

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

June 5, 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 Burnett called the meeting to order.

II. ROLL CALL

PRESENT: Council Members Beach, Hazdovac, Hillyard, Talmage
and Mayor Burnett

ABSENT: None

STAFF PRESENT: Jason Stilwell, City Administrator
Heidi Burch, Asst. City Administrator/City Clerk
Mike Calhoun, Interim Police Chief
Sean Conroy, Planning/Building Services Manager
Janet Bombard, Library Director
Marc Wiener, Associate Planner
Mike Branson, City Forester

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 a Certificate of Appreciation to Clyde Klaumann for his service on the Community Activities and Cultural Commission.

Mayor Burnett presented the certificate.

B. Employee Recognition: Cindi Lopez

City Administrator Stilwell gave the recognition for her efforts in Community Services.

C. Introduction of new Police Sergeant Luke Powell.

Interim Police Chief Calhoun introduced Sgt. Powell.

D. Introduction of City Treasurer.

Mayor Burnett introduced Jim Emery, the new City Treasurer.

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

A. Announcements from Closed Session.

City Attorney Don Freeman noted there were no announcements from Closed Session. Mayor Burnett, however, noted that a decision had been reached to enter into an agreement with James Emery for City Treasurer services (later on this agenda).

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).

Council Member Talmage thanked City staff for the success of the Memorial Day event at Devendorf Park.

Mayor Burnett noted the June 4 workshop that focused on the topic of the budget, including the Hospitality Improvement District, revenue sources, the sales tax ballot initiative and budget shortfall.

C. Announcements from City Administrator.

1. Monthly Fire and Ambulance Report.

City Administrator Stilwell presented the report.

2. Receive the quarterly marketing report.

Jeff Burghardt provided the marketing report.

3. Receive update report on the Del Mar Master Plan

Planning/Building Services Manager Sean Conroy presented the report.

VI. **PUBLIC APPEARANCES**

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

Bill Hood addressed the water supply issue, the demolition of the San Clemente Dam and an upcoming Public Utilities Commission meeting in San Francisco.

George Riley also addressed the issue of the San Clemente Dam demolition.

Steve Brooks, of Friends of Carmel Forest, spoke about tree maintenance.

Noe Hinojsa addressed his employment with the LaPlaya Hotel.

Marc Weller, Unite HERE Local 483, addressed the employment of former LaPlaya workers.

Barbara Livingston spoke about marketing the City.

Adele Lloyd addressed the issue of cars being parked on residential streets.

Gin Weathers spoke about a June 13 Carmel Chamber mixer at the Barnyard, and the Carmel Heritage House and Garden Tour on June 23.

Monta Potter, executive director of the Carmel Chamber of Commerce, noted an open house at the Visitors' Center on June 8 and the debut of the new *Guide to Carmel*.

Joe Cadelago of WM, Inc. noted a commercial food scrap recycling program being held in conjunction with other community groups.

Christine Sandin, president of SCC, Inc, invited the public to its Annual Community event on June 16. Information about the upcoming season also will be released soon.

Mayor Burnett closed the meeting to public comments at **5:45 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of May 1, 2012.
- B. Ratify the minutes for the special meeting of May 8, 2012.
- C. Ratify the minutes for the special meeting of May 17, 2012.
- D. Ratify the minutes for the special meeting of May 24, 2012.
- E. Ratify the bills paid for the month of May 2012.
- F. Consideration of a Resolution authorizing the execution of an agreement with James C. Emery for City Treasurer services.
- G. Consideration of a Resolution accepting a donation of \$16,000 from John Dyson to assist with the San Antonio Pedestrian Pathway Project.
- H. Consideration of a Resolution adopting revisions to the fiscal year 2011-2012 budget.
- I. Consideration of a Resolution awarding recycling grants totaling \$17,729 to three nonprofit organizations.
- J. Consideration of a Resolution awarding a contract to Stowe Contracting in the amount of \$44,336.00, a contingency of \$4,434, and a transfer of an amount not to exceed \$11,561 from the Capital Improvement Reserve for replacement of a pedestrian footbridge in Mission Trail Nature Preserve (MTNP) near Mt. View Avenue.
- K. Consideration of a Resolution accepting an anonymous donation of \$1,200 for the digitization of the Devendorf-Galante Historical Collection.
- L. Adopt amendments to Council Agenda Policy C89-2 (Council Orders of Business).
- M. Receive the Sunset Cultural Center's quarterly financial report.

City Administrator Jason Stilwell pulled item J from consideration at this meeting.

Council Member Hillyard recused himself from voting on Items A and B as he was not in attendance at the two meetings of which minutes were being approved.

Council Member Talmage commented on Item M and asked Christine Sandin for information on meeting room utilization in the future.

Council Member Hazdovac asked to pull Item I.

Council Member HAZDOVAC moved **to approve Consent Agenda Items A and B**, seconded by Council Member TALMAGE and carried 4-0, with Council Member Hillyard abstaining.

Council Member HAZDOVAC moved **to approve Items C-H and K-M**, seconded by Mayor TALMAGE and carried by the following roll call vote:

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

Council Member Hazdovac asked for clarification of details of the grant requests.

Mayor Burnett opened the meeting to public comment at **5:56 p.m.**

Greg d’Ambrosio answered Council questions regarding the grant requests.

Andrea Lewis, Executive Director of MEarth, answered Council questions.

Mayor Burnett closed the meeting to public comment at **6:02 p.m.**

Council Member HILLYARD moved **to approve Item I, with the stipulation that MEarth present additional details to the staff about project coordination expenses**, seconded by Mayor BEACH and carried by the following roll call vote:

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

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 construction of a new residence located on Lincoln Street 2 NW of Fifth Avenue. The property owner is Pot D’or, LLC. The appellant is Jacqueline Simonelli.

Three Council Members had to recuse themselves because of conflicts, so a random drawing was held. Council Member Hillyard was selected to hear the appeal.

Associate Planner Marc Wiener presented the staff report.

The appellant, Jacqueline Simonelli, addressed Council.

Mayor Burnett opened the meeting to public comment at **6:22 p.m.**

Chris Tescher, appellant for the project, addressed Council.

Heather O’Connell read a statement in support of the appeal.

Mayor Burnett closed the meeting to public comments at **6:31 p.m.**

The appellant responded to public comments and then she and Chris Tescher answered Council questions.

Council Member BEACH moved **to uphold the decision of the Planning Commission, to deny the appeal, and to require the applicant to plant vegetation either on his property or on the neighbor's property if the neighbor agrees**, seconded by Mayor BURNETT and carried by the following roll call vote:

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

IX. ORDINANCES

- A. Consideration of the first reading of an Ordinance amending the Carmel Municipal Code to ban the distribution of single-use plastic bags from retail establishments within the City of Carmel-by-the-Sea or, in the alternate, to defer action and direct staff to work with the business community.

Planning/Building Services Manager Sean Conroy presented the staff report.

Mayor Burnett opened the meeting to public comment at **7:00 p.m.**

Speaking on this item were: Barbara Livingston; Barbara Brooks; Maggie Eaton, Helena Ray; Marianne Lloyd; Christine Monteith; Susan Spiegel; (name not clear), Monta Potter; Dominique Bittner; Jeff Shester; Joe Cadelago; Vicki Pearce, Ximena Waissbluth of the Surfrider Foundation, Lauren Dockendorf of Save Our Shores, Jonathan Sapp, and Lee Larrew.

Mayor Burnett closed the meeting to public comments at **7:37 p.m.**

Sustainable Carmel and Chamber will be on the next agenda with an update on paper bags.

Council Member TALMAGE moved **to adopt the Ordinance as written with the modification of the definition of “reusable bags”**, seconded by Council Member HILLYARD and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BEACH; HAZDOVAC; HILLYARD; TALMAGE & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Council took a 16-minute break at 7:45 p.m. and reconvened at 8:01 p.m.

X. RESOLUTIONS

A. None.

XI. ORDERS OF COUNCIL

A. Ratify appointments to City boards and commissions and to outside agencies.

Mayor Burnett presented his appointments to the Planning Commission, the Forest and Beach Commission, and the Community Activities and Cultural Commission for Council ratification. He also provided his selections to the various outside organizations and agencies.

Mayor Burnett opened and closed the meeting to public comments at **8:09 p.m.**

Council Member BEACH moved **to ratify the appointments to the Boards and Commissions and to the outside agencies**, seconded by Council Member HAZDOVAC and carried by the following roll call vote:

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

B. Receive presentation from the Monterey Peninsula Water Management District (MPWMD) and provide direction on the Proposition 218 process and water supply sources.

Bob Brower, District 5 Director of the Monterey Peninsula Water Management District, introduced MPWMD General Manager Dave Stoldt, who gave the presentation.

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

Christine Monteith, Carrie Theis and Skip Lloyd addressed Council.

Mayor Burnett closed the meeting to public comments at **8:50 p.m.**

Council Member TALMAGE moved **to authorize the Mayor to send a letter of support for MPWMD’s proposed annual water fee needed for its aquifer storage and recovery and groundwater replenishment projects to the District, the Monterey Regional Water Pollution Control Agency, Cal-Am Water and the press**, seconded by Council Member HAZDOVAC and carried by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BEACH; HAZDOVAC; HILLYARD; TALMAGE & BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- C. Receive presentation from the Transportation Agency for Monterey County (TAMC) and provide direction on analysis and funding of the proposed toll road.

Todd Muck, Deputy Executive Director of the Transportation Agency for Monterey County (TAMC), gave the presentation.

Mayor Burnett opened and closed the meeting to public comment at **9:13 p.m.**

- D. Future City Council agenda items.

XII. ADJOURNMENT

Mayor Burnett declared the meeting adjourned at **9:28 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR JASON BURNETT