REGULAR MEETING
Tuesday, May 7, 2019

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Present: Mayor Potter, Mayor Pro Tem Richards, Council members Theis, Reimers, Baron
Absent: None

PLEDGE OF ALLEGIANCE

Council Member Theis led the pledge of allegiance.

EXTRAORDINARY BUSINESS

Item A: Received presentation from Rachel Saunders and Dan Bertoldi of the Carmel River FREE project from Big Sur Land Trust.

Item B: Received a report on the City's Preparation and Plans for the 2019 U.S. Open Championship from Chief Paul Tomasi, Director of Public Safety. Chief Tomasi responded to Council questions and comments.

PUBLIC APPEARANCES

The following members of the public spoke:

Ken Spilfogel
Barbara Livingston
Lorna Moffett
Ellen Gannon
Laura Bowling
Mark Stillwell
Frank Suthers
Don Rosen
Linda Suthers
Linda Patrick
Bruce Gaya
Denise Ottersen
Caroline Hardy
Darlene Mosley
Ovilee Kennedy

---End Public Comment---

ANNOUNCEMENTS

Item A: City Administrator Announcements

City Administrator Chip Rerig spoke to public comments as follows:

1. Advised that the City is working with the residents and the Traffic Safety Committee on the issue raised regarding speeding on lower Monte Verde.
2. Will follow up on the tree removal situation raised in public comment by Ms. Kennedy & the smoking in public doorways issue raised by Ms. Ottersen.
3. Thank you to Safarina Maluki and Ms. Ashlee Wright for pinch-hitting for city clerk. Getting closer to hiring a city town clerk.
4. City Administrator Rerig reported on a meeting held with Assistant City Administrator Gullo, Council Member Richards and residents Mr. Quinnert and Ms. Novez regarding the pension plight. Mr. Rerig thanked them for their courage to come and meet with them, welcomes, and invites residents of the city to seek meetings to share their perspectives.

Item B: City Attorney Announcements

Assistant City Attorney Jon Giffen pulled Item # 12 from agenda following emails and communications from various attorneys. Will be addressing and reviewing procedural issues and item will be continued to a date determined in the near future.

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

1. Conference with Labor Negotiators (§5495736) - POA, LIUNA Carmel Fire & Ambulance (§54957.6)
   Agency Designated Representative: Maxine Gull, Ass't City Administrator

   Direction given by counsel regarding labor negotiations.

2. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code (§54956.9)(D) (1)
   Name of Case - Jacqueline Simonelli v. City of Carmel-by-the-Sea, Monterey County Superior Court (M123079)

   Matter has concluded - Ms. Simonelli has run out of time to appeal.

3. Conference with Legal Counsel - Existing litigation Pursuant to Government Code (§54956.9) (D) (1)
   Name of Case: Ann Campbell Keller v. City of Carmel-by-the-Sea, Monterey County Superior Court (M18CV0130304

   Matter dismissed and City released of all claims.

4. Conference with Legal Counsel - Existing litigation Pursuant to Government Code (§54956.9) (D) (1)
   Name of Case - Yolanda Massius v. City of Carmel-by-the-Sea, Monterey County Superior Court (17CV030685
   Matter has been resolved ($15,000.00) and City released of all claims.

5. Conference with Legal Counsel - Anticipated Litigation, Significant Exposure to Litigation Pursuant to Government Code (§54956.9) (D) (2)
   Conferred regarding the release of confidential investigation report regarding complaints of sexual harassment (dated March 1, 2018).

   Council Member Richards recused vote and consideration.
   Council unanimously agreed to release to the public the redacted version of the confidential investigation report on Thursday, June 20, 2019.

Item D: Council Member Announcements

Council Member Baron stated that he had met with other Monterey city election candidates to discuss housing on the Peninsula.

Council Member Reimers stated that she was sorry to have missed the Public Library Foundation event at the Sunset Cultural Center this evening and complimented the Foundation for all they do and their support for the Library and community. Council Member Reimers also thanked the dedicated city Staff, Fire, Police and Public Works for the support and handling of the epic storms and taking care of the residents.

Council Member Richards sent a "shout out" to all the Carmel High School sport teams that won league championships this year. Congratulations!

Mayor Potter complimented the wine festival - was a great success as well as the Tours of the Tor House - well done!

CONSENT AGENDA

Mayor Potter pulled Item #8.

Council Member Theis recused herself from Item #7 as her husband works for the Monterey Peninsula Water Management District.

Item 1: Proclamation recognizing May 19-25, 2019 as National Public Works Week.

Item 2: Monthly Reports for March: 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.) Forester Reports.

Item 3: March 2019 Check Register Summary

Item 4: Minutes of the March 4, 2019 Special Meeting, March 5, 2019 Regular Meeting, and March 19, 2019 Special Meeting.

Item 5: Resolution No. 2019-032, authorizing a refund of $5,118.75 to Howard Leach for the withdrawal of a Track 2 Design Study application.

Item 6: Resolution No. 2019-033, authorizing a refund of $2,178.75 to Erez Chen for the withdrawal of a Use Permit fee.

Item 9: Resolution 2019-034, authorizing a supplemental appropriation of $80,000 to the Fiscal Year 2019-2020 Adopted Budget and authorizing the City Administrator to execute an agreement with Meridian Rapid Defense Group for $80,000 for the purchase of vehicle barriers

Item 10: Resolution 2019-038, Authorizing a Refund of Special Event Fees of $2,438.60 to Matador Productions.

Action: Council Member Baron **moved to approve Consent Agenda items #1-#6, #9, and #10**, 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 7: Resolution No. 2019–035 authorizing the City Administrator to sign a Five-Year Landowner Access Agreement with the Monterey Peninsula Water Management District to conduct steelhead counts in the Lower Carmel River on City property.

Action: Council Member Baron **moved to accept Resolution No. 2019-035**, seconded by Council Member Reimers and carried by the following roll call vote:

AYES:	Baron, Reimers, Richards, Potter
NOES:	None
ABSENT:	Theis
ABSTAIN:	None

Item 8: Resolution 2019-037, approving a supplemental appropriation of $37,973 from Measure D fund balance, and authorizing the City Administrator to execute a contract with the Don Chapin Company for a not-to-exceed amount, including an 8% contingency, of $951,874, for construction of the Fiscal Year 2018/19 City-Wide Paving Project.

Due to 500' proximity to certain street segments, Council Members recused themselves from the discussion and vote on those street segments.

Council Member Richards recused himself from voting on street segment #4 – Sixth Avenue between Mission and Torres Street.

Action: Council Member Theis **moved to accept street segment #4**, seconded by Council Member Reimers and carried by the following roll call vote:

AYES:	Baron, Reimers, Theis, Potter
NOES:	None
ABSENT:	None
ABSTAIN:	Richards

Council Member Reimers recused herself from voting on street segment #7 – Seventh Avenue between San Carlos and Junipero

Action: Council Member Theis **moved to accept street segment #7**, seconded by Mayor Potter and carried by the following roll call vote:

AYES:	Baron, Richards, Theis, Potter
NOES:	None
ABSENT:	None
ABSTAIN:	Reimers

Council Member Theis recused herself from voting on street segment #15 – Mission Street between Third and Fourth Avenues.

Action: Council Member Reimers **moved to accept Item #15**, seconded by Mayor Potter and carried by the following roll call vote:

AYES:	Baron, Reimers, Richards, Potter
NOES:	None
ABSENT:	None
ABSTAIN:	Theis

Action: Council Member Reimers **moved to accept the balance of the street segments #1 - #17 excluding street segments #4, #7 & #15**, seconded by Council Member Richards and carried by the following roll call vote:

AYES:	Baron, Reimers, Richards, Theis, Potter
NOES:	None
ABSENT:	None
ABSTAIN:	None

ORDERS OF BUSINESS

Item 11: Review of the City's Beach Fire Pilot Program and provide direction to staff on potential modifications.

Marc Wiener, Director of Community Planning & Building presented the staff report.

Planning Commission recommendations and vote (4 -1);

1. Experiment with propane-only option for one year
2. Research possibility allowing vendors to rent and deliver propane devices to the beach.
3. Study the issue of wood-burning fires throughout the city and not just the beach.
4. Consider collecting air samples again with an additional monitor located away from the beach to test ambient conditions.

Forest & Beach Commission recommendations and vote (4-0);

1. Reduce the number of allowed fires devices to six (6).
2. Explore ways to promote and encourage user-supplied propane.
3. Consider collecting air samples from the beach to test ambient conditions. Provide data on peak periods rather than 24-hour averages.
4. Consider establishing a fee/reservation system for the fire devices.

Staff provided a summary of options and answered questions from the Council.

Public Comment

The following members of the public spoke on this item:

Christie Hollenbeck
Seth Parker
Bill Coons
Faye Massoudi
Lorna Moffet
Scott Lyons
Ian Martin
Sid Matlock - Letter to Council entered into record.
Wayne Moon
Hugo Ferlito
Georgina Armstrong
Patricia Rhoden
Dan Bursky
Lynette Zimmerman
Mark D'Oriorio
Denise Ottersen
Lynn Ross
Richard Kreitman
Karen Ferlito
Barbara Livingston
Darlene Mosley

---End Public Comment---

Council discussion followed.

Action: Council Member Richards **moved to move forward with modifications to the Beach Fire Pilot Program to test out and allow propane-only beach fires for one (1) year and have staff address how to move forward with the appropriate steps**, seconded by Council Member Reimers, with clarification, and carried by the following roll call vote:

AYES: Reimers, Richards, Potter
NOES: Baron, Theis
ABSENT: None
ABSTAIN: None

Mayor Potter called for a break at 7:26 PM.

Council resumed meeting at 7:37 PM

Item 12: An Ordinance prohibiting transient rentals in the Commercial and Multi-Family Zoning Districts and prohibiting the advertising of transient rentals within all Zoning Districts.

Item pulled from agenda as per Assistant City Attorney and continued to date to be determined.

Item 13: Resolution 2019-036 Adopting the Master Fee Schedule for July 1, 2019 to June 30, 2020

Sharon Friedrichsen, Director of Contracts and Budgets, presented the staff report. Ms. Friedrichsen and City Administrator Chip Rerig answered questions from the council.

Public Comment

The following members of the public spoke to the item:

Barbara Livingston

---End Public Comment---

Council held discussion.

Action: Council Member Baron **moved to accept Resolution No. 2019-036 to adopt the Master Fee Schedule for July 1, 2019 to June 30, 2020 as is; give staff direction to adopt the modified fee schedule with the FY 19-20 Budget with respect to parking spots and appeal fees**, seconded by Mayor Potter and carried by the following roll call vote:

AYES:	Baron, Reimers, Richards, Theis, Potter
NOES:	None
ABSENT:	None
ABSTAIN:	None

ORDERS OF BUSINESS

Item 14: Consideration and recommendation of FY 2019/20 Council discretionary grants funds allocations.

Sharon Friedrichsen, Director of Contracts and Budgets presented staff report, recommendations and answered questions from the council.

Public Comment

The following members of the public spoke to the item:

Angela Lewis
Barbara Livingston
Stephanie Zilly
Linda Patrick
Richard Platt
Ellen Gannon
Moira LaMountain

---End Public Comment---

Council held discussion and asked questions of the organization spokespersons.

Action: Council Member Baron **moved to accept discretionary funds allocation to Monterey County Film Commission from the Marketing Budget in the amount of $1,750**, seconded by Council Member Richards and carried by the following roll call vote:

AYES:	Baron, Reimers, Richards, Theis, Potter
NOES:	None
ABSENT	None
ABSTAIN:	None

Action: Council Member Richards **moved to accept to accept discretionary grant funds allocations as presented for Carmel Heritage Society in the amount of $1,500 to produce new material on Carmel personalities for exhibits; MEarth Restoration Events in the amount of $3,000.00 focusing on native plant propagation, nursery management and student field trips; Sustainable Carmel in the amount of 1,700.00 for the purchase of reusable sustainable produce bags for distribution at the Carmel-by-the Seas Farmer's Market and at other venues; United Way Monterey County in the amount of $3,000.00 in support of 2-1-1 contract services including 28 call specialists who use a database of Monterey County Services; and Carmel Residents Association in the amount of $1,320.00 in support of the cost of the rental and set-up of Carpenter Hall for programs and meetings on community issues including candidate forums,** 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

Council Member Theis raised a point of order that precludes an organizational entity from applying for two (2) discretionary funding grants (Carmel Mission Foundation). Executive Director, Stephanie Zilly, advised the Council of their priority.

Action: Council Member Theis **moved to accept discretionary grant funds allocation for Carmel Mission Foundation in the amount of $3,000.00 for the physical and digital exhibits of aerial views of the Mission and surrounding areas and to support free social events about the evolution of the Mission grounds and Carmel**, seconded by Council Member Richards and carried by the following roll call vote:

AYES:	Reimers, Richards, Theis, Potter
NOES:	Baron
ABSENT:	None
ABSTAIN:	None

Action: Council Member Richards **moved to accept discretionary grant funds allocation for Carmel Jewish Film Festival in the amount of $1,500.00 to support venue expenses and film licenses for the films intended to promote and facilitate community discussion of cultural and religious issues,** seconded by Council Member Reimers and carried by the following roll call vote:

AYES:	Reimers, Richards, Theis. Potter
NOES:	Baron
ABSENT:	None
ABSTAIN:	None

Mayor Potter called for a brief break excusing Council Member Reimers from the remaining proceedings.

Item 15: Receive the Fiscal Year 2019-2020 Proposed Budget

Mayor Potter introduced the item and City Administrator Chip Rerig added brief comments, whilst extending his thanks to several individuals and supporting entities. Amongst them, Sharon Friedrichsen, Director of Contracts and Budget for putting together an approachable and tangible budget; all department heads for working hard to diminish their budgets by 5%. City Administrator Rerig added his huge Thanks to all the" Friends Groups", as well as the supporters of Measure D for all the hard work that provide support to the City.

Sharon Friedrichsen, Director of Contracts and Budgets presented a brief overview of the Fiscal Year 2091-2020 Proposed Budget.

Pertinent presentation points:

- The City of Carmel-by-the-Sea starts each year with a zero-based budget
- We have a balanced budget. We have maintained fund balance and no use of reserves

- Revenue is tracking well
- Expenditures are increasing, largely due to liabilities
- Conservative budget - funding for public health, safety, and maintenance
- TOT (Transient Occupancy Tax) will eclipse property taxes
- Measure D is 100% local (13% of City's budget)
- 10% of the budget is in reserve. Would like to eventually be at 20%

Staff recommendation and next steps:

* Receive FY 19-20 Proposed Budget
* Hold Budget Workshop
* Hold Budget Adoption Hearing (s) in June 209
* FY 18-19 ends on 6/30
* FY 19-20 begins on7/1
* FY 18-19 Audit (June - December)

Public Comment

The following members of the public spoke to the item:

Soerke Peters - Carmel Chamber of Commerce Chair
Jenny MacMurdo - CEO & President, Carmel Chamber of Commerce

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Action: Council Member Baron **moved to accept street segments #18-#25**, seconded by Mayor Potter and carried by the following roll call vote:

AYES:	Baron, Richards, Theis, Potter
NOES:	None
ABSENT:	Reimers
ABSTAIN:	None

FUTURE AGENDA ITEMS

- City of Carmel-by-the-Sea Budget Workshop, Tuesday, May 14, 2019

ADJOURNMENT

There being no further business, Mayor Potter adjourned the meeting at 9:43 PM.

APPROVED:

Dave Potter

Dave Potter, Mayor

ATTEST

Safarina

Safarina Maluki, Administrative Coordinator
for
Leslie Fenton - Interim City Clerk