMC to the City for the purpose of improving the recreation trail was being returned and he would like to know why.

- **Judy Archibald, Friends of the Library**, commended the Library staff and volunteers on raising more than \$10,000 for the book fund at a recent event.
- **Ken Cuneo** urged volunteers to work on the Measure J which is for funding the Library and will be on the November 4, 2009 ballot.
- **Snick Farkas** presented Colossus of Gold No. 301.

Laura Headley read a statement on behalf of the Library Board. Please see “Reports from Boards, Commissions and Standing Committees” No. 9.J.

5. CONSENT AGENDA

The Consent Agenda deals with routine and noncontroversial matters, and may include action on resolutions but not on ordinances. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff or the public may remove an item. One motion shall be made to adopt all non-removed items on the Consent Agenda.

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Lindsay, and unanimously carried, Council moved approval of the Consent Agenda, with exceptions as noted below.

A. APPROVAL OF CITY COUNCIL MEETING MINUTES

- (1) Minutes of the August 31, 2009 City Council Special Meeting
Recommended Action: Approve
- (2) Minutes of the September 2, 2009 City Council Meeting
Recommended Action: Approve

B. RESOLUTIONS

The item below was pulled by a member of the public for discussion and was voted on separately from the rest of the Consent Agenda as Item No. 6.1.

- (1) Consider a Resolution Approving Changes to the Rental Guidelines for the Poet-In-Residence Program

Council will consider a resolution that amends the rental guidelines by removing the income and rent restrictions on the property, requiring the tenant to have experience producing events, changing the makeup of the ad hoc selection committee, defining the processes by which the rent is determined and the tenant can be considered for a second year of occupancy.

Reference: Julie Uretsky, Housing Program Coordinator
Recommended Action: Adopt the resolution

- (2) **Resolution No. 09-048:** Consider a Resolution to Create a Four (4) Way Stop Intersection at the Gibson Avenue and Fountain Avenue Intersection
Council will consider a resolution to create a four (4) way stop intersection at the Gibson Avenue and Fountain Avenue Intersection.
Reference: Celia Perez Martinez, Business Manager, Public Works
Recommended Action: Adopt the resolution

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

- (1) Minutes of the September 8, 2009 Architectural Review Board Site Review
Recommended Action: Receive

- (2) Minutes of the September 8, 2009 Architectural Review Board
Recommended Action: Receive
- (3) Minutes of the July 22, 2009 Museum Board Special Meeting
Recommended Action: Receive

6. ITEMS REMOVED FROM CONSENT AGENDA

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

~~5.B.1~~ (1) **Resolution No. 09-044** - Consider a Resolution Approving Changes to the Rental Guidelines for the Poet-In-Residence Program

Council will consider a resolution that amends the rental guidelines by removing the income and rent restrictions on the property, requiring the tenant to have experience producing events, changing the makeup of the ad hoc selection committee, defining the processes by which the rent is determined and the tenant can be considered for a second year of occupancy.

Reference: Julie Uretsky, Housing Program Coordinator

Recommended Action: Adopt the resolution

COUNCIL ACTION: Upon motion of Council Member Lindsay, seconded by Council Member Kampe, and unanimously carried, Council moved the recommended action and further directed that the Cultural Arts Commission review recommendations for alternate use of the residence, per a letter from Esther Trosow dated September 11, 2009, and bring back the Commission's findings to a future Council meeting.

REGULAR AGENDA

7. 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. **Resolution No. 09-045:** Hold a Public Hearing and Consider Introducing and Holding a First Reading of an Ordinance that Levies a Tax on the Assessed Value of Property in Pacific Grove for the Butterfly Habitat Bonds and Approval of a Resolution that Certifies Compliance with the Law Concerning the Levying of Taxes

Council will hold a public hearing and consider introducing and holding a first reading of an ordinance that levies a tax rate of .004% on the assessed value of property in Pacific Grove, to pay the debt service on the 1990 Butterfly Habitat Bonds and approval of a resolution that certifies compliance with the law concerning the levying of taxes. This action must be taken by the Council annually. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.

Reference: Jim Becklenberg, Acting Deputy City Manager

Recommended Actions:

- (1) **Hole a Public Hearing.**
- (2) **Introduce and hold a first reading of an ordinance that levies a tax rate of .004% on the assessed value of property in Pacific Grove, to pay the debt service on the 1990 Butterfly Habitat Bonds.**
- (3) **Approve a resolution certifying compliance with the law concerning levying of taxes.**

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Cohen, and unanimously carried, Council moved the recommended actions.

- B. **Resolution No. 09-046:** Hold a Public Hearing and Consider A Resolution Approving the Spending Plan for State Law Enforcement Supplement Funds (SLESF) Grant Funds
The State of California provides supplemental funding to local law enforcement agencies under the Citizens Option for Public Safety (COPS) through the State Law Enforcement Supplement Funds (SLESF). Council will hold a public hearing and consider a Resolution approving the spending plan for COPS/SLESF grant funds for FY 2009/2010.

Reference: Police Chief Darius Engles

Recommended Action: Adopt the resolution

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

8. NEW BUSINESS

- A. Process to Fill Mayoral and Council Vacancies

Council will discuss and is being requested to act upon the need to fill the vacancy in the Office of Mayor. Council will also discuss and determine processes that may apply to filling the forthcoming vacancy in the Office of Councilmember.

Reference: David C. Laredo, City Attorney

Recommended Actions:

- (1) **Fill the vacancy in the Office of Mayor**
- (2) **Establish processes to fill vacancy in the Office of Councilmember**

COUNCIL ACTION NO. 1: The following nominations were made for the Office of Mayor:

Council Member Lindsay nominated Council Member Bill Kampe

Council Member Bennett nominated Council Member Carmelita Garcia

COUNCIL ACTION NO. 2: Upon motion of Council Member Bennett, seconded by Council Member Lindsay, and unanimously carried, Council moved to close the nominations.

PUBLIC COMMENT

- **Vince Tuminello** indicated he did not have a preference for Mayor, but asked that the Council consider the accomplishments of each candidate when making a decision.
- **The following spoke in favor of Council Member Garcia:**
Mary Norton, Jessie Bray, Sally Herrgott, Pat Herrgott, David, Jerry Norton

- The following spoke in favor of Council Member Kampe:
Betty Spole, George Cullinan, Robert Marcum, Steve McCullough, Maria Poroy, Lori Mannel, Joy Colangelo on behalf of Sustainable PG, Elva Perkins, Barbara Lazaroni, Tom Sullivan

ROLE CALL VOTE NO. 1:

In favor of Council Member Garcia:
Council Member Cohen
Council Member Garcia
Council Member Bennett

In favor of Council Member Kampe
Council Member Lindsay
Council Member Kampe
Mayor Pro Tem Stilwell

The vote was tied 3/3. No decision made.

ROLE CALL VOTE NO. 2:

In favor of Council Member Garcia:
Council Member Cohen
Council Member Garcia
Council Member Bennett

In favor of Council Member Kampe
Council Member Lindsay
Council Member Kampe
Mayor Pro Tem Stilwell

The vote was tied 3/3. No decision made.

COUNCIL ACTION NO. 3: Upon motion of Council Member Lindsay, seconded by Council Member Kampe, and unanimously carried, Council moved to continue with the determination of appointment process for filling the unexpired Council seat terms and the remainder of the Agenda, and return to the appointment of a Mayor at the end of the Agenda.

COUNCIL ACTION NO. 4: Upon motion of Council Member Bennett, seconded by Council Member Lindsay, and unanimously carried, Council moved the following process for appointment to the vacant Council seats:

1. Set September 28, 2009, 12:00 p.m. noon as the deadline to submit applications.
2. The application form will be the City form used for Boards, Committees and Commissions applications.
3. There will be a special Council meeting on September 30, 2009, at 6:00 p.m. for the purpose of interviewing candidates and selecting the new Council Members.
4. Candidates will each have an opportunity to address the Council at the meeting.
5. The order in which the candidates address the Council will be determined previous to the meeting by a random draw.
6. An ad will be published in newspapers of general circulation notifying the public that the City is accepting applications for City Council.

The following actions were taken at the end of the Agenda:

ROLE CALL VOTE NO. 3:

In favor of Council Member Garcia:
Council Member Cohen

In favor of Council Member Kampe
Council Member Lindsay

Council Member Garcia
Council Member Bennett

Council Member Kampe
Mayor Pro Tem Stilwell

The vote was tied 3/3. No decision made.

Upon motion of Council Member Bennett, seconded by Council Member Cohen, and unanimously carried, Council moved to select the candidate for Mayor by virtue of a coin toss: Heads for Council Member Kampe and tails for Council Member Garcia.

The outcome of the coin toss was in favor of Council Member Garcia.

Upon motion of Council Member Lindsay, seconded by Council Member Kampe, and unanimously carried, Council moved approval of Council Member Carmelita Garcia to fill the Office of Mayor.

- B. Consider a Report on New Accounting Requirements for Retiree Health Benefits
Council will consider a report on the new accounting requirements for retiree health benefits that the City is required to adopt per the Governmental Accounting Standards Board (GASB).

Reference: Jim Becklenberg, Acting Deputy City Manager

Recommended Actions:

- (1) Receive the report.
- (2) Direct staff to include funding for retiree health liabilities in future budget updates.
- (3) Return at a subsequent meeting with a draft ordinance amending the current year's budget.

COUNCIL ACTION: Upon motion of Council Member Lindsay, seconded by Council Member Bennett, and unanimously carried, Council moved the recommended actions.

PUBLIC COMMENT

- **Ken Cuneo** urged caution against using this as a “cash cow” for the City and then being unable to fund the pension.
- C. **Resolution No. 09-047:** Consider Introducing and Holding a First Reading of an Ordinance to Accept Easements as Granted in an Agreement with the Trustees of the Leland Stanford Junior University for Three Existing and Four New Easements for Stormwater Drainage and Sanitary Sewer Main Line and Consider Adoption of a Resolution Authorizing the City Manager to Enter into the Agreement
Council will consider introducing and holding a first reading of an ordinance to accept easements as granted in an agreement with the trustees of the Leland Stanford Junior University for three (3) existing and four (4) new easements for stormwater drainage and a sanitary sewer main line and consider adoption of a resolution authorizing the City Manager to enter into the agreement. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.
- Reference: Celia Perez Martinez, Business Manager, Public Works**
- Recommended Actions:**
- (1) Introduce and hold a first reading of the ordinance

(2) **Adopt the resolution**

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

- D. Consider Introducing and Holding a First Reading of an Ordinance Amending Ninety Minute Parking on Lighthouse Avenue

Council will consider introducing and holding a first reading of an ordinance amending ninety minute parking on Lighthouse Avenue. Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.

Reference: Celia Perez Martinez, Business Manager, Public Works

Recommended Action: Introduce and hold a first reading of the ordinance

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

9. 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
 - **Laura Headley, Acting Chair**, read a statement on behalf of the Library Board asking the Council for a resolution of intent for the support of the Library. Mayor Pro Tem Stilwell requested the item be placed on the next agenda.
- K. Museum Board
- L. Planning Commission
- M. Recreation Board
- N. Special Events Committee
- O. Traffic Safety Commission

10. 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 Commission on Disabilities
 - 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)

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 54956.95 the City Council will Meet in Closed Session to Consider Workers Compensation Case Summary and Settlement Recommendation

- (1) Claim No. 2008082811 /SELBICKY, Jon
- (2) Claim No. 2008071975 / CONSIGLIO, Frank
- (3) Claim No. 2008081160 / SILVA, Anthony

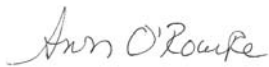
12. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

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.

13. ADJOURNMENT

Respectfully Submitted,



Ann O'Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____