

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

January 10, 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 **4:34 p.m.** Mayor McCloud called the meeting to order.

II. ROLL CALL

PRESENT: Council Members Burnett, Sharp, Talmage & Mayor McCloud

ABSENT: Hazdovac (excused)

STAFF PRESENT: Jason Stilwell, City Administrator
Molly Laughlin, Deputy City Clerk
Mike Calhoun, Interim Police Chief
Sean Conroy, Planning Services Manager
Janet Bombard, Library Director

III. PLEDGE OF ALLEGIANCE

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

IV. EXTRAORDINARY BUSINESS

None.

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

A. Announcements from Closed Session.

City Attorney Freeman said the Council met in Closed Session on Monday, January 9. The two items on the agenda were:

1. Public Employee Performance Evaluation – Government Code Section 54957.
Title: City Administrator.
2. Existing Litigation -- Government Code Section 54956.9(a) - Conference with legal counsel regarding The Flanders Foundation, a California Nonprofit Public Benefit Corporation, Petitioner v. City of Carmel-by-the-Sea, Respondents – Monterey County Superior Court Case No. M99437/State of California Court of Appeals, Sixth District, Civil Case No. H035818.

There were no announcements on the first item.

On the second item, a motion was made by Council Member **BURNETT**, and seconded by Council Member **TALMAGE**, **to authorize the staff to file for a rehearing/clarification of the Court’s decision**, and passed unanimously.

B. Announcements from City Council members.

Council Member Sharp announced Monterey-Salinas Transit’s (MST) new Mobility Management program which provides alternate door-to-door transportation; upcoming public hearings on proposed new bus routes, including Line 4, Line 7 and the Grapevine Express; and a recent grant MST received to purchase four hybrid buses.

Mayor McCloud reminded the public about the e-waste collection day scheduled for January 28 at Vista Lobos from 10:00 a.m. to 2:00 p.m. She reported that the Monterey Regional Waste Management District will test a new process to convert commercial food scraps into 4,000 tons of high-grade compost and energy. She also said that the City received some end-of-the-year donations for the “gift list” items.

Council Member Talmage announced that the Association of Monterey Bay Area Governments (AMBAG) has a new interim executive director, Diane Eidam, who will serve until a new permanent director is selected.

C. Announcements from the City Administrator.

1. Present FY 2010-11 Draft Audited Financial Statements by Ralph Marcello, Marcello & Company CPAs.

Ralph Marcello presented the draft audit report.

2. Report on labor laws related to employee layoffs, terminations and relocations.

City Administrator Stilwell presented the report.

3. Fire Services contract update.

City Administrator Stilwell presented the update. He recognized Carmel Fire Captain Mitch Kastros, who retired on December 31, after 37 years of service.

4. Del Mar Project update.

City Administrator Stilwell presented the update.

5. Present proposed budget calendar for FY 2012/2013.

City Administrator Stilwell presented the proposed calendar for the upcoming budget season.

He added that the new street sweeper is operating and that there will be a public workshop to discuss making Scenic Road one way at 6:00 p.m. on Wednesday, January 25, in the Junipero Serra School Gymnasium.

VI. PUBLIC APPEARANCES

Mayor McCloud opened the meeting to public comment at **5:12 p.m.**

Abidin Soydan and Noe Hinojosa, both former La Playa employees, addressed the closure of the Hotel.

Sandra Pepe, speaking on behalf of the Carmel Chamber, addressed the Chamber's Carmel Wine Walk-by-the Sea, a program that highlights the local tasting rooms.

Mark Weller, Projects Coordinator for UNITE HERE Local 483, addressed the La Playa Hotel closure.

Chris Fitz, of UNITE HERE Local 483, praised the proposed hotel incentive program as positive insofar as it could benefit workers as well as employers and the City.

Joe Cadalago, Government and Community Relations Representative of Waste Management, Inc., invited the public to the e-waste collection day at Vista Lobos on January 28. The event will be held in conjunction with the City and the Carmel Residents Association.

Barbara Livingston, president of the Carmel Residents Association, said her organization is pleased to be a co-sponsor of the January 28 e-waste collection event and she also spoke about friends from Seaside who enjoyed visiting Carmel over the holidays.

Christine Williams, from the Carmel Valley Association, thanked the City for its opposition to the Villas de Carmelo project and spoke briefly about her organization.

Mitch Kastros thanked the citizens of Carmel for their support during his many years with the Fire Department.

Mayor McCloud closed the meeting to public comment at **5:35 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of December 6, 2011.
- B. Ratify the bills paid for the month of December 2011.
- C. Consideration of a Resolution authorizing the City Administrator to send a letter of commitment for the City’s participation in the Monterey County Multi-jurisdictional Local Hazard Mitigation Plan Update.
- D. Consideration of a Resolution approving Police Department Supervisor Vehicle C12, a 2001 Dodge Durango utility truck, as surplus and authorizing its sale.
- E. Consideration of a Resolution approving the Public Works GMC Street Sweeper truck as surplus and authorizing its sale.

Mayor McCloud opened and closed the meeting to public comment at **5:36 p.m.**

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

VIII. PUBLIC HEARINGS

- A. None.

IX. ORDINANCES

- A. Consideration of an Ordinance amending Section 17.14.030 (Schedule II- B) of the Carmel Zoning Ordinance/Local Coastal Implementation Plan to allow Transitional Housing Facilities as a permitted use in the Residential and Limited Commercial (RC) District. (Second Reading)

Mayor McCloud opened and closed the meeting to public comment at **5:37 p.m.**

Council Member SHARP moved **to adopt an Ordinance amending Section 17.14.030 (Schedule II- B) of the Carmel Zoning Ordinance/Local Coastal Implementation Plan to allow Transitional Housing Facilities as a permitted use in the Residential and Limited Commercial (RC) District.** seconded by Council Member BURNETT, and passed by the following roll call vote:

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

X. RESOLUTIONS

- A. Consideration of a Resolution entering into a Joint Powers Agreement (JPA) for the purposes of water governance.

City Administrator Stilwell presented the report and Mayor McCloud and City Attorney Freeman provided additional background.

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

Dale Hekhuis spoke in opposition to the Regional Water Authority.

Amy White, executive director of LandWatch, urged inclusion of the unincorporated area and asked how the JPA will move forward on the various alternative projects.

Roger Dolan, from the Carmel Valley Association, spoke in favor of the JPA, but urged inclusion of the Monterey Peninsula Water Management District in the process.

Rich Pepe spoke in favor of the JPA effort.

Monte Miller spoke to the issue and urged representation of the Water Management Agency.

Keith Israel, general manager of the Monterey Regional Water Pollution Control Agency (MRWPCA), said his agency stands ready to assist the proposed JPA and urged using existing staffs to provide technical assistance and having representation for the ratepayers from the County's unincorporated areas.

Monterey Council Member Libby Downey spoke about representation on the JPA and urged a spot for the MRWPCA.

Safwat Malek spoke in favor of the effort.

Roberta Miller spoke about the financial obligations related to the formation of a JPA.

Mayor McCloud closed the meeting to public comment at **6:28 p.m.**

Council Member TALMAGE moved **to approve entering into a Joint Powers Agreement (JPA) for the purposes of water governance and to authorize the Mayor to execute the Agreement. He also identified seven areas to bring to the group for further discussion: identify and prioritize the 11 potential alternative water projects; ensure representation for the ratepayers from the unincorporated areas of the County; consider creation of a Technical Advisory Committee to provide technical support; use existing staffs from partner agencies and/or the six cities; be inclusive and reach out to an array of agencies (MPWMD, MRWPCA and MRWMD) or any other players who may have a role to play in a project or combination of projects, as either a JPA member or ex officio member; and allow each member City to delegate an alternative representative among their elected officials,** seconded by Council Member BURNETT, and passed by the following roll call vote:

AYES: COUNCIL MEMBERS: BURNETT; SHARP; TALMAGE & McCLOUD

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: HAZDOVAC

ABSTAIN: COUNCIL MEMBERS: NONE

Council took a short break at 6:48 p.m. and reconvened at 6:53 p.m.

XI. ORDERS OF COUNCIL

- A. Receive report on the implementation plan for recommendations of the CalPERS Committee.

City Administrator Stilwell presented the report.

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

Monte Miller, Barbara Livingston, and Carrie Theis spoke to the issue.

Mayor McCloud closed the meeting to public comment at **7:30 p.m.**

Council directed the City Administrator to seek the services of competing bond counsels; to look into a long-term financial model; and to return to Council with the cost estimate to hire an independent actuary.

- B. Approve the deaccession of certain artwork.

Library Director Janet Bombard presented the report.

Mayor McCloud opened the meeting to public comment at **8:04 p.m.**

Barbara Livingston and Bob Jenkins spoke to the issue.

Mayor McCloud closed the meeting to public comment at **8:07 p.m.**

Council Member SHARP moved **to approve the deaccession of certain artwork (the six pieces under consideration)**, seconded by Council Member McCLOUD, and passed by the following roll call vote:

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

- C. Provide direction on City Administrator's Annual Goals.

City Administrator Stilwell gave the presentation.

Mayor McCloud opened the meeting to public comment at **8:22 p.m.**

Bob Jenkins, Monte Miller and Barbara Livingston spoke to the issue.

Mayor McCloud closed the meeting to public comment at **8:28 p.m.**

Council Member BURNETT moved **to approve the City Administrator’s 2012 Annual Goals with the amended language to the “Community Character” section to read “...equitable and consistent code compliance” and the amended language to the “Long-term Vitality” section to read “an eco-tourism destination” and also add the phrase “public spaces”**, seconded by Council Member TALMAGE, and passed by the following roll call vote:

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

- D. Receive report regarding enhancement of the Citywide Emergency Preparedness Plan.

As there were very few members of the public remaining to hear this report, by unanimous consent of Council, this item was continued to the February 7 meeting, with the request that it be placed at an earlier part of the agenda.

- E. Scheduling Future City Council meetings – Please Bring Your Calendar.

XII. ADJOURNMENT

Mayor McCloud declared the meeting adjourned at **8:52 p.m.**

Respectfully submitted,

ATTEST:

Molly Laughlin, Deputy City Clerk

MAYOR SUE McCLOUD