

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

**September 11, 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 **4:35 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, Asst. City Administrator/City Clerk  
Mike Calhoun, Public Safety Director  
Mike Branson, City Forester  
Sean Conroy, Planning Services Manager

**III. PLEDGE OF ALLEGIANCE**

Members of the audience joined the Mayor and Council Members in the Pledge of Allegiance.

Mayor Burnett called for a moment of silence in remembrance of the events of September 11, 2001.

**IV. EXTRAORDINARY BUSINESS**

A. Certificate of Appreciation to Doug and Genie Freedman.

Mayor Burnett thanked Doug and Genie Freedman for their annual Concours on the Avenue event.

B. Certificate of Appreciation to Clayton Anderson.

Mayor Burnett presented the certificate in appreciation for his decades of public service to the City.

C. Employee Recognition: Cindi Lopez/Steve Rana/Margi Perotti.

Recognition was given by City Administrator Stilwell for their work on the events during Car Week.

D. Certificate of Appreciation to Benny Martino.

A certificate was presented by Mayor Burnett in recognition of his 38 years of service to the City.

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

A. Announcements from Closed Session.

City Attorney Don Freeman noted that there were no announcements from Closed Session.

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

Council Member Theis noted the start of the Hospitality Improvement District (HID) program and an informational meeting to be held on September 25 at City Hall and the establishment of an HID Advisory Board.

Council Member Beach requested future presentations about the code compliance process and one about a right-of-way survey.

Mayor Burnett provided a recap of the Council workshop on Rio Park, noted that recognition of former Council Member Paula Hazdovac would be forthcoming pending her return from vacation, and offered a status report on the Water Replacement Project. Finally, he noted a September 4 public workshop in Carmel held jointly with Supervisor Dave Potter about the Fort Ord Reuse Authority (FORA) and President Obama's approval of Fort Ord lands becoming a National Monument.

C. Announcements from City Administrator.

1. Monthly Fire and Ambulance Report.

City Administrator Stilwell presented the report.

2. Recognition of new Public Safety Director Chief Mike Calhoun.

City Administrator Stilwell and Mayor Burnett recognized and congratulated Chief Calhoun on becoming the Public Safety Director.

3. Emergency Preparedness Update

City Administrator Stilwell and Public Safety Director Calhoun presented the update.

4. Recycling Compliance Recognition

Joe Cadelago, Government and Community Relations Manager from Waste Management, Inc. presented the award.

## **VI. PUBLIC APPEARANCES**

Mayor Burnett opened the meeting to public comment at **5:21 p.m.**

Doug Lumsden, Chair of the Board of the Carmel Chamber of Commerce, announced upcoming Chamber events.

Barbara Livingston, President of the Carmel Residents Association, noted the distribution of the newsletter and upcoming events.

Liz Keegan, of Unite HERE Local 483, and Concepcion Velasquez, a former La Playa worker, noted the continued efforts on behalf of the workers.

Monte Miller noted the 9/11 Memorial Ceremony at Devendorf Park earlier in the day.

Mayor Burnett closed the meeting to public comments at **5:29 p.m.**

## **VII. CONSENT CALENDAR**

- A. Ratify the minutes for the regular meeting of August 7, 2012.
- B. Ratify the minutes for the special meeting of August 15, 2012.
- C. Ratify the bills paid for the month of August 2012.
- D. Consideration of a Resolution authorizing the destruction of certain records in accordance with §34090 *et seq.* of the Government Code.
- E. Consideration of a Resolution awarding a bid to Ambrosia Construction for the Beach Boardwalk and Platform Installation Project in an amount not to exceed \$74,430 and approving up to \$10,000 for engineering and inspection services and survey and soil compacting testing during construction.
- F. Consideration of a Resolution awarding the bid to Ambrosia Construction for the San Antonio Trail Installation Project in an amount not to exceed \$62,677 and approving up to \$10,000 for engineering and inspection services and survey and soil compacting testing during construction.
- G. Consideration of a Resolution awarding a bid to Nor-Cal Construction for the 2012 Street Improvement Projects in an amount not to exceed \$298,270, and approval of up to \$15,000 for project contingencies, engineering and inspection fees.
- H. Consideration of a Resolution authorizing the establishment of a cooperative purchasing agreement for a grid pruning project and award the contract for the project to West Coast Arborists, Inc. in the not to exceed amount of \$36,979.
- I. Consideration of a Resolution authorizing the City Administrator to enter into an agreement between the County of Monterey and participating cities to update the Monterey County Multi-jurisdictional Local Hazard Mitigation Plan (LHMP).
- J. Receive City Support Group policy.

K. Receive and accept the agenda forecast.

Council Member Beach requested review of the August 7, 2012 minutes. Was continued in order to allow staff time to review the record.

City Administrator Stilwell noted additional details of projects outlined in Items VII. E-G. He recommended that Council Members Beach and Hillyard recuse themselves from voting on Item G because of the proximity of their homes to one of the streets on the improvement list.

City Administrator Stilwell also requested amending Item VII.I on page 52 to add the additional approval of Council for the City to be a partner in the Local Hazard Mitigation Plan update.

Council Member Talmage noted publicly that the City is spending \$475,000 on these items listed under Consent: \$140,000 for the grant-funded Del Mar projects, \$300,000 for street improvements, and \$35,000 for the arborist.

Mayor Burnett opened the meeting to public comment at **5:35 p.m.**

Ron Kabat asked to pull Item D.

An unidentified resident reported a pothole in front of her property.

Mayor Burnett closed the meeting to public comment at **5:37 p.m.**

Council Member TALMAGE moved **to approve Consent Agenda Items B,C,E,F H, I and J and K, as amended**, seconded by Council Member THEIS and carried unanimously.

Council Member TALMAGE moved **to approve Consent Agenda Item G**, seconded by Council Member THEIS and carried by a 3-0 vote, with Council Members BEACH and HILLYARD abstaining.

Ron Kabat spoke about Item D and requested to review the information about the Mission Fields Flood.

Mayor Burnett opened and closed the meeting to public comment at **5:59 p.m.**

Council Member TALMAGE moved **to approve Consent Agenda Item D (with the exception of the flood documents)**, seconded by Council Member HILLYARD and carried unanimously.

## **VIII. ORDERS OF COUNCIL**

- A. Discussion of certain refinancing and refunding options for the City's CalPERS Retirement Side Fund.

Mayor Burnett recused himself, citing a conflict of interest, a business relationship with the consultant working on the City's behalf on the refinancing project. The Mayor left the Chambers. Vice Mayor Talmage presided over the discussion.

City Administrator Stilwell and Craig Hill, the City's Financial Advisor, gave the presentation.

Vice Mayor Talmage opened the meeting to public comment at **6:31 p.m.**

Monte Miller spoke to the issue and Ron Kabat inquired about any campaign contributions made by Craig Hill to Carmel City Council members.

Vice Mayor Talmage closed the meeting to public comment at **6:37 p.m.**

**Council provided direction to City Administrator Stilwell to ask CalPERS for the exact amount owed for the side fund; to use a 10-year term for the bonds (consistent with the term of the tax increase) if the sales tax increase (Measure D) passes, and to refinance for a longer term (in the range of 15-20 years, and possibly as long as 30 years) if Measure D fails. Council also directed to issue a Request for Qualifications for a firm to underwrite the bonds. Council agrees on level annual payments over the term and on preparing documentation for a public offering or a private placement.**

The City Administrator and the City's financial advisor will bring back options in October.

**Council took a short recess at 7:08 p.m. and reconvened at 7:18 p.m.**

- B. Ratify the appointments for the boards and commissions.

Mayor Burnett presented the recommendations of the Vice Mayor and himself and mentioned that there will be openings on other commissions. He thanked outgoing Harrison Memorial Library Board Trustee Elisabeth Ungaretti for her years of service.

Mayor Burnett opened and closed the meeting to public comment at **7:25 p.m.**

Council Member BEACH moved **to ratify the appointments for boards and commissions,** seconded by Council Member HILLYARD and carried unanimously.

- C. Consideration of an Ordinance adopting amendments to the Zoning Ordinance/Local Coastal Implementation Plan creating new regulations for single family dwellings, two unit residential projects and mixed use projects in the Central Commercial, Service Commercial, and Residential and Limited Commercial districts (First reading).

**Council Members Hillyard and Beach recused themselves due to their prior roles in the decision-making process of the item as Planning Commissioners. Both left the Chambers as Council discussion took place.**

Planning and Building Services Manager Sean Conroy presented the staff report.

Mayor Burnett opened the meeting to public comment at **7:31 p.m.**

Barbara Livingston and Kristy Downing addressed the issue.

Mayor Burnett closed the meeting to public comment at **7:33 p.m.**

Council Member THEIS moved **to adopt the first reading of an Ordinance adopting amendments to the Zoning Ordinance/Local Coastal Implementation Plan creating new regulations for single family dwellings, two-unit residential projects and mixed-use projects in the Central Commercial, Service Commercial, and Residential and Limited Commercial districts,** seconded by Council Member TALMAGE and carried by the following vote:

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

D. Receive an update on Carmel’s Water Conservation Work Plan.

Associate Planner Marc Wiener gave the staff report.

Mayor Burnett opened the meeting to public comment at **7:52 p.m.**

Kristy Downing spoke to the issue.

Mayor Burnett closed the meeting to public comment at **7:53 p.m.**

**Council requested that staff continue to investigate issues such as: adding water supplies via cisterns (especially at Devendorf Park) and a recycled water pipe network; tapping into local springs; developing in-ground water systems; and installing low-flow toilets in all City facilities and rain sensors for City irrigation. Council also asked staff to gather information about where water use is in the City, requested marketing Carmel as a “green city”, looking into cost effectiveness calculations for prioritization purposes, working with the CSUMB Watershed Institute to get its expertise, and working with the Monterey Peninsula Water District to ensure that the City is not penalized for making water conservation improvements.** Staff will provide progress updates at a future meeting.

E. Future Council agenda items.

Mayor Burnett opened and closed the meeting to public comment at **8:10 p.m.**

**IX. ADJOURNMENT**

Mayor Burnett declared the meeting adjourned at **8:12 p.m.**

Respectfully submitted,

ATTEST:

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Heidi Burch, City Clerk

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MAYOR JASON BURNETT