

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

August 2, 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
Marc Wiener, Associate Planner

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 the Monterey County Police Officers Association Distinguished Service Award to Jeff Watkins and John Hanson.

Interim Police Chief Mike Calhoun presented the awards.

B. Presentation of the Carmel Heritage Society scholarship award to Jule Muegge.

Dawn Dull, President of the Carmel Heritage Society, and Andrew Swartz, Trustee of the Leidig Trust, presented the scholarship to the 2011 Carmel High School graduate.

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

A. Announcements from Closed Session.

Interim City Administrator noted there were no announcements from Closed Session.

B. Announcements from City Council members.

Mayor McCloud noted the Concours events for “Car Week,” a forum on desalination at the Monterey Plaza Hotel scheduled for August 23, and an August 12 Coastal Commission meeting in Watsonville related to the drilling of a test slant well for the proposed Regional Water Project.

Council Member Burnett requested that discussion about the Regional Water Project be placed on the next available City Council meeting agenda.

City Attorney Don Freeman spoke on the subject of the water issue and noted that the Project is currently in mediation, said it may be resolved in August, and clarified some issues related to the Cease and Desist Order and the Regional Water Project.

C. Announcements from the City Administrator.

1. Report from Susan Love, organizer of “Run in the Name of Love”.

Susan Love presented a report on the run that was held on June 19. She requested that this be an annual event and that the sound ordinance exception be granted again.

2. Report from the Carmel Area Wastewater District.

Barbara Buikema, General Manager of the Carmel Area Wastewater District (CAWD), presented a report on the District’s Capital Improvement Plan and gray water usage. CAWD Board Member Ken White extended an invitation to the Council to tour the facility.

3. Report on the Carmel Police Department bicycle patrol program.

Interim Police Chief Mike Calhoun presented the report and introduced Officer Chris Johnson, one of the two members of the new bicycle patrol program.

4. Update on provision of fire services.

Interim City Administrator John Goss said he will provide a report on this subject at the September 13 meeting.

VI. PUBLIC APPEARANCES

Mayor McCloud opened the meeting to public comment at **5:29 p.m.**

Adam Moniz addressed Council regarding today's *Herald* article regarding the Regional Water Project.

Katherine Gualtieri gave copies of her book to the members of Council.

Ken Hutchinson, of the Carmel Fire Department, addressed Council regarding the proposed 9/11 monument and noted that the Carmel firefighters would bear the financial cost of installation of the monument, should the City proceed.

Barbara Livingston addressed Council regarding tap water refilling stations.

Hilary Landry, Board Member of the Forest Theater Guild, noted new board members.

CarrieAnne and Lady Hull noted they are new Board Members of the Forest Theater Guild and will assist and lend their expertise to the organization.

Rebecca Barrymore, President of the Forest Theater Guild, noted awards received by the organization.

Ron Kabat addressed Council on illegal immigration.

Meredith Crowell, owner of Linens and Such, noted the need to increase sales from California for sales tax purposes.

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

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of July 12, 2011.
- B. Ratify the bills paid for the month of July 2011.
- C. Consideration of a Resolution authorizing the expenditure of \$1,000 from the Council Discretionary Account for the Suicide Prevention Service of the Central Coast.
- D. Consideration of a Resolution authorizing the destruction of certain records in accordance with §34090 *et seq.* of the Government Code.

Mayor McCloud opened and closed the meeting to public comment at **5:52 p.m.**

Council Member BURNETT moved **to approve Consent Agenda Items A-D, as amended,** seconded by Council Member SHARP and carried unanimously.

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. *(Continued from July)*.

Associate Planner Marc Wiener presented the staff report.

Sherrie Spendlove Gallo, appellant, addressed Council.

Mayor McCloud opened the meeting to public comment at **6:05 p.m.**

Jerry Case, architect for the project, and Ron Kabat and addressed Council.

Mayor McCloud closed the meeting to public comment at **6:11 p.m.**

Sherry Spendlove Gallo made final comments to the Council.

Jerry Case answered Council questions.

Council Member BURNETT moved **to approve the project with the stipulation that the garage be moved back at least three feet and to recommend that the Planning Commission grant a variance given the trees on the property if the applicant wants to move the garage back so that it is attached to the main house,** seconded by Council Member TALMAGE.

Mayor McCLOUD made a substitute motion **to approve the project with the garage moved back 6.3 feet and that it be attached to the house and that constraints on the house be the basis for requesting the variance,** seconded by Council Member HAZDOVAC. *(This motion was subsequently withdrawn)*

Fire Chief Andrew Miller answered Council questions.

Council Member TALMAGE made a second substitute motion **to approve the project with the garage moved back to the maximum distance allowed by the Fire Code or a minimum of three feet, whichever is greater,** 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

- B. Consideration of an appeal of the Planning Commission’s decision to deny a Design Study application for the installation of vinyl windows on a residence at 3013 Lasuen Drive. The appellant is the property owner Nils Bengtsson.

Mayor McCloud recused herself as she lives near the appeal site.

Associate Planner Marc Wiener presented the staff report.

Vice Mayor Hazdovac noted that although she missed the Council Tour of the property on Monday, she reviewed it on her own today.

Nils Bengsston, appellant, addressed Council.

Carlos Posadas, of Level 5 Construction, builder for the appellant, addressed Council.

Vice Mayor Hazdovac opened the meeting to public comment at **6:48 p.m.**

Kristy Downing and Ron Kabat addressed Council.

Vice Mayor Hazdovac closed the meeting to public comment at **6:50 p.m.**

Council Member SHARP moved **to grant the appeal**, seconded by Council Member HAZDOVAC.

Council Member BURNETT made a substitute motion **to grant the appeal with the exception of the two most visible front windows over the garage (which must go back for Planning Commission approval)**, seconded by Council Member TALMAGE, and carried by the following roll call vote:

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

IX. ORDINANCES

A. None.

X. RESOLUTIONS

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

City Attorney Don Freeman addressed Council and announced he would leave during Council discussion and deliberations.

As there was need to copy some new material related to this item, Council interrupted discussion of this item and moved ahead with Item X-B.

B. Consideration of a Resolution to adopt a Fire Department Emergency Medical Service Fee.

Interim City Administrator John Goss presented the staff report.

Mayor McCloud opened the meeting to public comment at **7:37 p.m.**

Carolyn Hardy; former Fire Chief Bill Hill; Dick Stiles, representing the Carmel Residents Association Board and also as an individual, addressed Council. Pat Sippel, former CalFire Chief Robin Hamelin; Ken Hutchinson; Vice President of the Carmel Professional Firefighters; and Ron Kabat also addressed Council.

Mayor McCloud closed the meeting to public comment at **7:52 p.m.**

Council requested that the report on an increased ambulance fee be brought back to Council for its consideration in September.

Council resumed discussion of Item X-A.

City Attorney Freeman answered questions before leaving the room.

Mayor McCloud opened the meeting to public comment at **8:17 p.m.**

Kristy Downing, Mike Brown, and Barbara Livingston spoke to the issue.

Mayor McCloud closed the meeting to public comment at **8:24 p.m.**

Council Member TALMAGE moved **to ratify the City's PERS contribution made on behalf of City Attorney Don Freeman from March 2, 2004 to April 19, 2007,** 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

Council Member BURNETT moved **to deny approval of the amended contract for the City Attorney, to deny authorization of an \$87,057.78 transfer from the Legal-Retirement Account for payment owed to the City Attorney for service from April 20, 2007 to July 31, 2011; and to deny authorization of monthly compensation to the City Attorney for services beginning August 1, 2011 to include a monthly cash equivalent of the City's retirement contribution,** seconded by Council Member HAZDOVAC, and carried by the following roll call vote:

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

XI. ORDERS OF COUNCIL

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

XII. ADJOURNMENT

Mayor McCloud declared the meeting adjourned at **8:46 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR SUE McCLOUD