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

Tuesday, October 6, 2015

CALL TO ORDER

Mayor Burnett called the Regular Meeting to order at 4:35 PM.

ROLL CALL

Present: Council Members Dallas, Beach, Mayor Pro Tem Talmage, and Mayor Burnett

Absent: Council Member Theis

Staff: Doug Schmitz, City Administrator
Don Freeman, City Attorney
Mike Calhoun, Public Safety Director
Paul Tomasi, Police Commander
Rob Mullane, Director of Public Works
Marc Weiner, Senior Planner
Ashlee Wright, City Clerk

PLEDGE OF ALLEGIANCE

Doug Schmitz City Administrator led the pledge of allegiance.

EXTRAORDINARY BUSINESS

Community member Erl Lagerholm was unable to attend the meeting. Mayor Burnett stated that he and Mayor Talmage would be making a home visit and at the suggestion of Barbara Livingston the community shared in a round of applause for Mr. Lagerholm.

Marc Weiner introduced new planning Department employees Cortina Whitmore, Administrative Services Coordinator and Catherine Tarone, Assistant Planner.

ANNOUNCEMENTS

Council Member Beach provided a report on the California Public Utilities Commission (CPUC) Safety en banc and the two separate panel discussions on safety and PG&E, which she attended and participated in.

Mayor Burnett spoke to the issue of dealing with PG&E and the CPUC and stated that he has drafted a letter to President Picker of the CPUC which will be made available on the City's webpage. Vice Mayor Talmage gave an explanation of the City's legal representation in the PG&E matter and reported that he had an in-depth meeting with Michael Picker (prior to his becoming CPUC President) about Carmel's issues with PG&E last summer.

Council Member Beach spoke to the issue of PG&E's definition of response time versus repair time.

Council Member Dallas announced that he and Mayor Burnett attended the Papal visit in Washington D.C. in September. He stated that he attended League of California Cities Conference last month with Mayor Burnett and Director of Contracts and Finance Sharon Friedrichsen and provided a brief report. He also reported that he was at the Sandcastle Contest, thanked staff for their hard work, including volunteer Rusty Croft, world renowned Sand Castle builder, and noted that there were a lot of out of town participants and attendees.

Mayor Burnett provided a report on the sessions he attended at the California League of Cities and an update on water related issues.

City Administrator Doug Schmitz reported Sunset Center would be holding its first public workshop for the development of the Sunset Center Master Plan on, Tuesday, October 27, 5:30-7:30 in the lobby of the theater. He responded to questions asked by Roberta Miller re string lights and Barbara Livingston re median lights at the previous night's meeting.

Mayor Burnett stated that he had sent a letter to the governor voicing concerns about Assembly Bill 1164 re artificial turf.

City Attorney Don Freeman reported that the Council received updates on 5 cases for potential litigation during Closed Session. He reported on the City's efforts to enforce the short-term rental ordinance, recommended that the Council take formal action to support State Legislation requiring internet companies to comply with local laws, and stated that he will give either oral or written report at council meetings to update community on the status of this issue.

Council discussion followed about short-term rentals.

PUBLIC APPEARANCES

Barbara Livingston and Jim Banks spoke in support of the enforcement of the short-term rental ordinance.

Judy Ivey inquired which internet companies were used to identify the 27 short-term rental violators mentioned by City Attorney Don Freeman.

Stephen Moorer introduced PacRep Board President Carol Hall and announced a gift of $100,000 to the Forest Theater renovation project that the anonymous donor would like to be used for the west path and indoor theater.

Mayor Burnett commented on the anonymous donation and other potential donations.

Forest and Beach Commissioner Jeff Baron shared flyers for an Arbor Day celebration to be held Saturday, October 24, 2015 in First Murphy Park and sponsored by the Forest and Beach Commission.

Richard Kreitman recommended that Council consider adding two words to Municipal Code C2.08.070 and also the issue of selfie-sticks as a public danger be agendized in the future.
---End Public Comments

ORDERS

4. Rafael Payan, General Manager of the Monterey Peninsula Regional Parks District provided a presentation on a potential ballot measure to renew expiring funding for the Parks District.

Council discussion followed.

Public Comments

Barbara Livingston stated that she felt 1) the Mission Trail Nature Preserve is Carmel's Central Park and, 2) that there could be fundraising opportunities for transporting people with limited mobility for picnic lunches atop Palo Corona.

---End Public Comments---

Action: Received presentation.

5. AB 1032 City of Carmel-by-the-Sea Emergency Plan Update

Public Safety Director Mike Calhoun introduced Sherrie Collins, Emergency Services Manager, who gave a brief presentation about what the county is doing to prepare for impending inclement weather.

Public Safety Director Mike Calhoun provided the staff report on updates to the City of Carmel-by-the-Sea Emergency Plan.

Council discussion followed.

Public Comments

Barbara Livingston stated that she thinks it's extremely important that staff attend the California Specialized Training Institute in San Luis Obispo for emergency preparedness.

Gabe Georis inquired as to whether anything along the main arteries in town was being done to trim trees and branches and suggested the City consider an alternate area in Carmel to pick-up sandbags closer to Mission Fields.

---End Public Comments---

Action: Received presentation and report.

Mayor Burnett called a recess at 6:55p.m. The meeting resumed at 7:05p.m.

6. AB 1033 Discussion of an addition of a section to Title 8 - Health and Safety of the Carmel--the Sea Municipal Code relating to smoking in the commercial and other zoning districts and on public lands and rights-of-way within said districts.

Don Freeman provided the staff report and noted that a correction needed to be made on page 5 of the draft for discussion purposes under the definition of "downtown".
Council discussion followed.

Public Comments

Mayor Burnett read a letter from Richard Gray, M.D. Medical Director of the Tyler Heart Institute at Community Hospital of the Monterey Peninsula.

Carl Iverson, Maggie Eaton, Barbara Livingston, and Roberta Miller spoke in favor of a smoking ban. Maggie Eaton also suggested adding data from Save Our Shores and the CDC to preamble of the ordinance.

Monta Potter of the Chamber of Commerce asked for clarification as to where people would be permitted to smoke, should a smoking ban ordinance go into effect. She read emails from business owners who shared their concerns with her about a smoking ban. She also stated her concerns that this issue would divide business owners and residents.

Gabe Georis posed a series of questions to the Council.

Rich Pepe invited Council to walk the streets with him to count the cigarette butts and determine whether smoking is a problem. He stated that the letter read by Mayor Burnett does not address outdoor second hand smoke and recommends holding public workshops on this issue.

Soerke Peters stated that he supports the use of receptacles but, doesn't think that smoking is a problem, and that City resources should be used in other ways.

---End Public Comments---

Council discussion followed.

Action: Upon a motion made by Council Member Beach, seconded by Vice Mayor Talmage, the Council directed staff to bring back and ordinance substantially similar to the one provided in the packet with an additional whereas as related to the data that Maggie Eaton highlighted both with respect to the Save Our Shores data and CDC data.

Action: Upon a motion made by Council Member Beach, seconded by Council Member Dallas, Council moved to direct staff to put together a receptacle program with proper signage that announces the ordinance change city-wide in all banned areas.

FUTURE AGENDA ITEMS

Consideration of the Forest Theater Donation.

Council Retreat.

ADJOURNMENT: There being no further business Mayor Burnett adjourned the meeting at 8:21p.m.

APPROVED:

Jason Burnett

Jason Burnett, Mayor

ATTEST:

Ashlee Wright

Ashlee Wright, City Clerk