

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

January 9, 2007

I. CALL TO ORDER

The regular meeting of the City Council of the City of Carmel-by-the-Sea, California, was held on the above date at the stated hour of **4:31 p.m.** Mayor McCloud called the meeting to order.

II. ROLL CALL

PRESENT: Council Members Cunningham,
Hazdovac, Rose, Talmage & McCloud

STAFF PRESENT: Rich Guillen, City Administrator
Don Freeman, City Attorney
Heidi Burch, City Clerk
George Rawson, Public Safety Director
Brian Roseth, Planning Services Manager
Sean Conroy, Senior Planner

Introduction and swearing-in of new Council Member, Ken Talmage

III. PLEDGE OF ALLEGIANCE

Members of the audience joined the Mayor and Council Members in the pledge of allegiance.

IV. EXTRAORDINARY BUSINESS

Mayor McCloud noted that the appellant had requested that Item VIII. C be continued until March.

City Administrator Guillen requested that the report on the midyear budget adjustments be continued until the February meeting.

Introduction of new Community Services Officer, Cindy Williams.

George Rawson, Public Safety Director, introduced the City's new Community Services Officer, Cindy Williams.

Recognition of Officers Rachelle Lightfoot and Deborah Hildago.

Public Safety Director Rawson then introduced Officers Rachelle Lightfoot and Deborah Hildago and applauded their recent efforts in apprehending a suspect.

Recognition of former Council Member Erik Bethel.

Mayor McCloud displayed the plaque to be sent to Former Council Member Bethel in recognition of his contributions to the City.

V. ANNOUNCEMENTS FROM CLOSED SESSION, FROM CITY COUNCIL MEMBERS AND THE CITY ADMINISTRATOR.

A. Announcements from Closed Session.

None.

B. Announcements from City Council Members.

Mayor McCloud requested that the Receipt of Art Inventory update under Item V.C. be moved up due to a time constraint of the consultant.

V.C. Receive Art Inventory update

Ellen Osterkamp updated the Council on her inventory of the City's art and her plans for the appraisals. For insurance purposes, art will be appraised based on perceived value, beginning with the most valuable. At least 700 of the 905 pieces will be appraised.

Receive Mayor's annual report.

Mayor McCloud presented the annual report on the six objectives established for the 2006-2007 budget year, provided updates on projects in the works and noted the successful completion of various City projects.

C. Announcements from City Administrator.

Receive report on Mid-Year Budget Review and Adjustments

This item was continued to the February meeting at the request of the City Administrator.

Receive Fire Hydrant Report

Fire Chief Andrew Miller presented the report to Council and noted that of 201 hydrants in the City, 29 are non-working. Chief Miller has been working with Cal-Am Water to repair the hydrants. Public Service announcements are being prepared to keep the public informed of the progress and contingency plans are in place to insure seamless service.

VI. APPEARANCES

Mayor McCloud opened the meeting at 5:03 p.m. to public comment.

Sam Lucido addressed Council regarding Item VIII.C. and was assured of an opportunity to speak fully on the item later in the meeting.

Monte Miller addressed Council regarding the report on the Fire Hydrants.

Cheryl McKenzie, Monterey County Board of Realtors, noted that the Notices of Historic Designation for properties in the City would now be attached to the deeds of those properties and will be receiving the list of properties from Brian Roseth.

Barbara Livingston addressed Council regarding funding for the Forest and Beach Department.

Roberta Miller, President of the Carmel Residents Association, addressed the Council regarding the City's ISO rating.

Monta Potter, CEO Carmel Chamber of Commerce, noted the Chamber-sponsored trip to China and introduced the new Chair of the Board of the Chamber, Michael Adamson.

Michael Adamson, Chair of the Board of the Carmel Chamber of Commerce, invited City Administrator Guillen to the Executive Committee meeting on Friday.

City Administrator Guillen requested that Chief Miller return to Council next month to answer public questions regarding the City's fire hydrants.

VII. CONSENT CALENDAR

- A. Ratify the minutes for meeting of November 29, December 5 and December 19, 2006.
- B. Ratify the bills paid for the month of December 2006.
- C. Consideration of a Resolution adopting the Expense and Use of Public Resources Policy effective January 9, 2007.
- D. Consideration of a Resolution authorizing the City Administrator to execute the JPA agreement and Memorandum of Understanding for the Excess Workers' Compensation program with California Association of Counties Excess Insurance Authority (CSAC – EIA).

- E. Consideration of a Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of RBF Consulting in an amount not to exceed \$166,488 for the General Plan Update project.
- F. Consideration of a Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of Architectural Resources Group for preparation of an update to the City's Historic Context Statement in an amount not-to-exceed \$63,000.
- G. Consideration of a resolution accepting a gift of \$1,500 from the PG Concourse Auto Rally for deposit into the Mayor's Youth Fund.
- H. Consideration of a resolution adopting a new Check Issuance Policy effective January 1, 2007.
- I. Deny and Refer Claim for Damages – Lisa Michelle Parker.
- J. Consideration of a Resolution accepting a gift of \$3,000 from Jody LeTowt for the Ocean Avenue Median Renovation Project.
- K. Consideration of Findings supporting the Council's decision to deny a Mills Act Contract for an existing historic residence located on the west side of Lincoln Street between 8th and 9th Avenues. The property owner is the David & Debbie Hutchings Trust.

Council Member Talmage declared his intention to abstain from voting on Items A. and K. on the consent calendar.

Council Member Cunningham pulled Items E. and F. for further discussion at the end of the agenda and Item D. for immediate clarification.

City Administrator Guillen answered questions on Item D. and noted that it was simply housekeeping measure.

Mayor McCloud opened the meeting to public comment at **5:12 p.m.**

Roberta Miller expressed her desire to pull Item E. as well.

Mayor McCloud then closed the meeting to public comment at **5:13 p.m.**

Council Member HAZDOVAC moved **approval of Consent Calendar Items A. and K.**, seconded by Council Member ROSE and **carried** by the following roll call:

AYES: COUNCIL MEMBERS: CUNNINGHAM, HAZDOVAC,
ROSE & McCLOUD

NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	TALMAGE

Council Member ROSE moved **approval of Consent Calendar Items B.-D. and G.-J.**, seconded by Council Member HAZDOVAC and **carried** by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

VIII. PUBLIC HEARINGS

- A. Consideration of an appeal of the Historic Resources Board's decision to deny a request to remove a property located on the northeast corner of Casanova Street and Tenth Avenue from the City's Inventory of Historic Resources. The appellants and property owners are Patrick Paw and Caroline Wong.

Sean Conroy, Senior Planner, presented the staff report.

Council Member Cunningham noted for the record that he felt the property failed the integrity test.

Miriam Schakat, Lombardo & Gilles, Counsel for the appellant, addressed Council.

Meta Bunse, Historic Consultant for the appellant, addressed Council.

Mayor McCloud opened the hearing to public comment at **5:29 p.m.**

Melanie Billig addressed Council.

Mayor McCloud closed the hearing to public comment at **5:30 p.m.**

Sean Conroy, Senior Planner, answered the public's questions about the decision of the Historic Resources Board.

Meta Bunse addressed Council.

Council Member Hazdovac noted for the record that her reasons for granting the appeal were that the California Ranch style was not in context statement as a significant style of architecture in the City, the property doesn't meet criteria for

California State Register, there was no definitive evidence that it was designed by Hugh Comstock, the plans in the file were for a residence in Salinas, not the residence in Carmel and that there are better examples of the California Ranch Style within the City limits.

Council Member ROSE moved to **grant the appeal of the Historic Resources Board's decision and to remove the property located on the northeast corner of Casanova Street and Tenth Avenue from the City's Inventory of Historic Resources**, seconded by Council Member HAZDOVAC and **carried** by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Consideration of an appeal of the Historic Resources Board's decision to deny a request to remove a property located on the east side of San Antonio between Ocean and Fourth Avenues from the City's Inventory of Historic Resources. The appellant and property owner is Virginia Hayes.

Sean Conroy, Senior Planner, presented the staff report.

Virginia Hayes, appellant, addressed Council.

Mayor McCloud opened and closed the hearing to public comment **5:44 p.m.** as there was no public comment.

Council Member ROSE moved to **grant the appeal of the Historic Resources Board's decision and to remove the property located on the east side of San Antonio between Ocean and Fourth Avenues from the City's Inventory of Historic Resources**, seconded by Council Member HAZDOVAC and **carried** by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

Council also directed staff to remove all references to Thomas Church from the DPR form and to make edits as needed.

- C. Consideration of an appeal of the Design Review Board's decision on staff's recommendation of paint color changes for the Pine Terrace located on the southwest corner of Mission Street and Third Avenue. The appellant and property owner is Joanna Pfeister.

City Attorney Don Freeman reported on the continuation of appeal.

Mayor McCloud opened the hearing to public comment at **5:52 p.m.**

Sam Lucido and **Molly Doty**, members of the Board of Directors of Pine Terrace and **Linda Lucido**, resident of Pine Terrace, addressed Council and requested that the hearing be heard as scheduled and not be continued.

Mayor McCloud closed the hearing to public comment at **5:59 p.m.**

City Attorney Freeman noted that the appeal was continued because the information for the appeal was not due until the day before the meeting and that would not have given the Council the opportunity to review the information or the other side the opportunity to review the information and to respond appropriately and due to personal reasons cited by the appellant.

Council Member ROSE moved **to continue the appeal to the February Council meeting and to notify the appellant**, seconded by Council Member HAZDOVAC and **carried** by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

IX. ORDINANCES

- A. Consideration of an Ordinance amending Title 2, Section 2.04.010 Council Meetings - Regular of the Municipal Code (Second reading).

City Administrator Guillen presented the staff report and requested that paragraph B be modified to read: "4:30 p.m. on the Monday prior to the regular meeting of each month..."

Mayor McCloud opened and closed the meeting to public comment at **6:15 p.m.**

Council Member ROSE moved **adoption AS MODIFIED on second reading of an Ordinance amending Title 2, Section 2.04.010 Council Meetings - Regular of the Municipal Code**, seconded by Council Member TALMAGE and **carried** by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Consideration of an Ordinance amending the City's Municipal Code, Chapter 17.22 Community Plan Districts and Specific Plans, and the Local Coastal Program Implementation Plan (First reading).

Sean Conroy, Senior Planner, presented the staff report.

Council Member Talmage recused himself from the proceedings citing a conflict with his previous vote on the matter as a Planning Commissioner.

Brian Roseth, Planning Services Manager, answered Council questions.

Mayor McCloud opened the meeting to public comment at 6:24 p.m.

Monte Miller, addressed the Council.

Mayor McCloud then closed the meeting to public comment at 6:30 p.m.

Sean Conroy and Brian Roseth answered questions regarding Specific Plan requirements in relation to General Plan requirements.

Council Member HAZDOVAC moved adoption on first reading of an Ordinance amending the City's Municipal Code, Chapter 17.22 Community Plan Districts and Specific Plans, and the Local Coastal Program Implementation Plan, seconded by Council Member ROSE and carried by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	TALMAGE

IX. RESOLUTIONS

None

XI. ORDERS OF COUNCIL

- A. Consideration of appointments/reappointments to the following city council organizations with Carmel-by-the-Sea representation: Association of Monterey Bay Area Governments (AMBAG), Carmel Regional Fire Ambulance Authority (CRFA), Community Human Services Project, Fort Ord Reuse Authority (FORA), Monterey Regional Waste Management District (MRWMD), Monterey-Salinas Transit District (MST), Overall Economic Development Commission (OEDC), Transportation Agency for Monterey County (TAMC), Monterey Peninsula Water Management District PAC, and the Carmel Chamber of Commerce board of directors.

Mayor McCloud opened the meeting to public comment at 6:41 p.m.

Barbara Livingston addressed Council.

Council Member ROSE moved approval of the appointments/reappointments to the City Council organizations with City representation, seconded by Council Member TALMAGE and carried by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

- B. Scheduling Future City Council meetings – Please Bring Your Calendar.

Items pulled from the Consent Calendar for discussion:

- VII. E.** Consideration of a Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of RBF Consulting in an amount not to exceed \$166,488 for the General Plan Update project.

Brian Roseth answered Council questions and noted the difficulty in finding a consultant to prepare the General Plan update. He noted that the bid was substantially lower than initial quote.

Mayor McCloud opened and closed the meeting to public comment at 6:55 p.m.

Council Member CUNNINGHAM moved adoption of the Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of RBF Consulting in an amount not to exceed \$166,488 for the General Plan Update project, seconded by Council Member ROSE and carried by the following

roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

VII.F. Consideration of a Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of Architectural Resources Group for preparation of an update to the City's Historic Context Statement in an amount not-to-exceed \$63,000.

Sean Conroy answered Council questions and noted that the update would amend the existing context statement and make the entire statement consistent throughout.

Mayor McCloud opened the meeting to public comment at 7:01 p.m.

Erl Lagerholm addressed the Council.

Mayor McCloud then closed the meeting to public comment at 7:02 p.m.

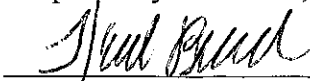
Council Member CUNNINGHAM moved adoption of the Resolution authorizing the City Administrator to execute a Consultant Services Agreement with the firm of Architectural Resources Group for preparation of an update to the City's Historic Context Statement in an amount not-to-exceed \$63,000., seconded by Council Member ROSE and carried by the following roll call:

AYES:	COUNCIL MEMBERS:	CUNNINGHAM, HAZDOVAC, ROSE, TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

XII. ADJOURNMENT

Mayor McCloud declared the meeting adjourned at 7:03 p.m.

Respectfully submitted,



Heidi Burch, City Clerk

ATTEST:



SUE McCLOUD, MAYOR

CITY COUNCIL APPOINTMENTS

19'07

CITY COUNCIL SUBCOMMITTEE:

Agenda Review:

Mayor Sue McCloud and Mayor Pro Tempore

COMMUNITY ORGANIZATIONS WITH CARMEL-BY-THE-SEA REPRESENTATION:

Association of Monterey Bay Area Governments (AMBAG):
Council Member Ken Talmage

Carmel Regional Fire Ambulance (CRFA):
Council Member Gerard Rose

Community Human Services Project:
Laurel Schumann

Fort Ord Reuse Authority (FORA):
Mayor Sue McCloud
Council Member Gerard Rose, Alternate

Monterey Regional Waste Management District:
Mayor Sue McCloud

Monterey Salinas Transit District (MST):
Council Member Mike Cunningham

Overall Economic Development Commission (OEDC):
Council Member Paula Hazdovac

Transportation Agency for Monterey County (TAMC):
Council Member Mike Cunningham

Monterey Peninsula Water Management District - PAC:
Council Member Paula Hazdovac

Carmel Chamber of Commerce, Board of Directors:
City Administrator Rich Guillen

Dated: January 2, 2007