

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

Monday, June 6, 2016

CALL TO ORDER

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

ROLL CALL:

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

Absent: None

Staff: Chip Rerig, City Administrator
Marc Weiner, Senior Planner
Ashlee Wright, City Clerk

TOUR OF INSPECTION

The Council proceeded to the Carmel Mission located at the southwest corner of Rio Road and Lasuen Drive to conduct the Tour of Inspection.

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
Don Freeman, City Attorney
Ashlee Wright, City Clerk

Item 1: 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

Item 2: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: City of Carmel-by-the-Sea, Plaintiff v. Pacific Harvest Seafood,
Inc. - Monterey County Superior Court Case No. 15CV000014

- Item 3: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Gerit Sand; Cobblestone Bakery, a sole proprietorship, Plaintiff v. City of Carmel- by-the-Sea, Defendant - Monterey County Superior Court Case No. M130393
- Item 4: LITIGATION ONE MATTER
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA 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 5: LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance

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

OPEN SESSION

Council Resumed in Open Session at 5:30PM.

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
Margi Perotti, Community Activities Assistant
Rob Mullane, Public Works Director
Sharon Friedrichsen, Director of Budgets and Contracts
Marc Weiner, Senior Planner
Paul Tomasi, Police Commander
Mike Calhoun, Public Safety Director

City Attorney Don Freeman announced that Council received updates on Closed Session Items 1, 2, 3, and 5 with no action taken and received an extensive update on Item 4, gave staff direction.

City Administrator Chip Rerig led the Pledge of Allegiance.

PUBLIC APPEARANCES

The following members of the public spoke during public appearances: Karen Ferlito

---End Public Appearances---

CONSENT AGENDA

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Hardy, Council unanimously approved the Consent Agenda with the exception of Items 4, 5, 6, 9, 10, and 12 as follows:

- Item 1: Check Register for the Month of April. **Approved, 5:0**
- Item 2: Monthly Reports for the Month of April. **Approved, 5:0**
- a. Contracts executed within the City Administrator's Signing Authority
 - b. Community Planning and Building Department Reports
 - c. Police, Fire, Ambulance and Beach Reports
 - d. Public Records Act Request Logs – City Clerk and Police
 - e. Forester's Report
 - f. City Treasurer's Report
- Item 3: AB 1127 Consideration of a resolution authorizing the City Administrator to execute the updated Monterey County Multi-jurisdictional Local Hazard Mitigation Plan (LHMP). **Adopted Resolution 2016-040, 5:0**
- Item 7: AB 1131 Receive fully revised and approved Forest Theater Use Agreement for informational purposes. **Received, 5:0**
- Item 8: AB 1132 Appointments to Board and Commission vacancies. **Ratified, 5:0.**
- Item 11: AB 1135 Authorize the City Administrator to Execute Various Professional Services Agreements for Beach Security, Code Compliance in a Total Amount Not to Exceed \$67,000 **Adopted Resolutions 2016-033 and 2016-034, 5:0**

Mayor Dallas announced the new appointees to the Boards and Commissions.

The following items were pulled by members of the public or by a Council Member and taken up separately:

- Item 4: AB 1128 Consideration of a Resolution Approving the Rates Charged by GreenWaste Recovery Effective July 1, 2016 for the Collection of Franchised Solid Waste, Recycling and Organics.

Sharon Friedrichsen, Director of Budgets and Contracts, responded to Council questions and provided clarifications.

Public Comment:

Monta Potter spoke on this item.

---End Public Comment---

Action: Upon a motion made by Council Member Hardy, seconded by Mayor Pro Tem Theis, the Council unanimously moved to adopt a resolution approving the rates charged by GreenWaste Recovery Effective July 1, 2016 for the Collection of Franchised Solid Waste, Recycling and Organics. **Adopted Resolution 2016-027, 5:0**

- Item 5: AB 1129 Consideration of a resolution adopting updated Facility Use Guidelines for the J. O. Handley Lumberyard Community Room/Vista Lobos Facility.

Public Comments:

Sue McCloud spoke on this item and noted a correction to be made to the name of the facility.

---End Public Comments---

Action: Council unanimously moved to adopt a resolution updating Facility Use Guidelines for the J. O. Handley Lumberyard Community Room/Vista Lobos Facility. **Adopted Resolution 2016-028, 5:0**

- Item 10: AB 1134 Consideration of the Adoption of a Policy to establish a Records Management Program for the Preservation, Protection, Retention, and Legal Disposition of the City's Records.

Public Comments:

Sue McCloud spoke on this item.

---End Public Comments---

Action: Council unanimously moved to adopt a policy to establish a Records Management Program for the Preservation, Protection, Retention, and Legal Disposition of the City's Records. **Adopted Resolution 2016-032, 5:0**

- Item 12: AB 1136 Consideration of a Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey.

Public Comments

Sue McCloud spoke on this item.

---End Public Comments---

Action: Council unanimously moved to approve the Lot Line Adjustment (LLA 15-354) between the City of Carmel-by-the-Sea and the Roman Catholic Bishop of Monterey. **Approved, 5:0**

- Item 9: AB 1133 Consideration of a Resolution Confirming the City's Appointments to Local Agencies: Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority (MPRWA), Monterey-Salinas Transit (MST), and Transportation Agency of Monterey County (TAMC), and others as determined.

Public Comments:

Sue McCloud spoke on this item.

---End Public Comments---

City Attorney Don Freeman provided clarification.

Action: Upon a motion made by Council Member Hardy Council, seconded by Council Member Richards, Council unanimously moved to adopt a resolution confirming the City's appointments to Local Agencies: Association of Monterey Bay Area Governments (AMBAG), Fort Ord Reuse Authority (FORA), Monterey Peninsula Regional Water Authority(MPRWA), Monterey-Salinas Transit (MST), and Transportation Agency of Monterey County (TAMC), and others as determined, with the addition of the word "may" to the second whereas in the resolution.

Adopted Resolution 2016-031, 5:0

Item 6: AB 1130 Consideration of the adoption of a resolution authorizing the Homecrafters' Marketplace craft fair to continue to be held in the Sunset Center north parking lot, closure of the north parking lot, closure of San Carlos between 8th and 10th Avenues, and amplified music at the venue, and the adoption of a resolution authorizing the Pumpkin Roll special event to continue annually and the closure of Ocean Avenue west of Santa Rita Street to Junipero Avenue; Santa Fe Street between Ocean Avenue and Mountain View Avenue; and Torres Street between 6th Avenue and Mountain View Avenue.

Margi Perotti, Community Activities Assistant, responded to Council questions and provided clarifications.

Public Comments – None

Action: Upon a motion made by Council Member Hardy, seconded by Council Member Richards, Council unanimously moved to adopt a resolution authorizing the Homecrafters' Marketplace craft fair to continue to be held in the Sunset Center north parking lot, closure of the north parking lot, closure of San Carlos between 8th and 10th Avenues, and amplified music at the venue for a trial basis of one year, and the adoption of a resolution authorizing the Pumpkin Roll special event to continue annually and the closure of Ocean Avenue west of Santa Rita Street to Junipero Avenue; Santa Fe Street between Ocean Avenue and Mountain View Avenue; and Torres Street between 6th Avenue and Mountain View Avenue.

Adopted Resolutions 2016-029, 2016-030 5:0

ORDERS

Item 13: AB 1137 Direction on Preferred Plan for Replacement of the City's Holiday Tree.

Rob Mullane, Public Works Director, and David Refuerzo, Forest and Beach Commissioner provided the report, responded to Council questions and provided clarifications.

Public Comment

Sue McCloud, Karen Ferlito, and Denise Otterson spoke on this item.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Council Member Hardy, Council unanimously moved to approve the Forest and Beach subcommittee recommendations to replace the current holiday tree by planting a large (48" box) tree in the southeast corner planter of Devendorf Park with a Deodar Cedar, and that the City continue to decorate the current holiday tree until the new tree is sufficiently large or until the existing tree is removed, with the added amendment to refer to the tree as the Centennial Tree. **Approved, 5:0**

PUBLIC HEARING

Item 14: AB 1138 Beach Fires Revised Pilot Program Coastal Development Permit Approval.

Rob Mullane, Public Works Director, provided the staff report, responded to Council questions and provided clarifications.

Public Comment:

Lynette Zimmerman, Tricia Dalley, Maggie Eaton, Wayne Moon, Parker Logan, Lynn Ross, Karen Ferlito, Glen Nash, Christine Ellison, Katherine Watikowski, Gary Bang, Sue McCloud, and Denise Otterson spoke on this item.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Council Member Hardy, seconded by Council Member Richards, the Council moved to adopt the findings and conditions of approval for a Coastal Development Permit for the Beach Fires Pilot Program with revisions to the program as follows: wood-fueled devices would be permitted from the outset; wood-fueled devices would initially be City supplied; up to twelve (12) wood-fueled devices will be permitted; neither propane devices nor wood-fueled devices will be permitted north of 10th Avenue; wood-fueled and propane fueled devices will be permitted 4:00PM to 10:00PM; wood fueled devices and propane fueled devices will be permitted a minimum of fifty (50) feet from the beach bluff; no additional wood-fueled devices will be permitted on holidays; and the City will consider city-supplied wood.

FUTURE AGENDA ITEMS – None

ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 8:15PM.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk