REGULAR MEETING
Tuesday, September 10, 2019

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL
Mayor Potter called the meeting to order at 4:30 p.m.

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

PLEDGE OF ALLEGIANCE
Council Member Baron

EXTRAORDINARY BUSINESS

Item A: Jacob's Heart Proclamation; declaration of September as Childhood Cancer Awareness Month

Item B: US Census presentation

PUBLIC APPEARANCES
The following members of the public spoke:
Stephen Moore
Fred Bologna
Darlene Mosley
Barbara Livingston
Richard Kreitman

ANNOUNCEMENTS

Item A: City Administrator Announcements
The City Administrator thanked staff and all the volunteers for their efforts during Car Week and stated a public meeting discussing Car Week activities is being planned; additionally Mr. Rerig discussed a Proclamation being presented to Community Human Services in October.

Item B: City Attorney Announcements
The City Attorney stated the City Council met in Closed Session on September 9, 2019 and considered items A, B, C, E, and G as listed on the agenda with no reportable action. Additionally, the City Council considered item D and stated a dismissal was filed and accepted by the City.

Item C: Closed Session Oral Report in accordance with GC § 54957.1(a)
Mayor Potter stated the City Council met in Closed Session on September 9, 2019 and considered item F as listed on the agenda; direction was given to staff with no reportable action.

Item D: Councilmember Announcements
Council Member Baron thanked the Community Activities Commission for the work they put in to develop goals for the Commission, stated he recently attended a Climate Change Conference, and discussed an upcoming presentation from Mike Clancy of the Monterey Citizen's Climate Lobby which will be focused on understanding and mitigating climate change.

Council Member Reimers discussed Carmel High School's recent win of the "Football Shoe" and the upcoming Naval Post Graduate School Open House.

Mayor Potter discussed a resident survey conducted in Monterey and discussed potentially engaging in something similar in Carmel.

CONSENT AGENDA

Item No.'s 1, 6 and 8 were pulled for separate discussion.

Addressing the City Council on the Consent Agenda:
Sue McCloud
Barbara Livingston
Mike Brown
Karen Ferlito

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council approved the Consent Agenda with the exception of Item No.'s 1,6 and 8, by the following vote:

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

Council Member Reimers discussed her concerns with the expenditure associated with Item No. 6.

Council Member Theis discussed the funding sources related to this item and the 'bundling' of the project.

Council Member Baron discussed the bike lane portion of this project.

Mayor Pro Tem Richards and Mayor Potter discussed their support of the project.

On a motion by Council Member Theis and seconded by Council Member Baron, the City Council approved Item No. 6, by the following vote:

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

Council Member Reimers discussed the number of replacement trees listed in the Staff Report as compared to the number previously approved by the City Council with regard to Item No. 8.

Council Member Reimers moved and Council Member Theis seconded, approval of the 15 trees previously approved by Council and the additional two upper canopy trees included by staff in the Staff Report.

Council Member Baron stated he supports staff's recommendation to amend the number of trees as presented in this Staff Report.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved Item No. 8 as presented, by the following vote:

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

On a motion by Council Member Reimers and seconded by Council Member Baron, the City Council approved Item No. 1, by the following vote:

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

Item 1: Approve the May 4, 2019 Special Meeting Minutes, the June 4, 2019 Regular Meeting Minutes, the June 18, 2019 Special Meeting Minutes, the July 2, 2019 Amended Meeting Minutes, the August 5, 2019 Special Meeting Minutes and the August 6, 2019 Regular Meeting Minutes as presented.

Item 2: Monthly Reports for July: 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: Approve the check register for July 2019.

Item 4: Adopt Resolution 2019-063, rejecting all bids received for the Sunset Center Boilers Replacement Project and directing staff to incorporate value engineering alternatives and re-bid the project.

Item 5: Adopt Resolution 2019-064, awarding a Professional Services Agreement to Schaaf Wheeler Consulting Civil Engineers for the Storm Drain Master Plan Projector for a not-to-exceed fee of $174,910 and authorizing the City Administrator to execute the Agreement.

Item 6: Adopt Resolution 2019-065, awarding a Professional Services Agreement to Neill Engineers Corp., for a not-to-exceed fee of $126,800, for the Fiscal Year 2019/20 Pavement Rehabilitation, San Carlos Median Islands, and San Carlos Bike Route Projects and On-Call Services, and authorizing the City Administrator to execute the Agreement.

Item 7: Adopt Resolution 2019-066 authorizing an Urban Stream Restoration Grant application and accepting a funding agreement with the California Department of Water Resources for the Mission Trail Nature Preserve Stream Restoration Project.

Item 8: Approve the landscape plan for Tree Permit Application No. 19-062 to mitigate removal of 27 Eucalyptus trees at San Antonio, 1 and 2 northwest of Fourth Avenue, by planting 17 new trees on site and contributing $9,250 to the Urban Forest Restoration Fund.

Item 9: Adopt Resolution 2019-067 authorizing a refund of Design Study Permit Fee in the amount of $2,344.50 and Use Permit Fees in the amount of $5,810.00 to Yaghoob Hakim-Baba.

Item 10: Adopt Resolution 2019-068 authorizing a refund of a Historic Resources Board Review fee of $5,883.00 to Stuart McLeod.

Item 11: Adopt Resolution 2019-069 in support of the Monterey County 2020 Census Complete Count Committee and the 2020 Census Monterey Peninsula Action Team.

Item 12: Approve the City of Carmel's response letter to the 2018-2019 Monterey County Civil Grand Jury Report on Rape Kit Processing in Monterey County and authorize the Mayor and City Administrator to sign related documents.

ORDERS OF BUSINESS

Item 13: Review of the City's regulations on transient rentals in the Commercial and Multi-Family Districts and provide direction to staff.

Council Member Theis stated she needs to recuse herself from this item because she owns a hotel and left the dais at this time.

Council Member Reimers stated she needs to recuse herself from this item because her family owns a short term rental and left the dais at this time.

Item 13 CONTINUED...
Discussion among the City Council and staff included clarification of reported TOT information and discussion of tracking, management and enforcement of the program.

The following members of the public spoke:
Barbara Livingston
Richard Kreitman

Discussion among the City Council and staff included discussion of potentially not allowing conversion of existing units to short-term rentals, ratio of short term rentals to affordable housing, determining how to address the number of short-term rentals if those units are not being used accordingly, discussion of new construction and conversion of second-floor commercial/office space to short-term or long-term rentals.

Staff was given direction to draft code amendments based on the discussion points that will be reviewed at an upcoming meeting.

Item 14: Review proposed sales tax measure ballot language and provide direction to staff.

The following member of the public spoke:
Barbara Livingston

Discussion among the City Council and staff included discussion of the preference of option number three and a preference of referring to an increase to the existing sales tax as part of the language.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council approved option number three with modification to include verbiage of the increase of the existing sales tax, by the following vote:

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

Mayor Potter requested a recess at this time.

Mayor Potter reconvened the meeting at 6:45 p.m.

PUBLIC HEARINGS

Item 15: Consideration of an Appeal (APP 19-261) of the Planning Commission's denial of Design Review (DR 19-129, Verizon Wireless), Use Permit (UP 19-130, Verizon Wireless) and associated Coastal Development Permit, and consideration of an Encroachment Permit (EN 19-072) for the installation, operation and maintenance of five wireless communications facilities on existing PG&E utility poles located within the public right-of-way in the Single-Family Residential (R-1) Zoning District.

The following members of the public spoke:

Akbar Montaser
Ashley Gustafson
Richard Kreitman
John Clayton
Pamela Harris
Kristin Doterer
Allen Sagres
Susan Nine
Richard Scully
Karen Ferlito
Sue McCloud
Mike Brown
Denise Otterson
Barbara Livingston

Discussion among the City Council and the appellant included clarification of the use of the towers for Wi-Fi vs phone calls, installation of small cell equipment, boosting in commercial area vs residential areas and using taller buildings.

Discussion among the City Council included discussion of what the proposed cell towers may look like in the residential area, the blight associated with the new poles, the need for more creativity regarding the design of the poles, safety issues, wind in the area, and residential zoning.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council denied the appeal (APP 19-261) of the Planning Commission's denial of Design Review (DR 19-129, Verizon Wireless), Use Permit (UP 19-130, Verizon Wireless) and associated Coastal Development Permit, and denied Encroachment Permit (EN 19-072) for the installation, operation and maintenance of five wireless communications facilities on existing PG&E utility poles located within the public right-of-way in the Single-Family Residential (R-1) Zoning District, by the following vote:

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

Item 16: Reconsider, review and/or amend a Coastal Development Permit (CDP 19-194) previously approved by the City Council to modify the Beach Fire Management Pilot Program (the "Pilot Program").

The following members of the public spoke:

Lynette Zimmerman
Missy Jensen
Lynn Ross
Judy Refuerzo
Richard Kreitman
Denise Otterson
Karen Ferlito
Barbara Livingston
J C Myers
Sue McCloud
Jeannie McCollough

Discussion among the City Council and staff included discussion of other coastal cities in California and how they address activities on their beaches, reducing the number of fire pits, placement of fire pits, adjusting the dates when wood fires are permitted and the cost to maintain the fire pits.

Council Member Theis moved and Council Member Baron seconded to reduce the number of fire pits to eight, to allow wood fires from May 1 to October 31, and to rescind CDP 19-194.

Mayor Pro Tem Richards moved and Council Member Reimers seconded to reduce the number of fire pits to five, to allow wood fires from two weeks before Memorial Day to two weeks after Labor Day and distances to remain, maintain current allowance of propane and rescind CDP 19-194.

Council Member Baron requested six fire pits allowed from May 15 to October 15, Council Member Theis supported.

Council Member Reimers supports May 15 to October 15 and requests the number of fire pits be reduced to five.

The amended motion before the City council, moved by Mayor Pro Tem Richards and seconded by Council Member Reimers to reduce the number of fire pits to five, to allow wood fires from May 15 to September 15, distances to remain the same with no movement on the LCP was approved by the following roll call vote:

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

FUTURE AGENDA ITEMS

Council Member Reimers requested information regarding prioritizing the City's Capital Improvement Program.

Mayor Potter requested the City look at the City of Salinas's Street Racing Ordinance at the Car Week meeting being held in October.

ADJOURNMENT

Mayor Potter adjourned the meeting 8:40 p.m.

APPROVED:

Dave Potter, Mayor

ATTEST:

Britt Avrit, MMC
City Clerk