MINUTES
CITY COUNCIL MEETING
CARMEL-BY-THE-SEA

September 1, 2015

Mayor Burnett called the meeting to order at 4:02 p.m.

ROLL CALL

Present:	Council Members Beach, Dallas Theis, Mayor Pro Tem Talmage and Mayor Burnett
Absent:	None
Staff Present:	Doug Schmitz, City Administrator Lee Price, Interim City Clerk

CLOSED SESSION (Continued from Monday, August 31, 2015)

Mayor Burnett announced the Council would adjourn to Closed Session to complete the following item:

Public Employee Performance Review
Government Code Section 54957
Title: City Administrator

At 4:40 p.m. the City Council reconvened in Open Session. Mayor Burnett led the Pledge of Allegiance.

Present:	Council Members Beach, Dallas Theis, Mayor Pro Tem Talmage and Mayor Burnett
Absent:	None
Staff Present:	Doug Schmitz, City Administrator Don Freeman, City Attorney Lee Price, Interim City Clerk Mike Calhoun, Public Safety Director Paul Tomasi, Police Commander Rob Mullane, Public Works Director Janet Bombard, Library and Community Events Director Margi Perotti, Community Activities Coordinator Marc Wiener, Senior Planner Sharon Friedrichsen, Director of Budgets and Contracts

EXTRAORDINARY BUSINESS

Mayor Burnett recognized and extended appreciation to staff and members of the community for their hard work and volunteer efforts for this year's "Car Week".

MOMENT OF SILENCE

Mayor Burnett acknowledged the passing of resident and former City Council Member Marshall Hydorn on August 4, 2015 and requested a moment of silence in his honor.

ANNOUNCEMENTS

Council Member Beach provided an update on the County's Rio Road paving project.
Council Member Dallas expressed appreciation to all City employees, including Margie Perotti, Leslie Fenton and Janet Bombard for volunteer efforts during Car Week.

Mayor Burnett provided brief report on Monday's work study session regarding the Housing Element Update and announced he has appointed the following to an ad hoc Event Policy and Event Fee Waiver Policy review committee: Jim Emery, Jon Wolfe, Dick Stiles, Bob Mulford, Monta Potter, Ken White, and Carolyn Hardy. He also provided an update regarding the drought and potential for an "El Nino". Additionally, the Mayor expressed appreciation to former mayor Sue McCloud for her contributions to the City's response to the Monterey County Civil Grand Jury.

City Attorney Don Freeman provided the closed session announcements.

Mayor Burnett and members of the Council expressed appreciation to City Administrator Doug Schmitz and City Attorney Freeman for their dedicated service and performance.

City Attorney Don Freeman issued kudos to the Mayor for his leadership by serving on the "Mayors Group" to resolve water related issues on the Monterey Peninsula, adding that much time has been devoted to this effort. He also acknowledged Carolina Bayne and Carolyn Hardy for their work on examining contract costs.

City Administrator Doug Schmitz provided updates on three consent calendar items (9, 16 and 20).

PUBLIC APPEARANCES

Chilone Payton, former contract employee, asked for a response to her request for records.

Rich Pepe expressed appreciation for the beautification of the corner of Dolores and 7th. Barbara Livingston added she was impressed by the size of the trees planted at that location and hopes that all future street trees planted will be of significant size.

Gabriella Adams, Carmel Valley resident, requested confirmation that the special event permit application she submitted for her wedding this weekend would be issued. (See Item 23 for action).

CONSENT CALENDAR

Public Comments:

Barbara Livingston asked who was being nominated for appointments to the Forest and Beach Commission and the Historic Resources Board (Item 8). Mayor Burnett provided the oral update.

Carolina Bayne asked that the agenda include more specifics in the subject description with an emphasis budget amendments (Item 19).

Richard Kreitman had a question regarding Item 20.

---End of Public Comments---

Council Member Beach spoke in favor of Item 7. No items were pulled from the Consent Calendar.

Action: Upon a motion made by Mayor ProTem Talmage, second by Council Member Dallas, the Council unanimously approved the Consent Calendar, as follows:

1. Minutes of August 3, 4, and 6, 2015

   Approved 5:0

2. Check Register – July 2015
   a. Monthly Reports for the Month of July Contracts With the City Administrator
   b. Community Planning and Building Department Reports
   c. Police, Fire, Ambulance and Beach Reports
   d. Public Records Act Request Logs – City Clerk and Police
   e. Foresters Report
   f. City Treasurer's Report

   Approved 5:0

3. AB 1001 Adopting Resolutions Authorizing Professional Services Agreements for Auditing Services, Shoreline Management Technical Assistance and Engineering Services for Streets and Storm Drainage Improvements

   Resolutions 2015-067, 2015-068 and 2015-069 adopted 5:0

4. AB 1002 Award of Construction Contracts for the Sunset Center Retaining Wall Project and the Carpenter Street Drainage Project

   Resolutions 2015-070, adopted

5. AB 1003 Appointments to Forest and Beach Commission and Historic Resources Board

   Kathryn Gualtieri reappointed to the Historic Resources Board for a four year term expiring September 30, 2019; appointed Maggie Eaton and reappointed David

Refuerzo to the Forest and Beach Commission for four year terms each expiring September 30, 2019. 5:0

6. AB 1004 Adoption of a Resolution adjusting the City Attorney's Employment Agreement

   Resolution 2015-072 adopted 5:0

7. AB 1006 Adoption Resolutions Urging the State to Provide New Substantial Funding for State and Local Transportation Infrastructure and Authorizing Letters to be Sent to Legislators asking that an Exemption to the Current Two Percent Cap for TAMC be Supported

   Resolutions 2015-073 adopted 5:0

8. AB 1007 Adoption of a Resolution establishing the Salary Range 443 for the position of Police Commander

   Resolution 2015-074 adopted 5:0

9. AB 1008 Authorization of the disbursement of up to $6,000 from the Urban Forest Restoration Deposit Account for improvements to First Murphy Park

   Resolution 2015-075 adopted 5:0

10. AB 1009 Authorization of a Grant Application to the Monterey Peninsula Regional Park District for Improvements at Forest Hill Park

    Resolutions 2015-076 and 2015-077 adopted 5:0

11. AB 1010 Adoption of a Resolution to approve a cooperative purchasing agreement for tree maintenance and to award a contract to West Coast Arborists, Inc.

    Resolution 2015-078 adopted 5:0

12. AB 1011 Final Adoption of an Ordinance of 2015-003 Section 15.38 to the Carmel Municipal Code relating to the expedited permitting procedures for small residential rooftop solar systems

    Ordinance 2015-003 adopted on second reading 5:0

13. AB 1019 Resolution Authorization of the City Administrator to Execute a Professional Services Agreement with Peninsula Messenger Service for Mail Delivery Service

    Resolution 2015-079 adopted 5:0

14. AB 1015 Authorization of payment of $38,903.87 to Public Consulting Group in full payment of their contracts

    Resolution 2015-080 adopted 5:0

15. AB 1016 Authorization of payment to the law firm of Stradling Yocca Carlson & Rauth, PC, the amount of $78,162.34 representing full satisfaction of their unpaid bill

    Resolution 2015-081 adopted 5:0

16. AB 1005 Approval of an Amendment to the Fiscal Year 2015-16 Budget relating to revenues and expenditures

    Resolution 2015-082 adopted 5:0

17. AB 1012 Approve Response to the Monterey County Civil Grand Jury Findings and Recommendations

    Approved 5:0

Mayor Burnett reordered the agenda by hearing Item #23 (AB 1017) Urgency Ordinance Prohibiting Beach Fires before items to be considered under Orders.

PUBLIC HEARINGS

23. AB 1017 Extension of Beach Fires Moratorium Urgency Ordinance 2015-005

Public Works Director Rob Mullane provided a brief staff report and clarified that the draft urgency ordinance extending the initial urgency ordinance is unchanged. He reported that there are 12 special events pending and requested direction from the Council. City Attorney Don Freeman advised that the Council exempt any permit that has been administratively approved. Community Activities Coordinator Margi Perotti clarified the permit issuance process and explained which of the 12 pending permits had been administratively approved (Adams, Authors and Ideas Festival, Bronzo, and Cina & Chris).

Monterey Bay Unified Air Pollution Control Officer Richard Stedman provided an update on air quality monitoring and emphasized he supports the City's efforts to reduce emissions from beach fires.

Motion: Council Member Beach made a motion, seconded by Council Member Dallas to extend the moratorium, as written with clarification that the following special events shall be exempt: Adams, Authors and Ideas Festival, Bronzo, and Cina & Chris.

Mayor Burnett opened the Public Hearing.

Public Comments:

The following members of the public spoke in support of the adoption of the urgency ordinance:

Richard Kreitman (also asked that propane devices be allowed).
Barbara Livingston
Carolyn Hardy
Carolina Bayne (also supports the adoption of an ordinance restricting beach fires seven days per week)
Skip Lloyd
Rich Pepe (asked for greater clarification about what is permitted on the beach)
Joe Andini (also supports the use of propane fueled devices and argued "beach fires" is too vague)
Kimberly Rawlings (and asked for clarification about where 10th Street fires are permitted and suggested that fires be allowed from the 150' from the bluff)
Local artist and writer (did not provide name)
Mike Cate
Mary Lisken

Connie Lorrie requested that the special event permit for Cina and Chris be approved.

---End of Public Comments---

Council discussion followed.

Action: The Council unanimously voted to adopt Urgency Ordinance 2015-006 extending Urgency Ordinance 2015-005 for 10 months, 15 days; agreed to exempt the following special event permits: Adams, Authors and Ideas Festival, Bronzo, and Cina & Chris; and requested that Staff develop a tool to assist the public in understanding what is permitted on the beach and what is not. 5:0

ORDERS

21. AB 1013 Car Week Post-Mortem

Police Commander Paul Tomasi provided an in-depth staff report. Brief questions followed.

Public Comments:

Carl Iverson and Sue McCloud presented favorable comments.

---End of Public Comments---

Council Member Dallas suggested street sweeping on Thursdays after trash pick-up.

Action: The City Council accepted the report.

22. AB 1014 Adoption of a Resolution Creating a New Capital Improvements Project, Sunset Center Master Plan, and Authorizing a Budget for said Project and Expenditures of Said Monies

City Administrator Doug Schmitz provided the staff report. Sunset Center Executive Director Christine Sandin reported that the Board of Directors voted to unanimously support the expenditure because it aligns with strategic goals.

Public Comments:

Sunset Center Board Member Sue McCloud spoke in support.

---End of Public Comments---

Action: Upon a motion made by Mayor ProTem Talmage, seconded by Council Member Dallas, the Council unanimously adopted Resolution 2015-083. 5:0

PUBLIC HEARINGS (Continued)

23. AB 1018 Consideration of a Use Permit (UP 15-282) application to allow paid parking to the general public and off-site parking for the Cypress Inn from the commercial site (7th and Dolores Event Center) located at the southeast corner of Dolores and 7th Avenue. The applicant is CPines7, LLC

Mayor Pro Tem Talmage, Council Member Dallas and City Attorney Don Freeman announced that due a potential conflict of interest (resides within 100 – 500') they would abstain from participation, stepped down from the dais and left Council Chambers. City Administrator Doug Schmitz advised that the matter requires a 4/5 affirmative vote. The City Clerk drew names from a hat and Mayor Pro Tem Talmage returned to the dais.

Senior Planner Marc Wiener provided the staff report and mentioned one minor correction to Condition #5. In addition, he suggested a modification to Special Condition #7 to include the limitation of paid public parking signage display to only when the parking lot is open to the general public.

Brief Council questions followed. Mayor Burnett suggested that reference to the *Cypress Inn* in the Findings be deleted.

Public Comments:

Anthony Lombardo, on behalf of the applicant, spoke to the merits of approving the use permit, voiced objections to the amendment recommended by Senior Planner Marc Wiener and requested allowance of valet parking kiosks during all events.

Bobbie Richards and Rob Profetta spoke in favor of granting the use permit.

---End of Public Comments---

Action: Upon a motion made by Council Member Beach, seconded by Council Theis,

the Council approved the use permit, as modified (remove reference to *Cypress Inn*, correct spelling error in Special Condition #5 and add the following sentence to Special Condition #7: *Paid public parking signage shall only be displayed when the parking lot is open to the general public.* 4:0:1 (Dallas abstained due to a potential conflict of interest – resides within 500').

FUTURE AGENDA ITEMS

Council Member Dallas requested a Council Retreat. Mayor Pro Tem Talmage requested a discussion item regarding Eastwood Water.

ADJOURNMENT: There being no further business, Mayor Burnett adjourned the meeting at 8:10 p.m.

APPROVED:

Jason Burnett

Jason Burnett, Mayor

ATTEST:

Lee Price

Lee Price, MMC
Interim City Clerk