REGULAR MEETING
Tuesday, November 6, 2018

OPEN SESSION
4:30 PM

CLOSED SESSION – 4:00 pm

A. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), Calkins v. City of Carmel-by-the-Sea; Monterey County Superior Court Case No. 18CV002532.

CALL TO ORDER AND ROLL CALL - 4:30 P.M.

Present: Councilmembers Richards, Hardy, Reimers, Mayor Pro Tem Theis, Mayor Dallas, City Administrator Rerig, Deputy City Attorney Giffen, Public Safety Director Tomasi, Public Works Director Harary, Community Planning and Building Director Weiner, Contracts and Budgets Director Friedrichsen, Finance Director Scattini, Senior Human Resources Analyst Wilson, Assistant City Administrator Gullo, Assistant Planner Kort, Code Compliance Official Grunde, Senior Planner Waffle, City Clerk Graves.

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

Item A: New Employee Introductions: Shannon Brawner, Dispatcher; Anthony Gotelli, Police Officer; Bo Grunde, Code Compliance Coordinator; Jane Wilson, Sr. Human Resources
Analyst.

Item B: A Proclamation Celebrating The Association of Monterey Bay Area Governments' (AMBAG) Fiftieth Anniversary.

Councilmember Richards presented the Proclamation to Maura Twomey, Executive Director.

ANNOUNCEMENTS

Item A: City Administrator Announcements

Median Lighting choices are currently up and available for voting by residents and business owners. The most popular design will be installed permanently in the medians.

Ballot Boxes for the election have been in place in the City Hall lobby for some weeks now, and are extremely popular with our residents. They have been emptied fairly consistently by County Elections staff but as many times as they have come, we have struggled to keep up with the demand.

Item B: City Attorney Announcements

The City Council, in closed session, approved an expenditure of $21,557.30 for Royal Calkins' legal fees *in re* Calkins vs. City of Carmel-by-the-Sea. Regarding the Simonelli case, it was decided in favor of the City by the Appellant Court on October 15, 2018. The Sixth District Court has denied an appeal. The next steps, if any, are up to the Complainant.

Item C: COUNCILMEMBER ANNOUNCEMENTS

Councilmember Reimers cautioned that there should be a balance between stucco and board & batten finishes within the Village. She is also concerned about the practice merging lots so that one can build a bigger structure. Even though the State seems to encourage this practice, it is not conducive to the atmosphere w2e want to promote in the Village, She said merging two lots in most cases is fine, but more than two should go to the Planning Commission for review. Regarding FOR A, the Transition Plan is still in progress, and LAFCO needs it by December 18th.

Councilmember Hardy reported that MST has purchased ten small busses using their SB1 funds, and needs another 15 more. In addition, the Veterans Transition Center's Operation Stand-Down, which MST proudly supports, was the third-largest in the country this year, and had over 550 volunteers, delivering a range of services to those veterans who came. Finally, TAMC met in closed session to approve a legal contract with Meyers-Nave that had to do with condemnation of properties that had been taken from the Salinas Transit Center. The core issue is what value the properties have. She mentions it here because the Monterey County Counsel said the contract had to be discussed and approved in closed session because of the amounts of money that were revealed in the contract, and how those amounts could reveal strategy. It was determined that that constituted an attorney-client privilege.

Mayor Dallas thanked all residents and staff who worked so hard and participated in the Annual Pumpkin Roll, and in using the Ballot Box. The City is proud to have hosted both.

PUBLIC APPEARANCES

Barbara Livingston
Richard Kreitman

ORDERS OF BUSINESS

Item 1: Resolution No. 2018-119, Approving the Conversion from an Uncontrolled to a 2-Way Stop-Controlled Intersection at Mountain View Avenue and Torres Street, from a 2-Way to 4-Way Stop-Controlled Intersection at Fourth Avenue and Mission Street, and from a 1-Way to 3-Way Stop-Controlled Intersection at San Carlos Street and Ninth Avenue.

Public works Director Harary presented the staff report.

SPEAKING FROM THE FLOOR IN SUPPORT
Dale Byrne
Carl Iverson
Jim Twomey

Councilmember Richards recused himself from the vote on the stop sign on Mountain View at Torres.

Action: Councilmember Reimers moved, seconded by Councilmember Hardy, Conversion from an Uncontrolled to a 2-Way Stop-Controlled Intersection at Mountain View Avenue and Torres Street.

AYES: HARDY, REIMERS, THEIS, DALLAS
RECUSED: RICHARDS

Mayor Pro Tem Theis recused herself. Councilmember Richards returned to the dais.

Action: Councilmember Hardy moved, seconded by Mayor Dallas, to Approve the Conversion from a 2-Way to 4-Way Stop-Controlled Intersection at Fourth Avenue and Mission Street.

AYES: RICHARDS, HARDY, REIMERS, DALLAS
RECUSED: THEIS

Mayor Pro tem Theis returned to the dais.

Action: Councilmember Reimers moved, seconded by Mayor Dallas, to Approve the Conversion from a 1-Way to 3-Way Stop-Controlled Intersection at San Carlos Street and Ninth Avenue, thus finally adopting Resolution No. 2018-119, in sections as above.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS
NOES: None.

PUBLIC HEARINGS

Item 2: FIRST READING - Ordinance No. 2018-005, Adding Chapter 10.40.050 to the Municipal Code Prohibiting the Use of Shared Mobility Devices Within the City Of Carmel-by-the-Sea.

Assistant Planner Kort presented the staff report.

SPEAKING FROM THE FLOOR IN SUPPORT:
Richard Kreitman
Carl Iverson

Action: Mayor Pro Tem Theis moved, seconded by Councilmember Hardy, to Approve Ordinance No. 2018-005, Adding Chapter 10.40.050 to the Municipal Code Prohibiting the Use of Shared Mobility Devices within the City of Carmel-by-the-Sea.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS
NOES: None.

Item 3: Consideration of an appeal of the Historic Resource Board's decision to deny the request to remove an existing residence from the City's Historic Inventory. The property is located on Monte Verde Street, 4 southeast of 4th Avenue. The application is being appealed by the property owners, Matthew and Stacey Roy.

Community Planning and Building Director Wiener presented the staff report.

SPEAKING FOR THE APPEAL:

Anthony Lombardo, Esq., spoke for the Appellant.
Anthony Kirk spoke of Carmel's and the property's history.

SPEAKING IN OPPOSITION TO THE APPEAL:

Pamela Silkwood, Esq.
Barbara Livingston
Linda Smith
Lauren Banner
Ina Kessler
Mary Ellen Thomas
Roy Thomas
Sue Mason
Daniel Cardenas
Noel Mapstead
Mike Brown
Julie Wendt

SPEAKING IN SUPPORT OF THE APPEAL

Carrie Simpson
John Simpson
Donna Jett
Matthew Roy
Stacy Roy

The Council recessed at 6:52 p.m., and returned at 7:01 p.m.

Community Planning and Building Director Wiener explained that the project is not appealable to the Coastal Commission.

Deputy City Attorney Giffen said the project is not considered to be a project that would require a CEQA review. There is also no planned change to the environment. Having said that, his recommendation is to continue this item to the next City Council meeting on December 4, 2018. During that time he will carefully review the appeal and make a recommendation to the City Council on how to proceed.

Councilmember Reimers said the CEQA issue must be resolved, and that she agrees with the proposed continuation. She asked hypothetically if the decision to rebuild wouldn't also challenge the integrity of the cabin. And if the Council requires the home to be rebuilt, what would happen to other owners of houses that have been allowed to deteriorate? S

Councilmember Hardy said she also feels CEQA is the biggest issue. She indicated some disagreement with the staff in that the cabin has been on the Historic register here in Carmel for sixteen years and yet now staff wants it demolished.

Mayor Pro Tem Theis said this is a difficult issue, to be sure, but she wants to continue to a decision, if possible, and not delay for an attorney review of CEQA.

Councilmember Richards recounted that council has received two staff reports so far on this project: one from the Historic Resources Board and one from Director Wiener. This is a lot of information, but he wants to avoid a lawsuit about CEQA so he will support the continuation.

Mayor Dallas likes what one speaker spoke of when she said "salvage and reuse." He likes that possibility. He feels strongly about the City Administrator waiving the fees for appeal because a Historic Resources Board Member sat through all of the reports on the item in HRB and then recused himself.

Action: Mayor Dallas moved, seconded by Mayor Pro Tem Theis, to continue this item to a date certain of Tuesday, December 4, 2018 on or after the hour of 4:30 p.m.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS
NOES: None.

Item 4: Resolution No. 2018-079, Adopting an Incentive Program Modifying All Planning and Building Fees for Hotel and Commercial Improvement Projects for Calendar Year 2019-20.

In dealing with another conflict of interest, Councilmember Richards and Mayor Pro Tem Theis left the dais because of financial conflicts. Mayor Dallas remained because he has no hotels or motels and, aside from the 27 inches he encroaches into the area, he has no conflict.

Councilmember Hardy Chaired this portion of the meeting.

Community Planning and Building Director Wiener began the staff report.

Councilmember Reimers said she is not in favor of waivers. She also asked for a timeline to be instituted, and for the fees to be deferred for a full year.

Councilmember Hardy expressed concerns about a waiver of only 6 months, especially if the work was somehow delayed. She also inquired about ADA upgrades being a part of this waiver of fees, and she was told that would be true.

Mayor Dallas said that he liked the using the waiver program for ADA upgrades.

Councilmember Hardy said the only change she would make to the resolution would be to have the starting date December 1, 2018 and run through the calendar year 2019. Mayor Dallas concurred.

Director Wiener said that a 6-month waiver would be too short. It would have to be a year.

Action: Mayor Dallas moved, seconded by Mayor Pro Tem Theis, to continue this item to a date certain of Tuesday, December 4, 2018 on or after the hour of 4:30 p.m.

Mayor Dallas took back the gavel.

AYES: HARDY, DALLAS
NOES: REIMERS
RECUSED: RICHARDS, THEIS

FUTURE AGENDA ITEMS

Councilmember Reimers asked for a renewal of the policy of the City's financial support to non-profits.

Mayor Dallas asked the City Administrator for more information about what Monterey is doing with FOR A and what items were actually put on the agenda by FOR A for the City of Monterey.

ADJOURNMENT – 7:43 p.m.

APPROVED:

Steve G. Dallas, Mayor

ATTEST: Leslie Fenton for

Thomas A. Graves, MMC
City Clerk