



NOTICE OF MEETING

CITY OF PACIFIC GROVE CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, July 6, 2022, 6:00 P.M.

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

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library, in the Finance Department, and electronically at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting.

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

CHAMBER CAPACITY SEATING IS LIMITED AND PROVIDED ON A FIRST COME, FIRST SERVED BASIS.

THE VIRTUAL MEETING IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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[MEETING INSTRUCTIONS](#)

The public may also view the meeting on the Peninsula Channel 25.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Poduri

1. APPROVAL OF AGENDA

2. PRESENTATIONS

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

A. Report on Closed Session

B. Other

4. GENERAL PUBLIC COMMENT

General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Council. Comments from the public will be limited to three minutes and will not receive Council action. Comments regarding items on the Regular Agenda shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda.

5. APPROVAL OF CITY COUNCIL MEETING MINUTES

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business

A. Minutes of the June 15, 2022 City Council Regular Meeting and the June 29, 2022 City Council Special Meeting PG 7

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve minutes.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

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

- A. Resolution Calling November 8, 2022 Municipal Election for Mayor and Councilmembers **Action required by July 18, 2022.** PG 16

Reference: Kerry Lindstrom, Deputy City Clerk

Recommended Action: Adopt a Resolution Calling An Election, Requesting The County Elections Department To Conduct The Election, And Requesting Consolidation Of The November 8, 2022 General Municipal Election For The City Of Pacific Grove for Mayor and City Councilmembers.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

7. **ORDINANCES**

Items pulled from this section will be placed under 11. Public Hearings

8. **REPORTS – INFORMATION ONLY**

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

- A. Monterey-Salinas Transit Board of Directors Meeting Minutes: May 9, 2022 PG 25

Reference: Joe Amelio, Councilmember

Recommended Action: Receive minutes.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- B. Planning Commission Regular Meeting Format PG 32

Reference: Luke Coletti, Councilmember

Recommended Action: Receive report from the Planning Commission recommending that the City Council approve the hybrid meeting format for Planning Commission meetings as soon as possible.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

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

- A. Ratification of New Local Emergency Actions PG 37

Reference: Ben Harvey, City Manager

Recommended Action: Receive report of emergency directives/modifications.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

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

Items pulled from this section will be placed under 13. New Business

- A. Economic Development Commission Meeting Minutes: May 5, 2022 PG 39

Reference: Ben Harvey, City Manager

Recommended Action: Receive minutes

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- B. Planning Commission Meeting Minutes: May 12 and May 19, 2022 PG 43

Reference: Joseph Sidor, Contract Planner

Recommended Action: Receive minutes.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent’s position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter. Public hearings on non-controversial matters or for which testimony is not anticipated may be placed on the Consent Agenda, but shall be removed if any person requests a staff presentation or wishes to be heard on the matter.

- A. Ordinance Amending the Salary Classification Schedule PG 51

Reference: Leticia Livian, Human Resources Director

Recommended Action: 1. Introduce and hold first reading of an ordinance to amend the salary classification schedule, as outlined within the attachment;
2. Modify the salary ranges for specified classifications;
3. Add the new classification of City Clerk/DEI Coordinator;
4. Delete the Community and Economic Development Manager classification; and
5. Direct that a summary of a proposed ordinance be published as approved by the City Attorney.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

12. UNFINISHED AND ONGOING BUSINESS

- A. Safe Parking *This item was continued from the June 15, 2022 meeting.* PG 72
Reference: Jenny McAdams, Mayor Pro Tem
Recommended Action: Hold a conceptual discussion regarding PGMC [18.36.050](#) to amend Safe Parking from a pilot program to a permanent program and direct staff to return with draft language.
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378
- B. Cannabis Advisory Ballot Measure and Cannabis Tax Ballot Measure *This item was continued from the June 15, 2022. Action is requested to be taken no later than the Council's July 20, 2022 meeting.* PG 88
Reference: Ben Harvey, City Manager
Recommended Action: 1. Adopt a resolution authorizing an advisory measure related to retail cannabis sales to be placed on the ballot for the City of Pacific Grove, ordering an election, requesting consolidation of the election with the General and Statewide consolidated election to be held on the November 8, 2022 General Municipal Election; and
2. Adopt a resolution submitting a ballot measure to establish a business tax on businesses which sell and deliver cannabis and cannabis products including industrial hemp and hemp products; ordering an election, requesting County Elections to conduct the election and requesting consolidation of the election with the General Municipal and Statewide Consolidated Election to be held on November 8, 2022.
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378
- C. Pacific Grove City Charter Amendment to Change the Number of City Council Members from Six to Four *This item was continued from the June 15, 2022 meeting. Action is requested to be taken no later than the Council's July 20, 2022 meeting.* PG 119
Reference: Ben Harvey, City Manager
Recommended Action: Adopt a resolution submitting a ballot measure to amend the Pacific Grove City Charter to change the Number of City Council Members from six to four by directing:
1. In 2024 two City Council Members shall be elected to four-year terms, and one City Council Member shall be elected to a single two-year term, and
 2. Every two years thereafter, beginning in 2026, two City Council Members shall be elected to four-year terms, and
 3. Enact consistent Charter changes to clarify a quorum, majority vote and other select actions; and
 4. Ordering an election, requesting the Monterey County Elections Department conduct the election and consolidate it with the Statewide Election to be held on November 8, 2022.
- CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- D. Short-Term Rental (STR) Software Update PG 130

Reference: Andrew Butler, Code Enforcement Officer

Recommended Action: Receive information and provide direction to staff regarding the STR enforcement software.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

13. **NEW BUSINESS**

- A. Special Events Policy 900-1 Proposed Amendments PG 138

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve the DEI Task Force's proposed additions to the Special Events Policy 900-1.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- B. Concept Review: Skatepark Project Proposal PG 144

Reference: Amy Tomlinson, Councilmember

Recommended Action: Convene a concept review discussion for a process to launch a proposed skatepark project proposal, providing framework and direction to City staff and the Recreation Board.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Sandra Kandell, City Clerk
MEETING DATE: July 6, 2022
SUBJECT: Minutes of the June 15, 2022 City Council Regular Meeting and the June 29, 2022 City Council Special Meeting
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve minutes.

Attachments

Draft Minutes 6-15-22

Draft Minutes 6-29-22



DRAFT MEETING MINUTES
CITY OF PACIFIC GROVE
CITY COUNCIL
REGULAR MEETING

Wednesday, June 15, 2022, 6:00 P.M.

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

**THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).
CHAMBER CAPACITY SEATING IS LIMITED AND PROVIDED ON A
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ORDERS ALLOWING FOR A DEVIATION OF
TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.**

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:

<https://us02web.zoom.us/j/209579290>

CALL TO ORDER

Mayor Peake called the meeting to order at 6:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake, Councilmembers Amelio and Coletti. Councilmember Poduri presented via Zoom Webinar. Absent: Mayor Pro Tem McAdams and Councilmembers Smith and Tomlinson. Mayor Pro Tem joined the meeting at approximately 6:47 p.m.

PLEDGE OF ALLEGIANCE

Mayor Peake led the pledge of allegiance.

1. APPROVAL OF AGENDA

Action: Regular Agenda items 12B, 12C, and 12D were continued to the City Council’s regular meeting on July 6, 2022.

Action: Upon motion by Councilmember Coletti and seconded by Councilmember Amelio, Council voted to approve the agenda as amended.

Motion carried 4-0-3, by the following roll call vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, and Poduri.

NOES: None.

ABSENT: Mayor Pro Tem McAdams and Councilmembers Smith and Tomlinson.

2. PRESENTATIONS

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

A. Report on Closed Session from June 1, 2022

Conference with Labor Negotiators (Government Code Section 54957.6)

City Negotiators: Mayor Bill Peake, Councilmembers Nick Smith and Luke Coletti

Employee: City Attorney

Mayor Peake reported that Council met with respect to the June 1, 2022 noticed closed session item, City negotiators provided an update report to Council, but no reportable action was taken.

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**

General public comment was received from Vicki Pearse and Lisa Ciani.

CONSENT AGENDA

Action: Consent Agenda item 8C was pulled and considered as Regular Agenda item 13A.

Action: Upon motion by Councilmember Amelio and seconded by Councilmember Coletti, Council approved the Consent Agenda as amended.

Motion carried 4-0-3, by the following roll call vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, and Poduri.

NOES: None.

ABSENT: Mayor Pro Tem McAdams and Councilmembers Smith and Tomlinson.

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

- A. Minutes of the June 1, 2022 City Council Closed Session and Regular Meeting and the June 8, 2022 Continued Meeting

Action: Approved minutes.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

7. **ORDINANCES**

- A. Electric Vehicle Charging Parking Space Ordinance

Action: Held second reading and adopted Ordinance No. 22-008 amending Pacific Grove Municipal Code Chapter 16.40.710 related to the parking of vehicles in designated electric charging parking spaces.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

- B. Ordinance Amending the Salary Classification Schedule - Administrative Technician

Action: Held second reading and adopted Ordinance No. 22-009 to amend the salary classification schedule for Administrative Technician and modify the salary range for this classification.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

8. **REPORTS – INFORMATION ONLY**

- A. Check Register Report – May 2022

Action: Received the report.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines

Section 15378

- B. Core Revenue Report Status for May 2022

Action: Received the Core Revenue Status Report for May 2022.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
Section 15378

- C. Uvalde Memorial Ceremony *This item was pulled and considered as Regular Agenda item 13A.*

Reference: Council Member Joe Amelio

Recommended Action: Receive report.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
Section 15378

9. **REPORTS – REQUIRING ACTION**

- A. Ratification of New Local Emergency Actions

Action: Received report of emergency directives/modifications.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
Section 15378

- B. Police Records Management System Amendment

Action: Approved an amendment to an agreement with Mark43, Inc. related to the Police Records Management System, in an amount not to exceed \$38,900.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
Section 15378

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

- A. Diversity, Equity and Inclusion Minutes: May 9, 2022

Action: Received minutes.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

- A. Second Reading of an Ordinance to Adopt the Fiscal Year 22/23 Operating and Capital Improvement Budget, and Amend the Fiscal Year 21/22 Operating and Capital Improvement Budget.

No public comment was received.

Action: Upon motion by Councilmember Amelio and seconded by Councilmember Poduri, Council voted to hold second reading of Ordinance No. 22-010 adopting the Fiscal Year 22/23 Operating and Capital Improvement Budget and amending the Fiscal Year 21/22 Operating and Capital Improvement Budget.

Motion carried 4-0-3, by the following roll call vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, and Poduri.

NOES: None.

ABSENT: Mayor Pro Tem McAdams and Councilmembers Smith and Tomlinson.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

12. **UNFINISHED AND ONGOING BUSINESS**

- A. Contract with Harris & Associates, Inc. for Staff Planner Services
Public comment was received from Lisa Ciani.

Action: Upon motion by Councilmember Amelio and seconded by Councilmember Coletti, Council voted to approve an agreement not to exceed \$135,000 in Fiscal Year 22-23 for professional contract planner services with Harris & Associates, Inc.

Motion carried 4-0-3, by the following roll call vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, and Poduri.

NOES: None.

ABSENT: Mayor Pro Tem McAdams and Councilmembers Smith and Tomlinson.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- B. Safe Parking *During the approval of the agenda, this item was continued to the City Council's July 6, 2022 regular meeting.*

Reference: Jenny McAdams, Mayor Pro Tem

Recommended Action: Hold a conceptual discussion regarding PGMC [18.36.050](#) to amend Safe Parking from a pilot program to a permanent program and direct staff to return with draft language.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

- C. Cannabis Advisory Ballot Measure and Cannabis Tax Ballot Measure *During the approval of the agenda, this item was continued to the City Council's July 6, 2022 regular meeting.*

Reference: Ben Harvey, City Manager

Recommended Action: 1. Adopt a resolution authorizing an advisory ballot measure related to retail cannabis sales on the November 8, 2022 General Municipal Election ; and
2. Adopt a resolution submitting a ballot measure to enable a tax on businesses which sell and deliver cannabis and cannabis products including industrial hemp and hemp products; requesting that the Monterey Board of Supervisors authorize the County Elections Department to render specified services to the City of Pacific Grove relating to the conduct of the election, and requesting consolidation of this election with the General Municipal and Statewide Consolidated Election to be held on November 8, 2022.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines

- D. Pacific Grove City Charter Amendment to Change the Number of City Council Members from Six to Four ***During the approval of the agenda, this item was continued to the City Council's July 6, 2022 regular meeting.***

Reference: Ben Harvey, City Manager

Recommended Action: Adopt a resolution submitting a ballot measure to amend the Pacific Grove City Charter to change the Number of City Council Members from six to four by directing:

1. In 2024 two City Council Members shall be elected to four-year terms, and one City Council Member shall be elected to a single two-year term, and
2. Every two years thereafter, beginning in 2026, two City Council Members shall be elected to four-year terms, and
3. Enact consistent Charter changes to clarify a quorum, majority vote and other select actions; and
4. Enlist the Monterey County Elections Department to conduct the election and consolidate it with the Statewide Election to be held on November 8, 2022.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

13. **NEW BUSINESS**

- A. Uvalde Memorial Ceremony ***This item was pulled and considered as Regular Agenda item 13A.***
Public comment was received from Inge Lorentzen Daumer.

Action: Council received report.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT

Council adjourned the regular meeting at 6:54 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____ Date _____

Attest by City Manager: _____ Date _____

DRAFT



DRAFT MEETING MINUTES
CITY OF PACIFIC GROVE
CITY COUNCIL
SPECIAL MEETING

Wednesday, June 29, 2022, 5:00 P.M.

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

**THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).
CHAMBER CAPACITY SEATING IS LIMITED AND PROVIDED ON A
FIRST COME, FIRST SERVED BASIS.**

**THE VIRTUAL MEETING IS COMPLIANT WITH THE
GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF
TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.**

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:

<https://us02web.zoom.us/j/209579290>

CALL TO ORDER

Mayor Peake called the meeting to order at 5:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake and Councilmember Smith. Mayor Pro Tem McAdams and Councilmembers Coletti and Tomlinson presented via Zoom Webinar. Absent: Councilmember Amelio and Poduri.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem McAdams led the pledge of allegiance.

1. APPROVAL OF AGENDA

Action: Upon motion by Councilmember Smith and seconded by Councilmember Coletti, Council voted to approve the agenda.

Motion carried 5-0-2, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Coletti, Smith, and Tomlinson.
NOES:	None.
ABSENT:	Councilmembers Amelio and Poduri.

REGULAR AGENDA

2. NEW BUSINESS

- A. Legal Services Agreement with Burke, Williams & Sorensen
Public comment was received from Jane Haines, Inge Lorentzen Daumer and Brian Pierik.

Action: Upon motion by Councilmember Smith and seconded by Councilmember Tomlinson,

Council voted to approve the legal services agreement with Burke, Williams & Sorensen for City Attorney and Assistant City Attorney positions.

Motion carried 5-0-2, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Coletti, Smith, and Tomlinson.

NOES: None.

ABSENT: Councilmembers Amelio and Poduri.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

ADJOURNMENT

Council adjourned the special meeting at 5:21 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____ Date _____

Attest by City Manager: _____ Date _____



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Kerry Lindstrom, Deputy City Clerk
MEETING DATE: July 6, 2022
SUBJECT: Resolution Calling November 8, 2022 Municipal Election for Mayor and Councilmembers *Action required by July 18, 2022.*
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Adopt a Resolution Calling An Election, Requesting The County Elections Department To Conduct The Election, And Requesting Consolidation Of The November 8, 2022 General Municipal Election For The City Of Pacific Grove for Mayor and City Councilmembers.

DISCUSSION

In keeping with the City Charter, the general municipal election will be held on November 8, 2022 for Mayor (two-year term) and three Councilmembers (four-year terms). Incumbents whose seats are up for election include Mayor Peake and Councilmembers Amelio, McAdams, and Tomlinson. The regular nomination filing period opens on July 18 at 8 a.m. and closes on August 12, 2022 at 5 p.m. Additionally, Charter Article 12 provides the term of office for any Councilmember who files for the office of Mayor shall automatically expire on the Tuesday following the election, and the nomination filing period for that seat shall be extended to August 17, 2020. Nomination forms must be obtained from, and filed with, the City Clerk's office during the nomination filing period.

The attached resolution calls for consolidation of the election with the statewide election and authorizes a contract with the Monterey County Election Department for services. The request for consolidation must be submitted to Monterey County by July 18, 2022.

OPTIONS

N/A

FINANCIAL IMPACT:

Pursuant to the April 8, 2022 correspondence from the Monterey County Elections Office, estimated costs are anticipated to increase over the normal cost estimate based on historical averages. Given the uncertainty in the market and projections from print and mailing vendors, the estimated cost for the November General Election is \$7.50 to \$10.00 per registered voter. As of May 2022, there were 10,428 registered voters in the City of Pacific Grove.

GOAL ALIGNMENT: Not Applicable.

Attachments

Reso

Service Agreement

RESOLUTION NO. 22-XXX

RESOLUTION CALLING AN ELECTION, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION WITH THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION

WHEREAS, in accord with Article 8 of the Charter of the City of Pacific Grove and the General Laws of the State of California, a General Municipal Election shall be held in the City of Pacific Grove for election of a Mayor for the full term of two years, and three Councilmembers for full terms of four years each. The General Election shall be held on Tuesday, November 8, 2022, from the hours of 7:00 a.m. until 8:00 p.m.; thereafter polls shall be closed.

WHEREAS, qualified electors at said Election shall be entitled to vote for nominees for the following offices: Office of Mayor (a two-year term), with one person to be elected; and Office of Councilmember (four-year terms), with three persons to be elected. Additionally, the term for any Councilmember who files for the office of Mayor shall automatically expire on the Tuesday following the election, and the nomination filing period for the unexpired term for that seat shall be extended to August 17, 2022. Qualified electors at said Election shall also be entitled to vote for any initiative(s) and/or measure(s) that may hereafter qualify for placing on the ballot.

WHEREAS, the Pacific Grove City Council requests the Monterey County Board of Supervisors consolidate the General Municipal Election with the General Statewide Election scheduled for Tuesday, November 8, 2022. The City Council requests consolidation of election precincts, polling places, and voting booths be the same as for the General Statewide Election, and to further that the form of a ballot used within the City of Pacific Grove specify duly qualified candidates for the offices and for any initiative(s) and/or measure(s) that may hereafter qualify for the ballot.

WHEREAS, the Pacific Grove City Council further requests the Monterey County Board of Supervisors order the County Registrar of Voters to prepare and mail sample ballots with candidates' statement and any initiative(s) and/or measure(s) ballot that may hereafter qualify for placement on the ballot to the qualified electors of the City; obtain appropriate precinct locations and trained precinct workers; prepare and count the ballots on Election Night or thereafter; and certify the election results, in the manner provided by law.

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law.

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10002, The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with this General Municipal Election.

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, a Notice of Election shall be published in an official newspaper of general circulation in the City in accordance with the Elections Code 12101.

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a city has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate will pay the cost of the statement. The City resolves that each candidate shall pay for the cost of his or her candidate's statement; each statement shall not exceed 200 words.

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon. The City Clerk shall resolve any tie vote by coin toss.

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on a November 8, 2022;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the governing body of the

City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held on **November 8, 2022** insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400, 10401, and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department conduct the election for the purpose of electing three (3) Council Members and one (1) Mayor to this Governing Board on the November 8, 2022 ballot.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Election Code Section 13307 the City of Pacific Grove has resolved that all costs of the Candidate's statement be paid by the candidates and that no candidate may submit a statement of over 200 words.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code 15651, tie votes shall be determined by coin toss.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove on this 6th day of July, 2022 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

DATED: _____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

, City Attorney

SERVICE AGREEMENT FOR THE PROVISION OF ELECTION

SERVICES BETWEEN CITY OF PACIFIC GROVE AND

MONTEREY COUNTY REGISTRAR OF VOTERS

NOVEMBER 8, 2022

This Agreement, entered into this _____ day of _____ 2022, by and between City of Pacific Grove and Monterey County Registrar of Voters (hereinafter referred to as Registrar of Voters);

WHEREAS, it is necessary and desirable that the Registrar of Voters be retained for the purpose of conducting an election hereinafter described for the City of Pacific Grove (hereinafter referred to as the City);

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE CITY:

- 1) No later than the 88th day prior to the election the City shall submit a resolution requesting the Registrar of Voters for Monterey County to conduct an election for the City on **NOVEMBER 8, 2022** and requesting election related services of the Registrar of Voters.
- 2) The City shall publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on, and/or the Notice to File Arguments for or against any measure.
- 3) The City shall submit to the Registrar of Voters in writing the exact number of offices to be voted on and the names and ballot designations of the candidates for those offices, and/or the exact ballot wording to be voted by no later than the 88th day prior to the election, or by the 83rd day prior to the election if Elections Code §§ 10225, 10229, and 10407 are applicable.
- 4) The City shall prepare and deliver to the Registrar of Voters the Voter Guide information containing, as applicable, candidates' statements of qualifications, ballot

measure, tax rate statements impartial analysis, arguments for or against and rebuttals thereto. The last day for the submission of primary arguments (300 words) and impartial analysis shall be no later than **AUGUST 18, 2022**. The last day for the submission of rebuttal arguments (250 words) is **AUGUST 25, 2022**.

- 5) The City shall be responsible for reviewing and approving the language of the sample ballot and official ballot wording for candidates and measures.

SERVICES TO BE PERFORMED BY REGISTRAR OF VOTERS:

- 1) The Registrar of Voters shall select and contract with the sample and official ballot printer(s) on behalf of the City.
- 2) The Registrar of Voters shall prepare and deliver to the printer the official ballot information.
- 3) The Registrar of Voters shall issue, receive and process all ballots on behalf of the City matters.
- 4) The Registrar of Voters shall procure all necessary and appropriate polling place locations, hire polling place workers, and conduct the election in accordance with all applicable state, federal and local laws.
- 5) The Registrar of Voters shall prepare a Canvass of Votes Cast and submit a Certificate of Registrar of Voters to the City regarding the City matters.
- 6) The Registrar of Voters shall conduct other various and miscellaneous election activities as required including but not limited to all those required as the City's Election Official other than those described under "Services to be Performed by the City".

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the election to be held on **NOVEMBER 8, 2022**.

The parties will use best efforts to perform services herein. However, in the event the Registrar of Voters is unable to perform services required under this Agreement that are beyond her control, including an employee strike, vendor conditions, natural disasters, war, or other similar conditions, the Registrar of Voters will be relieved of all obligations under this Agreement. The Registrar will provide reasonable notice, if practical, of any conditions beyond her control, including notice at least 60 days prior to **NOVEMBER 8, 2022** of vendor conditions affecting the election services. In the event a vendor does not perform, the Registrar will attempt to obtain substitute services.

CONSIDERATION:

In consideration of the performance of services and supplies provided by the Registrar of Voters, the City shall pay to the Registrar of Voters a sum equal to the actual cost of such services, expenses, and supplies related to the work performed on behalf of City. In the event that this Agreement is terminated prematurely, the City shall pay to the Registrar a sum equal to the actual cost of such services performed or supplies/expenses incurred as of the effective date of the termination.

The City shall make payment within 30 days of receipt of invoice from Registrar of Voters.

CITY:

Signature: _____ Date: _____

Print Name: _____

Title: _____

COUNTY:

Signature: _____ Date: _____

Print Name: _____

Title: _____



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Joe Amelio, Council Member
MEETING DATE: July 6, 2022
SUBJECT: Monterey-Salinas Transit Board of Directors Meeting Minutes: May 9, 2022
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive minutes.

Attachments

Minutes

MEETING OF THE MST BOARD OF DIRECTORS

MEETING MINUTES

May 9, 2022
10:00 am (Pacific)

Present:	Dan Albert (Chair)	City of Monterey
	Anna Velazquez (Vice Chair)	City Soledad
	Jeff Baron	City of Carmel-by-the-Sea
	John Gaglioti	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Yanely Martinez	City of Greenfield
	Mike LeBarre	City of King
	David Burnett	City of Marina
	Joe Amelio	City of Pacific Grove
	Tony Barrera	City of Salinas
	Dave Pacheco	City of Seaside
	Anna Velazquez	City Soledad
	Luis Alejo	County of Monterey
Absent:	Mary Ann Carbone	City of Sand City
Staff:	Carl Sedoryk	General Manager/CEO
	Lisa Rheinheimer	Assistant General Manager
	Norman Tuitavuki	Chief Operating Officer
	Michael Kohlman	Chief Information Officer
	Kelly Halcon	Director of HR & Risk Management
	Michelle Overmeyer	Director of Planning & Innovation
	Andrea Williams	General Accounting & Budget Manager
	Jeanette Alegar-Rocha	Deputy Secretary
	Ikuyo Yoneda-Lopez	Marketing & Customer Service Manager
	Sonia Wills	Customer Service Supervisor
	Matthew Deal	Grants Analyst
	Scott Taylor	IT Manager
	Ezequiel Rebollar	IT Technician
	Lisa Cox	Risk and Safety Manager
	Sonjé Dayries	Compliance Officer
	Elena Grigorichina	Operations Analyst
	Marzette Henderson	Transportation Manager
	Kevin Allshouse	Mobility Coordinator

Claudia Valencia
Beronica Carriedo
Daniel Bruno
Emma Patel
David Bielsker

Mobility Specialist
Community Relations Coordinator
Scheduling Assistant
Associate Planner
Transit Scheduler

Counsel: Michael D. Laredo

Associate Counsel, De Lay & Laredo

Public: Tate Baugh
Douglas Thomson

MST Customer
MV Transportation

Apology is made for any misspelling of a name.

1. CALL TO ORDER

1-1. Roll Call.

1-2. Pledge of Allegiance.

Chair Albert called the meeting to order at 10:00 a.m. Roll call was taken, and a quorum was established. Chair Albert led the pledge of allegiance.

1-3. Review Highlights of the Agenda. (Carl Sedoryk)

1-4. Receive Staff Report on Activities Related to the COVID-19 Pandemic Incident Response and Recovery Planning to Date and Provide Direction, If Needed. (Carl Sedoryk)

1-5. Review Monterey-Salinas Transit's Mandatory COVID Vaccination Workplace Policy and Provide Direction to Staff. (Carl Sedoryk)

On a motion by Chair Albert, seconded by Director Baron and carried by the following vote, which was conducted by roll call, the Board approved to uphold the current Monterey-Salinas Transit's Mandatory COVID Vaccination Workplace Policy on the Consent Agenda.

AYES:	10	Albert, Alejo, Amelio, Baron, Barrera, Burnett, Carbone, Gaglioti, Martinez Pacheco, and Velazquez
NOES:	2	LeBarre, Worthy
ABSENT:	1	Carbone
ABSTAIN:	0	

1-6. Reconsider Hybrid Board Meeting Format and Provide Direction to Staff (Carl Sedoryk)

Director LeBarre made the motion to reconsider the current Hybrid Board Meeting Format by eliminating the proof of vaccination requirement which was seconded by Director Worthy.

On an alternate motion by Director Alejo, seconded by Director Amelio and carried by the following vote, which was conducted by roll call, the Board approved to uphold the current Monterey-Salinas Transit's Hybrid Board Meeting Format:

AYES:	9	Albert, Alejo, Amelio, Baron, Barrera, Burnett, Carbone, Martinez Pacheco, and Velazquez
NOES:	3	Gaglioti, LeBarre, Worthy
ABSENT:	1	Carbone
ABSTAIN:	0	

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public member, Tate Baugh, stated their support of Line 1 – Jazz A and B daily operation for the entire area of Pacific Grove and asked about the reinstatement of Line 86.

3. CONSENT AGENDA

These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.

- 3-1. Approve Resolution 2022-31 Authorizing Remote Teleconference Meetings.(Carl Sedoryk)
- 3-2. Adopt Resolution 2022-32 recognizing Ed Goodin, Operations Supervisor, as Employee of the Month for May 2022. (Norman Tuitavuki)
- 3-3. Approve Minutes of the MST Board Meeting on April 11, 2022. (Jeanette Alegar-Rocha)
- 3-4. Receive Draft Minutes MST Board Operations Performance Committee Meeting on April 11, 2022. (Jeanette Alegar-Rocha)
- 3-5. Financial Reports – March 2022. (Lori Lee)
 - a) Accept reports of March 2022 Cash Flow
 - b) Approve March 2022 Disbursements
 - c) Accept Report of March 2022 Treasury Transactions
- 3-6. Receive Report on Lost and Found Items Left on MST Property for the Month of January 2022. (Sonia Wills)
- 3-7. Approve Retirement Resolution 2022-33 Recognizing David Hobbs, Coach Operator, for His 22 Years of Service. (Norman Tuitavuki)

3-8. Receive Draft Minutes of the Mobility Advisory Committee Meeting on March 30, 2022. (Claudia Valencia)

3-9. Approve the Ineligible for Rehire Policy. (Deanna Smith)

End of Consent Agenda

On a motion by Director Velazquez, seconded by Director Amelio and carried by the following vote, which was conducted by roll call, the Board approved items 3-1 through 3-9 on the Consent Agenda:

AYES:	12	Albert, Alejo, Amelio, Baron, Barrera, Burnett, Carbone, Gaglioti, LeBarre, Martinez Pacheco, Velazquez and Worthy
NOES:	0	
ABSENT:	1	Carbone
ABSTAIN:	0	

Director Martinez left the meeting at 11:15 a.m.

4. RECOGNITIONS AND SPECIAL PRESENTATIONS

4-1. May 2022 Employee of the Month – Ed Goodin (Norman Tuitavuki)

4-2. Retirement – David Hobbs, 22 Years of Service (Norman Tuitavuki)

4-3. 25 Year Service Anniversary – Karleen Russell (Andrea Williams)

5. PUBLIC HEARINGS

None.

6. ACTION ITEMS

6-1. Approve College EcoSmart Pass Program 2022-2027 and Authorize the General Manager/CEO to Execute Contracts with California State University, Monterey Bay (CSUMB), Hartnell College, and Monterey Peninsula College (MPC) in the Annual Range of \$125,000-\$255,255. (Michelle Overmeyer)

On a motion by Director Barrera, seconded by Director Amelio and carried by the following vote, which was conducted by roll call, the Board authorized the General Manager/CEO to execute contracts with California State University, Monterey Bay (CSUMB), Hartnell College, and Monterey Peninsula College (MPC) in the annual range of \$125,000-\$255,255.

AYES:	11	Albert, Alejo, Amelio, Baron, Barrera, Burnett, Gaglioti, LeBarre, Pacheco, Velazquez and Worthy
NOES:	0	

ABSENT: 2 Carbone, Martinez
ABSTAIN: 0

- 6-2. Authorize the General Manager/CEO to Purchase Four (4) Heavy-Duty Suburban Low-Floor Coaches from Gillig, LLC of California in an Amount Not to Exceed \$2,845,560. (Norman Tuitavuki)

On a motion by Director Amelio, seconded by Director Worthy and carried by the following vote, which was conducted by roll call, the Board authorized the General Manager/CEO to purchase four (4) heavy-duty suburban low-floor coaches from Gillig, LLC of California in an amount not to exceed \$2,845,560.

AYES: 11 Albert, Alejo, Amelio, Baron, Barrera, Burnett, Gaglioti, LeBarre, Pacheco, Velazquez and Worthy
NOES: 0
ABSENT: 2 Carbone, Martinez
ABSTAIN: 0

7. REPORTS & INFORMATION ITEMS

The Board will receive and file these reports, which do not require action by the Board.

- 7-1. General Manager/CEO Report – April 2022
7-2. Federal Legislative Advocacy Report
7-3. State Legislative Advocacy Update
7-4. Staff Trip Reports
7-5. Correspondence – None

8. BOARD REPORTS, COMMENTS, AND REFERRALS

- 8-1. Reports on Meetings Attended by Board Members at MST Expense. (AB 1234)
8-2. Board Member Comments and Announcements.
8-3. Board Member Referrals for Future Agendas.

9. CLOSED SESSION

None.

10. ATTACHMENTS

10-1. The Detailed Monthly Performance Statistics and Disbursement Journal for March 2022 can be viewed online within the GM Report at <http://mst.org/about-mst/board-of-directors/board-meetings/>

11. ADJOURN

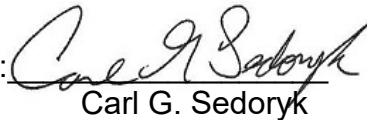
With no further business to discuss, Chair Albert adjourned the meeting at 11:36 a.m. (Pacific).

PREPARED BY:



Jeanette Alegar-Rocha

REVIEWED BY:



Carl G. Sedoryk



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Luke Coletti, Councilmember
MEETING DATE: July 6, 2022
SUBJECT: Planning Commission Regular Meeting Format
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive report from the Planning Commission recommending that the City Council approve the hybrid meeting format for Planning Commission meetings as soon as possible.

DISCUSSION

At its regular meeting of June 9, 2022, the Pacific Grove Planning Commission unanimously voted 7 to 0 to recommend that the City Council approve the hybrid meeting format for Planning Commission meetings, to begin as soon as possible.

Due to state of emergency proclamations, the Governor’s executive orders, and City Council direction, the Planning Commission has met virtually via Zoom teleconference since May 2020. With the decreasing impact of the Covid pandemic, the Mayor and City Council have requested feedback from the City’s boards and commissions regarding their preferred format for future meetings.

Continued Planning Commission work in reviewing land use proposals and updating the City General Plan and Housing Element necessitates a meeting structure that fosters sound, thorough decision-making and promotes maximum public participation. The hybrid meeting approach does just that. In-person meetings better enable Commission members to work as a team in making decisions. Virtual meetings, however, provide convenient access to many who otherwise may not be able to participate in Commission meetings. With society returning to normalcy, the Commission believes it is time both to return to in-person meetings to enhance decision-making and to make use of current virtual technology that fosters public participation.

OPTIONS

- Approve the hybrid meeting format for Planning Commission meetings.
- Approve in-person meetings for the Planning Commission.
- Continue virtual meetings for the Planning Commission.

FINANCIAL IMPACT:

There may be some financial impact in terms of staff time to support hybrid meetings. However, no estimate of this cost has ever been presented. Prior to May 2020 when in-person meetings were last held, at least two staff members – and often three – were always present at Planning Commission meetings. The hybrid meeting approach should have no impact on this staffing model.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

Powerpoint Presentation

City Advisory Boards & Commissions



City Council
City of Pacific Grove

June 30, 2022

Ben Harvey bharvey@cityofpacificgrove.org

Page 34

- **All City Advisory Boards and Commissions are back to their pre-pandemic meeting schedules, including the Architectural Review Board (ARB) and Historic Resources Commission (HRC). For City Advisory Board meeting schedule details, please refer to the City website.**
- **Starting in July, the City will be embarking upon an effort to train all City staff liaisons to City Advisory Boards and Commissions such that they are able to successfully run a hybrid meeting (allowing for both virtual and in-person participation). It is expected that as early as August (but possibly later), the City may embark upon allowing hybrid meetings for all City Advisory Boards and Commissions. Details as to the City's progress – and any unforeseen challenges that may arise in this area will continue to be shared with the public until the City staff liaison training is complete and hybrid meetings may commence for all City Advisory Boards and Commissions.**

https://www.cityofpacificgrove.org/our_city/boards_commissions_committees/index.php

- **This information was posted in the June 17, 2022 City Manager's Report**

Questions?



City Council
City of Pacific Grove



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: July 6, 2022
SUBJECT: Ratification of New Local Emergency Actions
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive report of emergency directives/modifications.

DISCUSSION

The City Manager during this Local Emergency is authorized to directly mitigate effects of the Local Emergency to protect life or property.

This report appraises the City Council of emergency directives taken under the continuing local emergency proclaimed by Resolution 20-007. This report fulfills the City Council’s review obligation under that Resolution and Government Code 8630. This agenda item also enables ratification of select actions taken since the City Council’s last review.

City expenditures for legal services related to COVID-19 issues (specifically to related to COVID 19-COM (Communications); COVID 19-TRN (Training); COVID 19-LAW (Legal Support); and COVID-19 (Other)) are eligible for State and Federal Emergency Service reimbursement, including but not limited to FEMA or other emergency grant funding.

Actions not subject to Ratification. Since the time of the revised Monterey County Shelter in Place Order issued Friday, April 3, 2020, the City Manager has taken the following new or modified actions pursuant to the Emergency Proclamation:

- None to report at this time.

No action is necessary with respect to the above new or modified measures, as each is responsive to requirements of the revised Monterey County Shelter in Place Order falling within the regular management discretion of the City Manager.

Actions subject to Ratification. Certain mitigation measures that have been enacted by the City Manager in response to the Monterey County Shelter in Place Order issued Friday, May 8, 2020, and in accord with Council’s Local Emergency under Article 19, subparagraph I, of the Pacific Grove City Charter, and Chapter 3.20 of the Pacific Grove Municipal Code (PGMC), are subject to ratification. Any mitigation measures that qualify are subject to ratification as required by Government Code 8630

and City Council Resolution 20-007, and are listed below:

1. None to report at this time.

Discussion of Circumstances Needing Emergency Response. The discussion part of this item allows comment on circumstances which may benefit from further or different emergency responses. Matters identified will be referred to the City Manager for appropriate consideration in accord with the Emergency Management System protocols set by PGMC Chapter 3.20. These delegate exclusive emergency management response authority to the City Manager.

CEQA Exemption. Actions taken to prevent or mitigate an emergency are exempt from CEQA pursuant to section 15260 of the CEQA Guidelines.

OPTIONS

Actions not subject to ratification are reported for information only.

FINANCIAL IMPACT:

There is no financial impact in receiving the report.

GOAL ALIGNMENT: Not Applicable.



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: July 6, 2022
SUBJECT: Economic Development Commission Meeting Minutes: May 5, 2022
CEQA: Does not constitute a “Project” per California Environmental Quality Act
Guidelines Section 15378

RECOMMENDATION

Receive minutes

Attachments

Minutes



MEETING MINUTES

CITY OF PACIFIC GROVE

ECONOMIC DEVELOPMENT COMMISSION

SPECIAL MEETING AGENDA

Thursday, May 5, 2022, 4:00 P.M.

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

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT. JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:

<https://us02web.zoom.us/j/88699489209>

To participate telephonically, call any number below:

877 853 5247 (Toll Free)

888 788 0099 (Toll Free)

669 900 9128

Webinar Meeting ID: 886 9948 9209

CALL TO ORDER

1. APPROVAL OF AGENDA

Action: Motion to approve agenda by Vice Chair Uppman. Motion seconded by Commissioner Markowitz. Motion passed unanimously. 6-0-0

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

Welcome Commissioner Kelsea Richmond to the EDC.

Chair Mourlam highlighted that he presented a recommendation to City Council to create a subcommittee exploring a Vacant Property Tax. The council opted not to move forward.

No staff announcements

3. COUNCIL LIAISON ANNOUNCEMENTS

Councilmember McAdams provided general comments.

4. GENERAL PUBLIC COMMENT

Moe Ammar welcomed Kelsea. He also flagged that on Thursday, May 4th the Monterey Herald had a story about vacancies in Pacific Grove and noted that vacancies have increased. Moe suggested that this was a result of our recommended vacancy tax subcommittee. Encourage that the EDC is mindful of putting forward a positive message. Moe also flagged that the largest vacancy in downtown in PG was leased on May 3rd.

5. **APPROVAL OF THE MINUTES**

A. Economic Development Commission Minutes: April 7, 2022

Action: Commissioner Markowitz made a motion to approve the minutes, seconded by Vice Chair Uppman. Motion passed unanimously. 6-0-0

REGULAR AGENDA

6. Early Childcare Support Subcommittee Update

No public comments.

Action: Update provided by Chair Mourlam.

7. **Proposed Underrepresented populations and Women Business Grant Program Subcommittee Update**

No public comment

Action: Update provided by Chair Mourlam.

8. **Re-activation of Facade Improvement Program and Removal of Hanging Artificial Flower Baskets**

Public comment: Moe Ammar supported the façade improvement program and noted a number of business in Pacific Grove who are actively hoping to improve their façade.

Action: Secretary Zina made a motion to Recommend to the City Manager that the remaining funds within the EDC's account for Fiscal Year 21-22 be used to:

1. Re-activate the City's Facade Improvement Program; and
2. Remove and dispose of the hanging artificial flower baskets from the downtown.

Commissioner Markowitz seconded the motion. Motion passed unanimously. 6-0-0

9. **Concept Review: Offsite EDC Meeting**

Public comment: Inge Lorentzan strongly recommended against this idea. A recommendation was made that city government meetings should be conducted within City Hall.

Action: The EDC discussed the offsite EDC meeting concept, and no motion was made. Meetings will continue as the status quo.

10. **Support for City Parklet and Outdoor Dining Program**

No public comment.

Chair Mourlam made a motion to designate and authorize Arielle Zina of the Economic Development Commission (EDC) to speak on behalf of the EDC to the City Council in support and for continuation of the City's Parklet and Outdoor Dining Program. Seconded by Commissioner Markowitz. Motion passed unanimously. 6-0-0

11. UNFINISHED AND ONGOING BUSINESS

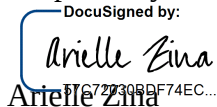
Secretary Zina provided an update on the Vacant Storefront Subcommittee.
City Manager recommended that future agenda topics be submitted one week in advance of meetings, offered assistance in drafting.

ADJOURNMENT

Commission adjourned the special meeting at 5:44pm.

Respectfully Submitted,

DocuSigned by:

Arielle Zina

Arielle Zina

Secretary



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Joseph Sidor, Contract Planner
MEETING DATE: July 6, 2022
SUBJECT: Planning Commission Meeting Minutes: May 12 and May 19, 2022
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive minutes.

Attachments

Approved PC Minutes 05-12-22

Approved PC Minutes 05-19-22



CITY OF PACIFIC GROVE

PLANNING COMMISSION

MEETING MINUTES

Thursday, May 12, 2022, 6:00 P.M.

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

This meeting was held via Zoom webinar.

1. **CALL TO ORDER & ROLL CALL** – Chair Lilley called the meeting to order at 6:00 pm.
Commissioners Present: Beck, Murphy, Nodzenski, Sawyer, and Chair Lilley.
Commissioners Absent: Aeschliman and Fredrickson

2. **APPROVAL OF AGENDA** –

Chair Lilley asked if any Commissioners wanted to make any changes to the agenda. Commissioner Murphy recommended that item 9D (i.e., Housing Element Update) be moved ahead of the subcommittee reports (i.e., items 9A – 9C). No other changes were requested.

On a motion by Vice Chair Murphy, seconded by Secretary Sawyer, the agenda was approved as amended on a roll call vote. (5-0-2; Aeschliman and Fredrickson absent)

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

- A. Chair Lilley introduced John Kuehl, newly-appointed Interim Community Development Director and currently serving as the City's Chief Building Official since 2007. Chair Lilley also asked Mr. Kuehl to introduce Dara Sanders. Mr. Kuehl informed the Planning Commission that Joe Sidor would continue to serve as the staff liaison, and then introduced Dara Sanders, new senior contract planner. Ms. Sanders provided the Planning Commission with an overview of her work background.
- B. Chair Lilley announced the following:
 - 1) He met with CDD staff (Mr. Kuehl and Ms. Sanders) on May 11th regarding coordination between the staff and Planning Commission;
 - 2) Mayor Peake has requested the Planning Commissioner's views on returning to in-person meetings. Chair Lilley asked Commissioners to inform Mayor Peake of their views via email or text;
 - 3) On May 13th, he will meet with Mayor Peake and Anastacia Wyatt, Senior Housing Program Manager, to discuss procedures for development of housing plans in our community;
 - 4) On May 16th, he will attend the City's diversity training workshop at Chautauqua Hall;
 - 5) After a conversation with the City Manager, he contacted the USC School of Public Policy to seek candidates and publicize the recruitment effort for the position of Community Development Director; and
 - 6) The Planning Commission has been requested to schedule a special meeting to discuss housing issues and make recommendations to the City Council. Due to several scheduling conflicts, Chair Lilley requested feedback from the Commission. Vice Chair Murphy, Secretary Sawyer, and Commissioner Beck commented.
- C. Staff Liaison Sidor announced the following:
 - 1) The Community Development Department (CDD) conducted Housing Element outreach at the Farmer's Market on April 18, 2022;
 - 2) The CDD-Housing Division posted a Request for Proposals for Housing Element and General Plan Update environmental review services on the City's website, and Senior Housing Program

Manager Anastacia Wyatt will lead the consultant selection process; and

- 3) On April 20th, the City Council authorized staff to submit a grant application to the California Coastal Commission for financial assistance to update mapping for a coastal hazard overlay related to climate resiliency and sea level rise. Staff submitted the application to the Coastal Commission on April 29th, and on May 11th the Coastal Commission Executive Director approved the grant application. City staff will now coordinate with Coastal Commission staff to execute the grant agreement.
- D. Senior Housing Program Manager Anastacia Wyatt announced that the Housing Division conducted housing element outreach at the Good Old Days Celebration on Sunday, May 8th; and City staff will participate in a Regional Housing Element workshop with Monterey Bay Economic Partnership and local peninsula cities on Monday, May 23rd, from 6:00 – 8:00 pm at the Oldemeyer Center in Seaside.
- E. Deputy City Attorney Michael Laredo announced the Diversity, Equity, and Inclusion (DEI) training which will be held on May 13th and May 16th; and on May 11th, the City Council authorized parklets for one more year and directed staff to prepare a draft concept for a permanent parklet program to be reviewed by the Planning Commission and Safety and Traffic Commission prior to City Council consideration.

4. COUNCIL LIAISON ANNOUNCEMENTS

Council Member Coletti announced that the City Council considered the parklet program and directed staff to return in 6 months with a proposal for a permanent parklet program after review by the Planning Commission and Safety and Traffic Commission.

5. GENERAL PUBLIC COMMENT – the following individuals provided public comment:

Lisa Ciani and Inge Lorentzen Daumer

CONSENT AGENDA

6. REPORTS FOR INFORMATION ONLY - None

7. REPORTS REQUIRING ACTION

- A. Approve the Minutes of the April 14, 2022, Planning Commission Regular Meeting

Reference: Joseph Sidor, Contract Planner

Recommended Action: Approve the minutes of the April 14, 2022, Planning Commission Regular Meeting.

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

On a motion by Commissioner Beck, seconded by Secretary Sawyer, the consent agenda was unanimously approved as presented on a roll call vote. (5-0-2; Aeschliman and Fredrickson absent)

REGULAR AGENDA

8. PUBLIC HEARINGS

- A. Architectural Permit (AP) & Coastal Development Permit (CDP) 21-0045 for 342 Asilomar Ave (APN 007-061-006)

From: Alex Othon, Associate Planner

Zoning District/General Plan Designation: R-1-B-4 / Low Density Residential (2.0 du/ac)

Coastal Zone: Yes

Historic Resources Inventory: No

CEQA: Initial Study, Mitigated Negative Declaration

Recommended Action: Staff recommends the Planning Commission approves AP/CDP 21-00045 subject to findings, conditions of approval, and adoption of the IS/MND.

Reference: Alex Othon, Associate Planner

Secretary Sawyer (brief discussion with the project biologist Tom Moss), Chair Lilley (visual inspection of site), and Vice Chair Murphy (visual inspection of site) reported ex parte communications regarding this project. After receiving an oral report by Associate Planner Othon, and testimony from the applicant's architect (Eric Miller), Chair Lilley opened the public hearing and no individuals provided public comment. Chair Lilley closed the public hearing portion of the meeting and returned the item to the Commission for deliberation.

After discussion, a motion to adopt the mitigated negative declaration and approve the project with minor text changes to the permit was made by Vice Chair Murphy and seconded by Secretary Sawyer. On a roll call vote, the motion was unanimously approved. (5-0-2; Aeschliman and Fredrickson absent)

- B. Architectural Permit (AP) & Coastal Development Permit Waiver (CDP) 21-0401 for 128 18th St (APN 006-162-021)

From: Alex Othon, Associate Planner

Zoning District/General Plan Designation: R-3-PGR / High Density Residential (10-20 du/ac)

Coastal Zone: Yes

Historic Resources Inventory: No

CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

Recommended Action: Staff recommends the Planning Commission approve Architectural Permit (AP) & Coastal Development Permit (CDP) Waiver 21-0401 subject to findings, conditions of approval, and a Class 1 CEQA exemption.

Reference: Alex Othon, Associate Planner

Secretary Sawyer (discussion with Jeanne Byrne, architect), Vice Chair Murphy (visual inspection of site), and Chair Lilley (visual inspection of site) reported ex parte communications regarding this project. After receiving an oral report by Associate Planner Othon, and testimony from the applicant's contractor (Anthony Machado), Chair Lilley opened the public hearing and no individuals provided public comment. Chair Lilley closed the public hearing portion of the meeting and returned the item to the Commission for deliberation.

After discussion, Secretary Sawyer made a motion, seconded by Commissioner Beck, to approve the project as a Coastal Development Permit versus a Waiver, and with minor changes to the project including a mid-point landing on the outside stairs and fenestration (windows) on the proposed west elevation (i.e., rear view). Vice Chair Murphy recommended a friendly amendment to include minor text changes to the permit, and this amendment was accepted by both Secretary Sawyer and Commissioner Beck. On a roll call vote, the motion as amended was unanimously approved. (5-0-2; Aeschliman and Fredrickson absent)

9. CONTINUED AND ONGOING BUSINESS

- A. Receive information on Housing Element Update: Introduction and Schedule and Regional Housing Needs Assessment (RHNA) numbers for 2023-2031.

From: Anastacia Wyatt, Senior Housing Program Manager

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

Recommended Action: Receive information on Housing Element Update: Introduction and Schedule and Regional Housing Needs Assessment (RHNA) numbers for 2023-2031.

Reference: Anastacia Wyatt, Senior Housing Program Manager

Senior Housing Program Manager Anastacia Wyatt provided a presentation summarizing the Housing Element update process, and identifying potential near-term and long-term implementation actions. No individuals provided public comment. No further action taken.

B. Receive an Oral Report on Activities of the Education and Training Subcommittee

From: Steven Lilley, Chair

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

Recommended Action: Receive an oral report on the activities of the Education and Training Subcommittee.

Reference: Joseph Sidor, Contract Planner

Chair Lilley presented an oral report. No individuals provided public comment. No further action taken.

C. Receive an Oral Report on Activities of the Policy and Ordinance Subcommittee

From: Steven Lilley, Chair

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

Recommended Action: Receive an oral report on activities of the Policy and Ordinance Subcommittee.

Reference: Joseph Sidor, Contract Planner

Secretary Sawyer presented an oral report. No individuals provided public comment. No further action taken.

D. Receive an Oral Report on Activities of the Planning Subcommittee

From: Steven Lilley, Chair

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

Recommended Action: Receive an oral report on activities of the Planning Subcommittee.

Reference: Joseph Sidor, Contract Planner

Chair Lilley presented an oral report. No individuals provided public comment. No further action taken.

10. NEW BUSINESS - None

11. **PRESENTATIONS** - None

12. **NEXT MEETING** – May 19 (Special Meeting) and June 9 (Regular Meeting), 2022

13. **ADJOURNMENT** - By order of the Chair, the meeting was adjourned at 8:10 pm.



CITY OF PACIFIC GROVE

PLANNING COMMISSION

SPECIAL MEETING MINUTES

Thursday, May 19, 2022, 6:00 P.M.

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

This meeting was held via Zoom webinar.

1. **CALL TO ORDER & ROLL CALL** – Chair Lilley called the meeting to order at 6:00 pm.
Commissioners Present: Aeschliman, Beck (joined at approximately 6:07 p.m. following Item 5, General Public Comment), Murphy, Nodzenski, Sawyer, Fredrickson, and Chair Lilley.
Commissioners Absent: None
2. **APPROVAL OF AGENDA** –
Chair Lilley asked if any Commissioners wanted to make any changes to the agenda. No changes were requested.

On a motion by Commissioner Fredrickson, seconded by Vice Chair Murphy, the agenda was unanimously approved as presented on a roll call vote. (6-0-1; Beck absent)
3. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
 - A. Commissioner Murphy announced his attendance at a meeting of the Housing Element Advisory Committee on Monday, May 16, 2022; and
 - B. Commissioner Sawyer announced that she is attending an American Planning Association (APA) on-line conference.
4. **COUNCIL LIAISON ANNOUNCEMENTS**
Council Member Coletti announced the following actions from the June 18, 2022, City Council meeting:
 - 1) The City Council tabled for a second time consideration of vacating the Sloat Avenue right-of-way;
 - 2) The City Council approved a recommendation to refer a review of zoning code chapter 23.45 as it relates to timeshares to the Planning Commission; and
 - 3) The City Council approved moving forward with a ballot measure to amend the City Charter to reduce the council size from 7 to 5.

5. **GENERAL PUBLIC COMMENT** – None

CONSENT AGENDA

6. **REPORTS FOR INFORMATION ONLY** - None
7. **REPORTS REQUIRING ACTION** - None

REGULAR AGENDA

8. **PUBLIC HEARINGS** - None

9. CONTINUED AND ONGOING BUSINESS

A. Near and Long-Term Actions to Increase Housing Capacity and Meet State Law

From: Anastacia Wyatt, Senior Housing Program Manager

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a “Project” per CEQA Guidelines Section 15378

Recommended Action: Near and Long-Term Actions to Increase Housing Capacity and Meet State Law

Reference: Anastacia Wyatt, Senior Housing Program Manager

Senior Housing Program Manager Anastacia Wyatt and Senior Contract Planner Dara Sanders presented a report outlining near-term and long-term actions the City may consider implementing to increase housing capacity and meet state housing requirements as identified by the Regional Housing Needs Assessment (RHNA). No individuals provided public comment.

Chair Lilley closed the public hearing portion of the meeting and returned the item to the Commission for deliberation.

After discussion, Vice Chair Murphy made a motion, seconded by Commissioner Nodzenski, to direct City staff to initiate a focused General Plan update to the Land Use, Safety, and Transportation Elements of the City's General Plan to meet the minimum requirements triggered by the 2023-2031 Housing Element Update. Chair Lilley proposed an amendment to the motion to request the City Council approve the necessary funding for the focused General Plan update; however, this amendment failed due to lack of a second. Chair Lilley then proposed another amendment to the motion, seconded by Secretary Sawyer, that the City form a committee with at least one City Council member, one Planning Commissioner, and appropriate staff to make a recommendation through the City Manager to the City Council on the selection of a consultant for the focused General Plan update. This amendment was accepted by both Vice Chair Murphy and Commissioner Nodzenski. On a roll call vote, the motion as amended was approved. (6-1; Fredrickson dissenting) Additionally, Chair Lilley appointed Secretary Sawyer as the Planning Commission representative to the selection committee.

Chair Lilley made an additional and separate motion, seconded by Secretary Sawyer, to request that the City Council appeal the RHNA numbers adopted by AMBAG (Association of Monterey Bay Area Governments) through the established process. On a roll call vote, the motion was approved. (5-2; Murphy and Nodzenski dissenting)

10. NEW BUSINESS - None

11. PRESENTATIONS - None

12. NEXT MEETING – June 9, 2022

13. ADJOURNMENT - By order of the Chair, the meeting was adjourned at 8:26 pm.



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Leticia Livian, Human Resources Director
MEETING DATE: July 6, 2022
SUBJECT: Ordinance Amending the Salary Classification Schedule
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Introduce and hold first reading of an ordinance to amend the salary classification schedule, as outlined within the attachment;
2. Modify the salary ranges for specified classifications;
3. Add the new classification of City Clerk/DEI Coordinator;
4. Delete the Community and Economic Development Manager classification; and
5. Direct that a summary of a proposed ordinance be published as approved by the City Attorney.

DISCUSSION

The City salary classification schedule identifies the job classifications approved by Council (e.g., Office Assistant) and the hourly rates of pay for each classification at each step authorized by the Personnel Rules. Pursuant to Charter Article 25 and Pacific Grove Municipal Code (PGMC) Section 4.20.280, approval and amendment to the classification schedule must be adopted by the Council.

1. Salary Adjustments

3% Cost of Living Adjustment

During the 20/21 fiscal year, employees of all classifications took a reduction in pay to assist the City to meet its financial obligations during the COVID-19 pandemic and subsequent shut-down of services and businesses. Employees agreed to take up to a 10% reduction in pay. For the first two quarters of FY 20/21, employees took a 10% reduction in work and pay, and for the following two quarters of FY 20/21, employees took a 5% reduction in work and pay.

To help off-set the economic concessions employees made, and to recognize the dramatic increase in inflation, staff is recommending an across the board 3% COLA for GEA, MEA, Unrepresented, and for some Department Head and Non-represented and Confidential Group classifications.

Members of the POA are currently in the negotiation process of their contract, and changes to their contract in regard to pay, benefits, and working conditions will follow the negotiation process, and will be brought before City Council at a later date.

Salary Market Adjustments

In 2019/2020, following the completion of negotiations and contract renewals for POA, MEA and GEA, the Department Head and the Non-represented Management and Confidential Group employees were to follow with review of their Compensation and Benefits Plan, specifically examining total compensation and recommendations for salary market adjustments. However, the timing of the review occurred during the onset of the COVID-19 Pandemic, and the review was placed on hold. The last time classifications in these groups were reviewed was in 2017.

Current salary surveys show several classifications are under market for total compensation. City Council's practice has been to align classifications to 95% of the market median for total compensation. Staff is recommending the following classifications be brought up to 95% of the market median for total compensation:

- Administrative Services Manager
- City Clerk
- Community Development Director
- Deputy City Clerk
- Finance Director
- Human Resources Director
- Library Director
- Police Administrative Services Manager
- Police Administrative Services Manager/PIO
- Police Chief
- Police Commander
- Program Manager, Senior
- Public Works Director

2. New Classification

Staff is recommending a new classification to the salary schedule, City Clerk/DEI (Diversity, Equity & Inclusion) Coordinator. This position would support the City Council's recently created DEI Task Force and its policy recommendations. The City Clerk currently is participating as a City staff liaison to the DEI Task Force and has expressed interest in expanding her role and knowledge base. This new proposed classification provides for growth in the City Clerk's current position, as well as meets the needs of the City in moving DEI efforts forward. Attached to this agenda report is a draft job description of the new position.

3. Remove Obsolete Classification

The Community and Economic Development Program Manager is a classification that has been unfunded for over five years and currently is not relevant. It is recommended that this position be removed from the salary schedule.

Conclusion

The salary schedules are amended by Ordinance; therefore, staff is recommending an amendment to the salary classification schedule.

A proposed salary chart is included in this report, listing each classification and its associated bargaining group or alignment with a bargaining group, as well as its current hourly salary range/string, and the new hourly salary range/string. Also noted is the designation of a COLA, salary market adjustment, or if the salary is to remain unchanged. There is also indication advising if the position is authorized (budgeted, assigned, and FTE/staffed), unfunded (no budget assigned, FTE not authorized/not staffed),

or vacant (budgeted, authorized, under recruitment).

The following classifications on the salary schedule are vacant/unfunded positions:

- Accountant, Chief
- Accountant, Senior
- Administrative Services Director
- Animal Control Officer
- Arborist
- Assistant Finance Manager
- Comm. & Economic Dev. Program Manager
- Custodian
- Deputy City Manager
- Engineering Technician
- Finance Director
- Financial Analyst
- Housing Rehab Inspector
- Human Resources Manager
- Intern
- Intern II
- Maint. Tech/Safety Coordinator
- Planner, Assistant
- Planner, Principal
- Police Admin. Services Manager
- Preschool Manager
- Public Works Director
- Public Works Superintendent
- Recreation Coordinator, Senior
- Risk Manager
- Senior Librarian
- Volunteer Coordinator

Salary market changes will keep these classifications in line with the market as well as maintain the equity in the salary schedule (ie, lower-level classification should not be at a higher salary range of a higher classification). There is no effort or interest to fund or fill these positions at this time.

OPTIONS

1. Provide alternative direction to staff.
2. Not approve the Ordinance

FINANCIAL IMPACT:

The estimated annual costs for the 3% COLA and market adjustments are \$200,000 and \$140,000, respectively. This does not include any funds for a POA COLA, which is currently under negotiation. All funds to support these increases have been included in the FY 22/23 Adopted Budget.

GOAL ALIGNMENT: Not Applicable.

Attachments

List of Classifications

Current and New Proposed Salary Chart

List of Classifications to Amend in the Salary Schedule

Accountant	Library Clerk
Accountant, Chief	Library Director
Accountant, Senior	Lighthouse Docent Coordinator
Accounting Assistant	Maintenance Supervisor
Accounting Assistant, Senior	Maintenance Tech/Safety Coord
Administrative Services Director (ASD)	Maintenance Worker
ASD/ Assistant City Manager	Maintenance Worker, Senior
Administrative Services Manager	Management Analyst
Administrative Technician	Office Assistant
Animal Control Officer	Parking Enforcement Officer
Arborist	Planner, Assistant
Assistant Finance Manager	Planner, Associate
Cashier	Planner, Principal
City Clerk	Planner, Senior
City Clerk/DEI Coordinator	Police Adm. Services Manager (ASM)
City Manager	Police ASM/Public Information Officer
Code Compliance Officer	Police Chief
Community Development Director	Police Commander
Community Service Officer	Police Officer Recruit
Construction Project Manager	Police Records Supervisor
Custodian	Police Services Technician
Deputy City Clerk	Pre School Manager
Deputy City Manager	Program Manager
Engineering Technician	Program Manager, Senior
Equipment Mechanic	Public Works (PW) Director
Equipment Mechanic, Senior	PW Director/ Deputy City Manager
Finance Director	Public Works Superintendent
Financial Analyst	Recreation Assistant I
Housing Rehab Inspector	Recreation Assistant II
Human Resources Director	Recreation Coordinator
Human Resources Manager	Recreation Coordinator, Senior
IT Support Specialist	Recreation Program Supervisor
Intern	Risk Manager
Intern II	Senior Librarian
Librarian	Volunteer Coordinator
Library Assistant	Extra Help Retired Annuitant
Library Assistant, Senior	

Salary Chart
Current and Proposed New

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
GEA	Accountant		31.83	33.42	35.09	36.85	38.70	39.66	40.65	41.66		
		New	32.78	34.42	36.15	37.95	39.85	40.85	41.87	42.91	COLA	Authorized
MEA	Accountant, Chief		38.05	39.95	41.95	44.05	46.25	47.99	49.79			
		New	39.20	41.15	43.21	45.37	47.64	49.43	51.28		COLA	Unfunded
MEA	Accountant, Senior		34.86	36.61	38.43	40.36	42.38	43.97	45.61			
		New	35.91	37.70	39.59	41.57	43.65	45.28	46.98		COLA	Unfunded
GEA	Accounting Assistant		25.12	26.38	27.69	29.08	30.53	31.30	32.08	32.89		
		New	25.88	27.17	28.53	29.96	31.45	32.24	33.05	33.87	COLA	Authorized
GEA	Accounting Assistant, Senior		26.71	28.05	29.45	30.92	32.47	33.28	34.12	34.97		
		New	27.51	28.89	30.33	31.85	33.44	34.28	35.14	36.01	COLA	Authorized
DH	Administrative Services Director		65.26	68.52	71.95	75.55	79.32	82.30	85.38			
		New	65.62	68.90	72.35	75.97	79.77	83.75	87.94		COLA	Unfunded
DH	Administrative Services Director/ Assistant City Manager		71.79	75.38	79.14	83.10	87.26	91.62	96.20			
		New	73.94	77.64	81.52	85.59	89.87	94.37	99.09		COLA	Authorized
Nonrep Mgt	Administrative Services Manager		49.06	51.51	54.09	56.79	59.63	62.61	65.75			
		New	52.58	55.21	57.97	60.87	63.92	67.11	70.47		Adjustment/Parity	Vacant
GEA	Administrative Technician		32.12	33.72	35.41	37.18	39.04	40.01	41.01	42.04		
		New	33.08	34.73	36.47	38.29	40.21	41.21	42.25	43.30	COLA	Authorized
GEA	Animal Control Officer		25.30	26.63	27.95	29.35	30.83	31.98	33.18			
		New	26.12	27.43	28.80	30.24	31.75	32.94	34.17		COLA	Unfunded
GEA	Arborist		39.33	41.30	43.37	45.53	47.81	49.01	50.23	51.49		
		New	40.52	42.54	44.67	46.90	49.25	50.48	51.74	53.03	COLA	Unfunded
MEA	Assistant Finance Manager		34.77	36.50	38.33	40.24	42.25	43.84	45.48			
		New	35.81	37.60	39.48	41.45	43.52	45.16	46.85		COLA	Unfunded

**Salary Chart
Current and Proposed New**

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
Unrep	Cashier		15.00	15.75	16.54	17.36	18.23					
		New	15.45	16.22	17.03	17.88	18.78				COLA	Vacant
DH	City Clerk		41.94	44.04	46.24	48.55	50.98	53.53	56.20			
		New	53.67	56.35	59.17	62.13	65.23	68.50	71.92		Adjustment	Recommend Filled>Unfunded/Unfilled
DH	City Clerk/DEI Coordinator		56.35	59.17	62.13	65.24	68.50	71.92	75.52			
	New Classification										New Classification Benchmark Classification is City Clerk	Recommended Unfunded> Filled/Funded
Elec	City Council Member		420 per month								No Change	
Contract	City Manager		103.85									
		New	106.962								COLA	Authorized
GEA	Code Compliance Officer		32.54	34.17	35.87	37.67	39.55	40.55	41.56	42.59		
		New	33.52	35.19	36.95	38.80	40.74	41.76	42.80	43.87	COLA	Authorized
MEA	~~Comm & Econ Dev. Program Mgr~~		~~40.05~~	~~42.05~~	~~44.16~~	~~46.36~~	~~48.68~~	~~50.51~~	~~52.40~~		Obsolete Classification	Unfunded
DH	Community Development Director		59.70	62.69	65.82	69.11	72.57	76.19	80.00			
		New	63.62	66.80	70.14	73.65	77.33	81.20	85.26		Adjustment	Authorized
GEA	Community Service Officer		25.91	27.20	28.56	29.99	31.49	32.67	33.89			
		New	26.68	28.01	29.41	30.88	32.43	33.64	34.91		COLA	Authorized
MEA	Construction Project Manager		37.49	39.36	41.33	43.40	45.57	47.28	49.05			
		New	38.61	40.54	42.57	44.70	46.94	48.70	50.52		COLA	Authorized
Unrep	Custodian		16.63	17.46	18.33	19.25	20.21					
		New	17.13	17.98	18.88	19.83	20.82				COLA	Unfunded
DH	Deputy City Clerk		30.62	32.15	33.76	35.45	37.22	38.61	40.07			
		New	32.31	33.93	35.62	37.40	39.27	41.24	43.30		Adjustment	Authorized

Salary Chart
Current and Proposed New

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
Nonrep Mgt	Deputy City Manager		60.93	63.98	67.17	70.53	74.05	77.76	81.65			
		New	62.75	65.89	69.19	72.64	76.28	80.09	84.10		COLA	Unfunded
GEA	Engineering Technician		35.01	35.88	36.78	37.70	38.64	39.61	40.60	41.61		
		New	32.74	34.38	36.10	37.90	39.80	40.79	41.81	42.86	COLA	Unfunded
GEA	Equipment Mechanic		31.96	33.55	35.23	36.99	38.84	39.81	40.81	41.83		
		New	32.92	34.56	36.29	38.10	40.01	41.01	42.04	43.09	COLA	Authorized
GEA	Equipment Mechanic, Senior		34.01	35.72	37.51	39.38	41.34	42.37	43.44	44.53		
		New	35.04	36.79	38.63	40.56	42.59	43.65	44.74	45.86	COLA	Authorized
DH	Finance Director		56.27	57.68	59.12	60.59	62.11	63.66	65.26			
		New	63.62	66.80	70.14	73.65	77.33	81.20	85.26		Adjustment/Parity	Unfunded
MEA	Financial Analyst		30.18	31.70	33.28	34.94	36.69	38.07	39.50			
		New	31.09	32.65	34.28	35.99	37.79	39.21	40.68		COLA	Unfunded
GEA	Housing Rehab Inspector		22.68	23.81	25.00	26.25	27.56					
		New	23.35	24.52	25.75	27.04	28.39				COLA	Unfunded
DH	Human Resources Director		55.50	58.28	61.19	64.25	67.46	70.83	74.38			
		New	63.62	66.80	70.14	73.65	77.33	81.20	85.26		Adjustment/Parity	Authorized
NonrepMgt	Human Resources Manager		45.66	47.94	50.34	52.86	55.50	58.58	61.19			
		New	47.03	49.38	51.85	54.44	57.17	60.02	63.03		COLA	Unfunded
GEA	IT Support Specialist		25.24	26.50	27.83	29.22	30.68	31.45	32.23	33.04		
		New	26.00	27.30	28.66	30.10	31.60	32.39	33.20	34.03	COLA	Authorized
Unrep	Intern		15.00	15.75	16.54	17.36	18.23					
		New	15.45	16.22	17.03	17.88	18.78				COLA	Unfunded
Unrep	Intern II		20.16	21.17	22.23	23.34	24.50					
		New	20.76	21.80	22.89	24.03	25.24				COLA	Unfunded

Salary Chart
Current and Proposed New

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
MEA	Librarian		30.18	31.70	33.28	34.94	36.69	38.07	39.50			
		New	31.09	32.65	34.28	35.99	37.79	39.21	40.68		COLA	Authorized
GEA	Library Assistant		23.31	24.47	25.69	26.98	28.33	29.03	29.76	30.51		
		New	24.00	25.20	26.46	27.79	29.18	29.91	30.65	31.42	COLA	Authorized
GEA	Library Assistant, Senior		24.98	26.23	27.54	28.92	30.37	31.13	31.90	32.70		
		New	25.73	27.02	28.37	29.79	31.28	32.06	32.86	33.68	COLA	Authorized
Unrep	Library Clerk		17.50	18.38	19.30	20.27	21.28					
		New	18.03	18.93	19.88	20.87	21.92				COLA	Authorized
DH	Library Director		58.58	61.51	64.58	67.81	71.20	74.76	78.50			
		New	63.62	66.80	70.14	73.65	77.33	81.20	85.26		Adjustment	Authorized
Unrep	Lighthouse Docent Coordinator		15.00	15.75	16.54	17.36	18.23					
		New	15.45	16.22	17.03	17.88	18.78				COLA	Authorized
GEA	Maintenance Supervisor		33.96	35.67	37.44	39.31	41.28	42.31	43.37	44.45		
		New	34.98	36.73	38.57	40.49	42.52	43.58	44.67	45.79	COLA	Authorized
GEA	Maintenance Tech/Safety Coord		33.96	35.67	37.44	39.31	41.28	42.31	43.37	44.45		
		New	34.98	36.73	38.57	40.49	42.52	43.58	44.67	45.79	COLA	Unfunded
GEA	Maintenance Worker		27.11	28.47	29.89	31.38	32.95	33.77	34.62	35.48		
		New	27.92	29.31	30.78	32.32	33.93	34.78	35.65	36.54	COLA	Authorized
GEA	Maintenance Worker, Senior		30.41	31.94	33.52	35.21	36.96	37.89	38.83	39.80		
		New	31.32	32.89	34.53	36.26	38.07	39.02	40.00	41.00	COLA	Authorized
MEA	Management Analyst		33.78	35.47	37.24	39.11	41.06	42.60	44.20			
		New	34.80	36.54	38.36	40.28	42.29	43.88	45.53		COLA	Authorized
ELE	Mayor		700 per month								No Change	
GEA	Office Assistant		21.66	22.75	23.88	25.08	26.33	26.99	27.66	28.35		
		New	22.31	23.42	24.60	25.83	27.12	27.79	28.49	29.20	COLA	Authorized

**Salary Chart
Current and Proposed New**

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
GEA	Parking Enforcement Officer		24.36	25.58	26.86	28.20	29.62	30.73	31.88			
		New	25.10	26.35	27.67	29.05	30.51	31.65	32.84		COLA	Authorized
GEA	Planner, Assistant		33.08	34.74	36.48	38.30	40.21	41.23	42.25	43.30		
		New	34.08	35.78	37.57	39.45	41.42	42.45	43.52	44.60	COLA	Unfunded
GEA	Planner, Associate		36.76	38.60	40.54	42.56	44.68	45.80	46.95	48.12		
		New	37.87	39.76	41.75	43.84	46.03	47.18	48.36	49.57	COLA	Authorized
MEA	Planner, Principal		43.57	45.75	48.04	50.44	52.96	54.95	57.01			
		New	44.88	47.12	49.48	51.95	54.55	56.60	58.72		COLA	Unfunded
GEA	Planner, Senior		41.63	43.71	45.90	48.20	50.61	51.87	53.17	54.50		
		New	42.88	45.03	47.28	49.64	52.12	53.43	54.76	56.13	COLA	Vacant
Nonrep Mgt	Police Adm. Services Manager		49.06	51.51	54.09	56.79	59.63	62.61	65.75			
		New	52.59	55.22	57.98	60.87	63.92	67.11	70.47		Adjustment	Unfunded
Nonrep Mgt	Police Adm. Services Manager/ Public Information Officer		51.51	54.09	56.79	59.63	62.61	65.75	69.04			
		New	55.21	57.97	60.87	63.92	67.11	70.47	73.99		Adjustment	Authorized
											Police Admin Services Mgr is the benchmark classification	
DH	Police Chief		69.33	72.80	76.44	80.26	84.27	88.48	92.91			
		New	73.03	76.68	80.52	84.54	88.77	93.21	97.87		Adjustment	Authorized
Nonrep Mgt	Police Commander		55.32	58.09	60.99	64.04	67.24	70.60	74.13			
		New	58.65	61.59	64.66	67.90	71.29	74.86	78.60		Adjustment	Authorized
POA	Police Officer		44.10	46.31	48.62	51.06	53.61	55.62	57.70		No change Pending Negotiation	Authorized
Unrep	Police Officer Recruit		24.23	25.44	26.71	28.04	29.44	30.54	31.68			
		New	24.94	26.19	27.50	28.87	30.32	31.46	32.64		COLA	Authorized
											Underfill for Police Officer	
GEA	Police Records Supervisor		29.33	30.80	32.34	34.04	35.73	37.08	38.46			
		New	30.28	31.79	33.38	35.05	36.80	38.18	39.61		COLA	Authorized

Salary Chart
Current and Proposed New

Barg. Group/Align	3% COLA or Market Adjustment		Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
POA	Police Sergeant		50.96	53.50	56.18	58.99	61.94	64.26	66.67		No Change Pending Negotiation	Authorized
GEA	Police Services Technician		25.91	27.20	28.56	29.99	31.49	32.67	33.89			
	New		26.68	28.01	29.41	30.88	32.43	33.64	34.91		COLA	Authorized
Unrep	Pre School Manager		18.74	19.68	20.66	21.69	22.78					
	New		19.30	20.27	21.28	22.35	23.46				COLA	Unfunded
MEA	Program Manager		41.39	43.46	45.63	47.91	50.31	52.20	54.15			
	New		42.63	44.76	47.00	49.35	51.82	53.76	55.77		COLA	Authorized
Nonrep Mgt	Program Manager, Senior		49.06	51.51	54.09	56.79	59.63	62.61	65.75			
	New		52.58	55.21	57.97	60.87	63.92	67.11	70.47		Adjustment	Authorized
DH	Public Works Director		56.78	59.62	62.60	65.73	69.02	72.47	76.09			
	New		63.62	66.80	70.14	73.65	77.33	81.20	85.26		Adjustment/Parity	Unfunded
DH	Public Works Director/ Deputy City Manager		68.92	72.37	75.98	79.78	83.77	87.96	92.36			
	New		70.99	74.54	78.26	82.18	86.29	90.60	95.13		COLA	Authorized
MEA	Public Works Superintendent		45.00	47.25	49.61	52.09	54.70	56.75	58.87			
	New		46.34	48.66	51.09	53.65	56.33	58.44	60.64		COLA	Unfunded
Unrep	Recreation Assistant I		15.00	15.75	16.54	17.36	18.23					
	New		15.45	16.22	17.03	17.88	18.78				COLA	Authorized
Unrep	Recreation Assistant II		16.33	17.15	18.00	18.90	19.85					
	New		16.82	17.66	18.54	19.47	20.45				COLA	Authorized
GEA	Recreation Coordinator		23.81	25.00	26.25	27.56	28.94	29.66	30.40	31.16		
	New		24.52	25.75	27.03	28.38	29.80	30.55	31.31	32.10	COLA	Authorized
MEA	Recreation Coordinator, Senior		37.17	39.03	40.98	43.03	45.19	46.88	48.64			
	New		38.29	40.21	42.22	44.33	46.54	48.29	50.10		COLA	Unfunded

**Salary Chart
Current and Proposed New**

Barg. Group/Align	3% COLA or Market Adjustment	Hourly Salary Steps								3% COLA or Market Adjustment	Position Budget Status Authorized, Vacant, or Unfunded
	Classification	Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H		
Unrep	Recreation Program Supervisor	21.44	22.51	23.63	24.82	26.06					
	New	22.08	23.19	24.35	25.56	26.84				COLA	Authorized
MEA	Risk Manager	34.77	36.50	38.33	40.24	42.25	43.84	45.48			
	New	35.80	37.59	39.47	41.45	43.52	45.15	46.84		COLA	Unfunded
MEA	Senior Librarian	34.94	36.69	38.52	40.45	42.47	44.06	45.71			
	New	35.98	37.78	39.67	41.66	43.74	45.3796	47.08		COLA	Unfunded
GEA	Volunteer Coordinator	26.33	27.65	29.03	30.48	32.01	32.81	33.63	34.47		
	New	27.13	28.48	29.91	31.40	32.97	33.80	34.64	35.51	COLA	Unfunded

Classification	Hourly Salary Range
Extra Help Retired Annuitant	From 11.50 - 92.91 to 15.50 - 106.96

Bargaining Group Abbreviations

GEA	General Employee Association
MEA	Management Employee Association
POA	Police Officer Association
DH	Department Head Group
Nonrep Mgt	Non-Represented Management Group
Unrep	Unrepresented classification due to part-time and/or temporary/seasonal status
ELE	Elected Officials



City Clerk/DEI Coordinator

DRAFT

SUMMARY:

Under the general guidance and direction of the City Manager, serves as City Clerk for the City of Pacific Grove, and performs the full duties of the office as defined by law; performs technical, legal, and administrative duties in managing the official records of the City, maintaining the required historical municipal data, and conducting municipal elections; ensures technical compliance with City and state regulations. **Serves as the principal staff resource for the coordination of Diversity, Equity and Inclusion (DEI) programs, including assisting with, overseeing and evaluating Citywide internal and external DEI initiatives and programs. Serves as primary staff liaison to DEI Task force.**

ESSENTIAL FUNCTIONS:

As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Manages and coordinates the operations of the City Clerk's office; performs technical, legal and administrative duties in managing the official records of the City; ensures official City activities are in compliance with federal, state, and City policies and practices.
- Provides confidential and specialized administrative support and special research functions for the City Council and City Manager; reviews, approves, and prepares meeting agendas, ordinances, resolutions, agreements, and supporting documentation, and ensures the proper internal approvals and distribution.
- Reviews, approves, compiles, prepares, and distributes public meeting information packets; manages the technical preparation, recording, and transcribing of proceedings during special and regular meetings and public hearings of the City Council and Commissions; attends meetings and ensures completion of required follow-up on meeting action items.
- Reviews official documents, resolutions, ordinances, and meeting minutes; manages publication of official notices and agendas; receives, processes, and responds to legal and technical documents, contracts, bids, proposals, and requests for information; updates the Municipal Code and City website.
- Ensures all appropriate materials are posted on the City's website in a timely manner. Leads the planning for and conducts City elections in compliance with the Voting

Rights Act.

- Coordinates Fair Political Practices Commission (FPPC) Form 700, campaign contribution, and election filings for all appropriate City officials.
 - Acts as official custodian of records and ensures the accuracy of technical files and official records; coordinates the processing of Public Records Act (PRA) requests; ensures City records management program is in compliance with California statutes. Collects technical and administrative information and compiles data for reports; prepares and distributes regular and special reports; identifies and researches compliance issues and recommends solutions.
 - Coordinates communications between the City Council and work groups; clarifies issues on City Council meetings and formal procedures; assists Councilmembers and City staff as needed; provides administrative services for City Commissions, other government agencies and the general public.
 - Ensures the absolute confidentiality of all records and information.
 - Serves as the City's subject matter resource on diversity, equity, and inclusion.
 - Coordinates with DEI Task Force/Consultant on the development, monitoring, and implementation of diversity, equity, and inclusion practices, including training and development, seminars, workshops, and skill-building to all levels of City leaders, managers, and employees.
 - Coordinates with the DEI Task Force/Consultant and Human Resources on DEI programs to meet City core values and objectives; coordinates and monitors City employee and community-facing diversity, equity, and inclusion initiatives and programs.
 - Coordinates with DEI Task Force/Consultant in a comprehensive DEI strategic plan for the City, including needs assessment and stakeholder engagement activities; assisting with implementing priority DEI initiatives, programs, and action plans.
 - Serves as primary staff liaison to the DEI Task Force, assisting with meeting and agenda preparation.
 - Coordinates with the DEI Task Force/Consultant on the review of policies, procedures, and programs to ensure equity, and encourage best practices through a DEI lens.
 - Supports the Human Resources Director in efforts to attract, hire, and retain a diverse workforce.
 - Facilitates DEI-related programs and events for the community.
 - Represents the City in regional, state, and federal DEI efforts.
 - Presents DEI-related reports and status on DEI initiatives to the City Council, City Manager, the Leadership Team, staff groups, other officials, and official boards as required.
 - Performs related duties similar to the above in scope and function as required.
 - Supervises assigned staff, monitors work, develops skills, and evaluates performance. Responds to and resolves customer service issues in a courteous and respectful manner.
 - Develops, manages, and tracks the DEI budget in coordination and collaboration with the City Manager or designee. Participates in ongoing continuing education on diversity, equity, and inclusion practices.
- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with citizens, visitors, and City staff; maintains confidentiality of work-related issues and City

information; performs other duties as required or assigned.

MINIMUM QUALIFICATIONS:

Education, Training and Experience Guidelines:

Bachelor's Degree in Public or Business Administration, or related field AND three years' experience as a municipal or county clerk, preferably in California; OR an equivalent combination of education, training, and experience, **and two years of, or equivalent combination of education and experience related to DEI or working with underrepresented groups. A deep understanding of the issues facing underrepresented populations are desirable.**

Knowledge of:

- City organization, operations, policies, and procedures.
- Federal and state laws and statutes governing municipal operations and open meetings, including California Public Employment Relations Board, the Meyers-Milias-Brown Act, California Fair Political Practices Commission regulations, California Public Records Act, California Elections Code, and the Voting Rights Act.
- Principles and practices of records retention, record keeping, and bids and contract administration.
- Municipal election process and governing laws and regulations. City ordinances, codes, policies, resolutions, and agreements.
- Legal, ethical, and professional rules of conduct for public sector employees and elected officials.
- **Principles, practices, trends and research related to diversity, equity and inclusion.**
- **Issues affecting the people of diverse racial, ethnic, cultural, and socio-economic backgrounds.**
- **Practices and techniques related to community outreach and engagement.**
- Customer service principles, protocols, and methods. Business computers and standard software applications.

Skill in:

- Working independently, maintaining composure and confidentiality, and working effectively in a **high-pressure** environment with changing priorities. **Using tact and diplomacy to effectively handle a broad range of high-level and sensitive interpersonal situations with diverse personalities**
- Analyzing technical and statutory issues, evaluating alternatives, and developing recommendations.
- Understanding and applying applicable state and federal rules and regulations and statutory standards.
- Reviewing, correcting, and maintaining complex and extensive public records. Investigating, analyzing, and resolving complicated and sensitive issues and complaints.
- Ensuring the City's compliance with all laws, regulations, and rules. Assessing and prioritizing multiple tasks, projects, and demands.
- **Assisting with coordinating, organizing, and overseeing, DEI initiatives and programs.**

- Ability to identify different stakeholders as it relates to DEI matters.
- Participate in the DEI subcommittee to enhance the provisions of all City services.
- Remain informed regarding current DEI issues affecting Pacific Grove and the region.
- Respond effectively and appropriately to conflicts and problems.
- Set priorities to coordinate multiple assignments with fluctuating and time-sensitive deadlines.
- Operating a personal computer utilizing standard and specialized software. Establishing and maintaining effective working relationships with co-workers, public officials, government agency representatives, and citizens. **Represent the City effectively in meetings with community groups, governmental bodies and the public.**
- Effective verbal and written communication.

LICENSING AND CERTIFICATION

LICENSE AND CERTIFICATION REQUIREMENTS:

A valid California State Driver's License is required. Registration as a Certified Municipal Clerk and Notary Public certification are required within one year of hire.

DEI Certification **or equivalent training must be initiated in the first six months of assignment.**

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:

Work is performed in a standard office environment; some physical labor, such as setting up a room for a public meeting, is occasionally required.

Must be willing to work varied hours, as well as attend evening or weekend meetings and/or critical events and activities, as appropriate. This position has a critical role for the City in the preparation for, operations during, and recovery from physical disasters and other emergency incidents.

ORDINANCE NO. 22-_____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AMENDING THE CLASSIFICATION SCHEDULE**

Findings

1. The City of Pacific Grove (City) is providing a 3% COLA for GEA, MEA, and unrepresented classifications; and
2. The City is providing a 3% COLA for some members of the Department Head and Non-represented Management and Confidential Groups; and
3. Members of the Department Head and Non-represented Groups that are not receiving a 3% COLA, are receiving a salary market adjustment increase; and
4. A new classification of City Clerk/DEI (Diversity, Equity and Inclusion) Coordinator is being created and added to the salary schedule; and
5. The following Classifications salary ranges will be revised to reflect the salary changes:

Accountant	Library Clerk
Accountant, Chief	Library Director
Accountant, Senior	Lighthouse Docent Coordinator
Accounting Assistant	Maintenance Supervisor
Accounting Assistant, Senior	Maintenance Tech/Safety Coord
Administrative Services Director (ASD)	Maintenance Worker
ASD/ Assistant City Manager	Maintenance Worker, Senior
Administrative Services Manager	Management Analyst
Administrative Technician	Office Assistant
Animal Control Officer	Parking Enforcement Officer
Arborist	Planner, Assistant
Assistant Finance Manager	Planner, Associate
Cashier	Planner, Principal
City Clerk	Planner, Senior
City Clerk/DEI Coordinator	Police Adm. Services Manager (ASM)
City Manager	Police ASM/Public Information Officer
Code Compliance Officer	Police Chief
Community Development Director	Police Commander
Community Service Officer	Police Officer Recruit
Construction Project Manager	Police Records Supervisor
Custodian	Police Services Technician
Deputy City Clerk	Pre School-Manager

Deputy City Manager	Program Manager
Engineering Technician	Program Manager, Senior
Equipment Mechanic	Public Works (PW) Director
Equipment Mechanic, Senior	PW Director/ Deputy City Manager
Finance Director	Public Works Superintendent
Financial Analyst	Recreation Assistant I
Housing Rehab Inspector	Recreation Assistant II
Human Resources Director	Recreation Coordinator
Human Resources Manager	Recreation Coordinator, Senior
IT Support Specialist	Recreation Program Supervisor
Intern	Risk Manager
Intern II	Senior Librarian
Librarian	Volunteer Coordinator
Library Assistant	Extra Help Retired Annuitant
Library Assistant, Senior	

6. Modifications to the salary classification plan must be amended to revise hourly rates; and
7. Amendment to the classification plan must be adopted by the City Council pursuant to Charter Article 25 and Pacific Grove Municipal Code (PGMC) Section 4.20.280; and
8. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. Enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment pursuant Section 15378.

Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing findings of the City Council are incorporated into this Ordinance as if set forth in full.

SECTION 2. The position classification plan approved and adopted by the City Council pursuant to Charter Article 15 and PGMC § 4.20.280 is amended for the list classification, with the following salary schedule:

Code	Classification	Hourly Salary Steps							
		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H
124-001	Accountant	32.78	34.42	36.15	37.95	39.85	40.85	41.87	42.91
219-000	Accountant, Chief	39.20	41.15	43.21	45.37	47.64	49.43	51.28	
218-003	Accountant, Senior	35.91	37.70	39.59	41.57	43.65	45.28	46.98	
120-001	Accounting Assistant	25.88	27.17	28.53	29.96	31.45	32.24	33.05	33.87
125-01	Accounting Assistant, Senior	27.51	28.89	30.33	31.85	33.44	34.28	35.14	36.01
304-001	Administrative Services Director (ASD)	65.62	68.90	72.35	75.97	79.77	83.75	87.94	
302-001	ASD/ Assistant City Manager	73.94	77.64	81.52	85.59	89.87	94.37	99.09	
212-000	Administrative Services Manager	52.58	55.21	57.97	60.87	63.92	67.11	70.47	
170-000	Administrative Technician	33.08	34.73	36.47	38.29	40.21	41.21	42.25	43.30
505-001	Animal Control Officer	26.12	27.43	28.80	30.24	31.75	32.94	34.17	
168-004	Arborist	40.52	42.54	44.67	46.90	49.25	50.48	51.74	53.03
216-002	Assistant Finance Manager	35.81	37.60	39.48	41.45	43.52	45.16	46.85	
090-000	Cashier	15.45	16.22	17.03	17.88	18.78			
243-001	City Clerk	53.67	56.35	59.17	62.13	65.23	68.50	71.92	
TBD	City Clerk/DEI Coordinator	56.35	59.17	62.13	65.24	68.50	71.92	75.52	
002-000	City Council Member	420 per month							
301-001	City Manager	106.96							
164-002	Code Compliance Officer	33.52	35.19	36.95	38.80	40.74	41.76	42.80	43.87
205-000	Community Development Director	63.62	66.80	70.14	73.65	77.33	81.20	85.26	
507-001	Community Service Officer	26.68	28.01	29.41	30.88	32.43	33.64	34.91	
209-000	Construction Project Manager	38.61	40.54	42.57	44.70	46.94	48.70	50.52	
40-000	Custodian	17.13	17.98	18.88	19.83	20.82			
204-001	Deputy City Clerk	32.31	33.93	35.62	37.40	39.27	41.24	43.30	
305-001	Deputy City Manager	62.75	65.89	69.19	72.64	76.28	80.09	84.10	
102-000	Engineering Technician	32.74	34.38	36.10	37.90	39.80	40.79	41.81	42.86
156-001	Equipment Mechanic	32.92	34.56	36.29	38.10	40.01	41.01	42.04	43.09
157-000	Equipment Mechanic, Senior	35.04	36.79	38.63	40.56	42.59	43.65	44.74	45.86
256-000	Finance Director	63.62	66.80	70.14	73.65	77.33	81.20	85.26	
208-001	Financial Analyst	31.09	32.65	34.28	35.99	37.79	39.21	40.68	
71-001	Housing Rehab Inspector	23.35	24.52	25.75	27.04	28.39			
310-001	Human Resources Director	63.62	66.80	70.14	73.65	77.33	81.20	85.26	
210-001	Human Resources Manager	47.03	49.38	51.85	54.44	57.17	60.02	63.03	
105-001	IT Support Specialist	26.00	27.30	28.66	30.10	31.60	32.39	33.20	34.03
64-000	Intern	15.45	16.22	17.03	17.88	18.78			
64-3	Intern II	20.76	21.80	22.89	24.03	25.24			
208-002	Librarian	31.09	32.65	34.28	35.99	37.79	39.21	40.68	
122-001	Library Assistant	24.00	25.20	26.46	27.79	29.18	29.91	30.65	31.42
144-002	Library Assistant, Senior	25.73	27.02	28.37	29.79	31.28	32.06	32.86	33.68
199-000	Library Clerk	18.03	18.93	19.88	20.87	21.92			
219-000	Library Director	63.62	66.80	70.14	73.65	77.33	81.20	85.26	
50-004	Lighthouse Docent Coordinator	15.45	16.22	17.03	17.88	18.78			
154-000	Maintenance Supervisor	34.98	36.73	38.57	40.49	42.52	43.58	44.67	45.79
153-000	Maintenance Tech/Safety Coord	34.98	36.73	38.57	40.49	42.52	43.58	44.67	45.79
132-000	Maintenance Worker	27.92	29.31	30.78	32.32	33.93	34.78	35.65	36.54

Code	Classification	Hourly Salary Steps							
		Step 1A	Step 2B	Step 3C	Step 4D	Step 5E	Step 6F	Step 7G	Step 8H
146-001	Maintenance Worker, Senior	31.32	32.89	34.53	36.26	38.07	39.02	40.00	41.00
208-003	Management Analyst	34.80	36.54	38.36	40.28	42.29	43.88	45.53	
001-000	Mayor	700 per month							
104-001	Office Assistant	22.31	23.42	24.60	25.83	27.12	27.79	28.49	29.20
506-001	Parking Enforcement Officer	25.10	26.35	27.67	29.05	30.51	31.65	32.84	
165-001	Planner, Assistant	34.08	35.78	37.57	39.45	41.42	42.45	43.52	44.60
168-002	Planner, Associate	37.87	39.76	41.75	43.84	46.03	47.18	48.36	49.57
241-002	Planner, Principal	44.88	47.12	49.48	51.95	54.55	56.60	58.72	
169-001	Planner, Senior	42.88	45.03	47.28	49.64	52.12	53.43	54.76	56.13
201-000	Police Adm. Services Manager (ASM)	52.59	55.22	57.98	60.87	63.92	67.11	70.47	
211-001	Police ASM/Public Information Officer	55.21	57.97	60.87	63.92	67.11	70.47	73.99	
602-001	Police Chief	73.03	76.68	80.52	84.54	88.77	93.21	97.87	
601-001	Police Commander	58.65	61.59	64.66	67.90	71.29	74.86	78.60	
516-001	Police Officer	44.10	46.31	48.62	51.06	53.61	55.62	57.70	
513-000	Police Officer Recruit	24.94	26.19	27.50	28.87	30.32	31.46	32.64	
521-002	Police Records Supervisor	30.28	31.79	33.38	35.05	36.80	38.18	39.61	
524-001	Police Sergeant	50.96	53.50	56.18	58.99	61.94	64.26	66.67	
508-001	Police Services Technician	26.68	28.01	29.41	30.88	32.43	33.64	34.91	
62-001	Preschool Manager	19.30	20.27	21.28	22.35	23.46			
219-001	Program Manager	42.63	44.76	47.00	49.35	51.82	53.76	55.77	
206-000	Program Manager, Senior	52.58	55.21	57.97	60.87	63.92	67.11	70.47	
207-000	Public Works (PW) Director	63.62	66.80	70.14	73.65	77.33	81.20	85.26	
303-001	PW Director/ Deputy City Manager	70.99	74.54	78.26	82.18	86.29	90.60	95.13	
220-002	Public Works Superintendent	46.34	48.66	51.09	53.65	56.33	58.44	60.64	
10-001	Recreation Assistant I	15.45	16.22	17.03	17.88	18.78			
51-001	Recreation Assistant II	16.82	17.66	18.54	19.47	20.45			
118-001	Recreation Coordinator	24.52	25.75	27.03	28.38	29.80	30.55	31.31	32.10
217-003	Recreation Coordinator, Senior	38.29	40.21	42.22	44.33	46.54	48.29	50.10	
62-002	Recreation Program Supervisor	22.08	23.19	24.35	25.56	26.84			
216-003	Risk Manager	35.80	37.59	39.47	41.45	43.52	45.15	46.84	
209-000	Senior Librarian	35.98	37.78	39.67	41.66	43.74	45.38	47.08	
170-001	Volunteer Coordinator	27.13	28.48	29.91	31.40	32.97	33.80	34.64	35.51
203	Extra Help Retired Annuitant	Hourly Range \$15.50 – \$106.96							

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. In accord with Article 15 of the City Charter, this ordinance shall become effective on July 24, 2022.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this ____ day of July 2022, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

[Insert Name], City Attorney



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Jenny McAdams, Mayor Pro Tem
MEETING DATE: July 6, 2022
SUBJECT: Safe Parking *This item was continued from the June 15, 2022 meeting.*
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Hold a conceptual discussion regarding PGMC [18.36.050](#) to amend Safe Parking from a pilot program to a permanent program and direct staff to return with draft language.

DISCUSSION

As local cities continue to respond to the variety of solutions needed to respond to regional homelessness, safe parking programs is one of the strategies that has effectively given access to case management, services, and leads to permanent housing. Monterey County funds case management to various local service providers who manage local Safe Parking Programs. The [City of Seaside](#) and [City of Monterey](#) are excellent examples of current policy pertaining to Safe Parking. The Council could consider having Safe Parking a stand alone chapter as done by the City of Seaside.

In 2016 the City of Pacific Grove added [PGMC 18.36.050 Temporarily sleeping in a parked vehicle by permit only](#) to accommodate the pilot program of Safe Parking. Per the ordinance “A safe sleeping pilot program shall exist in the city in accord with this section.” Typically a pilot program is a short term trial to identify inefficiencies early and smooth out any issues. Since 2016 the service provider One Starfish (Orphan Productions) has run a successful Safe Parking program in the City of Pacific Grove.

Amending our Municipal Code will update our ordinance from a pilot program to a permanent one, codify the City’s current practice, align our policy with neighboring cities, and demonstrate our ongoing commitment to regional housing solutions.

OPTIONS

1. Provide other direction.
2. Take no action.

FINANCIAL IMPACT:

There is no financial impact to hold a conceptual discussion.

GOAL ALIGNMENT: Increase Affordable Housing: Determine policies, projects and programs that will advance the effort to create new affordable housing in the City.

Attachments

City of Seaside - Safe Parking
City of Monterey - Safe Parking
PPT

Chapter 8.23 SAFE PARKING

Sections:

8.23.010 Purpose.

8.23.020 Definitions.

8.23.030 Safe parking license.

8.23.040 Safe parking location(s).

8.23.050 Safe parking operation.

8.23.060 Display of safe parking license and participant rules.

8.23.070 Right of entry of enforcement officer.

8.23.080 Revocation of safe parking license.

8.23.010 Purpose.

The city council declares that a housing emergency exists, and as such, allows for license(s) to be issued for specific location(s) to be used as safe parking, where an established social service provider monitors homeless individuals and families parking and sleeping in vehicles overnight. This chapter addresses operating plans and characteristics for the safe parking locations to minimize negative effect on surrounding neighborhoods. (Ord. [1063](#) § 1, 2019)

8.23.020 Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them in this section:

“Overnight” shall mean from ten p.m. to six a.m. unless expanded by an issued license.

“Safe parking” means a licensed parking program operated on a property located outside of the public right-of-way and managed by a social service provider that provides individuals and families who sleep in vehicles a safe place to park overnight while working towards a transition to permanent housing.

“Social service provider” means an agency or organization licensed or supervised by any federal, state, or local health/welfare agency, or any organization deemed qualified by the community development director that has demonstrated experience with the homeless population by assisting individuals and families to achieve economic self-sufficiency and self-determination. (Ord. [1063](#) § 1, 2019)

8.23.030 Safe parking license.

It is unlawful for any person or organization to operate a safe parking program on any property in the city without first having procured a safe parking program license from the city, and paying the license fee and any other fees associated with approval of an application for a license as stated in the fee schedule, and also without complying with any and all applicable provisions of this section. (Ord. [1063](#) § 1, 2019)

8.23.040 Safe parking location(s).

The city council will issue all initial licenses to designate each safe parking location, where a social service provider monitors homeless individuals and families parking and sleeping in vehicles overnight. The community development department will review safe parking license(s) annually, at a minimum, and make recommendations to the city council for any revocations or modifications to licenses. Upon receipt of each license application, public notices will be sent to all residents and business locations within a three-hundred-foot radius of the proposed application.

At a minimum, safe parking locations must provide: restroom, handwashing station, and trash facilities during the safe parking facility hours. These items are to be screened from public view. (Ord. [1063](#) § 1, 2019)

8.23.050 Safe parking operation.

The social service provider for each designated safe parking location must provide the community development department with an operating plan that contains, at a minimum:

- A. Security information.
- B. Staff contact information.
- C. Neighborhood outreach efforts.
- D. Pet policy.
- E. Client intake process.
- F. Facility maintenance plan.
- G. List the array of services/programs provided.
- H. Hours of operation.
- I. Participant rules.
- J. Site plan, noting location of required facilities and distances to nearest off-site buildings.

The community development department will authorize the participant rules with each applicant. (Ord. [1063](#) § 1, 2019)

8.23.060 Display of safe parking license and participant rules.

The licensee shall in a prominent location display the participant rules, emergency contact information for the site coordinator, and the license number assigned to that site by the city of Seaside. (Ord. [1063](#) § 1, 2019)

8.23.070 Right of entry of enforcement officer.

The right of entry for police per SMC [8.22.040](#) shall also apply for safe parking licensees. (Ord. [1063](#) § 1, 2019)

8.23.080 Revocation of safe parking license.

The community development director will review safe parking licenses annually, at a minimum. However, if city officials receive substantiated, written complaints from any citizen, code enforcement officer, or police department officer, which include information and/or evidence supporting a conclusion that violation of city ordinances or regulations applicable to the property or operation of the facility has

occurred, the license for the safe parking location shall be reviewed and submitted for consideration of revocation to the city council. (Ord. [1063](#) § 1, 2019)



The Seaside Municipal Code is current through Ordinance 1096, passed November 19, 2020.

Disclaimer: The City Clerk's Office has the official version of the Seaside Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.seaside.ca.us/>

City Telephone: (831) 899-6707

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Required spaces shall not be within buildings, but shall be on the site of the use served on an adjoining site. A required loading space shall not be located in a required front or street side yard or within 50 feet of any lot in an R district unless enclosed by a solid masonry or concrete wall at least eight feet high. On a site adjoining an alley, a required loading space shall be accessible from the alley, unless alternative access is approved by the Public Works Director. A required loading space shall be accessible without backing a truck across a street property line unless the Public Works Director determines that provision of a turn-around space is infeasible and approved alternative access. An occupied loading space shall not prevent access to a required off-street parking area. (Ord. 3472 § 1, 2012)

A loading area visible from a street shall be screened on three sides by a fence, wall or hedge at least six feet high. (Ord. 3424 § 1, 2009)

Sec. 38-126.

Safe Parking Program.

A. *Purpose and Intent.* Safe parking provides homeless individuals and families with a safe place to temporarily park overnight. The provisions set forth in this section enable safe parking programs to operate in the City subject to specific performance standards and permit requirements. These standards and requirements are intended to ensure that safe parking facilities will be compatible with surrounding uses and effective at facilitating participants' transition to permanent housing.

B. *Definitions.*

1. "Safe parking program" means a parking program operated on an existing parking lot located outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight.
2. "Social service provider" means an agency or organization that has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

C. *Use Permit Required.* The establishment of a safe parking program in any zoning district shall require a use permit pursuant to Article 22. The use is prohibited in the clear and safety zones of the Monterey Peninsula Airport as shown in the Comprehensive Land Use Plan for the Monterey Peninsula Airport. In all residential zones, safe parking programs shall only be permitted on properties with the following classifications: Religious assembly, clubs and lodges, and cultural institutions.

1. *Exception.* Safe parking shall be principally permitted on the following City parking lots or on those later approved by the City Council by resolution: 735 Pacific Street.
2. *Standards.* Principally permitted safe parking programs on City parking lots shall:
 - a. Have a maximum of six vehicles per site;
 - b. Have hours of operation which in no case may exceed 7:00 p.m. to 7:30 a.m.
 - c. Ensure all vehicles shall park in existing parking spaces. Over-sized vehicles shall not extend into drive aisles;
 - d. *Operate in a safe and sanitary manner.* Examples include adequate trash and recycling services, port-a-potty maintenance, general site cleanliness;
 - e. Comply with the Americans with Disabilities Act;
 - f. Conduct online criminal background checks on applicants as part of the intake interview;
 - g. Secure the port-a-potty to the satisfaction of the City Permit and Inspection Services Department;
 - h. Ensure the onsite port-a-potty shall be available only for safe parking guests;
 - i. Conduct random site visits to check for rule compliance;
 - j. Not allow drug or alcohol use or possession on site;

- k. Not allow weapons or firearms of any kind in program vehicles;
- l. Require vehicles to be registered and insured;
- m. Not preclude participation in the program based on a person's race, color, religion, national origin, ethnicity, gender, sexual orientation, marital status, disability, or medical condition; and
- n. Enter into a license agreement with the City of Monterey.
- o. The City Manager, or designee, is authorized to execute the license agreement.

D. *Application Requirements.* In addition to the requirements contained in Section [38-158](#), the use permit application shall include the following:

- 1. Proposed hours of operation, which in no case may exceed 7:00 p.m. to 7:30 a.m.
- 2. The social service provider's proposed monitoring and oversight plan for the safe parking program.
- 3. Site plan indicating the location of trash and recycling facilities, water, restroom facilities, location and distances to residential properties, and location of designated overnight parking spaces.
- 4. Written documentation establishing that the property owner is a social service provider or that the social service provider's use of the property has been authorized by the property owner.
- 5. Written approval by the Community Services Department head indicating that the proposed social service provider meets the definition under this section of a "social service provider."
- 6. Any other information the Plans and Public Works Department may determine is necessary to ensure compliance with the provisions of this section.

E. *Use Permit Considerations.* Items to be considered by the Planning Commission as part of the use permit review process shall include, but are not limited to, the following:

- 1. The total number of vehicles allowed at each safe parking program facility, which shall be determined based on the size of the parking area available for such activity.
- 2. The days and hours of operation of the safe parking program facility.
- 3. The restroom, water, and trash and recycling facility plan, which shall include the location, hours of availability, and maintenance program for the facility.
- 4. Whether there exists sufficient distance between existing and proposed safe parking program facilities.
- 5. Whether there exists sufficient distance between the designated spaces at a proposed safe parking program facility and real property being used for a residential purpose.
- 6. Whether adequate monitoring and oversight is provided by the social service provider.
- 7. The existing noise levels and groundborne vibration; and the potential noise impacts of the proposed safe parking program.
- 8. Whether the proposed safe parking program facility is listed as a hazardous material site pursuant to Government Code Section [65962.5](#).
- 9. Whether there is adequate emergency access at the proposed safe parking program facility.
- 10. Whether the proposed safe parking program conflicts with express conditions imposed by the City on a prior use permit for the use of the real property.
- 11. On intake, the social service provider shall conduct an online criminal background check on applicants as part of the intake interview. Participant exclusion based on background check results shall be determined by the social service provider on a case-by-case basis.

F. *Permit Revocation.* The use permit can be referred to the Planning Commission if determined by the head of the Plans and Public Works Department, upon receipt of a written substantiated complaint from any citizen, code enforcement officer, or police department officer, which includes information and/or evidence in support of the complaint, that a violation of the use

permit, or of any City ordinances or regulations applicable to the property or operation of the facility, has occurred. At the time of the use permit review, to ensure compliance with applicable laws and conditions of the use permit, conditions of approval may be added, deleted, modified, or the use permit may be revoked. (Ord. 3562 § 2, 2017; Ord. 3522 § 2, 2015)

The Monterey City Code is current through Ordinance 3648, passed March 15, 2022.

Disclaimer: The City Clerk's office has the official version of the Monterey City Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

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City Website: www.monterey.org

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Safe Parking



Mayor Pro Tem McAdams
City of Pacific Grove

Before You This Evening

Discuss [PGMC 18.36.050](#) to amend from a pilot program to a permanent program, and direct staff to return with draft language.



Chapter 18.36

MOTOR VEHICLES, MOBILE HOMES, AND MOBILE HOME PARKS

18.36.050 Temporarily sleeping in a parked vehicle by permit only.

A safe sleeping *pilot* program shall exist in the city in accord with this section. The city manager, chief of police, or designee shall have the authority to issue or deny safe sleeping program site permits pursuant to the following conditions:

Pacific Grove Pilot Program

- Since 2016 the service provider One Starfish (Orphan Productions) has run a successful Safe Parking program in the City of Pacific Grove.



Ordinance Examples

- City of Seaside- [Chapter 8.23 Safe Parking](#)
- City of Monterey- [Sec. 38-126. Safe Parking Program](#)

Next Steps

- Direct staff to return with draft language establishing a permanent safe parking program and ordinance cleanup for Council review.
- Continue the pilot program as established in 2016.
- Provide other direction to staff.



Questions?



City Council
City of Pacific Grove



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: July 6, 2022
SUBJECT: Cannabis Advisory Ballot Measure and Cannabis Tax Ballot Measure *This item was continued from the June 15, 2022. Action is requested to be taken no later than the Council's July 20, 2022 meeting.*
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Adopt a resolution authorizing an advisory measure related to retail cannabis sales to be placed on the ballot for the City of Pacific Grove, ordering an election, requesting consolidation of the election with the General and Statewide consolidated election to be held on the November 8, 2022 General Municipal Election; and
2. Adopt a resolution submitting a ballot measure to establish a business tax on businesses which sell and deliver cannabis and cannabis products including industrial hemp and hemp products; ordering an election, requesting County Elections to conduct the election and requesting consolidation of the election with the General Municipal and Statewide Consolidated Election to be held on November 8, 2022.

DISCUSSION

At the [April 20, 2022 City Council meeting](#), the City Council directed staff to prepare two ballot measures related to (1) cannabis retail sales and (2) a cannabis business tax, each to be on the November 2022 general election:

1. the ballot measure addressing support retail cannabis sales would be an advisory measure to assess support for the Council to later amend the Pacific Grove Municipal Code to enable location of no more than 1 (one) cannabis retail storefront; and
2. the ballot measure addressing a business tax would be an authorizing measure that, if approved by a majority of votes, would impose a general tax on sale or delivery of cannabis and cannabis products, including hemp, to not exceed 6% of gross sales.

The two resolutions are attached to this agenda report.

1. A resolution authorizing an advisory measure related to retail cannabis sales to be placed on the ballot for the City of Pacific Grove, ordering an election, requesting consolidation of the election with the General and Statewide consolidated election to be held on the November 8, 2022 General Municipal Election; and

2. A resolution submitting a ballot measure to establish a business tax on businesses which sell and deliver cannabis and cannabis products including industrial hemp and hemp products; ordering an election, requesting County Elections to conduct the election and requesting consolidation of the election with the General Municipal and Statewide Consolidated Election to be held on November 8, 2022.

In addition to the two resolutions, other documents are also attached that would accompany the respective ballot measure in the election materials:

1. A map of the City of Pacific Grove, displaying one-thousand foot (1000') buffer zones from licensed day care facilities, the Pacific Grove Youth Center and Pacific Grove schools. The map also indicates the City's Commercial Zones. The map is intended to accompany the cannabis ballot advisory measure.
2. A draft ordinance of the City of Pacific Grove to establish a business tax on businesses which sell and delivery cannabis and cannabis products, including industrial hemp and hemp products, at an annual rate not to exceed 6% of gross receipts. The draft ordinance is intended to accompany the cannabis business tax ballot measure.

To serve as a subject matter expert and consultant to the City in this process, a professional services agreement between the City and HdL (David McPherson) is being finalized. This scope of services for this professional services agreement is consistent with City Council direction, and is within City Manager spending authority. Additional details regarding proposed ballot measure(s) costs, along with a corresponding Fiscal Year 22-23 budget amendment, will be forthcoming following anticipated adoption of the resolution and consultation with the Monterey County Elections Department.

OPTIONS

1. Take no action as to one or both resolutions..
2. Provide alternate direction.

FINANCIAL IMPACT:

If the City Council adopts either resolution, City staff will contact the Monterey County Elections Department to obtain a cost estimate for the proposed ballot measure(s) to be placed on the November, 2022 election. The cost estimate to add the measures will be brought back for City Council consideration and a corresponding budget amendment within the Fiscal Year 22-23 budget. An estimate for the cost of the addition of these proposed measures is not available at this time.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

Cannabis Advisory
Cannabis Tax
Att 1 to Cannabis Tax Reso
Cannabis Buffer Zone Map

RESOLUTION NO. 22-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AUTHORIZING AN ADVISORY MEASURE TO BE PLACED ON THE BALLOT FOR THE CITY OF PACIFIC GROVE, ORDERING AN ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION WITH THE GENERAL AND STATEWIDE CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, Proposition 64 of 2016, approved by California voters in November 2016, legalized adult recreational use of cannabis; and

WHEREAS, Pacific Grove Municipal Code (PGMC or Code) Chapter 11.100, enacted in 2017, prohibits cannabis activities and makes it unlawful for any person to sell cannabis or cannabis products within city limits; and

WHEREAS, PGMC section 11.100.040 also prohibits sale or provision of medicinal cannabis within city limits; and

WHEREAS, This Resolution shall place a non-binding advisory ballot measure before Pacific Grove voters at the November 8, 2022, election to determine if there is support or opposition for the City Council to amend the PGMC to create a licensing process that would allow cannabis retail sales at a single licensed and regulated commercial cannabis establishment; and

WHEREAS, The ballot measure referenced in this Resolution shall have no independent force or effect, and shall not require the City Council to take action or withhold action based on the results of the election; and

WHEREAS, This Resolution is exempt from the CEQA, Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378, 15061).

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the City of Pacific Grove requests the Board of Supervisors of Monterey County to permit Monterey County Elections to provide any and all services necessary for conducting an election on November 8, 2022, for purposes of placing a ballot measure before the electorate; and

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable; and

WHEREAS, pursuant to Elections Code Section 10002 the City shall reimburse the county in full for the services performed upon presentation of a bill; and

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election;

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the law for holding elections.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AND ORDER that the Whereas provisions set forth above are an integral part of this Resolution and are adopted as if set forth in their entirety.

BE IT FURTHER RESOLVED AND ORDERED the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held on **November 8, 2022** insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400, 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department shall conduct the election to be held on November 8, 2022 and submit to the electorate the following question:

ADVISORY MEASURE ()

Should the Pacific Grove City Council be directed to amend the Municipal Code to allow retail sales of medical or recreational cannabis, limited to one single location

within the City, at a location no closer than 1000 feet from any existing licensed Daycare/Preschools, Youth Center, and Schools, to engage in commercial cannabis activities?

Yes ()

No ()

BE IT FURTHER RESOLVED AND ORDERED that the City Council directs the City Clerk to take all actions necessary to submit the measure to the Registrar of Voters for placement on the November 8, 2022 ballot and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of that election.

BE IT FURTHER RESOLVED that the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with the California Elections Code. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be signed and filed with the City Clerk and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022. Authors of any argument in favor or in opposition may prepare and submit rebuttal arguments not exceeding 250 words, in the same manner as the direct arguments. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 25, 2022.

BE IT FURTHER RESOLVED that the City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. Submittal of the Impartial Analysis is to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022.

BE IT FURTHER RESOLVED that that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

BE IT FURTHER RESOLVED THAT voter approval requirement is by majority vote of people of the City of Pacific Grove.

BE IT FURTHER RESOLVED that that this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove on this 6th day of July, 2022 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

DATED: _____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

, City Attorney

RESOLUTION NO. 22-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING TO THE CITY VOTERS A BALLOT MEASURE TO ESTABLISH A BUSINESS TAX ON BUSINESSES WHICH SELL AND DELIVER CANNABIS AND CANNABIS PRODUCTS INCLUDING INDUSTRIAL HEMP AND HEMP PRODUCTS; ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION AND REQUESTING CONSOLIDATION OF THE ELECTION WITH THE GENERAL MUNICIPAL AND STATEWIDE CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 8, 2022.

WHEREAS, Sections 37101 and 37100.5 of the California Government Code authorize the City to levy a license tax, for revenue purposes, upon business transacted in the City; and

WHEREAS, as a result of recent voter-approved changes to state law and new state regulations being implemented, there has been a very strong interest by cannabis businesses to open in the City; and

WHEREAS, the California Industrial Hemp Farming Act, (Government Code Section 81600 et seq. and related regulations) authorize the commercial production of Industrial Hemp in California; and

WHEREAS, the City Council will consider enactment of a cannabis and hemp regulatory ordinance; and

WHEREAS, if cannabis and hemp businesses are authorized, they are likely to create demands upon City services, and the City's current tax system does not currently impose any taxes on retail and delivery cannabis businesses, aside from generally applicable municipal taxes; and

WHEREAS, the City Council desires to adopt a tax ordinance in order to impose the tax upon cannabis and hemp businesses, to be known as the "Cannabis Business Tax"; and

WHEREAS, proceeds of the Cannabis Business Tax will be used to offset demands on City service and to augment the City's General Fund; and

WHEREAS, the Cannabis Business Tax cannot be imposed without majority voter approval; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the City of Pacific Grove requests the Board of Supervisors of Monterey County to permit Monterey County Elections to provide any and all services necessary for conducting an election on November 8, 2022, for purposes of placing a ballot measure before the electorate; and

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable; and

WHEREAS, pursuant to Elections Code Section 10002 the City shall reimburse the county in full for the services performed upon presentation of a bill; and

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election;

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the law for holding elections.

WHEREAS, the City Council desires to submit a Cannabis Business Tax measure to the voters of the City at a General Municipal Election to be held on Tuesday, November 8, 2022, and to be consolidated with the general municipal election and the statewide election to be held on that date.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE RESOLVES AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. The City Council hereby proposes that the voters adopt an ordinance (hereafter also referenced as “measure”) establishing a Cannabis Business Tax. The proposed ordinance submitted to the voters is entitled “An Ordinance of the City of Pacific Grove, California Adding Chapter 7.14 (Cannabis Business Tax) to Title 7 of the Pacific Grove Municipal Code Establishing a Tax on Cannabis and Hemp Business Activities within the City.” The full text of the ordinance is attached to this Resolution as Exhibit “A” and incorporated by reference. The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text shall be made available to the public and to any voter at the County Elections Department and the Pacific Grove City Clerk.

Section 3. Election. Pursuant to Article 8 and Elections Code Sections 10400, 10401, and 10403, the City Council of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held at the General Election for Tuesday November 8, 2022 (the “Election”) insofar as said elections are to be held in the same territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey and orders and orders, pursuant to Section 9222 of the Elections Code, that the Cannabis Business Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted by Section 4 of this Resolution shall appear on the ballot as follows:

To fund general municipal expenses such as police, fire, roads and recreation, shall the City tax cannabis businesses (which includes hemp) at an annual rate not to exceed 6% of gross receipts for retail and delivery cannabis businesses, which is expected to generate an estimated \$400,000 to \$600,000 annually and will be levied until repealed by the voters or the City Council?	YES	
	NO	

Section 5. Publication of Measure. The City Clerk is directed to publish a synopsis of the measure at least one time not later than one week before the election in accordance with Section 12111 of the Elections Code.

Section 6. Approval. Under Article XIII C of the Constitution, the vote requirement for this measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

Section 7. Consolidation. Pursuant to Section 10400 et seq. of the Elections Code, the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections to be held, and the Board of Supervisors of Monterey County and requests to consolidate the Election with the General Municipal Election and Statewide Election to be held on November 8, 2022. The City Clerk and the County Registrar of Voters are authorized to print such forms, publish such notices, and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

Section 8. California Environmental Quality Act. The City Council hereby finds and determines that this resolution is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (“CEQA”) and 14 Cal. Code Re. Sections 15000 et seq. (“CEQA Guidelines”). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378. The tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions.

As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Pacific Grove would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

Section 9. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 10. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Elections Department to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 11. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Elections Department.

Section 12. Analysis and Argument. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure that shall exceed 500 word no later than 12:00 p.m. on August 18, 2022. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. The last day to submit arguments for or against the proposed measure shall be August 18, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. Rebuttal arguments shall be permitted pursuant to applicable law. The last day to submit rebuttal arguments to the City Clerk shall be August 25, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m.

Section 13. Implementation. The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary acts to enter into a service agreement for the provision of election services with Monterey County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Monterey Elections Department.

Section 14. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

Section 15. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Council of the City of Pacific Grove on this 6th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

DATED:_____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

, City Attorney

EXHIBIT A

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PACIFIC GROVE, CALIFORNIA ADDING CHAPTER 17 (CANNABIS BUSINESS TAX) TO TITLE 7, OF THE PACIFIC GROVE MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESS ACTIVITIES WITHIN THE CITY

THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Chapter 7.14 is added to Title 7, of the Pacific Grove City Municipal Code to read as follows:

CHAPTER 7.14 CANNABIS BUSINESS TAX

- 7.14.010 Title.
- 7.14.020 Authority and purpose.
- 7.14.030 Intent.
- 7.14.040 Definitions.
- 7.14.050 Tax imposed.
- 7.14.060 Registration, reporting, and remittance of tax.
- 7.14.070 Payments and communications –timely remittance.
- 7.14.080 Payment – when taxes deemed delinquent.
- 7.14.090 Notice not required by City.
- 7.14.100 Penalties and interest.
- 7.14.110 Refunds and credits.
- 7.14.120 Refunds and procedures.
- 7.14.130 Personal cultivation not taxed.
- 7.14.140 Administration of the tax.
- 7.14.150 Appeal procedure.
- 7.14.160 Enforcement –action to collect.
- 7.14.170 Apportionment.
- 7.14.180 Constitutionality and legality.
- 7.14.190 Audit and examination of premises and records.
- 7.14.200 Other licenses, permits, taxes or charges.
- 7.14.210 Payment of tax does not authorize unlawful business.
- 7.14.220 Deficiency determinations.
- 7.14.230 Failure to report – nonpayment, fraud.
- 7.14.240 Tax assessment –notice requirements.
- 7.14.250 Tax assessment – hearing, application, and determination.
- 7.14.260 Relief from taxes-disaster relief.
- 7.14.270 Conviction for violation – taxes not waived.
- 7.14.280 Violation deemed misdemeanor.
- 7.14.290 Severability.
- 7.14.300 Remedies cumulative.

7.14.310 Amendment or modification.

7.14.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance. This ordinance shall be applicable in the City of Pacific Grove, California which shall be referred to herein as “City.”

7.14.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 7284, and 7284.4 of the Revenue and Taxation Code, upon cannabis businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts. It is not a sales and use tax, a tax upon income, or a tax upon real property and shall not be calculated or assessed as such. The Cannabis Business Tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker. The Cannabis Business Tax is a general tax enacted solely for general, governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any lawful City purpose.

7.14.030 Intent.

The intent of this Ordinance is to levy a tax on all cannabis retail businesses that operate in the City, regardless of whether such business would have been legal at the time this chapter was adopted. Nothing in this chapter shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

7.14.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this chapter:

- A. An "arm's length transaction" is a sale entered into in good faith and for valuable consideration at a sales price that reflects the fair market value in the open market between two informed and willing parties, neither under any compulsion to participate in the transaction.
- B. “Business” shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.
- C. “Calendar year” means January 1 through December 31, of the same year.
- D. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or

purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” shall not include “industrial hemp,” unless otherwise specified.

E. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means cannabis products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

F. “Cannabis business” means any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing, and wholesaling of cannabis, cannabis products, industrial hemp, industrial hemp products or of ancillary products and accessories, whether or not carried on for gain or profit.

G. “Cannabis business tax” means the tax due pursuant to this chapter for engaging in a cannabis business in the City.

H. “Commercial cannabis permit” means a permit, license, certificate, or other approval issued by the City to a person to authorize that person to operate a cannabis business or engage in business as a cannabis business within the City.

I. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

J. “Engaged in business as a cannabis business” means the commencing, conducting, operating, managing, or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, **whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities.** A person shall be deemed engaged in business within the City if:

1. Such person or person’s employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person’s employee owns or leases real property within the City for business purposes;
3. Such person or person’s employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person’s employee regularly conducts solicitation of business within the City; or
5. Such person or person’s employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

K. “Evidence of doing business” means evidence such as, without limitation, use of signs, circulars, cards, or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.

L. “Fiscal year” means July 1, through June 30, which is the period used by the City for financial reporting and budgeting.

M. “Gross Receipts,” except as otherwise specifically provided, means, whether designated as a sales price, royalty, rent, membership fee, ATM service fee, delivery fee, slotting fee, any other fee, vaping room service charge, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise, or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. In the event the business is involved in a “non-arms” length transaction the gross receipts will be subject to the fair market value using a methodology approved by the Tax Administrator. However, the following shall be excluded from Gross Receipts:

1. Cash discounts were allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
5. Cash value of sales, trades or transactions between departments or units of the same business located in the City of Pacific Grove and if authorized by the Tax Administrator in writing in accordance with Section 7.14.140 (B);
6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected, they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Tax Administrator with the names and the addresses of the others, and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees;

9. Retail sales of non-cannabis products, such as t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis or industrial hemp) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 7.14.140 shall not be subject to the cannabis business tax under this chapter. However, such transaction may be subject to **Chapter 7.04 and Section 7.04.040.**

10. Payments made by the tax-reporting cannabis business (Seller) to a cannabis business (Buyer) for the difference in the original acquisition price and subsequent renegotiated or finalized selling price of products or services sold to a specific end customer. This type of transaction is referred to as a “Billback”. The tax-reporting cannabis business must provide supporting documentation to substantiate the transaction in order to be eligible for an exemption.

11. Any business which sells industrial hemp and/or hemp products or offers services or activities related to industrial hemp or hemp products and /or which is not required to obtain a cannabis or industrial hemp permit or license from the City or the State for the purpose of cultivating, growing, drying, curing, manufacturing, processing, packaging, transporting, distributing, testing or selling of industrial hemp either wholesale or retail shall be exempt from the cannabis tax provided that such business does not generate more than 50% of their total gross receipts in the reporting period from the business from industrial hemp activities. However, the exemption may be amended by the City Council by resolution or ordinance pursuant to Section 7.14.050 (B) to increase or decrease the percentage of the business’s hemp and/or hemp products gross receipts reporting from zero to one hundred percent. To the extent the gross receipts from the hemp activities do not meet the relevant percentage to be included, this exclusion shall reduce the gross receipts to zero for the sole purpose of calculating the cannabis tax.

N. “Industrial hemp” means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. However, should the federal or state legislative body increase or decrease the percentage of tetrahydrocannabinol (THC) then this new limit shall be applicable to the tax unless modified by resolution or ordinance of the City Council pursuant to Section 7.14.310.

O. “Industrial hemp products” means any raw hemp that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Hemp product” also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

P. “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, intended to be sold or sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, for a medicinal cannabis patient in California who possesses a physician’s recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.

Q. A "non-arm's length transaction" is a transaction that does not meet the definition of an "arm's length transaction." In other words, the transaction is not a sale entered into in good faith and that reflects fair market value in the open market. One example of a non-arm's length transaction would be when a cultivator sells cannabis goods to a cannabis distributor at a sales price that is lower than what the same cultivator would to other cannabis distributors, or which does not reflect the fair market value in the open market.

R. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

S. “Retailer” means a person as defined in Section 7.14.040 (R) who sells cannabis, cannabis products, hemp and/or hemp products at their place of business or by delivery to an end user or customer for use or consumption rather than to another person or business for resale.

T. “Sale” “Sell” and “to sell” means and includes any sale, exchange, or barter either as a retailer or wholesaler by a person as defined by Section 7.14.040 (R) . It shall also mean any transaction whereby, for any consideration, title to cannabis, cannabis products, industrial hemp and/or industrial hemp products are transferred from one person to another and includes the delivery of cannabis, cannabis products, industrial hemp and/or industrial hemp products pursuant to an order placed for the purchase of the same, but does not include the return of cannabis, cannabis products, industrial hemp and/or industrial hemp products to the licensee from whom the cannabis, cannabis product, industrial hemp and/or industrial hemp product was purchased.

U. “State” means the State of California.

V. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Section 26050, and all other applicable state laws, required for operating a cannabis business.

W. “Tax Administrator” means the City Manager of the City of Pacific Grove or his/her designee(s).

7.14.050 Tax Imposed.

- A. Beginning January 1, 2023, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the person has been issued a commercial cannabis business license, permit, or certificate to operate lawfully in the City or is operating unlawfully. The City's acceptance of a cannabis business tax payment from a cannabis business operating illegally shall not constitute the City's approval or consent to such illegal operations.
- B. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax, including the initial rate of the cannabis business tax. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax on hemp or hemp products, including the initial rate of the tax on hemp or hemp products independent of other cannabis activities. Notwithstanding the foregoing, in no event shall the City Council repeal this tax or set any adjusted rate that exceeds the maximum rates calculated pursuant to this chapter.
- C. The maximum rate of the cannabis business tax shall be calculated as follows:
 - 1. For every person engaged in retail sales of cannabis, cannabis products, industrial hemp, and/or industrial hemp products, including as a retailer (dispensary) or non-storefront retailer (retail delivery business), or microbusiness, the person shall be subject to the maximum tax rate not to exceed six percent (6%) of gross receipts.
- D. Persons subject to the cannabis business tax shall register with the City and if applicable pay the registration fee adopted by resolution or ordinance by the City Council.

7.14.060 Registration, reporting and remittance of tax.

- A. Registration of Cannabis Business. All cannabis businesses shall be required to annually register as follows:
 - 1. All persons engaging in business as a cannabis business, whether an existing, newly established or acquired business shall register with the Tax Administrator within thirty (30) calendar days of commencing operation and shall annually renew such registration within 30 calendar days of the business registration anniversary date of each year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form prescribed by the Tax Administrator, setting forth the following information:
 - i. The name of the business
 - ii. The names and addresses of each owner
 - iii. The exact nature or kind of business;

- iv. The place where such business is to be carried on; and
 - v. Any additional information which the Tax Administrator may require.
- B. An annual registration fee in accordance with the current and approved City fee schedule shall be presented with the sworn statement submitted under this chapter and may be adjusted annually by resolution or ordinance of the City Council.
- C. The cannabis business tax imposed by this chapter shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax shall on or before the last day of the month following the close of each month file with the Tax Administrator a statement (“tax statement”) of the tax owed for that calendar month and the basis for calculating that tax. The Tax Administrator may require that the tax statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar month shall be due and payable on the same date that the tax statement is due.
- D. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar months up through the calendar month during which cessation occurred.
- E. In the event that there is a change in ownership of any cannabis business:
 - a. The new owner is required to submit an updated registration form to the Tax Administrator;
 - b. The new owner is subject to an audit by the Tax Administrator; and
 - c. Unless otherwise provided by law, it is the joint and several liability of both the seller and buyer to remit any taxes, interest, penalties, and fees due up until the date of sale; otherwise, enforcement action may be taken pursuant to Section 7.14.160 of this chapter against both the seller and/or buyer in an amount to be determined by the Tax Administrator.
- F. The Tax Administrator may, at his or her discretion, establish alternative reporting and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure effective collection of the cannabis business tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar month, be made by a taxpayer at the beginning of that calendar month. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar month. The Tax Administrator may require that a taxpayer make payments via a cashier’s check, money order, wire transfer, or similar instrument.

7.14.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request, or other communication is due, it must be received by the Tax Administrator on or before the due date. A postmark will not be accepted

as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

7.14.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 7.14.060 and 7.14.070.

7.14.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the cannabis business which owes the City a cannabis business tax. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter.

7.14.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1%) per month.
2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties, and interest as provided for in this chapter, and any other amount allowed under state law.

C. The Tax Administrator may waive the penalties imposed upon any person under this Section 7.14.100 if:

1. The person requests a waiver of penalties by submitting a written request for waiver to the Tax Administrator no later than June 30 of the second fiscal year following the fiscal year in which the tax became delinquent; and

2. The person provides evidence satisfactory to the Tax Administrator that the failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and in the absence of willful neglect; and the person paid the delinquent taxes, penalties, accrued interest, and fees owed prior to applying to the Tax Administrator for a waiver.

D. The waiver provisions specified in Section 7.14.100 (C) shall not apply to interest accrued on the delinquent taxes and a waiver shall be granted only once during any twenty-four month period. The Tax Administrator's decision on a request for a waiver of penalties is final and conclusive and not subject to appeal under Section 7.14.150.

7.14.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this chapter, except as provided in Section 7.14.120.

B. No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

7.14.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund signed under the penalty of perjury is filed with the Tax Administrator within one (1) year of the date the tax was originally due or paid, whichever came first. A person may only file a claim for refund if the person paid the tax. No person shall be entitled to a refund unless the person can support the claim by written records sufficient to show entitlement thereto. The Tax Administrator's decision on a claim for refund is final and conclusive and not subject to appeal under Section 7.14.150.

B. The Tax Administrator, his or her designee which may include a third party, or any other City officer charged with the administration of this chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after requested by the Tax Administrator to do so. The Tax Administrator may collect a fee adopted by resolution by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Tax Administrator to make a determination on the claim for refund.

C. In the event that the cannabis business tax was erroneously paid in an amount in excess of the tax due, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid; provided that (i) a claim for refund has been timely filed with the Tax Administrator; and (ii) the refund cannot exceed, under any circumstance, the amount of tax overpaid during the twelve months preceding the last month for which the claim states the tax was overpaid.

7.14.130 Personal Cultivation Not Taxed.

The provisions of this chapter shall not apply to personal cannabis cultivation or personal use of cannabis, to the extent those activities are authorized in the “Medicinal and Adult Use Cannabis Regulation and Safety Act,” as may be amended. This chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and provided that the individual receives no compensation whatsoever related to that personal cultivation or use.

7.14.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, interest, penalties, fees, and perform the duties required by this chapter.

B. For purposes of administration and enforcement of this chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the cannabis business tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this chapter;
3. Receive and record all taxes remitted to the City as provided in this chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this chapter;
5. Assess penalties and interest to taxpayers pursuant to this chapter;
6. Determine amounts owed under and enforce collection pursuant to this chapter.

7.14.150 Appeal procedure.

A taxpayer aggrieved by a decision of the Tax Administrator with respect to the amount of tax, interest, penalties, and fees, if any, due under this chapter may appeal only if a hearing was requested and attended pursuant to Section 7.14.250. An appeal may be made by filing a notice of appeal with the City Clerk within fifteen (15) calendar days of the serving or mailing of the Tax Administrator’s decision of the amount due. Upon receipt of a timely notice of appeal, the City Clerk, or his or her designee, shall fix a time and place for hearing such appeal with an Administrative Hearing Officer selected pursuant to PGM Chapter 1.19.110. The appeal shall be deemed a request for hearing on an administrative citation. An appeal fee shall be paid in advance as determined by the Master Fee Schedule. The City Clerk, or his or her designee, shall give at least ten (10) calendar days’ notice of the appeal hearing in writing to such taxpayer at the last known place of address. The Administrative Hearing Officer shall render a written decision that shall be served on the taxpayer at the last known place of address. The decision of the Administrative Hearing Officer shall be final and conclusive. Any amount found to be due by the Administrative Hearing Officer shall be immediately due and payable upon the service of the

decision. If no notice of appeal is filed within the time prescribed in this Section, the Tax Administrator's decision with respect to the amount of tax, interest, penalties, and fees due is final and conclusive.

7.14.160 Enforcement - action to collect.

A. Any taxes, interest, penalties, and/or fees required to be paid under the provisions of this chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this chapter shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, interest, penalties, and/or fees imposed by this chapter or the failure to comply with any of the provisions of this chapter.

7.14.170 Apportionment.

If a person subject to the tax is operating both within the City and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

7.14.180 Constitutionality and legality. This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

7.14.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator or his/her designees which may include a third party shall have the power to inspect any location where commercial cannabis activity occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, access to METRC data, and/or point-of-sale data, state and/or federal income tax returns, excise tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Administrator, or his/her designees which may include a third party shall have the power to inspect any equipment or software, such as computers, software systems, platforms, and databases (including METRC), and/or point of sale systems, to include any keys or access codes for access to and use of the equipment and/or software, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee which may include a third party shall have the right to inspect at all reasonable times.

7.14.200 Other licenses, permits, taxes, fees, or charges.

A. Nothing contained in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any commercial cannabis permit, City license, permit, or other certificate required by, under or by virtue of any provision of any other Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required under any other Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this code to any licenses, permits, certificates, taxes, fees, or charges, or to any schedule of license, permit, certificate, or fees, shall be deemed to refer to the licenses, permits or certificates, and their respective taxes, fees or charges, or schedule of fees, provided for in other Chapters of this code.

B. A commercial cannabis permit issued under the Pacific Grove Municipal Code may be revoked, suspended or not renewed in the event that the business holding that permit has failed to (i) make a deposit required by the Tax Administrator pursuant to Section 7.14.60 or (ii) timely pay all taxes, interest and penalties owed by that business under this chapter.

7.14.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable state laws.

B. No tax paid under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

7.14.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a cannabis business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such cannabis business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 7.14.240 and 7.14.250.

7.14.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this chapter;
2. If the person has not paid the tax due under the provisions of this chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this chapter; or
4. If the Tax Administrator determines that the nonpayment of any cannabis business tax due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise payable under this chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable provision of this chapter and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment. The notice shall state that the person has thirty (30) calendar days from the date of the notice to make a written request for an informal hearing before the Tax Administrator. The notice shall also state that if the person fails to timely request an informal hearing within the time allowed, the amount determined by the Tax Administrator is final and conclusive and is immediately due and payable.

7.14.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purpose of Section 7.14.240, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

7.14.250 Tax assessment - hearing, application, and determination.

Within thirty (30) calendar days after the date of service of the notice of assessment the person may apply in writing to the Tax Administrator for an informal hearing on the assessment. If application for an informal hearing is not made within the time herein prescribed, the tax

assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for an informal hearing, the Tax Administrator shall cause the matter to be set for an informal hearing before him or her, or his/her designee, no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the informal hearing. Notice of such informal hearing shall be given by the Tax Administrator to the person requesting such informal hearing no later than five (5) calendar days prior to such informal hearing. A hearing under this section shall be informal and need not follow any formal rules of evidence. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess (if necessary) the proper amount of tax, interest, penalties, and fees to be charged and shall give written notice of the decision to the person in the manner prescribed in Section 7.14.240 for giving notice of assessment. No appeal of a notice of assessment may be made under Section 7.14.150 unless an informal hearing is timely requested, and the person attends the hearing. If the person fails to appear at the informal hearing, the amount due determined by the Tax Administrator in the notice of assessment is final and conclusive.

7.14.260 Relief from taxes – disaster relief.

A. If a person is unable to comply with any tax requirement imposed under this chapter due to a disaster impacting its cannabis business, the person may notify the Tax Administrator of its inability to comply and request relief from the tax requirement. For purposes of this chapter, “disaster” means fire, flood, storm, tidal wave, earthquake, or similar public calamity resulting in physical damage to real property, whether or not resulting from natural causes.

B. The person shall provide any information required by the Tax Administrator including, without limitation, why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time. The person agrees to grant the Tax Administrator or his/her designee access to the location where the cannabis business has been impacted due to a disaster.

C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by a disaster if such tax relief does not exceed ten thousand (\$10,000) dollars. Such temporary relief may be granted for a reasonable amount of time, in the Tax Administrator’s sole discretion, and the amount and duration of relief should be based upon how long it would reasonably take for the cannabis business to recover from the disaster. The Tax Administrator may require that the cannabis business follow certain conditions to receive temporary relief from the cannabis business tax requirement. The Tax Administrator's decision on a request for relief and the conditions that may be imposed for relief under this section are final and conclusive and not subject to appeal under Section 7.14.150.

7.14.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.

7.14.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any violation of the provisions of this chapter is unlawful and may be enforced pursuant to **Chapter 1.16 PGMC.**

7.14.290 Severability.

If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

7.14.300 Remedies cumulative.

All remedies and penalties prescribed by this chapter, or which are available under any other provision of this code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

7.14.310 Amendment or modification.

Except as set forth in Section 7.14.310, this chapter may be amended or modified but not repealed by the City Council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would expand, extend, or increase the rate of any tax levied pursuant to this chapter beyond the maximums set forth in this chapter. The people of the City of Pacific Grove affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that allowed by this chapter, in those circumstances where, among others, the City Council has previously acted to reduce the rate of the tax or is incrementally implementing an increase authorized by this chapter;

B. An action that interprets or clarifies (i) the methodology of applying or calculating the tax or (ii) any definition applicable to the tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the provisions of this chapter; or

C. The collection of the tax imposed by this chapter even if the City had, for some period of time, failed to collect the tax.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The people of the City of Pacific Grove hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. ENVIRONMENTAL COMPLIANCE. The City Council hereby finds and determines that this resolution or ordinance is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA") and 14 Cal. Code Re. Sections 15000 et seq. ("CEQA Guidelines"). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378. The tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions.

As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Pacific Grove would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

SECTION 4. EFFECTIVE DATE. Pursuant to the California Constitution, Article XIII(2)(b) and California Elections Code § 9217, if a majority of the voters voting in the election on this measure vote in favor of the adoption of this measure, this ordinance shall be deemed valid and binding and shall be considered adopted upon the date that the vote is declared by the City Council and shall go into effect ten (10) days after that date.

This Ordinance was approved and adopted by the People of the City of Pacific Grove at the City's November 8, 2022 statewide election.

This Ordinance was approved by Declaration of the vote by the City Council of Pacific Grove on _____.

BILL PEAKE, Mayor

ATTEST:

DATED: _____

SANDRA KANDELL, City
Clerk

APPROVED AS TO FORM:

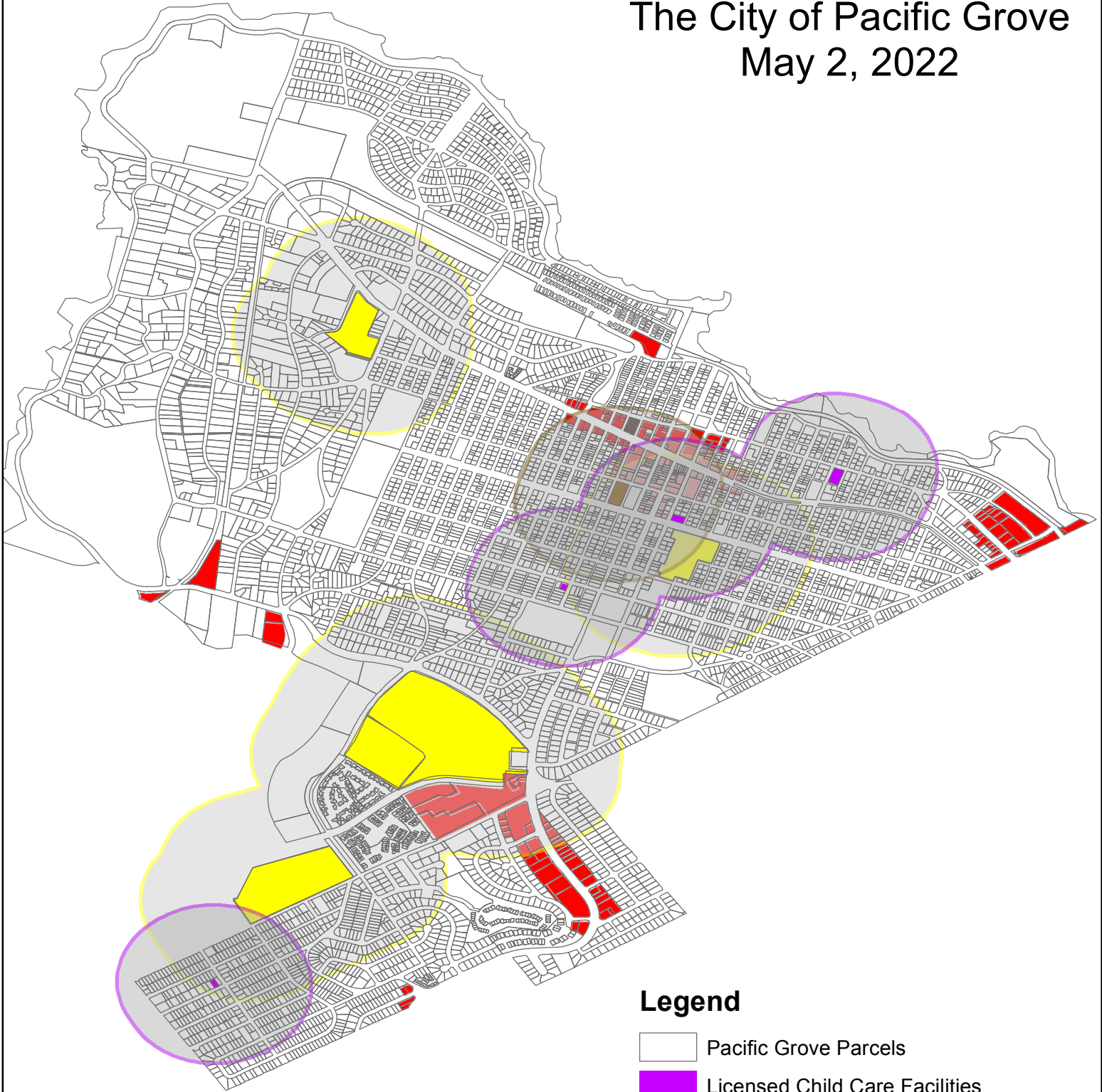
_____, City Attorney

Draft

Cannabis Map

The City of Pacific Grove

May 2, 2022



0 1,200 Feet



Legend

- Pacific Grove Parcels
- Licensed Child Care Facilities
- Licensed Child Care Facility Buffer 1000'
- Pacific Grove Youth Center
- Pacific Grove Youth Center 1000' Buffer
- Pacific Grove Schools
- Pacific Grove Schools Buffer 1000'
- Commercial Zone



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: July 6, 2022
SUBJECT: Pacific Grove City Charter Amendment to Change the Number of City Council Members from Six to Four *This item was continued from the June 15, 2022 meeting. Action is requested to be taken no later than the Council's July 20, 2022 meeting.*
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Adopt a resolution submitting a ballot measure to amend the Pacific Grove City Charter to change the Number of City Council Members from six to four by directing:

1. In 2024 two City Council Members shall be elected to four-year terms, and one City Council Member shall be elected to a single two-year term, and
2. Every two years thereafter, beginning in 2026, two City Council Members shall be elected to four-year terms, and
3. Enact consistent Charter changes to clarify a quorum, majority vote and other select actions; and
4. Ordering an election, requesting the Monterey County Elections Department conduct the election and consolidate it with the Statewide Election to be held on November 8, 2022.

DISCUSSION

At the [May 18, 2022 City Council meeting](#), City staff was directed to return with all necessary documents for City Council consideration for placing a City Charter amendment on the November 8, 2022 General Election ballot to transition from six (6) to four (4) City Council Members. Accordingly, the requisite resolution which if adopted would result in a November 8, 2022 ballot measure is attached for City Council review and consideration. As discussed at the May 18, 2022 City Council meeting (details of the discussion may be accessed via the hyperlink above), and as detailed within the attached resolution, the proposed City Charter amendment for a transition from six (6) to four (4) City Council Members would take place over two election cycles. The office of Mayor would not be subject to the proposed City Charter revision, and would remain a two-year term. Additional details regarding proposed ballot measure(s) costs, along with a corresponding Fiscal Year 22-23 budget amendment, will be forthcoming following anticipated adoption of the resolution and consultation with the Monterey County Elections Department.

NEXT STEP:

At the July 6, 2022 Regular City Council Meeting, the City Clerk's Office will prepare for City Council consideration all resolutions necessary to effectuate the purposes of this resolution and the election.

OPTIONS

1. Take no action.
2. Provide alternate direction.

FINANCIAL IMPACT:

Should the City Council adopt the resolution, City staff will contact the Monterey County Elections Department for an estimate to place proposed ballot measure(s) on the November, 2022 election. The estimate to add the measure(s) will be brought back for City Council consideration and a corresponding budget amendment within the Fiscal Year 22-23 budget. An estimate for the cost of the addition of this proposed measure is not available at this time.

GOAL ALIGNMENT: Not Applicable.

Attachments

Draft Reso
Cost Slide

RESOLUTION NO. 22-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A BALLOT MEASURE TO VOTERS TO AMEND THE PACIFIC GROVE CITY CHARTER TO CHANGE THE NUMBER OF ELECTED CITY COUNCIL MEMBERS FROM SIX TO FOUR BY DIRECTING (1) IN 2024 TWO COUNCIL MEMBERS SHALL BE ELECTED TO FOUR-YEAR TERMS, AND ONE COUNCIL MEMBER SHALL BE ELECTED TO A SINGLE TWO-YEAR TERM, AND (2) EVERY TWO YEARS THEREAFTER BEGINNING IN 2026 TWO COUNCIL MEMBERS SHALL BE ELECTED TO FOUR-YEAR TERMS; CONSISTENT CHARTER CHANGES SHALL CLARIFY A QUORUM, MAJORITY VOTE AND OTHER SELECT ACTIONS; ORDERING AN ELECTION, REQUESTING MONTEREY COUNTY ELECTIONS DEPARTMENT CONDUCT THE ELECTION AND CONSOLIDATE IT WITH THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 8, 2022.

WHEREAS, the Pacific Grove City Charter, since 1927, has required the staggered election of six Council members, in addition to the Mayor, whereby each Council Member is elected to serve a four-year term. This election system was largely based on the "Model City Charter" published in 1926 by the League of California Municipalities, with one notable exception being the "Model City Charter" recommended four Council members and a Mayor.

WHEREAS, California city councils vary greatly in size from four to 15 members. A clear majority of cities (almost 90%) throughout California call for election of a five-member council, in addition to an elected mayor. This is the council membership for all cities in Monterey County, excepting Pacific Grove and Salinas. Less than 7% of California cities rely on a seven-member council.

WHEREAS, reducing the number of elected council members from six to four will reduce redundancy, conserve City resources and facilitate decision-making. Some commentators have stated council larger than five increases the opportunity for members to divide into factions.

WHEREAS, a change to the City election system requires a vote of the electorate and may only be effected prospectively insofar as elected officials, by law, hold office for the entire term of their elected service.

WHEREAS, the change to the City election system proposes to stage this election sequence whereby one council member shall serve a two-year term to provide a bridge between the six-member group of elected councilmembers to the four-member group of elected councilmembers.

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an

election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district.

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable.

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections.

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

WHEREAS, the City Council finds and determines this resolution is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA") and 14 Cal. Code of Regulations, Sections 15000, et seq. ("CEQA Guidelines"). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378.

WHEREAS, the City Council desires to submit the proposed Charter Amendment to the voters of the City at a General Municipal Election to be held on Tuesday, November 8, 2022, and to be consolidated with the general municipal election and the statewide election to be held on that date.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE RESOLVES AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposed Charter Amendment. The City Council proposes the voters authorize amendment of the following provisions of the Pacific Grove City Charter as set forth in this Section, with revised text shown in ***underscored bold italics text***, and deleted text shown in ~~strikeout text~~ below, that is **highlighted** solely for ease of reference. All other provisions of the Charter not shown in this Resolution shall remain without change. The full text of the proposed Charter Amendment shall be printed in the Sample Ballot and Voters Pamphlet and shall be made available to the public and to any voter at the County Elections Department and the Pacific Grove City Clerk.

Article 6 - Officers and Employees

Beginning December 1, 2026, this Article shall read: The officers of the City of Pacific Grove shall consist of ~~six~~ ***four*** Councilmembers and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, other officers as provided by ordinance, and members of Commissions, Boards and Committees as provided by Charter and by ordinance; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary, and that the Council may at any time, when in its judgment the interest of the City so demands, consolidate by ordinance the powers and duties of two or more City officers, and place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the City at large. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Article 11 – The Mayor

Beginning December 1, 2026 this Article shall read: In the event a vacancy occurs in the office of the Mayor, the remaining Council Members shall appoint, by ~~four~~ ***three*** affirmative votes, one of their number to serve as Mayor for the remaining term of the vacated office of Mayor.

Article 12 – Council

Beginning November 1, 2024, Two ~~Three~~ Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified. ***Exclusively for the election to be held on November 1, 2024, a single councilmember shall be elected and hold office for a term of two years.***

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until a successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election next succeeding such appointment. Should the Council

fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilmember of the City shall be absent for more than two consecutive regular meetings without good cause as determined by the Council or shall cease to be a resident or elector of the City, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged mentally incompetent, the Councilmember's office shall thereupon become vacant.

The Councilmembers may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by the State Law for General Law cities of comparable size to Pacific Grove.

No Councilmember shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, of which the Councilmember is constituted such member by the General Law of the State.

The term of office for a Councilmember who files as a candidate for the Office of Mayor shall automatically expire on the Tuesday next succeeding the general municipal election held following that filing. The filing period for candidates to fill such Councilmember's term shall be extended an additional five days.

Article 13 – Meetings of Council

Beginning December 1, 2026 this Article shall read: There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain and such adjourned meeting shall be a regular meeting for all purposes; provided however, the Council may cancel one of those meetings, as circumstances may require, by ~~five (5)~~ **three (3)** affirmative votes

Article 15 – Ordinances

(a) [No change to this paragraph]

(b) Beginning December 1, 2026 this Paragraph shall read: ~~¶~~ The affirmative vote of ~~three~~ ~~four~~ members of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

(c) [No change to this paragraph]

(d) **Beginning December 1, 2026 this Paragraph shall read:** ~~N~~Notwithstanding the five day waiting period required in (c), immediately hereinabove, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, safety or public welfare, and containing the reasons for its urgency, may be introduced and if passed by a vote of no fewer than ~~five~~ **four** members of the Council shall become effective immediately.

Article 19 – City Manager

Beginning December 1, 2026 this Article shall read: ~~T~~There shall be a City Manager appointed by the affirmative vote of ~~five-sevenths~~ **four-fifths** of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to qualifications for such office. The procedure for removal of the City Manager shall be prescribed by ordinance.

Article 19 – City Manager

(f) **Beginning December 1, 2026 this Paragraph shall read:** To attend all meetings of the Council unless excused therefrom by ~~three~~ **two** members thereof or by the Mayor.

Article 24 – City Attorney

Beginning December 1, 2026 this Article shall read: The City Attorney shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require and shall attend all meetings of the Council unless excused therefrom by ~~three~~ **two** members thereof or by the Mayor.

Article 26 – Appointive Commissions and Boards

Beginning December 1, 2026 this Article shall read: There shall be the Commission and Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Commissions and Boards shall be made by the Mayor subject to the confirmation by affirmative vote of ~~three~~ **four** members of the Council.

Before making such appointments the Mayor shall consult with the Council and shall consider fully any and all nominations suggested by other members of the Council.

Members of Commissions and Boards shall serve at the pleasure of the Council. The Council, by an affirmative vote of ~~three~~ **four** of its members, may remove any member of any commission or Board at any time during the Commission or Board member's term of office.

Article 40 – Contracts on Public Works; Materials and Supplies

Beginning December 1, 2026, this Article shall read: Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by an affirmative vote of ~~five~~ **four** of its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, by either city employees or others, and after adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article.

Provided, further, that such contracts likewise may be let without advertising for bids if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by an affirmative vote of ~~five~~ **four** of Council members and containing a declaration of facts constituting such urgency.

Section 3. Election. Pursuant to Article 8, and Elections Code Sections 10400, 10401 and 10403, the City Council of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held at the General Election for Tuesday November 8, 2022 (the “Election”), insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey and orders this Resolution be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted by Section 4 of this Resolution shall appear on the ballot as follows:

<i>Shall the Pacific Grove City Charter requirement for six elected City Council Members be changed to four elected Council Members via this sequence: (1) in 2024 two Council Members shall be elected to four-year terms, and one shall be elected to a single two-year term, (2) every two years thereafter, beginning in 2026, two Council Members shall be elected to four-terms. This revision also redefines votes needed for a quorum, a majority vote and other select actions.</i>	YES	
	NO	

Section 5. Publication of Measure. The City Clerk is directed to publish a synopsis of the measure at least one time not later than one week before the election.

Section 6. Approval. The vote requirement for this measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

Section 7. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held and Board of Supervisors of Monterey County is requested to consolidate the Election with the General Municipal Election and Statewide

Election to be held on November 8, 2022. The City Clerk and the County Registrar of Voters are authorized to print such forms, publish such notices, and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

Section 8. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 9. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Elections Department to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 10. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Elections Department.

Section 11. Analysis and Argument. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure that shall not exceed 500 words no later than 12:00 p.m. on August 18, 2022. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. The last day to submit arguments for or against the proposed measure shall be August 18, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. Rebuttal arguments (250 words) shall be permitted pursuant to applicable law. The last day to submit rebuttal arguments to the City Clerk shall be August 25, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m.

Section 12. Filing with County. The Mayor is authorized to sign the argument in favor of this ballot measure and is also authorized to designate other persons who may join in signing that ballot argument, or to sign any rebuttal to an argument against this measure.

Section 13. Implementation. The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary City acts to enter into a service agreement for the provision of election services with Monterey County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Monterey Elections Department.

Section 14. Amendment of Municipal Code. To further effectuate the purposes of this resolution and the direction of the voters, the City Council shall amend the following sections of the Pacific Grove Municipal Code – Sections 2.04.070 (c)(5), 2.06.020, 3.02.030 and 3.04.030, and such other sections as needed, to modify the number of required council votes for actions

referenced in those provisions as may be consistent with the modified elections system approved by the voters.

Section 15. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

Section 16. Effective Date. This Resolution shall take immediate effect upon adoption.

PASSED AND ADOPTED by the Council of the City of Pacific Grove on this 6th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

DATED: _____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

, City Attorney

Cost of Pacific Grove Elections (2012-2022)

Election Date:	11/6/2012	11/4/2014	4/19/2016	11/8/2016	11/6/2018	11/3/2020	4/12/2022
Election Type:	Presidential	General	Special	Presidential	General	Presidential	Special
Registered Voters:	9,547	9,213	9,338	10,165	10,025	10,694	10,450
Ballots Cast:	8,049	5,700	5,134	8,463	7,960	9,677	4,051
Turnout:	84.31%	61.87%	54.98%	83.26%	79.40%	90.49%	38.77%
Council Candidates:	9	6	0	6	7	6	0
Mayoral Candidates:	2	2	0	2	3	1	0
Local Measures:	1	0	1	1	2	1	1
Election Cost	\$46,469	\$17,055	\$79,327	\$38,503	\$53,583	\$60,671	\$124,484
Cost Per Registered Voter:	\$4.87	\$1.85	\$8.50	\$3.79	\$5.34	\$5.67	\$11.91



City Council
City of Pacific Grove



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Andrew Butler, Code Enforcement Officer
MEETING DATE: July 6, 2022
SUBJECT: Short-Term Rental (STR) Software Update
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive information and provide direction to staff regarding the STR enforcement software.

DISCUSSION

As requested by the City Council after receiving Councilmember McAdam's [presentation](#) on *Granicus Host Compliance Software* at City Council's May 19, 2021, meeting, Community Development Dept. (CDD) staff conducted interviews with several local jurisdictions and looked into several software offerings that would be of assistance to the City in its ongoing enforcement of Short-Term Rental (STR) violations. The City conducted a Request for Proposals in November 2021 for STR software and reviewed proposals on December 27, 2021. The successful bidder was Deckard Technologies with the Rentalscape platform. Deckard was awarded a \$7,000 annual contract with the City on February 16, 2022.

The Code Compliance Officer has worked with Deckard Technologies utilizing the software since late February and found 13 unlicensed Short-term rentals. The City has collected approximately \$7,575.36 in administrative penalties. The revenue from the penalties has essentially covered the cost of the annual software contract of \$7,000.00. Staff will present a brief overview of the Deckard Technologies in the attached PowerPoint.

OPTIONS

N/A

FINANCIAL IMPACT:

There is no financial impact to receiving this report.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

STR Program Update

Overview of Deckard Technologies Software



July 6, 2022, City Council of
Pacific Grove

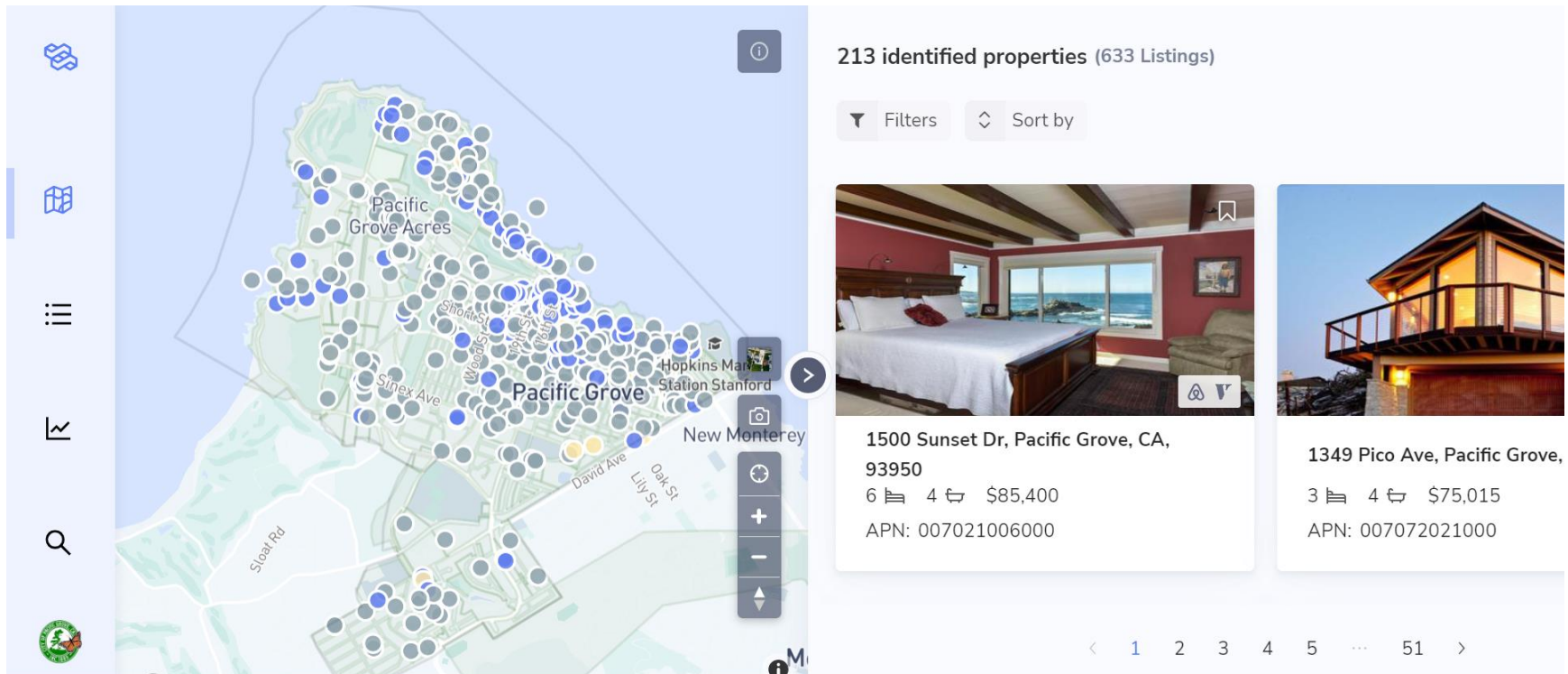
- *Why are we here?*

The City of Pacific Grove has signed a contract with Deckard Technologies to enhance enforcement of the ordinance that regulates Short Term Rentals to assist the solo efforts by the Code Compliance Officer.

- *Who is Deckard Technologies?*

Deckard Tech. utilizes Rentalscape, a complete STR platform for local governments that identifies, tracks, reports STR registrations, and booking activities.

A Closer Look at Rentalscape



213 identified properties (633 Listings)

Filters Sort by



1500 Sunset Dr, Pacific Grove, CA, 93950
6 Beds 4 Baths \$85,400
APN: 007021006000



1349 Pico Ave, Pacific Grove,
3 Beds 4 Baths \$75,015
APN: 007072021000

< 1 2 3 4 5 ... 51 >

What is provided in Rentalscape?

- A list of all licensed properties and their advertisement links and property details.
- A list of unlicensed Live STR Properties and property details (currently showing 17 properties).
- A list of all unlicensed properties and property details (long term rentals for more than 30 consecutive days).
- A list of unidentified listings (currently showing zero).
- A dashboard showing unit type, most active, top platforms, host revenue, and TOT collected.

Unlicensed short-term rental data

89 identified properties (122 Listings)
Download

Short-Term Licensed Properties
Unlicensed Live STR Properties
All Unlicensed Properties
Unidentified Listings

Address	Property details		License Comp...		Listin...		Rental Type	Minimum Night Stay	Possible Violations
	APN		License #		PDF				
157 15Th St, Pacific Grove, CA, 93950	006177011000		0461				Current STR (29 nights or less)	3	
213 Grand Ave, Pacific Grove, CA, 93950 (1)									
213 Grand Ave, Pacific Grove, CA, 93950	006283014000		0419				Current STR (29 nights or less)	2	Permit Numbe
137 16Th St, Pacific Grove, CA, 93950 (1)									
137 16Th St, Pacific Grove, CA, 93950	006165017000		0410				Current STR (29 nights or less)	3	Permit Numbe
123 17Th St, Pacific Grove, CA, 93950 (1)									
123 17Th St, Pacific Grove, CA, 93950	006154014000		0475				Current STR (29 nights or less)	2	
231 17Th St, Pacific Grove, CA, 93950 (1)									
231 17Th St, Pacific Grove, CA, 93950	006294013000		0365				Current STR (29 nights or less)	2	
139 18Th St, Pacific Grove, CA, 93950 (1)									
139 18Th St, Pacific Grove, CA, 93950	006163018000		0085				Current STR (29 nights or less)	2	
1133 Forest Ave, Pacific Grove, CA, 93950 (1)									

Columns
Filters

Questions?



July 6, 2022, City Council of
Pacific Grove



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Sandra Kandell, City Clerk
MEETING DATE: July 6, 2022
SUBJECT: Special Events Policy 900-1 Proposed Amendments.
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve the proposed amendments to the Special Events Policy 900-1.

DISCUSSION

At its June 13, 2022 meeting, the proposed amendments were approved by the DEI Task Force for submittal to the City Council for its consideration.

All proposed amendments to the Policy are as follows:

Under Purpose:

The City of Pacific Grove cultivates an environment of trust and respect for all residents and visitors alike. We strive to ensure that our actions are inclusive and reflective of the diverse community of which we aim to be.

Under 1. General:

Americans with Disabilities

The ADA requires the City of Pacific Grove and public accommodations to provide equitable access for people with disabilities. Event organizers are expected follow [ADA guidelines](#) and provide and maintain access for people with disabilities. This may include providing a clear path of travel to and on sidewalks, curb cuts and restrooms; maintaining already-designated parking for people with disabilities, providing additional parking for people with disabilities if parking is provided; and providing accessible restrooms.

Non-Discrimination Policy

The City of Pacific Grove (City) requires that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) or due to breastfeeding in a public place, gender identity, marital status, political ideology, religion, sexual orientation, or military status or veteran status. The City of Pacific Grove also includes immigration status, ethnic background and Neurodivergent people, in its non-discrimination policy. The City further assures every effort will

be made to ensure nondiscrimination and inclusivity in all of its programs and activities, whether those programs and activities are federally funded or not. Permitted special events must comply with the City's non-discrimination policy and all applicable City, state and federal laws, rules and regulations.

*Neurodivergent or ND refers to variations in the human brain and cognition, or instance in sociability, learning, attention, mood and other mental functions.

Under III. Information Required additional text was added to paragraph B:

B. ...including actions of inclusivity that are reflective of the diverse community of which we aim to be.

Under IV. Conditions of Permit:

General changes were made to lettering for purposes of consistency, and additional text was added to paragraph D. ..., and in compliance with the ADA.

For ease of reference, proposed amendments are more easily visible in the attached redlined Policy.

OPTIONS

1. Do not approve proposed amendments.
2. Provide alternate direction.

FINANCIAL IMPACT:

There is no financial impact for these proposed amendments.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

Proposed Amendments

**CITY OF PACIFIC GROVE
CITY COUNCIL POLICY**

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE NO.
Special Events	900-1	February 16, 2011	1 of 3

PURPOSE

The City of Pacific Grove cultivates an environment of trust and respect for all residents and visitors alike. We strive to ensure that our actions are inclusive and reflective of the diverse community of which we aim to be.

The intent of this policy is to provide guidance for the conduct of special events in the City and ensure an appropriate balance between the number and scope of special events with the ability of City neighborhoods and facilities to adequately handle such events.

POLICY

I. General

The City shall have the discretion to limit the number of special events in any calendar year.

All special events will be limited to those activities that benefit Pacific Grove residents or businesses.

Most special events are either one-time or annual. Certain special events, such as the Farmers' Market, are periodic and ongoing.

The Council reserves the right to take actions creating exceptions to this policy in the event of special circumstances.

Americans with Disabilities Act (ADA) Requirements

The ADA requires the City of Pacific Grove and public accommodations to provide equitable access for people with disabilities. Event organizers are expected follow ADA guidelines and provide and maintain access for people with disabilities. This may include providing a clear path of travel to and on sidewalks, curb cuts and restrooms; maintaining already-designated parking for people with disabilities, providing additional parking for people with disabilities if parking is provided; and providing accessible restrooms.

Non-Discrimination Policy

The City of Pacific Grove (City) requires that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity on the grounds of race, color, sex, age, disability or

national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) or due to breastfeeding in a public place, gender identity, marital status, political ideology, religion, sexual orientation, or military status or veteran status. The City of Pacific Grove also includes immigration status, ethnic background and Neurodivergent people, in its non-discrimination policy. The City further assures every effort will be made to ensure nondiscrimination and inclusivity in all of its programs and activities, whether those programs and activities are federally funded or not. Permitted special events must comply with the City's non-discrimination policy and all applicable City, state and federal laws, rules and regulations.

*Neurodivergent or ND refers to variations in the human brain and cognition, or instance in sociability, learning, attention, mood and other mental functions.

II. Types of Special Events

The City will create an annual calendar of special events. Events included in the annual calendar shall have first priority for the scheduled locations and times. Requests for inclusion in the annual calendar shall be submitted to the City by September 31 for any event to be held during the following fiscal year.

The City will also consider the approval of events on an as-proposed basis. Such events will not be approved if they conflict with already approved events. Events requiring City Council approval are those that:

- Require City sponsorship or other City support;
- Preclude others from using an entire outdoor public facility (e.g., Caledonia Park);
- Are likely to have a significant impact on substantial numbers of residents or businesses (e.g., closure of multiple or high-traffic streets for a significant amount of time, as determined by the City Manager; or
- Have other characteristics that warrant public consideration by the Council.

More limited events may be approved by staff. A neighborhood event, requiring closure only of a neighborhood street, for example, would not require Council approval. In these cases, those persons incurring the costs of the street closure are the same persons benefiting from the event.

III. Information Required

Each application for special events shall contain the following information:

- A. A description of the proposed event.
- B. A statement of the purpose of the event and its benefits to the City, including actions of inclusivity that are reflective of the diverse community of which we aim to be.
- C. The name of the sponsoring organization.
- D. The date, location, and time (to include preparation and clean up) of the event. In the case of a race or parade, a map of the proposed route shall be submitted.

- E. An estimate of the number of participants and/or spectators.
- F. A description of City facilities, support, and personnel required.
- G. A list of personnel to be provided by the sponsor.
- H. A description of parking arrangements for the event.
- I. If electronic sound amplification equipment will be used, an application for the necessary permit shall be made as required by Chapter 11.94 of the Pacific Grove Municipal Code.
- J. A description of the proposed recycling program for plastics, glass, paper, and aluminum during the event.
- K. A listing of accommodations provided by the sponsor pursuant to the Americans with Disabilities Act.
- L. A listing of fees proposed to be charged, commercial sales, commercial filming, and the service or sale of food and/or alcohol.

IV. Conditions of Permit

Once the Council approves an application, the sponsoring organization shall comply with the following conditions:

▲ A. At least 30 days prior to the event, furnish the City with a certificate of insurance in an amount not less than \$2 million naming the City of Pacific Grove as an additional insured. Such insurance shall be primary to any City insurance, and the City must have at least ten days' notice of cancellation.

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▲ B. The sponsoring organization shall reimburse the City for all direct and incidental expenses for the use of the City personnel and facilities. The sponsor has the option of using volunteers or other non-City personnel for some functions (e.g., placing barricades, emptying public trash cans, etc.) Other functions (e.g., Police security) require City personnel. The City has the absolute discretion to determine the number of personnel who will be provided for a particular event.

• C. The sponsor is responsible for all sign removal, litter control, clean-up activities, and for providing necessary containers and personnel for recycling activities, as determined by the City.

• D. The sponsor shall provide portable restroom facilities if deemed necessary by the City, and in compliance with the ADA.

▲ E. The sponsor shall be advised that the sponsor is responsible for determining what, if any, accommodations are required of sponsor pursuant to the American with Disabilities Act.

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F. An approved Special Event Application is required for all groups and shall be in the possession of the sponsor or representative at the event.

▲ G. The City will review applications and additional approvals may be deemed

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necessary.

- **H.** If amplification is to be used a deposit of \$500 will need to be paid along with the application fee. If it is determined that amplification exceeds allowable levels or has locations have not been preapproved by City Staff, then the deposit may not be returned.

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at 0.71"

The City of Pacific Grove reserves the right to revoke permissions for an event at any time.

V. Permitted Events

The Council established the following classification of events to be used in determining the events scheduled for each calendar year: Special Events and City Sponsored Events.

Special Events: These are Special Events that require exclusive use of City property and require support from Police, Fire and / or Public Works. Special Events will be deemed full cost recovery

City Sponsored Events: These events include traditional events that are primarily hosted by the Chamber of Commerce, the School District, or the City and shall receive full City Support. These events will be noted annually on the Special Events Calendar for approval by the City Council.

VI. Scheduling of Events

All activities approved are authorized for the subsequent year only and, continued Council approval should not be assumed. Activities may be discontinued if they become too large or if they created problems that would substantially disrupt the peace and quiet of a neighborhood.

Should the City receive requests for more activities than may be accommodated, the City will establish an appropriate random drawing type of system or other suitable method for determining those activities to be approved.

Adopted: - Resolution No

Adopted: April 16, 1986-Resolution No. 5705
Amended: January 7, 1987-Resolution No. 5787
Amended: February 5, 1992-Resolution No. 6238
Amended: March 3, 1993-Resolution No. 6331
Amended: November 15, 1995-Resolution No. 6489
Amended: November 5, 1997-Resolution No. 7-057
Amended: June 2, 2010-Resolution No. 10-044
Amended: February 16, 2011-Resolution No. 11-012
Amended: October 17, 2018 – Resolution 18-037



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Amy Tomlinson, Councilmember
MEETING DATE: July 6, 2022
SUBJECT: Concept Review: Skatepark Project Proposal
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Convene a concept review discussion for a process to launch a proposed skatepark project proposal, providing framework and direction to City staff and the Recreation Board.

DISCUSSION

The City Council recently approved seed money funding for a proposed skatepark project as part of the FY 2022/23 Capital Improvement Program. It is envisioned that the proposed skatepark will be approximately 10,000 sq. ft and comprised of smooth, shaped concrete with portions of the park at grade and portions at varying depths to create bowls. Typically, a skatepark of this caliber costs between \$50 to \$60 per sq ft to design and build with the fully burdened project cost developed concurrent with the design of the project. A skatepark could ultimately cost between \$600,000 to \$700,000 to build. However, constructing at an unimproved site (no utilities, infrastructure or amenities) can scale up the overall cost of the project. Ongoing maintenance of such facilities is typically low but is required, such as cleaning and trash removal, graffiti removal, drain cleaning, etc. This may result in a slight increase in costs for the City’s Public Works Department operating budget or a reduction in services elsewhere to compensate for the work.

At the June 23, 2022, Recreation Board Meeting, it was recommended that staff evaluate potential skatepark locations, scoring each proposed location based upon established criteria (Skatepark Site Selection Criteria Scoring Sheet – Attachment 1).

Key criteria for assessing locations are visibility, accessibility, existing infrastructure and safety. Although several open space areas exist within Pacific Grove, not all are suitable for skatepark development. The Skatepark Site Selection Criteria Scoring Sheet, an assessment evaluation survey developed by the skatepark industry, is a detailed way for city staff and the community to sort out potential sites for a skatepark including underutilized city-owned park areas. Special consideration should be taken when evaluating existing city parks as many already have park user amenities such as restrooms, picnic tables, drinking fountains, benches, and other recreational features including athletic facilities and children’s play structures (family visitations) that are of great benefit in the design approach for such a facility. Accessibility is a major factor in determining a skatepark location as many skateboarders will travel on their own via sidewalks or streets to use the facility. Given the broad range

in the age of skatepark users, security and visibility issues are of high concern.

While City staff addresses proposed skatepark locations, it is suggested that the City Council develop the framework for the skatepark project process. The process is envisioned to have a significant public outreach and public fundraising component.

Proposed General Outline of Steps:

1. Identify Location

- a. City Staff evaluate and score proposed potential skate park locations based upon established criteria.
- b. Present findings to the Recreation Board and begin a public outreach process regarding viable locations.
- c. Results of location scoring, and public outreach are taken to the City Council for review and approval of a proposed location.

2. Retain Engineer

- a. Draft and release a request for proposals for a skatepark designer (anticipated to be 10-15% of the total project costs).

3. Determine Scope of Project & Design

- a. Discussions regarding size, material type and layout will occur.
- b. City staff and the Recreation Board subcommittee will work jointly to gather feedback, discuss, and present information to the Recreation Board, followed by the City Council

4. Secure Construction Funding

- a. Various construction funding sources will be explored including public donations, grant writing, etc.

5. Permitting & Environmental Review Process

- a. Embark upon environmental review and secure requisite permits and approvals including CEQA, Coastal Development Permit (if proposed location is within the Coastal Zone). Please note this is not an exhaustive list, and additional permits may be required depending on location and scope of project.

6. Develop Construction Plans & Specifications

- a. Finalize skate park design elements, develop construction drawings & specifications

7. Schedule within City Capital Improvement Plan

OPTIONS

Provide alternate direction.

FINANCIAL IMPACT:

There is no fiscal impact in the writing of this report.

GOAL ALIGNMENT: Not Applicable.

Attachments

Criteria Scoring Sheet

Positive Impacts

SKATEPARK SITE SELECTION CRITERIA SCORING SHEET		Score 1-10 with 10 being the best case					
ACCESS	GWP	Arnett	Berwick	Caledonia	Forest Lodge Rd	Other	
Site Ownership and Plans: Is the site available for development? 10 if owned by the city and ready for development, 7 if additional nearby stakeholder permission needed, 5 if lot is owned by someone else and they support it, less if they don't.							
Long Term Site Development: Are there future plans to develop something else on the site? 1 for yes, 10 for no.							
Does the site provide equitable access to members of the community who may be marginalized? 10 for yes, it serves a marginalized population, down to 1 for no.							
Residency: How many people reside within a specific radius (a half-mile) of the candidate site? How many people can comfortably walk to the site? 10 high, 1 low.							
Pedestrian Activity: How many people walk by the site during a typical hour (6 to 7 PM weekday evenings; 3-4 PM weekend afternoons, weather permitting)?							
Sidewalks: How many sidewalks are connected to the site? How many different ways are there to approach the site?							
Public Transportation: How close is the nearest public transportation station or stop? How many different ways can a person arrive at the site?							
Parking: How many parking spaces are dedicated to activities at that site? Is the parking lot paved and marked?							
Site Connectivity/Bike Path Connection: Is the space connected to other community spaces via a bike or pedestrian path?							
Crossing Danger: Are there adequate crosswalks across closest streets? 10 for light specific, 7 for stop sign, 5 for paint only, 1 for none.							
Proximity Good: How close is it to other activities?							
Proximity Bad: Is it less than 1000 feet away from residents? 10 for 1000, 9 for 900, down to 1 for less than 100 feet to the nearest resident.							
Traffic Impact: Is the site likely to cause traffic pattern problems? If there's a throughline or a drop off area or a parking lot, there will be a smaller impact on traffic patterns.							
ACTIVITY							
Shopping: How many retail activity, (number of stores), are easily accessible from the site? How many of those stores are locally owned businesses? Is there a small market nearby?							
Recreational Attractions: How many other recreational attractions does the site regularly host? Do people use the space for walking their dogs, playing softball, family picnics, and things like that?							
Longevity: Is the site considered by the public to be a park? How long has it been a park?							
Ages: How many different age groups, (i.e., toddlers, children, teenagers, young adults, etc.), currently use the space on a regular basis?							
COMFORT							
Visibility: On average, how many vehicles travel along adjacent roads per hour, on average? How many pedestrians walk within view of the candidate site per hour, on average?							
Crime Statistics: How does the location rank for crime compared to the other candidate sites? Does the site "feel" safe? Would a young person feel comfortable going there alone?							
Cleanliness: How many pieces of trash and/or graffiti does one find at the location? Is there a group or agency responsible for maintaining the site and do they do a good job?							
User Comfort: Is there access to drinking water, restrooms and shade? (3 points for each)							
Neighbor Comfort: How far away from the skatepark edge to neighbors live? (10 points for no residents within 300 feet, 5 points for residents within 300 feet, 3 points for residents within 100 feet, 1 point for residents within 50 feet)							
SOCIAL							
Women, Children, and Elderly: How many women, young children, and elderly people are in the space in the early evening hours? How many people walk their dogs at the site?							
Groups: How many other community groups use the space for their functions? How many different groups meet at the park to do their thing?							
Evening Use: How many people use the space (for appropriate reasons) after sunset? Is there evening activity at the candidate site? Are there lights?							

Positive Impacts of Skate Parks

General Overview

Skateparks provide an amazing physical, mental, and social outlet and can support a vast range of ages and activities all in one place. Skateparks are an inclusive environment to be enjoyed by skateboarders, inline skaters, roller skaters, scooter riders, BMX, and Wheelchair Motocross (WCMX).

Skateparks are unique in that they provide personal development opportunities for young people, including physical strengthening, mental stimulus, and social growth all through shared experiences. A high-quality skatepark offers physical challenges through professionally designed graduated obstacles that provide different recreational experiences for various age groups; children grow and develop via self-advancement and skill-building. Skateparks also provide a creative outlet for riders to explore board/wheel sports in a safe and encouraging atmosphere, and the cost to participate is meager compared to other sports.

Positive Impacts

- Skateparks are community spaces for park users and spectators alike that provide a positive environment for kids to build friendships outside of school, learn from others, and have fun!
- They are concrete playgrounds that contribute an exciting and creative physical and social outlet that appeal to many, but specifically our older youth.
- The low cost of participating in board and wheel sports and flexible schedule improves the opportunity for our youth to be active and engaged with the community in Pacific Grove. Many families pay for sports programs in other cities. A skatepark provides an accessible alternative that can alleviate the financial stress and time commitment some families feel associated with traveling for sports.
- Skatepark users are repeat customers, often visiting a skatepark for several hours, multiple times a week.
- Skateparks are proven to develop eye-foot coordination, stamina, resilience, and balance while simultaneously teaching self-discipline and confidence.
- Adding a skatepark to an existing park will add an interesting and exciting recreation opportunity for community youth and encourage overall park use while motivating Pacific Grove families to use our public spaces TOGETHER.
- The professional design and build of a smooth concrete skatepark will provide safe obstacles for different skill levels and will reduce street skating in unwanted or unsanctioned areas.