

REGULAR MEETING
Tuesday, October 8, 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

OPEN SESSION

PLEDGE OF ALLEGIANCE

Council Member Theis

EXTRAORDINARY BUSINESS

Item A: Community Human Services 50th Anniversary Proclamation

Item B: Surfabout Proclamation

The following member of the public spoke regarding the Surfabout event:
Kathy Bang

PUBLIC APPEARANCES

The following members of the public spoke:
Barbara Livingston

ANNOUNCEMENTS

Item A: City Administrator Announcements
The City Administrator thanked the staff and the community for the success of the recent Pumpkin Roll Event.

Item B: City Attorney Announcements
The City Attorney stated the City Council met in Closed Session on October 7, 2019 and stated the City Council approved settlement of the following:

- Chilone Payton v. City of Carmel-by-the-Sea, Monterey County Superior Court 19CV002166; \$2,000.
- Cathy Shoel v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. 18CV004471; \$6,000.

Item C: Councilmember Announcements
Council Member Baron thanked Jon Giffen for his work as City Attorney and discussed the recent Sand Castle Event.

Council Member Reimers thanked Jon Giffen for his demeanor and professionalism and thanked members of the community for the Pumpkin Roll and Sand Castle Events.

ORDERS OF BUSINESS

Item 1: Adopt Resolution 2019-075 approving the formation of the Climate Change and Resilience Plan Working Group, to include the following members of the public: John Hill, Michael LePage, Scott Lonergan, and LaNette Zimmerman

On a motion by Council Member Reimers and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2019-075 approving the formation of the Climate Change and Resilience Plan Working Group, to include the following members of the public: John Hill, Michael LePage, Scott Lonergan, and LaNette Zimmerman, by the following vote:

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

Item 2: Adopt Resolution 2019-070, ordering an election on March 3, 2020 to submit to the voters an ordinance to increase the transactions and use taxes (sales tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes; finding and declaring that an emergency exists that requires the election to be held before the next regularly scheduled municipal election; requesting the Board of Supervisors of the County of Monterey to consolidate the election regarding the ordinance with the March 3, 2020 Presidential Primary Election and to permit the Monterey County Election Department to conduct said election; directing the City Clerk to take all necessary actions and coordinate with the County of Monterey to ensure placement of the ordinance on the March 3, 2020 ballot; authorizing argument and rebuttal argument for and against the ordinance; and directing the City Attorney to prepare an impartial analysis

Discussion among the City Council and staff included discussion of rebuttals, preparation of the Argument in Favor and determining the individuals who will be authorized to sign the Argument in Favor. Direction was given to staff to prepare the Argument in Favor and bring back to the Council at the November 5, 2019 meeting and members of the City Council will provide names to the City Administrator of individuals who may be authorized to sign the Argument in Favor.

Item 2 CONTINUED:

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2019-070 ordering an election on March 3, 2020 to submit to the voters an ordinance to increase the transactions and use taxes (sales tax) rate to one and one half percent (1.5%) for a period of twenty (20) years for general purposes; finding and declaring that an emergency exists that requires the election to be held before the next regularly scheduled municipal election; requesting the Board of Supervisors of the County of Monterey to consolidate the election regarding the ordinance with the March 3, 2020 Presidential Primary Election and to permit the Monterey County Election Department to conduct said election; directing the City Clerk to take all necessary actions and coordinate with the County of Monterey to ensure placement of the ordinance on the March 3, 2020 ballot; authorizing argument and rebuttal argument for and against the ordinance; and directing the City Attorney to prepare an impartial analysis, by the following vote:

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

PUBLIC HEARINGS

Item 3: Introduce 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 opened the Public Hearing and requested this item be continued to the November 5, 2019 City Council meeting.

Discussion among the City Council and staff included discussion of the time needed to further review the recommended changes.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council continued this item to the November 5, 2019 City Council meeting, by the following vote:

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

Item 4: Consideration of an Appeal (APP 19-348) application of the Planning Commission's decision to deny a Use Permit (UP 19-304) to allow for the establishment of a Cosmetic Store, Royal Bee, located on Dolores, 4 SW of Ocean in the Central Commercial (CC) Zoning District.

Mayor Potter stated the appellant requested continuance of the item to the November meeting due to a religious holiday.

Council Member Reimers recused herself due to the proximity of the property involved to property her family owns and left the dais at this time.

Mayor Potter opened the Public Hearing

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council continued this item to the November 5, 2018 City Council meeting, by the following vote:

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

Item 5: 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.

Discussion among the City Council and staff included clarification of the impact to the Hospitality Improvement District (HID) and Tourism Improvement District (TID) and clarification of the house size (number of bedrooms and bathrooms) for the affordable rent referred to in the presentation.

The following members of the public spoke:

Barbara Livingston
Mark Stilwell
Ron Brown
Chris Sanders
Kent Ipsen
Stuart Allen
Ralph Guenther
Heidi Spicer
George Maderos
Vince Brigantino
Beverly Ferrell-Sanders

Item 5 CONTINUED:

Discussion among the City Council and staff included discussion of enforcement of the low-income residential housing portion of the proposed program and the stance of the Coastal Commission. Additional discussion took place regarding the Council's concerns with unintended consequences of eviction of current tenants with the six-month "use it or lose it" provision in the ordinance. The City Council discussed perhaps allowing the permit to run with the land and eliminate the "use it or lose it" provision and discussed the ratio of affordable units for new permits. Additional discussion took place regarding moderate, median and low income rentals, and the square footage of rental units. Direction was given to staff to bring the ordinance back with modification to the "use it or lose it" provision where it does not expire and it runs with the land, and modifying the ratio to include one unit is for moderate income and one unit is for low income.

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council continued this item to November 5, 2019, by the following vote:

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

FUTURE AGENDA ITEMS

Council Member Reimers requested the City Council discuss changes made by staff after Council's approval of an item, CalPERS pensions, and ranking Capital Improvement Projects at a meeting in the future. Council Member Reimers also asked when the goats will be weeding Pescadero Canyon.

The City Administrator stated the new City Forester Sara Davis from Colorado begins December 2, 2019 and discussed waiting to address use of the goats until she has begun working for the City.

ADJOURNMENT

Mayor Potter adjourned the meeting to closed Session at 6:34 p.m.

Mayor Potter reconvened the meeting.

The City Attorney stated the City Council met in Closed Session and considered items 'B' and 'E' listed on the October 7, 2019 agenda. The City Council approved settlement of the following case with no further reportable action:

- Jo-Ann Otlin v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. 18CV001882; \$21,000.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk