

REGULAR MEETING
Tuesday, January 8, 2019

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Item A: City Administrator Announcements

Item B: City Attorney Announcements

Item C: Closed Session Oral Report in accordance with GC § 54957.1(a)

Item D: Councilmember Announcements

Councilmember Theis, Councilmember Reimers made remarks about the City Attorney, and thanked him for his service to the council and the City.

Councilmember Baron remarked that he didn't know Mr. Mozingo well, but that he wished him well.

Mayor Potter asked that the meeting be adjourned in memory of long-time Carmel resident Howard Brunn.

PUBLIC APPEARANCES

Jess – Carmel Youth Center

John Plastina

William Hood – ongoing harassment and violation of rights

Chris Hardy – Pescadero City Fire

Carol Hall – Carmel Residents Association

Cynthia Buell – Chamber of Commerce

Soerse Peters – Carmel Youth Center

Barbara Hood - ongoing harassment and violation of rights

Karen Ferlito – Cigarettes

Dale Byrne – Carmel Cares

Gary Hoffman – MPMWD District 5 representative

Richard Kreitmen

Lynn Ross

CONSENT AGENDA

Karen Ferlito asked to pull the Forester's Report (City is losing trees) and the Mail Delivery (\$70,000 seems high) items.

ACTION: Councilmember Reimers moved, seconded by Councilmember Baron, to approve the Consent Agenda.

AYES: RICHARDS, THEIS, REIMERS, BARON, POTTER

- Item 1:** Monthly Reports for November: 1.) City Administrator Contract Log; 2.) Community Planning and Building Department Reports; 3.) Police, Fire, and Ambulance Reports; 4.) Public Records Act Requests, and 5.) Forester Reports.
- Item 2:** November 2018 Check Register Summary
- Item 3:** Minutes of the November 27 Special, December 3 Special and December 4, 2018 Regular City Council Meetings.
- Item 4:** Resolution 2019-001, Adopting the Fiscal Year 2019-2020 Budget Schedule
- Item 5:** Resolution No. 2019-002, Authorizing a budget adjustment of \$15,000 from the Vehicle and Equipment Fund to purchase an all-terrain vehicle (ATV) and declare the existing ATV as surplus
- Item 6:** Resolution No. 2019-003, Authorizing the City Administrator to execute a professional services agreement with Peninsula Messenger Service for mail delivery services for a term of January 1, 2019 to December 31, 2019 in a total not to exceed the amount of \$70,200
- Item 7:** Resolution 2019-004, authorizing the City Administrator to execute a Memorandum of Understanding to join the Integrated Regional Water Management Group for the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

ORDERS OF BUSINESS

- Item 8:** Resolution 2019-005, Accepting the Independent Auditors' Report and Audited Financial Statements for the Fiscal Year Ending June 30, 2018

Sheldon Chavan presented the report.

ACTION: Councilmember Reimers moved, seconded by Councilmember Theis, to approve the Item 8.

AYES: RICHARDS, THEIS, REIMERS, BARON, POTTER

- Item 9:** Provide direction to staff on the Unfunded Accrued Liability (UAL) and endorse the participation in the Pension Rate Stabilization Program to pre-fund pension obligations and consider the adoption of Resolution 2019-006, authorizing City staff to issue a Request for Proposals for a Section 115 Trust.

City Administrator Rerig presented the staff report.

ACTION: Councilmember Richards moved, seconded by Councilmember Baron, to approve Item 9.

AYES: RICHARDS, THEIS, REIMERS, BARON, POTTER

PUBLIC HEARINGS

- Item 10:** Second Reading - Ordinance No. 2019-005, Adding Chapter 10.40.050 to the Municipal Code Prohibiting the Use of Shared Mobility Devices Within the City Of Carmel-by-the-Sea.

ACTION: Councilmember Theis moved, seconded by Councilmember Reimers, to approve the Consent Agenda.

AYES: RICHARDS, THEIS, REIMERS, BARON, POTTER

- Item 11:** Urgency Ordinance No. 2018-006 of the City of Carmel-by-the-Sea creating a program to regulate and permit sidewalk vending pursuant to California Senate Bill 946.

Ann Nielsen spoke in opposition
Richard Kreitman spoke in opposition
Karen Ferlito spoke in opposition
Bettina Taylor spoke in opposition
Mark DiOrio spoke in opposition
Stacy Steele spoke with concerns
Dale Byrne volunteered to make a mock-up

Todd Theis spoke in opposition
Rich Pepe
Jim Miller
Sue McCloud
Shirl Merritt
John Plastini
Cynthia Buell

Councilmembers proceeded to vote on amendments and additions to the Ordinance.

ACTION: Council proceeded with modifications to the Ordinance by consensus:

Modification #1: Councilmember Richards proposed that the permits be issued for an initial period of two months, not six months. No Consensus.

Modification #2: Councilmember Richards proposed that the purchaser of the permit also be required to be the operator of the cart. No Consensus.

Modification #2.1: Councilmember Baron proposed that in cases where the permit owner was an individual, they be required to be the operator of the cart. Discussion ensued about companies and corporations owning permits. Mayor Potter proposed the item proposal be continued to the next City Council meeting. Consensus.

Modification #3: Carts must be kept at a minimum distance of 25 feet from any memorial in Devendorf Park. Consensus.

Modification #4: Total number of permits to be allowed equals ten, issued on a first come basis. Consensus.

ACTION: Councilmember Richards moved, seconded by Councilmember Reimers, to approve the Urgency Ordinance.

AYES: RICHARDS, THEIS, REIMERS, POTTER
NOES: BARON

Item 12: Consideration of an appeal of a decision by the Forest and Beach Commission to deny the removal of 13 public trees in order to construct a new sidewalk along the north side of Eighth Avenue, between Junipero Avenue and Mission Street.

This item is continued at the Appellant's request.

FUTURE AGENDA ITEMS

Carmel Youth Center lease

ADJOURNMENT

APPROVED:

Dave Potter
Dave Potter, Mayor

ATTEST:

Ashlee Wright for Tom Graves
Thomas A. Graves, MMC
City Clerk