



MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL MEETING MINUTES

Wednesday, November 18, 2015, 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 Cuneo, Fischer, Lucius, Miller, and Peake.

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS

None.

- A. Conference with Legal Counsel – Existing Litigation (Gov. Code §54956.9(1)(d))
 - 1. Application to SWRCB to Modify the Cal-Am Cease & Desist Order, Case No. SWRCB WR 2009-060
 - 2. Thomas Johnson, WCAB Claim No. CPON – 549578
 - 3. *Rose Marie Coleman v. City of Pacific Grove*; Terri Schaeffer; John Kuehl, et al. (Monterey County Superior Court Case No. 15CV000330)
- B. Conference with Legal Counsel – Threatened Litigation (Gov. Code §54956.9(d))
 - 1. One Case
- C. Public Employment – (Gov. Code §54956.9)
 - 1. Title: City Manager



DRAFT MEETING MINUTES
CITY OF PACIFIC GROVE
CITY COUNCIL
REGULAR MEETING MINUTES

Wednesday, November 18, 2015, 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 5:00 p.m. Present: Mayor Kampe, Mayor Pro Tem Huitt, Councilmembers Cuneo, Fischer, Miller, and Peake. Absent: Councilmember Lucius.

PLEDGE OF ALLEGIANCE

Councilmember Cuneo led the pledge of allegiance.

1. APPROVAL OF AGENDA

Upon motion by Councilmember Huitt to move item 13A after the Consent Agenda, the City Council voted 6-0, to approve the agenda as amended.

2. PRESENTATIONS

- A. Employee Service Award: Shawn Stewart
- B. Employee of the Quarter: Shawn Stewart

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

- A. Report on Closed Session by City Attorney
City Attorney Dave Laredo reported that all three Special Agenda items were considered by Council. As to Special Agenda item A, upon motion by Councilmember Cuneo and seconded by Councilmember Fischer, the Council voted 7-1 to authorize participation in the Application to SWRCB to modify the Cal-Am Cease & Desist Order. As to other items, direction was provided as to defense strategy and settlement authority but no reportable action was taken.
- B. Council and staff made general announcements.

4. GENERAL PUBLIC COMMENT

Public comment was received from the following: Jeannette Kihs, Carmelita Garcia, Michelle McCoy and Greg Stillman.

CONSENT AGENDA

Action: Consent Agenda Item No. 6A was pulled and considered as Agenda Item 12D; Consent Agenda Item 7A was removed from the Agenda; Item Consent Agenda Item No. 7B was pulled and considered as Agenda Item 11B; Consent Agenda Item No. 7C was pulled and considered as Agenda Item 11C; Consent Agenda 9B was pulled and considered as Agenda Item 13C.

Upon motion of Councilmembers Cuneo and Fischer, the Council voted 6-0 to approve the remainder of the Agenda as amended.

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

- A. Minutes of the November 4, 2015 City Council Special and Regular Meetings
Action: Approved Minutes.

6. **RESOLUTIONS**

- A. Agreement with Anderson Pacific Engineering Construction Inc. for Storm Drain and Sanitary Sewer Improvements **This item was pulled and considered as item 12D.**

Reference: Daniel Gho, Public Works Director

Recommended Action: Approve a resolution authorizing the City Manager to execute an agreement with Anderson Pacific Engineering Construction Inc. for the Storm Drain and Sanitary Sewer Improvements on 14th Street, Sinex Avenue, and Junipero Avenue, including a Greenwood Park CDS unit, for \$1,323,752 plus a 15% contingency, and authorize the City Manager to make minor improvements to the agreement if issues arise of which the City was not aware when the agreement was negotiated.

7. **ORDINANCES**

- A. Second reading of an ordinance amending the classification schedule for the Human Resources Manager position **This item was removed from the Agenda.**

Reference: Thomas Frutchey, City Manager

Recommended Action: Hold second reading and adopt an ordinance to amend the classification schedule for the Human Resources Manager position.

- B. Second reading of an Ordinance Amending the FY 2015-16 Budget **This item was pulled and considered as item 11B.**

Reference: Patty Maitland, Finance Director

Recommended Action: Hold second reading and adopt an ordinance amending the Fiscal Year 2015-16 Budget

- C. Second Reading Ordinance Amending the Fiscal Year 2015-16 Budget and Establishing an Enterprise Fund and Budget for the Local Water Project **This item was pulled and considered as item 11C.**

Reference: Patty Maitland, Finance Director

Recommended Action: Hold second reading and adopt an ordinance amending the Fiscal Year 2015-16 Budget and establishing an enterprise fund and budget for the Local Water Project.

8. **REPORTS – INFORMATION ONLY**

- A. Museum Board forwarding of Museum Annual Reports

Action: Received reports.

- B. Housing Monitoring Report

Action: Received the Housing Monitoring Report.

9. **REPORTS – REQUIRING ACTION**

- A. Resolution to Amend the City’s Current Harassment, Discrimination And Retaliation Policy.
Action: Approved Resolution No. 15-063 to amend the City’s current harassment policy and complaint procedure, repealed it from the City’s Council Policy Manual, and adopted it as part of the City’s Administrative Policy and Procedures Manual (APPM).
- B. Approve Nominations to Recreation Board; HPO Ad Hoc Committee **This item was pulled and considered as item 13C.**
Reference: Mayor Bill Kampe
Recommended Action: Approve appointments and terms as follows: (1) Recreation Board: Joe Amelio (11/18/2015 to 01/31/2017); and(2) HPO Ad Hoc Committee: Rudy Munoz (11/18/2015 to expiration of committee)

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

- A. Architectoral Review Board Meeting Minutes: September 8, 2015 and October 13, 2015
Action: Received Minutes.
- B. Golf Links Advisory Commission Meeting Minutes: May 27, 2015
Action: Received Minutes.
- C. Historic Resources Committee Meeting Minutes: September 30, 2015 and October 28, 2015
Action: Received Minutes.
- D. Planning Commission Meeting Minutes: October 22, 2015 and November 5, 2015
Action: Received Minutes.

REGULAR AGENDA

11. **PUBLIC HEARINGS**

- A. Cardboard Collection for Commercial Businesses
Public comment was received from the following: Ron Schenk, Mike Becker, Geoven Snaer, Moe Ammar, Luke Coletti, and Emily Finn.
Action: Upon motion by Councilmember Fischer, the Council voted 6-0 to direct staff to continue working with GreenWaste and the BID looking for ways to revise the Franchise Agreement satisfactory to all parties.

13. A. Annual Financial Audit Report for the Fiscal Year Ended June 30, 2015 **This matter was moved to accommodate Auditor’s travel.**
Public comment was received from Luke Coletti.
Action: Council received the Annual Financial Audit Report and Auditor’s Opinion on the City’s financial statements, from the City’s independent financial auditor, Chavan & Associates, LLP, received a status report on improvements

implementing the auditor's recommendations, and provided direction.

- B. Second reading of an Ordinance Amending the FY 2015-16 Budget **This item was pulled from Consent Agenda Item 7B.**

No public comment was received.

Action: Upon motion by Councilmember Cuneo, the Council voted 5-1, Councilmember Peake dissenting, to hold second reading and adopt Ordinance No. 15-021 amending the Fiscal Year 2015-16 Budget.

- C. Second Reading Ordinance Amending the Fiscal Year 2015-16 Budget and Establishing an Enterprise Fund and Budget for the Local Water Project **This item was pulled from Consent Agenda Item 7C.**

Action: Upon motion by Councilmember Fischer, the Council voted 5-1, Councilmember Miller dissenting, to hold second reading and adopt Ordinance No. 15-022 amending the Fiscal Year 2015-16 Budget and establishing an enterprise fund and budget for the Local Water Project.

12. UNFINISHED AND ONGOING BUSINESS

- A. Local Water Project Funding and Entitlement Update

Public comment was received from Luke Coletti.

Action: Received reports on (1) the November 17 consideration by the State Water Resources Control Board of state funding for the Local Water Project and (2) consideration by the Water Management District Board of Directors currently scheduled for December of an ordinance granting entitlement to the City for some of the potable water freed by the local water project.

- B. City Financial Contribution to the Museum of Natural History Partnership

Public comment was received from Tama Olver and John Pearse.

Action: Made no change at this time to City financial support of the Museum of Natural History, but remained open to reconsider that commitment in the future, if City finances warrant, applying criteria consistent with those applied to other City programs supported, at least in part, by General Fund dollars.

- C. Amendment to the Agreements with Albert Weisfuss for Professional Arborist Services **This item was continued to next regular meeting on December 16, 2015.**

Reference: Daniel Gho, Public Works Director

Public comment received from Sally Moore.

Recommended Action: Approve a resolution authorizing the City Manager to enter into an amendment to the agreement with Albert Weisfuss for Professional Arborist Services for the City of Pacific Grove, in an amount of \$20,000, in order to receive additional hours of service.

- D. Agreement with Anderson Pacific Engineering Construction Inc. for Storm Drain and Sanitary Sewer Improvements **This item was pulled from Consent Agenda.**

Public comment was received from Luke Coletti.

Action: Upon motion by Councilmember Huitt, the Council voted 5-1, Councilmember Miller dissenting, to approve Resolution No. 15-062 authorizing

the City Manager to execute an agreement with Anderson Pacific Engineering Construction Inc. for the Storm Drain and Sanitary Sewer Improvements on 14th Street, Sinex Avenue, and Junipero Avenue, including a Greenwood Park CDS unit, for \$1,323,752 plus a 15% contingency, and authorize the City Manager to make minor improvements to the agreement if issues arise of which the City was not aware when the agreement was negotiated.

13. NEW BUSINESS

- A. Annual Financial Audit Report for the Fiscal Year Ended June 30, 2015 **This item was moved and considered after Public Hearing Item 11A.**

Reference: Patty Maitland, Finance Director

Recommended Action:

1. Receive the Annual Financial Audit Report and Auditor's Opinion on the City's financial statements, from the City's independent financial auditor, Chavan & Associates, LLP.
2. Receive a status report on improvements implementing the auditor's recommendations, and provide direction.

Upon motion by Councilmember Huitt, the Council voted 5-1, Councilmember Miller dissenting, to continue past 10:00 p.m. to consider Agenda items 13B and 13C.

- B. Replacement of City Manager Upon His Resignation **This item was continued to a future special meeting to be determined upon Council's availability.**

Public comment was received from Luke Coletti.

Action: Discussed the City's options for selecting an interim and long-term City Manager if necessary.

- C. Approve Nominations to Recreation Board; HPO Ad Hoc Committee **This item was pulled from Consent Agenda Item 9B.**

No public comment was received.

Action: Upon motion by Councilmember Cuneo, the Council voted 6-0 to approve the appointments and terms as follows: (1) Recreation Board: Joe Amelio (11/18/2015 to 01/31/2017); and(2) HPO Ad Hoc Committee: Rudy Munoz (11/18/2015 to expiration of committee)

14. FULL PRESENTATIONS

None.


15. REPORTS OF COUNCIL MEMBERS AND OTHER CITY REPRESENTATIVES

None.

ADJOURNMENT

Council adjourned the regular meeting at 10:42 p.m.

Respectfully Submitted,


Sandra Kandell
Deputy City Clerk

Approved by Mayor: Bill Kampe Date 12/17/15

Attest by City Manager: THOMAS FANTUCCI Date 12-17-15

