

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

**July 12, 2011**

**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 McCloud called the meeting to order.

**II. ROLL CALL**

**PRESENT:** Council Members Burnett, Hazdovac, Sharp,  
Talmage, and Mayor McCloud

**ABSENT:** None

**STAFF PRESENT:** John Goss, Interim City Administrator  
Heidi Burch, Asst. City Administrator/City Clerk  
Mike Calhoun, Interim Police Chief  
Sean Conroy, Planning Services Manager

**III. PLEDGE OF ALLEGIANCE**

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

**IV. EXTRAORDINARY BUSINESS**

- A. Presentation of a \$4,999 donation from Augustina for the Carmel Police Department's new Bike Patrol and diversion programs.

Mike Calhoun introduced Tracy Delaney Odle, owner of Augustina and Augustina Leather, who presented the donation to the City.

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

A. Announcements from Closed Session.

There were no announcements from Closed Session.

B. Announcements from City Council members.

Council Member Talmage provided an update on the status of AMBAG (Association of Monterey Bay Area Governments) and background information about Les White, its current Interim Executive Director.

Don Freeman and Council Member Burnett provided clarification of the issues surrounding AMBAG.

Mayor McCloud announced the continuance of the Gallo appeal.

Karen Sharp commented on MST's role in the AMBAG discussion.

Don Freeman provided an update on the Marosi lawsuit against the Mayor.

Mayor McCloud noted an award received from the Carmel-by-the-Sea Garden Club, the restoration of the Devendorf bust in Devendorf Park and a grant received from the Community Foundation for Monterey County to preserve the Devendorf historical collection. She also noted statistics on beach cleanup efforts and the Concours on the Avenue events.

C. Announcements from City Administrator.

1. Receive Quarterly Marketing Report from Jeff Burghardt.

Jeff Burghardt presented the quarterly marketing report.

2. Receive report on BAIT Tank for cigarette butts.

William Merry, General Manager of the Monterey Regional Waste Management District, gave the presentation on the BAIT Tank. He noted the District's 60th Anniversary celebration in October. He also presented the donated BAIT Tank to the City.

Jim Price, Chair of the Board of SCC, Inc., introduced four new Board Members: Mary Gifford, Elece Otten Leverone, Matt Little, Jr. and Nick Pasculli.

Mayor McCloud noted the start of the Bach Festival.

## **VI. PUBLIC APPEARANCES**

Mayor McCloud opened the meeting to public comment at **5:19 p.m.**

Joyce Stevens of Pine Forest Watch presented The Monterey Pine Forest to the Council members.

Jean Grace requested that a discussion of the toilets on the south end of the beach be put on a future agenda.

Sue Deskall spoke about Smart Meters.

Mayor McCloud closed the meeting to public comment at **5:30 p.m.**

Council Member Burnett requested that the discussion of the beach bathrooms be added to the agenda when Council reviews of the final FY 2010/11 budget numbers.

## **VII. CONSENT CALENDAR**

- A. Ratify the minutes for the regular meeting of June 7, 2011.
- B. Ratify the minutes for the special meeting of June 14, 2011.
- C. Ratify the minutes for the special meeting of June 21, 2011.
- D. Ratify the bills paid for the month of June 2011.
- E. Consideration of a Resolution accepting a grant of \$5,000 from the Rotary Club of Carmel-by-the-Sea for the Ocean Avenue median light installation.
- F. Consideration of a Resolution accepting a grant of \$12,500 from the Community Foundation for Monterey County for the preservation of the Devendorf-Galante Historical Collection.
- G. Consideration of a Resolution accepting a donation of \$4,999 from Augustina for the Carmel Police Department's new Bike Patrol and diversion programs.

Council Member Burnett said he wished to abstain from voting on Item E as he is a member of the Rotary Club of Carmel-by-the-Sea.

Council Member TALMAGE moved **to approve Consent Agenda Items A-D and F&G,** seconded by Council Member HAZDOVAC and carried unanimously.

Council Member TALMAGE moved **to approve Consent Agenda Item E,** seconded by Council Member HAZDOVAC and carried unanimously, with Council Member Burnett not voting.

**VIII. PUBLIC HEARINGS**

- A. Consideration of an appeal of the Planning Commission’s decision to approve Design Study, Demolition Permit and Coastal Development Permit applications for the for the construction of a new residence located on Mission Street 2 NW of Avenue. The property owner is Domicile Properties, LLC. The appellant is Sherrie Spendlove Gallo, joined by three other neighbors.

This item was continued to the August 2, 2011 meeting at the request of the appellant.

**IX. ORDINANCES**

- A. None.

**X. RESOLUTIONS**

- A. Consideration of a Resolution amending the employment contract with the City Attorney related to compensation owed by the City.

Council Member SHARP moved **to continue this item**, seconded by Council Member HAZDOVAC and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Consideration of a Resolution adopting a City Council Policy to establish procedures for providing reasonable accommodations from land use and building laws for individuals with disabilities.

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

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

Council Member TALMAGE moved **to approve the Resolution adopting a City Council Policy to establish procedures for providing reasonable accommodations from land use and building laws for individuals with disabilities**, seconded by Council Member SHARP and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- C. Consideration of a Resolution to increase the Construction Activity Road Impact Fee from 0.75% to 1% of the project valuation of a building permit.

Interim City Administrator Goss presented the staff report.

Mayor McCloud opened the meeting to public comment at **5:49 p.m.**

Barbara Livingston addressed Council.

Mayor McCloud closed the meeting to public comment at **5:50 p.m.**

Council Member SHARP moved **to approve a Resolution to increase the Construction Activity Road Impact Fee from 0.75% to 1% of the project valuation of a building permit,** seconded by Council Member HAZDOVAC and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

John Goss said he will bring back to Council possible amendments to the Capital Budget to reflect additional funds.

- D. Consideration of a Resolution adopting revisions to the Planning and Building Fee Schedules.

John Goss, Interim City Administrator, presented the staff report.

Mayor McCloud opened and closed the meeting to public comment at **5:57 p.m.**

Council Member TALMAGE moved **to approve the revisions to the Planning and Building Fee Schedules, with an amendment to set both the Mills Act fee and appeal fee at \$295,** seconded by Council Member BURNETT and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- E. Consideration of a Resolution adopting fees for the use of parks, streets and the beach.

Interim City Administrator John Goss presented the staff report.

Mayor McCloud opened the meeting to public comment at **6:17 p.m.**

Jim Price addressed Council.

Mayor McCloud closed the meeting to public comment at **6:18 p.m.**

Mayor McCloud reopened the meeting to public comment at **6:35 p.m.**

Jean Grace addressed Council.

Mayor McCloud closed the meeting to public comment at **6:36 p.m.**

Council Member BURNETT moved **to adopt fees for the use of parks, streets and the beach with the addition of a \$400 event fee for use of the beach for groups of 50 or more people and a refundable \$200 damage deposit**, seconded by Council Member TALMAGE and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

## **XI. ORDERS OF COUNCIL**

- A. Consideration of a request to install a banner pole in front of the First Murphy House to advertise for community events.

Sean Conroy presented the staff report.

Mayor McCloud opened the meeting to public comment at **6:36 p.m.**

Barbara Livingston addressed Council on behalf of the Carmel Residents Association.

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

Council Member BURNETT moved **to deny the request to install a banner pole in front of the First Murphy House**, seconded by Council Member HAZDOVAC and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Report concerning requests for the use of City facilities, street closures, one of the City's free use days, a financial contribution and a waiver of certain costs and fees associated with the 2011 Carmel Art and Film Festival.

Assistant City Administrator Heidi Burch presented the staff report.

Tom Burns, founder of the Carmel Art and Film Festival, addressed Council.

Mayor McCloud opened the meeting to public comment at **7:00 p.m.**

Barbara Livingston spoke to the issue.

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

Council took a short recess at **7:12 p.m.** and reconvened at **7:15 p.m.**

Council Member TALMAGE moved **to approve the Carmel Art and Film Festival request to use Devendorf Park, to close Mission between Ocean and Sixth Avenues, to have one “free use” day at Sunset Center, and the waiver of certain City fees and staff costs**, seconded by Council Member BURNETT and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; HAZDOVAC; SHARP; TALMAGE & McCLOUD
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NOES:	COUNCIL MEMBERS:	NONE
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ABSENT:	COUNCIL MEMBERS:	NONE
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ABSTAIN:	COUNCIL MEMBERS:	NONE
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In a separate motion, Council Member TALMAGE moved **to approve expenditure of \$2,500 in additional money for the grant writer**, seconded by Council Member SHARP and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	HAZDOVAC; SHARP; TALMAGE & McCLOUD
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NOES:	COUNCIL MEMBERS:	NONE
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ABSENT:	COUNCIL MEMBERS:	NONE
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ABSTAIN:	COUNCIL MEMBERS:	BURNETT*
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*\* Council Member Burnett abstained, citing a conflict as a trustee of the Packard Foundation, a potential grant source for the Art and Film Festival.*

C. Consideration of the Acquisition of a Fragment of the September 11 Twin Towers.

Mayor McCloud announced that there are no longer fragments to give away, but the City can be placed on the waiting list should any pieces become available.

Mayor McCloud opened the meeting to public comment at **7:27 p.m.**

Barbara Livingston spoke to the issue.

Mayor McCloud closed the meeting to public comment at **7:28 p.m.**

Council did not provide direction.

D. Scheduling Future City Council meetings – Please Bring Your Calendar.

**XII. ADJOURNMENT**

Mayor McCloud declared the meeting adjourned at **7:32 p.m.**

Respectfully submitted,

ATTEST:

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Heidi Burch, City Clerk

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MAYOR SUE McCLOUD