

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

**March 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 **4:34 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  
Mike Calhoun, Public Safety Director  
Marc Wiener, Associate Planner

**III. PLEDGE OF ALLEGIANCE**

Boy Scout Michael Doyle led the Council and audience in the Pledge of Allegiance.

**IV. EXTRAORDINARY BUSINESS**

Mayor Burnett asked for a moment of silence in honor of the two police officers killed in Santa Cruz.

B. Community Recognition: Roberta and Monte Miller

Mayor Burnett noted a certificate recognizing the Millers, however, they were not in attendance to receive the certificate.

A. Employee Recognition: Jaime Aquino

Jaime Aquino was not in attendance to receive the recognition. City Administrator Stilwell and Director of Public Services Sharon Friedrichsen gave the recognition.

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 March 4, 2013. There were no announcements for the public.

B. Announcements from City Council members

Victoria Beach noted the MST workshop in the Council Chambers on March 20<sup>th</sup> at 5:00 p.m. and the potential for severe cuts in bus service.

Ken Talmage noted the AMBAG reporting process currently underway.

Mayor Burnett thanked Vice Mayor Talmage for his willingness to serve on the Board of the Monterey Bay Air Pollution Control District. He also thanked the Ad Hoc Committee for its extensive efforts on the development of the market.

He noted that the CalPERS system is underfunded and that the original estimate of >\$20 million unfunded liability has increased to an estimated \$60 million using different assumptions and methodologies being implemented by CalPERS

C. Announcements from City Administrator.

The City Administrator indicated that the recruitment for a Community Planning and Building Director is underway and that a brochure will be developed following community meetings. The application process will begin in April.

He then provided an update on Flanders Mansion and also noted the March 19<sup>th</sup> Special Council Budget Meeting to receive and file the City of Carmel-by-the-Sea five-year financial forecast and to establish the Capital Improvement Plan.

1. Code compliance update.

City Administrator Stilwell provided the update.

2. Presentation: United Way 2-1-1 Update.

Mary Adams, President of the United Way of Monterey County, provided the update.

Mayor Burnett invited the students from All Saints Day School to speak about the school's various recycling efforts and Zero Waste Week March 17-23.

3. Hospitality Improvement District (HID) update.

Safarina Maluki, Destination Marketing Manager of the Carmel Chamber of Commerce, provided the HID update.

4. Library Strategic Plan presentation.

Library Director, Janet Bombard presented the Strategic Plan.

5. Update of the City's Water Allocation and review of the water requirements for the beach restroom project at the corner of Santa Lucia Avenue and Scenic Road.

City Administrator Stilwell gave the water update.

## **VI. PUBLIC APPEARANCES**

Mayor Burnett opened the meeting to public comment at **5:46 p.m.**

Boy Scout Michael Doyle and Russ Fletcher Committee Chairman for Troop 127 addressed Council regarding the Scout House.

Dana Werdmuller, Executive Director, of Chamber Music Monterey Bay addressed Council regarding the history of Chamber Music Monterey Bay and what they do.

Barbara Livingston of the Carmel Residents Association thanked the Council for attending the Citizen of the Year event, expressed her approval of the library plan and the Scout House proposal.

Mark Weller, Projects Coordinator for United Local 483, gave a status update of the protests of La Playa.

Janet McTurk and Barbara Brooks addressed Council regarding a waiver request for the Cavalier King Charles event on Saturday April 20th.

Monta Potter, CEO of the Carmel Chamber of Commerce noted a wine tasting tour on March 20<sup>th</sup> and customer Service training hosted by the Chamber and LaPlaya on March 14, 15 18, 19 and 20.

Mayor Burnett closed the meeting to public comment at **6:05 p.m.**

Staff will contact Michael Doyle regarding the Scout House.

## **VII. CONSENT CALENDAR**

- A. Ratify the minutes for the regular meeting of February 5, 2013.
- B. Ratify the bills paid for the month of February 2013.
- C. Receive Monthly Fire and Ambulance reports.
- D. Consideration of findings for the denial of an appeal of the construction of a new single family residence. The property owner is Dennis Levett. The appellant is Jacqueline Simonelli.
- E. Consideration of a resolution for a contract change order with Ambrosia Construction in the amount \$4,215.42 for the Del Mar Beach Boardwalk and Platform Installation project.

Council Member Talmage and Mayor Burnett stepped down for Item D. as both have offices within 500 feet of the property.

Mayor Burnett opened and closed the meeting to public comment at **6:07 p.m.**

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

Council Member HILLYARD moved **to approve Consent Agenda Item D**, seconded by Council Member THEIS 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

### **VIII. ORDERS OF COUNCIL**

#### A. Update on the Water Replacement Project.

Mayor Burnett presented the status report.

Mayor Burnett then opened the meeting to public comment at **6:16 p.m.**

Barbara Livingston addressed Council.

Mayor Burnett closed the meeting to public comment at **6:17 p.m.**

#### B. Consideration of a Resolution updating the City's financial policies.

City Administrator Stilwell presented the staff report. Jim Emery, City Treasurer, indicated he had nothing to add to the policies as he had ample opportunity to review them.

Mayor Burnett opened and closed the meeting to public comment at **6:40 p.m.**

Council Member TALMAGE moved **to adopt the Investment Policy, as amended to remove "Maximum" and timed deposits**, seconded by Council Member HILLYARD, and carried unanimously.

Council Member TALMAGE moved **to accept minimum reserve limits in lines 18-24 on attachment**, seconded by Council Member THEIS, and carried unanimously.

#### C. An urgency ordinance reauthorizing Municipal Code Section 9.16 allowing for the playing of musical instruments and other live entertainment where alcoholic beverages are sold or served.

City Attorney Don Freeman provided background information on the Ordinance and the legalities involved in adopting an urgency ordinance.

Mayor Burnett opened and closed the meeting to public comment at **6:55 p.m.**

Council Member HILLYARD moved **to approve the urgency ordinance as presented**, seconded by TALMAGE and carried by the following roll call vote:

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

D. An ordinance reauthorizing Municipal Code Section 9.16 allowing for the playing of musical instruments and other live entertainment where alcoholic beverages are sold or served. (First reading)

Mayor Burnett opened the meeting to public comment at **6:57 p.m.**

Monta Potter and Barbara Livingston addressed Council.

Mayor Burnett closed the meeting to public comment at **7:01 p.m.**

Council Member HILLYARD moved **to adopt the ordinance on first reading**, seconded by TALMAGE and carried by the following roll call vote:

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

## **IX. FUTURE COUNCIL AGENDA ITEMS**

Items considered for placement on a future agenda included: Urgency Ordinance and 2<sup>nd</sup> reading, Cavalier King Charles fee waiver unless resolved prior to meeting.

Council directed staff to regroup items on the Council agenda forecast according to the timeframe in which they will be brought to Council.

Mayor Burnett opened and closed the meeting to public comment at **7:07 p.m.**

## **X. ADJOURNMENT**

Mayor Burnett declared the meeting adjourned at **7:12 p.m.**

Respectfully submitted,

ATTEST:

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Heidi Burch, City Clerk

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MAYOR JASON BURNETT