REGULAR MEETING
Tuesday, August 6, 2019

CLOSED SESSION

3:00 PM

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 3:00 p.m.

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

The City Council recessed to Close Session at 3:01

CLOSED SESSION

Item A: Public Employee Appointment - Government Code §54957(b)(1)
Title: City Attorney

OPEN SESSION
Mayor Potter called the meeting to order at 4:41 p.m.

PLEDGE OF ALLEGIANCE
Council Member Reimers

The City Council observed a moment of silence in honor of the recent violence in Gilroy, El Paso and Dayton.

EXTRAORDINARY BUSINESS

Item A: Presentation from California American Water regarding the Desalination Project

PUBLIC APPEARANCES
The following members of the public spoke:
Karen Ferlito
Judy Refuerzo
Ellen Gannon

ANNOUNCEMENTS

Item A: City Administrator Announcements
The City Administrator discussed the upcoming car week events, stated the City is safety ready, welcomed visitors and mentioned any behavior that adversely impacts the safety of the residents will not be not tolerated. The City Administrator requested patience with parking arrangements and stated the public may notice increased police activity including a bomb sniffing dog.

Item B: City Attorney Announcements
The City Attorney stated the City Council met in Closed Session on August 5, 2019 and considered items A – D as listed on the agenda with no reportable action.

Item C: Closed Session Oral Report in accordance with GC § 54957.1(a)
Mayor Potter stated the City Council met in Closed Session before open session related to the City Attorney; no reportable action was taken; *Closed Session will continue Thursday, August 8, 2019 at 10:30 a.m.*

Item D: Councilmember Announcements
Council Member Reimers discussed the median lighting and thanked staff and all involved for doing the work and for moving the project forward. Additionally, Council member Reimers read a prepared report regarding the Fort Ord Reuse Authority Board.

Mayor Pro Tem Richards discussed his recent trip and his experience with seeing scooters in various cities.

CONSENT AGENDA
Item No.'s 2, 4, 5 and 6 were pulled for separate discussion.

Council Member Baron requested July 2, 2019 Minutes be removed for additional information to be added.

Council Members Reimers and Theis, Mayor Pro Tem Richards and Mayor Potter thanked the Planning & Building staff for the hard work in preparing the report and plan related to Item No. 5.

Mayor Pro Tem Richards discussed RevPAR figures provided in the report for Item No. 4.

Item 1: Monthly Reports for June: 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 2: Minutes of the Workshop, June 3, 2019 Special Meeting, July 1, 2019 Special Meeting and July 2, 2019 (not approved) Regular Meeting.

Item 3: June 2019 Check Register Summary

Item 4: Adopt Resolution 2019-060 approving the Carmel Hospitality Improvement District annual report

Item 5: Introduction of the Community Planning and Building Department Strategic Plan

Item 6: Designation of voting delegates for the League of California Cities Annual Business Meeting, Friday, October 18, 2019. Jan as Delegate and Potter as alternate

Item 7: Adopt Resolution 2019-062 authorizing the City Administrator to execute an amendment to the agreement with Renne Public Law Group for labor services to labor and employment matters in an amount not to exceed $40,000 for the term through December 31, 2019.

Item 8: Letters of Support for AB 1080 and SB 54, the California Circular Economy and Plastic Pollution Reduction Act of 2019

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council **removed the July 2, 2019 Minutes from the Consent Agenda,** by the following vote:

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

Mayor Pro Tem Richards stated he will not be able to attend the League of California Cities Annual Conference and therefore cannot be the voting delegate related to Item No. 6

Discussion took place to appoint Council Member Reimers as the voting delegate and Mayor Potter as the alternate for Item No. 6.

CONSENT AGENDA CONTINUED...
On a motion by Council Member Theis and seconded by Council Member Baron, the City Council **appointed Council Member Reimers as the voting delegate and Mayor Potter as the alternate for Item No. 6,** by the following vote:

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

On a motion by Council Member Reimers and seconded by Council Member Theis, the City Council **approved the Consent Agenda with the exception of the July 2, 2019 Minutes and Item No. 6,** by the following vote:

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

ORDERS OF BUSINESS

Item 9: Approve implementation of an option for development of a Climate Change and Resilience Plan

The Public Works Director discussed the background leading up to the need for a Climate Change and Resilience Plan and provided options for the development of such a plan.

Discussion among the City Council and staff included discussion of Council Members Baron and Theis as the City Council Members who will serve on the Committee as the project leads for Option No. 4 with two staff members; one of those staff members will be the project manager. The City Council Members will appoint members of the public to serve on the committee. Discussion also included ensuring an action element and adaption element are included in the plan. The Council's intent is to start the project and the purpose of the plan is to work with members of the community to use existing research compiled by the State to determine the impact to the community. Discussion took place regarding reaching out to subject matter experts who can provide the information at no cost to the City and spend the allotted budget to implement the plan or for grant writing.

The following members of the public spoke:

Karen Ferlito
Denise Otterson
Barbara Livingston
Lynn Ross
Mark DiOrio

Item 9 CONTINUED...
Additional discussion among the Council took place regarding Option No. 4; Council Members Baron and Theis would be the lead individuals for the committee working with staff who would function as project manager. This option will also need to include an action element to the plan. Discussion also took place regarding the importance of public comment and the amount of existing research available and the impact on Carmel.

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council **approved option number 4 with members of the public appointed by the full City Council, staff will function as project manager, City Council Members Baron and Theis will be project leads and the plan will include an action element as well as an adaptation element,** by the following vote:

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

Item 10: Receive a presentation on a sales tax measure and provide direction to staff on the sales tax rate, the duration of the sales tax and conceptual ballot language.

The City Administrator discussed financial status of the City and the decisions leading up to creation and adoption of the budget.

The Director for Contracts and Budgets provided information regarding the potential sales tax measure and requested direction from the City Council.

The City Council requested clarification as to when the increase would be enacted; staff indicated confirmation of this is being requested of a sales tax consultant and will be provided when the information comes back to Council in September or October.

Discussion among the City Council and staff included discussion of declaring the fiscal emergency when the resolution calling for the election is provided in September or October. Additional discussion took place regarding use of the funds for staff compensation and discussion regarding the timeline to approve the items needed to place the item on the ballot. Discussion of conservative ballot language and staying committed to the community took place.

The following members of the public spoke:
Barbara Livingston
Karen Ferlito

Item 10 CONTINUED...
Additional discussion among the City Council included consensus in support for .5% for 20 years with no oversight committee and keeping the ballot language broad to ensure topics such as parks, beaches, open spaces as well as city deferred maintenance needs, pension liability, public safety, green infrastructure, emergency preparation, fuel reduction and funds staying local are included. The City Council suggested potentially using broad topics such as 'green' to include parks, beaches, urban forest, open spaces, etc. and 'community' to include library, Sunset Center, community spaces; 'pension', and 'emergency services' and a reference to 'general city services' to provide members of the community with various topics that are important to them.

Based on the discussion, staff has general direction to proceed with this item; no voted needed at this time.

PUBLIC HEARINGS

Item 11: Consideration of a recommendation to the City Council to approve a Mills Act Historical Property Contract (MA 19-214, Henderson) for an existing historic residence also known as 'Cabin on the Rocks' located 26336 Scenic Road.

The Senior Planner provided the staff report for this item.

Discussion among the City Council and staff included clarification of the impact on the Mills Act contract if the house is not owned by the Henderson family in the future. Staff stated the contract runs with the land and believes the tax assessment is based on fair market rent rate as opposed to sales value. The City Council understands the importance of preserving properties through the Mills Act process.

The following members of the public spoke:
Chuck Henderson
Carl Iverson

Additional discussion took place regarding the property owner's hard work to preserve the property and discussion of the City's authority to amend the contract to restrict another owner from receiving the benefits of the Mills Act contract.

On a motion by Council Member Reimers and seconded by Mayor Pro Tem Richards, the City Council **approved Item No. 11,** by the following vote:

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

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 7:02 p.m.

Item 12: Consideration of an Ordinance (Second Reading) modifying the Beach Fire Management Pilot Program to prohibit wood-fueled fires on Carmel Beach and authorize propane-fueled fires only.

The Director of Planning & Building provided the staff report for this item and provided options moving forward related to the ordinance and the pilot program.

Discussion among the City Council and staff included discussion of the impact of the City Council's decision on the appeal to the Coastal Commission. Additionally, discussion took place regarding the ordinance which is the enforcement vehicle to the pilot program; without the ordinance, citations issued as a result of violating the pilot program are not enforceable. Without the ordinance, the policy is a propane only pilot program that is not enforceable. In summary, the Council took two previous actions: 1) approved a Coastal Development Permit which was needed to modify the pilot program and to enact the regulations for the beach, and 2) introduced an ordinance to legally enforce the pilot program.

The following members of the public spoke:
Jeannie McCullough
Roy Thomas
Tricia Daly
Suzanna Dennis
Judy Refuerzo
Hugo Ferlito
Denise Otterson
Lanette Zimmerman
Karen Ferlito
Lynn Ross
Kathy Bang
Christine Ellison
Donna Shore
Barbara Livingston
Missy Jensen

Discussion among the City Council included discussion of the need for compromise within the community to make the program work for the community.

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council **denied the second reading of the ordinance,** by the following vote:

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

Item 13: APP 19-261 (Verizon Wireless): Consideration of an appeal of the Planning Commission's denial of a Design Review (DR 19-129), Use Permit (UP 19-130) 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 or replacement PG&E utility poles located within the public right-of-way in the Single-Family Residential (R-1) Zoning District.

Location: Generally located near San Antonio 1 NW of 10th (Site 1); San Antonio 3 SE of 13th (Site 2); 10th 1 NW of Dolores (Site 3); Lincoln 3 NE of 12th (Site 4); and, Mission 2 SW of 12th (Site 5).

CEQA Action: Pursuant to Section 15270 (Projects Which Are Disapproved) of the California Environmental Quality Act (CEQA), CEQA does not apply to projects that a public agency rejects or disapproves.

Mayor Potter stated the applicant requested this item be continued to the September 10, 2019 City Council meeting.

On a motion by Council Member Reimers and seconded by Council Member Theis, the City Council **continued this item to the September 10, 2019 City Council meeting,** by the following vote:

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

FUTURE AGENDA ITEMS

Baron – constructive management plan to alleviate the impact on the public, if we should and what it looks like;

ADJOURNMENT

Mayor Potter adjourned the meeting 8:07 p.m.

Mayor Potter adjourned the Closed Session meeting on August 8, 2019 at 11:20 a.m.

APPROVED:

Rost A Ri For

Dave Potter, Mayor

ATTEST:

Britt Avrit

Britt Avrit, MMC
City Clerk