

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

Tuesday, January 5, 2016

Mayor Burnett called the meeting to order at 4:30pm. Council Member Beach participated via teleconference call from the following location: 6400 SW 133rd Drive, Pinecrest, FL 33156

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
Ashlee Wright, City Clerk

Mayor Burnett asked for a moment of silence in memory of Marian Leidig.

Mayor Pro Tem Talmage and Council Member Dallas shared their memories of Marian Leidig.

EXTRAORDINARY BUSINESS

Mayor Burnett recognized the Carmel Woman's Club for their 90th Anniversary celebrated in December 6, 2015.

Mayor Burnett led the pledge of allegiance.

ANNOUNCEMENTS

Mayor Pro Tem Talmage announced that Panetta Lecture Series and children's programs will be held at the Sunset Center Spring 2016.

Mayor Burnett thanked Ken for his work in bringing the Panetta Lecture Series to Carmel.

Council Member Theis stated that Carmel Unified School District had been recognized as the 1st School District in the nation recognized as being NOAA Ocean Guardian School District and noted their food scrap program.

Mayor Burnett provided a brief update on the recent Coastal Commission meeting and provided a report on peninsula water issues. He stated the opening of the Centennial Celebration would be held Friday January 8th at 3:00pm, at the San Carlos and Ocean Avenue intersection.

PUBLIC APPEARANCES

Barbara Livingston announced kick-off of the Carmel Residents Association Centennial lecture Series.

Stephen Moorer provided an update on the Pac Rep budget and productions/events to be held in 2016.

E. Griffin Ortiz provided an update on the Carmel Youth Center renovation and thanked volunteers, community organizations, local foundations, and local businesses, the Carmel Police Department and Council for their fundraising efforts.

Stacey Meheen, President of the Forest Theater Guild, shared information about upcoming Forest Theater Guild events for 2016.

Doug Westphal requested that Council delay 2nd reading of an Ordinance declaring beach fires a public nuisance. Requested clarification for the community on current beach fire rules.

---End Public Comment---

Interim City Administrator Mike Calhoun provided reminders about storm safety and the Emergency Operations Center.

CONSENT AGENDA

Action: Upon a motion made by Council Member Theis, seconded by Council Member Dallas the Council unanimously approved the Consent Calendar with the following abstentions:

1. Minutes for the November 2, 2015 Special Council Meetings, November 3, 2015 Regular Council Meeting and November 30, 2015 Special Council Meeting. **Approved 5:0.**
3. Check Register for the Month of November. **Approved 5:0.**
4. Monthly Reports for the Month of November
 - 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**
5. AB 1076 Adoption of the Budget Schedule Proposal for January-June 2016 for FY 2016-17. **Adopted 5:0**
6. AB 1077 Consideration of a Resolution revising City Council Policy C2007-2 "Expense and Use of Public Resources" and Policy C03-03 "Beach Emergency Closure Plan" and a Resolution rescinding City Council Policy C89-57 "Proclamations," Policy C03-04 "Unsung Heroes Program" and Policy A92-01 "Use of City-owned Cellular Telephone Ancillary "Go Pack" Equipment." **Adopted 5:0 Resolution 2016-001, Resolution 2016-002**

7. AB 1078 Accept a grant from the Monterey Peninsula Regional Park District for Forest Hill Park Improvements and Approve Adjustments to the Fiscal Year 2015-16 Budget.

Accepted 3:0:2 Resolution 2016-003 (Mayor Burnett and Council Member Dallas abstaining due to proximity.)

8. AB 1079 Receive an update on the City's Beach Fires Management Pilot Program.

Received 5:0

Council Member Theis shared a letter from the Coastal Commission, dated December 30th, 2015.

Public Comments

None

---End Public Comments---

ORDERS

9. Establish a process for filling position of City Administrator.

Mayor Burnett provided information on the process currently undertaken by the Council to fill the position of City Administration, stated that a local individual had been identified and recommended that a contract for a new City Administrator be placed on the next regular meeting agenda.

City Attorney Don Freeman provided supplemental information on the current process undertaken by Council to fill the position of City Administrator and explained the alternate process for finding a City Administrator if the current process fails.

Mayor Burnett stated that Mayor Pro Tem Talmage and Council Member Dallas had been appointed to an Ad Hoc Committee to work with the individual and City Attorney Don Freeman to craft an employment agreement for consideration at the Regular Council Meeting February 2, 2016.

Ken Talmage spoke in support of the process undertaken by Council to fill the position of City Administrator.

Public Comments

Barbara Livingston spoke in favor of the process undertaken by Council.

---End Public Comments---

Council discussion followed.

Action: Upon a motion made by Council Member Theis, seconded by Council Member Dallas Council moved to continue with the process of looking at the current City Administrator candidate. **5:0**

PUBLIC HEARINGS

10. AB 1081 Public Hearing on Establishing the Carmel Hospitality Improvement District; Adoption of Resolution Declaring Results of Majority Protest Proceedings and Establishing the Carmel Hospitality Improvement District; Authorize Professional Services Agreement with Visit Carmel; Second Reading of an Ordinance Disestablishing the Carmel Hospitality Improvement District.

Council Member Theis recused herself because her business is part of the HID and left the dais.

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

Public Comments

None

---End Public Comments---

Action: Upon a motion made by Council Member Dallas, seconded by Mayor Pro Tem Talmage, Council moved to adopt a Resolution declaring results of majority protest proceedings and establishing the Carmel Hospitality Improvement District. **Adopted 4:0:1** (Council Member Theis abstaining because of her membership in the HID) **Resolution 2016-004**

Action: Upon a motion made by Mayor Pro Tem Talmage, seconded by Council Member Dallas, Council moved to authorize a Professional Services Agreement with Visit Carmel. **Adopted 4:0:1** (Council Member Theis abstaining because of her membership in the HID)

Action: Upon a motion made by Council Member Dallas, seconded by Mayor Pro Tem Talmage, Council moved to waive a Second Reading in full and adopt an Ordinance Disestablishing the Carmel Hospitality Improvement District. **Adopted 4:0:1** (Council Member Theis abstaining because of her membership in the HID). **Ordinance 2016-001**

Council Member Theis returned to the dais.

11. AB 1082 Consideration of an appeal of the Planning Commission's decision to deny a Use Permit (UP 15-261) application for the establishment of a specialty food store (Carmel Chocolate Emporium) at a property located in the Carmel Commercial (CC) Zoning District.

Mayor Pro Tem Talmage recused himself because he owns property within 500' of the appellant's property and stepped down from the dais.

Senior Planner Marc Weiner provided the staff report.

Henry Runke, Architect for the appellant, provided report and plans.

Public Comments

Jeanne McCullough, Lynn Ross and Roberta Miller spoke against granting the appeal.

Lexia Norton Jones spoke in favor of chocolate.

Roderick Dewar, Barbara Livingston, Monta Potter, Michael Shoulter, Lynette Zimmerman, Sam Rashton spoke in favor of granting the appeal.

---End Public Comments---

Henry Runke, Architect for the appellant, Marc Weiner, Senior Planner and Pam Silkwood, attorney for the appellant responded to questions and provided clarifications on issues raised during public comment.

Council discussion followed.

Action: Upon a motion made by Council Member Dallas, seconded by Council Member Theis, Council moved to approve the Use Permit (UP 15-261) application for the establishment of a specialty food store (All About the Chocolate) at a property located in the Carmel Commercial (CC) Zoning District, based on plans submitted December 11, 2015, and directed the appellant to bring the proposed sign design to the Planning Commission for final approval. **Approved 4:0:1** (Mayor Pro Tem Talmage abstaining).

Mayor Pro Tem Talmage returned to the dais

12. AB 1083 Second Reading of an Ordinance of the City Council of the City of Carmel-by-the-Sea amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing law.

Public Comments

None

---End Public Comments---

Action: Upon a motion made by Council Member Theis, seconded by Mayor Pro Tem Talmage, Council moved to waive in full a second reading and adopt an Ordinance of the City Council of the City of Carmel-by-the-Sea amending chapters 17.64.190, 17.64.220 and 17.68.040 of the Carmel-by-the-Sea Municipal Code in accordance with state housing laws. **Adopted 5:0 Ordinance 2016-002**

13. AB 1084 Second Reading of an Ordinance of the City Council of the City of Carmel-by-the-Sea amending Section 17.14.40 and adding Section 17.14.240 of the Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City.

Public Comments

Sam Rashton spoke to the issue.

---End Public Comments---

Action: Upon a motion made by Council Member Theis, seconded by Council Member Dallas, Council moved to waive in full the second reading and adopt an Ordinance of the City Council of the City of Carmel-by-the-Sea amending Section 17.14.40 and adding Section 17.14.240 of the Municipal Code defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the City.
Adopted 5:0, Ordinance 2016-003

FUTURE AGENDA ITEMS

Public Comment

Lynette Zimmerman requested a review of the signage at 2-way stop intersections in Carmel.

Jeannie McCullough requested Council not consider the portable propane fire rings.

---End Public Comment---

Interim City Administrator Mike Calhoun addressed Lynette's request.

Mayor Pro Tem Talmage supported a review of the signage at 2-way stop intersections in Carmel.

Council Member Beach requested a thorough update on the Forest Theater opening.

ADJOURNMENT There being no further business Mayor Burnett adjourned the meeting at approximately 7:20 P.M.

APPROVED:



Jason Burnett, Mayor

ATTEST:



Ashlee Wright, City Clerk