



## MEETING MINUTES

# CITY OF PACIFIC GROVE CITY COUNCIL

## SPECIAL MEETING MINUTES

Wednesday, JULY 16, 2014

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

5:30 P.M.

### CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kampe called the meeting to order at 5:30 p.m. Present: Mayor Kampe, Mayor Pro Tem Huitt, Councilmembers Cohen, Cuneo, Fischer, and Miller. Absent: Councilmember Lucius.

### CLOSED SESSION

#### **PUBLIC COMMENT ON CLOSED SESSION MATTERS**

There were no public comments.

Mayor Kampe announced that the City Council will recess to closed session:

- A. Pursuant to Government Code Section 54957, Public Employment Performance Evaluation – City Manager
- B. Conference with Labor Negotiators (Gov. Code Section 54957.6): City Representatives: Ad hoc Council Committee Members Fischer, Huitt, and Lucius
  1. Unrepresented Employee - City Manager
- C. Conference with Labor Negotiators: City Representatives: Thomas Frutchev, City Manager; Beth Kastrup, Human Resources Analyst (Gov. Code Section 54957.6)
  1. General Employees Association
  2. Management Employees Association
  3. Police Officers Association
  4. Unrepresented Employees
- D. Conference with Legal Counsel - Existing Litigation, (Gov. Code § 54956.9(a) )
  1. Gill v. City of Seaside, et al, California Northern District Court Case No. 5:2013cv05178
  2. Thomas Gunter v. City of Pacific Grove, WCAB Claim No. CPOP-54959
  3. Angelo DiMarco v. City of Pacific Grove, WCAB Claim Nos. CPOJ-528030 & CPON-549575
  4. Jennifer Plosser v. City of Pacific Grove, WCAB Claim No. CPOK-546053



## MEETING MINUTES

# CITY OF PACIFIC GROVE CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, July 16, 2014 6:00 P.M.

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

### CALL TO ORDER

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

### CLOSED SESSION REPORT

City Attorney Dave Laredo announced that the City Council will reconvene in closed session to continue discussion on Items A and B, the City Manager's evaluation and labor negotiation, if time allows. The City Council did not address Item C, labor relations with employee groups. No reportable action was taken on Item D, existing litigation.

**PLEDGE OF ALLEGIANCE** was led by Councilmember Cohen.

### 1. APPROVAL OF AGENDA

Upon motion by Councilmember Cuneo and second, the Council voted 7-0 to approve the agenda.

### 2. PRESENTATIONS

- A. Employee of the Quarter, Doe King, Library Support Services Manager
- B. Feast of Lanterns Court Members were introduced: Queen Topaz, Minhee Cho; and Princesses Amethyst, Catherine Gruber; Garnet, Ashley Lyon; Turquoise, Caroline Gruber; Pearl, Olivia Cain; and Ruby, Kimberly Huynh.
- C. Bill Valuch Commendation

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

Councilmembers asked questions and made comments.

- A. Introduced Museum Development Director Jeanette Kihs.
- B. Café Ariana Status

The following spoke in support of outdoor seating:

Ariana Favalaro, Ed Lake, Tom McMahan, Judy Smart, Monica Wasson, Craig Riddell, Rebecca Riddell, and Lee Willoughby. Steve Thomas questioned why concerns were not raised earlier. Wendy Giles expressed concern regarding hazards and suggested a compromise. Attorney for the Favalaros would like to work with the City.

### 4. GENERAL PUBLIC COMMENT

Lee Willoughby commented on the golf clubhouse Point Pinos Grill's application to the ABC for a full liquor license.

Aimee Grijalva spoke in support of Jacob's Heart and Pediatric Cancer Awareness

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Month in September, in memory of her son, Matthew.  
Bob Pacelli addressed the Monarch Sanctuary

### **CONSENT AGENDA**

Consent Items No. 6A, Commercial Property Tax Reform, 6B, EMC Planning Group contract, and 8B, Water Conservation and Landscaping at Lovers Point Park, were removed from the Consent Agenda to be considered under New Business, Section 13.

**Upon motion by Councilmember Cuneo and second, the Consent Calendar was approved 7-0, with the exception of the pulled items.**

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

- A. Minutes of the June 18, 2014 City Council Special and Regular Meetings  
Reference: Ann Camel, Interim City Clerk  
Action: Approved Minutes

#### **6. RESOLUTIONS**

- A. Resolution supporting commercial property tax reform to lessen adverse impacts of Proposition 13 on residential property. **This item was moved to No. 13D, New Business.**  
Reference: Thomas Frutche, City Manager  
Recommended Action: Adopt a resolution supporting commercial property tax reform to lessen adverse impacts of Proposition 13 on residential property.
- B. Resolution to approve a service contract with EMC Planning Group for development of the Local Coastal Plan. **This item was moved to No. 13A, New Business.**  
Reference: Anastazia Aziz, Senior Planner  
Recommended Action: Approve a resolution authorizing a contract for the period ending December 31, 2016 with EMC Planning Services for professional planning services leading to a Certified local Coastal Program (LCP), in an amount not-to-exceed \$183,000.
- C. Resolution Amending the Master Fee Schedule  
Reference: Catherine Krysyna, Assistant Finance Officer  
Action: Approved Resolution 14-048 amending the Master Fee Schedule for FY 2014/15 to include Cost Price Index (CPI) updates to certain Building Division fees that were inadvertently excluded in the previous Master Fee Schedule update taken to Council on May 21, 2014.
- D. Rescind Resolution 14-016 and withdraw the Initiative to Void Ordinance 02-18 from the November 4, 2014 General Election  
Reference: David C. Laredo, City Attorney  
Action: Adopted Resolution 14-049 to rescind and repeal Resolution 14-016 and withdraw the Initiative to Void Pacific Grove Ordinance No. 02-18 from the November 4, 2014 General Election ballot.

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- E. Resolution Calling November 4, 2014 Municipal Election for Mayor and Councilmembers  
Reference: Ann Camel, Interim City Clerk  
Action: Adopted Resolution 14-050 calling the general municipal election for Mayor and City Councilmembers, consolidating the municipal election with the Statewide election on November 4, 2014, and authorizing the Monterey County Election Department to provide services.

**7. ORDINANCES**

- A. Ordinance to Levy Tax on assessed value of property in Pacific Grove for the Butterfly Habitat Bonds.  
Reference: Catherine Krysna, Assistant Finance Officer  
Action: Held a second hearing and adopted Ordinance 14-009 that levies a tax rate of 0.003% on the assessed value of property in Pacific Grove, to pay the annual debt service on the 2003 General Obligation Refunding Butterfly Habitat Bonds.
- B. Ordinance amending the FY 2013-4 Budget  
Reference: Catherine Krysna, Assistant Finance Officer  
Action: Held a second reading and adopted Ordinance 14-010 amending the Fiscal Year 2013-14 Budget.
- C. Ordinance amending the full-time position classification schedule  
Reference: Beth Kastrup, Human Resources Analyst  
Action: Held a second reading of Ordinance 14-011 to amend the full-time position classification schedule to include salary amendments to Financial Analyst and Chief Accountant classifications and directed that publication of the ordinance be satisfied by publication of a summary, approved by the City Attorney.
- D. Extending the lease and Operation of the Little Chapel By-The-Sea Crematory on a month-to-month basis pending the issuance of a Request for Proposals  
Reference: Catherine Krysna, Assistant Finance Officer  
Action: Held a second reading and adopted Ordinance 14-012 amending the Agreement for Lease and Operation of Crematorium between the City of Pacific Grove and Keystone America, Inc. dba The Little Chapel By-The-Sea and the Paul Mortuary.

**8. REPORTS – INFORMATION ONLY**

- A. Performance report for Community Development Block Grant funded activities for Fiscal Year 2013/14—Housing Rehabilitation Revolving Loan Fund  
Reference: Terri C. Schaeffer, Housing Program Coordinator
- B. Water Conservation and Upgraded Landscaping at Lovers Point Park. **This item was moved to New Business, No. 13E**  
Reference: Daniel Gho, Public Works Superintendent

**9. REPORTS – REQUIRING ACTION**

- A. Golf Rules of Play and Golf Ball Damage Claims  
Reference: Thomas Frutchey, City Manager  
Action: Rescinded Council Policy 200-2, Golf Ball Property Damage, effective

immediately

B. League of California Cities Annual Conference Voting Delegates

Reference: Thomas Frutchev, City Manager

Action:

1. Approved Resolution 14-051 designating Casey Lucius as Voting Delegate and Robert Huitt as Alternate to attend the 2014 League of California Cities Annual Conference in Los Angeles, September 3-5 and represent the City on policy matters.
2. Directed staff to bring to the Council the policies to be debated and voted on, to allow the Council to discuss the issues, approve the City's position, and direct the voting representative to advance the City's position in all ways appropriate.

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

- A. Planning Commission: June 26, 2014
- B. Planning Commission Site Review: June 26, 2014
- C. Architectural Review Board: June 24, 2014
- D. Economic Development Commission: June 12, 2014

**REGULAR AGENDA**

11. **PUBLIC HEARINGS**

A. Amendment to the Municipal Code Related to Occupancy Requirements for Second Units

Reference: Steve Matarazzo, Interim Community Development Director, stated that the second units were permitted.

Pam Silkwood, representing 1012 Sunset Drive property owner, proposed eliminating the requirements that both units could not be rented or, eliminating the requirement for properties fronting arterial streets, which particularly makes sense. She stated that her client would be harmed by the staff recommendation.

Beverly Ferranti stated that her main house could be empty under the proposal.

Robert Duey and Ivan Cornelius would like to be able to rent the second unit on their parcel.

**Action: Upon motion by Councilmember Huitt and second, the City Council held the first reading and voted 6-1 to introduce the ordinance amendment to the Chapter 23 of the Municipal Code to alter the owner-occupancy requirements for an estimated 39 properties in the City that had second units existing prior to August 5, 1992, with Councilmember Lucius voting no.**

B. Adoption of the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan (IRWMP) Update

Reference: Anastazia Aziz, AICP, Senior Planner

No public comment.

**Action: Upon motion by Councilmember Cuneo and second, the City voted 7-0 to approve Resolution 14-052 to adopt the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan**

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**(IRWMP) update.**

- C. Adopt the FY 2014/15 Master Fee Schedule For the Recreation Department  
Reference: Donald Mothershead, Senior Recreation Coordinator  
The following commented on fees for non-profit organizations: Clare Mounteer;  
Alexander Fallon; Chris Blalog; Bill Peake, Recreation Board.  
**Action: Upon motion by Councilmember Cuneo, the City Council voted 7-0 to approve the Recreation Master Fee Schedule for Fiscal Year 2014-15, including a \$100 pool rental fee for residents.**

Mr. Frutchey confirmed that the authority granted to the City Manager is for fee reduction or waiver based on Council's direction.

**12. UNFINISHED AND ONGOING BUSINESS**

- A. Future of Police Services  
Reference: Thomas Frutchey, City Manager  
There were no public comments.  
**Action: Upon motion by Councilmember Lucius and second, the City Council voted 6-1 to direct the City Manager and Police Chief to continue to strengthen the department by maintaining the core patrol functions and staff, while continuing to pursue augmenting those capabilities and reducing costs through service sharing, contracts, and other appropriate avenues; Councilmember Miller voted no.**
- B. Reusable Bag Ordinance for Pacific Grove  
Reference: Steve Matarazzo, Interim Community Development Director.  
The following spoke regarding the proposed ordinance: Vicky Pierce; Heidi Feldman, Brad Hunt, Mike Becker, Vincent Tuminello, and Steve Thomas.

**Action: Upon motion by Councilmember Huitt and second, the City Council voted 3-4 to direct staff to return with the proposed ordinance for introduction on August 6, 2014, for adoption prior to September 1, 2014, with Councilmembers Cohen, Cuneo, Fischer, and Miller voting no. The motion failed.**

**Action: Upon motion by Councilmember Fischer and second, the City Council voted 4-3 to direct staff to return with an ordinance including a 10-cent fee per paper bag for introduction on August 6 for adoption prior to September 1, 2014, with Councilmembers Cohen, Huitt, and Miller voting no.**

**13. NEW BUSINESS**

- A Resolution to approve a service contract with EMC Planning Group for development of the Local Coastal Plan. **This item was pulled from the Consent Agenda.**  
Reference: Anastazia Aziz, Senior Planner and City Manager Tom Frutchey responded to Councilmember Miller's questions.  
**Action: Upon motion by Councilmember Fischer and second, the City Council voted 7-0 to approve Resolution 14-047 authorizing a contract for the period ending December 31, 2016 with EMC Planning Services for professional planning services leading to a Certified local Coastal Program**

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(LCP) , in an amount not-to-exceed \$183,000.

- B. Economic Development Plan and Manager  
Reference: Thomas Frutchey, City Manager,  
Public comment by Sally Moore and Steve Thomas  
**Action: Upon motion by Councilmember Miller and second, the City Council voted 7-0 to not renew the current contract with Watsonville.**

Upon motion by Councilmember Cuneo and second, the City Council voted to continue the meeting past 10 p.m., with Councilmember Huitt voting no.

- C. Eardley Valve House/Pump Station Status Report  
Reference: John Kuehl, Chief Building Official  
Recommended Action: Receive a status report and provide an opportunity for members of the public to share their views and receive answers to any questions; no action is needed by Council.  
Public comment by: Donald Murphy, Jeff Beckman, Maureen Mason, Carol Patterson, Albert Barcelos, and Betty Loebe  
City Manager Frutchey stated that the next procedural step would be for CalAm to seek proper approvals from Building and the Community Development Department for either restoration or demolition.
- D. Resolution supporting commercial property tax reform to lessen adverse impacts of Proposition 13 on residential property. **This item was pulled from the Consent Agenda.**  
Reference: Thomas Frutchey, City Manager  
Recommended Action: Adopt a resolution supporting commercial property tax reform to lessen adverse impacts of Proposition 13 on residential property. **This item was continued to August 6, 2014.**
- E. Water Conservation and Upgraded Landscaping at Lovers Point Park.  
Reference: Daniel Gho, Pubic Works Superintendent  
Recommended Action: Adopt a resolution supporting commercial property tax reform to lessen adverse impacts of Proposition 13 on residential property. **This item was continued to August 6, 2014.**

#### 14. FULL PRESENTATIONS

#### 15. REPORTS OF COUNCIL MEMBERS

- A. Monterey Regional Waste Management District June 20, 2014 Minutes  
Reference: Gary Bales
- B. Community Human Services June 19, 2014 Minutes  
Reference: Alan Cohen, Councilmember
- C. Museum Board Minutes of March 12, April 14, and May 14, 2014  
Reference: Robert Huitt, Councilmember

#### ADJOURNMENT

The meeting adjourned at 10:50 p.m.

Respectfully Submitted,

*Ann Camel*

Ann Camel, CMC  
Interim City Clerk

Approved by Mayor:

Bill Kamppe

Date

9/5/14

Attest by City Manager:

THOMAS FRITZKY

Date

9-17-14