



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

**AGENDA REPORT**

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** THOMAS FRUTCHEY, CITY MANAGER  
**MEETING DATE:** JANUARY 20, 2010  
**SUBJECT:** ADOPTION OF REVISED COUNCIL POLICIES REGARDING THE CONDUCT OF COUNCIL MEETINGS, THE ORDER OF THE AGENDA, AND PROCEDURES FOR HANDLING CONSENT AGENDA ITEMS  
**CEQA:** DOES NOT CONSTITUTE A "PROJECT" PER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

**RECOMMENDATIONS**

Approve the attached resolution to adopt changes to Council Policy 000-9, *Council Guidelines*, adopt changes to Council Policy 000-17, *Order of Agenda for Council Meetings*, and revokes Council Policy 000-14, *Procedures for Handling Consent Calendar Items*.

**DISCUSSION**

At its planning session and during several Council meetings since, Councilmembers have suggested relatively minor improvements to the order and structure of the agenda, in order to facilitate the conduct of Council meetings. Because the Council Policies have been adopted and amended at widely spaced times over the years, there are actually three policies that address these matters in a somewhat overlapping manner. The recommended changes: defer questions of staff presentations by Councilmembers until after public comment, limit Council and Staff announcements to City-related items, delete Reports of Council from the agenda (as these are no longer oral and can be handled in the blue folder), and make some other minor editorial updates. Portions of Policy 000-9 are being moved to Policy 000-17 to correct duplication and improve readability.

**FISCAL IMPACT**

None.

**ATTACHMENTS**

1. Resolution No. 10-xxx.
2. Policy No. 000-9, *Council Guidelines*
3. Policy No. 000-17, *Order of the Agenda*
4. Policy No. 000-14, *Procedures for Handling Consent Calendar Items*

RESPECTFULLY SUBMITTED:

*THOMAS FRUTCHEY*

Thomas Frutchey  
CITY MANAGER

**CITY OF PACIFIC GROVE  
CITY COUNCIL POLICY**

Policy Governing	Policy No.	Effective Date	Page No.
Council Guidelines	000-9	March 6, 1991	1 of 4

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**I. AGENDA PACKET INFORMATION**

City staff has attempted to streamline the procedure for distributing correspondence to the City Council, while ensuring that the Council receives copies of all correspondence mailed to City Hall and directed to the Mayor and Council. In an effort to minimize duplication, time, and paper, staff will often make seven copies for Council boxes, rather than for the full 18 agenda packets.

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The general policy is as follows:

1. Agenda packets are prepared and placed in Council boxes for pick-up, on the Thursday evening or Friday morning preceding the meeting. Staff will e-mail Council upon its availability.

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2. The deadline for agenda submissions is Wednesday at 8:00 a.m., one week prior to the scheduled Council meeting.

3. (a) Agenda material from the Council Member having proposed an agendized item should be supplied to staff for distribution according to the same schedule set for all staff-initiated agenda items. Any supplemental material arriving after the preparation of the packets will be placed in the "blue folders." Such supplemental material will also be placed with the agenda packets available to the public.

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- (b) 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.

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- (c) 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.

4. Staff does not duplicate any petitions in their entirety. The front page is submitted and a note is attached indicating that the Deputy City Clerk has the original petition and the specified number of signatures. This procedure is also followed whenever there are form letters on the same subject.

5. Staff tries not to duplicate letters previously received by the Council. This can get complicated as sometimes people mail or deliver letters directly to Council Members, then mail individual copies to City Hall, bring in copies for individual distribution, or bring in copies to the meeting. There is no practical way to control or monitor this

flow of correspondence to determine what has or has not been received. All staff can do is process the single letter that comes in the mail directed to the Mayor and Council. Staff does make sure that Council receives copies of this material.

- 6. As a general rule, if correspondence refers to an upcoming agenda item, staff includes it in the packet. If correspondence comes in that refers to some informational item or refers to a past Council action, staff duplicates it and places it in Council boxes.
- 7. In order to allow the Council to review agenda packet before it is the subject of a newspaper article, it is our policy to not release agenda packet until it has been made available to the Council.

## II. PUBLIC HEARING PROCEDURES

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. The applicant or proponent will be allowed no more than ten minutes for presentation. Each person speaking in support of the applicant or proponent will be allowed no more than three minutes. A spokesperson for those in opposition to the application may speak for no more than ten minutes, and others wishing to speak in opposition will be allowed no more than three minutes each. Rebuttal shall be allowed in the discretion of the Council. The public hearing will then be closed, and no member of the public will be allowed to speak thereafter without the consent of a majority of the Council present.

The matter will then be returned to the Council. The Mayor will request that a motion be made to move the item. Once a motion is made and seconded, Council Members will discuss the item and then vote on the motion. If the motion fails, another will be made and discussion, if desired, will follow, until the item is resolved.

## III. RECOGNITION BY CHAIR

Members of the Council wishing to speak shall first be recognized by the Chair.

## IV. APPEAL HEARING FROM PLANNING COMMISSION

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 forty-five 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

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Comment: Entire section moved to Policy 000-17

Deleted: <#>CONSENT AGENDA

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¶ The City Council established the consent agenda by ordinance. The basic purpose of the consent agenda is to make the most efficient use of available time by considering all routine and non-controversial items under one motion. The consent agenda is structured so that any Council Member may pull an item for discussion or questions. The Council has generally encouraged its members to raise any questions with City staff prior to the meeting. Also, Council Members may notify the clerk if they want their vote recorded on any individual item.¶

¶ The ordinance provides that, “at a minimum, approval of minutes of previous meetings and all reports of commissions, boards, and standing committees shall be listed under the consent agenda.” There are two subtitles under consent reports: 1) Council Action Items; and 2) Information Items. Staff lists all items that require Council approval under “Council Action” and others under “Information Items.” On other sections of the consent agenda the staff recommendation is noted, such as, approve, deny, or refer.¶

¶ Unless a specific item is pulled for discussion, the usual action of the Council is to approve all action items or recommendations on the consent agenda under a single motion. Council’s vote to approve the consent agenda is a direction to staff to proceed with the actions recommended.¶

¶ <#>COUNCIL MEETING PROCEDURES¶

¶ Announcements: Upcoming meetings, and special events of interest to Council, which have a municipal purpose (Mayor).¶

¶ Comments From The Audience: The purpose of this agenda item is to provide the public an opportunity to address... [1]

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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 consideration of the same 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 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 a standby or 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. Usually the procedure is to designate the first named Council Member as Chair, unless the Mayor designates otherwise. 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 provides training and written materials on the Brown Act.

Passed and Adopted: March 6, 1991  
Resolution No.: 6151

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**Comment:** Dave—please review this entire section.

**Deleted:** ~~##>FILLING A VACANT COUNCIL SEAT¶~~  
Article 12 of the Charter of the City of Pacific Grove sets out the procedure for filling vacant Council seats. It reads: “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 the successor is elected and qualified. Such successor shall be elected for the unexpired term of their 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 the Mayor...”¶  
¶  
As you have read, the Mayor shall fill the vacancy if the Council fails to do so within thirty days. There is, however, no time period within which the Mayor is required to act. Unless there is specific language to the contrary, the day on which occurs an event triggering a statutory period is not counted as the first day of such period.¶  
¶  
Four votes are necessary to fill the vacancy. Votes for individuals proposed to fill vacant Council seats must be made public. The vote may be taken from a slate of nominations made by individual Council Members, in which case a Council Member should announce their choice verbally. Alternatively, a single name may come before the Council by a motion and a second, at which time each Council Member would signify a yes or no vote for the single individual. In either case, the votes are publicly known. (Council is not limited to the two suggested methods; there may be others, but the method must assure that the public is aware of Council decisions with respect to nominated, moved, or proposed candidates.)¶

**Deleted:** Please refer to the attached “Open and Public – A User’s Guide to the Ralph M. Brown Act.” The City Attorney has also prepared a number of Brown Act opinions which are available on request.

Amended: February 17, 1993  
Resolution No.: 6329

Amended: December 6, 1995  
Resolution No.: 6492

# CITY OF PACIFIC GROVE

## CITY COUNCIL POLICY

Policy Governing	Policy No.	Effective Date	Page
Procedures for Handling Consent Agenda Items	000-14	April 19, 1995	1 of 1

### PURPOSE:

The intent of this policy is to establish guidelines for councilmembers, members of the audience and staff to follow when dealing with items placed on the consent agenda.

### POLICY:

1. All items on the consent agenda for regular council meetings are considered routine and are accompanied by a staff recommendation. One motion to approve the consent agenda, if seconded and passed, will result in approval of the consent agenda and the staff recommendations.
2. Members of the council, staff and members of the audience in attendance at the regular council meetings are all entitled to remove an item or items from the consent agenda at the time that agenda is called.
3. Items removed from the consent agenda by members of the council and staff shall be placed at the end of the meeting's full agenda for consideration by the council.
4. Items removed from the consent agenda by a member of the audience shall be heard immediately following council action on the balance of the consent agenda. Such items shall be heard in the order of their appearance on the Consent Agenda.
5. The council may consider removed consent agenda items at points during the meeting other than specified in 3 and 4, immediately above, when the council determines that to do so would best suit the convenience and needs of the council, staff and/or the audience.

Adopted April 19, 1995  
Resolution No. 6454

**City of Pacific Grove  
Council Policy**

Subject	Policy Number	Effective Date
<b>Order of Agenda for Council Meetings</b>	<b>000-17</b>	<b>June 15, 2001</b>

A. The purpose of this policy is to provide for the orderly conduct of city business, provide adequate time for the City Council to make informed, deliberative decisions, and provide members of the public an opportunity to present information to the City Council on any matter within the subject matter jurisdiction of the City.

B. This Council Policy establishes the general practice to be followed with respect to the management of agenda items before the City Council. This Policy shall not be construed to limit or impair rights of the public as set forth in the Ralph M. Brown Act, the Public Records Act, or any other provision of law.

C. Deviation from the order of the agenda set in this Policy, by itself, shall not provide a basis to reverse or invalidate any action of the City Council.

D. The order of the City Council agenda shall be as:

1. **Call to Order and Pledge of Allegiance**

2. **Approval of the Agenda**

Councilmembers will have the opportunity to request changes to the order of items, the postponement of an item to a future meeting, or in rare instances the addition of an emergency situation, as defined in the Government Code.

3. **Brief Presentations**

Presentations shall be made by Council to persons or organizations, and/or brief presentations (not to exceed 5 minutes, each) made to the Council by others upon approval of the City Manager. Presentations shall not receive Council action, or provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

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4. **Council and Staff Announcements**

Announcements shall be limited to City-related items and shall neither receive Council action, nor provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

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5. **Oral Communications**

These are communications from the public on matters not on the agenda, but within the subject matter jurisdiction of the City, and may also address matters on the Consent Agenda.

Persons who wish to address the Council must go to the podium and are asked to state their name, address, and the subject matter of their communication. (Note that refusal to state name and/or address is not grounds to deny right to speak.)

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If the Mayor determines that the subject matter is appropriate and in accordance with this policy, the speaker will be allowed to address the Council for not more than three minutes.

It is the Mayor's responsibility to stop the speaker if he/she deviates from the appropriate subject mater. Under no circumstances will the Mayor permit a speaker to personally attack any individual.

All communication to the Council under this agenda item will be received without comment or action, and may be referred to staff for later comment or action, if appropriate.

6. **Consent Agenda**

The Consent Agenda deals with routine and noncontroversial matters, and may include action on resolutions but not on ordinances. 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.

The basic purpose of the consent agenda is to make the most efficient use of available time by considering all routine and non-controversial items under one motion. The consent agenda is structured so that any Council Member may pull an item for discussion or questions. The Council has generally encouraged its members to raise any questions with City staff prior to the meeting. Also, Council Members may notify the clerk if they want their vote recorded on any individual item.

At a minimum, approval of minutes of previous meetings and all reports of commissions, boards, and standing committees shall be listed under the consent agenda. There are five categories of Consent Agenda items: 1) City Council Meeting Minutes; 2) Resolutions; 3) Ordinances for which Public Comment Is not Anticipated; 4) Staff Reports; and 5) Meeting Minutes of Commissions, Boards, and Committees.

Unless a specific item is pulled for discussion, the usual action of the Council is to approve all action items or recommendations on the consent agenda under a single motion. Council's vote to approve the consent agenda is a direction to staff to proceed with the actions recommended.

7. **Items Removed from the Consent Agenda**

The Council shall separately consider and act on each item removed from the Consent Agenda. Such items shall be heard in order of their appearance on the Consent Agenda.

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8. **Public Hearings**

The Public Hearing agenda includes maters for which a public hearing notice was posted or published and for which public comment is anticipated.

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9. **Unfinished Business**

The Unfinished Business agenda shall consist of matters that return to the Council for action, having been considered at a prior meeting.

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10. **New Business**

The New Business agenda shall consist of matters not previously considered by the Council.

11. **Full Presentations**

Presentations under this item are those which may exceed 5 minutes, and are made to the Council upon invitation of the Mayor or City Manager. Presentations shall not receive Council action, or provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

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- 11. **Reports of Boards, Commissions and Standing Committees.¶**
- The Reports agenda shall consist of presentations that provide information to Council as to matters before City Boards, Commissions and Committees. Reports shall not receive Council action, or provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda. ¶

12. **Reports of Council**

Reports under this item may include statements of Council members, summaries of meeting attended, and reports of trips or conferences. Such reports are to be provided to the City Clerk, in writing, to be included in the packet or blue folder. They generally will not be discussed by the Council.

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13. **Closed Sessions**

Closed Sessions may be set at other times at the convenience of Council.

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14. **Public Announcement of Action Taken in Closed Session**

This announcement shall immediately follow any Closed Session.

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15. **Adjournment**

Adopted May 2, 2001  
Resolution No. 1-025

Amended June 3, 2009  
Resolution No. 9-021

Amended January 20, 2010  
Resolution No. 10-

- Deleted: The Council may, as it feels necessary, change any of the above by Resolution approved by at least four (4) members of the Council.¶