REGULAR MEETING
Tuesday, May 1, 2018

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting to order at 3:30 p.m.
Present: Councilmembers Richards, Theis, Reimers, Hardy, Mayor Dallas.
Absent: None

Southwest Corner of Guadalupe and First Avenue, APN: 010-026-001. Spiegelman appeal

CLOSED SESSION

3:45 p.m.

Item A: CONFERENCE WITH LEGAL COUNSEL - EXISTING OR ANTICIPATED LITIGATION (Facts and Circumstances) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9(d)(2): 1 case

OPEN SESSION
4:30 PM

CALL TO ORDER

Mayor Dallas called the meeting to order at 4:36 p.m.

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

Absent: None

Staff: Chip Rerig, City Administrator
Jon Giffen, Assistant City Attorney
Marc Wiener, Director, Community Planning & Building
Marnie Waffle, Senior Planner
Lisa Leo, Project Manager
Robert Estrella, Project Manager
Dick Bower, Building Official
Bob Harary, Director, Public Works
Paul Tomasi, Chief of Police/Director, Public Safety
Ashlee Wright, Director, Library and Community Activities
Tom Graves, City Clerk

PLEDGE OF ALLEGIANCE

Jim Cullem led the Pledge

EXTRAORDINARY BUSINESS

Item A: Presentation of Plaque to Don Goodhue, former Planning Commission Chair. Mayor Dallas and Councilmember Reimers presented a plaque to Don Goodhue.

Item B: Presentation – Water Update from Jim Cullem, Executive Director, Monterey Peninsula Regional Water Authority

Item C: Presentation by Monterey County Registrar of Voters Claudio Valenzuela and Assistant Registrar of Voters Gina Martinez - 2018 Voting Changes

Item D: Proclamation Recognizing May 6-12, 2018 as Municipal Clerks Week. Mayor pro tem Theis presented to City Clerk Tom Graves.

Item E: Proclamation Recognizing May 20-26, 2018 as National Public Works Week. City Administrator Rerig presented to Bob Harary.

PUBLIC APPEARANCES

Cynthia Buell
Ellen Gannon
Christine Sandin
Walt deFaria
Jeff Baron
Mr. Moore
Georgina Armstrong
Barbara Livingston
Dale Byrne
Ken Spielfogel

ANNOUNCEMENTS

Item A: Closed Session Oral Report

Item B: Councilmember Announcements

Mayor *pro tem* Theis had no announcements.

Councilmember Reimers spoke about the proposed remodel of the Police Department, and said a 1966 concept drawing was located. She would like to share it with the community, and suggests that reviewing commissions see it as well.

Councilmember Richards had no announcements.

ANNOUNCEMENTS (Cont'd.)

Councilmember Hardy attended a presentation last Saturday at the communications command center for the Big Sur International Marathon, which has seen heightened security since the Boston bombing. This non-emergency type of event provides training opportunities for professional teams who typically response to emergencies. Police Commander Luke Powell and Sergeant Chris Johnson were also on hand to view the operations. City staff and the City Administrator had the opportunity to connect with the State law enforcement officials to explore the idea of engaging additional resources for security around Carmel's largest events during Car Week.

Ms. Hardy, along with Chief Tomasi, also attended the 19th Annual Victims Dedication Ceremony in the Monterey County Board of Supervisors' Chambers. The event was held in recognition of National Crime Victims' Rights Week. Ms. Hardy represented the Mayor, and all other Monterey County governmental agencies were represented, too. It was an emotional experience. The Chambers were overflowing with family members.

Mayor Dallas congratulated the Council on putting forth a plastics ban on utensils as well as takeout. Carmel-by-the-Sea is the first city in the region to do it, and it's wonderful to celebrate as a City. Thanks to the staff and councilmembers who worked to enact this measure, and also to the Fifth Graders, now Sixth Graders, who brought it to the Mayor's attention.

Item C: City Attorney Announcements

Item D: City Administrator Announcements

City Administrator Rerig said the FY 2018-2019 budget would be balanced, and the budget book will be available this Friday. There will be a 3% increase in Revenue due to inflation and a 5% increase in property value. On the Expenditures side, pension liability is going up $230,000, and general liability is going up $200,000. Labor agreements will increase expenditures an additional $150,000. More detail will be provided at the May 15, 2018 special meeting, with budget adoption slated for June 5th. If more time is needed, June 12, 2018, and June 19, 2018 are being held as backup dates.

CONSENT AGENDA

Action: Mayor *pro tem* Theis moved, seconded by Councilmember Hardy, to approve Items 1 through 5 of the Consent Agenda.

AYES: Richards, Hardy, Theis, Reimers, Dallas
NOES: None

Item 1: 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 2: March 2018 Check Register Summary.

Item 3: Corrected Minutes-
1) March 2, 2018;
2) March 5, 2018;
3) March 6, 2018;
4) March 7, 2018;
5) March 21, 2018, and
Draft Minutes -
6) April 3, 2018.

Councilmember Reimers asked for some additional changes to the March 6, 2018 Minutes, i.e., Sue McCloud spoke in favor of the Eastside Parkway, and Councilmember Reimers concern was the delay in reviewing the procedure until January, 2019; p. 73, insert the word "original" before botanist report 2009 in regard to the dunes restoration plan.

Item 4: Resolution No. 2018-043, Rejecting a Bid Protest, Awarding a Contract to Remedial Transportation Services, for a Not-to-Exceed Amount, Including 10% Contingency, of $218,270, and Authorizing a Supplemental Appropriation of $118,270 to the Fiscal Year 2017/18 Adopted Budget for Decommissioning the Fuel Station at the Public Works Yard.

Item 5: Resolution No's. 2018-044, 2018-045, and 2018-046, Authorizing the City Administrator to Execute Professional Services Agreements with Denise Duffy & Associates, Dudek, and LSA Associates for On-Call Environmental Services Each with a Not-to-Exceed Fee of $100,000 and Two-Year Terms Ending June 30, 2020.

Item 6: Resolution No. 2018-047, Adopting the Master Fee Schedule for July 1, 2018 to June 30, 2019.

Sue McCloud pulled this item. She said that Concours on the Avenue (COTA), starts planning at least 9 to 12 months in advance, but the promoter must wait until June to find out the cost basis. She urged the City Council to approve COTA costs this year akin to last year so they can plan accordingly. Director of Libraries and Community Events Wright said the City is honoring the fees that were in place on December 17th, 2017 and that most event organizers will see their fees stay within $6 to $20 of last year's fees.

Action: Councilmember Hardy moved, seconded by Mayor pro tem Theis, to approve Resolution No. 2018-047, Adopting the Master Fee Schedule for July 1, 2018 to June 30, 2019.

AYES: Richards, Hardy, Theis, Reimers, Dallas
NOES: None

ORDERS OF BUSINESS

Item 7: Resolution No. 2018-041, Receive the Fiscal Year 2018-2019 Proposed Capital Improvement Plan (CIP) and refer the CIP to the Planning Commission for review for General Plan consistency.

Director of Public Works Bob Harary gave the staff presentation. The Planning Commission will hear this item on May 9, 2018, the City Council will conduct a workshop on May 15, 2018, and then budget adoption is scheduled for June 5, 2018.

SPEAKING FROM THE FLOOR:
Skip Lloyd
Barbara Livingston
Stephen Moore
Jeff Baron

Councilmember Richards complimented the staff on the presentation, but expressed concern about the Police Department remodel.

Councilmember Hardy also expressed concerns about the Police department remodel, saying she would like to budget more than the $1.5M currently earmarked for the project. Her concern is that some electrical fires have been started in the building due to old, faulty lighting wiring, and that there is a possibility of the building being red-tagged. The additional $400k would provide a small cushion, and it's the only change she's recommending to the Council.

Mayor pro tem Theis also thanked the staff, and said that she agrees with Councilmember Hardy about the extra $400k.

Mayor Dallas also agreed about the additional funding for the Police station, and also detailed some thoughts about the World War I Memorial, and the well and tank near Flanders Mansion, as did Councilmembers Reimers and Theis. Councilmember Richards said that after hearing about the wiring issue at the P.D., he would absolutely support additional funding going toward mediating that issue.

Action: Councilmember Hardy moved, seconded by Mayor pro tem Theis, to adopt Resolution No. 2018-041 to receive the FY 2018-19 proposed Capital Improvement Plan and to refer the CIP to the Planning Commission for review for General Plan consistency with the changes as discussed: that the council defer the tank removal, increase the tree removal in Mission Trail Nature Preserve, that funds be increased for Dunes habitat, that the budget for the Police department renovation be increased by $400,000 to $1.9M, the sidewalk repair increase and the War Memorial increase at $3,000, and an additional $2,000 for tree planting.

AYES: Hardy, Theis, Reimers, Dallas
NOES: Richards

Mayor Dallas called a five-minute break at 6:50 p.m.
The City Council reconvened at 7:00 p.m.

Mayor Dallas announced that Item 12 was pulled from the agenda.

Item 8: Resolution No. 2018-042, Awarding a Contract to Anderson Pacific Engineering Construction, Inc. for Construction of the 5th Avenue, Torres to Carpenter Streets, Storm Drainage Improvement Project in a Not-to-Exceed Amount, including 10% contingency, of $1,396,225 for the Base Bid plus Bid Additives 1 and 2, and Authorizing a Supplemental Appropriation of $1,120,225 to the Fiscal Year 2017/18 Adopted Budget.

Director of Public Works Bob Harary made the staff presentation, urging the City Council to approve the Improvement Project plus Additives 1 and 2.

Councilmembers asked what the difference was between approving the entire project plus additives as requested, or approving it in phases. Director Harary explained why it was better to approve the project from Design through Construction.

SPEAKING FROM THE FLOOR

Barbara Livingston

Action: Councilmember Hardy moved, seconded by Councilmember Reimers, to approve Resolution No. 2018-042 authorizing the City Administrator to Award a Contract to Anderson Pacific Engineering Construction, Inc. for Construction of the 5th Avenue, Torres to Carpenter Streets, Storm Drainage Improvement Project in a Not-to-Exceed Amount, including 10% contingency, of $1,396,225 for the Base Bid plus Bid Additives 1 and 2, and Authorizing a Supplemental Appropriation of $1,120,225 to the Fiscal Year 2017/18 Adopted Budget.

AYES: Richards, Reimers, Hardy, Theis, Dallas
NOES: None

Item 9: Consideration and Approval of Three Special Event Grants of $1,000 Each to (1) Carmel Art Festival, (2) Prancing Ponies Foundation, and (3) Run in the Name of Love for a Total Amount of $3,000; and Considering the Elimination of the Community Promotions Grant Funding Program from Policy C.16-01.

Director of Libraries and Community Activities Ashlee Wright made the staff presentation. Councilmembers had no questions.

Action: Mayor *pro tem* Theis moved, seconded by Councilmember Hardy, to Approve Three Special Event Grants of $1,000 Each to (1) Carmel Art Festival, (2) Prancing Ponies Foundation, and (3) Run in the Name of Love for a Total Amount of $3,000; and to direct staff to bring back Policy C-16-01 at a date to be determined by staff after going through the Community Activities & Cultural Commission and the *ad hoc* committee (comprised of Councilmembers Reimers and Hardy).

AYES: Hardy, Theis, Dallas
NOES: Richards, Reimers,

Item 10 Consideration and approval of Fiscal Year 2018-2019 Council discretionary grant funding recommendations to six organizations and provide direction for the disbursement of funds to a seventh organization. p. 71, Item 8: in Resolution No. 2018-030 creating the ad hoc committee, the names of the two ad hoc committee members are Carolyn Hardy and Carrie Theis;

Director of Libraries and Community Activities Ashlee Wright made the staff presentation.

Action: Some discussion ensued between Councilmembers about the grant to the High School, and the Monterey County Film Commission.

Councilmember Hardy moved, seconded by Councilmember Richards, to approve the Fiscal Year 2018-2019 Council discretionary grant funding recommendations to six organizations, and to direct staff to maintain funding at FY 2018-2019 levels.

AYES: Hardy, Theis, Dallas, Richards, Reimers,
NOES: None

Item 11: Consider Continuing, Modifying, or Eliminating Home Mail Delivery Service Provided by the City.

Director of Libraries and Community Activities Ashlee Wright made the staff presentation.

SPEAKING FROM THE FLOOR

Sue McCloud
Barbara Livingston

Councilmember Hardy provided some background on mail delivery through the years. She was on the interview panel that picked the present courier service.She also said that delivering mail is not one of the City's core services; that it's more like an entitlement program. She suggested that a 4th option might be to recoup the costs of providing the service. Perhaps assess households once a year or monthly? It would be good to discuss. As it is now, the City has spent $750,000 since the inception of the program.

Mayor *pro tem* Theis said she had noticed how costs were going up. She said the original intent was to provide home mail delivery for residents who were physically unable to pick up their mail. It was not about house numbers. She supports Option #2.

Councilmember Reimers agreed with Ms. Hardy's suggestion to assess users, but also agrees with charging people who are able-bodied. If the City can legally set criteria for the service, then that would be a good first step.

Councilmember Richards said he also leans toward Option #2. But he also indicated he's concerned about accessibility, since there is no handicapped access to the post office.

Mayor Dallas agreed with Councilmember Richards about access to the post office building.

The City Council took a break at 8:34 p.m.
The City Council returned at 8:42 p.m.

Item 12: Consideration of an Encroachment Permit (EN 17-67) application for a reduced space within an located restaurant trash enclosure located in a portion of the City-owned Piccadilly Park. The Project is located on Dolores Street, 4 northwest of 7th Avenue. The project applicant is David Fink.

This item was dropped from the agenda by Mayor Dallas.

PUBLIC HEARINGS

Item 13: Consideration of an appeal of the Planning Commission's decision to approve Design Study (DS 18-009) and Coastal Development Permit applications for the construction of a new single-family residence on a vacant lot located in the Single-Family Residential (R-1) Zoning District. The project applicant is Greg and Robin Scattini. The application is being appealed by Laura Spiegelman.

Mayor Dallas Opened The Public Hearing At 8:43 P.M.

Director of Planning and Building Marc Wiener presented the staff report.

The Councilmembers had no questions.

Architect Jun Silliano, representing the Appellant, made his presentation.

Architect Claudio Ortiz, representing the Applicant, made his presentation.

Ellen McGee, Sheri Schaffer, Carl Reuter, Georgina Armstrong, Barbara Livingston, Ellen Crabtree, Susan, Delia Gillis, Mac Lee, and Joanne Bulmer spoke in favor of the Appellant.

Sherri Schaeffer spoke in favor of the Applicant.

Councilmember Hardy said she had driven by this lot many times. She also reminded the Council that this item passed the Planning Commission on a 4/0 vote. She said moving the house five feet is not an insignificant request at all, and she said she's not in favor of granting the appeal.

Mayor *pro tem* Theis said the proposed house meets all guidelines and codes. She said she appreciated all those who came to speak because she knows it is late. She said she was leaning toward denying the appeal

Mayor Dallas said he doesn't believe there will be a negative effect of the proposed house on the Spiegelman house. He also said there are three oak trees that can probably be saved. He suggested there should be a condition that would ban a tractor from the area where the trees are. He would also like a condition not to place a wood shake roof on the new house, since underwriters are not writing policies for wood shake roofs on houses.

Councilmember Richards said the house meets all of the guidelines and conditions and for that reason he is leaning toward denying the appeal.

Councilmember Hardy said she wanted to make a comment for the record. She said she thought it was a significant observation made by Mr. Ortiz in his letter on Page 452 of the packet, he wrote that if we start protecting views on someone else's property, anyone can claim a neighbor's yard as their private space and primary view.

Mayor Dallas Closed The Public Hearing At 10:04 P.M.

Action: Councilmember Hardy moved, seconded by Mayor *pro tem* Theis, to deny the appeal and approve the project with the following conditions:

> Condition #5, Tree removal – Add a special condition to address the issue of the tree protection, that zone protection be considered and not just individual tree protection to help protect the roots of the tree;
>
> Condition #6, Roots are to be bridged if found, which means hand- digging;
>
> Condition #24 should come out. It's duplicated by Condition #5 and has already been approved.
>
> Condition #27 should read that the South boundary fence should maintain a height of four feet from the property line 22.5 feet back toward the Southeast corner of the dining room kitchen. And from there the fence goes up to six feet all the way back to the Southwest corner of the lot.

Mayor *pro tem* Theis suggested that language be placed in the motion to strike the wood shingle roof and to work with staff to find an alternative. Director Wiener pointed out on page 447, #1 a draft authorization that identifies the finish material. And so, after "windows and doors," strike out, " _ and wood shingle roofing."And add a new sentence that, "The Applicants may work with staff on selecting an appropriate roofing material as an alternative to wood shingles."

Mayor Dallas asked if Council also wanted to place wording in the motion to consider saving the three oak trees, and to plant an additional tree in the public right-of-way subject to the approval of the City Forester.

Councilmember Hardy and Mayor pro tem Theis approved the additional language to the motion.

Architect Ortiz expressed agreement with the motion.

AYES: Hardy, Theis, Dallas
NOES: Richards, Reimers

FUTURE AGENDA ITEMS

Councilmember Reimers said she would like to have a conversation regarding the Carmel Foundation's special event (Concours on the Avenue).

Mayor Dallas said he would be asking the Council to possibly look into, in July, something to do with hotels and motels. He said it would be up to the staff if they wanted to bring that forward.

ADJOURNMENT

The meeting was adjourned at 10:21 p.m.

APPROVED:

Steve G. Dallas, Mayor

ATTEST:

Thomas A. Graves, MMC
City Clerk