

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

February 7, 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 **4:36 p.m.** Mayor McCloud called the meeting to order.

II. ROLL CALL

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

ABSENT: None

STAFF PRESENT: Jason Stilwell, 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

Mayor McCloud asked for a moment to remember Jean Draper and Marcia Hovick who recently passed away.

- A. Certificate of Appreciation for Mitch Kastros for his service to the City.
- B. Certificate of Appreciation for Magdy Ibrahim of Patisserie Boissiere.
- C. Certificate of Appreciation for Laurie Schumann for her service as the City's representative to Community Human Services.

Mayor McCloud presented the certificates. Monta Potter, CEO of the Carmel Chamber of Commerce also presented a Certificate to Magdy Ibrahim and Lynn Wood in recognition of their Anniversary. Laurie Schumann's contributions were noted by the Mayor, although she was not in attendance.

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

A. Announcements from Closed Session.

City Attorney Don Freeman said the Council met in Closed Session on Monday, February 6, to discuss two items, and there are no announcements for the public.

B. Announcements from City Council members (Council members may ask a question for clarification, make a brief announcement or report on his or her activities).

1. Receive Mayor's Annual Report.

Mayor McCloud presented the report.

Announcements from City Council members.

Council Member Sharp noted that the City had received a certificate from the Monterey Peninsula Chamber of Commerce in recognition of being a member for five years.

Council Member Hazdovac noted the completion of the Del Mar parking lot.

Mayor McCloud noted that the Monterey Peninsula Water Management District now offers the public rain sensors that can be attached to automatic sprinkler systems and that the *New York Times* ran an article about the Sunset Center.

C. Announcements from City Administrator.

1. Receive Quarterly Marketing Report.

Jeff Burghardt presented the report.

Jeanne Byrne, Chair of the Pacific Grove Auto Rally, and board members Bruce Obbink and Jack McKinnon, presented a donation of \$2,000 to the Carmel Police Department's DARE program.

2. Receive SCC's Quarterly Financial Report.

Sally Reed, Treasurer of SCC, Inc. presented the report.

3. Fiscal Year 2011-2012 Second Quarter Financial Report.

City Administrator Jason Stilwell presented the report.

VI. PUBLIC APPEARANCES

Mayor McCloud opened the meeting to public comment at **5:34 p.m.**

John Aliotti, a former La Playa Hotel employee, and Mark Weller and Chris Fitz, representing UNITE HERE Local 483, addressed Council regarding employment with La Playa.

Nina Beety spoke regarding PG&E meters.

Stacy Maheen, Bay Bikes, spoke regarding a bake sale to raise funds for Dave and Debbie Travaille, who recently experienced a fire at their home in Mission Fields.

Roberta Miller announced the upcoming Candidates Forum, sponsored by the Carmel Residents Association, from 7:00-9:00 p.m. on Wednesday, February at Carpenter Hall at the Sunset Center.

Barbara Livingston, president of the Carmel Residents Association, spoke regarding MST's plans for a transit yard on former Fort Ord property.

Richard Kreitman, owner of Gallery North, discussed the possibility of "Locals Night" events.

Thompson Lange, Board Member of the Carmel Chamber of Commerce, noted the AT&T shuttle service from the Carmel Plaza and a Candidates Forum, sponsored by the Chamber, scheduled for Thursday, March 8, at Church of the Wayfarer.

Joe Cadelago, of Waste Management, Inc. noted that 10 tons of electronic waste was collected at the January 28 event co-sponsored by the City, the Carmel Residents Association, and Waste Management, Inc.

Mayor McCloud closed the meeting to public comment at **5:53 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of January 10, 2012.
- B. Ratify the bills paid for the month of January 2012.
- C. Consideration of a Resolution accepting a grant from the California Coastal Conservancy in the amount of \$250,000 to implement the Del Mar Master Plan and to authorize the City Administrator or his designee to execute the agreement and any other grant-related documents or amendments.
- D. Consideration of a Resolution authorizing the destruction of certain records in accordance with §34090 *et seq.* of the Government Code.
- E. Consideration of a Resolution approving the modifications to the Conflict of Interest Code List.
- F. Consideration of a Resolution accepting a \$2,000 donation from the Pacific Grove Concours Auto Rally for deposit into the Carmel Police DARE Program Account.
- G. Consideration of a Resolution approving a pass-through disposal rate increase of 0.78% (as approved by the Monterey Regional Waste Management District) and an annual cost-of-living adjustment of 2.58% for a total increase of 3.36%.

Council Member Talmage pulled Item G. Sean Conroy, Planning and Building Manager, clarified plans in conjunction with Item C.

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

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

To accommodate representatives from Waste Management, Inc., Council then heard Item VII.G.

City Administrator Stilwell presented the staff report.

Michael LaRussa and Felipe Melchor of Waste Management, Inc. addressed Council.

Mayor McCloud opened the meeting to public comment at **6:16 p.m.**

Speaking on this item were: Safwat Malek, Barbara Livingston, Jonathan Sapp, Amanda LeVett, Marguerite Primrose and Frank Primrose.

Mayor McCloud closed the meeting to public comment at **6:25 p.m.**

Felipe Melchor addressed public comments.

Council Member TALMAGE moved **to continue this item, to obtain a legal opinion, to draft an addendum, and/or to renegotiate the franchise agreement**, seconded by Council Member SHARP and carried unanimously.

VIII. PUBLIC HEARINGS

- A. Consideration of an appeal of the Planning Commission’s decision to approve a project with special conditions for the demolition of an existing residence located on Monte Verde, 3 N/E of Third Avenue. The appellant is Claudio Ortiz Design Group, on behalf of owner Plum Holdings, LLC.

Council Member Burnett recused himself as he lives near the subject of the appeal.

Planning Services Manager Sean Conroy presented the staff report.

Claudio Ortiz, representing Plum Holdings, addressed Council.

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

Speaking to this item were: Carol Dellecker, who read a letter from Steven Silver, a neighbor on Lincoln; John Pitcher, Judie Profeta, Malone Hodges, Monte Miller, Barbara Livingston, and Eric Barstad.

Fred Kern, the appellant, clarified several points.

Roberta Miller, and Lorelei Gabel Kalinowski addressed Council.

Mayor McCloud closed the meeting to public comment at **7:26 p.m.**

Claudio Ortiz clarified some additional points.

Council Member TALMAGE moved **to approve the retaining wall to the south that is not in the public right of way, to require a green wall, to require a ridge height of 20 feet, and to remove Special Condition #10,** seconded by Mayor McCLOUD, and failed with the following roll call vote:

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

Council Member HAZDOVAC moved **to amend the previous motion but to allow a ridge height of 21 feet,** seconded by Council Member SHARP, and failed with the following roll call vote:

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

Council Member TALMAGE moved **to return to his original motion,** seconded by Council Member SHARP, and passed by the following roll call vote:

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

Council took a 10-minute break at 7:58 p.m. and reconvened at 8:08 p.m.

IX. ORDINANCES

- A. The two ordinances regarding CalPERS were considered under the “Orders of Council” portion of the agenda.

XI. ORDERS OF COUNCIL

This item was taken out of order

- B. Consideration of criteria to waive certain City fees.

City Administrator Jason Stilwell presented the report.

Mayor McCloud opened the meeting to public comment at **8:30 p.m.**

Barbara Livingston and two members of the “Good Morning Carmel” community aid group addressed Council.

Council Member TALMAGE moved **to adopt a 15% reduction on the building permit fees for nonprofit organizations, to continue the item regarding fee reductions for facility rentals and special events, and requested staff to provide additional information related to those two areas**, seconded by Council Member HAZDOVAC, and passed by the following roll call vote:

AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	
ABSTAIN:	COUNCIL MEMBERS:	NONE

X. RESOLUTIONS

- A. Consideration of a Resolution approving a reduced rental fee at Vista Lobos for two nonprofit groups, Science of the Soul and Sun Street Centers.

This item was continued as it relates to the previous item (Item XI-B).

- B. Consideration of a Resolution appointing the Mayor and a designated Councilmember to represent the City on the Monterey Peninsula Regional Water Authority.

Mayor McCloud opened and closed the meeting to public comment at **9:26 p.m.**

Council Member HAZDOVAC moved **to appoint the Mayor and Council Member Talmage to represent the City on the Monterey Peninsula Regional Water Authority**, seconded by Council Member BURNETT, and passed 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. Receive report regarding enhancement of the Citywide Emergency Preparedness Plan.

Interim Police Chief Mike Calhoun presented the report.

Mayor McCloud opened the meeting to public comment at **9:49 p.m.**

Barbara Livingston asked about emergency training for staff.

Mayor McCloud closed the meeting to public comment at **9:52 p.m.**

B. Consideration of criteria to waive certain City fees. (This item was heard earlier)

C. Adopt updated Harassment Prevention Policy.

City Attorney Don Freeman presented the report.

Mayor McCloud opened the meeting to public comment at **10:04 p.m.**

Jim Emery addressed Council.

Mayor McCloud closed the meeting to public comment at **10:06 p.m.**

Council Member BURNETT moved **to move the first sentence (“The policy of the City...harassment in any form is the workplace is unacceptable and will not be tolerated”) to the Policy section, to ensure that all elected officials, staff, and volunteers receive training at least every two years and specify that a signed copy be in the file, and to add two business days (for reporting)**, seconded by Council Member TALMAGE, and passed 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

D. Review of the Planning Commission’s Wine Tasting Policy.

Planning Services Manager Sean Conroy presented the report.

Mayor McCloud opened the meeting to public comment at **10:30 p.m.**

John Stilwell addressed Council.

Mayor McCloud closed the meeting to public comment at **10:30 p.m.**

By consensus, Council unanimously approved Option 1 of the staff’s recommendations, to take no action and allow the Commission to continue operating under the criteria of the Wine Tasting Policy.

E. Approve amendments to the contracts with the Board of Administration of the Public Employees' Retirement System and the City Council as follows:

- 1) A Resolution of Intent and first reading of an Ordinance amending provisions of Municipal Code Section 2.56 (Retirement System) establishing a 2% at 60, 3-Year FAS Retirement Plan for Miscellaneous Employees hired on or after April 15, 2012,
- 2) A Resolution of Intent and first reading of an Ordinance amending provisions of Municipal Code Section 2.56 (Retirement System) Establishing a 2% at 50, 3-Year FAS Retirement Plan for Safety Employees hired by the City of Carmel-by-the-Sea on or after April 15, 2012.

City Administrator Stilwell presented the report for both items.

Mayor McCloud opened and closed the meeting to public comment at **10:37 p.m.**

Council Member BURNETT moved **to adopt a Resolution of Intent amending provisions of Municipal Code Section 2.56 (Retirement System) establishing a 2% at 60, 3-Year FAS Retirement Plan for Miscellaneous Employees hired on or after April 15, 2012,** seconded by Council Member HAZDOVAC, and passed 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 adopt the first reading of an Ordinance amending provisions of Municipal Code Section 2.56 (Retirement System) establishing a 2% at 60, 3-Year FAS Retirement Plan for Miscellaneous Employees hired on or after April 15, 2012,** seconded by Council Member HAZDOVAC, and passed 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 adopt a Resolution of Intent amending provisions of Municipal Code Section 2.56 (Retirement System) establishing a 2% at 50, 3-Year FAS Retirement Plan for Safety Employees hired on or after April 15, 2012,** seconded by Council Member HAZDOVAC, and passed 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 adopt the first reading of an Ordinance amending provisions of Municipal Code Section 2.56 (Retirement System) establishing a 2% at 50, 3-Year FAS Retirement Plan for Safety Employees hired on or after April 15, 2012,** seconded by Council Member HAZDOVAC, and passed 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

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

XII. ADJOURNMENT

Mayor McCloud declared the meeting adjourned at **10:38 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR SUE McCLOUD