



MEETING MINUTES  
OF THE  
CITY COUNCIL OF THE CITY OF PACIFIC GROVE

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September 5, 2007 – 6:00 p.m.  
CITY HALL – COUNCIL CHAMBERS  
300 FOREST AVENUE, PACIFIC GROVE, CA

Mayor Daniel Cort called the meeting to order at 6:00 p.m. Members present included Cort, Mayor Pro Tempore Scott Miller, Council Member Bennett, Council Member Alan Cohen, Council Member Daniel Davis, Council Member Susan Nilmeier and Council Member Vicki Stilwell.

**CLOSED SESSION**

On motion of Bennett, seconded by Nilmeier, Council unanimously **added one closed session item to the agenda.** At 6:02 p.m., pursuant to California Government Code Section 54956.9, Council adjourned to closed session with Legal Counsel to consider one item of potential litigation regarding the California Department of Food and Agriculture's proposed aerial spraying of a synthetic pheromone to eradicate the light brown apple moth.

**11A.** Pursuant to California Government Code Section 54956.9 Council met in closed session with Legal Counsel to consider existing litigation (one case); Mounteer vs. City of Pacific Grove, Monterey Superior Court.

**Council reconvened in open session at 6:22 p.m.**

On motion of Bennett, seconded by Nilmeier, Council unanimously **added consideration of the California Department of Food and Agriculture's proposed aerial spraying of a synthetic pheromone to eradicate the light brown apple moth to the agenda.** Terrence Zito, Ed Leebert representing Humans Against Spraying of Monterey Area Terrain, Kristy Sebok, Dana Goforth, Carol Kuzdenyi, David Dilworth representing Helping Our Peninsula's Environment, Tony Keppelman, Dave Dickson, Eliot Light, an individual from Seaside, Laurie Solon Husby, John Fischer, Julie DeGeronimo, Tom Maverick, Pat Hensley, Hunter Eldridge, Elsa Dooling, Christine Bettencourt, Judith Mead, Helise Idleborough, Cynthia Fells, Carol Pokella, Kristy Ballesteri, Gina Rene, Craig Wright, and Devoite spoke to the issue.

On motion of Bennett, seconded by Cohen, Council unanimously **stated their emphatic opposition to the planned spraying and their support of non-toxic, tested alternatives; and directed staff to find credentialed experts who will support legal action.**

**At 7:44 p.m., Council took an 11 minute break, returning at 7:55 p.m.**

### APPROVAL OF AGENDA

City Manager Colangelo announced that Chamber of Commerce President Ammar requested that item 8D, Consider a Resolution Revising the Prior Resolutions Governing the Downtown Business Improvement District (BID) and an Ordinance Amending the Fiscal Year 2007/2008 Budget to Include a BID Fund, be continued to a future meeting. On motion of Davis, seconded by Nilmeier, Council unanimously **approved the agenda with the removal of item 8D.**

### COUNCIL AND STAFF ANNOUNCEMENTS

- Council Member Stilwell indicated that she can be reached by e-mail at vicki@woodenickel.com, correcting an erroneous e-mail address that appeared in the Monterey County Herald and on the City's website.
- Council Member Stilwell requested that consideration of the placement of signage on Ocean View Boulevard directing traffic up to 17 Mile Drive and the Downtown Business District be placed on a future agenda.
- Mayor Pro Tempore Miller requested an update from staff on the abatement of a hazardous condition in the Monarch Grove Sanctuary.
- City Manager Colangelo indicated that the City would be working with West Coast Arborists, Inc. to trim the trees in the Sanctuary next week.
- Mayor Cort requested an update on the implementation of the newspaper rack replacement program.
- Mayor Cort indicated that, contrary to an article that appeared in the Monterey County Herald, the City does not have an inordinate number of vacancies on its Boards, Commissions and Committees. Mayor Cort reviewed the current vacancies, noting that several would be filled in the near future.
- Council Member Cohen announced that the City of Pacific Grove had forwarded the City's contribution to the Community Human Services Agency.

### ORAL COMMUNICATIONS

- Bob Davis encouraged all to sign up for the upcoming Pacific Grove Citizens Police Academy which will begin September 18, 2007.
- Jim Quinn expressed concern related to the issuance of a Request for Proposals for operation and maintenance of the Pacific Grove municipal golf course
- Lance Wright indicated that sand and plant encroachment into the bike lane along a two (2) mile section of Asilomar Avenue at Ocean View south to Asilomar Avenue at Sunset Boulevard was forcing cyclists into traffic. Wright further indicated that the white line along the same section needs to be re-striped.
- Snick Farkas presented the Colossus of Gold
- Pat Hensley encouraged all to attend the Police Academy.

### CONSENT AGENDA

Council Member Cohen corrected item 8D of item 1A, Minutes of the August 15, 2007 Regular Meeting, to clarify that he was speaking as a citizen and is not a member of Helping Our

Peninsula's Environment, as the minutes seemed to infer. On motion of Miller, seconded by Bennett, Council unanimously **approved the Consent Agenda with the change as follows:**

**1A. Approved** the minutes of the August 15, 2007 regular meeting as corrected.

**2A. Received** the highlights of the August 17, 2007 Monterey Regional Waste Management District Board Meeting.

**3A. Approved** Resolution No. 7-038, extending the contract with West Coast Arborists, Inc for maintenance of City trees.

**3B. Approved** Resolution No. 7-039, authorizing a contract with Higgins and Associates for preparation of plans, specifications and estimates to install a flashing crosswalk at Sunset Drive and 19<sup>th</sup> Street.

**3C. Approved** Resolution No. 7-040, authorizing the installation of stop signs on Acacia Avenue and Fourth Street at Eardley Avenue.

**4A-J. Received** meeting reports from the following Boards, Commissions and Committees:

Architectural Review Board Site Review	August 28, 2007
Architectural Review Board	August 28, 2007
Cultural Arts Commission	June 14, 2007
Golf Course Advisory Committee	July 11, 2007
Housing Committee	August 9, 2007
Library Board	July 10, 2007
Planning Commission Site Review	August 14, 2007
Planning Commission	August 16, 2007
Recreation Board	July 17, 2007
Traffic Commission	July 10, 2007

#### **REGULAR AGENDA**

**5A. Mayor Cort introduced** Police Chief Engles who reviewed the recommended spending plan for Citizens' Option for Public Safety (COPS)/State Law Enforcement Supplement Funds (SLESF) grant funds; and answered questions from Council.

**Mayor Cort opened the Public Hearing at 8:18 p.m.**

- There were no comments from the public

**Mayor Cort closed the Public Hearing at 8:18 p.m.**

On motion of Bennett, seconded by Davis, Council unanimously **approved Resolution No. 7-041 approving the recommended spending plan for the Citizens' Option for Public Safety/State Law Enforcement Supplement Funds grant funds for Fiscal Year 2007/2008.**

**6A-T. Reports of Boards, Commissions and Standing Committees**

- *ad hoc* Budget and Finance Subcommittee – Committee Member Peter Tansill, CPA, updated Council on the Committee’s consideration of the Monterey Regional Waste Management District’s rate increase request.

**7A. Council Member Cohen recused himself due to conflict of interest and left the room.**

**Mayor Cort introduced** Community Development Director Biggs who answered questions from the Council on the proposed Residential Rental Agreement. There were no comments from the public. On motion of Stilwell, seconded by Davis, Council **passed an adopted Ordinance No. 07-014, authorizing a Residential Rental Agreement with a tenant at 140 18<sup>th</sup> Street known as the “Poet’s Perch;”** with Council Member Cohen abstaining.

**7B. Mayor Cort introduced** Pacific Grove Business Manager Martinez who answered questions from Council. David Dilworth representing Helping Our Peninsula’s Environment, Thom Akeman, and Rachel Davis on behalf of Pat Hensley spoke to the issue. On motion of Cohen, seconded by Stilwell, Council unanimously **passed and adopted Ordinance No. 07-015, amending Pacific Grove Municipal Code Chapter 12.26, “Tree Preservation and Protection.”**

**8A. Mayor Cort introduced** Director of Management and Budget Becklenberg who provided a report on the first six (6) months of City Operation of the Golf Course Pro Shop; and answered questions from Council. Jim Quinn and David Dilworth spoke to the issue. On motion of Cort, seconded by Bennett, Council unanimously **received the financial report on the first six (6) months of City operation of the Golf Course Pro Shop.**

**8B. Mayor Cort introduced** Director of Management and Budget Becklenberg who reviewed a proposed budget amendment; and answered questions from Council. David Dilworth spoke to the issue. On motion of Bennett, seconded by Miller, Council unanimously **introduced an ordinance amending the Fiscal Year 2007/2008 Budget by increasing appropriations from Fund #7 (Library Building and Improvement) by \$133,650 to enable the City to honor requests to return donations made for the proposed expansion of the Library.**

**8C. Mayor Cort introduced** City Attorney Laredo who reviewed a proposed ordinance to implement general taxes if they are approved at the November 6, 2007 election; and answered questions from Council. There were no comments from the public. On motion of Davis, seconded by Cort, Council unanimously **introduced an ordinance adding new Chapter 6.60 and amending existing Chapters 6.08 and 7.04 of the Municipal Code to implement general taxes if they are approved in the November, 2007 election; and approved it for publication.**

*8D. Item 8D, Consider a Resolution Revising the Prior Resolutions Governing the Downtown Business Improvement District (BID) and an Ordinance Amending the Fiscal Year 2007/2008 Budget to Include a BID Fund, was continued to a future City Council meeting.*

**8E. Council Member Bennett recused herself due to conflict of interest and left the room. Council Member Stilwell recused herself due to conflict of interest and remained in the room to address the item under Public Comment. Mayor Cort introduced** Pacific Grove

Business Manager Martinez who reviewed a request to extend the “No Parking” zone along the boundary of the Monarch Sanctuary; and answered questions from Council. Vicki Stilwell and John Fischer spoke to the issue. On motion of Miller, seconded by Nilmeier, Council **introduced an ordinance amending Pacific Grove Municipal Code Sections 16.40.550 and 16.56.090 to extend the “No Parking” zone on Grove Acre Avenue;** with Bennett and Stilwell abstaining.

**9A. Mayor Cort reviewed** his recommended appointment to the Museum Board. There were no comments from the public. On motion of Davis, seconded by Nilmeier, Council unanimously **approved the Mayor’s appointment to the Museum Board.**

**9B. Council gave the following meeting reports:**

- For Ord Reuse Authority (FORA) – Council Member Davis: Davis clarified the FORA Board voting process.
- Transportation Agency for Monterey County (TAMC) – Mayor Pro Tempore Miller: the SR68 Community Hospital project will have two left-turn lanes exiting the Hospital property onto Highway 68.

**9B. Reports on Trips, Conference Attendance, and Meetings (AB 1234):**

- There were no reports.

**CLOSED SESSION**

**12. Public Announcement of Action Taken in Closed Session: No reportable action was taken.**

**ADJOURNMENT**

There being no further business, Council adjourned at 9:39 p.m.

Respectfully Submitted,

Jean-Marie McLaren  
Deputy City Clerk

APPROVED BY MAYOR:

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ATTEST BY DEPUTY CITY CLERK:

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