MINUTES
REGULAR MEETING
CARMEL-BY-THE-SEA

Tuesday, September 13, 2016

CALL TO ORDER
Mayor Dallas called the meeting to order at 3:30 p.m.

Present: Councilmembers Hardy, Richards, Theis, and Mayor Dallas

Absent: Councilmember Reimers

Mayor Dallas announced that Councilmember Reimers toured each property listed on the Tour of Inspection individually.

TOUR OF INSPECTION

A. Rheaume property located on Vista Avenue, 2 NW of Mission Avenue.

B. Slingerlend/Speers property located on the NW corner of Santa Lucia Avenue and San Carlos Street.

C. Lonergan property located on the NE corner of Dolores Street and 12th Avenue.

D. Holtkamp property located on the SW corner of San Carlos Street and 12 Avenue.

E. The Scout House located on the NE corner of Mission Street and 8th Avenue.

OPEN SESSION
Council resumed in Open Session at 4:30 p.m.

Present: Councilmembers Hardy, Reimers, Richards, Theis, and Mayor Dallas

Absent: None

Staff: Chip Rerig, City Administrator
Don Freeman, City Attorney
Mike Calhoun, Public Safety Director
Janet Bombard, Library and Community Activities Director
Sharon Friedrichsen, Director of Budget and Contracts
Paul Wood, Finance Manager
Joel Staker, Information Systems/Network Manager
Rob Mullane, Public Works Director
Marc Wiener, Community Planning and Building Director
Maxine Gullo, Human Resources Manager

PLEDGE OF ALLEGIANCE

Mayor Dallas and Lizzy Wolfe led pledge of allegiance.

EXTRAORDINARY BUSINESS

Item A: Mayor Dallas declared Lizzy Wolfe Honorary Mayor for the day.

Item B: Mayor Dallas declared September Childhood Cancer Awareness Month and honored Jacob's Heart for their support of children with cancer and their families.

Item C: Sue McCloud, Bill Godwin, who is working on the time capsule, Barbara Livingston, Merv Sutton, and Tom Brocato provided an update on Centennial Committee activities.

PUBLIC APPEARANCES

The following members of the public spoke: Howard Brunn, Lily Yu, Susan Love, Barbara Dickenson, Gillian Rogers Bird, Susan Britton, Justin Berg, Bruce Stewart, and Mike Brown.

---End Public Appearances---

ANNOUNCEMENTS

The Mayor requested that the consideration of the acceptance of the bust of Gunnar Norberg be placed on future agenda items.

Item A: Announcements from Closed Session

City Attorney Don Freeman announced that the Council received update on Item A of the Closed Session agenda, and that there were no announcements for the public on those three matters, with the exception of one case. He stated that the City attended to a small claims court matter and that the City, through mediation, settled the matter. He clarified why the court case was listed under potential litigation and stated that the Council agreed to pay half of the amount of the small claims cost and half of the amount of the court costs.

Mayor Dallas announced that consistent with the mediation settlement agreement between Victoria Beach and the City of Carmel-by-the-Sea, he has appointed an ad hoc committee consisting of himself and the City Administrator Chip Rerig to review the City's travel and training policy.

City Attorney Don Freeman announced that, the Council discussed and continued Item B to the next Council meeting, that the Council received an update on Item C with nothing to report out to the public, that Council received an update regarding Item D, which is scheduled to go to trial October 24, 2016, that Council received an update on Item E, which is scheduled for hearing on October 8, 2016, and that Council received an update on Item F, which has not been scheduled for a hearing.

Item A: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 3 cases

Item B: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

Item C: LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance

Item D: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)

Name of Case: Gerit Sand; Cobblestone Bakery, a sole proprietorship, Plaintiff v. City of Carmel- by-the-Sea, Defendant - Monterey County Superior Court Case No. M130393

Item E: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Simonelli v. City of Carmel-by-the-Sea, United States District Court Case No. C 13-1250 LB

Item F: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Pfeister v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. M93437

Item B: Announcements from City Council Members

Councilmember Hardy announced that she did a ride along with Code Compliance Office Al Fasulo and found it informative as to the challenges the City faces with code enforcement compliance issues and encouraged the rest of the Council to do the same.

Councilmember Reimers gave an update on the activities of the Fort Ord Reuse Authority, which is working on plans for the environment, education, and economics. She announced that there would be a tour of Fort Ord on September 24th from 9:00 a.m. to 12:00 p.m., which is open to the public and that there would be a ceremony for the Veteran's Cemetery, Friday, October 14th at 11:30am, which is also open to the public. She stated that the Planning Commission had completed its Centennial project, a brochure entitled "100 Years that Created Carmel". She stated that the Planning Commission was also working on identifying "quirky codes of Carmel-by-the-Sea" for the Centennial, which is still in progress. She stated that she watched the Forest and Beach Commission meeting and that she agrees with the Commission that the Beach Fires pilot program should have as much financial information possible when it returns for consideration by Council. She announced Wies Norberg's donation of papers and scrapbooks, which document what occurred during Gunnar Norberg's term as Mayor. She announced that on September 1, 2016 she attended the California Public Utilities Commission meeting about water at Carpenter Hall and encouraged future attendance by Councilmembers.

Councilmember Richards thanked Mike Brown for standing at his trailer, which was parked in the Safeway parking lot to accept donations for Mid-Coast Fire. He stated that he had asked Monterey County Convention and Visitors Bureau for copies of all articles about Carmel specifically, which will be provided to him each month going forward to ensure that the right market is being targeted.

Mayor Pro Tem Theis announced that Monterey Regional Waste Management District is going to be having an open house on October 23rd to celebrate 50 years of handling waste and that they will be giving a tour of their new facility for Greenwaste to fill their CNG garbage trucks.

Mayor Dallas announced that the 2nd Annual Pumpkin Roll would be held October 1st beginning at 1:00 p.m. and stated that in the next 90 days he would be appointing each Councilmember to a Board or Commission as a liaison.

Item C: Announcements from City Administrator

City Administrator Chip Rerig announced that the Council would be doing a tour of Sunset Center on Saturday, September 17, at 9:00 a.m. in anticipation of the special meeting with the Sunset Center Board on Monday, September 19, at 1:00 p.m. He stated that there were a few minor corrections to be made to some consent agenda items.

Item D: Announcements from City Attorney - None

CONSENT AGENDA

City Administrator Chip Rerig stated that that there was a typographical error in the resolution of Item 8, that for Item 12 it is the Mock Trial Club not the Debate Club, and stated that Item 10 needed further staff work and recommended that it be withdrawn from consideration and continued.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Reimers, Council unanimously approved the Consent Agenda as follows, with the exception of Items 1, 8, 11, and Item 10, which was withdrawn:

Item 2: Check Register for July 2016. **Approved, 5:0**

Item 3: Monthly Reports for July 2016. **Accepted, 5:0**

Item 4: SR 2016-1169 Adoption of a resolution 1) authorizing the City Administrator to execute an agreement with PC Specialists Inc. DBA Technology Integration Group (TIG) for the purchase and installation of a Server System in an amount not to exceed $147,417 and 2) authorizing a budget adjustment to transfer $27,417 from the Equipment and Vehicle Fund to the Server System capital project. **Adopted resolution 2016-054, 5:0**

Item 5: SR 2016-1170 Designation of voting delegates for the League of California Cities Annual Business Meeting, Friday, October 7, 2016. **Adopted resolution 2016-055, 5:0**

Item 6: SR 2016-1171 Adoption of a resolution authorizing a free use day of the Sunset Center theater and lobby to 1) the Carmel International Film Festival on Thursday, October 20, 2016, and 2) the Carmel Public Library Foundation on Wednesday, May 17, 2017. **Adopted resolution 2016-056, 5:0**

Item 7: SR 2016-1172 Adoption of a resolution approving modifications to the City of Carmel-by-the-Sea Conflict of Interest Code and authorization of the City Clerk to forward to the Fair Political Practices Commission. **Adopted resolution 2016-057, 5:0**

Item 12: SR 2016-1177 Adoption of a resolution donating $1,000 to CHS Debate Club and $1,000 to Carmel Art Walk. **Adopted resolution 2016-066, 5:0**

Item 13: SR 2016-1178 Adoption of a resolution of the City Council of the City of Carmel-by-the-Sea approving the recommend responses to the Monterey County Civil Grand Jury 2016 Final Report Findings and Recommendations, and authorize the Mayor to sign the cover letter on behalf of the City Council. **Adopted resolution 2016-059, 5:0**

Item 14: SR 2016-1179 Adoption of a resolution authorizing the City Administrator to execute and agreement for the purchase of (15) new body camera systems as identified as a Capital Improvement item in the FY2016/17 Budget and as recommended in the Monterey County 2015-16 Civil Grand Jury Report, and a budget adjustment of $1,675 to fund the purchase with money from the Vehicle and Equipment Replacement fund. **Adopted resolution 2016-060, 5:0**

Item 15: SR 2016-1180 Consideration of a proposal from Boy Scout Troop 127 for minor modifications to the Scout House for purpose of approving accessibility. **Approved, 5:0**

Item 16: SR 2016-1181 Award a Construction Contract to Monterey Peninsula Engineering for the FY 2016-17 Streets and Roads Project in a Total Amount Not to Exceed $792,276. **Adopted resolution 2016-062 and resolution 2016-063, 5:0**

The following item was withdrawn:

Item 10: SR 2016-1175 Adoption of a resolution authorizing the installation of stop signs, creating a four-way stop at the intersection of San Carlos & 1st.

The following items were pulled from the Consent Agenda by members of Council or the public and considered separately:

Item 1: Draft minutes for the August 1, 2016 special meeting and for the August 2, 2016 regular meeting.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to approve Item 1. **4:0:1** (Councilmember Reimers abstaining – not present at meetings)

Item 8: SR 2016-1173 Adoption of a resolution 1) approving the Community Promotions Fund grant overview and application process, 2) authorizing an amendment to City Policy C16-01 by which the two granting cycles per year currently specified in the policy will be reduced to one grant cycle per year, 3) approving a Special Event Planning Guide brochure, and 4) rescinding City Policy C91-01, "Municipal Grants Policy".

Janet Bombard, Library and Community Activities Director and City Attorney Don Freeman responded to Council questions and provided clarifications.

Public Comment – None

Council

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council unanimously moved to adopt a resolution 1) approving the Community Promotions Fund grant overview and application process, 2) authorizing an amendment to City Policy C16-01 by which the two granting cycles per year currently specified in the policy will be reduced to one grant cycle per year, 3) approving a Special Event Planning Guide brochure, adding california.com to #18 on the application, and 4) rescinding City Policy C91-01, "Municipal Grants Policy", following the language change recommendations made by the Community Activities and Cultural Commission, and correct the typographical error on number two of the resolution. **Adopted resolution 2016-058, 5:0**

Item 11: SR 2016-1176 Adoption of a resolution authorizing a budget adjustment of $62,056 to fund a License Plate Recognition System.

Member of the public who asked that the item be pulled, Andre Balaswan, requested clarifications on the staff report.

Public Comments - None

Mike Calhoun, Public Safety Director, City Administrator Chip Rerig, and City Attorney Don Freeman responded to questions from the public and Council and provided clarifications.

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council moved to adopt a resolution authorizing a budget adjustment of $62,056 to fund a License Plate

Recognition System. **Adopted resolution 2016-067, 5:0**

PUBLIC HEARINGS

Item 17: SR 2016-1182 Review of the City's Mills Act Program and consideration of a resolution establishing a new limit on the number of Mills Act contracts that can be approved.

Marc Wiener, Community Planning and Building Director provided the staff report, responded to Council questions, and provided clarifications.

Public Comment – None

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Richards, Council moved to adopt a resolution allowing 15 Mills Act contracts over a three-year period. **Adopted resolution 2016-068, 5:0**

Item 18: SR 2016-1183 Consideration of four Mills Act Contracts for four existing historic residences located in the Single-Family Residential (R-1) Zoning District.

Matthew Sundt, Contract Planner provided the staff report on the Rheaume property, responded to Council questions, and provided clarifications.

Property owner, Ken Rheaume responded to Council questions and comments.

Public Comment

The following members of the public spoke on this item: Andre Balaswan and Carl Iverson

---End Public Comment---

Marc Wiener, Planning and Building director responded to questions from members of the public.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Dallas, Council unanimously moved to adopt the Mills Act contract for Rheaume property with the condition of changing out to a wood-shingle roof within the ten years and working out a time frame with the staff. **Adopted 5:0**

Matthew Sundt, Contract Planner provided the staff report on the Slingerlend-Speers property, responded to Council questions, and provided clarifications.

The owner spoke on this item (No name given)

Public Comments – None

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council unanimously moved to adopt the Mills Act contract for Slingerlend-Speers property. **Adopted 5:0**

Mayor Dallas recused himself from consideration of the Mills Act Contracts for the Lonergan property and the Holtkamp property because he owns property within 500', and he stepped down from the dais.

Matthew Sundt, Contract Planner provided the staff report on the Holtkamp property, responded to Council questions, and provided clarifications.

Public Comments - None

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Richards, Council unanimously moved to adopt the Mills Act contract for Holtkamp property and to pull item 11 off of the plan as recommended by the Historic Resources Board. **Adopted 4:0:1** *(Mayor Dallas abstaining because he owns property within 500')*

Matthew Sundt, Contract Planner provided the staff report on the Lonergan property, responded to Council questions, and provided clarifications.

Property owner Scott Lonergan spoke on this item and responded to Council questions.

Public Comments - None

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Reimers, Council unanimously moved to adopt the Mills Act contract for Lonergan property. **Adopted 4:0:1** *(Mayor Dallas abstaining because he owns property within 500')*

Mayor Dallas called a recess at approximately 6:40 p.m. Council resumed at approximately 6:50 p.m.

ORDERS OF BUSINESS

Item 19: SR 2016-1184 Consideration of resolutions adopting master fee schedules for administrative services, library, public safety, community planning and building and public works.

Sharon Friedrichsen, Director of Budget and Contracts provided the staff report, responded to Council questions, and provided clarifications.

City Administrator Chip Rerig provided further comments.

Council questions followed.

Marc Wiener, Community Planning and Building Director, provided clarifications.

Public Comment

The following members of the public spoke on this item: Monta Potter and Andre Balaswan

---End Public Comment---

City Administrator Chip Rerig responded to questions from the public.

Council discussion followed.

Marc Wiener, Community Planning and Building Director, provided clarifications.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council moved to adopt a resolution and the corresponding master fee schedule for administrative services, library and public safety services without a phasing. **Adopted resolution 2016-064, 5:0.**

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Reimers, to adopt a resolution and the corresponding master fee schedule for community planning and building and public works services to be phased in over two-years, with each respective year to include a subsidy at 50% of the full-cost recovery fee for appeals of a staff decision to the appropriate body; a subsidy at 25% of the full-cost recovery fee for appeals of the decision rendered by the appropriate body made to Council; a subsidy at 50% of the full-cost recovery fee for the Mills Act application fee; and to adopt the sign application fee at $155.00. **Adopted resolution 2016-065, 5:0.**

FUTURE AGENDA ITEMS

- Grants of Council discretionary funds

ADJOURNMENT

There being no further business the Council adjourned the meeting at approximately 7:20 p.m.

APPROVED:

Steve G. Dallas, Mayor

APPROVED:

Sharon Friedrichsen

Sharon Friedrichsen, Director of Budget and Contracts

ATTEST:

Ashlee Wright

Ashlee Wright, City Clerk