

REGULAR MEETING
Tuesday, December 3, 2019
OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30 p.m.

Present: Council Members Baron, Reimers, Theis, Mayor Pro Tem Richards, Mayor Potter

PLEDGE OF ALLEGIANCE

City Administrator Rerig

EXTRAORDINARY BUSINESS

Item A: MST Presentation

Item B: Employee Introductions: Sara Davis and Giuliano Picciuto

Item C: Recognition of William Godwin, Mo Massoudi, David Refuerzo, Niels Reimers, and Nancy Whitman for their service to the citizens of Carmel-by-the-Sea

PUBLIC APPEARANCES

The following members of the public spoke:

Barbara Livingston
Georgina Armstrong
Ellen Gannon
Teresa Bugula
Robin Welch
Jack Galante
Carrie Glen

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator discussed Building & Planning Director Marc Weiner's upcoming departure as he leaves Carmel-by-the-Sea to take a position in Laguna Beach. Mr. Rerig thanked the Public Works crews for their hard work during the recent storm and stated the upcoming Menorah and Tree Lighting event may not take place due to weather.

Item B: City Attorney Announcements/ Closed Session Oral Report in accordance with GC § 54957.1(a)

The City Attorney stated the City Council met in Closed Session on December 3, 2019 with no reportable action.

Item C: Councilmember Announcements

Council Member Baron discussed the upcoming Climate Committee meeting being held December 10, 2020.

Council Member Reimers thanked Mr. Weiner for his hard work and dedication; discussed her recent attendance at the League of CA Cities Conference; thanked the City Clerk for the Minutes she prepares.

Mayor Pro Tem stated it has been a pleasure working with Mr. Weiner.

CONSENT AGENDA

Item No. 5 was pulled for separate discussion.

The City Administrator stated Item No. 9 needs to be removed from the Consent Agenda.

On a motion by Council Member Reimers and seconded by Mayor Pro Tem Richards, the City Council removed Item No. 9 from the Consent Agenda, by the following vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Council Member Baron requested the Council Meeting scheduled for December 1, 2020 be changed to December 8 because the City Council election results will not be certified by the December 1, 2020 City Council meeting.

On a motion by Council Member Baron and seconded by Mayor Potter, the City Council approved Item No. 5 amending the proposed schedule to schedule the December 2020 City Council meeting for December 8, 2020 and the preceding Monday meeting to be held December 7, 2020, by the following vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved the Consent Calendar with the exception of Item No.'s 5 and 9, by the following vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 1: Approve October 28, 2019 Special Meeting Minutes, November 4, 2019 Special Meeting Minutes, November 5, 2019 Meeting Minutes and November 19, 2019 Special Meeting Minutes as presented.

Item 2: Monthly Reports for October: 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.) Public Works Department Report

Item 3: October 2019 Check Register Summary

Item 4: Adopt Resolution 2019-083, authorizing the City Administrator to execute Amendment #1 to the Master Program Funding Agreement between the Transportation Agency for Monterey County and the City of Carmel-by-the-Sea

Item 5: Adopt Resolution 2019-084 establishing the meeting dates of the City Council for calendar year 2020.

Item 6: Adopt Resolution 2019-085 authorizing the purchase of a Community Activities Cargo Van from Cypress Coast Ford

Item 7: Adopt Resolution 2019-086 authorizing the City Administrator to execute Change Order No. 2 to the On-Call, As-Needed Tree Services Contract with West Coast Arborists for a total not-to-exceed fee increase of \$25,000.

Item 8: Adopt Resolution 2019-087 approving the Memorandum of Understanding (MOU) between the City of Carmel-by-the Sea General Employees Union – an affiliate of the Laborers' International Union of North America, United Public Employees of California, LIUNA/UPEC, Local 792, AFL-CIO; and the City of Carmel-by-the-Sea Management Employees Union - an affiliate of the Laborers' International Union of North America, United Public Employees of California, LIUNA/UPEC, Local 792, AFL-CIO for the period July 1, 2019 through June 30, 2022 and authorize the City Administrator to make technical corrections as necessary and execute the Memorandum of Understanding.

Item 9: ~~REMOVED~~ Adopt Resolution 2019-088 authorizing the City Administrator to execute a Professional Services Agreement with Nichols Consulting Engineers, for a not-to-exceed fee, including contingency, of \$132,899, for the Scenic Pathway Renovation Project

Item 10: Adopt Resolution 2019-089, authorizing the City Administrator to Execute a 3-year Professional Services Agreement with Applied Marine Sciences for Microbial and Copper Source Tracking to meet State Requirements for Areas of Special Biological Significance.

Item 11: Adopt Resolution 2019-090 authorizing the City Administrator to execute an agreement for the purchase of six emergency radios for the fire department as identified in the FY 2019/20 budget as a Capital Improvement.

Item 12: Adopt Resolution 2019-091, authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with Surveillance Grid Integration, in the amount of \$20,589, to install video processors and wall monitors for the Security Pole Camera Project.

Item 13: Adopt Resolution 2019-092 approving the Memorandum of Understanding (MOU) between the City and Carmel-by-the-Sea Police Officers Association for the period July 1, 2019 through June 30, 2022 and authorize the City Administrator to make technical corrections as necessary and execute the Memorandum of Understanding and adopt the Police Officers Association classifications salary plan in accordance with Municipal Code 2.52.520.

PUBLIC HEARINGS

Item 14: Ordinance 2019-002 amending Carmel Municipal Code (CMC) Title 15 (Buildings and Construction) by adopting the 2019 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments; and adopt Resolution 2019-077 approving Standard Operating Guidance Procedures (SOG 17-07) for private storm water drainage systems.

Mayor Potter stated this item will not be heard at this time and stated it will be heard at a date to be determined.

Council Member Theis requested clarification regarding the consequences for not hearing the item at this time.

On a motion by Mayor Potter and seconded by Council Member Baron, the City Council continued this item to a date to be scheduled, by the following vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 15: Introduce Ordinance 2019-003 amending Carmel Municipal Code (CMC) Chapters 17.08, 17.14, 17.28, 17.68 and 17.70 to establish regulations for transient rentals in the Commercial and Multi-Family Zoning Districts and to prohibit the advertising of unpermitted transient rentals within all Zoning Districts.

Council Member Theis recused herself due to the perceived conflict of interest that she has because she is the owner of an Inn and left the dais at this time.

Council Member Reimers recused herself due to her family having a short-term rental permit and left the dais at this time.

Director of Planning & Building, Marc Weiner provided the staff report for this item.

Addressing the City Council on this item:

Tom Ward
Vince Brigantino
Chris Campbell
Chris Sanders
Kent Ipsen
Richard Kreitman
Jack Galante
Judy Ivy
Beth Sanders
Anthony Tersall
Joy Calangelo
Catherine Campagno
Chris Mack
Diane Singer
Barbara Livingston
Anthony Lombardo
Mark Stillwell
George Medaros
Karen Ferlito
Maria Sutherland
Mike Brown
Sue McCloud

The Building & Planning Director provided the history related to how the City arrived at the proposed ordinance; specifically the number of permits applied for and the loss of housing stock.

Mayor Pro Tem stated this issue began 2½ years ago and he tried getting the item placed on an agenda at that time; he is opposed to short term rentals; morally owe it to the people who have been issued permits to let that right run with the land; permits were legal when they were approved.

Item 15 Continued...

Council Member Baron stated he agrees with most of what Mayor Pro Tem Richards said and stated it is sad it has taken this long to act; believes a housing issue exists and 39 units in the downtown has a large impact on housing. He morally agrees the short term rentals are bad for the village and wonders does the Council allow the community to live with these units forever because of the mistake made 2 ½ years ago; he is not willing to accept a perpetuity punishment; discussed statements of some short term rental permit holders stating if the 6 month clause had remained as part of the proposed ordinance, they would kick out their renters in order to keep the short term rental permit; he is not responsible for other people's actions; need to find a way to amortize the units out; feels there is another side of the morality coin.

Mayor Potter stated he does not want to leave the meeting without taking action; has always been opposed to short term rentals; discussed future of zoning in the State; believes the Village is doing the best it can and stated 30 years is not a long time, perhaps to some people at the age they are now, but not to his children; recommends creating a program that incentivizes ending short term rentals, such as if a short term rental is retired, a type of bonus is given which may motivate people to get out of the short term rental market.

Council Member Baron stated he is requesting a roll call vote regarding amortization (Option 1) in order to take action tonight and if the vote is 1-2, he commits to giving his vote for perpetuity.

Mayor Potter requested returning in the near future to add an incentivizing component to the Ordinance.

Mayor Pro Tem Richards stated he would prefer to amortize the rentals out next month and cannot because a promise was made to the people who were granted permits; would prefer to not have any but he cannot do that as he doesn't believe that is the right thing to do.

Council Member Baron made a motion to introduce Ordinance 2019-003 amending Carmel Municipal Code (CMC) Chapters 17.08, 17.14, 17.28, 17.68 and 17.70 to establish regulations for transient rentals in the Commercial and Multi-Family Zoning Districts and to prohibit the advertising of unpermitted transient rentals within all Zoning Districts identifying Option 1 which is amortization over 30 years and waive further reading of the ordinance.

The motion failed for lack of a second.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council introduced Ordinance 2019-003 amending Carmel Municipal Code (CMC) Chapters 17.08, 17.14, 17.28, 17.68 and 17.70 to establish regulations for transient rentals in the Commercial and Multi-Family Zoning Districts and to prohibit the advertising of unpermitted transient rentals within all Zoning Districts identifying Option 2, in perpetuity and waived further reading of the ordinance, by the following vote:

AYES:	BARON, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
RECUSED:	REIMERS, THEIS

FUTURE AGENDA ITEMS

The City Administrator stated the agenda packet for the January meeting will be provided near the New Year's Eve holiday.

ADJOURNMENT

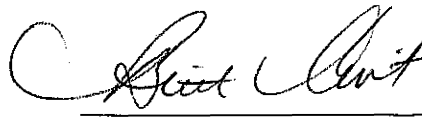
Mayor Potter adjourned the meeting at 6:47 p.m.

APPROVED:

ATTEST:



Dave Potter, Mayor



Britt Avrit, MMC
City Clerk

