



# CITY OF CARMEL-BY-THE-SEA

## CITY COUNCIL AGENDA

Mayor Steve Dallas  
Council Members, Carolyn Hardy,  
Jan Reimers, Bobby Richards, and Carrie Theis

All meetings are held in the City Council Chambers  
East Side of Monte Verde Street  
Between Ocean and 7<sup>th</sup> Avenues

Contact: 831.620.2000 [www.ci.carmel.ca.us/carmel](http://www.ci.carmel.ca.us/carmel)

### **SPECIAL MEETING**

### **MONDAY, JUNE 6, 2016**

### **TOUR OF INSPECTION 2:30 P.M.**

### **CLOSED SESSION 3:30 P.M.**

### **OPEN SESSION 5:30 P.M.**

#### **CALL TO ORDER, ROLL CALL, & PLEDGE OF ALLEGIANCE**

#### **TOUR OF INSPECTION (Beginning at 2:30 P.M.)**

The Council will meet in the Council Chamber and then proceed to the Carmel Mission located at the southwest corner of Rio Road and Lasuen Drive. Members of the public are welcome to participate in the tour.

#### **CLOSED SESSION (Beginning at 3:30 P.M.)**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(D)(1)  
Name of Case: Jennifer Da Silva, Plaintiff v. City of Carmel-by-the-Sea, Monterey  
County Superior Court Case No. M132929
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(D)(1)  
Name of Case: City of Carmel-by-the-Sea, Plaintiff v. Pacific Harvest Seafoods, Inc. -  
Monterey County Superior Court Case No. 15CV000014

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(D)(1)  
Name of Case: Gerit Sand; Cobblestone Bakery, a sole proprietorship, Plaintiff v. City of Carmel- by-the-Sea, Defendant - Monterey County Superior Court Case No. M130393
4. LITIGATION ONE MATTER  
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
Order Instituting Investigation and Order to Show Cause on the Commission’s Own Motion into the Operations and Practices of Pacific Gas and Electric Company with respect to Facilities Records for its Natural Gas Distribution System Pipelines.  
Investigation 14-11-008 (Filed November 20, 2014)
5. LABOR NEGOTIATIONS  
Pursuant to Government Code Section 54957.6(a)  
Agency Designated Representatives: Zutler  
Employee Organization: Ambulance

## **PUBLIC APPEARANCES**

Matters not appearing on the City Council’s agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three (3) minutes, or as otherwise established by the City Council. Persons are not required to give their names, but it is helpful for speakers to state their names in order that the City Clerk may identify them in the minutes of the meeting. Always speak into the microphone, as the meeting is recorded

## **CONSENT AGENDA**

All items on the Consent Agenda are to be acted upon by a single action of the City Council unless otherwise requested by an individual Council Member or the public for special consideration. Otherwise the recommendation of staff will be accepted and acted upon by majority voice vote.

1. [Check Register for the Month of April. \(p. 5\)](#)
2. [Monthly Reports for the Month of April \(p. 18\)](#)
  - a. [Contracts executed within the City Administrator’s Signing Authority](#)
  - b. [Community Planning and Building Department Reports](#)
  - c. [Police, Fire, Ambulance and Beach Reports](#)
  - d. [Public Records Act Request Logs – City Clerk and Police](#)
  - e. [Forester’s Report](#)
  - f. [City Treasurer’s Report](#)
3. [AB 1127 Consideration of a resolution authorizing the City Administrator to execute the updated Monterey County Multi-jurisdictional Local Hazard Mitigation Plan \(LHMP\). \(p. 40\)](#)
4. [AB 1128 Consideration of a Resolution Approving the Rates Charged by GreenWaste Recovery Effective July 1, 2016 for the Collection of Franchised Solid Waste, Recycling and Organics. \(p. 59\)](#)
5. [AB 1129 Consideration of a resolution adopting updated Facility Use Guidelines for the J. O. Lumberyard Community Room/Vista Lobos Facility. \(p. 63\)](#)

6. AB 1130 Consideration of the adoption of a resolution authorizing the Homecrafters' Marketplace craft fair to continue to be held in the Sunset Center north parking lot, closure of the north parking lot, closure of San Carlos between 8<sup>th</sup> and 10<sup>th</sup> Avenues, and amplified music at the venue, and the adoption of a resolution authorizing the Pumpkin Roll special event to continue annually and the closure of Ocean Avenue west of Santa Rita Street to Junipero Avenue; Santa Fe Street between Ocean Avenue and Mountain View Avenue; and Torres Street between 6<sup>th</sup> Avenue and Mountain View Avenue. (p. 78)
7. AB 1131 Receive fully revised and approved Forest Theater Use Agreement for informational purposes. (p. 82)
8. AB 1132 Appointments to Board and Commission vacancies. (p. 100)
9. AB 1133 Consideration of a Resolution Confirming the City's Appointments to Local Agencies: Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority(MPRWA), Monterey-Salinas Transit (MST), and Transportation Agency of Monterey County (TAMC), and others as determined. (p. 101)
10. AB 1134 Consideration of the Adoption of a Policy to establish a Records Management Program for the Preservation, Protection, Retention, and Legal Disposition of the City's Records. (p. 106)
11. AB 1135 Authorize the City Administrator to Execute Various Professional Services Agreements for Beach Security, Code Compliance in a Total Amount Not to Exceed \$67,000 (p. 148)
12. AB 1136 Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey. (p. 155)

## **ORDERS**

Orders of Council are agenda items that require City Council discussion, debate and/or direction.

13. AB 1137 Direction on Preferred Plan for Replacement of the City's Holiday Tree. (p. 176)

## **PUBLIC HEARING**

Public Hearings consist of Zoning amendments, General Plan amendments, appeals of Commission decisions and other State-mandated items. If the Public Hearing is an appeal, appellants are allowed a total of 10 minutes to speak on their own behalf after the staff report and at the close of public comment in order to have an opportunity to rebut public comments. Other speakers will be allowed three minutes.

14. AB 1138 Beach Fires Revised Pilot Program Coastal Development Permit Approval. (p. 182)

## **FUTURE AGENDA ITEMS**

## **ADJOURNMENT**

## SPECIAL NOTICES TO PUBLIC

The City Council of Carmel-by-the-Sea meets in Regular Session on the First Tuesday of each month at 4:30 p.m., unless otherwise noticed. The City Council may also meet on the First Monday of each month in a Special Meeting and/or a Workstudy Session at 4:30 p.m., unless otherwise noticed. City Council agenda packets are available for public review on the City website at [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us) and in the Clerk's Office on the Friday prior to the scheduled meeting. Any writings or documents provided to a majority of the City Council regarding any item on the agenda will be made available for public inspection. Interested members of the public may subscribe to the Council Agenda by submitting a request to the City Clerk. Meetings are open to the public and the City Council welcomes your participation. Any member of the public may comment on any item on the agenda. Testimony is limited to three (3) minutes per speaker, or as otherwise established by the City Council. Meetings are streamed live on-line and archived for easy access anytime day or night. Visit the City's website at [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us) to view the meetings or watch a television rebroadcast on the first Sunday after the City Council meeting at 8:00 a.m. on MCAET Channel 26. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2007 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



# CITY OF CARMEL-BY-THE-SEA

June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Paul Wood, Finance Manager  
**SUBJECT:** Check Register for the Month of April 2016

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$ N/A
<b>APPROPRIATION REQUIRED</b>	\$ N/A

## RECOMMENDATION

Approve Summary of Check Register.

## SUMMARY

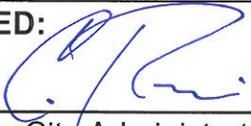
Attached is the Summary Report of Check Register for April 2016.

## PRIOR CITY COUNCIL ACTION

Approved.

## ATTACHMENTS

1. Check Register for the Month of April 2016

**APPROVED:**   
\_\_\_\_\_  
Chip Rerig, City Administrator

**Date:** 6.2.16  
\_\_\_\_\_

Check No.	Check Date	Vendor Name	Dist Amount	Expense Amount	Description	Contracts Paid to Date	Contract Amount
132640	4/7/2016	AILING HOUSE PEST CONTROL	60.00	01 70050	FY 15-16 INCREASE		
132640	4/7/2016	AILING HOUSE PEST CONTROL	50.00	01 70050	FY 15-16 INCREASE		
132640	4/7/2016	AILING HOUSE PEST CONTROL	50.00	01 70050	FY 15-16 PEST CONTROL ALL FACILITIES		
132640	4/7/2016	AILING HOUSE PEST CONTROL	65.00	01 70050	FY 15-16 INCREASE		
132640	4/7/2016	AILING HOUSE PEST CONTROL	40.00	01 70050	FY 15-16 INCREASE		
132640	4/7/2016	AILING HOUSE PEST CONTROL	44.00	01 70050	FY 15-16 INCREASE		
132640	4/7/2016	AILING HOUSE PEST CONTROL	150.00	01 70050	FY 15-16 PEST CONTROL ALL FACILITIES		
132640	4/7/2016	AILING HOUSE PEST CONTROL	55.00	01 70050	FY 15-16 PEST CONTROL ALL FACILITIES		
132720	4/22/2016	AILING HOUSE PEST CONTROL	50.00	01 70050	FY 15-16 INCREASE		
132720	4/22/2016	AILING HOUSE PEST CONTROL	40.00	01 70050	FY 15-16 INCREASE		
132720	4/22/2016	AILING HOUSE PEST CONTROL	44.00	01 70050	FY 15-16 INCREASE		
132720	4/22/2016	AILING HOUSE PEST CONTROL	50.00	01 70050	FY 15-16 INCREASE		
132720	4/22/2016	AILING HOUSE PEST CONTROL	61.00	01 70050	FY 15-16 INCREASE		
132720	4/22/2016	AILING HOUSE PEST CONTROL	55.00	01 70050	FY 15-16 PEST CONTROL ALL FACILITIES		
132720	4/22/2016	AILING HOUSE PEST CONTROL	19.00	01 70050	FY 15-16 INCREASE		
		Vendor Total ----->	835.00			\$7,475.00	\$10,048.00
132721	4/22/2016	ALHAMBRA	53.95	01 72053	ACCOUNT 115365551 WATER SERVICE FIRE/AMB DEPT		
132721	4/22/2016	ALHAMBRA	53.95	07 73053	ACCOUNT 115365551 WATER SERVICE FIRE/AMB DEPT		
		Vendor Total ----->	107.90				
132641	4/7/2016	ALHAMBRA	114.57	01 76045	DRINKING WATER SERVICE-PUBLIC WORKS FY 2015-16		
132641	4/7/2016	ALHAMBRA	19.79	01 76045	FY 15-16 INCREASE TO REFLECT USAGE		
		Vendor Total ----->	134.36				
132642	4/7/2016	ALHAMBRA	41.14	01 64053	ACCOUNT:51286936 WATER SERVICE CITY HALL		
132642	4/7/2016	ALHAMBRA	30.69	01 64053	FY 15-16 INCREASE		
		Vendor Total ----->	71.83				
132722	4/22/2016	ALHAMBRA	98.98	01 80026	INCREASE PD ACCORDING TO USAGE		
		Vendor Total ----->	98.98				
132643	4/7/2016	ALLIANT INSURANCE SVCS	315.00	01 67425 0001	BOND FOR CITY ADMINISTRATOR		
		Vendor Total ----->	315.00				
132644	4/7/2016	AMERICAN SUPPLY COMPANY	154.85	01 70044	MAT REPLACEMENT/ODOR CONTROL		
132644	4/7/2016	AMERICAN SUPPLY COMPANY	286.46	01 70044	6 CASES 2PLY TISSUE		
132644	4/7/2016	AMERICAN SUPPLY COMPANY	279.95	01 70044	VARIOUS SUPPLIES FOR CITY RR		
132644	4/7/2016	AMERICAN SUPPLY COMPANY	1,045.30	01 70044	VARIOUS SUPPLIES FOR CITY RR		
132644	4/7/2016	AMERICAN SUPPLY COMPANY	(477.41)	01 70044	CREDIT MEMO 2697568 -477.47		
		Vendor Total ----->	1,289.15				
132645	4/7/2016	AMERICAN MESSAGING	2.50	01 70050	PAGECOPY USEAGE /831-520-0420 3/11/16		
		Vendor Total ----->	2.50				
132646	4/7/2016	AMERICAN LOCK & KEY	95.97	01 70045	8 COMMON KEYS @ 2.45/25 DND @ 2.75		
132646	4/7/2016	AMERICAN LOCK & KEY	29.87	01 70045	DUPLICATE JANITOR KEYS		
132646	4/7/2016	AMERICAN LOCK & KEY	39.11	01 70045	REPLACEMENT KEYS FOR CITY MAP DISPLAY 6		
132646	4/7/2016	AMERICAN LOCK & KEY	221.69	13 70903	24 FOREST THEATER DND KEYS/COMBO CHANGES		
132646	4/7/2016	AMERICAN LOCK & KEY	120.00	01 70050	FOREST THEATER RE KEY		
		Vendor Total ----->	506.64				
132647	4/7/2016	AT&T	641.91	01 80036	INCREASE 2/4/16		
132647	4/7/2016	AT&T	3,330.17	01 80036	INCREASE 2/4/16		
		Vendor Total ----->	3,972.08				
132723	4/22/2016	ANNA AUBUCHON	25.00	01 64033	REPLENISH PETTY CASH 3/23/16-4/22/16		
132723	4/22/2016	ANNA AUBUCHON	15.52	01 69043	REPLENISH PETTY CASH 3/23/16-4/22/16		
132723	4/22/2016	ANNA AUBUCHON	40.00	01 67030	REPLENISH PETTY CASH 3/23/16-4/22/16		
132723	4/22/2016	ANNA AUBUCHON	151.55	01 64043	REPLENISH PETTY CASH 3/23/16-4/22/16		
		Vendor Total ----->	232.07				

132648	4/7/2016	EVERY ASSOCIATES, INC	5,000.00	01	67100	RECRUITMENT SERVICES:HUMAN RESOURCES MGR SEARCH		
132724	4/22/2016	EVERY ASSOCIATES, INC	2,046.94	01	67100	RECRUITMENT SERVICES:HUMAN RESOURCES MGR SEARCH		
		Vendor Total -----	7,046.94				\$21,916.89	\$22,900.00
132725	4/22/2016	BOOTS ROAD GROUP LLC	2,000.00	01	67051	FY 15-16 WEBSITE SUPPORT AND MANAGEMENT		
		Vendor Total -----	2,000.00				\$19,066.78	\$22,000.00
132726	4/22/2016	BOUND TREE MEDICAL LLC	172.48	07	73603	AMBULANCE SUPPLIES:GLUCOSE STRIPS/SHEETS/BLANKETS		
132726	4/22/2016	BOUND TREE MEDICAL LLC	544.99	07	73603	AMBULANCE SUPPLIES:GLUCOSE STRIPS/SHEETS/BLANKETS		
132726	4/22/2016	BOUND TREE MEDICAL LLC	722.94	07	73603	AMBULANCE SUPPLIES:GLUCOSE STRIPS/SHEETS/BLANKETS		
		Vendor Total -----	1,440.41					
132649	4/7/2016	BURGHARDT-DORE ADVERTISING, INC.	42.00	01	85200	DESTINATION MARKETING-WEBSITE MAINTENANCE AND		
132649	4/7/2016	BURGHARDT-DORE ADVERTISING, INC.	404.38	01	85200	DESTINATION MARKETING-WEBSITE MAINTENANCE AND		
132649	4/7/2016	BURGHARDT-DORE ADVERTISING, INC.	425.00	01	85200	DESTINATION MARKETING-WEBSITE MAINTENANCE AND		
		Vendor Total -----	871.38				\$94,633.29	\$120,000.00
132650	4/7/2016	BURKE, WILLIAMS & SORESENSEN, LLP	952.00	01	61051 0005	GENERAL PERSONNEL MATTERS		
132650	4/7/2016	BURKE, WILLIAMS & SORESENSEN, LLP	2,746.95	01	61051 0005	LABOR RELATIONS AND EMPLOYMENT LAW SERVICES		LETTER OF ENGAGEMENT
		Vendor Total -----	3,698.95					
132727	4/22/2016	CALIF BUILDING STANDARDS COMMISSION	370.96	50	24050 0408	BUILDING STANDARDS ADMINISTRATION SPECIAL		
		Vendor Total -----	370.96					
132728	4/22/2016	CALTRONICS BUSINESS SYSTEMS INC	39.13	01	74053	FY 15-16 COPIER USAGE FEE - POLICE DEPARTMENT		
132728	4/22/2016	CALTRONICS BUSINESS SYSTEMS INC	39.13	01	67042	FY 15-16 COPIER USAGE FEE - POLICE DEPARTMENT		
		Vendor Total -----	78.26					
132729	4/22/2016	CALTRONICS	138.45	01	76053	FY 15-16 COPIER USAGE FEE PUBLIC WORKS/FACILITIES		
132729	4/22/2016	CALTRONICS	138.44	01	70053	FY 15-16 COPIER USAGE FEE PUBLIC WORKS/FACILITIES		
132729	4/22/2016	CALTRONICS	76.16	01	76053	INCREASE (ADJUST TO REFLECT USAGE PER MONTH)		
132729	4/22/2016	CALTRONICS	76.16	01	78053	INCREASE (ADJUST TO REFLECT USAGE PER MONTH)		
132729	4/22/2016	CALTRONICS	76.16	01	70053	INCREASE (ADJUST TO REFLECT USAGE PER MONTH)		
		Vendor Total -----	505.37					
132730	4/22/2016	CARMEL PINE CONE	225.00	01	64040	CARMEL PINE CONE INVOICE #1613CCC18 4.1.16		
132730	4/22/2016	CARMEL PINE CONE	135.00	01	64040	LEGAL AD:WORKSHOP-DISCUSS CITY FEE SCHEDULE		
		Vendor Total -----	360.00					
132731	4/22/2016	CARMEL GLASS COMPANY	155.00	01	70050	GLASS REPAIR FOR CARMEL FIRE DEPT.		
		Vendor Total -----	155.00					
132732	4/22/2016	CDM-G GOVERNMENT INC.	312.00	01	67045	IT EQUIPMENT FOR ALL DEPARTS, COMPUTER, MONITORS, KE		
		Vendor Total -----	312.00					
132733	4/22/2016	CENTRAL ELECTRIC COMPANY	468.70	13	78918	RODS FOR ROD & CABLE FENCING ALONG SCENIC		
		Vendor Total -----	468.70					
132651	4/7/2016	CHRISTOPHER DINNER HEATING, INC.	3,251.04	13	70903	REINSTALL EXISTING FURNACE		
		Vendor Total -----	3,251.04					
132652	4/7/2016	CITY OF MONTEREY	1,945.08	01	76049	FY 15/16 VEHICLE REPAIRS PARTS AND LABOR		
132734	4/22/2016	CITY OF MONTEREY	162,372.33	01	72053 0006	MONTHLY SERVICE FEES TO PROVIDE INTERIM FIRE ADMIN		
132734	4/22/2016	CITY OF MONTEREY	7,214.61	07	73053 0006	JULY 2015 AGRMT TO PROVIDE INTERIM AMB/ADMINS SVCS		
132734	4/22/2016	CITY OF MONTEREY	3,876.00	01	60207	DONATION FROM CARMEL CITY COUNCIL TO HOMELESS		
		Vendor Total -----	175,408.02				\$1,582,034.01	\$2,310,042.90
132653	4/7/2016	COASTAL TPA, INC	1,903.43	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
132653	4/7/2016	COASTAL TPA, INC	1,650.19	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
132653	4/7/2016	COASTAL TPA, INC	954.00	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
132653	4/7/2016	COASTAL TPA, INC	646.40	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
132735	4/22/2016	COASTAL TPA, INC	3,575.80	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
132735	4/22/2016	COASTAL TPA, INC	755.18	01	80017	SELF-INSURED DENTAL/VISION EMPLOYEE PRGM COASTAL		
		Vendor Total -----	9,485.00					
132654	4/7/2016	CODY ANDERSON WASNEY ARCHITECTS, INC.	7,586.51	13	70903	FY 15-16 CIP FOREST THEATER-CONSTRUCTION PHASE		
132654	4/7/2016	CODY ANDERSON WASNEY ARCHITECTS, INC.	10,252.00	13	70903	FY 14-15/15-16 FOREST THEATER RENO-ARCC. SERVICES		





132760	4/22/2016	HOLDREN-LITZKE ARCHITECTURE									REFUND OF UNUSED VOLUME DEPOSIT		
		Vendor Total ----->			905.00	50	24050 2528						
132672	4/7/2016	IVERSON TREE SERVICE			1,500.00	13	76912				REMOVED 2 STANDING PINE STUMPS @ CARPENTER/1ST		
		Vendor Total ----->			1,500.00								
132761	4/22/2016	DAVID JEDINAK			13.56	07	73047				REIMBURSE DAVE JEDINAK FOR SLIDER FOR CABINET ON		
		Vendor Total ----->			13.56								
132673	4/7/2016	JNM AUTOMATION			774.38	01	70050				NORTON PARKING ARM REPAIR/SERVICE PW/NORTON GATES		
		Vendor Total ----->			774.38								
132674	4/7/2016	JOHN LEYS TREE SERVICE			850.00	01	78050				TOR HOUSE REMOVE HANGING LIMBS		
132674	4/7/2016	JOHN LEYS TREE SERVICE			825.00	01	78050				STORM CLEANUP TO VARIOUS SITES IN THE CITY		
132762	4/22/2016	JOHN LEYS TREE SERVICE			1,100.00	01	78050				CLEAR FALLEN TREE IN MTNP		
132762	4/22/2016	JOHN LEYS TREE SERVICE			800.00	01	78050				PRUNE TREES @ CAMINO REAL OF 13TH ST.		
132762	4/22/2016	JOHN LEYS TREE SERVICE			1,750.00	01	78050				REMOVE 2 PINE TREES @ FOREST THEATER		
132762	4/22/2016	JOHN LEYS TREE SERVICE			440.00	01	78050				DEADWOOD PINETREE @ W. LINCOLN-13TH & SANTA LUCIA		
132762	4/22/2016	JOHN LEYS TREE SERVICE			450.00	01	78050				REMOVE PINE SPAR-WEST JUNIPERO SOUTH OF 8TH		
		Vendor Total ----->			6,215.00								
132763	4/22/2016	CHRISTOPHER C. JOHNSON			40.13	01	76046				REIMBURSEMENT TO SERGEANT CHRIS JOHNSON FOR		
		Vendor Total ----->			40.13								
132764	4/22/2016	NICOLE KELLY			361.65	01	33404				REFUND PC REFERRAL FEE		
		Vendor Total ----->			361.65								
132765	4/22/2016	KENT L SEAVEY,HISTORIC PRES. CONSULTATION			1,500.00	50	24050 1372				PROFESSIONAL SERVICES PHASE II HISTORIC ASSESEMENT		
		Vendor Total ----->			1,500.00								
132766	4/22/2016	MICHAEL C. KIMBALL			496.00	01	74031				DEPARTMENT SHOULDER PATCHES		
		Vendor Total ----->			496.00								
132767	4/22/2016	KNAPP HARDWARE			34.48	01	76045				FY 15-16 MISC SUPPLIES FOR PUBLIC WORKS/FAC MAINT		
132767	4/22/2016	KNAPP HARDWARE			1.39	01	78045				FY 15-16 FORESTRY SUPPLIES		
132767	4/22/2016	KNAPP HARDWARE			5.42	01	76045				FY 15-16 MISC SUPPLIES FOR PUBLIC WORKS/FAC MAINT		
132767	4/22/2016	KNAPP HARDWARE			34.48	01	70045				FY 15-16 MISC SUPPLIES FOR PUBLIC WORKS/FAC MAINT		
132767	4/22/2016	KNAPP HARDWARE			5.42	01	70045				FY 15-16 MISC SUPPLIES FOR PUBLIC WORKS/FAC MAINT		
		Vendor Total ----->			81.19								
132768	4/22/2016	LAW OFFICES OF VINCENT P. HURLEY			506.48	01	61051				PROF SERVICES:PACIFIC HARVEST SEAFOODS V CARMEL		
		Vendor Total ----->			506.48								
132675	4/7/2016	LEGACY ROOFING & WATERPROOFING INC.			2,044.40	13	70906				SUNSET CTR-ROOF REPL BACH BLDG/REPAIR MAIN BLDG		
132769	4/22/2016	LEGACY ROOFING & WATERPROOFING INC.			4,037.45	13	70906				BACH BUILDING/ROOF REPAIRS		
132769	4/22/2016	LEGACY ROOFING & WATERPROOFING INC.			107.60	13	70906				BACH BUILDING ROOF REPAIR/RETENTION W/HELD ON		
		Vendor Total ----->			6,189.45								
132676	4/7/2016	LEWIS A. LEADER			1,225.00	01	64051				FY 2015-16 PUBLIC INFORMATION OFFICER SERVICES:		\$93,338.00
		Vendor Total ----->			1,225.00								
132770	4/22/2016	ROBERT LITTELL ARCHITECT			595.00	50	24050 2528				PROFESSIONAL SERVICES-VOLUME CALCULATION		\$14,700.00
		Vendor Total ----->			595.00								
132677	4/7/2016	IJU OF NA			220.12	01	67021				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
132677	4/7/2016	IJU OF NA			1,100.62	01	76021				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
132677	4/7/2016	IJU OF NA			440.25	01	78021				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
132677	4/7/2016	IJU OF NA			220.12	01	82021				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
132677	4/7/2016	IJU OF NA			1,100.62	01	84021				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
132677	4/7/2016	IJU OF NA			4,585.31	01	21285				EMPLOYEE & EMPLOYER PENSION CONTRIBUTIONS MAR2016		
		Vendor Total ----->			7,667.04								
132678	4/7/2016	LOPEZ TREE SERVICE			780.00	01	78050				REMOVAL OF FALLEN OAK TREE/STORM CLEANUP		
		Vendor Total ----->			780.00								
132679	4/7/2016	M.J.MURPHY			13.96	01	76045				FY 15-16 PUBLIC WORKS/FACILITIES SUPPLIES		
132679	4/7/2016	M.J.MURPHY			(5.47)	01	76045				FY 15-16 PUBLIC WORKS/FACILITIES SUPPLIES		
132771	4/22/2016	M.J.MURPHY			453.99	01	76045				FY 15-16 PUBLIC WORKS/FACILITIES SUPPLIES		

132680	4/7/2016	M3E ENVIRONMENTAL CONSULTING, LLC	Vendor Total ----->	462.48							
132680	4/7/2016	M3E ENVIRONMENTAL CONSULTING, LLC		950.00	01	70050					
				860.00	01	70050					
			Vendor Total ----->	1,810.00							
132681	4/7/2016	MARTECH INC		250.00	01	67051					
132681	4/7/2016	MARTECH INC		250.00	01	67051					
132681	4/7/2016	MARTECH INC		200.00	01	67051					
132681	4/7/2016	MARTECH INC		350.00	01	67051					
132772	4/22/2016	MARTECH INC		300.00	01	67051					
132772	4/22/2016	MARTECH INC		200.00	01	67051					
			Vendor Total ----->	1,550.00							
132682	4/7/2016	MARTIN'S IRRIGATION		118.38	13	76911					\$28,000.00
			Vendor Total ----->	118.38							
132773	4/22/2016	SUE MC CLOUD		309.62	01	80400					
			Vendor Total ----->	309.62							
132774	4/22/2016	MEDICS FOR LIFE, INC		1,135.00	07	73050					
			Vendor Total ----->	1,135.00							
132683	4/7/2016	ERIC MILLER ARCHITECTS		628.75	50	24050 2507					
			Vendor Total ----->	628.75							
132684	4/7/2016	MISSION LINEN SUPPLY		57.62	01	76053					
132684	4/7/2016	MISSION LINEN SUPPLY		90.17	01	78053					
132684	4/7/2016	MISSION LINEN SUPPLY		90.17	01	78053					
132684	4/7/2016	MISSION LINEN SUPPLY		72.79	01	76053					
132684	4/7/2016	MISSION LINEN SUPPLY		13.76	01	78053					
132684	4/7/2016	MISSION LINEN SUPPLY		17.38	01	78053					
132684	4/7/2016	MISSION LINEN SUPPLY		18.79	01	78053					
			Vendor Total ----->	360.68							
132775	4/22/2016	MISSION LINEN SERVICE		22.51	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		54.63	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		55.11	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		54.63	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		54.63	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		54.63	01	72053					
132775	4/22/2016	MISSION LINEN SERVICE		34.67	01	72053					
			Vendor Total ----->	330.81							
132776	4/22/2016	MONTEREY FIRE EXT. CO.		75.00	01	70050					
132776	4/22/2016	MONTEREY FIRE EXT. CO.		82.35	01	70050					
132776	4/22/2016	MONTEREY FIRE EXT. CO.		418.70	01	70050					
			Vendor Total ----->	576.05							
132777	4/22/2016	MONTEREY COUNTY HERALD		1,342.72	13	76901					
132777	4/22/2016	MONTEREY COUNTY HERALD		881.51	01	67100					
132777	4/22/2016	MONTEREY COUNTY HERALD		1,356.20	13	76905					
			Vendor Total ----->	3,580.43							
132778	4/22/2016	MONTEREY CNTY ANIMAL SERV		1,920.00	01	74053					
			Vendor Total ----->	1,920.00							
132779	4/22/2016	MONTEREY TIRE SERVICE		127.22	01	76048					
			Vendor Total ----->	127.22							
132780	4/22/2016	COUNTY OF MTRY SHERIFF-CORONER		14,028.00	01	74053					
			Vendor Total ----->	14,028.00							
132781	4/22/2016	IMTY COUNTY TELECOMM		675.00	01	74053					
132781	4/22/2016	IMTY COUNTY TELECOMM		105.00	01	72053					
			Vendor Total ----->	780.00							

132685	4/7/2016	MONTEREY BAY URGENT CARE	01 67110	20.00	PRE-EMPLOYMENT MED SCREENING CLIFFORD	
		Vendor Total ----->		20.00		
132686	4/7/2016	MTRY COUNTY CONVENTION & VISITORS BUREAU	01 85203	30,489.50	MCCVB CONTRACT/JURISDICTION INVESTMENT FY15/16	
		Vendor Total ----->		30,489.50		
132687	4/7/2016	MONTEREY BAY ANALYTICAL SERVICES	01 76055	2,760.00	CARMEL STORM WATER SAMPLES	\$146,528.00
		Vendor Total ----->		2,760.00		
132688	4/7/2016	MONTEREY CO MAYOR'S ASSOC	01 60033	1,100.00	2016 ANNUAL DUES	
		Vendor Total ----->		1,100.00		
132782	4/22/2016	MONTEREY COUNTY OFFICE ED	50 24050 0804	13,428.55	VIDEO RECORDING/BROADCASTING OF CITY COUNCIL	
		Vendor Total ----->		13,428.55		\$13,428.55
132783	4/22/2016	MONTEREY BAY TELECOMM SERVICES	01 82055	348.44	INSTALL AND PROGRAM ADDITIONAL EXTENSION AND PHONE	
132783	4/22/2016	MONTEREY BAY TELECOMM SERVICES	01 74050	95.00	TROUBLESHOOT & REPAIR 9-1-1 CALL BOX AT OCEAN	
		Vendor Total ----->		443.44		
132784	4/22/2016	MONTEREY BAY PLANNING SERVICES	13 76904	1,528.24	CIP:CONSULTANT RIO PARK/LARSEN FIELD PROJECT	
132784	4/22/2016	MONTEREY BAY PLANNING SERVICES	13 76904	876.92	FY 15-16 INCREASE PER RESO 2016-011 \$21,500-THIS PO	
		Vendor Total ----->		2,405.16		\$15,876.92
132689	4/7/2016	MOORE TWINING ASSOCIATES, INC	13 70903	641.25	FOREST THEATRE CAP PROJECT:CONSTRUCTION INSPECTION	\$21,500.00
		Vendor Total ----->		641.25		
132785	4/22/2016	STEPHANIE MOWER	01 33405	1,115.95	REFUND OVERPAYMENT FOR DESIGN STUDY	
		Vendor Total ----->		1,115.95		
132690	4/7/2016	ROBERT MULLANE	01 76030	18.00	LUNCH @ LEAGUE OF CA CITIES CONFERENCE SACRAMENTO	
132690	4/7/2016	ROBERT MULLANE	01 76030	295.95	HOTEL CHARGE FOR LEAGUE OF CALIF CITIES @HYATT	
132690	4/7/2016	ROBERT MULLANE	13 78910	39.17	REIMBURSE FOR FIRE PIT DEMO EXPENSES:PROPANE AND	
132690	4/7/2016	ROBERT MULLANE	01 76030	9.87	LUNCH @ LEAGUE OF CA CITIES CONFERENCE SACRAMENTO	
132690	4/7/2016	ROBERT MULLANE	01 76030	25.00	PARKING AT HOTEL @ LEAGUE OF CA CITIES CONF. SAC	
132690	4/7/2016	ROBERT MULLANE	01 76030	5.00	TOLL CHARGE FOR TRAVEL TO LEAGUE OF CA CITIES SAC	
		Vendor Total ----->		392.99		
132691	4/7/2016	JOSEPH MURPHY	01 33405	586.25	REFUND UNUSED VOLUME DEPOSIT	
		Vendor Total ----->		586.25		
132692	4/7/2016	NEILL ENGINEERS CORP.	01 62053	200.00	FY 15-16 CITY ENGINEER SERVICES MONTHLY STIPEND	
132786	4/22/2016	NEILL ENGINEERS CORP.	13 76901	99,853.00	FY 15-16 PHASE 2 PGE STREETS AMENDMENT	
132786	4/22/2016	NEILL ENGINEERS CORP.	13 76905	9,896.00	MONTE VERDE SIDEWALK REPAIRS:DESIGN,BID ASSISTANCE	
		Vendor Total ----->		49,949.00		
132693	4/7/2016	NEXTEL COMMUNICATIONS	01 80036	1,697.83	FY 15-16 TELEPHONE USAGE CELL PHONES	
		Vendor Total ----->		1,697.83		
132694	4/7/2016	OCCU-MED LTD.	01 67110	571.00	PREEMPLOYMENT MED SCREENING POLICE	
132787	4/22/2016	OCCU-MED LTD.	01 67110	771.00	PRE-EMP MED SCREENINGS	
132787	4/22/2016	OCCU-MED LTD.	01 67110	396.50	PRE-EMP MED SCREENINGS	
132787	4/22/2016	OCCU-MED LTD.	01 67110	317.50	PRE-EMP MED SCREENINGS	
		Vendor Total ----->		2,056.00		
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	55.03	OFFICE SUPPLIES:PAPER/PENS/TAPE/STAPLES/TONER/	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	14.10	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	2.64	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	3.95	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	10.15	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	142.20	OFFICE SUPPLIES TO SET UP NEW WORKSTATION	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	68.99	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	17.20	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 76043	63.98	OFFICE SUPPLIES:FOLDERS/COFFEE SUPPLIES/DIVIDERS	
132695	4/7/2016	OFFICE DEPOT, INC.	01 76043	57.84	VARIOUS SUPPLIES FOR PW/FORESTRY	
132695	4/7/2016	OFFICE DEPOT, INC.	01 67043	7.24	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	01 69043	72.22	FY 15-16 OFFICE SUPPLIES	

132695	4/7/2016	OFFICE DEPOT, INC.	51.96	01	69043	FY 15-16 OFFICE SUPPLIES	
132695	4/7/2016	OFFICE DEPOT, INC.	110.07	01	64043	OFFICE SUPPLIES,PAPER/PENS/TAPE/STAPLES/TONER/	
132695	4/7/2016	OFFICE DEPOT, INC.	28.21	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	5.29	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	7.90	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	20.31	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	137.99	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	34.39	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	178.62	01	76043	OFFICE SUPPLIES,LABEL TAPE/COFFEE & SUPPLIES	
132695	4/7/2016	OFFICE DEPOT, INC.	14.47	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	13.76	01	67043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	17.20	01	67043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	27.52	01	64043	FY 15-16 INCREASE	
132695	4/7/2016	OFFICE DEPOT, INC.	34.39	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	61.80	01	69043	FY 15-16 OFFICE SUPPLIES	
132788	4/22/2016	OFFICE DEPOT, INC.	17.90	01	69043	FY 15-16 OFFICE SUPPLIES	
132788	4/22/2016	OFFICE DEPOT, INC.	27.91	01	64053	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	138.50	01	82055	INVOICE 830188010001/MAR 17/16 - TONER AND PAPER F	
132788	4/22/2016	OFFICE DEPOT, INC.	83.21	01	74043	FOLDERS, BOXES, PENS & BINDERS FOR PD	
132788	4/22/2016	OFFICE DEPOT, INC.	6.98	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	12.09	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	3.50	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	427.58	01	70920	DESK-OFFICE MODERNIZATION NEW OFFICE	
132788	4/22/2016	OFFICE DEPOT, INC.	177.00	01	74042	PENS, COPY PAPER, INDEX CARDS, LABEL TAPE FOR	
132788	4/22/2016	OFFICE DEPOT, INC.	4.15	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	55.66	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	126.80	01	64053	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	7.88	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	20.75	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	133.60	01	82055	INVOICE 830190498001 - 3/18/16 HUTCH FOR COMMUNIT	
132788	4/22/2016	OFFICE DEPOT, INC.	13.96	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	24.18	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	7.01	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	228.10	01	70920	OFFICE CHAIR-OFFICE MODERNIZATION-NEW OFFICE	
132788	4/22/2016	OFFICE DEPOT, INC.	8.30	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	111.33	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	15.77	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	41.49	01	64043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	287.10	01	82055	INV 830190499001 3/18/16 CHAIR FOR LOR/ACT 01/82-	
132788	4/22/2016	OFFICE DEPOT, INC.	11.67	01	64053	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	0.42	01	67043	FY 15-16 INCREASE	
132788	4/22/2016	OFFICE DEPOT, INC.	0.83	01	64043	FY 15-16 INCREASE	
		Vendor Total ----->	3,253.09				
132696	4/7/2016	OVERHEAD DOOR CO OF SALINAS	226.82	01	70045	FY-15-16 OVERHEAD DOOR REPAIRS-PW DEPT.	
132789	4/22/2016	OVERHEAD DOOR CO OF SALINAS	586.48	01	70045	FY-15-16 OVERHEAD DOOR REPAIRS-PW DEPT.	
		Vendor Total ----->	813.30				
132697	4/7/2016	PACIFIC GAS & ELECTRIC CO	7,396.87	01	80026	FY 15/16:GAS & ELECTRIC SERVICES ALL FACILITIES	
		Vendor Total ----->	7,396.87				
132790	4/22/2016	PACIFIC CREST ENGINEERING INC	405.00	13	70903	FOREST THEATER GEOTECH ENGINEERING/SOIL SURVEY	
		Vendor Total ----->	405.00				
132698	4/7/2016	PACIFIC GAS & ELECTRIC	98.92	01	80026	FY 15-16 INCREASE	\$14,596.83
		Vendor Total ----->	98.92				

132699	4/7/2016	PACIFIC GAS & ELECTRIC	01 80026	16.37	SCENIC RESTROOMS:GAS & ELECTRIC SERVICE	
		Vendor Total ----->		16.37		
132791	4/22/2016	PALACE ART & OFFICE SUPPLY	01 67053	1,552.90	2 DESK UNITS FOR BUSINESS OFFICE	
		Vendor Total ----->		1,552.90		
132700	4/7/2016	PENINSULA MESSENGER SERVICE	01 80204	4,059.00	FY 15-16 MAIL SORTING AND DELIVERY CONTRACT	
		Vendor Total ----->		4,059.00		\$60,000.00
132701	4/7/2016	PENINSULA HYDRONICS INC.	01 70050	443.30	CITY HALL STAFF RESTROOM/PLUMBING REPLACEMENT	
		Vendor Total ----->		443.30		
132792	4/22/2016	PENINSULA WELDING & MEDICAL SUPPLY, INC	07 73603	70.81	FY 15-16 INCREASE - AMBULANCE OXYGEN	
132792	4/22/2016	PENINSULA WELDING & MEDICAL SUPPLY, INC	07 73603	218.44	FY 15-16 OXYGEN AND CANNISTER RENTAL AMBULANCE USE	
132792	4/22/2016	PENINSULA WELDING & MEDICAL SUPPLY, INC	07 73603	55.90	FY 15-16 INCREASE - AMBULANCE OXYGEN	
132792	4/22/2016	PENINSULA WELDING & MEDICAL SUPPLY, INC	07 73603	38.76	FY 15-16 INCREASE - AMBULANCE OXYGEN	
132792	4/22/2016	PENINSULA WELDING & MEDICAL SUPPLY, INC	07 73603	63.00	FY 15-16 INCREASE - AMBULANCE OXYGEN	
		Vendor Total ----->		446.91		
132793	4/22/2016	PIE SERVICES (INC)	01 69051	600.00	PBD-MONTHLY SERVICE FEE FOR MAILING LABEL SOFTWARE	
		Vendor Total ----->		600.00		\$2,400.00
132702	4/7/2016	MICHAEL BAKER INTERNATIONAL INC	01 69051	4,450.00	2/2/16 INCREASE PER RESOLUTION 2015-101 \$25000	
132702	4/7/2016	MICHAEL BAKER INTERNATIONAL INC	01 69051	4,930.00	INCREASE FY 15-16 PER RESOLUTION 2016-017	
132794	4/22/2016	MICHAEL BAKER INTERNATIONAL INC	01 69051	8,447.50	INCREASE FY15-16	
132794	4/22/2016	MICHAEL BAKER INTERNATIONAL INC	01 69051	3,472.50	INCREASE FY 15-16 PER RESOLUTION 2016-017	
		Vendor Total ----->		21,300.00		\$94,285.88
132703	4/7/2016	POE'S PLUMBING & BACKFLOW	01 70050	930.60	DEL MAR URINAL REPLACEMENT	
132703	4/7/2016	POE'S PLUMBING & BACKFLOW	01 70050	380.00	JETTER/LABOR @ SANTA LUCIA/SCENIC RR	
		Vendor Total ----->		1,310.60		
132795	4/22/2016	WARREN POITRAS	01 74030	50.46	REIMBURSEMENT TO PETE POITRAS FOR MEAL ALLOWANCE	
		Vendor Total ----->		50.46		
132699	4/1/2016	PORAC LAW ENFORCEMENT NEWS	01 67100	1,590.00	RECRUITMENT AD CARMEL POLICE DEPT	
132796	4/22/2016	PORAC LAW ENFORCEMENT NEWS	01 67100	580.00	RECRUITMENTS:CARMEL PD MAY 2016	
		Vendor Total ----->		2,170.00		
132797	4/22/2016	PROFORCE LAW ENFORCEMENT	01 74057	455.19	TASER CARTRIDGES & HOLSTERS	
		Vendor Total ----->		455.19		
132798	4/22/2016	PSTS, INC.	01 76049	525.00	MAINT 2 MONTHS/BIOCELL DUMP SURCHARGE	
		Vendor Total ----->		525.00		
132799	4/22/2016	PUBLIC SAFETY TRAINING INSTITUTE	01 74030	95.00	REGISTRATION FEE FOR CORPORAL LIGHTFOOT FOR	
		Vendor Total ----->		95.00		
132704	4/7/2016	PUBLIC STORAGE INC	01 67053	573.00	CITY STORAGE UNIT FOR DOCUMENTS OFFSITE FY15/16	
132800	4/22/2016	PUBLIC STORAGE INC	01 67053	573.00	CITY STORAGE UNIT FOR DOCUMENTS OFFSITE FY15/16	
		Vendor Total ----->		1,146.00		
132801	4/22/2016	PURSUIT NORTH	40 74803	17,163.73	OUTFITTING OF NEW PATROL VEHICLE	
		Vendor Total ----->		17,163.73		
132802	4/22/2016	QUILL CORPORATION	01 82042	300.00	PAPER AND TONER FOR COMMUNITY ACTIVITIES/INV 43341	
132802	4/22/2016	QUILL CORPORATION	01 82055	216.31	PAPER AND TONER FOR COMMUNITY ACTIVITIES/INV 43341	
		Vendor Total ----->		516.31		
132803	4/22/2016	RALPH ANDERSEN & ASSOCIATES	01 67100	7,500.00	BACKGROUND FOR CITY ADMINISTRATOR	
		Vendor Total ----->		7,500.00		
132804	4/22/2016	RANCHO CAR WASH	01 74050	72.59	CARWASHES FOR MONTH OF MARCH 2016	
		Vendor Total ----->		72.59		
132705	4/7/2016	RANA CREEK HABITAT RESTOR	01 78045	992.29	VARIOUS PLANTS FOR ROOF GARDEN PLANTS@ SCENIC RR	
		Vendor Total ----->		992.29		
132706	4/7/2016	RINCON CONSULTANTS INC	01 69051	8,840.00	FY15-16 REMAINDER OF CONTRACT-PLANNING STAFFING	
132805	4/22/2016	RINCON CONSULTANTS INC	01 69051	12,073.54	FY15-16 REMAINDER OF CONTRACT-PLANNING STAFFING	
132805	4/22/2016	RINCON CONSULTANTS INC	01 69051	81.46	FY 15-16 INCREASE	
		Vendor Total ----->		21,987.29		\$152,000.00

MULTI FY



132712	4/7/2016	TOPE'S TREE SERVICE INC.	2,667.50	01	78050	STORM CLEAN UP IN VARIOUS AREAS OF THE CITY
		Vendor Total ----->	3,467.50			
132713	4/7/2016	TORO PETROLEUM	9,765.20	01	76046	INV# 62472 3/29/16
		Vendor Total ----->	9,765.20			
132714	4/7/2016	TRITON CONSTRUCTION COMPANY	8,676.40	01	76050	FY 15-16 PERFORM UNDERGROUND STORAGE TANK REPAIRS
		Vendor Total ----->	8,676.40			
132715	4/7/2016	TRUCKSIS ENTERPRISES,INC.	184.66	01	70045	FLAG REPLACEMENT HML
132715	4/7/2016	TRUCKSIS ENTERPRISES,INC.	340.00	01	69053	FY 15-16 PUT UP AND TAKE DOWN BANNERS OCEAN AVE
132715	4/7/2016	TRUCKSIS ENTERPRISES,INC.	581.99	01	80400	CENTENNIAL EXPENSES:GRAPHIC DESIGN RECREATING
132715	4/7/2016	TRUCKSIS ENTERPRISES,INC.	116.88	01	80400	CENTENNIAL EXPENSES:RE-INSTALL 20 BANNERS ON OCEAN
132820	4/22/2016	TRUCKSIS ENTERPRISES,INC.	255.00	01	69053	FY 15-16 PUT UP AND TAKE DOWN BANNERS OCEAN AVE
132820	4/22/2016	TRUCKSIS ENTERPRISES,INC.	340.00	01	69053	FY 15-16 PUT UP AND TAKE DOWN BANNERS OCEAN AVE
		Vendor Total ----->	340.00	01	69053	
132716	4/7/2016	ULINE SHIPPING SUPPLY SPECIALISTS	2,158.53			
		Vendor Total ----->	1,140.54	01	76057	NINJA FLEX COATED GLOVES/100 18" TRAFFIC CONES
132821	4/22/2016	UNION BANK OF CALIFORNIA	56,221.53	08	91815	CARMEL 2012 TAXABLE PENSION OBLIGATION BOND
132821	4/22/2016	UNION BANK OF CALIFORNIA	584,999.97	08	91814	CARMEL 2012 TAXABLE PENSION OBLIGATION BOND
		Vendor Total ----->	641,221.50			
132717	4/7/2016	US BANK	282.95	01	67049	NEWTEK TECH MONTHLY IT SUPPORT FEB2016
132822	4/22/2016	US BANK	95.00	01	70920	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	307.95	01	67049	NEWTEK IT MONTHLY SUPPORT/CALPELRA TRAINING
132822	4/22/2016	US BANK	36.00	01	76030	M.BRANSON CAL-CARD APWA TRAINING,URBAN FOREST
132822	4/22/2016	US BANK	59.29	01	76046	FUEL PURCHASES FOR TRAVEL TO ONTARIO FOR
132822	4/22/2016	US BANK	540.71	01	82055	INV. 24164076071104071488434 DESK AND HUTCH FOR CA
132822	4/22/2016	US BANK	68.29	01	74037	RADIO BATTERIES, DINNER FOR COMMANDER FOR MCPOA
132822	4/22/2016	US BANK	182.72	01	74042	CARTRIDGE PRINTERS, DVDS FOR IN CAR VIDEO MACHINE,
132822	4/22/2016	US BANK	551.30	01	67030	FIN ADM SVCS:CARD ENDING 7907 4/6/16
132822	4/22/2016	US BANK	23.00	01	76043	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	1,020.00	01	67030	NEWTEK IT MONTHLY SUPPORT/CALPELRA TRAINING
132822	4/22/2016	US BANK	200.00	01	78033	M.BRANSON CAL-CARD APWA TRAINING,URBAN FOREST
132822	4/22/2016	US BANK	704.84	01	74031	RADIO BATTERIES, DINNER FOR COMMANDER FOR MCPOA
132822	4/22/2016	US BANK	111.37	01	72057	CARTRIDGE PRINTERS, DVDS FOR IN CAR VIDEO MACHINE,
132822	4/22/2016	US BANK	48.61	01	60207	FIN ADM SVCS:CARD ENDING 7907 4/6/16
132822	4/22/2016	US BANK	131.25	13	78910	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	53.79	13	78910	M.BRANSON CAL-CARD APWA TRAINING,URBAN FOREST
132822	4/22/2016	US BANK	1,295.68	01	74030	RADIO BATTERIES, DINNER FOR COMMANDER FOR MCPOA
132822	4/22/2016	US BANK	34.28	01	74095	CARTRIDGE PRINTERS, DVDS FOR IN CAR VIDEO MACHINE,
132822	4/22/2016	US BANK	30.00	01	80400	FIN ADM SVCS:CARD ENDING 7907 4/6/16
132822	4/22/2016	US BANK	204.04	01	70045	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	730.49	01	74057	RADIO BATTERIES, DINNER FOR COMMANDER FOR MCPOA
132822	4/22/2016	US BANK	76.56	01	74054	CARTRIDGE PRINTERS, DVDS FOR IN CAR VIDEO MACHINE,
132822	4/22/2016	US BANK	31.56	01	70045	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	138.12	01	74095	RADIO BATTERIES, DINNER FOR COMMANDER FOR MCPOA
132822	4/22/2016	US BANK	280.96	13	70903	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	107.29	13	70903	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
132822	4/22/2016	US BANK	136.64	01	76045	C.WATERS CAL-CARD-FURNITURE ASSEMBLY,APWA POSTER,
		Vendor Total ----->	7,476.69			
132718	4/7/2016	VERIZON WIRELESS	203.23	01	80036	FY 15-16 TELEPHONE USAGE CELL PHONES
		Vendor Total ----->	203.23			
132823	4/22/2016	VERIZON WIRELESS	228.06	07	73053	FY 15-16 INCREASE
132823	4/22/2016	VERIZON WIRELESS	14.04	07	73053	CELL PHONE BILLING FOR FEB 11 TO MARCH 10 FOR

132719	4/7/2016	Vendor Total ----->	242.10				
		WAGEWORKS	170.00	01. 99017		FLEX SPENDING ACCT FOR EMP(AFLAC)ANNUAL ADMIN FEE	
		Vendor Total ----->	170.00				
132824	4/22/2016	ZOOM IMAGING SOLUTIONS, INC.	26.01	01. 74053		SHIPPING FOR PRINTER CARTRIDGES	
		Vendor Total ----->	26.01				
187 Checks Grand Total ->			1,435,127.31				



# CITY OF CARMEL-BY-THE-SEA

June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Ashlee Wright, City Clerk

**SUBJECT:** Monthly Reports: Contracts with the City Administrator, Community Planning and Building Department Reports, Police, Fire, Ambulance, Beach Reports, Public Records Act Requests, Forester Report, and City Treasurer's Investment Report

## RECOMMENDATION

Accept the Reports.

## ATTACHMENTS

1. Contracts executed within the City Administrator's signing authority for the month of April
2. Community Planning and Building Reports for the month of April
3. Police, Fire, Ambulance and Beach Reports for the month of April
4. Public Records Act Requests for the Month of April
5. Forester Reports for the month of April
6. City Treasurer's Investment Report for the month of April

**APPROVED:**

Handwritten signature of Chip Rerig in blue ink.

Chip Rerig, City Administrator

Date: 6.1.16



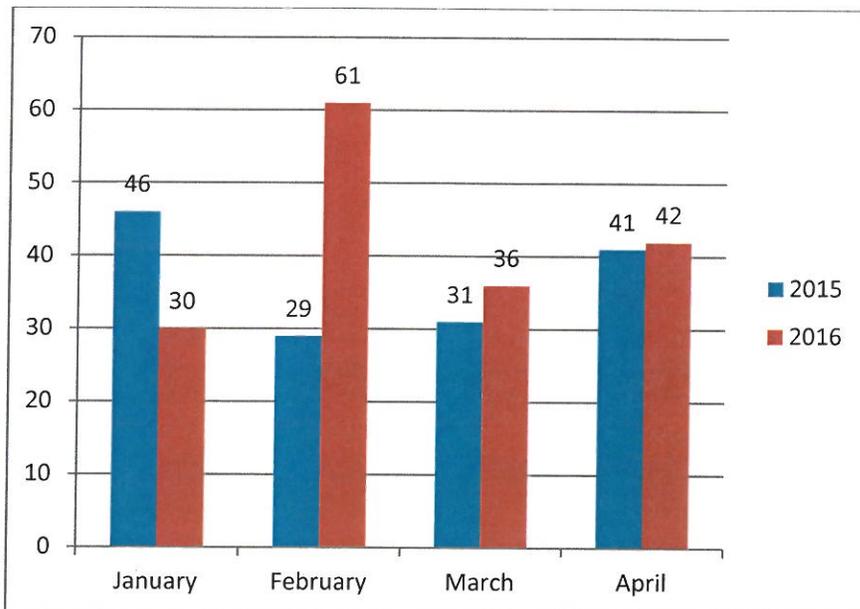
CITY OF CARMEL-BY-THE-SEA  
COMMUNITY PLANNING & BUILDING DEPARTMENT  
INTEROFFICE MEMO

TO: Chip Rerig, City Administrator  
FROM: Marc Wiener, Interim Community Planning and Building Director  
DATE: June 6, 2016  
REF: Community Planning and Building Monthly Summary – April 2016

I. PLANNING APPLICATIONS:

In April of 2016, 42 Planning Permit applications were received (Chart 1). Chart 1 shows the total number of applications received during the months of January through April of 2016 and includes a comparison to permit activity in 2015.

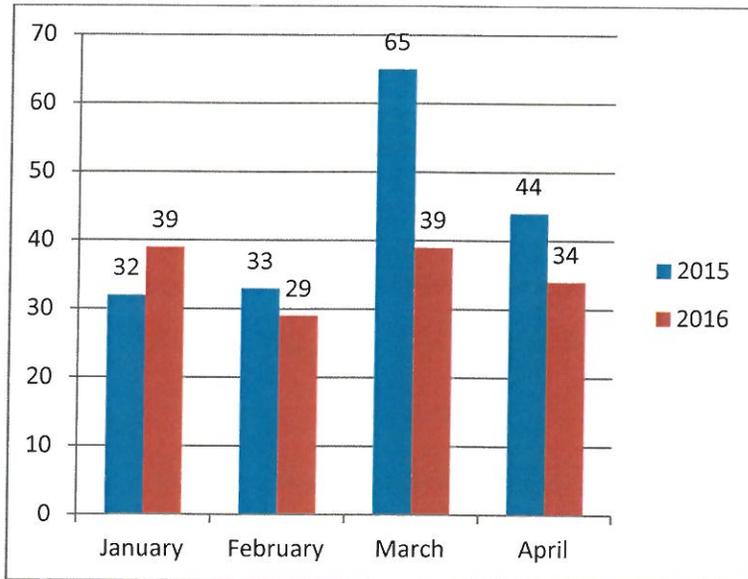
**Chart 1 – Planning Permits**



## II. BUILDING APPLICATIONS:

In April of 2016, 34 Building Permit applications were received (Chart 2). Chart 2 shows the total number of applications received January through April of 2016 and includes a comparison to permit activity in 2015.

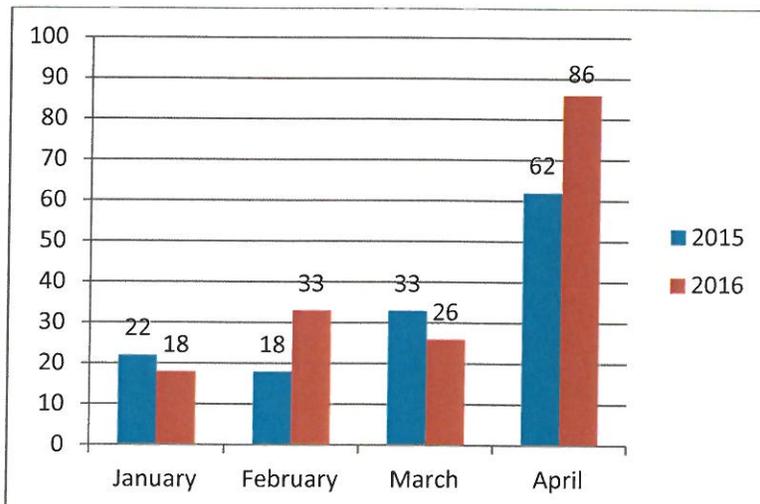
**Chart 2 – Building Permits**



## III. CODE COMPLIANCE CASES:

In April of 2016, 86 new code compliance cases were initialized (Chart 3). Chart 3 shows the total amount of activity during the months of January through April of 2016 and includes a comparison to permit activity in 2015.

**Chart 3 – Code Compliance**



#### IV. YEAR-TO-DATE TRENDS

Table 1 includes the 2016 year-to-date totals (Jan – April), for Planning and Building Permit Applications, and code compliance cases with a comparison to 2015. As indicated in the table, there has been a 14% increase in planning permits and a 19% increase in code compliance cases in comparison to last year. Building permit applications are down 21% from last year.

**Table 1 (Jan - April)**

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>
<b>2015 Year-To-Date</b>	147	174	135
<b>2016 Year-To-Date</b>	169	141	163
<b>% Difference</b>	14%	-21%	19%

#### V. CURRENT ACTIVITES

- Short-Term Rentals: The Code Compliance Division continues to work diligently on the issue of short-term rentals. The City has contacted 25 property owners by phone and mail, who have been identified as advertising short-term rentals on-line. To date, 16 have come into compliance by either removing the on-line listing or revising the listing so that the rental term is greater than 30 days. The Code Compliance Division has provided the City Attorney with a short-term rental case that will be the subject of legal action.
- Restaurant Subcommittee: Numerous individuals have expressed interest in being on the Restaurant Subcommittee. The subcommittee will meeting with these individuals and based on the meetings will provide a recommendation to the Planning Commission for the appointment of additional members. The intent is to expand the subcommittee with 1-2 representatives of the restaurant community and at least 1 representative of the Carmel Residents Association.
- Mission Trail Nature Preserve – On May 11<sup>th</sup>, the Planning Commission approved a Coastal Development Permit for invasive species removal and maintenance activities in Mission Trail Nature Preserve. The permit is valid for 5 years and will
- Carmel Plaza Renovation – On May 11<sup>th</sup>, the Planning Commission conducted a conceptual review for a substantial make-over of the Carmel Plaza. The proposed project includes significant changes to the interior including new landscaping, railings, stair reconfiguration, and lighting. New signage is proposed at the entries.

# CITY OF CARMEL-BY-THE-SEA POLICE DEPARTMENT

Post Office Box 600, Carmel, California 93921 Ph:831-624-6403 Fax:831-624-4296

## MEMORANDUM

**TO:** CHIP RERIG, CITY ADMINISTRATOR  
**FROM:** PAUL TOMASI, POLICE COMMANDER  
**DATE:** 05/16/16  
**REF:** RESPONSE SUMMARY REPORT FOR APRIL

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### Summary of Carmel Fire Ambulance April Calls for Service

#### AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of April 2016 the ambulance exceeded the performance measure at 100% with (0) code-3 call over 5 minutes.

58 calls for service in CBTS Average response time: 2:46 min.  
40 Code 3 calls for service –No responses over 5:00 min.

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### Summary of Monterey Fire April Calls for Service

#### FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of April 2016 the fire department exceeded the performance measure at 98% with (1) code-3 call over 5 minutes.

70 total calls for service in CBTS Average response time: 2:48 min.  
52 total Code-3 calls

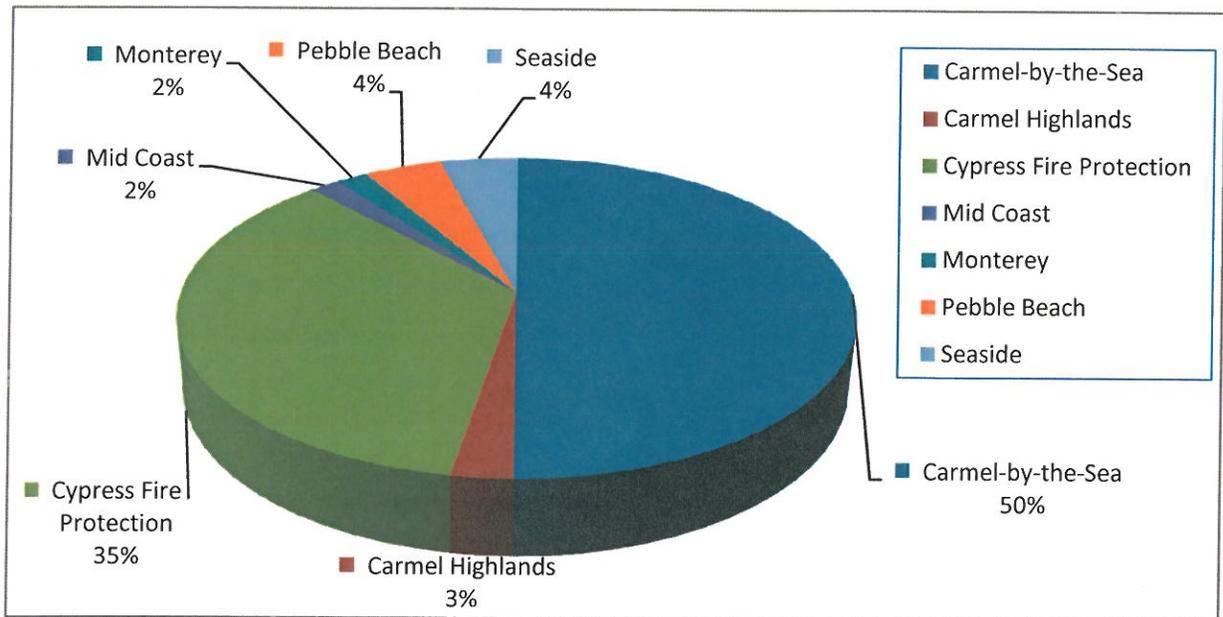
- (1) Code 3 call with a response time over 5 minutes:
- 16-0002610: (5:08 min) Monterey & 3<sup>rd</sup>: Slow response in hazard area due to wires down.

CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT  
APRIL 2016

Response Summary Report by District Type

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
Carmel-by-the-Sea	58	0:02:46
Carmel Highlands	3	0:07:04
Cypress Fire Protection	41	0:05:21
Mid Coast	2	0:23:05
Monterey	2	0:05:02
Pebble Beach	5	0:07:51
Seaside	5	0:09:01
<b>Total Responses</b>	<b>116</b>	<b>0:04:33</b>

Percent of code 3 response medical calls < 5min                      100.00%





# RESPONSE SUMMARY REPORT BY INCIDENT TYPE

27060 CARMEL-BY-THE-SEA

Alarm Date From: 4/1/2016 To: 4/30/2016



INCIDENT	DATE	ALARM	ARRIVAL	RESPONSE	STREET	
<b>111 Building fire</b>						
16-0002276	4/11/2016	21:17:59	21:22:13	0:04:14	11TH	CAMINO REAL
16-0002514	4/21/2016	20:13:50	20:16:28	0:02:38	4TH	LINCOLN
16-0002681	4/29/2016	03:18:48	03:23:47	0:04:59	4TH	SAN ANTONIO
<b>Subtotal</b>	<b>3</b>	<b>Average Response Time</b>		<b>0:03:57</b>		
<b>151 Outside rubbish, trash or waste fire</b>						
16-0002327	4/14/2016	10:10:01	10:12:32	0:02:31	MISSION	OCEAN
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:02:31</b>		
<b>251 Excessive heat, scorch burns with no ignition</b>						
16-0002291	4/12/2016	22:40:29	22:41:09	0:00:40	6TH	JUNIPERO
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:00:40</b>		
<b>311 Medical assist, assist EMS crew</b>						
16-0002103	4/3/2016	19:14:31	19:14:43	0:00:12	DOLORES	OCEAN
16-0002131	4/4/2016	18:58:28	19:00:23	0:01:55	6TH	MISSION
16-0002434	4/18/2016	19:56:19	19:59:26	0:03:07	11TH	CASANOVA
16-0002462	4/19/2016	20:56:25	20:58:00	0:01:35	7TH	SAN CARLOS
16-0002466	4/20/2016	01:05:15	01:08:24	0:03:09	5TH	DOLORES
16-0002553	4/23/2016	16:46:39	16:49:16	0:02:37	DEL MAR	DEL MAR
16-0002567	4/24/2016	10:34:53	10:35:03	0:00:10	6TH	MISSION
<b>Subtotal</b>	<b>7</b>	<b>Average Response Time</b>		<b>0:01:49</b>		
<b>3111 Medical Call No Aid Given</b>						
16-0002091	4/3/2016	10:20:58	10:23:26	0:02:28	9TH	MONTE VERDE
16-0002126	4/4/2016	16:31:49	16:34:13	0:02:24	10TH	CASANOVA
16-0002639	4/26/2016	19:07:02	19:08:58	0:01:56	7TH	DOLORES
<b>Subtotal</b>	<b>3</b>	<b>Average Response Time</b>		<b>0:02:16</b>		
<b>321 EMS call, excluding vehicle accident with injury</b>						
16-0002055	4/1/2016	20:38:15	20:41:49	0:03:34	10TH	TORRES
16-0002062	4/2/2016	08:31:13	08:31:41	0:00:28	DEL MAR	OCEAN
16-0002064	4/2/2016	09:14:28	09:16:08	0:01:40	6TH	MONTE VERDE
16-0002122	4/4/2016	13:28:39	13:31:38	0:02:59	1ST	TORRES
16-0002140	4/5/2016	08:26:25	08:30:15	0:03:50	1ST	SANTA FE
16-0002168	4/6/2016	10:17:07	10:19:26	0:02:19	8TH	LINCOLN
16-0002184	4/6/2016	21:45:02	21:48:38	0:03:36	MOUNTAIN VIEW	VIZCAINO
16-0002191	4/7/2016	09:08:36	09:11:26	0:02:50	8TH	LINCOLN

16-0002202	4/7/2016	18:04:50	18:08:16	0:03:26	2ND	DOLORES
16-0002209	4/8/2016	08:14:36	08:18:22	0:03:46	13TH	SAN ANTONIO
16-0002224	4/8/2016	21:03:32	21:04:48	0:01:16	6TH	SANTA FE
16-0002300	4/13/2016	05:26:08	05:30:13	0:04:05	8TH	JUNIPERO
16-0002306	4/13/2016	11:05:00	11:07:36	0:02:36	DOLORES	
16-0002383	4/16/2016	20:19:41	20:22:00	0:02:19	4TH	SAN ANTONIO
16-0002390	4/17/2016	05:16:39	05:20:10	0:03:31	7TH	CASANOVA
16-0002399	4/17/2016	12:00:59	12:04:24	0:03:25	RIO	LASUEN
16-0002426	4/18/2016	16:02:08	16:03:15	0:01:07	MISSION	OCEAN
16-0002474	4/20/2016	10:12:23	10:13:58	0:01:35	JUNIPERO	OCEAN
16-0002526	4/22/2016	08:43:02	08:46:30	0:03:28	7TH	FOREST
16-0002595	4/25/2016	10:56:33	10:58:25	0:01:52	6TH	SANTA FE
16-0002640	4/26/2016	19:31:01	19:34:19	0:03:18	12TH	LINCOLN
16-0002656	4/27/2016	18:38:18	18:40:11	0:01:53	4TH	JUNIPERO
16-0002660	4/27/2016	20:21:50	20:23:55	0:02:05	7TH	LINCOLN
16-0002699	4/29/2016	20:21:51	20:24:53	0:03:02	9TH	SAN CARLOS
16-0002707	4/30/2016	10:12:55	10:15:47	0:02:52	3RD	JUNIPERO
16-0002720	4/30/2016	20:24:15	20:26:08	0:01:53	9TH	MISSION
<b>Subtotal</b>	<b>26</b>		<b>Average Response Time</b>	<b>0:02:39</b>		

**324 Motor Vehicle Accident with no injuries**

16-0002623	4/26/2016	10:49:10	10:50:52	0:01:42	CAMINO DEL MONTE	SAN CARLOS
<b>Subtotal</b>	<b>1</b>		<b>Average Response Time</b>	<b>0:01:42</b>		

**331 Lock-in (if lock out , use 511 )**

16-0002154	4/5/2016	18:28:56	18:29:36	0:00:40	JUNIPERO	OCEAN
<b>Subtotal</b>	<b>1</b>		<b>Average Response Time</b>	<b>0:00:40</b>		

**411 Gasoline or other flammable liquid spill**

16-0002375	4/16/2016	16:41:18	16:44:03	0:02:45	5TH	SAN CARLOS
<b>Subtotal</b>	<b>1</b>		<b>Average Response Time</b>	<b>0:02:45</b>		

**440 Electrical wiring/equipment problem, Other**

16-0002365	4/16/2016	12:15:31	12:15:31	0:00:00	OCEAN	JUNIPERO
<b>Subtotal</b>	<b>1</b>		<b>Average Response Time</b>	<b>0:00:00</b>		

**444 Power line down**

16-0002554	4/23/2016	17:33:25	17:36:29	0:03:04	PALOU	CASANOVA
16-0002598	4/25/2016	12:07:01	12:10:17	0:03:16	11TH	CASANOVA
16-0002610	4/25/2016	17:41:05	17:46:13	0:05:08	* 3RD	MONTEREY
<b>Subtotal</b>	<b>3</b>		<b>Average Response Time</b>	<b>0:03:49</b>		

**451 Biological hazard, confirmed or suspected**

16-0002115	4/4/2016	08:26:57	08:30:33	0:03:36	8TH	MONTE VERDE
<b>Subtotal</b>	<b>1</b>		<b>Average Response Time</b>	<b>0:03:36</b>		

**463 Vehicle accident, general cleanup**

16-0002094	4/3/2016	13:14:29	13:18:40	0:04:11	2ND	SANTA RITA
16-0002218	4/8/2016	15:46:22	15:48:49	0:02:27	12TH	SAN CARLOS
<b>Subtotal</b>	<b>2</b>		<b>Average Response Time</b>	<b>0:03:19</b>		

<b>481</b>	<b>Attempt to burn</b>					
16-0002419	4/18/2016	11:23:44	11:26:05	0:02:21	OCEAN	SAN CARLOS
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:02:21</b>		
<b>510</b>	<b>Person in distress, Other</b>					
16-0002172	4/6/2016	11:45:05	11:50:12	0:05:07	* 10TH	SCENIC
16-0002381	4/16/2016	19:21:32	19:24:33	0:03:01	9TH	MONTE VERDE
<b>Subtotal</b>	<b>2</b>	<b>Average Response Time</b>		<b>0:04:04</b>		
<b>520</b>	<b>Water problem, Other</b>					
16-0002236	4/9/2016	11:44:31	11:46:26	0:01:55	OCEAN	SANTA FE
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:01:55</b>		
<b>541</b>	<b>Animal problem</b>					
16-0002684	4/29/2016	10:25:02	10:28:44	0:03:42	9TH	SAN CARLOS
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:03:42</b>		
<b>551</b>	<b>Assist police or other governmental agency</b>					
16-0002710	4/30/2016	12:39:44	12:47:33	0:07:49	* 12TH	SCENIC
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:07:49</b>		
<b>554</b>	<b>Assist invalid</b>					
16-0002076	4/2/2016	18:46:00	18:48:53	0:02:53	5TH	GUADALUPE
16-0002453	4/19/2016	14:01:56	14:07:48	0:05:52	* 13TH	CARMELO
16-0002704	4/30/2016	08:51:33	08:54:58	0:03:25	2ND	LOPEZ
16-0002715	4/30/2016	17:27:44	17:30:08	0:02:24	10TH	CAMINO REAL
<b>Subtotal</b>	<b>4</b>	<b>Average Response Time</b>		<b>0:03:38</b>		
<b>611</b>	<b>Dispatched &amp; cancelled en route</b>					
16-0002574	4/24/2016	14:50:18	14:51:58	0:01:40	LINCOLN	OCEAN
16-0002694	4/29/2016	18:01:12	18:02:50	0:01:38	5TH	LINCOLN
<b>Subtotal</b>	<b>2</b>	<b>Average Response Time</b>		<b>0:01:39</b>		
<b>622</b>	<b>No Incident found on arrival at dispatch address</b>					
16-0002287	4/12/2016	19:33:51	19:36:17	0:02:26	5TH	LINCOLN
16-0002455	4/19/2016	15:34:51	15:36:58	0:02:07	RIO	SANTA LUCIA
<b>Subtotal</b>	<b>2</b>	<b>Average Response Time</b>		<b>0:02:16</b>		
<b>733</b>	<b>Smoke detector activation due to malfunction</b>					
16-0002043	4/1/2016	14:13:09	14:17:24	0:04:15	JUNIPERO	
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:04:15</b>		
<b>735</b>	<b>Alarm system sounded due to malfunction</b>					
16-0002394	4/17/2016	09:16:46	09:20:19	0:03:33	1ST	SANTA RITA
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:03:33</b>		
<b>740</b>	<b>Unintentional transmission of alarm, Other</b>					
16-0002233	4/9/2016	11:19:54	11:22:35	0:02:41	LINCOLN	
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:02:41</b>		

745 Alarm system activation, no fire - unintentional						
16-0002690	4/29/2016	13:31:28	13:37:40	0:06:12	* 10TH	CARMELO
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:06:12</b>		

7451 Medical Alarm Device activation, no medical						
16-0002676	4/28/2016	17:58:37	18:01:55	0:03:18	9TH	JUNIPERO
<b>Subtotal</b>	<b>1</b>	<b>Average Response Time</b>		<b>0:03:18</b>		

**TOTAL**      70      **TOTAL AVERAGE RESPONSE TIME** 0:02:48

\* Over 5 minute responses:

- 16-0002610      Response time extended due to slow speed when entering the reported area of hazard.
- 16-0002172      Code 2 response, non emergency.
- 16-0002710      Code 2 response, non emergency.
- 16-0002453      Code 2 response, non emergency.
- 16-0002690      Code 2 response, non emergency.



CITY OF MONTEREY - FIRE DEPARTMENT

APRIL 2016

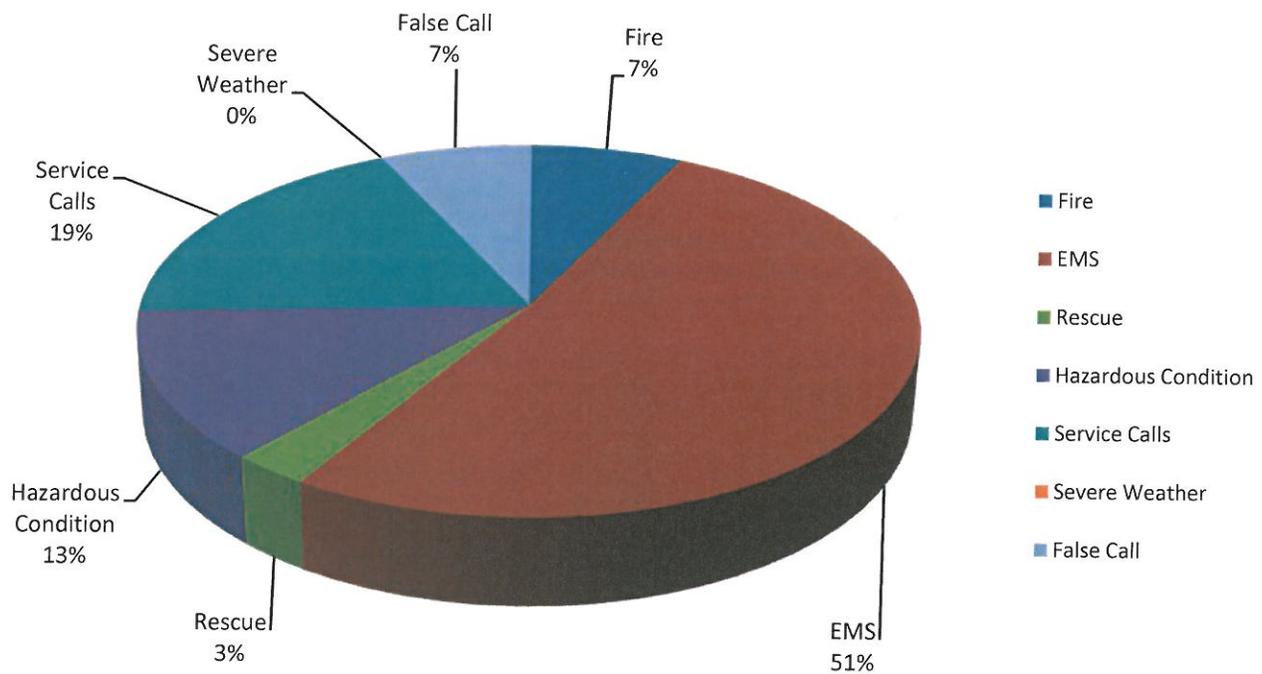
CARMEL-BY-THE-SEA

Response Summary Report by Incident Type



Type of Call	Number	Average Response Time
Fire	5	3:00
EMS	36	2:27
Rescue	2	1:11
Hazardous Condition	9	2:59
Service Calls	13	3:23
Severe Weather	0	0:00
False Call	5	4:00

Total Responses 70 2:48



Total Code 3 Calls: 52

Response Times for Code 3 Calls ≤ 5 minutes: 98%

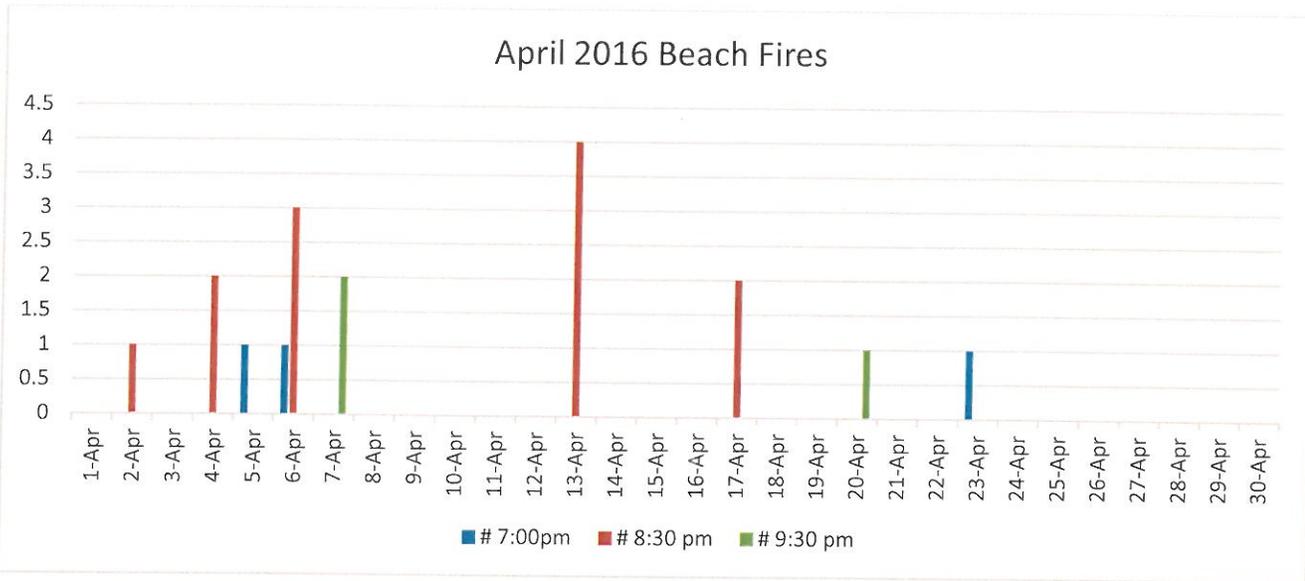
# CITY OF CARMEL-BY-THE-SEA POLICE DEPARTMENT

Post Office Box 600, Carmel, California 93921 Ph:831-624-6403 Fax:831-624-4296

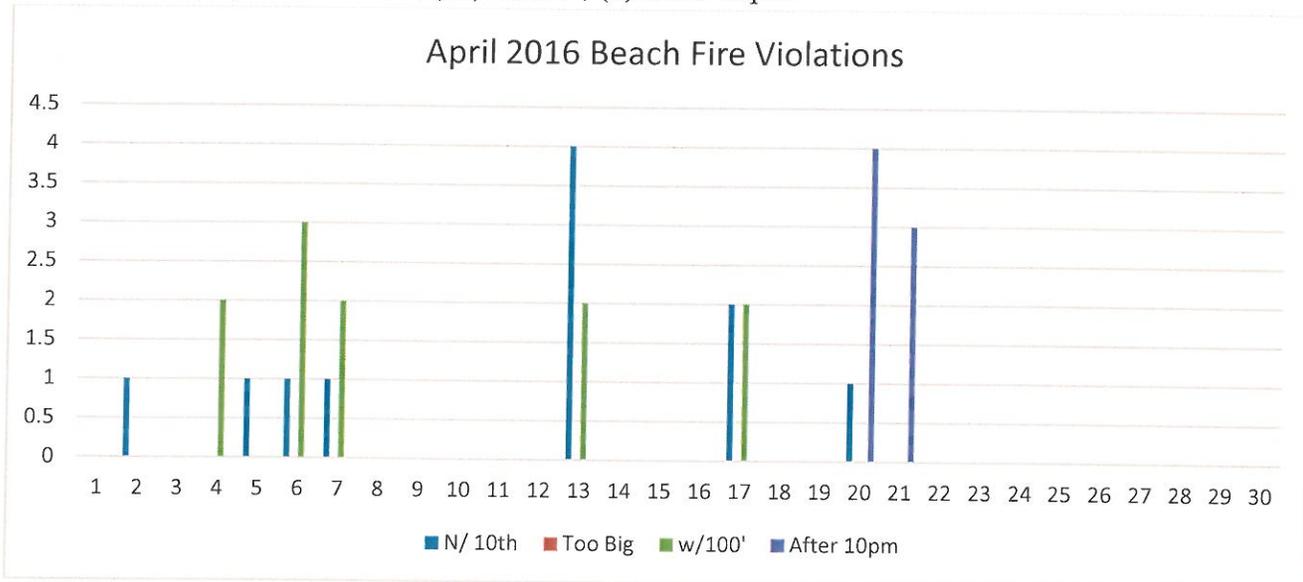
## MEMORANDUM

**TO:** CHIP RERIG, CITY ADMINISTRATOR  
**FROM:** PAUL TOMASI, POLICE COMMANDER  
**DATE:** 05/16/16  
**REF:** BEACH FIRE RESPONSE SUMMARY REPORT FOR APRIL

Total Number of beach fires recorded at 7:00 pm (3); 8:30pm (12); 9:30pm (3)



Violations: (11) North of 10<sup>th</sup>, (11) w/100', (7) After 10pm





## Public Records Request Log April 2016

Request Number	Request Date	10-Day Due Date	14 Day Extension Date	Status - Complete Pending	Completed Date	Requestor	Information requested	Notes
2016-040	4/7/16	4/17/16		Completed	4/12/16	Paterson	Correspondence bt. City and Coastal Commission RE: pilot program 2/13-4/7/16	Mullane Rerig Wiener Burnett Beach Dallas Talmage Theis
	4/18/16	4/28/16		Completed	4/19/16		Correspondence bt. City and Coastal Commission dated on or about 2/24/16	Correspondence not bt. City
2016-041	4/7/16	4/17/16		Completed	4/15/16	Paterson	Public records, briefs RE: City v. Pacific Harvest Seafoods case #15CV000014	Freeman Hurley
2016-042	4/7/16	4/17/16		Completed	4/18/16	Andy Ellison Monterey Bay Economic Partnership	2015 issued residential new-construction permits for single-family, multi-family, low-income	P&B
2016-043	4/8/16	4/18/16		Completed	4/8/16	Paterson	Comments & communications submitted to City from public speakers RE: Beach Fire Pilot Program, Council Mtg. 4/5/16	
2016-044	4/9/16	4/19/16		Completed	4/11/16	Paterson	Motion & vote for Item 8:AB 1115 on 4/5/16 agenda – Beach Fires Pilot Program	
2016-045	4/11/16	4/21/16		Completed	4/11/16	Judith Wolfe	Dallas campaign contribution statements	
2016-046	4/8/16	4/18/16		Completed	4/12/16	Steve Hillyard	Contract that employed consultant – investigation City Administrator Guillen &	Liebert Cassidy & Whitmore

## Public Records Request Log April 2016

2016-047	4/8/16	4/18/16		Completed	4/14/16	Kip Winget	investigator's report	
2016-048	4/14/16	4/24/16		Completed	4/19/16	Tony Nora	Copies of pricing submitted from vendors for financial software RFP Information on claim filed by Marcia Green	
2016-049	4/19/16	4/29/16		Completed	4/22/16	Paterson	Correspondence bt. Burnett & CCC supporting Burnett's claim RE: 2/10/16 e-mail to Dallas	

CITY OF CARMEL-BY-THE-SEA

PUBLIC WORKS DEPARTMENT – FOREST, PARKS, AND BEACH

MEMORANDUM

TO: Chip Rerig, City Administrator  
FROM: Mike Branson, City Forester  
DATE: June 7, 2016  
REF: Forester Report – April 2016

---

During the month of April, Forestry Staff and private contractors continued to work on removing dead trees in the community. Most of the dead trees are Monterey pines which are still being affected by the drought and bark beetles. This is a trend that will continue until soil moisture levels return to normal for an extended time. There was an increase in private tree removal applications in April primarily for dead trees and a few that were causing some significant property damage.

Staff is continuing its in-house efforts to plant new trees to replace trees that have been removed. Staff is also coordinating additional tree planting with the Friends of Carmel Forest in support of their Centennial Tree planting program. Three new trees were planted at First Murphy Park as part of the Carmel's 2016 Arbor Day event.

Forestry Staff and the Forest and Beach Commission held Carmel's 2016 Arbor Day program on Saturday, April 30<sup>th</sup> from 9:00 a.m. to noon at First Murphy Park. There were around 25 participants including forest, parks, and beach staff, all five of the Forest and Beach Commissioners, Mayor Steve Dallas, Councilmember Bobby Richards, representatives from the Friends of Carmel Forest and the Friends of Mission Trail Nature Preserve, local girl scouts, Carmel's city administrator and public works director. The Carmel Heritage Society also opened the First Murphy House for visitors to see their new exhibit on Carmel's history. The project was completed as planned and on time.

**Marshall Plan**

To date, funds from the Marshall Plan are being used for landscape design contracts with Scott Hall for the Scenic Rd. pathway and Joni Janecki's work at San Antonio and Fourth, installation of new rod and cable fencing along the Scenic Pathway, short-term repairs to the Scenic Pathway landscape barriers, removal of dead trees, and a contract for stump grinding.

**APRIL DATA TABLES**

**CITY ACTIVITY**

	Upper Canopy	Lower Canopy	April total	Totals to date (2016)	Total Trees last year (2015)
Removals	8	1	9	79	162
Planting	2	1	3	27	123

Trees under care by staff	213
---------------------------	-----

**PRIVATE ACTIVITY**

	Permits issued	Upper canopy trees	Lower canopy trees	April tree total	Total Trees to date (2016)	Total Trees last year (2015)	Permits to Date	Permits last year (2015)
Removal Permits	19	9	16	25	61	154	46	119
Planting Requirement	8	4	5	9	27	45	27	42
Pruning Permits	2	1	2	3	5	24	5	24

**CONSTRUCTION ACTIVITY**

	Permits issued	Upper canopy	Lower canopy	April tree total	Total Trees to date (2016)	Total Trees last year (2015)	Total Permits to date (2016)	Total Permits last year (2015)
Removal Permits	2	1	1	2	7	21	6	14
Pruning Permits	2	0	2	2	4	6	2	24
Planting Requirement	1	1	0	1	3	17	4	8



# CITY OF CARMEL-BY-THE-SEA AGENDA BILL

AB 0000  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Paul Wood  
**SUBJECT:** City Treasurer's Report April 30, 2016

## RECOMMENDATION

Receive the report

## SUMMARY

### Cash & Investments Report

This month's Cash & Investments Report (April, 2016) shows an increase in cash of \$1,274,306 which is due to property tax receipts from the County. We receive these receipts 3 times per year, December, April, and then a small clean-up amount in June. Our cash balance is still related to greater Capital Projects spending over the last couple of months. Spending on capitals has increased YOY at April 30 by \$596,789.

Looking forward to May and June, we are expecting a net usage of cash for each of the last two months of the fiscal year (totaling between \$1.0 - 1.5M), as monthly expenditures typically outpace revenues.

### Overview of Investment Returns

Our investment returns for April are very similar to those of the past several months, which includes a small uptick on the LAIF deposits of .019% over March. This makes it 15 consecutive months of LAIF interest rate increases (from .262% in January 2015 to .525%, an increase of .263%)

## PRIOR CITY COUNCIL ACTION

Received report

## ATTACHMENTS

1. Cash & Investments Report

APPROVED:

Date:

6.2.16

Chip Rerig, City Administrator

**APPROVED:**  
\_\_\_\_\_  
Don Freeman, City Attorney

**Date:** \_\_\_\_\_

# City of Carmel-by-the-Sea

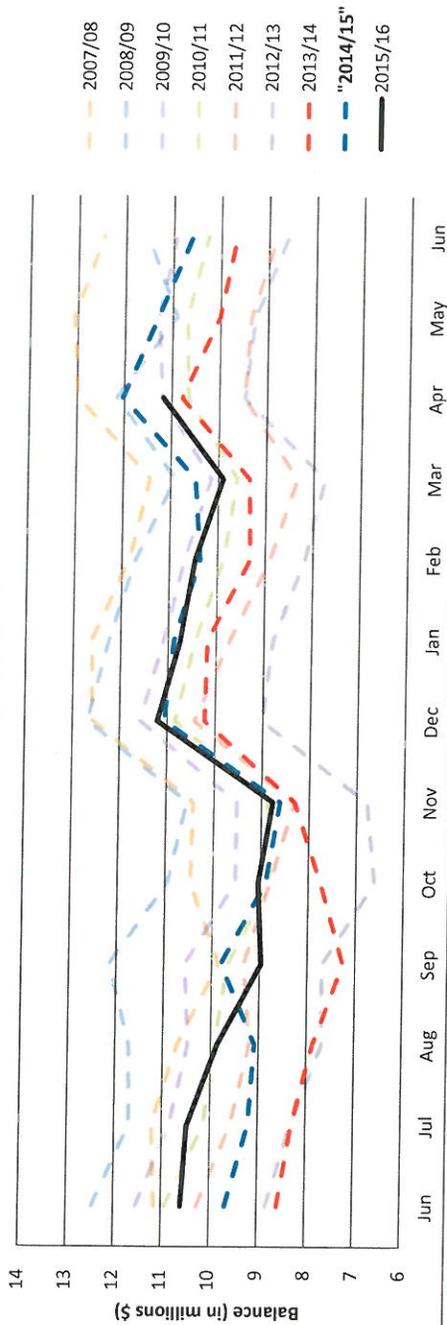
Statement of Cash and Investments

4/30/2016

Cash	Yield	Institution	@ 03/31/2016	Dr.	Cr.	@ 04/30/2016
General Checking		Wells Fargo	\$ 1,820,795.86	\$ 3,305,425.75	\$ 2,312,230.38	\$ 2,813,991.23
Ambulance Checking		Wells Fargo	\$ 741,378.90	277,667.55	300.00	\$ 1,018,746.45
Ambulance Checking (CRFA)		Union Bank	\$ 36,173.09			\$ 36,173.09
Ambulance Savings (CRFA)		Union Bank	\$ 40,534.56	1.60		\$ 40,536.16
Section 125 Flex Checking		Wells Fargo	\$ 85,013.16			\$ 85,013.16
Workers' Compensation Checking		Wells Fargo	\$ 133,123.24		1,681.84	\$ 131,441.40
LAIF	0.525%	LAIF	\$ 4,572,245.68			\$ 4,572,245.68
Wells Fargo Securities Money Market Acct		Wells Fargo	\$ 288,381.16	5,179.65		\$ 293,560.81
TVI Money Market Acct		TVI	\$ 280,256.53	243.20		\$ 280,499.73
Bond Reserve		Union Bank	\$ 400,091.02			\$ 400,091.02
			<b>\$ 8,397,993.20</b>	<b>\$ 3,588,517.75</b>	<b>\$ 2,314,212.22</b>	<b>\$ 9,672,298.73</b>

Investments	Yield	Maturity	Purchase Value	Market Value
Cert of Deposit - Sallie Mae Bk, Murray, UT	1.35%	10/17/2016	\$ 250,000	\$ 250,950
Cert of Deposit - Discover Bk, Greenwood, DE	1.20%	10/17/2016	\$ 250,000	\$ 250,723
Cert of Deposit - BMW Bank	1.25%	11/2/2016	\$ 248,000	\$ 248,918
Cert of Deposit - Firstbank Puerto Rico	1.15%	11/2/2016	\$ 249,000	\$ 249,779
Cert of Deposit - Everbank	0.90%	11/2/2016	\$ 248,000	\$ 248,419
Cert of Deposit - Goldman Sachs Bk, New York, NY	1.55%	10/17/2017	\$ 250,000	\$ 252,209
			<b>\$ 1,495,000</b>	<b>\$ 1,500,997</b>

### Carmel-by-the-Sea Total Cash & Investments - Monthly Balances FY07/08 to Present



#### Combined Cash & Inv

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>2015/16</b>	10,589,739	10,473,529	9,856,640	8,961,105	9,046,838	8,754,541	11,207,299	10,739,496	10,453,204	9,892,993	11,167,299		
<b>2014/15</b>	9,671,754	9,200,451	9,085,748	9,806,455	8,889,874	8,611,874	11,054,920	10,878,284	10,351,799	10,474,294	12,023,214	11,292,804	10,589,739
<b>2013/14</b>	8,584,539	8,298,949	7,879,228	7,254,219	7,744,659	8,304,129	10,224,338	10,178,847	9,314,915	9,348,476	10,784,489	10,006,551	9,671,754
<b>2012/13</b>	8,828,311	8,322,265	7,691,079	7,692,321	6,608,566	6,782,117	9,010,649	8,809,197	8,168,751	7,760,949	9,465,341	9,265,046	8,584,539
<b>2011/12</b>	10,261,276	9,581,440	9,198,460	9,396,003	8,805,107	8,309,314	10,435,482	9,713,203	8,895,904	8,343,155	9,471,082	9,349,956	8,828,311
<b>2010/11</b>	10,925,553	10,135,273	9,921,312	9,661,764	8,804,952	8,863,841	10,838,669	10,430,439	9,860,495	9,598,671	10,648,922	10,684,770	10,261,276
<b>2009/10</b>	11,597,721	10,855,237	10,484,028	10,564,358	9,528,547	9,522,714	11,577,768	11,100,491	10,683,138	10,152,843	11,201,805	11,280,821	10,925,553
<b>2008/09</b>	12,458,777	11,692,483	11,713,062	12,142,023	10,951,314	10,565,710	12,678,333	12,246,034	11,709,722	10,904,872	12,158,656	10,904,872	11,537,721
<b>2007/08</b>	11,148,657	11,223,334	10,702,966	9,858,635	10,471,238	10,438,041	12,580,212	12,613,174	11,840,611	11,439,573	12,968,316	13,068,546	12,458,777

#### Investments

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>2015/16</b>	1,993,183	1,495,000	1,495,000	1,745,000	1,495,000	1,495,000	1,495,000	1,495,000	1,495,000	1,495,000	1,495,000		
<b>2014/15</b>	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183
<b>2013/14</b>	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183
<b>2012/13</b>	-	-	-	-	750,000	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183	1,993,183

#### Cash only

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>2015/16</b>	8,596,556	8,978,529	8,361,640	7,216,105	7,551,838	7,259,541	9,712,299	9,244,496	8,958,204	8,397,993	9,672,299		
<b>2014/15</b>	7,678,571	7,207,268	7,092,565	7,813,272	6,896,691	6,618,691	9,061,737	8,885,101	8,358,616	8,481,111	10,030,091	9,299,621	8,596,556
<b>2013/14</b>	6,591,356	6,305,766	5,886,045	5,261,036	5,751,476	6,310,946	8,231,155	8,185,663	7,321,732	7,355,293	8,791,306	8,013,368	7,678,571
<b>2012/13</b>	8,828,311	8,322,265	7,691,079	7,692,321	5,858,566	4,788,934	7,017,466	6,816,014	6,175,568	5,767,766	7,472,158	7,271,863	6,591,356



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1127  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Commander Paul Tomasi

**SUBJECT:** Consideration of a resolution authorizing the City Administrator to execute the updated Monterey County Multi-jurisdictional Local Hazard Mitigation Plan (LHMP).

<b>AMOUNT OF EXPENDITURE</b>	\$ 0
<b>AMOUNT BUDGETED</b>	\$ 0
<b>APPROPRIATION REQUIRED</b>	\$ 0

### RECOMMENDATION

Adopt a resolution authorizing the City Administrator to execute the updated Monterey County Multi-jurisdictional Local Hazard Mitigation Plan (LHMP).

### SUMMARY

The City is has been part of the County of Monterey Office of Emergency Services Multi-jurisdictional Local Hazard Mitigation Plan since 2007. The Hazard Mitigation Plan meets all the requirements necessary for the City to receive funding for pre- and post- disaster preparation and recovery. Moreover, a FEMA-approved hazard mitigation plan is a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects. Ultimately, hazard mitigation planning enables action to reduce loss of life and property, lessening the impacts of disasters. Developing hazard mitigation plans enables state, tribal, and local governments to: increase education and awareness around threats, hazards, and vulnerabilities; build partnerships for risk reduction involving government, organizations, businesses and the public; identify long-term, broadly-supported strategies for risk reduction; align risk reduction with other state, tribal, or community objectives; identify implementation approaches that focus resources on the greatest risks and vulnerabilities; and communicate priorities to potential sources of funding.

The plan is required to be updated every five years and was recently approved by the Federal Emergency Management Agency (FEMA) February 9, 2016. To complete the requirements of the Disaster Mitigation Act of 2000, all participants in the local HMP are required to have on file with the County of Monterey a signed resolution authorizing the City Administrator to enter into an agreement to participate in the County Multi-jurisdictional Hazard Mitigation Plan. The most recent resolution was approved by Council in 2012. Adopting this resolution would complete our requirements for the updated Hazard Mitigation Plan as required by FEMA.

**PRIOR CITY COUNCIL ACTION**

Resolution 2007-62 (October 2, 2007) adopted the Monterey County Multi-jurisdictional Hazard Mitigation Plan; adopted Hazard Mitigation as an element of the General Plan on October 1, 2009. Resolution 2012-1 (January 10, 2012) approved a letter of commitment to participate in the LHMP update.

**ATTACHMENTS**

- 1. Resolution
- 2. Appendix 1 of the Hazard Mitigation Plan City of Carmel-by-the-Sea.

<b>APPROVED:</b> 	<b>Date:</b> <u>6-2-16</u>
_____ Chip Rerig, City Administrator	_____

RESOLUTION 2016-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE UPDATED MONTEREY  
COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN (LHMP).**

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WHEREAS, the Federal Emergency Management Agency (FEMA) approved the current Multi-jurisdictional Local Hazard Mitigation Plan February 9, 2016, which is updated every five years; and

WHEREAS, the updated Multi-jurisdictional Local Hazard Mitigation Plan keeps the city eligible for certain federal, pre-and post-disaster mitigation grants; and

WHEREAS, a requirement of the updated Hazard Mitigation Plan requires the City Administrator to update the current participation letter with each update of the plan; and

WHEREAS, Carmel City Council approved a resolution in 2012 authorizing the City Administer to author a letter accepting participation into the Hazard Mitigation Plan; and

WHEREAS, the updated letter would replace the 2012 letter from the City Administrator and allow us to meet the requirements of the Local Multi-jurisdictional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Authorize the City Administrator to execute the updated Monterey County multi-jurisdictional Local Hazard Mitigation Plan.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

SIGNED:

ATTEST:

---

Steve G. Dallas, Mayor

---

Ashlee Wright, City Clerk

**Appendix I**  
**City of Carmel-by-the-Sea**

**Table I-1**  
**City of Carmel-by-the-Sea Estimated Population and Building Inventory**

Population 2000 Census Population Count*	Residential Buildings		Nonresidential Buildings	
	Total Building Count	Total Value of Buildings ** (x\$1000)	Total Building Count	Total Value of Buildings*** (x\$1000)
4,070	420	130,813	31	16,753

Source: Monterey County (residential and commercial buildings) and U.S. Census 2000 population data.

\* Population count using census blocks within the city limits.

\*\* Tax Assessor records.

\*\*\* Tax Assessor records.

**Table I-2**  
**City of Carmel-by-the-Sea Critical Facilities and Infrastructure**

Category	Facility	Address	Estimated Insured Structural Value (x\$1000)
Government	City Hall	Monte Verde Ave., between Ocean and 7th Ave.	6,659
Emergency Response	Police Department	Southeast corner of Junipero St. and 4 <sup>th</sup> Aves.	1,652
	Fire Department	6 <sup>th</sup> Ave. between Mission St. and San Carlos St.	619
Care	Agape of Carmel	25527 Flanders Dr.	802
Education	Junipero Serra School (Carmel Mission)	3080 Rio Road	2,440

Source: FEMA HAZUS-MH (estimated values) and Monterey County data

**Table I-3  
City of Carmel-by-the-Sea Potential Hazard Vulnerability Analysis - Population and Buildings**

Hazard Type	Methodology	Population		SoVI Score	Buildings			
		Number	Score		Residential		Nonresidential	
					Number	Value (\$) <sup>1</sup>	Number	Value (\$) <sup>1</sup>
Agricultural Emergency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Coastal Erosion	100-year erosion zone	1	N/A	N/A	1	197	2	466
Dam Failure	Inundation area	2	N/A	N/A	1	117	2	5
	Extreme	0	N/A	N/A	0	0	0	0
Earthquake	High	3,752	N/A	N/A	2,930	607,254	129	210,552
	Moderate	308	N/A	N/A	216	40,163	2	364
Flood	100-year flood zone	1	N/A	N/A	1	58	2	125
	1-mile buffer flood zone							
Hazardous Materials Event	1-mile buffer transport corridor	3,901	0.54		418	128,506	29	14,276
	1-mile buffer fixed site	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Landslide	High	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Moderate	40	-0.11		0	0	1	0
Sea Level Rise	Inundation area	0	N/A		0	0	0	0
Tsunami	Inundation area	11	2.63		1	231	0	0
	Very high	10	3.58		0	0	0	0
	High	0	N/A		0	0	0	0
Wildland Fire	Moderate	3,950	0.54		419	130,581	31	16,753
Windstorm	Prevailing wind zone	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<sup>1</sup>Value = Building value based on Tax Assessor records (x1000)  
N/A = Not Applicable

**Table I-4  
City of Carmel-by-the-Sea Potential Hazard Vulnerability Analysis - Critical Facilities**

	Government	Emergency Response	Lifeline Utilities	Care	Educational	Marine, Environmental, and Community	Total



**Appendix I**  
**City of Carmel-by-the-Sea**

Table I-5  
City of Carmel-by-the-Sea Potential Hazard Vulnerability Analysis – Critical Infrastructure

Hazard	Methodology	Highways		Railroads		Bridges		Airports	
		Miles	Value (\$) <sup>1</sup>	Miles	Value (\$) <sup>1</sup>	Number	Value (\$) <sup>1</sup>	Number	Value (\$) <sup>1</sup>
Agricultural Emergency	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Coastal Erosion	100-year erosion zone	0	0	0	0	0	0	0	0
Dam Failure	Inundation area	0	0	0	0	0	0	0	0
Earthquake	Extreme	0	0	0	0	0	0	0	0
	High	0	0	0	0	0	0	0	0
	Moderate	0	0	0	0	0	0	0	0
Flood	100-year flood zone	0	0	0	0	0	0	0	0
Hazardous Materials Event	1-mile buffer transport corridor	0	0	0	0	0	0	0	0
	1-mile buffer fixed site	0	0	0	0	0	0	0	0
Landslide	High	0	0	0	0	0	0	0	0
	Moderate	0	0	0	0	0	0	0	0
Sea Level Rise	Inundation area	0	0	0	0	0	0	0	0
Tsunami	Inundation area	0	0	0	0	0	0	0	0
Wildland Fire	Very high	0	0	0	0	0	0	0	0
	High	0	0	0	0	0	0	0	0
	Moderate	0	0	0	0	0	0	0	0
Windstorm	Prevailing wind zone	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<sup>1</sup>Value = Estimated value (x1000)

N/A = Not Applicable

### **Coastal Erosion**

The rocky cliffs along the city's coastline erode at approximately 2-4 inches a year. Therefore, using a 100-year projection to determine areas at risk to coastal erosion, only 1 person, 1 residential building (worth \$197,000), and 2 nonresidential buildings (worth \$466,000 thousand), are located in this hazard area.

### **Dam Failure**

Failure of the San Clemente and Los Padres dams is a risk to 2 people, 1 residential building (worth \$117,000), and 2 nonresidential buildings (worth \$5,000) located along the southern portion of the City limits.

### **Earthquake**

There are no residents, buildings, or critical facilities located in an extreme shaking hazard area. Approximately 3,752 residents (nearly 95 percent of the City's population), 2,930 residential buildings (worth \$607.3 million), 129 nonresidential buildings (worth \$210.6 million), and 5 critical facilities (worth \$9.7 million) are located in a high shaking hazard area. 308 residents, 216 residential buildings (worth \$40.2 million), and 2 nonresidential buildings (worth \$364,000) are located in a moderate hazard shaking area.

### **Flood**

Only 1 person, 1 residential building (worth \$58,000), and 2 nonresidential buildings (worth \$125,000) are located in a SFHA.

### **Hazardous Materials Event**

Located within the 1-mile buffer area of Highway 1 and therefore exposed to a hazardous materials transport event are 3,901 people, 418 residential buildings (worth \$128.5 million), 29 nonresidential buildings (worth \$14.3 million), and 4 critical facilities (worth \$3.1 million). These figures are for the entirety of the transportation corridors and, therefore, overstate the exposure since a single HAZMAT event at a given point along these corridors is unlikely to affect all of the area within the 1-mile buffer.

There are no hazards associated with fixed HAZMAT sites within the city.

### **Landslide**

There are no residents, buildings, or facilities located in a high landslide hazard area. Less than 1 percent of the city's total population (along the western city limits) is exposed to moderate landslides. This includes 40 people, 0 residential buildings and 1 nonresidential building.

### **Sea Level Rise**

While the potential for sea level rise is present along the entire coast of Monterey County, no people, buildings, critical facilities, or critical infrastructure in the City of Carmel-by-the-Sea are located in this hazard area.

### **Tsunami**

Using the New Tsunami Inundation Map data, only 11 people, 1 residential building (worth \$231,000) and 0 nonresidential buildings are located in this hazard area along the southern portion of the city.

### **Wildland Fire**

Using the California FRAP model, wildland fire risk areas, less than 1 percent of the city's population resides in very high and high wildland hazard areas. As such, the remaining 99 percent of the city's population reside in a moderate wildland fire hazard area. This area also includes 419 residential buildings (worth \$130.6 million), 31 nonresidential buildings (worth \$16.8 million), and 5 critical facilities (worth \$9.1 million).

**Appendix I**  
**City of Carmel-by-the-Sea**

**Table I-6**  
**City of Carmel-by-the-Sea Legal and Regulatory Resources Available for Hazard Mitigation**

Regulatory Tool	Name	Effect on Hazard Mitigation
Plans, Ordinances, and Codes	General Plan, Environmental Safety Element	The Environmental Safety Element (last updated in 2009) provides policies and programs to address hazard avoidance, mitigation, and recovery.
	Hazard Mitigation Plan	Presently covered under countywide multi-jurisdictional hazard mitigation plan. This plan is currently being updated and is anticipated to be completed and re-adopted in late 2014.
	Floodplain Management Plan	
	Emergency Operations Plan	The Emergency Operations Plan (EOP) was updated and approved by the City Council in June 2013 and includes annexes that cover evacuation planning, continuity of operations planning, and disaster recovery planning. This plan will be updated every two years.
	Community Wildfire Protection Plan	The Fire Department maintains development standards and property maintenance requirements for development in high fire hazard areas.
	Capital Improvements Plan	
	Historic Preservation Plan	The City of Carmel is a Certified Local Government with the State Office of Historic Preservation and has a Historic Preservation Board. This could potentially facilitate mitigation activities related to the mitigation of historic properties and other cultural assets.
	Transportation Plan	The Metropolitan Transportation Improvement Plan for FY 2012/13 to 2015/16 facilitates hazard mitigation.
	Zoning Ordinance	The City's Zoning Ordinance provides guidance on permitting requirements for post-disaster reconstruction.
	Subdivision Ordinance	
Site Plan Review Requirements		
Fire Prevention Code		
Programs	National Flood Insurance Program (NFIP)	Makes affordable flood insurance available to homeowners, business owners, and renters in participating communities. In exchange, those communities must adopt and enforce minimum floodplain management regulations to reduce the risk of damage from future floods.
	Local Coastal Program	

**Appendix I  
City of Carmel-by-the-Sea**

Policies (Municipal Code)	Title 12 Streets, Sidewalks and Public Places	Chapter 12.20 Stormwater Utility	Creates a City enterprise to operate, maintain and fund the City's storm and surface drainage system.
	Title 14 Seismic Hazards	Chapter 14.04 Seismic Hazards Identification Program	Promotes public safety by identifying those buildings in the City of Carmel-by-the-Sea which exhibit structural deficiencies and by determining the severity and extent of those deficiencies in relation to their potential for causing loss of life or injury
		Chapter 15.08 Building Code	Adopts the 2001 California/Uniform Building Code.
	Title 15 Building and Construction	Chapter 15.12 Dangerous Buildings Code	Adopts the 2001 California/Uniform Code for the Abatement of Dangerous Buildings.

**Table I-7**  
**City of Carmel-by-the-Sea Administrative and Technical Resources for Hazard Mitigation**

Staff/Personnel Resources	Department/Division Position
Planner(s) or engineer(s) with knowledge of land development and land management practices	Planning and Building
Engineer(s) or professional(s) trained in construction practices related to buildings and/or infrastructure	Planning and Building; Public Services
Planner(s) or engineer(s) with an understanding of manmade or natural hazards	Planning and Building
Building inspector	Planning and Building
Emergency manager	Public Safety
Floodplain manager	Planning and Building
Land surveyor(s)	Public Services
Resource development staff or grant writers	Planning and Building
Public information officer(s)	Library
Staff with education or expertise to assess the community's vulnerability to hazards	Planning and Building; Public Safety
Maintenance programs to reduce risk	Public Services
Warning systems/services	Public Safety
Mutual Aid Agreements	Police

**Table I-8**  
**City of Carmel-by-the-Sea Financial Resources for Hazard Mitigation**

Financial Resources	Effect on Hazard Mitigation
General funds	If funding is available, can be used for hazard mitigation activities, including debt service for bonds.
Capital improvements project funding	
Water/sewer fees	
Development impact fees	
Authority to levy taxes for specific purposes	Can be used for any hazard mitigation activity with voter approval.
Incur debt through general obligation bonds	Can be used for any hazard mitigation activity with voter approval.
Incur debt through special tax and revenue bonds	Revenue Bonds can be issued through the City with voter approval.
FEMA HMGP and PDM grants	HMGP grant funding is available to local communities after a Presidentially-declared disaster. It can be used to fund both pre- and post-disaster mitigation plans and projects. PDM funding is available on an

	annual basis. This grant can only be used to fund pre-disaster mitigation plans and projects only.
United States Fire Administration (USFA) Grants	The purpose of these grants is to assist state, regional, national, or local organizations to address fire prevention and safety. The primary goal is to reach high-risk target groups including children, seniors, and firefighters.

**Table I-9**  
**City of Carmel-by-the-Sea Education and Outreach Resources for Hazard Mitigation**

Education and Outreach Resources	Effect on Hazard Mitigation
Local citizen groups or non-profit organizations focused on environmental protection, emergency preparedness, access and functional needs populations, etc.	Includes a non-profit group (Sustainable Carmel, Police volunteers), CERT program, and Carmel Red Cross.
Ongoing public education or information program (e.g., responsible water use, fire safety, household preparedness, environmental education)	Includes emergency preparedness workshops with Carmel Red Cross, PG&E, NOAA, and Monterey Fire Department.
Natural disaster or safety related school programs	Includes Monterey County Emergency Response and Safety program.
StormReady certification	Awarded by the National Weather Service
Public-private partnership initiatives addressing disaster-related issues	Carmel Red Cross, PG&E, NOAA, United Way 211, Monterey County OES, All Saints Church, and Sustainable Carmel.

**Problem Statements** are statements of particular interest with regard to primary hazards of concern, geographic areas of concern, or vulnerable community assets. These statements were primarily derived from local community site visits and discussion with local staff and officials from each community during Individual Jurisdiction Meetings, in combination with a review of the Safety Elements of local General Plans and GIS analysis using best available data in support of updates to the vulnerability analysis for each jurisdiction. They were developed to assist in the identification and analysis of potential hazard mitigation actions for the City of Carmel-by-the-Sea.

- Mission Trails Park and Pescadero Canyon are considered at particularly high risk to wildland fire, for which controlling excessive buildup of flammable vegetative material on vacant lots is an ongoing priority for the City. Other areas of primary concern include Forest Hill Park and Del Monte Forest.
- There are two areas historically prone to landslides within city limits. The first area is located in the north-central portion of the City, which encompasses the Pescadero Canyon, including portions of 2nd, 3rd, and 4th Avenues, and Camino Del Monte Avenue, between 2nd and 3rd Avenues. The second area prone to landslides is located in the eastern portion of the City and encompasses the eastern portion of the Mission Trail Nature Preserve.
- High winds associated with winter storms are a major concern for the City due to the vast amount of trees (50% tree cover) that have proven to exacerbate damage and power outages.

- The primary area of concern for coastal flooding is along Carmel Beach and within areas in proximity to Carmel Lagoon, including Mission Fields (flooded twice in 1996).
- Localized flooding caused by drainage issues are a constant concern, as existing stormwater infrastructure is incapable of conveying runoff during heavy rain storms or prolonged rainfall events. Storm drains also frequently become clogged with debris (pine needles, etc.) which makes the problem even worse. Primary areas of concern include the Mission Trail Nature Preserve (owned by the City and used as a park, with some on-site retention), Carpenter Street between 4<sup>th</sup> and 5<sup>th</sup> Avenue, the intersection area of Camino Real and 4<sup>th</sup> Street, and portions of 2<sup>nd</sup> Avenue along Pescadero Canyon. The Harrison Memorial Library is a critical community asset that has been flooded in the past.
  - *Potential Mitigation Solution:* “Stormwater Recapture Plan” has been conceived by the City, which would provide the dual benefit of capturing rain flow for irrigation and other purposes while increasing capacity of existing system.

**Appendix I  
City of Carmel-by-the-Sea**

**Table I-9  
City of Carmel-by-the-Sea Mitigation Action Plan Matrix**

Action Number	Description	Ranking / Prioritization	Administering Department	Potential Funding	Timeframe	Benefit-Costs	Status	Narrative Update/ Explanation
1	Identify hazard-prone critical facilities and infrastructure and carry out acquisition, relocation, and structural and nonstructural retrofitting measures as necessary.	Priority / High	Planning and Building	HMGP and PDM Grants	Ongoing	This action will help ensure that the community/critical facilities can operate in some capacity before, during, and after the disaster.	Ongoing / Continuous	The City has retained an engineering firm to assist in project management of Public Services Department hazard evaluation. The City will also be retaining an engineering consultant to evaluate the City's revetments and other shoreline protection structures in the next year or two.
2	Develop a sustained public outreach program that encourages consistent hazard mitigation content. For example, consider publishing tsunami inundation maps in telephone books, wildland fire defensible space tips with summer water bills, and the safe handling and disposal of hazardous waste and chemicals with garbage bills.	Priority / High	City Clerk	General Funds, HMGP, and PDM Grants	0-1 years	A mitigation outreach program will help build and support local capacity to enable the public to prepare for, respond to, and recover from disasters.	Partially Completed / In Progress	The City has installed new tsunami warning signs along shoreline areas and beach access points. The City will be revamping its website in the next few years and can add information on hazard mitigation such as wildland fire prevention actions, evacuation routes, and hazardous waste disposal.
3	Develop an unreinforced masonry grant program that	Priority / High	Planning and Building	General Funds, HMGP, and PDM	0-3 years	This action will prevent future residential and	Deferred	The City has not had adequate staff resources to implement this

**Appendix I  
City of Carmel-by-the-Sea**

	helps correct earthquake-risk nonmasonry building problems, including chimney bracing and anchoring water heaters.				Grants		nonresidential losses of unreinforced masonry buildings in the future. The retrofitting of unreinforced masonry buildings is a high priority for the State of California.		program yet. The City is in the process of addressing staffing needs, so program on this program may be feasible in the next 2-3 years.
4	Continue to conduct current fuel management programs and investigate and apply new and emerging fuel management techniques.	Priority / High	Fire	General Funds and PDM Grant	Ongoing	The probability of future damage from wildland fires could be high if this mitigation action is not implemented.	Ongoing / Continuous	The City has provided for fuel management on City owned lands and will provide that service annually. Staff will explore the use of goats as a new method to do this work to improve the fuel management in steeper terrain areas.	
5	Develop and provide funding and/or incentives for defensible space measures (e.g, free chipping day, free collection day for tree limbs).	Priority / High	Fire	General Funds, HMGP, and PDM Grants	Ongoing	The potential cost of this mitigation action seems reasonable for the size of the problem and its likely benefits.	Deferred	Due to staff and fund shortages, this item has not been implemented. The City has provided, and will continue to provide, inspection, information, and enforcement of fuel management on private property as appropriate.	
6	Work with the Utility Companies (especially PG&E) to build and strengthen relationships to improve communication regarding emergency situations and develop	Priority / Moderate	Public Safety/Police	General Funds	Ongoing	As this action would consist primarily of communication and planning activities, the benefits of this project would far outweigh its minimal costs.	New	New action for 2014-2019.	

**Appendix I**  
**City of Carmel-by-the-Sea**

	an emergency response plan that includes all emergency responders and 911 communications.							
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# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1128  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Sharon Friedrichsen, Director of Budget and Contracts

**SUBJECT:** Consideration of a Resolution Approving the Rates Charged by GreenWaste Recovery Effective July 1, 2016 for the Collection of Franchised Solid Waste, Recycling and Organics.

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$245,000 (FY 2016-17)
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Adopt a resolution approving the rates to be charged by GreenWaste Recovery effective July 1, 2016 for the collection of franchised solid waste, recycling and organics.

### SUMMARY

#### REVIEW PROCESS AND HISTORICAL CONTEXT

The Monterey Regional Waste Management District, on behalf of its member agencies, retained HF&H Consultants to review the rate request submitted by GWR. HF&H reviewed the rate for mathematical accuracy and consistency, verified the methodology's compliance with the franchise agreement and examined the tonnage data methodology for consistency with industry standard practices. Under the prior franchise agreement, rates were also considered annually and the direct pass through of tipping fees at MRWMD was also allowed. In addition, under the prior agreement, the hauler could request a cost-of-living adjustment (COLA), which allowed greater discretion by both the hauler and the Council regarding the amount of the rate request and the amount that could be approved. Historically, Council approved a requested 3.02 percent increase in 2010 (0.54% disposal and 2.48% COLA); approved the disposal fee adjustment of 5.4% retroactive to 2011 and denied a requested 5.08% COLA in 2012; and approved a 1.53 percent increase (1.03% disposal and 0.50% COLA) in 2013 (although the hauler request was 3.08 percent). The hauler requested a 4.72% COLA and "fair rate of return" increase in 2014, which was not considered by the City in light of transitioning to a new hauler (the proposed rate increase would have been effective on 1 January 2015 and the new hauler took over service on 1 July 2015).

## OPTIONS

On 17 June 2014 Council approved a franchise agreement with GreenWaste Recovery (GWR) for the collection of solid waste, recycling and organics subsequent to a multi-year competitive request for proposals process for collection services. The services rendered by GWR commenced on 1 July 2015. According to Section 8.2 of the approved franchise agreement, the rates for Rate Period One shall be effective through June 30, 2016 and “rates for subsequent Rate Periods shall be adjusted annually in accordance with this Section 8.2 and Exhibit E.”

The approved rate adjustment methodology is based on various inflationary indices, actual tonnage and the disposal, or tipping fee, at the Monterey Regional Waste Management District (MRWMD) facility in Marina and other processing costs. The annual percent change in labor, fuel and other costs results in a two percent increase. While the MRWMD charges a tipping fee ranging from \$30 to \$52 a ton depending on type of material, there was no increase in the tipping fee from the prior year to be passed through as part of the rate adjustment. However, processing costs based on tonnage impact the rate.

GWR has developed two options for the City Council to consider in adjusting the rates. Both options utilize the prescribed methodology contained within the franchise agreement, but include an additional step in the process using a weighted average to “smooth” the rates.

- Option I: Common percentage rate adjustment, resulting in a 2.2 percent increase for all customers.
- Option II: Sector-based percentage rate adjustment, resulting in an increase of 2.5 percent to residential customers, 2.2 percent to commercial customers and 2.2 percent to customers for roll-off boxes.

While Option I provides for consistency in rate setting and messaging, it does not account for the number of customers or their share of the business model. Option II, on the other hand, strives to minimize, or eliminate, any rate subsidies. Under this scenario, the customers that utilize a certain type of service pay the corresponding cost of this service. In order to minimize one sector subsidizing another, staff recommends that Council select Option II. For context, collection of a 32 gallon residential garbage cart currently costs \$29.56 a month, increasing by 65 cents a month with a 2.2 percent increase (yearly increase of \$7.80 – Option 1) or by 74 cents a month (\$8.88 a year – Option 2) with a 2.5 percent increase. A 32 gallon garbage cart serviced one time a week costs a commercial customer \$30.51, increasing by 67 cents to \$31.18 a month (\$8.04 a year) with a 2.2 percent increase. A 10 yard garbage roll off bin currently costs \$438.61 plus a \$59.48 per ton disposal fee. The fee would increase by \$9.65 a month with a 2.2 percent increase.

## CONCLUSION

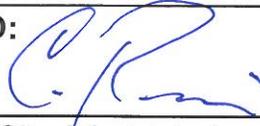
To be in compliance with the terms of the franchise agreement, Council must approve an annual rate adjustment. The rate adjustment is prescribed by a formula that reflects the increased cost of operations. Council may either approve a 2.2 percent increase to all customers (Option I) or a 2.5 and 2.2 percent increase to residential and commercial customers respectively (Option II). Staff recommends Option II to minimize one sector from subsidizing the rate of another sector. However, Council has the discretion to select either Option 1 or Option II. Council is required by the franchise agreement to make a good faith effort to approve the rates in order for said rates to be effective on 1 July 2016.

**PRIOR CITY COUNCIL ACTION**

Council approved the franchise agreement with GreenWaste Recovery on June 17, 2014.

**ATTACHMENTS**

1. Resolution Approving Rates to be Charged by GreenWaste Recovery Effective July 1, 2016 for the Collection of Franchised Solid Waste, Recycling and Organics

<b>APPROVED:</b> 	<b>Date:</b> <u>6-2-16</u>
_____ Chip Rerig, City Administrator	_____

**RESOLUTION 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING RATES TO BE CHARGED BY GREENWASTE RECOVERY EFFECTIVE JULY 1, 2016 FOR COLLECTION OF FRANCHISED SOLID WASTE, RECYCLING AND ORGANICS**

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WHEREAS, the City of Carmel-by-the-Sea (City) entered into a franchise agreement with GreenWaste Recovery, Inc. (GWR) on June 17, 2014 for solid waste, recycling, and organics collection services for the period of July 1, 2015 through June 30, 2030; and,

WHEREAS, Section 8.2 of the franchise agreement requires, and Exhibit E1 to the agreement describes the process for, an annual inflationary adjustment to customer rates on July 1 of each year, based on agreed-upon cost indices, changes in tipping fees at the Monterey Regional Waste Management District, and actual tonnage of materials collected by GWR; and,

WHEREAS, the application of the formulas required by the franchise agreement result in different rate increases for each and every service level; and,

WHEREAS, consistent with the provisions of Section 8.2.C of the franchise agreement, both the City and GWR have agreed on an alternative approach that adjusts rates by the same percentage for all customers within each sector of customers, thereby preserving the current relationship and structure of the rates within each sector to one another; and,

WHEREAS, GWR's calculation of the rate adjustments have been reviewed by City staff and City staff finds the calculations to be accurate and consistent with the methodology and requirements of the franchise agreement.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:

Approves a 2.5% adjustment to all single-family residential rates; a 2.2% adjustment to all commercial solid waste, recycling, and organics rates; and a 2.2% adjustment to all roll-off rates authorized to be charged by GWR under the franchise agreement, effective July 1, 2016.

PASSED AND ADOPTED BY THE CITY OF COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6<sup>th</sup> of June 2016, by the following roll call vote:

AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

SIGNED:

ATTEST:

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Steve G. Dallas, Mayor

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Ashlee Wright, City Clerk



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1129  
June 6, 2016  
Consent Calendar

<b>TO:</b>	Honorable Mayor and Members of the City Council Chip Rerig, City Administrator
<b>FROM:</b>	Janet Bombard, Library and Community Activities Director
<b>SUBJECT:</b>	Consideration of a resolution adopting updated Facility Use Guidelines for the J. O. Lumberyard Community Room/Vista Lobos Facility.

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$ N/A
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Adopt a resolution authorizing updated Facility Use Guidelines for the J. O Lumberyard Community Room/Vista Lobos Facility.

### SUMMARY

The Vista Lobos Facility Use Guidelines currently in use were last revised in 1993. The guidelines were written when the facility was managed by the Recreation Department, which is no longer in existence, and some of the purposes for which the room was used - including providing recreation department programs and the facility being open for general community use - have been eliminated over the years. The facility has also undergone renovations during the ensuing years with the additions of a public deck and barbecue area, neither of which is included in the current use guidelines.

The proposed facility use guidelines have been updated to reflect current facility usage and rules. The guidelines have also been simplified: the user classifications in the 1993 document have been eliminated, as has the tiered fee structure. Additionally, specific use fees have been removed from the updated guidelines, thus eliminating the need to revise the policy whenever facility fees change.

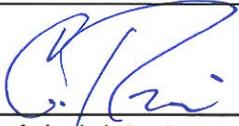
One of the duties of the Community Activities and Cultural Commission, per its Rules of Procedure, is to remain cognizant at all time of the uses of the Vista Lobos facility. The Community Activities and Cultural Commission considered the proposed updates to the guidelines at its March 10, 2015 and April 14, 2015 meetings and voted to recommend to the City Council that it adopt the proposed J. O. Lumberyard Community Room/Vista Lobos Facility Guidelines.

**PRIOR CITY COUNCIL ACTION**

Vista Lobos Facility Use Guidelines were last adopted in 1993.

**ATTACHMENTS**

- 1. Resolution
- 2. Proposed updated Vista Lobos Facility Use Guidelines
- 3. 1993 Vista Lobos Facility Use Guidelines currently in use

<b>APPROVED:</b> 	<b>Date:</b> <u>6-2-16</u>
_____ Chip Rerig, City Administrator	_____

CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
ADOPTING UPDATED FACILITY USE GUIDELINES FOR THE J. O. LUMBERYARD  
COMMUNITY ROOM / VISTA LOBOS FACILITY

---

WHEREAS, the current facility use guidelines for the J.O. Lumberyard Community Room/Vista Lobos facility are outdated and do not reflect current usage; and

WHEREAS, the current use guidelines do not include the facility's deck and barbecue areas;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Adopt the proposed Facility Use Guidelines for the J. O. Lumberyard Community Room / Vista Lobos Facility.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

SIGNED:

ATTEST:

\_\_\_\_\_  
Steve G. Dallas, Mayor

\_\_\_\_\_  
Ashlee Wright, City Clerk

CITY OF CARMEL-BY-THE-SEA  
FACILITY USE GUIDELINES AND USE FEES  
J.O. LUMBERYARD ROOM/VISTA LOBOS FACILITY

**Allowed Use:**

Classes, Meetings, Social Gatherings, Events, Conferences

**Fees/Deposits**

J.O. Lumberyard Room/ Vista Lobos Facility deposits and use fees are determined in accordance with the City of Carmel-by-the-Sea's fee schedules. All rates are per hour and require a **2-hour minimum**. Deposits and use fees are to be paid at the time the completed Facility/Area Use Agreement is submitted. Regular users of the J.O. Lumberyard facility will be billed on a monthly basis.

A. Use of J.O. Lumberyard Room

All users will be charged a key deposit and a cleaning deposit in addition to the use fee. Groups using the facility on a regularly scheduled basis may leave the key and cleaning deposits on account for an entire fiscal year. The Community Activities Department will review the regularly scheduled groups' room use and requirements on an annual basis.

B. Use of J.O. Lumberyard Room plus Kitchen

All rules and regulations as defined in section A. apply to use of the J.O. Lumberyard room, plus kitchen. An additional use fee will be assessed for use of the kitchen.

C. Use of the Deck at Vista Lobos

The deck at Vista Lobos may be reserved for special functions including, but not limited to, weddings, parties, catered dinners, etc. Groups may not exceed 25 people. Use and cleaning deposit fees apply.

- No fires or barbequing on the wood deck.
- No alcoholic beverages are allowed on the deck
- If restroom facilities are needed the user must also reserve the J.O. Lumberyard Room as defined in Section (A) of these guidelines.

D. Reservation of the Barbecue Area

The barbecue is available for use from 10:00 a.m. to 6:00 p.m. Any person or group may use the barbecue area at Vista Lobos. Any person or group wishing to reserve the area for a special function will do so with the Community Activities Department. There is no use fee for the use of the barbecue area; however, any person or group reserving the area shall be required to pay a refundable cleaning deposit of \$100.00.

- No alcoholic beverages are allowed in the barbecue area

- If restroom facilities are needed the user must also reserve the J.O. Lumberyard Room as defined in Section (A) of these guidelines.

### **Insurance**

The established policy of the City of Carmel-by-the-Sea (Resolution No. 87-120) requires a minimum One Million Dollar (\$1,000,000.00) general liability coverage for individuals or organizations sponsoring programs or activities, or providing host liquor at activities which involve the use of municipal facilities. A Certificate of Insurance is required as proof of this liability protection. In order for the certificate to be valid, it must contain the following:

- The renter's name must be listed as the "insured".
- The Policy must not expire before the event date.
- The policy must be for \$1,000,000 per occurrence.
- The description must list the rental location, date of event and type of event planned.
- The City of Carmel-by-the-Sea, its officers, agents and employees at West side of Torres Street between 3<sup>rd</sup> and 4<sup>th</sup> Avenues, Carmel-by-the-Sea, CA 93924 must be listed as "additional insured" on a separate endorsement page.

Official City Support Groups shall comply with this requirement UNLESS the City Council adopts a Resolution of co-sponsorship as set forth in the City's Support Groups Policy (Policy No. C89-47).

### **Reservations:**

1. Reservations are made by completing the Facility/Area Use Agreement, paying the deposit(s) and use fees, and submitting insurance for approval by the City's insurance carrier 30 days in advance. Reservations are taken on a first come, first served basis at a maximum of 6 months prior to the date of use. The facility is not considered reserved until all fees have been paid, insurance has been approved, and the Agreement is signed by the Community Activities Department.
2. The person or organization to whom the Facility/Use Agreement is issued assumes all responsibility for use of the facility. Facility/Use Agreements cannot be transferred, assigned or sublet. The Facility/Use Agreement holder or their delegate must be in attendance at all times.
3. City-initiated and/or sponsored activities, programs, or meetings will be given priority use of the facility.
4. The City of Carmel-by-the-Sea reserves the right to refuse the use of the Vista Lobos facility to any person or group.
5. If the user of the facility imposes a cover charge, sells alcoholic beverages, or otherwise comes under the jurisdiction of the State Department of Alcohol Beverage Control, the City shall be provided with evidence of a valid license from the State Department of Alcoholic Beverage Control prior to the event. No alcohol may be served on the deck or barbeque areas.

6. If alcohol is to be served, the legally responsible individual who signs the Facility/Area Use Agreement must be at least 21 years of age.
7. The City is not liable for accidents, injuries, or loss of individual property in connection with the use of the facility, nor is it responsible for any items left on the premises.

### **Setup and Cleanup:**

1. The user is responsible for set up and cleanup of the event (set up and cleanup are part of the total rental time of the facility).
2. The City will provide all appropriate materials for cleaning the facility.
3. Cleanup responsibilities include, but are not limited to:
  - a. Cleaning, stacking, and returning tables and chairs to proper storage areas.
  - b. Removing all decorations and placing trash in available trash receptacles and recycle containers.
  - c. Sweeping all floors and deck areas and mopping any spills as necessary.
  - d. Washing clean all counters and sinks.
  - e. Cleaning restrooms.
  - f. Picking up all trash from the barbecue and deck areas. All trash shall be placed in provided trash receptacles.
  - g. The use of decorations is permitted; however, all decorations are to be removed immediately after use as part of the user's cleanup of the facility. Tape and thumbtacks are the only materials permitted for fastening decorations, displays, etc. and must be removed at the time of cleanup.
  - h. All lights and heating shall be turned off prior to securing the facility.
  - i. Users must vacate the facility by 10:00 pm.

### **Key Deposit**

1. All users shall be required to pay a \$25.00 key deposit each time the facility key is picked up. The key shall be picked up at the Park Branch Library or a location designated by the Community Activities Department office on the first business day prior to the event, and returned within 24 hours of the end of the event to the Community Activities Department or the Police Department.
2. The key deposit will be refunded within 30 days. If the key is lost or not returned in accordance with these guidelines the deposit shall be forfeited and applied toward making new keys and/or changing locks. If this expense is greater than the deposit, the user will be billed for the excess and shall not be permitted the use of the facility until the outstanding bill is paid in full. Access to the building is only permitted during the time and date for which user has reserved the room. No additional access is permitted.

3. Community Activities office hours are 8:30 am to 5:00 p.m. Monday through Friday. The office is closed during the lunch hour, on weekends and on all legal holidays.

**Energy Conservation:**

If lights and/or heat are not turned off as part of securing the facility, an Energy Conservation Assessment of \$50.00 may be withheld from the deposit, or billed to the user.

**Occupancy:**

The maximum occupancy inside the J.O. Lumberyard meeting room is 68 persons at any one time.

**Changes/Revisions to your Use Permit:**

1. A \$25.00 administrative fee will be assessed for all revisions to a use permit, with the exception of additional time added to an existing use permit.
2. If the user has scheduled time in the facility and cancels the event without notifying the City within 15 days prior to the event, full rental fee is due for the room.

**Cancellation**

1. One time use - If your meeting/event is cancelled, the deposit - if any - will be refunded only if notice is given in advance of the scheduled event according to the following chart:

Number of Days Notice	Percent of Refund
14 or more days	100%
10-13 days	95%
5-12 days	75%
0-5 days	50%

2. Regular Use – If your meeting/event is cancelled and you do not notify the City within 7-12 days prior to the event, you will be charged the full fee for the room rental.  
\*\* Exception – power failure at the facility.

**Bulletin Board**

1. Request for posting materials on the bulletin board shall be submitted to and approved by the Community Activities Department prior to being posted. Any material that does not have an approval stamp will be removed and disposed of.
2. Materials advertising commercial or for profit organizations will not be allowed.

**Storage inside the J.O. Lumberyard building:**

1. The closet storage areas may be utilized by regular users of the facility. A regular user is defined as using the space a minimum of four times per month.
2. There will be a monthly fee for use of the storage area. Facility fees are determined by the City Council, and are updated on an annual basis. Each organization/user is allowed only one space. The City of Carmel-by-the-Sea is not responsible for damaged, lost or stolen items in the storage area.
3. If a regular user of the facility is no longer using the facility (60 days non-use) and abandons items in the storage facility, the items will be disposed of in a manner the City of Carmel-by-the-Sea deems acceptable. A certified letter will be sent informing the user of the pending disposal of the items 30 days prior to disposal.
4. A list of all stored items must be submitted to the Community Activities Department. No flammable or illegal materials may be stored in the facility.

**Refund of Cleaning Deposit**

Refundable deposits will be made on the regular days of the City's check writing schedule, with an attempt being made to refund within 30 days of the event; however, deposits will be refunded only after the facility has been inspected and found to be in a satisfactory condition by the Community Activities Department Staff. If additional cleaning is required to bring the facility into satisfactory condition, a private janitorial service will be hired to complete the cleaning, and the costs thereof deducted from the user's deposit before the balance, if any, is refunded. If charges are incurred for damage to the building and/or its contents or for staff overtime or other maintenance costs, a deduction will be made from the user's deposit and the balance, if any, refunded. In the event that costs exceed the amount of the deposit, the user will be billed for any remainder and will not be permitted to use the facility again until all outstanding charges, if any, are paid in full.

If at any time City staff is required to be on premises outside the normal department operating hours, the user shall be charged the City's hourly overtime reimbursement rate, for a minimum of two hours. The determination of whether or not department staff will be required on premises shall be determined by existing City Policy(s) and/or the Community Activities Department. These charges, if any shall be paid at the time the Facility/Area Use Agreement is submitted.

**General Provisions for the Use of the Facility:**

1. The City has banned use of foam plastic food and beverage containers. Foam food containers (AKA "Styrofoam") may not be used at your meeting or event. (MC 8.86)
2. Specific fire code regulations must be followed for candle usage. No open flames allowed.
3. The display of banners and/or signs is prohibited on the exterior of the building (MC 17.40).

4. Anyone violating the established rules and regulations, or constituting a public nuisance, may be required to leave the facility; your deposit may be withheld and you may be responsible for additional fees related to staff time, damages and losses to the City.
5. By signing and submitting the Facility/Area Use Agreement, the user acknowledges responsibility to abide by all general provisions for the use of the facility/area.
6. Users must vacate the facility by 10:00 p.m.
7. Smoking is not permitted inside Vista Lobos. Appropriate receptacles are provided outside the building for use by smokers.
8. No-fee parking is adjacent to the facility. Vehicles left after 11:30 p.m. are subject to citation.
9. No event to be held at Vista Lobos shall be publicly advertised without the prior written consent of the Community Activities Department Staff or his/her designee as to both method and content of any advertisement.
10. Police officer(s) or private security may be required at some activities as deemed necessary by the City. Charges for any such security shall be paid by the user.
11. The City is not liable for accidents, injuries, or loss of individual property in connection with the use of the facility, nor is it responsible for any items left on the premises.
12. All City-owned equipment to be used must be listed on the Facility/Area Use Agreement.
13. Users shall observe, obey, and comply with all applicable City, County, State and Federal laws.
14. Future use of the facility by a person or group will depend on that person or group's compliance with all provisions of this Agreement and all policies and procedures governing use of the facility.

The individual signing this Agreement is responsible for all activities and the conduct of persons or groups using the facility during the term of the Agreement.

I have read, understand and agree to abide by the rules and regulations set forth in this agreement:

Print Name: \_\_\_\_\_ Sign: \_\_\_\_\_

Organization: \_\_\_\_\_

Date \_\_\_\_\_

CITY OF CARMEL-BY-THE-SEA  
FACILITY USE GUIDELINES  
VISTA LOBOS

A. User Classifications I, II, and III

1. Class I:

- a. Official City activities and those of any other public agency which has a reciprocal use arrangement with the City of Carmel-by-the-Sea.
- b. Carmel-by-the-Sea Recreation Department programs, activities, or events.
- c. Community activities supervised by the Carmel-by-the-Sea Recreation Department during which the facility is open for general use to the community for activities such as checkers, chess, games, etc.
- d. Official City Support Groups.

2. Class II:

- a. Recognized nonprofit organizations, which must:
  - i. Have been granted a tax-exempt status by the Internal Revenue Service.
  - ii. Provide a recreation or social service program to residents of the community.
  - iii. Establish, to the satisfaction of the City, that it would not be practical to charge a fee for the program sufficient to cover reasonable operating costs.
- b. Resident associations serving residents within the incorporated limits of Carmel-by-the-Sea. ✓

User fees for recognized nonprofit organizations and resident associations may be waived pursuant to established City Policy.

3. Class III:

- a. Programs, activities, meetings, parties, or events not meeting the criteria of Classes I or II. These may include, but are not limited to: private parties, weddings, receptions, potluck dinners, political or union activities, recitals, commercial activities.

B. Security/Cleaning Deposit and Refund (if any):

1.	<u>Classification</u>	<u>Deposit</u>
	I	none
	II*	\$ 25.00
	III	\$100.00

\* Class II groups will be charged a minimum cleaning deposit of \$25.00. Class II groups using the facility on a regularly scheduled basis may leave the deposit on account for an entire fiscal year.

- 2. Security/cleaning deposit, if any, is to be paid at the time the Facility Use Agreement is submitted.
- 3. Refundable deposits will be made on the regular days of the City's checkwriting schedule, with an attempt being made to refund within 14 days of the event; however, deposits will be refunded only after the facility has been inspected and found to be in a satisfactory condition by the Recreation Department staff. If additional cleaning is required to bring the facility into satisfactory condition, a private janitorial service will be hired to complete the cleaning and the costs thereof deducted from the user's deposit before the balance, if any, is refunded. If charges are incurred for damage to the building and/or its contents or for staff overtime or other maintenance costs, a deduction will be made from the user's deposit and the balance, if any, refunded. In the event that costs exceed the amount of deposit, the user will be billed for any remainder.

Facility Use Guidelines  
 VISTA LOBOS  
 Page 3.

C. Facility Use Fees for J. O.'s Lumberyard Room

- |                            |                          |
|----------------------------|--------------------------|
| 1. Class I                 | None                     |
| Class II                   | \$ 75/year<br>10/meeting |
| Class III (2-hour minimum) |                          |
| Resident                   | \$ 20/hour               |
| Nonresident                | 25/hour                  |
2. Facility use fee is to be paid at the time the Facility Use Agreement is submitted.

D. Reservations

1. Reservations will be taken by the City's Recreation Department (the designated facility manager) on a first-come, first-served basis at a maximum of 6 months and a minimum of 10 working days prior to the date of use.
2. Reservations are made by completing the Facility Use Agreement and paying the facility use fee and security/cleaning deposit, if any in advance. The facility is not considered reserved until all fees have been paid and the Use Agreement is signed and approved.
3. City-initiated and/or sponsored activities, programs, or meetings will be given priority use of the facility.

**\*NEW\*** Exception: A residents association, as defined in Section (A)(2)(b) above, may begin setup for meetings at 4:00 p.m., and may begin meetings a 4:30 p.m., one day per month.

4. The City of Carmel-by-the-Sea reserves the right to refuse use of the Vista Lobos facility to any person or group.

E. Energy Conservation

1. Due to the extraordinarily high costs associated with the heating of the Vista Lobos facility, it will be necessary to impose a fee on any user who fails to comply with item 7 of General Provisions for the Use of The Vista Lobos Facility (appearing on the reverse side of the Facility Use Agreement). If lights and heat are not turned off as part of securing the facility, an Energy Conservation Assessment of \$10.00 will be added to the amount, if any, withheld from the deposit or billed to the user.

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F. Cancellation

1. If the event is cancelled, the deposit, if any, will be refunded only if notice is given in advance of the scheduled event according to the following chart:

<u>Number of Days' Notice</u>	<u>Percentage of Refund</u>
14 or more	100
10 - 13	95
5 - 12	75
0 - 5	50

G. Setup and Cleanup

1. The user is responsible for setup and cleanup of the event.
2. The City will provide all appropriate materials for cleaning the facility.
3. Cleanup responsibilities include:
  - a. Cleaning, stacking, and returning tables and chairs to proper storage areas.
  - b. Removing all decorations and placing trash in available trash receptacles.
  - c. Sweeping all floors and mopping any spills as necessary.
  - d. Washing clean all counters and sinks.
  - e. Cleaning restrooms.

H. General Liability and Use of Alcohol

1. The established policy of the City of Carmel-by-the-Sea (Resolution No. 87-120) requires a minimum One Million Dollar (\$1,000,000.00) general liability coverage for individuals or organizations sponsoring programs or activities or providing host liquor at activities which involve the use of municipal facilities. A Certificate of Insurance is required as proof of this liability protection, and the policy shall name the City of Carmel-by-the-Sea and its employees as additional insureds against all potential liability.

EXCEPTION: Official City Support Groups shall comply with

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Facility Use Guidelines  
VISTA LOBOS  
Page 5.

this requirement UNLESS the City Council adopts a Resolution of cosponsorship as set forth in the City's Support Groups Policy (Policy No. C89-47).

2. If the user of the facility imposes a cover charge, sells alcoholic beverages, or otherwise comes under the jurisdiction of the State Department of Alcoholic Beverage Control, prior to the event the City shall be provided with evidence of a valid license from the State Department of Alcoholic Beverage Control.
3. If alcohol is to be served, the legally responsible individual who signed the Facility Use Agreement must be at least 21 years of age.

I. General Provisions

1. General provisions governing the use of the facility appear on the back of the Facility Use Agreement and are a part thereof.
2. By signing and submitting the Facility Use Agreement, the user acknowledges responsibility to abide by all general provisions for use of the facility.

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GENERAL PROVISIONS FOR USE OF THE VISTA LOBOS FACILITY

1. Approved users shall pick up the facility key at the Recreation Department office on the last working day before the event. The Recreation Department is located in the Lobos Landing Room at Vista Lobos, on Torres Street between Third and Fourth Avenues. Office hours are 9:30 a.m. to 6:00 p.m., Monday through Friday. The office is closed during the lunch hour, on weekends, and on all legal holidays.
2. Users must vacate the facility by 11:00 p.m.
3. No-fee parking is adjacent to the facility. Vehicles left after 11:30 p.m. are subject to citation.
4. The use of decorations is permitted; however, all decorations are to be removed immediately after use as part of the user's cleanup of the facility. Tape and thumbtacks are the only materials permitted for fastening decorations, displays, etc., and must also be removed at the time of cleanup.
5. All trash shall be placed in provided trash receptacles.
6. Smoking is not permitted inside Vista Lobos. Appropriate receptacles are provided outside the building for use by smokers.
7. All lights and heating shall be turned off prior to securing the facility.
8. The City is not liable for accidents, injuries, or loss of individual property in connection with the use of the facility, nor is it responsible for any items left on the premises.
9. Users shall observe, obey, and comply with all applicable City, County, State, and federal laws.
10. All City-owned equipment to be used must be listed on the Facility Use Agreement.
11. The individual signing the Agreement is responsible for all activities and the conduct of persons or groups using the facility during the term of the Agreement.
12. No event to be held at Vista Lobos shall be publicly advertised without the prior written consent of the Recreation Coordinator or his/her designee as to both method and content of any advertisement.
13. Police officer(s) or private security may be required at some activities as deemed necessary by the City. Charges for any such security shall be paid by the user.
14. Future use of the facility by a person or group will depend on that person or group's compliance with all provisions of this Agreement and to all policies and procedures governing use of the facility.



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1130  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Janet Bombard, Library and Community Activities Director

**SUBJECT:** Consideration of the adoption of a resolution authorizing the Homecrafters' Marketplace craft fair to continue to be held in the Sunset Center north parking lot, closure of the north parking lot, closure of certain streets, and amplified music at the venue, and the adoption of a resolution authorizing the Pumpkin Roll special event to continue annually and the closure of certain streets.

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$ N/A
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Adopt resolutions:

1. Authorizing the Homecrafters' Marketplace craft fair to remain in the Sunset Center north parking lot, closure of the north parking lot, the closure of San Carlos between 8<sup>th</sup> and 10<sup>th</sup> Avenues, and amplified music at the venue.
2. Authorizing the Pumpkin Roll special event to continue annually and the closure of Ocean Avenue west of Santa Rita Street to Junipero Avenue; Santa Fe Street between Ocean Avenue and Mountain View Avenue; and Torres Street between 6<sup>th</sup> Avenue and Mountain View Avenue.

### SUMMARY

#### HOME CRAFTERS' MARKETPLACE CRAFT FAIR

At its August 4, 2015 meeting the City Council considered a staff request to relocate the Homecrafters' Marketplace craft fair to the north parking lot of Sunset Center. The Homecrafters' Marketplace had previously been held in the Sunset Center main parking lot, and the adjacent San Carlos parking lot, but that the location of the venue was confusing for event attendees and vendors.

Staff felt that moving the event to the Sunset Center north parking lot would provide a better venue for both vendors and event attendees. The City Council authorized moving the event and the closure of the north lot.

The north parking lot proved to be an extremely successful venue for the event: comments from vendors and attendees were overwhelmingly positive. The size of the lot allows for more vendors and food booths, and facilitates smoother event setup and breakdown.

Staff is requesting Council authorization to continue holding the Homecrafters' event in the Sunset Center north lot each year, along with the closure the Sunset Center north parking lot, and the closure of San Carlos between 8<sup>th</sup> and 10<sup>th</sup> Avenues.

Staff is requesting Council authorization to add a live music component to the event this year in order to comply with Chapter 8.56 of the Carmel Municipal Code which states "it is unlawful for any person to operate or cause to be operated in the City any sound reproduction or broadcasting equipment in such manner as to cause sound to be projected therefrom outside of any building or out of doors within the corporate limits of the City".

#### PUMPKIN ROLL

At its August 4, 2015 meeting the City Council approved a resolution adding a Pumpkin Rolling component to the 99th City Birthday Party and Parade on Saturday, October 31, 2015 and authorizing the related street closures. Council approved for the event for one year.

Staff is requesting approval to continue to hold the event annually. Although the event was held in conjunction with the City Birthday Party and Parade last year; however, due to the number of Centennial events scheduled for late October staff is proposing to hold the event on October 1, 2016. Staff is also requesting authorization to close the following streets in conjunction with the event: Ocean Avenue west of Santa Rita Street to Junipero Avenue; Santa Fe Street between Ocean Avenue and Mountain View Avenue; and Torres Street between 6<sup>th</sup> Avenue and Mountain View Avenue.

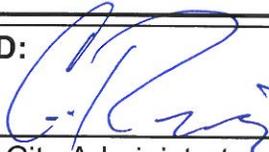
#### PRIOR CITY COUNCIL ACTION

The City Council approved resolution 2015-066 authorizing the relocation of the Homecrafters' Marketplace and resolution 2015-055 authorizing the Pumpkin Roll event at its August 4, 2015 meeting.

#### ATTACHMENTS

1. Resolution: Homecrafters' Marketplace
2. Resolution: Pumpkin Roll

APPROVED:



Chip Rerig, City Administrator

Date:

6-2-16

CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE HOMECRAFTERS' MARKETPLACE CRAFT FAIR TO CONTINUE TO  
BE HELD IN THE SUNSET CENTER NORTH PARKING LOT, CLOSURE OF THE NORTH  
PARKING LOT, CLOSURE OF SAN CARLOS BETWEEN 8<sup>TH</sup> AND 10<sup>TH</sup> AVENUES, AND  
AMPLIFIED MUSIC AT THE VENUE**

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WHEREAS, moving the Homecrafters' Marketplace Craft Fair event to the Sunset Center north parking lot provided a better venue for both vendors and event attendees, thereby enhancing the event; and

WHEREAS, the north parking lot is a public parking lot; and

WHEREAS, closing the parking lot to public parking for purposes of holding an event requires authorization from the City Council; and

WHEREAS, Staff is requesting Council authorization to add a live music component to the event this year in order to comply with Chapter 8.56 of the Carmel Municipal Code.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Authorize the closure of the Sunset Center north parking lot for the Homecrafters' Marketplace Craft Fair Event on a continual basis.
2. Authorize the closure of San Carlos between 8<sup>th</sup> and 10<sup>th</sup> Avenues.
3. Authorize a live music component to the event.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

SIGNED:

ATTEST:

\_\_\_\_\_  
Steve G. Dallas, Mayor

\_\_\_\_\_  
Ashlee Wright, City Clerk

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE PUMPKIN ROLL SPECIAL EVENT TO CONTINUE ANNUALLY AND  
THE CLOSURE OF OCEAN AVENUE WEST OF SANTA RITA STREET TO JUNIPERO  
AVENUE; SANTA FE STREET BETWEEN OCEAN AVENUE AND MOUNTAIN VIEW  
AVENUE; AND TORRES STREET BETWEEN 6<sup>TH</sup> AVENUE AND MOUNTAIN VIEW AVENUE**

---

WHEREAS, Community Activities Department staff is requesting authorization to continue holding the Pumpkin Roll event annually; and

WHEREAS, in order to facilitate a safe and successful event, it will be necessary to close certain streets.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Authorize the Pumpkin Roll event to continue to be held annually.
2. Authorize closure of the following streets on October 1, 2016
  - Ocean Avenue west of Santa Rita Street to Junipero Avenue
  - Santa Fe Street between Ocean Avenue and Mountain View Avenue
  - Torres Street between 6<sup>th</sup> Avenue and Mountain View Avenue

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June, 2016, by the following roll call vote:

AYES:                    COUNCIL MEMBERS:

NOES:                    COUNCIL MEMBERS:

ABSENT:                COUNCIL MEMBERS

SIGNED:

ATTEST:

---

Steve G. Dallas, Mayor

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Ashlee Wright  
City Clerk



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1131  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Janet Bombard, Library and Community Activities Director

**SUBJECT:** Receive fully revised and approved Forest Theater Use Agreement for informational purposes.

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$ N/A
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Receive fully revised and approved Forest Theater Use Agreement for informational purposes.

### SUMMARY

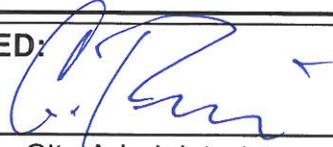
At its May 3, 2016 meeting the City Council approved the Forest Theater Use Agreement, directed staff to make minor revisions, and requested that the use agreement be brought back to Council at its June meeting for informational purposes.

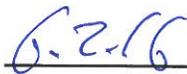
### PRIOR CITY COUNCIL ACTION

At its May 3, 2016 meeting, the City Council ratified the Forest Theater Use Agreement.

### ATTACHMENTS

- 1. Forest Theater Use Agreement

**APPROVED:**   
\_\_\_\_\_  
Chip Rerig, City Administrator

**Date:**   
\_\_\_\_\_

## FOREST THEATER USE AGREEMENT

**THIS LICENSE AGREEMENT**, dated \_\_\_\_\_, 2016, between THE CITY OF CARMEL-BY-THE-SEA, a municipal corporation (hereinafter "CITY") and , < \_\_\_\_\_ > is made with reference to the following facts:

- A. CITY is the owner of the real property with improvements commonly known as the Forest Theater located at Santa Rita Street and Mountain View Avenue, legally described in Exhibit "A" attached hereto and incorporated herein by this reference.
- B. < \_\_\_\_\_ > (hereinafter "USER") desires to rent the space within the CITY of Carmel-by-the Sea commonly known as the Outdoor Forest Theater during the following dates only: \_\_\_\_\_. Said season will begin \_\_\_\_ and end \_\_\_\_\_. The CITY is willing to grant a revocable license to USER to use and occupy the Outdoor Theater of the License Area during the above stated dates for the purposes authorized by this Agreement, subject to all of the terms and conditions hereinafter set forth.

### **NOW, THEREFORE, it is agreed as follows:**

- 1. **Grant of License.** CITY hereby grants to USER a revocable license to use and occupy the Outdoor Theater portion of the Forest Theater for the purpose of providing public, educational, cultural, entertainment and community events. USER agrees to use the Outdoor Forest Theater for the following purposes and to limit its use to such purposes: providing public, educational, cultural, entertainment and community events with all of the applicable conditions and requirements set forth in this use agreement.
- 2. **License Area.** The area to be occupied by USER (hereinafter "License Area") shall be the Outdoor Forest Theater located at Santa Rita Street and Mountain View Avenue, Carmel-by-the-Sea, California (Exhibit A).
- 3. **Condition of License Area.** Use of the License Area is being granted to USER in its present condition and CITY shall have no obligation to make any alterations or improvements to the License Area to accommodate USER's use. USER acknowledges that CITY has made no representations or warranties concerning the condition of the License Area or its suitability for USER's intended use. It shall be the responsibility of USER to conduct such inspections of the License Area as it deems necessary to satisfy itself that the License Area can be used for the purposes intended by USER. The inspection will be performed prior to the agreed upon move-in date, with CITY staff in attendance and concurrent with a CITY staff checklist and video inspection of the facility, the purpose of which will be to ascertain and document the condition of the facility prior to USER moving in. USER shall provide a detailed list of work that is planned to be performed during the site inspection, including what building materials are proposed to be used, for staff to review. The facility will also be subject to a CITY staff inspection upon the USER moving out the purpose of which will be to identify modifications, damages, potential hazmat disturbances, etc. that may have occurred and to assess the general cleanliness of the facility.
- 4. **Termination of License Prior to Expiration of Current Term.** USER may terminate the license at any time during the agreement term by giving sixty (60) days written notice to the City Administrator stating the effective date of termination. CITY reserves the right to terminate the license prior to expiration of the term, with respect to all or any portion of the License Area, upon sixty (60) days prior written notice to USER in the event CITY requires use of the License Area for any public purpose. Should the CITY determine that the operation of the Outdoor Theater is causing a health or safety hazard, the CITY may immediately terminate the license agreement. CITY may also terminate the license in the event of any default by USER in the performance of its obligations

under this Agreement if such default is not cured within thirty (30) days after written notice thereof delivered to USER, or such other period of time as may be specified in the notice.

5. **Permitted Uses.** The License Area shall be used and occupied by USER solely for the following purposes, and limited to such purposes: providing public, educational, cultural, entertainment and community events.
6. **Submittal of Performance/Rehearsal/Technical Work Schedules.** USER will submit schedules of all Outdoor Theater performance, rehearsal and technical days with start and finish times to the Community Activities department fourteen days in advance of the scheduled move-in date. Any and all revisions of said schedules must be submitted to the Community Activities Department at least seven days before said revision will take place.
7. **Move-in / Move-out.** USER shall not begin moving equipment, furnishings, other property or personnel onto the Premises prior to the move-in date and time, unless CITY grants approval. Any equipment, furnishings, or other property belonging to USER remaining upon the Premises after the move-out date shall be deemed abandoned and may be disposed of by CITY, at such time and in such manner as CITY may determine at its sole discretion. USER agrees to pay to CITY upon demand any and all costs of removal and disposal of abandoned property. USER acknowledges that CITY shall have no liability whatsoever for any loss of or damage to Renter's equipment, materials or other property which may arise as a result of such disposal.
8. **Outdoor Theater Hours of Operation (Restrictions and Limitations).** No work, including rehearsals, performances and construction will begin before 9:00 a.m. Construction of sets shall end by 5:30 p.m. During rehearsals, all amplification of sound shall be turned off no later than 10:00 p.m. All rehearsals, performances, and after-parties shall end no later than 10:30 p.m., and the premises vacated by 11:00 p.m., non-inclusive of valet or pick-up/drop-off services.
9. **Rental Rates.** USER agrees to rent the Theater and to pay all charges as set forth in Exhibit "B" entitled "Rental Rates and Charges"; attached hereto and incorporated herein by this reference.
10. **Forest Theater Rules and Regulations; Housekeeping Responsibilities.** USER agrees to comply with all Forest Theater Rules and Regulations and Housekeeping Responsibilities as set forth in Exhibit "C"; attached hereto and incorporated herein by this reference.
11. **Building Use Regulations.** USER shall not in any way make alterations or improvements to the Forest Theater without the prior written consent and oversight of CITY. To ensure compliance with the limitation hereby imposed on the USER, CITY reserves the right to place restrictions upon, or prohibit, the installation by USER of any signs, floor coverings or fixtures; or the affixation by USER of any nails, spikes, lighting, posters, signs, or adhesive - backed items such as stickers, tape, etc. to any part of the Outdoor Forest Theater. Additionally, USER agrees to comply with all Forest Theater Rules, Regulations and Responsibilities as set forth in Exhibit "D"; attached hereto and incorporated herein by this reference.
12. **Hazardous Building Materials.** In case of disturbance of hazardous materials USER shall notify the CITY immediately. USER shall be responsible for cleanup of hazardous material pursuant to EPA standard protocols. USER shall be responsible for any damages / costs incurred as a result of potential exposure to hazardous materials of occupants / workers.
13. **Compliance with Legal Requirements.** USER shall strictly comply with all applicable federal, state and local laws, including hazardous building materials awareness. Further, USER shall strictly comply with all applicable CITY laws, ordinances and regulations. USER agrees to comply with all Forest Theater Rules and Regulations / Housekeeping Responsibilities as set forth in Exhibit C attached hereto and incorporated herein by reference. USER shall have any and all agents,

volunteers and employees sign and return to USER a copy of the Forest Theater Rules and Regulations/Housekeeping Responsibilities prior to use of the facility. USER shall also notify all agents, volunteers and employees that they are to comply with all laws, ordinances, and regulations adopted or established by federal, state, CITY or local government agencies.

14. **Indemnity.** USER agrees to indemnify, defend, and hold CITY, and its officers, officials, boards, commissions, employees, and agents, harmless from and against any and all claims, demands, causes of action, liabilities, costs or expenses, including attorney's fees, occasioned by or in any way connected with the condition, use or misuse of the License Area or occasioned by any negligent act or omission of USER or its, agents, volunteers and employees or arising from any breach of this License Agreement by USER or any of its sub-USERS, agents, volunteers and employees. The indemnity obligations of USER set forth herein shall survive and continue beyond the term of this License Agreement.
15. **Liability of USER:** USER shall assume all liability for any injury to persons or damage to property that may arise from any accident that occurs on or about the Outdoor Forest Theater as a result of the use and/or occupancy thereof by USER.
16. **Retention of Deposit:** Any failure by USER to use and/or occupy the Indoor and/or Outdoor Forest Theater in the manner herein provided shall not entitle USER to a return of the deposit.
17. **Security:** USER shall provide at USER's expense adequate and appropriate supervision and security as to insure the safety and security of the public, personnel and Outdoor Forest Theater during occupancy.
18. **Inspection:** CITY reserves the right to enter any and all parts of the Forest Theater at times for the purpose of examining same to ensure compliance by USER with the terms of this Agreement
19. **Liability Insurance.** During the term of this License Agreement, USER shall procure and maintain in full force and effect at USER's expense: (i) commercial general liability insurance with a limit of not less than One Million Dollars (\$1,000,000.00) per occurrence, and Two Million Dollars general aggregate (\$2,000,000.00); automobile liability insurance with a minimum of \$1,000,000.00 limit per accident; and Workers' Compensation Insurance as required by the State of California.

User must also procure and maintain in full force and effect employer's liability insurance with a minimum \$1,000,000.00 limit per accident, insuring against all liability of USER and CITY for bodily injury and property damage and personal & advertising injury arising out of or in connection with USER, use and occupancy of the License Area and also insuring performance by USER of the indemnity provisions set forth in Section 10 of this License Agreement.

The CITY shall be named as an additional insured by endorsement. USER shall provide CITY with the necessary Certificates of Insurance evidencing CITY as additional insured. The amount of such general liability insurance shall not limit USER's liability nor relieve USER of any obligations under this License Agreement. The general liability insurance policy shall name CITY, and its officers, officials, boards, commissions, employees, agents, and volunteers as additional insured parties there under, and shall be endorsed to provide that: (i) the insurance coverage thereunder shall be primary with respect to CITY; and (ii) no cancellation or reduction in coverage will be made without thirty (30) days prior written notice to CITY by the carrier.

20. As a condition precedent to CITY performance pursuant to this Agreement, USER shall file a certificate of insurance with the Community Activities Department two weeks before move-in date showing that they have in effect the insurance required by this agreement. USER shall file a

new or amended certificate of insurance promptly after any change is made to any insurance policy which would alter the information on the certificate then on file. **Assignment.** USER shall not assign, sublease or transfer any interest in this Agreement, or permit the use of the Outdoor Forest Theater by any person(s) other than USER, its guests, agents, volunteers and employees without the prior written consent of the CITY.

- 21. **Books and Records.** USER shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management under this Agreement; and the accounting and control systems shall be satisfactory to the CITY. The CITY and the CITY'S auditor shall be afforded access to the USER's records, books, correspondence and other data relating to this Agreement for a period of one (1) year after final payment, or for such longer period as may be required by law. In addition, USER agrees to make said records, books, correspondence and other data relating to this Agreement available to CITY at CITY's principal place of business upon 72-hours written notice.
- 22. **Attorney Fees.** Shall either party to this Agreement bring legal action against the other, (formal judicial proceeding, mediation or arbitration), the case shall be handled in Monterey County, California, and the party prevailing in such action shall be entitled to a reasonable attorney's fee which shall be fixed by the judge, mediator or arbitrator hearing the case and such fee shall be included in the judgment, together with all costs.
- 23. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be posted by certified mail or personally delivered to the other party.

This agreement is made this day of \_\_\_\_\_, 201\_\_ by and between the City of Carmel-by-the Sea," whose mailing address is P.O. Box CC, Carmel, CA 93921, and \_\_\_\_\_, herein referred to as "User", whose mailing address is \_\_\_\_\_.

<b>CITY OF CARMEL-BY-THE-SEA</b>	<b>USER:</b> _____
<b>BY:</b> _____	<b>BY:</b> _____
<b>ITS:</b> _____	<b>ITS:</b> _____

## **FOREST THEATER USE AGREEMENT**

### **Exhibit "A"**

Lots One to Fifteen inclusive in Block 85 as shown and so designated on the map of Addition Number 5 to Carmel-by-the-Sea, Monterey County, California, filed on the date of February 9, 1910, now on file and on record in the office of the County Recorder of the County of Monterey, State of California, in Map Book Two, Cities and Towns, at page 22.

**OUTDOOR FOREST THEATER USE AGREEMENT  
EXHIBIT "B"**

Final payment and Gross Receipts must be made to the City of Carmel-by-the-Sea's office within **five (5)** business days of performance or, in the case of a series, **five (5)** business days of last performance.

**RATES AND CHARGES FOR FOREST THEATER**

**Rental of the Outdoor Forest Theater includes use of dressing rooms, backstage area and box office.**

1. Technical work or rehearsals - No admission charged: **\$25.00/day**
2. Admission charged or other consideration, per performance: **(10%)** of Gross Receipts, which is total gate, or \$25.00 per day whichever is greater. Where fees are expressed as a percentage of gate receipts, said receipts shall include all sums from gross ticket sales whatsoever, with no deductions allowable for taxes, costs or other expenses. User shall submit ticket sales receipts for each and every performance along with payments.
3. A clean-up security deposit of \$200 will be required by the City.

**SCHEDULE OF PAYMENTS:**

In event of cancellation, the city of Carmel-by-the-Sea reserves the right to retain the total payment unless another user reserves the designated space (on that date) in which case the City will retain \$100 to cover the administrative costs including rebooking.

USER agrees to pay the CITY **\$25.00** for each requested use date and on performance dates, a minimum of **\$25.00** for each performance or **ten percent (10%)** of gross receipts whichever is greater. (Gross receipts are defined as total gate.)

The City has provided a schedule of payments due for the 2016 season attached as Schedule "A".

**CONTRACT AND PAYMENT**

A contract will be drawn up, and only after such contracts have been approved and signed by the User and the City of Carmel-by-the-Sea City Administrator, and only after appropriate advance payments have been made will the agreement become valid. All payments for the use of the theater and/or supplemental facilities will be made in strict accordance with the payment schedule included in the contract. Failure to make any payment as scheduled will terminate the contract forthwith. Any User who charges admission or collection any donation, gift, or other consideration as a condition of admission will make his/her receipts available to the City of Carmel-by-the-Sea City Administrator for inspection and will pay any additional fees [based on ten percent (10%) of gross receipt] due the City. All payments are to be made in cash, check or bank money order. **First payment is to be made prior to access to premises.**

**INDOOR FOREST THEATER USE AGREEMENT  
EXHIBIT "C"**

**ALL CONDITIONS AND TERMS SPECIFIED IN THE FOREST THEATER USE AGREEMENT APPLY TO THE INDOOR FOREST THEATER.**

**RATES AND CHARGES FOR INDOOR FOREST THEATER**

Rental of the Indoor Forest Theater includes use of the theater under the outdoor stage and the downstairs storage area.

**SCHEDULE OF PAYMENTS**

USER agrees to pay the CITY \$160.00 per month, due the 5<sup>th</sup> of each month. Additional scheduling of an outside performer other than Pacific Repertory Theater must be approved by the City and not be in conflict with other performances at the Forest Theater.

**CONTRACT AND PAYMENT**

A contract will be drawn up, and only after such contracts have been approved and signed by the USER and City Administrator representing the CITY, and only after appropriate advance payments have been made will the agreement become valid. All payments for the use of the theater and /or supplemental facilities will be made in strict accordance with the payment schedule included in the contract. Failure to make a payment as scheduled may terminate the contract, if payment is not received within ten (10) days of the due date. Any USER who charges admission or collects any donations, gift, or other consideration as a condition of admission will make his/her receipts available to the City administrator for inspection and will pay any additional fee (based on ten percent (10%) of gross receipts) due the CITY. All payments are to be made in cash, check or bank money order. First payment is to be made prior to access to premises.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**FOREST THEATER USE AGREEMENT**  
**Exhibit "D"**

The facilities will be based in accordance with the conditions and requirements set forth in the "Rules and Regulations for Use of Facilities," a true copy of which is attached hereto, Schedule "C", and User acknowledges that he is aware of these regulations. User Agreement grants the right to use only the facilities, equipment, and services as are specified. User acknowledges that he/she is aware of the extent and kind of such equipment and services.

The City will permit the User to use the facilities herein described for the periods of time herein set out, except that if such facilities are rendered untenable by fire, windstorm, earthquake, or other catastrophe or act of God, this User agreement will be deemed canceled as between the parties; and the City shall have no obligation to User by virtue of the execution of the agreement except for the refund of any advance payment and/or deposit.

User agrees to obtain written permission to perform any material subject to copyright from the owner of the copyright prior to performing the material at FOREST THEATER. User agrees to indemnify and hold harmless the City from any and all claims, damages, or expenses arising from any violation of or infringement upon copyrights by User.

Schedule "B" is attached for Season beginning <                    >. In the event that major upgrades are required for the Forest Theater facility, Schedule "A" will be revised at the discretion of the City.

**PROTECTION OF PROPERTY AND FACILITIES**

It is the responsibility of the User to protect all property and facilities in use by User, his/her agents, employees, audiences or anyone else authorized to enter property by User. An appropriate Clean-up and Security deposit may be required of each User. At the close of the contract period, the cost of replacing any loss, repairing any damage or performing any excessive clean-up will be deducted from the deposit. This includes but is not limited to damage caused to any technical equipment by misuse by User/staff/technicians/volunteers or any 3rd party vendor. If the cost of such correction exceeds the amount of the security deposit, the deposit shall be forfeit and the remainder due shall become a debt owed by the User to the City and shall be subject to collection as provided by the law. Any unused portion of the deposit will be refunded.

**FOOD AND BEVERAGES**

No food or beverages or other comestibles can be furnished, sold, or given away anywhere in and about Forest Theater facilities without first obtaining written permission from the City of Carmel-by-the-Sea's City Administrator office. Such permission can be revoked on thirty (30) days written notice. The request for the permit shall state the following:

- a) Type of food, beverage, or other comestibles or merchandise to be furnished.
- b) The name(s) of the person(s) who will furnish the food, beverages, or other comestibles and operate the space.
- c) The name, address, and telephone number of the responsible person plus the same information for the person(s) responsible for the cleanup of space used.

Health Department Permit Number \_\_\_\_\_

Resale License Number \_\_\_\_\_

User will also furnish to the City a copy of each and every Alcoholic Beverage Control License obtained for the premises.

## FOREST THEATER USE AGREEMENT

### Exhibit "D" continued

#### AGREEMENTS

User will complete a Forest Theater Event Report for each event. Form to be supplied by the City.

- User will file a set of plans and/or revisions with the City at least (3) weeks prior to the beginning of any set construction. All plans, and revisions for all plans, must be drawn in accordance with standard construction practices and meet all Uniform Codes and State safety requirements for stage/set construction at the Forest Theater. It is acknowledged that temporary theater stage sets and scenery are often exempt from Building Permits. Plans and subsequent construction are the responsibility and liability of the user and subject to inspection and approval by the City.
- User will obtain a permit before any work requiring a permit is commenced.
- Any equipment brought in for by User for use in the Outdoor or Indoor Theaters may be inspected by City staff for compliance with fire and safety regulations. Any equipment not in compliance or deemed unsafe cannot be used in the theater. The City accepts no responsibility for the equipment, its storage, loss, theft or damage.
- All electrical connections (excepting plugged-in listed devices or appliances), modifications or installations shall be made by certified electricians, and permits must be obtained from the City Planning and Building department, if applicable. All technicians and technical/stage crew personnel must already be trained on equipment and meet the necessary skill sets of equipment operation. Informational note: refer to NFPA 70E-2009, *Standard for Electrical Safety in the Workplace*, for electrical safety training requirements.
- User will maintain the premises in a clean and neat manner. Keep the grounds and dumpster-area clean and free of trash, waste, and rubbish. Any costs for cleaning incurred by the City will be charged to the user.
- User will provide as needed, responsible accommodation and personnel to assist disabled audience members to and from their theater seats.
- If conflicts or disagreements arise in regard to this Forest Theater use Agreement and are not resolved, the matter will be given to the City Administrator. All decisions by the City Administrator are final.

#### GENERAL PROVISIONS

City will provide to the best of its ability and at its expense, utilities, maintenance of public restrooms, and waste management services. Any mechanical failure will not void this contract; the City will make every effort to correct technical and mechanical problems regarding utilities but cannot be held liable if such problems are beyond City control. Available dressing rooms will be provided at no cost to the User. All other services or conditions will be at the expense of user. User is responsible for contacting the City to arrange delivery and pick-up of a dumpster during set-up/strike. The City will clean the site prior to opening. The user agrees to abide by all rules and regulations as out of the City in Exhibit "D" and Schedule "C".

**FOREST THEATER USE AGREEMENT  
EXHIBIT "E"**

All visitors, including people with disabilities, must be able to move about with safety and ease. It is the responsibility of the USER to develop and implement a plan to provide a method of providing accessible parking to patrons with disabilities who are attending events in private vehicles. The plan will address the issue of getting people with mobility impairment safely between their vehicles and the theater box office and seating, and will address both the Outdoor and Indoor Theaters.

Prior to commencing tenancy, the proposed plan will be submitted to City staff for review. Tenancy will not be granted until such time as the plan has been approved.

With regard to reserved parking spaces set aside for accessible parking, the person responsible for the parking plan may release these spaces if the parking spaces are not used.

**OUTDOOR FOREST THEATER USE AGREEMENT  
SCHEDULE "A"**

**SCHEDULE OF PAYMENTS:**

In event of cancellation, the City of Carmel-by-the-Sea reserves the right to retain the total payment unless another user reserves the designated space (on that date) in which case the City will retain \$500.00 to cover the administrative costs including rebooking.

USER agrees to pay the CITY \$25.00 for each requested use date and on performance dates, a minimum of \$25.00 for each performance or ten percent (10%) of the gross receipts whichever is greater. (Gross receipts are defined as total gate.)

USER agrees to pay \$< > (< > **tech/rehearsal/load in days**) advance payment due no later than < > and further agrees that additional payments will be made as follows:

10% of gross receipts for [name of play] no later than < DATE >  
and

10% of gross receipts for [name of play] no later than < DATE >  
and

10% of gross receipts for **Concession Stand** sales no later than < DATE >

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**OUTDOOR FOREST THEATER USE AGREEMENT  
SCHEDULE "B"  
(List Scheduled Performances)**

**OUTDOOR FOREST THEATER USE AGREEMENT  
SCHEDULE "C"**

**Forest Theater Rules and Regulations**

- Smoking** No smoking shall be permitted within any part of the Forest Theater including stage and backstage areas. All programs printed by the User shall bear a statement indicating the regulations on smoking.
- Occupancy** Theater occupancy will be limited to 540 persons; in addition, the number of tickets printed shall not exceed 540 per event. When selecting and producing performances, User shall be sensitive to the neighbors concern for noise and the beauty of the surroundings. No standing or sitting in aisles or on the stairways is permitted. The User will not permit any person to act in any manner, which creates a hazard, an annoyance or a disturbance within any City premises; and the User will immediately take all needful corrective action should such a situation arise.
- Lighting** All legally required lights must be on at all times when facilities are occupied.
- Exits** No exits from any room, theater, stage, backstage or dressing rooms areas shall be blocked or be permitted to be blocked or obstructed in any way.
- Materials** Only non-flammable materials shall be used in the construction of scenery, drops, props, drapes, or decorations, unless they have been treated with flame-retardant material approved by the State Fire Marshal. Any flammable scenery or materials found on the stage, backstage area, or any other area, shall be immediately removed regardless of whether or not a performance is taking place.
- Personnel** All front-of-house and backstage personnel will be subject to the direction of the person in charge. An adult individual (21 years or older) must be present for all activities associated with this use agreement.
- Fire** The **Fire Marshal/Carmel Fire Department** shall be responsible for the enforcement of fire safety regulations. He/she may require the presence of fire marshal, if, in his/her opinion, one is needed.
- Police** The **Police Chief/Carmel Police Department** shall be responsible for enforcement of security regulations. If he/she determines uniformed police are required, User will be required to pay any costs for some.

## FOREST THEATER USE AGREEMENT

### Schedule "C" – continued

- Parking** User shall NOT be permitted to charge for the use of parking facilities. There shall be no reserved parking other than that necessary to provide for a City-approved accessible managed parking plan.
- Sleeping** Overnight accommodations in house trailers, campers, recreational vehicles, etc., on the premises will not be permitted.

### HOUSEKEEPING RESPONSIBILITIES

- No structures or sets are to be built unless specifically provided for herein
- No trees, shrubbery or other vegetation shall be cut, trimmed or injured.
- Fires will not be permitted except under the following guidelines established by the **Carmel Fire Department** and the City.
  - Fires in the pits are allowed only during full tech rehearsals, dress rehearsals, and performances
  - Only clean, unpainted firewood may be burned
  - No painted, varnished, plywood or particle board may be burned
  - No trash may be burned
  - A garden hose must be available to extinguish the fires in an emergency and after the performance
  - Fires must be extinguished after the performance and the exit of the patrons
  - Fires must be of a size so as not to endanger the vegetation, sets, actors, or audience
  - Fires shall be extinguished immediately if the **Carmel Fire Department** deems then unsafe for any reason
- User will have all vehicles associated with their events (s) parked in areas designated by the City.
- User will provide parking and traffic control for all vehicles as directed by the City and/or the **Carmel Police Department**.
- User will maintain the grounds of the entire outdoor facility during outdoor occupancy in a clean, sanitary and litter free condition and will restore the area to as good or better condition than it was received.
- User shall clean the outdoor ground (including refuse removal to dumpster), seating area and stage immediately after each outdoor performance.
- User shall repair, within fifteen (15) days, any and all damage to the facilities and grounds or any other property, which was a result of User's activities as encompassed by this permit, at organization's expense. City will be the sole judge of the extent of damage.
- All lighting cables and wire shall be kept neat and tidy.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**FIRST AMENDMENT**

**EXTENSION OF FOREST THEATER USE AGREEMENT**

This extension of the Forest Theater Use Agreement (the "Extension") is entered into as of < >, 20\_\_, by and between \_\_\_\_\_ ("Party One") and \_\_\_\_\_ ("Party Two", and together with Party One, the "Parties").

**RECITALS**

**WHEREAS**, Party One and Party Two are parties to the Forest Theater Use Agreement dated as of \_\_\_\_\_, 2016, regarding use of the Outdoor [**and Indoor**] Forest Theater for a term ending on \_\_\_\_\_, 201\_, (the "Agreement"), a copy (Attachment A) of which is attached to this Extension; and

**NOW THEREFORE**, in consideration of the above recitals and the mutual promises and benefits contained herein, the Parties hereby agree as follows:

**1. PURPOSE OF EXTENSION**

This Extension shall constitute the First extension of the Agreement. The purpose of this extension is to allow the Parties to complete the previously agreed upon term of tenancy interrupted by the closure of the Forest Theater. This Extension of the Forest Theater Use Agreement will terminate \_\_\_\_\_, 201\_.

**CITY OF CARMEL-BY-THE-SEA**

**USER:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**SECOND AMENDMENT**

**SECOND AMENDMENT TO FOREST THEATER USE AGREEMENT**

1. This Second Amendment to the Forest Theater Use Agreement (the "Amendment") is entered into as of < \_\_\_\_\_ >, 20\_\_ , by and between \_\_\_\_\_ ("Party One") and \_\_\_\_\_ ("Party Two", and together with Party One, the "Parties").

**RECITALS**

**WHEREAS**, Party One and Party Two are parties to the Forest Theater Use Agreement dated as of \_\_\_\_\_, 2016, regarding use of the Outdoor [**and Indoor**] Forest Theater for a term ending on \_\_\_\_\_, 201\_, (the "Agreement"), a copy of which is attached to this Extension; and

**NOW THEREFORE**, in consideration of the above recitals and the mutual promises and benefits contained herein, the Parties hereby agree as follows:

**1. PURPOSE OF AMENDMENT**

This document shall constitute the Second Amendment of the Agreement. The Agreement is amended as follows:

The Attached Forest Theater Use Agreement (Attachment B) amends the original Forest Theater Use Agreement in its entirety. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

<b>CITY OF CARMEL-BY-THE-SEA</b>	<b>USER:</b> _____
<b>BY:</b> _____	<b>BY:</b> _____
<b>ITS:</b> _____	<b>ITS:</b> _____



## MEMO

**DATE:** June 3, 2016

**TO:** Members of the City Council and the public

**FROM:** Ashlee Wright, City Clerk

**SUBJECT:** Ratification of appointments to the Harrison Memorial Library Board of Trustees, Community Activities and Cultural Commission, Historic Resources Board, and Planning Commission.

This report will be provided under separate cover in advance of the Special Council Meeting to be held Monday, June 6, 2016 at 5:30PM.



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1133  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Ashlee Wright, City Clerk

**SUBJECT:** Consideration of a Resolution Confirming the City's Appointments to Local Agencies: Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority (MPRWA), Monterey-Salinas Transit (MST), Transportation Agency of Monterey County (TAMC), Monterey County Convention and Visitors Bureau (MCCVB), and Monterey Bay Unified Air Pollution Control District (MBAPCD).

### RECOMMENDATION

Adopt resolution confirming appointments to local agencies: Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority (MPRWA), Monterey-Salinas Transit (MST), Transportation Agency of Monterey County (TAMC), Monterey County Convention and Visitors Bureau (MCCVB), and Monterey Bay Unified Air Pollution Control District (MBAPCD).

### SUMMARY

The City of Carmel-by-the-Sea has representation on several local agencies. This representation provides a link between the City and regional partners with the City's participation defined in agency governance documents. The Mayor recommends appointments to those agencies as included in Exhibit "A" to the attached draft resolution.

In addition to their duties on the City Council, the Mayor and Council Members serve as the City's representatives to local agencies as listed above. They also serve on Council subcommittees, and on ad hoc committees as assigned.

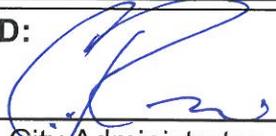
### PRIOR CITY COUNCIL ACTION

At its August 5, 2014 Special Meeting Council approved Resolution 2014-055 confirming the City's appointments to Local Agencies.

In the past Council confirmed each agency appointment individually over the course of the year. After the last election in 2014 staff recommended agendaizing local agency appointments as a single Council agenda item to be reviewed annually in May. Staff would like to amend that recommendation to schedule appointments to local agencies to be agendaized for the June Council Meeting, after the City's April Election Cycle has been completed during even numbered years.

**ATTACHMENTS**

- 1. Resolution
- 2. Exhibit "A"

<b>APPROVED:</b> 	<b>Date:</b> <u>8.2.18</u>
_____ Chip Rerig, City Administrator	_____

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION 2016 –**

**A RESOLUTION OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA CONFIRMING THE  
CITY COUNCIL’S APPOINTMENTS TO LOCAL AGENCIES**

---

WHEREAS, the City of Carmel-by-the-Sea has representation on the Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority (MPRWA), Monterey Salinas Transit (MST), Transportation Agency of Monterey County (TAMC), Monterey County Convention and Visitors Bureau (MCCVB), and Monterey Bay Unified Air Pollution Control District (MBAPCD); and

WHEREAS, the Mayor and Council Members annually discuss and rebalance their obligations and appointments to local agencies.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF CARMEL-BY-THE-SEA DOES:

1. Confirm the appointments to Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority (MPRWA), Monterey Salinas Transit (MST), Transportation Agency of Monterey County (TAMC), and Monterey Bay Unified Air Pollution Control District (MBAPCD), and Monterey Bay Unified Air Pollution Control District as in Exhibit “A”

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

SIGNED:

ATTEST:

---

Steve G. Dallas, Mayor

---

Ashlee Wright, City Clerk

## City of Carmel Appointments to Outside Agencies

Appointment	Appointed
<b>Association of Monterey Bay Area Governments (AMBAG)</b>	
Primary: Bobby Richards	
Alternate: Steve Dallas	
Meetings are held on the 2nd Wednesday of each month from 6:00 - 8:00 PM in the Marina Library Community Room, 190 Seaside Circle, Marina, CA 93933. Agency Contact: Anna Flores, (831) 883-3750 ext. 300 or aflores@ambag.org	
<b>Fort Ord Reuse Authority (FORA)</b>	
Primary: Jan Reimers	
Alternate: Steve Dallas	
Meetings are held on the 2nd Friday of each month at 2:00 PM at the Carpenter's Union Hall on the former Fort Ord, 910 2nd Avenue, Marina, CA 93933. Agency Contact: Marie Buell (831) 883-3672 or maria@fora.org	
<b>Monterey Peninsula Regional Water Authority (MPRWA)</b>	
Primary: Steve Dallas	
Alternate: Vacant	
Meetings are held on the 2nd Thursday of each month at 7:00 PM in the City of Monterey Council Chamber, 580 Pacific Street, Monterey, CA 93940. Agency Contact: (831) 646-3935	
<b>Monterey Salinas Transit District (MST)</b>	
Primary: Carolyn Hardy	
Alternate: Carrie Theis	
Meetings are held on the 2nd Monday of the month at 10:00 AM in the Monterey Bay Unified Air Pollution Control District board room, 3rd floor, 24580 Silver Cloud Court, Monterey, CA 93940. Agency Contact: Deanna Sessums dsmith@mst.org	

**Monterey Regional Taxi Authority (RTA)**

Primary: Carolyn Hardy

Meetings are held quarterly January, April, July, and October on the 4th Monday of the month at 10:00 AM in the MST Conference Room, 1 Ryan Ranch, Monterey, CA 93940. Agency Contact: Deanna Sessums dsmith@mst.org

**Transportation Agency for Monterey County (TAMC)**

Primary: Carolyn Hardy

Alternate: Steve Dallas

Meetings are held the 4th Wednesday of the month at 9:00 AM in the Agricultural Center Conference Room, 1428 Abbott Street, Salinas, CA 93901. Agency Contact: Louise Rodriguez (831) 775-4401 or elouise@tamcmonterey.org

**Monterey Regional Waste Management District (MRWMD)**

Primary: Carrie Theis

Meetings are held the 3rd Friday of the month at 9:30 AM in the MRWMD Offices, 14201 Del Monte Blvd., Marina CA, 93933. Agency Contact: Becky Aguilar (831) 264-6913 or baguilar@mrwmd.org

**Monterey County Convention and Visitors Bureau**

Primary: Bobby Richards

Meetings are held the last Wednesday of the month at 2:00PM, location varies from month to month - please see full schedule online. Agency Contact: Alliah Sheta (831) 657-6405 or Alliah@seemonterey.org



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1134  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Ashlee Wright, City Clerk

**SUBJECT:** Consideration of the adoption of a policy to establish a Records Management Program for the preservation, protection, retention, and legal disposition of the City's records.

### RECOMMENDATION

Adopt a policy to establish a Records Management Program for the preservation, protection, retention, and legal disposition of the City's records.

### SUMMARY

#### SUMMARY:

In order to adhere to best practices for good governance, particularly stewardship of public resources and transparency, staff is proposing the adoption of a policy to establish a Records Management Program. As proposed the City of Carmel-by-the-Sea's Records Management Program is comprised of the program scope and objectives, program authority, procedures for implementation, and a retention schedule. By implementing this program, the City will realize: 1. a reduction of the number of records maintained in the office; 2. the timely transfer of information from office to inactive storage; 3. the systematic destruction of information in accordance with State approved retention schedules; 4. the protection of vital information; 5. the improvement of the availability of information to the public; and 6. the laying of the foundation for the implementation of an electronic Records Management System, funds for which have been requested in the FY 2016-2017 CIP.

Records management is the systematic and administrative control of records throughout their life cycle to ensure efficiency in their creation, use, handling, control, maintenance, and disposition. Records are considered all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics.

To develop a policy to establish a Records Management Program for the City of Carmel, staff utilized the following resources: (1) the State's Local Government Records Program Guidelines, (2) the State's Local Government Records Retention Guidelines, which includes all relevant statutory and regulatory sources, including the California Government Code, California Code of Regulations, the U.S. Code, and the Code of Federal Regulations, and (3) an extensive survey of Records Management Programs, policies, and procedures, instituted and implemented throughout other cities in the state of California.

CONCLUSION:

After careful research and policy development staff recommends that the Council adopt the attached policy and retention schedule comprising the proposed Records Management Program. Council's adoption of a Records Management Program will ensure adherence to state mandated and recommended best practices for records management and provide direction to staff for the retention of records. It will also lay the groundwork for an electronic records management system in the future.

**PRIOR CITY COUNCIL ACTION**

N/A

**ATTACHMENTS**

1. Resolution
2. Draft Policy C2016- \_\_\_ Records Management Program

<b>APPROVED:</b> 	<b>Date:</b> <u>6-2-16</u>
_____ Chip Rerig, City Administrator	_____

**CITY OF CARMEL-BY-THE-SEA**

**RESOLUTION 2016 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA TO ADOPT A POLICY TO ESTABLISH A CITYWIDE RECORDS MANAGEMENT PROGRAM FOR THE PRESERVATION, PROTECTION, RETENTION AND LEGAL DISPOSITION OF RECORDS AND APPROVING A RECORDS RETENTION SCHEDULE FOR ALL CITY DEPARTMENTS**

WHEREAS, California Government Code section 34090 et seq. provides guidelines for retaining records and destroying records which are obsolete when their retention period has expired; and

WHEREAS, California Government Code section 12236(a) states that the Secretary of State shall establish the Local Government Records Program, administered by the State Archives, to establish guidelines for local government records retention and to provide archival support to local agencies in this state; and

WHEREAS, the City Council of the City of Carmel-by-the-Sea recognizes its responsibility and obligation to foster efficient and cost-effective government and further recognizes the central importance of the management and protection of its records; and

WHEREAS, there is a need for a City-wide records management policy and a retention schedule standardizing the length of time records are kept according to all applicable legal, fiscal, administrative and historic requirements; and

WHEREAS, the policy establishes a Records Management Program, a comprehensive program of integrate procedures for the management of records from their creation to their ultimate disposition, and is consistent with federal, state, and local regulations, as well as accepted records management practices; and

WHEREAS, the declared purpose of the Records Management Program is to establish the authority and assign responsibility for carrying out the comprehensive Records Management Program and to create the administrative framework through which the purposes are to be achieved; and

WHEREAS, an effective program demonstrates to legal and regulatory authorities that the City of Carmel-by-the-Sea is making every effort to retain and dispose of its records in a responsible manner and in accordance with the state and federal regulations, applicable guidelines and good governance practices.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carmel-by-the-Sea that the policy to establish a Records Management Program as set forth in Exhibit "A" is hereby adopted in its entirety

PASSED AND ADPOTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
this 6th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SIGNED:

ATTEST:

\_\_\_\_\_  
Steve G. Dallas, Mayor

\_\_\_\_\_  
Ashlee Wright, City Clerk

## CITY OF CARMEL-BY-THE-SEA

POLICY NO. C2016-\_\_\_\_

### RECORDS MANAGEMENT PROGRAM

#### DEFINITIONS

- **Active Records** – Records that are referred to at least once a month. Also – as a retention period for a Perpetual Record that remains “active” until some event occurs to change its status, at which time it has fulfilled its function. (See also **Perpetual Record**)
- **Administrative Records** – Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods. Examples include subject, chronological, work plans, and policy files.
- **Archival Records** – Records with enduring value because they reflect significant historical events, document the history and development of the City, or provide valuable research data.
- **Damaged Records** – Records that have been damaged by water, fire, and other forms of contamination during natural and man-made disasters. Dependent on the severity of the damage, records may be recovered or may need to be declared unrecoverable and destroyed.
- **Discovery** – The pretrial disclosure of pertinent facts or documents by one or both parties to a civil action or proceeding. Anything requested during discovery must be disclosed if it exists – even non-records and records that should have been destroyed earlier. Discovery effectively freezes selected holdings until released by the opposing attorney or the court.
- **Email** - Short for electronic mail, the transmission of messages over communications networks. The messages can be notes entered from the keyboard or may include attachments of electronic files stored on disk.
- **Inactive records** – Records that are accessed an average of less than once per month, but have not completed their full retention period. These records may be stored in a separate location from active files. Also – a Perpetual Record that has fulfilled its function. (See also **Perpetual Record**)
- **Local Government** – Government Code, Section 6252 states: “‘Local Agency’ includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Government Code, Section 54952.”
- **Non-Records** – Materials not kept in the ordinary course of business, such as transitory documents, voicemail, email, unofficial copies of documents kept only for convenience or reference, working papers, stocks of publications and blank forms, and library or museum material intended solely for reference or exhibition. Also documents such as rough notes, calculations or drafts assembled in preparation or analysis of other documents. NOTE: A draft that contains substantive comments from a project applicant, an applicant’s attorney, consultant or agent, should be treated as a record of comments received from that source, and the draft or portions showing the substantive comments should ordinarily be retained accordingly. (See also **Discovery**)

- **Permanent Records** – Records that are required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include original minutes, ordinances, resolutions, land grant deeds, etc.
- **Perpetual Records** – Records retained as active files for an indefinite period of time and then stored or destroyed after some event takes place. Examples include personnel files which are active until a person terminates his or her employment; policy files kept until the policy is changed; contract files that are active until the contract terminates, then destroyed a fixed number of years later; current database information that is superseded; etc.
- **Program Records** – Records that relate to the primary function of the agency in response to its daily mission. Examples include lien files, recorders files, election files, probate records, medical records, etc.
- **Public Records** – For purposes of the California Records Act, any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- **Records** – A thing which constitutes an objective, lasting indication of a writing, event, or other information which is in the custody of a public officer and was kept because it is necessary or convenient to the discharge of the public officer’s duties and was made or retained for the purpose of preserving its informational content for future reference. Substantive written communications from individuals or entities who are not City employees, officials, or contractors would ordinarily be considered records.
- **Records Retention Schedule** – A list of all records produced or maintained by an agency and the actions taken with regards to those records. A retention schedule is an agency’s legal authority to receive, create, retain, and dispose of official public records. It assists the agency by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, historical, or legal value. In the event of litigation, courts accept a retention schedule as establishing an agency’s “normal course of doing business”.
- **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal, historical and/or legal function. Then a record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- **Software** – Any system, program, application, instruction, or protocol designed to store, control or process data.
- **Vital Records** – Records required for daily operations and to resume those operations after a disaster. A Vital Records program protects records from the effects of the disaster and assists in recovery from the event.

## **PROGRAM SCOPE AND OBJECTIVES:**

### **Introduction**

The City of Carmel-by-the-Sea Records Management Program is designed to protect the City's information assets and manage them effectively by employing systematic methods for creation, maintenance, retention, disposition, and retrieval of official City records. Through application of sound record management practices, the program ensures the availability of records and information when needed by City staff and members of the public. These practices also ensure the elimination of unnecessary, redundant records, the preservation of records of continuing value for historical, legal and administrative research, and the destruction of records that are obsolete in accordance with established guidelines once they reach their approved disposition date.

By controlling the life cycle of records from creation to final disposition, the City will better manage its information assets, facilitate efficient access to information when needed, provide documentation of compliance to state and federal agencies, and preserve the valuable history of the organization. Records that are not appropriately maintained or improperly destroyed expose the City to potential liability. The City Clerk's Office coordinates the Records Management Program in cooperation with all City departments. The City Clerk is also responsible for preserving the City's legislative history through permanent records such as minutes, minute, ordinances, and resolutions.

### **Records Retention Schedule**

The Records Retention Schedule provides the foundation for the Records Management Program and plays a pivotal role in its implementation. The City Clerk maintains the retention schedule which covers each department of the City and updates the schedule on a periodic basis to accommodate legal administrative, or fiscal policy changes.

This schedule based on the Local Government Records Retention Guidelines (LGRRG), establishes mandatory minimum retention periods for all City records. If federal or state law, court ruling, or regulation establishes the retention period for a record, a citation to the relevant provision is given; if no citation is present, authority for the retention period is based on departmental, legal and management recommendations.

Records not addressed in the attached schedule should be considered routine in nature and would be identified as general information under a specific record series. Retention for those records would be two (2) years unless specific laws, decisions or opinions apply to that records series.

Transitory correspondence files, consisting of routine transactions, memoranda or emails holding no administrative, fiscal, historical, or legal value should not be filed with working files. Examples of transitory documents may be, but are not limited to transmittal letters, forms, requests for routine information or publications, announcements, and other documents not requiring action by the receiving office.

Documents that are not transitory in nature, not addressed in this schedule, and for which there are legal requirements or the records is essential either for legal, historical, fiscal or administrative value shall have a record series number and title assigned to them and they shall be added to the retention schedule.

California Government Code, Section 34090.5 sets forth that if a record series can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original format as outlined in the retention schedule. It is the goal of the City to move toward an electronic imaging program. Until an electronic system is in place, a concerted effort will be made to adhere to the retention

schedule and to destroy all appropriate records that are being stored in various facilities throughout the City, and prepare archival material for electronic filing. This process will eliminate a large number of storage boxes and release space for other uses, as well as bring the Records Management Program into full compliance.

### **Email Retention Policy**

The City's email system is not intended to be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Routine email messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City use or reference. Email messages and attachments comparable to hard copy documents that would be retained under the Records Retention Schedule should be categorized in the appropriate record series. It is each user's responsibility to remove non-substantive records from the email system on a rolling sixty day schedule. This includes items in "received" and "sent" folders. An email is not considered destroyed once it has been deleted from a user's mailbox. It may still be considered a record until it is permanently deleted from the system.

### **Disposition**

City records are authorized to be destroyed on an on-going basis in accordance with the retention periods and best practices prescribed by the Records Retention Schedules set forth as part of this policy. Notwithstanding the provisions herein and in accordance with Government Code Section 34090, which states that "*unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the City Attorney, the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.*" However, this section specifically prohibits the destruction of the following records:

- a. Records affecting the title to real property or liens thereon;
- b. Court records or records relating to legal proceedings and subject to a legal hold;
- c. Records required to be kept by statute;
- d. Records less than two years old;
- e. The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

No department may dispose of any official City record prior to the expiration of its approved retention period. In all instances documentation of destruction is required, the attached Authorization to Destroy Obsolete Records must be completed and signed by the Department Head and City Attorney. This form serves as a permanent record, and would be utilized in any legal proceedings as evidence of proper destruction.

### **PROGRAM AUTHORITY**

The City of Carmel-by-the-Sea Records Management Program is based on state and federal laws and agency guidelines governing public records. Numerous State and Federal codes and sections apply to different types of records. The principal California law applicable to City records is Government Code Section 34090 *et. seq.*, which requires original records to be retained a minimum of two years and sets forth other requirements. Each record series listed in the City-wide Records Retention Schedule has applicable laws cited in the "Legal Authority" column.

California has adopted guidelines for retention periods of government records. Any deviation from these guidelines is noted in the "Legal Authority" or "Record Description" sections of the Records Retention Schedule.

1. Government Code Section 34090 – City records may be destroyed with approval of the legislative body by resolution and written consent of the City Attorney, except those records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; the minutes, ordinances, or resolutions of the legislative body or of a city commission or committee.
2. Government Code Section 34090.5 – Certain City records may be destroyed without the approval of the legislative body or written consent of the City Attorney if they have been scanned in archival quality in a trusted system that does not permit additions, deletions or changes to the original document. These records shall also be kept in a safe and secure place, and on a device used to reproduce such records as accurately and legibly as the originals and as accessible to the public as the originals.
3. Government Code Section 6200 – Every officer having custody of any record, map, book or paper filed in a public office who is guilty of willfully destroying, altering or removing the whole or any part of such item is punishable by imprisonment in accordance with State law.
4. In addition, California Government Code § 60201 subdivision (d)(4) requires the City maintain any document that "relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years." Depending upon how long litigation remains pending or when settlement is reached, these "legal holds" can potentially extend the life of a document well beyond the otherwise applicable retention period set forth in the accompanying schedules. Departments will be notified of legal holds on specific documents by the General Manager, District Secretary and/or the District's legal counsel. Since legal holds commonly target a specific subject or set of information, documents unrelated to the legal hold may be disposed according to the approved retention periods.

### **PROCEDURES:**

On a routine, on-going basis, City staff shall conduct a review of all records under their control, which have been retained for the period of time required by the Records Retention Schedule. All records shall be categorized within one of the records retention series as set forth on the schedule. This schedule may be amended as appropriate and necessary by resolution when substantial changes in law; statute, ordinance, guideline or procedure is significant enough to warrant the issuance of an amended resolution and/or the rescinding of an existing resolution.

Upon determining that specific records have reached their retention maximum date, staff will request their destruction following appropriate destruction protocols. Should the City Attorney deem that certain records on schedule for destruction be retained for a longer period of time, the retention period for such records shall be extended accordingly and the retention schedule shall be amended to reflect such extension.

The City Council, City Administrator, City Attorney and City Clerk, all have distinct responsibilities with respect to the development of policy and procedural records management implementation as described below:

#### **City Council**

The City Council shall approve, adopt, ratify, by resolution, all records management policies, retention schedules, and any amendments thereto.

## City Attorney

The City Attorney shall review the Records Retention Schedule and all proposed amendments to assure compliance with local, state, and federal legal requirements. The City Attorney shall also review and approve all Records Destruction Authorization Memos to ensure that listed records are not the subject of current or pending litigation.

## City Clerk

The City Clerk, as director of the Records Management Program, shall:

- a. Direct the preparation of a citywide records inventory of all departments.
- b. Prepare and maintain Records Retention Schedules based on the findings of the records inventory and discussions with City staff.
- c. Assist department Records Coordinators in reviewing and updating the Records Retention Schedules on a periodic basis. Revise policy and procedures as necessary to ensure interdepartmental coordination and cooperation in the creation, maintenance, protection, retention, and disposition of all City records.
- d. Submit Records Destruction Authorization Memos to each Department Director for approval to destroy records stored in the off-site records center. Carry out such destruction in accordance with established procedures.
- e. Maintain accurate logs and databases of all records stored in any off-site records center.
- f. Maintain documentation of all records destroyed in accordance with the Records Retention Schedule, including those records destroyed directly by department.
- g. Educate City staff on principles of records management and industry best practices through regular training meetings for department liaisons. Provide guidance, consultation, and advice as needed.

## Departments

Each department shall:

- a. Appoint a Records Coordinator to work with the City Clerk in implementing the Records Management Program. This should be someone who is familiar with the nature and purpose of department records, has some authority to ensure adherence to records policies and procedures, and can recommend retention periods based on actual usage and legal requirements.
- b. Assist the City Clerk in conducting and maintaining an inventory of all records created and maintained within the department.
- c. Review their Retention Schedule bi-annually, submitting to the City Clerk any suggested revisions to retention periods, and additions or deletions of records series as department functions change.
- d. At regular intervals but no less than once per year, transfer inactive records to storage in accordance with established procedures and using the Retention Schedule as a guide.
- e. Review the list of records eligible for destruction to ensure that none of the records are the subject of an audit or pending litigation.
- f. Educate other department staff in proper recordkeeping policies and procedures.

Following receipt of written approval of the City Attorney, City Administrator and City Clerk, the records of the City as set forth in the approved departmental records retention schedule are authorized to be destroyed and such destruction shall be witnessed by the City Clerk or a designated representative.

# CITY OF CARMEL-BY-THE-SEA

## RECORDS RETENTION SCHEDULE

### LEGEND

#### Records Retention

AC = Active  
AU = Audit  
CU = Current Year  
E = Election  
P = Permanent  
T = Termination

AD = Adoption  
CL = Closed/Completion  
DOB = Date of Birth  
L = Life  
S = Supersede

## CITATIONS

**B&P – Business and Professions**

**H&S – Health & Safety**

**CAC – California Administrative Code**

**HUD – Housing and Urban  
Development**

**CCP – Code of Civil Procedure**

**OSHA – Occupational Safety & Health  
Act**

**CCR – Code of California Regulations**

**PC – Penal Code**

**CEQA – California Environmental  
Quality Act**

**POST – Police Officers Standards  
Training**

**CFR – Code of Federal Regulations**

**UFC – Uniform Fire Code**

**EC – Election Code**

**USC – United States Code**

**FMLA – Family & Medical Leave Act,  
1993**

**WIC – Welfare & Institutions Code**

**GC – Government Code**

## ADMINISTRATION

Record Series	Retention	Citation	Descriptor
<b>AUDIT</b>			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMB A-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMB A-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, log, list, statistics, except a report
<b>COMMUNITY SERVICES</b>			
Libraries	CU + 2	GC 34090	Books, art, gifts, donations, exhibits, theatre, music, special events, etc.
Plaques	P		Historic value
<b>ELECTIONS</b>			
Affidavit Index	CL + 5	EC 17001	
Applications, Absentee Ballots and Envelopes	E + .5	EC 17505; EC 17302	From date of election
Assisted, Challenged Voters List	E + .5	EC 17304	From date of election
Ballots	E + .5	EC 17302	From date of election; ballots submitted to precincts/City Clerk that were not used - unless contested (EC 17302(c)) retention by court order
Ballots Prop. 218 (Assessment Districts)	P	California Constitution Art. XIII	Property related fees (Assessment Ballot proceeding)
Calendar	E + 2	GC 34090	
Canvass	P	GC 22932; EC 17130; EC 2653	Notifications and Publication of Election; Records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements
Charter Amendments/ Measures	P	GC34458-60; GC34090	Chapter designations by Secretary of State following adoption of voters

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
<b>Fair Political Practices</b>			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
Campaign disclosure, Elected	P	GC81009(b) (g)	FPPC Filings
Campaign disclosure, Not Elected	E + 5	GC81009(b)	FPPC Filings
Campaign disclosure - Unsuccessful (all other committees)	E + 7	GC81009	FPPC Filings
Candidate Statements	E + 4		Sample ballot retained permanently.
History	P	GC 34090	History of elections, sample ballots, certificates of destruction, other resolutions re: elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e)	FPPC Filings
Statement of economic interest - Not Elected	E + 5	GC 81009(b)	FPPC Filings
Lobbyist Registration	P	EC 81009(b)	Statements
Maps, Precincts/Voter Information	E + 2	GC 34090; EC 17501; EC 17301	
Nomination Papers Successful Unsuccessful	E + 4 E + 2	EC 17100 GC 81009(b)	
Notifications and Publications	E + 2	GC 34090	Proof of publication or posting, certification and listing of notice of posting; copy of newspaper notice and certification of offices to be voted for at forthcoming election
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials
Petitions	.75	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Precinct Records	E + .5	EC 17503	From date of election: Precinct official material; declaration of intention, precinct board member applications, orders appointing members of precinct boards and designating polling places Includes notice of appointment of office and record of service
Roster (Of Voters)	E + 5	EC 17300	From date of election; Initiative, referendum recall, general municipal election, Charter Amendments
Voter Affidavits	CL + 5	EC 17000	
Voter Registration Signature Copy	CU + 5	EC 17000	Fire, special or school district
<b>GENERAL SUBJECT</b>			
Administration	P	GC 34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR 516.6(2); 29 CFR 1602.4	Includes supplemental Personnel records. Wage rate tables 2 years.
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
Promotional Marketing			
External	CU + 7		
Internal	2		
Reports			
Departmental	CU + 2	GC34090	Special/or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/mailing services, other internal resources
Travel Records	CU + 2	GC34090	
<b>GRANTS</b>			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
<b>HUMAN RESOURCES</b>			
Benefit Plan Claims	P	GC6250 et seq; OMB A-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMB A-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC 12946	Includes EAP and Recognition
Employee Rights General Employees Safety (Police)	T + 2 T + 5	GC12946; 29 CFR 1602; 29 USC 211 (e); 203(m); 207(g)	May include Arbitration, grievances, union requests, sexual harassment and Civil Rights, complaints, disciplinary actions
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/Control Act 1986 Pub. L 99-603	I-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR ; 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324(a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(g)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC 12946, 34090*	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR 1627.3	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Safety Employees	T + 5	Reference: 29 CFR 16273; CCR Sec 1174; 29 CFR 1607.4; *	Police, fire, emergency employees may include; Release Authorizations; Certifications Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre employee medicals *29 CFR 1602.30.32; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Surveys and Studies	CU + 2	GC 12946, 34090; 29 CFR 516.6(2); 29 CFR 1602.14	Includes classification, wage rates
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Safety	CU + 2	GC34090	Certifications/designations
Vehicle Mileage Reimbursement Rates	S + 2	GC 34090	Annual mileage reimbursement rates

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
<b>INFORMATION SERVICES</b>			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + (2 mos.) CU + 1 CU + .5	GC34090; GC34090.7	Annual backup Daily backup  Monthly backup Weekly backup
Tapes Information Systems	CU + 2	GC34090	System Generation
<b>LEGAL/ LEGISLATIVE</b>			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports (Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a)(3); GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Articles of Incorporation	P	GC34090; CCP 337.2	
Case Log	CL + 7	CCP 337.2; 343	From Close of cases listed; Chronological listing of cases
Case Records - (High Profile)	P	GC6254	Significant cases which have importance/or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs
Case Records	CO + 7	42 USC s1983	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
Contracts and Agreements Excl. Capital Improvement	T + 5	CCP 337.2, 343; B&P7042.5; *	Includes leases, equipment, services or supplies *PU7685; 48 CFR:2; GC53066
Incl. Capital Improvement	P	2.08.110;*	Construction *GC37090a; 4004; H&S 19850
Index, Attorney Case	L	GC6254	Including notations on activities related to case

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 911.2; GC 34090	Includes public notices, legal publications
Logs, Attorney Service Request	CU + 2	GC34090	Service request, summaries of monthly requests
Minutes	P	GC34090(d) ; GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)( 1)	Special meetings
Opinions	S + 2	GC34090; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
<b>MUNICIPAL CLERK</b>			
Assessment Districts	P	GC 34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 OPS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC 34090	Supplements included
Public Records Request	CL + 2	GC 34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
<b>POLICIES/ PROCEDURES</b>			
General Administrative	S + 2	GC34090; 40801	All city policies and procedures
Policy, Council/ Proclamations	S + 2	GC34090	Policies, directives rendered by Council not assigned a resolution or ordinance number
<b>PUBLIC FINANCING AUTHORITY</b>			
Administration	P	GC 34090	

## ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Financial Records	P	GC 34090, 40802, 53901	
Management Reports	2	GC 34090	
<b>PUBLIC INFORMATION</b>			
Brochures, publications, newsletter, bulletins	S + 2	GC 34090	
Calendar, City	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, presentations.
<b>RISK MANAGEMENT</b>			
Accident Reports - City Assets	CL + 7	29 CFR 1904.2; 29,*	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, ACCEL JT Powers Agreement	P	GC34090	(Authority California Cities Excess Liability Insurance) B Accreditation/ MOU=s/agreement/agendas
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originals with Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220- 0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ; Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim Files, Reports, Incidents (working files) originals filed with Administrator

## DEVELOPMENT

Record Series	Retention	Citation	Descriptor
<b>ADMINISTRATION</b>			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals (Unsuccessful)	CL + 2	GC34090d	
Bonds Development	CL + 10	CCP 337.5	Housing; Industrial Development
Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090;4 8 CFR 4.703	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and/pr involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b) (3); 241CFR 85.42 & OMB Cir. A- 110, Attach. C; *	Project files, contracts, proposals, statements, reports, sub-recipient dockets, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee *OMB Cir. A-102 & 128, HUD regulations
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility

## DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities – coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; 4003; 4004	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied	CL + 2	GC34090d	Building, engineering, planning
Reports	CU + 2	GC34090	Activity, periodic
Seismic Retrofit Program	P	GC34090a	Includes Certificates of Compliance
Street Names and House Numbers	P	GC34090a	Street dedications, closings, address assignment/changes
Studies, Special Projects & Areas	CL + 2	GC34090d	Engineering, joint powers, noise, transportation
Surveys	P	GC34090a	Recording data and maps
<b>BUILDING</b>			
Blueprints, Specifications	CL + 2	GC34090d	Submitted by contractors with application for permit and builds for Certificate of Occupancy
Certificates	L	GC34090a	Compliance, elevation, occupancy which affect real property
Construction (Approved)	P	GC34090a; 4003; 4004; H&S 19850, 19853	New commercial and residential construction, tenant improvements room additions, spa, signs, block wall, remodel including security bonds
Inspection	CL + 2	GC34090d	Correspondence, fees, appeal requests, reports
Permits	P	GC34909a; H&S 19850; 4003;4004	Plans, building, signs, grading, encroachment permits
Signs (Temporary)	S + 2	GC34090d	Home occupations, off-premise signs
<b>CODE ENFORCEMENT</b>			
Abandoned Vehicles	CL + 2	GC34090d	
Case Files	CL + 2	GC34090d	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
Liens & Releases, Supporting Recorded	CL + 2 P	GC34090	Utilities, abatement, licenses

## DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Logs	CU + 2	GC34090d	Lien Recovery, citations, complaints
Regulations	S + 2	GC34090d	Includes rules
Reports, Federal and State	P	GC34090a	Code enforcement statistics; may contain records affecting title to real property or lien thereon
Violations, Building, Property & Zoning	CL + 2	GC34090d	Supporting code enforcement activity
<b>ENGINEERING</b>			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Construction Tracking, Daily	P	CC337.15	Assesses value of real property
Drawings, Traffic Control Plan	P	GC34090a	Signs, signing & striping, road construction
Flood Control	CL + 2	GC34090d	Storm Drains
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment/ Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
Traffic Signals	CL + 2	GC34090d	Counts, collisions, accidents
<b>ENVIRONMENTAL QUALITY</b>			
Air Quality (AQMD)	CU + 7	CCP 338(k); GC34090	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative
Asbestos	P	GC34090a	Documents abatement projects, public buildings
California Environmental Quality Act (CEQA)	P	GC34090a + CEQA Guidelines	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations
Congestion Management	CU + 2	GC34090d	Ride sharing, trip reduction
Environmental Review	CL + 2	GC34090d	Correspondence, consultants, issues, conservation
Pest Control	CU + 2	GC34090d	Pesticide applications, inspections & sampling, documents
Soil	CL + 2	GC34090d	Analysis, construction recommendations
Soil Reports	P	GC34090d	Final Reports
<b>HOUSING</b>			
Bonds	CL + 4	CCP 337	Revenue Bond Documentation
Programs	CL + 3	24 CFR 570.502(b)(3); 24 CFR 85.42 & OMB Cir. A-110, #C	Includes comprehensive Housing Authority Strategy, Meeting Credit Certificate, Housing bond advisory, HOME, In-Lieu Housing Mitigation, Low/Moderate Housing, Rental Housing Assistance

## DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Redevelopment Budgets	P	GC 34090, 40802, 53901	Includes annual audit
Bond Issues	P	GC43900 et seq.	
<b>MUNICIPAL FACILITY</b>			
Capital Improvements, Construction	P	2.083110; GC34090a; 4004; H&S 19850; GC34090a	Contains records re: Planning, design, construction, conversion or modification of local government-owned facilities, structures & systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU + 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
<b>PLANNING</b>			
Case files, Planning and Zoning	P	GC34909a; H&S 19850; 4003;4004	Pertains to real property. May include blueprints, drawings, maps, plans, reports, evaluations, correspondence, uses, permits, variances, studies, appeals, compliance certificates, lot line adjustments or other planning-related matters brought before legislative body
Certificates	L	GC34090	Retain during life of structure
Flood Records	CU + 2	GC34090	
General Plan and Elements	P	GC34090	Includes sphere of influence
General Plan Amendments			
Approved	CL + 2	GC34090	
Denied	CU + 3	GC65103; *	* GC50110
Interpretations	CU + 2	GC34090	
Maps, Plans, Drawings, Exhibits, Photos	P	GC34090; H&S 19850; GC34090.7	Zoning, tentative subdivision, parcel, land use map, aerial photos, specific plans
<b>PROPERTY</b>			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment

## FINANCE

Record Series	Retention	Citation	Descriptor
<b>ACCOUNTING</b>			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments, journal entries	AU + 2	GC34090	Account transfers
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Ledger, General	P	GC34090; *	* CCP 337
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
<b>ADMINISTRATIVE SERVICES</b>			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Council
Adopted	P	GC 34090	
<b>FIXED ASSETS</b>			
Inventory	AU + 4	GC34090; 26 CFR 301 65-1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
<b>LICENSE</b>			
Business	T + 4	GC34090; CCP 337	Paid & reports

## FINANCE (CONTINUED)

Record Series	Retention	Citation	Descriptor
<b>PAYROLL</b>			
Adjustments	AU + 4	GC 34090 29 CFR 516.5 – 516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERS Employee Deduction Reports	T + 4	GC34090; CAC 22- 1085-2	Record of deductions ( <i>PERS Public Employee Retirement System</i> ) *26CFR 31.6001-1;29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
<b>PURCHASING</b>			
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 CU + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
Requisitions			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
Stores	CU + 2	GC34090	Completed forms for ordering
Vendor Register	P	GC34090	Alpha vendor listing of purchase orders, invoices, account numbers and check date
<b>REPORTS</b>			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and city payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
Utility Rebates	CU + 2	GC34090	
<b>TREASURER</b>			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq.	Financing authority

## FINANCE (CONTINUED)

Record Series	Retention	Citation	Descriptor
<b>Bonds</b>			
Account Statements	CL + 10	GC34090; CCP 337.5	Monthly statement of transactions.
Administration	CL + 10	GC34090; CCP 337.5	Supporting documents
Bonds and Coupons	CL + 2	GC34090; 53921	Paid/canceled

## PUBLIC SAFETY

Record Series	Retention	Citation	Descriptor
<b>EMERGENCY MANAGEMENT</b>			
Mutual Aid, Strategic Plans	S + 2	GC34090	
<b>FIRE SAFETY ADMINISTRATION</b>			
Books, Fire Code	S + 3	GC34090.7 CCP 340.5	Include OPS manuals
General Orders, Policies/Procedures	S + 2		
Inspections, Fire Prevention	CL + 3	UFC 103.34	Alarm/sprinkler systems, prevention efforts
Investigations, Evidence Arson	P	PC 799	Support prosecution resulting in homicide
Investigations, Evidence Arson	CL + 6	PC 800	Great bodily harm, inhabited structure or property
Journals, Fire Station	CU + 2	GC34090	Activities, personnel, engine company
Permits, Uniform Fire Code	CL + 2	GC34090	
<b>PERSONNEL</b>			
Exposure	T + 30	29 CFR 1910.1020	Sampling results, collection methodology, background
Exposure	T + 1	29 CFR 1910.1020	Laboratory reports and worksheets
Medical	T + 30	29 CFR 1910.1020	
Medical	T + 2	29 CFR 1910.1020; *	Employees less than one year *GC34090
Training	T + 2	GC34090	Certifications/designations
<b>PROPERTY</b>			
Apparatus/Vehicle	CU + 2	GC34090 CCP 340.5 *	Repair and Maintenance *8 CAL Code Reg. 3203 (b) (1)
Inventory, Equipment & Supplies	CU + 2	GC34090	
Logs, Fire Equipment/Gear	CU + 2	GC34090	
<b>REPORTS</b>			
Incident	CL + 3	GC34090 CCP338 *	Dispatch and daily logs *CCP 340.5
Field, Non-fire and Logs	CU + 2	GC34090	
Fire, Non-arson and Logs	CU + 2	GC34090	

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Investigations, Evidence Arson	CL + 3	PC 801; UFC 104.32	Structure
Weed Abatement	CL + 2	GC34090	Reports, assessments, resolutions, documentation
<b>HAZARDOUS MATERIALS</b>			
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 122.21	Documentation re handling and disposal of hazardous waste
Permits, Hazardous Materials Storage	CU + 2	GC34090	Departments consistently recommend permanent retention of environmentally sensitive materials.
Programs, Household Hazardous Waste	S + 2	GC34090	
Training Materials	S + 2	Cal Code *	Standards and Administration *Reg. 3204(d), et seq.
Underground Storage Tank Compliance Maintenance & Operation.	P CU + 2	GC34090a GC34090	Documents re: storage Location, installation, removal, remediation
<b>LAW ENFORCEMENT ADMINISTRATION</b>			
Accounting/Cash Reconciliation	CU + 2	GC34090	
Alarm Records	CU + 2	GC34090	
Claim Files	CL + 6	PC 832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens
Department Manual	S		Changes to manual are recorded in the General Orders (permanent)
Equipment Communication Inventory	T + 2 S + 2	GC34090 GC34090	Retained until termination of equipment use; Manuals, instructions, procedures Listing of equipment assigned to division, to whom it is assigned
Reports Activity	CU + 2	GC34090	Weekly/monthly/quarterly/ annual activity/statistical reports by division. Retain only one form for retention period
Chemical Emissions Survey	CU + 2 CU + 2	GC34090 GC34090	Surveys, responses, correspondence with other agencies requesting statistical data
Response Files			
<b>INVESTIGATIONS</b>			
Administrative/Internal	CL + 5	PC 832.5 EVC 1045 GC 12946 PC 801.5; 803(c) VC 2547	Initiated by citizens complaints or internally initiated; includes complaint, reports, findings

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Asset Forfeiture Investigations/ Proceedings Case File	CL + 2	GC34090	
Notifications	CU + 2	GC34090	To legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case is filed, notification becomes part of forfeiture case file.
Case Books, Investigative	CL + 2	GC34090	Retained by division until a case is suspended/closed; transfer to Records Division to be filed with associated Daily Report (DR) file
Case Files Homicide Investigator's File	P	PC 799	
Narcotics (No arrest, Narcotics Cases)	CL + 2	GC34090	Retained by division until no longer useful for investigative purposes
Officer Involved Shootings	CL + 25	GC34090	
Court Daily Schedule	CU + 1	GC34090.7	Printouts of daily court scheduling
Sign-In Logs	CU + 2	GC34090	Logs officers' names, time in/out for court appearances
Tracking System Records	CU + 2	GC34090	Database records subpoena number, officer name, case number, defendant name, district attorney name, court information disposition
Evidence, Disposition Forms			Attach to duplicate Property Report, file w/DR in Records Division
Fingerprint Applicants Files	T + 2	GC34090	Paperwork authorizing fingerprinting and background checks for city employment applicants and business license applicants
Inked/Palm Cards	AC + 20		Persons booked into detention facility; (Copies distributed to county, state, federal agencies)
Records Latents		Approp. PC Section	1) Retain for applicable case statute of limitation; 2) or until evidence in case is destroyed; Hard copy and digitized
Suspect, Adult/Juvenile	CL	Law Enforcement Management Guide by POST	Adults/juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved
Guns, Dealers Record of Sale	CU + 6	PC 12070	Applicants, Monthly Gun Audits, Applications Denied, Stolen (DOJ File)
Informant Files	T + 10		Legal notifications, identification information, payment information, activities information

**PUBLIC SAFETY (CONTINUED)**

Record Series	Retention	Citation	Descriptor
Record Series	Retention	Citation	Descriptor
Jail Daily Logs	CU + 6	GC34090	Daily report of staffing, bookings/releases, transfers, transportation
Inmate Record			Dependent on facility's classification; see Laws and Guidelines for Local Detention Facilities by Board of Corrections (State of California)
Inspection Files	CL + 6		Inspections by various agencies
Surveys	CL + 2	GC34090	Prepared quarterly, forwarded to State Board of Corrections
Licenses Bicycle	CU + 2	GC34090	
Bingo, Mace	CU + 2	GC34090	
Business License Review Board Administrative Files	T + 1	GC34090	
Duplicate (Pink), Secondhand Dealer, Pawn Brokers	CU + 2	GC34090	Original to licensee, Blue duplicate to DOJ; Pink duplicate retained by agency; renewals issued annually by local agency
Logs Auto Theft	S		
Case Assignment	CU + 1		
Daily Activity	CU + 2	GC34090	
Officer	CU + 2	GC34090	Daily activity of incidents not reported by use of official report
Report Summary	CU + 2	GC34090	Report numbers, type, names, dates retained for research value
Investigative (Pre-Arrest)	CL + 10	GC34090	Retained by division until cases are suspended and closed
Juvenile Detention	CU + 2	GC34090	Logs document juvenile processing per CYA
Property Control	CU + 2	GC34090	Logs items coming into and going out of property room
Rap Sheet	CL + 2	GC34090	Requests for criminal history
Subpoena	CU + 2	GC34090	Subpoenas received/served daily
Pawn Slips/Tickets	CU + 3	B & P 21628	
Photographs			Crime Scene, Registrant/Applicant, Photo file, Accident. Retain according to practical and functional association.
Daily Report (Negatives)	T	GC34090	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed
Inmates  (Negatives)	CU + 20		By Prisoner number

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Registration Files, Arson, Sex and Narcotics	Life of registrant within jurisdiction		Fingerprint Card, photo, information also forwarded to DOJ
Arrest/Conviction H&S Section 11357 (b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring after January 1, 1996)	2 (Mandatory destruction from date of conviction or date of arrest with no conviction)	H&S 11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S 11357(e), the record shall be retained until a juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5
Arrest/Conviction H&S Section 11357(b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring before January 1, 1996)	Man-datory Destruction (Upon notice from Department of Justice)	H&S 11361.5 (c)	Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of H&S Code 11357, 11364, 11365 and 11550
Crime With Felony Crimes Or Without Arrests	See descriptor	PC 800 PC 801	Prosecution for an offense punishable by imprisonment in state prison for eight years or more must commence within 6 years after offense commission. Commencement of prosecution defined in PC 804. Exception: See PC 803 - Tolling/Extension of time periods; Appeals process and "Three Strikes" also considerations in assigning retention.
Misdemeanor/ Infractions	CL + 2	GC34090	No arrests, identifiable property or missing persons (See: Note 1)
Supplemental Felony Capital Crimes, Crimes Punishable by Death, Life Imprisonment	P	PC 799	No statutory limitation for prosecution. Includes Murder, kidnapping for ransom, treason, procuring execution by perjury, train wrecking, assault with a deadly weapon by a life-term prisoner, bombing resulting in death or bodily injury, making defective war materials that cause death
Destruction Guns	P		
Narcotics	P		
Disposition of Arrest/Court Action			Retention determined by action taken; i.e., recordable arrest or detention (released no arrest)
False Alarm (Duplicate)	CU + 2	GC34090	
Non-Criminal Occurrences	CU + 2	GC34090	Injured or sick persons; missing persons where person has been returned; traffic collision reports not used as the basis for criminal charges

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Property Original	Until case is adjudicated/disposition determined		Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (By POST)
Range Inventory	S + 2	GC34090	Quarterly reports of inventories of weapons and ammunition held by Department Range
Reports	CU + 2	GC34090	Arrest & Citation Register; Arson Offenses; Crimes Against Senior Citizens; Death in Custody; Domestic Violence; FBI Include Return A/Supp; Hate Crime Incidents; Homicide Reports, Supp.; Officers Killed or Assaulted; Original to FBI -DOJ; Uniform Crime Reports
Statistical (Crime Analysis)	CU + 2	GC34090	Internally generated information using activity logs, citizen calls, current and past crime statistic reports, finance dept expenditure and budget records; citations, crime reports, accident reports, permits, receipts. Reports created for variety of purposes including increases/decreases in criminal activity; officer workload, deployment, time usage
Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Known to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic violence Related Calls for Assistance; Monthly Arrest and Citation Register; Monthly Hate Crimes Incidents; Death In Custody Reporting.	CU + 2	GC34090	Originals sent to FBI, DOJ
Research Project Files	CL + 2	GC34090	May include request forms, background materials, staff reports, final project reports and supporting data

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Sealed Adult Found Factually Innocent	Manda-tory Destruc-tion Upon and Pursu- ant to Court Order	PC 851.8	General provision: Upon petition, records of agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.
Juvenile	Manda-tory Destruc-tion upon and pursu- ant to court order	WIC 826 (a) & (b) WIC 781 (a)	Upon petition, local laws enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court
Subpoenas (Duplicate)	CU + 2	GC34090	
Tapes Audio, Telephone and Radio Communications	CU + 180 days	GC34090.6	Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action
Surveillance/Se curity Video (Jail)	CU + 13 mos.	GC34090.6	
Use of Force Supervisory Review Files	CU + 2	GC34090	Includes review forms, arrest report copies, logs
<u>Warrants</u> Felony	Recall after 10 years. Excep-tion: Murder/ Escape		Recommended by the California Law Enforcement Warrant Officer's Association
Misdemeanor Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Served	CU		Includes Warrant Service Information Card, alpha index card
Unserved (Local)	Until served, recalled or purged		
<b>PATROL</b>			
Cards Dispatch	CU + 2	GC34090	
Field Interview	CL + 2	GC34090	
Citations 11357(e), Juvenile	CL + 2	11361.5 H&S	
11357b H&S, 11357c H&S, 11360b H&S Violations	CL + 2	11361.5 H&S*	*CA Admin Code, Chapter 1, Title II, Sec. 708
Cite and Release	CL + 2	GC34090	

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
California Vehicle Code Infractions (Duplicates)	CU + 90 days	GC34090	Original is forwarded to court.
Parking/Traffic, Duplicates	CU + 2	GC34090.7	Originals are forwarded to court after agency processing; includes citations electronically created
Transmittals	CU + 2	GC34090	Listing of citations forwarded to court, filed for reference
Equipment Radio Logs (Communication)	CU + 2	GC34090	Documents problems, malfunctions, resolution to provide equipment performance history
General Orders	P		
Patrol Requests (Correspondence)	CU + 2	GC34090	From citizens for patrol presence
Radar Calibration Records	T + 2	GC34090	Documentation of Radar instruments retained during use/ownership
Reports Accident	CL + 2	GC34090	Non-Jury
Traffic Collision Fatalities	P		
Vehicle Assignment Reports	S		Record of assignments
Down Reports	CU + 1		Printouts reporting which vehicles are down for repair, maintenance, etc.
Repossession/Private Impounds	CU + 2	GC34090	
Service Schedules	S	GC34090	
Vests, Bulletproof Letters	CU + 2	GC34090	Authorization to purchase
Warrants Parking	Recall after 1 year		Recommended by the California Law Enforcement Warrant Officer's Association
Traffic	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Weapons, Database	P		Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns; produces inventory reports
<b>SERVICES</b>			
Chemicals/Film Inventories	S		
Equipment Inventory/Sign- out Cards- Photo Lab	T		
Operations Files - Photo Lab	T		Retain until equipment no longer owned/used by department; Manuals, instructions, procedures for use/operations of photographic equipment

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Grievance Files	CL + 2	GC34090	Grievance filed by employees, supporting documentation
Investigations, Background	CL + 2	GC34090	Non hired
Background Hired	P		Include original reports re: PC 832.5 investigations
Parades & Special Events File	CL + 2	GC34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation
Permits Alcoholic Beverage Control License	L + 2	GC34090	Approval process
Concealed Weapons	CL + 2	GC34090	
Photographs Personnel	S + 2	GC34090	
Negative Log	CU + 2	GC34090	
Negatives, Misc.	CU + 2	GC34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos)
Press Releases	CU + 2	GC34090	
Press, Video Programs (Community Relations)	CU + 2	GC34090	Collection of videos of programs and events; outside press coverage of department
Property Files	CU + 2	GC34090	Original reports and supplemental documentation (Lost, Found, Safekeeping)
Property, Pawn Broker/Secondhand	CU + 2	GC34090	Sales, slips. Dealer required to file duplicate with agency
Reports Dealer of Gun Sales, Duplicate	CU + 6 mos.	GC34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	CU (See descriptor)		Destroy after law enforcement actions described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and Family Code Sections 6380-6383 are fulfilled and effective date of restraining order has expired.
Rosters (Divisional)	S + 2	GC34090	Personnel assigned to division.
Schedules Daily	CU + 2	GC34090	Schedules of Officers on duty
Watch Assignment/ Timekeeping Records	CU + 2	GC34090	
Speaker Requests	CU + 2	GC34090	Community and business requests for public appearances, speakers
Tests, Densitometer Results (Photo Lab)	T + 2	GC34090	Daily tests of development chemicals/processes for quality control.

## PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Training Bulletins	P		
Event Files	CU + 2	GC34090	Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents
Lesson Plans, Range	CL + 15		Scope, content, time period of courses
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers' internal and external training
Schedules, Range	CU + 2	GC34090	Daily, weekly, monthly schedules of training events at range
Volunteer Card Files	T + 2	GC34090	Volunteers' identification, contact information

Note 1: The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:

1. They do not relate to an unadjudicated arrest except for H&S 11357 or H&S 11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items which have not been recovered;
4. They do not relate to PC 290, PC 457.1, or H&S 11590 registrants;
5. They do not relate to violations listed in PC Sections 799 and 800;
6. The cases are not presently involved in either a civil or criminal litigation.

## PUBLIC WORKS

Record Series	Retention	Citation	Descriptor
<b>PARKS</b>			
Agendas, Board	CU + 2	GC34090	
Grants ( <i>refer to Admin.</i> )			
Inventory, Equipment	AU + 2	GC34090	Warranties, purchase orders
Landscape	CU + 2	GC34090	Drawings, contracts, complaints, specifications, photos, reports
Maintenance/ Operations	C + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps	P	GC34090	Irrigation, plot plans
Minutes, Board	P	GC34090	
Photographs	S + 2	GC34090	
Plans, Proposed	CU + 2	GC34090	Future plans, new sites, expansions
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Railroad Right-of-way	CL + 3	36 CFR 64.11	Land acquisitions, correspondence, improvements, statutory records
Reports			
Accident	CL + 2	GC34090	Patrons, employees
Others	CL + 2	GC34090	
Studies	CL + 2	GC34090	Future sites, expansions
Resolutions, Board	P	GC34090	
Schedules, Class & Events	CU + 2	GC34090	Enrollment, liability releases, evaluations, attendance, flyers
<b>SANITATION/ SOLID WASTE/ WASTEWATER</b>			
Collections/Landfill	CU + 2	GC34090	Daily records, usage
Facilities	CU + 2	GC34090	Correspondence, maps, patron list
History, Sanitation	P	GC34090	Where City-owned
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
Recycling Programs	S + 2	GC34090	
Regulations	S + 2	GC34090	Includes legislation
Reports			
Studies	CL + 2	GC34090	
Tonnage	CU + 2	GC34090	

## PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
<b>STREETS/ALLEYS</b>			
Abandonment/ Vacations	P	GC34090	
Closures	P	GC34090	
Easements, Dedications, Rights-of- Way	P	GC34090	
Field Books	P	GC34090	
Grants (see Admin.)			
Intersection Records	CU + 2	GC34090	Includes correspondence, volume counts, accident history
Inventory, Traffic Control Device	S + 2	GC34090	Signs, lights
Landscaping	CU + 2	GC34090	Plants, tree maintenance, work orders
Lighting	CU + 2	GC34090	Maintenance, work orders
Maintenance/ Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints, signals, striping
Maps	P	GC34090	Fire hydrants, lighting districts, wheel chair ramps, storm drains, streets, sidewalks, sewers
Master Plans	CU + 2	GC34090	Copies
<b>Parking</b>			
Lots	CU + 2	GC34090	
Regulations	S + 2	GC34090	
Reports/Studies	CL + 2	GC34090	
<b>Permits</b>			
Encroachment	P	GC34090	
Improvement	CL + 2	GC34090	May include curbs, sidewalks; Applications for excavation, fill, alterations
Oversize Load	CL + 2	GC34090	
Parking	CL + 2	GC34090	Residential
Paving	CL + 2	GC34090	
Use (Temporary)	CU + 2	GC34090	Includes Special Events
Photographs	S + 2	GC34090	Includes aerials
Plans, Capital Improvement, Projects	P	GC34090	Streets, curbs, gutters, sidewalks, storm drains
Policies and Procedures	S + 2	GC34090	Includes rules, regulations, standards
Naming and numbering	P	GC34090	

## PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Speed Limits	S + 2	GC34090	
<b>Programs</b>			
Federal Aid Urban	CL +	23 CFR 633 (a) & (c)	
Traffic Safety	S + 2	GC34090	Drivers Education, Pedestrian Safety, Bicycle Lanes
<b>Reports</b>			
Bridges & Overpasses	L	GC34090	Life of structure
Inspection	CU + 2	GC34090	Includes intersection, sidewalks. Bridges and Overpasses, keep life of structure
Studies	CL + 2	GC34090	Traffic volume, accident history, requests, statistics, drawings supporting traffic devices
Traffic Count	CL + 2	GC34090	Evaluation of traffic volume
Vehicle Accident	CL + 2	GC34090	
Routes, School Bus & Truck	S + 2	GC34090	Truck routes, access ramps, rest areas
Signage	L + 2	GC34090	Log books, index register cards, inventory lists, records of traffic signs
Traffic Signals	L		Logs, drawings, wiring diagrams, codes, circuit numbers, installation records, testing and maintenance.
Weigh Scales	S + 2	GC34090	
<b>WATER</b>			
Connection Records	P	GC34090	Maps, water line connections
<b>Flood Control</b>			
Drainage Facilities	P	GC34090	Includes dams, lakes, basins, creeks
Flood Zones	P	GC34090	Includes flood maps
Insurance Programs	S + 2	GC34090	Includes copies of policies, rules, programs

## PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Policies/ Procedures	S + 2	GC34090	Rules and Regulations
Reports/ Studies	CL + 2	GC34090	
Grants (see Admin.)			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System NPDES)	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking Water Corrections	CU + 10	40 CFR 141.33	
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation

## PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Public Education	CU + 12	40 CFR 141.91	Compliance documentation
Quality Parameters	CU + 12	40 CFR 141.91	Compliance documentation
Sanitary Surveys	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Source Water	CU + 12	40 CFR 141.91	Compliance documentation, e.g. lead & copper
State Certification	CU + 12	40 CFR 141.91	Compliance documentation
Variances, Water System	CU + 5	40 CFR 141.33	
Well Level	CU + 2	GC34090	
Sources	CU + 2	GC34090	May include wells, rivers, lakes, districts
Surveyor Field Notes	P	GC34090	Notes preparatory to maps of water installations
Surveys, Water System Sanitary	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Tests			
Bacteriological Analysis	CU + 5	40 CFR 141.33	Compliance records include location, date, method and results; corrections, analysis of bacterial content
Chemical Analysis	CU + 10	40 CFR 141.33	Compliance records include location, date, method used and results; corrections, analysis of chemical content
Quality	CU + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.
Valve Main Records	P	GC34090	
Violations, Drinking Water	CU + 3	40 CFR 141.33	Retention applies to each violation



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1135  
June 6, 2016  
Consent Calendar

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Sharon Friedrichsen, Director of Budget and Contracts

**SUBJECT:** Authorization of the City Administrator to Execute Various Professional Services Agreements for Beach Security, Code Compliance in a Total Amount Not to Exceed \$67,000

<b>AMOUNT OF EXPENDITURE</b>	\$ 67,000
<b>AMOUNT BUDGETED</b>	\$ 67,000 in FY 16-17 35,000 beach security 32,000 code compliance
<b>APPROPRIATION REQUIRED</b>	\$ N/A

**RECOMMENDATION**

Adopt resolutions to:

1. Authorize the City Administrator to execute an agreement with First Alarm Security and Patrol, Inc. for security services in an amount not to exceed \$35,000 for the period of July 1, 2016-June 30, 2017.
2. Authorize the City Administrator to execute an agreement with Fasulo Investigations for code compliance services in an amount not to exceed \$32,000 for the period of July 1, 2016-December 31, 2016.

**SUMMARY**

The City utilizes a variety of outside professionals to augment its staffing capacity, including obtaining specialized services to assist with daily operations. As a good governance practice, and consistent with the Municipal Code purchasing requirements, the City solicits proposals on the open market in order to obtain services "at the lowest possible cost commensurate with quality needed" (Carmel Municipal Code §3.12.010). This item is on the agenda as Municipal Code §3.12.320 requires contracts of \$25,000 or more to be entered into only by authorization of the City Council.

**SECURITY**

The City currently uses private security to assist in beach patrol, community and special events, hospital prisoner watch and other services upon the request of the City. In particular, the security officers are anticipated to supplement the City's Police Officer assigned to patrol the beach area, especially when activity on the beach is high due to weather conditions and holiday weekends.

The Request for Proposals (RFP) for security services was sent to vendors and noticed in the newspaper in accordance with the City's formal bid procedures. In response to the solicitation, the City received five proposals: American Guard Services (Carson), First Alarm Security and Patrol, Inc. (San Jose), SVT Gruppe, Inc. (Napa), Troy Security (Hayward), and Uretsky Security (Del Rey Oaks). Cost of services ranged from \$18.73 to \$29 an hour for an unarmed officer. Based on the firm's experience in providing services to local governments, including working with the City on beach patrols and security for the Panetta lecture series at the Sunset Center, and cost (\$19.78 an hour for an unarmed guard), it is recommended that Council authorize the City Administrator to enter into an agreement with First Alarm Security and Patrol, Inc., based in San Jose (local office in Salinas). The cost of the first year of service (July 1, 2016-June 30, 2017) shall not exceed \$35,000. The proposed fiscal year 2016-17 budget includes \$35,000 in Police Department contractual services (account 74053) for this activity.

#### CODE COMPLIANCE

Similarly, the City has used an outside professional to provide code compliance support as an alternative to in-house staffing. The proposed fiscal year 2016-17 budget recommends staffing of a full-time compliance officer. However, as the agreement with the current contractor expires on June 30, it is recommended that the City enter into an agreement for contractual services to allow for continuity of service and continued cadence on special projects, like short-term rental compliance. This option would also allow the City to continue to provide part-time code compliance services during the recruitment process as provide training and augmentation of services once a full-time position is filled.

In response to its RFP, the City received three proposals: two from firms that specialize in providing code compliance services to governments (CSG Consultants in Foster City and Wildan Engineering in Oakland) and one from Fasulo Investigations, whom currently provides services to the City. The cost for this service contained within the proposals was \$52, \$61 and \$87.50 an hour respectively. Based on the evaluation criteria of knowledge of planning and zoning requirements and an understanding of code compliance methods and procedures; experience working in a similar field and in similar communities; proposed approach to effective code compliance and hourly rate, it is recommended that Council authorize the City Administrator to enter into an agreement with Fasulo Investigations for the period of July 1, 2016-December 31, 2016 in an amount not to exceed \$32,000 which assumes an average of 25 hours a week for six months. This is recommended that the item come back to Council for renewal at that time.

Should Council adopt these resolutions, and subsequently adopt the fiscal year 2016-17 budget, staff will execute these agreements with services to commence on July 1, 2016. Alternatively, Council may (1) not approve the agreements or (2) approve the agreements, but in lesser amounts.

#### PRIOR CITY COUNCIL ACTION

N/A

#### ATTACHMENTS

1. Resolution Authorizing the City Administrator to Execute an Agreement with First Alarm Security and Patrol, Inc. for security services in an amount not to exceed \$35,000 for the period of July 1, 2016-June 30, 2017
2. Resolution Authorizing the City Administrator to execute an agreement with Fasulo Investigations for code compliance services in an amount not to exceed \$32,000 for the period of July 1, 2016-December 31, 2016

**APPROVED:**



**Date:** 6-2-16

Chip Rerig, City Administrator

**RESOLUTION 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH FIRST  
ALARM SECURITY AND PATROL, INC. FOR SECURITY SERVICES IN AN AMOUNT NOT TO  
EXCEED \$35,000 FOR THE PERIOD OF JULY 1, 2016-JUNE 30, 2017**

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WHEREAS, the Carmel Police Department utilizes private security firms to augment staffing of beach patrols and community/special events that requires specialized knowledge and licensing; and

WHEREAS, the City issued a Request for Proposals on April 25, 2016 and published a notice soliciting proposals in the Carmel Pine Cone on April 29 and May 6, 2016; and

WHEREAS, Carmel Municipal Code §3.12.160 allows for competitive negotiation and the City to accept the best offer as judged against proposal criteria; and

WHEREAS, the City received five proposals on May 13, 2016 and reviewed the proposals for responsiveness, experience in providing services in similar communities, hourly rate and approach to code compliance and selected First Alarm Security and Patrol, Inc. based on these criteria; and

WHEREAS, the Police Department anticipates funding of \$35,000 for security services to be included as part of the Fiscal Year 2016-17 budget; and

WHEREAS, per Municipal Code §3.12.160, any offer of \$25,000 or more shall require approval by resolution of the City Council and Council may authorize a one-time renewal of a contract of \$25,000 or more for a period of up to three years, per Municipal Code §3.12.100.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA does hereby:

1. Authorize the City Administrator to execute an Agreement with First Alarm Security Services, Inc. for Beach Enforcement and Other Security Services for a not to exceed amount of \$35,000 for the period of July 1, 2016- June 30, 2017; and
2. Authorize the City Administrator to execute up to three annual renewals (fiscal years 2017-2018, 2018-2019 and 2019-2020) based on the City's annual budget and the satisfactory performance of the contractor.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA on this 6<sup>th</sup> day of June 2016 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

SIGNED:

---

Steve G. Dallas, MAYOR

ATTEST:

---

Ashlee Wright  
City Clerk

**RESOLUTION 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH FASULO  
INVESTIGATIONS FOR CODE COMPLIANCE SERVICES IN AN AMOUNT NOT TO EXCEED  
\$32,000 FOR THE PERIOD OF JULY 1, 2016-DECEMBER 31, 2016**

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WHEREAS, the City's Community Planning and Building Department's utilizes contracted code compliance services to help ensure compliance with land use, zoning, and public health and safety codes and regulations as an effort to preserve the Village's character and aesthetics; and

WHEREAS, the Department has included funding for contractual code compliance services within the proposed Fiscal Year 2016-17 budget of \$32,000; and

WHEREAS, the City issued a Request for Proposals on April 25, 2016 and published a notice soliciting proposals in the Carmel Pine Cone on April 29 and May 6, 2016; and

WHEREAS, Carmel Municipal Code §3.12.160 allows for competitive negotiation and the City to accept the best offer as judged against proposal criteria; and

WHEREAS, the City received three proposals on May 13, 2016 and reviewed the proposals for responsiveness, experience in providing services in similar communities, hourly rate and approach to code compliance and selected Fasulo Investigations based on these criteria; and

WHEREAS, per Municipal Code §3.12.160, any offer of \$25,000 or more shall require approval by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA does hereby:

1. Authorize the City Administrator to execute an Agreement with Fasulo Investigations for code compliance services for a not to exceed amount of \$32,000 for the period of July 1, 2016- December 31, 2016.
2. Direct the City Administrator to return to Council in 6 months to consider amending the agreement for another six month term.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA on this 6<sup>th</sup> day of June 2016 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

SIGNED:

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Steve G. Dallas, MAYOR

ATTEST:

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Ashlee Wright  
City Clerk



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1136  
June 6, 2016  
Consent

<b>TO:</b>	Honorable Mayor and Members of the City Council Chip Rerig, City Administrator
<b>FROM:</b>	Marc Wiener, AICP, Interim Community Planning and Building Director
<b>SUBJECT:</b>	Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey

<b>AMOUNT OF EXPENDITURE</b>	\$ N/A
<b>AMOUNT BUDGETED</b>	\$ N/A
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Approve the Lot Line Adjustment (LLA 15-354) application subject to the attached findings and conditions.

### SUMMARY

#### PROJECT DESCRIPTION

The Carmel Mission is located at the southwest corner of Rio Road and Lasuen Drive. The Mission property is approximately 6 acres in size and includes the Carmel Mission, Junipero Serra School, Murphy Gymnasium, Gift Shop, the majority of the parking lot, and a portion of Rio Road. The Carmel Mission is listed on the City's Inventory of Historic Resources and the Mission Basilica and the associated grounds are listed on the National Register of Historic Places.

On July 8, 2015 the Planning Commission approved Design Review and Coastal Development Permit applications for improvements and restoration work to the Carmel Mission. The project approval includes alterations to the parking lot, including three new ADA parking spaces, improved drainage, and new paths of travel. At the time that this project was reviewed, a survey was submitted by the applicant depicting that the northeast portion of the Carmel Mission Parking lot is on City property, while a portion of Rio Road is on Carmel Mission property.

In order to resolve the property ownership situation in this area, the applicant has submitted a tentative map (Attachment 3) proposing a lot line adjustment that would result in an exchange of property between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey ("Diocese"). As depicted on the tentative map, the lot line adjustment would result in the City transferring 4,690 square feet of the parking lot to the Diocese in exchange for a 5,635-square foot portion of Rio Road that is currently on Carmel Mission property. The tentative map depicts the existing and proposed property

typically approved by the Planning Commission, however, this application (LLA 15-354) is being considered by the City Council because it involves City property.

## STAFF ANALYSIS

Chapter 17.44.030 of the Municipal Code sets forth standards for the approval of lot line adjustments. The code encourages lot line adjustments that straighten lot lines and states that lot line adjustments should be considered when *“curing of existing nonconformities is deemed reasonable when considering the public health, safety and welfare as well as the financial cost.”* The proposal would straighten the lot line on the northeast side of the Mission property and would also correct the existing encroachment (non-conformity) of having a portion of the Carmel Mission parking lot on City property. Staff supports the proposed lot line adjustment as it would grant the City ownership over the portion of Rio Road that is on Carmel Mission property and would release the City of ownership and liability of the Carmel Mission parking lot. Staff notes that the transfer of property results in a net increase of 945 square feet of land for the City.

A Lot Line Adjustment Agreement is included as Attachment 4, which has been reviewed by staff and the City Attorney. The Agreement includes Exhibits A-E and provides a legal description of the areas of land that will be exchanged between the City and Diocese. The lot line adjustment approval is conditioned with a requirement that the Lot Line Adjustment Agreement be signed and executed in accordance with the provisions of the agreement.

## ALTERNATIVES

Staff has prepared draft findings and conditions of approval for Council consideration. As an alternative, the Council could take the following actions:

1. Continue the application with a request for changes.
2. Approve the request with revisions. If the required revisions are substantial, the Council may wish to continue this item to allow the applicant to respond to Council direction.
3. Deny the application request and direct staff to prepare findings for denial based on deliberation at the June 7, 2016 public hearing. As an alternative to the lot line adjustment, the applicant could apply for an encroachment permit in order to maintain use of the parking area that is on City property.

## ENVIRONMENTAL REVIEW

This lot line adjustment is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

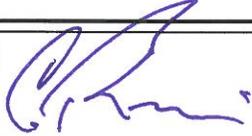
## PRIOR CITY COUNCIL ACTION

None.

## ATTACHMENTS

1. Findings for Approval
2. Conditions of Approval
3. Tentative Lot Line Map
4. Lot Line Adjustment Agreement

APPROVED:



Date:

6-2-16

Chip Rerig, City Administrator

## Attachment 1 – Findings for Approval

CITY OF CARMEL-BY-THE-SEA  
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING  
FINDINGS FOR APPROVAL

LLA 15-354  
Roman Catholic Bishop of Monterey (Diocese)  
SW Corner of Rio Road and Lasuen Drive (Carmel Mission)  
Block US, Lot 38  
APN: 009-531-003

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### CONSIDERATION:

Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey

### RECITALS:

1. The Carmel Mission is located at the southwest corner of Rio Road and Lasuen Drive. The Mission property is approximately 6 acres in size and includes the Carmel Mission, Junipero Serra School, Murphy Gymnasium, Gift Shop, the majority of the parking lot, and a portion of Rio Road.
2. The Carmel Mission is listed on the City's Inventory of Historic Resources and the Mission Basilica and the associated grounds are listed on the National Register of Historic Places.
3. The northeast portion of the Carmel Mission parking lot is located on City property. The portion of the parking lot that is located on City property is approximately 4,690 square feet in size.
4. A portion of Rio Road is located on Carmel Mission property. The portion located on Carmel Mission property is 5,636 square feet in size.
5. On September 22, 2015, the Roman Catholic Bishop of Monterey submitted a Lot Line Adjustment (LLA 15-354) application. As depicted on the tentative map, the lot line adjustment results in the City of Carmel-by-the-Sea granting the 4,690-square foot portion of the parking lot to the Diocese in exchange for 5,635 square feet of Rio Road.
6. This lot line adjustment is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

### FINDINGS FOR DECISION:

1. The approval of this lot line adjustment is not in conflict with the General Plan and will comply with all applicable zoning standards set forth in CMC 17.44.

2. The approval of this lot line adjustment will improve the property ownership situation at the project site in that it releases the City of ownership and liability of the parking lot and will grant the City ownership over the portion Rio Road that is currently on Carmel Mission property.
3. The proposed project will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.
4. The proposed project will not be injurious to public health, safety or welfare and provides adequate ingress and egress at the project site.

## Attachment 1 – Findings for Approval

### CITY OF CARMEL-BY-THE-SEA

### DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

### FINDINGS FOR APPROVAL

LLA 15-354  
Roman Catholic Bishop of Monterey (Diocese)  
SW Corner of Rio Road and Lasuen Drive (Carmel Mission)  
Block US, Lot 38  
APN: 009-531-003

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#### **CONSIDERATION:**

Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey

#### **RECITALS:**

1. The Carmel Mission is located at the southwest corner of Rio Road and Lasuen Drive. The Mission property is approximately 6 acres in size and includes the Carmel Mission, Junipero Serra School, Murphy Gymnasium, Gift Shop, the majority of the parking lot, and a portion of Rio Road.
2. The Carmel Mission is listed on the City's Inventory of Historic Resources and the Mission Basilica and the associated grounds are listed on the National Register of Historic Places.
3. The northeast portion of the Carmel Mission parking lot is located on City property. The portion of the parking lot that is located on City property is approximately 4,690 square feet in size.
4. A portion of Rio Road is located on Carmel Mission property. The portion located on Carmel Mission property is 5,636 square feet in size.
5. On September 22, 2015, the Roman Catholic Bishop of Monterey submitted a Lot Line Adjustment (LLA 15-354) application. As depicted on the tentative map, the lot line adjustment results in the City of Carmel-by-the-Sea granting the 4,690-square foot portion of the parking lot to the Diocese in exchange for 5,635 square feet of Rio Road.
6. This lot line adjustment is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

#### **FINDINGS FOR DECISION:**

1. The approval of this lot line adjustment is not in conflict with the General Plan and will comply with all applicable zoning standards set forth in CMC 17.44.

2. The approval of this lot line adjustment will improve the property ownership situation at the project site in that it releases the City of ownership and liability of the parking lot and will grant the City ownership over the portion Rio Road that is currently on Carmel Mission property.
3. The proposed project will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.
4. The proposed project will not be injurious to public health, safety or welfare and provides adequate ingress and egress at the project site.

## Attachment 2 – Conditions of Approval

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

LLA 15-354

Roman Catholic Bishop of Monterey (Diocese)

SW Corner of Rio Road and Lasuen Drive (Carmel Mission)

Block US, Lot 38

APN: 009-531-003

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### CONSIDERATION:

Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey

### CONDITIONS OF APPROVAL:

1. This approval authorizes a lot line adjustment as depicted on the June 7, 2016 approved tentative map. The City shall transfer 4,690 square feet of the parking lot to the Diocese in exchange for a 5,635-square foot portion of Rio Road.
2. This approval is subject to the completion of the Lot Line Adjustment Agreement, which shall be signed by representatives of the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey.
3. The exchange of property shall be executed in conformance with the Lot Line Adjustment Agreement included as Attachment 4.
4. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.



## LOT LINE ADJUSTMENT AGREEMENT

THIS LOT LINE ADJUSTMENT AGREEMENT (“Agreement”) is made effective as of \_\_\_\_\_, 2016 (“Effective Date”), between the Roman Catholic Bishop of Monterey, California, a California Corporation Sole (“Diocese”) and the City of Carmel-by-the-Sea, a California general law city (“Carmel”). Diocese and Carmel shall be referred to individually as “Party” and collectively as “Parties.” The Parties agree as follows:

1. RECITALS. This Agreement is entered into in contemplation of the following facts and circumstances:

(a) Diocese owns several parcels of real property commonly known as San Carlos Borromeo de Carmelo Mission (the “Mission”) and Junipero Serra School (the “School”), situated in Carmel, Monterey County, California, including, but not limited to that certain parcel of real property described in Exhibit “A” attached hereto (“Diocese Parcel”).

(b) Carmel owns that certain real property commonly known as Rio Road, situated in Carmel, Monterey County, California shown and labeled as “Rio Road” on Sheet 2 of 2 of the Record of Survey recorded in Volume 20 of Surveys at Page 38, official records of Monterey, a copy of which is attached hereto as Exhibit “B” (“Rio Road Parcel”).

(c) The Diocese constructed, operated, and repaired, and for many years has utilized, a parking area for the Mission, the School, and related uses occurring on the parcels owned by the Diocese (“Mission Parking Area”). A portion of the Mission Parking Area occupies a portion of the Rio Road Parcel (“Mission Parking Overlap Area”). The Mission Parking Overlap Area is described in Exhibit “C” attached hereto and is shown in the diagram attached hereto as Exhibit “D”.

(d) A portion of Rio Road developed and improved for vehicular travel occupies a portion of the Diocese Parcel (“Rio Road Overlap Area”). The Rio Road Overlap Area is described in Exhibit “E” attached hereto and is shown in the diagram attached hereto as Exhibit “D”.

(e) By this Agreement, the Parties desire and intend as follows:

(i) Carmel desires and intends to agree to grant to the Diocese, and Diocese desires and intends to acquire from Carmel, fee title to the Mission Parking Overlap Area pursuant to the Lot Line Adjustment as defined and set forth in Section 3 below.

(ii) The Diocese desires and intends to agree to grant to Carmel, and Carmel desires and intends to acquire from the Diocese, fee title to the Rio Road Overlap Area pursuant to the Lot Line Adjustment as defined and set forth in Section 3 below.

(iii) The Parties desire and intend to exchange their respective interests in the Mission Parking Overlap Area and the Rio Road Overlap Area for no separate monetary consideration pursuant to the Lot Line Adjustment as defined and set forth in Section 3 below and to allocate associated costs as set forth herein.

2. AGREEMENT TO EXCHANGE FEE TITLE.

(a) In consideration of the agreements contained herein, Carmel hereby agrees to grant to Diocese fee title to the Mission Parking Overlap Area for no monetary consideration as set forth herein below (the “Carmel Grant”).

(b) In consideration of the agreements contained herein, Diocese hereby agrees to grant to Carmel fee title to the Rio Road Overlap Area for no monetary consideration as set forth herein below (the “Diocese Grant”).

(c) The Parties agree to open an escrow with a mutually acceptable title company (“Title Company”) to accomplish the exchange of fee title to the Rio Road Overlap Area for fee title to the Mission Parking Overlap Area pursuant to the Diocese Grant and the Carmel Grant and the Lot Line Adjustment as defined and set forth in Section 3 below (the “Escrow”). The Parties further agree to obtain title insurance from the Title Company covering the Parties’ respective titles to the Mission Parking Overlap Area and the Rio Road Overlap Area (collectively, the “Title Policies”).

(d) The Parties agree that at such time that Title Company is in possession of the fully executed Grant Deeds (as defined below) and written confirmation from Carmel that the Lot Line Adjustment (as defined and set forth in Section 3 below) has been approved, the Parties shall direct Title Company to cause the Grant Deeds to be recorded in the Official Records of Monterey County.

(e) The agreement to exchange fee title pursuant to the Grant Deeds is hereby expressly made conditional on the satisfaction of any and all applicable requirements of the California Subdivision Map Act and on Carmel’s approval of the Lot Line Adjustment as defined and set forth in Section 3 below.

3. LOT LINE ADJUSTMENT. Within thirty (30) days of the Effective Date of this Agreement, Carmel shall prepare and initiate processing of an application for a lot line adjustment (“Lot Line Adjustment”) to combine the Mission Parking Overlap Area and the Diocese Parcel into a single parcel as described in Exhibit “F” attached hereto (the “New Diocese Parcel”) and to combine the Rio Road Overlap Area with the remaining portion of the Rio Road Parcel (as reduced by the Mission Parking Overlap Area) into a modified parcel (“New Rio Road Parcel”).

(a) The Parties shall diligently pursue, and use their reasonable best efforts to obtain, approval of the Lot Line Adjustment, to satisfy any and all prerequisites to approval of the Lot Line Adjustment, and to satisfy any and all conditions of approval of the Lot Line Adjustment. The Parties agree to sign any and all documents reasonably necessary to accomplish the Lot Line Adjustment.

(b) Carmel shall use its reasonable best efforts to obtain approval of the Lot Line Adjustment within 180 days from the effective date of this Agreement (“Approval Period”).

(c) If Carmel fails to approve the Lot Line Adjustment or the Lot Line Adjustment approval fails to become effective within the Approval Period and one or more factors contributing to such failure is a factor beyond the sole discretion and control of Diocese,

2

including but not limited to administrative delay, a proposal by Carmel to impose conditions on approval of the Lot Line Adjustment unacceptable to Diocese, opposition to the Lot Line Adjustment application by any person or entity, litigation challenging approval of the Lot Line Adjustment, or any occurrence that could increase the cost to Diocese of obtaining approval of the Lot Line Adjustment beyond routine application fees and processing costs (e.g., occurrences which may require hiring of additional consultants, expenditures on environmental studies or mitigation measures, additional permit or approval requirements, etc.), then the Approval Period shall be extended until such time as said factor is no longer an obstacle to the approval of the Lot Line Adjustment and the Lot Line Adjustment is approved or until the Parties mutually agree to release one another from any further obligations under this Agreement related to the Lot Line Adjustment.

(d) Within 30 days of Carmel's final approval of the Lot Line Adjustment, the Parties shall cause to be prepared and shall execute grant deeds necessary to effectuate the Carmel Grant and the Diocese Grant (the "Grant Deeds"), and Carmel shall also cause to be prepared and shall execute a quitclaim deed in favor of Diocese as to the New Diocese Parcel (the "Quitclaim Deed") (hereinafter collectively, the "Required Documents.")

(e) As an additional condition of closing, Carmel shall obtain and record a partial release or subordination of any and all liens and monetary encumbrances to which the Mission Parking Overlap Area is subject as shown on a current preliminary title report for the Rio Road Parcel, except that Diocese may waive this requirement with respect to one or more of such liens and monetary encumbrances in a writing to Carmel, with a copy to the Title Company, expressly identifying any liens or encumbrances the release or subordination of which is being waived by Diocese.

(f) As an additional condition of closing, Diocese shall obtain and record a partial release or subordination of any and all liens and monetary encumbrances to which the Rio Road Overlap Area is subject as shown on a current preliminary title report for the Diocese Parcel, except that Carmel may waive this requirement with respect to one or more of such liens and monetary encumbrances in a writing to Diocese, with a copy to the Title Company, expressly identifying any liens or encumbrances the release or subordination of which is being waived by Carmel.

4. CLOSING. When Title Company receives all of the Required Documents and, unless expressly waived in writing, documents evidencing the release or subordination of any and all liens and monetary encumbrances to either the Carmel Grant or the Diocese Grant may be subject, and when the Title Company is ready, willing, and able to issue the Title Policy, the Title Company shall close the Escrow by:

(a) Recording the Required Documents;

(b) Issuing the Title Policies to the Parties; and

(c) Thereafter, the Title Company shall deliver signed closing statements showing all receipts and disbursements to the Diocese and Carmel.

5. FEES AND COSTS. Diocese agrees to pay all fees and costs associated with the Lot Line Adjustment, including but not limited to application fees, surveying fees, title insurance, preparation of deeds, recording fees, and if required by California Business and Professions Code section 8762, the costs associated with the preparation and recordation of a record of survey. If a record of survey is not required by California Business and Professions Code section 8762, Diocese and Carmel may each elect to have a record of survey showing the New Diocese Parcel and the New Rio Road Parcel prepared at the electing Party's sole expense. Notwithstanding the foregoing, the parties shall each bear their own respective attorneys' fees and costs and the City shall bear any and all City administrative costs other than those that it would ordinarily charge to an applicant pursuant to any existing City ordinance or resolution.

6. TERMINATION. This Agreement shall terminate upon (1) Title Company's closing of the Escrow; (2) Carmel's denial of the Lot Line Adjustment; or (3) the mutual agreement of the Parties, whichever occurs.

7. CARMEL'S REPRESENTATIONS, WARRANTIES, COVENANTS. Carmel hereby represents and warrants that it has full authority to execute the Carmel Grant and the consent or signature of no other person or entity is necessary or required to effectuate the full transfer to Diocese of fee title in and to the Mission Parking Overlap Area.

8. DIOCESE'S REPRESENTATIONS, WARRANTIES, COVENANTS. Diocese hereby represents and warrants that it has full authority to execute the Diocese Grant and the consent or signature of no other person or entity is necessary or required to affect the full transfer to Carmel of fee title in and to the Rio Road Overlap Area.

9. ADDITIONAL PROVISIONS.

(a) Each Party shall execute such documents or accomplish such acts as may be reasonably necessary to give effect to the intentions expressed in this Agreement.

(b) This Agreement is binding upon and inures to the benefit of the Parties and their respective successors-in-interest, assigns, transferees, heirs, and personal representatives of the Parties, and shall run with the land.

(c) The captions in this Agreement are solely for the convenience of the Parties and should not be construed as being part of this Agreement or used in the interpretation hereof.

(d) All questions with respect to the construction of this Agreement and the rights and liabilities of the Parties shall be governed by the laws of the State of California. Venue for any action shall be in Monterey County, California, and nowhere else.

(e) If any part of this Agreement is determined to be illegal or unenforceable, all other parts of this Agreement shall be given effect separately and shall not be affected.

(f) This Agreement may be amended only by a written agreement executed by the Parties.

(g) This Agreement has been negotiated at arm's length and between persons sophisticated and knowledgeable in the matters dealt with in this Agreement. The provisions of

this Agreement shall be interpreted in a reasonable manner to affect the purpose of the Parties and this Agreement.

(h) If either party commences an action against the other in connection with this Agreement the prevailing party will be entitled to recover costs of suit and reasonable attorneys' fees.

(i) This Agreement and all other agreements, exhibits, and schedules referred to in this Agreement constitute the final, complete, and exclusive statement of the terms of the agreement between the parties pertaining to the subject matter hereof and supersede all prior and contemporaneous understandings or agreements of the parties. No party has been induced to enter into this Agreement by, nor is any party relying on, any representation or warranty outside those expressly set forth in this Agreement.

(j) This Agreement may be executed in one or more counterparts or duplicate or facsimile copies each of which shall be deemed an original for all purposes and all of which taken together shall constitute one and the same instrument.

**CARMEL**

CITY OF CARMEL-BY-THE-SEA, a California  
general law city

By: \_\_\_\_\_

Its: \_\_\_\_\_

**DIOCESE**

THE ROMAN CATHOLIC BISHOP OF  
MONTEREY, CALIFORNIA, a California  
Corporation Sole

By: \_\_\_\_\_

Its: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public (Seal)

Notary Public

**EXHIBIT "A"**

**DIOCESE PARCEL**

Real property in the County of Monterey, State of California, described as follows:

BEING A PART OF SECTION 13 OF T. 16 S., R. 1 W., M. D. B. & M., SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 4" BY 4" POST STANDING AT THE MOST WESTERLY CORNER OF U.S. LOT 39 (COMMONLY KNOWN AS THE MISSION ORCHARD) AND BEGIN IN SAID SECTION 13, AND RUNNING THENCE FROM SAID PLACE BEGINNING; (1) N. 53° 10' W, 16.87 FEET TO THE CENTER OF A MANHOLE PLACED AT THE ANGLE POINT IN AN EXISTING PIPE LINE; THENCE RUNNING ALONG THE CENTERLINE OF SAID PIPE LINE; (2) N. 88° 46' W., 331.33 FEET, AT 131.24 FEET A 2" BY 3" POST, AT 275.14 FEET A 2" BY 3" POST, 331.33 FEET TO A 2" BY 3" POST STANDING IN THE EASTERLY LINE OF LASUEN DRIVE (AS SAID DRIVE IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED, "THIRD ADDITION TO MISSION TRACT", FILED FOR RECORD MAY 20, 1941 IN VOLUME 4 OF CITIES & TOWNS AT PAGE 57, RECORDS OF MONTEREY COUNTY, CALIFORNIA); THENCE RUNNING ALONG THE EASTERLY LINE OF SAID LASUEN DRIVE, (3) ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (THE CENTER OF WHICH BEARS N. 72° 04' W., 70.0 FEET DISTANT) FOR A DISTANCE OF 59.78 FEET TO A 4" BY 4" CONCRETE MONUMENT; THENCE (4) N. 31° W., 308.30 FEET TO A 4" BY 4" CONCRETE MONUMENT; THENCE (5) ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT (THE CENTER OF WHICH BEARS N. 59° E., 50.0 FEET DISTANT) FOR A DISTANCE OF 83.49 FEET TO A POINT IN THE SOUTHERLY LINE OF LASUEN DRIVE; THENCE ALONG THE SOUTHERLY LINE OF LASUEN DRIVE; (6) N. 64° 40' E., 406.09 FEET; THENCE (7) S. 28° 20' 40" E., 2.68 FEET; THENCE (8) N. 63° 06' E., 43.15 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF THAT CERTAIN STRIP OF LAND (DESIGNATED AS PARCEL 6) CONVEYED BY WILLIS J. WALKER ET US TO THE COUNTY OF MONTEREY BY DEED RECORDED SEPTEMBER 11, 1936 IN VOLUME 491 OF OFFICIAL RECORDS AT PAGE 298, RECORDS OF MONTEREY COUNTY, CALIFORNIA, FROM WHICH POINT THE MOST EASTERLY CORNER OF SAID "THIRD ADDITION TO MISSION TRACT" BEARS ALONG SAID SOUTHERLY LINE OF LASUEN DRIVE N. 63° 06' E., 12.24 FEET DISTANT; THENCE RUNNING ALONG SAID SOUTHWESTERLY LINE OF THE STRIP OF LAND CONVEYED TO THE COUNTY OF MONTE RELY; (9) ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT (THE CENTER OF WHICH BEARS N. 63° 44' E., 400.0 FEET DISTANT) FOR A DISTANCE OF 301.83 FEET; THENCE (10) S. 69° 30' E., 121.24 FEET; THENCE (11) ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT (THE CENTER OF WHICH BEARS S. 20° 30' W., 600.0 FEET DISTANT) FOR A DISTANCE OF 100.70 FEET; THENCE LEAVE SAID SOUTHWESTERLY LINE OF THE STRIP OF LAND CONVEYED TO THE COUNTY OF MONTEREY AND RUNNING; (12) S. 49° 18' W., 305.22 FEET TO A 1" DIAMETER STEEL BAR; THENCE (13) S. 54° 42' E., 17.44 FEET TO A POINT IN THE FENCE ON THE NORTHWESTERLY BOUNDARY OF SAID U. S. LOT 39, THENCE RUNNING ALONG SAID FENCE AND BOUNDARY (14) S. 48° 47' W., 164.93 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE LIMITS OF U. S. LOT 38.

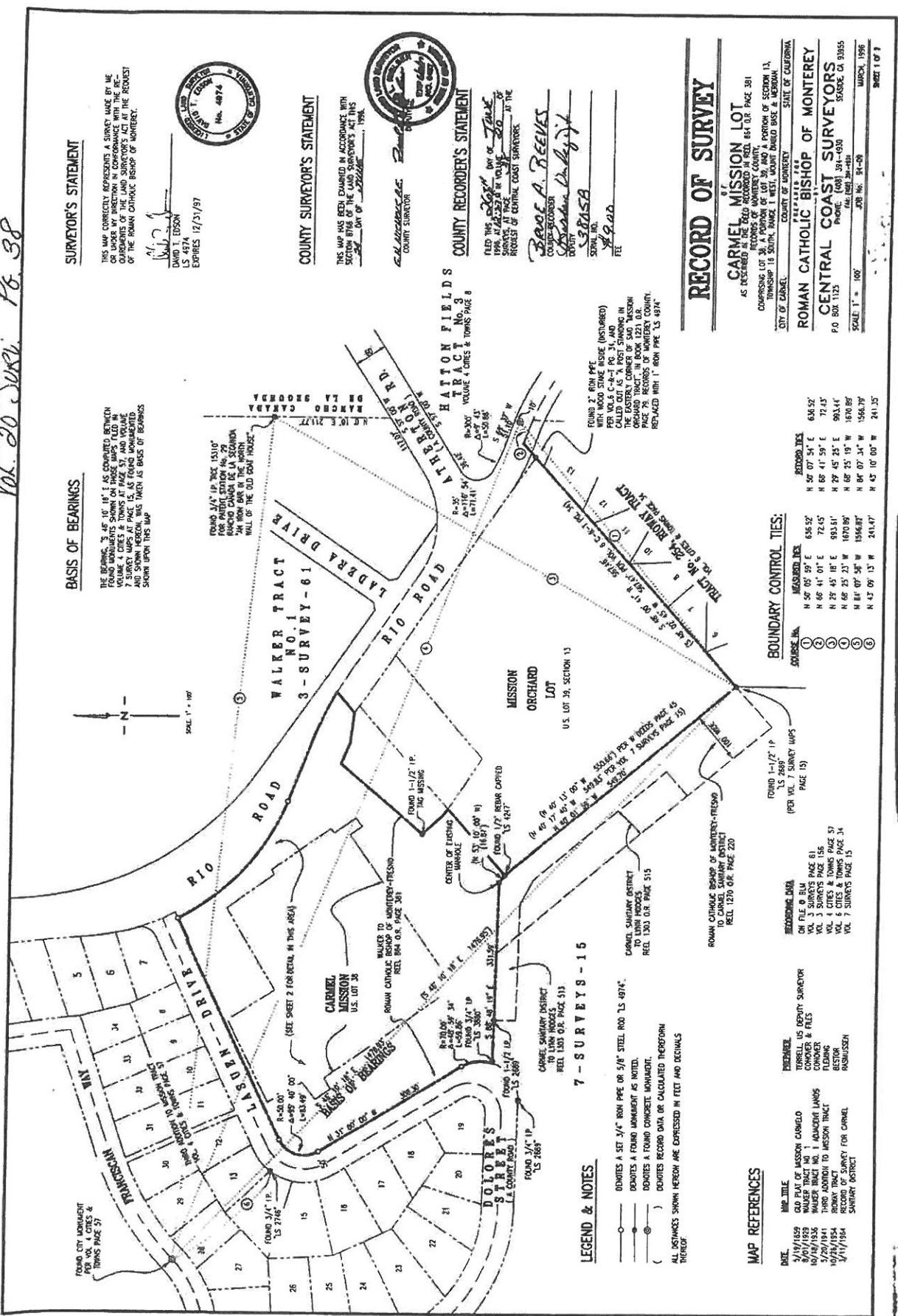
ALSO EXCEPTING THEREFROM A PORTION OF LAND CONVEYED BY THE ROMAN CATHOLIC BISHOP OF MONTEREY-FRESNO, A CORPORATION SOLE TO LLOYD P. TEVIS, SR. AS DESCRIBED IN QUITCLAIM DEED RECORDED MAY 15, 1945 AS BOOK 864, PAGES 385, 386 AND 387 OF OFFICIAL RECORDS.

(PORTION OF APN: 009-531-003-000)

EXHIBIT "B"

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

101.20 SURV. Pg. 38



**SURVEYOR'S STATEMENT**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT AT THE REQUEST OF THE ROMAN CATHOLIC BISHOP OF MONTEREY.



DAVID T. EDSON  
 LS 4874  
 EXPIRES 12/31/97

**COUNTY SURVEYOR'S STATEMENT**

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8714 OF THE LAND SURVEYORS ACT THIS DAY OF APRIL 1997.



**COUNTY RECORDER'S STATEMENT**

FILED THIS 20th DAY OF APRIL 1997 AT 10:20 AM IN THE OFFICE OF THE COUNTY RECORDER AT THE REQUEST OF BARCEL MMISSION LOT.

BY BARCEL MMISSION LOT  
 COUNTY RECORDER  
 STATE OF CALIFORNIA  
 FEE \$9.00

**RECORD OF SURVEY**

**CARMEL MISSION LOT**  
 AS DESCRIBED IN THE DEED RECORDED IN REEL 864 O.R. PAGE 381  
 COMPRISING LOT 34, A PORTION OF LOT 39, PART 1, PORTION OF SECTION 13,  
 TOWNSHIP 15 SOUTH, RANGE 1 WEST, MOUNT Diablo BASE & MERIDIAN  
 CITY OF CARMEL, COUNTY OF MONTEREY, STATE OF CALIFORNIA

**ROMAN CATHOLIC BISHOP OF MONTEREY**  
**CENTRAL COAST SURVEYORS**  
 P.O. BOX 1113  
 PHONE: (805) 341-4930  
 SCALE: 1" = 100'  
 SHEET NO. 34-09  
 MARCH, 1996  
 SHEET 1 OF 7

**BOUNDARY CONTROL TIES:**

THE BEARINGS, 'S 46° 10' 18" E AS COMPUTED BETWEEN FOUND MONUMENTS SHOWN ON THESE MAPS, FILED IN VOLUMES 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**BOUNDARY CONTROL TIES:**

TAPE NO.	MEASURED INCL.	RECORDING INCL.
1	N 57° 07' 54" E 635.52'	N 57° 07' 54" E 635.52'
2	N 68° 41' 01" E 72.45'	N 68° 41' 01" E 72.45'
3	N 25° 45' 18" E 93.51'	N 25° 45' 18" E 93.51'
4	N 68° 25' 23" W 1070.80'	N 68° 25' 23" W 1070.80'
5	N 81° 07' 58" W 1556.87'	N 81° 07' 58" W 1556.87'
6	N 42° 09' 13" W 241.47'	N 42° 09' 13" W 241.47'

**LEGEND & NOTES**

- DENOTES A SET 3/4" IRON PIPE OR 3/8" STEEL ROD T.S. 4874.
  - DENOTES A FOUND MONUMENT AS NOTED.
  - ( ) DENOTES A FOUND CONCRETE MONUMENT.
  - ( ) DENOTES RECORD DATA OR CALCULATED THEORETICAL.
- ALL DIMENSIONS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

**MAP REFERENCES**

DATE	MAP TITLE	PREPARED BY
3/19/1859	OLD PLAN OF MISSION CARMEL	TURBELL, U.S. DEPUTY SURVEYOR
8/20/1859	WALKER TRACT NO. 1	CONKOR & FILES
5/20/1856	THUNDER BUCKET NO. 1	CONKOR
1/20/1854	MISSION TRACT NO. 1	CONKOR
10/23/1854	ROMNEY TRACT NO. 1	CONKOR
3/11/1854	RECORD OF SURVEY FOR CARMEL	RASMUSSEN
	SANITARY DISTRICT	

**EXHIBIT "C"**

**MISSION PARKING OVERLAP AREA**

Real property in the County of Monterey, State of California, described as follows:

That portion of the Tentative Map attached hereto identified as "Mission Parking Overlap Area" consisting of approximately 4,690 square feet.

Situate within the City of Carmel, County of Monterey, State of California, and being a part of the lands described in the deed from Willis J. Walker and Alma B. Walker to the County of Monterey recorded on September 11, 1936 in Volume 491 at Page 298 of Official Records of Monterey County, and further described as follows:

Beginning at a 5/8" steel rod on the southern side of Lasuen Drive at the intersection with the western line of Rio Road, at the most northern corner of the Carmel Mission property, and as shown on the Record Of Survey dated September 1994 and filed in Volume 20 of Surveys at Page 38 of Monterey County Records; thence, from said point of beginning, the following nine courses and distances:

- (1) South 77° 00' 45" East, 20.00 feet to a point; thence,
- (2) South 47° 32' 45" East, 11.00 feet to a point; thence,
- (3) South 34° 47' 45" East, 50.00 feet to a point; thence,
- (4) South 38° 58' 45" East, 38.00 feet to a point; thence,
- (5) South 44° 09' 50" East, 22.00 feet to a point; thence,
- (6) South 47° 09' 45" East, 29.00 feet to a point; thence,
- (7) South 51° 22' 10" East, 60.00 feet to a point; thence,
- (8) South 52° 34' 30" East, 69.39 feet to a 3/4" iron pipe tagged "L.S. 4974" on the southwestern side of Rio Road at the northwestern terminus of the property line labeled S 69° 30' 00" E, 121.24' on the Record Of Survey dated September 1994 and filed in Volume 20 of Surveys at Page 38 of Monterey County Records; thence,
- (9) Northwesterly on a 400-ft. radius curve to the right from a tangent bearing S 69°30'00" E, through a central angle of 43°14'00" for an arc distance of 301.83 feet to the point of beginning.

# EXHIBIT "D"

## DIAGRAM OF MISSION PARKING OVERLAP AREA AND RIO ROAD OVERLAP AREA

LINE	BEARING	DISTANCE
L1	S 77° 00' 45" E	20.00'
L2	S 47° 32' 45" E	11.00'
L3	S 34° 17' 45" E	50.00'
L4	S 38° 58' 45" E	38.00'
L5	S 44° 09' 50" E	22.00'
L6	S 47° 09' 45" E	28.00'
L7	S 51° 22' 10" E	40.00'
L8	S 52° 34' 30" E	89.25'

- LEGEND**
- Indicates survey monument found as noted hereon
  - Indicates nothing found or searched for by this survey.
  - ( ) Indicates data shown on the Record of Survey filed in Vol. 20 of Surveys, Pg. 38 of Monterey County Records.
  - Indicates proposed property line for this boundary line adjustment

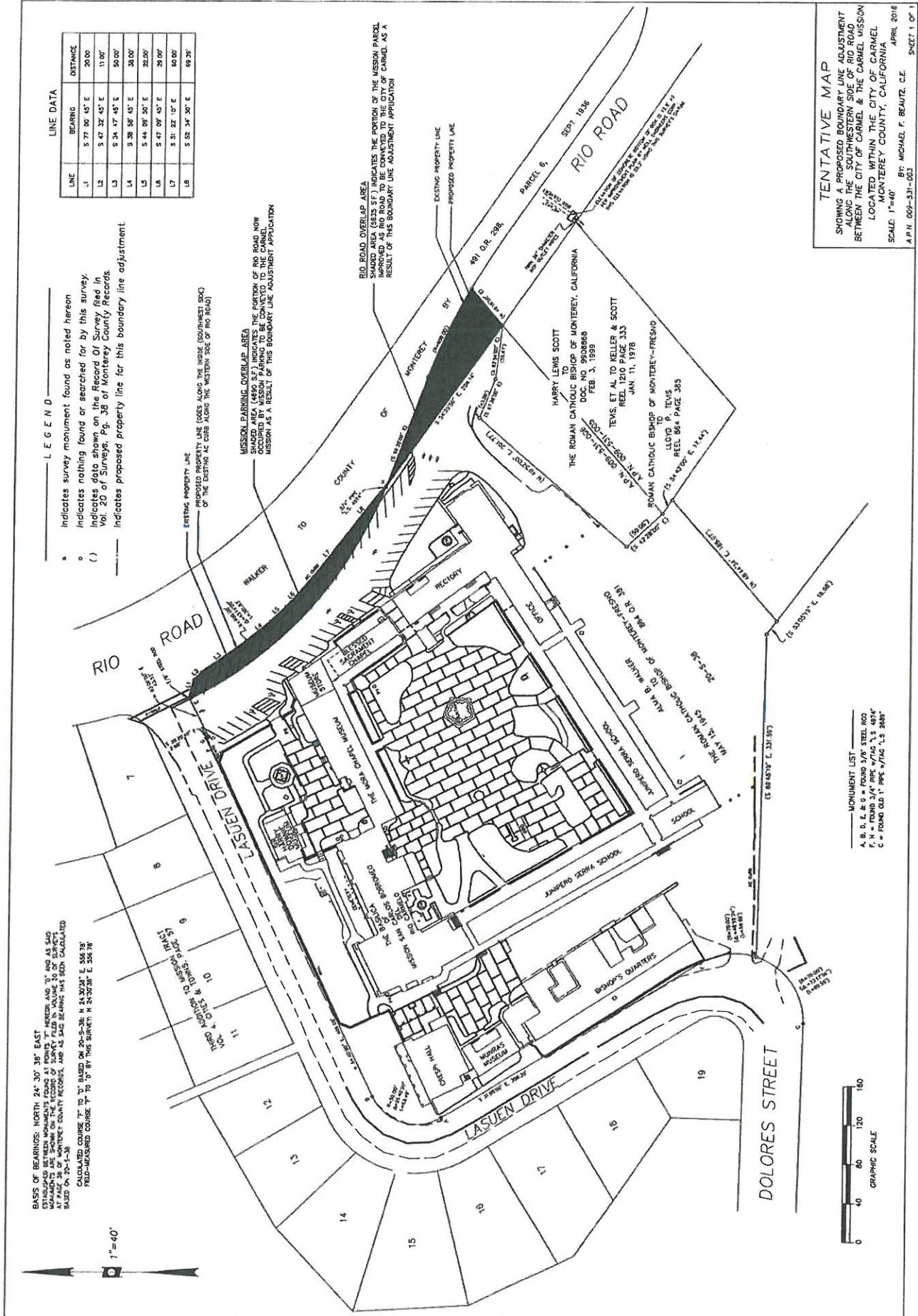
**BASIS OF BEARINGS:** NORTH 24° 30' 36" EAST  
 ESTABLISHED BETWEEN MONUMENTS FOUND AT POINTS "Y" MONUMENT AND "O" AND AS SHOWN ON THE RECORD OF SURVEY FILED IN VOLUME 20 OF SURVEYS AT PAGE 38 OF MONTEREY COUNTY RECORDS. THE OLD BEARING HAS BEEN CALCULATED BASED ON 20-5-38.

**CALCULATED COURSE "Y" TO "O":** BASED ON 20-5-38; N 24°30'36" E, 558.78'  
**FIELD-MEASURED COURSE "Y" TO "O":** BY THIS SURVEY; N 24°30'36" E, 558.78'

1"=40'

**MISSION PARKING OVERLAP AREA**  
 SHADDED AREA (6483 SF) INDICATES THE PORTION OF RIO ROAD NOW OCCUPIED BY MISSION PARKING TO BE CONNECTED TO THE CARMEL MISSION AS A RESULT OF THIS BOUNDARY LINE ADJUSTMENT APPLICATION

**RIO ROAD OVERLAP AREA**  
 SHADDED AREA (5433 SF) INDICATES THE PORTION OF THE MISSION PARCEL THAT IS TO BE CONNECTED TO THE CITY OF CARMEL AS A RESULT OF THIS BOUNDARY LINE ADJUSTMENT APPLICATION



**TENTATIVE MAP**  
 SHOWING A PROPOSED BOUNDARY LINE ADJUSTMENT ALONG THE SOUTHWESTERN SIDE OF RIO ROAD BETWEEN THE CITY OF CARMEL & THE CARMEL MISSION LOCATED WITHIN THE CITY OF CARMEL, MONTEREY COUNTY, CALIFORNIA  
 SCALE: 1"=40' BY: MICHAEL F. BEAULTZ, C.E. APRIL 2018  
 A.P.N. 009-531-003 SHEET 1 OF 1

**MONUMENT LIST**  
 A, B, D, E, G, O = ROUND 3/8" STEEL ROD  
 F, H = ROUND 3/4" PIPE 1/16" 1.5 4874"  
 C = ROUND 1 1/2" PIPE 1/16" 1.5 2888"



**EXHIBIT "E"**

**RIO ROAD OVERLAP AREA**

That portion of real property situate in the County of Monterey, State of California, shown on the Tentative Map attached hereto as "Rio Road Overlap Area" consisting of approximately 5,635 square feet, and more particularly described as follows:

Situate within the City of Carmel, County of Monterey, State of California, and being a part of the lands described in the deed from Alma B. Walker to The Roman Catholic Bishop of Monterey-Fresno recorded on May 15, 1945 in Volume 864 at Page 381 of Official Records of Monterey County, and further described as follows:

Beginning at a 3/4" iron pipe tagged "L.S. 4974" on the southwestern side of Rio Road at the northwestern terminus of the property line labeled S 69° 30' 00" E, 121.24' on the Record Of Survey dated September 1994 and filed in Volume 20 of Surveys at Page 38 of Monterey County Records; thence, from said point of beginning the following four courses and distances:

- (1) South 69° 30' 00" East, 121.24 feet to a point of curve; thence,
- (2) Southeasterly on a 600-ft. radius tangent curve to the right through a central angle of 9°37'00" for an arc distance of 100.71 feet to a point at the most eastern corner of the lands described in the aforementioned deed to The Roman Catholic Bishop Of Monterey-Fresno recorded in Volume 864 at Page 381 of Official Records of Monterey County; thence,
- (3) South 49° 18' 00" West, 50.28 feet to a point; thence,
- (4) North 54° 35' 50" West, 204.14 feet to the point of beginning.

## EXHIBIT "F"

### NEW DIOCESE PARCEL

Situate within the City of Carmel, County of Monterey, State of California, and being a part of the lands described in the deed from Alma B. Walker to The Roman Catholic Bishop of Monterey-Fresno recorded on May 15, 1945 in Volume 864 at Page 381 of Official Records of Monterey County, and further described as follows:

Beginning at a 5/8" steel rod on the southern side of Lasuen Drive at the intersection with the western line of Rio Road, at the most northern corner of the Carmel Mission property, and as shown on the Record Of Survey dated September 1994 and filed in Volume 20 of Surveys at Page 38 of Monterey County Records; thence, from said point of beginning, the following twenty-three courses and distances:

- (1) South 77° 00' 45" East, 20.00 feet to a point; thence,
- (2) South 47° 32' 45" East, 11.00 feet to a point; thence,
- (3) South 34° 47' 45" East, 50.00 feet to a point; thence,
- (4) South 38° 58' 45" East, 38.00 feet to a point; thence,
- (5) South 44° 09' 50" East, 22.00 feet to a point; thence,
- (6) South 47° 09' 45" East, 29.00 feet to a point; thence,
- (7) South 51° 22' 10" East, 60.00 feet to a point; thence,
- (8) South 52° 34' 30" East, 69.39 feet to a 3/4" iron pipe tagged "L.S. 4974" on the southwestern side of Rio Road at the northwestern terminus of the property line labeled S 69° 30' 00" E, 121.24' on the Record Of Survey dated September 1994 and filed in Volume 20 of Surveys at Page 38 of Monterey County Records; thence,
- (9) South 54° 35' 50" East, 204.14 feet to a point; thence,
- (10) North 82° 54' 00" West, 55.67 feet to a point; thence,
- (11) North 67° 38' 00" West, 43.06 feet to a point; thence,
- (12) South 40° 52' 00" West, 201.77 feet to a point; thence,
- (13) South 42° 28' 00" East, 50.06 feet to a point; thence,
- (14) South 54° 42' 00" East, 17.44 feet to a point; thence,
- (15) South 48° 44' 34" West, 165.07 feet to a point; thence,
- (16) North 53° 05' 19" West, 16.98 feet to a point; thence,
- (17) North 88° 48' 19" West, 331.59 feet to a point on a 70-ft. radius curve on the eastern line of Dolores Street and Lasuen Drive as shown on the aforementioned Record Of Survey 20-S-38; thence,
- (18) Northerly on a 70-ft. radius curve to the right from a tangent bearing South 17°59'34" West through a central angle of 48° 59' 34" for an arc distance of 59.86 feet to a point on the eastern line of Lasuen Drive; thence,
- (19) North 31° 00' 00" West, along the eastern side of Lasuen Drive, 308.30 feet to a point of curve; thence,
- (20) Northeasterly on a 50-ft. radius curve to the right from a tangent bearing South 31° 00' 00" West through a central angle of 95° 40' 00" for an arc distance of 83.49 feet to a point on the southern line of Lasuen Drive; thence,
- (21) North 64° 40' 00" East, along the southern side of Lasuen Drive, 406.09 feet to a point; thence,
- (22) South 28° 20' 40" East, 2.68 feet to a point; thence,
- (23) North 63° 06' 00" East, 43.52 feet to the point of beginning.



# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1137  
June 6, 2016  
Orders

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Rob Mullane, AICP, Public Works Director

**SUBJECT:** Presentation on replacement options for the City's Holiday Tree from the Centennial Holiday Tree Subcommittee of the Forest and Beach Commission and selection of the preferred option for implementation as part of this year's Centennial celebration.

<b>AMOUNT OF EXPENDITURE</b>	\$ 6,000
<b>AMOUNT BUDGETED</b>	\$ \$6,000
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Receive a presentation on replacement options for the City's Holiday Tree from the Centennial Holiday Tree Subcommittee of the Forest and Beach Commission and select the preferred option for implementation as part of this year's Centennial celebration.

### SUMMARY

In preparation for this year's City Centennial, the various commissions were asked for suggestions on activities or projects that should be included in the City's Centennial Celebration. The Forest and Beach Commission recommends that the City replace the City's Holiday Tree as part of the Centennial Celebration. The current Holiday Tree is a redwood that is in decline and in a location in the Ocean Avenue median that requires the tree to be limbed to provide clearance for delivery trucks and other vehicles. Moreover, the current tree is in a fairly narrow planter, which provides a limited area for natural irrigation.

A subcommittee of the Forest and Beach Commission was convened to develop and evaluate options for replacement of the Holiday Tree. Commissioners David Refuerzo and Maggie Eaton were appointed to the subcommittee, which was entitled the Centennial Holiday Tree Subcommittee. The subcommittee met several times over the last few months to review options for a replacement holiday tree, and at a special meeting of March 21, 2016, presented their recommendation for the replacement tree to the full Commission. The Commission endorsed a variation of the subcommittee's recommendation: to plant a large (48" box) tree in the southeast corner planter of Devendorf Park. The preferred species for the replacement tree is a deador cedar. The Commission also recommended that the City continue to decorate the current holiday tree until the new tree is sufficiently large or until the existing tree is removed. The vote was unanimous. The minutes of the March 21<sup>st</sup> special meeting are included as Attachment 1.

The Commission's recommendation is being forwarded to the City Council for concurrence or alternative direction. The subcommittee representatives will be in attendance and provide an overview of the work thus far in a PowerPoint presentation, including the pros and cons of each option, and the reasons for selecting the recommended option.

The anticipated cost of the new holiday tree is approximately \$2,500 to \$3,000. The anticipated labor costs for the installation are \$3,000. This is not part of the funding allocated by the City Council for Centennial Activities for the Fiscal Year 2016-2017 budget, and these costs would be borne by the Public Works Department's operational budget. Alternatively, there may be one or more donors who would be interested in assisting with the costs for purchasing, delivering, and installing the new holiday tree.

The Forest and Beach Commission plans to have the unveiling and introduction of the new tree take place during the holiday tree lighting ceremony in December. The selection, purchase, and arrangement for delivery and planting of the new tree will likely take 3 or 4 months. As such, action by the City Council is requested at this meeting to provide for sufficient time to make these arrangements.

Alternatives:

The Council may concur with the recommendation of the Forest and Beach Commission or may opt for one of the other alternatives identified by the subcommittee or some new alternative. It should be noted that the Forest and Beach Commission and the appointed subcommittee have thoroughly looked into the various alternatives and that the support for the selected option has been unanimous.

Environmental Review:

This project has been determined to be exempt from CEQA pursuant to the general rule under Section 15061(b)(3) of the State CEQA Guidelines, which states: that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project, which involves planting a replacement holiday tree in an existing City park does not present any unusual circumstances that would result in the potential for a significant environmental impact.

**PRIOR CITY COUNCIL ACTION**

The City Council requested input from the various City Commissions and Boards regarding activities and projects to be included in the City's Centennial Celebration and reviewed this concept on July 6, 2015.

**ATTACHMENTS**

1. Forest and Beach Commission Minutes - Special Meeting of March 21, 2016
2. PowerPoint presentation handouts

**APPROVED:**



Chip Rerig, City Administrator

Date:

6-2-16

**CITY OF CARMEL-BY-THE-SEA  
FOREST AND BEACH COMMISSION  
SPECIAL MEETING MINUTES  
Monday, March 21, 2016  
5:00 p.m.-Tour of Inspection  
5:30 p.m. - Special Meeting**

Vista Lobos Community Room  
West side of Torres St. between 3<sup>rd</sup> and 4th Avenues  
Carmel, California

**I. CALL TO ORDER AND ROLL CALL FOR TOUR OF INSPECTION**

COMMISSION MEMBERS:           KAREN FERLITO - Chair  
  JEFF BARON  
  MAGGIE EATON  
  DAVID REFUERZO

COMMISSION MEMBERS ABSENT:   KATHY BANG – Vice Chair

**II. TOUR OF INSPECTION**

At 5:00 p.m., the Commission met on-site for a Tour of Inspection:

1.     Northwest corner of Junipero Ave. and Ocean Ave.

**III. ROLL CALL**

**IV. PLEDGE OF ALLEGIANCE**

Members of the audience joined the Commission in the Pledge of Allegiance.

**V. ORDERS OF BUSINESS**

1.     Review, receive comments, and determine a replacement plan for the City Holiday Tree as part of the Carmel-by-the-Sea Centennial activities.

Chair Ferlito outlined why the Commission was reviewing this agenda item and provided background on the formation of the holiday tree ad hoc committee.

Commissioner Refuerzo reviewed the updated Powerpoint presentation on the various options the ad hoc committee had developed for replacement of the current City holiday tree and answered questions from the Commissioners and the public.

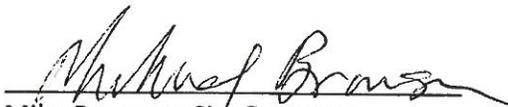
Public comment was opened at 6:05 p.m. Ernest "E" Griffin-Ortiz asked questions about the various options and asked if funding was available to replace the current tree with one of the options. Bobbie Richards also asked questions on the options and offered another possible alternative option.

After further discussion, a motion was made by Chair FERLITO to recommend to the City Council option 1A – planting a large (48" box) tree in the southeast corner planter of Devendorf Park and possibly continue to decorate the current tree until the new tree is sufficiently large or until the existing tree in the Ocean Avenue median is removed. The motion was seconded by Commissioner EATON and carried by the following roll call vote:

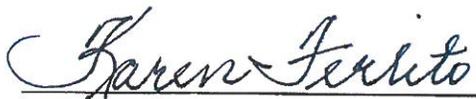
Ayes: Eaton, Refuerzo, Baron, Ferlito  
Noes: None  
Abstain: None  
Absent: Bang

**VI. ADJOURN**

There being no further business to come before the Commission, the meeting was adjourned at 6:30 pm.

  
Mike Branson, City Forester

ATTEST:

  
Karen Ferlito, Chair

# Centennial Holiday Tree

Analysis of options for the Holiday Tree as we move into  
Carmel's 2<sup>nd</sup> Century

## Centennial Holiday Tree

- ▶ Why is the Forest and Beach looking at options for a Holiday Tree?
  - ▶ Opportune time to look at new/different options for a Holiday tree
    - ▶ recent decline of the current redwood holiday tree
    - ▶ Centennial celebration: come up with a plan as Carmel moves into its 2<sup>nd</sup> Century
  - ▶ Ad Hoc Committee formed: explore various options and make recommendation
    - ▶ Maggie Eaton, David Refuerzo, Mike Branson and Matt Feisthamel
    - ▶ Met 4 times as an Ad Hoc and had discussions with various interested parties
    - ▶ F&B Commission Special Meeting at Vista Lobos on 3/21/2016
    - ▶ Evaluated six options, focused on four options
  - ▶ Recommendation:
    - ▶ Mature Deodar Cedar in SE planter of Devendorf Park as replacement tree;
    - ▶ continue to decorate existing holiday tree until new tree is sufficiently large

SE corner of Devendorf



Deodar Cedar Example





# CITY OF CARMEL-BY-THE-SEA

## AGENDA BILL

AB 1138  
June 6, 2016  
Public Hearing

**TO:** Honorable Mayor and Members of the City Council  
Chip Rerig, City Administrator

**FROM:** Rob Mullane, AICP, Public Works Director  
Marc Wiener, AICP, Community Planning and Building Director

**SUBJECT:** Beach Fires Revised Pilot Program Coastal Development Permit Approval

<b>AMOUNT OF EXPENDITURE</b>	\$49,200
<b>AMOUNT BUDGETED</b>	\$49,200
<b>APPROPRIATION REQUIRED</b>	\$ N/A

### RECOMMENDATION

Conduct a public hearing on the Revised Beach Fires Management Pilot Program, adopt findings for approval, and approve a Coastal Development Permit for the Pilot Program subject to the program's conditions of approval.

### SUMMARY

City staff has revised the City's Beach Fires Management Pilot Program (Pilot Program) pursuant to the direction provided at the April 5, 2016 City Council meeting and has prepared a revised Coastal Development Permit (CDP) for the Council's consideration. The revised Pilot Program is included as Attachment 1 to this staff report.

#### Background and Recent Developments

At the April 5, 2016 City Council meeting, the Council directed staff to make revisions to the Pilot Program and take other actions prior to scheduling the CDP for action. The specific revisions and other direction were noted in the City Council motion, which is included in the minutes of the April 5<sup>th</sup> meeting (Attachment 2). The Council achieved consensus on the principles that unlimited wood fires on Carmel Beach should no longer be allowed, nor should wood fires be allowed to be built directly on the sand.

Other salient components of the direction provided at the April 5<sup>th</sup> meeting were to prohibit wood-fueled fires in the first phase of the Pilot Program, while allowing user-supplied propane devices for beach fires and while conducting a thorough removal of accumulated charcoal from the beach. In this first phase, staff would research and test various wood-fueled fire devices for possible deployment in the latter phase of the Pilot Program. The Council envisioned allowing a limited number of wood-fueled beach fire devices at the conclusion of the beach cleaning portion of the pilot program. The decision of whether these would be user-supplied or City-supplied was left to be determined following the

workshops and testing in the first year of the program. In addition, the Council directed staff to keep the northern limit for beach fires at 10<sup>th</sup> Avenue for the first year of the program, rather than opening up other portions of the beach for propane-fueled fires.

Following the April 5<sup>th</sup> City Council meeting, City staff provided Coastal Commission staff with an update on the City's review of the Pilot Program as well as a summary of the City Council direction at that meeting. In response, the Coastal Commission staff transmitted a letter dated May 9, 2016, noting continued concerns with some of the aspects of the Pilot Program as envisioned in the April 2016 Council meeting. The letter from Dan Carl, Central Coast District Director of the Coastal Commission, is included as Attachment 3 to this staff report.

The Coastal Commission staff's primary concerns were related to the approach for a propane-only first phase of the Pilot Program. Coastal Commission staff continue to strongly support a hybrid program that maintains some number of wood-fueled fires while propane-fueled options are tested. The May 9<sup>th</sup> letter recommends that the Pilot Program provide "a specific number of City-supplied wood fire rings (e.g., 12 to 15)" to maintain some level of wood-fueled beach fires. It also recommends provisions for other fire containment devices such as barbeque and hibachi units. The letter supports the Pilot Program's objective of discontinuing the practice of building fires directly on the sand and notes that with this change, the area where fires are allowed should be expanded northward to the area of the beach served by the Del Mar Parking Lot.

#### May 2016 Revised Pilot Program and Considerations for Additional Revisions

The majority of the changes to the Pilot Program that were directed by the prior Council on April 5<sup>th</sup> are not in conflict with the recommendations of Coastal Commission staff. These changes have been incorporated in the current (May 2016) version of the Pilot Program. Other changes have some degree of conflict with Coastal Commission staff input, and City staff is looking for Council direction on whether additional changes should be made.

Staff notes that the hybrid program supported by the Coastal Commission staff is very similar to the approach discussed by the City Council on April 5<sup>th</sup>. Both provide for a sharply-reduced number of wood-fueled fires on Carmel Beach from an essentially unlimited number of wood fires. The City Council envisioned approximately 6 to 10 wood-fueled fire devices, while the Coastal Commission staff are recommending approximately 12 to 15 such units. One main remaining difference is whether wood-fueled fires would be allowed in the first year of the Pilot Program. With respect to the potential of opening up other areas of the beach to fires, this was discussed at the April 5<sup>th</sup> meeting, and the Council felt that it was simpler and easier perhaps for enforcement to maintain the northern limit at 10<sup>th</sup> Avenue for at least the first year of the program. As a Pilot Program that will be actively managed, allowing beach fires between 10<sup>th</sup> Avenue and Del Mar could be tried in year 1, and if issues from that change arise, the boundary could be reverted to its former location.

Given that allowing fires north of 10<sup>th</sup> Avenue could be done on a trial basis under the Pilot Program and could be reversed readily if issues arise, staff could be directed by Council to make this revision to the May 2016 Pilot Program. In addition, the pros and cons of allowing a limited numbers of wood fires during the first phase of the program should be discussed at the hearing, and staff will be prepared to make modifications to the Pilot Program should changes be directed by the Council. Finally, the Council should give direction on the specific maximum number of wood-fueled devices to be identified in the pilot program.

## Other Follow-up Action from April 2016 Council Meeting

### *Safety Concerns*

Staff has conducted additional research and gathered additional information regarding operation of propane-fuel devices on the beach in response to safety questions raised at the April 5<sup>th</sup> Council meeting. The City's Fire Marshal was contacted to provide input on these safety concerns and noted no substantial concerns as long as the appliances used are Underwriter Laboratories (UL) listed, and users:

- 1) follow manufacturer recommendations for use and keep equipment in good repair,
- 2) exercise care in carrying and transporting propane containers, and
- 3) keep tanks in an upright position.

Staff notes that there are broader bases that can be attached to the base of propane tanks that would substantially reduce the potential for tanks to be knocked over. These base attachments could be recommended by the City as part of the Pilot Program.

The City's Insurance Carrier was also asked for an opinion and was strongly in support of a user-supplied focused beach fire approach. Having City-supplied devices, whether wood- or propane-fueled presents liability risks to which the City currently is not subjected, and this should be factored into the City Council's decision on whether a City-supplied wood-fire option should be included in the Pilot Program.

### *Enforcement and Outreach*

The Police Department has begun regular patrols of the beach with a patrol officer assigned to the beach from 5:00 to 11:00 pm. In early June, the City plans to have two officers assigned to the beach to allow patrol seven days a week from 5:00 to 11:00 pm. These officers will be active in educating and enforcing beach goers of our regulations, including on the type and location of fires that are allowed.

As part of the pilot program, the City may enlist additional resources for education, outreach, and enforcement, including through contract security officers or volunteer groups that would work with the beach patrol officers. Signage would continue to be installed at main beach access locations informing the public of the beach fire rules, and more sturdy sign materials would be phased in as the Pilot Program gets underway. In addition, beach fire rules will continue to be posted in a prominent location on the City's website, and City staff will continue outreach efforts to the hoteliers and to retailers who are interested in carrying user-supplied beach fire devices.

### *Operations, Logistics, and Funding*

In FY 2014-15, the City Council allocated \$50,000 in funding for the Pilot Program. Of that, nearly \$49,200 remains available for implementing the program. The Pilot Program does not envision City-supplied propane devices, which avoids impacts on staffing or budget for such a program component. The user-supplied propane devices component would have minimal impacts on City staffing, other than for the education, enforcement, and outreach activities discussed above.

User-supplied wood devices would require diligent monitoring by beach patrol officers and other City staff to ensure that users are properly disposing of their ash and charcoal. Hot ash containers would need to be installed at each stairwell or beach access point where fires are allowed. Some level of unintentional spills would be expected, as would some level of intentional dumping. The cost of the ash cans is expected to be well within the remaining budget for initial installation and signage, and the

staffing to empty these and clean up spills could be absorbed into the Public Works Department's operational budget. With a limitation on number of wood-fire devices to no more than approximately 10 to 12 of these, impacts on staff operations are not anticipated to be substantial. These impacts, however, could be year-round, and may require the shifting of staff schedules to provide weekend and holiday coverage. Enforcement is anticipated to be a challenge, at least initially, as it may be difficult to prevent the number of user-supplied wood fires from exceeding whatever limit is set. The designation of specific locations for the set number of fires may help enforcement somewhat, and flags, cones, or some other indicator may be needed to designate these areas.

Should the City include City-supplied wood-fueled devices in the Pilot Program, it is anticipated that enforcement may be less onerous than for a user-supplied wood-fueled devices option. It is also likely that the purchase and installation of hot ash cans would be avoided for a City-supplied wood-fueled fires option; however, the City would have to purchase the fire devices, and the City would have the logistical challenges of regularly emptying the devices, as well as the seasonal installation and retrieval. Large, steel containers were the preferred option for City-supplied fire devices when these were discussed leading up to the May 2015 version of the Pilot Program, and the cost of these is approximately \$1,500 - \$2,000 or more for each device. To reduce the potential for ash to be blown onto the beach, these devices would need to be cleaned promptly and frequently, which may involve weekend and holiday work with the associated higher labor costs. A dedicated cleaning crew of either in-house staff or a contract firm would be needed. The City may also want to purchase lids for these devices, which would add to the per-device cost. Theft or damage of City-supplied devices is a possibility, and additional funding would need to be reserved for replacement devices.

Regardless of what menu of options the Council would like to include in the Pilot Program, there appears to be adequate funding and staffing for at least the first year of the program, and additional funding could be inserted in the City's budget for the second and third years. The current funding would also allow a concerted effort by City staff or contractors to do a thorough charcoal clean-up of the beach, and the Pilot Program includes a provision for this initial cleaning effort.

#### *Environmental Review*

The proposed Pilot Program is categorically exempt from CEQA requirements, pursuant to Section 15311 of the State CEQA Guidelines. Class 11 exemptions include the construction or placement of minor structures accessory to existing facilities, including signage, ash cans (if needed), and fire-containment devices, if installed seasonally as part of the Pilot Program. User-supplied propane-fueled fire devices are already allowed on Carmel Beach south of 10<sup>th</sup> Avenue, and while the Pilot Program may allow use of these devices over a larger area of the beach, this would not present any new significant impacts. Wood-fueled fires are also currently allowed on Carmel Beach south of 10<sup>th</sup> Avenue, and wood fires are currently allowed to be built directly on the sand and without a limitation on the number of fires.

The Pilot Program would limit the number of wood-fueled fires to no more than approximately 10 to 12, which would substantially reduce Air Quality impacts from fine particulate matter and other pollutants in wood smoke as well as decrease aesthetic impacts from charcoal and ash left on the sand. While fire in any of its forms is inherently hazardous to some degree, the Pilot Program would result in more effective management of beach fires. The enhanced education, enforcement, and outreach program component with 7-day/week, 5:00 to 11:00 pm staffing by a beach patrol officer would assist in ensuring that beach fires are properly operated and extinguished, with ash and charcoal properly disposed.

The use of propane-fueled devices and wood-fueled fire containment devices would also reduce the risk of burns from buried or improperly extinguished fires, and while City-supplied wood-fueled units

would present a new risk to beachgoers who may trip or otherwise bump into these devices, the hazard would be similar to if not less than the current situation of a potentially large number of improperly extinguished fires, many of which are buried in sand and present a hidden burn hazard to beach goers that evening as well as the following day. Any City-sponsored wood-fueled containers would be removed for the winter storm season to avoid having these structures swept into the ocean so as to present a hazard to ocean recreation. The limited number of wood-fueled devices and temporary signage are intended to reduce existing environmental impacts and do not present any unusual circumstances that would result in a potentially significant environmental impact.

Conclusion

The Council may approve the Pilot Program CDP as currently drafted, or may direct changes to the Pilot Program and approve a revised version. Potential modifications also include those to the findings and conditions of approval. Alternatively, the Council could provide direction to staff and continue the item to a subsequent meeting; however, it should be noted that the Coastal Commission was hopeful that the City would have a program in place for this summer. The Council should also note that the City's Beach Fire Moratorium is set to expire on August 6, 2016, unless the moratorium is extended by the Council. Should the Pilot Program be implemented before August 6, 2016, it would obviate the need for the moratorium, and the moratorium could be terminated or allowed to expire. Staff recommends that the City Council conduct the public hearing on the pilot program, adopt findings for approval of the program, and approve a CDP for the pilot program subject to the conditions of approval.

**PRIOR CITY COUNCIL ACTION**

The City Council considered an appeal of the Planning Commission's approval of a CDP for the Pilot Program approval on May 4, 2015 and May 7, 2015, and at the latter meeting, denied the appeal. On August 6, 2015, the Council adopted an urgency ordinance enacting a prohibition on beach fires on Carmel Beach Friday through Sunday and on Holidays. The Council extended the urgency ordinance for a total period of one-year, on September 1, 2015. The City Council heard updates on the beach fires pilot program on January 4, 2016, and April 5, 2016, and provided direction for revisions to the pilot program at the April 2016 meeting. Finally, testimony and a petition in support of maintained some level of wood beach fires was provided to the Council under Public Appearances at the February 2016 City Council meeting.

**ATTACHMENTS**

1. May 2016 Revised Draft Beach Fires Management Pilot Program
2. April 5, 2016 City Council Meeting Minutes
3. May 9, 2016 Letter from California Coastal Commission staff
4. Findings
5. Conditions of Approval
6. Recent Correspondence Received on the Pilot Program

<b>APPROVED:</b> 	<b>Date:</b> <u>6.2.16</u>
_____ Chip Rerig, City Administrator	_____



# Beach Fire Management Pilot Program

Revised Program of May 2016

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## Executive Summary

The City of Carmel-by-the-Sea seeks to continue the recreational opportunity of beach fires while exploring options to minimize the impacts of wood-fueled beach fires on the community and the sensitive environmental resources of the beach. As such, a pilot program has been designed that consists of the allowance of up to 12 wood-fueled fire devices along the beach in designated areas as well as the allowance of user-supplied propane-fueled beach fire devices along Carmel Beach, with the first phase of the program (for approximately the first 12 months) utilizing a propane-fueled devices only approach. The wood-fueled devices would initially be City-supplied; however, the pilot program would also allow the City to change the approach to one that provides for the same number of user-supplied wood-fueled devices. In either scenario, the wood-burning devices would be located at designated locations near beach access staircases and at least 100 ft seaward of the base of the coastal bluff or seaward limit of the dunes. The locations for wood-fueled devices would initially be between Tenth Avenue and Santa Lucia; however, the pilot program would allow, on a trial basis, locating approximately 2 to 4 of these devices between Tenth Avenue and Del Mar. The user-supplied devices would be available at no cost to the public, and the devices will be available on a “first come, first serve” basis. The City would ensure that any City-supplied fire devices are regularly maintained and cleaned.

In addition to the wood-fueled devices, the City would allow and encourage user-supplied propane fire devices along the beach between Martin Way and the beach areas adjacent to the Del Mar Parking Lot. The propane-fueled devices would be allowed closer to the base of the bluff or seaward extent of the dunes; as close as 25 ft from the base of the bluff or dunes. The City does not envision a restriction on the number of user-supplied devices, but in the event of public safety needs or other unforeseen issues, may need to establish reasonable limitations in latter phases of the program. The pilot program also includes enhanced educational and enforcement efforts, including the use of private security, City police officers and volunteers to educate the public about the pilot program and its associated rules. The pilot program duration would be up to three years and would include active management to refine the program in response to lessons learned. No charcoal-burning fires would be allowed under the pilot program; however, propane-fueled gas grills would be allowed.

## Objectives

The principles of the beach fire management pilot program are twofold: (1) to manage the number of beach fires and (2) to refine the beach fires rules. The objectives of the program are: (1) to preserve the quality of Carmel Beach’s white sand, (2) to enhance recreational use and public safety of Carmel Beach, and 3) to protect the resource values of the beach environs including ambient air and water quality.

The City’s Land Use Plan provides broad guidance regarding beach use, protection, and management:

***“Provide for a wide variety of passive and active recreational experiences for all beach users while protecting***

*the resource values of beach environs (Goal 4-4)”*

*“Manage the City’s beach, park and open space resources in a manner to encourage use and enjoyment by residents and visitors (Objective 4-9)”*

*“Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation (Objective 4-10)”*

*“Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred (Policy P4-62).”*

*“Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood (Goal 4-3)”*

Managing the number of wood-fueled beach fires together while providing for propane-fueled devices minimizes the degradation of the sand while also increasing public safety and enhancing ambient air and water quality in accordance with the Coastal Access and Recreation Element of the City’s Local Coastal Plan (LCP). The pilot program attempts to balance these objectives and develop options in accordance with the goals and objectives contained within the LCP.

### **Keys to Success: Measurement, Reporting and Evaluation**

Pictured below is a close up of sand grains on Carmel Beach



#### **Program Elements:**

##### **Objective O-1 Preserve Sand Quality**

**Measurement: Eliminate charcoal and burned logs from the sand.** The City would be providing for a limited number of wood-fueled fires (up to 12) in designated areas or fire containers. Ash cans would be provided for proper disposal of charcoal and ash from any user-supplied wood devices, and City staff would be responsible for regularly emptying any City-supplied wood-fueled devices. The City would also allow user-supplied propane-fueled devices, and these devices would not generate charcoal or ash. By eliminating wood and charcoal residue from the sand, the quality of Carmel’s white sand beach will

be preserved / enhanced. Prior to or at the beginning of the pilot program as well as through-out its implementation, the condition of the beach would be documented through photographs and/or video footage to demonstrate the effectiveness of the program in improving the aesthetics of the beach and shoreline areas. The City recently obtained an aerial video of the beach that documents the pre-program amount of charcoal located throughout the beach. The City would arrange for subsequent aerial video footage following the first year of the program, and potentially following the second year, if the first post-program footage is inconclusive, to document the program's effect on cleanliness of the beach. Photos would also be taken from the bluff top at the set (fixed) locations at quarterly intervals to assess beach cleanliness and appearance.

#### **Objective O-2 Enhance Public Use and Safety of Carmel Beach**

**Measurement: Install City-Supplied Fire Devices or Designate Areas for User-Supplied Wood Fire Devices.** The first phase of the program would utilize a propane-fueled devices only approach to allow for as thorough as possible clean-up of existing charcoal on the beach. Once this cleaning is completed, the City would install up to 12 City-supplied and City-maintained wood-fueled fire devices at specific locations adjacent to public beach access points between Martin Way and the Del Mar Parking Lot beach area. The fire devices would be available on a first come, first served basis from 7 am to 10 pm daily. City-supplied devices would be anchored into the sand at fixed location for the summer and fall season, and remain in place until threatened by winter-season wave scour as discussed below in Hazard Avoidance. The devices would be removed for a portion of the winter storm season and may also be removed at other times of the year in response to a tsunami warning, or during other periods of unusually high tides, off-season storms, and low beach profile conditions. The City-supplied devices would be returned to the beach once storms and high tides subside. The specific location of the majority of the devices would be adjusted throughout the pilot program in order to select locations that are least prone to seasonal beach scour, and as such, can remain in place as long as possible into the winter storm season and as early as possible following the winter season. User-supplied portable propane-fueled devices would be allowed during periods when fire devices are absent. The City anticipates that local- and area-wide stores may also to rent out user-supplied propane devices (or wood burning devices, should these be allowed in lieu of City-supplied wood-fueled devices), and the City would provide information on where such units may be acquired on beach area signage and on the City's website as well as a part of the beach fire management educational program. While not a part of the initial phase of the pilot program, should the program incorporate the City may also sponsor or

contract with a vendor to provide propane-fueled devices for rent at a location within the City, if this is determined to be a necessary component for increasing access to portable user-operated units. This program component would need to be further refined and may involve a modification to restrictions in the City's Municipal Code regarding commercial activities in the shoreline area.

**Objective O-3 Protect Resource Values: Air and Water**

**Measurement: Reduce the amount of wood smoke and charcoal debris generated by beach fires.** The program provides for a reduced (up to 12) number of wood-fueled beach fire devices, which for City-supplied devices would be cleaned by City staff or a contractor, and which for user-supplied devices, would include the installation of ash cans at beach access points for proper disposal of coals and ash. The program would also allow wide use of propane-fueled devices, which do not produce charcoal, nor do these devices emit smoke, other than when used for grilling food. No charcoal-fueled (brickettes) fires would be allowed. The program would substantially reduce wood smoke and its associated public health hazards. It would also eliminate the accumulation of charcoal on the beach and into the marine environment. New signage would be designed and installed to inform beach users of the pilot program's beach fire rules. Signage would also include information on the locations of and hours of operation for City-supplied devices, the types of user-supplied devices that are permissible, and options for obtaining user-supplied devices. Staff from the Monterey Bay Air Resources District (MBARD) operated an air quality monitoring station on private property along Scenic Drive between May and December 2015, and collected data on particulate matter (PM-10) levels. Although the monitoring station has been removed, the City will continue to work with MBARD staff to evaluate the effectiveness of the program on maintaining acceptable air quality for beach goers, Scenic Road pathway users, and nearby residents. If wood smoke nuisance complaints persist, City staff would confer with MBARD staff regarding the reestablishing a monitoring station. As described above in Objective O-1, both photographic and video footage would continue to be collected and evaluated to demonstrate the reduction of charcoal litter on the beach.

**Reporting:**

During the pilot program, City staff will provide quarterly updates to the City's Forest and Beach Commission at scheduled public meetings on the status of the pilot program and receive public comment on the components of the program. Two to three months before the end of each year of the

pilot program, a report will be presented before to the City's Forest and Beach Commission, City Planning Commission, and City Council, to assist in determining if changes to the pilot program should be made, or if sufficient information has been collected such that a permanent change to the City's beach fires management should be implemented. The report will be shared in draft form with Coastal Commission staff for input prior to City Council discussion of the program, and each year, a final year-end report will be provided to Coastal Commission staff for documentation.

## Fire Devices

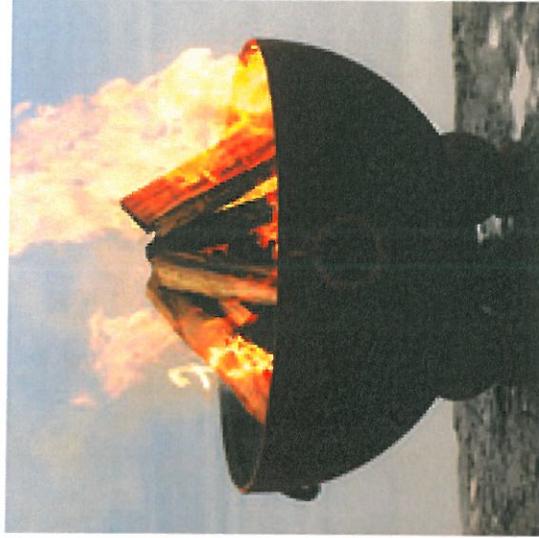
### Dimensions and Style

The initial City-supplied wood-fueled devices to be tested and used would be made from steel with approximate dimensions between 16-24 inches high and 30-48 inches wide. These devices weigh between 100-200 pounds and will be partially buried and secured in place. These devices are designed to remain fixed and not be moved to other locations by the public or special event organizers. The City may purchase and test two or more different units to gauge appearance, reliability, and ease of operation. During the first year of the program, the City will convene a review Committee to determine the preferred design or decide if the City should pursue a custom design for these City-supplied devices. Should the City shift to a user-supplied option for wood-fueled beach fire devices, these units would be portable, and smaller and lighter than the City-supplied options. Either wood-fueled device option would have a bottom and potentially a lid to keep the charcoal and ash contained and off of the beach. Ash cans would be provided and maintained by the City for proper disposal of wood charcoal and ash from user-supplied wood burning units. These containers would be placed at the foot of beach access stairways for portions or the beach accessed by stairs and in the Del Mar Parking Lot should the City expand the area where beach fires are allowed to the Del Mar Parking Lot beach area. Flags, cones, or other markers would indicate designated areas for user-supplied wood-fueled devices.

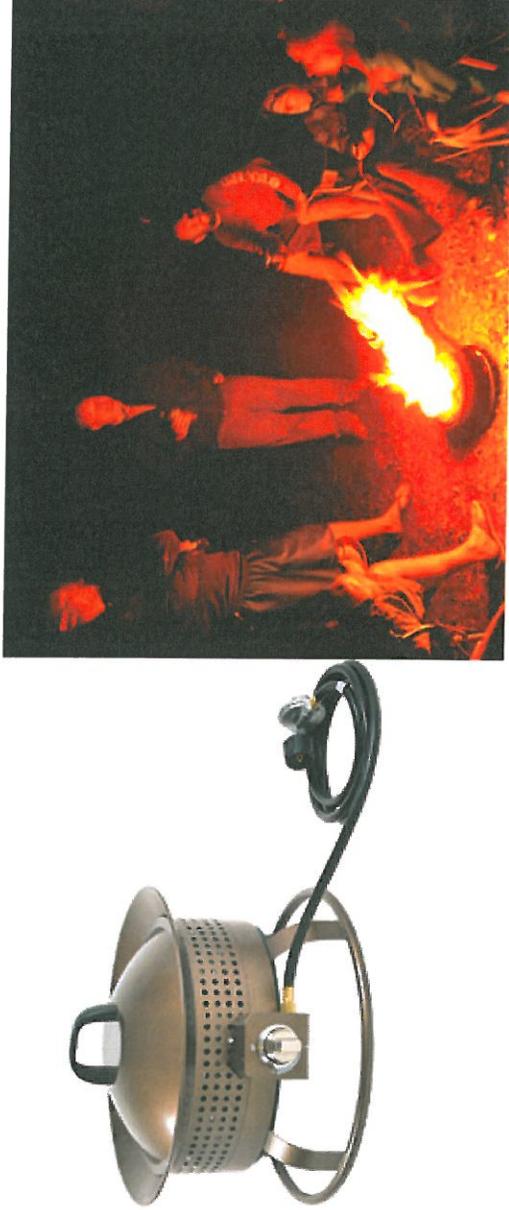
In addition, beach goers would be allowed to bring and operate user-supplied propane-fueled devices. These are typically smaller than the steel wood-fuel devices, and a variety of models are available from local hardware and garden stores. Propane tanks are also available in different sizes.

City staff have identified several off-the-shelf models, and the City would disseminate information on its website regarding a list of off-the-shelf options, their cost, where they can be obtained. The website may also provide for user feedback on performance of different off-the-shelf fire device options.

Pictured below are three examples of potential initial options for the City-supplied fire devices.



Pictured below are two examples of potential user-supplied propane-fueled fire devices.



### Usage

User-supplied propane-fueled devices would be allowed year-round and as close as 25 feet from the base of the coastal bluff or toe of the dunes. City-supplied wood-fueled fire devices would be provided in the summer and fall season only, restricted to areas at least 100 feet from the base of the bluff/toe of the dunes, and limited to a maximum of 12 such units at designated locations. Users would be instructed to only use dry, cured wood, and no driftwood, pallets or other materials (such as Christmas trees, furniture, and trash). No trash, glass or other materials may be left in the device.

For the user-supplied wood-fueled device option, these would also be required to be at least 100 feet from the base of the bluff/toe of the dunes, and ash cans would be provided for proper disposal of charcoal and ash following use. Trash and recycling containers are conveniently located at each beach staircase access point (above the stair entrance on the Scenic Pathway/ Scenic Road).

### Hours of Use

Wood-fueled beach fire devices, whether City-supplied or user-supplied, would be allowed from 7 a.m. to 10 p.m., seven days a week during the portion of the year that the beach is wide enough to support such devices. Beach fires in user-supplied propane devices would be allowed from 7 a.m. to 10 p.m., seven days a week, and year-round.

## Availability

The initial plan for City-supplied fire devices would be that they are available on a “first come, first served” basis and could not be reserved or held in advance for use except in limited circumstances associated with a properly-issued special event permit. One fire device may be reserved in association with the issuance of a special event permit from the City and in accordance with the City’s special event policies. The City would limit this special event permit-related reservation to one of the devices on any given day. The City would also limit these reservations to no more than two such reservations in any given week and no more than four such reservations in any given month. The remaining City-supplied fire devices would be available for the general public. Should there be operational issues with the special event-related reservations, the City would adjust that component or eliminate it. Should there be operational issues with the first come, first served approach, the City would develop a reservation system for some or all of the City-supplied devices and would consult with Coastal Commission staff on the specifics of any such program. Should the user-supplied wood-fueled option be implemented, the availability would be similar: on a first come basis, except as associated with a properly-issued special event permit.

## Exceptions

During the holiday weekends of July 4<sup>th</sup> and Labor Day, to meet peak beach fire demand, the City may set up a program to distribute up to 25 additional portable propane-fueled devices for public rental. The fee for use would be reasonable: on the order of \$20-\$50 for the day. These could be made available at a temporary station such as a trailer or similar mobile facility located at a suitable location. Potential locations include in the Del Mar Parking Lot, at the intersection of 8<sup>th</sup> Avenue and Scenic Road, or a similar location. This component would only be developed and implemented if other means of sales or rentals of user-supplied units are determined to be inadequate by the City in consultation with Coastal Commission staff. This component may constitute commercial activity in the shoreline area, which is currently prohibited under the City’s Municipal Code. As such, the implementation of such a rental component, if made permanent, may require a Zoning Ordinance Amendment and Local Coastal Program Amendment.

## Cleaning

Over several months in 2015, air quality data was collected along with photographic and video footage of beach conditions (sand quality). The August 2015 implementation of the City’s Interim Moratorium on weekend wood-fueled beach fires has reduced air pollutant levels and has resulted in a lower rate of accumulation of charcoal on the beach. However, there still are areas of charcoal that could be further cleaned using sifting devices and small equipment (above the kelp line and in the corridor where the devices will be located). The City may undertake these additional cleaning measures in advance of installing City-supplied fire devices. Regular cleaning of the City-supplied devices would be required. It is anticipated that the devices would be cleaned at least 3 or 4 days a week, and this cleaning would be

done by City staff or a City contractor.

If the user-supplied wood-fueled device option is implemented, the City would arrange for regular (at least 3 or 4 times weekly) emptying of the ash cans, and would also need to periodically clean up spills of charcoal and ash, whether inadvertent and partial or intentional. The City will maintain a record of how many charcoal spills are noted on a quarterly basis and report on these.

### **Hazard Avoidance**

The program includes hazard avoidance guidelines and trigger points for the timely removal of City-supplied fire devices prior to the devices being threatened by high tides, large storms, and wave action. The intent of this program component is to make fire devices available as long as possible throughout the year while being cognizant of shoreline hazards and protective of sensitive environmental resources (i.e., air and water quality).

Beach width and the upper reach of the wash of the waves vary throughout the year and from season to season. In general, the beach is widest in the summer months and narrows considerably in the winter storm season, when storm-induced waves erode the berm and lower the beach profile. The extent and timing of winter beach scour varies from season to season. In some winters, the beach is nearly completely scoured out, such that the wash of the waves is all the way up to the base of the bluff. In milder winters, there are areas of the beach that are never scoured out, particularly in the more landward and protected areas of the beach, such as near Tenth Avenue. In the typical winter, however, most if not all, of the fire devices would be threatened by scour.

Initially, it is anticipated that the City-supplied beach fire devices would be in place for use during the peak beach use season: from March 1 to November 1. This is typically when the threat from shoreline hazards is lowest. The beach fire devices may be retained for some period beyond the March 1 to November 1 period, provided that favorable weather conditions and a low threat of storm-driven wave inundation continue. Outside the peak periods (i.e., November 1 through March 1), the City-supplied fire devices will be removed from the beach to avoid potential hazards and inundation. At the beginning of the winter storm season (on or about November 1), City staff will monitor the condition of the beach at least weekly, including measuring the width of the beach berm in the vicinity of the fire devices. Beach fire devices would be removed or relocated prior to being threatened by wave-induced beach scour and/or inundation. The initial threshold for removal of a device would be if the upper wash of the waves is within 10 feet of the device. If this distance, in practice, does not provide sufficient time for City staff to remove the device, a larger distance may be established. Management of the City-supplied fire devices may be modified in response to extreme ocean conditions. If, there is an unusually early or heavy winter storm season, such that wave-induced scour threatens to undermine the fire devices, City staff would remove any threatened devices earlier in the year. Similarly, if a heavy winter storm season delays the post-winter recovery of the beach, the City may delay the springtime installation of some of the devices.

In addition, if there is an extraordinary storm or high-wave event forecasted outside of the target use period, the devices would be removed and returned as soon as it is practical. Both the threshold for removal and replacement timing would be components that the pilot program will further develop.

### Locations

The initial locations for the City-supplied wood-fueled devices would be at the following locations: near the stairways at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and Santa Lucia. All locations would be at least 100 feet from the base of the bluff. Utilizing adaptive management, the location (or designated location in the case of the user-supplied wood-fueled option) of the devices may be adjusted as needed due to topography of the beach, wave and tidal activity, or to better meet the needs of beach users. On a trial basis, up to 4 wood-fueled devices could be allowed between 10<sup>th</sup> Avenue and the Del Mar Parking Lot beach area. A map of access points and approximate locations for the City-supplied devices are contained in Figure 1. User-supplied propane fire devices would be allowed from Martin Way to the Del Mar area with a setback requirement of at least 25 feet from the base of the bluff or toe of the dunes.

### Public Education and Enforcement

Public education and outreach would be a key component of the pilot program. The City would develop and distribute public education materials to try to reach the public regarding the pilot program and the new beach fire rules before they arrive at Carmel Beach. In addition, the City would use a combination of private security staff and a dedicated police beach patrol officer to educate the public about the rules, gather data and assist in monitoring the effectiveness of the pilot program. The use of docents and other volunteers to help explain the rules to the public may also be added as part of the communication strategy.

**Online Information:** Both the City's website and other associated websites, such as the Carmel Chamber of Commerce and the Monterey Visitors and Convention Bureau, would be updated to reflect the use of the allowed fire devices and other beach rules. The City would also reach out to other website providers that are geared toward activities at California beaches and travel-related sites to explain the new rules and request assistance in providing updated information to the public.

**Other Sources of Information:** Press releases to local newspapers and television stations would also occur regarding the beach rules and the use of both City-supplied and user-supplied beach fire devices, as well as outreach to schools, colleges and community groups. The hotel industry would be contacted and given informational cards that could be provided to guests about the beach fire rules. Local grocery stores would be provided information to distribute to customers, including information regarding where user-supplier propane

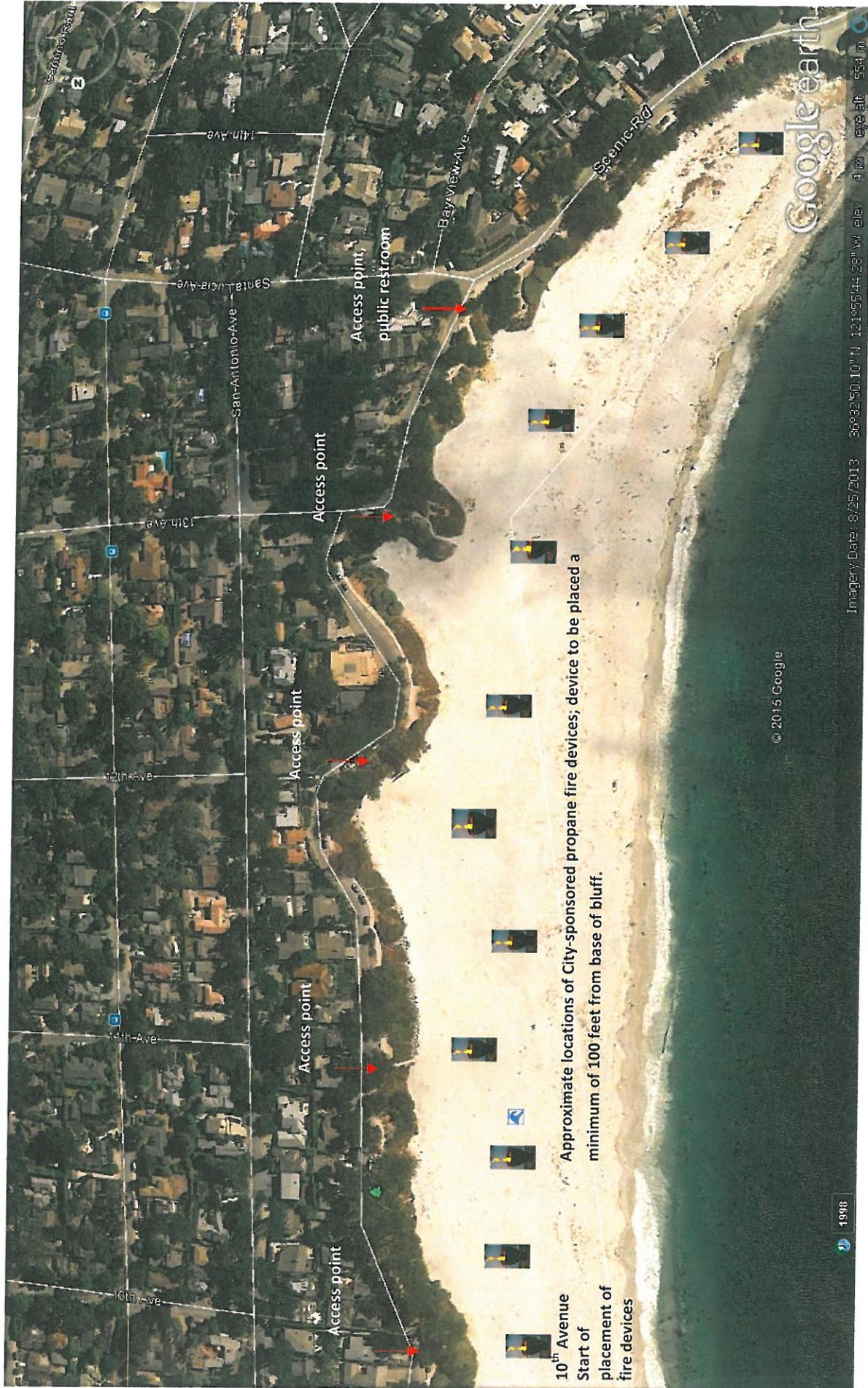
devices could be purchased or rented, and where propane tanks can be refilled.

**Signage:** Signage would be installed that provides information regarding allowed devices and the locations where fire devices are allowed. Locations for new signage would include the Del Mar parking lot, at the beginning of the Scenic Road pathway (Scenic and 8<sup>th</sup> Avenue), at the beach access stairways along Scenic, and at both ends of the 4<sup>th</sup> Avenue beach access pathway. Informational signage regarding the purpose of the pilot program and the rules and restrictions would be installed at key locations starting at the Del Mar Parking Lot. As the northern limit for beach limits may change under the Pilot Program, the Del Mar area, the 8<sup>th</sup> Avenue access, and the 10<sup>th</sup> Avenue access as appropriate would have a marker to delineate and differentiate where fires are allowed and not allowed. Signage indicating the use of fire devices, with a simple message such as “wood fires only in City-supplied fire devices” or “propane fires only this area” would be placed near the staircases and other beach access points. Such signage would be installed in locations that minimize obstructions of coastal views, e.g. on railings, near the side of the staircases or, on landings half-way down the beach staircases. Signage materials for the pilot program may be metal; however, permanent (post-pilot program) signage would be simple, rustic, and primarily made of wood, in keeping with Carmel’s existing aesthetic. Universal symbols would be used where appropriate. Specific sign designs for the pilot program would be developed within approximately the first two or three months of the program’s approval and presented to the Planning Commission for review and approval of sign design.

**Messaging:** The City’s public education materials and signage program would explain the purpose of the pilot program, which is to encourage responsible and safe beach use while protecting the character of Carmel Beach and the resource values of the beach environs (i.e., ambient air and water quality).

**Personal outreach/contact:** The City intends to use a combination of police staff, private security staff, and volunteers to explain the rules to the public. The City has recently provided for a beach patrol police officer staffing from 5 pm to 11 pm, seven days a week. This officer is dedicated to patrolling the beach and will be on site to address issues regarding violations of beach fire rules. Private security officers, if retained to assist with beach fire management, would be trained by the Carmel Police Department regarding the beach fire rules, and would serve as a friendly and helpful educational resource to explain the rules to the public. The City also plans to utilize local volunteers, some stationed at the beach staircases, and others walking the beach, to explain the rules, help notify the public about the availability of City-supplied fire devices or the allowable location of user-supplied fire devices, track data regarding where beach users are from (in order to help target additional public education and outreach), and document compliance with the beach fire rules. These volunteers may also provide other observations about the pilot program in general. The volunteers would carry and distribute informational cards that explain the rules to members of the public. The cards would have a comment suggestion and link to a comment form on the City’s website and an email address so the public can provide feedback on the pilot program.

**Figure 1: Map of Carmel Beach Access Points and Potential Initial City-Sponsored Fire Device Locations**



**MINUTES  
CITY COUNCIL REGULAR MEETING  
CARMEL-BY-THE-SEA  
Tuesday, April 5, 2016**

Mayor Burnett called the meeting to order at 4:35PM.

**ROLL CALL**

Present: Council Members Beach, Dallas, Talmage, Theis and Mayor Burnett

Absent: None

Staff Present: Chip Rerig, City Administrator  
Don Freeman, City Attorney  
Mike Calhoun, Public Safety Director  
Rob Mullane, Public Works Director  
Marc Wiener, Senior Planner  
Jacob Clifford, Police Officer  
Joseph Martis, Community Services Officer  
Ashlee Wright, City Clerk

**EXTRAORDINARY BUSINESS**

Michael Doyle, Jr. provided a progress update on the Scout House project completed by the Boys Scouts.

Mayor Burnett led the Council and community in a moment of silence to honor the passing of Erl Lagerholm.

Rob Mullane, Public Works Director introduced Domonic Marquez, Maintenance Worker. Mike Calhoun, Public Safety Director introduced Jacob Clifford, Police Officer, and Joseph Martis, Community Services Officer.

Chip Rerig, City Administrator presented a certificate of appreciation to Council Member Victoria Beach to commemorate her service on the Council. Mike Calhoun, Public Safety Director presented a certificate of appreciation for Mayor Jason Burnett to commemorate his service on the Council.

**ANNOUNCEMENTS**

Mayor Burnett and Council Member Beach provided clarification and reasoning for posting for a Special Meeting that was then cancelled.

Don Freeman, City Attorney announced the Closed Session items and stated that Council had received updates and provided direction. He provided an update on Short-term Rental enforcement and stated that staff was also working on addressing the issue of aggressive sales people in the public right-of-way.

Chip Rerig, City Administrator, announced that at the previous night's meeting the Council had authorized an agreement with Accela for implementation of a financial system, a major milestone in rebuilding the City's technological infrastructure.

Mayor Burnett appointed Tom Brocato to the Centennial Committee.

Sue McCloud, Tom Brocato and Barbara Livingston provided an update on Centennial Committee activities.

Council Members Theis and Beach provided an update on progress on evaluating firms to conduct facilitated management evaluations for the City Administrator and City Attorney.

Council Member Dallas recommended that community members view the historic display at the First Murphy House.

### **PUBLIC APPEARANCES**

The following members of the public spoke during public appearances:

- Karen Ferlito
- Mayor Jerry Edelen
- Ellen Gannon
- Barbara Livingston
- Bob Profeta
- Teresa Bradford
- Judy Refuerzo
- Denise Otterson
- Carolina Bayne
- Lynette Zimmerman

---End Public Appearances---

Don Freeman, City Attorney and Mayor Burnett provided clarifications on issues and questions raised during public appearances.

### **ORDERS**

Item 7: Presentation of a Resolution of Appreciation of Jason Burnett from Dave Stoldt of the Monterey Peninsula Water Management District.

Dave Stoldt, General Manager of the Monterey Peninsula Water Management District presented Mayor Burnett with a Resolution of appreciation of the Monterey Peninsula Water Management District.

Public Comment – None

No Council action was taken.

Item 8: AB 1115 Consideration of the approval of a Beach Fires Pilot Program and provide direction to staff to return to Council in May with a Coastal Development Permit.

Rob Mullane, Public Works Director, provided the staff report.

Council discussion followed and Rob Mullane, Public Works Director responded to Council questions.

Public Comment

Lynette Zimmerman, Roy Thomas, no name given, Robert Kessler, Margaret Eaton, Deborah Stevens Ledger, Fermin Sanchez, no name given, Skip Lloyd, Richard Kreitman, Denise Otterson, Hugo Ferlito, Judy Refuerzo, Catherine Stitz, Brandon Cassickey, Laurie Salache McPherson spoke on this item.

Mayor Burnett called for a recess at 7:40PM. The meeting was resumed at 7:50PM and public comments were resumed.

Gerald Dudley, Barbara Livingston, Jeanne McCullough, Dave Mosely, Gary Bang, Kathy Bang, Lynn Ross, Nancy Chera Garcia spoke on this item.

A brief recess was taken and the meeting was then resumed.

Karen Ferlito spoke on this item.

---End Public Comment---

Don Freeman, City Attorney, provided clarifications.

Richard Stedman, Air Pollution Control Officer for the Monterey Bay Air Resources District, provided additional comments.

Council discussion followed.

Mayor Burnett called a recess at 9:05PM and the meeting resumed at 9:10PM.

Council discussion followed.

Action: Upon a motion made by Council Member Beach, seconded by Council Member Dallas, Council moved to provide direction to staff on a revised Beach Fires Pilot Program:

- Effective this summer and lasting 3 years.
- Adaptive management evolving as program progresses.
- Phase 1 is a restoration year of user supplied propane only devices limited to areas south of 10<sup>th</sup>
- No more unlimited wood fires.
- No more wood fires on sand.
- Add initial, thorough sand sifting & cleaning from north to south boundary.
- During phase 1, workshop possible wood fire containment devices, expansion of area, other means of expanding access, or other modifications for phase 2.

- Eliminate existing moratorium on weekends and holidays.
- Eliminate city provision of individual devices & six public devices.
- Encourage the private sector to offer rental devices.
- Recommend use of devices with a UL rating.
- Reduce reports from monthly to semi-annual.
- Written legal, insurance, fire, and public safety opinions.
- Confer with Cities in southern CA that have completed similar projects.
- CEQA review.
- Include enforcement plan.
- Include communications plan.
- Explore options for monitoring access.
- Document process undertaken for the development of Carmel's Pilot Program.

There being no further business, Mayor Burnett adjourned the meeting at 9:35PM.

APPROVED:

  
\_\_\_\_\_  
Steve Dallas, Mayor

ATTEST:

  
\_\_\_\_\_  
Ashlee Wright, City Clerk

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



May 9, 2016

Mayor Steve Dallas and City Council Members  
City of Carmel-by-the-Sea  
P.O. Drawer G  
Carmel by the Sea, CA 93921

**Subject: Carmel Beach Fire Management Program**

Dear Mayor Dallas and Council Members:

As you move forward with your deliberations regarding a new beach fire management program for the City, we wanted to take this opportunity to share with you a few thoughts from our perspective. These will come as no surprise given they echo the comments we have consistently provided to the City, including in our comments to your staff since the Commission's hearing on the City's then proposed program in December 2015. At that time, as you are aware, the Commission rejected both the City's proposed propane-only beach fire management program and the staff recommended wood-only program, leaving the issue of beach fires in Carmel unresolved. Several Commissioners made comments acknowledging potential health hazards from wood smoke while also recognizing the importance of the public being able to gather around a beach fire. They also asked that we (staff) work with the City to develop a program that addresses potential issues while still providing for traditional beach fire opportunities at Carmel Beach.

Since the December 2015 hearing, we have continued to work with your staff on potential program elements, and would strongly suggest that the City pursue a hybrid program at this time. Such a program would provide for both wood fueled fires, as have been enjoyed for decades in Carmel, as well as a pilot program for propane fires. We believe that such a program can strike the appropriate balance at Carmel Beach, and we would be more than happy to work with your staff on its particulars. We do not support an all propane alternative. We think such particulars should include a specific number of City-supplied wood fire rings (e.g., 12 to 15) available for use between the hours of 7am and 10pm daily, provisions for users to have easy access to other fire containment devices near the beach (e.g., barbeque, hibachi, or similar), and provisions for users to have easy access to propane fire devices as well. Importantly, we strongly believe that any such program needs to make sure that fires are no longer made directly in the sand, but rather are required to be contained, and the areas around them regularly cleaned and maintained. With that change, we also suggest that the program area be expanded to the north (e.g., to the Del Mar parking lot area) to distribute use across the beach. We also support a robust monitoring component to allow for adaptation over time. We envision a short term permit with monitoring and reporting mechanisms, and an LCP amendment to codify the program once its parameters

**Mayor Steve Dallas and City Council**  
**Carmel Beach Fire Management Program**  
**May 9, 2016**  
**Page 2**

were more clearly established at the other end. (See also our recommendations from the December Commission hearing which contain many of these components.) We think we can all find a successful middle ground, and would welcome discussion along those lines.

We would suggest that such a program be put in place as soon as possible, including because absent such a program the current status quo applies: namely, unlimited wood-fueled beach fires are allowed directly in the sand on Carmel Beach south of Tenth Avenue every day. On this point we again note that the City's current weekend and holiday ban remains unpermitted and unenforceable, and we would suggest that in tandem with developing the new program, the City takes steps to discontinue this ban as soon as possible.

We would very much welcome the opportunity to work with your staff in the manner identified above, and would appreciate your direction to them to this effect as soon as possible. The busy summer recreational season is almost upon us, and we would very much like to make some progress quickly in this respect, including so that we can stand together in agreement when the City takes the requisite CDP action.

Please don't hesitate to contact me at our Santa Cruz office if I or my staff can help in any way to move such a beach fire management program to fruition. Thank you for your consideration.

Sincerely,



Dan Carl  
Central Coast District Director  
California Coastal Commission

cc: Chip Rerig, City of Carmel-by-the-Sea City Manager  
Marc Weiner, City of Carmel-by-the-Sea Acting Planning Director  
Rob Mullane, City of Carmel-by-the-Sea Public Works Director

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

**Application:** MP 15-100 RV01                      **APN:** various  
**Location:** Carmel Beach  
                  Along and Seward of Scenic Avenue from Del Mar Parking Lot beach area to  
                  Martin Way  
**Applicant:** City of Carmel-by-the Sea

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**CONSIDERATION:**

Consideration of Coastal Development Permit application for the City's beach fire management pilot program

**FINDINGS OF FACT:**

1. On May 24, 2016, a new Coastal Development Permit (CDP) application was filed by the City for a revised beach fire management pilot program, after receiving direction from City Council on April 5, 2016 regarding the revisions to the pilot program following review by the Coastal Commission in December 2015, and after additional research was completed by staff regarding issues and questions raised by the Coastal Commission and by the City Council.
2. The pilot program constitutes development under the City's Municipal Code and as such requires a Coastal Development Permit.
3. A duly-noticed public hearing was held by the City Council on June 6, 2016, for consideration of the CDP, with notice of said hearing published in the *Carmel Pine Cone* and distributed to owners and occupants of properties within 300-ft and 100-ft of the subject parcels at least 10 days prior to the public hearing.
4. The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Community Planning and Building Department of the City of Carmel-by-the-Sea located at Monte Verde Street between Ocean and 7<sup>th</sup> Avenues, Carmel-by-the-Sea, California, 93921.

**FINDINGS FOR APPROVAL:**

After taking public testimony and hearing evidence from the City staff, the Planning Commission makes the following findings:

1. **Finding:** The program is consistent with the City's General Plan, including the Local Coastal Plan (LCP), and the inherent balance between coastal access and environmental protection. The program is consistent with LCP Goal G4-1: "Provide for maximum public access to, and recreational use of, the shoreline consistent with private property rights and environmental protection."

**Evidence:** The development (proposed installation of up to 12 wood-fueled beach fire devices, temporary signage, and a limited number of appurtenant structures such as delineators and ash cans) will be located near the beach staircases and will not impede public access to the sea or along the shoreline. The recreational opportunity to build a wood fire will be maintained in designated areas via the fire containment devices or for the user-supplied option, if implemented, via delineators, small flags, or other demarcation devices. Propane-fueled fires will continue to be allowed and will not have a cap on the number of propane devices. These components will allow fires to continue to occur, while possibly allowing greater use of other areas of the beach for different recreational uses. Under the existing rules, unlimited fires may be built directly in the sand anywhere south of Tenth Avenue and 25 feet from the base of the bluff, which may curtail access to areas of the beach due to the presence of beach fires, hot coals, or charcoal. The program includes provisions for timely and a phased removal of any City-supplied wood-fueled devices in the event that they are threatened by winter beach scour in order to maximize the duration over the year that the devices are available for use while avoiding hazards due to undermining, displacement, or flooding of the devices. Propane-fueled devices will be allowed year round.

2. **Finding:** The program is consistent with LCP Goal G4-3, which states: "Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood" and Goal G4-4, which states: "Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs."

**Evidence:** The proposed use of up to 12 wood-fueled beach fire devices in addition to propane-fueled fire devices is intended to serve the needs of public beach goers for beach recreation (i.e. allow recreational fires); mitigate damage to the environment (specifically sand, ocean and air) and respect the neighborhood by developing, implementing, and refining through adaptive management program components that would better manage the number of wood beach fires and the associated health and safety hazards resulting from

improperly extinguished fires and impacts from wood smoke. Better controlling the number and location of wood fires through the use of a limited number of properly-positioned fire containment devices or delineators for user-supplied wood-fueled devices is intended to respond to community concerns related to air quality impacts and hazards from hot coals on the sand, both of which interfere with the public's ability to enjoy walking and other recreational activities at the beach. The program's encouragement of the use of propane-fueled devices is similarly intended to reduce these impacts to both beach and shoreline area uses as well as residents with homes near the beach.

3. **Finding:** The program is consistent with LCP Objective 04-10, which states: "Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation."

**Evidence:** The proposed installation of 12 wood-fueled beach fire devices in addition to propane-fueled fire devices will allow for the continuation of fires for cooking and warmth while preventing fires from being built directly onto the sand as an effort to protect the sand from degradation due to charcoal, ash and burned logs. Additional devices could be available during peak holiday periods, and propane-fueled devices would be encouraged and continue to provide a coal- and charcoal-less alternative for beach fires. The wood-fueled fire devices will be initially be located south of Tenth Avenue (with a potential for allowance on a trial basis between Tenth Avenue and the Del Mar Parking Lot beach area); be located at least 100 feet from the base of the bluffs or the toe of the dunes; and available for use between 7 am and 10 p.m., parameters that are consistent with LCP Policy P4-57 and Chapter 17 of the City's Zoning Code. Under the pilot program, propane-fueled devices would be allowed at least 25 ft from the base of the bluff or toe of the dunes and from the Del Mar Parking Lot beach area to Martin Way, which would open up access for recreational beach fire users. Should the trial phase for devices north of Tenth to the Del Mar Parking Lot beach area be successful such that the City would want to make this a permanent change to the City's regulations, a Local Coastal Program Amendment would be filed by the City.

4. **Finding:** The program is consistent with LCP Policy P4-56, which states: "Implement procedures and regulations for temporary events on the beach that will protect public access and environmental resources" and LCP Policy P4-62, which states: "Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided."

**Evidence:** The use of up to 12 fire containment devices or use of user-supplied wood-fueled devices at designated locations is proposed to be free and available for general use by the public on a "first come, first serve" basis, thereby ensuring equal public access to the use of the devices. In addition, for a limited number of temporary (typically one day or less) events on the beach that obtain from the City a Special Event Permit, one or two wood-

fueled devices may be available or designated, in accordance with the City's special event permit process. Typically, no more than one such special event is allowed on any specific day, and this will ensure that the vast majority of devices remain available on a first come, first serve basis. In addition, an essentially unlimited number of propane-fueled devices would be allowed, with the cost to rent or purchase and supply such devices on a similar level as the cost of purchasing wood fuel.

5. **Finding:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15311 of the State CEQA Guidelines. Exemptions under this section (Class 11 Categorical Exemptions) include construction or placement of minor structures accessory to existing facilities, including signage.

**Evidence:** The pilot program is a temporary program intended to reduce hazards to beach uses, to improve the aesthetics of the beach from uncontrolled and unlimited wood-fueled beach fires, and to improve air quality by more effectively managing beach fires. The program includes measures to remove City-supplied fire devices from the beach prior to the devices being threatened by seasonal beach scouring. Signage and appurtenant structures will be temporary and will follow the City's standards for other signage in the beach including review by the Planning Commission for size, location, design, and materials prior to installation to ensure that significant aesthetic impacts are avoided. The proposed wood-fueled fire devices and temporary signage do not present any unusual circumstances that would result in a potentially significant environmental impact.

**Approved by City Council on 6/6/16**

<b>Conditions of Approval</b>		
<b>No.</b>	<b>Standard Conditions</b>	
1.	<p><b>Authorization:</b></p> <p>The implementation of a 3 year pilot program for improved management of beach fires on Carmel Beach. The pilot program includes installation of up to 12 seasonal City-supplied wood-fueled fire devices along the beach, temporary signage to inform the public of the City’s beach fire regulations as well as specifics of the pilot program, ash containers if needed, cleaning of the devices and additional outreach, adaptive management of components of the program, and enforcement efforts by City personnel.</p> <p>The City-supplied wood-fueled fire devices will be installed in the spring or summer of each year of the pilot program, and some or all of these devices may be removed in the winter in advance of storm-generated beach scour based upon trigger dates and/or environmental conditions (i.e. upper wash of the waves is within 10 feet of the device, early or heavy winter storm season, such that wave-induced scour threatens to undermine the fire devices).</p> <p>The City-supplied devices will be spaced out along the beach, at least 100 feet from the base of the bluffs or toe of the dunes between the 10<sup>th</sup> Avenue beach access and Martin Way, with a potential option to try on a trial basis, installation of City-supplied wood-fueled devices between 10th and the Del Mar Parking Lot area beach. Minor site preparation including raking of the areas where fire devices will be installed may be conducted prior to the installation of the fire devices. Devices will be regularly cleaned by the City using all-terrain vehicle and hand and small power tools, with the possible use of a vactor truck as needed to clean the devices during times of heavy use.</p> <p>Other options that may be included during the pilot program: (1) Allowance of user-supplied propane devices on a year-round basis at least 25 feet from the base of the coastal bluff or toe of the dunes in areas between Martin Way and the Del Mar Parking Lot area beach, and (2) City distribution or arrangement for distribution of additional portable propane-fueled devices for peak holiday weekends.</p> <p>Temporary signage will be installed at the following locations: near the restrooms at the Del Mar Parking Lot, adjacent to the Scenic Pathway at Scenic and Eighth, and at the top and/or bottom of each beach access stairway between 10<sup>th</sup> and Martin Way. Temporary signage may also be installed at the</p>	✓

	4 <sup>th</sup> Avenue beach accessway.	
	<b>Special Conditions</b>	
1.	The pilot program shall include quantitative measures, such as before and after photo-documentation of beach sand cleanliness and aesthetics, the potential for quantitative measurements of air quality, and a mechanism for constituent feedback.	✓
2	At the beginning of the winter storm season (on or about November 1 <sup>st</sup> ), City staff will monitor the condition of the beach at least weekly, and ensure that any City-supplied seasonal beach fire devices are removed prior to being threatened by wave-induced beach scour.	✓
3	The specific scale, location, and design of the temporary signage will be reviewed and approved by the Planning Commission prior to installation of such signage.	✓
4.	Within 3 months of the first 12 months of the program, City Forest, Beach, and Parks staff will prepare and submit a report to the Forest and Beach Commission, Planning Commission, City Council and the regional office of the Coastal Commission discussing that year's program components.	✓
5.	The term of the coastal development permit is a maximum of three years.	✓

**From:** Rob Mullane  
**To:** Ashlee Wright  
**Subject:** FW: Comments re beach fire pilot program  
**Date:** Tuesday, May 31, 2016 10:28:08 AM

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-----Original Message-----

From: Maggie Eaton [REDACTED]  
Sent: Wednesday, April 06, 2016 4:19 PM  
To: Rob Mullane <RMullane@ci.carmel.ca.us>  
Subject: Comments re beach fire pilot program

Hello Rob— please share these comments with those responsible for the beach fire pilot program.

I think extending the area for propane-only fires is a good idea. It reduces the density of fires on the south end of the beach and provides more access for people who want a fire since they can park closer to the access points down to the beach.

Enforcing a UL requirement does not seem workable and I believe that the City's recommendation of UL rated devices is sufficient.

I don't think the City should build and maintain a fire pit mainly because there are more important ways to spend that money and staff time.

I think that an outreach to the local vendors who may wish to rent or sell the propane devices and tanks is a good idea. That way, all of them hear the same information at the same time. Also, the vendors can be advised that the City recommends UL rated devices and whatever other safety precautions the City recommends.

Thank you for the hard work that you and the staff have committed to this project.  
Maggie Eaton

**From:** [Rob Mullane](#)  
**To:** [Ashlee Wright](#)  
**Subject:** FW: public hearing on June 6, 2016 re: Beach Fire Management  
**Date:** Tuesday, May 31, 2016 12:47:49 PM

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-----Original Message-----

From: Katie Morganroth [REDACTED]  
Sent: Tuesday, May 31, 2016 11:49 AM  
To: Rob Mullane <[RMullane@ci.carmel.ca.us](mailto:RMullane@ci.carmel.ca.us)>  
Cc: Greg Morganroth [REDACTED]  
Subject: public hearing on June 6, 2016 re: Beach Fire Management

Dear Mr. Mullane,

We received the public notice regarding the public hearing scheduled on Monday, June 6, 2016 to consider a revised Coastal Development Permit for the City's Beach Fire Management Pilot Program. Unfortunately, we will be out of town for this meeting, but would like to formally submit our concerns about this new proposal. We are residents of Carmel-by-the-Sea and own the home on the corner of Scenic and Santa Lucia. This revised proposal of allowing wood-fire devices south of Tenth Avenue would directly impact us and our surrounding neighbors. It has been such a pleasure not having the beach fires. Our

7 year old son has severe asthma. As you can imagine, the ban of fires on the beach has allowed us to enjoy the evening in our front yard without worrying about our son using his inhaler nor frantically running inside and closing the windows when we start smelling the smoke from the beach. In short, these beach fires pose a serious health risk to our community. Now that our community has experienced the beauty of clean, sea air and pollution-free beaches, why would we revert back? Secondly, the removal of beach fires has created a more orderly, less raucous crowd that we would often hear from our home late into the night. Frankly, these fires prevented us from the quiet enjoyment of our property. This is a right that each of the citizens in our community deserves. Please let me know how we can formally submit our opinion for this upcoming hearing. Thank you for your time and I look forward to hearing from you.

Sincerely,  
Katherine Morganroth  
NE Corner Scenic & Santa Lucia

**From:** [Rob Mullane](#)  
**To:** [Ashlee Wright](#)  
**Cc:** [kathleen bang](#); [Chip Rerig](#)  
**Subject:** FW: CCC letter  
**Date:** Wednesday, June 01, 2016 1:28:44 PM

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Please add to Attachment 6. Thanks.

**From:** kathleen bang [mailto:kathybang@me.com]  
**Sent:** Wednesday, June 01, 2016 12:44 PM  
**To:** Chip Rerig <crerig@ci.carmel.ca.us>; Rob Mullane <RMullane@ci.carmel.ca.us>; Steve Dallas Council <sgdallas@yahoo.com>; Carrie Theis <carrie@hofsashouse.com>; Jan Reimers <janreimers@aol.com>; Carolyn Hardy <Chardy824@gmail.com>; Bobby Richards <bobbyrichards6@gmail.com>  
**Subject:** CCC letter

Hello all. I am waiting to see the staff report to write about the proposed pilot program. However, I believe it is important to comment on the letter from the STAFF of the Coastal Commission.

While the contents of the letter are a clear reiteration of the long standing personal preference of the staff, it is not even close to the direction given to the staff by the Coastal **Commissioners** at the December meeting.

1. We attended the meeting, watched the video after, and transcribed the entire meeting.
2. CC **STAFF** are not accurately representing the direction they received from the **Commissioners**.
3. At no time did any Commissioner tell staff that Carmel Beach had to put 10-15 wood fires on the beach every day.
4. Rather, the Commissioners told staff to work with the city on a propane only pilot. They specifically noted that a wood-free approach in Carmel could be a model for the entire coast.
4. One Commissioner stated that wood fires restrict access for people with lung disease.

The **staff** persist in attempting to impose their personal agenda on Carmel Beach even after given conflicting and specific direction by the people appointed to the Commission to make decisions.

In case you did not hear the actual comments of the **Commissioners** here is a transcript of the discussion after the motions made to force Carmel Beach to put 26 fire rings on our beach...:

Mary S.: Thank you. I shared, Commissioner Bochco's, concern about ... Here, we're kind of in a, in, in a terrible bind here because in the absence of us taking action on this, there is unlimited fires, and the county's moratorium is, as I understand it, we consider an enforcement issue.

- Mary S.: But I have to say, you know, the science is in, the debate's over. Wood smoke is a carcinogen.
- Mary S.: It just is, and so I, I do feel that, we, the Commission, up and down the coast, need to find healthy ways to allow people access to the coast. I also, share this disconnect between that fabulous presentation this morning on all of our, public information, and,
- Mary S.: ... that we would, in any way with a straight face, argue that wood smoke isn't harmful to, to health, and I'm not just concerned about the people whose houses are there. I'm concerned about encouraging an unhealthy, recreation on our beaches, and that's really what we're talking about when we have wood burning fires on the beach. It is an unhealthy recreation. Maybe I'm more passionate about this because my lungs are as compromised as they get, short of lung cancer. So when there's, wood burning smoke on the beaches ... and we have had many Coastal Commission meetings where, you know, there are bon-, bonfires burning, and I'm not able to walk on the beach on those days, so that's limiting my access, and it limits ... So we keep talking about these fires as public access, but, we have to ask, for whom?
- Who doesn't have access to the beach because they can't ... Their lungs will not permit them to go even walk on a sidewalk when there are a bunch of bonfires going. So that's the future. That's where we have to get to. Can we get there today? I'm kind of thinking maybe we can. I disagree entirely with staff about propane, canisters being liquid.
- Mary S.: propane canisters ... There is liquid propane, and it's marked LP, liquid propane. Canisters of propane gas are compressed gasoline, compressed propane gas. When it gets compressed, it becomes a liquid in the canister. As soon as the pressure is released, in any way, it goes back to gas, and it is true that there will be many issues dealing with how are they stored? those are issues that we can't answer today but would be part of the study, part of the pilot program; what's a safe way to, um, maintain them?
- Mary S.: But maybe I'm a lot more comfortable with propane because we heat our house with it. We cook with it. We use, you know, if handled properly, it, it, it's safe. So, but today we're left with, um ...
- Mary S.: proposal that's before us that
- Mary S.: ... it's, it's like, better than unlimited fires, but it's not as good as where we really, really have to get. So I didn't intend to say this, but I'm gonna support the motion with extreme discomfort and urge staff and the city staff, our staff, to go right back to work on coming up with a, a alternative project which does get rid of wood smoke. It's bad for public health, and I'm not the AQMD, but I know how my lungs feel when I'm any place close to it. And do I think that's it's the only source? No, but that is not the standard. We absolutely cannot say, you know ... We wouldn't be regulating automobiles if we had to make sure ... which was the only source. The way we control air pollution ... and I also worked at the ARB for five years,
- Mary S.: we control our air pollution to have clean air by controlling every single one of the sources that we can get a handle on, and this is one of the sources that we have to control. And I just want everybody on notice, I am urging staff to work hard to find a way to maximize public access to our beaches up and down the coast, not just on Carmel, which is good for public health. So, with that, I am, unfortunately, gonna support this ...
- Mary S.: ... and urge staff to get to work immediately because the wonderful thing about Carmel, unlike some of the other, is they're prepared to plunk down the money to put this in, unlike a lot of other local governments who, um, are not able to do it. It's not their priority, or whatever. Carmel is saying, "We will step forward, and make it available." We will make these available to, people I don't know how they're gonna do that, but this is a city who is willing to put down the money, and this is a perfect case for us to do a pilot pro-, us, you to do a pilot program.
- .... (Jason Burnet spoke here)
- Wendy: Okay. Thank you for that. I just wanna say I agree with everything, Commissioner Shallenberger said, absolutely, a hundred percent. This is something that we need, we need to address. My concern here is that, you know, we're, the Coastal Commission is looking at an air quality issue, and that's not our purview. That needs to be done by the people that are experts. That's stretching our jurisdiction, and shouldn't be something that we're the deciding factor on.
- Wendy: So having said that, our charge, and the reason that we would put upon this pilot program of twenty-six, is because our charge is access. So if, if you say, "No, no beach bonfires, and no ability in the interim while we're looking at this and while experts are deciding on the air quality issue," that's against a-, this is our, that's our job, to, to stop that. So I will be supporting the motion. I appreciate what you're trying to do, and I think it's the right public policy direction. I think that actually this is an opportunity because it's such a small town, um, and we have a mayor that's obviously passionate about this issue, uh, for us to work on it, for us, for our staff to work on it, um, to work collaboratively, um, and make sure that we work out something that is actually, that it can be replicated around the state. I will say propane is a gas.

Wendy: Propane is a gas. It's not used for heating your home, but it is used for heating the lamps that we all use when we're dining outside in different restaurants, those are propane, and your gas fire pit-, barbecue, so, you know, when I, my, I had my spouse turning it on one day, and trying to figure it out, and, you know, concerned he was going to blow himself up, and I said, "Look, they make these things so that drunk people can do it."

Wendy: "You're gonna be fine." They don't, you don't see drunk people blowing up all over when they're turning on their outdoor heaters. So propane is safe. It's used in a lot of different ways. It is, um, it does throw off warmth. I had a propane, um, fire pit at my old house.

Wendy: It's a gas. Let's work through this. I mean, we could come back with an LCP amendment. I don't, I don't know why there's such resistance to that from Carmel By the Sea.

Wendy: Um, but I would like to see this, you know, something worked out ...

Wendy: ... in a way that we can use, up and down the state because it is a, a public health issue and something that we need to come turns with and balance, so thank you.

Steve: Thank you. Commissioner Howell, then Commissioner Luevano.

Erik: thank you, Chair Kinsey. Um, I agree with everything that Commissioner, uh, Mitchell said. I'm a little confused about this whole thing, and, this issue of liquid gas, it feels like how many angels can dance ...

Female: Yes.

Erik: ... on the head of a pin. you're going the right direction policy-wise, so why aren't we just continuing this matter, letting the city of, uh, Carmel, go with their pilot program ...

Mary S.: Moratorium it's called.

Erik: Well, we all agree that we shouldn't be burning wood, and, it's a carcinogenic. Why, why aren't we just letting them work it out and dealing with this in February?

Female: 'Cause February's too soon.

Steve: Thank you. Mitch-, Commissioner Luevano?

Mary L.: well, to cut the tension a little, I'm just gonna say we need a fire in here, clean, to keep this room warm. It's way too cold in here. Um ...

Mary L.: The question I had I think was answered by the mayor, which was l-, I'm looking at this data, and it's, from May of this year 'til October, so I'm assuming that between October and the end of April there aren't too many people burning fires on the beach. Is that ...

Female: There's no beach.

Mary L.: Yeah. Okay. All right. and given that that isn't an issue ... I, I mean, I would like to see this worked out.

Mary L.: Um, I would like to see the two sides come together. I understand the issue or the, the, the challenge that we're up against, but if there's a way that we can do that, I'd like to see that happen.

Steve: Thank you. Um, okay. I, I'll, I'll have, uh, just a few comments to make myself. You know, w-, what we're faced with is, um, our heritage versus our health o-, of our community. And, I think that, over and over again, we've seen, that ultimately the more we learn about healthy living, the more we take actions to ensure it, um, and, and that this is no, no different. I also think that, the scale of this community, this beach, the willingness of the city to be innovative really needs to be recognized and, and appreciated and that, um, while there may be need to be some more documentation around the, safety, I think it can be provided.

And while I don't wanna get ... I don't want my colleagues characterizing my comments around liquid or gas, uh, to impede the progress u-, ultimately, if an LCP amendment is needed to, to clean that up, that's not an enormously onerous task. I do think that this is a chance to work with a community that wants to be at the forefront of this issue and could help other California communities, um, that are gonna consider addressing it, and it doesn't take away, you know, a single marshmallow from being cooked, on the beach. so, in that regard, um, I would just say that I'm very comfortable with a continuance to allow for that, but, but I, I hear my colleagues, and their willingness to, uh, put the city into its legal situation.

I think if, if you do come back, whether it's, through a continuance or through a, a determination to change the permit that would be issued today, that it would be helpful to consider residential wood smoke and just be able to address that so that it doesn't appear that you're, you know, cherry picking where you wanna, improve the health of the community. and I don't know, but I'm, I'm assuming that there are not any other nearby locations where beach fires would be permitted or farther away from residential development, but certainly if there are, if there are locations where they would make more sense to allow them, then I think that it would be useful to bring that information forward. So, with that, and no other commissioners wishing to speak, uh, we have a motion ...

Steve: on the floor and ... Commissioner Shallenberger?

Mary S.: May I just ask staff, uh, I said, that I, for one commissioner, would like them, if we approved this, for them to go right back to work with the, with the city of Carmel to work on this pilot project. is that something that you're prepared and willing and have the resources to do?

Dan: Well, I think, um, yes, absolutely ...

Dan: ... at a basic level. But I also think there's a lotta questions associated with the program ...

Mary S.: I understand that.

Dan: ... that we need to work through.

Mary S.: That's not the question. The question is, will you be willing to sit down, you know, soon and continue to work on this, in a good faith way, because I think what you're hearing from the dias is that the Commission would like to go in that direction, and we would like to have this come before us as a proposal, um, using propane. I-, we're not comfortable with what we're voting on today.

Dan: No, and I w-...

Mary S.: So my questions is, will you ...

Mary S.: ... do that in ...

Mary S.: ... good faith?

Dan: Yes. Absolutely. I, I want you to be assured that's something we've told the city of Carmel, so if you're getting an impression otherwise, that's, that's not an actual thing that's going on here. We're ...

Steve: Thank you.

Dan: We've been happy to work with the city on this.

Steve: Thank you. Uh, Vanessa, we have a motion. In a second, would you call the role, please?

Vanessa: Commissioner Bochco.

Dayna: I'm voting yeah.

Vanessa: Bochco, yes.

Steve: The motion, the, the motion was made to support the staff's ...

Steve: ... recommendation, so this would be to provide a, a c-, a coastal development permit, uh, for twenty-six fire rings, uh, in conjunction with the other special conditions that the staff has recommended. So we're in the middle of a vote ...

Steve: And, uh, we have Commissioner Bochco a yes, and please carry on.

Vanessa: Commissioner Howell?

Erik: No.

Vanessa: Howell, no. Commissioner Luevano?

Mary L.: No.

Vanessa: Luevano, no.

Vanessa: Commissioner McClure?

Wendy: Yes.

Vanessa: McClure, yes. Commissioner Mitchell?

Martha: No.

Vanessa: Commissioner Mitchell?

Steve: She said no.

Martha: Oh, no. Sorry.

Vanessa: Mitchell, no. Commissioner Shallenberger?

Mary S.: No.

Vanessa: Shallenberger, no. Commissioner Turnbull-Sanders?

Effie: Yes.

Vanessa: Turnbull-Sanders, yes. Commissioner Vargas?

Mark: Yes.

Vanessa: Vargas, yes. Chair Kinsey?

Steve: No.

Vanessa: Chair Kinsey, no. The vote is four yes, five no.