



**DRAFT MEETING MINUTES**

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**CITY OF PACIFIC GROVE**  
**CITY COUNCIL**  
**SPECIAL MEETING**

Wednesday, September 7, 2016, 5:00 P.M.  
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

**CALL TO ORDER**

Mayor Kampe called the meeting to order at 5:00 p.m. Present: Mayor Kampe, Mayor Pro Tem Huitt, Councilmembers Fischer, Lucius, Miller, and Peake. Absent: Councilmember Cuneo.

**CLOSED SESSION**

**PUBLIC COMMENT ON CLOSED SESSION MATTERS**

No public comment was received.

- A. Conference with Legal Counsel –Existing Litigation (Government Code §54956.9)  
*Justin Gill v. Monterey County District Attorney's Office, City of Pacific Grove Police Department, and Does 1-100*, United States District Court, Northern District of California, Case No. 5:13-cv-05178 HRL



# DRAFT MEETING MINUTES

## CITY OF PACIFIC GROVE

### CITY COUNCIL

#### REGULAR MEETING

Wednesday, September 7, 2016, 6:00 P.M.  
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

#### **CALL TO ORDER**

Mayor Kampe called the meeting to order at 6:00 p.m. Present: Mayor Kampe, Mayor Pro Tem Huitt, Councilmembers Cuneo, Fischer, Lucius, Miller, and Peake.

#### **PLEDGE OF ALLEGIANCE**

Councilmember Lucius led the pledge of allegiance.

#### **1. APPROVAL OF AGENDA**

City Manager Ben Harvey noted 1) Chief Belcher was not present for his recognition and 2) Consent Agenda Item 7A should be pulled from the Consent Agenda and be considered as Agenda Item 11B. Upon motion by Councilmember Cuneo, the City Council voted 7-0 to approve the agenda as amended.

#### **2. PRESENTATIONS**

- A. Mayor's Proclamation: Jacob's Heart
- B. Recognition of Chief Belcher / Introduction of Chief Christey
- C. CalAm Water Presentation

#### **3. COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

- A. Report on Closed Session by City Attorney  
City Attorney Dave Laredo announced that Council met at 5:00 p.m. for the one pending litigation noticed, that Council received a status report and provided general direction regarding settlement authority, but that no specific reportable action was taken.
- B. Council and staff made general announcements.

#### **4. GENERAL PUBLIC COMMENT**

Public comment was received from the following: John Paff and Gary Richard Arnold.

#### **CONSENT AGENDA**

Action: Consent Agenda Item 7A was pulled by City Manager Harvey and considered as Agenda Item 11B; Consent Agenda Item 9A was pulled by Councilmember Fischer and considered as Agenda Item 12A; Consent Agenda Item No. 8A was pulled by the public

and considered as Agenda Item 12B; Consent Agenda Item 6A was pulled by the public and considered as Agenda Item 12C. Upon motion by Councilmember Huitt, the Council voted 7-0 to approve the Consent Agenda as amended.

**5. APPROVAL OF CITY COUNCIL MEETING MINUTES**

- A. Minutes of the August 17, 2016 City Council Regular Meeting  
Action: Approved minutes.

**6. RESOLUTIONS**

*Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business*

- A. Adopt a Resolution Amending Council Policies 000-2 *Meeting and Travel Expense Reimbursement* and 400-6 *Budget and Financial Management* **This item was pulled and considered as Agenda Item 12C.**  
Reference: Patty Maitland, Finance Director  
Recommended Action: Adopt a Resolution Amending Council Policies 000-2 *Meeting and Travel Expense Reimbursement* and 400-6 *Budget and Financial Management*.

**7. ORDINANCES**

- A. Amend Municipal Code Chapter 11.96 to Enact Construction Noise Time Limits **This item was pulled and considered as Agenda Item 11B.**  
Reference: Bill Peake and Robert Huitt, Council Members  
Recommended Action: Hold second reading and adopt an ordinance addressing construction noise time limits.

**8. REPORTS – INFORMATION ONLY**

- A. Local Coastal Program Update – Land Use Plan and Implementation Plan **This item was pulled and considered as Agenda Item 12B.**  
Reference: Anastazia Aziz, AICP, Senior Planner and Mark Brodeur, Director of Community and Economic Development  
Recommended Action: Receive as information.

**9. REPORTS – REQUIRING ACTION**

- A. Status of the City's MPWMD Water Allocation **This item was pulled and considered as Agenda Item 12A.**  
Reference: Reference: Anastazia Aziz, AICP, Sr. Planner, Community and Economic Development Department  
Recommended Action: Receive a report on the status of the City's water reserves per the July 2016 Monterey Peninsula Water Management District (MPWMD) monthly allocation report and:  
1) Assign 0.011 water allocation credit from MPWMD to the Commercial Reserve, for a total of 0.031 acre feet in the Commercial Reserve.

**10. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

- A. Architectural Review Board Meeting Minutes: August 9, 2016  
Action: Received minutes.

- B. Planning Commission Meeting Minutes: July 28, 2016  
Action: Received minutes.

## **REGULAR AGENDA**

### **11. PUBLIC HEARINGS**

- A. An ordinance to amend the City of Pacific Grove's Conflict of Interest Code  
No public comment was received.  
Action: Upon motion by Councilmember Fischer, the City Council voted 7-0 to introduce and hold first reading of an ordinance to amend Pacific Grove Municipal Code Chapter 2.40, Conflict of Interest, to account for the addition, deletion, and modification of positions listed as "designated employees; determine that, for the purposes of the City's Conflict Code, the City is the "agency;" approve the updated Conflict Code; and direct that a summary of a proposed ordinance be published as approved by the City Attorney.
- B. Amend Municipal Code Chapter 11.96 to Enact Construction Noise Time Limits  
**This item was pulled from the Consent Agenda.**  
Public comment was received from John Paff, Joe Bileci, Sally Moore, Luke Coletti, and Jill Kleiss.  
Action: Upon motion by Councilmember Miller to direct staff to prepare an anti-noise ordinance limiting exterior construction time limits from 8:00 – 5:00 p.m. Monday through Saturday and interior work only from 8:00 – 8:00 p.m. on Sundays, the motion failed for lack of a second.  
Upon motion by Councilmember Lucius, and friendly amendments by Mayor Kampe and Councilmember Fischer, the Council voted 7-0 to hold second reading and adopt Ordinance No. 16-012 addressing construction noise time limits from 8:00 a.m. to 7:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday.

### **12. UNFINISHED AND ONGOING BUSINESS**

- A. Status of the City's MPWMD Water Allocation **This item was pulled from the Consent Agenda.**  
Public comment was received from Luke Coletti.  
Action: Upon motion by Councilmember Fischer, the Council voted 7-0 to receive a report on the status of the City's water reserves per the July 2016 Monterey Peninsula Water Management District (MPWMD) monthly allocation report and assign 0.011 water allocation credit from MPWMD to the Commercial Reserve, for a total of 0.031 acre feet in the Commercial Reserve.
- B. Local Coastal Program Update – Land Use Plan and Implementation Plan **This item was pulled from the Consent Agenda.**  
Public comment was received from Lisa Ciani, Robin Aeschliman, John Pearce, Gary Richard Arnold, and Luke Coletti.  
Action: Council received as information.

- C. Adopt a Resolution Amending Council Policies 000-2 *Meeting and Travel Expense Reimbursement* and 400-6 *Budget and Financial Management* **This item was pulled from the Consent Agenda.**  
Public comment was received from Gary Richard Arnold.  
Action: Upon motion by Councilmember Cuneo, the Council voted 7-0 to adopt Resolution No. 16-048 amending Council Policies 000-2 *Meeting and Travel Expense Reimbursement* and 400-6 *Budget and Financial Management*.

**13. NEW BUSINESS**

- A. Code Compliance Priorities  
Public comment was received from Gary Richard Arnold.  
Action: Upon motion by Councilmember Fischer, the Council voted 7-0 to direct the City Manager to implement updated Code Compliance priorities as part of the revised Code Compliance Standard Operating Procedure.

**14. FULL PRESENTATIONS**

None.

**15. REPORTS OF COUNCIL MEMBERS AND OTHER CITY REPRESENTATIVES**

None.

**ADJOURNMENT**

Council adjourned the regular meeting at 9:15 p.m.

Respectfully Submitted,

Sandra Kandell  
City Clerk

Approved by Mayor: \_\_\_\_\_ Date\_\_\_\_\_

Attest by City Manager: \_\_\_\_\_ Date\_\_\_\_\_