

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

February 5, 2013

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 **4:33 p.m.** Mayor Burnett called the meeting to order.

II. ROLL CALL

PRESENT: Council Members Talmage, Theis & Mayor Burnett
*(Council Member Beach arrived at 4:37 p.m. and
Council Member Hillyard arrived at 4:54 p.m.)*

ABSENT: None

STAFF PRESENT: Jason Stilwell, City Administrator
Heidi Burch, Assistant City Administrator/City Clerk
Mike Calhoun, Public Safety Director
Marc Wiener, Associate Planner

III. PLEDGE OF ALLEGIANCE

Mayor Burnett led the Council and audience in the Pledge of Allegiance.

IV. EXTRAORDINARY BUSINESS

A. Employee Recognition: Esther Partido, Police Services Officer.

City Administrator Stilwell and Public Safety Director Calhoun gave the recognition.

B. Community Recognition: Friends of Carmel Forest

Mayor Burnett presented a certificate recognizing the Friends of Carmel Forest.

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

A. Announcements from Closed Session.

City Attorney Don Freeman reported that the Council met in Closed Session on February 4, 2013 on two items. There were no announcements for the public.

B. Announcements from City Council members

Council Member Beach noted that funding shortfalls at Monterey-Salinas Transit could necessitate route reductions and that the Regional Taxi Authority will invoice the City certain start-up costs.

Mayor Burnett noted widespread flu activity in the County and encouraged the community to get flu shots and take appropriate precautions; provided an update on American Medical Response's proposed contract extension with Monterey County; read a letter from a constituent complimenting the Planning and Building staff; and read a commendation to the City for being among the leaders in installing an electric vehicle charging station.

C. Announcements from City Administrator.

1. Code compliance update.

City Administrator Stilwell provided the update.

2. Receive report from the City's representative to the Monterey Regional Waste Management District Sue McCloud.

Sue McCloud presented the report.

Mayor Burnett noted the appointment of Council Member Hillyard to the County Emergency Communications Policy Advisory Council. The Mayor also said he is serving on an *ad hoc* committee to seek nominations for persons interested in the open seat on the Monterey Bay Unified Air Pollution Control District board.

Jason Stilwell noted the implementation of the City's single-use plastic bag ban.

VI. PUBLIC APPEARANCES

Mayor Burnett opened the meeting to public comment at **5:10 p.m.**

Alan Richmond, Executive Director of Dance Kids Monterey County, submitted a proposal for the use of the Scout House.

Barbara Livingston requested that advertising for the Flanders Mansion be placed in *Preservation Magazine* and invited the community to the Carmel Residents Association event on February 24, honoring Roberta and Monte Miller as Citizens of the Year.

Jim Griffith of the 9/11 Memorial Committee submitted a request regarding the placement of the Memorial in Devendorf Park.

CarrieAnne also addressed Council regarding the placement of the Memorial.

Hector Azpilcueta, a union representative of Unite HERE Local 483, spoke about the rehiring of LaPlaya Hotel workers.

Carolyn Hardy spoke about legal correspondence regarding her comments about an event hosted by a local restaurateur.

Stacy Meheen, speaking for the Carmel Chamber of Commerce, noted a Valentine's Day event, the shuttles running from Carmel Plaza to the AT&T Golf tournament, and some upcoming international trips sponsored by the Chamber.

Mayor Burnett closed the meeting to public comments at **5:30 p.m.**

City Administrator Stilwell and City Attorney Freeman addressed the issues of the Scout House use proposal and the civil matter.

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of January 8, 2013.
- B. Ratify the bills paid for the month of January 2013.
- C. Receive Monthly Fire and Ambulance reports.
- D. Receive Council agenda forecast.
- E. Consideration of a Resolution approving an additional allocation of \$16,015 for professional services and project studies related to the Monterey Peninsula Regional Water Authority.
- F. Consideration of a Resolution authorizing the City Administrator to enter into an agreement with Carver & Schicketanz Architects to prepare drawings for the Beach Restrooms project and direct staff to seek alternative funding sources for the construction documents and construction of the facility.
- G. Review and adopt the Community Planning and Building Director job description and salary range.

Mayor Burnett asked to pull Item G.

Council Member Talmage asked to pull Item F.

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

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

- F. Consideration of a Resolution authorizing the City Administrator to enter into an agreement with Carver & Schicketanz Architects to prepare drawings for the Beach Restrooms project and direct staff to seek alternative funding sources for the construction documents and construction of the facility.

Mayor Burnett opened the meeting to public comment at **5:39 p.m.**

Barbara Livingston and Cindy Lloyd addressed Council.

Mayor Burnett opened and closed the meeting to public comment at **5:41 p.m.**

Council Member TALMAGE moved **to approve Consent Agenda Item F, as amended, to draw funds from Measure D (rather than Capital Reserves)**, seconded by Council Member THEIS and carried unanimously.

- G. Review and adopt the Community Planning and Building Director job description and salary range.

Mayor Burnett opened the meeting to public comment at **5:54 p.m.**

Barbara Livingston addressed Council.

Mayor Burnett closed the meeting to public comment at **5:56 p.m.**

Amendments were made by staff to be brought back later in the meeting.

VIII. ORDERS OF COUNCIL

A. Update on the Water Replacement Project.

Mayor Burnett presented the status report.

Mayor Burnett opened the meeting to public comment at **6:44 p.m.**

Jim Emery addressed Council.

Mayor Burnett closed the meeting to public comment at **6:46 p.m.**

Council took a break at 6:47 p.m. and reconvened at 6:57 p.m. and continued with discussion of Consent Item VII-G.

VII. CONSENT CALENDAR

G. Review and adopt the Community Planning and Building Director job description and salary range.

Mayor Burnett opened the meeting to public comment at **7:02 p.m.**

Monte Miller addressed Council.

Mayor Burnett closed the meeting to public comment at **7:03 p.m.**

Council Member TALMAGE moved **to approve the job description, as amended, and to establish the salary range as specified in the staff report,** seconded by Council Member BEACH and carried unanimously.

B. Consideration of a Resolution updating financial policies and set a maximum level for each of the reserve funds.

City Administrator Stilwell presented the report.

Mayor Burnett opened and closed the meeting to public comment at **7:39 p.m.**

Council Member THEIS moved **to approve the Capital Policy, as amended,** 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

Council Member TALMAGE moved **to approve the Operating Management Policy**, 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

Council Member HILLYARD moved **to approve the Reserve Policy, as amended**, seconded by Council Member TALMAGE.

After Council discussion and several suggested amendments, this motion was subsequently withdrawn. Staff will bring back a revised Reserve Policy for consideration.

Council Member TALMAGE moved **to approve the Debt Policy, as amended**, 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

Mayor Burnett requested that the Investment Policy be reviewed by an outside auditor and financial adviser and be brought back to Council.

- C. Receive City Second Quarter FY 2012-13 financial report and consider and adopt budget adjustment revisions.

City Administrator Stilwell presented the staff report.

Mayor Burnett opened and closed the meeting to public comment at **8:47 p.m.**

Council Member TALMAGE moved **to receive the 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

- D. Consideration of an appeal of the Planning Commission's decision to approve Design Study (concept and final) and Coastal Development Permit applications for the construction of a new residence located on Lincoln Street 2 NW of Fifth Avenue. The property owner is Dennis Levett. The appellant is Jacqueline Simonelli.

Mayor Burnett, Council Member Talmage, and Council Member Theis each had conflicts as they live or work within a 500-foot radius of the appeal site. In order to have a quorum to hear the appeal, a random drawing was held on Monday, February 4, immediately prior to the Tour of Inspection, to determine which one of them would be included in the consideration of the appeal. Council Member Theis was selected.

Mayor Burnett and Council Member Talmage recused themselves and left the Council Chambers. Council Member Hillyard presided over this item.

Associate Planner Marc Wiener presented the staff report.

The appellant, Jacqueline Simonelli, and her son, Antonio, acting as her attorney, addressed Council.

Chris Tescher, developer of the home being appealed, addressed Council.

Council Member Hillyard opened and closed the meeting to public comment at **9:24 p.m.**

Antonio Simonelli provided follow-up comments.

Council Member Hillyard opened the meeting to public comment at **9:37 p.m.**

Antonio Simonelli addressed the property screen.

Council Member Hillyard opened the meeting to public comment at **9:39 p.m.**

Council Member THEIS moved **to deny the appeal and uphold the decision of the Planning Commission with Special Conditions 1-4**, seconded by Council Member BEACH and carried by the following roll call vote:

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

Findings will be brought back to the March 5, 2013 Council meeting.

Upon conclusion of this item, Mayor Burnett and Council Member Talmage re-entered the Council Chambers.

IX. FUTURE COUNCIL AGENDA ITEMS

Items considered for future agendas included: the findings from the Simonelli appeal (on March 5), the 9/11 Memorial and performance measures.

Mayor Burnett opened and closed the meeting to public comment at **9:50 p.m.**

X. ADJOURNMENT

Mayor Burnett declared the meeting adjourned at **9:50 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR JASON BURNETT