

**MINUTES
REGULAR MEETING
CARMEL-BY-THE-SEA**

Tuesday, April 04, 2017

CALL TO ORDER AND ROLL CALL

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

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

Absent: None

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

Mayor Dallas announced the Closed Session items.

CLOSED SESSION

- Item 1:** LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance, General Employees, Management, Police
- Item 2:** PUBLIC EMPLOYEE PERFORMANCE REVIEW
Government Code Section 54957
Title: City Administrator
- Item 3:** LITIGATION ONE MATTER
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
54956.9(c)
Order Instituting Investigation and Order to Show Cause on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with respect to Facilities Records for its Natural Gas Distribution System Pipelines. Investigation 14-11-008 (Filed November 20, 2014)
- Item 4:** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Joanna Pfeister, Appellant/Petitioner v. City of Carmel-by-the-Sea et al,
Respondent/Real Party in Interest Appellate District Court of Appeal - Appeal Case No. H040250
- Superior Court Case No. M93437

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: State Farm General Insurance Company, Plaintiff v. City of Carmel-by-the-Sea, and Does I through 10, Defendant - Monterey County Superior Court Case No. 16CV002381
- Item 5:** REAL PROPERTY NEGOTIATIONS – LEASE
Pursuant to Government Code Section 54956.8
Between Chip Rerig, Carrie Theis, and Carolyn Hardy and Sunset Cultural Center, Inc.

No Public Comments.

Council adjourned to closed session at 3:01 p.m.

OPEN SESSION

Council resumed in Open Session at 4:40 p.m.

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

Absent: None

Staff: Ashlee Wright, City Clerk
Chip Rerig, City Administrator
Paul Tomasi, Public Safety Director
Gaudenz Panholzer, Monterey Fire Chief
Janet Bombard, Library and Community Activities Director
Sharon Friedrichsen, Budget and Contracts Director
Marc Weiner, Community Planning and Building Director
Maxine Gullo, Human Resources Manager
Rob Culver, Public Works Superintendent
Agnes Topp, Environmental Compliance Manager
Sherman Low, City Engineer
Catherine Tarone, Assistant Planner

PLEDGE OF ALLEGIANCE

Chief Panholzer led the Pledge of Allegiance.

EXTRAORDINARY BUSINESS

Public Works Superintendent Rob Culver introduced the City's new Environmental Compliance Manager Agnes Topp.

PUBLIC APPEARANCES

The following members of the public spoke during public appearances: Chilone Payton, Lauren Banner, Cynthia Buell, Jeff Baron, Ellen Gannon, and Monta Potter.

---End Public Appearances---

ANNOUNCEMENTS

Item A: Announcements from Closed Session.

City Attorney Don Freeman reviewed the Closed Session items. Item 1: Council received update, no announcements; Item 2: no announcements; Item 3: Council received update, hoping to have a formal announcement at the next meeting; Item 4: Pfeister case should be concluded; there may be an appeal; Item 5: no announcement.

Item B: Announcements from City Council Members

Councilmember Reimers provided an update on the City Attorney recruitment; Council will consider qualified applicants in May.

Item C: Announcements from City Administrator - None

Item D: Announcements from City Attorney – None

CONSENT AGENDA

City Administrator Chip Rerig read the Consent Agenda.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council approved the consent agenda with the exception of Items 7, 10, and 11.

Item 1: Check Register for February 2017. **Approved 5:0**

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

Item 3: SR 2017-034 Consideration of a resolution 1. authorizing the Carmel Public Library Foundation's annual Sterling Circle event to be held at the library; 2. approving the serving of alcohol at the event; and 3. authorizing the City's insurance carrier to cover the event. **Adopted Resolution 2017-026, 5:0**

Item 4: SR 2017-035 Consider a resolution rescinding City Policy C95-08: Use of City Council Discretionary Account for Expenses Associated with Co-Sponsored Events. **Adopted Resolution 2017-027, 5:0**

Item 5: SR 2017-036 Consideration of a resolution 1. authorizing the closures of Dolores Street between Ocean and 7th Avenues, and 7th Avenue between Dolores and San Carlos Streets for the 25th Annual Winemakers' Celebration event and 2. authorizing the consumption of alcohol at the event. **Adopted Resolution 2017-028, 5:0**

Item 6: SR 2017-037 Consideration of a resolution authorizing a VIP wine reception on Mission Street during the Carmel Art Festival Friday May 19, 2017 from 6:00 p.m. to 9:00 p.m., and the closure of Mission Street between Ocean and 6th Avenues for the event. **Adopted Resolution 2017-029, 5:0**

Item 8: SR 2017-039 Consideration of a resolution accepting a \$16,875 Board of State and Community Corrections (BSCC) 2016 City Law. **Adopted Resolution 2017-032, 5:0**

Item 9: SR 2017-040 Consideration of a resolution authorizing a retroactive extension of the Paramedic Service Provider Agreement between the County of Monterey and Carmel-by-the-Sea. **Adopted Resolution 2017-033, 5:0**

Item 12: SR 2017-043 Authorize a budget adjustment of \$91,000 to fund the Junipero and Fifth Avenue Storm Drain project. **Adopted Resolution 2017-035, 5:0**

Item 13: SR 2017-044 Consideration of a resolution adopting the Memorandum of Understanding (MOU) between the City and Carmel-by-the-Sea Police Officers' Association for the period January 1, 2017 through June 30, 2019 and authorize the City Administrator to execute the Memorandum of Understanding and adopt the Police Officer Association classifications salary plan in accordance with Municipal Code 2.52.520. **Adopted Resolution 2017-039, 5:0**

Item 14: SR 2017-045 Consideration of a resolution rejecting bids for the installation of a water meter for the Fourth Avenue Irrigation Meter Project. **Adopted Resolution 2017-036, 5:0**

Councilmember Reimers pulled items 7 and 11. Mayor Dallas pulled Item 10.

Item 7: SR 2017-038 Award a Construction Contract to Monterey Peninsula Engineering for the 2016-17 Sidewalk Repair Project in an amount not to exceed \$162,877 and authorize a budget transfer for an amount not to exceed \$70,877.

Councilmember Reimers asked a question about the noncommercial section of San Carlos and 9th. Public Works Superintendent Rob Culver provided clarification. Councilmember Hardy had questions about project management and contingencies which were addressed by the City Administrator.

There were no public comments.

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Hardy, Council moved to award a Construction Contract to Monterey Peninsula Engineering for the 2016-17 Sidewalk Repair Project in an amount not to exceed \$162,877 and authorize a budget transfer for an amount not to exceed \$70,877. **Adopted Resolutions 2017-030 and 2017-031, 5:0**

Item 10: SR 2017-041 Consideration of a resolution amending the 2017 Council meeting calendar.

Mayor Dallas asked to change only the proposed August date, keeping the October date as it presently is.

Public Comments

No public comments.

—End Public Comment—

Action: Upon a motion made by Councilmember Reimers, seconded by Mayor Dallas, Council moved to amend the August date only. **Adopted Resolution 2017-034, 5:0**

Item 11: SR 2017-042 Consideration of a resolution authorizing the placement of a commemorative plaque in the lobby of City Hall to recognize Friends of Carmel Forest Centennial Tree donors.

Councilmember Reimers asked for a delay on considering the item in order to consider other Centennial donors.

Public Comments

Barbara Livingston spoke to the item.

—End Public Comment—

Council discussed the item further.

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Richards, Council moved to table the item. **Tabled, 5:0**

ORDERS OF BUSINESS

- Item 15:** SR 2017-046 Consideration of the consolidation of the 2018 municipal election with statewide general election.

City Clerk Ashlee Wright presented the staff report.

Public Comments

Ben Beesley, Jeff Baron, Ruth, and Barbara Livingston spoke to the item.

--End Public Comment--

The City Council discussed the issue.

Action: Upon a motion made by Councilmember Richards, seconded by Councilmember Reimers, Council moved direct staff to initiate the process of consolidating City of Carmel-by-the-Sea general municipal election with the statewide general election held in November of every even-numbered-year. **Approved, 5:0**

PUBLIC HEARINGS

- Item 16:** SR 2017-047 1. Consideration of a Resolution of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Carmel-by-the-Sea; and 2. Waive reading in full and introduce on first reading an Ordinance authorizing an amendment to the provisions of municipal code section 2.56 (Retirement System) and approving an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Carmel-by-the-Sea to provide section 20516 (employees sharing additional cost) of 3% for Safety (Police) and Safety (Fire) members.

City Administrator Chip Rerig presented the staff report and updated the Council.

No Public Comments.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council moved to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Carmel-by-the-Sea; and 2. Waive reading in full and introduce on first reading an Ordinance authorizing an amendment to the provisions of municipal code section 2.56 (Retirement System) and approving an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Carmel-by-the-Sea to provide section 20516 (employees sharing additional cost) of 3% for Safety (Police) and Safety (Fire) members. **Adopted, Resolution 2017-037, Introduced on 1st reading, 5:0**

- Item 17:** SR 2017-049 Consideration of an ordinance (first reading) and resolution authorizing implementation and membership in Monterey Bay Community Power Authority, a Community Choice Aggregation Program.

Councilmember Reimers recused herself for this item because she had a conflict.

Budget and Contracts Director Sharon Friedrichsen presented the staff report and responded to questions.

Public Comments

Ann Nelson spoke to the item.

--End Public Comment--

Tim Flanagan of the CPUC spoke to the item.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council moved to:

1. Adopt a resolution establishing the Monterey Bay Community Power Authority and approving the City of Carmel-by-the-Sea as a founding member.
 2. Waive reading in full and introduce, on first reading, an ordinance authorizing the implementation of a Community Choice Energy program in Carmel-by-the-Sea.
 3. Direct staff to move forward on discussions and participation for the City of Carmel-by-the-Sea's share of the credit guarantee in an amount not to exceed \$30,000; and,
 4. At a future meeting appoint two representatives of the Carmel-by-the-Sea City Council to serve as a primary and alternate on the newly formed Monterey Bay Community Power Board of Directors.
- Adopted **Resolution, 2017-038, 4:0:1 (Reimers recusal)**

Item 18: SR 2017-048 Consideration of an Ordinance (Second Reading) amending Municipal Code Sections 17.14 (Commercial Zoning Districts) and 17.68 (Use Classifications) in order to modify the restaurant and food store regulations

Councilmember Reimers recused herself because of owning property affected by this ordinance.

No Public Comments.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to approve an Ordinance (Second Reading) amending Municipal Code Sections 17.14 (Commercial Zoning Districts) and 17.68 (Use Classifications) in order to modify the restaurant and food store regulations. **Adopted, Ordinance 2017-003, 4:0:1 (Reimers recusal)**

Item 19: SR 2017-050 Consideration of an Ordinance (First Reading) amending Municipal Code Sections 17.08 (Residential Zoning District) and 17.68 (Use Classifications) pertaining to accessory dwelling units in response to recently adopted state legislation.

Community Planning and Building Director Marc Weiner presented the staff report and addressed questions from the Council.

--Public Comments--

Brian Congleton, Jeff Baron and Barbara Livingston spoke to the issue.

--End Public Comments--

Weiner and City Attorney Don Freeman clarified concerns raised by Councilmember Reimers.

Action: Upon a motion made by Councilmember Richards, seconded by Councilmember Hardy, Council moved to approve the First Reading of an Ordinance amending Municipal Code Sections 17.08 (Residential Zoning District) and 17.68 (Use Classifications) pertaining to accessory dwelling units in response to recently adopted state legislation. **Introduced on 1st reading, 5:0.**

Council took a recess at 6:30 p.m.; meeting resumed at 6:40 p.m.

Item 20: SR 2017-051 Consideration of an appeal of the Planning Commission's decision to approve a Design Study (DS 16-239) application for the construction of a 165-square-foot bedroom addition to south (rear) of the residence and the enlargement of an existing deck on a property located in the Single-Family Residential (R-1) Zoning District. The applicants are Tom and Irene McLaughlin. The appellant is Hongxia Liu.

Catherine Tarone, Assistant Planner, provided the staff report and addressed questions from the Council.

Appellant Hongxia Lui spoke to the item.

Brian Congleton spoke to the item on behalf of the applicant.

Public Comments-None

Council discussed followed. Hongxia Lui and Brian Congleton responded to Council questions.

Council took a recess at 7:30 p.m.; meeting resumed at 7:35 p.m.

Council discussion followed.

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council approved denying the appeal in part and approve the appeal in part, adding the new condition that the applicant work with staff to create a privacy deck enclosure. **Approved 4:1 (Dallas not in favor)**

FUTURE AGENDA ITEMS

Study session for mission statement/strategic plan.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk