



NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

*AMENDED* ERRATA SHEET



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

**ERRATA SHEET**

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** Sandra Kandell, City Clerk/DEI Coordinator  
**MEETING DATE:** 05/10/2023 **ADJOURNED FROM 5/3/2023**  
**SUBJECT:** City Council Meeting Agenda- Errata Sheet

Attached is additional information for your consideration at the May 10, 2023 City Council Adjourned Meeting:

| Agenda Item | Information Provided/Corrected                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6A</b>   | Updated Attachment 2 Redline Version of Council Policy 000-9 showing redlining. <b>(See attached redlined version.)</b>                                                                                                                                                                                                                                                                                                                                                                             |
| <b>8D</b>   | Corrected Attachment, Third Quarter Workers' Compensation Report, changes made to total numbers. <b>(See attached corrected report.)</b>                                                                                                                                                                                                                                                                                                                                                            |
| <b>9A</b>   | Additional information provided to City Council <b>(See attached email)</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>9B</b>   | Revised recommended action <b>from:</b><br>Recommended Action: Authorize the Mayor to execute a 3-year with Dell / Microsoft for Microsoft Enterprise Software Licensing through Riverside County Master Agreement, in the amount of approximately \$25,000 annually.<br><b>to</b><br>Recommended Action: Approve a 3-year agreement with Dell / Microsoft for Microsoft Enterprise Software Licensing through Riverside County Master Agreement, in the amount of approximately \$25,000 annually. |
| <b>12B</b>  | Additional Information: Organizational Chart. <b>(See attached Org Chart.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |

**Attachments**

- 1 - 6A Redlined Version
- 2 - 8D Corrected Report
- 3 - 9A Additional Information
- 4 - Organizational Chart

## CITY OF PACIFIC GROVE CITY COUNCIL POLICY

| Policy Governing   | Policy No. | Effective Date   | Page   |
|--------------------|------------|------------------|--------|
| Council Guidelines | 000-9      | February 3, 2010 | 1 of 4 |

### I. AGENDA PACKET PREPARATION AND DISTRIBUTION

1. Agenda packets will be prepared and distributed in accordance with PGMC 2.04.050 and the Ralph M. Brown Act. However, the deadline for agenda submittals may be sooner to account for any scheduled workdays off that are necessary for publishing and distribution. Publishing/distribution of the agenda packet to Council is by email notification (preferred) unless otherwise instructed.
2. The goal is to have a complete agenda packet at the time of its distribution. If, however, staff receives substantiating information, reports, proposed emergency ordinances and other such information to the Council after packet distribution, including at the time of the Council meeting, staff may provide this material, so long as the public is correspondingly informed and is given access in accordance with the Brown Act.
3. Nothing contained in this policy shall prevent the normal flow of legally permissible information from staff to the Council needed to keep the Council informed.

### II. PUBLIC HEARING PROCEDURES

PGMC Chapter 23.86 Public Meeting and Hearing Procedures shall be adhered to.

Action on Coastal Development Permit applications require adherence to PGMC 23.90.070 CDP application public notice and hearing.

For public hearings involving a quasi-judicial determination by Council (~~e.g. where a decision modifies vested property rights, or when a matter is raised by appeal pursuant to the Municipal Code~~), the following procedure applies:

1. Council Ex parte communication is disclosed.
2. Staff provides a report on the public hearing item, including correspondence.
3. Public hearing is opened.
4. The applicant or appellant of the item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed an additional 10 minutes.
5. If a single designated spokesperson in opposition is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated a maximum of 10 minutes to speak.
6. Public speakers **other than the applicant or appellant or designated spokesperson** will each be allocated a maximum of 3 minutes or less to speak, whether in support or opposition.
7. Applicant or appellant of the item shall be allocated a maximum of 5 minutes to speak on rebuttal.

8. Opposition spokesperson shall be allocated a maximum of 5 minutes to speak on surrebuttal.
9. Public hearing is closed.
10. Council dialogue is followed by motion to adopt findings and decision.

~~Each public hearing on the City Council agenda will be called in the order noted on the agenda. Staff will first present a brief report on the public hearing item, including correspondence.~~

~~The public hearing will then be opened. For public hearings involving a quasi-judicial determination by the Council (e.g. where a decision modifies vested property rights, or when a matter is raised by appeal pursuant to the Municipal Code), the applicant or proponent of an item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson provides the City Clerk, in advance of the meeting, names of persons who request her or him to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed 10 minutes. Depending on time available and the number of people wishing to speak, all other speakers will be limited in their allocated time to 3 minutes each or less.~~

~~In public hearings not involving a quasi-judicial determination by the Council, all speakers will be limited in their allocated time to 3 minutes each or less, whether in support or opposition to the item.~~

~~Very brief rebuttal and surrebuttal may be allowed, at the sole discretion of the Council.~~

~~Questions by any speaker shall be directed to the Mayor.~~

~~Once all persons desiring to address the Council have done so, or the allotted time has expired, the matter will then be returned to the Council. All questions having been directed to the Mayor will then be addressed by staff, in the order and format as directed by the Mayor.~~

~~The Mayor has the option of requesting that a motion be made to move the item or first facilitating discussion of the issue at hand, to allow the Council to explore the various views and available options. Once a motion is made and seconded, Council Members will discuss and then vote on the motion. If the motion fails, additional discussion and motions can follow, until the matter is resolved.~~

### III. RECOGNITION BY CHAIR

All persons, including members of the Council, wishing to speak shall first be recognized by the Chair.

### IV. APPEAL HEARING ~~FROM PLANNING COMMISSION~~

PGMC Chapter 23.74.050 (d) Processing of appeals and call-ups – Actions and Findings shall be adhered to.

PGMC Chapter 23.90.100 Appeals of CDP decisions shall be adhered to for Coastal Development Permit application appeals.

PGMC Chapter 12.70 Appeals shall be adhered to for tree decisions.

~~In accordance with Municipal Code Section 23.72.130, any person aggrieved by an action or decision of the Planning Commission, may appeal to the City Council, by paying a prescribed fee and submitting a written statement of the grounds for appeal. The Code also requires notice to the Planning Commission of such appeal, and a report submitted by the Planning Commission to the City Council, setting forth the reasons for action taken, or the Planning Commission shall be represented at the Council meeting. The City Council shall render its decision within 45 days after the filing of such appeal.~~

~~Further, Section 23.72.130(f) reserves the Council's authority to review any action or decision of the Planning Commission, and to make its own decision on such action or matter. The Council shall always have until its next regularly scheduled meeting following such action for review.~~

The Council shall hold a hearing de novo on appeals ~~and matters called~~. A de novo hearing on appeal is not dependent on the record of the body from which an appeal is taken. Evidence is taken, witnesses appear and statements are made, all without regard to whether precisely the same evidence, witnesses and statements were recorded at the hearing below. Thus, although the Municipal Code labels it an appeal, it is in fact a second (or third, if it is a hearing on the Planning Commission's decision on appeal from the Architectural Review Board) full, *de novo* consideration of the issue.

~~The Council may also return an appeal to the Planning Commission because the Council has heard new evidence. From the description above, Council will infer that virtually no hearing de novo will result in a duplication of the hearing below—something, some statements, some piece of documentation, will be new.~~

Failure of the Council to reverse, uphold, or uphold with modifications the action appealed or called up, results in the Beautification and Natural Resources Commission or Planning Commission action standing as decided. (Such failure would occur, for example, in the event of a Council tie vote.)

## **V. APPOINTMENT OF COUNCIL COMMITTEES**

From time to time, the Council may see fit to appoint an *ad hoc* committee. When a Council committee is appointed, the Mayor will assign a maximum of three Council Members.

The Mayor designates the Council Member to serve as Committee Chair. In the event of a change in Council or committee assignments, the senior member of the Council will serve as Committee Chair. If there is a Council-Planning Commission committee, a member of the Council shall serve as Chair for the group.

## **VI. VOTES REQUIRED FOR ACTION**

Article 15 of the Charter provides that four affirmative votes of the Council are necessary to adopt ordinances, resolutions, or claims against the City. Except as specified elsewhere, it is also Council policy that all actions of the Council (except those calling for five votes, such as urgency ordinances) require the affirmative vote of four members, irrespective of the number in attendance when an action is taken.

## **VII. BROWN ACT PROCEDURES**

The City Council operates in accordance with the provisions set forth in the Ralph M. Brown Act (Brown Act). The City Attorney shall provide training and written materials on the Brown Act.

## **VIII. USE OF ELECTRONIC COMMUNICATION DEVICES DURING CITY COUNCIL MEETINGS**

The City Council's use of electronic communication devices during a City Council meeting may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency. Therefore, a Councilmember's use of electronic communication devices (i.e., cell phones, tablets, laptop computers), other than for the purpose of (1) accessing agenda materials, (2) facilitating ADA access, and (3) using teleconferencing software, is prohibited during City Council meetings.

This policy does not prohibit using an electronic communications device in the event of an urgent matter. A Councilmember wishing to respond to such a message during a meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does not disrupt the meeting.

City employees shall not communicate with Councilmembers via electronic communication devices during City Council meetings.



## City of Pacific Grove

### Third Quarter Workers' Compensation Statistics – Fiscal Year 22/23

#### Projected Fund Balance

The Workers' Compensation Internal Service Fund (ISF) is used to separately budget and account for services provided to General Fund departments, as well as Enterprise Funds. Contributions to the ISF are calculated on a cost recovery basis, with charges apportioned to City departments based on claim trends and number of participants.

The status of the internal service fund for Workers' Compensation is provided in the tables below.

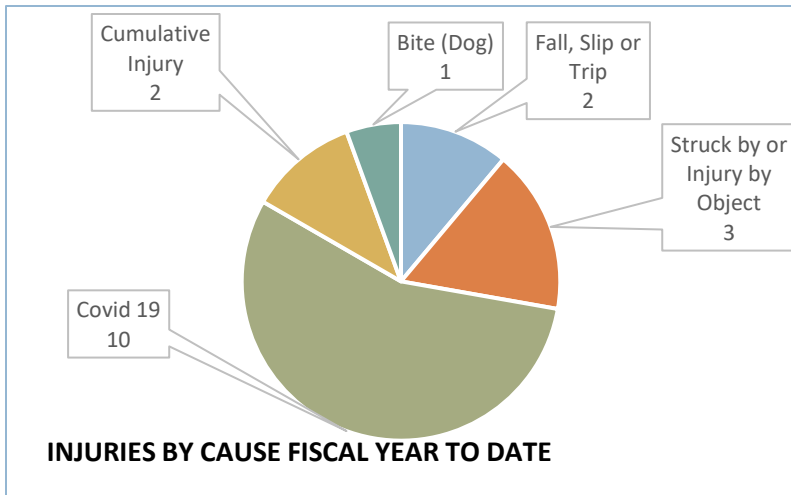
| Workers' Compensation Fund (Fund 71)      | Amount      |
|-------------------------------------------|-------------|
| Fund Balance, July 1 <sup>st</sup> , 2022 | \$ 49,555   |
| Revenues: Through March 31, 2023          | \$640,367   |
| Expenditures: Through March 31, 2023      | (\$662,147) |
| Estimated Fund Balance, Third Quarter     | \$27,775    |

Consistent with Council's direction, the Workers' Compensation fund ended Fiscal Year 21/22 with a positive fund balance. The Workers' Compensation expenditures through the third quarter of FY 22/23 represent approximately 81% of the budgeted amount. The revenues reported represent 81% of the budgeted amount; and reflect departmental contributions and excess claim refunds. The estimated ending fund balance is anticipated to be positive at the end of Fiscal Year 22/23.

#### Cumulative Claims Outstanding

The City meets quarterly with the City's third-party administrator to evaluate and proactively manage claims. At the close of the third quarter, the number of outstanding claims increased by six to 44. This included an increase of three claims to the Non-Litigated/Disability or Lost Time category; an increase of one claim to the Litigated/Disability or Lost Time category; and an increase to the Non-Litigated/Medical Only.

| Summary of Open/Reopen Claims as of 3/31/2023 |               |           |           |
|-----------------------------------------------|---------------|-----------|-----------|
|                                               | Non-Litigated | Litigated | Total     |
| Future Medical                                | 15            | 14        | 29        |
| Disability or Lost Time                       | 7             | 6         | 13        |
| Medical Only                                  | 2             | 0         | 2         |
| First Aid                                     | 0             | 0         | 0         |
| <b>Total Open Claims</b>                      | <b>24</b>     | <b>20</b> | <b>44</b> |



### New Claims – Third Quarter

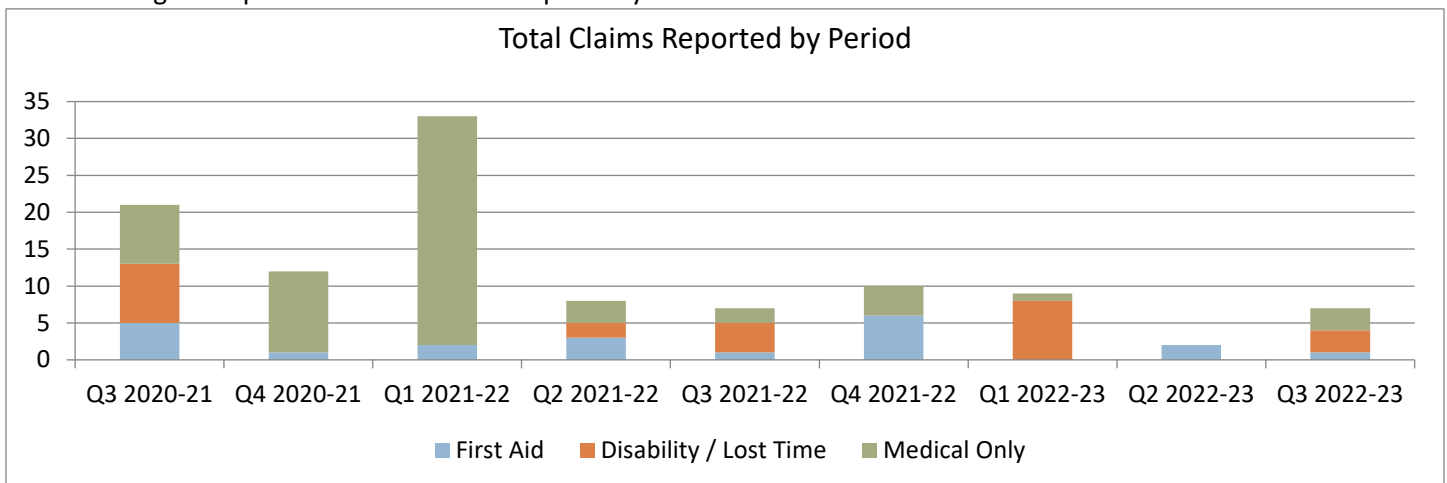
In the third quarter of the Fiscal Year 22/23, there were six new claims from the Police Department and one new claim from Public Works. The adjacent chart provides an overview of the claims by cause. Although Covid 19 represents the highest number of claims for the fiscal year to date, many of these incidents are filed for reporting purposes only. Only three of these claims remained open at the end of the third quarter, however they are expected to be closed by the end of this month.

In the third quarter of FY 22/23, the First Annual Safety Incentive Program luncheon was held. This luncheon also included training provided by CJPIA for all attendees. Reward recipients who submitted Safety Incentive Program criteria in 2022, received rewards as well as recognition at the luncheon. The reward recipients participated in the Safety Incentive Program by identifying hazards, reporting hazards to supervisor or Public Works; and taking additional safety training not required by our Injury and Illness Prevention Program. Staff has almost completed work on scheduling a full calendar year of safety training opportunities provided by CJPIA.

The table listed below provides a comparison of claims over the last two fiscal years. In Fiscal Year 22/23, there are thirty fewer claims when compared to the prior Fiscal Year. This reduction is associated with the decrease of Covid Exposure claims compared to the prior Fiscal Year. Seven of the Disability/Lost Time claims are Covid 19 lost time.

| New Claims by Type                    |                 |            |              |            |
|---------------------------------------|-----------------|------------|--------------|------------|
|                                       | Quarter to Date |            | Year to Date |            |
|                                       | Current Year    | Prior Year | Current Year | Prior Year |
| New Claims Received During the Period |                 |            |              |            |
| Disability or Lost Time               | 3               | 4          | 11           | 6          |
| Medical                               | 3               | 2          | 4            | 36         |
| First Aid                             | 1               | 1          | 3            | 6          |
| Total Claims by Type                  | 7               | 7          | 18           | 48         |

The following chart provides an overview of quarterly trends.



## Fw: Council Meeting 5-3-23 item 9A FY22/23 Crack & Slurry Seal

Joyce Halabi <jhalabi@cityofpacificgrove.org>

Mon 5/1/2023 1:41 PM

To: City Council Members <citycouncil@cityofpacificgrove.org>

Cc: City Manager <citymanager@cityofpacificgrove.org>; Daniel Gho <dgho@cityofpacificgrove.org>

Hi Mayor Peake,

See below responses to your questions.

**1. completion date**

a. It is anticipated work will be complete by the end of the Fiscal Year (June 30)

**2. locations for work**

a. The project will address 12 road segments as noted below:

| ID #  | STREET NAME       | LIMITS OF WORK                      | APPROX. AREA |
|-------|-------------------|-------------------------------------|--------------|
| ①     | 17TH STREET       | OCEAN VIEW BLVD. TO LIGHTHOUSE AVE. | 29,000 SF    |
| ②     | EARDLEY AVENUE    | CENTRAL AVE. TO PINE AVE.           | 36,000 SF    |
| ③     | EARDLEY AVENUE    | GIBSON AVE. TO SINEX AVE.           | 23,000 SF    |
| ④     | JUNIPERO AVENUE   | FOUNTAIN AVE. TO CITY LIMITS        | 114,000 SF   |
| ⑤     | ASILOMAR AVENUE   | SINEX AVE. TO PICO AVE.             | 62,000 SF    |
| ⑥     | PATTERSON LANE    | DAVID AVE. TO FUNSTON AVE.          | 50,500 SF    |
| ⑦     | LAUREL AVENUE     | EARDLEY AVE. TO FOUNTAIN AVE.       | 102,000 SF   |
| ⑧     | LIGHTHOUSE AVENUE | DEL MONTE AVE. TO ASILOMAR AVE.     | 137,000 SF   |
| ⑨     | SPRUCE AVENUE     | CEDAR ST. TO LOCUST ST.             | 5,500 SF     |
| ⑩     | 17 MILE DRIVE     | LIGHTHOUSE AVE. TO SEA PALM AVE.    | 48,000 SF    |
| ⑪     | WILLOW STREET     | LAUREL AVE. TO PINE AVE.            | 10,500 SF    |
| ⑫     | WILLOW STREET     | PINE AVE. TO SPRUCE AVE.            | 11,600 SF    |
| TOTAL |                   |                                     | 629,100 SF   |

**3. contract template type**

a. If approved, the City's standard agreement (reviewed and approved by the City Attorney, Risk Management and the California Joint Powers Insurance Authority) will be prepared for the Mayor's signature per the standard contracting process.

Joyce Halabi  
Deputy Director, Public Works  
City of Pacific Grove  
831-648-5722 x 4201  
[jhalabi@cityofpacificgrove.org](mailto:jhalabi@cityofpacificgrove.org)



**From:** Bill Peake <bpeake@cityofpacificgrove.org>  
**Sent:** Monday, May 1, 2023 1:05 PM  
**To:** City Manager <citymanager@cityofpacificgrove.org>  
**Subject:** Council Meeting 5-3-23 item 9A FY22/23 Crack & Slurry Seal

Ben, (Council by bcc)

I didn't find the following in the agenda report:

1. completion date
2. locations for work
3. contract template type

Thank you for publishing an errata.

Bill

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*Bill Peake*  
*Mayor Pacific Grove*

## RECREATION ORGANIZATION CHART

