

**MINUTES  
REGULAR CITY COUNCIL MEETING  
CITY OF CARMEL-BY-THE-SEA**

**December 4, 2012**

**I. CALL TO ORDER**

The regular meeting of the City Council of the City of Carmel-by-the-Sea, California, was held on the above date at the stated hour of **4:34 p.m.** Mayor Burnett called the meeting to order.

**II. ROLL CALL**

**PRESENT:** Council Members Beach, Hillyard, Talmage, Theis & Mayor Burnett

**ABSENT:** None

**STAFF PRESENT:** Jason Stilwell, City Administrator  
Heidi Burch, Assistant City Administrator/City Clerk  
Paul Tomasi, Sergeant at Arms  
Marc Wiener, Associate Planner  
Sharon Friedrichsen, Public Services Manager

**III. PLEDGE OF ALLEGIANCE**

Jeff Olinger, Police Dispatch, led the Council and audience in the Pledge of Allegiance.

**IV. EXTRAORDINARY BUSINESS**

A. Employee Recognition: Jeff Olinger, 2012 Customer Service Award recipient.  
City Administrator Stilwell gave the recognition.

B. Community Recognition: Carmel Foundation  
Mayor Burnett presented a certificate recognizing the Carmel Foundation.

C. Presentation of a \$2,000 donation from the Pacific Grove Concours Auto Rally for the Carmel Police DARE Program.

Jeanne Byrne presented a \$2,000 check from the Pacific Grove Concours Auto Rally in support of the City's DARE Program. She was joined by Steve Covell, president of the Pacific Grove Rotary.

V. **ANNOUNCEMENTS FROM CLOSED SESSION, FROM COUNCIL MEMBERS AND THE CITY ADMINISTRATOR**

A. Announcements from Closed Session.

City Attorney Don Freeman said the Council met in Closed Session on December 3, 2012 on two items. There was no reportable action taken.

B. Announcements from City Council members (Council members may ask a question for clarification, make an announcement or report on his or her activities).

The Mayor and Council Members individually congratulated City Administrator Stilwell on the completion of a successful first year.

Mayor Burnett noted that he will represent the Monterey Peninsula Regional Water Authority at the upcoming California Public Utilities Commission public workshop in San Francisco. He also said that Monterey County and California-American Water (Cal-Am) reached a settlement agreement regarding the previous water project. Finally, he provided a brief recap of the Monday night public workshop on cleanliness in the downtown commercial area.

C. Announcements from City Administrator.

1. Monthly Fire and Ambulance reports.

City Administrator Stilwell presented the report.

2. Code compliance process.

City Administrator Stilwell outlined the code compliance process.

City Administrator Stilwell also noted that Waste Management, Inc. will be contacting residents about the backyard service on an ongoing basis and its increased recycling efforts during the holidays. Finally, he noted that the Pension Obligation Bonds were sold last week for a gross savings of \$4.2 million.

VI. **PUBLIC APPEARANCES**

Mayor Burnett opened the meeting to public comment at **5:16 p.m.**

Mary Liskin addressed Council regarding the beach and the role of private citizens.

Mayor Burnett temporarily left the meeting at **5:18 p.m.**

Julie Armstrong, of the Carmel Chamber of Commerce, noted several upcoming Chamber activities in the month of December.

Barbara Livingston addressed Council regarding code compliance efforts.

Christine Sandin, Executive Director of the Sunset Center, noted its annual Holiday Open House from 3:00-5:00 p.m. on December 7<sup>th</sup> and a special wreath exhibit.

Charlie Cordova, manager of Community Relations for Green Waste Recovery, extended an invitation to an open house at its new Watsonville facility on Friday, December 7<sup>th</sup>.

Mayor Burnett returned to the meeting at **5:25 p.m.**

Mayor Burnett closed the meeting to public comments at **5:25 p.m.**

## **VII. CONSENT CALENDAR**

- A. Ratify the minutes for the Council Retreat of October 29, 2012.
- B. Ratify the minutes for the Open Session portion of the November 5, 2012 meeting.
- C. Ratify the minutes for the regular meeting of November 6, 2012.
- D. Ratify the minutes for the special meeting of November 15, 2012.
- E. Ratify the bills paid for the month of November 2012.
- F. Consideration of a Resolution accepting a \$2,000 donation from the Pacific Grove Concours Auto Rally for deposit into the Carmel Police DARE Program Account.
- G. Consideration of a Resolution approving the Regular Meeting Schedule of the Council for 2013.
- H. Consideration of a Resolution amending the Community Planning and Building fee schedule pertaining to permit fees for solar energy systems.
- I. Consideration of a Resolution authorizing City co-sponsorship with the Library Board of Trustees and the Carmel Public Library Foundation of the Annual Donor Salute and Sterling Circle Reception events.
- J. Receive Council agenda forecast.

Council Member Talmage pulled Item D for clarification.

Mayor Burnett opened and closed the meeting to public comment at **5:27 p.m.**

Council Member HILLYARD moved **to approve Consent Agenda Items A-C and E-J,** seconded by Council Member BEACH and carried unanimously.

Council Member Talmage requested that the motion in the Minutes of the Special Meeting of November 15 be amended to reflect the phrase “as edited”.

Mayor Burnett opened and closed the meeting to public comment at **5:29 p.m.**

Council Member TALMAGE moved **to approve Consent Agenda Item D, as amended,** seconded by Council Member BEACH and carried 4-0, with Mayor Burnett abstaining as he did not participate in the meeting of November 15 due to a previously disclosed conflict of interest.

## **VIII. ORDERS OF COUNCIL**

- A. Receive an update on the status of Measure D; provide direction to staff; and authorize the City Administrator to execute agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax.

City Administrator Stilwell presented the staff report.

Mayor Burnett opened and closed the meeting to public comment at **5:45 p.m.**

Council Member HILLYARD moved to **adopt the Resolution to authorize the City Administrator to execute agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax,** seconded by Council Member BEACH, and carried by the following vote:

AYES:	COUNCIL MEMBERS:	BEACH; HILLYARD; TALMAGE; THEIS & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Council Member TALMAGE moved to **approve the funding for Item 3A of the staff report (repair/replace 200' block with new sidewalk or with cobblestone curb and gutter) and have the City Administrator bring back this discussion at the February Council meeting when updated figures will be available,** seconded by Council Member THEIS and carried by the following vote:

AYES:	COUNCIL MEMBERS:	BEACH; HILLYARD; TALMAGE; THEIS & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Review 2012 City Goals and key projects and discuss and review 2013 City Goals.

City Administrator Stilwell presented the report.

Mayor Burnett opened the meeting to public comment at **6:22 p.m.**

Monte Miller addressed Council regarding shared fire services.

Mayor Burnett closed the meeting to public comment at **6:23 p.m.**

Mayor Burnett then re-opened the meeting to public comment at **6:41 p.m.**

Barbara Livingston recommended inclusion of a Forest Management Plan with the Shoreline Management Plan and use parking plans already developed. The Carmel Residents Association will provide a written presentation to the Council regarding the City's budget.

Monta Potter, CEO of the Carmel Chamber of Commerce, noted the results of a survey identifying the most important issues, which included: encouraging events to draw people into town; more destination marketing; changing local policies and ordinances related to businesses; attracting new businesses; parking improvements; providing co-op advertising opportunities; and improving the look of the City (examples: lighting, trash cans, bathrooms). She also addressed a Chamber planning retreat that indicated that parking is a most important concern, notably better signage for parking areas and right-of-way code compliance.

Mayor Burnett closed the meeting to public comment at **6:47 p.m.**

**Council took a break at 7:27 p.m. and reconvened at 7:42 p.m.**

Mayor Burnett re-opened the meeting to public comment at **7:56 p.m.**

Jonathan Sapp addressed Council on a review of the organizational structure.

Mayor Burnett closed the meeting to public comment at **7:57 p.m.**

Council offered suggestions, but took no action on this item; staff will continue to evaluate and refine the list. A deadline of 12:00 noon on Monday, December 17, was set for the public to submit ideas to the City Administrator.

- C. Receive an update on the environmental review process; consider the process for potential lease of Flanders Mansion; provide direction to staff to initiate a process to retain the services of a real estate professional; authorize the City Administrator to enter into an agreement with a real estate professional and direct staff to return with options.

City Attorney Don Freeman presented the staff report and provided guidance on the parameters of what the Council would be considering at this meeting: reviewing the snapshot of the time line for the consideration of the Final Environmental Impact Report and authorizing the City Administrator to initiate an RFP process to retain a real estate professional to assist with a potential lease option (should a lease option be identified in the EIR and the City Council, after certifying the EIR and listening to public comment, wishes to consider a lease option.)

Mayor Burnett opened the meeting to public comment at **8:02 p.m.**

Addressing Council on this issue were: Melanie Billig, President of the Flanders Foundation; Joyce Stevens; Skip Lloyd; Dick Stiles; Jim Wright; Monte Miller, Robert Knight; Barbara Stiles; Ron Allen; Mike Brown; Cindy Lloyd; and Charlotte Townsend.

Mayor Burnett closed the meeting to public comment at **8:31 p.m.**

Council Member TALMAGE moved **to accept the timeline as proposed in the staff report,** seconded by Council Member BEACH, and carried by the following vote:

AYES:	COUNCIL MEMBERS:	BEACH; HILLYARD; TALMAGE; THEIS & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Mayor BURNETT moved to **authorize the City Administrator to pursue assisting the City Council for future deliberations in two ways: First, Council needs financial expertise to compare lease vs. sale vs. other disposition or within one form of disposition (lease 1 vs. lease 2); and Second, Council needs a real estate professional with experience with leases especially of historic properties who can help advise us on options. This would be paid by consulting contract. The same individual may be hired in the future to take the property out to market for a lease should the Council decide that is the best course of action after certifying the EIR. That second phase may be paid by consulting contract or by commission; and to authorize the City Administrator to pursue whatever process he sees fit to ensure the Council has the information needed to make an informed decision at the appropriate time in the future,** seconded by Council Member HILLYARD and carried by the following vote:

AYES:	COUNCIL MEMBERS:	BEACH; HILLYARD; TALMAGE; THEIS & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- D. Review Community Planning and Building Director job description and provide direction.

City Administrator Stilwell presented the report.

Mayor Burnett opened the meeting to public comment at **9:20 p.m.**

Barbara Livingston addressed Council.

Mayor Burnett closed the meeting to public comment at **9:23 p.m.**

Council Member Hillyard moved to approve the job description, but this died for lack of a second.

After discussion, Council provided general direction and continued this item to a future meeting.

- E. Consideration of a Resolution authorizing the City Administrator to enter into a Memorandum of Agreement with the Monterey Regional Water Pollution Control Agency (MRWPCA) to manage the City’s ASBS Special Protections Water Quality Monitoring Program and authorizing a budget adjustment to cover the costs of the program.

Public Services Manager Sharon Friedrichsen presented the staff report. Bob Jacques answered Council questions.

Mayor Burnett opened and closed the meeting to public comment at **9:59 p.m.**

Council Member TALMAGE moved to authorize the City Administrator to enter into a Memorandum of Agreement with the Monterey Regional Water Pollution Control Agency (MRWPCA) to manage the City’s ASBS Special Protections Water Quality Monitoring Program and to authorize a budget adjustment to cover the costs of the program, seconded by Council Member BEACH and carried by the following vote:

AYES: COUNCIL MEMBERS: BEACH; HILLYARD; TALMAGE; THEIS & BURNETT  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

- F. Future Council agenda items.

**IX. ADJOURNMENT**

Mayor Burnett declared the meeting adjourned at **10:00 p.m.**

Respectfully submitted,

ATTEST:

\_\_\_\_\_  
Heidi Burch, City Clerk

\_\_\_\_\_  
MAYOR JASON BURNETT