

**MINUTES  
CITY COUNCIL REGULAR MEETING  
CARMEL-BY-THE-SEA**

**TUESDAY, AUGUST 2, 2016**

Mayor Dallas called the meeting to order at 4:30 p.m.

**ROLL CALL**

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

Absent: Councilmember Reimers

Staff: Chip Rerig, City Administrator  
Don Freeman, City Attorney  
Mike Calhoun, Public Safety Director  
Ashlee Wright, City Clerk  
Gaudenz Panholzer, Fire Chief  
Marc Wiener, Interim Community Planning and Building Director  
Maxine Gullo, Human Resources Manager  
Janet Bombard, Library and Community Activities Director

Marc Wiener, Interim Community Planning and Building Director led the pledge of allegiance.

**EXTRAORDINARY BUSINESS**

At the request of the Mayor Item 8 was moved from Orders of Business to Extraordinary Business.

Item 8: AB 1163 Receive a detailed report from the Centennial Committee regarding the logistics of the Centennial parade, birthday luncheon and street dance; discuss City Council and City Board and Commission participation in the parade; and provide direction.

Sue McCloud, Tom Brocato, and Barbara Livingston provided an update on Centennial Committee activities.

Public Comment:

The following members of the public spoke: Hugo Ferlito

---End Public Comment---

Council discussion followed.

**PUBLIC APPEARANCES**

The following members of the public spoke: Hugo Ferlito, Mike Brown, members of the Carmel High School debate team, Barbara Livingston, Richard Kreitman, and Joaquin Turner.

---End Public Appearances---

City Administrator Chip Rerig responded to questions or issues raised by the public. Mayor Dallas directed staff to return with an agenda item to disburse \$1,000 to the Carmel High School debate team and \$1,000 to the Carmel Art Walk.

## ANNOUNCEMENTS

**Item A:** Announcements from Closed Session.

City Attorney Don Freeman announced that Council received updates on all Closed Session Items and that the court ruled in favor of the City on Item E Simonelli v. City of Carmel-by-the-Sea, United States District Court Case No. C 13-1250 LB

**Item B:** Announcements from City Council Members

Councilmember Richards reported on the Monterey County Convention and Visitors Bureau meeting that he and Council Member Hardy attended. He also stated that his trailer was stationed in the Safeway parking lot to accept donations for firefighters battling the Soberanes fire.

Mayor Dallas announced a fundraiser for the Mid-coast Fire Brigade to be held August 28, 2016 and stated that all were welcome to join him and others for a clean-up of downtown on Saturday, leaving from City Hall and beginning at 9:00 a.m.

**Item C:** Announcements from City Administrator

City Administrator Chip Rerig announced that no smoke-generating fires of any kind were permitted on Carmel Beach due to the Soberanes fire.

**Item D:** Announcements from City Attorney – None

## CONSENT CALENDAR

**Action:** Upon a motion made by Mayor Dallas, seconded by Mayor Pro Tem Theis, Council approved the Consent Agenda as follows, with the exception of Item 3 Monthly Reports:

**Item 1:** Amended minutes for the June 7, 2016 regular meeting, and minutes for the July 11, 2016 special meeting and July 12, 2016 regular meeting. **Approved, 4:0:1 (Councilmember Reimers absent)**

**Item 2:** Check Register for June. **Approved, 4:0:1 (Councilmember Reimers absent)**

**Item 4:** AB 1159 Consideration of a resolution to approve a cooperative purchasing agreement for tree maintenance and award a contract to West Coast Arborists, Inc. in an amount not to exceed \$122,000. **Adopted resolution 2016-051, 4:0:1 (Councilmember Reimers absent)**

**Item 5:** AB 1160 Consideration of a resolution authorizing 1. a Centennial Celebration street dance on Dolores Street on October 29, 2016 between 5:00 p.m. and 8:00 p.m., 2. the closure of Dolores Street between Ocean and 7<sup>th</sup> Avenues, 3. the sale of beer and wine at the dance, 4. the installation of a stage, fencing and other structures on the site, and 5. the playing of amplified music during the dance. **Adopted resolution 2016-052, 4:0:1 (Councilmember Reimers absent)**

**Item 6:** AB 1161 Ratification of an appointment to the Forest and Beach Commission. **Ratified 4:0:1 (Councilmember Reimers absent)**

**Item 7:** AB 1162 Consideration of a Resolution authorizing the City Administrator to Execute an

Agreement with GM Engineering for Audio Visual Design and Project Management Services in an amount not to exceed \$26,500. **Adopted resolution 2016-053, 4:0:1 (Councilmember Reimers absent)**

*Council considered Item 3: Monthly Reports for June.*

Fire Chief Gaudenz Panholzer responded to Council questions and provided clarifications.

Public Comments - None

**Action:** Upon a motion by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to accept the Monthly Reports for June. **Accepted, 4:0:1 (Councilmember Reimers absent)**

## ORDERS OF BUSINESS

**Item 9:** AB 1164 Provide direction to the Planning Commission to study Municipal Code Title 17.14 (Commercial Zoning Districts) in order to evaluate if amendments should be made to require a Conditional Use Permit for certain land uses.

Marc Wiener, Interim Community Planning and Building Director provided the staff report.

Public Comment

The following members of the public spoke: Ken, Richard K., and Barbara Livingston.

---End Public Comment---

Marc Wiener, Interim Community Planning and Building Director responded to questions and provided clarifications.

Council discussion followed.

**Action:** Upon a motion made by Councilmember Richards, seconded by Councilmember Hardy, Council directed the Planning Commission to study Municipal Code Title 17.14 (Commercial Zoning Districts), consider potential amendments to require a Conditional Use Permit for certain land uses, and bring back to Council for review within 90 days. **Approved, 4:0:1 (Councilmember Reimers absent)**

## PUBLIC HEARINGS

**Item 10:** AB 1165 Adoption of an Ordinance of the City Council of the City of Carmel-by-the-Sea amending chapters 17.08.040, 17.14.030, 17.64.190, 17.64.220, 17.68.040, of the Municipal Code in accordance with state housing law.

Marc Wiener, Interim Community Planning and Building Director provided the staff report.

Public Comments – None

**Action:** Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, the Council moved to waive reading in full and adopt on second reading an ordinance amending chapters 17.08.040, 17.14.030, 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law. **Adopted ordinance 2016-004, 4:0:1 (Councilmember Reimers absent)**

**Item 11:** AB 1166 Consideration of the adoption of an ordinance amending Sub-Section A. of Section 1.16.01 dealing with citing violations of the City's Municipal Code.

City Attorney Don Freeman provided the staff report.

Public Comment

The following members of the public spoke: Vibeke Norgaard, Harry Finkle, Barbara Livingston, Richard Kreitman, and Ian Martin.

---End Public Comment---

City Attorney Don Freeman provided clarification and responded to questions pertaining to this item and about protocol for first readings and second readings of ordinances and certain language contained in the staff report. Council discussion followed.

**Action:** Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to waive reading in full and adopt on second reading an ordinance amending Section 1.16.01, Violations and Penalties, of the Carmel-by-the-Sea Municipal Code by adding Sub-section 1.16.01A. **Adopted ordinance 2016-005, 3:1:1 (Councilmember Richards opposed, Councilmember Reimers absent)**

**Item 13:** AB 1157 Consideration of an appeal of the Planning Commission's decision to deny the reissuance of Design Review, Use Permit, and Coastal Development Permit applications for the redevelopment of the Carmel Sands hotel located in the Service Commercial (SC) and Multi-Family Residential (R-4) Zoning Districts (New planning application case numbers: DR 14-36 and UP 14-20). **NOTE: This item will be continued to a regular Council meeting, date uncertain.**

**Action:** Upon a motion made by Mayor Dallas, seconded by Councilmember Hardy, Council moved to continue this item to return to Council within 60 days. **Continued, 2:1:1:1 (Mayor Pro Tem Theis recused herself from this item because she owns property within 500 feet, Councilmember Richards opposed, Councilmember Reimers absent)**

**Item 12:** AB 1167 Consideration of Use Permit (UP 16-191) application for the establishment of a full-line restaurant in an existing commercial building. The project site is located at the southeast corner of Dolores Street and 7<sup>th</sup> Ave in the Service Commercial (SC) Zoning District.

Mayor Dallas and City Attorney Don Freeman recused themselves because they own property within 500 feet and both stepped down from the dais. Attorney Brian Finnegan took City Attorney Don Freeman's seat at the dais.

*Mayor Dallas called a recess at 6:17 p.m. Council resumed at 6:25 p.m.*

Marc Wiener, Interim Community Planning and Building Director gave the staff report.

Council discussion and questions followed.

Applicant Fred Kern, owner of 7<sup>th</sup> and Dolores spoke.  
Public Comments

The following members of the public spoke: Mike Brown, Jonathan Sapp, Martha Webster, Rich Pepe, Cameron Downey, Dave Mosley, David Fink, Barbara Livingston, Gaston Georis, Rob Profeta, Ken, Richard Kreitman, Jay Dolata, and Bob Profeta.

---End Public Comment---

Council discussion followed. Applicant Fred Kern responded to Council questions.

**Action:** Upon a motion made by Councilmember Hardy, seconded by Councilmember Theis, Council moved to remand this application back to the Planning Commission with specific direction to consider: the design compliance with a full-line restaurant, including doing away with the display counter, moving some of the seating from outside to the interior; that the use permit will allow a certain number of food-related events per year, including community education classes, demonstrations; and that Use Permit 12-20 and Use Permit 15-282 will be revoked, and Use Permit 14-19 will stand. Remanded, 3:1:1 (Mayor Dallas recused himself from this item because he owns property within 500 feet, Councilmember Reimers absent)

#### FUTURE AGENDA ITEMS

- Management of Ambulance Contract

#### ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 8:40 p.m.

APPROVED:

  
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Steve G. Dallas, Mayor

ATTEST:

  
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Ashlee Wright, City Clerk