

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

Tuesday, February 2, 2016

Mayor Burnett called the meeting to order at 4:30pm.

ROLL CALL:

Present: Council Members Beach, Dallas, Talmage, Theis and Mayor Burnett

Absent: None

Staff Present: Mike Calhoun, Interim City Administrator
Rob Mullane, Public Works Director
Don Freeman, City Attorney
Paul Tomasi, Commander
Marc Weiner, Interim Planning Director
Sharon Friedrichsen, Director of Budgets and Contracts
Paul Wood, Finance Manager
Ashlee Wright, City Clerk

EXTRAORDINARY BUSINESS

Item 1: Community Recognition: Centennial Kick-off Ceremony

Mayor Burnett recognized the Centennial Committee for their work and noted that the Centennial Kick-off Ceremony was well attended.

Item 2: New Employee Introduction: Jermel Laurie, Building Inspector and David DiMaggio, Police Officer

Marc Weiner introduced Building Inspector Jermel Laurie to the Council and community. Mike Calhoun introduced Police Officer David DiMaggio to the Council and community.

ANNOUNCEMENTS

Council Member Beach stated that an award of excellence for bike lane project on Rio Road had been awarded and reported that the FORA Regional Urban Design Guidelines Task Force was in the final stages of releasing draft guidelines and making them available to the public online.

Council Member Dallas thanked Public Works and Forestry staff for all of their hard work on the City's trees.

Mayor Burnett noted that tree planting is up from last year and he provided a brief report on peninsula water issues.

Mayor Pro Tem Talmage provided supplemental information to Mayor Burnett's water issues announcement.

Mayor Burnett provided an update on the ongoing PG&E investigation.

Council Member Beach stated that there is a movement in the state to fund or reimburse interveners like the City of Carmel in cases like the ongoing PG&E investigation.

Mayor Burnett announced that he is giving a portion of his remaining campaign money to the Carmel Public Library Foundation for an oral history project.

City Attorney Don Freeman provided Closed Session announcements and stated that the Council had received an update on the ongoing PG&E investigation and provided direction and stated that Council had received updates on the Gerit Sands case and Pacific Seafood Harvest case.

Item 3: Centennial Committee Activities Update – Sue McCloud, Barbara Livingston, and Merv Sutton

Sue McCloud and Tom Brocato of the Centennial Committee provided an update on recent and upcoming activities.

Mayor Burnett apologized to the veterans for not consulting with them about placing the Centennial Kick-off banner on the World War I Memorial Arch.

PUBLIC APPEARANCES

Paul Rodriguez spoke about the World War I Memorial Arch.

Jeanne McCullough, Palmer Jerry, Doug Westfield, no name given, Mr. Dennis, no name given, Dave Daley, and Doris all spoke in favor of retaining wood-burning beach fires and working on a compromise.

Barbara Livingston spoke about beach clean-up and wood burning beach fires.

Maggie Eaton commented on the public process for the beach fires issue and thanked council and staff for their efforts.

---End Public Appearances---

Due to time constraints Public Appearances was suspended to receive Item 13.

Item 13: TAMC Presentation Investment Plan.

Todd Muck and Teresa Wright presented on the investment plan regarding countywide sales tax for road improvements and projects and noted that this was being presented to other peninsula City Councils.

Council discussion followed.

Public Comment

Sue McCloud, Barbara Livingston support factoring in tourism and thru traffic, including large trucks into the TAMC investment plan.

Stacy Meheen thanked the TAMC Board and staff for their hard work.

---End Public Comments---

Todd Muck provided clarifications and responded to questions.

Council discussion followed.

Action: Presentation received. The Council directed the Mayor to propose that TAMC add a third criteria of sales tax to their current formula of consisting of miles of road and population, and to propose this at the upcoming Mayor's meeting.

PUBLIC APPEARANCES –Resumed

Gloria Souza encouraged the City to support the arts by leasing City properties to local arts groups.

Richard Kreitman requested the removal of the bell currently hanging in the World War I Memorial Arch be added to the March Council Meeting agenda.

Stacy Meheen stated that the Rio Park project has shown how poor the cross walk is at Atherton and recommended that Council review it.

---End Public Appearances---

CONSENT AGENDA

Action: Upon a motion made by Council Member Dallas, seconded by Council Member Beach Council unanimously approved the Consent Calendar with the exception of Items 8, 10 and 12, as follows:

Item 4: Minutes for the November 19, 2015 Special Council Meeting, December 1, 2015 Regular Council Meeting, December 3, 2015 Special Council Meeting, December 29, Special Meeting, January 4, 2016 Special Council Meeting, and January 5, 2016 Regular Meeting. **Approved, 5:0**

Item 5: Check Register for the Month of December. **Approved, 5:0**

Item 6: Monthly Reports for the Month of December
a. Contracts executed within the City Administrator's Signing Authority
b. Community Planning and Building Department Reports
c. Police, Fire, Ambulance and Beach Reports
d. Public Records Act Request Logs – City Clerk and Police
e. Forester's Report
f. City Treasurer's Report
Accepted, 5:0

- Item 7:** AB 1085 Ratification of appointment to the Historic Resources Board.
Ratified, 5:0
- Item 9:** AB 1087 Consideration of a Resolution Authorizing the Submittal of an Application for the Beverage Container Recycling City/County Payment Program.
Adopted Resolution 2016-007, 5:0
- Item 11:** AB 1089 Authorization of Professional Services Agreements for Website Support and Code Enforcement for an Amount Not to Exceed \$64,000 for All Agreements. **Adopted Resolution 2016-008, Resolution 2016-009, 5:0**

Public Comment - None

Item 14 under Orders was taken up before Items 8, 10, and 12 pulled from the Consent Agenda.

ORDERS

- Item 14:** AB 1091 Consideration of the Appointment of Chip Rerig as City Administrator and Consideration of a Resolution Authorizing the Mayor to Execute an Employment Agreement between the City of Carmel-by-the-Sea and Chip Rerig, City Administrator.

Mayor Burnett provided information on the process undertaken by the Council to fill the position of City Administration and provided an introduction to City Administrator candidate Chip Rerig.

Public Comment

Richard Kreitman thanked Council for including in the contract that Council can contact staff, including contractors, for purposes of inquiry.

Brian Congleton and Barbara Livingston spoke in favor of Chip Rerig being appointed City Administrator.

---End Public Comments---

Action: Upon a motion made by Council Member Dallas, seconded by Council Member Beach, Council moved to adopt a resolution authorizing the Mayor to execute an employment agreement between the City of Carmel-by-the-Sea and Chip Rerig, City Administrator. **Adopted Resolution 2016-012, 5:0**

Mayor Burnett and Chip Rerig signed the contract and Council welcomed Chip.

Chip Rerig addressed the Mayor and Council.

Council Member Beach requested that the consideration of the hiring of a specialized consultant to facilitate the Council's annual evaluation of the City Administrator be brought back at a future Council Meeting.

CONSENT CALENDAR

The following items were pulled by members of the public or by a Council Member and taken up separately:

- Item 8:** AB 1086 Consideration of a Resolution Authorizing the City Administrator to enter into a service agreement with Proserve Facility Service for the cleaning of City owned facilities.

Public Works Director Rob Mullane responded to Council questions.

Council discussion followed.

Council requested that a log of reported janitorial issues be maintained and provided to Council with the monthly reports going forward.

Public Comments

None

---End Public Comments---

Action: Upon a motion made by Mayor Pro Tem Talmage, seconded by Council Member Dallas, Council moved to adopt a Resolution authorizing the City Administrator to enter into a service agreement with Proserve Facility Service for the cleaning of City owned facilities.

Adopted Resolution 2016-006 , 5:0

- Item 10:** AB 1088 Forest Theater Project construction update.

Public Works Director Rob Mullane responded to Council questions.

Council discussion followed.

Public Comments

Stacy Meheen stated that the City needed to remember the user groups and their schedules.

---End Public Comments---

Council requested that staff meet with contractors this week about change order delays and report back at the next Council meeting.

- Item 12:** AB 1090 Rio Park/Larsen Field Update: Authorize Professional Services Agreements for Permitting Related Services in an amount not to exceed \$57,000 and Provide Direction on Pathway Materials.

Mayor Burnett commented on pathway materials.

Public Comments

Sue McCloud spoke against the City undertaking this project at this time.

Stacy Meheen thanked the Council for moving the project forward.

Barbara Livingston asked the Council to consider the aesthetics of the pathway.

---End Public Comments---

Marc Weiner, Senior Planner and City Engineer Sherman Low responded to questions.

Council discussion followed.

Action: Upon a motion made by Council Member Beach, seconded by Council Member Theis Council moved to authorize a Professional Services Agreements for permitting related services in an amount not to exceed \$57,000, approve asphalt as the pathway material, and direct staff to focus on the planning aspects of the project with emphasis on the lot-line adjustment as a trigger for further project activity, to provide a list of potential funding partners, and to provide the total amount spent on the project to date and estimated additional project costs to the Council when this project is presented again for review in the future. **Adopted Resolution 2016-010, 5:0**

Mayor Burnett called a recess at approximately 7:50pm. At 8:05 the meeting resumed.

Item 15: AB 1092 Receive Mid-Year review report for FY15-16, and approve mid-year supplemental appropriation requests.

Paul Wood, Finance Manager provided the staff report.

Public Comments

Carolyn Hardy asked where the street repairs project funds appeared in the budget.

Barbara Livingston asked about the Marshall Plan funds for forest and beach care and how soon the City could remove stumps and replant trees.

---End Public Comments---

Paul Wood, Finance Manager and Sharon Friedrichsen, Director of Budgets and Contracts responded to questions.

Council discussion followed.

Action: Upon a motion made by Council Member Theis, seconded by Council Member Dallas, Council moved to accept the Mid-Year review report for FY15-16 and approve mid-year supplemental appropriation requests. **5:0, Resolution 2016-13**
Theis moved, Dallas second

Item 16: AB 1093 Consideration of a proposal from Pacific Repertory Theater to install an ADA accessible pathway on the west side of the Forest Theater.

Marc Weiner, Senior Planner presented the staff report.

Brian Congleton, architect for the project provided a presentation.

Council discussion followed.

Public Comments

Carol Hall and Barbara Livingston spoke in favor of this project moving forward.

Stacy Meheen, Carolyn Hardy and Cathy Spearlaney stated their concerns with the project.

---End Public Comments---

Council discussion followed.

Action: Upon a motion made by Mayor Pro Tem Talmage, seconded by Council Member Theis, Council moved to acknowledge that the anonymous donor has been a catalyst for the west pathway project, to continue to work on the terms of the gift with the donor to see this project to completion, start any approved construction after the close of the theater season in the fall, and to waive planning fees. **5:0**

PUBLIC HEARINGS

Item 17: AB 1094 Consideration of an appeal of the Planning Commission's denial of a Design Study (DS 15-327) application for the construction of a new rooftop deck on a single-family residence located in the Single-Family Residential (R-1) Zoning District. The application is being appealed by property owner: Cathryn Carlson. (pg. 153)

Catherine Tarone, Assistant Planner provided the staff report.

Council discussion followed.

Appellant Cathryn Carlson provided her appeal.

Public Comments

Roberta Miller and Dave Mosley spoke in favor of denying the appeal.

---End Public Comments---

Appellant Cathryn Carlson continued her appeal.

Catherine Tarone, Assistant Planner and Marc Weiner, Senior Planner responded to questions.

Council discussion followed.

Action: Upon a motion made by Council Member Beach, seconded by Mayor Burnett, Council moved to uphold the Planning Commission's decision with the additional finding and deny the appeal. **Denied, 4:1** (Council Member Dallas against)

FUTURE AGENDA ITEMS

- Hiring of specialized consultant to facilitate the Council's annual evaluation of the City Administrator
- Crosswalk at Atherton
- Scout House, Mission and 8th pathway/sidewalk contract

ADJOURNMENT: There being no further business, Mayor Burnett adjourned the meeting at 10:17 P.M.

APPROVED:


Jason Burnett, Mayor

ATTEST:


Ashlee Wright, City Clerk