

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

Tuesday, July 12, 2016

Mayor Dallas called the meeting to order at 2:30PM.

ROLL CALL:

Present: Council Members Hardy, Richards, Theis and Mayor Dallas

Absent: Council Member Reimers

Staff: Chip Rerig, City Administrator
Ashlee Wright, City Clerk

TOUR OF INSPECTION

The Council proceeded to the Lehman property located on Vizcaino, 11 SE of Mountain View and the Chadwick property located on Scenic Road, 2 NW of 8th Avenue.

CLOSED SESSION

The Council reconvened in the Council Chambers at 3:30PM and Mayor Dallas announced the Closed Session items.

Present: Council Members Hardy, Reimers, Richards, Theis and Mayor Dallas

Absent: None

Staff: Chip Rerig, City Administrator
Mike Calhoun, Public Safety Director
Ashlee Wright, City Clerk

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

Item B: LITIGATION ONE MATTER
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA Pursuant to subdivision (b) of Government Code Section 54956.9: 1 cases Order Instituting Investigation and Order to Show Cause on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with respect to Facilities Records for its Natural Gas Distribution System Pipelines. Investigation 14-11-008 (Filed November 20, 2014)

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

Name of Case: Jennifer Da Silva, Plaintiff v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. M132929

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(D)(1)

Name of Case: Victoria Beach, Plaintiff v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. 165C000631

Item D: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 2 cases

There were no public comments. Council adjourned to Closed Session at 3:32PM.

OPEN SESSION

Council Resumed in Open Session at 4:35PM.

Present: Council Members Hardy, Reimers, Richards, Theis and Mayor Dallas

Absent: None

Staff: Chip Rerig, City Administrator
Don Freeman, City Attorney
Ashlee Wright, City Clerk
Janet Bombard, Library and Community Activities Director
Rob Mullane, Public Works Director
Sharon Friedrichsen, Director of Budgets and Contracts
Marc Wiener, Interim Planning Director
Paul Tomasi, Police Commander
Mike Calhoun, Public Safety Director
Paul Wood, Finance Manager

PLEDGE OF ALLEGIANCE

Paul Tomasi, Police Commander, led the pledge of allegiance.

City Attorney Don Freeman announced that Council received updates on Closed Session Items A, B, C, and D and that there were no announcements for the public.

EXTRAORDINARY BUSINESS

Janet Bombard, Library and Community Activities Director, introduced Lori Aiello, Community Activities Assistant, Beth Rosenblum, Reference Librarian, Jennifer Hall, Library Assistant, Katie O'Connell, Local History Librarian, and Tina Spellman, Library Assistant.

PUBLIC APPEARANCES

The following members of the public spoke during public appearances: Kim Stemler, Eric Winecoop, and Victoria Beach.

EXTRAORDINARY BUSINESS

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

ANNOUNCEMENTS

Council Member Reimers announced that she attended performances of The Borrowers at the Forest Theater and Mary Poppins at the PacRep Theater and encouraged others to attend.

Council Member Hardy announced that Monterey-Salinas Transit has purchased offices in Ryan Ranch and will be remodeling their old office to function as repair bays. She also stated that California State University, Monterey Bay staff and students are allowed to ride public transit for free and that Monterey-Salinas Transit has recently conducted a successful ridership campaign. Hardy announced that those interested in Highway 68 roundabout updates should sign-up on the Transportation Agency of Monterey County webpage and that the Transportation Agency of Monterey County was moving forward to the Monterey County Board of Supervisors for approval of the sales tax increase.

Mayor Dallas thanked staff and volunteers for their efforts at the 4th of July celebration and stated that the marketing workshop, held Monday, July 11, was good.

CONSENT AGENDA

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Hardy, Council unanimously approved the Consent Agenda as follows:

- Item 1:** Minutes. **Approved, 5:0**
- Item 2:** Check Register for May. **Approved, 5:0**
- Item 3:** Monthly Reports for May. **Approved, 5:0**
- Item 4:** AB 1145 Consideration of a resolution authorizing the City Administrator to renew the jail services agreement with the City of Monterey for use of its jail facilities. **Adopted Resolution 2016-041, 5:0**
- Item 5:** AB 1146 Consideration of the adoption of a resolution authorizing the City Administrator to accept donations for the centennial parade floats totaling \$43,000. **Adopted Resolution 2016-042, 5:0**
- Item 6:** AB 1147 Consideration of a resolution authorizing City co-sponsorship of the Carmel Public Library Foundation's annual Donor Salute at the Main Library on Sunday, March 5, 2017. **Adopted Resolution 2016-043, 5:0**
- Item 7:** AB 1148 Authorization of the City Administrator to send a letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program (OPP) 7th Cycle, FY 2016-2017 on behalf of the City. **Authorized, 5:0**
- Item 8:** AB 1149 Consideration of resolutions authorizing the City Administrator to enter into various services agreements for planning, portable toilets and storm water related services in a total amount not to exceed \$79,000 for all services. **Adopted Resolution 2016-044, Resolution 2016-045, Resolution 2016-046, Resolution 2016-047, Resolution 2016-048, 5:0**

Item 9: AB 1150 Consideration of the adoption of an environmentally preferred purchasing policy. **Adopted Policy C16-003, 5:0**

Item 10: AB 1151 Consideration of the adoption a resolution establishing and adopting the job descriptions and salary ranges for 1. Code Compliance Coordinator and 2. Environmental Compliance Manager. **Adopted Resolution 2016-050, 5:0**

Council Member Reimers made comments on the following items:

Item 8: AB 1149 Consideration of resolutions authorizing the City Administrator to enter into various services agreements for planning, portable toilets and storm water related services in a total amount not to exceed \$79,000 for all services.

Item 9: AB 1150 Consideration of the adoption of an environmentally preferred purchasing policy.

Item 10: AB 1151 Consideration of the adoption a resolution establishing and adopting the job descriptions and salary ranges for 1. Code Compliance Coordinator and 2. Environmental Compliance Manager.

City Administrator Chip Rerig responded to Council Member Reimers questions.

There were no public comments.

ORDERS OF BUSINESS

Item 11: AB 1152 Consideration of the disbursement of marketing funds to MCCVB, Carmel Chamber of Commerce and Burghardt+Dore.

City Administrator Chip Rerig provided a brief staff report.

At the invitation of Mayor Dallas Rob O'Keefe Vice President/ Chief Marketing Officer for the Monterey County Convention and Visitors' Bureau and Monta Potter, President and Chief Executive Officer of the Carmel Chamber of Commerce.

Public Comments

The following members of the public spoke on this item: Barbara Livingston.

---End Public Comments---

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Reimers, Council moved to allocate at least \$120,000 to Burghardt+Dore, and allocate 50% of funds to the Carmel Chamber of Commerce and the Monterey County Convention and Visitors' Bureau.
5:0

PUBLIC HEARINGS

Item 12: AB 1154 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, and of the Municipal Code in accordance with state housing law.

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

Public Comments – None

Action: Upon a motion made by Council Member Reimers, seconded by Council Member Richards, Council moved to waive reading in full and adopt on first 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. **5:0**

Item 13: AB 1153 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, responded to Council questions and provided clarifications.

Public Comment:

The following members of the public spoke on this item: Michael LePage and Barbara Livingston.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Council Member Hardy, seconded by Mayor Pro Tem Theis, Council moved to waive reading in full and adopt on first 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. **5:0**

Item 14: AB 1155 Consideration of an appeal of the Planning Commission's decision to approve a Design Study (DS 16-069) and associated Coastal Development Permit for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1) Zoning District. The application is being appealed by neighboring property owners: Eric Hannah and Lucille Biesbroeck-Hannah.

Council Member Reimers recused herself from hearing Items 1155 and 1156 because she has previously made decisions about these items while serving on the Planning Commission and she left the dais.

City Attorney Don Freeman provided further clarification on this recusal.

Council Member Richards and Mayor Dallas disclosed that they had both been contacted by and spoke with the property owner, Gail Lehman.

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

Appellants Lucille Biesbroeck-Hannah and Eric Hannah spoke on this item and responded to Council questions

Representative for the property owner Alan Lehman spoke on this item and responded to Council questions.

Public Comments – None

Appellants Lucille Biesbroeck-Hannah and Eric Hannah provided a rebuttal to comments made by property owner representative Alan Lehman

Marc Wiener, Interim Planning Director provided further clarifications.

Council discussion followed.

Action: Upon a motion made by Council Member Hardy, seconded by Mayor Pro Tem Theis, Council moved to deny the appeal and approve Design Study (DS 16-069) and the associated Coastal Development Permit subject to the attached findings and conditions. **4:0:1** (*Council Member Reimers recused*)

Item 15: AB 1156 Consideration of an appeal of the Planning Commission's decision to approve Design Study (DS 15-217), Coastal Development Permit and Variance (VA 16-070) applications for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1), Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Zoning Districts. The application is being appealed by neighboring property owners: Simeon and Sally Yencken.

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

Victoria Beach spoke on behalf of the appellant on this item and responded to Council questions.

Architect Eric Miller spoke on behalf of the applicant on this item and responded to Council questions.

Public Comment:

The following members of the public spoke on this item: Barbara Livingston.

---End Public Comment---

Attorney for the applicant Anthony Lombardo and applicant Art Chadwick provided a rebuttal, provided further comments on this item, and responded to Council questions.

Attorney for the appellant Pamela Silkwood provided a rebuttal.

Marc Wiener, Interim Planning Director provided further clarifications.

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Hardy, Council moved to uphold the appeal and deny Design Study (DS 15-217), Coastal Development Permit and Variance (VA 16-070), and to remand this item back to the Planning Commission and to direct the Planning Commissioners to consider the following items suggested by the Council: bay windows with excess roofs, incorporate a window on the south elevation, reduce non-wood-burning chimney, reduce the area of the family room deck to eliminate the need for a variance, reduce the area of the upper deck, and to support the underground garage as proposed.

Item 16: 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 the August 2, 2016 Regular Meeting.*

Action: None

FUTURE AGENDA ITEMS

- Grant Application Program

ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 8:25PM.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk