

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

Tuesday, December 06, 2016

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting to order at 3:30 p.m.

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

Absent: None

Staff: Chip Rerig, City Administrator
Don Freeman, City Attorney
Ashlee Wright, City Clerk

CLOSED SESSION

Mayor Dallas announced the Closed Session items.

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

Public Comments – None

Council adjourned to Closed Session at 3:31 PM.

OPEN SESSION

Council resumed in Open Session at 4:30 PM.

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

Absent: None

Staff: Chip Rerig, City Administrator
Don Freeman, City Attorney
Mike Calhoun, Public Safety Director
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, Police Commander
Rob Mullane, Public Works Director

PLEDGE OF ALLEGIANCE

Public Safety Director Mike Calhoun led the Pledge of Allegiance.

ANNOUNCEMENTS

Item A: Announcements from Closed Session

City Attorney Don Freeman announced the Closed Session items from the Closed Session held Monday, December 5, 2016:

- Item A: **LABOR NEGOTIATIONS**
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance, General Employees, Management, Police
- Item B: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9(d)(2): 5 cases
- Item C: **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 D: **REAL PROPERTY NEGOTIATIONS – LEASE**
Pursuant to Government Code Section 54956.8
Between City Administrator and Sunset Center Cultural Inc.
- Item E: **PUBLIC EMPLOYEE PERFORMANCE REVIEW**
Government Code Section 54957
Title: City Administrator
Title: City Attorney

He announced that the Council received updates on Items A, B, C, and E and there were no announcements for the public. He stated that Item D was not discussed during Closed Session.

City Attorney Don Freeman announced the Closed Session items from the Closed Session held Tuesday, December 6, 2016:

- Item A: **PUBLIC EMPLOYEE PERFORMANCE REVIEW**
Government Code Section 54957
Title: City Administrator
Title: City Attorney

He stated that the Council discussed Item A and there were no announcements for the public.

EXTRAORDINARY BUSINESS

Item A: Centennial Committee recognition

The City Council recognized members of the Centennial Committee for their contributions to the celebration, and Mayor Dallas presented a key to the City to Heidi Mozingo, Councilmember Richards presented a key to

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the City to Walt DeFaria, Mayor Pro Tem Theis presented a key to the City to Tom Brocato, Councilmember Reimers presented a key to the City to Barbara Livingston, and Councilmember Hardy presented a key to the City to Sue McCloud.

Item B: Acceptance of Proclamations sent from the Mayor of Petra, Spain

Tara Peters presented the City with proclamations from the Mayor of Petra Spain in recognition of the City's Centennial celebration.

Item C: Recognition of Police Chief and Director of Public Safety Mike Calhoun for his years of service

City Administrator Chip Rerig presented Police Chief and Director of Safety Mike Calhoun with a plaque and thanked him for his years of service.

Item D: Introduction of the Carmel Community Emergency Response Team (CERT)

Police Commander Paul Tomasi introduced members of the Carmel Community Emergency Response Team to the community.

Item E: Chief Gaudenz Panholzer provided a presentation on the "Move Up" system and ambulance staffing.

Item F: Assembly Member Stone provided a presentation on the state legislature's work program for the year.

PUBLIC APPEARANCES

The following members of the public spoke during public appearances: Carl Iverson, Barbara Livingston, Kathleen Craig, no name given, Peter Hiller, Victoria Beach, Jeff Baron, and Richard Kreitman.

---End Public Appearances---

ANNOUNCEMENTS

Item B: Announcements from City Council Members

Councilmember Reimers thanked the staff for their work on the tree-lighting event and encouraged the public to attend local theater performances.

Councilmember Hardy stated that the Measure X for the Transportation Agency for Monterey County had passed and that she would report back on how the funds would be used.

Mayor Dallas thanked everyone for their work on the Centennial Celebration, thanked the staff for their work on the tree-lighting, stated that there was still Centennial merchandise available for sale, and wished the community happy holidays.

Item C: Announcements from City Administrator

City Administrator Chip Rerig thanked the staff for their work on the tree-lighting, stated that there was still Centennial merchandise available for sale, announced that there was a minor amendment to the minutes from the previous month, and announced that there would be a special Council orientation meeting December 15, 2016.

At the request of City Administrator Chip Rerig, Marc Wiener, Community Planning and Building Director, provided a brief update in short-term rental issues.

Item D: There were no announcements from the City Attorney.

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 Item 4:

- Item 1:** Consider and approve draft minutes for the special Council meeting held October 31, 2016, and draft minutes for the regular Council meeting held November 1, 2016. **Approved, 5:0**
- Item 2:** Check Register for October 2016. **Approved, 5:0**
- Item 3:** Monthly Reports for October 2016. **Approved, 5:0**
- Item 5:** SR 2016-1208 Ratification of the appointment of Karen Sharp to the Planning Commission. **Ratified, 5:0**
- Item 6:** SR 2016-1209 Adoption of a resolution approving the regular meeting dates of the City Council for the calendar year 2017. **Adopted Resolution 2016-096, 5:0**
- Item 7:** SR 2016-1210 Adoption of a Letter Agreement between the City of Carmel-by-the-Sea and Carmel Fire Ambulance Association and authorization of the City Administrator to execute Letter Agreement on behalf of City. **Adopted, 5:0**
- Item 8:** SR 2016-1211 Review of revisions to an approved Design Study (DS 15-217) and adoption of findings and conditions of approval for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1), Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Zoning Districts. **Adopted, 4:0:1 (Councilmember Reimers recused herself from voting on this item, as she had voted on it previously as a Planning Commissioner.)**

Public Comments

The following members of the public spoke on this item: Victoria Beach

---End Public Comments---

- Item 9:** SR 2016-1212 Consideration of the disbursement of marketing funds to Monterey County Convention & Visitors Bureau. **Approved, 5:0**

The following item was pulled by Councilmember Hardy considered by Council separately.

- Item 4:** SR 2016-1207 Adoption of a resolution authorizing the destruction of certain records in accordance with §34090 *et. seq.* of the Government Code.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to adopt a resolution authorizing the destruction of certain records in accordance with §34090 *et. seq.* of the Government Code. **Adopted Resolution 2016-095, 5:0**

ORDERS OF BUSINESS

Item 10: SR 2016-1213 Consideration of initial approval of an annual City street dance event and provide staff with direction.

Janet Bombard, Library and Community Activities Director provided the staff report and responded to questions from Council.

Public Comments

The following members of the public spoke: Barbara Livingston and Monta Potter.

---End Public Comments---

Council discussion followed. Council directed staff to explore the following and to return to the CA&CC with this item for further discussion and recommendation:

- Dates/times of street dances
- Lighting options
- Rotating location options
- Analysis of after-action notes
- Holding dances seasonally
- Holding dances in conjunction with other events e.g. Holiday tree-lighting, Art Walk, etc.
- Cost of dance for budgeting

Item 11: SR 2016-1214 Update on the Implementation of the Beach Fires Management Pilot Program.

Rob Mullane, Public Works Director, provided the staff report and responded to Council questions.

Public Comments

The following members of the public spoke on this item: Barbara Livingston and Doug Westphal.

---End Public Comments---

Council discussion followed. No action was taken.

Item 12: SR 2016-1215 Receive project update on the Rio Park/Larson Field pathway project and provide direction regarding access agreements.

Marc Wiener, Community Planning and Building Director provided the staff report. Marc Wiener and Brian Roseth responded to Council questions.

Public Comment

The following members of the public spoke during public comments: Kevin d'Angelo and Barbara Livingston.

---End Public Comments---

Council discussion followed.

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Hardy, Council moved to approve "in concept" the proposed land exchange and shared parking arrangement with Homestead LLC, pending finalization of legal agreements, to authorize staff and Monterey Bay Planning Services to resume negotiations with the Monterey Catholic Diocese and Carmel Area Wastewater District to obtain legal agreements, and to direct staff to return to the City Council with proposed easements and agreements. **Approved and authorized, 5:0**

Item 13: SR 2016-1216 Acceptance of FY14-15 Independent financial statement audit.

Paul Wood, Finance Manager and Adam Guise, CPA for Moss, Levy, Hartzheim LLP, provided the staff report and responded to Council questions.

Public Comments – None

Council discussion followed.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to accept the fiscal year 2014-2015 independent financial statement audit. **Accepted, 5:0**

PUBLIC HEARINGS

Item 14: SR 2016-1217 Consideration of an Ordinance (First Reading) amending Title 8 and Title 15 of the Carmel Municipal Code and adopting the 2016 California Building, Residential, Energy, Fire, Mechanical, Plumbing, Electrical, and California Green Codes with Amendments.

Marc Wiener, Community Planning and Building Director provided the staff report.

Public Comments – None

Action: Upon a motion made by Councilmember Richards, seconded by Councilmember Reimers, Council moved to waive reading in full and introduce on first reading an ordinance amending Title 8 and Title 15 of the Carmel Municipal Code and adopting the 2016 California Building, Residential, Energy, Fire, Mechanical, Plumbing, Electrical, and California Green Codes with Amendments. **Introduced, 5: 0**

Item 15: SR 2016-1218 Adoption of an Ordinance Authorizing an Amendment to the contract between the City of Carmel-by-the-Sea and the Board of Administration California Public Employees' Retirement System (CalPERS).

Public Comment - None

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to waive reading in full and adopt on second reading and ordinance authorizing an amendment to the contract between the City of Carmel-by-the-Sea and the Board of Administration California Public Employees' Retirement System (CalPERS). **Adopted, 5:0**

FUTURE AGENDA ITEMS

- Medical Marijuana

ADJOURNMENT

There being no further business, Mayor Dallas adjourned the meeting at 8:18 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk

ATTEST:


Sharon Friedrichsen, Director of Budget and Contracts