

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

April 2, 2013

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. PRESENT: Council Members Beach, Hillyard, Talmage, Theis & Mayor Burnett

ABSENT: None

STAFF PRESENT: Jason Stilwell, City Administrator
Heidi Burch, Assistant City Administrator/City Clerk
Mike Calhoun, Public Safety Director
Marc Wiener, Associate Planner

III. PLEDGE OF ALLEGIANCE

Barbara Livingston led the Council and audience in the Pledge of Allegiance.

IV. EXTRAORDINARY BUSINESS

A. Employee Recognition: Anna Aubuchon

City Administrator Stilwell gave the recognition.

B. Community Recognition: Robinson Jeffers Tor House Foundation

This item was taken out of order and was heard during “Announcements from City Council Members.”

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

A. Announcements from Closed Session.

This item was heard later in meeting as City Attorney Don Freeman was not present at this time.

B. Announcements from City Council members

Victoria Beach noted the well-attended MST workshop regarding routing in the Council Chambers.

Jason Burnett noted: developments on water issues, Barbara Livingston's award as of one of the outstanding women in the County, the passing of former Council Member Jim Wright, a Resolution of Recognition received from the State Historical Resources Commission, the Peninsula-wide gun buyback program and the Food & Wine award bestowed upon Chef Justin Cogley of Aubergine.

IV.B. Community Recognition: Robinson Jeffers Tor House Foundation

Mayor Burnett presented a certificate recognizing the Robinson Jeffers Tor House Foundation.

C. Announcements from City Administrator.

1. Centennial Committee update
Council Member Talmage presented the update.
2. Code Compliance update
City Administrator Stilwell provided the update.
3. Update on Flanders lease
City Administrator provided the Flanders lease update.

VI. PUBLIC APPEARANCES

Mayor Burnett opened the meeting to public comment at: **5:02 p.m.**

Monte Miller spoke about Veterans' benefits; Andrea Thatcher spoke about the planting at the Dunes; Barbara Livingston spoke about the gun buyback program.

Mayor Burnett closed the meeting to public comment at **5:10 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of March 5, 2013.
- B. Ratify the bills paid for the month of February 2013.
- C. Receive Monthly Fire and Ambulance reports.
- D. Consideration of a resolution approving the use of an incremental increase of Fiscal Year 12/13 through Fiscal Year 14/15 recycling grant funds for the city trash can replacement program.
- E. Consideration of a Resolution authorizing the City Council to adopt the updated vehicle speed survey dated February 26, 2013 as required by California Vehicle Code Section 40802.

- F. Consideration of a Resolution authorizing the City Administrator to execute an agreement with Monterey Peninsula Water Management District for the sale of recycled water for the irrigation of the 4th Avenue Pathway.
- G. Consideration of a Resolution approving certain budget adjustment requests.
- H. Consideration of an application for temporary banners at the Harrison Memorial Library and at the Carmel Mission for the Carmel Public Library Foundation's annual fundraising campaign.
- I. Consideration of (1) a Resolution Certifying the Recirculated Final Environmental Impact Report for the Sale of the Flanders Mansion Property, Determining General Plan Conformity, Selecting a Project for Implementation and Adopting Findings and (2) a Resolution Adopting a Mitigation Monitoring and Reporting Program, Findings and Conditions of Lease for the Flanders Mansion Property.
- J. Continuation of the Hospitality Improvement District (HID) assessment review to the May City Council meeting pending additional information from the Advisory Board.

Council Member HILLYARD pulled Item VII.I for further discussion.

Council Member TALMAGE pulled Item VII.D for further discussion.

Mayor Burnett opened and closed the meeting to public comment at **5:12** p.m.

Council Member BEACH moved to **approve Consent Agenda Items A-C, E- H and J**, seconded by Council Member TALMAGE and carried unanimously.

Mayor Burnett opened and closed the meeting to public comment again at **5:14** p.m.

Council Member BEACH then again moved to **approve Consent Agenda Items A-C, E- H and J**, seconded by Council Member TALMAGE and carried unanimously a second time.

Item VII.D. Consideration of a Resolution approving the use of an incremental increase of Fiscal Year 12/13 through Fiscal Year 14/15 recycling grant funds for the city trash can replacement program.

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

Barbara Livingston and Joe Cadelago addressed Council.

Mayor Burnett closed the meeting to public comment at **5:25** p.m.

Council Member HILLYARD moved to **approve Consent Agenda Item VII.D. and find other funding for the Hilton Bialeck group**, seconded by Council Member BEACH and carried unanimously.

Item V.A. Announcements from Closed session

City Attorney Don Freeman reported that the Council met in Closed Session on March 4, 2013. There were no announcements for the public.

Item VII.I. Consideration of (1) a Resolution Certifying the Re-circulated Final Environmental Impact Report for the Sale of the Flanders Mansion Property, Determining General Plan Conformity, Selecting a Project for Implementation and Adopting Findings and (2) a Resolution Adopting a Mitigation Monitoring and Reporting Program, Findings and Conditions of Lease for the Flanders Mansion Property.

Brian Roseth, Jon Giffen and Don Freeman answered Council questions.

Mayor Burnett opened the hearing to public comment at **5:52** p.m.

Melanie Billig, President of the Flanders Foundation, Skip Lloyd, Dick Stiles and Barbara Stiles addressed Council.

Mayor Burnett closed the hearing to public comment at: **5:58** p.m.

Council Member BEACH moved to **adopt a Resolution Certifying the Re-circulated Final Environmental Impact Report for the Sale of the Flanders Mansion Property, Determining General Plan Conformity, Selecting a Project for Implementation and Adopting Findings with the second paragraph on page 3 to read “Whereas, there is now evidence in the record that some parties may be interested in a long-term lease and this suggests that a lease...”**, seconded by Council Member THEIS and carried by the following roll call vote:

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

Council Member BEACH moved **to adopt a Resolution Adopting a Mitigation Monitoring and Reporting Program, Findings and Conditions of Lease for the Flanders Mansion Property**, seconded by Council Member THEIS and carried 4-1 with HILLYARD as the dissenting vote.

VIII. ORDERS OF COUNCIL

A. Ratify an appointment to the Community Activities and Cultural Commission.

Mayor Burnett proposed the appointment of Judy Refeurzo to the Coummunity Activities and Cultural Commission.

Mayor Burnett opened and closed the meeting to public comment at **6:08** p.m.

Council Member TALMAGE moved to ratify the appointment of Judy Refuerzo to the Community Activities and Cultural Commission, seconded by Council Member BEACH and carried unanimously.

- B. Consideration of a use permit application, water allocation transfer and certification of a negative declaration for the establishment of an event center at a site located in the Service Commercial (SC) District.

As Council Member Talmage lives within 500 feet of the proposed project, he recused himself and left the Chambers.

Mayor Burnett and Council Member Beach disclosed personal discussions with parties involved in the project.

Don Freeman noted a conflict of interest as he owns property within 500 feet, but stayed for the proceedings because the issue pertained only to water issues.

Council Member Theis and Mayor Burnett noted further personal discussions with parties involved in the project.

Tony Lombardo, Counsel for the applicants, requested a continuance of the item.

Don Freeman outlined the process for action on the item at a future date.

Mayor Burnett opened the meeting to public comment at **6:32 p.m.**

Monte Miller addressed Council.

The meeting was closed to public comment by Mayor Burnett at **6:33 p.m.**

The item will be re-noticed and brought back to the Council for consideration.

- C. Consideration of a Resolution approving a fee waiver in the amount of \$27,030 for the 2013 Carmel Art Festival to be held May 16-19, 2013.

Mayor Burnett opened the meeting to public comment at **6:40 p.m.**

Pam Crabtree spoke on behalf of the Art Festival Organizers, Barbara Livingston & Monta Potter, CEO of the Chamber of Commerce, addressed Council.

The meeting was closed to public comment by Mayor Burnett at **6:47 p.m.**

Council Member TALMAGE moved to uphold the staff recommendation and grant the fee waiver request in the amount of \$14,930, seconded by HILLYARD and carried by the following roll call vote:

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

- D. Consideration of a Resolution approving a fee waiver in the amount of \$400 for the 12th Annual Cavalier King Charles Spaniel Beach Party event to be held on April 20, 2013.

Mayor Burnett opened the meeting to public comment at **7:02 p.m.**

Janet McTurk, sponsor of the event, Barbara Brooks, Roberta Miller, an unidentified realtor and Barbara Livingston addressed Council.

The meeting was closed to public comment by Mayor Burnett at **7:12 p.m.**

Council requested that staff revisit the fee waiver policy and bring back to a future Council meeting for review.

Council Member BEACH moved to **uphold the staff recommendation and deny the fee waiver request**, seconded by HILLYARD and carried by the following roll call vote:

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

Mayor Burnett recessed the meeting at **7:33 p.m.** and reconvened it at **7:45 p.m.**

- E. Receive an update on the Waste Management Franchise Agreement Scorecard and Community Survey.

Sharon Friedrichsen, Director of Public Services, presented the report.

Joe Cadelago and Tom Alliston gave a presentation on the two Big Belly solar trash compactor units in the City. Jay Ramos, the Recycling Manger for WM, Inc. answered Council questions.

Mayor Burnett opened and closed the meeting to public comment at **8:30 p.m.**

- F. Consideration of an Ordinance amending Municipal Code Section 9.16 allowing for the playing of musical instruments and other live entertainment where alcoholic beverages are sold or served. (First reading)

Mayor Burnett opened and closed the meeting to public comment at **8:37 p.m.**

Council Member TALMAGE moved to **adopt the Ordinance amending Municipal Code Section 9.16 allowing for the playing of musical instruments and other live entertainment where alcoholic beverages are sold or served**, seconded by BEACH and carried by the following roll call vote:

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

- G. Extension of Urgency Ordinance 2013-1 for an additional period not to exceed the effective date of the permanent ordinance amending Municipal Code Section 9.16 allowing for the playing of music instruments and other live entertainment where alcoholic beverages are sold or served.

Mayor Burnett opened and closed the meeting to public comment at **8:39 p.m.**

Council Member TALMAGE moved to **adopt the urgency ordinance as presented**, seconded by BEACH and carried by the following roll call vote:

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

- H. Consideration of an Ordinance amending Municipal Code Section 6.08 to allow for the keeping of chicken hens on properties in the R-1 District in the City of Carmel-by-the-Sea. (First Reading).

Marc Wiener, Associate Planner, presented the staff report.

Mayor Burnett opened and closed the meeting to public comment at **8:42 p.m.**

Council Member TALMAGE moved to **adopt the ordinance as amended to limit the total number of permits issued to five (5)**, seconded by HILLYARD and carried by the following roll call vote:

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

IX. FUTURE COUNCIL AGENDA ITEMS

Items discussed for placement on a future agenda.

Staff will add a review of the fee waiver policy to long range calendar, will calendar annually evaluations for four City Council appointees and research Veteran's preference in the City's hiring policy for future Council review.

Mayor Burnett opened the meeting to public comment at **8:50 p.m.**

Barbara Livingston requested Council address lighting in the commercial district.

Mayor Burnett closed the meeting to public comment at **8:51 p.m.**

X. ADJOURNMENT

Mayor Burnett declared the meeting adjourned at **8:53 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR JASON BURNETT