

REGULAR MEETING
Tuesday, July 2, 2019

TOUR

4:00 PM

San Antonio 1 and 2 NW 4th Avenue

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Present: Mayor Potter, Mayor Pro Tem Richards, Council members Theis, Reimers
Baron met Council at site of tour and then returned to Chamber for remainder of meeting

Absent: None

PLEDGE OF ALLEGIANCE

City Administrator Rerig led the Pledge of Allegiance.

EXTRAORDINARY BUSINESS

Item A: New Employee Introductions: Britt Avrit, Leo Hernandez, and Rene Aldama

Assistant City Administrator Maxine Gullo introduced Britt Avrit, City Clerk and Public Works Director Bob Harary introduced Leo Hernandez, Senior Maintenance Worker-Facilities and Rene Aldama, Maintenance Worker-Gardner.

Mayor Potter announced that Item #14 – Consideration of a temporary Ordinance (Second Reading) enacting the Beach Fire Management Pilot Program and prohibiting wood-fueled fires on Carmel Beach and allowing propane-fueled only has been continued to the August 6, 2019, Regular Meeting.

PUBLIC APPEARANCES

The following members of the public spoke:

Ellen Gannon
Cathryn Wayne Kowski
Christine Sandin
Lynette Zimmerman

---End Public Comment---

ANNOUNCEMENTS

Item A: City Administrator Announcements

Invited everyone to the City's 4th of July event in Devendorf Park on Thursday, July 4, from 11:00-3:00. Thank you to staff and volunteers for supporting this event.

Item B: City Attorney Announcements

None

Item C: Closed Session Oral Report in accordance with GC § 54957.1(a)

Item A: Conference with Labor Negotiators (§54957.6)
Agency Designated Representative: Maxine Gullo, Ass't. City Administrator
Employee organization: POA, Ambulance, General and Management.

Council received a status update, no report.

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

No report.

Item C: Conference with Legal Counsel – Pending Litigation Pursuant to Government Code § 54956.9 (d)(1).
Name of Case: Eva Miller v. City of Carmel-by-the-Sea, Monterey County Superior Court 19CV002163

No report.

Item D: Conference with Legal Counsel – Pending Litigation Pursuant to Government Code § 54956.9 (d)(1).
Name of Case: Roderic Wright v. City of Carmel-by-the-Sea, Monterey County Superior Court 19CV002277

Preparing response, no report.

Item E: Conference with Legal Counsel – Pending Litigation Pursuant to Government Code § 54956.9 (d)(1).
Name of Case: Chilone Payton v. City of Carmel-by-the-Sea, Monterey County Superior Court 19CV002166

No report.

Item D: Councilmember Announcements

Mayor Pro Tem Richards announced that he is no longer at The Lamplighter and Forest Lodge.

Council Member Reimers thanked Leslie Fenton for stepping in as Acting City Clerk until a full-timer City Clerk was hired.

Mayor Potter thanked Mayor Pro Tem for standing in for him at the 4th of July event.

CONSENT AGENDA

Council Member Reimers complimented the City on the intern program.

City Administrator Rerig clarified Item #9. The Free Use Day is for any group who would like to honor retiring Arts Council Director Paulette Lynch.

- Item 1:** Monthly Reports for May: 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:** May 2019 Check Register Summary
- Item 3:** Resolutions 2019-048 (John Ley's Tree Service), 2019- 049 (Tope's Tree Service), 2019-050 (West Coast Arborists), 2019-051 (Iverson's Tree Service), and 2019-0052 (Community Tree Service) authorizing the City Administrator to execute Change Orders for On-Call Tree Maintenance Services Contracts for a combined total fee increase of \$375,000 and extending the term of all five contracts to June 30, 2020.
- Item 4:** Resolution 2019-044, Authorizing the City Administrator to Execute a Professional Services Agreement with the Chamber of Commerce for Operating the Visitor Center in an amount not to exceed \$25,000 for the term of July 1, 2019 through June 30, 2020
- Item 5:** Consideration of a resolution authorizing the City Administrator to extend the contract for animal services with the Monterey County Health Department's Animal Services Division for one year, ending June 30, 2020.
- Item 6:** Consideration of a refund of 75% of the application fee for the withdrawal of a minor use permit (UP 19-098) for the construction of a guesthouse on a property on Santa Rita, 4 NE of 2nd Avenue in the Single Family Residential (R-1) Zoning District.
- Item 7:** Resolution 2019-045 Authorizing the City Administrator to Execute a Professional Services Agreement with the Monterey County Convention and Visitors Bureau for Destination Marketing in an amount not to exceed \$189,347 for the term of July 1, 2019 through June 30, 2020
- Item 8:** Adopt Resolution 2019-047 authorizing the re-appropriation of unspent Fiscal Year 2018-2019 capital project funds to the Fiscal Year 2019-2020 Adopted Budget
- Item 9:** Resolution No. 2019-056, Authorizing a Free Use Day of the Sunset Center Theater and Lobby to the Arts Council for Monterey County.
- Item 10:** Adopt Resolution 2019-058 authorizing the City Administrator to execute an amendment to the agreement with Sloan Sakai Attorneys at Law for labor advice and representation and legal services in an amount not to exceed \$75,000 for the term of July 2, 2019 through June 30, 2020.
- Item 11:** Consideration of Resolution 2019-057 authorizing and approving the current Temporary/Hourly classifications current pay rates and ranges (salary schedule) for the City of Carmel-by-the-Sea as of July 1, 2019.

Council Member REIMERS moved **to approve the Consent Agenda**, seconded by Council Member THEIS and **carried** by the following roll call vote:

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

PUBLIC HEARINGS

Mayor Potter heard Item #14 out of order.

Item 14: Consideration of a temporary Ordinance (Second Reading) enacting the Beach Fire Management Pilot Program and prohibiting wood-fueled fires on Carmel Beach and allowing propane-fueled fires only.

Item continued to August 6, 2019, Regular Meeting.

The following members of the public spoke:

Lynette Zimmerman
Jeanne McCulloh
Judy Refuerzo
Jill Jolley

---End Public Comment---

Mayor POTTER moved **to continue Item #14 to the August meeting**, seconded by Mayor Pro Tem RICHARDS and **carried** by the following roll call vote:

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

Item 12: Second Reading: Adoption of an Ordinance authorizing an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City of Council of the City of Carmel-by-the-Sea to provide for the merger of Carmel Regional Fire Ambulance Authority effective October 10, 2018.

Received report from City Administrator Rerig.

Council Member BARON moved **to waive reading in full and adopt on second reading an ordinance authorizing an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Carmel-by-the-Sea to provide for the merger of Carmel Regional Fire Ambulance Authority effective October 10, 2018**, seconded by Council Member REIMERS and **carried** by the following roll call vote:

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

- Item 13:** Consideration of an amendment to a Use Permit (UP 18-040) authorizing an existing bicycle rental business (Mad Dogs and Englishmen) to conduct guided, group bicycle tours located at the southwest corner of Ocean and Mission in the Central Commercial (CC) District.

Council Member Reimers recused herself from the discussion.

Received report from Senior Planner Mamie Waffle. She announced that revised conditions had been submitted by staff and a copy had been placed at each Council Members spot on the dais and copies were available for the public.

The following members of the public spoke:

Martin Watson – Applicant
Darlene Mosley
Barbara Livingston
John Plastini
Lynette Zimmerman

---End Public Comment---

Mayor Pro Tem RICHARDS moved **to approve the Use Permit Amendment to UP 18-040 (Mad Dogs and Englishmen) to allow an existing bicycle rental business (Mad Dogs and Englishmen to conduct guided, group bicycle tours with additional condition to return in six (6) months with a report on public safety**, seconded by Council Member THEIS and **carried** by the following roll call vote:

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

- Item 15:** Appeal of the Decision of the Forest and Beach Commission on Tree Permit Application No. 19-062 to Remove 27 Eucalyptus Trees, and Approval of an Associated Coastal Development Permit (CDP 19-202) for the property located on San Antonio 1 & 2 NW of 4th Avenue in the Single-Family (R-1) Zoning District

Received report from Environmental Compliance Manager Agnes Martelet, Community Planning & Building Director Marc Wiener and Director of Public Works Bob Harary.

The following members of the public spoke:

Lauran Overett – Applicant
Ellen Gannon
Susan Preston
Kim DiBenedetto
Brian Sowers
Sergio Nibbe
Alan Sherwood
Alex from Fenton Keller
Dixie Smith
John Betencourt
Georgina Armstrong

---End Public Comment---

Mayor Pro Tem RICHARDS moved to approve the appeal with Alternative 2 and additional 5 conditions, 15 trees planted on owner's lot and 39 planted elsewhere in the City, and applicant shall return with a landscape plan, seconded by Council Member THEIS and carried by the following roll call vote:

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

Mayor Potter called for a break at 6:55 pm

Council returned from break at 7:08 pm

ORDERS OF BUSINESS

Item 16: Review of the City's regulations on transient rentals in the Commercial and Multi-Family Districts and provide direction to staff.

Mayor Pro Tem Richards explained that he is no longer in the hotel industry and feels that he no longer has a conflict in the business district in regard to transient rentals.

City Attorney Jon Giffen explained that this change allows for three (3) non-conflicted members to participate in the discussion and that the item will start anew with the three (3) members.

Council Members Theis and Reimers recused themselves from the discussion.

Discussion among the City Council included bringing this item to a future meeting for further discussion, establishing a prohibition of transient rentals on some level; potentially incentivizing rental housing projects by allowing some limited number of transient rental units; and consideration of use as an incentive for affordable housing units. Additional discussion included the need for further analysis of potential TOT revenue. Discussion took place regarding the number of units approved and how many are in operation and discussion of the option to potentially 'grandfather' existing permitted units, to run with the land and no sunset date, provided that the units are continually in operation.

Received report from Community Planning & Building Director Marc Wiener.

The following members of the public spoke:

Ralph Gunther
Vince Begatino
Barbara Livingston
Chris Sanders

---End Public Comment---

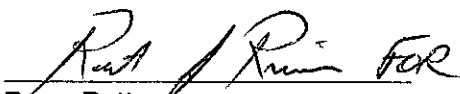
FUTURE AGENDA ITEMS

- Process and ballot language for Measure D March 2020 election
- Wildfire issue and climate change project

ADJOURNMENT

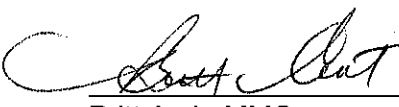
Mayor Potter adjourned the meeting at 7:40 pm

APPROVED:



Dave Potter
Mayor

ATTEST:



Britt Avrit, MMC
City Clerk