

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

November 6, 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 **4:32 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
Molly Laughlin, Deputy City Clerk
Paul Tomasi, Sergeant at Arms
Marc Wiener, Associate Planner
Margi Perotti, Code Enforcement Officer

III. PLEDGE OF ALLEGIANCE

Council Member Theis led the Council and audience in the Pledge of Allegiance.

IV. EXTRAORDINARY BUSINESS

A. Introduction of Police Sergeant Brian Pon.

Sergeant Paul Tomasi introduced Sergeant Pon.

B. Employee Recognitions: Rob Culver, 2012 City Employee of the Year and Jeff Olinger, 2012 Customer Service Award recipient.

City Administrator Stilwell recognized Rob Culver. Jeff Olinger was unable to attend this meeting, but will be recognized by Council at its December 4 meeting.

C. Recognition of the Carmel-by-the-Sea Garden Club.

Mayor Burnett presented a certificate of appreciation to the members of the Carmel-by-the-Sea Garden Club.

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 November 5, 2012. There are no announcements for the public.

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

None of the Council Members had announcements.

Mayor Burnett deferred his announcements until later in the meeting (Item VIII-A).

C. Announcements from City Administrator.

1. Monthly Fire and Ambulance reports.

City Administrator Stilwell presented the report.

2. Community Planning and Building vacancy update.

City Administrator Stilwell reported that a recruitment process is under way. A job description will be considered by the Planning Commission at its November 14 meeting and by City Council on December 4. It is proposed that a recruitment firm will be retained to assist with the recruitment, which will begin in earnest after the new year. It is expected that the process to fill the position on a permanent basis will take until April 2013. In the meantime, starting next week, a contract planner will help with the department workload.

3. Special Council Meeting-Pension Obligation Bonds: November 15.

City Administrator Stilwell said that Council will hold a special meeting on November 15 to consider approving issuance of the pension obligation bond.

4. Receive City financial reports for FY 2012-13 First Quarter.

City Administrator Stilwell presented the report.

5. Receive status update on grant-funded projects and pending applications.

City Administrator Stilwell presented the report.

6. Outline, schedule and process for adopting City goals for FY 2013/2014.

City Administrator Stilwell presented the report.

VI. PUBLIC APPEARANCES

Mayor Burnett opened the meeting to public comment at **5:09 p.m.**

Barbara Brooks addressed media reports on the union protests at the Pine Inn and La Playa Hotel.

Barbara Livingston addressed the excellent responses she has received from the City's public safety departments.

Leonard O'Neill, Secretary/Treasurer of Unite HERE Local 483, spoke about news reports about unruly hotel union protests.

Helena Rey, founder/chief executive of the Convictions of the Heart, announced that her organization will hold a Santa's Workshop in Carmel beginning on November 23 and asked for volunteers.

Adele Lloyd spoke about ongoing problems with car hoarding in her neighborhood on Lobos.

Monta Potter, chief executive officer of the Carmel Chamber of Commerce, gave a progress report on the Carmel Hospitality Improvement District.

Mayor Burnett closed the meeting to public comments at **5:22 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of October 2, 2012.
- B. Ratify the bills paid for the month of October 2012.
- C. Consideration of a Resolution accepting a gift of \$5,871 from the Fireman's Fund Insurance Company Heritage Reward and Monterey Insurance Agencies for the Carmel-by-the-Sea Fire Department to acquire firefighting, rescue and communication equipment.
- D. Consideration of a Resolution approving a Public Works Dodge pickup truck as surplus and authorizing its sale.
- E. Consideration of a Resolution approving one "free use" day at Sunset Center for the Carmel-by-the-Sea Garden Club for a fundraising event on March 2, 2013.
- F. Receive Council agenda forecast.
- G. Consideration of a Resolution approving a Conflict of Interest waiver for the City Attorney regarding providing legal services for the Monterey Peninsula Regional Water Authority (MPRWA).

Council Member Talmage commented on Item C.

Chief Andrew Miller addressed some of the safety items made possible through the generosity of these grants.

Mayor Burnett opened and closed the meeting to public comment at **5:24 p.m.**

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

VIII. ORDERS OF COUNCIL

- A. Discussion of water supply projects and provide direction, as needed.

Mayor Burnett reported that on November 13, the Monterey Regional Water Authority Technical Advisory Committee will review a draft comparative report that discusses the pros and cons of the three desalination water supply projects. Recommendations from the Technical Committee based on this report and public input will be forwarded to the full Authority Board. He said the Water Authority will make recommendations to the California Public Utilities Commission on the scoping for the EIR documents at a project level. The CPUC will hold a public workshop in mid-December. Finally, he outlined issues associated with Cal-Am's surcharge proposal and governmental role in the decision making.

Mayor Burnett opened the meeting to public comment at **5:47 p.m.**

Monte Miller inquired about water fee increases and reports of possible conflicts of interest on the membership of the Water Authority board.

Mayor Burnett closed the meeting to public comment at **5:48 p.m.**

Mayor Burnett said will continue to make regular, ongoing reports on developments with the water supply projects to the Council.

- B. Consideration of an appeal of the Planning Commission's decision to deny an awning on a storefront located on the east side of Dolores between Ocean and 7th Avenues. The appellant is Alex Agacanyan, owner of B&G Jewelers.

Council Member Talmage recused himself, citing that his residence is in proximity of the site of the appeal and left the Chambers.

Associate Planner Marc Wiener gave the staff report.

Alex and Peter Agacanyan, owners of B&G Jewelers, the appellants, addressed Council.

Mayor Burnett opened and closed the meeting to public comment at **6:01 p.m.**

Council Member BEACH moved to deny the appeal of the other (previous, yellow) awning, to recommend the appellant reapply with the new design, to waive the application fee and the one-year waiting period requirement, and to recommend that the Planning Commission revisit the guidelines, seconded by Mayor BURNETT.

Council Member HILLYARD made a substitute motion that included all of the above, with the addition of waiving fees for a subsequent appeal (should that occur). This failed for lack of a second.

The original motion was brought back to Council and carried by the following vote:

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

Council Member Talmage returned to the Council Chambers.

- C. Consideration of approving a special event permit for the Carmel-by-the-Glass event at Devendorf Park on Thursday, December 13, 2012, between the hours of 5:00-8:00 p.m.

City Administrator Stilwell introduced Code Enforcement Officer Margi Perotti, who presented the staff report.

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

Rich Pepe, the event organizer, addressed Council.

Susan Love, Doug Lumsden, chairman of the Carmel Chamber of Commerce board, Monte Miller, Jon Sapp, and Monta Potter spoke in support of this event.

Jim Bell spoke against the event.

Barbara Livingston said she would prefer that the Carmel Chamber of Commerce more effectively market its Wine Walk to draw in participants, and Roberta Miller, speaking on behalf of the Carmel Residents Association board, read a letter urging the review of Community Activity and Cultural Commission in setting criteria for such events in Devendorf Park.

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

Mayor Burnett reopened the meeting to public comment at **6:55 p.m.**

Rich Pepe clarified some points about the purpose of the event and the local charity (the Carmel Mission renovation) it supports.

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

Council Member HILLYARD moved **to approve the Carmel-by-the-Glass event, and to authorize the staff to issue the permit--with the proviso that Devendorf Park remain open to the public as late as possible prior to the event,** seconded by Council Member TALMAGE 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. Receive quarterly Economic Development/Marketing report and update on recent media campaign.

Jeff Burghardt gave the presentation and highlighted several of the recent print, radio, television and Internet marketing campaigns.

Monta Potter, chief executive officer of the Carmel Chamber of Commerce, addressed the *Conde Naste* rating scores.

- E. Ratify appointments for the Community Human Services and the Regional Taxi Authority boards.

- F. Mayor Burnett presented the recommended appointments for Community Human Services and the Regional Taxi Authority boards. They are Deborah Smith for the City’s primary representative to the Community Human Services board and Council Member Theis as the City’s alternate representative to the Regional Taxi Authority board.

Mayor Burnett opened and closed the meeting to public comment at **8:04 p.m.**

Council Member HILLYARD moved **to approve the appointments,** seconded by Council Member TALMAGE and carried unanimously.

- G. Future Council agenda items.

IX. ADJOURNMENT

Mayor Burnett declared the meeting adjourned at **8:06 p.m.**

Respectfully submitted,

ATTEST:

Molly Laughlin, Deputy City Clerk

MAYOR JASON BURNETT