

REGULAR MEETING MINUTES
Tuesday, September 11, 2018

OPEN SESSION
4:30 PM

TOUR OF INSPECTION 3:00 P.M.

Item A: PG&E's Gas Pipeline Project Area.

CALL TO ORDER AND ROLL CALL – 4:30 P.M. All present.

Present: Councilmembers Richards, Hardy, Theis, Reimers, Mayor Dallas
City Administrator Rerig, Ass't. City Administrator Gullo, City
Attorney Mozingo, Public Safety Director Tomasi, Director of
Contracts and Budget Friedrichsen, Community Planning &
Building Director Wiener, Director of Libraries and Community
Activities Wright, Public Works Director Harary, Fire Chief
Gaudenz, City Clerk Graves.

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

Item A: A Moment of Silence to Honor the 17th Anniversary of the September 11th Attacks.

Item B: Proclamation Honoring the Friends of Harrison Memorial Library .

Item C: Proclamation Honoring the Carmel Public Library Foundation.

ANNOUNCEMENTS

Councilmember Hardy reported on Monterey-Salinas transit, which took delivery of two electric busses recently. MST has experienced its highest ridership since 2008, mostly due to military and campus partnerships, and ended the year with a surplus.

The City Attorney announced that the fourth and final division of the City Attorney's office will be established as of October 4, 2018. The four divisions are: 1.) Advisory; 2.) Civil; 3.) Criminal and 4.) Consumer Protection Division, which will enforce consumer rights.

The report out of the September 10, 2018 Closed Session was:

- A. Labor Negotiations. The council discussed this item and made no decision.
- B. Public Employee Evaluation – City Administrator: The council discussed this item and made no decision.
- C. Existing Litigation – Otlin - The council discussed this item and advised counsel.
- D. Existing Litigation - CalPERS – Council discussed the item and advised Counsel. This item may be concluded as early as October 2018.
- E. Significant Exposure to Litigation - The council discussed this item and advised counsel.

PUBLIC APPEARANCES

Georgina Armstrong spoke about Item E.

Mark Bayne – spoke about speed limits.
Chris Mack – spoke about the Eastside Parkway.
Gina Jett – spoke in favor of Measure J.
Seth Parker – spoke representing Carmel River Dads.
Doug Wilhelm – spoke in favor of Measure J.
Jeff Burkhart – spoke about Carmel Art Walk and Meet the Makers.
Cynthia Buhl – spoke about Carmel Art Walk and Meet the Makers.
Pat Benza – spoke in favor of Measure J.
Lauren Banner – Proposed Arts and Crafts at the Farmers' Market
Barbara Livingston – Announced a Candidate Forum, 9/27, Carpenter Hall 7-9 pm
Maria Sutherland – Presented a plaque to donors of Friends of Carmel Forest

There was a brief discussion between the City Attorney and Councilmember Richards about a response to a question about Item E.

PUBLIC HEARINGS

- Item 1:** Receive Public Testimony Regarding the Establishment of the Carmel Restaurant Improvement District and the Levying of an Assessment on Certain Restaurant Business Owners Located Within the District Boundaries.

Director of Contracts and Budgets Friedrichsen gave the staff report.

Mayor Dallas opened the Public Hearing at 5:36 p.m.

An unidentified man asked if the City would refuse his Business License if he refused to pay.

Jeff LeTowt spoke in opposition

Bashar Sneeh spoke in support

Richard Kreitman spoke in support

Richard Pepe spoke in support

Christine Sandeen spoke in support

Barbara Livingston spoke in support

Mayor Dallas closed the Public Hearing at 5:47 p.m.

In response to the first speaker, Mr. Renig said that all restaurants would be required to pay, and that failure to do so would result in the restaurant being entirely removed from marketing. The Business License would not be affected.

- Item 2:** First Reading - Ordinance No. 2018-004, Amending Municipal Code Chapter 2.28 "Community Activities and Cultural Commission".

Director of Libraries and Community Activities Ashlee Wright gave the staff report.

Mayor Dallas opened and closed the Public hearing at 5:55 p.m.

Action:

Councilmember Hardy moved, seconded by Councilmember Reimers, to Amend Municipal Code Chapter 2.28 titled "Community Activities and Cultural Commission.

Councilmember Hardy suggested on Page 10, second paragraph, second line, to excise "and cultural."

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

- Item 3:** Second Reading - Ordinance No. 2018-003, Repealing Carmel Municipal Code (CMC) Chapters 8.32, Fire Code; 8.64, Property Nuisances; and 8.72 Community Floodplain; Amending CMC Chapter 8.56, Noise Regulation; and Amending Title 15 (Buildings and Construction) by Adopting the 2016 Editions of the California Building, Residential, Energy, Fire, Mechanical, Plumbing, Electrical, and Green Building Standards Codes with Local Amendments; and Adopting new Chapters 15.55, California Fire Code; 15.56, Community Floodplain; and 15.57, Property Nuisances.

Mayor Dallas opened and closed the Public Hearing at 5:58 p.m.

Councilmember Reimers said the date of adoption should be changed to September 11, 2018.

Action:

Councilmember Hardy moved, seconded by Mayor *pro tem* Theis, to Finally adopt Ordinance No. 2018-003, Repealing Carmel Municipal Code (CMC) Chapters 8.32, Fire Code; 8.64, Property Nuisances; and 8.72 Community Floodplain; Amending CMC Chapter 8.56, Noise Regulation; and Amending Title 15 (Buildings and Construction) by Adopting the 2016 Editions of the California Building, Residential, Energy, Fire, Mechanical, Plumbing, Electrical, and Green Building Standards Codes with Local Amendments; and Adopting new Chapters 15.55, California Fire Code; 15.56, Community Floodplain; and 15.57, Property Nuisances.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

ORDERS OF BUSINESS

- Item 4:** Receive an Update on the Residential Curator and Ground Lease Options Regarding the Use of the Flanders Mansion, Provide Direction to Staff on these Options and Consider the Adoption of Resolution 2018-089, Endorsing a Long-Term Curatorship for the Flanders Mansion.

Director of Contracts and Budgets Friedrichsen gave the staff report.

Mayor Dallas opened the Public Hearing at 6:01 p.m.

Lauren Banner – spoke in favor of a curatorship

Skip Lloyd - spoke in favor of a curatorship

Mike Brown - spoke in favor of a curatorship

Melanie Billig - spoke in favor of a curatorship

Barbara Livingston - spoke in favor of a curatorship

Sue McCloud – Asked that a decision be postponed until additional information could be received.

Bertie Bialek Elliot - spoke in favor of a curatorship

Councilmember Reimers said she is not opposed to a curatorship, but is concerned about costs. A curator will have a need for privacy. She sees Mr. Lloyd's letter as a challenge for curators living in the house.

Councilmember Richards asked for clarification about the escrow account.

Mr. Rerig said the intention is to set it up like a performance bond. The decision about the amount of it is up to council.

Councilmember Hardy said she asked for an update on Flanders when she was appointed to council two years ago, and that she commends Ms. Friedrichsen for the thorough staff report. She is in favor of a curatorship, but is concerned about the minimal annual investment, which she thinks is low. She also believes the submittal deadline is tight, and that eight weeks seems better. She suggested frontloading the escrow account, but was unsure of how much would be needed.

Mayor Dallas agreed that the escrow account should be frontloaded, at least for the first five years. Inspecting the house once per year seems in order, and he thinks six weeks is plenty of time for submittals.

Mayor *pro tem* Theis said she is also pro the curatorship option. It is a way to improve the property and respect its historical nature. The EIR outlines the Conditions to take, and 60,000-75,000 per year in rent seems right, although the annual fee for restoration needs to be higher. She thinks eight weeks is good for submittals, and that the post of curator should be widely advertised.

Councilmember Reimers reiterated that she has basic concerns. She wants people to enjoy a private home for private reasons. The driveway should be their driveway, the porch should be theirs, too.

Councilmember Richards agreed with Ms. Theis, except for advertising widely. He feels ads should be more focussed.

Item 5: Receive a Presentation and Authorize Issuance of an Encroachment Permit for PG&E's Gas Pipeline Project.

Mayor *pro tem* Theis and Councilmember Reimers were recused from this item.

Joe Foster spoke on behalf of PG&E.

Councilmember Hardy said she would have preferred more choices about the route.

Mayor Dallas proposed as COA's adding videotaping of sewer laterals before and after the work as well as sewer mains, a \$500,000 bond for trees for up to five years, and one million dollars bond for paving.

SPEAKING FROM THE FLOOR:

Jeff Baron

Barbara Livingston

Councilmember Richards said he liked the purple gasoline option, but he understands why the park must be protected.

Mayor Dallas said he preferred the purple line, too.

Councilmember Hardy does not like the yellow line, saying it's disruptive to commercial activities, but feels it's already past the halfway point. She is concerned that going through the park will trigger a CEQA review, and she wants to push forward.

Mayor Dallas wants to investigate whether or not there is an easement through the park.

Mayor Dallas moved to ask PG&E to bring this item back with a report on the easement between Camino Del Monte and Second Avenue. The motion died for lack of a second.

Councilmember Richards said he was inclined to agree with Councilmember Hardy on this issue.

Mr. Foster said PG&E's position is that there is no easement through the park.

Action:

Councilmember Hardy moved, seconded by Councilmember Richards, to Authorize Issuance of an Encroachment Permit for PG&E's Gas Pipeline Project adding Conditions 51, a \$500,000 bond for tree damage for five years, Condition 52, \$Million bond for paving and slope issues, Condition 53, Sewer laterals and mains must be videotaped before and after, Condition 54, a Hold Harmless Agreement, and Condition 55, an informational program to businesses along the route, and compensation for private property and business damage losses.

AYES: HARDY, RICHARDS

NOES: DALLAS

RECUSALS: REIMERS, THEIS

ABSENT: NONE

Upon a question from the Mayor, Mr. Foster said that he understood all the Conditions of Approval and that all Conditions were accepted by PG&E.

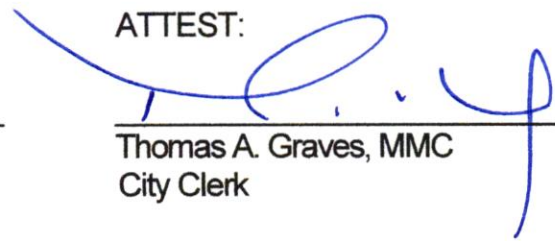
FUTURE AGENDA ITEMS - None

ADJOURNMENT – 8:46 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Thomas A. Graves, MMC
City Clerk