

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

Tuesday, February 7, 2017

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting to order at 4:30 PM.

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

Absent: None

Staff: Chip Rerig, City Administrator
Don Freeman, City Attorney
Ashlee Wright, City Clerk
Guadenz Panholzer, Monterey Fire Chief
Sharon Friedrichsen, Director of Budget and Contracts
Janet Bombard, Library and Community Activities Director
Marc Weiner, Community Planning and Building Director
Paul Tomasi, Public Safety Director

PLEDGE OF ALLEGIANCE

Monta Potter, Carmel Chamber of Commerce, led the pledge of allegiance.

EXTRAORDINARY BUSINESS

Item A: Maria Sutherland Mission Trail Nature Preserve, Mt. View Entrance – Presentation

A video presentation of the Mission Trail Nature Preserve, Mt. View Entrance project was played for the Council and members of the public.

Public Comments

The following members of the public spoke on this item: Skip Lloyd

---End Public Comments---

Item B: Appointments of Council liaisons to City Boards and Commissions

Mayor Dallas appointed members of the Council to serve as liaisons to the City's Boards and Commissions as follows: Councilmember Hardy was appointed to serve as a liaison to the Community Activities and Cultural Commission, Councilmember Reimers was appointed serve as a liaison to the Harrison Memorial Library Board of Trustees, Mayor Pro Tem Theis was appointed to serve as a liaison to the Forest and Beach Commission, Councilmember Richards was appointed to serve as a liaison to the Historic Resources Board, and Mayor Dallas appointed himself to serve as a liaison to the Planning Commission and to serve as a liaison to each of the Boards and Commissions on a rotating basis.

PUBLIC APPEARANCES

The following members of the public spoke: Christopher Thomas, Stephen Moorer, Jen Frakerson, Ben Beesly.

---End Public Appearances---

ANNOUNCEMENTS

Item A: Announcements from Closed Session

City Attorney Don Freeman announced the Closed Session items discussed during the Closed Session meeting held Monday, February 6, 2017.

Item 1: PUBLIC EMPLOYEE PERFORMANCE REVIEW
Government Code Section 54957
Title: City Administrator

Item 2: LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance, General Employees, Management, Police

Item 3: REAL PROPERTY NEGOTIATIONS – LEASE
Pursuant to Government Code Section 54956.8
Between Chip Rerig, Carrie Theis, and Carolyn Hardy and Sunset Cultural Center, Inc.

Item 4: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Chilone Payton vs. City of Carmel-by-the-Sea, CA
Monterey Superior Court Case No. 16CV003820

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: City of Carmel-by-the-Sea, California, a municipal corporation, Plaintiff v. Pacific Harvest Seafoods, Inc. and Does 1 through 20, Defendants, Santa Clara County Case No. 16CV296492

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Jacqueline Simonelli, Antonio C. Simonelli, Petitioners/Plaintiffs v. City of Carmel-by-the-Sea, California, Christopher Tescher, Dennis Levett, Pot D'Oro, LLC, and Doe 1 through Doe 100, inclusive, Respondents/Defendants Monterey County Superior Court Case No. M123079

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Gerit Sand; Cobblestone Bakery, a sole proprietorship, Plaintiff v. City of Carmel-by-the-Sea, Defendant - Monterey County Superior Court Case No. M130393

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 1 through 10, Defendant - Monterey County Superior Court Case No. 16CV002381

- Item 5: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9(d)(2): 1 case

City Attorney Don Freeman announced that the Council received updates on Items 1-5 and that there were no announcements for the public.

Item B: Announcements from City Council Members

- a. Report from Councilmember Hardy – League of California Cities New Mayors and Council Members Academy

Councilmember Hardy announced that she, Councilmember Reimers, Mayor Pro Tem Theis, and Mayor Dallas had attended the League of California Cities New Mayor and Council Member Academy and that a report of their activities was included in the agenda packet. Councilmember Hardy announced that Monterey-Salinas Transit (MST) had broken ground on their Ryan Ranch facility; that MST would be purchasing 25 new buses; that the air district had helped purchase zero emissions vehicles; and that MST is in need of drivers and mechanics.

Item C: Announcements from City Administrator

City Administrator Chip Rerig announced that there was a correction to SR 2017-016: Carmel Art Festival is the organization requesting grant funds, not the Carmel Art Association.

Item D: Announcements from City Attorney

City Attorney Don Freeman announced that he would be retiring in 2017.

CONSENT AGENDA

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Reimers, Council approved the consent agenda with the exception of Item 4:

- Item 1:** Consider and approve draft minutes for the December 6, 2016, draft minutes for the special Council meeting held December 15, 2016, draft minutes for the Council orientation held December 15, 2016, draft minutes for the regular Council meeting held January 3, 2017, and draft minutes for the special Council meeting held January 5, 2017. **Approved, 5:0**

- Item 2:** Check Register for December 2017. **Approved, 5:0**

- Item 3:** Monthly Reports for December 2016. **Approved 5:0**

Councilmember Reimers commented on the Forester's report.

The following item was pulled by Councilmember Richards and considered separately by Council:

- Item 4:** SR 2017-015 Award a Construction Agreement to Monterey Peninsula Engineering, a Partnership, for the Sunset Center Guard Rail Project in a Total Amount Not to Exceed \$50,000 and authorize a budget adjustment of \$18,450.

City Administrator Chip Rerig provided the staff report and responded to questions from Council.

Public Comment

The following members of the public spoke on this item: Sue McCloud.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Councilmember Richards, seconded by Councilmember Hardy, Council moved to remand this item back to staff. **5:0**

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

Item 5: SR 2017-016 Adopt a resolution authorizing Fiscal Year 2016/17 Special Event Support Program grant funding in the amount of \$13,000 to the Carmel Art Festival for the Carmel Art Festival event to be held May 18 - May 21, 2017.

City Administrator Chip Rerig provided an introduction and Library and Community Activities Director Janet Bombard provided the staff report and responded to questions from Council.

Public Comment

The following members of the public spoke on this item: Hella Rothwell, Stephen Whyte, and Monta Potter.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Dallas, Council moved to Authorize fiscal year 2016/17 Special Event Support grant program funding in the amount of \$13,000 to the Carmel Art Festival. **Adopted Resolution 2017-013, 5:0**

Item 6: SR 2017-017 Consider a resolution authorizing the following changes to the City's annual Fourth of July Celebration event: 1. close Mission Street between Ocean and 6th Avenues for the event; 2. relocate food tables/booths to Mission Street between Ocean and 6th Avenues; 3. incorporate a broader range of food choices into the event; and 4. allow food providers to charge for food if they so choose.

City Administrator Chip Rerig provided an introduction and Library and Community Activities Director Janet Bombard provided the staff report and responded to questions from Council.

Public Comment – None

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Reimers, Council moved to authorize the following changes to the City's Annual Fourth of July Celebration event: 1. Close Mission Street between Ocean and 6th Avenues for the event, 2. Relocate food tables/booths to Mission Street between Ocean and 6th Avenues, and 3. Allow non-profit food providers to charge for food if they so choose.

Adopted Resolution 2017-012, 5:0

PUBLIC HEARINGS

Item 7: SR 2017-018 Consideration of an Ordinance (Second Reading) amending Municipal Code sections 17.14 and 17.68 to: 1) Require a conditional use permit for certain land uses, 2) Add new land use definitions, 3) Add use permit voting requirements, and 4) Add an allowance for authorization of temporary uses on private property.

Councilmember Reimers recused herself from consideration of this item because she had previously voted on the item while a member of the Planning Commission. She stepped down from the dais.

Public Comment – None

There was no Council discussion.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to waive reading in full and adopt on second reading an ordinance amending Municipal Code sections 17.14 and 17.68 to: 1) Require a conditional use permit for certain land uses, 2) Add new land use definitions, 3) Add use permit voting requirements, and 4) Add an allowance for authorization of temporary uses on private property. **Adopted Ordinance 2017-001, 4:0:1** (Councilmember Reimers recused.)

Councilmember Reimers re-entered the Council Chamber and took her seat at the dais.

Item 8: SR 2017-019 Consideration of an Ordinance (Second Reading) amending Title 5, Business Taxes, Licenses and Regulations, of the Municipal Code amending Chapter 5.04 (General Licensing Provisions), Chapter 5.16 (Bingo Games) and Chapter 5.28 (Filming).

Public Comment – None

Director of Budgets and Contracts Sharon Friedrichsen responded to questions from Council.

Action: Upon a motion made by Councilmember Reimers, seconded by Mayor Pro Tem Theis, Council moved to waive reading in full of the second reading of an ordinance amending Title 5, Business Taxes, Licenses and Regulations of the City's Municipal Code amending Chapter 5.04 (General Licensing Provisions), Chapter 5.16 (Bingo Games) and Chapter 5.28 (Filming). **Adopted Ordinance 2017-022, 5:0.**

FUTURE AGENDA ITEMS

- Flanders Mansion update

ADJOURNMENT

There being no further business, Mayor Dallas adjourned the meeting at 6:25 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk