



MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL MEETING – CLOSED SESSION

Wednesday, August 20, 2014, 5:30 P.M.

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

CALL TO ORDER

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

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS

None.

Mayor Kampe announced the City Council's recess into 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
Unrepresented Employee - City Manager
- C. Pursuant to Government Code Section 54957, Public Employment Performance Evaluation – City Attorney
- D. Conference with Legal Counsel - Existing Litigation, (Gov. Code § 54956.9(a)):
 - 1. Terry Baggett, Workers' Compensation Appeals Board Case No. CPOP-549594

The closed session recessed at 6 p.m. and reconvened at 10:20 p.m.

ADJOURNMENT

The closed session was adjourned at 11 p. m. to August 27, 2014 at 7 p.m.



MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

Wednesday, August 20, 2014, 6:00 P.M.

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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 would reconvene in closed session after the regular meeting to discuss the City Manager's performance evaluation and labor negotiations, and the City Attorney's performance evaluation. He also announced that the City Council voted to authorize settlement of the claim of Terry Baggett, Workers' Compensation Appeals Board Case No. CPOP-549594, in the amount of \$72,500 by a vote of 6-1, with Councilmember Fischer dissenting.

1. APPROVAL OF AGENDA

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

2. PRESENTATIONS

- A. Jacob's Heart – Aimee Grijalva spoke in support of Jacob's Heart and Pediatric Cancer Awareness Month in September, in memory of her son, Matthew.
- B. SmartMeter Update - Fire Chief Panholzer and Dawn Matthews, PG&E, responded to concerns raised by Nina Beatty at the August 6, 2014 meeting regarding SmartMeters.
- C. New employees Patty Maitland, Finance Director, and Mark Brodeur, Community and Economic Development Director, were introduced.

3. COUNCIL AND STAFF ANNOUNCEMENTS

Councilmembers and staff made announcements.

4. GENERAL PUBLIC COMMENT

The following commented on non-agenda items: Nina Beatty, Smart Meters; Michelle Norton, Pebble Beach open space; Carl Stewart, Honor Flight; Robert Pacelli, Bath House deli; Lee Willoughby and Lorna Torkas, Point Pinos Grill liquor license; Sally Moore, Monarch butterflies publications; Georgia Booth, community center facility fencing.

CONSENT AGENDA

At the request of Bob Pacelli, Consent Item No. 8A was removed from the Consent Agenda and included as Item 13B, New Business.

City Manager Frutchey noted a typo on page 7 of the minutes. Additionally, the compliance date reflected in item 7B, reusable bag ordinance, was corrected to state March 2015 instead of March 2014.

Upon motion by Councilmember Cuneo, the City Council voted to approve the Consent Agenda 7-0, with the edited corrections noted, except Agenda Item 7B, the Reusable Bag ordinance, which was approved 6-1, with Councilmember Cohen voting no, and except for Item 8A, the Monarch Sanctuary, which was pulled from Consent, becoming Item 13B.

5. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the August 6, 2014 City Council Special and Regular Meetings
Reference: Interim City Clerk
Action: Approved minutes as corrected.

6. RESOLUTIONS

- A. Resolution authorizing a lien on 1228 Miles Avenue
Reference: Terri C. Schaeffer, Code Compliance Officer
Action: Approved Resolution 14-054 approving placement of a lien on 1228 Miles Avenue.

7. ORDINANCES

- A. Amending the full-time position classification schedule
Reference: Beth Kastrup, Human Resources Analyst
Action: Held a second reading and adopted Ordinance 14-014 to amend the full-time position classification schedule to include the classification of Police Officer Recruit.
- B. Amending the Municipal Code by Adding Chapter 11.98 Regarding Reusable Bags and the Reduction of Single-Use Plastic and Paper Carry-out Bags
Reference: Steve Matarazzo, Interim Community Development Director
Action: Held second reading and adopted reusable bag Ordinance 14-015 banning single-use plastic bags and imposing a 10-cent fee for paper bags and reusable plastic bags, and correcting the date of compliance to March 2015 as noted.
Approved 6-1, with Councilmember Cohen voting no.
- C. Amending Municipal Code Chapter 21.12 regarding cable communication franchises
Reference: Alex Lorca, Deputy City Attorney
Action: Held second reading and adopted Ordinance 14-016 amending Chapter 21.12 of the Pacific Grove Municipal Code (PGMC) regarding cable communication franchises.

8. REPORTS – INFORMATION ONLY

- A. Approve proposed management activities for the Monarch Grove Sanctuary and reaffirm the City Arborist to have sole discretion for the removal of diseased trees within the sanctuary during the non-overwintering months. **THIS ITEM WAS MOVED TO AGENDA ITEM NO. 13B, NEW BUSINESS**

9. REPORTS – REQUIRING ACTION

- A. Approval of Agreement for Financial System Upgrade/Update and Hosting Services
Reference: Steven Silveria, Information Services Director, and Jeffrey W. Killian, Finance Director Emeritus
Action: Approved a contract between the City of Pacific Grove and SunGard Public Sector for improvements to the City's financial software system, including updating to the most current software and hosting the City's software system and database.

10. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES

- A. Beautification and Natural Resources Commission Meeting Minutes: July 15, 2014
B. Architectural Review Board Meeting Minutes: July 22, 2014

REGULAR AGENDA

11. PUBLIC HEARINGS

- A. Resolutions Authorizing Refunding of the City's 2004 Golf Course Certificates of Participation (COPs)
Reference: Jeff Killian, Finance Director Emeritus
Action: Upon motion by Councilmember Fischer, the City Council voted 7-0 to:
1. **Adopt (a) Resolution 14-055 authorizing refinancing of the Golf Course Clubhouse and Pro Shop improvements and (b) Resolution 14-056 amending the City's agreement with Bond Counsel and appointing Southwest Securities, Inc. as Placement Agent.**
2. **Directed staff to work with Bond Counsel, Placement Agent, and Umpqua Bank to proceed with the refunding of the City's outstanding 2004 Golf Course COPs pursuant to the lease/leaseback documents (the "Refunding Documents").**
- B. Ordinance to amend Pacific Grove Municipal Code Chapter 7.04 regarding the City's business licenses
Reference: David C. Laredo, City Attorney
Upon motion by Councilmember Huitt, the City Council voted 7-0 to introduce the ordinance to amend Chapter 7.04 of the Pacific Grove Municipal Code regarding the City's business licenses, and directed publication of a summary of the measure.

The City Council recessed for a short break, and Councilmember Miller left the meeting due to illness. The meeting reconvened.

12. UNFINISHED AND ONGOING BUSINESS

- A. Franchise agreement with Green Waste Recovery for solid waste, recycling, and organics collection services

Reference: Thomas Frutche, City Manager

The following opposed contracting with a new company, including objecting to proposed fee increases: Diana Dennis; Carmelita Garcia; Wendy Giles; Cam Schure; Georgia Booth; Joe Cadelago, Waste Management; Mike Becker; Robert Pacelli, Craig Riddell

Fred Hernandez, spoke on behalf of his neighbor, who objects to trucks having to back up on her driveway, and he asked who is liable for damage to her driveway. Mr. Frutche stated that there is a claim process if private property is damaged by trucks.

Moe Ammar noted that 45 businesses now have complimentary cardboard curbside pick-up services.

The following spoke on support of Green Waste Recovery: Dave Bingham, Asilomar; Tim Flanagan, Monterey Regional Waste Management District.

Councilmember Fischer moved to approve the staff recommended franchise agreement with Green Waste Recovery, including a 7% rate increase and alternatives for paper billing. The motion failed 3-3. AYES: Councilmembers Huitt, Cuneo, and Fischer. NOES: Councilmembers Cohen, Lucius and Mayor Kampe. Absent: Councilmember Miller.

Richard Cristina, Green Waste Recovery, stated that they would include paper billing, with the other proposed services, for an overall 8% rate increase in residential rates.

Action: Upon motion by Councilmember Fischer, the City Council voted 6-0 to adopt Resolution 14-057 approving the proposed 15-year franchise agreement with Green Waste Recovery, including initial refuse rates and a rate adjustment methodology, for the community's solid waste, recycling, and organics collection services, for the term of August 1, 2015 through July 31, 2030, including paper billings for residential properties at an overall 8% increase in current residential rates. Absent: Councilmember Miller.

- B. Pebble Beach Affordable Housing Project EIR

Reference: Councilmember Ken Cuneo

The following expressed concerns regarding the current proposed location, citing environmental impacts and identification of more appropriate locations within

Pebble Beach or Pacific Grove: Rebecca Riddell; Margaret Butterfield; Craig Riddell; Unidentified speaker; Lynn Mason; Charles; Laura Harris; Debra Kenwood; Unidentified speaker; Tom, Pebble Beach; Fred Hernandez; Ann Schrader; Jim Hemphill, Pebble Beach resident and member of ad hoc committee; John; Georgia Booth; Robert Pacelli; Vince Tuminello

Moe Ammar supports the proposed location.

Action: Upon motion by Councilmember Fischer, the City Council voted 6-0 to direct the Mayor to forward correspondence to Monterey County requesting that other sites be considered for the project. Absent: Councilmember Miller.

Council voted 5-1 to continue beyond 10 p.m. to consider Agenda No. 12C, Coastal Access and reconvene to closed session, with Councilmember Lucius voting no.

- C. Conceptual design and grant application for a coastal access project
Reference: Daniel Gho, Public Works Superintendent
Action: Upon motion by Councilmember Huitt, the City Council voted 6-0 to direct the City Manager to work with the Chamber of Commerce, the Business Improvement District, and others to refine or amend conceptual designs for the coastal access project, and based on those efforts authorized the City Manager to prepare and submit a grant application from the Monterey Peninsula Parks District for an amount not to exceed \$25,000. Absent: Councilmember Miller.

13. NEW BUSINESS

- A. Resolution authorizing a lien on 171 Laurel Avenue. **THIS ITEM WAS CONTINUED TO SEPTEMBER 3, 2014 DUE TO THE LATENESS OF THE HOUR.**
Reference: Terri C. Schaeffer, Code Compliance Officer
Recommended Action: Approve a Resolution approving placement of a lien on 171 Laurel Avenue
- B. Approve proposed management activities for the Monarch Grove Sanctuary and reaffirm the City Arborist to have sole discretion for the removal of diseased trees within the sanctuary during the non-overwintering months. **THIS ITEM WAS CONTINUED TO SEPTEMBER 3, 2014 DUE TO THE LATENESS OF THE HOUR.**
Reference: Daniel Gho, Public Works Superintendent
Recommended Action:
 - 1. Authorize the Public Works Department to initiate and perform the activities as recommended in the Management Plan for the Monarch Sanctuary, as prepared by Dr. Stuart Weiss.
 - 2. Reaffirm that no planting or landscape maintenance activities are to take place in the Sanctuary without the approval of the Public Works Director.

3. Reaffirm that the City Arborist has sole discretion for the removal of diseased trees within the sanctuary during the non-overwintering months (May – September).

14. FULL PRESENTATIONS

- A. Proposition 218. **THIS ITEM WAS CONTINUED TO SEPTEMBER 3, 2014 DUE TO THE LATENESS OF THE HOUR.**

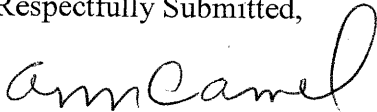
Reference: David Laredo, City Attorney, and Daniel Gho, Public Works Superintendent

15. REPORTS OF COUNCIL MEMBERS

ADJOURNMENT

The meeting reconvened in the Special Meeting closed session at 10:20 p.m.

Respectfully Submitted,



Ann Camel, CMC
Interim City Clerk

Approved by Mayor: Bill Kamppe Date 9/5/14

Attest by City Manager: THOMAS FRUCI Date 9-17-14

