



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,
Jan Reimers, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, April 7, 2020

Governor Newsome's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.

To attend via Teleconference; Dial in number 1-414-909-5052; PIN 474750181#

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.

OPEN SESSION 4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ANNOUNCEMENTS

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members

of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Approve March 2, 2020 Special Meeting Minutes, March 3, 2020 Meeting Minutes, March 13, 2020 Special Meeting Minutes and March 23, 2020 Special Meeting Minutes as presented.
2. Review monthly reports for February: 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.
3. February 2020 Check Register Summary
4. Adopt Resolution 2020-023 declaring the results of the Election held on March 3, 2020 for the submission of an ordinance amending Article IV, Transactions and Use Tax, of Chapter 3.28, Sales and Use Tax, of the Carmel-by-the-Sea Municipal Code to increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes.
5.
 1. Adopt Resolution 2020-024 authorizing the City Administrator to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax; and
 2. Adopt Resolution 2020-025 authorizing the examination of Transactions (Sales) and Use Tax Records.
6. Adopt Resolution 2020-026, approving a list of streets to be repaved for inclusion in the Fiscal Year 2020/21 Capital Improvement Plan and Budget partially funded by SB1; the Road Repair and Accountability Act
7. Adopt Resolution 2020-027 affirming modification to the home mail delivery program to include the use of eligibility criteria and provide direction to staff.

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

8. Receive a presentation on the proposed Fiscal Year 2020/21 Capital Improvement Program and Five Year Capital Improvement Plan and provide direction to staff
9. Ordinance temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic.

FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, NE corner of Ocean Avenue and Lincoln Street, and the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us/carmel/> on in accordance with the applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received

after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

April 7, 2020
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Approve March 2, 2020 Special Meeting Minutes, March 3, 2020 Meeting Minutes, March 13, 2020 Special Meeting Minutes and March 23, 2020 Special Meeting Minutes as presented.

RECOMMENDATION:

Approve March 2, 2020 Special Meeting Minutes, March 3, 2020 Meeting Minutes, March 13, 2020 Special Meeting Minutes and March 23, 2020 Special Meeting Minutes as presented.

BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None for this action.

ATTACHMENTS:

- Attachment #1 - March 2, 2020 Special Meeting Minutes
- Attachment #2 - March 3, 2020 Meeting Minutes
- Attachment #3 - March 13, 2020 Special Meeting Minutes
- Attachment #4 - March 23, 2020 Special Meeting Minutes

CITY COUNCIL SPECIAL MEETING
Monday, March 2, 2020
4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

CLOSED SESSION

- Item A:** Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (two cases)
- Item B:** Conference with Real Property Negotiators (§ 54956.8). Property: 25800 Hatton Road. Agency Negotiators: Director of Contracts & Budgets Sharon Friedrichsen, and Director of Public Works Robert Harary. Negotiating Parties: Les Albiol and Patricia Albiol. Under Negotiation: Terms and Conditions for New (Residential Curatorship) Lease
- Item C:** Public Employee Performance Evaluation pursuant to Government Code 54957; Title: City Administrator

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

REGULAR MEETING
Tuesday, March 3, 2020

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30 p.m.

Present: Council Members Baron, Reimers, Theis, Mayor Pro Tem Richards, Mayor Potter

PLEDGE OF ALLEGIANCE

Council Member Reimers

EXTRAORDINARY BUSINESS

- Item A:** Home Match Program Presentation
- Item B:** Women's Shelter Presentation
- Item C:** American Red Cross Month Proclamation
- Item D:** New Employee Introduction: Shawn Aguirre

PUBLIC APPEARANCES

The following members of the public spoke:

Christine Sandin
Karen Ferlito
Ellen Gannon
Neal Cruze

ANNOUNCEMENTS

- Item A:** City Administrator Announcements
The City Administrator discussed the actions taken by the Public Safety Department with regard to the Coronavirus.
- Item B:** City Attorney Announcements/ Closed Session Oral Report in accordance with GC § 54957.1(a)
The City Attorney stated the City Council met in Closed Session on March 2, 2020 with no reportable action.

Item C: Councilmember Announcements

Mayor Potter stated the meeting will be adjourned in memory of Elinor Laiolo, Carolina Bayne and Lillian Hazdovac

Council Member Reimers discussed her knowledge of the three women and their contributions to the community.

Council Member Reimers discussed a recent celebration held for the retiring Executive Director for the Fort Ord Reuse Authority (FORA) and discussed actions taken at the FORA Board meeting. Council Member Reimers stated FORA will be sunseting at the end of June.

Council Member Baron discussed the upcoming Climate Committee meeting scheduled for March 19, 2020.

Mayor Pro Tem Richards discussed the success of Carmel High School winter sports teams.

CONSENT AGENDA

The City Clerk stated an error was located in the Minutes provided in the agenda packet and revised Minutes have been provided for the Council's approval.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved the Consent Calendar as amended, by the following vote:

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

Item 1: Approve February 3, 2020 Special Meeting Minutes as presented and February 4, 2020 Meeting Minutes as amended.

Item 2: Monthly Reports for January: 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 3: January 2020 Check Register Summary.

Item 4: Adopt Resolution 2020-014, authorizing a Free Use Day of the Sunset Center Theater and Lobby for Raven Drum Foundation.

Item 5: Adopt Resolution 2020-015, approving the Memorandum of Understanding (MOU) between the City of Carmel-by-the-Sea and Carmel Fire Ambulance Association for the period July 1, 2019 through June 30, 2022, authorizing the City Administrator to make technical corrections as necessary and execute the Memorandum of Understanding and authorizing and approving the City of Carmel-by-the-Sea's current pay rates and ranges (salary schedule) for Carmel Fire Ambulance Association classifications as of February 1, 2020 in accordance with Municipal Code 2.52.520.

Item 6: Adopt Resolution 2020-016, entering into an agreement with Monterey County Free Libraries to offer Literacy Services at Harrison Memorial Library.

Item 7: Adopt Resolution 2020-017, authorizing the closure of certain streets, the serving of alcohol on public property, and/or the erection of tents on public property for 1. Monterey County Vintners Winemakers' Celebration, 2. Carmel Art Festival, 3. Concours on the Avenue, 4. Prancing Ponies Car Show and 5. Pebble Beach Tour d'Elegance.

Item 8: Adopt Resolution 2020-018, rescinding Resolution 2002-127 and authorizing the receipt and disbursement of funds within the Refundable Deposit Fund.

Item 9: Adopt Resolution 2020-019, accepting the completion of the Fiscal Year 2018-2019 Citywide Paving Project, World War I Monument Restoration, Police Replacement Patrol Car, Community Activities Van, and Portable Vehicle Barricades Capital Projects.

ORDERS OF BUSINESS

Item 10: Review the current Mills Act policy and contract language and provide direction to staff.

Acting Director of Planning & Building, Marni Waffle provided the staff report for this item.

Discussion among staff and the City Council included discussion of the timing for issuing a Notice of Non-Renewal, the instances when the Notices can be issued and the formula used related to the contract timelines.

Addressing the City Council on this item:

Tom Yots

Mike Brown

The City Administrator discussed the Mills Act Contract process in general and the impact to property taxes for Mills Act properties.

Discussion among staff and the City Council included discussion of the history of the Mills Act process and discussion of concerns with the City being able to reduce the County's tax revenues. It was the consensus of the City Council the current process is acceptable.

Council Member Reimers stated page 144 of the agenda packet, section 5 has a typographical error.

Item 10: continued...

On a motion by Council Member Reimers and seconded by Mayor Pro Tem Richards, the City Council approved keeping the Mills Act policy as it is set up at this time with the contract language as presented, by the following vote:

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

Item 11: Receive a report on options related to the home mail delivery services program and provide direction to staff.

Director of Budgets and Contracts, Sharon Friedrichsen provided the staff report for this item.

Addressing the City Council on this item:

Karen Ferlito
Sue McCloud

Discussion among staff and the City Council included discussion of requiring proof of disability as the criteria to establish eligibility for the program as well as potentially offering an option for those who may not be eligible based on the criteria, to pay for the service including paying the overhead for staff time involved in billing for the service.

Direction given to staff, no action needed at this time.

Item 12: Adopt Resolution 2020-020, approving the selection of 15-Watt, 2700-Kelvin LED lights to replace all 17 low-pressure sodium, cobra-head, safety streetlights in Carmel-by-the-Sea.

Environmental Compliance Manager, Agnes Martelet provided the staff report for this item.

Council Member Theis thanked the community for their input in this process.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2020-020, approving the selection of 15-Watt, 2700-Kelvin LED lights to replace all 17 low-pressure sodium, cobra-head, safety streetlights in Carmel-by-the-Sea, by the following vote:

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

PUBLIC HEARINGS

Item 13: Adopt Ordinance 2020-001, amending Carmel Municipal Code (CMC) Title 15 (Buildings and Construction) by adopting the 2019 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments which constitutes reading of the title and waiver of reading of the Ordinance.

Building Official, Dick Bower provided the staff report for this item.

Discussion among staff and the City Council included discussion of Council's request to evaluate WUI and bring back to the Council by the end of the year and discussion of not requiring wrapping of trees for certain projects.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council adopted Ordinance 2020-001, amending Carmel Municipal Code (CMC) Title 15 (Buildings and Construction) by adopting the 2019 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments which constitutes reading of the title and waiver of reading of the Ordinance, by the following vote:

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

FUTURE AGENDA ITEMS

Council Member Reimers discussed an update for the North Dunes restoration progress similar to what was provided to the Forest & Beach Commission.

ADJOURNMENT

Mayor Potter adjourned the meeting at 6:25 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

CITY COUNCIL SPECIAL MEETING
Friday, March 13, 2020
11:00 AM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 11:00 a.m.

Present: Council Members Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

Absent: Council Member Reimers

PLEDGE OF ALLEGIANCE

Council Member Baron

PUBLIC APPEARANCES

None

ORDERS OF BUSINESS

Item 1: Consideration of adoption of a Resolution ratifying a Proclamation of Existence of a Local Emergency due to the spread of the Novel Coronavirus (COVID-19).

The City Administrator provided the staff report for this item, discussed the actions taken and briefly discussed plans related to COVID-19.

Monica Sciuto, PIO for Montage Health and Community Hospital of Monterey Peninsula (CHOMP) discussed CHOMP's response and plans related to COVID-19.

Discussion among staff, Ms. Sciuto and the City Council included discussion of measures being taken to test individuals; the criteria for testing, the process involved with testing and steps to bring this to an end. Additionally, measurement of success as it relates to COVID-19, the efforts to end the pandemic, the potential vaccine and what happens to healthy people who may contract the disease was discussed. The City Council thanked staff for taking the issue seriously, discussed the impact to running a business, and discussed limiting access to staff through the end of March. Supplies for ambulance, fire, paramedic and policing going forward was discussed as well as the impact to public safety in the event an incident of COVID-19 is experienced in the village – particularly if the incident involves a member of public safety. The impacts to budget preparation, revenues, staff levels and library services were discussed as well as the need for public support for the elderly in the form of a program to help that portion of the community.

Samantha Zutler, City Attorney stated the proclamation positions the City to be eligible for funds from FEMA and activates the emergency organization provisions in the Government Code.

Item 1 continued...

Police Chief Tomasi discussed the processes being prepared by staff as it relates to maintaining City services and keeping people safe; all include reducing face-to-face contact. The intention is to provide services as best as possible and keep everyone safe.

Addressing the City Council on this item:

Amy Herzog
Bob Jenkins
Christine Sandin
Karyl Hall
Neil Kruse
Nancy Garcia

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved Resolution 2020-021, ratifying the City Administrator's Proclamation of the existence of a Local Emergency due to the worldwide spread of the Coronavirus (COVID-19), by the following vote:

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

ADJOURNMENT

Mayor Potter adjourned the meeting at 12:05 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

CITY COUNCIL SPECIAL MEETING
Monday, March 23, 2020

CLOSED SESSION
11:00 AM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 11:00 a.m.

Present: Council Members Baron, Reimers, Theis, Mayor Pro Tem Richards, Mayor Potter

PUBLIC APPEARANCES

None

CLOSED SESSION

Item A: Consultation with: City Administrator, Assistant City Administrator, Chief of Police and City Attorney – Threat to Public Services pursuant to Government Code Section 54957.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Review monthly reports for February: 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.

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

Monthly approvals.

ATTACHMENTS:

- Attachment #1 - City Administrator Contract Log
- Attachment #2 - Community Planning & Building Report
- Attachment #3 - Police, Fire & Ambulance Report
- Attachment #4 - Public Records Act Request Logs
- Attachment 5 - Public Works Department Report

City Administrator Contract Log

Nothing to report for February 2020



CITY OF CARMEL-BY-THE-SEA

Monthly Report

February 2020

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Acting Community Planning & Building Director
SUBMITTED ON:	March 24, 2020
APPROVED BY:	Chip Rerig, City Administrator

FEBRUARY 2020 – DEPARTMENT ACTIVITY REPORT

I. PLANNING APPLICATIONS:

In February of 2020, **28** planning permit applications were received.

II. BUILDING PERMIT APPLICATIONS:

In February of 2020, **45** Building Permit applications were received.

III. CODE COMPLIANCE CASES:

In February of 2020, **39** new code compliance cases were initialized.

IV. ENCROACHMENT APPLICATIONS:

In February of 2020, **32** encroachment permit applications were received.

V. YEAR-TO-DATE TRENDS

Table 1 includes the February 2020 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to February 2019 totals. As shown in the table, in 2020 there was a **13% decrease** in planning permit applications, a **21% decrease** in building permit applications, **20% decrease** in code compliance cases, and a **37% increase** in encroachment permit applications compared to the same period 2019.

Table 1. Permit Application Totals

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>	<u>Encroachments</u>
2019 Totals	75	111	75	43
2020 Totals	65	88	60	59
% Difference	-13%	-21%	-20%	37%



Planning Permit Report

02/01/2020 - 02/29/2020

Permit #	Permit Type	Project Description	Address/ Location	Date Received	Date Approved	Status
20066	Business License	This business license BL 20-066 (Synergy One Lending) authorizes use of a 2000 square foot commercial space offering the following goods and services. a. Primary Use: This use is classified as a Mortgage Loan Office (NAICS 522310)	Dolores Street, 2 SW of 7th - Unit D	2/27/2020	3/9/2020	In Review
20065	Design Study	Reconfiguration of existing hardscape including removal of 623 sq of rear yard concrete patio and replacement with a 464 sf patio. New Carmel stone retaining and seating walls. New natural gas fire pit. New outdoor kitchen with natural gas barbecue. New rear yard landscape and lighting.	Santa Rita, 5 SE of Ocean Avenue	2/28/2020		In Review
20064	Authorized Work	Siding Repair. Replacement of four (4) windows and one (1) door - like for like. Replace exterior staircase threads and rear deck decking - like for like.	Torres, 3 SE of Ocean	2/28/2020	2/28/2020	Approved
20063	Historic Deposit	Historic Determination	26185 Dolores Street	2/26/2020		In Review
20062	Business License	The approval authorizes the name change of an existing restaurant from "Villa Sombreros" to "Carmel Beach Grill." All conditions of approval from the previous business license (BL 18-260) and use permit (UP 16-181) for the site shall apply.	SWC of Ocean Avenue & Mission Street	2/26/2020	3/9/2020	Approved

20061	Business License	Home Business License: Meeting with clients in their homes. Purchase boxes of Diabetic Test Strips and mail to employer in Kansas. Pass out flyers.	Junipero, 2 SE of 11th Street	2/25/2020		In Review
20060	Design Study	Remove (e) garage (226 sf), new garage (258 sf), new studio above with half bath (234 sf), main floor addition (109 sf), remove (1) 15" oak tree.	Santa Fe 2 SE of Ocean	2/25/2020		In Review
20059	Design Study	Addition of mst bathroom 76 sq.ft to rear of existing house.	Camino Real, 4 SE of 12th	2/25/2020		In Review
20058	Banners	Placement of 10 double-banners along Ocean Ave and two double banners at Sunset Center from Feb 13, 2021 - Feb 23, 2021	Ocean Avenue from Junipero to Monte Verde	2/21/2020		In Review
20057	Business License	This business license BL 20-057 (Artisan Creations & Design) authorizes use of a 1,026 square foot ground floor commercial space offering the following goods and services. a. Primary Use: This use is classified as a Home Furnishing Store (NAICS 442299)	SW San Carlos & 5th	2/20/2020	2/24/2020	Approved
20056	Historic Determination	Historic Determination	Palou, 4 NW of N. Casanova	2/19/2020		In Review
20055	Design Study	Installation of approx. 230 linear feet of 6' high redwood fencing at rear & side property lines (between lots) and approx. 180 linear feet of 4' high redwood grape stake fencing at property lines along Mission Ave. & First Street.	SWC of Mission & First	2/19/2020		In Review
20054	Design Study	Replace (e) exterior wall mounted sconces in existing locations. Replace south fence in-kind, (e) south fence within first 15' of front property line to remain. Install (N) pedestrian gate at (e) stone walk. Install (N) driveway gate at (e) driveway, design and detail of gates to match (e) grape stake fence at	Casanova, 2 SW of 11th	2/19/2020		In Review

		front & install (N) fence and gate at southeast corner of front yard, no lid.				
20053	Business License	Business License: Carissa Duncan - Interior Design	Camino Del Monte 1 SW of 2nd Avenue	2/13/2020	2/21/2020	Approved
20052	Business License	Business License: Scott Wilsdon Law	Su Vecino Court -- 13 Dolores & 5th	2/18/2020		In Review
20051	Business License	This business license BL 20-051 (Evolve Salon) authorizes use of a 890 square foot commercial business space offering the following goods and services. Primary Use: This use is classified as a beauty salon (NAICS 812112)	NWC Mission and 8th	2/18/2020	2/24/2020	Approved
20050	Business License	This business license authorizes use of a 1,452 square-foot, first-floor business offering the following goods and services: a. Primary Use: The Primary Use shall be classified as Pet Care (NAICS 812910)	Dolores Street, between Ocean & 7th	2/14/2020	2/21/2020	Approved
20049	Planning Commission Code Determination	Redesign of main auditorium & lobby, replacement of accessible entrance and exists; compliance with CASP report on interior and exterior accessibility; addition of accessible family restroom; remodel and expansion of existing office space; auditorium soundproofing at eaves & exits.	Monte Verde, 4 SW of 8th Ave	2/13/2020		Pending Assignment
20048	Historic Evaluation	Historic evaluation the addition of a 65 sf deck off the second story at the master suite on the east side of the house, addition of French doors to the deck, addition of French doors to the patio at the back of the house and four new exterior lights.	SE Corner San Carlos & 11th	2/13/2020		In Review
20047	Bench Dedication	Bench dedication in honor of Barrie Rosenberg Cress	Picadilly Square	2/11/2020		In Review
20046	Design Study	744 sq ft addition to existing 510 sq ft single family dwelling.	North Camino Real, 4	2/10/2020		In Review

			SW of 2nds			
20045	Business License	1. Primary Use: This business license is issued to the property owner(s) with a primary classification of NAICS 531110 (Lessor of Residential Dwellings and Buildings).	Mission 2 NE of 6th	2/6/2020	2/14/2020	Approved
20044	Design Study	This approval authorizes the interior remodel of a kitchen, the removal of two windows on the north elevation, the replacement of a sliding door with a hinged door on the north elevation, and the installation of one (1) skylight to be located on the west elevation above an existing bathroom. The construction shall be consistent with the plan set dated received on February 4, 2020 except as modified by the conditions of approval.	2nd Avenue, 2 NW of Lincoln Avenue	2/7/2020	3/9/2020	Corrections Required
20043	Design Study	This approval of Design Study (DS 20-043) authorizes alterations to the windows and site coverage of a residence listed on the City's Historic Inventory to include the following scope of work: 1) The removal of 1 vinyl window on the north elevation, 2) the replacement of a wood door with steel windows on the east elevation, 3) the replacement of a wood front door, and the replacement of a wood back door with a steel door, and 4) the reorganization of site coverage. The project shall be consistent with the plans received on February 4, 2020 except as modified by the conditions of approval.	NEC Dolores and 12th	2/4/2020	3/3/2020	Approved
20042	Business License	This business license authorizes use of a first-floor retail space offering the following goods and services: a. Primary Use: This use is classified as a Jewelry Store (NAICS 448310)	Dolores, 4 SE of Ocean	2/3/2020	2/24/2020	Approved
20041	Sign	Sign. Ruthless Fine Jewellery (*Please note - customer is specific about the spelling of jewellery. smm)	Dolores, 4 SE of Ocean	2/3/2020	2/18/2020	Approved
20040	Sign	Sign. Noelle Micek Interiors	San Carlos	2/3/2020		Corrections Required

			between 5th & 6th			
20039	Design Study	Replace 12 aluminum windows and 3 aluminum sliding doors with new unclad wood windows and doors. On the upper floor, one bedroom window on the north side elevation and two bedroom windows on the south side elevation would increase in size from 6' x 3' to 6' x 4'. Two windows on the front elevation would be replaced with French doors. All other window and door sizes to remain unchanged.	Junipero, 4 NW of 10th	2/3/2020	3/2/2020	Approved

Total Records: 28

3/11/2020



Building Permit Report

02/01/2020 - 02/29/2020

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
200088	2/28/2020	2/28/2020	Residential. Remove shake roof and install Landmark TL composition shingles in Country Gray.	16,000	Roofing	Camino Real 3 SW of 10th
200087	2/28/2020	3/11/2020	Residential. Kitchen and two bathroom remodels in-kind.	90,000	Building	Carmelo 5 SW of 2nd
200086	2/27/2020	3/3/2020	Residential. Remove and replace two toilets with UHEF toilets in same location. Addition of shower head and fixtures to (e) shower enclosure to legalize use.	1,150	Building	Casanova 5 SW of 12th
200085	2/27/2020	2/27/2020	Residential. Remove and replace glass from sun room in-kind. Repair dry-rot on the side of the structure. Install new gas line for movement of the dryer.	2,000	Building	NE Corner Ocean & Camino Real
200084	2/25/2020		Residential. Replacement of backyard deck	20,000	Building	1st Avenue, 2 SE of Lobos
200083	2/24/2020		Residential. Electrical additions and modifications associated with PP 20-082.	8,000	Electrical	NW Corner Torres & 9th
200082	2/24/2020		Residential. Backyard landscaping, install firepit appliance with gas line. Install three new electrical outlets, veneer garden wall at the north end of property.	8,000	Plumbing	NW Corner Torres & 9th
200081	2/24/2020	2/24/2020	Residential. Remove (e) tar & gravel roof and install new tar & gravel roof.	9,500	Roofing	Perry Newberry 2 NE of 5th
200080	2/21/2020	2/21/2020	Residential. Replacement of two fence posts for gate and fence that will remain unchanged.	0	Exempt Work	Ocean 2 NE of Camino Real

200079	2/21/2020	3/11/2020	Residential. Removal and replacing kitchen cabinets, counter tops, fixtures and sinks; and the same in the powder room.	20,000	Building	2957 Franciscan Way
200078	2/20/2020		Commercial. Remove 2 part sink and replace with new 3 part sink. Move dishwasher, ice machine and water softer to accommodate new sink. Install new tankless water heater.	12,000	Plumbing	Ocean 2 NE of San Carlos
200077	2/20/2020	2/20/2020	Commercial. Addition of landscape lighting, installation of 6"x6" weatherproof box, 146 LF of Romex and 20 LF of galvanized conduit.	0	Electrical	NE Corner San Carlos & 10th
200076	2/20/2020	2/20/2020	Residential. Remove existing tile from walkway, approx 200 ft, repair waterproof membrane and install new tile.	0	Exempt Work	Mission 4 NE of 5th
200075	2/19/2020		Residential. Plumbing additions and modifications associated with BP 20-072.	0	Plumbing	Dolores 3 SE of 8th
200074	2/19/2020		Residential. Mechanical additions and modifications associated with BP 20-072.	0	Mechanical	Dolores 3 SE of 8th
200073	2/19/2020		Residential. Electrical additions and modifications associated with BP 20-072.	0	Electrical	Dolores 3 SE of 8th
200072	2/19/2020		Residential. Replace windows with new Sierra Pacific aluminum clad windows; bath and kitchen remodels; replace concrete path in back yard and portion of driveway pavers.	45,000	Building	Dolores 3 SE of 8th
200071	2/18/2020		Residential. Install wrought iron rail 15' from driveway to the base of front steps. 38" high.	2,900	Building	Santa Rita 6 SE of Ocean
200070	2/18/2020	2/26/2020	Residential. Install 6 75kW roof mounted solar system.	31,714	Electrical	Crespi 8 SE of Mountain View
200069	2/14/2020	2/20/2020	Residential. Add fire pit in rear yard.	10,000	Plumbing	Camino Real 2 NW of 4th
200068	2/14/2020		Residential. Exterior modifications: replace garage door; new garage man door, replace wood decks. Add a new wood deck at the rear yard, new street fence, driveway gate and exterior lights.	50,000	Building	Camino Real 5 SW of 13th Avenue

200067	2/13/2020	2/13/2020	Residential. Replacement of approx 30' of damaged water line. Remove and replace tile and sheetrock in bathroom because of water damage.	2,000	Plumbing	26000 Junipero St
200066	2/13/2020		Residential. Electrical modifications and additions associated with BP 20-065.	0	Electrical	NW Corner Mission & 12th
200065	2/13/2020	3/10/2020	Residential. Install outdoor gas fire place.	10,000	Plumbing	NW Corner Mission & 12th
200064	1/1/1900	1/1/1900	Residential	0	Building	
200063	2/13/2020	3/10/2020	Residential. Remove (e) single pane double French doors at rear elevation and replace with (n) dual pane double French doors.	6,100	Building	Ocean 2 SW of Scenic
200062	2/13/2020		Residential. Disconnect illegal water line.	150	Plumbing	Perry Newberry 2 SW of 4th
200061	2/13/2020		Residential. Construction of new detached garage	0	Building	2nd 2 NE of Guadalupe
200060	2/13/2020	2/13/2020	Residential. Remove upper and lower peninsula cabinet. Retile floor to match existing.	0	Exempt Work	NW Corner Monte Verde & 8th
200059	2/11/2020	2/11/2020	Residential. Replace damaged main electrical panel.	2,000	Electrical	NW Corner Ocean & Santa Rita
200058	2/11/2020	2/11/2020	Residential. Reroof wood shake roof to Certainteed Presidential TL comp shingles in Charcoal Black color.	17,767	Roofing	Monte Verde 2 NW 9th
200057	2/10/2020	2/10/2020	Residential. Demolition and removal of existing kitchen cabinets.	0	Exempt Work	Dolores 3 SE of 8th
200056	2/10/2020		Residential. Install emergency back up generator and transfer switch.	20,000	Electrical	San Antonio 3 SW of 9th
200055	2/10/2020		Residential. Install emergency back up generator and transfer switch.	20,000	Electrical	NE Corner Carmelo & 13th
200054	2/10/2020	2/10/2020	Residential. Tear off (e) wood shake roof. Apply 1/2" CDX plywood. Install Grand Canyon Tri Lamine comp roofing system.	40,000	Building	San Antonio 5 NE of 11th
200053	2/7/2020	2/19/2020	Residential. Shorten existing window by 1'.	1,500	Building	Santa Rita 9 SE of Ocean

200052	2/6/2020	2/7/2020	Residential. Electrical - installation of AC disconnect + NGOM meter.	500	Electrical	Del Mar Ave 2 SW of Ocean
200051	2/6/2020	3/9/2020	Residential. Plumbing additions and modifications associated with BP 20-049.	0	Plumbing	Casanova 2 SE of 10th
200050	2/6/2020	3/9/2020	Residential. Electrical additions and modifications associated with BP 20-049.	0	Electrical	Casanova 2 SE of 10th
200049	2/6/2020	3/9/2020	Residential. Demolition of master bath, guest bath & master closet. Remodel of master bath, guest bath and master closet.	40,000	Building	Casanova 2 SE of 10th
200048	2/6/2020		Residential. Installation of a new drainage system and rain garden.	8,000	Plumbing	Forest 2 SW of 7th
200047	2/5/2020	2/20/2020	Commercial. Electrical additions and modifications associated with BP 20-046.	0	Electrical	San Carlos 3 NE of 6th Unit #2
200046	2/5/2020	2/20/2020	Commercial. Update electrical with new fixtures and receptacles, install new hardwood floor, and construct 8'x7' ponywall.	10,000	Building	San Carlos 3 NE of 6th Unit #2
200045	2/4/2020	2/4/2020	Residential. Replacement of 96,000 BTU with new RUVD 100k BTU downflow.	5,803	Mechanical	San Carlos 4 SE of 12th
200044	2/4/2020	2/4/2020	Residential. Replace 50 gallon water heater with new water heater in same location.	1,800	Plumbing	Lincoln 2 SW of 10th

Total Records: 45

3/11/2020



Code Compliance Report

02/01/2020 - 02/29/2020

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
20062	Business License Violation	Open	San Antonio NE of Ocean	No Business License	2/21/2020	
20059	Gas Leaf Blower Violation	Closed	NW Corner of Camino Real and 12th	Gas Leaf Blower	2/28/2020	2/28/2020
20058	Skin Care Complaint	Closed	Ocean SE of Monte Verde	Aggressive soliciting	2/26/2020	3/26/2020
20057	Skin Care Complaint	Closed	Ocean SE of Monte Verde	Aggressive soliciting	2/26/2020	2/26/2020
20056	Business License Violation	Closed	San Antonio 4 SE of Ocean	Business complaint / No license	2/28/2020	2/6/2020
20055	Right of way Violation	Open	Camino Real 2 SW of 2nd	Portable toilet in ROW	2/24/2020	
20054	Storm Water Violation	Closed	San Antonio 4 SE of Ocean	Pressure washing water into roadway	2/21/2020	2/21/2020
20053	Right of way Violation	Closed	Camino Real SW of Ocean	Cones in ROW	2/21/2020	2/21/2020
20052	Planning/Building Violation	Closed	Ocean 2 NE of Camino Real	Deck and fence repair without permit	2/21/2020	2/21/2020
20051	Skin Care Complaint	Closed	Ocean SE of Monte Verde	Soliciting sales outside of business	2/19/2020	2/19/2020
20050	Right of way Violation	Closed	San Carlos SE of 5th	No Parking Signs	2/18/2020	2/20/2020
20049	Planning/Building Violation	Closed	Mission 4 NE of 5th	Exterior work without permit	2/18/2020	2/20/2020
20048	Building Violation	Open	NE Corner of Ocean and Camino Real	Construction without permit	2/26/2020	

20047	Building Violation	Open	NWC Mission and 12th	foundation installation without permit	2/24/2020	
20046	Lighting Violation	Closed	SE Corner of Carpenter and 5th	Bright exterior lights	2/21/2020	2/27/2020
20045	Business License Violation	Open	San Carlos SW of Ocean	Expired Business License	2/18/2020	
20044	Business License Violation	Open	San Carlos SW of Ocean	Expired Business License	2/18/2020	
20043	Planning Violation	Open	Lincoln 2 SW of 2nd	Runoff directed to neighbor	2/18/2020	
20042	Business License Violation	Closed	Ocean SW of Mission	Expired Business License	2/18/2020	2/20/2020
20041	Right of way Violation	Closed	Mission 2 NW of Vista	Excavation in ROW	2/18/2020	2/20/2020
20040	Skin Care Complaint	Closed	Ocean NE of Dolores	Aggressive soliciting	2/18/2020	2/18/2020
20039	Sign Violation	Closed	San Carlos SE of 5th	A-Frame sign	2/14/2020	2/14/2020
20038	Business License Violation	Open	San Carlos 2 SW of 5th	No Business License	2/13/2020	
20037	Right of way Violation	Closed	Camino Real 2 SW of 12th	Excavation in ROW	2/18/2020	2/20/2020
20036	Building Violation	Closed	26000 Junipero	Construction without permit	2/13/2020	2/14/2020
20035	Sign Violation	Closed	Mission SE of 5th	A-Frame sign in ROW	2/7/2020	2/7/2020
20034	Right of way Violation	Closed	Camino Real NW of JP Walkway	Cone in ROW	2/7/2020	2/7/2020
20033	Right of way Violation	Closed	Lopez NW of 4th	No Parking Sign	2/7/2020	2/7/2020
20032	Right of way Violation	Closed	Monte Verde NW of 4th	Cones in ROW	2/7/2020	2/7/2020
20031	Building Violation	Open	Perry Newberry 2 SW of 4th	Construction without permit	2/7/2020	
20030	Business License Violation	Open	10th 2 NW of Camino Real	No Business License	2/6/2020	
20029	Right of way Violation	Closed	10th NW of Camino Real	Cones in street	2/6/2020	2/6/2020

20028	Gas Leaf Blower Violation	Closed	NE Corner of Scenic and Santa Lucia	Gas Leaf Blower	2/6/2020	2/6/2020
20027	Right of way Violation	Open	Camino Real 2 SW of 2nd	Portable toilet in ROW	2/6/2020	
20026	Right of way Violation	Closed	SE Corner of N Carmelo and JP Walkway	Cones in ROW	2/6/2020	2/6/2020
20025	Building Violation	Closed	Camino Real 2 SW of 2nd	Vibration from construction	2/6/2020	2/6/2020
20024	Public Nuisance	Open	NW Corner of Forest Rd and 8th Ave	Nuisance Property	1/22/2020	
20023	Planning/Building Violation	Open	San Antonio 2 SE of 12th	Landscape construction without permit	2/4/2020	
20022	Right of way Violation	Open	NE Corner of Santa Rita and 5th	Real estate sign in ROW	2/4/2020	

Total Records: 39

3/11/2020



Encroachment Permit Report

02/01/2020 - 02/29/2020

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
200059	Temp Ench	2/28/2020	Excavate two potholes - 7'x4' & 5'x4' to bore service renewal. If unable to bore trench, cut 2'x40' for service renewal.	Dolores 3 NW of 7th	3/2/2020	Approved
200058	Temp Ench	2/28/2020	Replace sewer lateral. Install two-way cleanout with SRV & BWV. Work on property and in the street.	Lincoln 4 SW of 13th	3/2/2020	Approved
200057	Temp Ench	2/26/2020	Relocate wire mesh construction fence onto sidewalk to facilitate installing new retaining wall along property line.	San Carlos, 4 SE of 7th		In Review
200056	Temp Ench	2/26/2020	Replace sewer lateral and install two way clean out with SRV & BWV.	NE Corner Scenic & 8th	3/2/2020	Approved
200055	Temp Ench	2/26/2020	Replace sewer lateral and install two way clean out with SRV & WYE.	5th 3 NW of Perry Newberry	3/2/2020	Approved
200054	Temp Ench	2/26/2020	Portable toilet and temp power in right of way.	Camino Real 2 SW of 2nd	3/9/2020	Approved
200053	Temp Ench	2/25/2020	Install temporary scaffolding on sidewalk to protect pedestrians from falling objects while	NE Corner Dolores & 7th		In Review

			roof is being replaced.			
200052	Perm Ench	2/25/2020	Place (1) 3-electrode and bed in pebble concrete at pole location 1. Remove & restore 18 sq ft of pebble concrete.	Lincoln 140' NE of 6th	3/10/2020	Approved
200051	Driveway	2/24/2020	Replace existing asphalt driveway with pavers up to property line.	Ocean 4 SE of Forest	3/5/2020	Approved
200050	Temp Ench	2/24/2020	Replace approx 20' of sewer lateral on property and in the street. Install BWV & SRV.	San Antonio 3 SE of 11th		In Review
200049	Temp Ench	2/21/2020	Reservation of two 10-minute parking spots in front of restaurant for work trucks.	SE Corner Dolores & 5th	2/24/2020	Approved
200048	Temp Ench	2/20/2020	Replace the main sewer line from back of the side walk to the City main by way of trenchless method. Will be closing north side of the road and north sidewalk between Mission and San Carlos to accommodate work. Access to Fire Department to remain open.	NE Corner San Carlos & 6th	2/24/2020	Approved
200047	Temp Ench	2/20/2020	PG&E to excavate 4'x4' bellhole to cut off gas service.	Santa Rita 3 SE of 1st	2/20/2020	Approved
200046	Temp Ench	2/20/2020	Replace approx 25' of sewer line from residence to right of way. Install two way SRV and backwater valves.	Camino Real 6 SW of 10th	2/20/2020	Approved
200045	Temp Ench	2/20/2020	Replace approx 40' of sewer line from residence to right of	Santa Fe 5 NW of 2nd	2/20/2020	Approved

			way. Install two way SRV and backwater valves.			
200044	Temp Ench	2/20/2020	Replace sewer lateral and install two way clean out with SRV & BWV.	Lopez 3 NW of 4th	2/20/2020	Approved
200043	Temp Ench	2/19/2020	Sewer lateral replacement.	Mission 2 NW of Vista	2/20/2020	Approved
200042	Temp Ench	2/19/2020	Pouring concrete foundation, need space to safely maneuver and park concrete truck.	Monte Verde 3 NE of 6th	2/19/2020	Approved
200041	Temp Ench	2/19/2020	Sidewalk to be blocked off in order to use man lift to replace gutters.	Carmel Plaza	2/19/2020	Approved
200040	Temp Ench	2/19/2020	Replace sewer lateral on property and in the street. Install two-way cleanout with SRV & BWV.	4th 2 NE of Torres	2/19/2020	In Review
200039	Temp Ench	2/14/2020	Trench Electrical & Gas line.	Camino Real 2 SW of 12th	2/19/2020	Approved
200038	Temp Ench	2/14/2020	Replace sewer lateral from 2 wayclean out to sewer main.	Dolores 2 SW 11th	2/18/2020	Approved
200037	Temp Ench	2/13/2020	Replacement of sewer lateral.	San Antonio 3 SW of 7th	2/18/2020	Approved
200036	Temp Ench	2/13/2020	Replacement of sewer lateral.	NW Corner Santa Fe & 6th	2/18/2020	Approved
200035	Temp Ench	2/10/2020	Replace sewer lateral under the street.	Junipero, 4 SW of Alta		
200034	Temp Ench	2/10/2020	Replace sewer lateral from clean out to SDR in roadway.	NW Corner Dolores & 12th	2/11/2020	Approved
200033	Temp Ench	2/10/2020	Comcast is proposing to access (3) existing vaults to overpull (1) new fiber optic cable through existing	6th 5 SW of Dolores	2/19/2020	Approved

			Comcast structure approx 50 LF and place by open trench (2) 2" HDPE conduits approx 10 LF to convey FO service to the address.			
200032	Temp Ench	2/6/2020	Install overhead transformer and new underground service. No excavation by PG&E.	2922 Santa Lucia	2/19/2020	Approved
200031	Temp Ench	2/6/2020	Excavate a 3'x3' pit in the concrete and a 4'x5' pit in the asphalt to renew a 1" water service for Cal-Am Water.	SE Corner San Carlos & 5th	2/10/2020	Approved
200030	Temp Ench	2/5/2020	Park an 5' x 10' trailer on the street alongside the property. Trailer will be used to load demo debris. Start date: 2/10/2020 End date: 5/10/2020.	San Antonio 4 SW of 10th	2/10/2020	Approved
200029	Driveway	2/4/2020	Remove existing top square of driveway and lower curb at garage door. Install new curb and related flat work at garage entry.	NW Corner San Carlos & 7th	3/2/2020	Approved
200028	Temp Ench	2/4/2020	Replacement of sewer lateral. Install new two way clean out with SRV and BWV.	San Antonio 5 SE of 8th	2/4/2020	Approved

Total Records: 32

3/11/2020



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Safety

February 2020

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Director of Public Safety
APPROVED BY:	Chip Rerig, City Administrator

AMBULANCE REPORT

Summary of Carmel Fire Ambulance February Calls for Service

AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of February 2020 the ambulance was able to meet the performance measure. The response time was 100% with (0) code-3 call over 5 minutes.

41 Calls for service in CBTS Average response time: 2:27 min.
29 Code 3 calls for service –None over 5:00 min.

There is no data available from AMR regarding calls for service in CBTS

MONTEREY FIRE REPORT

Summary of Monterey Fire February Calls for Service

FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of February 2020 the fire department was unable to meet the performance measure. The response time was 93% with (3) code-3 calls over 5 minutes.

60 total calls for service in CBTS Average response time: 3:03 min.
40 total Code-3 calls

20-0000977; 2/10/20; 1352 hrs; **(6:02 min)**; Delay caused by travel distance and traffic levels.

*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.

Attachment 3
20-0001078; 2/15/20; 18:19 hrs; **(6:33 min)** Junipero & Vista- Carmel Engine on another call-Response from Station 11 (Monterey)
20-0001239; 2/20/20; 19:58 hrs; **(5:45 min)** San Antonio & 9th- Delay caused by travel distance and traffic levels.

**There were thirteen additional calls for service with a response time over five minutes. These were none emergency calls classified as Code 2.*

BEACH FIRES

There were no illegal beach fires recorded during the month of February and no propane fires.

*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.



RESPONSE SUMMARY REPORT BY DISTRICT

27015 CARMEL-BY-THE-SEA FIRE AMBULANCE

Alarm Dates: 2/01/2020 to 2/29/2020



MEDICAL RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200202-CFA00125	Emergent	2/2/2020	3:58:29 AM	4:01:33 AM	0:03:04	4:07:18 AM	JUNIPERO AVE / 4TH AVE
200202-CFA00126	Emergent	2/2/2020	9:35:38 AM	9:37:44 AM	0:02:06	10:41:00 AM	SCENIC RD / OCEAN AVE
200202-CFA00128	Emergent	2/2/2020	9:25:57 PM	9:30:07 PM	0:04:10	9:30:20 PM	HWY 1 / OCEAN AVE
200206-CFA00141	Non-Emergent	2/6/2020	4:17:09 PM	4:17:59 PM	0:00:50	4:32:01 PM	TORRES ST / 3RD AVE
200207-CFA00150	Emergent	2/7/2020	4:19:17 PM	4:20:47 PM	0:01:30	5:47:19 PM	TORRES ST / 3RD AVE
200208-CFA00157	Emergent	2/8/2020	5:35:39 PM	5:38:51 PM	0:03:12	6:04:00 PM	JUNIPERO AVE / VISTA AVE
200210-CFA00165	Emergent	2/10/2020	1:28:24 PM	1:30:35 PM	0:02:11	1:50:00 PM	SCENIC RD / 9TH AVE
200210-CFA00166	Emergent	2/10/2020	1:58:41 PM	2:02:00 PM	0:03:19	2:28:00 PM	CAMINO DEL MONTE / JUNIPERO
200210-CFA00169	Emergent	2/10/2020	9:57:59 PM	10:00:56 PM	0:02:57	10:29:00 PM	LOBOS ST / 2ND AVE
200211-CFA00170	Emergent	2/11/2020	2:17:15 AM	2:19:24 AM	0:02:09	2:52:00 AM	MISSION ST / 5TH AVE
200211-CFA00172	Emergent	2/11/2020	11:00:01 AM	11:00:11 AM	0:00:10	11:40:00 AM	CASANOVA ST / 7TH AVE
200211-CFA00173	Emergent	2/11/2020	1:03:56 PM	1:05:55 PM	0:01:59	1:52:00 PM	SAN CARLOS ST / 13TH AVE
200213-CFA00177	Emergent	2/13/2020	9:30:31 AM	9:31:29 AM	0:00:58	10:05:00 AM	OCEAN AVE / DOLORES ST
200213-CFA00178	Emergent	2/13/2020	11:29:58 PM	11:32:29 PM	0:02:31	11:53:47 PM	LINCOLN AND 7TH
200215-CFA00189	Emergent	2/15/2020	2:32:09 PM	2:32:37 PM	0:00:28	3:13:50 PM	LINCOLN ST / 7TH AVE
200215-CFA00190	Emergent	2/15/2020	6:18:06 PM	6:19:41 PM	0:01:35	7:08:17 PM	MISSION ST / 3RD AVE
200216-CFA00193	Emergent	2/16/2020	9:42:58 AM	9:44:00 AM	0:01:02	9:47:01 AM	8TH AVE / SCENIC RD
200216-CFA00194	Emergent	2/16/2020	5:30:01 PM	5:32:50 PM	0:02:49	6:10:00 PM	5TH AVE / CARPENTER ST
200217-CFA00195	Emergent	2/17/2020	7:08:15 AM	7:10:36 AM	0:03:29	8:20:00 AM	N CARMELO ST / 2ND AVE
200217-CFA00199	Emergent	2/17/2020	3:42:38 PM	3:44:24 PM	0:01:46	4:13:31 PM	OCEAN AVE / SCENIC RD
200217-CFA00200	Emergent	2/17/2020	5:19:09 PM	5:22:01 PM	0:02:52	5:46:00 PM	4TH AVE / LOBOS ST
200219-CFA00205	Emergent	2/19/2020	12:48:22 AM	12:50:58 AM	0:02:36	12:58:23 AM	10TH AVE / SAN CARLOS ST
200219-CFA00207	Emergent	2/19/2020	9:12:47 AM	9:14:30 AM	0:01:43	10:20:00 AM	SAN CARLOS ST / VISTA AVE
200222-CFA00222	Emergent	2/22/2020	7:59:00 PM	8:01:00 PM	0:02:00	9:01:00 PM	SAN ANTONIO/9TH
200223-CFA00224	Emergent	2/23/2020	5:28:24 PM	5:28:26 PM	0:00:02	5:58:59 PM	MISSION ST / 6TH AVE
200223-CFA00225	Emergent	2/23/2020	7:14:52 PM	7:16:38 PM	0:01:46	7:24:50 PM	7TH AVE / LINCOLN ST
200225-CFA00236	Emergent	2/25/2020	5:50:38 PM	5:52:08 PM	0:01:30	6:29:00 PM	DOLORES ST / 7TH AVE
200229-CFA00247	Emergent	2/29/2020	10:23:52 AM	10:27:57 AM	0:04:05	11:00:00 AM	26156 LADERA DR
200229-CFA00248	Emergent	2/29/2020	12:57:57 PM	12:58:41 PM	0:00:44	1:11:23 PM	MISSION ST / 4TH AVE

NUMBER OF EMS INCIDENT: 29 AVERAGE RESPONSE 0:02:03

FIRE RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200202-CFA00127	Emergent	2/2/2020	2:37:55 PM	2:40:50 PM	0:02:55	3:22:06 PM	OCEAN AVE / CASANOVA ST
200205-CFA00135	Emergent	2/5/2020	9:25:26 AM	9:28:01 AM	0:02:35	9:31:43 AM	MISSION ST / 10TH AVE

200214-CFA00179	Emergent	2/14/2020	1:01:58 AM	1:07:29 AM	0:05:31	1:11:44 AM	26171 MESA DR
200214-CFA00180	Emergent	2/14/2020	7:11:29 AM	7:16:49 AM	0:05:20	7:41:54 AM	24658 SANTA RITA ST
200214-CFA00181	Emergent	2/14/2020	12:15:02 PM	12:19:43 PM	0:04:41	1:20:32 PM	26388 CARMEL RANCHO LN
200215-CFA00187	Emergent	2/15/2020	9:27:13 AM	9:31:16 AM	0:04:03	9:56:46 AM	RIO RD / CROSSROADS BLVD
200215-CFA00188	Non-Emerge	2/15/2020	11:08:26 AM	11:15:08 AM	0:06:42	11:16:36 AM	3378 TREVIS WAY
200215-CFA00191	Emergent	2/15/2020	9:11:34 PM	9:16:34 PM	0:05:00	10:01:41 PM	3262 TAYLOR RD
200216-CFA00192	Emergent	2/16/2020	3:36:40 AM	3:42:58 AM	0:06:18	4:26:12 AM	3640 VIA MAR MONTE
200217-CFA00198	Emergent	2/17/2020	2:08:34 PM	2:12:52 PM	0:04:18	2:23:22 PM	RIO RD / BIRCH PL
200217-CFA00201	Non-Emerge	2/17/2020	6:49:19 PM	6:57:46 PM	0:08:27	8:01:40 PM	118 HACIENDA CARMEL
200218-CFA00202	Emergent	2/18/2020	10:14:30 AM	10:18:44 AM	0:04:14	11:16:55 AM	26245 CARMEL RANCHO BLVD
200218-CFA00204	Non-Emerge	2/18/2020	6:26:16 PM	6:33:25 PM	0:07:09	6:38:38 PM	24520 OUTLOOK DR
200219-CFA00208	Emergent	2/19/2020	10:49:07 AM	10:53:43 AM	0:04:36	11:39:49 AM	26245 CARMEL RANCHO BLVD
200219-CFA00209	Emergent	2/19/2020	4:25:08 PM	4:29:27 PM	0:04:19	5:06:02 PM	5 CROSSROADS MALL
200219-CFA00210	Emergent	2/19/2020	10:24:24 PM	10:32:00 PM	0:07:36	11:43:10 PM	3546 FISHER PL
200220-CFA00213	Emergent	2/20/2020	12:50:00 PM	12:59:00 PM	0:09:00	1:02:00 PM	24950 OUTLOOK DR
200222-CFA00218	Non-Emerge	2/22/2020	5:15:11 AM	5:25:44 AM	0:10:33	5:27:00 AM	3850 RIO RD
200222-CFA00220	Emergent	2/22/2020	11:28:16 AM	11:33:07 AM	0:04:51	11:41:24 AM	26245 CARMEL RANCHO BLVD
200223-CFA00223	Emergent	2/23/2020	10:12:32 AM	10:17:31 AM	0:04:59	10:36:00 AM	24832 SANTA RITA ST
200224-CFA00229	Emergent	2/24/2020	8:16:55 PM	8:21:04 PM	0:04:09	9:39:39 PM	3523 MESA CT
200225-CFA00231	Emergent	2/25/2020	10:20:29 AM	10:27:39 AM	0:07:10	11:24:39 AM	118 HACIENDA CARMEL
200225-CFA00235	Emergent	2/25/2020	3:59:16 PM	4:01:46 PM	0:02:30	4:56:45 PM	5315 CARMEL VALLEY RD
200226-CFA00237	Emergent	2/26/2020	7:15:36 AM	7:19:34 AM	0:03:58	8:11:03 AM	26245 CARMEL RANCHO BLVD
200226-CFA00238	Emergent	2/26/2020	8:12:04 AM	8:17:40 AM	0:05:36	8:40:00 AM	26496 MISSION FIELDS RD
200226-CFA00239	Non-Emerge	2/26/2020	2:51:34 PM	2:55:33 PM	0:03:59	3:10:39 PM	3420 RIO RD
200226-CFA00241	Emergent	2/26/2020	8:21:37 PM	8:27:41 PM	0:06:04	9:05:38 PM	24658 SANTA RITA ST
200226-CFA00242	Emergent	2/26/2020	11:32:46 PM	11:39:44 PM	0:06:58	12:13:40 AM	24501 VIA MAR MONTE
200229-CFA00246	Emergent	2/29/2020	9:06:37 AM	9:12:25 AM	0:05:48	9:26:05 AM	27720 HWY 1
Subtotal		41	Average Response Time		0:05:40	CYPRESS FIRE	

MID COAST

INCIDENT

200201-CFA00124	Emergent	2/1/2020	10:29:24 PM	10:44:50 PM	0:15:26	10:48:53 PM	35678 HWY 1
200205-CFA00137	Emergent	2/5/2020	2:55:10 PM	3:10:00 PM	0:14:50	3:38:13 PM	36700 HWY 1
200209-CFA00162	Emergent	2/9/2020	7:19:37 PM	7:36:14 PM	0:16:37	8:17:44 PM	36656 HWY 1
200209-CFA00163	Emergent	2/9/2020	9:22:25 PM	9:44:35 PM	0:22:10	9:58:32 PM	25515 HACIENDA PL

Subtotal	4	Average Response Time	0:17:16	MID COAST
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SEASIDE

INCIDENT

200206-CFA00142	Emergent	Dt 2/6/2020	5:49:33 PM	6:00:52 PM	0:11:19	7:31:49 PM	1773 LUXTON ST
200207-CFA00154	Emergent	2/7/2020	11:21:32 PM	11:32:46 PM	0:11:14	12:16:00 AM	1667 KENNETH ST
200214-CFA00182	Emergent	2/14/2020	1:26:51 PM	1:31:57 PM	0:05:06	2:21:37 PM	CANYON DEL REY BLVD / DEL M

Subtotal	3	Average Response Time	0:09:13	SEASIDE
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MONTEREY

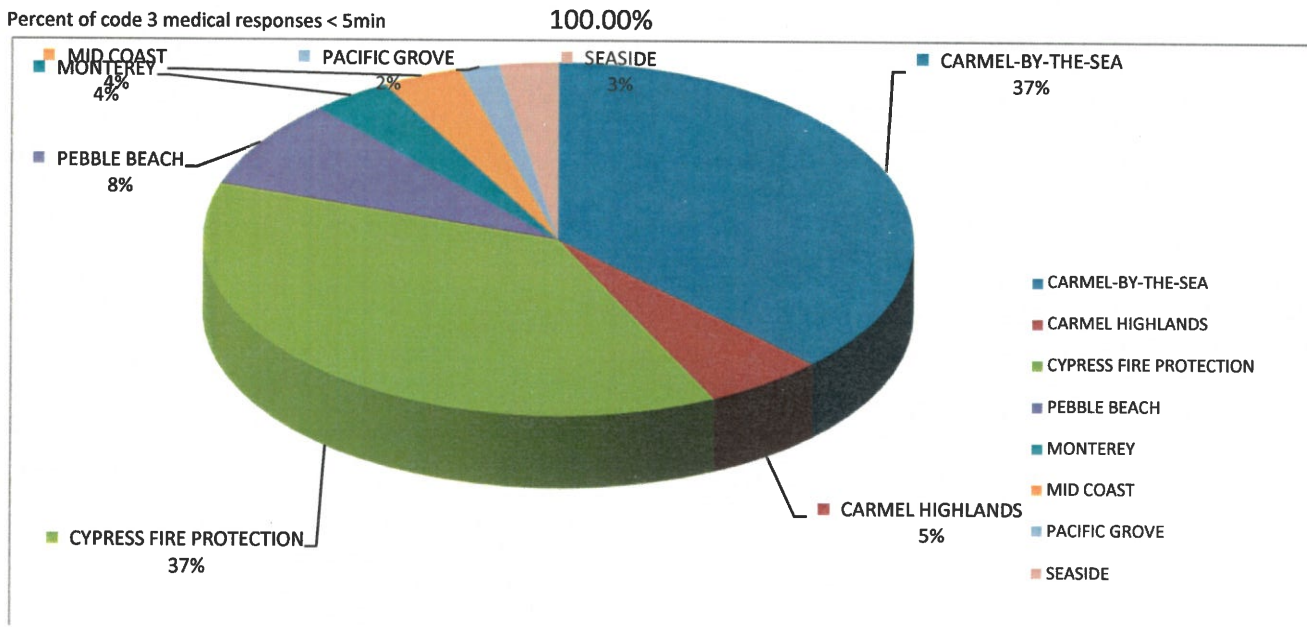
INCIDENT

CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT
FEBRUARY 2020

Response Summary Report by District Type

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
CARMEL-BY-THE-SEA	41	0:02:27
CARMEL HIGHLANDS	6	0:09:46
CYPRESS FIRE PROTECTION	41	0:05:40
PEBBLE BEACH	9	0:08:01
MONTEREY	4	0:06:14
MID COAST	4	0:17:16
PACIFIC GROVE	2	0:05:23
SEASIDE	3	0:09:13
Total Responses	110	0:05:19

Percent of code 3 medical responses < 5min





CARMEL-BY-THE-SEA FEBRUARY 2020 Response Summary Report by Incident Type

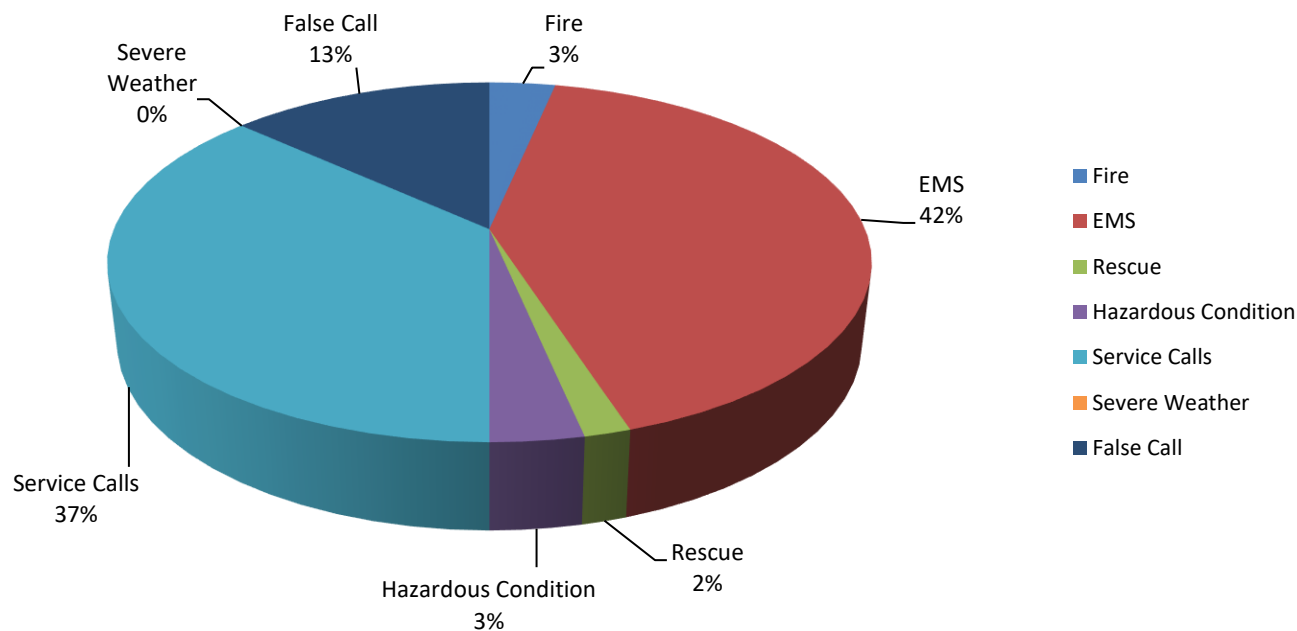


Type of Call	Number	Average Response Time
Fire	2	3:03
EMS	25	3:21
Rescue	1	2:49
Hazardous Condition	2	4:02
Service Calls	22	3:46
Severe Weather	0	0:00
False Call	8	2:55

Total Responses

60

3:27



Total Code 3 Calls:

40

Response Times for Code 3

Calls ≤ 5 minutes:

93%



RESPONSE SUMMARY REPORT BY INCIDENT TYPE

27060 CARMEL-BY-THE-SEA

Alarm Date From: 2/1/2020 To: 2/29/2020



INCIDENT	DATE	ALARM	ARRIVAL	RESPONSE	STREET	
111	Building Fire					
20-0001236	2/22/2020	16:04:17	16:07:29	0:03:12	SAN ANTONIO	2ND
Subtotal	1	Average Response Time		0:03:12		
113	Cooking fire, confined to container					
20-0001229	2/22/2020	10:54:59	10:57:54	0:02:55	OCEAN	DOLORES
Subtotal	1	Average Response Time		0:02:55		
311	Medical assist, assist EMS crew					
20-0000911	2/7/2020	16:19:17	16:21:37	0:02:20	TORRES	3RD
Subtotal	1	Average Response Time		0:02:20		
320	Emergency medical service, other					
20-0000996	2/11/2020	11:02:45	11:07:45	0:05:00	SANTA RITA	4TH
Subtotal	1	Average Response Time		0:05:00		
321	EMS call, excluding vehicle accident with injury					
20-0000767	2/2/2020	9:35:38	9:38:19	0:02:41	SCENIC	OCEAN
20-0000933	2/8/2020	17:35:39	17:38:59	0:03:20	JUNIPERO	VISTA
20-0000976	2/10/2020	13:28:24	13:33:18	0:04:54	SCENIC	9TH
20-0000977	2/10/2020	13:52:24	13:58:26	0:06:02	* CAMINO DEL MONTE	JUNIPERO
20-0000981	2/10/2020	21:57:43	22:01:09	0:03:26	LOBOS	2ND
20-0000988	2/11/2020	2:16:53	2:19:57	0:03:04	MISSION	5TH
20-0000995	2/11/2020	11:00:01	11:02:47	0:02:46	CASANOVA	7TH
20-0000998	2/11/2020	13:03:56	13:07:48	0:03:52	SAN CARLOS	13TH
20-0001034	2/13/2020	9:30:31	9:32:37	0:02:06	OCEAN	DOLORES

20-0001072	2/15/2020	14:31:27	14:34:49	0:03:22	LINCOLN	7TH
20-0001077	2/15/2020	18:18:06	18:19:41	0:01:35	MISSION	3RD
20-0001078	2/15/2020	18:19:49	18:26:22	0:06:33	* JUNIPERO	VISTA
20-0001092	2/16/2020	12:38:26	12:43:00	0:04:34	3029 LASUEN	
20-0001111	2/17/2020	7:08:15	7:12:31	0:04:16	CARMELO	2ND
20-0001122	2/17/2020	15:42:38	15:45:02	0:02:24	OCEAN	SCENIC
20-0001126	2/17/2020	17:19:09	17:22:03	0:02:54	LOBOS	4TH
20-0001142	2/18/2020	12:36:11	12:39:26	0:03:15	3RD	GUADALUPE
20-0001164	2/19/2020	9:12:47	9:16:26	0:03:39	SAN CARLOS	VISTA
20-0001208	2/21/2020	10:58:44	11:01:25	0:02:41	DOLORES	7TH
20-0001237	2/22/2020	16:26:56	16:28:11	0:01:15	JUNIPERO	OCEAN
20-0001239	2/22/2020	19:58:02	20:03:47	0:05:45	* SAN ANTONIO	9TH
20-0001264	2/23/2020	17:28:31	17:29:01	0:00:30	MISSION	6TH
20-0001384	2/29/2020	10:23:52	10:25:33	0:01:41	26156 LADERA	
Subtotal	23	Average Response Time		0:03:20		
324	Motor Vehicle Accident with no injuries					
20-0001100	2/16/2020	17:30:01	17:32:50	0:02:49	CARPENTER	5TH
Subtotal	1	Average Response Time		0:02:49		
445	Arcing, shorted electrical equipment					
20-0000769	2/2/2020	12:24:14	12:29:14	0:05:00	MISSION	ALTA
Subtotal	1	Average Response Time		0:05:00		
460	Accident, potential accident, other					
20-0001341	2/27/2020	11:47:51	11:50:55	0:03:04	LINCOLN	8TH
Subtotal	1	Average Response Time		0:03:04		
511	Lock-out					
20-0001129	2/17/2020	23:07:21	23:11:19	0:03:58	CAMINO REAL	OCEAN
Subtotal	1	Average Response Time		0:03:58		
522	Water or steam leak					
20-0000842	2/5/2020	9:25:26	9:28:01	0:02:35	10TH	MISSION
20-0000896	2/7/2020	6:22:37	6:24:55	0:02:18	OCEAN	MISSION
Subtotal	2	Average Response Time		0:02:26		

551	Assist police or other governmental agency					
20-0000775	2/2/2020	14:37:55	14:40:50	0:02:55	OCEAN	CASANOVA
Subtotal	1	Average Response Time		0:02:55		
552	Police matter					
20-0000762	2/2/2020	3:58:29	4:01:50	0:03:21	JUNIPERO	4TH
Subtotal	1	Average Response Time		0:03:21		
553	Public service					
20-0001128	2/17/2020	22:47:01	22:49:56	0:02:55	TORRES	9TH
20-0001214	2/21/2020	16:26:06	16:29:59	0:03:53	12TH	LINCOLN
20-0001242	2/22/2020	20:30:20	20:43:01	0:12:41	* LOPEZ	2ND
Subtotal	3	Average Response Time		0:06:30		
554	Assist invalid					
20-0000945	2/9/2020	7:11:43	7:15:57	0:04:14	SANTA RITA	4TH
20-0001043	2/13/2020	23:29:58	23:33:24	0:03:26	LINCOLN	7TH
20-0001063	2/15/2020	5:10:33	5:15:48	0:05:15	* SANTA RITA	4TH
20-0001268	2/23/2020	19:14:52	19:17:10	0:02:18	LINCOLN	7TH
20-0001274	2/24/2020	9:34:29	9:41:03	0:06:34	* SANTA LUCIA	CARMELO
20-0001317	2/26/2020	8:12:50	8:15:40	0:02:50	LINCOLN	7TH
20-0001356	2/28/2020	1:48:14	1:51:24	0:03:10	LINCOLN	7TH
20-0001397	2/29/2020	18:16:49	18:20:42	0:03:53	TORRES	11TH
Subtotal	8	Average Response Time		0:03:57		
611	Dispatched & cancelled en route					
20-0001309	2/25/2020	17:50:38	17:52:44	0:02:06	DOLORES	7TH
Subtotal	1	Average Response Time		0:02:06		
622	No Incident found on arrival at dispatch address					
20-0000771	2/2/2020	13:21:15	13:23:06	0:01:51	GUADALUPE	2ND
20-0001051	2/14/2020	14:42:03	14:45:59	0:03:56	DOLORES	5TH
20-0001224	2/22/2020	7:27:44	7:32:07	0:04:23	SCENIC	11TH
20-0001338	2/27/2020	10:44:06	10:47:02	0:02:56	MISSION	8TH

20-0001389	2/29/2020	12:57:57	12:59:30	0:01:33	MISSION	4TH
Subtotal	5	Average Response Time		0:02:56		
733	Smoke detector activation due to malfunction					
20-0000800	2/3/2020	19:12:01	19:15:01	0:03:00	SAN CARLOS	4TH
Subtotal	1	Average Response Time		0:03:00		
741	Sprinkler activation, no fire- unintentional					
20-0001296	2/25/2020	8:38:07	8:40:49	0:02:42	JUNIPERO	4TH
Subtotal	1	Average Response Time		0:02:42		
743	Smoke detector activation, no fire- unintentional					
20-0001055	2/14/2020	15:31:02	15:33:59	0:02:57	CASANOVA	10TH
20-0001123	2/17/2020	15:44:40	15:47:39	0:02:59	OCEAN	TORRES
20-0001181	2/20/2020	3:49:45	3:53:52	0:04:07	5TH	DOLORES
Subtotal	3	Average Response Time		0:03:21		
745	Alarm system activation, no fire- unintentional					
20-0000738	2/1/2020	7:47:41	7:51:07	0:03:26	TORRES	3RD
20-0000793	2/3/2020	11:15:26	11:17:01	0:01:35	JUNIPERO	3RD
20-0001158	2/19/2020	0:48:22	0:50:58	0:02:36	10TH	SAN CARLOS
Subtotal	3	Average Response Time		0:02:32		

* Over 5 minute responses:

20-0000977	Delay caused by distance traveled and traffic
20-0001063	Code 2 response
20-0001078	Responded from St. 11
20-0001239	Delay caused by distance traveled and traffic
20-0001242	Code 2 response
20-0001274	Code 2 response

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-011	2/3/2020	2/13/2020			2/26/2020	Kristie M. Campbell/ Fenton & Keller	We would like to review all public records regarding APN 010-312-026, on Scenic Road, Carmel (Chadwick is the owner). We would like to see everything the Planning and Building departments have relating to said property including, but not limited to, the recently approved house construction project (15-217).	no records provided; reviewed at City Hall on 2/26/2020
2020-012	2/6/2020	2/18/2020			2/14/2020	Ryan Heron/UPEC 792	all copies of all job descriptions for City positions in the LiUNA 792 Represented classifications for both the Management Unit and General Unit. This is to include all positions whether they are currently filled or not. i am also requesting a copy of the most recent Building Maintenance Manager job description (whether it is currently in use or not).	
2020-013	2/10/2020	2/20/2020			2/18/2020	Bob Jenkins	applications for Commission/Board Members; duties and responsibilities for various Commissions/Boards	
2020-014	2/10/2020	2/20/2020			2/19/2020	Kellie Quinn-Hoffmeister	Do you have 4th quarter required reports ? All financials, Updated bylaws as board has changed, 4th quarter financial report, 4th quarter report by scc on business	
2020-015	2/10/2020	2/20/2020			2/19/2020	Alexia Morgan Armstrong, The Concord Group	I am compiling data for various cities in California about their residential projects. Can you please provide me with a list of Carmel's current residential projects (under construction, planned, or under review) and their respective amount of residential units?	
2020-016	2/19/2020	3/2/2020			3/2/2020	Paterson	Pre-Cal/OSHA Citation-Notification of Penalty (June 2019), electronic copy of Sunset Cultural Center, Inc. (SCC) Injury and Illness Prevention Program. Post-Cal/OSHA Settlement Order (December 2019), electronic copy of Sunset Cultural Center, Inc. (SCC) Injury and Illness Prevention Program, including "better training protocols." Regarding implementation and maintenance of an effective Injury and Illness Prevention Program, electronic copy of documentation for training and instruction for Instance #1 (CITATION AND NOTIFICATION OF PENALTY):The employer failed to provide training and instructions to all employees on the following:Injury and Illness Prevention ProgramPersonal Protective EquipmentGeneral Safety and HealthElevated Work PlatformFall Protection(Reference Title 8 CCR 3203(a) (7)Regarding implementation and maintenance of an effective Injury and Illness Prevention Program, electronic copy of documentation for remedying Instance #2 (CITATION AND NOTIFICATION OF PENALTY):The employer failed to ensure hazards identify and evaluate during periodic inspections conducted were corrected when observed or discovered. (Reference Title 8 CCR 3203(a)(4) and (6)).	

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-017	2/20/2020	3/2/2020			3/2/2020	Paterson	"Serious Injury," Cal-OSHA Citation and Notification of Penalty, and Settlement Order Electronic copies of all correspondence between the City and Sunset Cultural Center, Inc. (SCC) between the time of the "serious injury" (February 20, 2019) and the issuance date of the Citation and Notification of Penalty (June 10, 2019) regarding the aforementioned subject matter. Electronic copies of all correspondence between the City and Sunset Cultural Center, Inc. (SCC) between the time of the issuance date of the Citation and Notification of Penalty (June 10, 2019) and the Settlement Order dated December 5, 2019, signed by Martin Fassler, Administrative Law Judge, regarding the aforementioned subject matter. Electronic copies of all correspondence between the City and Sunset Cultural Center, Inc. (SCC) between the date of the Settlement Order (December 5, 2019) and the present regarding the aforementioned subject matter.	
2020-018	2/26/2020	3/9/2020			3/9/2020	Paterson	Electronic copies of three contracts per City Administrator Contract Log FY 2019-20:Date Entered Into 22-Jan-20 Contractor RALPH ANDERSEN & ASSOC Contract Amount \$24,900.00 Purpose PLANNING DIRECTOR SEARCH,Date Entered Into 31-Jan-20 Contractor NEW IMAGE LANDSCAPE Contract Amount \$9,000.00 Purpose WEED ERADICATION MTNP,Date Entered Into 1-Dec-19 NHA ADVISORS \$24,500.00 PENSION CONSULTING SERVICES Contractor NHA ADVISORS Contract Amount \$24,500.00 Purpose PENSION CONSULTING SERVICES	
2020-019	2/26/2020	3/9/2020			3/9/2020	Paterson	Electronic copies of Public Records Act requests and City's responses to PRA requests CITY CLERK'S OFFICE PRA LOG JANUARY 2020 REQUEST NUMBERS PRA 2020-002 through PRA 2020-008, excluding PRA 2020-005.	
2020-020	2/27/2020	3/9/2020				Paterson	Electronic copies of records indicating "city officials struck a compromise that had local taxpayers funding courier service for people who did not want to or couldn't go to the post office." (Fiery activist who took on city hall dies at 92, By MARY SCHLEY, The Carmel Pine Cone, February 21, 2020 1A & 23A),Electronic copy of City's agenda item, staff report and minutes in FY 2000/2001 regarding the city council's decision to contract with a courier service to provide home mail delivery to residents "who are physically unable or who for some other reason cannot obtain their mail on a regular basis from the post office located in Carmel-by-the-Sea" (CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report May 1, 2018, SUBMITTED BY: Sharon Friedrichsen, Director of Budget and Contracts),Electronic copy of Resolution 2003-91 indicating the purpose of the City contracting for home mail delivery service was to provide "as an essential community service for those residents that are physically unable to visit the post office or who, for some other reason, cannot obtain mail on a regular basis". (CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report March 3, 2020 SUBMITTED BY: Sharon Friedrichsen - Director, Contracts and Budgets),Electronic copies of information provided to the City by Joe Steinfeld and Carolina Bayne on "home" mail delivery with regard to the USPS, ADA, potential litigation against the City and accurate history of home mail delivery.	

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requested By	Phone	Info Requested	Status	Date & PSO Mailed
2020-0001	2/2/2020	2/12/2020		2/2/20 SB	Lexis Nexis	800-934-9698	CG1900713	completed	Mailed SB
2020-0002	2/2/2020	2/12/2020		2/2/20 SB	Lexis Nexis	800-934-9698	CA1900607 (photos)	completed	Mailed SB (on cd)
2020-0003	2/3/2020				Marian Ruiz Sanchez		CC1800458	completed	released at the counter MJR
2020-0004	2/3/2020	2/13/2020		2/6 DA	Barton Associates	978-998-6821	990212/CX8039554	completed	report already purged, faxed response
2020-0005	2/6/2020	2/16/2020		2/6/2020	Molly Cybuck	831-869-6288	CG2000036	completed	redacted report released
2020-0006	2/8/2020	2/18/2020		2/8 DA	Kelly Green	831-620-0342	CA2000063	completed	released at front counter by DA
2020-0007	2/8/2020	2/18/2020		2/12 DA	Ruth Effron	831-625-8164	CG2000068	completed	mailed by DA
2020-0008	2/11/2020	2/21/2020		2/11/2020	Metropolitan Reporting Bureau		CA1900274	completed	mailed by DA
2020-0009	2/11/2020			2/21 DA	Ross Saroyan	415-420-2717	CG0800354	completed	released at front counter by DA
2020-0010	2/12/2020	2/22/2020		2/12/20 DA	Ryotaro Umegaki	831-241-8580	CG2000045	completed	released at front counter by DA
2020-0011	2/13/2020	2/23/2020			Jesse Morales	831.277.4579	CQ2000038		
2020-0012	2/17/2020				Anthony Pagan	831-760-0530	CA1800647	completed	Released at front counter by MJR
2020-0013	2/18/2020	2/28/2020		2/27/2020	Law Offices of David Brown	831-649-8211	Cite C70089	completed	mailed by DA
2020-0014	2/20/2020	3/2/2020		2/20/2020	Ryan Vedreker		CA1900540	completed	mailed
2020-0015	2/21/2020	3/1/2020		3/4 DA	Lexis Nexis		CA1900487	completed	mailed by DA
2020-0016	2/21/2020	3/1/2020			Department of Justice		900093		
2020-0017	2/24/2020				Andrea Flores		CA1900099	completed	Released at front counter by MJR
2020-0018	02/24/20 mw	3/5/2020			Lexis Nexis		CA2000102	completed	mailed (mw)
2020-0019	02/24 mw	3/5/2020			Metropolitan Reporting Bureau		CG2000043	completed	mailed (mw) face pages only - pending investigation
2020-0020	02/24 mw	3/5/2020			Metropolitan Reporting Bureau		CG2000100	completed	mailed (mw) face pages only - pending investigation
2020-0021	2/29/2020	3/9/2020		3/4/20 DA	Lexis Nexis		CA2000102	completed	mailed by DA
2020-0022	29-Feb	9-Mar		3/4 DA	Lexis Nexis		Auto Accident	completed	no report located



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Works Department Report – February 2020

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	March 9, 2020
APPROVED BY:	Chip Rerig, City Administrator

Forest and Beach Commission Meeting of February 13, 2020:

- Approved the removal of 4 trees for construction of a new home at Mission Street 5 NW of Santa Lucia Avenue. Must remain 20 feet from a significant tree and contribute to the Forest Restoration Fund. The appraised value of trees is \$13,500 plus \$1,424 for the appraisal.
- Approved removal of 2 significant oak trees for construction of a new garage at Casanova Street, 5 SE of Twelfth Avenue, with a \$3,600 contribution to the Forest Restoration Fund.
- Presented a two-year progress report for the North Dunes Habitat Restoration Project.
- Presented the 3rd Annual Public Works Report & Infrastructure Report Card.

Public Works Administration

- Welcomed new Maintenance Worker for streets and forestry, Shawn Aguirre.
- Presented the 3rd Annual PW Report & Infrastructure Report Card to Council. The overall infrastructure grade remained at a C+, but last year, no infrastructure component was graded D or below. The now known condition of the drainage system led to this improvement.
- Supported efforts to notify residents that sales tax Measure C is on the March 3rd ballot.
- Compiled requests for capital improvement projects from the public and all departments. Drafted a preliminary 5-year Capital Improvement Plan. Present to Council in April.

Environmental Programs

- Council approved a 3-year, \$85k professional services agreement with the Carmel Area Wastewater District for commercial inspections and Vactor truck cleaning services.
- The Climate Action Committee meeting of February 20th included a review of existing data sources and identification of gaps of data/information.
- Presented to Planning Commission the results of an on-line survey regarding 3 energy-efficient LED safety streetlights of varying brightness and color. Commission concurred with public opinion that the 15W, 2700K LED warm white light was most appropriate for Carmel.
- New Image Landscaping removed invasive weeds over a one-acre site within the Mission Trail Nature Preserve (MTNP).
- Coordinated with Green Waste to place a yellow food waste bin at Vista Lobos parking area.
- Received 25 combined trash/recycling "Bear Saver" containers for placement in parks and at City facilities. These containers were paid for by a Cal Recycle grant.

Public Works Department Report – February 2020

Facility Maintenance

- Supported construction of the Harrison Memorial Library Meeting Room Project by installing fire detection conduit and electrical wiring, bypassing a \$15k change order.
- Purchased aesthetic LED lights and electrical supplies, obtained a building permit, and installed Sunset Center Ramp Lighting, a capital improvement project, under budget.
- Provided Sunset Center information from an alternate LED lighting supplier offering to replace all interior lights to LED lights through an on-bill financing program. Other quotes in progress.
- Obtained quotes for ADA upgrades at Devendorf Park including handrails for steps and restroom partitions meeting ADA requirements.

Project Management

- Avila began construction of the Harrison Memorial Library Meeting Room Project. Demolition, hazardous materials abatement, and wood framing were completed in February.
- Council awarded at \$162,800 contract to Bay City Boiler Engineering to replace the boiler at Sunset Center. Notice of Award issued.
- Council awarded a \$68,620 contract to Scudder Roofing to replace the roof, as well as gutters/downspouts, for the Scout House. Notice of award issued.
- The Police Building Renovation Project was advertised for construction bids, and 6 prime contractors attended the mandatory pre-bid meeting. Bids open March 17th.
- PG&E began trenching along Monte Verde Street, between Ocean and Seventh Avenues, installing a new gas pipeline and making new service connections, both to improve safety.
- PG&E's subcontractor began to form and pour several new ADA curb ramps at some of the intersection corners where there is an existing accessible path of travel.

Street Maintenance

- Supported the realignment along a portion of the Flanders Trail, creating a more gradual slope which will reduce erosion within the MTNP.
- Began to install combined trash and recycling Bear Saver containers in several parks and at City facilities, some on new concrete pads.
- Repaired a portion of the staircase on Third Avenue between San Carlos and Dolores Streets.
- Conducted the annual sidewalk survey noting areas for repairs and marking potential hazards with orange paint.
- Made various sidewalk repairs, notably brick restoration in front of the Church of the Wayfarer.
- Temporary fencing was repaired for sensitive habitat protection in the North Dunes site near the Del Mar parking area restrooms.
- New post and cable railing materials were received and will be installed in March to protect additional sensitive areas in the North Dunes Habitat Restoration area.

Forestry, Parks and Beach (Forester's Report)

- In the downtown area, where shallow gas lines were found directly below recently-excavated tree wells, drought-tolerant and low maintenance shrubs and grasses were planted.
- The Ninth Avenue greenbelt, between Junipero Street and Mission Street, received a makeover with removal of trash and invasive weeds, mowing, watering, pruning of trees and shrubs, and new mulch.
- Numerous trees and shrubs were pruned to enhance visibility for traffic signs.

Forestry, Parks and Beach (Forester's Report) - Continued

- A City tree fell between two cars on Ocean Avenue causing damage.
- Oaks that have been preserved during past construction projects are showing high levels of stress and basal decay.
- Some contractors appear to be surprised to be held accountable for not following tree protection requirements.

Permits for Private Development:

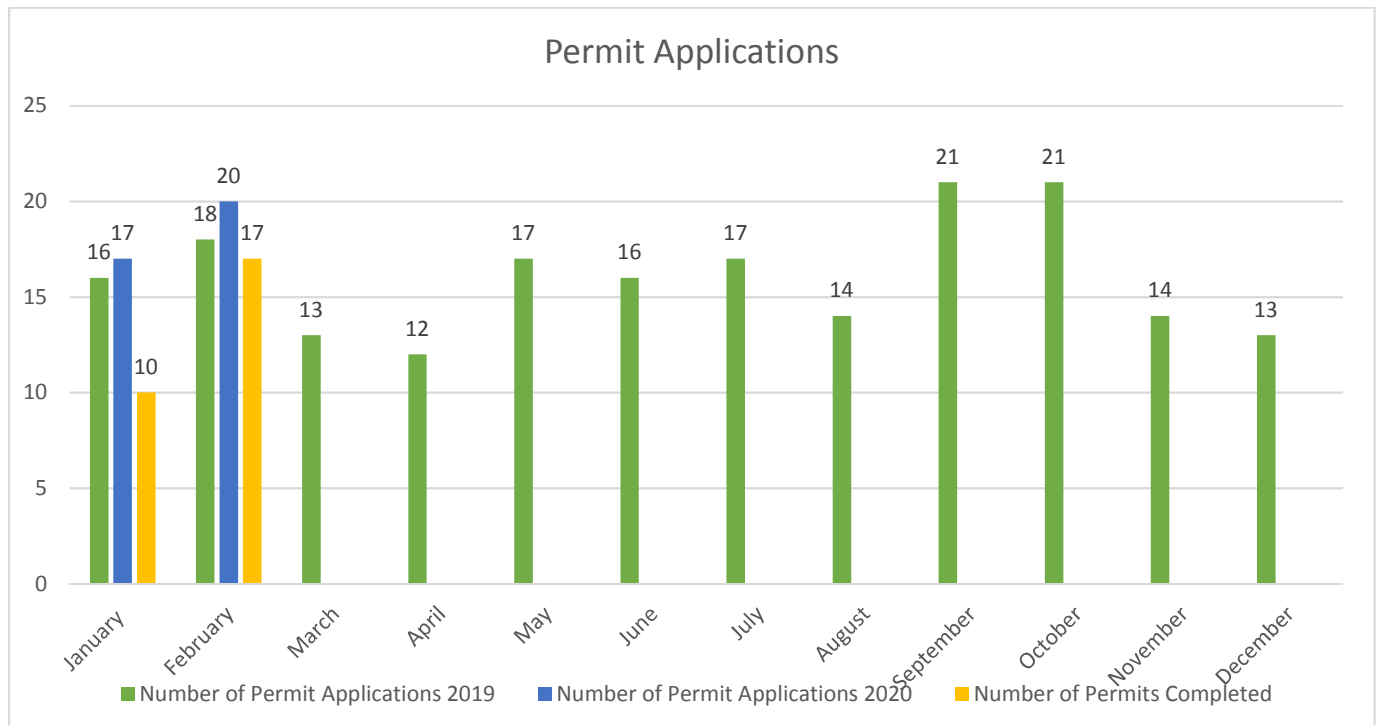
- 20 permit applications were submitted.
- 17 permits were processed to completion.
- 21 permitted tree removals.
- 15 trees required to be planted.

City Removals and Plantings:

- 25 dead or hazardous trees were removed.
- Trees were pruned in 29 locations, some locations included multiple trees.
- 3 new trees were planted by the City.

Four (4) Stop Work Orders Issued:

- 1) No encroachment permit, excavating within 6' of City tree trunk, failure to install mulch
- 2) No building permit, inadequate tree protection, severed roots, failure to install mulch
- 3) Construction materials stored in driplines, cut roots greater than 2", failure to install mulch
- 4) Construction materials stored in driplines, cut roots greater than 2", failure to install mulch





CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Robin Scattini, Finance Manager

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: February 2020 Check Register Summary

RECOMMENDATION:

Approve the check register for February 2020.

BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check. Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in February.

FISCAL IMPACT:

The check register summary for February 2020 totals \$586,375.

PRIOR CITY COUNCIL ACTION:

Council ratified the January 2020 check register at its March 3 regular meeting.

ATTACHMENTS:

February 2020 check register

February 2020 Check Register

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 000 Marketing & Economic Development				
44658	Dept of Health Care Services-Accounting/Cashiers	2019 Q4: ambulance transport quality assurance fee	02/13/2020	4,796.88
44706	Monterey County Convention & Visitors Bureau	TID remittance Nov-Dec 2019	02/20/2020	43,569.90
44715	Visit Carmel	CRID remittance Oct-Dec 2019	02/20/2020	40,724.42
44717	Visit Carmel	CHID remittance Nov-Dec 2019	02/20/2020	83,911.23
Total for Department: 000 Marketing & Economic Development				173,002.43

Department: 110 City Council

44636	Carmel Chamber of Commerce	2019 Awards of Excellence event: table for 10	02/06/2020	1,300.00
44637	Coastal TPA, Inc	Dental and vision reimbursement claims	02/06/2020	123.00
44642	Peninsula Messenger Service	Mail service: Sort and delivery	02/06/2020	5,694.00
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	46.20
44732	Coastal TPA, Inc	Dental and vision reimbursement claims	02/27/2020	123.00
44753	League of California Cities	Membership: calendar year 2020	02/27/2020	2,626.00
Total for Department: 110 City Council				9,912.20

Department: 111 City Administration

44633	Alhambra	Water service: City Hall	02/06/2020	81.67
44634	AT&T	Telephone service citywide	02/06/2020	2,906.97
44635	AT&T	Monthly long distance fees	02/06/2020	34.53
44639	Liebert Cassidy Whitmore	Mty Bay employment relations consort. subscription	02/06/2020	3,485.00
44641	Office Depot, Inc.	Office supplies	02/06/2020	40.52
44643	Renne Public Law Group	Professional fees	02/06/2020	510.50
44644	Sloan Sakai Yeong & Wong	Professional fees	02/06/2020	1,784.50
44645	Sprint	Cell service and usage	02/06/2020	304.33
44646	US Bank	Phone equip, ergonomic equip, subscriptions, training fees	02/06/2020	4,069.90
44647	Verizon Wireless	Usage: voice, messaging, data	02/06/2020	195.22
44654	Carmel Pine Cone	Legal noticing	02/13/2020	292.50
44663	Jane Wilson	Reimbursement: LCW 2020 conference travel expenses	02/13/2020	956.10
44678	T-Mobile	Monthly cell usage	02/13/2020	1,653.83
44679	Universal Staffing Inc	Contract services for temp office help	02/13/2020	1,716.58
44680	US Bank	Telephone equip, IT equipment, subscriptions	02/13/2020	932.43
44684	Zoom Imaging Solutions, Inc.	Admin copier usage	02/13/2020	225.50
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	161.70
44714	US Bank	IT subscription	02/20/2020	365.30
44722	Baystar Express	Copy paper	02/27/2020	348.00
44728	Carmel Pine Cone	Legal noticing	02/27/2020	598.75

44733	Comcast	Cal Net NonNGEN Jan-June 2020	02/27/2020	354.30
44734	Copies By-The-Sea	Agenda and misc printing services	02/27/2020	1,263.23
44736	Corbin Willits System	MOM software support	02/27/2020	720.79
44739	Digital Deployment	Comprehensive IT Service Program - monthly fee	02/27/2020	700.00
44744	Government Finance Officers Assoc.	S Friedrichsen membership 4/1/2020-3/31/2021	02/27/2020	160.00
44746	Image Sales	Employee ID badges	02/27/2020	20.66
44747	Iron Mountain	Data storage fees	02/27/2020	480.13
44748	IT Management Corp	IT Support services as directed by IT manager	02/27/2020	450.00
44751	Layer 1 Networks Inc	IT services at PD (Camera work) & tech work at HML	02/27/2020	1,595.46
44752	Leadership Monterey County	B Avrit Tuition Leadership Mty Cty 2020 Ed program	02/27/2020	2,000.00
44757	Minuteman Press	Laser checks for accounts payable	02/27/2020	1,035.69
44769	Ralph Anderson & Associates	Professional services:Plan-Bldg Director search	02/27/2020	7,470.00
44771	Revenue & Cost Specialists LLC	Cost of services study	02/27/2020	4,000.00
44778	Toshiba Financial Service	Copier contract Admin ESTUDIO 5506ACT	02/27/2020	371.54
44782	US Bank	Office supplies, IT supplies and equip, IT services	02/27/2020	2,692.72
44784	Wageworks	Flexible spending healthcare plan admin fee	02/27/2020	170.00

Total for Department: 111 City Administration	44,148.35
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Department: 112 City Attorney

44724	Burke,Williams & Sorensen, LLP	Legal services: December 2019	02/27/2020	14,582.00
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Total for Department: 112 City Attorney	14,582.00
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Department: 115 Community Planning & Building

44637	Coastal TPA, Inc	Dental and vision reimbursement claims	02/06/2020	950.29
44649	American Planning Association	APA Annual Membership (M. Waffle) \$727.00	02/13/2020	727.00
44655	Carmel Towing & Garage	January 2020 fuel	02/13/2020	76.59
44657	Copies By-The-Sea	PC - January 2020 Invoice #1042	02/13/2020	210.11
44659	Gibbens & Associates LLC	CalDAG 2020	02/13/2020	98.75
44676	Ryan Ranch Printers	Public Notice post cards	02/13/2020	419.67
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	46.20

Total for Department: 115 Community Planning & Bu	2,528.61
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Department: 116 Police

44637	Coastal TPA, Inc	Dental and vision reimbursement claims	02/06/2020	1,110.59
44664	Jeff Watkins	Reimbursement: Sexual Assault training meals	02/13/2020	40.00
44665	Lemos Service Inc	2014 Dodge Charger repairs - inv# 252976	02/13/2020	254.97
44668	Monterey Auto Supply Inc/Napa Auto Parts	Battery - inv# 997014	02/13/2020	152.24
44669	MP Express Printing	Found property cards - inv# 60736	02/13/2020	71.61
44670	Office Depot, Inc.	Office supplies	02/13/2020	157.82
44675	Ricardo Mendoza	Reimbursement: Sexual Assault training meals	02/13/2020	40.00

44677	T2 Systems Canada Inc.	Digital Iris Services	02/13/2020	125.00
44679	Universal Staffing Inc	Contract services for temp office help	02/13/2020	416.50
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	874.11
44714	US Bank	Credit: cancelled conference	02/20/2020	-575.00
44719	Alhambra	PD, water service	02/27/2020	159.97
44721	AT&T	PD, T1 & internet	02/27/2020	82.35
44726	California Department Of Justice	Jan 2020, fingerprint apps - inv# 431881	02/27/2020	488.00
44727	Caltronics Business Systems, Inc.	Copier meter reading	02/27/2020	157.03
44729	Carmel Towing & Garage	January 2020 fuel - inv# 010120PD	02/27/2020	3,548.05
44732	Coastal TPA, Inc	Dental and vision reimbursement claims	02/27/2020	535.60
44733	Comcast	Cable TV & T1	02/27/2020	56.54
44735	Copware Inc.	CA Peace Officers Legal Sourcebook - inv# 85020	02/27/2020	615.00
44737	County of Santa Clara-Sheriff Office	Coplink Southbay Info Sharing System, annual billing	02/27/2020	112.85
44738	De Lage Landen Financial	PD, copier lease	02/27/2020	151.23
44740	Drivers License Guide Co.	2020 ID Checking Guide - inv# 760263	02/27/2020	32.87
44761	Monterey County Information Technology	Cellular network access, inv# F112019	02/27/2020	1,195.68
44762	Monterey County Sheriff-Coroner	Criminal Justice Info System, 10/01 - 12/31/19	02/27/2020	19,291.77
44764	Monterey County, Department of Emergency Comm	FY 19/20 NGEN, Q3 operation & maintenance	02/27/2020	8,605.73
44767	Pacific Gas & Electric	PD Security Cameras - inv# 46579635973 072919	02/27/2020	24.36
44770	Rancho Car Wash	Jan 2020, car washes - inv# 020820PD	02/27/2020	37.17
44772	Same Day Shred	Shredding svcs. - inv# 38685	02/27/2020	32.50
44775	Seaside Chrysler, Dodge, Jeep	2018 Dodge Charger repairs - inv# 73202	02/27/2020	532.19
44779	Transunion Risk & Alterna	Investigative searches	02/27/2020	50.00
44781	Universal Staffing Inc	Contract services for temp office help	02/27/2020	498.31
44782	US Bank	Batteries - inv# PT020620	02/27/2020	19.38
44785	Anthony Gotelli	Reimbursement: Baton training meals	02/28/2020	40.00
44786	Pacific Institute of Defense Tactics	Tuition: Baton instructor training, A. Gotelli	02/28/2020	600.00
44787	Ricardo Mendoza	Reimbursement: Death investigation training meals	02/28/2020	16.00

Total for Department: 116 Police	39,550.42
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Department: 117 Fire

44648	Alhambra	FD, water service	02/13/2020	133.42
44652	Caltronics Business Systems, Inc.	Copier meter reading	02/13/2020	60.84
44667	Mission Linen Service	Linen maintenance - inv# 511777889	02/13/2020	387.86
44668	Monterey Auto Supply Inc/Napa Auto Parts	Parts, inv# 860535	02/13/2020	32.59
44720	American Supply Company	Janitorial supplies, inv# 2875361	02/27/2020	173.04
44729	Carmel Towing & Garage	January 2020 fuel - inv# 010120FD	02/27/2020	1,311.68
44758	Mission Linen Service	Linen maintenance - inv# 511577188	02/27/2020	189.99

Total for Department: 117 Fire	2,289.42
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Department: 118 Ambulance

44650	Bound Tree Medical LLC	Medical supplies	02/13/2020	1,954.94
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44661	Isaac Eckel	Reimbursement: work boots per MOU	02/13/2020	181.02
44674	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	02/13/2020	195.99
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	981.75
44723	Bound Tree Medical LLC	Medical supplies	02/27/2020	207.06
44731	City Of Monterey	Ambulance overtime coverage	02/27/2020	8,382.22
44738	De Lage Landen Financial	Copier lease and usage	02/27/2020	88.09
44777	Silke Communications	Replace antenna - inv# 91551	02/27/2020	285.09
44783	Verizon Wireless	Cell phone service	02/27/2020	318.18

Total for Department: 118 Ambulance	12,594.34
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Department: 119 Public Works

44637	Coastal TPA, Inc	Dental and vision reimbursement claims	02/06/2020	623.60
44696	Bear Saver	Bear Saver trash receptacles	02/20/2020	48,926.63
44697	Carmel Towing & Garage	Fuel for PW vehicles	02/20/2020	2,350.76
44699	Cintas Corporation	Uniform Service for Public Works Division	02/20/2020	1,027.21
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	1,736.38
44702	Greenwaste Recovery Inc	Food waste collection project	02/20/2020	77.14
44703	Jamestown Advanced Products Corp	Dual trash/recycle cans, inv85157	02/20/2020	1,824.63
44704	John Ley's Tree Service	Tree work citywide	02/20/2020	9,676.00
44707	Monterey One Water	FY 2019-20 Membership dues and projects	02/20/2020	34,029.46
44708	Mutt Mitt	Mutt Mitts, #321418	02/20/2020	5,454.29
44712	Town and Country Gardening	Landscape maintenance: citywide	02/20/2020	31,153.20
44713	Tree Stuff Lockbox No 639707	Forestry supplies- #506141	02/20/2020	2,909.02
44714	US Bank	Supplies, repair services, conf. expenses, memberships	02/20/2020	2,473.75
44716	West Coast Arborists Inc .	Tree work citywide	02/20/2020	1,780.00
44718	Air Exchange, Inc.	Regulators- #91601076	02/27/2020	114.02
44719	Alhambra	Water Delivery for Public Works	02/27/2020	126.54
44727	Caltronics Business Systems, Inc.	Copier meter reading	02/27/2020	149.32
44728	Carmel Pine Cone	Public Notice for free wood chips	02/27/2020	235.00
44730	Chemtek, Inc	Pavepro asphalt release agent, inv #418867	02/27/2020	197.75
44732	Coastal TPA, Inc	Dental and vision reimbursement claims	02/27/2020	338.01
44738	De Lage Landen Financial	Copier lease and usage	02/27/2020	204.45
44741	ESRI, Inc	Arc GIS online creator, inv#93766303	02/27/2020	500.00
44742	Ferguson Enterprises, Inc.	Supplies for PW divisions	02/27/2020	362.40
44743	Golden State Portables	Forest Theater portable toilets	02/27/2020	360.86
44745	Granite Rock Company	Asphalt for various City location projects	02/27/2020	1,237.24
44754	Legacy Roofing and Waterproofing Inc	Labor and materials for leak at Sunset Center	02/27/2020	661.00
44756	Michael Tope	Reimbursement: work boots per MOU	02/27/2020	225.00
44760	Monterey Bay Air Resources District	Annual renewal emergency generators- inv #599	02/27/2020	1,373.00
44765	Monterey Tire Service Inc	Tire for Backhoe- inv#1-93213	02/27/2020	513.29
44766	Office Depot, Inc.	Office supplies	02/27/2020	356.99
44768	Pureserve Building Service	Janitorial services citywide	02/27/2020	19,060.43
44773	Scarborough Lumber & Building	Supplies for PW projects	02/27/2020	243.38
44776	Sentry Alarm Systems	Service calls and burglar/fire alarm monitoring	02/27/2020	898.32

44780	Tree Stuff Lockbox No 639707	Safety supplies for forestry division- inv#507462	02/27/2020	1,005.56
Total for Department: 119 Public Works				172,204.63
Department: 120 Library				
44637	Coastal TPA, Inc	Dental and vision reimbursement claims	02/06/2020	2,458.75
44672	Pacific Grove Self Storage	Storage unit for City art	02/13/2020	280.00
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	265.95
44732	Coastal TPA, Inc	Dental and vision reimbursement claims	02/27/2020	104.00
Total for Department: 120 Library				3,108.70
Department: 121 Community Activities				
44660	Glastonbury Inc	Holiday tree lighting sound system	02/13/2020	450.00
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	11.55
44782	US Bank	Event posters, conference expenses, storage bins	02/27/2020	1,076.15
Total for Department: 121 Community Activities				1,537.70
Department: 122 Economic Revitalization				
44681	Visit Carmel	FY 2019-20 Regional destination marketing	02/13/2020	30,000.00
Total for Department: 122 Economic Revitalization				30,000.00
Department: 130 Non-Departmental				
44638	CSAC Excess Insurance Authority	General Liability: program deductible 10/1-12/31/19	02/06/2020	16,968.15
44651	CalPERS-FRAS Cash and Payment Processing	CRFA Fire Safety Plan Jan '12 - May '15 med premiums	02/13/2020	17,321.13
44653	Carl Warren & Company	Deductible: Payton case	02/13/2020	444.00
44671	Pacific Gas & Electric	Gas & electric service: citywide	02/13/2020	290.33
44700	Coastal TPA, Inc	Dental and vision reimbursement claims	02/20/2020	11.55
44725	Cal-Am Water Company	Water service: citywide	02/27/2020	7,256.72
44767	Pacific Gas & Electric	Gas & electric service: citywide	02/27/2020	9,036.53
Total for Department: 130 Non-Departmental				51,328.41
Department: 311 Capital Projects				
44698	Central Electric Company	North Dunes: rod and cable	02/20/2020	3,386.75
44701	Edges Electrical Group	LED's for shop, inv #S4848247.001	02/20/2020	1,661.28
44705	M3 Environmental Consulting	Asbestos & lead survey: Scout House roof	02/20/2020	1,060.00
44709	Neill Engineers Corp.	PD Renovation- inv #121219PDReno	02/20/2020	1,878.00
44710	Nicole Nedeff	Biological consulting Mission Trail Nature Preserve	02/20/2020	300.00

44728	Carmel Pine Cone	Legal Notice -San Carlos median & bike route project	02/27/2020	295.00
44749	Kasavan Architects Inc	Police dept renovation: architectural & engineering designs	02/27/2020	2,464.00
44750	Lakeside Nursery	Supplies for downtown tree replacement project, inv#2577	02/27/2020	476.52
44755	Martins Irrigation Supply, INC.	Trees & supplies for downtown tree replacement, inv#56	02/27/2020	298.86
44774	Schaaf & Wheeler Civil Engineers	Storm drain master project: assessment of drainage system	02/27/2020	9,392.50
Total for Department: 311 Capital Projects				21,212.91

Department: 513 Veh & Equip Replacement

44711	Surveillance Grid Intergration Inc	Security Pole Cameras Project	02/20/2020	5,600.00
44728	Carmel Pine Cone	Public Notice-Sunset Center Boiler Room replacement	02/27/2020	390.00
44748	IT Management Corp	IT Work for PD security pole cameras	02/27/2020	1,650.00
44763	Monterey County Weekly Classifieds	Public Notice-Sunset Center Boiler Room replacement	02/27/2020	735.00
Total for Department: 513 Veh & Equip Replacement				8,375.00
Grand Total				586,375.12

February Contract Payments:

Vendor	Contract Amt	Paid through February	Contract Balance	
Pen Messenger	\$ 203,025.00	\$ 166,134.00	\$ 36,891.00	
West Cst Arborists	\$ 125,000.00	\$ 109,213.00	\$ 15,787.00	
Sloan SY & Wong	\$ 75,000.00	\$ 18,746.22	\$ 56,253.78	
Pureserve	\$ 231,587.00	\$ 152,483.44	\$ 79,103.56	
Kasavan	\$ 179,408.00	\$ 154,953.61	\$ 24,454.39	PD renovation
Schaaf & Wheeler	\$ 174,910.00	\$ 80,908.56	\$ 94,001.44	
Nicole Nedeff	\$ 6,000.00	\$ 1,650.00	\$ 4,350.00	
Rev & Cost Spec	\$ 15,000.00	\$ 12,000.00	\$ 3,000.00	
Renne Public Law	\$ 40,000.00	\$ 38,820.32	\$ 1,179.68	
J. Ley's Tree Svc.	\$ 100,000.00	\$ 26,412.00	\$ 73,588.00	
Surveillance Grid	\$ 130,589.00	\$ 128,883.14	\$ 1,705.86	



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Adopt Resolution 2020-023 declaring the results of the Election held on March 3, 2020 for the submission of an ordinance amending Article IV, Transactions and Use Tax, of Chapter 3.28, Sales and Use Tax, of the Carmel-by-the-Sea Municipal Code to increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes.

RECOMMENDATION:

Adopt Resolution 2020-023 declaring the results of the Election held on March 3, 2020 for the submission of an ordinance amending Article IV, Transactions and Use Tax, of Chapter 3.28, Sales and Use Tax, of the Carmel-by-the-Sea Municipal Code to increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes.

BACKGROUND/SUMMARY:

On October 8, 2019 the City Council of the City of Carmel-by-the-Sea adopted Resolution 2019-070 which authorized an election to be consolidated with the Statewide General Election on Tuesday, March 3, 2020 for the purpose of submission to the voters "Measure C": an Ordinance amending Article 1V, Transactions and Use Tax, of Chapter 3.28, Sales and Use Tax, of the Carmel-by-the-Sea Municipal Code to increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes.

The Registrar of Voters, Monterey County has completed the canvass of voters and provided the results as attached.

California Elections Code sections 10262, 10263 and 10264 require, among other things, the City Council to declare the results of the election at the next regularly scheduled City Council meeting following presentation of the canvass of returns. Adoption of Resolution 2020-023 satisfies these requirements.

FISCAL IMPACT:

None for this action. Fiscal impact will be realized from implementation of the new Sales Tax rate.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment #1 - Resolution 2020-023 Declaring Results of March 3, 2020 Election

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DECLARING THE RESULTS OF THE ELECTION HELD ON MARCH 3, 2020 FOR THE SUBMISSION OF AN ORDINANCE AMENDING ARTICLE 1V, TRANSACTIONS AND USE TAX, OF CHAPTER 3.28, SALES AND USE TAX, OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE TO INCREASE THE TRANSACTIONS AND USE TAXES (SALES TAX) RATE TO ONE AND ONE HALF PERCENT (1.5%) FOR A PERIOD OF TWENTY (20) YEARS FOR GENERAL PURPOSES

WHEREAS, on October 8, 2019 the City Council of the City of Carmel-by-the-Sea adopted Resolution 2019-070 which authorized an election to be consolidated with the Statewide General Election on Tuesday, March 3, 2020 for the purpose of submission of "Measure C": an Ordinance amending Article 1V, Transactions and Use Tax, of Chapter 3.28, Sales and Use Tax, of the Carmel-by-the-Sea Municipal Code to increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes; and

WHEREAS, the election was held on said date as required by law and the Registrar of Voters of the County of Monterey has duly canvassed the votes cast by the electors in the City of Carmel-by-the-Sea and has supplied the City Council the certification of the results of the canvass and the final results of the votes cast which are attached as Exhibit A and declared in all respects; and

WHEREAS, the Monterey County Elections Department canvassed the returns of the election, has provided the results and those results are hereby attached and made a part hereof as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:

The City Clerk is instructed to enter into the records of this City Council this Resolution as a statement of the result of said election.

All absentee and provisional ballots have been duly received and canvassed in the time, form and manner as required by Law.

The whole number of votes cast for Measure C which will increase the Transactions and Use Taxes (Sales Tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes was 1624;

The number of votes cast for Measure C are as follows:

YES – 983

NO – 641

The number of votes cast at each precinct are as provided in Attachment A

Measure C received a majority of votes cast and therefore is hereby approved.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of April, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST
at the **City of Carmel-by-the-Sea**
held on March 3, 2020

)
)
)

I, **Claudio Valenzuela**, Registrar of Voters of the County of Monterey, State of California hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-by-the-Sea** on March 3, 2020 for the purpose of submitting **Measure C** to the qualified electors and; I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the **City of Carmel-by-the-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this Wednesday, March 24, 2020 and filed this date with the **City of Carmel-by-the-Sea**.



Claudio Valenzuela
Registrar of Voters

EXHIBIT A**C - City of Carmel-By-The-Sea (Vote for 1) **** - Insufficient Turnout to Protect Voter Privacy**

District	Turnout	Registered Voters	YES		NO		Total Votes
Board of Equalization							
2nd State Board Equal District							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
2nd State Board Equal District - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
Congressional							
20th Congressional District							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
20th Congressional District - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
Senatorial Districts							
17th State Senatorial District							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
17th State Senatorial District - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
Assembly Districts							
29th State Assembly District							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
29th State Assembly District - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
Supervisory Districts							
5th Supervisorial District							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
5th Supervisorial District - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
City Districts							
City of Carmel-By-The-Sea							
Polling Place	405	2,503	220	59.46%	150	40.54%	370
Vote by Mail	1,314	2,503	763	60.85%	491	39.15%	1,254
Mail Ballot	0	2,503	0		0		0
City of Carmel-By-The-Sea - Total	1,719	2,503	983	60.53%	641	39.47%	1,624
City Districts sub-district							
Unincorporated Area							

EXHIBIT A**C - City of Carmel-By-The-Sea (Vote for 1)** **** - Insufficient Turnout to Protect Voter Privacy

Precinct		Turnout	Registered Voters	YES		NO		Total Votes	Unresolved Write-In
Countywide Electionwide									
5120	Polling Place	196	1,291	105	59.32%	72	40.68%	177	0
	Vote by Mail	662	1,291	381	60.38%	250	39.62%	631	0
	Mail Ballot	0	1,291	0		0		0	0
	Total	858	1,291	486	60.15%	322	39.85%	808	0
5121	Polling Place	209	1,212	115	59.59%	78	40.41%	193	0
	Vote by Mail	652	1,212	382	61.32%	241	38.68%	623	0
	Mail Ballot	0	1,212	0		0		0	0
	Total	861	1,212	497	60.91%	319	39.09%	816	0
Electionwide - Total		1,719	2,503	983	60.53%	641	39.47%	1,624	0



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sharon Friedrichsen - Director, Contracts and Budgets

APPROVED BY: Chip Rerig, City Administrator

SUBJECT:

1. Adopt Resolution 2020-024 authorizing the City Administrator to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax; and

2. Adopt Resolution 2020-025 authorizing the examination of Transactions (Sales) and Use Tax Records.

RECOMMENDATION:

1. Adopt Resolution 2020-024 authorizing the City Administrator to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax.

2. Adopt Resolution 2020-025 authorizing the examination of Transactions (Sales) and Use Tax Records.

BACKGROUND/SUMMARY:

The City currently contracts with the State for the administration and collection of Measure D, the City's 1% local transactions and use tax approved by the voters on November 6, 2012. With the passage of Measure C, the City's 1.5% local transactions and use tax, on March 3, 2020, the City is required to enter into new agreements with the State for the collection of this tax. This item is on the agenda to authorize the City Administrator to execute the required preparatory and administration agreements with the California Department of Tax and Fee Administration (CDTFA) in order for the State to start collecting the new sales tax on July 1, 2020.

In addition, staff recommends Council adopt a resolution authorizing the examination of sales and transactions and use tax records related to Measure C to coincide with the new implementation agreements with the State. Resolution 2020-023 authorizes the City Administrator, key City finance personnel, the CDFTA and the City's sales tax consultant Hinderliter de Lamas and Associates to examine sales or transactions and use taxes collected for the City by the State.

FISCAL IMPACT:

The new sales tax rate will become operative on July 1, 2020. The City shall pay the California Department of Tax and Fee Administration (CDTFA) for preparatory costs in an amount not to exceed \$175,000. In addition, the City shall pay the CDTFA's cost of administering the City's ordinance, for which the State will deduct these costs from the taxes remitted to the City.

PRIOR CITY COUNCIL ACTION:

Council authorized similar agreements with the State on December 4, 2012.

ATTACHMENTS:

Attachment #1 - Resolution 2020-024 Authorizing the Execution of Agreements

Attachment #2-Exhibit A-City_Preparatory Agreement

Attachment #3-Exhibit B-City_Administration Agreement

Attachment #4 - Resolution 2020-025 Authorizing the Examination of Transactions (Sales) and Use Tax Records

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AGREEMENTS WITH THE
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION
OF A LOCAL TRANSACTIONS AND USE TAX**

WHEREAS, on March 3, 2020, the electorate of the City of Carmel-by-the-Sea approved a local measure to amend the City's local transactions and use tax; and

WHEREAS, the California Department of Tax and Fee Administration (Department) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Department will be responsible to administer and collect the transactions and use tax for the City, as amended; and

WHEREAS, the Department requires that the City enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes; and

WHEREAS, the Department requires that the City Council authorize the agreements;.

**NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY
OF CARMEL-BY-THE-SEA:**

That the "Preparatory Agreement" attached as Exhibit A and the "Administrative Agreement" attached as Exhibit B are hereby approved and the City Administrator is hereby authorized to execute each agreement.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of April, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

EXHIBIT A
AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Carmel-by-the-Sea, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

California Department of Tax and Fee Administration
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0027
Attention: Supervisor
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
Attn: Chip Rerig, City Administrator

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF CARMEL-BY-THE-SEA

**CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION**

By _____
(Signature)

By _____
Administrator
Local Revenue Branch

Chip Rerig

City Administrator

EXHIBIT B
AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES

The City Council of the City of Carmel-by-the-Sea has adopted, and the voters of the City of Carmel-by-the-Sea (hereafter called "City" or "District") have approved by the required majority vote, the City of Carmel-by-the-Sea Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the California State Department of Tax and Fee Administration, (hereinafter called the "Department") and the City do agree as follows:

ARTICLE I

DEFINITIONS

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.
2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 2019-004, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES

A. Administration. The Department and City agree that the Department shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the Department Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Department pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's Ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Department shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Department shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Department agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Department shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Department.

G. Records of the Department.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Department agrees to permit authorized personnel of the City to examine the records of the Department, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Department's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Department pursuant to this Agreement.

H. Annexation. City agrees that the Department shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Department. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III
ALLOCATION OF TAX

A. Allocation. In the administration of the Department's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Department, to all districts with which the Department has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Department, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Department in determining the place of use.

ARTICLE IV COMPENSATION

The City agrees to pay to the Department as the State's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Department for the City.

ARTICLE V MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Department shall be addressed to:

California State Department of Tax and Fee Administration
P.O. Box 942879
Sacramento, California 94279-0027
Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
Attn: Chip Rerig, City Administrator

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on July 1, 2020. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Department completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that City Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Department written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under

Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Department the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Department may retain all payments made by City to Department to prepare to administer the City Ordinance.

2. City will pay to Department and allow Department to retain Department's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Department or to the State of California the amount of any taxes plus interest and penalties, if any, that Department or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Department its costs for rebating or refunding such taxes, interest, or penalties. Department's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Department's staff for use in making these rebates or refunds and any other costs incurred by Department which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Department's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Department. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Department in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Department in connection with such refunds shall be billed by Department on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Department shall bill City on or before the 25th of each month for all costs incurred by Department for the preceding calendar month. City shall pay to Department the amount of such costs on or before the last day of the succeeding month and shall pay to Department the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Department costs incurred in making those refunds.

CITY OF CARMEL-BY-THE-SEA

**CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION**

By _____
(Signature)

By _____
Administrator
Local Revenue Branch

Chip Rerig

City Administrator

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Carmel-by-the-Sea, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

California Department of Tax and Fee Administration
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0027

Attention: Supervisor
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Attn: Chip Rerig, City Administrator

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF CARMEL-BY-THE-SEA

CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION

By _____
(Signature)

By _____
Administrator
Local Revenue Branch

Chip Rerig

City Administrator

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Carmel-by-the-Sea has adopted, and the voters of the City of Carmel-by-the-Sea (hereafter called “City” or “District”) have approved by the required majority vote, the City of Carmel-by-the-Sea Transactions and Use Tax Ordinance (hereafter called “Ordinance”), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the California State Department of Tax and Fee Administration, (hereinafter called the “Department”) and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 2019-004, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Department and City agree that the Department shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the Department Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Department pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's Ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Department shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Department shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Department agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Department shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Department.

G. Records of the Department.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Department agrees to permit authorized personnel of the City to examine the records of the Department, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Department's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Department pursuant to this Agreement.

H. Annexation. City agrees that the Department shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Department. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III

ALLOCATION OF TAX

A. Allocation. In the administration of the Department's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Department, to all districts with which the Department has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Department, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Department in determining the place of use.

ARTICLE IV

COMPENSATION

The City agrees to pay to the Department as the State's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Department for the City.

ARTICLE V

MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Department shall be addressed to:

California State Department of Tax and Fee Administration
P.O. Box 942879
Sacramento, California 94279-0027

Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Attn: Chip Rerig, City Administrator

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on July 1, 2020. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Department completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that City Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Department written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Department the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Department may retain all payments made by City to Department to prepare to administer the City Ordinance.

2. City will pay to Department and allow Department to retain Department's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Department or to the State of California the amount of any taxes plus interest and penalties, if any, that Department or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Department its costs for rebating or refunding such taxes, interest, or penalties. Department's costs shall include its additional cost for developing procedures for processing

the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Department's staff for use in making these rebates or refunds and any other costs incurred by Department which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Department's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Department. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Department in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Department in connection with such refunds shall be billed by Department on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Department shall bill City on or before the 25th of each month for all costs incurred by Department for the preceding calendar month. City shall pay to Department the amount of such costs on or before the last day of the succeeding month and shall pay to Department the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Department costs incurred in making those refunds.

CITY OF CARMEL-BY-THE-SEA

By _____
(Signature)

Chip Rerig

City Administrator

CALIFORNIA STATE DEPARTMENT OF
TAX AND FEE ADMINISTRATION

By _____
Administrator
Local Revenue Branch

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS**

WHEREAS, pursuant to Section 7270 of the Revenue and Taxation Code, the City of Carmel-by-the-Sea (City) entered into a contract with the California Department of Tax and Fee Administration (CDTFA) to perform all functions incident to the administration and operation of the City's Transactions and Use Tax Ordinance (Ordinance No. 2019-004) approved by the electorate of the City on March 3, 2020; and

WHEREAS, the City deems it desirable and necessary for authorized representatives of the City to examine confidential transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected by the CDTFA for the City pursuant to that contract; and

WHEREAS, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of CDTFA records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the CDTFA;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AS FOLLOWS:

Section 1. That the City Administrator, Director of Budget and Contracts, Finance Manager or other officer or employees of the City designated in writing by the City Administrator to the CDTFA is hereby appointed to represent the City with authority to examine transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected for the City by the CDTFA pursuant to the contract between the City and the CDTFA. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of the City's transactions and use taxes by the CDTFA pursuant to the contract.

Section 2. That Hinderliter de Lamas and Associates (HdL) is hereby designated to examine the transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected for the City by the CDTFA. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the City to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of CDTFA records shall be used only for purposes related to the collection of City's transactions and use taxes by the CDTFA pursuant to the contracts between the City and CDTFA.

Section 3. That this resolution supersedes all prior transactions and use tax resolutions of the City of Carmel-by-the-Sea adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Adopt Resolution 2020-026, approving a list of streets to be repaved for inclusion in the Fiscal Year 2020/21 Capital Improvement Plan and Budget partially funded by SB1; the Road Repair and Accountability Act

RECOMMENDATION:

Adopt Resolution 2020-026, approving a list of streets to be repaved for inclusion in the Fiscal Year 2020/21 Capital Improvement Plan and Budget partially funded by SB1; the Road Repair and Accountability Act

BACKGROUND/SUMMARY:

California charges excise and sales taxes on gasoline and diesel fuel for transportation-related purposes and allocates a percentage of the funding to cities and counties. This funding is known as the Highway Users Tax Account (HUTA), also referred to as the gas tax. Until 2017, the gas tax had not been updated in 23 years, and the State was confronted with a backlog of deferred infrastructure repairs for bridges, freeways, and roads.

In April 2017, Governor Brown signed Senate Bill 1 (SB1), the Road Repair and Accountability Act, into law. This legislation addresses road maintenance, rehabilitation, and safety needs of both State highway system and local streets by increasing the per gallon fuel excise taxes, raising diesel fuel sales taxes, and charging new vehicle fees. SB1 is estimated to generate \$1.5 billion a year for California cities and counties for street maintenance efforts statewide. Since November 2017, a portion of this new funding, called the Road Maintenance and Rehabilitation Account (RMRA), has been apportioned by formula to eligible cities and counties for local street purposes starting.

In order for the City to be eligible to receive RMRA funds, the City must:

1. Adopt City budgets that include the proposed SB1 project street list,
2. Incorporate the SB1 project list, including project description, locations, schedule, and estimated useful life in the Capital Improvement Plan (CIP), and submit the CIP to the California Transportation Commission annually by October 16,
3. Sustain a certain amount of local funding for streets, known as the Maintenance of Effort, and

4. Report on the use of the funds annually.

Public Works has identified the proposed project street list based on the Street Saver Pavement Management System and increasingly noticeable deformations of several concrete intersections in the downtown area. Used by countless agencies throughout California, this system scientifically optimizes public funds by targeting overlays and slurry seals to roadway segments which are about to slip into rapid decline, rather than allocating dollars to an agency's most damaged pavement sections, which will ultimately require more costly complete pavement section reconstructions. Public Works staff has slightly modified the Street Saver's recommended roadway segment list by grouping overlays and reconstructions and by grouping similar pavement rehabilitation treatments to further optimize cost effectiveness.

When the Council adopts the FY 2020/2021 Capital Improvement Plan and Operating Budget, the project description for "Streets and Roads Projects" will include the following street segments currently planned to be partially funded with RMRA account revenues.

"Remove and repair failed concrete pavement areas, pour new concrete street segments, pave a 2-inch thick asphalt overlay where noted below, and restore striping and pavement markings using Thermoplastic along the following street segments:

1. Ocean Avenue between Monte Verde Street and San Antonio Avenue (repair cracked concrete areas and pave a new, 2-inch asphalt overlay)
2. Intersection of Ocean Avenue and San Antonio Avenue (reconstruct concrete)
3. Intersection of San Carlos Street and Fifth Avenue (reconstruct concrete)
4. San Carlos Street between Fifth and Sixth Avenues (repair cracked concrete and pave a new, 1-1/2 or 2-inch asphalt overlay)

Reconstruction of these streets is anticipated from late spring 2021 through summer of 2021. With a 2-inch asphalt overlay on newly replaced or repaired concrete surfaces, the useful life is estimated at 30 to 40 years."

FISCAL IMPACT:

The City is estimated to receive a total of \$176,180 in FY 2019/20 from HUTA (\$100,878) and RMRA (\$75,302) which will be shown as revenue in the City's budget for FY 2020/21.

In order to receive RMRA funding, the City must annually expend from its General Fund for street purposes an amount not less than the annual average of its expenditures of the first three (3) fiscal years in the program. This amount is known as Maintenance of Effort (MOE). The City's MOE is \$557,048. The preliminary draft budget for FY 2020/21 identifies \$557,048 of Measure C funds for street projects; therefore, the MOE requirement will be met.

PRIOR CITY COUNCIL ACTION:

In October 2017, Council adopted a resolution amending the FY 2017/18 Capital Improvement Plan and adopted Budget to incorporate a list of street projects partially funded by SB1, the Road Repair and Accountability Act.

In April 2018, Council adopted Resolution 2018-039 approving a list of streets partially funded by SB1 to be paved for inclusion in the FY 2018/19 Budget and Capital Improvement Plan.

In March 2019, Council adopted Resolution 2019-019 approving a list of streets partially funded by SB1 to be paved for inclusion in the for FY 2019/20 Budget and Capital Improvement Plan.

ATTACHMENTS:

Attachment #1 - Resolution 2020-026 List of Streets FY 2020-21

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A LIST OF STREETS TO BE REPAVED FOR INCLUSION IN THE FISCAL YEAR
2020/21 CAPITAL IMPROVEMENT PLAN AND BUDGET PARTIALLY FUNDED BY SB1: THE
ROAD REPAIR AND ACCOUNTABILITY ACT**

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of the City of Carmel-by-the-Sea are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1 by resolution, in the City budget, and which must include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvements; and

WHEREAS, the City will receive an estimated total of \$176,180 from SB1 in FY 2020/21, from the Highway Users Tax Account (HUTA) (\$100,878) and RMRA (\$75,302), and anticipates allocating \$557,048 of its General Fund (Measure C) and local revenues for street projects.

WHEREAS, this is the third year in which the City is receiving SB1 funding which will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increase access and mobility options for the traveling public that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities and project list; and

WHEREAS, the City has used a Pavement Management System to develop and update the SB1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, funding from SB1 will help the City maintain, overlay, rehabilitate, reconstruct, and/or slurry seal four road segments throughout the City this year and hundreds of similar projects into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the City's roadways are in fair but at risk condition, that SB 1 revenues will increase the overall quality of our road network, and, over the next decade, help upgrade our streets into an overall satisfactory condition; and

WHEREAS, the SB1 project list and overall investment in our local street infrastructure with a focus on basic materials and practices, will have significant, positive benefits statewide.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:

1. The foregoing recitals are true and correct.
2. The following list of projects will be funded in part with Fiscal Year 2020/21 Road Maintenance and Rehabilitation Account revenues:
 - A) Ocean Avenue, between Monte Verde Street and San Antonio Avenue:
Remove and restore areas of failed concrete, crack seal, and pave 2-inch asphalt overlay
 - B) Ocean Avenue and San Antonio Avenue intersection:
Reconstruct entire concrete intersection, including ADA ramps
 - C) San Carlos Street and Fifth Avenue intersection:
Reconstruct concrete intersection, including ADA ramps
 - D) San Carlos Street between Fifth and Sixth Avenues:
Remove and restore areas of failed concrete, crack seal, and pave a 1-1/2 or 2-inch overlay, and repair sidewalk as needed

In addition, restore striping and pavement markings using thermoplastic materials at each location.

Construction is anticipated from late spring through early summer 2021. For the proposed concrete reconstructed intersections, the useful life is estimated at 40 years. For the streets to have failed concrete sections removed and restored, followed by an asphalt overlay, the useful life of the asphalt is estimated at 15 years; however, the underlying concrete section should have a useful life of 40 years.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 7th day of April, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sharon Friedrichsen - Director, Contracts and Budgets

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Adopt Resolution 2020-027 affirming modification to the home mail delivery program to include the use of eligibility criteria and provide direction to staff.

RECOMMENDATION:

Adopt Resolution 2020-027 affirming modification to the home mail delivery program to include the use of eligibility criteria and provide direction to staff.

BACKGROUND/SUMMARY:

As stated within Resolution 2003-091, the City contracts for courier service to provide home mail delivery services “as an essential community service for those residents that are physically unable to visit the post office or who, for some other reason, cannot obtain mail on a regular basis.” On March 3, 2020, Council received a report regarding options to modify the current on-site home mail delivery service program, which included imposing eligibility criteria, as a mechanism to achieve cost savings and better align the program with its intended beneficiaries. During this meeting, Council provided direction to staff to (1) impose an eligibility criteria based on disability and (2) charge ineligible residents for the cost for the service. This item is on the agenda for Council to affirm modification to the program as well as provide additional direction to staff so that staff may commence with implementing programmatic changes that will become effective on July 1, 2020.

Eligibility Documentation

The rationale for establishing disability as a criteria is that it correlates to the program’s intent of assisting “residents that are physically unable to visit the post office”. In order to impose this criteria, a resident will be required to submit a disability exemption waiver form. The form may be completed by a licensed medical provider authorized to practice in the State of California certifying that an individual has a physical limitation that renders the individual unable to pick up his/her mail directly at the post office. Or, an individual may either present in person, or submit to the City, a photograph of a State of California Department of Motor Vehicles’ issued Disabled Person Parking Placard or Vehicle License Plate with the completed waiver form as an alternative to having the form certified by a medical provider.

Cost for Eligible Residents

Staff seeks additional policy direction from Council regarding the cost of the service for residents that meet

the eligibility criteria. Staff is under the assumption that if a resident meets the eligibility criteria, the resident will not be billed for the service, although encouraged to contribute toward the cost of service as economically feasible for the particular individual. However, Council may require that eligible residents pay a percentage toward the City's cost of providing the service.

Program Changes and Charges for Ineligible Residents

Staff proposes that ineligible residents that wish to use the service be billed twice a year for the cost of annual service. The first invoice would span the period of July to December while the second invoice would include the period of January to June. Although billing twice a year instead of annually requires more administration by staff, this approach spreads the cost of annual service over two payments for residents and allows staff to adjust the charges should there be a future rate increase by the courier service. Staff will also include the cost of City administrative support to the base rate charged by the courier.

Next Steps

Upon receiving direction from Council, City staff will notify existing and past participants of the change to the program. Staff will create a mail service request form, a disability waiver form, an invoice and billing schedule and request that forms and payment be received by the City no later than by June 15 in order for the City to notify the courier service of the number of residents that will be receiving service on July 1. The City will discontinue to pay for courier service for residents that do not respond by this deadline and these individuals will need to obtain their mail directly from the post office. The City will also cancel courier service and City Hall and Police Department staff will collect and drop off mail from the post office starting on July 1, 2020.

Alternatives

Council also has the option to eliminate the program completely.

FISCAL IMPACT:

The program is anticipated to cost the City about \$71,000 in Fiscal Year 2020-2021, which is based on an average of 145 addresses per month at \$41 per address. Some of this cost will be offset by charging participants for the service, contingent upon Council's direction.

PRIOR CITY COUNCIL ACTION:

Council provided direction on establishing eligibility criteria at its March 3, 2020 meeting and received a report on options to modify or eliminate the mail service program on May 1, 2018.

ATTACHMENTS:

Attachment #1-Resolution 2020-027 Affirming Modification to the Home Mail Delivery Program to Include Eligibility Criteria

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AFFIRMING MODIFICATION TO THE HOME MAIL DELIVERY PROGRAM TO INCLUDE THE
USE OF ELIGIBILITY CRITERIA**

WHEREAS, the United States Postal Service delivers mail to Carmel-by-the-Sea residents' post office boxes rather than directly to their physical locations as the community has not supported the use of individual house numbers or cluster mailboxes located throughout town; and

WHEREAS, the City of Carmel-by-the-Sea contracts for courier service for home mail delivery with the intended purpose of providing "an essential community service for those residents that are physically unable to visit the post office or who, for some other reason, cannot obtain mail on a regular basis" as referenced in Resolution 2003-91; and

WHEREAS, on March 3, 2020, the City Council considered establishing eligibility criteria regarding participation in the home mail delivery program in an effort to control costs and better align the program with its intended purpose; and

WHEREAS, on March 3, 2020, the City Council directed staff to modify the program to impose disability criteria whereby residents that are able to document that they are physically unable to obtain their mail directly from the post office will be considered eligible to participate in the City-administered home mail delivery program either at no or a reduced cost to the resident; and

WHEREAS, on March 3, 2020, Council also authorized staff to continue to administer the program on behalf of non-eligible residents so long as ineligible residents pay the full cost of the service, which includes City administration costs and the cost of the courier service.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DOES HEREBY:**

Affirms modifying the home mail delivery program to impose a disability eligibility criteria whereby eligible residents may receive home mail delivery services at either no cost or for a reduced fee based upon the City's receipt and review of a disability exemption waiver form and non-eligible residents so long as ineligible residents pay the full cost of the service, which includes City administration costs and the cost of the courier service.

Direct City staff to commence with undertaking programmatic changes so that the modified program is effective on July 1, 2020.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of April, 2020 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a presentation on the proposed Fiscal Year 2020/21 Capital Improvement Program and Five Year Capital Improvement Plan and provide direction to staff

RECOMMENDATION:

Receive report regarding:

- (1) Update for the City Council on capital improvement projects completed in the current Fiscal Year (FY) 2019/20,
- (2) Review the status of capital improvement projects funded in FY 2019/20 or prior, up until these projects went on hold due to the COVID19 crisis,
- (3) Propose new capital improvement projects needed for FY 2020/21, whether or not funded at the time of Budget adoption,
- (4) Introduce potential key projects and funding needs over the subsequent four fiscal years, to be included in the Budget as a 5-year Capital Improvement Plan, and
- (5) Obtain Council guidance regarding the possible inclusion of other projects within the 5- Year Capital Improvement Plan and the prioritization of projects associated with the FY 2020/21 Budget.

Given the economic impact associated with the COVID 19 pandemic, there is likely to be no funding available for capital projects. However, it is prudent for the City Council and community at large to understand the status of the infrastructure systems, as demonstrated by the Annual Public Works Infrastructure Report Card, as well as identify infrastructure needs for the upcoming fiscal year with a forecast for the subsequent four years after, and include this information into the adopted Budget. Having identified and prioritized projects at this time, even if all projects are to be future funded, would allow the Council to allocate funding for the most critical capital projects when funding becomes available.

BACKGROUND/SUMMARY:

FISCAL YEAR 2019/20 PROJECTS

Completed Projects

Rebuilding critical infrastructure provided the backdrop to the current FY 2019/20 capital improvement

program. The following twenty one (21) projects totaling \$2,422,994, were completed, or will be substantially completed, by June 30, 2020.

- Fiscal Year 2018/19 Paving Project (27 street segments) \$951,874
- Harrison Memorial Library Meeting Room \$275,800
- Sidewalk Repairs (9 locations) \$268,385
- Storm Drain Master Plan, City-wide \$174,910
- Sunset Center Boiler Replacement \$162,800
- Security Pole Cameras \$135,000
- Vehicle Barriers and Trailer \$80,000
- Public Safety Radios \$60,000
- Sunset Center Stage Rigging \$57,075
- Encryption Radios \$49,350
- Community Activities Van \$34,800
- Ocean Avenue Median Lights \$30,000
- Mission Trail Nature Preserve \$30,000
- Sunset Center Boiler, Design \$25,000
- ADA Upgrades, Year 2 \$20,000
- Downtown Tree Planting \$20,000
- Traffic Sign Plotter \$15,000
- Sunset Center Ramp Lighting \$10,000
- LED Retrofits and Fixture Upgrades \$10,000
- North Dunes Habitat Restoration \$10,000
- WWI Monument Restoration (Contribution) \$3,000

Active Projects, prior to the COVID19 hold, that may be Carried Over to FY 2020/21

Eleven (11) FY 2019/20 projects, with a total value of \$2,455,512, were underway prior to the COVID19 hold. Most of these projects could be completed within several months once the economy returns to normal. The current status of these projects is listed below. The first eight (8) of these projects are able to be completed within their allocated budget while the last three (3) projects would need supplemental funding order to be completed. It should be noted that while projects were budgeted, the ability to move forward with these projects is contingent on the City also receiving budgeted revenues. Given the projected decline in revenue associated with the economic impacts of COVID 19, City staff are not moving forward with projects at this time and Council will need to prioritize among both existing and future capital projects, for funding once the economic climate stabilizes.

Carryovers fully budgeted

- (Three CIP Projects) The FY 2019/20 Citywide Paving Project, coupled with the San Carlos Street Bike Route and San Carlos Street Median Islands, is on hold in final design. The next steps will be to host a second public meeting, seek input from the Planning and Forest and Beach Commissions and the City Council, prior to advertising this \$973,509 project for bids. The budget for this project includes approximately \$400,000 in external revenues.
- Scenic Pathway Reconstruction. Bid documents were in progress by staff to replace a segment of the Scenic Pathway. Once released from hold, the bid documents will be completed, and bidding for construction of this \$230,000 project will be underway.
- Quotes were received for a new Backup Generator at the Harrison Memorial Library, predominately to backup the IT servers and essential equipment. The quotes were under the \$60,000 budget. The next

step will be to present the project to the Planning Commission and process a building permit.

- **Climate Change Plan.** The current FY 2019/20 CIP budget allocated \$55,000 for a consultant to support the Climate Change Committee for, potentially, a vulnerability study. A consultant selection process is underway; however, award of a professional services agreement with the selected consultant, and the study, are on hold.
- **Computer Server Resilience -** While none of the \$35,000 funds have been expended to date, plans are underway to purchase critical computer equipment contingent on the City's finances.
- **Tree Planting Initiative.** A separate, but overlapping CIP Project, called "Downtown Tree Project," was nearly complete prior to being placed on hold. Since there is only a minor funding balance, it is recommended that the Downtown Tree Project be closed out and the balance return to the CIP end balance. This other Tree Planting Initiative Project, which had an initial budget of \$27,003, should carry forward, contingent on the City's finances, to plant any additional downtown trees, continue to experiment with other forestry techniques, such as testing tree diapers, as well as to provide resources to supplement the Friends of Carmel Forest, Friends of Mission Trails Nature Preserve, and others.

Carryovers needing supplemental funding to complete

- **Police Building Renovation Project.** Nearly \$1.0 million has been budgeted for this essential, albeit non-urgent project. Two competitive bids were received in March with the low bid of \$1.31 million, which, with a 10% contingency, would be \$1.44M. A decision to reject these bids or award a contract can be deferred through mid June. The low bidder is voluntarily proposing several Value Engineering alternatives which could lower the price by up to \$100,000.
- **Scout House Roof Replacement and Scout House Renovation - Design.** Council awarded a \$62,720 contract for roof reconstruction, leaving \$12,280 available to start the renovation design. The roof contractor kindly stated that he is willing to honor his bid price when we can move forward, if within a reasonable period of time. However, an additional \$60,000 will be needed to pay for the design of the Scout House renovation.
- **The Harrison Memorial Library Exterior Painting Project** was budgeted at \$46,000 based on the remaining available funds during the FY 2019/20 CIP Budget cycle, not based on a cost estimate. Due, in part, to lead paint suspected around eaves and windows, the estimated cost of the Exterior Painting is \$100,000. It is recommended that this project proceed in FY 2020/21, contingent upon funding.

PROPOSED FISCAL YEAR 2020/21 PROJECTS

Theme

The proposed FY 2020/21 projects basically fall into the categories of reducing the backlog of previously-deferred maintenance for critical infrastructure, and repairing and updating City facilities. In addition, several projects would continue existing efforts to protect and restore the Village's unique and special natural habitats, while other projects address public health and safety needs.

Definition

While reviewing the proposed capital projects, it is helpful to have a common understanding of what constitutes a “Capital Project.” The Government Accounting Standard Board uses the term “capital assets” to include “land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, historical treasures, infrastructure, and other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period.”

For the City of Carmel-by-the-Sea, staff recommends that we continue to define a Capital Project, or a Capital Outlay, as an asset with any single component or piece of equipment that **costs more than \$10,000** and has an expected useful life exceeding **ten (10) years**.

Ten (10) of the proposed projects listed below for FY 2020/21 do not fall into the definition of a Capital Project. Examples of such projects include ongoing habitat restoration, ordinance updates, nuisance drainage repairs, and fire risk assessment. These projects, if funded, should be included in the Operating Budgets of the implementing departments. However, reviewing all capital improvement projects together with costly, operational projects, provides a convenient, streamlined means to consider all projects and initiatives identified by the community, stakeholders, Council, and staff as priorities.

Proposed New Projects

Overall, thirty (30) new projects, valued at \$2,774,416, have been identified in FY 2020/21 as described below. These projects include a combination of streets and drainage infrastructure improvements, facility and library betterment projects, urban forest, parks and beach enhancements, and vehicle and equipment purchases. Of this total amount, \$899,491 are anticipated from external sources of funds.

These projects include a combination of streets, drainage, infrastructure improvements, facility and Library projects, urban forest, parks and beach enhancements, and vehicle and equipment purchases. As noted above, ten (10) project descriptions below note "Operations" indicating operational budget requests.

Streets:

- - Several existing, but heavily damaged and deforming concrete street segments have been identified for reconstruction as part of the City’s annual Pavement Rehabilitation Program. These streets include Ocean Avenue, between Monte Verde and San Antonio, the entire intersection of Ocean and San Antonio, and San Carlos, between Fifth and Sixth Avenue, including both intersections. Once the concrete is removed, it may be paved with concrete, or asphalt pavement, or both concrete with an asphalt pavement overlay.
The City is required to commit \$557,048 in FY 2020/21 to meet our “Maintenance of Effort” funding level to receive state funds. In addition to the \$557,048 requested, this project will be augmented by an estimated \$179,000 from Measure X, \$95,070 from Highway User Tax, and \$66,298 from the Road Maintenance and Rehabilitation Act, for a total project of \$897,416.
 - Sidewalk repairs. For cost-effectiveness based on higher quantities of work, concrete and asphalt sidewalk repairs will be included in the above concrete street construction project. A budget of \$107,000, of the City's Maintenance of Effort total of \$557,048, will be earmarked for sidewalk repairs.

Drainage:

- - The City-wide Drainage Master Plan is nearing completion. This Plan identified numerous spot repairs to our existing underground storm drain pipes, and identifies several significant "bottlenecks" in the drainage system which results in excess surface runoff flowing down streets and down onto driveways in several locations during heavy storms. The proposed \$200,000 project would be for a consultant to

design all of these repairs efficiently at one time, for subsequent construction over many future years based on a prioritized rankings noted in the Plan.

- The backup generator at the Park Branch Library is nearing the end of its useful life. If the generator is not replaced, at an estimated cost of \$15,000, the generator could fail during storms resulting in flooding in the library basement.

Facility Projects:

- The Sunset Center Exterior Painting Project is proposed in two phases. This first phase would be to remediate asbestos and lead paint on the exterior, make repairs to windows, door jambs, and other prep work, with a cost estimate of \$100,000. Phase 2 would be to actually paint the exterior walls of the building the following year.
- As noted above in Carryovers needing supplemental funding to complete, the Scout House Renovation Design, after the execution of the construction contract already awarded for the roof replacement, has only \$12,280 remaining for the renovation design. An additional \$60,000 will be needed to pay for the design of the renovation design. Future funding would be required for the actual renovation work.
- As noted above in Carryovers needing supplemental funding to complete, the Harrison Memorial Library Exterior Painting Project was initially budgeted at \$46,000. The estimated cost of the Exterior Painting, including lead paint abatement, is \$100,000. Additional funding of \$54,000 would be needed to proceed with this project.
- Operations: Flanders Mansion maintenance: The Facility Maintenance operating budget in Public Works has been insufficient to maintain City buildings, especially older facilities like Flanders Mansion. Recently, new roof leaks were encountered, termites had to be eradicated, and other repairs were pending prior to COVID19. Making these repairs, when needed, would be prudent order to provide basic upkeep to the building. Recommend a supplemental operating budget allocation of \$20,000.
- Forest Theater officials and staff tentatively agreed to splitting the cost of a new truss spanning over the Forest Theater stage. \$17,000 is recommended.
- ADA Upgrades, Year 3. Based on the results of the 2018 ADA Transition Plan, funding should be programmed each year to demonstrate good faith efforts to address disability obstacles across the City. Year 2 included ADA upgrades to the restrooms of the Park Branch Library and in Devendorf Park. Many of these improvements have been installed by staff at significant savings over contractor installations, but materials and vendors are still necessary. For Year 3, \$16,000 is recommended.

Forestry, Parks and Beach Projects:

- Staff recommends hiring an engineering consultant to design stream restoration and erosion control measures for the Mission Trails Nature Preserve, as recommended in the 2019 Stream Stability Report. Construction of eight (8), inter-related projects would be constructed over the next many years, subject to funding availability. One of the most urgent, safety-related project would be proper abandonment of the water well and removal of the above ground tank. The design is also needed to obtain various environmental permits and provides a much better opportunity for grant awards with "shovel-ready" projects.
- A Forestry Management Plan, estimated to cost \$40,000, is requested by the new City Forester to replace the existing, 1980s plan which is outdated and no longer provides utility. The updated plan would set the foundation for forestry, parks, and beach activities for many years into the future.
- Operations: Mission Trail Nature Preserve has made marked improvements in recent years. To continue with invasive tree and stump removals, revegetation efforts, and signage and trail enhancements, \$25,000 is recommended. (This would be in addition to the cost of designing the stream stability projects noted above.)

- Operations: The North Dunes Habitat Restoration Project has also made noticeable improvements in recent years. To continue biological monitoring and reporting of endangered and sensitive species, as well as to continue post and cable railing protective measures, new interpretive signage, and other enhancements, \$10,000 is recommended.

Vehicle and Equipment Project:

- A new Police vehicle C8 to replace the 2012 Expedition, \$60,000.
- A new Police vehicle C5 to replace the 2014 Charger, \$55,000.
- Six (6) additional police barriers, \$45,000, would supplement the eight (8) barriers acquired earlier in this FY.
- New shared vehicle for Community Planning & Building inspector and code enforcement coordinator, \$30,000.
- A new, Automated External Defibrillator (AED) for the ambulance, \$25,000.
- New small vehicle/golf cart-like water truck, \$15,000, for more efficient and cost-effective watering operations.

Environmental Projects:

- Operations: A consultant is needed to provide technical support to update the City's Trash and Stormwater Ordinance to remain in compliance with state regulatory mandates, \$30,000.
- Operations: The Climate Change Committee requested \$30,000 for supplemental technical support. This could be used to expand the scope of services, and increase the cap, of the professional services agreement with the consultant who will be preparing the vulnerability study for the Committee.
- Operations: To proceed with an Underground Utility District, initial planning, engineering, and surveying would be required, such as to generate a formal plat and legal description. This District would be eligible for subsequent use of Rule 20A funds for subsequent design and installation, \$25,000. Approximately \$900,000 is available to the City in PG&E's Rule 20A account. Note that the California Public Utilities Commission is currently revising the methodology to utilizing Rule 20A funds.
- Operations: Shared Fire Risk Assessment with costs shared with the Cities of Monterey and Pacific Grove, \$20,000.

IT Projects:

- Operations: Uninterrupted Power Supply Systems, \$20,000, to protect our computer systems and secure the City's data from power disruption.
- Operations: GIS Development, Phase 2, \$20,000, to incorporate additional, available data from external sources and from City files, into the geodatabase, and establish initial applications for staff to use the GIS to streamline work processes, such as permit processing.
- Operations: City Clerk has requested a consultant to develop a Retention Schedule for \$20,000. The City needs to be retaining records according to current regulations. The City's current, adopted retention schedule is based on the State's guidelines which are now out of date, and some City records are not included in those guidelines which puts the City at risk.

Library Projects:

- The following three (3) projects for the Harrison Memorial Library could be considered a "package deal." Should the City invest \$100,000 to paint the interior of the library, and another \$100,000 to replace all of the carpeting, then the Library Board would be satisfied that the City has been meeting its maintenance obligation for this historic building. The suggestion is that this

investment by the City would leverage up to \$500,000 of donations to the library for extensive interior renovations, including shelving, furniture, and lighting.

Introduction of a 5-Year Capital Improvement Plan

This year, staff has developed a preliminary 5-year Capital Improvement Plan as shown in Attachment #1. This 5-year CIP was established as an objective under the City Council's recently-adopted goals. Although only the first fiscal year (2020/21) would be funded as part of the City Budget (if any funding is allocated), the remaining years serves as a planning tool to identify, early on, anticipated future projects. A multi-year plan also accommodates scheduling larger projects into multiple years, to allow for more projects to be underway concurrently, and minimizing construction funding being allocated before those funds are needed. Note that the needs for infrastructure renewal and facility repairs far exceed the anticipated revenue over the subsequent four years as well.

The key projects over the subsequent four fiscal years will be included in the presentation at the Council meeting. Please refer to Attachment #1 for details.

5-Year Financial Forecast

Staff will present a preliminary five year forecast as part of the presentation on April 7, 2020. The COVID 19 pandemic is anticipated to have significant economic impacts; however, the magnitude of the loss on City revenue is unknown at this time. With 2/3 of the City's budgeted revenue derived from transient occupancy taxes and sales taxes, the City will end the current fiscal year significantly under its budgeted revenues in these two categories due to the decline in tourism-related travel and spending. Economic literature has estimated the fiscal impacts of COVID on tourism as 6-7 times greater than the resulting economic climate of 911 while other literature discusses US unemployment rate reaching 30%. Fiscal Year 2020/21 projections contemplate different scenarios regarding the economic recovery and associated improvements in travel and consumer spending as well as an increase in the local sales tax, which becomes effective on July 1, 2020. However, with severely curtailed revenues, the primary focus for the FY 2020/21 budget will be on maintaining essential services and funding debt and other known liabilities, and will likely require funding for capital projects to be deferred until the latter part of FY 2020/21 or FY 2021/22.

Next steps

Staff seeks direction from Council regarding the 5 Year CIP and the inclusion of any additional projects that should be incorporated into the document. In addition, staff seek Council direction regarding the prioritization of projects for FY 2020/21. Staff will incorporate feedback from Council into the FY 2020/21 CIP and present the document to Council In May so that the document may then be referred to the Planning Commission for a General Plan consistency review as required by State law and the City's Municipal Code.

FISCAL IMPACT:

The FY 2019/20 Capital Budget of \$1.7 million in new funding represented 7% of citywide expenditures. It is the intent of staff to allocate a similar amount of funding in FY 2020/21; however, staff anticipates that FY 20-21 revenues will be at least \$2 million less the FY 2019/20 budget making it fiscally challenging to fund capital projects next fiscal year.

PRIOR CITY COUNCIL ACTION:

None for Fiscal Year 2020/21.

ATTACHMENTS:

Attachment #1 - Preliminary 5 Year Capital Improvement Plan

[illegible]



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 7, 2020
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Ordinance temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic.

RECOMMENDATION:

1. Request a reading of the title of the Ordinance
2. Motion to waive further reading and introduce Ordinance 2020-002, temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic.

BACKGROUND/SUMMARY:

In December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19").

On or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

On March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County.

On March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic.

On March 12, 2020, based on these events, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City.

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-

19”).

On March 17, 2020, the Governor issued Executive Order N-28-20, which waived any provisions of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions, including but not limited to Civil Code Sections 1940 et seq. or 1954.25 et seq., until May 31, 2020, unless extended.

Carmel by-the-Sea Municipal Code Section 2.64.060 provides, in part, that:

“6. In the event of the proclamation of a local emergency as provided in this chapter, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director is empowered:

a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;”

On March 23, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-1 staying evictions in the City to protect life, property and civil order and a copy of Order 20-1 is attached to the Resolution. The Order 20-1 Staying Evictions in the City was issued pursuant to the authority granted to the Director of Emergency Services by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor.

On March 30, 2020, the City Council adopted a Resolution ratifying Order No. 20-1. This Ordinance is intended to provide support in addition to Order 20-1 for the staying of evictions according to the terms of this Ordinance.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator’s Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus (“COVID-19”).

On March 30, 2020, the City Council adopted a Resolution ratifying Order No. 20-1 Staying Evictions.

ATTACHMENTS:

Attachment #1 - Ordinance 2020-002 Temporarily Prohibiting Evictions of Tenants

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2020-002

AN ORDINANCE TEMPORARILY PROHIBITING EVICTIONS OF TENANTS ARISING FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and.

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, based on said events, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, which authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the County of Monterey Health Officer issued a "Shelter in Place" Order requiring, among other things, that people self-isolate in their places of residence.

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued a shelter in place order for the entire State of California; and

WHEREAS, in order to comply with the shelter in place orders, and for their own safety, City residents must have access to permanent housing; and

WHEREAS, the COVID-19 pandemic and associated public health and shelter in place orders are expected to result in the closure of most local businesses for the foreseeable future, and result in extreme restrictions on other local businesses, resulting in commercial tenants suffering a significant decrease in income; and

WHEREAS, without local protection, eviction notices for failure to pay rent are likely to surge as residents and businesses are unable to earn income due to the pandemic, or are forced to pay substantial medical expenses associated with the pandemic; and

WHEREAS, particularly given the high cost of housing, evictions of tenants, could lead to long term or permanent displacement, impacting the health and safety of these tenants, as well as the City; and

WHEREAS, the City Council is concerned that, during the COVID-19 pandemic, eviction notices and threats of eviction will surge; and

WHEREAS, the City has determined that it is appropriate to temporarily prohibit evictions until the authorization to suspend evictions under Executive Order N-28-20 terminates or the City Council declares an end to the local emergency, whichever occurs first, for any tenant who can demonstrate that they are being evicted for the failure to pay rent and that such failure is a direct impact of the COVID-19 pandemic, as provided in Governor Newsom's Executive Order N-28-20 which is attached to this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1. Incorporation of Findings. The City Council of the City of Carmel by-the-Sea incorporates the findings above by reference as though fully set forth here.

Section 2. Codification. This Ordinance shall not be codified in the Carmel by-the-Sea Municipal Code.

Section 3. CEQA. The City Council hereby finds that the action to adopt this Ordinance will not result in any change in the environment and thus is not a project subject to the requirements of CEQA. Further, even if the action to adopt this Ordinance was deemed to be a project subject to CEQA, the City Council finds the proposed Ordinance is exempt from CEQA under the common sense exemption set forth in Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and thus where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to Cal. Gov. Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. Pursuant to City Municipal Code Section 2.64.060, the Director of Emergency Services has the authority to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, so long as such rules and regulations must be confirmed at the earliest practicable time by the city council. The City Council also thus finds and determines that it has the authority to enact this ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code and the declaration of local emergency issued by the City Council on March 13, 2020.

Section 5. Director of Emergency Services Order 20-1. On March 23, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-1 staying evictions in the City to protect life, property and civil order. On March 30, 2020, the City Council adopted a Resolution ratifying Order No. 20-1. This Ordinance is intended to provide support in addition to Order 20-1 for the staying of evictions according to the terms of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 7th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

ATTACHMENT A

SECTION 1: PURPOSE.

This Ordinance ("Ordinance") temporarily prohibits evictions until the authorization to suspend evictions under Executive Order N-28-20 terminates or the City Council declares an end to the local emergency, whichever occurs first, of residential tenants, commercial tenants and non-residential tenants who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus (COVID-19) pandemic or any local, state, or federal government response to the pandemic.

SECTION 2: DEFINITIONS.

The following words and phrases, whenever used in this Ordinance, shall be construed as follows:

1. "Dwelling Unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one or more persons who maintain a household or common household.
2. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Dwelling Unit or portion thereof or any building or structure of any kind which a business occupies to conduct its business.
3. "Owner" means any person, acting as principal or through an agent, offering a Dwelling Unit for rent, and includes a predecessor in interest to the owner.
4. "Pandemic" means the 2020 novel coronavirus (COVID-19) pandemic.
5. "Tenant" means any person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit or any person or business entitled by written or oral agreement, or by sufferance, to use or occupy a building or structure to conduct its business.

SECTION 3: PROHIBITION ON EVICTIONS.

A. A landlord of any Dwelling Unit or Dwelling Units or of any building or structure occupied by a business shall not terminate or attempt to terminate a lawful tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the coronavirus pandemic or any local, state, or federal government response to the pandemic.

B. This Ordinance shall also apply to a landlord's action that constitutes constructive eviction under California law. Terminations that are required to comply with an order issued by a government agency or court requiring that the real property be vacated are excepted from this prohibition.

C. To take advantage of the protections afforded under this Ordinance, a tenant must do all of the following:

1. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment. For purposes of this Ordinance, "writing" shall include emails, text messages, or other forms of electronic communication with landlord or landlord's representative.

2. Pay the portion of rent that the tenant is able to pay.

3. Demonstrate through documentation or other objectively verifiable means that the tenant has experienced:

- (a) Substantial loss of income from: (1) job loss; (2) layoffs; (3) a reduction in the number of compensable hours of work; (4) a store, restaurant, office, or business closure; (5) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (6) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (7) other similarly-caused loss of income that resulted from the pandemic; or

- (b) Substantial out-of-pocket medical expenses related to the pandemic.

D. Tenants who were afforded eviction protection under this Ordinance shall have up to sixty (60) days after the termination of this Ordinance to pay their landlord all unpaid rent.

E. Nothing in this Ordinance waives a tenant's obligations to pay back rent owed once this Ordinance is no longer effective; provided, however, that a landlord may not file an unlawful detainer action based on the failure to pay rent while this Ordinance is in effect unless the tenant fails to pay rent when due under Section 3 D of this Ordinance.

F. Nothing in this Ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due once this Ordinance is no longer effective.

G. This Ordinance shall not apply to any of the following circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.

2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

3. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

SECTION 4: ENFORCEMENT.

A. In the event of a violation of this Ordinance, a Tenant who has been improperly served with notice of an eviction or an unlawful detainer action may institute a civil proceeding for an injunction, and the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs if so ordered by the court.

B. This Ordinance may be asserted as an affirmative defense in an unlawful detainer action.

C. A landlord's failure to comply with this Ordinance does not constitute a criminal offense but may subject an owner to civil fines and penalties as set forth in the Carmel-by-the-Sea Municipal Code.

D. The remedies provided in this Ordinance are in addition to any other existing remedies that may be available to a Tenant under local, state, or federal law or equity and in no way limit such existing remedies, if any.

SECTION 5: WAIVER.

A Landlord may request that the requirements of this Ordinance be waived or modified based on a showing that applying the requirements would have an unconstitutional application to the Landlord's property. A Landlord shall bear the burden of presenting evidence to support any such request for waiver or modification and shall set forth in detail the factual and legal basis for the claim, including all supporting documentation, for consideration by the City Council.

SECTION 6: EFFECTIVE DATES.

This Ordinance applies to eviction notices and unlawful detainer actions based on notices served or filed on or after the effective date of this Ordinance. The prohibitions on evictions shall continue to apply until the authorization to suspend evictions under Executive Order N-28-20 attached hereto terminates or the City Council declares an end to the local emergency, whichever occurs first.

SECTION 7: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

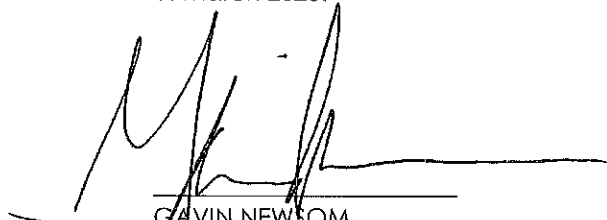
Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 16th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-1 STAYING EVICTIONS IN
THE CITY OF CARMEL BY-THE-SEA**

WHEREAS, Pursuant to Carmel-by-the-Sea Municipal Code ("CMC") Section 2.64.050 , as City Administrator of the City of Carmel-by-the-Sea ("City"), I serve as the Director of Emergency Services for the City; and

WHEREAS, In December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, On March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, On March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, On March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, On March 17, 2020, the Governor issued Executive Order N-28-20, which waived any provisions of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions, including but not limited to Civil Code Sections 1940 *et seq.* or 1954.25 *et seq.*, until May 31, 2020, unless extended. A copy of Executive Order N-28-20 is attached hereto as Exhibit 1 and is hereby incorporated by reference; and

WHEREAS, In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order 20-1 to protect life, property and civil order and I am issuing this Order 20-1 pursuant to the authority granted to me by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor.

NOW, THEREFORE, AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF CARMEL BY-THE-SEA, I HEREBY ISSUE THE FOLLOWING ORDER:

SECTION 1. This Order hereby incorporates by reference as though fully set forth here the above recitals and Exhibit 1 attached hereto.

SECTION 2. A temporary moratorium on eviction for non-payment of rent, by any residential tenant, any commercial tenant, and/or any non-residential tenant, impacted by the COVID-19 crisis is imposed as set forth herein.

SECTION 3. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to Financial Impacts related to COVID-19.

SECTION 4. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above in Section 2 shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.

SECTION 5. A landlord knows of a tenant's inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to Financial Impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text, as well as traditional written communication. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

SECTION 6. Tenants who were afforded eviction protection under this section shall have up to sixty (60) days after the termination of this Order to pay their landlord all unpaid rent.

SECTION 7. Nothing in this section waives a tenant's obligations to pay back rent owed once this Order is no longer effective; provided, however, that a landlord may not file an unlawful detainer action based on the failure to pay rent while this Order is in effect unless the tenant fails to pay rent when due under Section 6 of this Order.

SECTION 8. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, nor restrict a landlord's ability to recover rent due.

SECTION 9. For purposes of this Order, "financial impacts related to COVID-19" ("Financial Impact") include nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; provided that, the Financial Impact was caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19, and is documented.

SECTION 10. For purposes of this Order, "no-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c. This order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a Local Emergency was proclaimed.

SECTION 11. This Order shall be punishable as set forth in the CMC Section 1.16.010. In addition, this Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order.

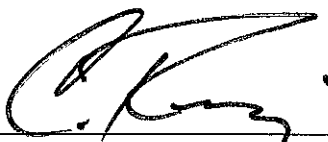
SECTION 12. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant.

SECTION 13. This Order shall be in force and effect until May 31, 2020, until and unless superseded by a duly enacted Ordinance or Resolution of the City Council of the City or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order. Should the Governor extend Executive Order N-28-20, this Order will continue automatically beyond May 31, 2020 to the date of the Governor's extension unless superseded.

SECTION 14. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Order. I hereby declare that I would have issued this Order and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

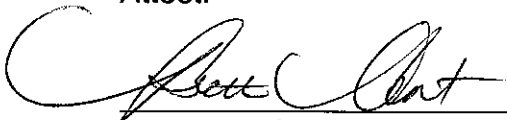
SECTION 15. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

This Order is hereby issued on March 23, 2020 at 3:37 pm



Chip Rerig, Director of Emergency Services

Attest:



Britt Avrit, City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

Attachment 1

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

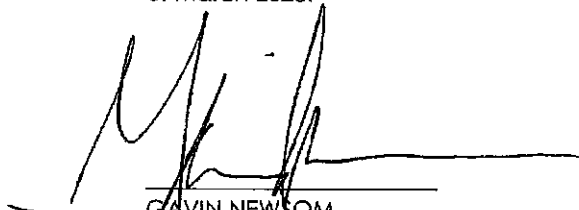
Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 16th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders, as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



Attachment 1

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State