

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

January 8, 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 **4:35 p.m.** Mayor Burnett called the meeting to order.

II. ROLL CALL

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

Jean Chapin led the Council and audience in the Pledge of Allegiance.

IV. EXTRAORDINARY BUSINESS

A. Employee Recognition: Jean Chapin, Head of Reference.

City Administrator Stilwell gave the recognition.

B. Community Recognition: American Red Cross-Monterey Bay Area Chapter

Mayor Burnett presented a certificate recognizing the American Red Cross-Monterey Bay Area Chapter.

C. Employee Commendation: David Meurer, Jim Gloeckler and Isaac Eckel.

Public Safety Director Calhoun offered words of commendation on behalf of these three individuals.

D. Introduction of Police Commander Paul Tomasi.

Public Safety Director Calhoun introduced and congratulated new Police Commander Paul Tomasi.

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

A. Announcements from Closed Session.

Mayor Burnett noted the completion of the evaluation of the City Administrator.

City Attorney Don Freeman said the Council met in Closed Session on January 7, 2013. There was no reportable action taken.

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

Council Member Talmage noted that he will serve as Chairman of the Association of Monterey Bay Area Governments (AMBAG) for the next year.

C. Announcements from City Administrator.

1. Completion of successful side fund payoff.

City Administrator Stilwell noted that the side fund debt was paid off on December 14th.

2. Code compliance update.

City Administrator Stilwell provided the update.

3. Present the proposed budget calendar for FY 2013/2014.

City Administrator Stilwell presented the proposed calendar and noted key dates for special City Council meetings.

VI. **PUBLIC APPEARANCES**

Mayor Burnett opened the meeting to public comment at **5:03 p.m.**

Monta Potter, CEO of the Carmel Chamber of Commerce, introduced Safarina Maluki who will be working for the Chamber as its Destination Marketing Manager, to work to bring in small conferences to the City.

Heath Rocha, Director of Special Education, Student Services and Child Development for the Carmel Unified School District, outlined the drug prevention efforts of the District and the proposed social host ordinance.

Amy Ward and two unidentified speakers addressed Council regarding short-term rentals.

Joe Cadelago, Government and Community Relations Representative for Waste Management, Inc., noted the Christmas tree pick up at the Forest Theater and the January 19 e-waste recycling event at Vista Lobos.

Barbara Livingston addressed Council regarding the e-waste collection event, code compliance efforts, and short-term rentals.

Barbara Brooks spoke about short-term rentals.

Mayor Burnett closed the meeting to public comments at **5:22 p.m.**

VII. CONSENT CALENDAR

- A. Ratify the minutes for the regular meeting of December 4, 2012.
- B. Ratify the bills paid for the month of December 2012.
- C. Consideration of a Resolution certifying the results of the General Municipal Election held on November 6, 2012.
- D. Consideration of a Resolution authorizing the City to enter into a Memorandum of Understanding with the cities of Seaside, Pacific Grove, Monterey, Sand City, Marina, the California Highway Patrol, California State University-Monterey Bay, and the Monterey County District Attorney to form and deploy the Peninsula Regional Violence and Narcotics Team Task Force (PRVNT).
- E. Consideration of a Resolution establishing the starting time of the Council's Tour of Inspection at 4:00 p.m. on the Monday prior to the Regular Council Meeting.
- F. Consideration of a Resolution reaffirming the City's appointments to the Fort Ord Reuse Authority (FORA) Board of Directors.
- G. Consideration of a Resolution approving the submission of a grant application to California Department of Parks and Recreation's Recreational Trails Program (RTP).
- H. Authorize the Mayor to submit a response to the Grand Jury report on behalf of the City of Carmel-by-the-Sea.
- I. Receive Monthly Fire and Ambulance reports.
- J. Receive an update on the Waste Management Franchise Agreement Scorecard and authorize staff to work with Waste Management (WM) to develop a community survey.
- K. Approve Public Services Manager job description and related salary schedule.
- L. Receive Council agenda forecast.

Mayor Burnett opened and closed the meeting to public comment at **5:23 p.m.**

Council Member THEIS moved **to approve Consent Agenda Items A-L**, seconded by Council Member HILLYARD and carried unanimously.

VIII. ORDERS OF COUNCIL

A. Update on the Water Replacement Project.

Mayor Burnett presented the status report. Council Member Talmage presented additional information to the Council and public.

Mayor Burnett opened the meeting to public comment at **5:48 p.m.**

Skip Lloyd addressed Council.

Mayor Burnett closed the meeting to public comment at **5:49 p.m.**

B. Review and consider the Recirculated Final Environmental Report for the Flanders Mansion property, including consideration and determination of several specific questions related to the adequacy of the EIR and the conformity of the EIR to the General Plan.

Don Freeman introduced Brian Roseth, the planning consultant in charge of the project. Brian Roseth presented the report.

Denise Duffy, principal of Denise Duffy & Associates and author of the Environmental Impact Report, and Jon Giffen, legal counsel for the City, answered questions.

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

Addressing Council on this issue were: Dick Stiles; Skip Lloyd; Barbara Livingston; Barbara Stiles; Pat Sippel; Les Albiol; Melanie Billig, President of the Flanders Foundation; Barbara Brooks; Joyce Stevens; Mike Brown; Rich Pepe; and Cindy Lloyd.

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

Council took a scheduled break at 7:30 p.m. and reconvened at 7:56 p.m.

Denise Duffy and Brian Roseth addressed the comments and concerns presented.

Council Member HILLYARD moved **that the Environmental Impact Report is adequate**, seconded by Council Member TALMAGE, and carried by the following vote:

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

Council Member HILLYARD moved **that both sale and lease conform to the General Plan,** seconded by Council Member TALMAGE, and carried by the following vote:

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

Council Member TALMAGE moved **that a single family residence is in conformance with the General Plan,** seconded by Council Member HILLYARD, and carried by the following vote:

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

Les Albiol addressed Council questions regarding boundaries.

Council Member BEACH moved **to select Alternative 6.7 as the parcel that applies to lease or sale,** seconded by Council Member THEIS, and carried by the following vote:

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

Council Member TALMAGE moved **to approve the mitigation measures as outlined and to include the recommended amendments made by Historic Resources Board and Planning Commission,** seconded by Council Member HILLYARD, and carried by the following vote:

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

Council Member TALMAGE made a motion covering terms related to conditions for the marketing of the Flanders Mansion to potential tenants for a long term lease, seconded by Council Member HILLYARD for discussion.

Council discussed this further, with numerous amendments made, and seconded by Council Member BEACH.

As the motion was complicated, Council took a short break at 9:45 p.m. to type the motion for review and reconvened at 9:50 p.m.

Mayor Burnett opened the meeting to public comment at **9:52 p.m.**

Skip Lloyd, Les Albiol, and Melanie Billig addressed Council.

Mayor Burnett closed the meeting to public comment at **9:59 p.m.**

After further Council discussion and refinement of the language of the Council Member Talmage's original motion, Council Member TALMAGE moved the following: **to authorize the City Administrator to immediately begin marketing the Flanders Mansion property to potential tenants for a long-term lease of the property subject to the following minimum conditions:**

- 1) **The property must be used as a single-family residence during the lease term;**
- 2) **Potential lessees must show sufficient liquid financial resources to restore and renovate the residence and grounds consistent with a preservation plan approved by the City according to historic preservation standards;**
- 3) **The lessee must agree to conform to and implement all mitigation measures approved by the City Council;**
- 4) **The lessee must restore the property on a timely basis, maintain the property throughout the lease, and return it to the City in its fully restored condition;**
- 5) **Lessee must agree to pay market rent, including all expenses (with possible allowances to offset improvements);**
- 6) **Lessee must provide adequate insurance to protect the City from any and all liability and to indemnify and defend the City against any potential legal action; and**
- 7) **Offers that meet the minimum conditions will be evaluated upon receipt. If a suitable tenant/lease has not been approved by May 1, the matter will be scheduled for review for possible sale,** seconded by Council Member BEACH, and carried by the

following vote:

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

C. Consider and adopt 2013 City Goals including objectives and key initiatives.

City Administrator Stilwell presented the staff report.

Mayor Burnett opened and closed the meeting to public comment at **10:20 p.m.**

Council Member TALMAGE moved **to adopt the 2013 City Goals including the objectives and key initiatives**, seconded by Council Member THEIS, and carried by the following vote:

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

D. Receive the collaborative Marketing Report.

This item was continued.

IX. FUTURE COUNCIL AGENDA ITEMS

X. ADJOURNMENT

Mayor Burnett declared the meeting adjourned at **10:23 p.m.**

Respectfully submitted,

ATTEST:

Heidi Burch, City Clerk

MAYOR JASON BURNETT