

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

**Tuesday, May 3, 2016**

Mayor Dallas called the meeting to order at 4:30PM.

**ROLL CALL**

Present: Council Members Reimers, Richards, Theis, and Mayor Dallas.

Absent: None

Staff: Chip Rerig, City Administrator  
Don Freeman, City Attorney  
Paul Tomasi, Police Commander  
Rob Mullane, Public Works Director  
Margi Perotti, Community Activities Assistant  
Michael Tope, Coastal Gardener / Maintenance Worker  
Thomas Lang, Maintenance Worker  
Rob Culver, Public Works Superintendent  
Cleve Waters, Facilities Maintenance Specialist  
Jesse Aquino, Streets Supervisor  
Matt Feisthamel, Assistant City Forester  
Demonic Marquez, Maintenance Worker  
Yvette Oblander, Public Works Administrative Assistant  
Ashlee Wright, City Clerk

City Clerk Ashlee Wright led the pledge of allegiance.

**EXTRAORDINARY BUSINESS**

Rob Mullane, Public Works Director, introduced Michael Tope, Coastal Gardener / Maintenance Worker and Thomas Lang, Maintenance Worker to the Council and the community.

Mayor Dallas appointed Council Member Theis as Mayor Pro Tem.

**ANNOUNCEMENTS**

Council Member Richards read a proclamation declaring 2016 the Year of the Veteran, which was presented to American Legion Post 512 representative Paul Rodriguez.

Rob Mullane, Public Works Director, read a proclamation declaring Public Works week.

Tom Brocato and Sue McCloud provided an update on Centennial Committee activities.

Council Member Reimers reported on an email received from a constituent.

Mayor Pro Tem Theis thanked the Community Planning and Building Department for re-opening during the hour from 12:00PM-1:00PM.

Mayor Dallas thanked volunteers and staff for work on the Arbor Day event, reported that the EG conference will be back next year, and announced that Board and Commission applications for current vacancies are being taken and that local agency appointments will be reviewed at the June Council Meeting.

City Administrator Chip Rerig requested that people email him via his City email, and announced that there was a new platform for the Friday letter and that the repaving projects that would be underway this week.

City Attorney Don Freeman announced that he would like to give a short talk about conflicts of interest and ethics for Council and the public at the next Council meeting.

### **PUBLIC APPEARANCES**

Paul Rodriguez, Christine Sandin, E. Griffin Ortiz, Stephen Moorer, Stacey Meheen, and Bob Walker spoke during Public Appearances.

---End Public Appearances---

### **ORDERS**

**Item 6:** AB 1121 Consideration of process options to fill the vacancy on the City Council.

Ashlee Wright, City Clerk, provided the staff report, answered questions and provided clarifications for Council.

#### Public Comments

Ian Martin, John and Marcia Nagel, Jim Emery, and Richard Kreitman spoke on this item.

---End public comments---

Council discussion followed.

**Action:** Upon a motion made by Council Member Reimers, seconded by Council Member Richards, the City Council moved to solicit applications for the Council vacancy and to appoint Mayor Dallas and Mayor Pro Tem Theis to an ad hoc committee to review the applications, interview applicants, and provide a recommendation to Council. **Approved, 4:0**

**Item 7:** AB 1122 Consideration of a request to authorize shared use of the Indoor Forest Theater between the Forest Theater Guild, Pacific Repertory Theater, and the 2016 Centennial Committee during the 2016 season.

Margi Perotti, Community Activities Assistant, provided the staff report.

Public Comments

Barbara Livingston, Judy Furman, Diane Mall, Janice Marada Pearl, Jim Bennett, Joanna Hobbs, Carl Giardini, Diane Gloyet, Richard Kreitman, Gloria Sousza, Kate Bunch, No name given, Paul Hart, Miles Williams, E Griffin Ortiz, Paulette Lynch, Don Hilburn, Kevin, Bob Mulford, Donna Federico, Michelle Swanson, Stacey Meheen, Yvonne Bowen, Kim Mitchell Benjamin Jonas, Lenore Carey, Roya Bow Azizi, Stephen Moorer, Cindi Lloyd spoke on this item.

---End Public Comments---

Council discussion followed.

**Action:** Upon a motion made by Council Member Reimers, seconded by Mayor Pro Tem Theis, Council moved to accept recommendation from the Community Activities & Cultural Commission to authorize the exclusive use of the Indoor Theater to SoDA (Pacific Repertory School of Dramatic Arts) during the next 22 months, and that the City explore ways of creating a more user friendly space that can be shared. **Approved, 4:0**

**Item 8:** AB 1123 Consideration of the approval of the proposed Draft Forest Theater Use Agreement.

Margi Perotti, Community Activities Assistant, provided the staff report, answered Council questions, and provided clarifications.

Public Comments

Stephen Moorer, Yvonne Bowen, Stacey Meheen spoke on this item.

---End Public Comment---

Council discussion followed and staff responded to questions and provided clarifications.

**Action:** Upon a motion made by Mayor Pro Tem Theis, seconded by Mayor Dallas, Council moved to extend the current use agreement for the Forest Theater Guild and Pacific Repertory Theater for 22 months, direct staff to make wordsmithing changes requested by the Council and to return the use agreement to Council at a subsequent meeting for informational purposes.

*Mayor Dallas called a recess at approximately 6:50PM. Council resumed at approximately 7:00PM.*

**Item 9:** AB 1124 Authorization of the closure of Devendorf Park and certain streets for the 19<sup>th</sup> annual Pebble Beach Tour d'Elegance event and the placement of tents in Devendorf Park, and Consideration of an event fee waiver request in the amount of \$5,000.

City Administrator Chip Rerig provided an introduction to staff reports AB 1124 and AB 1125.

Margi Perotti provided the staff report for AB 1124.

Public Comments

Bob Mulford, Barbara Livingston, Monta Potter, and Richard Kreitman spoke on this item.

---End Public Comment---

Staff provided clarifications and answered questions. Council discussion followed.

**Action:** Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Reimers, Council moved to authorize the closure of Devendorf Park and certain streets for the 19<sup>th</sup> annual Pebble Beach Tour d'Elegance event and the placement of tents in Devendorf Park, and an event fee waiver in the amount of \$5,000. **Authorized, 3:1** (*Council Member Richards opposed*)

**Item 10:** AB 1125 Authorization of the closure of certain streets for the 10<sup>th</sup> annual Concours on the Avenue event and the placement of tents in Devendorf Park, and consideration of a fee waiver request in the amount of \$21,809.

Margi Perotti, Community Activities Assistant provided the staff report.

Jill Sheffield, CEO of the Carmel Foundation spoke on this item.

Public Comments

Sue McCloud, No name given, Michael Mason, Barbara Livingston, Richard Kreitman, Gabe Georis, Bob Walker and Monta Potter spoke on this item.

--End Public Comments---

**Action:** Upon a motion made by Council Member Richards, seconded by Council Member Reimers, Council moved to authorize the closure of certain streets for the 10<sup>th</sup> annual Concours on the Avenue event and the placement of tents in Devendorf Park, and authorize a fee waiver in the amount of \$18,922.00. **Authorized, 3:1** (*Mayor Dallas opposed*)

**PUBLIC HEARING**

**Item 11:** AB 1126 Consideration of Use Permit (UP 16-100) and Coastal Development Permit applications for the addition of a second-level mezzanine (floor area) to an existing commercial building and for a temporary (6 month) amendment to an existing Use Permit (UP 12-20) to allow for a food store/restaurant use at the subject location. The project site is located at the southeast corner of Dolores Street and 7th Ave in the Service Commercial (SC) Zoning District.

City Attorney Don Freeman, Council Member Reimers and Mayor Dallas announced that they each owned property within 500 feet of the proposed project site. Because of a lack of quorum on this item Mayor Dallas and Council Member Reimers drew straws, and it was determined that Mayor Dallas would remain at the dais, limited to seconding motions and casting a vote on this item. Council Member Reimers stepped down from the dais.

Marc Wiener, Senior Planner provided the staff report, responded to Council questions and provided clarifications.

Anthony Lombardo, attorney for the applicant, and applicant Jay Dolata spoke on this item, responded to Council questions and provided clarifications.

#### Public Comment

Roberta Miller, Eric Schlosser, Barbara Livingston, Jonathan Sapp, Darlene Mosley, Gabe Georis, Rich Pepe, David Fink, Gaston, Dave Mosley, Monta Potter, Fermin Sanchez, George Meideros, Sue McCloud, Cheryl Twiberry, Jeff Peterson, and no name given spoke on this item.

---End Public Comments---

Staff and the attorney for the applicant, Anthony Lombardo, responded to Council questions and provided clarifications.

Council discussion followed.

**Action:** Upon a motion made by Council Member Richards, seconded by Mayor Pro Tem Theis, Council moved to table the consideration of Use Permit (UP 16-100) and Coastal Development Permit applications for the addition of a second-level mezzanine (floor area) to an existing commercial building and for a temporary (6 month) amendment to an existing Use Permit (UP 12-20) to allow for a food store/restaurant use at the subject location, direct the applicants to return to Council as soon as possible with a more focused plan that has been approved by the restaurant subcommittee, and to direct staff to broaden the membership of the restaurant subcommittee. **Approved, 3:0**

#### FUTURE AGENDA ITEMS

- Provide update on median lights
- Work program and priorities

#### ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 9:38PM.

APPROVED:

  
Steve G. Dallas, Mayor

ATTEST:

  
Ashlee Wright, City Clerk