



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,  
Jan Reimers, Bobby Richards, and Carrie Theis  
Contact: 831.620.2000 [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us)

All meetings are held in the City Council Chambers  
East Side of Monte Verde Street  
Between Ocean and 7th Avenues

### CITY COUNCIL SPECIAL MEETING Monday, July 6, 2020 4:30 PM

**Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.**

**To attend via Teleconference; Dial in number 1-678-413-5437 PIN: 690 243 597#**

**The public can also email comments to [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us). Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.**

#### CALL TO ORDER AND ROLL CALL

#### PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

#### CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (three cases)
- B. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Property: Forest Theater. Agency Negotiators: Mayor Dave Potter, Council

Member Carrie Theis, City Administrator Chip Rerig. Negotiating Parties: Interested Parties. Under Negotiation: Price and terms of payment

- C. Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

## **ADJOURNMENT**

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, NE corner of Ocean Avenue and Lincoln Street, and the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us/carmel/> on in accordance with the applicable legal requirements.

## **SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

## **SPECIAL NOTICES TO PUBLIC**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,  
Jan Reimers, Bobby Richards, and Carrie Theis  
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All meetings are held in the City Council Chambers  
East Side of Monte Verde Street  
Between Ocean and 7th Avenues

### REGULAR MEETING Tuesday, July 7, 2020

**Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.**

**To attend via Teleconference; Dial in number 1-669-241-2629 PIN: 271 344 935#**

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### OPEN SESSION 4:30 PM

#### CALL TO ORDER AND ROLL CALL

#### PUBLIC APPEARANCES

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#### ANNOUNCEMENTS

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements

## **CONSENT AGENDA**

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Approve May 29, 2020 Special Meeting Minutes, June 1, 2020 Special Meeting Minutes, June 2, 2020 Meeting Minutes, June 2, 2020 Special Meeting Minutes and June 16, 2020 Special Meeting Minutes as presented.
2. Monthly Reports for May: 1.) City Administrator Contract Log; 2.) Community Planning and Building Department Reports; 3.) Police, Fire, and Ambulance Reports; 4.) Public Records Act Requests, and 5.) Public Works Department Report
3. May 2020 Check Register Summary
4. Resolution 2020-041 rejecting all bids received for the annual Landscape Maintenance Services Contract
5. Resolution 2020-042 authorizing a Funding Agreement with the Transportation Agency for Monterey County
6. Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during Fiscal Year 2020/21
7. Resolution 2020-043 authorizing a refund of a Design Review (DR 19-463) permit fee of \$3,166.88 and Use Permit (UP 19-466) permit fee of \$2,276.25 to Jeselnick Architects.
8. Resolution 2020-044 authorizing a refund of a Design Study permit fee of \$3,783.75 to Tim Schultz
9. Resolution 2020-045 consenting to the dissolution of the Monterey Peninsula Regional Water Authority

## **ORDERS OF BUSINESS**

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

10. Report on the Police Department's Use of Force Policies and how the policies align with the "8Can'tWait" campaign and Former President Obama's "Police Use of Force Project
11. Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.
12. Confirm the Forest & Beach Commission's recommendations regarding the format and content of the monthly Forester's Reports, or provide alternate direction to staff
13. Outdoor Seating in the Public Way

## **FUTURE AGENDA ITEMS**

**ADJOURNMENT in memory of Joe Gunter - Mayor of the City of Salinas**



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# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Britt Avrit, City Clerk

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Approve May 29, 2020 Special Meeting Minutes, June 1, 2020 Special Meeting Minutes, June 2, 2020 Meeting Minutes, June 2, 2020 Special Meeting Minutes and June 16, 2020 Special Meeting Minutes as presented.

## RECOMMENDATION:

Approve May 29, 2020 Special Meeting Minutes, June 1, 2020 Special Meeting Minutes, June 2, 2020 Meeting Minutes, June 2, 2020 Special Meeting Minutes and June 16, 2020 Special Meeting Minutes as presented.

## BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

None for this action.

## ATTACHMENTS:

- Attachment #1 - May 29, 2020 Special Meeting Minutes
- Attachment #2 - June 1, 2020 Special Meeting Minutes
- Attachment #3 - June 2, 2020 Meeting Minutes
- Attachment #4 - June 2, 2020 Special Meeting Minutes
- Attachment #5 - June 16, 2020 Special Meeting Minutes

**CITY COUNCIL SPECIAL MEETING**  
**Friday, May 29, 2020**  
**10:30 AM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 10:30 a.m.

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**PUBLIC APPEARANCES**

None

**ORDERS OF BUSINESS**

**Item 1:** Downtown Outdoor Seating and Carmel Beach Update

Council Member Reimers recused herself from the Downtown Outdoor Seating item because a restaurant resides on property her family owns near the location in question.

The City Administrator provided an update regarding Downtown Outdoor Seating.

Discussion among the City Council and staff included discussion of the size requirements of the sidewalk due to concerns with tables on the sidewalk and pedestrians walking past the tables while maintaining social distancing, discussion of what worked and what didn't work with the program, and discussion of the sale and consumption of alcohol. Additional discussion took place regarding trash and restroom facilities and the number of parking spots each restaurant may utilize for outdoor seating.

The following members of the public spoke:

Ken Spilfogel  
Parker Logan  
Jan Reimers  
Kim Stemler  
Sabrine Rodems  
Suzanne Gravelle  
Dale Byrne  
Jeannie McCullough  
Neal Kruse  
Karen Ferlito  
Stephen  
Ken White  
Lynette Zimmerman  
Rich Pepe  
Sheree Smith  
Judy Refuerzo

**Item 1 Continued...**

The following members of the public spoke:

Mary Crowe  
John Plastini  
Anthony Carnazzo  
Colleen Panzuto

Additional discussion among the City Council and staff included discussion of staff continuing to oversee the permit process with current guidelines, ensuring restaurants are doing business responsibly, and expecting restaurants to police themselves and their customers. The City council reminded the community this is temporary - until December or until full service returns without protocols/restrictions in place - as a way to stimulate business in the Village. The City Council discussed their concerns with sidewalks being used and not being able to walk on Ocean Avenue, community safety, and the City's liability. It was the consensus of the City Council that another discussion of this issue take place in June.

Council Member Reimers rejoined the meeting at this time.

The City Administrator provided the update regarding Carmel Beach and stated the parking restrictions will be continued through June 15, 2020.

Discussion among the City Council and staff included discussion of what can be done to deal with the issue of people coming to the beach, the timeframe chosen to reopen parking and the penalty for vandalism if the individuals can be identified.

The following members of the public spoke:

Karen Ferlito  
Parker Logan  
Jeannie McCullough  
Caroline Stepovich

Additional discussion among the City Council and staff included discussion of actions being taken by other cities, determining if Monterey County has resources to provide and additional discussion of safety and protection of those who live here. The City Council thanked the community for their willingness to come together to discuss tough issues.

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 12:39 p.m.

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Britt Avrit, MMC  
City Clerk

**CITY COUNCIL SPECIAL MEETING**  
**Monday, June 1, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Potter

Absent: Mayor Pro Tem Richards

**PUBLIC APPEARANCES**

None

**ORDERS OF BUSINESS**

**Item 1:** Receive a presentation on the rates charged by the City's franchised hauler, GreenWaste Recovery, for the collection of solid waste, recycling and organics, effective July 1, 2020, and continue the item until the June 2, 2020 City Council Meeting

Mayor Pro Tem Richards arrived at the meeting at this time.

The Environmental Compliance Manager and representatives from HF&H Consultants provided the presentation for this item.

Discussion among the City Council and staff included discussion of the option to have waste pickup every other week as opposed to every week, the number of drivers in the various trucks, and clarification of the CPI increase for the past few years. Additionally discussion took place regarding services being provided even though those services were not included in the franchise agreement

Verbal report, no formal action needed.

The City Council adjourned to Closed Session at 5:30 p.m.

**CLOSED SESSION**

**Item A:** Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (two cases)

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Britt Avrit, MMC  
City Clerk

**CITY COUNCIL REGULAR MEETING**  
**Tuesday, June 2, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**EXTRAORDINARY BUSINESS**

**Item A:** Proclamation recognizing June 2020 as LGBTQ Pride Month.

**PUBLIC APPEARANCES**

The following members of the public spoke:

Janine Chicourrat  
Karen Ferlito  
Ryan Heron  
Rob O'Keefe  
Mike Brown

**ANNOUNCEMENTS**

**Item A:** City Administrator Announcements

The City Administrator discussed banners similar to Monterey County Convention and Visitors Bureau in the Village; reiterated Chief Tomasi's statements regarding the Black Lives Matter movement and stated the Village supports the peaceful protests taking place across the nation; discussed potential gathering in Devendorf Park on Saturday.

**Item B:** City Attorney Announcements/ Closed Session Oral Report in accordance with GC § 54957.1(a)

The City Attorney stated the City Council met in Closed Session on June 1, 2020 and discussed the matters listed on the agenda, there is no reportable action.

**Item C:** Councilmember Announcements

Council Member Reimers discussed a program being offered to the public to sponsor a mutt mitt location or cosponsor a mutt mitt container in order to keep these units available in the Village.

Mayor Pro Tem Richards thanked Rob O'Keefe for all he is doing for being "Covid ready" and acknowledged Janine Chicourrat's hard work in the industry.

## **CONSENT AGENDA**

Council Member Reimers recused herself from Item 4 because her family owns rental property.

Mayor Pro Tem Richards recused himself from Item 4 because he owns two rental units in the downtown area.

Council Member Baron discussed Item No's. 2 and 5; thanked staff for the work done to update the Forester's Report and thanked staff for remedying the Village's omission from the bike route.

Council Member Reimers discussed the work done by staff in dealing with short term rentals.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved the Consent Calendar with the exception of Item No. 4, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved Consent Calendar Item No. 4, by the following roll call vote:

AYES: BARON, THEIS, POTTER  
NOES: NONE  
ABSENT: NONE  
RECUSED: REIMERS, RICHARDS

**Item 1:** Approve May 4, 2020 Special Meeting Minutes, May 5, 2020 Meeting Minutes and May 12, 2020 Special Meeting Minutes as presented.

**Item 2:** Review monthly reports for April: 1.) City Administrator Contract Log; 2.) Community Planning and Building Department Reports; 3.) Police, Fire, and Ambulance Reports; 4.) Public Records Act Requests, and 5.) Public Works Department Report

**Item 3:** April 2020 Check Register Summary

**Item 4:** Ordinance 2020-002 temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic.

**Item 5:** Resolution 2020-031 supporting the designation of US Bike Route 95 through Carmel by the American Association of State Highway and Transportation Officials

**Item 6:** Resolution 2020-032, rejecting all bids received for the Police Building Renovation Project and directing staff to defer the project into the 5-Year Capital Improvement Plan

**Item 7:** Resolution 2020-033, calling for the holding of a Municipal Election to be held on Tuesday, November 3, 2020, requesting the County Elections Department to conduct the Election, requesting consolidation of the Election, and providing for a procedure for determining a tie vote for the November 3, 2020 City of Carmel-by-the-Sea Municipal Election.

## **ORDERS OF BUSINESS**

**Item 8:** Resolution 2020-034 authorizing the Mayor to execute a third amendment to the City Administrator At-Will Employment Agreement effective June 1, 2020

The City Attorney provided the staff report for this item.

The following members of the public spoke:  
Ryan Heron

Discussion among the City Council and staff included clarification of the reduction to the City Administrator's benefits and compensation. The City Council thanked the City Administrator for his willingness to take a reduction, thanked him for all he does and thanked him for setting the example for staff.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council adopted Resolution 2020-034 authorizing the Mayor to execute a third amendment to the City Administrator At-Will Employment Agreement effective June 1, 2020, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 9:** Resolution 2020-035 approving the rates charged by the City's franchised hauler, GreenWaste Recovery, for the collection of solid waste, recycling and organics, including special services, effective July 1, 2020

The Environmental Compliance Manager provided the staff report for this item.

Council Member Baron requested clarification regarding the use of the remittance that is provided to the City from GreenWaste as part of the Franchise Agreement.

Mayor Pro Tem requested clarification regarding the impact on the rates as it relates to the weight of the refuse from the Village.

The following members of the public spoke:  
Mike Brown  
David Fink



**Item 9 Continued...**

Discussion among the City Council and staff included discussion of the supplemental services being provided, options for the Council to consider and a discussion of the history of the Franchise Agreement. Discussion also took place regarding going out for bid for these services and the length and terms of the current agreement. The City Council and staff discussed the cost analysis completed for the proposed fees as well as the customized service times for the Village and the number of workers on each truck needed to complete the services within the requested time frame each day. Discussion was had regarding the negotiations that took place for the revised agreement.

On a motion by Council Member Theis and seconded by Mayor Potter, the City Council adopted Resolution 2020-035 approving the rates charged by the City's franchised hauler, GreenWaste Recovery, for the collection of solid waste, recycling and organics, including special services, effective July 1, 2020, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 10:** Resolution 2020-036, authorizing the City Administrator to give notice of termination of the existing Agreement for fire services with the City of Monterey and pursue a new agreement for fire services through a competitive bidding process

The City Administrator provided the staff report for this item.

Discussion among the City Council and staff included discussion of the Council's desire not to compromise the safety of the residents to save money and the Council expressed their appreciation for all the City of Monterey has done for providing fires services to the Village.

On a motion by Council Member Baron and seconded by Council Member Reimers, the City Council adopted Resolution 2020-036, authorizing the City Administrator to give notice of termination of the existing Agreement for fire services with the City of Monterey and pursue a new agreement for fire services through a competitive bidding process, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 11:** Consideration of an Urgency Ordinance waiving the provision of Section 1318 of Ordinance No. 122 C.S. to adopt an annual resolution setting the value of improved off-street parking facilities

The Acting Community Planning & Building Director provided the staff report for this item.

**Item 11 Continued...**

Discussion among the City Council and staff included discussion of the existing fee and its relation to the high cost of building in the area, the length of time the Ordinance will be in effect, retooling the formula, and discussion of whether a parking structure is still appropriate for the Village. Additionally, the Council requested the City Attorney determine if the funds collected for the parking in-lieu fees can be used for anything other than a parking structure. The Council also discussed concerns with people choosing not to develop in the Village because the fee could be cost prohibitive.

On a motion by Council Member Reimers and seconded by Mayor Potter, the City Council requested reading of the title of Ordinance 2020-003, waived further reading, and adopted Ordinance 2020-003, an Urgency Ordinance waiving the provision of Section 1318 of Ordinance No. 122 C.S. to adopt an annual resolution setting the value of improved off-street parking facilities, by the following roll call vote:

AYES: REIMERS, THEIS, RICHARDS, POTTER  
NOES: BARON  
ABSENT: NONE  
ABSTAIN: NONE

**Item 12:** Verbal report on Coronavirus ("COVID-19") issues

The City Administrator provided the report for this item.

The following members of the public spoke:  
Karen Ferlito

Discussion among the City Council and staff included Council's appreciation of the efforts made by staff to keep the Village safe and discussion of the need for people to wear masks. Discussion also took place on the messaging businesses can use for the public as it relates to requiring masks to be worn.

Verbal report, no formal action needed.

**PUBLIC HEARINGS**

**Item 13:** Resolution 2020-037 adopting the Fiscal Year 2020-2021 Appropriations Limit

The Director of Budgets & Contracts provided the staff report for this item.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council adopted Resolution 2020-037 adopting the Fiscal Year 2020-2021 Appropriations Limit, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 14:** Receive a presentation on the Fiscal Year 2020-2021 Recommended Budget and provide direction to staff

The Director of Budgets & Contracts provided the presentation for this item.

Discussion among the City Council and staff included discussion of the Council's concerns with use of funds for Sunset Center if the facility will remain closed and discussion of the impact to the Library's budget. The City Council complimented staff on their hard work to reduce the budget. Discussion took place regarding potential reductions in the future, use of fund balance and reserves and the use of outside contractors. The City Council discussed Sunset Center fundraising, the future of the Library and the desire to save as many positions as possible.

Verbal report, no formal action needed.

**FUTURE AGENDA ITEMS**

Council Member Baron requested an item regarding the process for reopening the City be placed on an agenda in the future.

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 7:50 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

**CITY COUNCIL SPECIAL MEETING**  
**Tuesday, June 2, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

This meeting was called to order at 7:43 p.m.

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**ORDERS OF BUSINESS**

**Item 1:** Adopt Resolution 2020-038, revising insurance requirements for Encroachment Permits pursuant to Section 12.08.110 of the Municipal Code

The City Attorney provided the staff report for this item.

Council Member Barons requested clarification regarding the current insurance requirements.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2020-038, revising insurance requirements for Encroachment Permits pursuant to Section 12.08.110 of the Municipal Code, by the following roll call vote:

AYES: BARON, REIMERS THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 7:50 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

**CITY COUNCIL SPECIAL MEETING**  
**Tuesday, June 16, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**PUBLIC APPEARANCES**

None

**CONSENT AGENDA**

Council Member Reimers requested Item No. 1 be removed for discussion.

Council Member Reimers discussed her concerns with the Program.

Discussion took place regarding the requirements of the State as it relates to housing, the need to move forward, and the impact to the General Plan.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council approved the Consent Calendar, by the following roll call vote:

AYES:           BARON, THEIS, RICHARDS, POTTER  
NOES:           REIMERS  
ABSENT:        NONE  
ABSTAIN:       NONE

**Item 1:** Adopt Resolution 2020-039, authorizing application for, and receipt of, State of California Local Early Action Program (LEAP) Planning Grant Program funds.

**ORDERS OF BUSINESS**

**Item 2:** Outdoor Seating in the Public Way

Council Member Reimers recused herself because her family owns property that has a restaurant leased to it.

The City Administrator and the Acting Community Planning & Building Director provided the staff report for this item.

**Item 2 continued...**

The following members of the public spoke:

Sue McCloud  
Shane  
Jan Reimers  
Kim Stemler  
Gaston Georis  
Parker Logan  
David Fink  
Porta Bella Restaurant  
Sabrine Rodems  
Lynette Zimmerman  
Karen Ferlito  
Dale Byrne  
Rich Pepe  
Todd Tice  
Anthony Carnazo  
Ken Spilfogel  
Jeff Greenberg  
Dametra Cafe  
Sue McCloud  
Colleen  
Mary Crowe  
Scott Caricholli

The City Administrator stated the purpose of this item is to provide direction moving forward and stated all decisions have been made under the City Administrator's authority. Discussion among the City Council and staff took place regarding the applicability to restaurants within hotels, discussion of sidewalk and street cleaning, and the impact to wine tasting rooms. The City Council stated this is temporary until restaurants can open without restrictions and discussed the impact to the "charm of the Village over the last few weeks. The current program provides the City the opportunity to vet ideas and find solutions to problems. Discussion took place regarding the requirement for businesses to be up-to-date with their tax payments in order to receive a permit for outdoor seating as well as the requirement for the outside areas to provide a safe barrier to patrons. Suggestions from the Council were provided to staff regarding needing the Police Chief's review for safety, the need for substantial barriers, use of the sidewalk, location of tables and chairs within parking stalls, number of seats per parking stall, serving of alcohol, umbrellas, propane heaters, table cloths and remaining true to Carmel's style. Additional direction and discussion took place regarding not providing alcohol in to-go cups, how the program impacts wine tasting rooms and bars, ADA restrictions, smoking in the Village and keeping the outside dining areas clean. The Council provided suggestions for messaging to visitors regarding the importance of wearing masks. Staff discussed the importance of restaurants taking pride in the outdoor seating areas and stated more discussion will be needed, to include the Planning Commission, to determine what the program looks like after the end of the calendar year. It was the consensus of the Council to further discuss the item in July.

Council Member Reimers returned to the meeting at this time

**Item 3:** Resolution 2020-040 adopting the Fiscal Year 2020-2021 Operating Budget

The Director of Budgets & Contracts provided the staff report for this item.

The City Council requested clarification regarding the response from the unions on being willing to take cuts.

The following members of the public spoke:

Sue McCloud  
David Fink

Discussion among the City Council and staff included discussion of the Fort Ord Reuse Authority (FORA) funds listed in the proposed budget document and forecasting Transient Occupancy Taxes. Concerns with funding related to State SB2 Affordable Housing Reimbursable Grant and funding for Sunset Cultural Center were discussed. Christine Sandin, the Executive & Artistic Director for the Sunset Cultural Center (SCC) provided information regarding funding for the SCC.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council adopted Resolution 2020-040 adopting the Fiscal Year 2020-2021 Operating Budget, approving all expenditures listed in the budget except for expenditure of \$577,500 for the Sunset Cultural Center (SCC) and \$160,000 for State SB2 Affordable Housing Reimbursable Grant, by the following roll call vote:

AYES: BARON, REIMERS, THEIS; RICHARDS; POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council adopted Resolution 2020-040 adopting the Fiscal Year 2020-2021 Operating Budget, approving expenditure of \$577,500 for the Sunset Cultural Center (SCC), by the following vote:

AYES: REIMERS, THEIS; RICHARDS; POTTER  
NOES: BARON  
ABSENT: NONE  
ABSTAIN: NONE

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2020-040 adopting the Fiscal Year 2020-2021 Operating Budget, approving expenditure of \$160,000 for State SB2 Affordable Housing Reimbursable Grant, by the following vote:

AYES: BARON, THEIS; RICHARDS; POTTER  
NOES: REIMERS  
ABSENT: NONE  
ABSTAIN: NONE

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 7:59 p.m.

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Britt Avrit, MMC  
City Clerk





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Monthly Reports for May: 1.) City Administrator Contract Log; 2.) Community Planning and Building Department Reports; 3.) Police, Fire, and Ambulance Reports; 4.) Public Records Act Requests, and 5.) Public Works Department Report

## RECOMMENDATION:

Review and receive monthly reports.

## BACKGROUND/SUMMARY:

This is a monthly series of reports.

Based upon Council direction provided during the April 7, 2020 meeting, staff have added a new section to the monthly staff report regarding the home mail delivery program. Listed below is a summary of the number of addresses receiving City-funded mail delivery services through the contract courier service.

Peninsula Messenger Service update: the month of May had an increase of 9 residents who requested mail delivery service. The invoice submitted by Peninsula Messenger Service shows 176 residents received the service as of May 31, 2020. The increase is believed to be related to the Shelter In Place Order as a result of the Covid-19 Pandemic.

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

Monthly approvals.

## ATTACHMENTS:

Attachment #1 - City Administrator Contract Log  
Attachment #2 - Community Planning & Building Report

Attachment #3 - Police, Fire & Ambulance Report  
Attachment #4 - Public Records Act Request Logs  
Attachment #5 - Public Works and Forester's Report

## City Administrator Contract Log

Nothing to report for May, 2020



# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

May 2020

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Acting Community Planning & Building Director
SUBMITTED ON:	June 23, 2020
APPROVED BY:	Chip Rerig, City Administrator

### MAY 2020 – DEPARTMENT ACTIVITY REPORT

#### I. PLANNING APPLICATIONS:

In May of 2020, **12** planning permit applications were received.

#### II. BUILDING PERMIT APPLICATIONS:

In May of 2020, **41** Building Permit applications were received.

#### III. CODE COMPLIANCE CASES:

In May of 2020, **3** new code compliance cases were initialized.

#### IV. ENCROACHMENT APPLICATIONS:

In May of 2020, **47** encroachment permit applications were received.

#### V. YEAR-TO-DATE TRENDS

Table 1 includes the May 2020 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to May 2019 totals. As shown in the table, in 2020 there was a **47% decrease** in planning permit applications, a **28% decrease** in building permit applications, **43% decrease** in code compliance cases, and a **43% increase** in encroachment permit applications compared to the same period 2019.

Table 1. Permit Application Totals

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>	<u>Encroachments</u>
2019 Totals	219	279	169	95
2020 Totals	115	202	96	136
% Difference	-47%	-28%	-43%	43%



# Planning Permit Report

05/01/2020 - 05/31/2020

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
20114	Design Study	Track 2 Design Study for a substantial addition.	9th Avenue, 2 NE of Lincoln Street	5/28/2020		In Review
20113	Design Study	This approval authorizes the removal of a bookshelf pop-out in the exterior wall of the south elevation and its replacement with a new window on the south elevation immediately to the west of the chimney where the original historic plans depict a window used to be. The new window will be wood unclad and will be 4' x 4', matching the dimensions and style of the original window in this location. Plans for this project are available for review at the City's website under Departments--> Planning Division--> Current Planning Applications, scroll down to "Staff Level Reviews and Approvals." The link for this page is the following: <a href="https://ci.carmel.ca.us/post/current-planning-applications">https://ci.carmel.ca.us/post/current-planning-applications</a>	Camino Real, 4 SW of 13th Avenue	5/20/2020	6/9/2020	Approved
20112	Design Study	This Notice of Approval has been re-issued because the scope has been revised to add one additional gable window. The revised scope of work includes: The installation of a total of seven new high windows located at four separate roof gables. Two high windows will be installed at both gables on the south side elevation facing 11th Avenue, two high windows will be installed at the north interior side gable and one high gable window will be installed on the second north-facing side gable. Plans for this project are available for review at the City's website under Departments-->Planning Division-->Current Planning Applications, and then scroll down to "Staff Level Reviews and Approvals." The link for this page is the following: <a href="https://ci.carmel.ca.us/post/current-planning-applications">https://ci.carmel.ca.us/post/current-planning-applications</a>	NWC San Carlos & 11th	5/26/2020	6/15/2020	Approved
20111	Sign	Sign. 33 North	Mission, 2 NE of 5th, Unit 1	5/22/2020	6/3/2020	Approved
20110	Design Study	Revise previously approved design permit DS 18-313, Convert existing carport roof to walking deck with railings. Modify site coverage (no net increase to existing).	8th Avenue, 2 SE Monte Verde	5/19/2020		In Review

20109	Variance	Variance to allow for uncovered parking pad in front setback	N Camino Real, 4 SW of 2nds	5/19/2020		In Review
20108	Historic Evaluation	Phase 1 Historic report amendment for the smaller building on site (referred to as the community building), that the said smaller building does not constitute a historic resource.	SEC Dolores & 7th	5/18/2020		In Review
20107	Design Review	Track 1 Major - Interior remodel of main Golden Bough auditorium & lobby, restrooms and public areas. Accessibility upgrades throughout, including interior pathways and exterior exit ramps, auditorium, and lobby, restrooms and public areas.	Monte Verde, 4 SW of 8th Avenue	5/18/2020		In Review
20106	Design Study	Design Study: Track 1 major: Add 160 sq ft remodel 300 sq ft. omit retaining wall, new retaining wall, new siding, doors and windows, new roofing. No tree removal, no new water. 14 yards export @ omitted wall.	Santa Rita, 4 NE of 6th	5/18/2020		Corrections Required
20105	Business License	This business license BL 20-105 (33 North Development Group) authorizes use of a 900 square foot commercial space offering the following goods and services. a. Primary Use: This use is classified as a real estate investment & development firm (NAICS 561110): b. Ancillary Use: The Ancillary Use shall be classified as a N/A. Other goods or services not directly related to the authorizations listed in conditions #1 (a & b) are prohibited.	Mission Street, 2 NE of 5th, Unit #1	5/4/2020	6/2/2020	Approved
20097	Design Study	Add 130 sq. ft to lower existing 275 sq ft apartment and 150 sq ft to existing (827 sq ft) main house on upper floor. New foundations, framing and roof construction, electrical will comply with current 2016 building codes and be designed by engineers.	SWC Dolores & 3rd	4/15/2020		In Review
20093	Design Review	Complete construction of a new accessible restroom located within mission quadrangle. the foundation (concrete slab) was already installed a few years back along with infrastructure during the Quadrangle Renovation project. Refer to DR 14-38.	3080 Rio Road	4/3/2020		In Review

Total Records: 12

6/19/2020



# Building Permit Report

05/01/2020 - 05/31/2020

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
200203	5/29/2020		Residential. Re-roof project - remove existing wood shakes and replace with new wood shakes	35,000	Building	NW Corner Camino Real & 10th
200202	5/29/2020		Residential. Install gas line for future barbecue within 10' of gas meter. Install tee on existing gas line with shutoff valve and quick disconnect for barbecue. Contact: A & R Plumbing (831) 394-7221	950	Plumbing	SW Corner Casanova & 10th
200201	5/28/2020		Residential. Convert (e) carport into 1 car garage. Remodel attached utility room and add toilet. Add 15 sf storage closet.	35,000	Building	San Carlos 2 NW of 2nd
200200	5/28/2020		Residential. Construct new 268 SF ADU over an (e) 325.5 SF garage. Construct new wood exterior stairs up to ADU.	85,000	Building	San Carlos 2 SW of 2nd
200199	5/28/2020		Residential. Dry rot repair to existing deck. Not exceeding 25% of the deck dimensions. Removing framing members and replacing with pressure treated doug fir. No reduction or increasing the square feet of the deck.	2,500	Building	Monte Verde 2 SW 10th Street
200198	5/27/2020	5/27/2020	Commercial. Replace approx 60' of 5" cast iron pipe and fittings due to existing pipe cracking and leaking. Contact: A & R Plumbing (831) 394-7221	4,000	Plumbing	SE Corner San Carlos & 6th
200197	5/27/2020	5/27/2020	Residential. Replace leaking water heater with new 40 gallon Bradford White water heater. Contact: A & R plumbing (831) 394-7221	7,500	Plumbing	Torres 2 SE of 10th
200196	5/27/2020	5/27/2020	Residential. Replace (e) water heater with (n) Navien NPE 240A tankless water heater. Run new 1 1/4" gas line from meter to water heater approx 95". Contact: A & R Plumbing (831) 394-7221	7,500	Plumbing	8th 2 SW of San Antonio
200195	5/27/2020		Residential. Plumbing additions and modifications associated with EP 20-194.	8,000	Plumbing	SE Corner Guadalupe & 2nd
200194	5/27/2020		Residential. In an (e) bathroom: install a new fan, two new GFI outlets, replace existing toilets with low flow, new shower, and relocate new stackable high-efficiency washer/dryer.	8,000	Electrical	SE Corner Guadalupe & 2nd

200193	5/26/2020	5/26/2020	Commercial. Remove tiles and salvage for re-installation after new underlayment (Malarkey UDL) has been installed. Flat roof portion: install a 50 mil single-ply Tan DuroLast over one layer of F-R 10 fire rated sheet and 1/2" insulation to make a class A fire rated roof. Contact: Scudder Roofing (831) 384-1500	40,915	Roofing	NE Corner Dolores & 7th
200192	5/26/2020	5/26/2020	Residential. Tear off (e) damaged wood shake roof and install with new presidential TL composition shingles over one layer of 30lb felt. At turret section of roof we will install 16 oz copper all around over high temperature underlayment. Contact: Scudder Roofing (831) 384-1500	51,722	Roofing	Lincoln 3 SE of 1st
200191	5/18/2020	5/28/2020	Residential. Plumbing additions and modifications associated with BP 20-190.	0	Plumbing	Santa Rita 3 NE 6th
200190	5/18/2020	5/28/2020	Residential. Addition of one vanity sink and one toilet to upstairs. Addition of non-load bearing wall. Contact: Ibarra Construction (831) 578-2599	2,500	Building	Santa Rita 3 NE 6th
200189	5/15/2020		Residential. Installation of 2 electric kilns in existing outdoor courtyard. New electrical wiring associated with installation to be under separate electrical permit by electrician.	500	Electrical	Casanova 2 NE of 12th
200188	5/15/2020	5/15/2020	Commercial. Touch up painting in unit of complex. Contact: John Tarantino (831) 915-9028	0	Exempt Work	SW Corner San Carlos & 7th
200187	5/13/2020	5/13/2020	Residential. Remove and replace the fence on the 3rd ave side of the property. Construct a new wooden fence with a gate. Contact: John Biasotti (415) 720-2581	0	Exempt Work	NE Corner of Lincoln & 3rd
200186	5/13/2020		Residential. Replace (e) rotting deck with same size and height new deck. New decking materials to be Timber Tech.	20,000	Building	8th 2 SE of Torres
200185	5/12/2020		Residential. New 1,922.50 SF single family residence, new 225 SF detached garage	864,400	Building	7 NW of Ocean On Casanova
200184	5/12/2020	5/14/2020	Residential. Replace deteriorated and leaking water service from meter to hose. Approx 30' of new 1" aquapex water line. Contact: A & R plumbing (831) 394-7221	8,500	Plumbing	26025 Ridgewood
200183	5/11/2020	5/13/2020	Residential. Re-Roofing; Tear off and dispose of material, replace all damaged wood and install presidential shake shingles TL in color Charcoal Black. Contact: Diaz Roofing (831) 724-2844	26,000	Building	NE Corner Carmelo & 12th
200182	5/11/2020	5/14/2020	Commercial. Remove/replace wet sheet rock (5x5) from toilet overflow. Contact: John Tarantino (831) 915-9028	1,000	Building	SW Corner San Carlos & 7th



200181	5/11/2020		Residential. Convert (e) garage into (n) A.D.U.	25,000	Building	Sterling Way 2 SE of Perry Newberry
200180	5/8/2020		Residential. Plumbing additions and modifications associated with BP 20-178.	16,000	Plumbing	NW Corner Lobos & 2nd
200179	5/8/2020		Residential. Electrical additions and modifications associated with BP 20-178.	16,000	Electrical	NW Corner Lobos & 2nd
200178	5/8/2020	5/26/2020	Residential. Two bathroom remodel. Bathroom #1 replacement of tile floor, walls tub, shower, sink and ceiling fan. Bathroom #2 replacement of tile floor, walls, shower, sink and ceiling fan. Contact: Dave Potter (831) 915-3696	16,000	Building	NW Corner Lobos & 2nd
200177	5/7/2020	5/7/2020	Residential. Replace leaking water heater. Install 50 gallon Bradford White water heater. Contact: A & R Plumbing (831) 394-7221	2,000	Plumbing	Carmelo 2 SW of 10th
200176	5/7/2020	5/8/2020	Residential. Emergency replacement of all waste lines under house for master bath, laundry, kitchen, half bath with new ABS pipe and fittings. Contact: Precision Plumbing (831) 261-4009	6,500	Plumbing	1st 2 SE of Lobos
200175	5/7/2020	5/7/2020	Residential. Re-roof, no structural changes, remove tar and gravel roof and replace with Tri Lam shingles. New gutters and downspouts. Contact: Earl Deal Roofing (831) 210-3924	15,000	Roofing	Torres 3 NW of 2nd
200174	5/6/2020	5/28/2020	Commercial. Re-routing of electrical conduit. Contact: Excel Electric (831) 901-0990	1,600	Electrical	Ocean 2 NE of San Carlos
200173	5/6/2020	5/6/2020	Residential. Tear off (e) wood shake roof and tar and gravel section. Replace with 50 year Malarkey Legacy shingle in Natural Wood Color and torch down roof in Natural Wood color. Contact: Lord Roofing (831) 917-7289	16,000	Roofing	NE Corner Ocean & Camino Real
200172	5/6/2020		Residential. Install 11/13 KW Generac generator.	10,000	Mechanical	San Antonio 3 SW of 13th
200171	5/6/2020		Residential. Restore rooftop deck with railing.	7,800	Building	San Antonio 2 SE of 12th
200170	5/6/2020	5/6/2020	Residential. Roof maintenance and shingle repair. Replace (e) ridge with new 10 inch rapid ridge. Install 5 O'Hagin attic vents, seal pipe flashing where needed, seal chimney counter flashing. Contact: Lord Roofing (831) 917-7289	1,500	Roofing	Junipero 5 NE of 8th
200169	5/5/2020	5/6/2020	Residential. Remove (e) torch down roof. Install modified base sheet for underlayment and granulated torch down. Contact: Earl Deal Roofing (831) 210-3924	8,000	Building	Santa Fe 5 SW of 1st

200168	5/5/2020	5/5/2020	Residential. Remove existing rotted retaining wall which is 3' tall. Excavate soil roughly 5' for placement of new retaining wall not be higher than 4'. Contact: Yuan Yuan Ding (831) 887-8593	0	Exempt Work	Junipero 4 NW of 10th
200167	5/4/2020		Plumbing additions and modifications associated with BP 20-164.	0	Plumbing	Mission 3 SE of 11th
200166	5/4/2020		Mechanical additions and modifications associated with BP 20-164.	0	Mechanical	Mission 3 SE of 11th
200165	5/4/2020		Electrical additions and modifications associated with BP 20-164.	0	Electrical	Mission 3 SE of 11th
200164	5/4/2020		Conversion of an (e) attached car port into an enclosed single car garage. Remove an existing wall furnace and install a new 95% high efficiency central forced air gas furnace. Update hall bathroom plumbing, fixture count to remain unchanged	20,000	Building	Mission 3 SE of 11th
200163	5/4/2020	5/5/2020	Upgrade electrical panel from 100 amp to 200 amp. Contact: Russo Electric (831) 277-3562	2,500	Electrical	Junipero 5 NE of 8th

Total Records: 41

6/19/2020



# Code Compliance Report

05/01/2020 - 05/31/2020

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
20100	Building Violation	Open	Camino Real 4 SW of 13th	Construction without permit	4/26/2020	
20099	Storm Water Violation	Closed	E Monte Verde and 4th	Powerwashing runoff into street	5/4/2020	5/4/2020
20098	Right of way Violation	Open	Palou 3 NW of Casanova	Portable toilet in ROW	5/4/2020	

Total Records: 3

6/19/2020



# Encroachment Permit Report

05/01/2020 - 05/31/2020

Permit Type	Permit Identifier	Date Submitted	Project Description	Property Location	Date Issued	Status
Temp Ench	TEMP EN 20-136 (Pangaea)	5/28/2020	Outdoor Seating in the Public Way	Ocean 5 NE of Lincoln	5/29/2020	Approved
Temp Ench	TEMP EN 20-135 (Patisserie Boisseire)	5/27/2020	Outdoor Seating in the Public Way	E/S Mission btwn Ocean & 7th	5/29/2020	Approved
Temp Ench	TEMP EN 20-134 (PG&E - Santa Fe & 4th)	5/29/2020	PG&E to excavate 5'x5' bellhole to replace copper service # PM 35157932. Contact: PG&E (831) 713-6019	0 Santa Fe		Approved
Temp Ench	TEMP EN 20-133 (Goold/Bluhm)	5/27/2020	Cut into brick and dig 5' deep for plumbers to work on line. Backfill and replace brick. New christy box will be installed. 811# W014800474. Contact: Inca Landscaping (831) 320-4420	SE Corner San Carlos & 6th	5/27/2020	In Review
Driveway	DV 20-132 (Vignieri/Greening)	5/27/2020	Replace existing concrete and stone driveway with Calstone Antiqued Flatstone pavers and polymeric sand from garage to within 3' of city berm. Repair cracks in existing asphalt at street apron. Replace failing channel drain at garage with new channel drain. All materials to be staged on owner property. Contact: Black Diamond Paver Stones and Landscape (831) 206-8795	1st 2 SE of Lobos	6/2/2020	Approved
Driveway	DV 20-131 (Wolff)	5/27/2020	Remove (e) asphalt driveway, remove 6 inches of old base soil, install 6 inches of new base soil, install pavers with a border in cement 10'x17' with a 3' asphalt apron.	Guadalupe 4 NW of 2nd	6/11/2020	Approved
Temp Ench	TEMP EN 20-130 (Vesuvio)	5/26/2020	Outdoor Seating in the Public Way	NWC Junipero & 6th	5/29/2020	Approved
Temp Ench	TEMP EN 20-129 (Little Napoli)	5/26/2020	Outdoor Seating in the Public Way	S/S Ocean btwn Lincoln & Dolores		In Review
Temp Ench	TEMP EN 20-128 (Carmel Bakery)	5/26/2020	Outdoor Seating in the Public Way	S/S Ocean btwn Lincoln & Dolores		In Review

Temp Ench	TEMP EN 20-127 (Stationaery)	5/25/2020	Outdoor Seating in the Public Way			Approved
Temp Ench	TEMP EN 20-126 (Rise & Roam)	5/22/2020	Outdoor Seating in the Public Way	NEC of 7th & Mission		In Review
Temp Ench	TEMP EN 20-125 (Mission Bistro)	5/22/2020	Outdoor Seating in the Public Way	Mission Street		Approved
Temp Ench	TEMP EN 20-124 (Mulligans)	5/23/2020	Outdoor Seating in the Public Way	Dolores		In Review
Temp Ench	TEMP EN 20-123 (Yafa)	5/22/2020	Outdoor Seating in the Public Way	NWC Junipero & 5th		Approved
Temp Ench	TEMP EN 20-122 (Carmel Cafe)	5/22/2020	Outdoor Seating in the Public Way	Ocean Ave		In Review
Temp Ench	TEMP EN 20-121 (7D)	5/22/2020	Outdoor Seating in the Public Way	SEC 7th & Dolores		In Review
Temp Ench	TEMP EN 20-120 (The Pocket)	5/21/2020	Outdoor Seating in the Public Way	Lincoln		In Review
Temp Ench	TEMP EN 20-119 (Dametra Cafe)	5/23/2020	Outdoor Seating in the Public Way	Ocean Ave	5/23/2020	Approved
Temp Ench	TEMP EN 20-118 (Tuck Box)	5/23/2020	Outdoor Seating in the Public Way	Dolores		In Review
Temp Ench	TEMP EN 20-117 (Treehouse Cafe)	5/23/2020	Outdoor Seating in the Public Way	San Carlos btwn 7th & 8th	5/26/2020	Approved
Temp Ench	TEMP EN 20-116 (Carmel Belle)	5/23/2020	Outdoor Seating in the Public Way	W/S San Carlos btwn Ocean & 7th	5/23/2020	Approved
Temp Ench	TEMP EN 20-115 (Basil)	5/21/2020	Outdoor Seating in the Public Way	San Carlos btwn Ocean & 7th	5/23/2020	In Review
Temp Ench	TEMP EN 20-114 (Il Tegamino)	5/20/2020	Outdoor Seating in the Public Way	S/S Ocean btwn Lincoln & Monte Verde	5/20/2020	Approved
Temp Ench	TEMP EN 20-113 (Enzo)	5/23/2020	Outdoor Seating in the Public Way	San Carlos btwn Ocean & 7th	5/23/2020	Approved
Temp Ench	TEMP EN 20-112 (Nielsens)	5/22/2020	Outdoor Seating in the Public Way	NEC San Carlos & 7th	5/23/2020	Approved

Temp Ench	TEMP EN 20-111 (The Forge)	5/22/2020	Outdoor Seating in the Public Way	SWC Junipero & 5th	5/23/2020	Approved
Temp Ench	TEMP EN 20-110 (Village Corner)	5/22/2020	Outdoor Seating in the Public Way	NEC 6th & Dolores	5/22/2020	Approved
Temp Ench	TEMP EN 20-109 (Pescadero)	5/22/2020	Outdoor Seating in the Public Way	E/S San Carlos	5/22/2020	Approved
Temp Ench	TEMP EN 20-108 (Flaherty's)	5/22/2020	Outdoor Seating in the Public Way	6th Ave 2 SE of Dolores	5/23/2020	Approved
Temp Ench	TEMP EN 20-107 (Brophys)	5/21/2020	Outdoor Seating in the Public Way	San Carlos & 4th	5/22/2020	Approved
Temp Ench	TEMP EN 20-106 (La Bicyclette)	5/22/2020	Outdoor Seating in the Public Way	NWC Dolores & 7th	5/22/2020	Approved
Temp Ench	TEMP EN 20-105 (Grasings)	5/22/2020	Outdoor Seating in the Public Way	NWC 6th & Mission	5/23/2020	Approved
Temp Ench	TEMP EN 20-104 (OWRF - Storm drain)	5/20/2020	Replacement of broken rain leader pipe. The demo of sidewalk and excavate to remove and replace with new sidewalk. Contact: Level 5 Construction (831) 682-5381	Carmel Plaza	5/27/2020	Approved
Temp Ench	TEMP EN 20-103 (Berris)	5/20/2020	Close San Antonino between 7th and 8th to trench across street for gas line installation. Contact: Carroll and Strong Builders (831) 713-9352	SE Corner San Antonio & 7th	5/20/2020	Approved
Temp Ench	TEMP EN 20-102 (CalAm - Monte Verde & 9th)	5/19/2020	26' x 5' asphalt patch and 4'x4' asphalt patch. 811# X014002616-00X & X014002616-00X. Contact: Coastal Paving and Excavating (831) 809-8991	Monte Verde 30' & 100' N of 9th	5/20/2020	Approved
Temp Ench	TEMP EN 20-101 (Comcast - Junipero)	5/19/2020	Comcast is proposing to access (10) existing joint poles to overlash 1 new fiber optic cable approx 1300 LF to alleviate service disruptions in the area.	Junipero and San Carlos between 10th and 11th, and 11th ave		In Review
Temp Ench	TEMP EN 20-100 (CalAm - Mission & Ocean) PENDING PAYMENT METHOD 5.19.2020 SMM	5/18/2020	Demo & pour 6'x6' concrete patch on sidewalk for CalAm. 811# X010100504	East Corner of Mission & Ocean		In Review
Temp Ench	TEMP EN 20-099 (Sandhu)	5/15/2020	Replace sewer lateral. Contact: Rooter King (831) 394-5315	2nd 2 NE of Guadalupe	5/18/2020	Approved
Temp Ench	TEMP EN 20-098 (Adams)	5/13/2020	Place one 40 cubic yard debris dumpster for materials from interior residential demolition. Dumpster to be	Perry Newberry 2 SW of 4th	5/13/2020	Approved

			placed in street in front of property driveway. Dropoff and pick-up to be completed by Green Waste Recovery. Contact: WCI-GC (510) 772-0859			
Temp Ench	TEMP EN 20-097 (Siegrist)	5/13/2020	Replace sewer lateral. 811# W013400270. Contact: Rooter King (831) 394-5315	San Antonio 4 SE of 13th	5/13/2020	Approved
Temp Ench	TEMP EN 20-096 (Zhang)	5/12/2020	Install new 4" sewer lateral, sewer relief valve, and back water valve.	Junipero 4 NW of 10th		In Review
Temp Ench	TEMP EN 20-095 (PG&E - 2778 Santa Lucia)	5/8/2020	Application for emergency work that has been completed. PG&E excavated 6'x8'x3' bellhole to repair gas leak. PM #35164199. Contact: PG&E (831) 713-6019	2778 Santa Lucia	5/11/2020	Approved
Temp Ench	TEMP EN 20-094 (Cloud) PAYMENT IN PROCESS SMM 5.13.2020	5/8/2020	Replacement of sewer lateral. 811# W012900223-00W. Contact: Rooter King (831) 394-5315	Casanova 2 NW of 10th	5/13/2020	Approved
Temp Ench	TEMP EN 20-093 (Cloud) PAYMENT IN PROCESS SMM 5.13.2020	5/8/2020	Replacement of sewer lateral. 811# W012900233-00W. Contact: Rooter King (831) 394-5315	Santa Fe 3 SE of 2nd	5/13/2020	Approved
Temp Ench	TEMP EN 20-092 (CalAm - Perry Newberry & 5th)	5/5/2020	Emergency leak repair with CalAm and 4'x5' asphalt patch. 811# X012602529-00X. Contact: Coastal Paving and Excavating (831) 809-8991	Perry Newberry 100' N of 5th	5/6/2020	Approved
Temp Ench	TEMP EN 20-091 (PG&E - Casanova & 13th)	5/1/2020	PG&E to install new riser and underground conductors for a new service tie-in. Applicant to trench and backfill all. PM# 35144807. Contact: PG&E (559) 374-1576	SE Corner Casanova & 13th	5/14/2020	In Review
Temp Ench	TEMP EN 20-090 (PG&E - Lincoln & 13th)	5/1/2020	PG&E to replace 270' of OH cables and transformer on existing poles. PG&E to install underground conductors for new service tie in. Applicant to trench and backfill all. PM# 35131773.	SE Corner Lincoln & 13th	5/14/2020	Approved

Total Records: 47

6/19/2020



# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

May 2019

Public Safety

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Paul Tomasi, Public Safety Director
<b>SUBMITTED ON:</b>	June 24, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

### AMBULANCE REPORT

#### Summary of Carmel Fire Ambulance May Calls for Service

#### AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of May 2020 the ambulance was able to meet the performance measure. The response time was 96% with (1) code-3 calls over 5 minutes. Three calls are listed over five minutes, but two are not part of the performance measure. Only one of the three calls over five minutes did not meet the performance measure.

48 Calls for service in CBTS Average response time: 3:00 min.

24 Code 3 calls for service –Three calls over 5:00 min.

200516-CFA00525-5/16/20; 12:21 am (**5:17 min response**); Ridgewood Rd- Early Morning call

*\*There were two additional calls for service with a response time over five minutes. One was downgraded to a Code 2 call and the other was delayed due to nature of call as the paramedics were requested to stage until the scene was secured by police.*

### MONTEREY FIRE REPORT

#### Summary of Monterey Fire May Calls for Service

#### FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of May 2020 the fire department was able to meet the performance measure. The response time was 100% with no code-3 calls over 5 minutes.

55 total calls for service in CBTS Average response time: 3:34 min.

37 total Code-3 calls

### BEACH FIRES

There were 4 illegal beach fires recorded during the month of May and no propane fires.





**RESPONSE SUMMARY REPORT BY DISTRICT**

**27015 CARMEL-BY-THE-SEA FIRE AMBULANCE**

**Alarm Dates: 5/01/2020 to 5/31/2020**



**MEDICAL RESPONSES CARMEL CITY**

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200501-CFA00467	Emergent	5/1/2020	4:20:40 PM	4:23:07 PM	0:02:27	4:55:00 PM	SAN ANTONIO AVE / 8TH AVE
200503-CFA00474	Emergent	5/3/2020	2:03:44 PM	2:05:48 PM	0:02:04	2:44:00 PM	7TH AVE / SAN CARLOS ST
200504-CFA00477	Emergent	5/4/2020	3:37:31 AM	3:37:35 AM	0:00:04	4:32:25 AM	6TH AVE AND MISSION STREET
200504-CFA00478	Emergent	5/4/2020	7:00:18 AM	7:05:25 AM	0:05:07	8:34:44 AM	SCENIC RD / 13TH AVE
200504-CFA00480	Emergent	5/4/2020	3:27:01 PM	3:30:11 PM	0:03:10	3:50:00 PM	LINCOLN ST / 8TH AVE
200506-CFA00488	Emergent	5/6/2020	10:20:12 PM	10:22:15 PM	0:02:03	10:52:00 PM	JUNIPERO AVE / 4TH AVE
200507-CFA00489	Emergent	5/7/2020	12:58:35 AM	1:02:29 AM	0:03:54	2:14:47 AM	4TH AVE / MONTE VERDE ST
200514-CFA00521	Emergent	5/14/2020	8:07:59 PM	8:08:18 PM	0:00:19	8:18:00 PM	5TH AVE / MISSION ST
200516-CFA00525	Emergent	5/16/2020	12:21:05 AM	12:26:22 AM	0:05:17	1:09:38 AM	25981 RIDGEWOOD RD
200516-CFA00528	Emergent	5/16/2020	3:27:07 PM	3:31:24 PM	0:04:17	3:44:29 PM	LINCOLN AND 7TH
200518-CFA00538	Emergent	5/18/2020	8:32:27 PM	8:35:12 PM	0:02:45	9:38:25 PM	TORRES ST / 8TH AVE
200519-CFA00539	Emergent	5/19/2020	2:05:22 AM	2:09:18 AM	0:03:56	3:01:44 AM	GUADALUPE ST / OCEAN AVE
200520-CFA00545	Emergent	5/20/2020	6:06:35 PM	6:10:21 PM	0:03:46	6:42:31 PM	5TH AVE / JUNIPERO AVE
200520-CFA00546	Emergent	5/20/2020	7:53:39 PM	7:56:41 PM	0:03:02	8:33:00 PM	DOLORES ST / 5TH AVE
200521-CFA00552	Emergent Downg	5/21/2020	10:45:00 PM	10:52:00 PM	0:07:00	10:55:00 PM	WEST SIDE MONTEVERDE 2 NO
200522-CFA00553	Emergent	5/22/2020	7:57:25 AM	7:58:22 AM	0:00:57	8:05:00 AM	CAMINO REAL ST / 7TH AVE
200522-CFA00555	Non-Emergent	5/22/2020	2:46:50 PM	2:46:56 PM	0:00:06	3:07:21 PM	6TH AVE / MISSION ST
200522-CFA00556	Emergent	5/22/2020	4:44:15 PM	4:46:03 PM	0:01:48	5:18:00 PM	CAMINO REAL ST / 7TH AVE
200523-CFA00562	Emergent	5/23/2020	2:53:56 PM	2:57:10 PM	0:03:14	3:03:32 PM	SCENIC RD / 8TH AVE
200526-CFA00573	Emergent	5/26/2020	5:38:41 PM	5:41:31 PM	0:02:50	6:33:17 PM	SANTA RITA ST / 2ND AVE
200527-CFA00576	Emergent	5/27/2020	3:24:40 PM	3:29:12 PM	0:04:32	4:07:59 PM	JUNIPERO AVE / 5TH AVE
200528-CFA00580	Emergent	5/28/2020	5:34:01 PM	5:37:14 PM	0:03:13	6:14:42 PM	DOLORES ST / 9TH AVE
200529-CFA00584	Emergent	5/29/2020	5:45:01 PM	5:48:22 PM	0:03:21	6:50:00 PM	CARMELO ST / 9TH AVE
200530-CFA00587	Emergent	5/30/2020	6:26:56 PM	6:29:42 PM	0:02:46	7:35:00 PM	25985 RIDGEWOOD RD

<b>NUMBER OF EMS INCIDENTS</b>	<b>24</b>	<b>AVERAGE RESPONSE</b>	<b>0:03:00</b>
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**FIRE RESPONSES CARMEL CITY**

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200502-CFA00470	Non-Emergent	5/2/2020	1:13:52 PM	1:18:06 PM	0:04:14	1:21:57 PM	MONTE VERDE ST / 9TH AVE
200503-CFA00472	Non-Emergent	5/3/2020	8:06:29 AM	8:12:01 AM	0:05:32	8:41:49 AM	RIO RD / LASUEN DR
200504-CFA00482	Non-Emergent	5/4/2020	10:07:44 PM	10:12:42 PM	0:04:58	10:18:25 PM	SAN CARLOS ST / SANTA LUCIA
200506-CFA00485	Emergent	5/6/2020	7:04:24 AM	7:08:25 AM	0:04:01	7:08:43 AM	MONTE VERDE ST / 8TH AVE
200506-CFA00487	Emergent	5/6/2020	8:31:38 PM	8:33:55 PM	0:02:17	8:39:18 PM	5TH AVE / SAN CARLOS ST
200510-CFA00499	Emergent	5/10/2020	10:01:12 AM	10:04:51 AM	0:03:39	10:05:33 AM	SAN ANTONIO AVE / OCEAN AVE
200511-CFA00504	Emergent	5/11/2020	5:43:42 PM	5:46:54 PM	0:03:12	5:50:00 PM	SAN ANTONIO AVE / OCEAN AVE
200511-CFA00506	Emergent	5/11/2020	7:50:33 PM	7:53:42 PM	0:03:09	7:58:50 PM	LINCOLN ST / 10TH AVE
200513-CFA00513	Emergent	5/13/2020	7:46:26 AM	7:49:09 AM	0:02:43	7:54:16 AM	SAM CARLOS & 10TH
200514-CFA00517	Non-Emergent	5/14/2020	7:18:01 AM	7:22:58 AM	0:04:57	7:37:54 AM	4TH AVE / SANTA FE ST
200514-CFA00518	Emergent	5/14/2020	7:55:29 AM	8:02:00 AM	0:06:31	8:53:19 AM	SAN ANTONIO AVE / 10TH AVE
200515-CFA00524	Emergent	5/15/2020	8:24:38 PM	8:29:40 PM	0:05:02	8:49:56 PM	25981 RIDGEWOOD RD
200516-CFA00529	Non-Emergent	5/16/2020	4:01:25 PM	4:04:14 PM	0:02:49	4:06:00 PM	SAN CARLOS ST / OCEAN AVE
200517-CFA00532	Emergent	5/17/2020	2:38:40 PM	2:41:27 PM	0:02:47	2:46:37 PM	DOLORES ST / 7TH AVE
200521-CFA00549	Emergent	5/21/2020	6:53:02 AM	6:57:08 AM	0:04:06	7:12:26 AM	CAMINO REAL ST / 10TH AVE
200522-CFA00559	Emergent	5/22/2020	8:33:20 PM	8:37:17 PM	0:03:57	8:39:18 PM	CARMELO ST / 7TH AVE
200527-CFA00574	Non-Emergent	5/27/2020	5:56:18 AM	6:02:57 AM	0:06:39	6:08:56 AM	3080 RIO RD

<b>NUMBER OF FIRE INCIDENTS</b>	<b>18</b>	<b>AVERAGE RESPONSE</b>	<b>0:04:15</b>
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<b>TOTAL CARMEL CITY INCIDENTS</b>	<b>48</b>	<b>TOTAL AVERAGE RESPONSE TIME</b>	<b>0:03:29</b>
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**RESPONSES BY DISTRICT**

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
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**CARMEL HIGHLANDS**

INCIDENT							
200505-CFA00484	Emergent	5/5/2020	2:53:57 PM	3:06:00 PM	0:12:03	4:15:16 PM	47 YANKEE POINT DR
200509-CFA00495	Emergent	5/9/2020	9:46:47 AM	9:57:06 AM	0:10:19	11:23:41 AM	149 CARMEL RIVIERA DR
200513-CFA00511	Emergent	5/13/2020	1:32:02 AM	1:49:45 AM	0:17:43	2:55:00 AM	79 CORONA RD
200525-CFA00567	Emergent	5/25/2020	4:24:50 PM	4:33:59 PM	0:09:09	5:36:31 PM	14 YANKEE POINT DR
200526-CFA00570	Emergent	5/26/2020	9:00:34 AM	9:07:02 AM	0:06:28	9:50:45 AM	238 HWY 1
200531-CFA00588	Emergent	5/31/2020	12:52:00 PM	12:57:00 PM	0:05:00	1:00:00 PM	27720 HIGHWAY 1
<b>Subtotal</b>		<b>6</b>		<b>Average Response Time</b>	<b>0:10:07</b>		<b>Carmel Highlands</b>

**CYPRESS FIRE**

INCIDENT							
200501-CFA00468	Emergent	5/1/2020	8:58:57 PM	9:05:04 PM	0:06:07	10:06:03 PM	26387 ISABELLA AVE
200501-CFA00469	Emergent	5/1/2020	10:28:30 PM	10:35:34 PM	0:07:04	11:14:00 PM	25485 CANADA DR
200503-CFA00473	Emergent	5/3/2020	10:32:35 AM	10:37:14 AM	0:04:39	11:30:37 AM	26245 CARMEL RANCHO BLVD
200504-CFA00479	Emergent	5/4/2020	10:17:53 AM	10:21:40 AM	0:03:47	10:22:48 AM	3224 PICO AVE
200504-CFA00481	Emergent	5/4/2020	4:52:19 PM	4:53:22 PM	0:01:03	5:05:19 PM	3645 RIO RD
200505-CFA00483	Emergent	5/5/2020	11:06:25 AM	11:12:15 AM	0:05:50	11:22:11 AM	26020 VIA PORTOLA
200506-CFA00486	Emergent	5/6/2020	1:29:23 PM	1:35:31 PM	0:06:08	2:49:55 PM	25470 CANADA DR
200507-CFA00491	Emergent	5/7/2020	5:44:06 PM	5:48:24 PM	0:04:18	6:49:55 PM	SAN ANTONIO AVE / MARTIN WA
200508-CFA00493	Non-Emergent	5/8/2020	6:01:21 PM	6:11:40 PM	0:10:19	6:20:43 PM	5315 CARMEL VALLEY RD
200510-CFA00497	Emergent	5/10/2020	4:32:48 AM	4:39:50 AM	0:07:02	5:29:23 AM	24769 HANDLEY DR
200510-CFA00500	Non-Emergent	5/10/2020	12:11:52 PM	12:18:42 PM	0:06:50	12:22:00 PM	26349 MONTE VERDE ST
200511-CFA00501	Emergent	5/11/2020	9:34:14 AM	9:37:32 AM	0:03:18	9:59:00 AM	3659 THE BARNYARD
200511-CFA00502	Emergent	5/11/2020	11:48:25 AM	11:52:50 AM	0:04:25	12:39:17 PM	4860 CARMEL VALLEY RD
200511-CFA00503	Emergent	5/11/2020	4:32:28 PM	4:36:18 PM	0:03:50	4:49:24 PM	HWY 1 / OCEAN AVE
200511-CFA00505	Emergent	5/11/2020	7:38:52 PM	7:43:30 PM	0:04:38	7:45:00 PM	3850 RIO RD
200511-CFA00508	Emergent	5/11/2020	8:44:03 PM	8:49:47 PM	0:05:44	8:50:03 PM	3850 RIO RD
200512-CFA00509	Emergent	5/12/2020	12:12:18 AM	12:19:19 AM	0:07:01	12:49:00 AM	3722 THE BARNYARD
200512-CFA00510	Emergent	5/12/2020	2:43:51 PM	2:47:33 PM	0:03:42	3:46:50 PM	3665 RIO RD
200513-CFA00514	Emergent	5/13/2020	11:26:40 AM	11:31:17 AM	0:04:37	12:31:59 PM	26245 CARMEL RANCHO BLVD
200515-CFA00522	Emergent	5/15/2020	7:37:59 AM	7:44:57 AM	0:06:58	8:31:55 AM	26245 CARMEL RANCHO BLVD
200515-CFA00523	Emergent	5/15/2020	10:19:28 AM	10:24:47 AM	0:05:19	11:45:23 AM	3318 SYCAMORE PL
200516-CFA00526	Emergent	5/16/2020	8:08:57 AM	8:15:14 AM	0:06:17	9:01:17 AM	HWY 1 / ATHERTON DR
200516-CFA00527	Emergent	5/16/2020	12:46:05 PM	12:52:46 PM	0:06:41	1:19:00 PM	3570 EDGEFIELD PL
200516-CFA00531	Emergent	5/16/2020	5:42:57 PM	5:49:55 PM	0:06:58	6:41:40 PM	2740 RIBERA RD
200517-CFA00533	Emergent	5/17/2020	11:34:22 PM	11:37:52 PM	0:03:30	12:21:00 AM	3378 TREVIS WAY
200518-CFA00534	Emergent	5/18/2020	8:06:33 AM	8:12:08 AM	0:05:35	8:57:02 AM	25805 CARMEL KNOLLS DR
200520-CFA00543	Emergent	5/20/2020	2:05:32 PM	2:14:38 PM	0:09:06	3:06:00 PM	4060 ARROYO TRL
200520-CFA00544	Emergent	5/20/2020	5:33:21 PM	5:39:17 PM	0:05:56	5:56:26 PM	3265 CAMINO DEL MONTE
200521-CFA00547	Emergent	5/21/2020	12:24:24 AM	12:29:15 AM	0:04:51	1:19:15 AM	3318 SYCAMORE PL
200521-CFA00548	Emergent	5/21/2020	5:47:05 AM	5:56:09 AM	0:09:04	6:06:34 AM	3604 EASTFIELD CT
200521-CFA00550	Emergent	5/21/2020	11:48:00 AM	11:53:00 AM	0:05:00	12:01:00 PM	3775 RIO RD
200521-CFA00551	Emergent	5/21/2020	4:45:01 PM	4:50:21 PM	0:05:20	5:39:50 PM	24785 VALLEY WAY
200523-CFA00560	Emergent	5/23/2020	8:20:52 AM	8:28:20 AM	0:07:28	8:35:41 AM	27953 SAN JOSE CREEK CANYON
200523-CFA00561	Non-Emergent	5/23/2020	9:18:59 AM	9:26:19 AM	0:07:20	9:39:21 AM	3775 RIO RD
200524-CFA00564	Emergent	5/24/2020	10:17:47 PM	10:23:26 PM	0:05:39	11:38:24 PM	4000 RIO RD
200526-CFA00571	Emergent	5/26/2020	11:16:22 AM	11:22:11 AM	0:05:49	24978 Hwy 1	24978 HWY 1
200526-CFA00572	Emergent	5/26/2020	5:02:45 PM	5:07:36 PM	0:04:51	5:25:00 PM	3318 SYCAMORE PL
200527-CFA00575	Emergent	5/27/2020	11:10:16 AM	11:15:54 AM	0:05:38	12:14:17 PM	3665 RIO RD
200529-CFA00581	Emergent	5/29/2020	1:22:46 PM	1:32:37 PM	0:09:51	3225 Seventeen	3225 SEVENTEEN MILE DR
200529-CFA00583	Emergent	5/29/2020	4:45:29 PM	4:50:01 PM	0:04:32	5:20:00 PM	3775 RIO RD
200530-CFA00585	Emergent	5/30/2020	10:04:32 AM	10:10:00 AM	0:05:28	11:12:48 AM	3850 RIO RD
200531-CFA00589	Emergent	5/31/2020	1:01:38 PM	1:06:29 PM	0:04:51	2:58:26 PM	2737 CALLE LA CRUZ
200531-CFA00590	Non-Emergent	5/31/2020	6:19:26 PM	6:25:18 PM	0:05:52	6:46:35 PM	25805 CARMEL KNOLLS DR
<b>Subtotal</b>		<b>43</b>		<b>Average Response Time</b>	<b>0:05:46</b>		<b>CYPRESS FIRE</b>

**MID COAST**

INCIDENT							
200509-CFA00494	Emergent	5/9/2020	6:36:58 AM	7:02:00 AM	0:25:02	9:05:00 AM	37125 PALO COLORADO RD

200524-CFA00563	Emergent	5/24/2020	1:31:12 PM	1:43:26 PM	0:12:14	4:00:00 PM	SOBERANES CREEK / HWY 1
200525-CFA00569	Emergent	5/25/2020	8:03:31 PM	8:16:23 PM	0:12:52	8:39:19 PM	HWY 1 / GARRAPATA CREEK
200525-CFA00577	Emergent	5/27/2020	1:21:00 PM	1:33:00 PM	0:12:00	8:39:19 PM	34500 HWY 1
<b>Subtotal</b>		<b>4</b>		<b>Average Response Time</b>	<b>0:15:32</b>		<b>MID COAST</b>

**MONTEREY**

<b>INCIDENT</b>							
200514-CFA00520	Emergent Downgr	5/14/2020	7:31:21 PM	7:33:58 PM	0:02:37	7:37:57 PM	DEL MONTE AVE / CAMINO EL ES
200525-CFA00565	Emergent	5/25/2020	1:56:47 AM	2:14:46 AM	0:17:59	2:48:00 AM	306 FITCH AVE
<b>Subtotal</b>		<b>2</b>		<b>Average Response Time</b>	<b>0:10:18</b>		<b>MONTEREY</b>

**PEBBLE BEACH**

<b>INCIDENT</b>							
200529-CFA00581	Emergent	5/29/2020	1:22:46 PM	1:32:37 PM	0:09:51	1:36:51 PM	3225 SEVENTEEN MILE DR
200510-CFA00498	Emergent	5/10/2020	8:21:14 AM	8:32:06 AM	0:10:52	9:04:00 AM	3188 SEVENTEEN MILE DR
200518-CFA00536	Emergent	5/18/2020	11:36:57 AM	11:40:08 AM	0:03:11	12:23:26 PM	3444 CARMEL WAY
200522-CFA00558	Emergent	5/22/2020	7:15:35 PM	7:25:43 PM	0:10:08	8:19:50 PM	2923 SEVENTEEN MILE DR
200528-CFA00579	Emergent	5/28/2020	4:41:46 PM	4:52:16 PM	0:10:30	5:18:00 PM	1029 WRANGLERS TRL
<b>Subtotal</b>		<b>5</b>		<b>Average Response Time</b>	<b>0:08:54</b>		<b>PEBBLE BEACH</b>

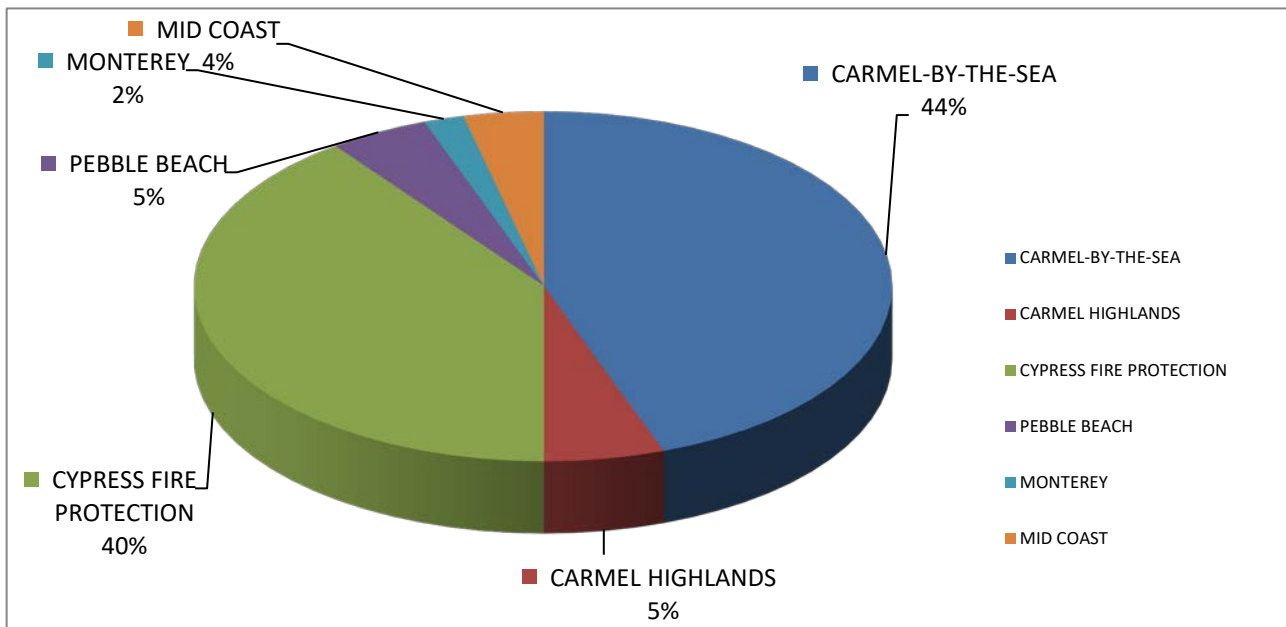
<b>TOTAL ALL CALLS</b>		<b>107</b>		<b>TOTAL AVERAGE RESPONSE TIME</b>	<b>0:05:40</b>		
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CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT  
MAY 2020

Response Summary Report by District Type

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
CARMEL-BY-THE-SEA	48	0:03:29
CARMEL HIGHLANDS	6	0:10:07
CYPRESS FIRE PROTECTION	43	0:05:46
PEBBLE BEACH	5	0:08:54
MONTEREY	2	0:10:18
MID COAST	4	0:15:32
<b>Total Responses</b>	<b>107</b>	<b>0:05:40</b>

Percent of code 3 medical responses < 5min                      91.67%





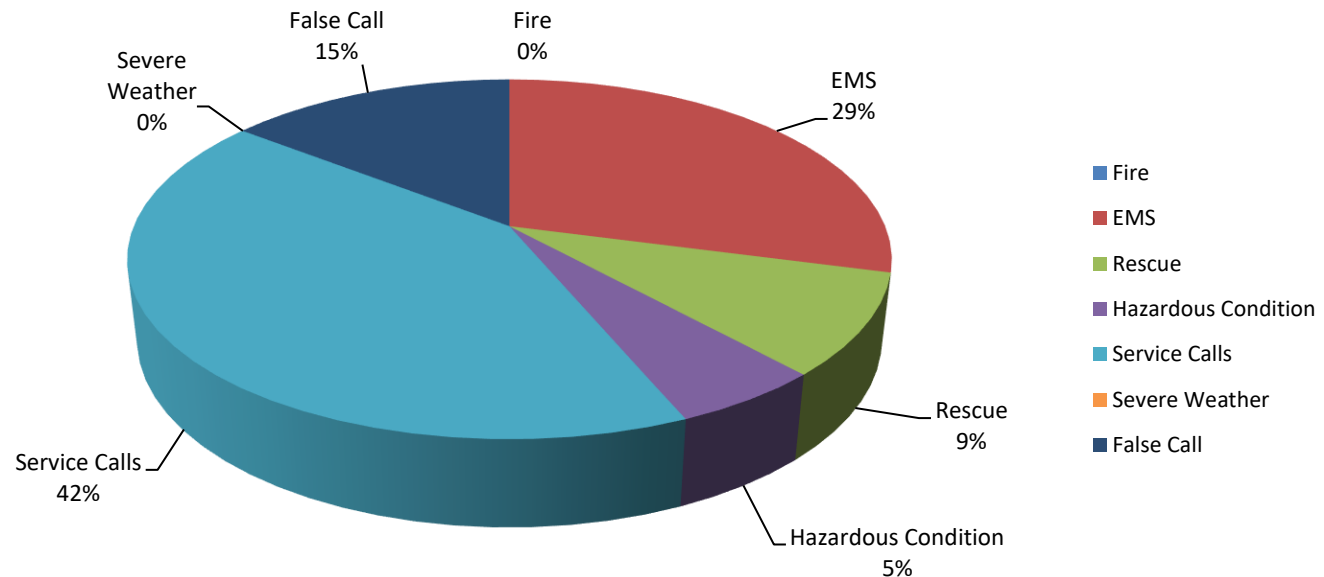
CARMEL-BY-THE-SEA  
MAY 2020



Response Summary Report by Incident Type

Type of Call	Number	Average Response Time
Fire	0	0:00
EMS	16	3:33
Rescue	5	3:35
Hazardous Condition	3	1:57
Service Calls	23	4:02
Severe Weather	0	0:00
False Call	8	2:54

Total Responses 55 3:34



Total Code 3 Calls: 37

Response Times for Code 3

Calls ≤ 5 minutes: 100%



# CITY OF CARMEL-BY-THE-SEA Monthly Report

May 2020

City Clerk's Office

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>SUBMITTED ON:</b>	June 16, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

In the month of May, the City received and responded to 36 requests for public records.

	This Month	Calendar YTD
City Clerk's Office	12	52
Police Department	6	68
<b>TOTAL REQUESTS/RESPONSES</b>	<b>18</b>	<b>120</b>

PRA LOG  
February 2020

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-041	5/1/2020	5/11/2020			5/11/2020	Paterson	electronic copies of materials pertaining to the aforementioned CLOSED SESSIONS items are requested	
2020-042	5/8/2020	5/18/2020			5/18/2020	Rick Losoya, MRC	all contracts & RFP, RFI & RFQs for Multifunction Devices (MFD/MFP), Copiers, Printers. Production print devices and Managed Print Service contracts	
2020-043	5/8/2020	5/18/2020				Paterson	Electronic copies of internal (within the City) communications mentioning "coronavirus," "Covid-19," "shelter-in-place" and "social distancing" between February 8, 2020 and the present	
2020-044	5/7/2020	5/18/2020			5/19/2020	Kellie Quinn-Hoffmeister	Verbal report to Chip Rerig - Quarterly - notes or meeting minutes. Accounting Records with audited financials for year-end. I never received these from 2019. 1st quarter 2020: Unaudited financial statements (balance sheet and income and cash flow statements depicting performance against budget), profit and loss statements, and fund development progress. Sunset Center 1st Quarter Financials	
2020-045	5/11/2020	5/21/2020				Paterson	Electronic copies of REQUEST FOR PROPOSALS: RESIDENT CURATORSHIP FLANDERS MANSION, CITY OF CARMEL-BY-THE-SEA, now that the City has concluded negotiation process.	
2020-046	5/20/2020	6/1/2020				Paterson	Electronic copies of agreements/contracts and billing and payment receipts for all outside firms storing city records in off-site storage areas.	



PRA LOG  
February 2020

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-047	5/20/2020	6/1/2020			6/1/2020	Paterson	PUBLIC RECORDS REQUEST LOG 2014 Request No. 2014-58 City Response to Public Records Request (No. 2014-58) dated May 16, 2014 Including RESOLUTION NO. 2003-91 and CITY COUNCIL AGENDA CHECK LIST. Request No. 2014-73 City Response to Public Records Request (No. 2014-073) dated June 26, 2014 Including June 14, 2002 letter to John E. Potter, Postmaster-General, United States Postal Service, from Sue McCloud, Mayor Request No. 2014-97 City Response to Public Records Request (No. 2014-097) dated August 27, 2014 Including: June 14, 2002 letter to John E. Potter, Postmaster-General, United States Postal Service, from Sue McCloud, Mayor City Council Agenda Item Summary Meeting Date: March 7, 2006 32 Prepared by: Joyce Giuffre, City of Carmel Analysis of Acct #01-64204 Mail Service Contract Total Expenditures by Fiscal Year FY2006-07 thru FY2013-14	
2020-048	5/21/2020	6/1/2020			6/1/2020	Paterson	Pertinent public records pertaining to home mail delivery from 2001, 2002 and 2006.;2001: CITY COUNCIL AGENDA CHECK LIST STAFF REPORT; 2006: AGREEMENT FOR SERVICES January, 2006, by and between the CITY OF CARMEL BY THE SEA and RON CAMPBELL, doing business as PENINSULA MESSENGER SERVICE; 2006: Meeting Date: March 7, 2006 Prepared by: Joyce Giuffre City Council Agenda Item Summary	



PRA LOG  
February 2020

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-049	5/21/2020	6/1/2020			6/1/2020	Paterson	Electronic copies of all materials and records used and consulted by Sharon Friedrichsen, Director, Contracts and Budgets, and Chip Rerig, City Administrator, in writing and approving the following three Staff Reports; May 1, 2018 SUBJECT: Consider Continuing, Modifying, or Eliminating Home Mail Delivery Service Provided by the City; March 3, 2020 SUBJECT: Receive a report on options related to the home mail delivery services program and provide direction to staff; April 7, 2020 SUBJECT: Adopt Resolution 2020-027 affirming modification to the home mail delivery program to include the use of eligibility criteria and provide direction to staff	
2020-050	5/28/2020	6/8/2020			6/10/2020	Paterson	Electronic copies of the following contracts ANDERSON COMMUNICATINS EXPERTISE, AVIATE ENTERPRISES INC	
2020-051	5/28/2020	6/8/2020			6/10/2020	Paterson	Electronic copies of Public Records Act requests and City's responses to PRA requests PRA 2020-035 and 2020-039	
2020-052	5/28/2020, amended 6/1/2020	6/11/2020			6/11/2020	Paterson	Electronic copies of City contracts HdL & Assoc. , Revenue & Cost Specialists LLC, RJA Mgmt Svcs Contract, Chavan and Associates, LLC, Pen Messenger, Pureserve Building Service	

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requestor	Phone	Info Requested	Status	Date & PSO Mailed
2020-0001	5/2/2020			5/6 DA	Uyenthy Steinert	408-685-9574	CG2000179	completed	report mailed by DA
2020-0002	5/2/2020			5/6 DA	Andrew Hurchall	831-661-0851	CFS 031120190017	completed	redacted CAD mailed to requestor
2020-0003	5/19 CM				Vinclet, Austin	831-521-8371	CG1800760		
2020-0004	5/26 Mo			5/27/2020	Cordier, Jennifer	202-213-5791	CG2000176	completed	released at counter
2020-0005	5/26 Mo				Hood, William	4153051460	CG2000177		
2020-0006	5/27 DA	6/7/2020		5/27/2020	Joseph Pucik	408-234-9181	CA2000242	completed	mailed by DA



# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

### Public Works Department Report – May 2020

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert M. Harary, P.E., Director of Public Works
<b>SUBMITTED ON:</b>	June 15, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

#### Forest and Beach Commission Meeting of May 14, 2020:

- Cancelled due to COVID-19. First video-conference meeting on June 11, 2020.

#### Public Works Administration

- Submitted the second review of the 5-year Capital Improvement Plan to the City Council. Due to significant budget constraints, Council defunded all Fiscal Year 2019/20 projects not yet under construction, and allocated \$16,000 for ADA upgrades for FY 2020/21.
- Checked the draft City-wide Storm Drain Master Plan, the City's first ever such plan, which identified numerous broken pipes and bottlenecks in our underground drainage system.
- Supported Planning and Police by reviewing Outdoor Seating Applications ensuring proposed set ups would not damage infrastructure or trees, impact ADA, block traffic signs, etc.
- Reviewed the draft Injury and Illness Prevention Plan, and coordinated with HR.

#### Environmental Programs

- The Climate Action Committee meeting of May 21, 2020 was cancelled due to COVID-19.
- Passed the annual California Recycling audit regarding recycling and food waste collection.
- Coordinated with volunteers who pulled invasive weeds at the North Dunes Habitat Restoration Site.
- Continued to work with the Monterey Regional Waste Management District, Green Waste Recovery, and a consultant to finalize proposed fee increases by GWR and to present the information at a special and regular City Council meetings in June.
- Performed stormwater quality inspections at City facilities, parks, and open spaces.

#### Facility Maintenance

- Decorative ADA handrails were installed at steps in the northwest corner of Devendorf Park.
- WWI Memorial masonry restoration was completed. Planning to install bollards and lighting.
- A miniature Tudor Comstock house was made by volunteers to cover the Sunset Center backflow prevention system. The system can be quickly and easily accessed for maintenance.
- Installed an exterior community bulletin board on the west side of the Park Branch Library.
- A site assessment and cost estimate were performed for painting the exterior of the Harrison Memorial Library by City staff. Work will begin if funded by the Library.
- A contract amendment was executed with ChargePoint who will remove the older EV Charger at Sunset Center north parking lot and install a new, single-port EV charger at no cost.

### Project Management

- The Harrison Memorial Library Gathering Room Project was substantially completed.
- Failing 60-year-old boilers were replaced with an energy-efficient boiler, pumps, valves, and tanks for the Sunset Center Boiler Replacement Project.
- The Scout House Roof Replacement Project began by removing very old shingles and repairing exposed areas of wood rot in rafters and sheathing below.
- PG&E energized their new gas line along Monte Verde Street and paved the street, curb-to-curb, between Ocean and Eighth Avenues, thus completing work along Monte Verde.
- PG&E started trenching and installing a new gas main along Casonova Street, between Seventh and Eighth Avenues.

### Street Maintenance

- For \$1,000, rented a bobcat and regraded sand over the Del Mar dune beach erosion areas by City staff, saving \$9,000.
- Cleared out the unauthorized bike trail in Forest Hill Park, and restored the trail with wood chips and signs noting no bikes allowed.
- Changed the storm drainage outfall system to the dry weather diversion mode for the summer.
- Coordinated installation of a new memorial bench along the Scenic Pathway.
- Continued to remove piles of fire fuel from the Mission Trail Nature Preserve (MTNP).
- Resumed installation of BearSaver trash and recycling containers at City parks.
- Due to budget cuts, began to gradually remove up to 17 (half) of the Mutt Mitt dispensers. Dispensers will remain along the Scenic Pathway and at MTNP.
- Cleaned up the beach after large crowds came over the Memorial Day holiday weekend.
- Continued repairing sidewalk uplifts for safety.

### Forestry, Parks and Beach (Forester's Report)

- **Note: The Content for future Forester's Report is included as a separate item in the July 7, 2020 agenda.**
- The TreeKeeper inventory platform is now online. Staff have been recording all tree work in the new platform. TreeKeeper is available for viewing at <https://carmelca.treekeepersoftware.com/index.cfm>
- A presentation of TreeKeeper will be given to the Forest and Beach Commission in July.
- As time allows, crews are installing mulch around young trees to help the soil retain moisture.
- The focus of fieldwork was still on essential health and safety issues such as removing dead and hazardous trees, dead wood, and removing pines infested with bark beetles.
- Continued weed removal which will continue through the summer.
- Three bids were received for the annual Landscape Maintenance Services contract ranging from \$4,615 to \$444,320, indicating that the bidders did not consistently base their bids on an annual basis, regardless of the frequencies of required tasks (i.e. annually, monthly, weekly) at multiple jobsites. Rejection of all Bids anticipated for the July Council meeting.

There were six notable failures addressed in May:

- Cypress limb at San Antonio and Tenth Avenues
- Cypress limb at Santa Lucia Avenue and Monte Verde Street
- Cypress limb at the Del Mar parking lot
- Entire pine failure in Forest Hill Park
- Entire tree failure near Carpenter Street
- Pine limb on Lincoln Street between Twelfth and Thirteenth Avenues

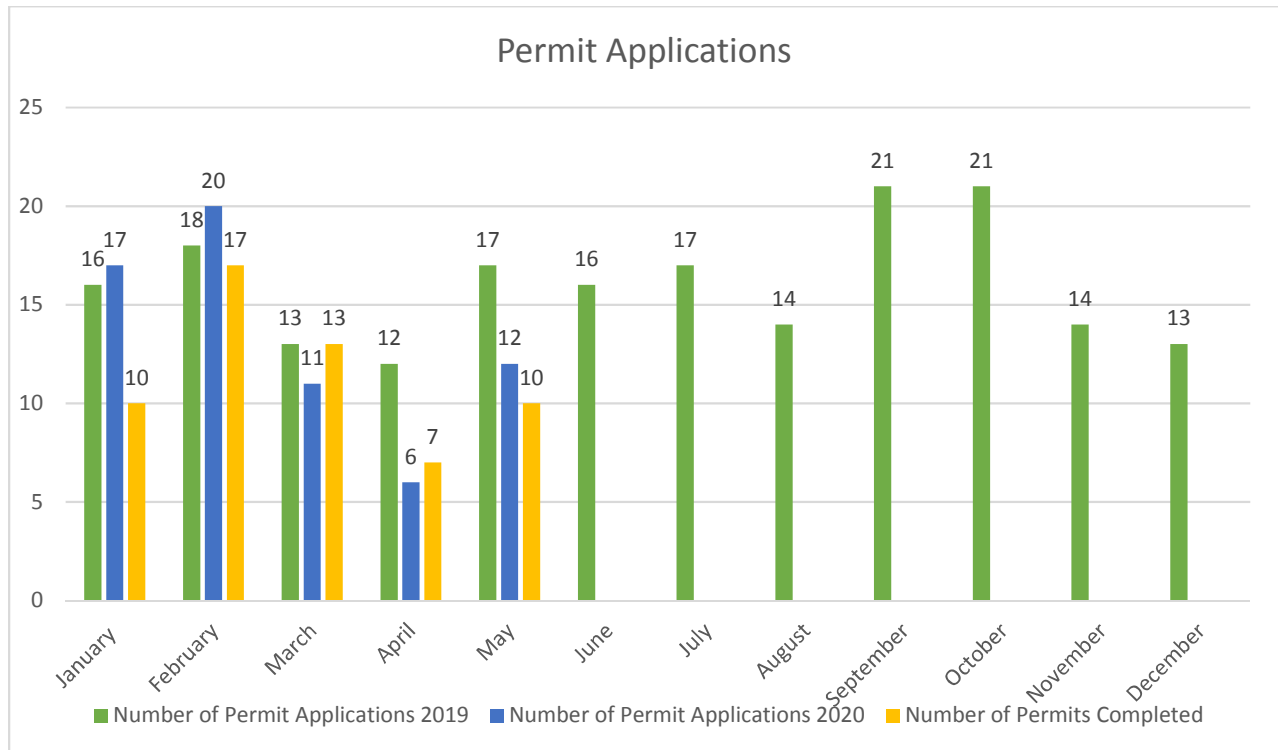
**Private and Development Activities**

Permits:

- 6 permit applications submitted
- 7 permits were processed to completion
- 10 permitted removals – 10 trees required to be planted
- 15 permit inspections
- 6 plan reviews

Stop Work Order Issued:

- Ninth Avenue 2 Northeast of Dolores Street – unpermitted cutting roots of a protected tree. Corrective action taken and the Order lifted.



Permitted removals and required planting					
	Removals	Plant Upper	Plant Lower	No room for new tree	Total number of Trees Required
January	13	7	1	3	8
February	32	13	3	4	16
March	16	7	2	6	9
April	10	4	4	2	8
May	10	4	6	1	10

**Historical Permitted Removals and Required Planting**

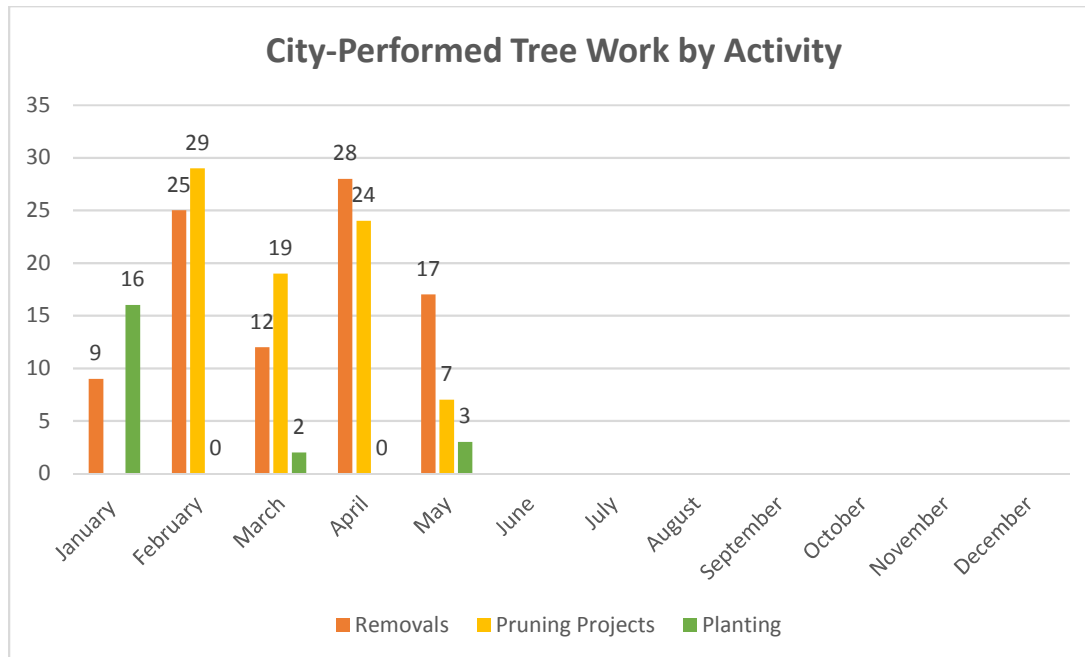
Year	Removal Permits	Re-planting Required	Re-planting Percentage
2012	60	20	33.3%
2013	96	59	61.5%
2014	114	49	43.0%
2016	90	37	41.1%
2018	76	20	26.3%
2019	170	116	68.2%
2020*	81	51	63.0%

\* Year to Date

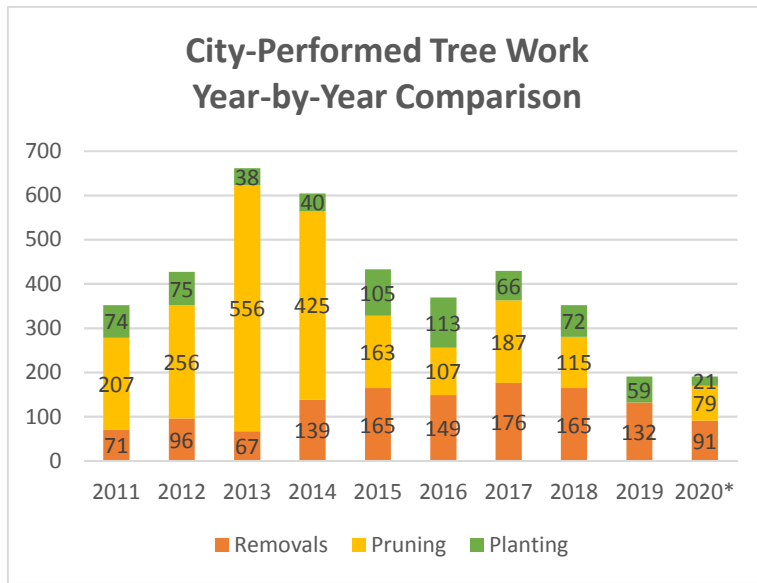
**Forestry, Parks, and Beach Activities**

City Removals and Plantings in May:

- 17 removals
- 7 pruning projects
- 3 plantings

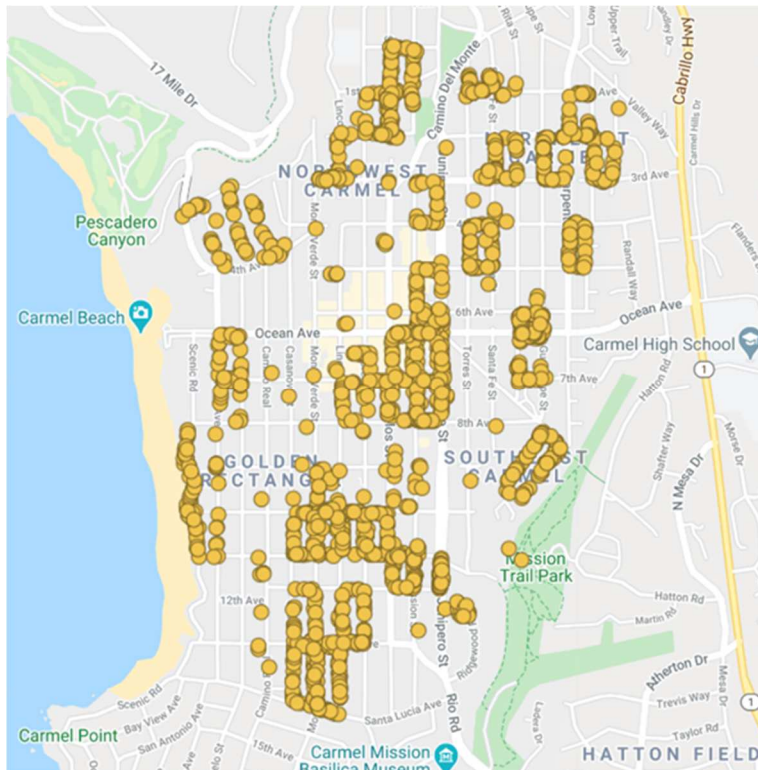


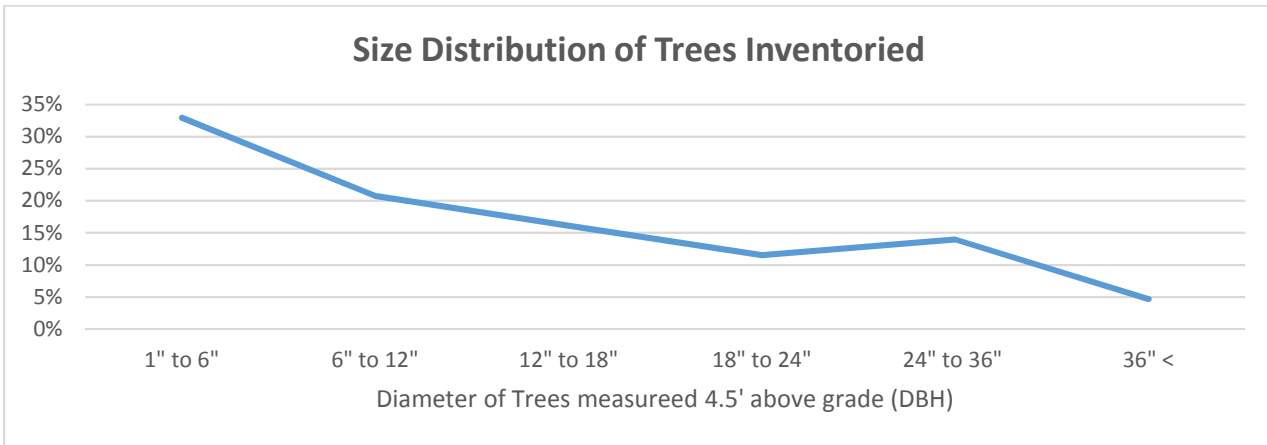




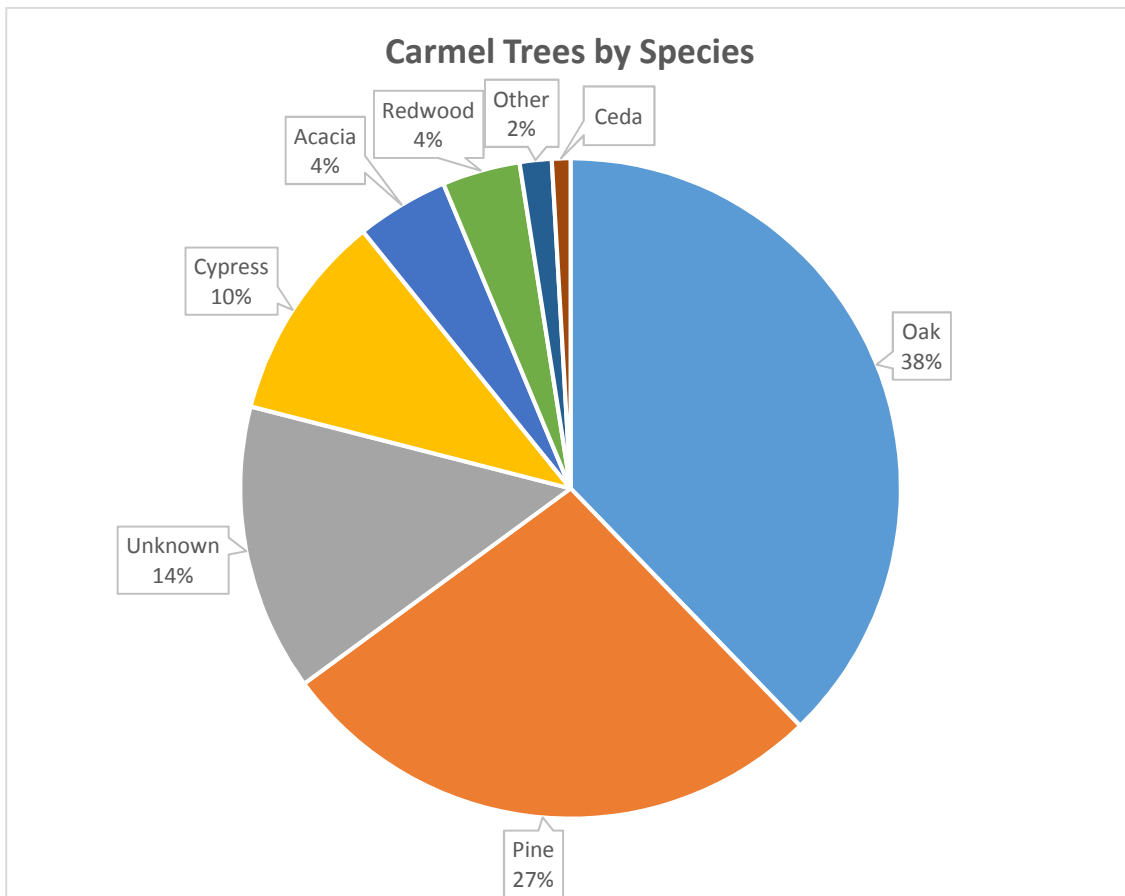
## Tree Inventory Update

Tree data collected in the 2019 survey has been uploaded into the TreeKeeper database. As of June 16<sup>th</sup>, 2,284 trees have been inventoried. Staff continues to inventory trees as work and inspections are performed. Each yellow dot in the map below represents a tree, is geographically accurate, and is linked to tree attribute and maintenance data.





For trees surveyed in Carmel in 2019, approximately 50% are 12” in diameter at DBH or smaller.







# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Robin Scattini, Finance Manager

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** May 2020 Check Register Summary

## RECOMMENDATION:

Approve the check register for May 2020.

## BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check. Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in May.

## FISCAL IMPACT:

The check register summary for May 2020 totals \$1,403,683.

## PRIOR CITY COUNCIL ACTION:

Council ratified the April 2020 check register at its June 2 regular meeting.

## ATTACHMENTS:

May 2020 check register

**May 2020 Check Register**

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 110 City Council				
45124	Peninsula Messenger Service	Mail service: Sort and delivery	05/07/2020	6,513.00
45129	Transportation Agency for Monterey County	TAMC Pavement study	05/07/2020	15,086.00
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	92.40
<b>Total for Department: 110 City Council</b>				<b>21,691.40</b>

Department: 111 City Administration

45109	AT&T	Telephone service citywide	05/07/2020	2,083.15
45117	Iron Mountain	Data storage fees	05/07/2020	170.55
45118	IT Management Corp	IT Support services as directed by IT manager	05/07/2020	4,939.08
45127	Sprint	Usage: voice, messaging, data	05/07/2020	457.01
45128	T-Mobile	Monthly cell usage	05/07/2020	303.38
45131	Verizon Wireless	Usage: voice, messaging, data	05/07/2020	198.87
45133	Chavan and Associates, LLC	2019-20 Audit services-SCO Annual Fin Trans Report	05/14/2020	3,000.00
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	265.65
45135	Jane Wilson	Registration fee reimbursement: LCW COVID training	05/14/2020	150.00
45136	NHA Advisors	Pension consulting services	05/14/2020	2,000.00
45139	Zoom Imaging Solutions, Inc.	Admin copier usage	05/14/2020	179.38
45152	Anderson Communications Expertise	Prof services: review ATT/CalNet services	05/28/2020	1,500.00
45157	Carmel Pine Cone	Legal noticing	05/28/2020	1,374.00
45160	Comcast	Business cable services-City Hall	05/28/2020	713.36
45162	Corbin Willits System	MOM software support	05/28/2020	720.79
45163	Digital Deployment	Comprehensive IT Service Program - monthly fee	05/28/2020	700.00
45164	FedEx	Shipping charges	05/28/2020	6.83
45168	Monterey County Elections Department	March 3, 2020: Sales tax measure election	05/28/2020	17,569.76
45176	Toshiba Financial Service	Copier contract Admin ESTUDIO 5506ACT	05/28/2020	371.54
45179	US Bank	Office supplies, time stamp machine, IT subscriptions	05/28/2020	2,481.82
45180	Verizon Wireless	Usage: voice, messaging, data	05/28/2020	304.08
45181	Wageworks Fees	Healthcare monthly admin and compliance fee	05/28/2020	170.00
<b>Total for Department: 111 City Administration</b>				<b>39,659.25</b>

Department: 112 City Attorney

45110	Burke,Williams & Sorensen, LLP	March legal services	05/07/2020	29,302.00
<b>Total for Department: 112 City Attorney</b>				<b>29,302.00</b>

Department: 115 Community Planning & Building

45111	Carmel Towing & Garage	Fuel for April 2020	05/07/2020	145.53
45112	Coastal TPA, Inc	Dental and vision reimbursement claims	05/07/2020	154.20
45114	De Lage Landen Financial	Front copier lease	05/07/2020	201.19
45119	Kara Brunzell	Historic context statement services	05/07/2020	5,000.00
45125	People Information Earth Services	Nov 2019 - Mar 2020: Mailing labels service software	05/07/2020	1,500.00
45130	US Bank	Lodging: Commissioner conference	05/07/2020	204.30
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	138.60
45165	Meurer Municipal Consulting, LLC	Staff professional development services	05/28/2020	1,800.00

Total for Department: 115 Community Planning & Bu				9,143.82
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Department: 116 Police

45122	Pacific Gas & Electric	PD Security Cameras -inv# 46579635973	05/07/2020	164.83
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	1,116.66
45151	Alhambra	PD, water service	05/28/2020	167.45
45153	AT&T	Internet Service for PD	05/28/2020	82.35
45156	Caltronics Business Systems, Inc.	Copier meter reading	05/28/2020	168.64
45158	Carmel Towing & Garage	Fuel for PD Vehicles	05/28/2020	2,452.71
45160	Comcast	Cable TV & T1	05/28/2020	197.43
45161	Community Hospital of the Monterey Peninsula	Monthly blood draws for March	05/28/2020	54.00
45169	Office Depot, Inc.	Office supplies	05/28/2020	350.11
45172	Point Emblems	Badges	05/28/2020	671.63
45173	Rancho Car Wash	Car Washes for February	05/28/2020	138.68
45174	Sirchie Finger Print Labs	Evidence bags	05/28/2020	156.03
45175	T2 Systems Canada Inc.	Digital Iris Service for April	05/28/2020	250.00
45177	Transunion Risk & Alterna	Investigative Searches for April	05/28/2020	60.10
45179	US Bank	Enviro Master services, COVID19 supplies, training registra	05/28/2020	2,109.07

Total for Department: 116 Police				8,139.69
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Department: 117 Fire

45151	Alhambra	FD, water service	05/28/2020	137.21
45159	City Of Monterey	Fire Admin Services FY 2019-2020	05/28/2020	415,540.00
45167	Mission Linen Service	Linen maintenance, inv #512376501	05/28/2020	266.68

Total for Department: 117 Fire				415,943.89
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Department: 118 Ambulance

45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	1,039.50
45154	Bound Tree Medical LLC	Medical supplies	05/28/2020	4,565.86

45156	Caltronics Business Systems, Inc.	Copier meter reading	05/28/2020	42.10
45158	Carmel Towing & Garage	Fuel for Fire/Ambulance Vehicles	05/28/2020	976.93
45159	City Of Monterey	Ambulance administration FY 2019-2020	05/28/2020	3,164.00
45171	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	05/28/2020	300.73
45180	Verizon Wireless	Cellular telephone service for Ambulance	05/28/2020	42.12
<b>Total for Department: 118 Ambulance</b>				<b>10,131.24</b>

Department: 119 Public Works

45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	2,581.42
45182	Ailing House Pest Control	Pest control: citywide all buildings and parks	05/29/2020	1,887.00
45183	Alhambra	Water Delivery for Public Works	05/29/2020	299.28
45184	American Lock & Key	HML rear door re-key, inv #65341	05/29/2020	223.18
45185	American Messaging	Messaging service, inv #L5253283UD	05/29/2020	2.50
45186	American Supply Company	Extra supplies due to Covid-19 Virus, inv #2879892	05/29/2020	2,394.91
45187	Applied Marine Sciences	Wet weather monitoring 4th Ave outfall	05/29/2020	8,690.04
45190	Blink Charging	EV station network fees, inv #03365	05/29/2020	216.00
45191	California Towing and Transport	Sweeper tow to Monterey PW yard, inv #14850-T	05/29/2020	337.50
45192	Caltronics Business Systems, Inc.	Copier meter reading	05/29/2020	59.79
45193	Carmel Towing & Garage	Fuel for PW vehicles	05/29/2020	2,412.19
45194	Cintas Corporation	Uniform Service for Public Works Division	05/29/2020	724.31
45195	City Of Monterey	Public Works vehicle maintenance	05/29/2020	2,499.02
45197	Consolidated Electrical Dist., Inc	Inspector flashlight, inv 4914-582509	05/29/2020	21.75
45198	Core Management Services, LLC	Annual smart inspection	05/29/2020	600.00
45199	De Lage Landen Financial	Copier lease and usage	05/29/2020	204.45
45200	Florence Filter Corp	Furnace filters for PW/PD, inv #0114185IN	05/29/2020	251.70
45201	Golden State Portables	Forest Theater portable toilets	05/29/2020	380.86
45202	Greenwaste Recovery Inc	Pilot Food Waste Collection Project	05/29/2020	77.14
45203	John Ley's Tree Service	Tree work citywide	05/29/2020	5,444.00
45204	Kelly-Moore Paint Company Inc	Paint for PW-FM, inv #802-00000711472	05/29/2020	26.18
45205	MJ Murphy Lumber and Hardware	Stop sign posts, inv #2003-082420	05/29/2020	381.07
45206	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for various City vehicles	05/29/2020	142.36
45209	Pureserve Building Service	Janitorial services citywide	05/29/2020	19,060.43
45210	Scarborough Lumber & Building	Supplies for projects in the City	05/29/2020	85.70
45211	Tope's Tree Service Inc.	Tree work citywide	05/29/2020	53,005.00
45212	Town and Country Gardening	Landscape maintenance	05/29/2020	165.10
45213	US Bank	Supplies for projects in the City	05/29/2020	1,187.07
45214	West Coast Arborists Inc .	Tree work citywide	05/29/2020	2,136.00
<b>Total for Department: 119 Public Works</b>				<b>105,495.95</b>

Department: 120 Library

45112	Coastal TPA, Inc	Dental and vision reimbursement claims	05/07/2020	598.51
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	369.90

45170	Pacific Grove Self Storage	Storage unit for City Art	05/28/2020	280.00
<b>Total for Department: 120 Library</b>				<b>1,248.41</b>
Department: 121 Community Activities				
45134	Coastal TPA, Inc	Dental and vision reimbursement claims	05/14/2020	23.10
45179	US Bank	Canvas monthly subscription	05/28/2020	12.95
<b>Total for Department: 121 Community Activities</b>				<b>36.05</b>
Department: 130 Non-Departmental				
45113	CSAC Excess Insurance Authority	General Liability Program: 1/1 - 3/31/20	05/07/2020	885.60
45122	Pacific Gas & Electric	Gas & electric service citywide	05/07/2020	9,510.69
45137	Pacific Gas & Electric	Gas & electric service citywide	05/14/2020	270.77
45155	Cal-Am Water Company	Water service citywide	05/28/2020	7,197.12
45178	Tristar Risk Management	Claims admin services: April - June 2020	05/28/2020	3,225.00
<b>Total for Department: 130 Non-Departmental</b>				<b>21,089.18</b>
Department: 311 Capital Projects				
45196	Coastal Fabrication Company Inc	Stair rails and ramp rails for Devendorf Park, inv #49451	05/29/2020	3,999.99
45207	Native Solutions	North Dunes restoration project	05/29/2020	9,800.00
45208	Neill Engineers Corp.	Pavement rehabilitation services: seal and slurry	05/29/2020	15,277.00
45213	US Bank	Downtown tree planting supplies	05/29/2020	42.17
<b>Total for Department: 311 Capital Projects</b>				<b>29,119.16</b>
Department: 411 Debt Service				
45121	MUFG Union Bank, N.A.	2012 Taxable Pension Obligation Bond	05/07/2020	661,461.58
<b>Total for Department: 411 Debt Service</b>				<b>661,461.58</b>
Department: 513 Veh & Equip Replacement				
45188	Axiom Engineers Consulting	Design High Efficiency Boilers: Sunset Center	05/29/2020	821.75
45189	Bay City Boiler	Sunset Center boiler replacement	05/29/2020	50,400.00
<b>Total for Department: 513 Veh &amp; Equip Replacement</b>				<b>51,221.75</b>
<b>Grand Total</b>				<b>1,403,683.37</b>

**May Contract Payments:**

<b>Vendor</b>	<b>Contract Amt</b>	<b>Paid through May</b>	<b>Contract Balance</b>	
Pen Messenger	\$ 72,000.00	\$ 29,913.00	\$ 42,087.00	
Neill Engineers	\$ 85,200.00	\$ 71,644.00	\$ 13,556.00	Street paving & slurry
Neill Engineers	\$ 12,300.00	\$ 10,698.00	\$ 1,602.00	San Carlos bike route
Neill Engineers	\$ 14,300.00	\$ 11,822.00	\$ 2,478.00	San Carlos medians
Pureserve	\$ 231,587.00	\$ 209,664.73	\$ 21,922.27	
City of Monterey	\$2,381,892.00	\$ 2,277,679.25	\$ 104,212.75	Fire admin services
Native Solutions	\$ 24,500.00	\$ 22,050.00	\$ 2,450.00	
Anderson Comm.	\$ 3,500.00	\$ 1,500.00	\$ 2,000.00	
Tope's Tree Svc.	\$ 100,000.00	\$ 96,346.50	\$ 3,653.50	
Axiom Engineers	\$ 17,500.00	\$ 15,821.75	\$ 1,678.25	SCC Boilers
Chavan & Assoc.	\$ 34,400.00	\$ 26,200.00	\$ 8,200.00	
NHA Advisors	\$ 24,999.00	\$ 10,412.50	\$ 14,586.50	Pension consulting services
West Cst Arborists	\$ 125,000.00	\$ 111,349.00	\$ 13,651.00	
J. Ley's Tree Svc.	\$ 100,000.00	\$ 31,856.00	\$ 68,144.00	
Bay City Boiler	\$ 162,800.00	\$ 50,400.00	\$ 112,400.00	



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert Harary, P.E, Director of Public Works
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-041 rejecting all bids received for the annual Landscape Maintenance Services Contract

## RECOMMENDATION:

Adopt Resolution 2020-041 rejecting all bids received for the annual Landscape Maintenance Services Contract.

## BACKGROUND/SUMMARY:

Between November 2017 and June 30, 2020, Town and Country Gardening and Landscaping performed the City's contract landscape maintenance services. Their initial contract of \$110,930 was amended by the City Council, twice, and the grand total fee paid to this contractor over the past 31 months was \$347,694. Their contract has now expired.

Earlier this year, updated contract documents were prepared by Public Works staff and the City Forester. This contract would provide for activities including planting, weeding, edging, pruning, raking, sweeping, litter pickup, removing sand, shearing shrubs and vines, mowing, irrigation maintenance, plant bedding, turf aeration, re-seeding, fertilizing, fish pond care, placing mulch, and other similar tasks. Many of these tasks are performed weekly, while other tasks are performed bi-weekly, monthly, quarterly, or annually.

This year, due to budgetary constraints resulting from the COVID-19 pandemic, the bid documents were set up such that each task at every jobsite was required to have a separate bid price. This approach was to provide the City with the greatest flexibility to have the selected contractor perform any task at any jobsite with pre-determined prices. This was also set up to be a one year contract with the option for extension of up to two additional years.

As in the prior contract, to ensure that the most labor-intensive sites were covered in the Contract, and in an effort to stay within budget, the base bid included 19 primary sites, and 16 other sites were included as bid additives, should available funding exceed the base bid amount.

The 19 Base Bid locations included:

- Del Mar Boardwalk/Platform
- Devendorf Park

- First Murphy Park and Garden
- Flanders Mansion Grounds
- Forest Hill Park
- Harrison Memorial Library
- Lester Rowntree Native Plant Garden
- Ocean Avenue Paths and Medians
- Park Branch Library
- Piccadilly Park
- San Antonio Walkway
- Scenic Road Steps and Patios
- Sunset Center north parking lot area
- Tennis Courts
- Vista Lobos

The 16 Additive Bid locations included:

- Forest Theater Grounds
- Fourth Avenue Pathway and Boardwalk
- Jane Power’s Walkway
- Junipero Street Median Islands
- Lincoln Street Pathway, Third to Fourth
- Martha’s Stairway
- Mountain View Entrance into Mission Trail Nature Preserve
- Ninth Avenue Easement
- Post Office Parking Lot/Plaza
- Public Works/Police Complex Grounds
- Rio Road Pathway and Medians
- San Carlos and Second Avenue Pathway
- Scout House Grounds

In May, bid advertising notices were published in the Carmel Pine Cone and The Weekly, and were posted on the Central Coast Chapter of the California Landscape Contractors Association website, other purchasing websites, and the City’s website. In addition, courtesy calls were made to local landscaping contractors.

Three bid proposals were received and opened on May 28, 2020 with the following results:

	Town & Country Gardening & Landscaping	Brightview Landscape Service	New Image Landscape Company
Base Bid – 19 Sites (Basis of Award)	\$4,615	<b>\$110,562</b>	\$444,320
Additives – Sites 20-35	\$34,130	\$36,065	\$163,200
Total	\$38,745	\$146,627	\$607,520

Staff’s cost estimate for the Base Bid was \$95,000. The bid tally is included as Attachment 2.

The highly inconsistent bid prices shown above indicate that the bidders were confused about the frequencies associated with the various tasks. The bid prices were supposed to reflect doing all tasks at the



stated frequency over the course of one year. Looking back in the bid documents, the bidding instructions should have been more clear on the price proposal methodology; however, prior to bid opening, none of the bidders even asked a question about this issue.

Town & Country submitted the lowest base bid of \$4,615. This appears to have been based on doing each task one time, rather than the cost of doing all the tasks at the frequency stated over the course of a year. This bid is clearly inadequate to perform all duties in the contract for a year at prevailing wage rates. Therefore, this bid is non-responsive.

At the high end, the bid submitted by New Image Landscape Company appears to have included numerous mathematical errors, bids for some tasks do not appear to match the required frequency, and a bid of \$444,320 is excessive and unreasonable. Therefore, this bid is also non-responsive.

Finally, Brightview Landscape Service's bid appears to have been accurately calculated based on annual costs and is responsive. Their base bid of \$110,562 is very similar to Town & Country Gardening's initial contract of \$110,930 from 2017; however, Town & Country's contract was for landscape maintenance services at 31 jobsites, whereas the bid from Brightview is only for 19 sites.

The sole responsive Base Bid of \$110,562, submitted by Brightview Landscape Services, exceeds the initially-proposed, draft FY 2020/21 budget of \$95,000 by \$15,562. Therefore, Brightview Landscape Services' bid, as well as the two non-responsive bids, should all be rejected at this time.

Staff carefully analyzed the skills and abilities of the incumbent Public Works Maintenance Worker/Gardener to determine if he could perform the landscape maintenance tasks which were planned to be performed by the landscape maintenance contractor. We concluded that if our Gardener is assigned to work exclusively on landscape maintenance, a majority of all tasks can be achieved at the frequencies required, at a majority, but not all, of all 35 jobsites. Public Works crews have been cross-trained, so if some of the sites become overgrown or unsightly at times, we can supplement the Gardener with other crews to help get caught up. Therefore, it was appropriate to retain the Gardner position in-house for FY 2020/21.

At the June 16, 2020 Special Meeting, the City Council approved the FY 2020/21 budget, including maintaining the Maintenance Worker/Gardener position and reducing the contracted services budget in the Forestry, Parks and Beach Division.

#### **FISCAL IMPACT:**

There is no fiscal impact to rejecting all bids. The tentative budget in the draft FY 2020/21 budget of \$95,000 was \$15,562 below the amount of the Base Bid (19 jobsites) of \$110,562 submitted by the sole responsive bidder.

Keeping the Maintenance Worker/Gardener position for one year at approximately \$85,000 will save the City \$25,000 versus hiring this contractor. A small fraction of the savings may need to be used to purchase minor equipment such as a mower, blowers, and weed whackers.

Maintaining the Gardener position is fiscally-prudent, eliminates the need to defund the position, and demonstrates the City's desire to retain every employee possible.

#### **PRIOR CITY COUNCIL ACTION:**

In November 2017, the City Council awarded a contract to Town & Country Gardening and Landscaping for landscape maintenance services at 31 jobsites for \$110,930 plus a \$11,100 contingency and a one-year term ending in November 2018. In September 2018, Council approved Amendment No.1 to the contract extending the term for one year for an additional fee of \$114,923. In January 2020, Council approved Amendment No. 2 to the

contract extending the term to June 30, 2020 for a fee of \$110,741.

At the June 16, 2020 Special Meeting, the City Council approved the FY 2020/21 Budget, including maintaining the Maintenance Worker/Gardener position and reducing the contracted services budget in the Forestry, Parks and Beach Division.

## **ATTACHMENTS:**

Attachment #1 Resolution 2020-042

Attachment #2 - Bid Tally

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-041**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
REJECTING ALL BIDS RECEIVED FOR THE ANNUAL LANDSCAPE MAINTENANCE  
SERVICES CONTRACT**

WHEREAS, landscape maintenance services are required to maintain the City's parks, gardens, building grounds, pathways, and other landscaped areas in the City; and

WHEREAS, a set of bidding documents and specifications was prepared by City staff such that each maintenance task at each of 35 jobsites would have pre-determined prices, and the Contract was extensively advertised for bids; and

WHEREAS, \$95,000 was the estimated cost of the base bid which included 19 sites; and

WHEREAS, three bids were received and announced at the public bid opening held on May 28, 2020; however, two bids were non-responsive; and

WHEREAS, the sole responsive base bid of \$110,562 was 16% higher than the cost estimate, and, with a 10% construction contingency, would be 28% higher than the estimate of \$95,000; and

WHEREAS, the COVID-19 Pandemic has resulted in significant revenue reductions to the City, resulting in potential layoffs, including the Public Works Maintenance Worker/Gardener position; and

WHEREAS, the Gardener will be able to perform a majority of the landscape maintenance tasks at a majority of the 35 sites; thus, it is fiscally prudent to maintain the Gardener position at \$85,000 and reduce the Forestry, Parks, and Beach Division's contract services budget by the same amount.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Rejects all bids received for the annual Landscape Maintenance Services Contract, and reaffirms funding the Maintenance Worker/Gardener position in the Fiscal Year 2020/21 Budget.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

# 2020 Landscape Maintenance Services Contract

# Bid Tally

## BASE BID TASK ITEMS 1 THROUGH 19

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
1	Scenic Road Steps				
a	Remove sand, debris & litter	2	LS		
b	Clear vegetation from stairs	1	LS		
<b>Subtotal</b>					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
2	Scenic Road Stone Patios				
a	Remove sand, debris & litter	2	LS		
b	Clear vegetation from patios	1	LS		
c	Remove vegetation, sand, debris, & litter from under benches & trash cans	2	LS		
<b>Subtotal</b>					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
3	San Antonio Walkways				
a	Remove sand, debris & litter	1	LS		
b	Clear vegetation from walkways	1	LS		
<b>Subtotal</b>					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
4	Boardwalk & Viewing Platform Located at Del Mar & Ocean Ave				
a	Remove sand, debris & litter	2	LS		
b	Clear vegetation from boardwalk and platform	1	LS		
<b>Subtotal</b>					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
5	Tennis Courts & Parking Areas in Forest Hill Park				
a	Remove sand, soil, debris & litter	1	LS		
b	Remove vegetation, sand, soil, debris & litter from walkways & parking area	1	LS		
<b>Subtotal</b>					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
6	Vista Lobos Park				
	Remove, sand, soil, debris & litter from walkways, stairs, deck & parking area edges	1	LS		
a	Clear vegetation from boardwalk and platform	1	LS		
b	Maintain irrigation - monitor & adjust as needed	1	LS		
c	Remove weeds, debris and litter from planter beds	1	LS		
d	<b>Subtotal</b>				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
7	First Murphy Park & House Garden				
	Remove sand, soil, debris & litter from walkways, patios & parking areas	1	LS		
a	Clear vegetation from walkways, deck, & benches	1	LS		
b	Maintain irrigation - monitor & adjust as needed	1	LS		
c	Remove weeds, debris and litter from planter beds	1	LS		
d	Remove vegetation, sand, debris, & litter from under benches & trash cans	1	LS		
a	<b>Subtotal</b>				

Bright View		New Image		Town & County	
\$ 185.64	\$ 9,653.00	\$ 240.00	\$ 960.00	\$ 50.00	\$ 100.00
\$ 65.75	\$ 789.00	\$ 300.00	\$ 300.00	\$ 40.00	\$ 40.00
	\$ 10,442.00		\$ 1,260.00		\$ 140.00
\$ 54.06	\$ 2,811.00	\$ 240.00	\$ 960.00	\$ 50.00	\$ 100.00
\$ 84.83	\$ 1,018.00	\$ 300.00	\$ 300.00	\$ 40.00	\$ 40.00
\$ 39.38	\$ 2,048.00	\$ 240.00	\$ 960.00	\$ 15.00	\$ 30.00
	\$ 5,877.00		\$ 2,200.00		\$ 170.00
\$ 25.35	\$ 659.00	\$ 180.00	\$ 360.00	\$ 50.00	\$ 50.00
\$ 46.66	\$ 560.00	\$ 300.00	\$ 300.00	\$ 40.00	\$ 40.00
	\$ 1,219.00		\$ 660.00		\$ 90.00
\$ 28.29	\$ 1,471.00	\$ 240.00	\$ 960.00	\$ 50.00	\$ 100.00
\$ 46.66	\$ 560.00	\$ 300.00	\$ 300.00	\$ 40.00	\$ 40.00
	\$ 2,031.00		\$ 1,260.00		\$ 140.00
\$ 25.44	\$ 1,323.00	\$ 120.00	\$ 480.00	\$ 60.00	\$ 60.00
\$ 50.88	\$ 1,323.00	\$ 180.00	\$ 360.00	\$ 40.00	\$ 40.00
	\$ 2,646.00		\$ 840.00		\$ 100.00
\$ 25.44	\$ 1,323.00	\$ 200.00	\$ 800.00	\$ 60.00	\$ 50.00
\$ 31.81	\$ 827.00	\$ 150.00	\$ 300.00	\$ 10.00	\$ 10.00
\$ 22.44	\$ 1,167.00	\$ 120.00	\$ 480.00	\$ 20.00	\$ 20.00
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 20.00	\$ 20.00
	\$ 4,640.00		\$ 1,880.00		\$ 100.00
\$ 15.90	\$ 827.00	\$ 200.00	\$ 800.00	\$ 20.00	\$ 20.00
\$ 23.52	\$ 1,223.00	\$ 120.00	\$ 480.00	\$ 15.00	\$ 15.00
\$ 14.48	\$ 753.00	\$ 120.00	\$ 480.00	\$ 10.00	\$ 10.00
\$ 25.44	\$ 1,323.00	\$ 75.00	\$ 300.00	\$ 15.00	\$ 15.00
\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 5.00	\$ 5.00
	\$ 4,953.00		\$ 2,540.00		\$ 65.00

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>8 Sunset Center North Lot</b>					
a	Perimeter areas & connecting pathways Remove sand, soil, debris & litter from walkways, patios & parking areas	1	LS		
b	Clear vegetation from walkways, deck, & benches	1	LS		
c	Maintain irrigation - monitor & adjust as needed	1	LS		
e	Remove weeds, debris and litter from planter beds Remove vegetation, sand, debris, & litter from under benches & trash cans	1	LS		
Subtotal					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>9 Forest Hill Park - Lower Section</b>					
a	Remove, sand, soil, debris & litter from pathways & basketball court Clear vegetation from pathways, playground, & basketball court	1	LS		
b	basketball court	1	LS		
c	Mow public use areas	1	LS		
d	Mow perimeter of open spaces	1	LS		
Subtotal					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>10 Lester Rowntree Native Plant Garden</b>					
a	Remove soil, debris & litter from pathways & rake pathways	1	LS		
b	Clear vegetation from pathways Remove vegetation, debris, & litter from under benches & trash cans	1	LS		
c	benches & trash cans	1	LS		
Subtotal					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>11 Flanders Mansion Grounds &amp; Driveway Circle</b>					
a	Remove sand, soil, debris & litter from walkways, patios, lower driveway & driveway circle	1	LS		
b	Clear vegetation from walkways & patios	1	LS		
c	Remove weeds, debris and litter from planter beds Prune ivy, shrubs, and hedges to maintain existing shape & density	1	LS		
e	Mow lawn	1	LS		
f	Prune ivy on the building away from windows, doors, & roof	1	LS		
Subtotal					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>12 Fourth Ave between Monte Verde &amp; San Antonio Ave</b>					
a	Remove soil, debris & litter from pathways & rake pathways	1	LS		
b	Clear vegetation & weeds from pathways and bridges	1	LS		
Subtotal					

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
<b>13 Lower Ocean Ave Pathways</b>					
a	Remove sand, soil, debris & litter from pathways	1	LS		
b	Clear vegetation from walkways & parking areas	1	LS		
c	Mow annual weeds in planter areas	1	LS		
d	Remove debris & litter from planter areas	1	LS		
Subtotal					

\$ 23.52	\$ 1,323.00	\$ 120.00	\$ 480.00	\$ 15.00	\$ 15.00
\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 35.00	\$ 35.00
\$ 15.90	\$ 827.00	\$ 30.00	\$ 360.00	\$ 15.00	\$ 15.00
\$ 14.48	\$ 753.00	\$ 1,200.00	\$ 480.00	\$ 15.00	\$ 15.00
\$ 15.90	\$ 827.00	\$ 75.00	\$ 300.00	\$ 30.00	\$ 30.00
\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 15.00	\$ 125.00
	\$ 5,384.00		\$ 2,580.00		
\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 35.00	\$ 35.00
\$ 22.27	\$ 579.00	\$ 300.00	\$ 300.00	\$ 35.00	\$ 35.00
\$ 69.96	\$ 1,819.00	\$ 250.00	\$ 520.00	\$ 50.00	\$ 50.00
\$ 171.83	\$ 2,062.00	\$ 200.00	\$ 400.00	\$ 100.00	\$ 100.00
	\$ 5,287.00		\$ 1,700.00		\$ 220.00
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 100.00	\$ 100.00
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 100.00	\$ 100.00
\$ 47.04	\$ 1,223.00	\$ 150.00	\$ 300.00	\$ 20.00	\$ 20.00
	\$ 3,869.00		\$ 900.00		\$ 220.00
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 75.00	blank
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 75.00	blank
\$ 50.88	\$ 1,323.00	\$ 150.00	\$ 300.00	\$ 75.00	blank
\$ 388.00	\$ 1,552.00	\$ 300.00	\$ 300.00	\$ 175.00	blank
\$ 31.81	\$ 827.00	\$ 250.00	\$ 500.00	\$ 75.00	blank
\$ 159.25	\$ 637.00	\$ 300.00	\$ 300.00	\$ 600.00	blank
	\$ 6,985.00		\$ 2,000.00		\$ 1,075.00
\$ 42.60	\$ 2,215.00	\$ 120.00	\$ 480.00	\$ 50.00	\$ 50.00
\$ 31.81	\$ 827.00	\$ 180.00	\$ 360.00	\$ 25.00	\$ 52.00
	\$ 3,042.00		\$ 840.00		\$ 75.00
\$ 25.44	\$ 1,323.00	\$ 120.00	\$ 480.00	\$ 60.00	\$ 60.00
\$ 25.44	\$ 1,323.00	\$ 120.00	\$ 480.00	\$ 40.00	\$ 40.00
\$ 388.00	\$ 1,552.00	\$ 500.00	\$ 500.00	\$ 80.00	\$ 80.00
\$ 44.52	\$ 2,315.00	\$ 120.00	\$ 480.00	\$ 10.00	\$ 10.00
	\$ 6,513.00		\$ 1,940.00		\$ 190.00



19 Harrison Memorial Library Park Branch					
Remove sand, soil, debris & litter from sidewalks, walkways, & patios				1	LS
a	Remove vegetation, debris, & litter from under benches & trash cans			1	LS
b	Clear vegetation & weeds from planter areas & walkways			1	LS
c	Maintain irrigation - monitor & adjust as needed			1	LS
d	Subtotal				

Mobilization and Demobilization			
Total - items 1 to 19			
<b>Base bid total</b>			

**BID ADD ALTERNATES TASK ITEM 20 - 32**

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
20 Mountain View entrance to Mission Trail Nature Preserve					
Remove sand, soil, debris & litter from walkways, stairs & 2 bridges					
a	Remove vegetation & weeds from walkways and bridges			1	LS
b	Remove vegetation, debris, & litter from under benches & trash cans			1	LS
c	Subtotal				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
21 Post office Plaza and Parking Lot					
Remove sand, soil, debris & litter from walkways, patio & parking lot edges					
a	Remove vegetation & weeds from walkways, parking area & patio			1	LS
b	Clear vegetation & weeds from planter areas			1	LS
c	Subtotal				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
22 Lincoln St Pathway Between 3rd and 4th Aves					
Remove sand, soil, debris & litter from walkways, & bridges					
a	Remove vegetation & weeds from walkways, & bridge			1	LS
b	Subtotal				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
23 Pathway from Dead-end of Santa Fe South of 8th Ave to Vizcaino					
Remove sand, soil, debris & litter from walkway					
a	Remove vegetation & weeds from walkways			1	LS
b	Subtotal				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
24 Jane Power's Walkway					
Remove sand, soil, debris & litter from walkway					
a	Remove vegetation & weeds from walkways			1	LS
b	Subtotal				

Item #	Description	Approximate Quantity	Unit	Unit price	Amount
25 Pathway San Carlos & 2nd					
Remove sand, soil, debris & litter from walkway					
a	Remove vegetation & weeds from walkways			1	LS
b	Mow annual weeds			1	LS
c	Subtotal				

\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 40.00	\$ 40.00
\$ 15.90	\$ 827.00	\$ 120.00	\$ 480.00	\$ 10.00	\$ 10.00
\$ 25.44	\$ 1,323.00	\$ 120.00	\$ 480.00	\$ 50.00	\$ 50.00
\$ 5.21	\$ 542.00	\$ 120.00	\$ 240.00	\$ 156.00	\$ 15.00
	\$ 3,519.00		\$ 1,680.00		\$ 115.00
	\$ 23,227.00		\$ 1,400.00		\$ 50.00
	\$ 87,335.00		\$ 430,320.00		\$ 4,565.00
	\$ 110,562.00		\$ 444,320.00		\$ 4,615.00
<b>Bright View</b>		<b>New Image</b>		<b>Town &amp; County</b>	









# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Robert Harary, P.E, Director of Public Works

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-042 authorizing a Funding Agreement with the Transportation Agency for Monterey County

## RECOMMENDATION:

Adopt Resolution 2020-042 authorizing the City Administrator to execute a Funding Agreement between the Transportation Agency for Monterey County (TAMC) and the City for the use of Regional Surface Transportation Program funds.

## BACKGROUND/SUMMARY:

The Regional Surface Transportation Program (RSTP) is a state administered program that uses federal and state transportation block grant program funds to promote construction, rehabilitation, and resurfacing of highways and bridges, transit projects, bicycle routes and pedestrian walkways, highway safety improvements, and surface transportation planning. Part of the State's share of the federal funds are allocated to metropolitan planning organizations, county transportation commissions, or transportation planning agencies to appropriate to projects within the respective county. For Monterey County, the Transportation Agency for Monterey County (TAMC) serves in this capacity, and local agencies receiving funds must enter into an agreement with TAMC regarding specific requirements and obligations for the use of these funds.

*Attachment #2, Agreement between the Transportation Agency for Monterey County and the City of Carmel-by-the-Sea for the Allocation of Funding Approved by the Transportation Agency Board of Directors*, requires the City to use its RSTP funds shown in Exhibit A for the eligible projects identified in Exhibit A-1 of the Funding Agreement. The Agreement expires in three years, upon which time it will be subject to renewal.

Eligible projects are identified in Title 23, United States Code, Section 133(b). Because the City will not be implementing the annual pavement rehabilitation program for Fiscal Year 2020/21, and due to significant budgetary constraints brought on by the COVID-10 pandemic, Public Works recommends the following allocations for the \$40,310.79:

- \$15,310.79 Pedestrian Safety: Sidewalk reconstruction along the west side of Mission Street between Fifth and Sixth Avenues.
- \$15,000 Safety/Traffic Control: Paint and materials for traffic striping, legends, and pavement

markings.

- \$10,000 Clean Air/Environment: Electrical connection for two additional, dual port electric vehicle chargers.

The City will be required to conform to the following administrative procedures to remain eligible for funding:

- Submit annual reports to TAMC by April 30 each year describing the progress of the projects and tasks listed on Exhibit A-1 of the Funding Agreement.
- Acknowledge TAMC's role in public notices regarding the projects and tasks.
- Complete the projects and tasks within three years.
- Comply with federal cost principles and audit requirements.

#### **FISCAL IMPACT:**

The City's current RSTP Fair Share funds total \$40,310.79 and will be used for eligible surface transportation projects and tasks. These funds will be expended from, and will be reimbursed into, the Public Works Operating Budget in Account Number 101-119-40-42105, materials and supplies. The suggested projects and tasks are attached to the Funding Agreement as Exhibit A-1.

#### **PRIOR CITY COUNCIL ACTION:**

Council approved a master funding agreement with TAMC on November 4, 2014. Council also approved a master funding agreement with TAMC on July 11, 2017.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-042 TAMC Funding Agreement RSTP

Attachment #2 - Funding Agreement with TAMC

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-042**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FUNDING AGREEMENT  
BETWEEN THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY AND THE CITY  
OF CARMEL-BY-THE-SEA FOR THE ALLOCATION OF FUNDING APPROVED BY THE  
TRANSPORTATION AGENCY BOARD OF DIRECTORS**

WHEREAS, the Transportation Agency for Monterey County (TAMC) is the state-designated Regional Transportation Planning Agency for Monterey County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, TAMC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual Regional Surface Transportation Program (RSTP) apportionment to Caltrans in exchange for state funds for specified fiscal years; and

WHEREAS, TAMC is authorized to use these exchanged funds to assist local agencies to promote projects which qualify for RSTP funds; and

WHEREAS, the TAMC Board of Directors has approved the allocation of \$40,310.79 of RSTP funds for eligible projects identified in Title 23, United States Code, Section 133(b) including: a) Pedestrian: Sidewalk reconstruction along the west side of Mission Street between Fifth and Sixth Avenues; b) Traffic Control/Safety: Paint, thermoplastic materials, and stencils for City-wide traffic striping, legends, and pavement markings; and c) Clean Air/Environment: Electrical connection for two new, dual port EV chargers; and

WHEREAS, the City must enter into a Funding Agreement with TAMC to receive reimbursement of RSTP funds and must comply with the procedures and requirements of the Agreement.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the City Administrator to execute the Funding Agreement between TAMC and the City for the allocation of RSTP funding approved by the Transportation Agency Board of Directors.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

---

Dave Potter  
Mayor

---

Britt Avrit, MMC  
City Clerk

**AGREEMENT BETWEEN THE  
TRANSPORTATION AGENCY FOR MONTEREY COUNTY  
AND THE CITY OF CARMEL BY THE SEA  
FOR THE ALLOCATION OF FUNDING APPROVED BY  
THE TRANSPORTATION AGENCY BOARD OF DIRECTORS**

This agreement is made on \_\_\_\_\_ by and between the City of Carmel by the Sea, a public body, hereinafter referred to as "Recipient," and the Transportation Agency for Monterey County, hereinafter referred to as "TAMC."

**WHEREAS**, TAMC is the state-designated Regional Transportation Planning Agency for Monterey County; and

**WHEREAS**, as authorized by section 182.6(g) of the Streets and Highways Code, TAMC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for specified fiscal year(s); and

**WHEREAS**, TAMC is authorized to use these exchanged funds (hereinafter referred to as "RSTP Exchange Funds") to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

**WHEREAS**, as authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit;

**WHEREAS**, as authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan; and

**WHEREAS**, the TAMC Board of Directors has approved the allocation of funds toward the projects listed in Exhibit A; and

**WHEREAS**, it is contemplated by TAMC and the Recipient that the amount of funding and the projects designated in Exhibit A may change from time to time as set forth below; and

**WHEREAS**, TAMC has requested the Monterey County Auditor-Controller to establish a separate fund for the Federal Apportionment Exchange Program and such a separate fund has been established.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

**1. RULES FOR RSTP EXCHANGE FUNDS**

- A. TAMC agrees to allocate RSTP Exchange Funds paid by Caltrans under the Federal Apportionment Exchange Program only for projects as authorized under sections 133(b) and 133 (c) of Title 23, United States Code and Article XIX of the California State Constitution.
- B. The Recipient agrees to use RSTP Exchange Funds only for the RSTP Exchange eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

**2. RULES FOR TDA 2%**

- A. TAMC agrees to allocate TDA 2% funds under the Transportation Development Act only for projects as authorized under the Transportation Development Act Section 99234 Claims for Pedestrian and Bicycle Facilities.
- B. The Recipient agrees to use TDA 2% funds only for TDA 2% eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

**3. RULES FOR RDIF**

- A. TAMC agrees to allocate RDIF funds under the Joint Powers Agreement only for projects as authorized by the TAMC Board of Directors in the approved Strategic Expenditure Plan.
- B. The Recipient agrees to use RDIF funds only for RDIF eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.



#### 4. ADMINISTRATIVE POLICIES

- A. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Master Agreement, by means of approval by the TAMC Board of Directors of a revised Exhibit A, which shall be designated by a date and number (e.g., "Exhibit A-1 (DATE)").
- B. The Recipient agrees to submit an annual report to TAMC by April 30 describing the progress towards completion for all projects listed in Exhibit A.
- C. The Recipient agrees to mention TAMC's role in funding the project in any press releases or media events held by the Recipient to promote a funded project.
- D. TAMC agrees to reimburse the Recipient within 30 days of receipt of a completed claim form (Exhibit B) from the Recipient.
- E. The Recipient agrees to cause the completion of the project(s) within three years from the date funds were awarded by the TAMC Board of Directors, as recorded in Exhibit A. Failure to complete the project(s) in a timely basis shall allow TAMC to refuse reimbursement and to reprogram such funds for other purposes.

#### 5. COST PRINCIPLES

- A. Recipient agrees to comply with Office of Management and Budget Circular A-87, Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements.
- B. Recipient agrees to:
  - (a) use Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual project cost items; and
  - (b) comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

Every sub-recipient receiving funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

## 6. THIRD PARTY CONTRACTING

- A. Recipient shall not award a construction contract over \$10,000 or other contracts over \$25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).
- B. Recipient agrees that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 10, below.
- C. In addition to the above, the pre-award requirements of third party contractor/consultants with Recipient shall be consistent with Local Program Procedures as published by Caltrans.

## 7. ACCOUNTING SYSTEM

Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate expenditures by line item. The accounting system of Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment claims.

## 8. RIGHT TO AUDIT

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7, Recipient shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Agreement period and for three years from the date of final payment under the Agreement. The state, State Auditor, TAMC, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

## 9. TRAVEL AND SUBSISTENCE

Payments to Recipient for travel and subsistence expenses of Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced are in excess of those authorized DPA rates, then Recipient is responsible for the cost difference and any overpayments shall be reimbursed to the TAMC on demand.

## 10. PROJECT COMPLETION

Recipient agrees to provide to the TAMC a short report summarizing total project costs and milestones, including before and after photos of the project, for each project within sixty (60) days of completion.

## 11. GOVERNING LAWS

This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

## 12. CONFLICT OF INTEREST

Recipient warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

## 13. CONSTRUCTION OF AGREEMENT

The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

## 14. WAIVER

Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

#### 15. SUCCESSORS AND ASSIGNS

This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

#### 16. TIME IS OF THE ESSENCE

The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

#### 17. EXECUTION OF AGREEMENT

Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

#### 18. ENTIRE AGREEMENT

This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

#### 19. TERMINATION DATE

This Agreement shall remain in effect for a period of three (3) years from the date of this Agreement.

**IN WITNESS WHEREOF, TAMC and Recipient execute this Agreement as follows:**

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

\_\_\_\_\_  
Debra L. Hale  
Executive Director

\_\_\_\_\_  
Date

**Recipient:  
CITY OF CARMEL-BY-THE-SEA**

\_\_\_\_\_  
Richard Rerig  
City Administrator

\_\_\_\_\_  
Date

**Attest:**

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

\_\_\_\_\_  
Date

**Approved as to Form:**

\_\_\_\_\_  
Kathryn Reimann  
TAMC Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian A. Pierik  
City Attorney  
City of Carmel-by-the-Sea

\_\_\_\_\_  
Date

**Transportation Agency for Monterey County  
Master State and Federal Funding Agreement  
Exhibit A**

**City of Carmel-by-the-Sea**

Agency	Board Approval Date	Fund Expiration Date	Type	Active Projects	Budget	Paid	Balance Outstanding
Carmel	5/22/2019	5/31/2022	RSTP Fair Share	Ocean Avenue Repaving	\$ 42,874.99	\$ -	\$ 42,874.99
Carmel	3/25/2020	3/25/2023	RSTP Fair Share	Unprogrammed balance	\$ 40,310.79	\$ -	\$ 40,310.79
					<b>\$ 83,185.78</b>	<b>\$ -</b>	<b>\$ 83,185.78</b>

Agency	Board Approval Date	Fund Expiration Date	Type	Completed Projects	Budget	Paid	Balance Outstanding
Carmel	3/26/2014	Completed	RSTP Fair Share	Junipero, Ocean-8th, repave, streetscape	\$ 141,897.75	\$ 141,897.75	\$ -
Carmel	3/26/2014	Completed	RSTP Fair Share	Carpenter Street Overlay Project	\$ 128,102.00	\$ 128,102.00	\$ -
Carmel	9/24/2014	Completed	RSTP Competitive	Install Bike Racks	\$ 13,000.00	\$ 13,000.00	\$ -
					<b>\$ 282,999.75</b>	<b>\$ 282,999.75</b>	<b>\$ -</b>

Last Revised: 3/25/2020

Approved by:   
Debra L. Hale, Executive Director

## **Master State and Federal Funding Agreement**

### **Exhibit A - 1**

Eligible projects are identified in Title 23, United States Code, Section 133(b). Because the City of Carmel may not be implementing the annual pavement rehabilitation program for Fiscal Year 2020/21, and due to significant budgetary constraints brought on by the COVID-10 pandemic, Public Works will implement the following projects totaling the full RSTP allocation of \$40,310.79.

- \$15,310.79 Pedestrian: Sidewalk reconstruction along the west side of Mission Street between Fifth and Sixth Avenues.
- \$15,000 Traffic Control/Safety: Paint, thermoplastic materials, and stencils for City-wide traffic striping, legends, and pavement markings.
- \$10,000 Clean Air/Environment: Electrical connections for two additional, dual port EV chargers.



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Agnes Martelet, Manager, Environmental Compliance
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during Fiscal Year 2020/21

## RECOMMENDATION:

Authorize the City Administrator to send a letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual used Oil Payment Program (OPP) on behalf of the City during Fiscal Year (FY) 2020/21.

## BACKGROUND/SUMMARY:

The City and Monterey County have a long-standing partnership for implementation of the OPP. Funded by a grant from the California Department of Resources Recycling and Recovery (CalRecycle), the OPP supports used oil and oil filter recycling activities. Monterey County Environmental Health Bureau has served as the administrator of the OPP on behalf of all cities and the unincorporated area of the County, resulting in the leveraging of resources and consistency in outreach efforts.

In FY 2018/19, the County collected 185,949 gallons of oil and 61,915 oil filters for proper disposal. Over the past FY, the County ran over 1,900 ads, organized six used oil filter collection events, and hosted four outreach events.

## FISCAL IMPACT:

The program is funded by a CalRecycle grant and does not impact the City's budget.

## PRIOR CITY COUNCIL ACTION:

Council authorized sending a similar letter on June 4, 2019 to continue the program in FY 2019/20.

## ATTACHMENTS:

Attachment 1 - Letter from Monterey County Department of Health and Annual Report for Used Oil Payment Program



Attachment 2 - Draft letter from the City Administrator to Monterey County



# MONTEREY COUNTY

DEPARTMENT OF HEALTH Elsa Jimenez, Director

ADMINISTRATION  
EMERGENCY MEDICAL SERVICES

BEHAVIORAL HEALTH  
ENVIRONMENTAL HEALTH/ANIMAL SERVICES  
PUBLIC ADMINISTRATION/PUBLIC GUARDIAN

CLINIC SERVICES  
PUBLIC HEALTH

Attachment 1



May 19, 2020

Chip Rerig  
City Administrator  
City of Carmel-by-the-Sea  
PO Box CC  
Carmel-by-the-Sea, CA 93921

Dear Mr. Rerig:

Each year the Monterey County Environmental Health Bureau (EHB) requests a letter of authorization from the City Administrator or designee authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Oil Payment Program Cycle 11 (OPP11) on your city's behalf. A sample letter is enclosed for your convenience. **We request that you return the signed authorization letter to our office by June 25, 2020** to ensure timely submittal to CalRecycle.

For over 15 years, the EHB has administered a successful countywide Used Oil & Filter Recycling Program on behalf of all cities and the unincorporated area of Monterey County. The Program is funded by a grant from the California Department of Resources Recycling and Recovery (CalRecycle) and supports used oil and filter recycling activities throughout the County. Enclosed is the FY 2018-2019 Annual Report Summary detailing the activities, outreach events and volume collected as a result of this program. Below are a few highlights of program activities:

- Hosted 6 used oil filter collection events around the County,
- Ran over 1,900 ads in English and Spanish through various media outlets including radio, newspaper and online, and
- Through our contracted vendor Save Our Shores, hosted 4 outreach events held at local harbors targeting boaters.

Continuing to pool funds allows both the Cities and County to continue to achieve greater efficiencies by maximizing resources, allowing consistency in outreach efforts and preventing duplication of labor. I look forward to continue working with your city in providing used oil and filter recycling services to our community.

Please contact Stephanie Chacon, Recycling Coordinator at (831) 755-4540 should you need further information regarding this program.

Sincerely,

A handwritten signature in blue ink, appearing to read "JR".

John Ramirez, REHS, MPA  
Director of Environmental Health

cc: File  
Enc: FY 2018-2019 Annual Report Summary  
Sample Authorization Letter



# Annual Report Summary

Recipient/Jurisdiction: Monterey County

Status: Open

Fiscal Year: 2018-19

Program Advisor: Batavia, Ashraf

Oil Collection Type	Oil (Gallons)	Oil Filters
Certified Collection Centers	84,705	19,750
PHHW and ABOPS	22,896	7,933
Agricultural Collection	46,275	22,500
Residential Collection	29,697	10,982
Marinas	2,376	750
<b>Oil Collection Total:</b>	<b>185,949</b>	<b>61,915</b>

## Expenditures

### PAYMENT NUMBER : OPP8-17-0251

	AVAILABLE BALANCE	
<b>Administration</b>	Indirect / Overhead Cost	99,053.72
	Personnel	9,004.88
<b>Collection</b>	Curbside (allow resident)	559.86
	Permanent HouseHold Haza	9,802.75
<b>Education</b>	Newspaper Ads	39,780.86
	Other	1,020.00
<b>Materials/Construction</b>	Oil Containers	5,728.79
	Oil Tanks	12,600.00
	Other	8,443.03
	<b>REMAINING BALANCE</b>	5,422.98
		6,690.57
		0.00

### PAYMENT NUMBER : OPP9-18-0251

	AVAILABLE BALANCE	
<b>Administration</b>	Indirect / Overhead Cost	139,707.00
	Personnel	4,581.56
<b>Collection</b>	Curbside (allow resident)	263.29
	Permanent HouseHold Haza	580.50
<b>Education</b>	Other	3,524.00
	Radio Ads	385.42
<b>Materials/Construction</b>	Oil Containers	1,020.00
	Other	38,045.73
	<b>REMAINING BALANCE</b>	1,996.65
		89,309.85



## Program Highlights

**Theme: One of the main activities of the Used Oil Program is to promote/increase used oil filter collection. What activities did you conduct to increase used oil filter collection?**

The Monterey County Used Oil and Filter Recycling Program continued to promote and share the importance of recycling used oil and filters. During the 2018 calendar year Monterey County Environmental Health (MCEH) hosted Filter Exchange Events, placed print and radio advertisements, purchased filter bags for the curbside program, conducted site visits to local Certified Collection Centers (CCC's) and continued to cover the cost of used oil and filter hauling for garbage and recycling haulers, agricultural and marine centers.

- o Incorporated 6 Used Oil Filter Collection events in (3) of the south county cities community clean up events:
- o Soledad- May 19, 2018, AutoZone Auto Parts, 2092 Hector, H Dela Rosa Sr St.
- o Greenfield – May 26, 2018, AutoZone Auto Parts 722 Walnut Ave.
- o Gonzales – June 23, 2018, Napa Auto, 724 Alta Street
- o Soledad- September 29, 2018, AutoZone Auto Parts, 2092 Hector, H Dela Rosa Sr St.
- o Gonzales – October 13, 2018, Napa Auto, 724 Alta Street
- o Greenfield – October 20, 2018, O'Reilly Auto Parts, 436 El Camino Real
- o Community clean up events allow customers to drop off clothing, reusable items, large bulky items and hazardous household waste. Residents that take advantage of the cleanup events look forward to the filter exchange events and are always appreciative of the opportunity to be able to receive a brand-new filter when recycling their used one.
- o Paid for 14 advertisements in local newspapers such as King City Rustler, Soledad Bee, Gonzales Tribune.
- o Paid for 2 advertisements, 2 banners focusing on the Agricultural collection centers in the Monterey County Herald.
- o Paid for 1,387 radio ads both in Spanish and English radio; KRKC 102.1FM and La Tri-Color (KLOK) promoting curbside oil collection, certified collection centers.
- o Paid for 508 radio ads both in English and Spanish radio iHeart Radio on the Total Traffic & Weather Network focusing on the residential and curbside collection programs.
- Participated in community events such as: AG Expo, Marina Annual Earth Day, South County Workshop, Gonzales Community Clean Up, Soledad Reuse, Recycle & Clean Up Day and Greenfield Reuse, Recycle & Clean Up Day. Information about the program is also posted on the Monterey County Health Department website.
- o Conducted 29 Certified Collection Center site visits

**Did you increase or decrease used oil and filter collection compared to last year? How much and why?**

Overall, Monterey County used oil and filter collection data shows an increase in used oil collection and a slight decrease in filter collection compared to 2017. The increase and decrease could be the cause of the following:

- One marina collection center did not collect any filters in 2018.
- The AG collection increased in used oil collection compared to 2017.

The total gallons of used oil collected in 2018: 185,949 gallons. This was a 27.47% increase in used oil collection compared to prior year.

The total number of used oil filters collected in 2018: 61,915 filters. This was a -16.27% decrease in used oil filters compared to prior year. The decrease could be attributed to the O'Reilly Auto Parts stores total filters collected from do-it-yourselfers are not included in this report.

Oil Collection at CCC's increased by 7.48% and filters decreased by -50.34% compared to 2017. However, this decrease is mostly attributed to the fact that O'Reilly Auto Parts stores total filters collected by do-it-yourselfers were unavailable for 2018. MCEH staff called and emailed centers directly to obtain oil and filters collected by do-it-yourselfers; data provided from CalRecycle was also utilized.

Collection at PHHW/ABOP's increased by 11.33% for used oil and increase of 33.60% in filter collection. The increase of both oil and filters collected might be attributed to increased advertising of HHW facilities by those facilities. Residents also take great advantage of the Community Clean up events.

Collection at Agricultural Used Collection centers increased by 106.72% for used oil and 34.33% for filters. Collection at Sturdy Oil continued to increase; this collection center is the most utilized AG collection center in Monterey County. MCEH ran advertisements in the Monterey County Herald with the focus of promoting Ag oil and filter recycling.

Used oil collection for the Curbside program increased by 33.08% and decreased by -0.05% for filter collection. The increase of oil could be attributed to the increase in radio advertisements promoting the curbside program. A new supply of filter bags was purchased to keep the program up and running. The goal for next year is to increase the awareness of the used oil program with social media. This may help spread awareness of the program as well as be more cost effect. Staff used the data provided by CalRecycle, manifest provided by Bayside Oil, our used oil hauler and contacted the haulers directly to obtain this data.

### Marine

Used oil collected at marine centers increased by 32.00% and used oil filters increased by 50.00% compared to 2017. This increase could be attributed to MCEB continuing to utilize Save Our Shores (SOS) who provides education to boaters.

Our contract with SOS was extended for an additional year and runs until June 30, 2020.

### Non-certified Centers:

No oil or filter data was collected from or reported by in 2018.

**Were there any program changes from this year to last year?**

MCEH increased radio advertisements and decreased print ads. MCEH setup a new agreement with iHeart Radio to run ads on the Total Traffic and Weather Network. Given a vast majority of residents listen to the radio these ads should be greatly received.

**If you dropped a program or method, why do you think it didn't work?**

No programs were dropped during this reporting year.

**What program or method has worked best for you?**

Tabling at events where a good percentage of attendees are bilingual and do-it-yourselfers and/ or farmers seems to be the best opportunity for educating on proper recycling.

**Did you develop any best practices or techniques to share with other grantees?**

Not at this time.

**What can CalRecycle do to help you? Or what would you like to see modified to better assist you?**

MCEH would like to receive training on how to educate and assist centers that wish to become a certified collection center. Also, it would be great if Cal Recycle could provide ideas for improving the education component of a jurisdictions program.

**Annual Report Certification**

"I certify under penalty of perjury, under the laws of the State of California, that I have read the Oil Payment Program (OPP) Guidelines (Guidelines), that the submitted Annual Report and Expenditure information is correct, and that all funds received under the OPP have been expended in accordance with the Guidelines."

X



08/07/2019

Signature of Signature Authority (as authorized in Resolution) or Authorized Designee (as authorized in Letter of Designation)

Date

Ezequiel Vega

Print Name

**IMPORTANT! Recipient must print out this page, obtain Signature of Signature Authority, upload signed document to the LoGOPP system, and retain the original document in Recipient's cycle file.**

7 July 2020

Mr. John Ramirez, REHS, MPA  
Director of Environmental Health Bureau, Monterey County  
1270 Natividad Road  
Salinas, CA 93906

Subject: Authorization Letter for the Used Oil Payment Program Cycle 11, FY 2020/21

As the City Administrator of the City of Carmel-by-the-Sea, I am authorized to contractually bind the City of Carmel-by-the-Sea. Pursuant to this authority, I hereby authorize the County of Monterey to submit a regional application and act as Lead Agency for the Used Oil Payment Program Cycle 11 for Fiscal Year 2020/21 on behalf of the City of Carmel-by-the-Sea.

The County of Monterey is hereby authorized to execute all documents necessary to implement the grant under the Used Oil Payment Program Cycle 11 (OPP 11).

For any questions, please contact Agnes Martelet, Environmental Compliance Manager, at 831-620-2078.

Sincerely,

Chip Rerig  
City Administrator  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Marnie Waffle, AiCP – Acting Community Development Planning & Building Director
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-043 authorizing a refund of a Design Review (DR 19-463) permit fee of \$3,166.88 and Use Permit (UP 19-466) permit fee of \$2,276.25 to Jeselnick Architects.

## RECOMMENDATION:

Adopt Resolution 2020-043 authorizing a refund of a Design Review (DR 19-463) permit fee of \$3,166.88 and Use Permit (UP 19-466) permit fee of \$2,276.25 to Jeselnick Architects.

## BACKGROUND/SUMMARY:

The applicant, Jeselnick Architects, submitted a Design Review Track 2 application fee of \$4,222.50 and Use Permit application fee of \$3,035 for the construction of a new multi-family building on two, 4,000 square-foot lots located south of the 7<sup>th</sup> & Dolores Steakhouse. On Friday, May 1, 2020, the applicant submitted a request to withdraw the applications. This item is on the Council's agenda to authorize a refund of 75% of the permit fee costs, \$5,443.13, in accordance with CMC Section 17.02.120 (Fees) which allows a partial refund of fees in the amount of 75% for applications that are withdrawn before a determination has been made as to whether the application is complete. The applicant submitted the Design Review Track 2 and Use Permit applications on November 8, 2019 and withdrew the application on May 1, 2020 prior to staff making a determination as to the completeness of the application.

CMC Section 3.06.060 (Return of Funds) requires refunds of \$1,000 or more to be approved by Council. Specifically, Section 3.06.060 states that, *"from time to time it becomes necessary to refund certain permit fees, taxes, licenses, etc., in the normal course of City business. Upon recommendation from the Assistant City Administrator, the City Administrator or his/her duly authorized representative is authorized to approve such refunds in an amount not to exceed \$1,000. All refunds over \$1,000 shall require approval by the City Council."*

## FISCAL IMPACT:

Other than the cost of processing the refund, there is no fiscal impact to the City for issuing the permit fee refund.

## PRIOR CITY COUNCIL ACTION:

None.

**ATTACHMENTS:**

Attachment #1 - Resolution 2020-043 Refund Design Review and Permit Fees to Jeselnick Architects



**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-043**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING A REFUND OF DESIGN REVIEW AND USE PERMIT FEES IN THE AMOUNT  
OF \$5,443.13 TO JESELNICK ARCHITECTS**

WHEREAS, the applicant, Jeselnick Architects, submitted a Design Review Track 2 application and a Use Permit Application on November 8, 2019; and

WHEREAS, the applicant was assessed a permit fee of \$4,222.50 for the Design Review Track 2 application and \$3,035 for the Use Permit application for the review of the project; and

WHEREAS, on May 1, 2020 the applicant submitted a request to withdraw the application; and

WHEREAS, CMC Section 17.02.120 (Fees) allows a partial refund of permit fees in the amount of 75% for applications that are withdrawn before a determination has been made as to whether the application is complete; and

WHEREAS, the applicant submitted an application on November 8, 2019 and withdrew the application on May 1, 2020 prior to staff making a determination as to the completeness of the application; and

WHEREAS, the applicant is entitled to a 75% refund of the permit fees which amounts to \$5,443.13; and

WHEREAS, CMC Section 3.06.060 (Return of Funds) requires refunds of \$1,000 or more to be approved by the City Council.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize a refund of \$3,166.88 which is 75% of the permit fee for a Design Study Track 2 application and \$2,276.25 which is 75% of the permit fee for a Use Permit application to Jeselnick Architects.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Evan Kort, Ass't. Planner

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-044 authorizing a refund of a Design Study permit fee of \$3,783.75 to Tim Schultz

## RECOMMENDATION:

Adopt Resolution 2020-044 authorizing a refund of a Design Study permit fee of \$3,783.75 to Tim Schultz.

## BACKGROUND/SUMMARY:

The property owner, Tim Schultz, submitted a Design Study application (DS 20-060) fee of \$5,045 for an addition to a single family residence located at Santa Fe 2 SE Ocean. On June 3, 2020, the project's applicant, John Moore, contacted staff stating the property owner is withdrawing the application and requests a refund of the unused fees associated with the project (refer to Attachment 2).

This item is on the Council's agenda to authorize a refund the permit fee costs, \$3,738.75, in accordance with CMC Section 17.02.120 (Fees). The code establishes that a partial refund of fees in the amount of 75% for applications withdrawn before a determination that the application is complete. The applicant submitted an application on February 25, 2020 and withdrew the application on June 3, 2020 prior to staff making a determination that the application is complete.

CMC Section 3.06.060 (Return of Funds) requires refunds of \$1,000 or more to be approved by Council. Specifically, Section 3.06.060 states that "from time to time it becomes necessary to refund certain permit fees, taxes, licenses, etc., in the normal course of City business. Upon recommendation from the Assistant City Administrator, the City Administrator or his/her duly authorized representative is authorized to approve such refunds in an amount not to exceed \$1,000. All refunds over \$1,000 shall require approval by the City Council."

## FISCAL IMPACT:

Other than the cost of processing the refund, there is no fiscal impact to the City for issuing the permit fee refund.

## PRIOR CITY COUNCIL ACTION:

None

## ATTACHMENTS:

Attachment #1 - Resolution 2020-044 Refund Design Study Fee to Tim Schultz

Attachment 2 - Applicant's Withdrawl Request

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-044**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING A REFUND OF A DESIGN STUDY FEE IN THE AMOUNT OF \$3,783.75 TO  
TIM SCHULTZ.**

WHEREAS, the applicant, John Moore, submitted a Track 2 Design Study application on February 25, 2020 for an addition to an existing single family residence; and

WHEREAS, the applicant was assessed a permit fee of \$5,045 for the review of the Design Study application; and

WHEREAS, the permit fee of \$5,045 was paid by the property owner, Tim Schultz, on March 3, 2020; and

WHEREAS, on June 3, 2020 the applicant submitted a request to withdraw the application; and

WHEREAS, the applicant's request to withdraw the application was made prior to staff making a determination as to the completeness of the application; and

WHEREAS, the applicant is entitled to a refund of 75% of the permit fee which amounts to \$3,783.75; and

WHEREAS, CMC Section 3.06.060 (Return of Funds) requires refunds of \$1,000 or more to be approved by the City Council.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize a refund of \$3,783.75 which is 75% of the permit fee for a Design Study application to Tim Schultz.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

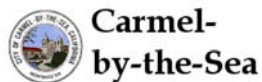
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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

Attachment 2



Evan Kort &lt;ekort@ci.carmel.ca.us&gt;

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**Application Withdrawal - DS 20-060**

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**Evan Kort** <ekort@ci.carmel.ca.us>  
To: Evan Kort <ekort@ci.carmel.ca.us>

Wed, Jun 17, 2020 at 4:30 PM

From: **John Moore** <[john@mooredesign.org](mailto:john@mooredesign.org)>  
Date: Wed, Jun 3, 2020 at 2:57 PM  
Subject: Application Withdrawal - DS 20-060  
To: Evan Kort <[ekort@ci.carmel.ca.us](mailto:ekort@ci.carmel.ca.us)>

Hi Evan,

Tim and MaryAnn Schultz would like to withdraw the current application (DS 20-060) and would like a refund for the remaining balance for the application fee and volume study. At this time, we will not be moving forward with any new application. Thank you for the time you have put into our project. I look forward to working with you in the future. Can you please let me know when they might receive their refund so I can let them know?

Sincerely,

John

-

[Moore Design Inc.](#)

**w: 831.642.9732**

**c: 831.238.6868**

[www.mooredesign.org](http://www.mooredesign.org)



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Chip Rerig, City Administrator

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-045 consenting to the dissolution of the Monterey Peninsula Regional Water Authority

## RECOMMENDATION:

Adopt Resolution 2020-045 consenting to the dissolution of the Monterey Peninsula Regional Water Authority.

## BACKGROUND/SUMMARY:

On January 10, 2012, the Carmel-by-the-Sea City Council approved the City's participation in a joint powers authority for the purpose of water governance. This authority is known as the Monterey Peninsula Regional Water Authority (MPRWA), which was created with the goal of finding a solution to the Peninsula water shortage caused by the overdrafting of the Carmel River. MPRWA members include the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City and Seaside and Monterey County, with the mayor from each city serving on the Board of Directors.

On June 23, 2020, the MPRWA Board of Directors considered an agenda item to dissolve the MPRWA with all member agencies supporting the dissolution. As a result, each member agency must adopt a resolution consenting to the dissolution. Once this has occurred, the MPRWA Board of Directors will take formal action to adopt a resolution to amend the joint powers agreement and dissolve the water authority.

## FISCAL IMPACT:

The Fiscal Year 2020-2021 Adopted Budget allocated \$19,793 for the City's share of the operating costs associated with the MPRWA, which is included within the line item account entitled Regional Memberships within the City Council budget. If these funds are not needed to support MRRWA, then the savings may be used to offset other Citywide operational expenses throughout the course of the fiscal year based upon Council's approval or result in a lessening of the need to use fund balance during the course of normal City operations.

## PRIOR CITY COUNCIL ACTION:

The City Council approved the City's participation in MPRWA by adopting Resolution 2012-4 on January



10, 2012.

**ATTACHMENTS:**

Attachment #1 - Resolution 2020-045 Consent to Dissolve MPRWA

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-045**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
CONSENTING TO THE DISSOLUTION OF THE MONTEREY PENINSULA REGIONAL  
WATER AUTHORITY**

WHEREAS, on January 10, 2012, the Carmel-by-the-Sea City Council adopted Resolution 2012-04 approving the City's participation in a joint powers agreement for the purpose of water governance known as the Monterey Peninsula Regional Water Authority ("MPRWA"); and

WHEREAS, on June 23, 2020, the Board of Directors of the MPRWA considered whether to dissolve the MPRWA and voted unanimously to support the dissolution; and

WHEREAS, Section 15.2 of the First Amended and Reinstated Joint Exercise of Powers Agreement of the Monterey Peninsula Regional Water Authority allows the Agreement to be rescinded and the Authority terminated by unanimous written consent of all Members, except during the outstanding term of any Authority indebtedness; and

WHEREAS, before the MPRWA Board of Directors takes formal action to dissolve the Authority each member agency must adopt a resolution of consent to dissolve the MPRWA.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Consent to the dissolution of the Monterey Regional Peninsula Water Authority.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Paul Tomasi, Chief of Police & Director, Public Safety
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Report on the Police Department's Use of Force Policies and how the policies align with the "8Can'tWait" campaign and Former President Obama's "Police Use of Force Project"

### RECOMMENDATION:

Receive a report on the Police Department's Use of Force Policies and how the policies align with the "8Can'tWait" campaign and Former President Obama's "Police use of Force Project."

### BACKGROUND/SUMMARY:

As your Chief of Police, representing all Carmel-by-the-Sea Police Officers, I have related our outrage and sorrow regarding the criminal actions of police officers at the Minneapolis Police Department that led to the death of George Floyd. In light of this incident and others, all segments of our society have inquired about policies that limit the police use of force. This report is being provided to Council to share Carmel Police Department's (CPD) policies and practices in regards to use of force and how they align with the "Police Use of Force project" and the "8Can'tWait Campaign."

### Police Department Policies:

Carmel Police Department's (CPD) Policies are managed by Lexipol, LLC. Lexipol provides constitutionally sound policies to thousands of law enforcement agencies across the nation based on the latest statutory and case law and progressive best practices. Management and development is done through the agency director and a team of legal advisors at Lexipol to ensure policies meet the unique needs of each community, while providing sound legal guidance for agency policies. CPD is provided regular updates to help keep policies current. Police officers are provided daily training by Lexipol in the application of specific policies through a Daily Training Bulletin. The training involves a randomly selected policy that tests the officer's knowledge on its content and application through a scripted scenario. Carmel Police Officers are well versed in the Use of Force Policy, as they receive annual training specific to Use of Force- Carmel Police Policy 300.

### California Use of Force Laws:

California has led the nation in police reform through the passage of laws over the past two years, focused on improved tactics and police accountability. The State of California in 2019, set new legal standards for

peace officers' use of deadly force in California (AB 392, Weber) and the California Police Chief's Association (CPCA) sponsored legislation, which set national precedent by establishing a minimum use of force policy standard for all departments (SB 230, Caballero). Most of the policy recommendations for the nationwide revamping of use of force policies outlined in the "8Can'tWait" and "Police Use of Force Project" campaigns have been captured by these new landmark laws.

In addition, on January 1, 2019, California Senate Bill 1421 was enacted. The new law allows members of the public to obtain certain peace officer personnel records by making a request under the California Public Records Act ("CPRA"). SB1421, requires police officers personnel files be made public for incidents involving the discharge of a firearm at a person, use of force that resulted in death or great bodily injury, any sustained finding against a police officer for sexual assault, any record of dishonesty.

On January 1, 2020, California Senate Bill 978 was enacted. The new law requires the Commission on Peace Officer Standards and Training (POST) and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act.

### **Police use of Force Project:**

The "Police Use of Force Project" was developed by former President Obama. On the website; <https://www.obama.org/mayor-pledge/>, it lists eight points surrounding police use of force policies that are drawn from the *Police Use of Force Project* and *The Leadership Conference on Civil & Human Rights*. The Carmel Police Department (CPD) incorporates aspects of all of the listed suggestions, and is consistently reviewing and updating policies to align with legal requirements and best practices.

The eight points listed on the "Police Use of Force Project" are consistent with the "8Can'tWait Campaign", with both campaigns intentions being to get agencies across the country to implement eight use of force policy restrictions that are associated with substantially lower rates of killings by police. Each of the eight points are listed below (taken directly from the "Police Use of Force Project" website), followed by an explanation of how the policy considerations are addressed by current laws, (AB 392 and SB 230) as well as Carmel Police Department Policies and procedures.

### **1. Require officers to de-escalate situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.**

- SB 230 requires that *"Officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible."* SB 230 also mandates each policy require officers to conduct all duties in a manner that is fair and unbiased. Additionally, SB 230 requires all officers be trained in alternatives to deadly force and de-escalation techniques.
- A specific 40-hour course has been developed by Monterey County Mental Health and approved by the California Commission on Peace Officer Standards and Training (POST) in Crisis Intervention and is required by all members of the Carmel Police Department. Each CPD officer is required to attend this training which goes above and beyond crisis intervention training received during the Police Academy or other approved training.
- De-escalation is covered in multiple areas of the Department's Use of Force Policy, specifically under Policy 300.2, *when feasible, based on the circumstances, members will incorporate and utilize conflict resolution and de-escalation techniques as part of their force options.*
- Training on de-escalation is addressed under Policy 300.8, where the department has adopted annual training requirements in de-escalation techniques.

### **2. Prohibit officers from using maneuvers that cut off oxygen or blood flow, including**

***chokeholds or carotid restraints, which often result in unnecessary death or serious injury.***

- SB 230 requires that “an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense.” Any excessive force beyond this requirement is unreasonable.
- The use of “Chokeholds” is not authorized by members of the Carmel Police Department. It is neither taught nor condoned by the agency.
- On June 5, 2020 Governor Newsom ordered that POST, the agency responsible for certifying police officers in California, immediately discontinue all Carotid Control Hold training.
- CPD Policy 300.3.4 states, the carotid hold is not allowed to be used by officers of this department.

***3. Require officers to intervene and stop excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.***

- SB 230 sets forth a “requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.” This provision is consistent with federal law as well.
- CPD policy 300.2.1 states, officers observing another officer using force that is clearly beyond that which is objectively reasonable shall intercede to prevent the unreasonable use of force and promptly report these observations to a supervisor.

***4. Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.***

- *SB 230 requires “Comprehensive and specific guidelines for the application of deadly force,” which should include guidance on the limited situations that would warrant shooting at moving vehicles.*
- CPD policy 300.4.1 meets these requirements by restricting officers from shooting at moving vehicles. The policy states that officers should move out of the path of an approaching vehicle and only discharge a firearm at a moving vehicle or its occupants when there are no other reasonable means available to avert the threat of the vehicle or if deadly force other than the vehicle is directed at officers or others.

***5. Limit the types of force and/or weapons that can be used to respond to specific types of resistance and specific characteristics such as age, size, or disability.***

- CPD policy 300.3 states: *Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).*
- CPD Policy 300.3.2 requires officers to take specific factors into consideration when potentially using reasonable force. These factors include:
  - The individual’s age, size, relative strength, apparent mental state or capacity.
  - The influence of drugs or alcohol.
  - The individual’s apparent ability to understand and comply with commands.
  - And other factors

***6. Require officers to exhaust all other reasonable means before resorting to deadly force.***

- *Arguably, the most controversial provision of the Police Use of Force Project and the “8Can’t Wait” platform, this requirement was rejected in AB 392 debate because of the untenable position it puts officers and departments in, by permitting second-guessing of split-second decisions. Instead the focus should be on training alternatives to deadly force, requirements on proportional force, and de-escalation requirements, all of which are contained in SB230. If this requirement is implemented, an officer’s decision concerning the use of force alternative should be judged based on the totality of the circumstances and reasonable officer standard in AB 392.*

- CPD policy 300.2 acknowledges the department recognizes and respects the value of all human life and dignity without prejudice to anyone.
- CPD policy 300.3 requires officers to use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances.
- CPD policy 300.4 relates that officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):
  - a. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
  - b. An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).
- An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).
- CPD policy 300.3 reiterates that the ultimate objective of every law enforcement encounter is to avoid or minimize injury.

**7. Require officers to give a verbal warning, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.**

- *AB392 states: “where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.” This requirement is consistent with federal case law.*
- CPD policies, 300.4 states, where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used. Warnings are also covered in CPD policies 308.3, 308.9.2, and 309.4 that cover taser, pepper spray and other impact tools.

**8. Require officers to report each time they use force or threaten to use force (e.g., pointing a gun at a person).**

- *SB 230 already requires “comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident.” Additionally, legislation from 2015 (Assembly Bill 71) requires statewide detailed reporting requirements on serious use of force incidents. SB230 also requires officers to report excessive force they witness.*
- CPD policy 300.5 states, anytime force is used by any member of CPD, they shall promptly, completely and accurately document that use of force in a report.

The Carmel Police Department Policy is attached and is available for the public to view on our City Website as required by law.

The Carmel Police Department is committed to serving everyone with honor, dignity, fairness and respect. The Mission of the Carmel by-the-Sea Police Department is to provide prompt quality service in a professional manner, which is responsive to the community and its needs. We will work in partnership with all of the residential and business communities to provide a feeling of security and personal safety. Our commitment and philosophy of the Carmel by-the-Sea Police Department is to work together as a team with loyalty, honesty, dedication, respect, and integrity to prevent crime. The members of the Carmel by-the-Sea Police Department are dedicated to providing professional police services designed to enhance the quality of life for everyone in Carmel by-the Sea.

**FISCAL IMPACT:**

None for this action.

**PRIOR CITY COUNCIL ACTION:**

None for this action.

**ATTACHMENTS:**

Attachment #1 - Carmel-by-the-Sea Police Department Policy 300

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

When feasible, based on the circumstances, members will incorporate and utilize conflict resolution and de-escalation techniques as part of their force options.

#### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).



## *Use of Force*

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The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).

## *Use of Force*

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- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### 300.3.4 CAROTID CONTROL HOLD

The carotid hold is not allowed to be used by officers of this department.

## *Use of Force*

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### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Carmel by-the-Sea Police Department for this specific purpose.

### 300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

#### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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**300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

**300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a CED or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

**300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Center policy.

**300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.

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1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

### **300.7.1 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

### **300.8 TRAINING**

Officers will receive periodic training on this policy, de-escalation techniques and demonstrate their knowledge and understanding.

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

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## Use of Force Review Boards

### 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Carmel by-the-Sea Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 302.2 POLICY

The Carmel by-the-Sea Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Administration Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 302.4.1 COMPOSITION OF THE BOARD

The Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division

### *Use of Force Review Boards*

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- Commanding officer in the involved member's chain of command
- Training Sergeant
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.



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A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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## Handcuffing and Restraints

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### 306.2 POLICY

The Carmel-by-the-Sea Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

### 306.3 USE OF RESTRAINTS

Only members who have successfully completed Carmel-by-the-Sea Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

#### 306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

### **306.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

### **306.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

### **306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

### **306.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or

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distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **306.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

#### **306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **306.8 REQUIRED DOCUMENTATION**

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

#### **306.9 TRAINING**

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Carmel by-the-Sea Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 308.4 RESPONSIBILITIES

#### 308.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 308.4.2 RANGE SUPERVISOR RESPONSIBILITIES

The Range Supervisor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Range Supervisor or the designated instructor for a particular control device. The inspection shall be documented.

#### 308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Range Supervisor for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **308.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.



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Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.

### *Control Devices and Techniques*

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- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

#### 308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **308.10 TRAINING FOR CONTROL DEVICES**

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Conducted Energy Device

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of CEDs.

### 309.2 POLICY

The Conducted Energy Device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and carry the CED.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in the driver's compartment of their vehicle.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED in a weak-side holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
- (c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CED at the same time.

### 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

### Conducted Energy Device

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

#### **309.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

##### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

### *Conducted Energy Device*

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- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The CED shall not be used to psychologically torment, elicit statements or to punish any individual.

#### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED at a time against a single subject.

#### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

## *Conducted Energy Device*

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### 309.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 309.5.7 TASER® CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

### 309.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## **309.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### 309.6.1 CED FORM

Items that shall be included in the CED report form are:

- (a) The type and brand of CED and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

## *Conducted Energy Device*

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The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

### 309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### 309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.



## *Conducted Energy Device*

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### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by a supervisor or Range Supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **309.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of six months or more shall be recertified by a department-approved CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.

*Conducted Energy Device*

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- (g) Restraint techniques that do not impair respiration following the application of the CED.



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Agnes Martelet, Manager, Environmental Compliance
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.

## RECOMMENDATION:

Adopt Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.

## BACKGROUND/SUMMARY:

In November 2019, the City of Carmel-by-the-Sea (City) received a \$120,364 grant from CalRecycle's Beverage Container Recycling Grant Program. The purpose of the grant is to replace trash-only containers with at least 50 dual trash-recycling receptacles at City parks, public facilities, and sidewalks. The City has already installed 25 dual BearSaver containers at City parks and open spaces. Replacing trash-only containers with dual trash-recycling containers increases the City's waste diversion rate by increasing the amount of recyclables collected from public areas. With the passage of AB 341, the State Legislature set an ambitious goal of 75 percent recycling, composting and source reduction of solid waste across the State by 2020. Currently, the City's waste diversion rate across all sectors is nearly 60%. The installation of public recycling containers will help the City further increase its waste diversion rate.

Dual trash and recycling receptacles are the preferred option for successful recycling because high rates of contamination are often associated with standalone recycling receptacles, which results in all of the contents of the container having to be disposed as trash. In addition to convenience, combined receptacles are also preferred because they reduce clutter associated with separate trash and recycling receptacles.

### 2018 Devendorf Park Pilot Project

In 2018, the Planning Commission authorized the City's use of CalRecycle funding to conduct a pilot project to replace 12 small trash-only containers at Devendorf Park with five (5) larger, teak dual trash/recycling containers. The replacement of the 12 small containers with the five (5) dual containers resulted in a total combined capacity increase from 180 gallons to 350 gallons. The Pilot Project assessed the maintenance needs of the teak dual containers, contamination levels found in the recycling side of the containers, and public use as compared to the small, trash-only receptacles.

Between December 2018 and June 2019, City staff tracked the dual container use in Devendorf Park, and identified the following patterns:

- The containers were consistently utilized, and the recycling side collected slightly more material than the trash side in most of the dual containers.
- Contamination of the recyclables was largely from coffee cups (40%). Other non-recyclable takeout containers, plastic cups, and utensils were also prevalent (40% combined). This prompted Public Works to add “Bottles and Cans Only” labelling on the recycling side.

There were several maintenance issues identified with the teak containers during the past two years, including:

- Unsightly staining of the wooden receptacle lid from trash, dirt and rain,
- Warping of the bottom of the receptacle, which made it difficult to open and close side doors,
- Broken side-door latches.

Based on the results of the pilot project, staff worked with the manufacturer to identify solutions to the maintenance issues identified with the teak dual containers. Staff also worked on identifying a more durable alternative to the teak containers.

Staff has provided the options below for the City Council to consider. Staff presented these options to the Planning Commission at their June 10, 2020 meeting. Container options are compared based on the capital cost per gallon of capacity.

### **Dual Trash and Recycling Container Options**

Staff has identified the following five (5) options for combined trash and recycling container designs that appear to be character-appropriate for public areas in downtown Carmel-by-the-Sea. See Attachments 2 for design details and 3 for photographs.

Option 1a: Dual Ribbon-Style Metal Receptacle: This dual trash/recycling receptacle is similar to receptacles that were installed in Pacific Grove approximately two years ago. This receptacle option has dimensions of 56 inches long x 31 inches wide x 38.5 inches tall and a capacity of 72 gallons. This is a heavy-duty steel receptacle with several color options. A prototype of this container in premium rust color was purchased and installed on Ocean Avenue next to the Devendorf Park entry steps. Photographs of the container are included in Attachment 3. The price of the dual ribbon style metal receptacle is \$1,470 with a capacity of 72 gallons, thus costing \$20.42 per gallon of capacity. It is staff’s opinion that, although it may appear to be less natural looking than a wood container, this container would still match the downtown Carmel-by-the-Sea style while being most cost effective and long-lasting option.

Option 1b: Modified Dual Ribbon Style Metal Receptacle: Due to the large size of the metal receptacle, staff requested a modified design that would be less bulky on narrow city sidewalks. The manufacturer provided a modified, sleeker model with dimensions of 43 inches long x 25 inches wide x 38.5 inches tall with the same capacity. The price and capacity of this modified dual ribbon style metal receptacle is the same as the larger alternative. Option 1b was recommended by the Planning Commission.

Both Options 1a and 1b would come with trash and recycling decals to minimize contamination. There are two decal design options, which are presented in Attachment 4. Design B is recommended by staff and the Planning Commission.

Option 2: Modified Dual “Pyramid” Teak Receptacle: This receptacle is a modified version of the dual teak receptacles that were installed at Devendorf Park to address the maintenance issues identified with those receptacles. Because this design would be custom made for the City, no photograph is available of this

modified version; however, design specifications for the modified version are provided in Attachment 2, and photographs of the existing dual receptacles are provided in Attachment 3.

This pyramid-style dual receptacle has dimensions of 44 inches wide x 26 inches deep x 34 inches tall. The price of the modified dual pyramid-style receptacle is \$2,950 for 70 gallons of capacity, thus costing \$42.14 per gallon of capacity. This is more than double the cost of Option 1 per gallon of capacity.

Option 3: BearSaver Dual Receptacle: BearSaver dual receptacles have been installed in City parks and coastal areas located outside of downtown. This receptacle style was chosen for those areas due to its durability and because it prevents birds and animals from accessing trash. Although this receptacle style has worked well for the past two years in the harsh conditions of the Del Mar Parking Lot and other sites, it is of a very rugged design, as shown in the photographs in Attachment 3, which may not match the downtown Carmel-by-the-Sea character. The cost of the BearSaver dual container is \$1,790 with a capacity of 80 gallons, thus costing \$22.40 per gallon of capacity.

Option 4: "Squirrel" Receptacle with Blue Lid: The squirrel receptacles currently used in the downtown do not lend themselves to a double-stream design; however, a second squirrel receptacle with a blue lid to signify that it is a recycling container, and "please recycle / bottles and cans" language, could be placed adjacent to existing squirrel receptacles. Recycling and trash receptacles would need to be co-located in order to minimize contamination of the recycling stream. The squirrel receptacles have a limited 15-gallon capacity and a price of \$800 each (for materials and assembly), thus costing \$53 per gallon of capacity. While a squirrel recycling receptacle would match those currently used in the downtown, its capacity would be less than half of the other design options, is the most costly, and the most challenging to assemble and maintain.

Approximate locations of existing trash-only containers and proposed locations of dual trash-recycling containers are shown in Attachment 5. Dual trash-recycling containers would replace all the existing trash-only containers on Ocean Avenue, as well as several containers in high use areas on Junipero Street, Mission Street, and San Carlos Street. Staff would outreach to nearby businesses prior to removing the existing containers and installing the new ones.

According to the City's Policy and Standards for Public Way Design, the Planning Commission reviews the design and siting of furniture in the public way to determine whether the proposed design and location are appropriate. Staff presented the proposed container designs to the Planning Commission at their June 10<sup>th</sup>, 2020 meeting. The Planning Commission selected the smaller dual ribbon-style metal receptacle identified as Option 1b as their preferred option. The Planning Commission also selected Option B as the preferred decal design for the metal container.

#### **FISCAL IMPACT:**

The cost of the new containers is funded entirely by the CalRecycle Beverage Container Grant Program, which is supplementing the Public Works Department's Operating Budget 101-119-40-42105. Public Works staff time will be needed to remove the existing trash-only containers and install the new dual containers.

#### **PRIOR CITY COUNCIL ACTION:**

In September 2018, City Council adopted a Resolution supporting the submittal of applications for all CalRecycle grants for which the City of Carmel-by-the-Sea is eligible.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-046 Trash and Recycling Receptacle Style Selection

Attachment 2 - Design Specifications for Options 1a, 1b and 2

Attachment 3 - Double-Stream Receptacle Options Photographs

Attachment 4 - Decal Options

Attachment 5 - Map of Existing and Proposed Public Receptacle Locations

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-046**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
SELECTING THE DUAL RIBBON-STYLE METAL RECEPTACLE PRESENTED AS OPTION  
1B AND DECAL DESIGN B AS THE PREFERRED STYLE FOR COMBINED TRASH AND  
RECYCLING RECEPTACLES ON DOWNTOWN SIDEWALKS**

WHEREAS, the City of Carmel-by-the-Sea received a \$120,364 grant from CalRecycle’s Beverage Container Recycling Grant Program to replace at least 50 trash-only receptacles at City parks, public facilities, and sidewalks with dual trash-recycling receptacles; and,

WHEREAS, replacing trash-only containers on downtown sidewalks with dual trash-recycling containers will help the City increase its waste diversion rate; and,

WHEREAS, staff provided five options for the City Council to consider; and,

WHEREAS, staff presented these same five options to the Planning Commission at their June 10<sup>th</sup>, 2020 meeting, and the Planning Commission recommended the dual ribbon-style metal receptacle identified as Option 1b and decal design B as their preferred options; and,

WHEREAS, Option 1b is a heavy-duty steel receptacle in premium rust color with dimensions of 43 inches long x 25 inches wide x 38.5 inches tall with a capacity of 72 gallons.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Select the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7th day of July, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

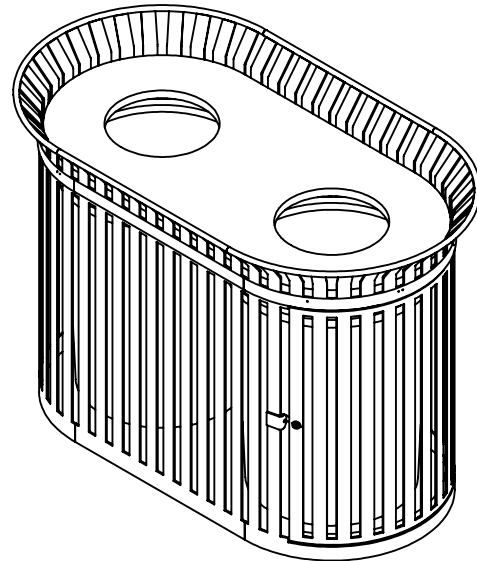
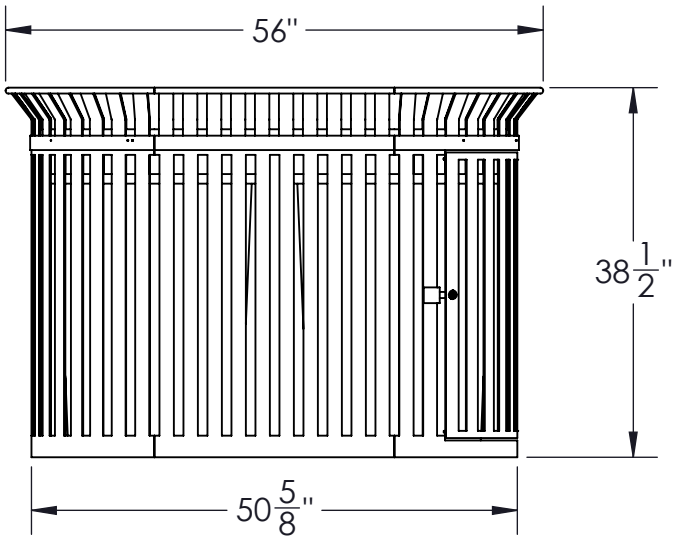
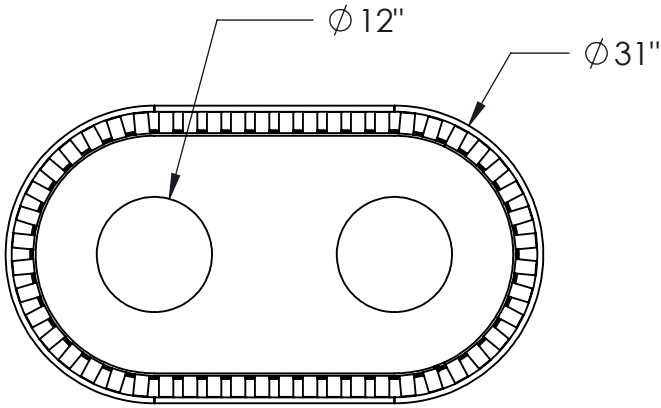
ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

# Option 1A

- Receptacle features 1" x 29-1/4" slots to create a ribbon style appearance.
- Receptacle with door for ease of trash removal.
- Includes two 32/36 gallon round plastic liners. (customer specified)
- Constructed from 3/16" thick steel rolled & welded design to add stability & longevity.
- Top rim is made from rolled 5/8" dia. A36 steel rod.
- Dual opening lid is constructed from 1/16" thick steel.
- Mounting hardware not included.
- Available in non-toxic powder coat finish or thermoplastic.
- Receptacle features a set of standardized trash/recycling labels from our partnership with Recycle Across America
- Approx. weight of can without lid: 255 lbs.



**WARNING: MUST BE PERMANENTLY MOUNTED**

CUSTOMER APPROVAL :

DATE :

**JAMESTOWN**  
ADVANCED  
PRODUCTS  
CORPORATION

THIS DRAWING, WHICH CONTAINS PROPRIETARY INFORMATION, IS THE PROPERTY OF JAMESTOWN ADVANCED PRODUCTS CORPORATION. IT SHALL NOT BE REPRODUCED IN ANY MANNER NOR DISCLOSED TO THIRD PARTIES WITHOUT WRITTEN PERMISSION OF JAMESTOWN ADVANCED PRODUCTS CORPORATION.

DATE : 1/6/2020

PRODUCT PART NUMBER : TBD

REV. NO.

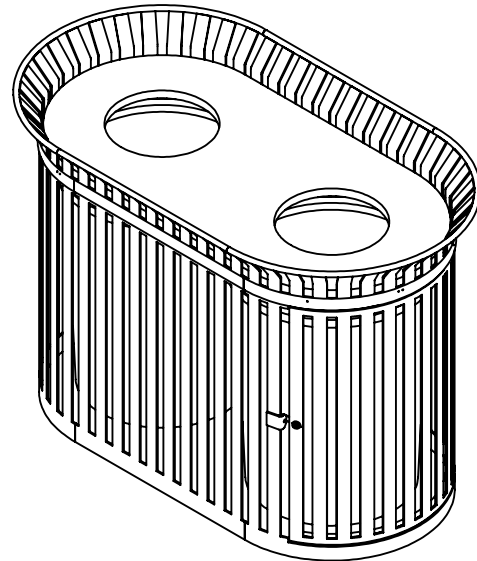
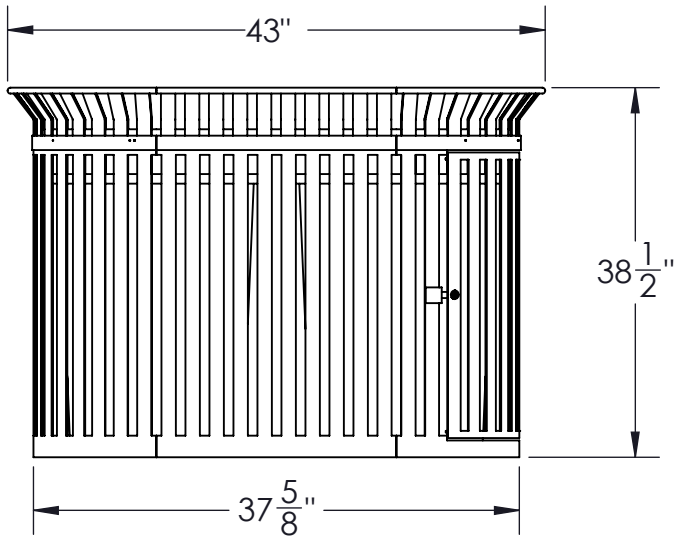
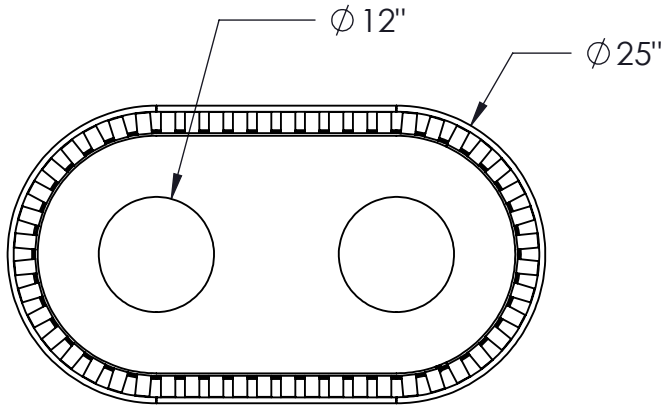
PRODUCT DESCRIPTION :  
DUAL RIBBON STYLE  
TRASH/RECYCLE RECEPTACLE

2855 GIRTS ROAD  
JAMESTOWN, NY 14701



**Option 1B**

- Receptacle features 1" x 29-1/4" slots to create a ribbon style appearance.
- Receptacle with door for ease of trash removal.
- Includes two 36 gallon round plastic liners. (customer specified)
- Constructed from 3/16" thick steel rolled & welded design to add stability & longevity.
- Top rim is made from rolled 5/8" dia. A36 steel rod.
- Dual opening lid is constructed from 1/16" thick steel.
- Mounting hardware not included.
- Available in non-toxic powder coat finish or thermoplastic.
- Receptacle features a set of standardized trash/recycling labels from our partnership with Recycle Across America
- Approx. weight of can without lid: 255 lbs.



\*Second service door added

**WARNING: MUST BE PERMANENTLY MOUNTED**

CUSTOMER APPROVAL :

DATE :

**JAMESTOWN**  
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PRODUCTS  
CORPORATION

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DATE : 1/6/2020

PRODUCT PART NUMBER : TBD

REV. NO.

PRODUCT DESCRIPTION :  
DUAL RIBBON STYLE  
TRASH/RECYCLE RECEPTACLE

2855 GIRTS ROAD  
JAMESTOWN, NY 14701

Custom Pyramid trash/recycling receptacle  
City of Carmel by the Sea  
02 Dec 2019

**Option 2**



- custom metal trash lids
- powder coated steel
- recessed shape guides trash to liner
- metal is easy to clean and resists stains
- can be painted any color

- custom text signage
- available in a wide variety of color options
- can be attached to any or all sides
- large, easy to read

- optional side door
- hinged access is easier for trash collection
- reduces chances the lid will get damaged or lost
- we are currently researching alternative latch solutions

- option: custom visual signage
- easy to understand for all languages
- studies have proven that visual images are the most effective way to get people to recycle correctly





Option 1: Dual Ribbon-Style Metal Receptacle (recommended by the Planning Commission)



Option 2: Dual "Pyramid" Teak Receptacle





Option 3: BearSaver Dual Receptacle



Option 4: Squirrel Receptacle

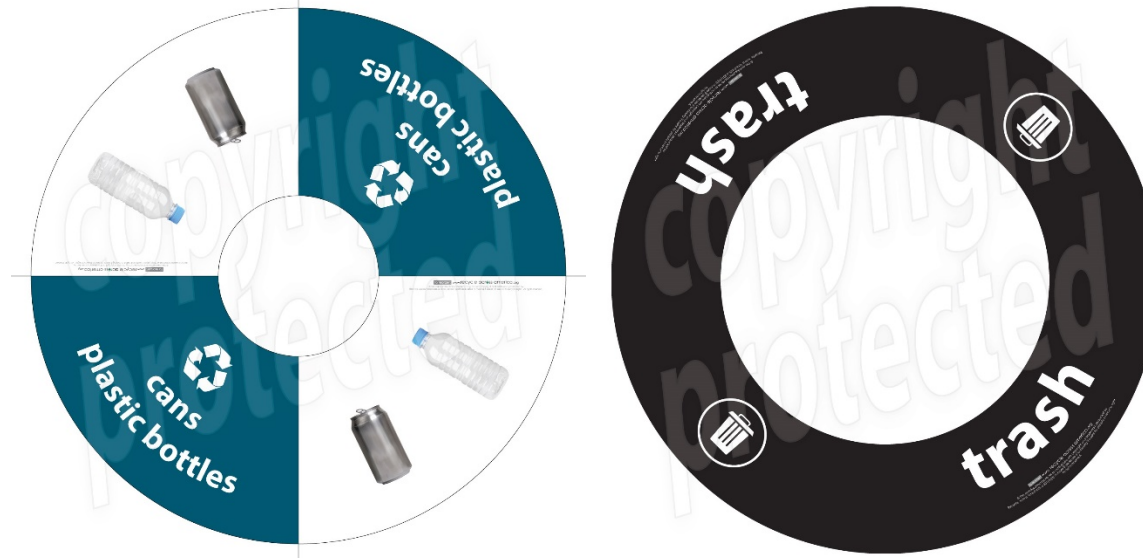


**Attachment 4: Decal Options**

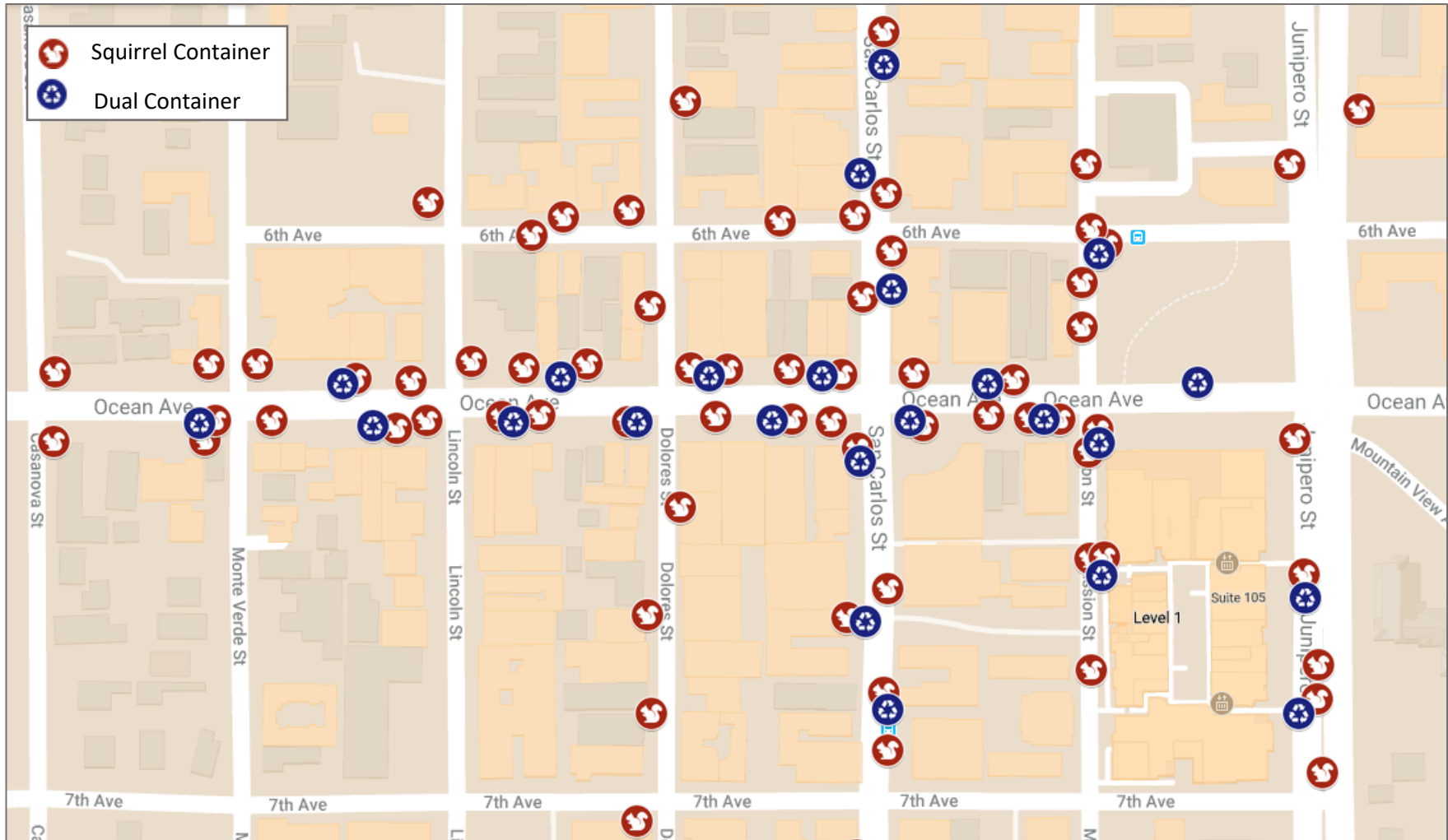
Design A:



Design B (Recommended by the Planning Commission):



### Attachment 5: Map of Existing "Squirrel" receptacle locations and Proposed Dual Container Locations





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert Harary, P.E, Director of Public Works
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Confirm the Forest & Beach Commission's recommendations regarding the format and content of the monthly Forester's Reports, or provide alternate direction to staff

## RECOMMENDATION:

Confirm the Forest & Beach Commission's recommendations regarding the format and content of the monthly Forester's Reports, or provide alternate direction to staff.

## BACKGROUND/SUMMARY:

For many years, the former City Forester established a spreadsheet of tree-related information which he reviewed at monthly Forest and Beach Commission meetings and included in the Council monthly reports item. The last such report for March 2019 is Attachment #1. These monthly reports contained detailed information about trees as listed in the table below. However, this report lacked information regarding other forestry, parks, and beach-related programs and activities.

In an effort to provide this additional information to the Commission, the Public Works Director added a verbal report each month to address applicable City Council actions, capital improvements and maintenance projects, and resource constraints. Upon retirement of the former City Forester in mid-2019, the use of the former spreadsheet format ended.

The new City Forester started in December 2019. She reviewed the prior Forester's Report format, discussed additional topics contributed by the Public Works Director, and developed her own monthly report style that she believed would be more user-friendly and provide a more comprehensive overview of Forest, Parks, and Beach Division activities each month, as well as the overall health of the urbanized forest. Attachment #2 is the Public Works Department monthly report for May 2020 which includes the latest format of the new Forester's Report (pages 2-6).

At the May 5, 2020 meeting, the City Council pulled the evolving Forester's Report and commented about this report. Specifically, Council stated that since the information in the new Forester's Report is not in the format it used to be, it is difficult to assess the overall performance of the urban forest over time. Council's motion was to reject the Forester's Report, request the Forest and Beach Commission to establish an appropriate format and content for the reports, including tree data previously contained in the prior reports,

and, when ready, bring the information back to the City Council for approval.

At the June 2, 2020 meeting, Council noted that the Forester’s Report had been slightly modified, but still did not contain all of the information included in the prior format of the Forester’s Report. Council understood that this item would be discussed at the June 11, 2020 Forest and Beach Commission meeting.

At the June 11, 2020 Forest and Beach Commission meeting, staff reviewed the above information, and asked for specific feedback regarding an overall format and specific content that would be most beneficial for the Commission, City Council, and public at large. The Commission had no objection to add additional tree information into the new report, but stated that the new Forester’s monthly reports were more user-friendly and easier to interpret compared to the prior spreadsheets which some found difficult to interpret. Members of the public commented that they appreciated the narrative provided by the Forester and Public Works Director, requested more information about why trees were being removed, and look forward to geo-referenced/mapped information forthcoming using the Tree Keeper software program (discussed below).

A side-by-side comparison is tabulated below.

<b>Topic</b>	<b>Prior Reports (March 2019)</b>	<b>Newer Reports (May 2020)</b>	<b>PW Director Reports</b>
Format	Spreadsheet	Report with color-coded graphics, charts, and maps	Verbal report to F&B Commission
Number, size, species, and locations of City trees removed, upper/lower canopy	X	Number of City trees removed	
Total YTD City trees removed vs full prior year	X	Monthly City trees removed	
Number, size, species, and locations of City trees planted, upper/lower canopy	X	Number of City trees planted	
Total YTD City trees planted vs prior year	X	Monthly City trees planted	
Number, size, species, and locations of private trees removed, upper/lower canopy	X	Number of private trees removed	
Total YTD private trees removed vs prior year	X	X (prior 6 years)	
Number, size, species, and locations of private trees planted, upper/lower canopy	X	Number of private trees planted, upper/lower canopy	
Total YTD private trees planted vs prior year	X	X (prior 6 years)	
Construction permits number, size, species, and locations of private trees	X	Number of permitted	



removed, pruned, and planted, upper/lower canopy		trees removed	
YTD construction permits for removal or pruning	X	YTD permit applications and comparison to last year	
Construction permits planting requirements	X	X	
Number trees under care (ie watering of trees planted by FOCF)	X		
Number of City trees pruned by City contractors, by type of hazard	X		
Tally of all trees planted vs. removed since 2013	X		
Number, species, and location of notable tree failures		X	
Number of private permits submitted and completed		X	
Number of private permitted removals		X	
Number of private permit inspections		X	
Number of development plan reviews		X	
Number of development Stop Work Orders issued w/reasons		X	
Narrative: Primary tasks performed by forestry crews		X	
Narrative: Tree inventory status, software		X	X
Private permitted tree Removals and plantings annually since 2012.		X	
Forestry, parks, or beach-related capital improvement projects, including contracted tree services		X	X
Forestry, parks, or beach-related City maintenance project accomplishments			X
Observations about tree diseases and infestation		X	
Narrative about weather and precipitation		X	
Forestry, parks, or beach-related resources (staffing			X

level, budget, equipment) City Council actions taken related to forestry, parks, and beach			X
Landscape maintenance operations		X	X
Fire fuel load reduction operations		X	X
Forestry crew activity: prune, remove deadwood, clear buildings, stop signs, vehicles, and intersections, and remove dead trees		X	
City-performed tree work year-by-year comparison		X	
Inventory of trees by species		X	
Size distribution of trees inventoried		X	

In addition, as more tree inventory data is uploaded into the new Tree Keeper software program, additional information can be added to future Forester's Reports. This information includes a majority of the information included in the prior Forester's Reports but were not yet included in the new Forester's Report. The program will also be able to list, or map:

- Tree condition, including reason for removal
- Primary defect
- Maintenance needs
- Conflicts
- Protection of significant trees
- Presence of overhead lines
- Mulch needed
- Location of stumps
- Enforcement

The Tree Keeper program overview will be presented at the Forest and Beach Commission meeting on July 9, 2020.

Staff is flexible and can generate any or all of the information tabulated above. However, the final Forester's Report should be useful to the Council and public at large without including information that is not needed. Further, any information that contributes to a quantitative understanding of the overall performance of the urban forest would be most valuable over the long term.

Therefore, staff is seeking Council direction as to what format and content would be the most beneficial.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with preparing monthly Forester's Reports. However, if other data is requested that requires expenses or significant additional staff time to compile, there may be fiscal constraints as a result of the reduced Forestry, Parks, and Beach operating budget and staffing levels for Fiscal Year 2020/21.

## **PRIOR CITY COUNCIL ACTION:**

At the May 5, 2020 meeting, the City Council pulled the evolving Forester's Report off of the consent agenda and commented about shortcomings in this new report, such as the elimination of year-to-year comparisons for tree data, and missing data regarding private tree removals and plantings. Specifically, Council stated that since the information in the new Forester's Report is not in the format it used to be, it is difficult to assess the overall performance of the urban forest over time. Council's motion was to reject the Forester's Report, request the Forest and Beach Commission to establish an appropriate format and content for the report, including tree data previously contained in the prior reports, and, when ready, bring the information back to the City Council for approval.

At the June 2, 2020 meeting, Council noted that the Forester's Report has been slightly modified, but still does not contain all of the information contained in the prior format of the Forester's Report. Council understood that this item would be discussed at the June 11, 2020 Forest and Beach Commission meeting.

## **ATTACHMENTS:**

Attachment #1 - Prior Forester's Report, March 2019

Attachment #2 - May 2020 Public Works and Forester's Report

Attachment 1 MARCH 2019

		March	YTD	2018			March	YTD	2018
<b>City Trees Removed (upper/lower)</b>		2(2/0)	55(50/5)	145	<b>City Trees Planted (upper/lower)</b>		6(5/1)	10(8/2)	62
e/ Junipero bet. 2nd & 3rd	15" Monterey pine								
FHP - lower	15" Monterey pine								
					nw/ 10 & San Carlos	2 - 5 gal. Monterey pines			
					w/ Lincoln bet. 7th & 8th	5 gal. pine & 5 gal. oak			
					s/ 7th bet. San Carlos & Dolores	15 gal. cypress			
						5 gal. cypress			
r - replacement of tree under care									
<b>Private Removal Permits (upper/lower)</b>		9(12/1)	16(18/3)	76	<b>Private Planting Requirements</b>		0(0/0)	0(0/0)	20
e/ Camino Real bet. 2nd & 4th	2 - 36" Monterey pines								
w/ Camino del Monte bet. 2nd & 3rd	12" Pittosporum								
sw/ 5th & Santa Fe	32" Monterey pine								
sw? Junipero & 11th	33" Monterey pine								
e/ Dolores bet. Vista & 1st	29", 23" Monterey pines								
e/ Dolores bet. Vista & 1st	34" Monterey pine								
e/ Dolores bet. 12th & 13th	30" Monterey pine								
e/ Santa Rita bet. 5th & 6th	36" Monterey pine								
w/ Junipero bet. 2nd & 3rd	34", 30", 28" Monterey pines								
<b>Construction Permits (remove/prune)</b>		1(1/1)	1(1/1)	15	<b>Construction Planting Requirements</b>		1	1	7
sw Camino Real & 7th	8" Monterey cypress				15 gal. upper canopy				
sw Camino Real & 13th	14" oak limb								
<b>Private Pruning Permits (upper/lower)</b>		0(0/0)	2 (0/2)	16	<b>Trees Under Care</b>				
					FOCF trees planted	101			
					City watered	151			
					City irrigated	40			
<b>City Pruning by contractors</b>					<b>Construction Finals</b>		<b>Planted</b>		
level I - total tree		2	2	83					
level II - hazard /emergency		0	45	4					
level III - specific purpose		0	0	18					
<b>Trees planted / removed 2013 to date</b>		411 / 868 (47%)							



# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

### Public Works Department Report – May 2020

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert M. Harary, P.E., Director of Public Works
<b>SUBMITTED ON:</b>	June 15, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

#### Forest and Beach Commission Meeting of May 14, 2020:

- Cancelled due to COVID-19. First video-conference meeting on June 11, 2020.

#### Public Works Administration

- Submitted the second review of the 5-year Capital Improvement Plan to the City Council. Due to significant budget constraints, Council defunded all Fiscal Year 2019/20 projects not yet under construction, and allocated \$16,000 for ADA upgrades for FY 2020/21.
- Checked the draft City-wide Storm Drain Master Plan, the City's first ever such plan, which identified numerous broken pipes and bottlenecks in our underground drainage system.
- Supported Planning and Police by reviewing Outdoor Seating Applications ensuring proposed set ups would not damage infrastructure or trees, impact ADA, block traffic signs, etc.
- Reviewed the draft Injury and Illness Prevention Plan, and coordinated with HR.

#### Environmental Programs

- The Climate Action Committee meeting of May 21, 2020 was cancelled due to COVID-19.
- Passed the annual California Recycling audit regarding recycling and food waste collection.
- Coordinated with volunteers who pulled invasive weeds at the North Dunes Habitat Restoration Site.
- Continued to work with the Monterey Regional Waste Management District, Green Waste Recovery, and a consultant to finalize proposed fee increases by GWR and to present the information at a special and regular City Council meetings in June.
- Performed stormwater quality inspections at City facilities, parks, and open spaces.

#### Facility Maintenance

- Decorative ADA handrails were installed at steps in the northwest corner of Devendorf Park.
- WWI Memorial masonry restoration was completed. Planning to install bollards and lighting.
- A miniature Tudor Comstock house was made by volunteers to cover the Sunset Center backflow prevention system. The system can be quickly and easily accessed for maintenance.
- Installed an exterior community bulletin board on the west side of the Park Branch Library.
- A site assessment and cost estimate were performed for painting the exterior of the Harrison Memorial Library by City staff. Work will begin if funded by the Library.
- A contract amendment was executed with ChargePoint who will remove the older EV Charger at Sunset Center north parking lot and install a new, single-port EV charger at no cost.

### Project Management

- The Harrison Memorial Library Gathering Room Project was substantially completed.
- Failing 60-year-old boilers were replaced with an energy-efficient boiler, pumps, valves, and tanks for the Sunset Center Boiler Replacement Project.
- The Scout House Roof Replacement Project began by removing very old shingles and repairing exposed areas of wood rot in rafters and sheathing below.
- PG&E energized their new gas line along Monte Verde Street and paved the street, curb-to-curb, between Ocean and Eighth Avenues, thus completing work along Monte Verde.
- PG&E started trenching and installing a new gas main along Casonova Street, between Seventh and Eighth Avenues.

### Street Maintenance

- For \$1,000, rented a bobcat and regraded sand over the Del Mar dune beach erosion areas by City staff, saving \$9,000.
- Cleared out the unauthorized bike trail in Forest Hill Park, and restored the trail with wood chips and signs noting no bikes allowed.
- Changed the storm drainage outfall system to the dry weather diversion mode for the summer.
- Coordinated installation of a new memorial bench along the Scenic Pathway.
- Continued to remove piles of fire fuel from the Mission Trail Nature Preserve (MTNP).
- Resumed installation of BearSaver trash and recycling containers at City parks.
- Due to budget cuts, began to gradually remove up to 17 (half) of the Mutt Mitt dispensers. Dispensers will remain along the Scenic Pathway and at MTNP.
- Cleaned up the beach after large crowds came over the Memorial Day holiday weekend.
- Continued repairing sidewalk uplifts for safety.

### Forestry, Parks and Beach (Forester's Report)

- **Note: The Content for future Forester's Report is included as a separate item in the July 7, 2020 agenda.**
- The TreeKeeper inventory platform is now online. Staff have been recording all tree work in the new platform. TreeKeeper is available for viewing at <https://carmelca.treekeepersoftware.com/index.cfm>
- A presentation of TreeKeeper will be given to the Forest and Beach Commission in July.
- As time allows, crews are installing mulch around young trees to help the soil retain moisture.
- The focus of fieldwork was still on essential health and safety issues such as removing dead and hazardous trees, dead wood, and removing pines infested with bark beetles.
- Continued weed removal which will continue through the summer.
- Three bids were received for the annual Landscape Maintenance Services contract ranging from \$4,615 to \$444,320, indicating that the bidders did not consistently base their bids on an annual basis, regardless of the frequencies of required tasks (i.e. annually, monthly, weekly) at multiple jobsites. Rejection of all Bids anticipated for the July Council meeting.

There were six notable failures addressed in May:

- Cypress limb at San Antonio and Tenth Avenues
- Cypress limb at Santa Lucia Avenue and Monte Verde Street
- Cypress limb at the Del Mar parking lot
- Entire pine failure in Forest Hill Park
- Entire tree failure near Carpenter Street
- Pine limb on Lincoln Street between Twelfth and Thirteenth Avenues

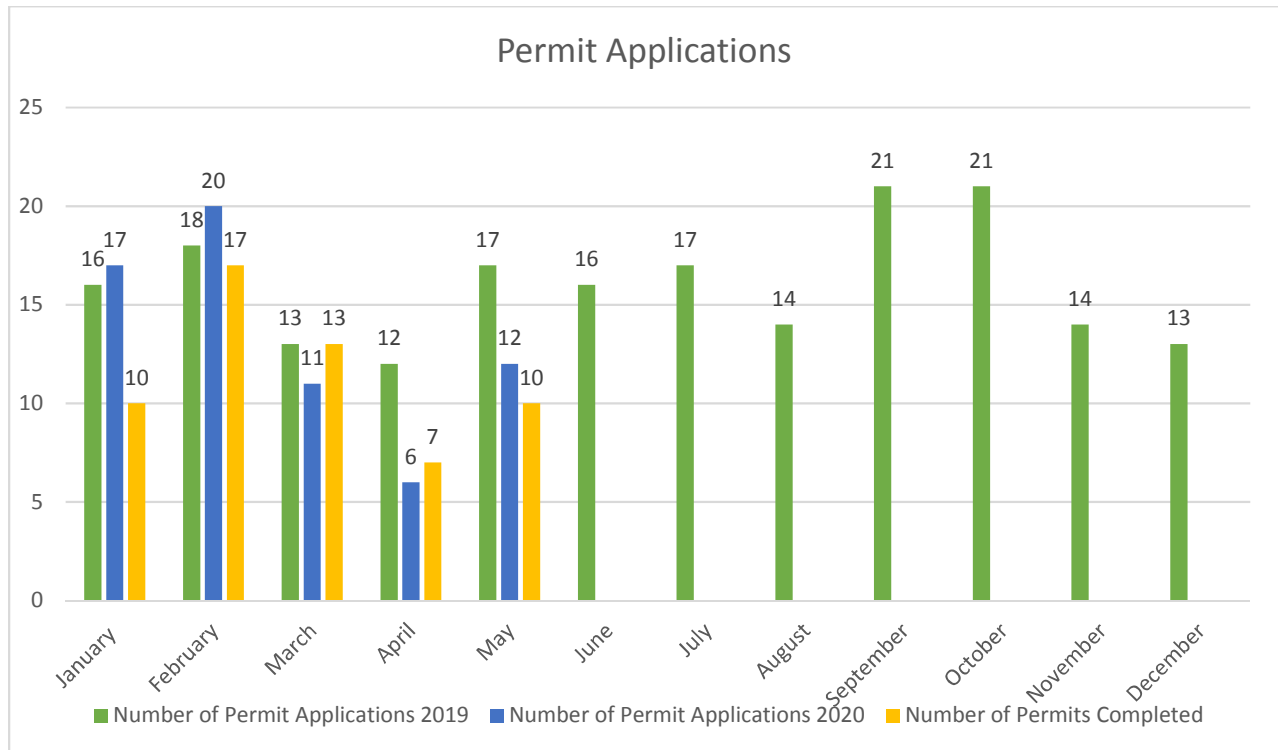
**Private and Development Activities**

Permits:

- 6 permit applications submitted
- 7 permits were processed to completion
- 10 permitted removals – 10 trees required to be planted
- 15 permit inspections
- 6 plan reviews

Stop Work Order Issued:

- Ninth Avenue 2 Northeast of Dolores Street – unpermitted cutting roots of a protected tree. Corrective action taken and the Order lifted.



Permitted removals and required planting					
	Removals	Plant Upper	Plant Lower	No room for new tree	Total number of Trees Required
January	13	7	1	3	8
February	32	13	3	4	16
March	16	7	2	6	9
April	10	4	4	2	8
May	10	4	6	1	10

**Historical Permitted Removals and Required Planting**

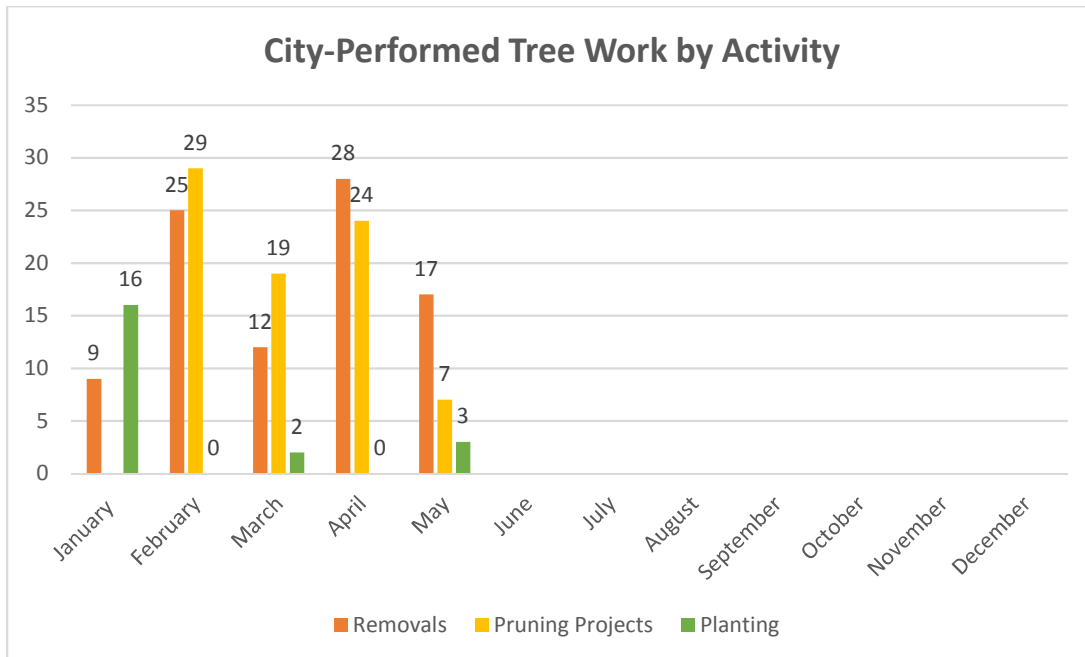
Year	Removal Permits	Re-planting Required	Re-planting Percentage
2012	60	20	33.3%
2013	96	59	61.5%
2014	114	49	43.0%
2016	90	37	41.1%
2018	76	20	26.3%
2019	170	116	68.2%
2020*	81	51	63.0%

\* Year to Date

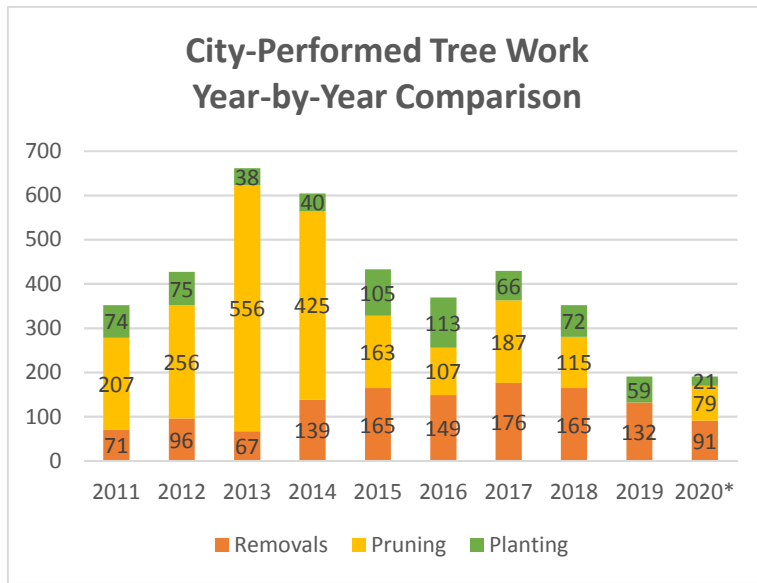
**Forestry, Parks, and Beach Activities**

City Removals and Plantings in May:

- 17 removals
- 7 pruning projects
- 3 plantings

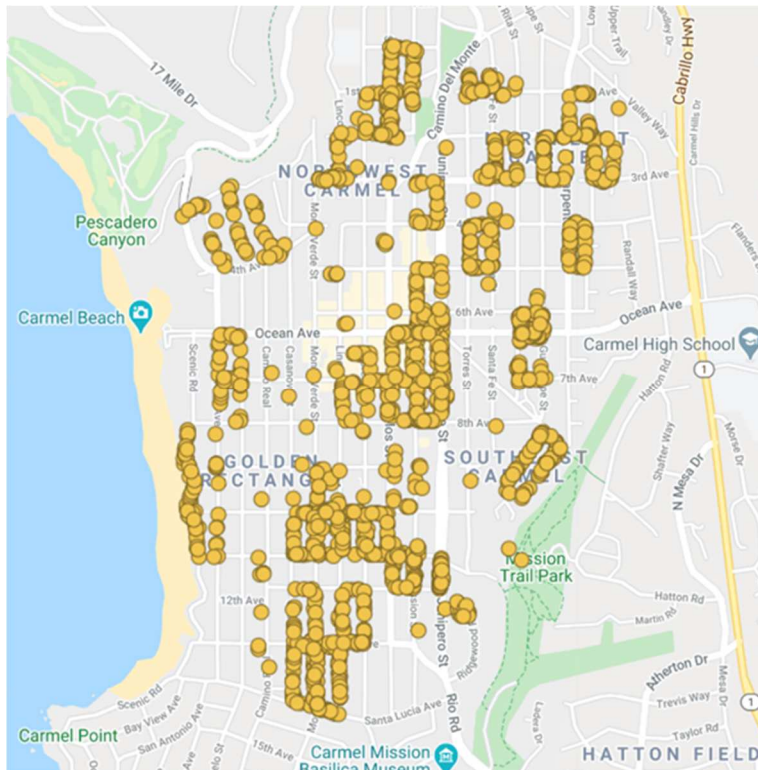


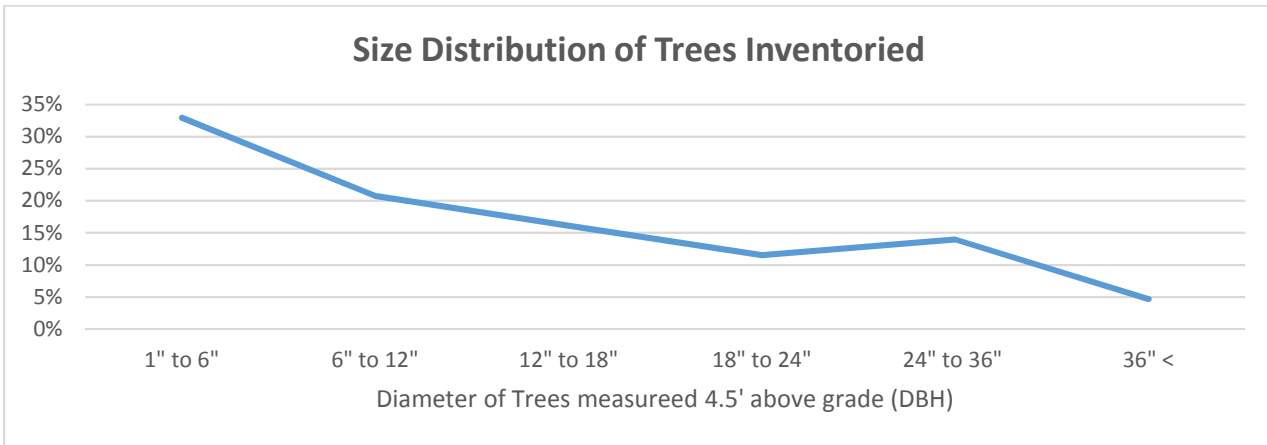




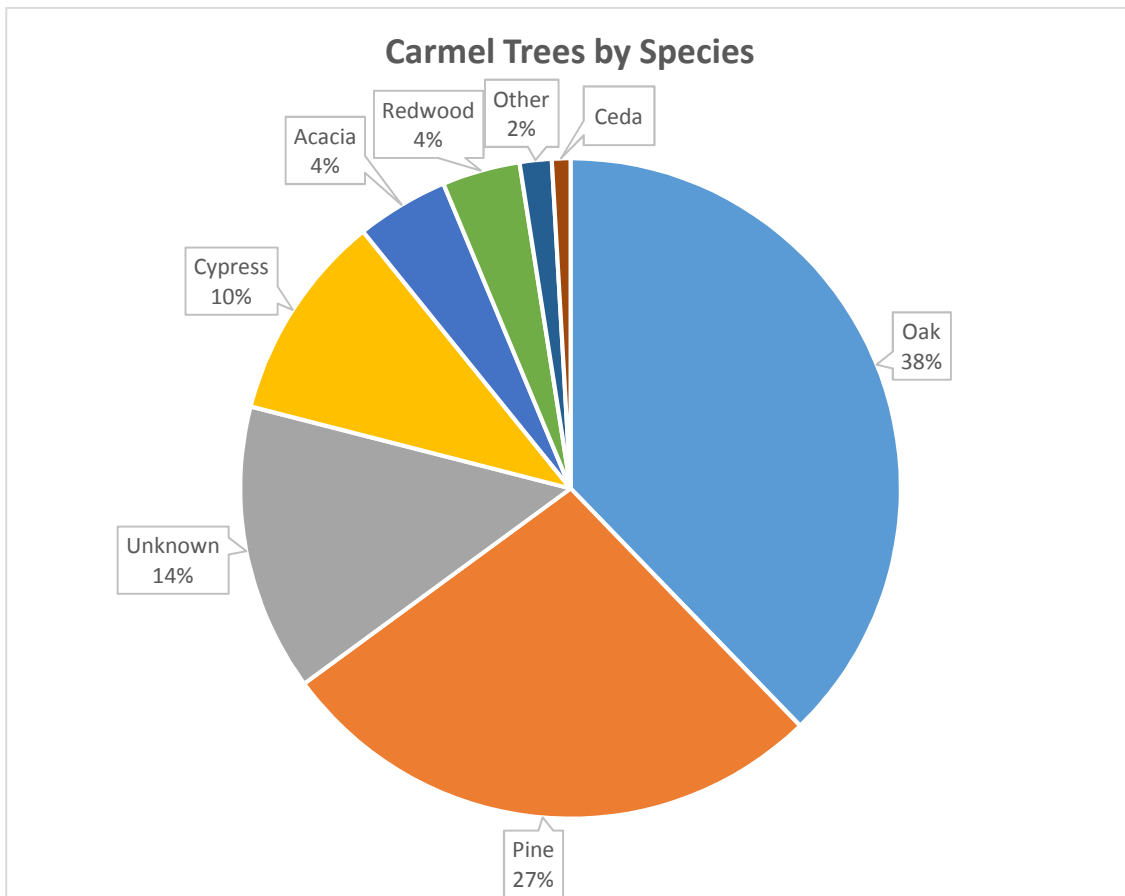
## Tree Inventory Update

Tree data collected in the 2019 survey has been uploaded into the TreeKeeper database. As of June 16<sup>th</sup>, 2,284 trees have been inventoried. Staff continues to inventory trees as work and inspections are performed. Each yellow dot in the map below represents a tree, is geographically accurate, and is linked to tree attribute and maintenance data.





For trees surveyed in Carmel in 2019, approximately 50% are 12" in diameter at DBH or smaller.





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 7, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Marnie Waffle, AiCP – Acting Community Development Planning & Building Director
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Outdoor Seating in the Public Way

## RECOMMENDATION:

Receive update on changes to outdoor seating in the public way and provide further direction regarding wine tasting shops and drinking places.

## BACKGROUND/SUMMARY:

At the June 16, 2020 meeting, the City Council provided staff with direction on modifications to outdoor seating in the public way and requested that staff return at the July 8, 2020 meeting for further discussion on outdoor seating for wine tasting shops, drinking places, and specialty restaurants.

### ***Modified Permit Terms and Conditions:***

Staff has revised the application materials and standard conditions for temporary outdoor seating permits in the public way (Attachments 1 and 2). All restaurants are required to submit new applications that meet the revised criteria and staff will issue a new permit (Attachment 3). Staff provided the revised criteria to restaurants in an email dated June 23, 2020 (Attachment 4).

### ***Questions for Discussion:***

On Wednesday, June 24, 2020 the Mayor's Ad-Hoc Committee (comprised of the Mayor and Mayor Pro-Tem Richards) met with a variety of stakeholders including business owners, property owners, community members and industry experts to discuss implications of the outdoor seating program and whether it should be expanded to include wine tasting shops, drinking places, and specialty restaurants. Below is a summary of the topics discussed.

### ***Wine Tasting Shops***

The Carmel Zoning Ordinance and City Wine Tasting Policy define wine tasting as an ancillary use to the retail sales of wine. In other words, the City does not have a use classification or approval process solely for wine tasting. The policy states that wine tasting should not take place on public property but falls silent regarding wine tasting on private property. Traditionally, outdoor seating on private property has been limited to restaurants. In light of the current Coronavirus pandemic, the City Council could consider allowing wine tasting on private property with approval of an outdoor seating permit from the Planning Division. For those

wine tasting shops where a private outdoor space is not available, the Council could consider whether outdoor seating in the public way is appropriate and, if so, whether the current revised standards are sufficient.

### Drinking Places

The Carmel Zoning Ordinance limits the total number of drinking places in the Village to three. Those establishments include, Barmel, A.W. Shucks, and Sade's. As noted above, traditionally, outdoor seating on private property has been limited to restaurants. In light of the current Coronavirus pandemic, the Council could consider whether outdoor seating for drinking places is appropriate on private and/or public property and whether standards specific to the use are appropriate.

### Specialty Restaurants

In considering whether to expand the outdoor seating program to include wine tasting shops and drinking places, the Council should consider the overall impact to parking in downtown. It was also suggested that the Council consider whether continuing to include specialty restaurants (i.e. coffee shops, bakeries, etc.) is appropriate. Staff notes that a specialty restaurant is different from a food store in that specialty restaurants are required to have at least 14 seats to encourage on-premises consumption. In contrast, the City defines 'food stores' as businesses that sell primarily pre-packaged food for consumption off the premises of the business. Examples of 'food stores' include olive oil, candy, and cheese shops.

### Impacts to Retail

The loss of public parking impacts downtown retailers and is compounded by the fact that not all outdoor dining areas are used all day (i.e. breakfast/lunch only restaurants or dinner only restaurants). In addition to the loss of public parking, adjacent retailers are being impacted by sidewalk dining and queuing lines as customers wait to patronize a restaurant. Maintaining social distancing will continue to be a challenge as sidewalks becoming increasingly crowded. The City Council should consider emphasizing the use of private property before expanding into the public way and whether additional limitations should be considered.

Staff notes that the current outdoor seating program facilitated by the City Administrator is temporary and was intended to provide immediate relief to local restaurants in the early phases of the shelter-in-place directive. As the County moves through additional phases of reopening, the impacts to retailers and challenges to maintaining social distancing are likely to increase.

### **FISCAL IMPACT:**

Encroachment Permits are being issued as "no-fee" permits. Costs associated with staff time to manage the program are covered by the General Fund.

### **PRIOR CITY COUNCIL ACTION:**

At the June 2, 2020 meeting, the City Council adopted Resolution 20-038 updating the insurance requirements. Insurance is required for most encroachment permit applications including outdoor seating in the public way. At the June 16, 2020 meeting, the City Council provided direction on modifications to the outdoor seating program.

### **ATTACHMENTS:**

- Attachment 1 - Temporary Encroachment Permit for Outdoor Seating in the Public Way
- Attachment 2 - Standard Conditions of Permit Approval
- Attachment 3 - Encroachment Permit Approval

Attachment 4 - Outdoor Seating Area Modifications Email dated June 23, 2020



# TEMPORARY ENCROACHMENT PERMIT APPLICATION

## Outdoor Seating in the Public Way

City of Carmel-by-the-Sea  
Department of Community Planning & Building  
P.O. Drawer CC, Carmel, CA 93921  
(831) 620-2010 OFFICE

1. Business Name & Location: \_\_\_\_\_

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Assessor Parcel No.: \_\_\_\_\_

2. Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone # (\_\_\_\_) \_\_\_\_\_ E-Mail: \_\_\_\_\_

3. Submittal Requirements:

- a. Completed **application** for 'Outdoor Seating in the Public Way'.
- b. Completed **site plan** diagram (attached) showing the layout of the outdoor seating area including,
  - i. The number and location of **tables/chairs**;
  - ii. Dimensioned detail of **barrier** or photo with description of dimensions (for outdoor seating in parking spaces only);
  - iii. The number and location of **umbrellas**, the fabric color, and how the umbrella will be secured at the base;
  - iv. The number and location of portable **heaters**;
  - v. The number, location, type and power source of **lighting** (if proposed); and,
  - vi. The number, location, size, material and a statement of necessity for **signage** (if proposed).
- c. **Photographs** of the tables and chairs to be placed in the public way (plastic not permitted).
- d. A **certificate of insurance with an endorsement** in the amount of **\$2,000,00** in combined single limit insurance for personal injury and/or property damage per occurrence and **\$4,000,000** in aggregate naming, *"The City of Carmel-By-The-Sea, its elected officials, officers, agents and employees are additionally insured under the policy."*
- e. The city will verify that all **taxes and assessments** are current prior to reviewing this application.

### Applicant Acknowledgement

I understand and agree to comply with all pertinent conditions, standards and requirements as specified by the Carmel Municipal Code, State, County and Federal regulations pertaining to this permit application. I agree to properly maintain the subject work at no expense to the City and to indemnify the City from any liability arising from the permit issued. Acceptance by the City of the work described hereon is not a waiver of my obligations as stated herein.

Applicant Name (Print Clearly): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Public Works Department: Approve/Disapprove (circle one)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Planning Department: Approve/Disapprove (circle one)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Police Department: Approve/Disapprove (circle one)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Approval Stamp

Additional Conditions of Permit Approval by City Departments:

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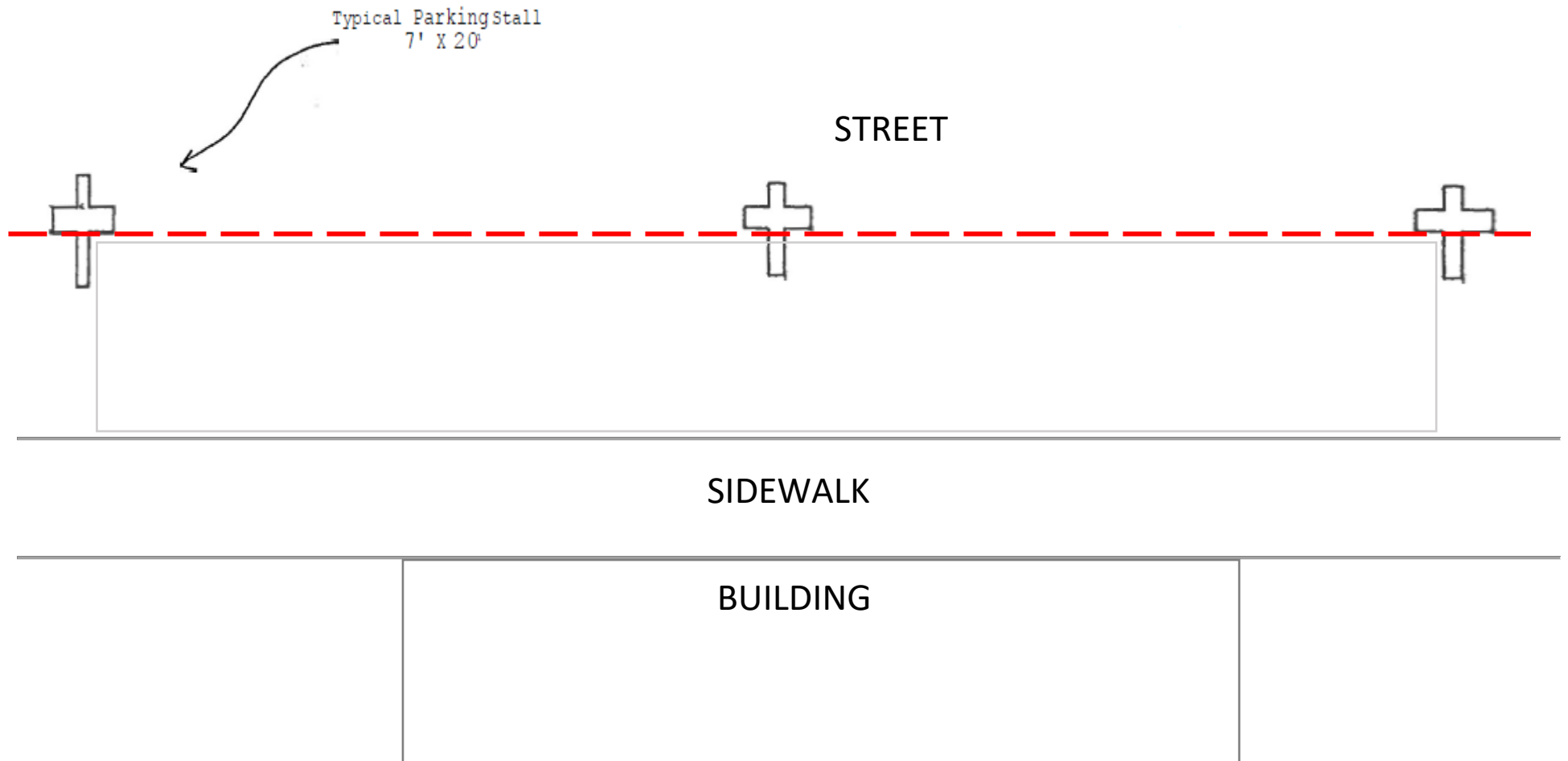
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## SITE PLAN DIAGRAM

Sketch the proposed layout of the outdoor seating area in the public way and include the following,

1. The number and location of **tables/chairs**;
2. Dimensioned detail of **barrier** or photo with description of dimensions (for outdoor seating in parking spaces only);
3. The number and location of **umbrellas**, the fabric color, and how the umbrella will be secured at the base;
4. The number and location of portable **heaters**;
5. The number, location, type and power source of **lighting** (if proposed); and,
6. The number, location, size, material and a statement of necessity for **signage** (if proposed).







Standard Conditions of Approval for  
Temporary Encroachment Permits for  
Outdoor Seating in the Public Way

1. **Permit Validity.** Temporary Encroachment Permits for outdoor seating in the public way are limited to full-line and specialty restaurants and are valid until **December 31, 2020** or until dine-in restaurant operations return to normal capacity, whichever occurs first. The Temporary Encroachment Permit shall be displayed on-site in plain view to City personnel and the general public.
2. **Liability Insurance.** A certificate of insurance and an endorsement for the term of the encroachment in the amount of **\$2,000,000** in combined single limit insurance for personal injury and/or property damage per occurrence and **\$4,000,000** in aggregate naming *“The City of Carmel-By-The-Sea, its elected officials, officers, agents and employees are additionally insured under the policy.”* The insurance shall be maintained for the duration of the Encroachment Permit. Failure to maintain liability insurance will result in revocation of the Encroachment Permit.
3. **Taxes and Assessments.** Restaurants shall remain current on all taxes and assessments during the term of this Encroachment Permit.
4. **Safety Protocols.** It is the applicant’s responsibility to be informed of, and comply with, all industry guidance for restaurants published by the Center for Disease Control (CDC), State of CA Governor’s Office, California Department of Public Health and the Monterey County Health Officer.
5. **Alcohol Service.** Full-line restaurants may serve alcohol to patrons dining within outdoor seating areas in the public way so long as,
  - a. The outdoor seating area meets all of the City’s requirements; and
  - b. The proper ABC license is obtained and displayed on-site in plain view to City personnel and the general public.

Alcohol can only be consumed within the boundaries of the outdoor seating area and is not permitted to be served in disposable or to-go cups.
6. **Outdoor Seating Maintenance.** The applicant is responsible for,
  - a. Sanitizing and disinfecting the outdoor seating area after each customer;
  - b. Providing a trash receptacle for use by patrons (separate from city trash receptacles);
  - c. Keeping the outdoor seating area clean and free of trash and debris at all times; and
  - d. Thoroughly cleaning outdoor seating areas at the end of each day, properly disposing of trash and cleaning up any food spills.
7. **Outdoor Seating – Parking Spaces.** Outdoor seating areas are limited to two (2) adjacent parking spaces with no more than eight (8) seats per space (16 seats total) so long as social distancing protocols are met, unless otherwise approved by the City. Outdoor seating shall not be placed in any loading zone or Americans with Disabilities Act (ADA) accessible parking space. All three (3) sides of the seating area shall be enclosed with barriers that meet the following criteria:

- a. Must be between 3-feet and 4-feet tall, unless otherwise approved by the City;
  - b. Must be entirely contained within the curb side of the parking “t”s;
  - c. Each side must be set back at least 4 feet from intersections.
  - d. Must weigh at least 50 pounds; and
  - e. Flower pots may supplement barriers but are not acceptable as a primary barrier.
8. **Outdoor Seating - Sidewalk.** Up to two, tables with two seats per table may be located along a sidewalk if the City determines there is sufficient space for both patrons, servers, passing pedestrians, and accessibility access.
9. **Outdoor Seating Layout.** The outdoor seating layout shall be established, and remain consistent with, the approved temporary Encroachment Permit. At no time shall the entry/exit to any tenant space, nor any public sidewalk, nor any path of travel providing emergency egress, be blocked by outdoor seating.
10. **Seating Area Use Regulations.**
- a. The outdoor seating area may be used for to-go/take-out orders and/or table service.
  - b. At no time shall employees providing service to the tables obstruct or otherwise block the public sidewalk.
  - c. Music (live or amplified), lighting (excluding solar), and/or signage of any type is NOT permitted, unless otherwise approved by the City.
  - d. Smoking shall be prohibited at all times within outdoor seating areas.
  - e. Plastic tables and/or chairs are NOT permitted.
  - f. Umbrellas may be allowed subject to the following standards, i) the fabric must be a neutral/earth tone color; ii) umbrellas shall not extend into the vehicle travel lane or pose a safety risk to pedestrians on the sidewalk; and, iii) the base of the umbrella must be heavy and secure such that it does not tip over but shall not be affixed to public property.
  - g. Propane heaters may be allowed if a proper location for propane storage can be demonstrated. Open flame fire pits are prohibited.
  - h. Umbrellas, heaters and tablecloths (if used) shall be removed at the end of each day and stored out of the public right-of-way in a secure location.
11. **Public Infrastructure.** Permanent attachments to public infrastructure including, but not limited to, streets, sidewalks, curbs, trash cans, light poles, traffic signs, trees, bike racks, fire hydrants, etc. are NOT permitted. Damage to public infrastructure as a result of the outdoor seating may result in revocation of the encroachment permit and must be repaired to the satisfaction of the City at applicant’s expense.
12. **Modifications.** After an Encroachment Permit is issued, any proposed modifications to the outdoor seating area shall be submitted to the Community Planning & Building Department for approval.
13. **Other Permits and Approvals.** It is the applicant’s responsibility to secure any applicable permits or approvals from other agencies including, but not limited to, Alcoholic Beverage Control (ABC), Monterey County Health Department, and/or the Monterey Peninsula Water Management District (MPWMD).

- 14. Permit Revocation.** The City reserves the right to revoke the Encroachment Permit if it is determined the seating area poses a risk to public safety or if any term of the permit is violated.
- 15. Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

\*Acknowledgement and acceptance of these Standard Conditions of Approval.

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Applicant Signature

Print Name

Date

*Once signed, please return to the Community Planning & Building Department.*



**TEMPORARY ENCROACHMENT PERMIT**

**Outdoor Seating in the Public Way**

City of Carmel-by-the-Sea  
Department of Community Planning & Building  
P.O. Drawer CC, Carmel, CA 93921  
(831) 620-2010 OFFICE

***THIS PERMIT MUST BE DISPLAYED ON-SITE AT ALL TIMES***

Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Business Name & Location: \_\_\_\_\_

Applicant Name & Phone Number: \_\_\_\_\_

This permit approval allows for \_\_\_\_\_ parking spaces and includes the following:

Yes   No

On-Street Dining: No. of Seats: \_\_\_\_\_

Sidewalk Seating: No. Tables/Chairs \_\_\_\_\_ / \_\_\_\_\_

On-site service and consumption of alcohol

Umbrellas: No. \_\_\_\_\_

Propane Heaters: No. \_\_\_\_\_

Music, Live

Music, Amplified

Lighting: \_\_\_\_\_

Signs: No. \_\_\_\_\_ Placement \_\_\_\_\_

Special Conditions:

1. Smoking within outdoor seating areas is prohibited at all times.

Questions or concerns regarding this outdoor seating area can be directed to,  
Code Compliance at (831) 620-2026 or Carmel Police at (831) 624-6403



**Carmel-  
by-the-Sea**

**Marnie R. Waffle <mwaffle@ci.carmel.ca.us>**

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## Outdoor Seating Area Modifications

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**Marnie R. Waffle, AICP <mwaffle@ci.carmel.ca.us>**

Tue, Jun 23, 2020 at 2:17 PM

To: Marnie Waffle <mwaffle@ci.carmel.ca.us>

Cc: Bobby Richards <brichards@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Paul Tomasi <ptomasi@ci.carmel.ca.us>, Bo Grunde <bgrunde@ci.carmel.ca.us>, Amy Herzog <amy.herzog@carmelcalifornia.com>, Jenny MacMurdo <ceo@carmelchamber.org>

Bcc: Gregory Ahn <greg@folktalewinery.com>, Denis Boaro <Denisboaro@gmail.com>, fiallo93921@gmail.com, "Crowe, Mary" <mcrowe@classichotels.com>, "pepe pepeinternational.com" <pepe@pepeinternational.com>, Meghan Rasmussen <meghan.rasmussen@gmail.com>, Soerke Peters <chefischef@gmail.com>, Erica Gamecho <egamecho@aol.com>, Nancy Tran <nancy@cypress-inn.com>, Peter Radler <pradler@cypress-inn.com>, Khamis Haji <khamis@cypress-inn.com>, alnimri@hotmail.com, basharsneeh@yahoo.com, ENZO CARMEL <enzipa@gmail.com>, kenneth spilfogel <kspilfogel@earthlink.net>, Kenneth Spilfogel <kspilfogel@gmail.com>, Mariah Elyse <mariah.elyse@gmail.com>, Courtney Kuhn <courtney@grasings.com>, Anna Bartolini <anna@labalenacarmel.com>, Colleen Chen <colleen@iltegamino.com>, John <john@labicycletterestaurant.com>, Shaheen Alnuaimi <shaheenfy@gmail.com>, Rosemary Reimer <reimergallery@yahoo.com>, atamir@aol.com, mike.amirkhanian@gmail.com, Pangaea Grill <pangaeagrillcarmel@gmail.com>, Il Capitano Ristorante Inc Lydia Lyons <ilcapistorante@gmail.com>, gabriel georis <gabegeoris@gmail.com>, Jonathan Sapp <jws@sapp.net>, Parker Logan <prkrign@gmail.com>, Alissa and Anthony Carnazzo <info@thestationaery.com>, Greg Profeta <greg@forgeintheforest.com>, Federico Rusciano <federico@thepocketcarmel.com>, FADI ALNIMRI <fadialnimri@aol.com>, info@tuckbox.com, Dia Kheir <diakheir72@icloud.com>, lydia lyons <bornlyons@gmail.com>, Firok Shield <dagiovannis@dagiovannis.com>, Kerry Loutas <kerryloutas@mac.com>, Marie Magdaleno <marie@carmelcoffeeroasters.com>, erkan@artemisboots.com, Nellie <nellie@netwiz.net>, Kori Violini <kviolini@gmail.com>, Justin Violini <justin@koriwines.com>, Kim Stemler <Kim@montereywines.org>, Sabrina Rodems <srodems@scratchwines.com>, Scott Caraccioli <scott.caraccioli@caracciolicellars.com>, cdentice@wrathwines.com, dprobasco@silvestrivineyards.com

All,

Please find below a summary of the City Council's direction on outdoor seating areas from their June 16th meeting. If you have any questions about what modifications you need to make you can reach out to me or Councilmember Bobby Richards ([brichards@ci.carmel.ca.us](mailto:brichards@ci.carmel.ca.us)).

- 1) Temporary permits for outdoor seating in the public way will only be granted to full-line restaurants or specialty restaurants. Wine tasting shops and drinking places (i.e. bars) will be considered at the July 7th City Council meeting.
- 2) In order to obtain a permit for outdoor seating, the restaurant must be current on all taxes and assessments.
- 3) Restaurants may serve alcohol to patrons dining in outdoor seating areas in the public way so long as, a) the outdoor seating area meets the City's requirements, and b) the proper ABC license is obtained and displayed on-site in plain view visible to the public. No alcohol shall be provided in disposable or to-go cups.
- 4) Outdoor seating areas are limited to two parking spaces and are required to have barriers on all three sides that meet the following criteria:
  - a) Must be between 3-feet and 4-feet tall, unless otherwise approved by the City;
  - b) Must be located on the curb side of the parking "t"; and,
  - c) Must weigh at least 50 pounds.
  - d) Flower pots are not acceptable as a primary barrier.
- 5) Outdoor seating areas within parking spaces may have up to 8 seats per stall (16 seats maximum) so long as all social distancing requirements are met. At the discretion of the City, up to two 2-top tables may be permitted on the sidewalk.

- 6) At the discretion of the City, umbrellas and propane heaters may be allowed. The following criteria will be applied:
- Umbrella fabric must be an earth tone/neutral color (primary colors will not be approved).
  - Umbrellas must be secured at the base (but not permanently affixed to public property).
  - Location of propane storage must be identified.
  - Umbrellas and heaters must be removed from the public way and stored in a secure location overnight.
- 7) Permit holders are expected to embrace the village charm and take pride in their seating areas. Permit conditions must be displayed on-site in public view at all times.
- 8) No smoking is permitted in the outdoor seating areas.
- 9) Tablecloths, if used, shall be removed every day at the close of business.
- 10) The outdoor seating areas shall be cleaned thoroughly at the end of each day. All trash shall be properly disposed of and all food spills cleaned up.
- 11) If the required liability insurance with endorsement has not been submitted to the City, you will be asked to remove your outdoor seating immediately.
- 12) All current permit holders will receive an updated list of Standard Conditions that must be read, signed and returned to the Community Planning & Building Department. The Standard Conditions will be provided via email.
- 13) The City reserves the right to modify the program from time to time to ensure the safety of the public and the character of the village.

- Marnie  
(831) 428-3500 mobile

### Marnie R. Waffle, AICP

Acting Community Planning & Building Director  
CITY OF CARMEL-BY-THE-SEA  
Community Planning & Building Department  
P.O. Box CC | Carmel-by-the-Sea, CA 93921  
Main: (831) 620-2010 Direct: (831) 620-2057

**PLEASE NOTE:** Due to the issuance of a shelter in place order by the Monterey County Health Officer, the Community Planning & Building Department is currently **CLOSED**. We apologize for any inconvenience. Staff will be working remotely to receive and review electronic application submittals as well as respond to emails.

If you have a general Planning question, please email [planning@ci.carmel.ca.us](mailto:planning@ci.carmel.ca.us). For Building questions, please email [building@ci.carmel.ca.us](mailto:building@ci.carmel.ca.us). To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.