

REGULAR MEETING
Tuesday, May 02, 2017
CLOSED SESSION
3:00 p.m.
OPEN SESSION
4:30 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting to order at 3:00 p.m.

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

Absent: None

Staff: Chip Rerig, City Administrator
Ashlee Wright, City Clerk
Paul Tomasi, Public Safety Director

Mayor Dallas announced the Closed Session items.

CLOSED SESSION

- Item 1:** LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance, General Employees
- Item 2:** LITIGATION ONE MATTER
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
54956.9(c) 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 3:** REAL PROPERTY NEGOTIATIONS – LEASE Pursuant to Government Code Section 54956.8
Between Chip Rerig, Carrie Theis, and Carolyn Hardy and Sunset Cultural Center, Inc
- Item 4:** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Chilone Payton, Plaintiff v. City of Carmel-by-the-Sea, Equal Employment Opportunity Commission Charge No. 485-2014-00453

No Public Comments.

Council adjourned to closed session at 3:02 p.m.

OPEN SESSION

Council resumed in Open Session at 4:30 p.m.

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

Absent: None

Staff: Ashlee Wright, City Clerk
Chip Rerig, City Administrator
Paul Tomasi, Public Safety Director
Janet Bombard, Library and Community Activities Director
Sharon Friedrichsen, Budget and Contracts Director
Marc Weiner, Community Planning and Building Director
Maxine Gullo, Human Resources Manager
Agnes Topp, Environmental Compliance Manager

PLEDGE OF ALLEGIANCE

Representatives of Boy Scout Troop 127 led the pledge of allegiance.

CLOSED SESSION ANNOUNCEMENTS (Item A under Announcements)

City Attorney Don Freeman announced that Council had received updates on all Closed Session Items and that there were no announcements for the public.

EXTRAORDINARY BUSINESS

Item 1: Proclamation for Public Works Week

Rob Culver, Streets Superintendent read the Proclamation declaring Public Works Week. Public Works staff Michael Tope, Jesse Garibay, Cleve Waters, Agnes Topp, Yvette Oblander, Matt Feisthamel, Jim Pingree, and Domonic Marquez.

Item 2: Presentation – Chamber of Commerce

Ben Beesley provided the presentation.

PUBLIC APPEARANCES

The following members of the public spoke: Barbara Livingston, Hugo Ferlito, Representative from the Boy Scout Troop 127, Chris Johnson, Karen Ferlito, E. Griffin Ortiz, Auria Bruce, Jeff Baron, and Russ Fletcher.

---End Public Appearances---

ANNOUNCEMENTS

Item A: Announcements from Closed Session

Announcements from Closed Session were provided at the beginning of the Open Session meeting.

Item B: Announcements from City Council Members

Mayor Pro Tem Theis announced that the Monterey Peninsula Waste Management District would be holding a mixer on organics and recycling, Wednesday, May 3, 2017 at The Clement located at the Intercontinental Hotel in Monterey from 5:00-7:00 p.m.

Councilmember Reimers announced that the Fort Ord Reuse Authority had received a 2017 Silver National Planning Award for best practice and that former Councilmember Beach had made significant contributions to the Fort Ord Reuse Authority planning process.

Council Member Richards announced that Association of Monterey Bay Area Governments had recognized Carmel-by-the-Sea as a Platinum Energy City.

Councilmember Hardy announced that a new bus shelter would be put in place by Monterey-Salinas transit on the northwest corner of Mission Street and 6th Avenue and that she had submitted a memo with the agenda packet for Council's information regarding Monterey-Salinas Transit activities and upcoming meetings.

Mayor Dallas announced the upcoming Big Sur Marathon and that he had attended a presentation on childhood trafficking. He also announced the re-appointment of Councilmember Theis as Mayor Pro Tem.

Item C: Announcements from City Administrator

City Administrator Chip Rerig congratulated Carmel Pine Cone editor Paul Miller on 20 years as editor, thanked the Garden Club for all of their work in Picadilly Park, City Hall, and other City properties, and announced the upcoming special budget meetings for May.

Item D: Announcements from City Attorney

There were no announcements from the City Attorney.

CONSENT AGENDA

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Reimers, Council unanimously approved the consent agenda as follows, with the exceptions of Items 1, 6, 8, 11, and 13:

Item 2: Monthly Reports for March 2017. **Approved, 5:0**

Item 3: Check Register for March 2017. **Approved, 5:0**

Item 4: SR 2017-052 Consideration of a resolution authorizing the City Administrator to execute an agreement with ECS Imaging, Inc. for NovusAgenda agenda and records/document management systems for a three year term ending June 30, 2019 in a total amount not to exceed \$103,000. **Adopted Resolution 2017-040, 5:0**

Item 5: SR 2017-053 Receive and file the Carmel Hospitality Improvement District 2017 Annual Report. **Received, 5:0**

Item 7: SR 2017-055 Authorize an amendment of \$7,500 to the existing agreement with the Boots Road Group LLC for website maintenance service for the term ending June 30, 2017. **Adopted Resolution 2017-042, 5:0**

Item 9: SR 2017-057 Consideration of a resolution authorizing the City Administrator to execute an agreement with InterVision Systems, LLC for the purchase and installation of network firewalls

in a total amount not to exceed \$42,707.25 for a contract term ending June 30, 2018. **Adopted Resolution 2017-044, 5:0**

Item 10: SR 2017-058 Consider a resolution authorizing the placement of tents in Devendorf Park; and the closure of certain streets for the 20th annual Pebble Beach Tour d'Elegance event on Thursday, August 17, 2017. **Adopted Resolution 2017-046, 5:0**

Item 12: SR 2017-060 Consideration of the Historic Resources Board's request to appoint a subcommittee for the purpose of updating the City's Historic Context Statement. **Approved, 5:0**

The following Items were pulled from the Consent Agenda for further discussion:

Item 1: Minutes for the March 2017 and April 2017 meetings

This item was continued to the June meeting.

Item 6: SR 2017-054 Consideration of a determination that there exists an unreasonable hardship for providing fully compliant accessibility at the Scout House property due to site constraints.

Cory Kates leader of Boy Scout Troop 127 spoke on this item.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Dallas, Council moved to adopt a resolution determining that there exists an unreasonable hardship for providing fully compliant accessibility at the Scout House property due to site constraints. **Adopted Resolution 2017-041, 5:0.**

Item 8: SR 2017-056 Consideration of a resolution authorizing the City Administrator to execute an agreement with Conti Corporation to provide and install an audio, video and control system in a total amount not to exceed \$112,646.00 for a contract term ending January 1, 2018.

Public Comment

Barbara Livingston spoke to this item.

---End Public Comment---

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to adopt a resolution authorizing the City Administrator to execute an agreement with Conti Corporation to provide and install an audio, video and control system in a total amount not to exceed \$112,646.00 for a contract term ending January 1, 2018. **Adopted Resolution 2017-043, 5:0.**

Item 11: SR 2017-059 Consideration of a resolution establishing a schedule of fees and charges for City services.

Public Comment

Sue McCloud spoke to this item.

---End Public Comment---

Action: Upon a motion made by Councilmember Richards, seconded by Mayor Dallas, Council moved to adopt a resolution establishing a schedule of fees and charges for City services and to direct staff to investigate whether banners could be hung by staff. **Adopted Resolution 2017-047, 5:0.**

Item 13: SR 2017-061 Approve the FY 2017-2018 Capital Improvement Plan and refer the Plan to the Planning Commission for General Plan Consistency review.

Councilmember Hardy pulled this item for discussion on the funding of the fire inspection vehicle.

Chief Panholzer responded to Council questions and Council discussion followed.

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council moved to approve the FY 2017-2018 Capital Improvement Plan and refer the Plan to the Planning Commission for General Plan Consistency review, with the removal of the fire inspection vehicle from the Capital Improvement Plan for further discussion by staff. **Approved and referred, 5:0.**

ORDERS OF BUSINESS

Item 14: SR 2017-062 Approve six (6) Fiscal Year 2017/18 Special Event Support grants totaling \$6,738.

Janet Bombard, Library and Community Activities Director, provided the staff report and responded to Councilmember questions.

Public Comment

The following members of the public spoke to this item: Susan Love, Hella Rothwell, Tom Korper, Steve Lyon, Kim Stemler, Debra Burns, Hugo Ferlito, Monta Potter, Denny LeVett, Ben Beesley, Thomas Hood, John Wolfe, Barbara Livingston, and Sue McCloud.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Councilmember Reimers, seconded by Mayor Pro Tem Theis, Council moved to approve grant funding of 100% of City fees for the Carmel High School Homecoming parade, Sandcastle contest, and Breakfast with the Bunny; grant funding of 80% of City fees for Run in the Name of Love and the Monterey County Vintners Winemakers' celebration; and grant funding of 100% of Devendorf Park fees and 80% of all other City fees for the Carmel Art Festival. **Approved, 5:0.**

Mayor Dallas called for a recess at 7:05 p.m. The Council meeting resumed at 7:15 p.m.

Item 15: SR 2017-063 Consider a request from the Carmel-by-the-Sea Concours on the Avenue event for a multiple-year Special Event Support program grant in an amount of \$34,410 per year for three years.

Janet Bombard, Library and Community Activities Director, provided the staff report.

Event applicant, Jill Sheffield, responded to Council questions.

Public Comment

The following members of the public spoke to this item: Barbara Livingston, Jared Massimo, Janie, Melissa Mackenzie, John Wolfe, Jeff Baron, Beth Bates, Dave Banks, Monta Potter, Ken, Ben Beesley, and Sue McCloud.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council moved to approve a grant funding of all City fees except fees for portable toilets, Public Works staff overtime, Community Activities staff overtime, Police Department staff overtime, and shuttle service, for a total of \$15,581 City fees to be paid. **Approved, 5:0.**

Item 16: SR 2017-064 Approve Fiscal Year 2017-2018 Council discretionary grant funding recommendations to four organizations and provide direction for the potential disbursement of funds to a fifth organization.

Sharon Friedrichsen, Director of Budget and Contracts, provided the staff report.
Public Comment

The following members of the public spoke to this item: Karen Ferlito, Ellen Gannon, E. Griffin Ortiz, Charles Franklin, and Ron Rigg.

---End Public Comment---

Sharon Friedrichsen responded to Council questions.

Action: Upon a motion made by Councilmember Reimers, seconded by Richards, Council moved to approve fiscal year grant funding as follows: \$1,000 to the Carmel High School for the Sober Grad Night program, \$1,400 to Sustainable Carmel /Communities for Sustainable Monterey County for the purchase and installation of cigarette litter containers in downtown, \$3,000 to Community Human Services for the Safe Place Runaway and Homeless Youth program, \$4,500 to MEarth for native plant propagation and student field trips.
Approved, 5:0.

Further Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to direct staff to provide funding to the Monterey County Film Commission in the amount of \$1,000 from the Marketing and Economic Development budget. **Approved, 5:0.**

Action: Upon a motion made by Mayor Dallas, seconded by Councilmember Hardy, Council moved to direct staff to include funding for an amount to-be-determined for Council discretionary grant funding within the Fiscal Year 2017-2018 Preliminary Budget; to, upon the adoption of the Fiscal Year 2017-2018 budget, disburse funds and prepare grant agreements with the organizations recommended to receive funding; and direct staff to conduct outreach with the organizations that submitted applications as part of the Fiscal Year 2017-2018 grant cycle regarding the Discretionary Grant Fund program, its purpose and eligibility criteria in preparation for the Fiscal Year 2018-2019 grant cycle. **Approved, 5:0.**

Item 17: SR 2017-065 Consideration of an Encroachment Permit (EN 17-43) application for the construction of two driveway retaining walls in the City right-of-way in association with a new mixed-use building. The project location is 8th Avenue two northwest of Junipero Street. The project applicant is Thomas Fountain.

This item was continued to a future Council meeting.

PUBLIC HEARINGS

Item 18: SR 2017-066 Adoption of an ordinance (second reading) authorizing the implementation of a Community Choice Aggregation Program in Carmel-by-the-Sea.

Councilmembers Reimers recused herself from consideration of this item because of a conflict and stepped down from the dais.

Action: Upon a motion made by Councilmember Richards, seconded by Mayor Pro Tem Theis, Council moved to waive reading in full and adopt, on second reading, an ordinance authorizing the implementation of a

Community Choice Aggregation program in Carmel-by-the-Sea and direct staff to move forward on discussions and participation for the City of Carmel-by-the-Sea's share of the credit guarantee in an amount not to exceed \$30,000. **Adopted Ordinance 2017-005, 4:0:1, (Councilmember Reimers recused).**

Item 19: SR 2017-067 Consideration of an Ordinance (Second Reading) amending Municipal Code Sections 17.08 (Residential Zoning District) and 17.68 (Use Classifications) pertaining to accessory dwelling units in response to recently adopted state legislation.

Public Comment

One member of the public, name not given, spoke to this item.

---End Public Comment---

Marc Wiener, Community Planning and Building Director, provided clarification on subsection G of the ordinance. City Administrator Chip Rerig and City Attorney Don Freeman also spoke to subsection G of the ordinance.

Public Comment

Jeff Baron and name not given spoke to this item.

---End Public Comment---

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Hardy, Council moved to waive the reading in full and adopt on second reading, an ordinance amending Municipal Code Sections 17.08 and 17.68 pertaining to accessory dwelling units in response to recently adopted state legislation. **Adopted Ordinance 2017-007, 5:0.**

Item 20: SR 2017-068 Second Reading: Adoption of an Ordinance authorizing an amendment to the provisions of municipal code section 2.56 (Retirement System) and approving 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 section 20516 (employees sharing additional cost) of 3% for Safety (Police) and Safety (Fire) members.

Public Comment – None

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council moved to waive reading in full and adopt on second reading an ordinance authorizing an amendment to the provisions of municipal code section 2.56 (Retirement System) and approving 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 section 20516 (employees sharing additional cost) of 3% for Safety (Police) and Safety(Fire) members. **Adopted Ordinance 2017-007, 5:0.**

Item 21: SR 2017-069 Waive reading in full and introduce on first reading an ordinance moving the date of the City's General Municipal Election from the second Tuesday in April of even-numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November 2018.

Public Comment

Jeff Baron and Barbara Livingston spoke to this item.

---End Public Comment---

May 2, 2017

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Reimers, Waive reading in full and introduce on first reading an ordinance moving the date of the City's General Municipal Election from the second Tuesday in April of even-numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November 2018, with an amendment to include the extension of all of the Councilmembers terms. **Introduced, 5:0.**

FUTURE AGENDA ITEMS

- Sub-grade garage

ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 9:20 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk