CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron, Karen Ferlito, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING
Tuesday, April 6, 2021

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.

To attend via Zoom click here(or copy and paste the link into your browser); https://zoom.us/j/95806441379?, Meeting ID (if needed): 958 0644 1379, Passcode (if needed): 173007; or to attend via telephone, dial 1-669-900-9128

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

EXTRAORDINARY BUSINESS

A. Proclamation for National Library Week 2021

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ANNOUNCEMENTS

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. March 1, 2021 Special Meeting Minutes, March 2, 2021 Regular Meeting Minutes and March 16, 2021 Special Meeting Minutes
2. February 2021 Check Register Summary
3. Monthly Reports for February: 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
4. Resolution 2021-012 approving a Memorandum of Understanding (MOU) for the Central Coast Community Energy (3CE) shared seats with the Cities of Monterey and Pacific Grove and appointing Council Member Baron as the Policy Board Alternate pursuant to the MOU
5. Resolution 2021-013 establishing the City of Carmel-by-the-Sea Integrated Pest Management Policy, Policy Number 2021-001

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

6. Ordinance 2021-001 amending sections 2.28.030, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions
7. Ordinance 2021-002 adding Chapter 12.48 “Special Events” to the Carmel-by-the-Sea Municipal Code and Resolution 2021-015 rescinding Resolution 2016-035 and rescinding City Council Policy C16-01 “Special Events”
8. Receive additional information regarding pension mitigation options to address the City's unfunded pension liability; discuss options, including the development of a pension funding policy, and provide direction to staff
9. Resolution 2021-016 authorizing purchases for essential public safety projects including the emergency fire pump replacement at Sunset Center, renovation of the Police Dispatch Room, replacement of two Police vehicles, a water filtration system at the Public Works Yard, a Greenhouse Gas Emissions Forecast Study, and reopening City facilities per CDC Covid-19 guidelines
10. Resolution 2021-017 authorizing the City Administrator to restore voluntary compensation reductions for At Will Executives and classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association effective June 1, 2021
11. Receive an update and tentatively select proposed Fiscal Year 2021/22 Capital Improvement Program projects and provide direction to staff

12. Receive a report on paid parking in Carmel-by-the-Sea, and provide direction to staff on whether to pursue further action on a program in the City

FUTURE AGENDA ITEMS

ADJOURNMENT

13.

14.

15.

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage http://www.ci.carmel.ca.us in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).

National Library Week 2021
Proclamation

WHEREAS, libraries of all types are at the heart of their cities, towns, schools, and campuses, serving their communities;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, the Carmel Public Library is a safe, accessible and inclusive place that fosters a sense of belonging and community;

WHEREAS, the Carmel Public Library's services extend far beyond the four walls of their buildings and everyone is welcome to use their resources;

WHEREAS, the Carmel Public Library offers opportunities for everyone to explore new worlds and become their best selves through access to technology, entertainment and learning resources;

WHEREAS, in times of crisis and change, the staff of the Carmel Public Library play an invaluable role in supporting their community both in person and virtually;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that I Dave Potter, Mayor of Carmel-by-the-Sea proclaim National Library Week, April 4-10, 2021. During this week, I encourage all residents to visit Carmel Public Library online to access resources and services. Because of you, Libraries Transform lives and communities.

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	March 1, 2021 Special Meeting Minutes, March 2, 2021 Regular Meeting Minutes and March 16, 2021 Special Meeting Minutes

RECOMMENDATION:

Approve March 1, 2021 Special Meeting Minutes, March 2, 2021 Regular Meeting Minutes and March 16, 2021 Special Meeting Minutes as presented.

BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None for this action.

ATTACHMENTS:

Attachment #1 - March 1, 2021 Special Meeting Minutes
Attachment #2 - March 2, 2021 Regular Meeting Minutes
Attachment #3 - March 16, 2021 Special Meeting Minutes

CITY COUNCIL SPECIAL MEETING
Monday, March 1, 2021
4:30 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL
Mayor Potter called the meeting to order at 4:30 p.m.

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

PUBLIC APPEARANCES
None

CLOSED SESSION

Item A: Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

ADJOURNMENT

APPROVED:

_____
Dave Potter, Mayor

ATTEST:

_____
Ashlee Wright for
Britt Avrit, MMC
City Clerk

REGULAR MEETING
Tuesday, March 2, 2021
4:30

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

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

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

EXTRAORDINARY BUSINESS

Item A: American Red Cross Month Proclamation

Mayor Potter read the proclamation and Patsy Gasca, Disaster Program Manager, spoke about the work of the American Red Cross.

PUBLIC APPEARANCES

The following members of the public spoke:

Sober Grad

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator announced that staff will begin testing the Zoom platform, celebrated staff employment anniversaries, and stated that the meeting would be adjourned in honor of former Council Member Barbara Livingston.

Item B: City Attorney Announcements

The City Attorney stated the City Council met in Closed Session on March 1, 2021 and discussed the matters listed on the agenda with no reportable action.

Item C: Councilmember Announcements

Mayor Pro Tem Richards thanked all of the volunteer groups who have stepped forward to help during the pandemic and stated that he is proud of our town. He thanked Leadership Carmel for their Hearts project.

Council Member Baron announced that the next Climate Change Committee would be March 18 and that the Carmel High School Environmental Club would be presenting at the meeting.

Council Member Ferlito spoke about Barbara Livingston's service to the community.

CONSENT AGENDA
Mayor Pro Tem Richards requested Item No. 4 be removed for separate discussion.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved the Consent Agenda with the exception of Item No. 4 by the following roll call vote:

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

Item 1: February 2, 2021 Special and Regular Meeting Minutes

Item 2: Monthly Reports for January: 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: January 2021 Check Register Summary

Item 5: Resolution 2021-011 approving a budget amendment to the Fiscal Year 2020-2021 adopted budget for a Monterey Peninsula Water Management District Grant to install a demonstration rain garden

Item 4: Resolution 2021-010 approving a Funding Agreement with the Transportation Agency of Monterey County (TAMC) for the Wayfinding Sign Program

The Public Works Director provided a staff report on this item and responded to questions from Mayor Pro Tem Richards and questions received from the public (Sue McCloud) via email.

Public Comment
None

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2021-010 approving a Funding Agreement with the Transportation Agency of Monterey County (TAMC) for the Wayfinding Sign Program, by the following roll call vote:

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

ORDERS OF BUSINESS

Item 6: Consider authorizing staff to issue a Request for Proposals for the leasing of the historic Forest Theater for theatrical programming and facility management

The Library and Community Activities Director provided the staff report for this item.

Public Comment
Stephen Moorer
Christine Sandin
Carrie Glen

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council authorized staff to issue a Request for Proposals for the leasing of the historic Forest Theater for theatrical programming and facility management, by the following roll call vote:

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

Item 7: Receive an update on Special Events for 2021

The Library and Community Activities Director provided the update for this item.

Discussion among the City Council and staff included discussion challenges of organizing events with COVID protocols, cancelling the Memorial Day ceremony and 4th of July celebration and potential options for celebrating events that didn't involve gatherings.

Public Comment
Stephen Moorer

On a motion by Council Member Theis and seconded by Council Member Ferlito, the City Council received the update provided by staff, directed staff to work with event organizers to mitigate risks at events, authorized the cancellation of the Memorial Day and 4th of July events and directed staff to work with the Community Activities Commission to develop alternate ways to celebrate holidays, by the following roll call vote:

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

Item 8: Receive an update on the City's unfunded pension liability, discuss pension mitigation options, including the development of a pension funding policy, and provide direction to staff

Representative of NHA provided the report on this item.

Discussion among the City Council and staff included options to mitigate pension liability.

Break at 6:34 p.m.

Resume 6:40 p.m.

Public Comment
Dale Byrne

Further discussion among the City Council and staff included options to mitigate pension liability.

No action needed, direction provided to staff.

Item 9: Update on the Climate Committee and discussion of State requirements for climate action

The Environmental Compliance Manager provided the update for this item.

Discussion among the City Council and staff included discussion of work completed to date and further components of the Climate Action plan that remain to be completed.

Public Comment
None

No action needed, direction provided to staff/receive and file only.

Item 10: Exceptions to uniform 10pm closure time for parklets

The Director of Community Planning & Building provided the staff report for this item.

Public Comment
Kim Stemler
Parker Logan
Scott Caracciolo

Discussion among the City Council and staff included discussion of closure times for restaurants, bars and tasting rooms.

Item 10 continued:
On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council approved exceptions to the uniform 10 p.m. closure time for Sades, and offer the same option to Barmel and A.W. Shucks, by the following roll call vote:

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

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved the 10:00 p.m. uniform closing of restaurants – last seating at 10:00 p.m., by the following roll call vote:

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

On a motion by Council Theis and seconded by Mayor Pro Tem Richards, the City Council approved the 7:00 p.m. uniform closing of tasting rooms, by the following roll call vote:

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

PUBLIC HEARINGS

Item 11: Consideration of an Appeal of the Forest and Beach Commission decision regarding fee assessment and mitigation for unauthorized tree removals at the northwest corner of Junipero Street and Thirteenth Avenue

The City Forester provided the staff report for this item. Appellant Dr. Vivian Price also presented on this item.

Discussion among the City Council and staff included discussion of the decision made by the Forest and Beach Commission regarding Pittosporum trees removed without a permit.

On a motion by Council Member Theis and seconded by Mayor Potter, the City Council moved to require the payment of $2,500, inclusive of the cost of the Arborist Report in the amount of $1,103.40, for two Pittosporum trees removed without a permit to be deposited in the City's Reforestation Fund.

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

FUTURE AGENDA ITEMS
None

ADJOURNMENT
The City Council adjourned the meeting in memory of Barbara Livingston.

Mayor Potter adjourned the meeting at 9:09 p.m.

APPROVED:

_____
Dave Potter, Mayor

ATTEST:

_____
Ashlee Wright for
Britt Avrit, MMC
City Clerk

CITY COUNCIL SPECIAL MEETING
Tuesday, March 16, 2021
4:00 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:00 p.m.

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

PUBLIC APPEARANCES

The following member of the public spoke:
Richard Kreitman

ORDERS OF BUSINESS

Item 1: Receive a presentation on the Five Year Financial Forecast and provide direction to staff

The Director of Budgets and Contracts provided the presentation for this item.

Discussion and questions among the City Council and staff included funding for projects in Operations Budget versus CIP Budget, concerns with staff levels as it relates to funding of projects, impact to staff with reopening of City facilities, concerns related to green infrastructure, and looking at ways to save money and other sources of revenue.

The following member of the public spoke regarding this item:
Richard Kreitman

Additional discussion included potential existence of a surplus at the end of this Fiscal Year, use of the surplus, saving the surplus, spending money on everyday experiences for residents, spending responsibly and judiciously, and the value of the 5-year forecast.

Item 2: Receive a presentation on the proposed Fiscal Year 2021/22 Capital Improvement Program and Five Year Capital Improvement Plan, and provide direction to staff

The Public Works Director provided the presentation for this item.

Discussion and questions among the City Council and staff included Council approving funds for the projects and staff prioritizing them, projects that would require staff to complete them, use of the Vehicle Replacement Fund, discussion of specific projects on the CIP list and discussion of the urgent projects provided in the presentation.

The following members of the public spoke regarding this item:
Richard Kreitman
Steve Dallas

Item 2 continued…
Additional discussion included the climate study and a comparable AMBAG study, funding the urgent projects listed, the 13 projects proposed in the presentation and moving forward with salary adjustments for the sacrifices made by staff using surplus to address any funding shortfall, the need for projects to enjoy in the Village by the residents, beautifying the town, moving forward with Police Department Renovation and sea-level rise projects. Additional discussion involved the need for a Project Manager and bringing back FTE's, hiring a Grant Writer, concerns about the future and the resurgence of COVID in Europe, and not spending right away.

ADJOURNMENT
Mayor Potter adjourned the meeting at 6:31 p.m.

APPROVED:

_____
Dave Potter, Mayor

ATTEST:

_____
Britt Avrit, MMC
City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robin Scattini, Finance Manager
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	February 2021 Check Register Summary

RECOMMENDATION:

Approve the check register for February 2021.

BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check. Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in February.

FISCAL IMPACT:

The check register summary for February 2021 totals $621,240.

PRIOR CITY COUNCIL ACTION:

Council ratified the January 2021 check register at its March 2 regular meeting.

ATTACHMENTS:

February 2021 check register

February 2021 Check Register

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 000 Marketing & Economic Development				
46519	Monterey County Convention & Visitors Bureau	Nov-Dec 2020 TID remittance	02/19/2021	29,312.91
46527	Visit Carmel	CHID Remittance for Nov-Dec 2020	02/19/2021	87,523.43
		Total for Department: 000 Marketing & Economic Dvlpmnt		116,836.34
Department: 110 City Council				
46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	58.80
46456	Monterey County Mayor's Association	Annual dues for 2021	02/08/2021	1,500.00
46459	Peninsula Messenger LLC	Mail sorting and delivery	02/08/2021	6,437.00
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	168.05
46517	League of California Cities	Membership dues calendar year 2021	02/19/2021	2,626.00
		Total for Department: 110 City Council		10,789.85
Department: 111 City Administration				
46413	California Chamber Of Commerce	2021 Labor Law Posters and pamphlets	02/08/2021	540.70
46415	Chavan and Associates, LLC	Financial audit billing	02/08/2021	5,200.00
46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	1,434.24
46418	Comcast	Business cable services-City Hall	02/08/2021	73.16
46419	Corbin Willits System	MOM Software support	02/08/2021	720.79
46427	Image Sales	Employee ID badges	02/08/2021	20.76
46429	Jane Wilson	Reimburse: City Hall lobby COVID forms box	02/08/2021	24.73
46431	NHA Advisors	Bond arbitrage and compliance reporting	02/08/2021	2,700.00
46442	Alhambra	Water service-City Hall	02/08/2021	30.86
46443	Amazon Web Services Inc	Monthly data storage and cloud service fees	02/08/2021	1,180.77
46445	AT&T	Telephone service citywide	02/08/2021	10,225.86
46446	AT&T	Police department router and telecom services	02/08/2021	711.80
46453	Iron Mountain	Records management and storage fees	02/08/2021	192.01
46457	Office Depot, Inc.	Office supplies	02/08/2021	89.04
46462	Sprint	Usage: voice, messaging, data	02/08/2021	452.22
46464	T-Mobile	Usage: voice, messaging, data	02/08/2021	1,458.39
46465	US Bank	NY Times digital subscription	02/08/2021	17.00
46467	Anna Aubuchon	FY 19-20 Years of service award: 10 years	02/09/2021	100.00
46468	Cindi Mitchell	FY19-20 Years of service award: 30 years	02/09/2021	400.00
46469	James Pingree	FY19-20 Years of service award: 30 years	02/09/2021	400.00
46471	Jeff Watkins	FY19-20 Years of service award: 15 years	02/09/2021	150.00
46472	Michael Feher	FY19-20 Years of service award: 5 years	02/09/2021	50.00

46473	Robert Culver	FY19-20 Years of service award: 25 years	02/09/2021	300.00
46474	Ronald Pfleger	FY19-20 Years of service award: 5 years	02/09/2021	50.00
46510	Carmel Office Supply	Shipping fees-IT	02/19/2021	23.51
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	515.45
46513	Comcast Business	CALNET NGEN billing	02/19/2021	644.82
46520	NHA Advisors	2010 Refunding Lease Rev bonds- arbitrage fee	02/19/2021	6,500.00
46521	Office Depot, Inc.	Office supplies	02/19/2021	76.16
46524	Ralph Anderson & Associates	Professional fees: CP&B Director search	02/19/2021	4,980.00
46525	Toshiba Financial Service	Copier contract Admin ESTUDIO 5506ACT	02/19/2021	403.46
46528	Wageworks,Inc	Healthcare monthly admin and compliance fee	02/19/2021	160.00
46529	Zoom Imaging Solutions, Imc.	Admin copier usage fees	02/19/2021	247.40
46535	Carmel Pine Cone	Legal noticing	02/26/2021	150.00
46564	US Bank	Subscriptions, IT equip, registration fees, supplies	02/26/2021	4,007.11
46566	Carmel Pine Cone	Legal noticing	02/26/2021	360.00
46567	Comcast	Business cable services-City Hall	02/26/2021	73.16
46568	Corbin Willits System	MOM Software support	02/26/2021	720.79
46570	Digital Deployment	Maintenance and security updates for website	02/26/2021	700.00
46574	US Bank	Subscription, notary dues, working lunch meetings	02/26/2021	191.40
		Total for Department: 111 City Administration		46,275.59

Department: 112 City Attorney

46509	Burke,Williams & Sorensen, LLP	January legal services	02/19/2021	15,902.40
		Total for Department: 112 City Attorney		15,902.40

Department: 115 Community Planning & Building

46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	80.85
46420	CSG Consultants, Inc.	Building plan review services December 2020	02/08/2021	15,908.22
46421	De Lage Landen Financial	Front copier lease	02/08/2021	202.11
46425	FedEx	Plan delivery for volume study	02/08/2021	9.40
46428	IWORQ	iWorQ systems internet software management	02/08/2021	7,550.00
46434	Ryan Ranch Printers	Printing of corrections notices	02/08/2021	169.11
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	725.29
46536	Carmel Towing & Garage	Fuel - CPB vehicle	02/26/2021	34.94
46541	De Lage Landen Financial	Front copier lease	02/26/2021	212.22
46544	FedEx	Plan delivery for volume study	02/26/2021	36.25
46556	Office Depot, Inc.	Office supplies	02/26/2021	85.08
46564	US Bank	Professional membership dues and subscriptions	02/26/2021	945.11
		Total for Department: 115 Community Planning & Bu		25,958.58

Department: 116 Police

46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	1,082.56
46423	De Lage Landen Financial	Police Dept Copier Lease	02/08/2021	161.69
46424	De Lage Landen Financial	Police Dept Copier Lease	02/08/2021	161.69
46435	Same Day Shred	Shredding services	02/08/2021	45.00
46440	Verizon Wireless	Air Cards for PD Vehicles	02/08/2021	190.05
46444	American Lock & Key	New keys for PD	02/08/2021	912.69
46449	Caltronics Business Systems, Inc.	Copy machine usage fee per contract	02/08/2021	191.48
46451	County of Santa Clara-Sheriff Office	COPLINK South Bay Information Sharing System	02/08/2021	298.28
46454	Lemos Service Inc	PD vehicle repair services	02/08/2021	1,073.59
46457	Office Depot, Inc.	Office supplies	02/08/2021	443.74
46458	Pacific Gas & Electric	Video cameras citywide	02/08/2021	171.89
46463	T2 Systems Canada Inc.	Digital Iris Services	02/08/2021	125.00
46465	US Bank	Training registration	02/08/2021	125.00
46466	Verizon Wireless	Air Cards for PD Vehicles for FY 20/21	02/08/2021	171.02
46484	Jeff Watkins	Wellness Program Reimbursement per MOU	02/09/2021	350.00
46485	Kenrick Shen	Wellness Program Reimbursement per MOU	02/09/2021	125.00
46492	Ronald Pfleger	Wellness Program Reimbursement per MOU	02/09/2021	300.00
46507	Alhambra	Bottle Water Service for PD	02/19/2021	152.11
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	1,067.92
46512	Comcast	Cable TV/High Speed Internet for PD	02/19/2021	62.76
46515	De Lage Landen Financial	Police Dept Copier Lease	02/19/2021	161.69
46526	US Bank Voyager Fleet	Fuel Police Dept	02/19/2021	44.39
46536	Carmel Towing & Garage	Police Dept-Fuel	02/26/2021	3,219.00
46542	Drivers License Guide Co.	2021 License ID Checking Guide	02/26/2021	35.06
46567	Comcast	Cable TV/High Speed Internet for PD	02/26/2021	234.68
46571	Monterey County District Attorney	Carmel portion FY 2019-20 Blood Alcohol costs	02/26/2021	1,355.27
46573	Silke Communications	Radio repair and maintenance	02/26/2021	417.27
		Total for Department: 116 Police		12,678.83

Department: 117 Fire

46442	Alhambra	Bottle Water Service for Fire Dept	02/08/2021	152.53
46450	City Of Monterey	FY 20/21 Fire Contract Monthly Charges	02/08/2021	217,409.76
46489	Overhead Door Co of Salinas	Roll-up door repair, Carmel Fire Station	02/09/2021	4,000.00
46508	American Supply Company	Cleaning supplies	02/19/2021	392.03
46518	Mission Linen Service	Linen maintenance	02/19/2021	214.20
46536	Carmel Towing & Garage	Fuel purchases for fire vehicles	02/26/2021	670.13
46550	Mission Linen Service	Linen maintenance	02/26/2021	106.57
		Total for Department: 117 Fire		222,945.22

Department: 118 Ambulance

46412	Bound Tree Medical LLC	Medical supplies	02/08/2021	2,619.54
46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	57.75
46422	De Lage Landen Financial	Ambulance-Copier lease	02/08/2021	78.71
46440	Verizon Wireless	Air Cards for Ambulance	02/08/2021	190.05
46447	Bound Tree Medical LLC	Medical supplies	02/08/2021	272.64
46450	City Of Monterey	Ambulance administration	02/08/2021	1,672.41
46450	City Of Monterey	Ambulance repairs parts and labor	02/08/2021	2,673.96
46452	Dr. James Stubblefield	Ambulance medical director contract services	02/08/2021	5,500.00
46460	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	02/08/2021	47.95
46466	Verizon Wireless	Air Cards for Ambulance	02/08/2021	76.02
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	57.75
46514	Cypress Coast Ford/Lincoln	Ambulance vehicle repairs	02/19/2021	35.18
46515	De Lage Landen Financial	Ambulance-Copier lease	02/19/2021	71.01
46516	Dept of Health Care Services-Accounting/Cashiers	GEMTGAF 2020 Qtr 4 billing	02/19/2021	5,975.50
46532	Bound Tree Medical LLC	Medical supplies	02/26/2021	588.63
46536	Carmel Towing & Garage	Ambulance towing	02/26/2021	927.26
46559	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	02/26/2021	179.22
		Total for Department: 118 Ambulance		21,023.58

Department: 119 Public Works

46411	Alhambra	Water service Public Works	02/08/2021	158.79
46414	Carmel Area Wastewater District	Restaurant Inspection service FY 2020-21	02/08/2021	1,582.98
46416	Cintas Corporation	Uniforms for PW	02/08/2021	114.15
46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	489.25
46475	American Supply Company	Janitorial supplies	02/09/2021	1,518.84
46477	Cintas Corporation	Uniforms for PW	02/09/2021	1,123.29
46478	De Lage Landen Financial	Copier lease and usage	02/09/2021	205.39
46479	Dominic Marquez	Boot reimbursement per MOU	02/09/2021	120.10
46480	Edges Electrical Group	Electrical Supplies	02/09/2021	218.11
46481	Ferguson Enterprises, Inc.	Plumbing supplies	02/09/2021	68.63
46482	Granite Rock Company	Sandbag sand	02/09/2021	118.38
46483	Greenwaste Recovery Inc	Vista Lobos yellow foodwaste bin	02/09/2021	109.61
46486	M3 Environmental Consulting	Tri-annual microbial inspection - Park Branch	02/09/2021	1,065.98
46487	Marina Backflow Company	Backflow test - Ocean & Guadalupe water fountain	02/09/2021	60.00
46490	Poe's Plumbing & Backflow	Service call Forest Hill park flooding due to storm	02/09/2021	413.75
46491	Pureserve Building Service	Janitorial Services	02/09/2021	15,695.75
46493	Salinas Valley Ford Sales	Heater core for dump truck	02/09/2021	79.09
46494	Scarborough Lumber & Building	Facilities maintenance supplies	02/09/2021	80.38
46495	Tope's Tree Service Inc.	Tree work citywide	02/09/2021	3,332.50
46496	US Bank	Memberships, supplies	02/09/2021	1,241.57
46511	Coastal TPA, Inc	Dental and vision reimbursement claims	02/19/2021	1,032.45
46530	Ailing House Pest Control	Pest control services	02/26/2021	574.00

46531	Alhambra	Water service Public Works	02/26/2021	144.43
46534	Caltronics Business Systems, Inc.	Copy machine usage fee per contract	02/26/2021	32.26
46536	Carmel Towing & Garage	January 2021 fuel	02/26/2021	1,781.74
46537	Cintas Corporation	Uniforms for PW	02/26/2021	285.97
46538	City Of Monterey	Vehicle repair charges parts & labor	02/26/2021	8,233.26
46539	Coast Counties Glass, Inc.	ADA correction/upgrade to Murphy restroom	02/26/2021	5,610.00
46540	Colburn Electronic Controls, LLC	Parts for Fire Dept. generator repair	02/26/2021	1,432.84
46543	Edges Electrical Group	Electrical Supplies	02/26/2021	1,901.78
46545	Ferguson Enterprises, Inc.	Plumbing supplies	02/26/2021	633.77
46546	Golden State Portables	Handicap unit Forest Theater	02/26/2021	761.76
46547	Granite Rock Company	Supplies	02/26/2021	895.86
46548	Greenwaste Recovery Inc	Vista Lobos yellow foodwaste bin	02/26/2021	109.61
46549	Jamestown Advanced Products Corp	41 trash receptacles/labels	02/26/2021	23,419.90
46551	MJ Murphy Lumber and Hardware	Lumber supplies	02/26/2021	485.27
46552	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies	02/26/2021	265.10
46553	Monterey One Water	MRSWMP FY20-21 program fees	02/26/2021	21,642.60
46554	Monterey Sanitary Supply	Cleaning supplies	02/26/2021	212.38
46555	Mutt Mitt	Mutt Mitt donation purchases	02/26/2021	5,243.13
46557	Overhead Door Co of Salinas	Service call: Norton Court roll-up garage.	02/26/2021	998.00
46560	Poe's Plumbing & Backflow	Service calls: Picadilly Park, Del Mar, Murphy Park	02/26/2021	600.00
46562	Scarborough Lumber & Building	Facilities maintenance supplies	02/26/2021	251.75
46563	Signworks Inc	City decals	02/26/2021	104.40
46564	US Bank	Supplies	02/26/2021	302.85
		Total for Department: 119 Public Works		104,751.65

Department: 120 Library

46417	Coastal TPA, Inc	Dental and vision reimbursement claims	02/08/2021	9.16
46523	Pacific Grove Self Storage	Storage unit for city art	02/19/2021	279.00
		Total for Department: 120 Library		288.16

Department: 121 Community Activities

46439	US Bank	Canva subscription, Farmers Market poinsettias	02/08/2021	1,048.59
46476	Carmel Pine Cone	Valentine's Day farmers market ad 1/4 page	02/09/2021	400.00
46488	Office Depot, Inc.	Office supplies	02/09/2021	32.33
46564	US Bank	Canva monthly subscription	02/26/2021	12.95
		Total for Department: 121 Community Activities		1,493.87

Department: 130 Non-Departmental

46438	Tristar Risk Management	Qtr 1 - Qtr 3 Workers Comp Admin Fees	02/08/2021	9,675.00
46448	Cal-Am Water Company	Water service citywide	02/08/2021	10,462.07

46458	Pacific Gas & Electric	Gas & electric service citywide	02/08/2021	10,301.83
46522	Pacific Gas & Electric	Gas & electric service citywide	02/19/2021	384.53
46533	Cal-Am Water Company	Water service citywide	02/26/2021	8,671.32
46561	Prism Public Risk Innovation	General Liability Program deductible FY 2020-21	02/26/2021	2,030.81
		Total for Department: 130 Non-Departmental		41,525.56

Department: 411 Debt Service

46572	MUFG Union Bank, N.A.	Bond fees: Carmel 2010 revenue bond	02/26/2021	770.00
		Total for Department: 411 Debt Service		770.00
		Grand Total		**621,239.63**

February Contract Payments:

Vendor	Contract Amt	Paid through February	Contract Balance	
Pen Messenger	$ 58,000.00	$ 21,648.00	$ 36,352.00	
Pureserve	$ 198,349.00	$ 125,566.00	$ 72,783.00	
City of Monterey	$2,493,245.00	$ 1,521,868.32	$ 971,376.68	Fire admin services
Tope's Tree Svc	$ 25,000.00	$ 9,813.00	$ 15,187.00	
Chavan & Assoc.	$ 32,000.00	$ 24,000.00	$ 8,000.00	

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Monthly Reports for February: 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

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports.

Based upon Council direction provided during the April 7, 2020 meeting, staff have added a new section to the monthly staff report regarding the home mail delivery program.

The invoice submitted by Peninsula Messenger Service for the month of February shows 157 residents are receiving mail delivery service.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

Monthly approvals.

ATTACHMENTS:

Attachment #1 - City Administrator Contract Log
Attachment #2 - Community Planning & Building Report for February 2021
Attachment #3 - Police, Fire & Ambulance Report
Attachment #4 - Public Records Act Request Logs
Attachment #5 - Public Works Report for February 2021

City Administrator Contract Log

Nothing to report for February, 2021

Attachment 2

CITY OF CARMEL-BY-THE-SEA
Monthly Report

February 2021

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Senior Planner
SUBMITTED ON:	March 25, 2021
APPROVED BY:	Brandon Swanson, Community Planning & Building Director

FEBRUARY 2021 – DEPARTMENT ACTIVITY REPORT

I. PLANNING APPLICATIONS:

In February of 2021, **32** planning permit applications were received.

II. BUILDING PERMIT APPLICATIONS:

In February of 2021, **33** Building Permit applications were received.

III. CODE COMPLIANCE CASES:

In February of 2021, **5** new code compliance cases were created.

IV. ENCROACHMENT APPLICATIONS:

In February of 2021, **32** encroachment permit applications were received.

V. YEAR-TO-DATE TRENDS

Table 1 includes the February 2021 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to February 2020 totals. As shown in the table, in 2021 there was a **7% decrease** in planning permit applications, a **31% decrease** in building permit applications, **77% decrease** in code compliance cases, and a **19% decrease** in encroachment permit applications compared to the same period 2020.

Table 1. Permit Application Totals

	Planning	Building	Code Compliance	Encroachments
2020 Totals	65	88	60	59
2021 Totals	60	61	14	48
% Difference	-7%	-31%	-77%	-19%

Planning Permit Report

02/01/2021 - 02/28/2021

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
21064	Design Study	Residential Electric Vehicle Charging Station installation	N. Casanova, 5 NW of Palou			Pending Assignment
21063	Design Study	"Plan Change - Permit #190512" Change in Site Coverage: Add new outdoor fireplace with gas log lighter, reduce existing site coverage, and install new stone patio at fireplace.	SW corner Carmelo and 12th			In Review
21062	Design Study	Add 1 (N) 22"w x 36" Skylight in the Kitchen	Torres 7 NW of 8th	2/25/2021		In Review
21061	Design Review	Bollards, Post & Chain, Lighting	Ocean Ave & San Carlos			In Review
21060	Business License	Boutique Donuts and Coffee Shop	Carmel Plaza - Ocean and Mission Street, Suite 205C	2/24/2021		In Review
21059	Design Study	Rebuild an existing deck, re-roof an existing asphalt shingle roof with new asphalt shingle roof, new stucco exterior over existing t1-11 wood siding, replace existing aluminum windows with new aluminum clad wood windows, replace existing doors with new stain grade wood, convert an existing 1-car carport beneath a deck to an enclosed 1-car garage, interior kitchen and bath remodel	Junipero 4th SW of 8th Ave	2/24/2021		In Review
21058	Use Permit	Use Permit amendment to expand existing restaurant space by 270 square feet. No additional tables or chairs.	San Carlos 3 NE of 6th Ave	2/22/2021		Scheduled for PC
21057	Design Study	Amend previously approved design and Historic determination (DS-082). Install new 2x8 furring over	Torres 3 SE of 1st	2/23/2021		Pending Assignment

		existing roof to facilitate install of code required fire sprinkler system. Install new 2x8 fascia board around roof. Existing 2x8 fascia board to remain. Install previously approved tar & gravel Roof and skylights on new roof				
21056	Business License	New Hair Salon	Junipero	2/23/2021		In Review
21055	Design Study	Interior Remodel, Kitchen extension, New windows, new fence replacement and revise driveway and roof extension	CARPENTER 2SW OF 4TH	3/1/2021		Pending Assignment
21054	Design Study	Plan revision to site plan; under construction	Guadalupe Street, 4Sw of 2nd Ave	2/23/2021		Pending Assignment
21053	Business License		Villa Carmel Bldg, suite 4 SW corner of Mission and 4th	2/18/2021		In Review
21052	Landscape Plan Check/Inspection	Revised landscape plan for screening as a response to the plan check correction item #1 on Nov. 25, 2020 - proposed screening from the public view				Pending Assignment
21051	Preliminary Site Assessment	Existing Scudellari residence with remodel @ first floor approximately 180 sq. ft and second story addition of 344 sq fe with deck enclosed in exising roof structure. No site work proposed	Camino Real 6 SE of 12th	2/19/2021		In Review
21050	Design Study	Two new carport skylights	2nd Ave. 2NW of Lincoln Ave.	2/18/2021		In Review
21049	Design Study	Selective grading at front yard, Install new tree to replace dead tree that was removed (tree removal permit already submitted and approved) ; reset (e) driveway pavers, New mortar set stone paver landing and steps at pedestrian gate, Remove select mortar-set stone features, Replace planting at front and rear yard including lawn	Casanova 2 SW of 11th	2/24/2021		In Review
21048	Business License	This business license BL 21-048 (Diggidy Dog) authorizes use of a 1,529 square foot commercial spaceoffering the following goods and services. a. Primary Use: This use is classified as a Pet Supply Store (NAICS453910): I.This industry comprises establishments primarily engaged	NE Corner of Ocean and Monte Verde	2/11/2021	2/24/2021	Approved

		in retailing pet foods, and pet supplies. b. Ancillary Use: The Ancillary Use shall be classified as a Pet Photo Studio (NAICS 541921): I.This industry comprises establishments known as portrait studios primarily engaged in providingstill, video, or digital portrait photography services. II.The ancillary use shall occupy no more than 10% of the floor area of the primary use. III.Portraits shall be limited to portraits and photographs involving cats and dogs. IV.Operators of the ancillary use not directly employed by the business (Diggidy Dog) shall obtain an“in-and-about” business license prior to operation of the ancillary use.				
21047	Business License	This business license authorizes use of an existing commercial space located in the Central Commercial (CC) Zoning District providing the following goods and services:. Primary Use: This use is classified as an Office of a Real Estate Agent or Broker (NAICS 531210): Engaged in acting as agents and/or brokers in one or more of the following:(1)selling real estate for others; (2) buying real estate for others; and (3) renting real estate for others.	Lincoln 2 NE of 6th #A	2/19/2021	2/24/2021	Approved
21046	Business License	Photography Studio inside Diggidy Dog	NE Corner of Ocean Avenue & Monte Verde			Closed
21045	Historic Evaluation	Historic Evaluation	Carmelo 3 SW of 3rd	2/10/2021		Open
21044	Sign	Sign for new Business	Dolores between 5th and 6th	2/18/2021	2/25/2021	Approved
21043	Design Study	1.Replace brick with Carmel Stone on front entrance landing 2. Add removable Carmel stone pavers by gas meter	NW corner of 8th Ave and Scenic Rd.	2/11/2021		In Review
21042	Preliminary Site Assessment	Renovation of existing hotel and property	12th and San Antonio	2/18/2021		In Review
21041	Historic Evaluation	Staff-level historical evaluation	Santa Fe, 3 SE of 2nd Avenue	2/8/2021		In Review

21040	Preliminary Site Assessment	Demolish (E) SFR & Build new two story with attached 1 car garage and roof deck	Scenic 3 SW of Ocean	2/8/2021		In Review
21039	Design Study	Remodel & Addition to an (E) SFR, repair rooted and damaged (E) guardrail and deck along front of the house. Extend (E) roof over front entrance with new wood shake to match (E). Replace (E) roof over kitchen for improved drainage. Remove (E) storage shed at back of house & build new 136 SF "study" attached to (E) master bedroom. Install new exterior door from guest bedroom #2 to rear yard. Install new stone veneer over existing site wall in front yard to match (E) golden granite rock on site.	San Carlos 2 SE of 1st	2/5/2021		In Review
21038	Design Study	ADD A GARAGE DOOR TO ENCLOSE AN EXISTNG 60 SF COVERED AREA BELOW THE RESIDENCE AND EXTEND THE GARAGE SPACE GATE TO BE WOOD ON METAL STRUCTURE SAND/BEIGE COLOR AND FRAME TO MATCH THE RESIDENCE	Camino Real 4 NE of 4th	2/11/2021		In Review
21036	Design Study	Remove old patio and old retaining wall, install new pavers and retaining wall 27" high	26000 Junipero Avenue, Carmel	2/23/2021		In Review
21035	Design Study	Replacement of some existing windows within existing openings. New front door. New exterior light fixture. Painting of exterior body and trim.	SE Corner of Palou and Casanova	2/8/2021		In Review
21034	Design Study	This approval authorizes the demolition an existing 178 square foot deck at the rear of the residence and construction of a new 178 square foot wood deck within the same footprint. The project also proposes the addition of new landscape lighting located on the stairs of the deck. The project shall be in substantial compliance with the project plans prepared by Patrick LeMaster, dated received by the Community Planning & Building Department on February 5, 2021 unless modified by the conditions of approval herein.	San Carlos 3 NW of 2nd	2/5/2021	2/16/2021	Approved
21033	Business License	This business license authorizes use of a retail space to specialize in the sale of fine art.a.Primary Use: This use is classified as a Art Dealer (NAICS 453920):i.Primarily	Dolores bet 5th and 6th	2/2/2021	2/10/2021	Approved

		engaged in retailing original and limited edition art works. Included in this industry are establishments primarily engaged in displaying works of art for retail sale in art galleries.ii.The sale and display of artwork from multiple artists is permitted as a continuation of the prior use.				
21032	Design Study	Building approximaely 40 feet of reinforced concrete wall to replace an old Carmel Stone wall that crumbled in 2020. The failure of the old was was a result of Oak trees falling into it from an adjacent property owned by Cal Am. The new steel reinforced wall will be built at the same place as the crumbled wall located on the NW side of the property	NWC 2nd and Casanova	2/2/2021		In Review

Total Records: 32 3/2/2021

Building Permit Report

02/01/2021 - 02/28/2021

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
210062	3/1/2021		Residential. Low Voltage Landscape lighting.	3	Electrical	2996 Franciscan Way
210061	2/26/2021		Residential. Interior Remodel of kitchen, master bedroom suite, laundry room with no additional square footage. Addition of 36" retaining wall at back of property.	750,000	Building	4 Oak Knoll Way
210060	2/25/2021		Residential. Enclose portion of existing covered concrete storage area to create new studio with new siding to match existing. Install one new exterior door and one new insulated wood window. Add new electrical and lighting. Install new electric wall heater. Install new concrete patio with stone vener to match existing. Contact: Charles White (831) 566-5555	15,000	Building	Santa Fe 2 SW of 1st
210059	2/24/2021	2/24/2021	Residential. Minor repair work of shingles and paint. No roofing work. Touch up paint on (e) trim and mildew wash the exterior siding. Patch paint but no change in design color or material. Contact: Masterwork Builders Inc (831) 229-8628	0	Exempt Work	Camino Del Monte 4 NW of San Carlos
210058	2/24/2021		Residential. Replace existing kitchen cabinets & countertops with new cabinets. New l.e.d. lighting in kitchen, add new skylight in kitchen. New gas line for range. Renovate 2 existing baths. No exterior work (other than skylight), no structural work.	25,000	Building	Torres 7 NW of 8th
210057	2/23/2021		Residential. Bathroom remodel with no exterior changes. Contact: Aureo Cruz (831) 884-3461	2,000	Building	5013 Lobos St
210056	2/22/2021	2/22/2021	Replace drinking fountain with ADA compliant double drinking foundation. Contact: Cleve Waters (831) 901-7127	3,000	Plumbing	Picadilly Park, btwn

						Ocean & 7th
210055	2/19/2021		Commercial. Renovate two guest rooms.	20,000	Building	NE Corner San Carlos & 5th
210054	2/18/2021	2/22/2021	Residential. Install navien tankless water heater, 10' of 3/4 gas pipe, kitchen and bathroom underfloor replacement, waist line re-pipe for kitchen & bathroom underfloor. Contact: Wilson's Plumbing (831) 375-4591	28,000	Plumbing	NW Corner Mission & 11th
210053	2/18/2021	2/22/2021	Residential. Place a small shed on property from California Custom Sheds, 64sf. Projected roof area less than 120sf. No digging is required. Shed height 8'. Contact: Maria Tarantino (614) 395-9142	0	Exempt Work	San Carlos 2 NW of 2nd
210052	2/18/2021	2/23/2021	Residential. Remove existing interior sheetrock only. Interior demolition to prepare for submission of new building permit. Contact: Rebecca Cass (831) 277-5183	15,000	Demolition	Ocean 3 NE of Guadalupe
210051	2/17/2021		Residential. Ruin approx 50' of water lines for hot & cold and recirculating line from unit to garage. Contact: JD's Plumbing (831) 394-3100	5,500	Plumbing	Junipero 3 NW of 5th
210050	2/17/2021	2/18/2021	Residential. Tear off existing roof and install new CertainTeed tar&gravel four-ply built up roof. Contact: Scudder Roofing (831) 373-7212	29,000	Roofing	SW Corner Carmelo & 10th
210049	2/17/2021		Commercial. 24.00kW Roof Mounted Solar PV System.	24,000	Electrical	NE Corner Junipero & 5th
210048	2/17/2021		Residential. Reductions in permeable area + Addition of backyard spa & retaining wall. Contact: Stocker & Allaire (831) 375-1890	165,000	Building	26174 Dolores Street
210046	2/16/2021	2/16/2021	Residential. Replace 40 gallon water heater in crawl space under home. Contact: A&R Plumbing (831) 394-7221	1,800	Plumbing	NE Corner of Mission & 10th
210045	2/11/2021		Repair fence and foundation with in-kind materials.	0	Exempt Work	Mission 4 SE of 12th

210044	2/10/2021		Residential. New electrical for new kitchen appliances. Contact: Campbell Construction (831) 809-0655	16,000	Building	26152 Ladera Drive
210043	2/10/2021		Commercial. Relocate after hours deposit box room, cut hole in existing exterior wall for installation of after hours deposit box, add 18 sf of sidewalk and install privacy wall @ AHD. Contact: Merbrink Construction (925) 439-9200	10,000	Building	NE Corner of San Carlos & 6th
210042	2/10/2021	2/10/2021	Residential. Proposed exempt work permit to allow for exploratory demo. The exploratory demo to include: removal of drywall at ceiling to determine condition of existing roof decking; removal of carpet; removal of drywall to determine post locations under header, demo to determine exterior wall stud sizes. No structural demo is proposed. ContactL Rocky Maguire Inc (831) 236-4309	5,000	Demolition	Monte Verde 3 SW of 12th
210041	2/9/2021	2/19/2021	Residential. Replace old knob and tube wiring, replace old ceiling lights with recessed lighting along with new outlets, switches, and circuit box. Contact: Flores Electrical (831) 241-8785	10,000	Electrical	5013 Lobos St
210040	2/8/2021	2/9/2021	Residential. Replace deteriorated water service from meter to house. Contact: A&R Plumbing (831) 394-7221	1,000	Plumbing	Torres 2 SE of Ocean
210039	2/5/2021	2/22/2021	Commercial. Tent covers in common area/outdoors. Contact: Gayle Speare (831) 624-0138	7,000	Building	Ocean Avenue & Mission Street
210038	2/5/2021		Commercial. Remove 1 (e) Trane gas pack rooftop unit and install a new unit utilizing a crane lift system. Contact: Zenda Heating & Sheetmetal (831) 392-0443	35,998	Mechanical	Carmel Plaza
210037	2/5/2021		Temporary Tent for Essential Service	6,000	Building	SE Corner Seventh and Dolores
210036	2/4/2021		Residential. Proposing to demolish an existing home and build a two story single family house.	408,000	Building	Monte Verde 2 NE of Santa Lucia

210035	2/3/2021		Residential. INTERIOR REMODEL OF A SINGLE FAMILY RESIDENCE. BATHROOM REMODEL (NO CHANGE IN FIXTURE COUNT) NEW FINISHES, NEW PLUMBING AND ELECTRICAL FIXTURES NEW CABINETRY AROUND LAUNDRY	30,000	Building	Carmelo 2 NE of 8th
210034	2/3/2021		Residential. Repairs of existing 119 SF studio replacing rotten siding and roofing. Addition of interior electrical outlets and exterior porch light. Replacement of bubble skylight with a flat glass version with internal black-out shade. Contact: Borregaard Construction (831) 320-0242	12,000	Building	Camino Real 5 SW of 13th
210033	2/2/2021	2/2/2021	Residential. Remove (e) heating system and install Bryant 926TB036060V14, natural gas furnace and install new R6 insulated flexible duct work. Contact: Fire & Ice Inc (831) 383-1896	11,000	Mechanical	Monte Verde 2 NW of 10th
210032	2/1/2021		Residential. Replace existing damaged wood deck (same size and location), add new deck lights.	1,500	Building	San Carlos 3 NW of 2nd
210031	2/1/2021	2/2/2021	Residential. Emergency flat re-roof utilizing in-kind materials. Composition granulated torch down. 22'x10' roof patch. Contact: Steve Dallas (831) 293-4052	385	Building	NW Corner San Carlos & 12th
210030	2/1/2021	2/4/2021	Residential. Asbestos abatement of two units, #6 & #8. Contact: Disaster Kleenup (831) 899-2784	8,424	Building	Oak Tree Lodge, Mission between 5th & 6th, units #6 & #8
210029	2/1/2021		Residential. Relocate laundry room to closet space. Contact: Nick Hovick (831) 236-7181	42,000	Building	SW Corner of Carmelo & 9th

Total Records: 33 3/2/2021

Code Compliance Report

02/01/2021 - 02/28/2021

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
21015	Building Violation	Open	Santa Rita 2 SW of 5th	Unclean construction site	2/25/2021	
21014	Building Violation	Closed	San Antonio 2 SW of 4th	Un-screened portable toilet	2/23/2021	2/24/2021
21013	Planning/Building Violation	Open	San Antonio 5 SE of Ocean	Demolition without permit	2/23/2021	
21012	Right of way Violation	Open	Torres 2 SW of 9th	Portable toilet in street	2/19/2021	
21011	Fire Code Violation	Open	Upstairs apartment at Ocean 3 NE of Lincoln	Sprinkler modification with fire permit	2/10/2021	

Total Records: 5

3/2/2021

Encroachment Permit Report

02/01/2021 - 02/28/2021

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
210048	Temp Ench	2/26/2021	PG&E to replace anchor that is below grade. PM#35167269. Contact: PG&E (559) 203-4619	NE Corner Camino Real & 11th	2/26/2021	Approved
210047	Temp Ench	2/25/2021	Replace sewer lateral using pipe bursting. 811# W105600290. Contact: Rooter King Plumbing (831) 394-5315	Guadalupe 2 NW of 7th	2/25/2021	Approved
210046	Temp Ench	2/25/2021	PG&E to replace overhead electrical equipment. PM#31524227. Contact: PG&E (831) 713-6019	SE Corner Junipero & 11th	2/25/2021	Approved
210045	Temp Ench	2/25/2021	Install anchor extension or replace anchor. PM#35167268. Contact: PG&E (831) 713-6019	9th 2 NE of San Antonio	2/25/2021	Approved
210044	Temp Ench	2/25/2021	Replace anchor that is below grade and trim pine tree for clearance above guy bob. PM# 35167271. Contact: PG&E (831) 713-6019	Dolores 1 NE of Santa Lucia		In Review
210043	Temp Ench	2/24/2021	PG&E to replace anchor that is below grade. PM#35167264. Contact: PG&E (800) 743-5000	Guadalupe 3 NE of 3rd	2/24/2021	Approved
210042	Temp Ench	2/23/2021	PG&E to add anchor extension. Primary anchor below grade. 7/32 guy. No place to park near pole without blocking lane partially. PM#44599642. Contact: PG&E (800) 743-5000	San Antonio 6 NE of 4th	2/23/2021	Approved
210041	Temp Ench	2/23/2021	PG&E to install a weather head extension on existing service conductor at one location. PM#44599757. Contact: PG&E (800) 743-5000	Sterling 2 NE of Perry Newberry	2/23/2021	Approved
210040	Temp Ench	2/22/2021	PG&E to replace anchor head that is below grade. PM#35167365. Contact: PG&E (831) 713-6019	Crespi NE of Flanders	2/22/2021	Approved
210039	Temp Ench	2/22/2021	PG&E to replace anchor head that is below grade. PM#35135199. Contact: PG&E (831) 713-6019	3115 Rio Road	2/22/2021	Approved

210038	Temp Ench	2/22/2021	Applicant to trench, backfill & install electric substructures. PG&E to install electric service. PM#35217043. Contact: PG&E (408) 478-1894	Casanova 2 SW of 13th	2/22/2021	Approved
210037	Temp Ench		Replace sewer line that has been damaged by boring. Line located in street outside of driveway	NE Corner San Carlos & 5th		In Review
210036	Driveway	2/19/2021	Replace driveway with wider driveway that mitigates brick border and planter area at sides by garage. Contact: Valley Landscape & Paving (831) 659-4794	SW Corner Santa Fe & 1st		In Review
210035	Temp Ench	2/19/2021	Replacement of the sewer lateral. Contact: Ramirez Plumbing (831) 393-9804	NW Corner of Junipero & 6th	3/2/2021	Approved
210034	Temp Ench	2/19/2021	PG&E to replace join anchor in rock planter area. PM#35167267. Contact: PG&E (831) 713-6019	San Antonio 4 SE of 10th	2/22/2021	Approved
210033	Temp Ench	2/19/2021	PG&E to replace overhead electrical equipment. PM#44599962. Contact: PG&E (800) 743-5000	Casanova 2 SE of 9th	2/22/2021	Approved
210032	Temp Ench	2/18/2021	Replace waste line from clean out near front retaining wall to city main line. Install new city WYE connection if necessary to complete plumbing, install clean out, SRV overflow & sewer backflow valve. Contact: RK Wilson Plumbing (831) 915-1101	9th 2 NE of Lincoln	2/18/2021	Approved
210031	Temp Ench	2/18/2021	Install 4" mainline from house to city main. Install two way clean out SRV. Contact: Wilsons' Plumbing and Heating (831) 375-4591	NW Corner of Mission & 11th		In Review
210030	Temp Ench	2/18/2021	Replace sewer lateral using pipe bursting. 811#W103900416. Contact: Rooter King (831) 394-5315	San Carlos 2 NE of 1st	2/18/2021	Approved
210029	Temp Ench	2/17/2021	PG&E to replace overhead electrical equipment. PM#35120261. Contact: PG&E (831) 713-6019	Intersection of Lopez & 4th		In Review
210028	Temp Ench	2/17/2021	PG&E to replace overhead electrical equipment. PM #35120239. Contact: PG&E (831) 713-6019	Intersection of Carmelo & 4th	2/17/2021	Approved
210027	Temp Ench	2/17/2021	PG&E to replace overhead electrical equipment. PM #35120237. Contact: PG&E (831) 713-6019	San Antonio 3 N of 4th		In Review
210026	Temp Ench	2/16/2021	Replace waste line from outlet at left side of residence to city main line. Install 4" ABS/SDR plastic pipe fittings & wye	NE Corner of Lobos & 2nd	2/17/2021	Approved

			connection if necessary to complete plumbing. Contact: RK Wilson Plumbing (831) 915-1101			
210025	Temp Ench	2/16/2021	PG&E to install new riser and underground electric services. Applicant to trench and install electric substructures. PM# 35216659. Contact: PG&E (408) 478-1894	Mission 6 NW of Santa Lucia	2/16/2021	Approved
210024	Temp Ench	2/10/2021	Applicant to trench, backfill & install electric substructures. PG&E to replace transformer. PM# 35204035. Contact: PG&E (408) 478-1894	Monte Verde & 6th	2/10/2021	Approved
210023	POD	2/10/2021	Moving into home, place pod in driveway for two weeks.			In Review
210022	Temp Ench	2/8/2021	Locate and repair a water leak from the service line to the house. The leak appears to be caused by large pine roots that pushed on the pipe connection. The pine is on public property. Contact: Andrei Kondratiev (831) 626-4047	Guadalupe 5 NW of 3rd		In Review
210021	Temp Ench	2/5/2021	PG&E to install new gas equipment. PM# 31513198. Contact: PG&E (831) 521-6282	2nd NW of Carpenter	2/8/2021	Approved
210020	Temp Ench	2/4/2021	Dig gas & electrical service for PG&E. Contact: JD's Plumbing (831) 394-3100	Camino Real 3.5 SE of 2nd	2/4/2021	Approved
210019	Temp Ench	2/2/2021	9'x3' Asphalt Patch for Cal Am. Contact: Coastal Paving and Excavating (831) 262-1425	Dolores SE of 1st	2/2/2021	Approved
210018	Temp Ench	2/1/2021	Applicant to trench, backfill & install electrical substructures. PG&E to install electric service. PM #35210760. Contact: PG&E (408) 478-1894	Camino Real 3 SE of 2nd	2/1/2021	Approved
210017	Temp Ench	2/1/2021	Replace sewer lateral using pipe bursting. 811# X013200634. Contact: Rooter King (831) 394-5315	NW Corner of San Carlos & 1st	2/1/2021	Approved

Total Records: 32 3/2/2021

CITY OF CARMEL-BY-THE-SEA
Monthly Report

Public Safety

February 2021

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Director of Public Safety
APPROVED BY:	Chip Rerig, City Administrator

AMBULANCE REPORT

Summary of Carmel Fire Ambulance February Calls for Service

AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of February 2021 the ambulance was able to meet the performance measure. The response time was 97% with (1) code-3 call over 5 minutes.

45 Calls for service in CBTS Average response time: 3:05 min.
31 Code 3 calls for service –One over 5:00 min.

MONTEREY FIRE REPORT

Summary of Monterey Fire February Calls for Service

FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of February 2021 the fire department was able to meet the performance measure. The response time was 97% with (1) code-3 call over 5 minutes.

47 total calls for service in CBTS Average response time: 2:57 min.
35 total Code-3 calls

BEACH FIRES

There were six illegal beach fires recorded during the month of February.

*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.

RESPONSE SUMMARY REPORT BY DISTRICT

27015 CARMEL-BY-THE-SEA FIRE AMBULANCE

Alarm Dates: 2/01/2021 to 2/28/2021

MEDICAL RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
210201-CFA00163	Emergent	2/1/2021	5:39:27 PM	5:42:17 PM	0:02:50	5:42:56 PM	SANTA RITA ST / PICO AVE
210201-CFA00164	Emergent	2/1/2021	10:23:46 PM	10:26:57 PM	0:03:11	11:00:00 PM	CARPENTER ST / 2ND AVE
210203-CFA00170	Emergent	2/3/2021	10:01:58 AM	10:03:19 AM	0:01:21	10:18:45 AM	MISSION ST / 4TH AVE
210205-CFA00176	Emergent	2/5/2021	4:41:20 PM	4:42:50 PM	0:01:30	5:37:53 PM	JUNIPERO AVE / 4TH AVE
210208-CFA00189	Emergent	2/8/2021	3:15:46 PM	3:19:00 PM	0:03:14	3:29:07 PM	LORCA LN / JUNIPERO AVE
210208-CFA00190	Emergent	2/8/2021	5:47:06 PM	5:48:37 PM	0:01:31	6:35:52 PM	DOLORES ST / OCEAN AVE
210208-CFA00192	Emergent	2/8/2021	8:02:12 PM	8:04:09 PM	0:01:57	8:28:28 PM	GUADALUPE ST / OCEAN AVE
210209-CFA00198	Emergent	2/9/2021	8:18:02 PM	8:19:14 PM	0:01:12	9:18:48 PM	DOLORES ST / 5TH AVE
210210-CFA00207	Non-Emerge	2/10/2021	9:36:43 PM	9:44:27 PM	0:07:44	10:49:00 PM	CASANOVA ST / FRASER WAY
210211-CFA00209	Non-Emerge	2/11/2021	9:18:19 AM	9:24:09 AM	0:05:50	9:38:57 AM	SANTA FE ST / 8TH AVE
210211-CFA00210	Emergent	2/11/2021	12:02:05 PM	12:08:45 PM	0:06:40	12:27:55 PM	1ST AVE / DOLORES ST
210211-CFA00211	Emergent	2/11/2021	12:54:36 PM	12:57:28 PM	0:02:52	1:45:00 PM	7TH AVE / LINCOLN ST
210211-CFA00212	Emergent	2/11/2021	7:39:18 PM	7:44:00 PM	0:04:42	8:16:00 PM	SANTA FE ST / 8TH AVE
210211-CFA00213	Emergent	2/11/2021	11:10:10 PM	11:12:42 PM	0:02:32	11:51:27 PM	MISSION ST / OCEAN AVE
210212-CFA00217	Emergent	2/12/2021	6:29:56 PM	6:32:12 PM	0:02:16	7:09:47 PM	1ST AVE / DOLORES ST
210215-CFA00226	Emergent	2/15/2021	3:43:28 AM	3:47:05 AM	0:03:37	4:32:32 AM	JUNIPERO AVE / OCEAN AVE
210215-CFA00229	Emergent	2/15/2021	1:45:19 PM	1:48:50 PM	0:03:31	2:52:02 PM	SCENIC RD / 12TH AVE
210215-CFA00230	Emergent	2/15/2021	6:24:04 PM	6:26:08 PM	0:02:04	7:20:48 PM	LINCOLN ST / 7TH AVE
210216-CFA00234	Emergent	2/16/2021	1:51:08 PM	1:53:35 PM	0:02:27	2:42:00 PM	MISSION ST / 8TH AVE
210216-CFA00235	Non-Emerge	2/16/2021	3:23:30 PM	3:26:53 PM	0:03:23	3:43:34 PM	OCEAN AVE / GUADALUPE ST
210218-CFA00242	Emergent	2/18/2021	6:56:07 AM	6:58:42 AM	0:02:35	7:52:00 AM	SAN CARLOS ST / 4TH AVE
210218-CFA00243	Emergent	2/18/2021	8:16:41 AM	8:18:53 AM	0:02:12	8:39:01 AM	OCEAN AVE / MONTE VERDE S
210219-CFA00247	Emergent	2/19/2021	10:39:21 PM	10:42:29 PM	0:03:08	11:13:19 PM	MISSION ST / 3RD AVE
210222-CFA00252	Emergent	2/22/2021	11:11:01 AM	11:12:51 AM	0:01:50	11:23:55 AM	5TH AVE / SANTA FE ST
210222-CFA00253	Emergent	2/22/2021	12:19:33 PM	12:21:55 PM	0:02:22	1:30:00 PM	5TH AVE / SANTA FE ST
210224-CFA00257	Emergent	2/24/2021	4:10:38 PM	4:12:29 PM	0:01:51	5:25:53 PM	OCEAN AVE / MISSION ST
210225-CFA00261	Emergent	2/25/2021	1:37:36 PM	1:38:58 PM	0:01:22	2:21:05 PM	5TH AVE / DOLORES ST
210226-CFA00264	Emergent	2/26/2021	2:23:35 PM	2:26:00 PM	0:02:25	3:16:09 PM	3049 RIO RD
210228-CFA00272	Emergent	2/28/2021	2:20:37 PM	2:22:04 PM	0:01:27	3:15:00 PM	SAN CARLOS ST / 5TH AVE
210228-CFA00274	Emergent	2/28/2021	5:34:51 PM	5:38:07 PM	0:03:16	6:14:00 PM	SAN CARLOS ST / 8TH AVE
210228-CFA00276	Emergent	2/28/2021	8:23:12 PM	8:26:00 PM	0:02:48	8:35:00 PM	MISSION ST / 4TH AVE

NUMBER OF EMS INCIDENTS 31 **AVERAGE RESPONSE** 0:02:54

FIRE RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET

210202-CFA00167	Non-Emergei	2/2/2021	10:07:50 AM	10:12:30 AM	0:04:40	10:25:00 AM	25981 RIDGEWOOD RD
210204-CFA00172	Emergent	2/4/2021	7:12:59 AM	7:16:19 AM	0:03:20	7:24:32 AM	GUADALUPE ST / OCEAN AVE
210204-CFA00174	Non-Emergei	2/4/2021	7:07:50 PM	7:10:08 PM	0:02:18	7:16:52 PM	DOLORES ST / 5TH AVE
210207-CFA00182	Emergent	2/7/2021	3:52:08 AM	3:56:52 AM	0:04:44	4:22:31 AM	SAN CARLOS ST / 10TH AVE
210209-CFA00197	Emergent	2/9/2021	7:18:45 PM	7:20:46 PM	0:02:01	7:30:59 PM	OCEAN AVE / GUADALUPE ST
210209-CFA00199	Emergent	2/9/2021	9:32:14 PM	9:33:54 PM	0:01:40	9:45:00 PM	GUADALUPE ST / OCEAN AVE
210210-CFA00205	Emergent	2/10/2021	3:39:58 PM	3:49:15 PM	0:09:17	3:52:00 PM	CAMINO REAL ST / 4TH AVE
210211-CFA00208	Emergent	2/11/2021	2:51:58 AM	2:57:11 AM	0:05:13	3:00:20 AM	DOLORES ST / SANTA LUCIA /
210213-CFA00218	Emergent	2/13/2021	7:57:39 AM	8:01:39 AM	0:04:00	8:06:14 AM	3RD AVE / LOBOS ST
210213-CFA00221	Emergent	2/13/2021	11:11:08 AM	11:14:07 AM	0:02:59	11:14:34 AM	SAN ANTONIO AVE / 7TH AVE
210215-CFA00227	Emergent	2/15/2021	10:07:51 AM	10:10:33 AM	0:02:42	10:11:49 AM	5TH AVE / MISSION ST
210215-CFA00228	Emergent	2/15/2021	10:24:19 AM	10:24:26 AM	0:00:07	10:37:06 AM	GUADALUPE ST / OCEAN AVE
210217-CFA00241	Emergent	2/17/2021	11:22:45 PM	11:27:46 PM	0:05:01	11:45:00 PM	1ST AVE / SAN CARLOS ST
210228-CFA00271	Emergent	2/28/2021	8:23:12 AM	8:26:02 AM	0:02:50	8:50:00 AM	SAN CARLOS ST / 8TH AVE
NUMBER OF FIRE INCIDENTS		**14**		**AVERAGE RESPONSE**	**0:03:38**		

TOTAL CARMEL CITY INCIDEN	**45**	***TAL AVERAGE RESPONSE TIME***	**0:03:05**

RESPONSES BY DISTRICT

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET

CARMEL HIGHLANDS

INCIDENT							
210202-CFA00168	Emergent	2/2/2021	11:47:04 AM	11:51:50 AM	0:04:46	12:03:00 PM	27302 HWY 1
210203-CFA00171	Emergent	2/3/2021	7:11:22 PM	7:22:30 PM	0:11:08	8:15:09 PM	14 YANKEE POINT DR
210210-CFA00206	Emergent	2/10/2021	6:48:44 PM	6:55:51 PM	0:07:07	7:03:43 PM	27953 SAN JOSE CREEK CAN\
210213-CFA00219	Emergent Dc	2/13/2021	8:19:53 AM	8:31:38 AM	0:11:45	9:39:23 AM	95 YANKEE POINT DR
210216-CFA00232	Emergent	2/16/2021	9:18:27 AM	9:27:26 AM	0:08:59	9:42:32 AM	120 HIGHLAND DR
Subtotal		**5**	**Average Response Time**		**0:08:45**		**Carmel Highlands**

CYPRESS FIRE

INCIDENT							
210201-CFA00160	Emergent	2/1/2021	12:50:51 AM	12:58:28 AM	0:07:37	1:41:08 AM	24970 OUTLOOK DR
210201-CFA00162	Emergent	2/1/2021	9:27:51 AM	9:31:46 AM	0:03:55	9:36:01 AM	26069 MESA DR
210202-CFA00165	Emergent	2/2/2021	1:46:58 AM	1:51:44 AM	0:04:46	2:45:54 AM	25396 HATTON RD
210202-CFA00166	Emergent	2/2/2021	8:25:14 AM	8:33:25 AM	0:08:11	9:38:16 AM	292 HACIENDA CARMEL
210203-CFA00169	Emergent	2/3/2021	9:36:30 AM	9:41:29 AM	0:04:59	9:54:33 AM	555 CARMEL RANCHO SHOPPI
210205-CFA00175	Emergent	2/5/2021	2:15:21 PM	2:20:13 PM	0:04:52	3:02:29 PM	3850 RIO RD
210206-CFA00179	Emergent Dc	2/6/2021	12:08:08 PM	12:16:08 PM	0:08:00	1:08:15 PM	26135 CARMEL RANCHO BLVI
210207-CFA00183	Emergent	2/7/2021	10:00:52 AM	10:04:49 AM	0:03:57	11:08:32 AM	26408 MISSION FIELDS RD
210207-CFA00184	Emergent	2/7/2021	1:07:53 PM	1:11:58 PM	0:04:05	1:53:00 PM	5 CROSSROADS MALL
210208-CFA00185	Emergent	2/8/2021	2:40:03 AM	2:44:55 AM	0:04:52	3:32:31 AM	25225 N CARMEL HILLS DR
210208-CFA00186	Emergent	2/8/2021	6:48:36 AM	6:55:16 AM	0:06:40	6:56:45 AM	3850 RIO RD

210209-CFA00196	Emergent	2/9/2021	4:51:58 PM	4:55:24 PM	0:03:26	5:29:43 PM	3268 SYCAMORE PL
210212-CFA00214	Emergent	2/12/2021	9:07:43 AM	9:12:53 AM	0:05:10	9:55:06 AM	26245 CARMEL RANCHO BLVI
210212-CFA00215	Emergent	2/12/2021	12:30:58 PM	12:35:25 PM	0:04:27	1:20:00 PM	26135 CARMEL RANCHO BLVI
210212-CFA00216	Emergent	2/12/2021	1:22:41 PM	1:27:47 PM	0:05:06	3:20:00 PM	26156 LADERA DR
210213-CFA00220	Emergent	2/12/2021	7:53:38 PM	7:57:13 PM	0:03:35	8:22:36 PM	25930 VIA MARGARITA
210213-CFA00222	Emergent	2/13/2021	12:32:41 PM	12:37:19 PM	0:04:38	1:20:00 PM	26135 CARMEL RANCHO BLVI
210215-CFA00231	Emergent	2/15/2021	10:53:04 PM	10:58:44 PM	0:05:40	11:59:00 PM	3850 RIO RD
210216-CFA00233	Emergent	2/16/2021	12:33:19 PM	12:36:53 PM	0:03:34	12:50:59 PM	3850 RIO RD
210217-CFA00240	Emergent	2/17/2021	8:28:20 AM	8:38:18 AM	0:09:58	9:37:00 AM	71 DEL MESA CARMEL
210218-CFA00245	Emergent	2/18/2021	3:07:05 PM	3:11:04 PM	0:03:59	4:09:07 PM	26408 MISSION FIELDS RD
210223-CFA00254	Emergent	2/23/2021	6:07:27 PM	6:12:01 PM	0:04:34	7:04:15 PM	26246 DOLORES ST
210224-CFA00255	Emergent	2/24/2021	9:15:05 AM	9:19:28 AM	0:04:23	10:15:00 AM	26245 CARMEL RANCHO BLVI
210224-CFA00256	Emergent	2/24/2021	1:59:05 PM	2:04:27 PM	0:05:22	2:05:18 PM	CARMELO ST / SCENIC RD
210225-CFA00258	Emergent	2/25/2021	9:47:40 AM	9:55:30 AM	0:07:50	10:13:44 AM	4340 TOLANDO TRL
210225-CFA00260	Emergent	2/25/2021	11:49:51 AM	11:58:02 AM	0:08:11	12:47:58 PM	26245 CARMEL RANCHO BLVI
210227-CFA00265	Emergent	2/27/2021	9:02:30 AM	9:07:24 AM	0:04:54	9:08:18 AM	26135 CARMEL RANCHO BLVI
210228-CFA00269	Emergent	2/28/2021	12:17:37 AM	12:24:29 AM	0:06:52	12:44:48 AM	4000 RIO RD
210228-CFA00270	Emergent	2/28/2021	7:37:08 AM	7:44:58 AM	0:07:50	7:54:06 AM	4105 CANADA CT
Subtotal		**29**	**Average Response Time**		**0:05:30**		**CYPRESS FIRE**

PEBBLE BEACH

INCIDENT							
210205-CFA00177	Emergent	2/5/2021	9:54:36 PM	10:02:39 PM	0:08:03	10:44:16 PM	1286 PADRE LN
210209-CFA00193	Emergent	2/9/2021	6:38:03 AM	6:47:27 AM	0:09:24	7:49:19 AM	1700 SEVENTEEN MILE DR
210225-CFA00259	Emergent	2/25/2021	10:19:07 AM	10:23:59 AM	0:04:52	10:36:55 AM	4112 PINE MEADOWS WAY
Subtotal		**3**	**Average Response Time**		**0:07:26**		**PEBBLE BEACH**

MID COAST

INCIDENT							
210210-CFA00204	Emergent	2/10/2021	3:08:31 PM	3:13:00 PM	0:04:29	3:24:12 PM	37101 HWY 1
210214-CFA00223	Emergent	2/14/2021	10:18:06 AM	10:39:00 AM	0:20:54	11:35:00 AM	36700 CABRILLO HWY
210227-CFA00268	Emergent	2/27/2021	12:20:30 PM	12:33:29 PM	0:12:59	2:33:37 PM	35600 HWY 1
Subtotal		**3**	**Average Response Time**		**0:16:57**		**MID COAST**

Marina

INCIDENT							
210216-CFA00238	Emergent	2/16/2021	8:33:33 PM	8:53:53 PM	0:20:20	9:18:46 PM	3098 DE FOREST RD
Subtotal		**1**	**Average Response Time**		**0:20:20**		**Marina**

SEASIDE/SAND CITY

INCIDENT							
210209-CFA00195	Emergent	2/9/2021	11:11:54 AM	11:21:06 AM	0:09:12	12:14:09 PM	1865 LA SALLE AVE
210214-CFA00225	Emergent	2/14/2021	6:17:11 PM	6:22:15 PM	0:05:04	7:08:14 PM	1085 PALOMA RD
210218-CFA00246	Emergent	2/18/2021	5:54:15 PM	6:02:13 PM	0:07:58	7:10:00 PM	1400 DEL MONTE BLVD
Subtotal		**3**	**Average Response Time**		**0:07:25**		**SEASIDE/SAND CITY**

PACIFIC GROVE

INCIDENT							
210221-CFA00251	Emergent	2/21/2021	12:44:28 PM	12:56:05 PM	0:11:37	1:48:00 PM	947 PETRA LN
210227-CFA00267	Emergent	2/27/2021	9:38:49 AM	9:47:11 AM	0:08:22	10:21:01 AM	OCEAN VIEW BLVD / SEA PAL
210228-CFA00275	Emergent	2/28/2021	6:42:18 PM	6:53:59 PM	0:11:41	7:30:53 PM	214 CONGRESS AVE
Subtotal		**3**	**Average Response Time**		**0:10:33**		**PACIFIC GROVE**

MONTEREY

INCIDENT							
210208-CFA00188	Emergent	2/8/2021	1:27:44 PM	1:33:57 PM	0:06:13	2:23:35 PM	2020 DEL MONTE AVE
210217-CFA00239	Emergent	2/17/2021	3:56:12 AM	4:05:53 AM	0:09:41	4:28:32 AM	200 IRIS CANYON RD
210218-CFA00244	Emergent	2/18/2021	11:31:49 AM	11:41:56 AM	0:10:07	12:15:50 PM	EL DORADO ST / CASS ST
Subtotal		**3**	**Average Response Time**		**0:08:40**		**MONTEREY**

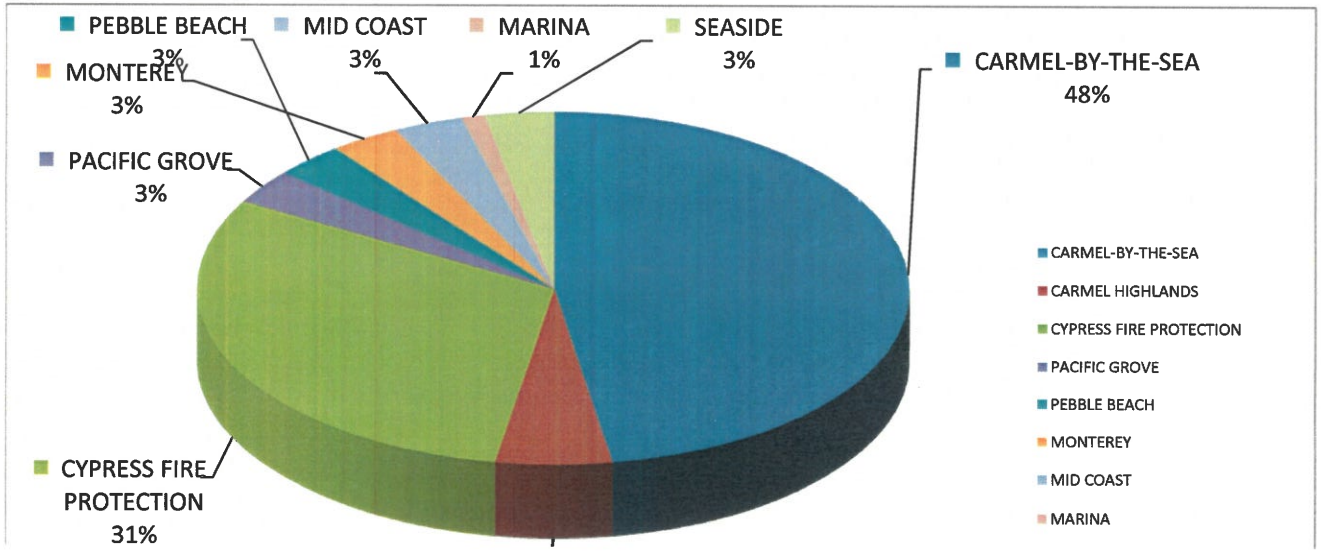
TOTAL All CALLS	**95**	***TAL AVERAGE RESPONSE TIME***	**0:05:18**

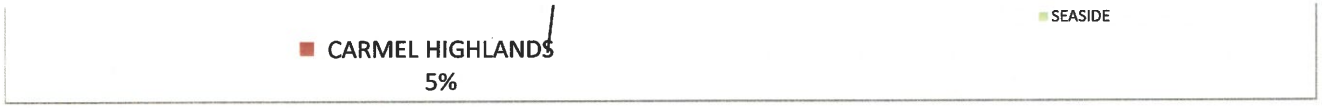
CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT
FEBRUARY 2021

Response Summary Report by District Type

District Response	Number	Average Response Time
CARMEL-BY-THE-SEA	45	0:03:05
CARMEL HIGHLANDS	5	0:08:45
CYPRESS FIRE PROTECTION	29	0:05:30
PACIFIC GROVE	3	0:10:33
PEBBLE BEACH	3	0:07:26
MONTEREY	3	0:08:40
MID COAST	3	0:16:57
MARINA	1	0:20:20
SEASIDE	3	0:10:33
Total Responses	95	0:05:18

Percent of code 3 medical responses < 5min 96.77%




CARMEL HIGHLANDS
5%
SEASIDE

RESPONSE SUMMARY REPORT BY INCIDENT TYPE
27060 CARMEL-BY-THE-SEA
Alarm Date From: 2/1/2021 To: 2/28/2021

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
100 Series (Fires)						
Cooking fire, confined to container	2/10/2021 3:38 PM	210210-MNT00903	0:06:46	CAMINO REAL ST	4TH AVE	3
		1	***0:06:46***			
300-321 Series (EMS)						
Medical assist, assist EMS crew	2/8/2021 5:47 PM	210208-MNT00859	0:01:17	DOLORES ST	OCEAN AVE	2
Medical assist, assist EMS crew	2/9/2021 8:17 PM	210209-MNT00882	0:02:35	DOLORES ST	5TH AVE	3
Medical assist, assist EMS crew	2/15/2021 3:42 AM	210215-MNT00978	0:04:34	JUNIPERO AVE	OCEAN AVE	3
Medical assist, assist EMS crew	2/15/2021 1:44 PM	210215-MNT00989	0:04:02	SCENIC RD	12TH AVE	2
Medical assist, assist EMS crew	2/15/2021 6:23 PM	210215-MNT00997	0:02:45	LINCOLN ST	7TH AVE	3
Medical assist, assist EMS crew	2/18/2021 8:16 AM	210218-MNT01044	0:02:19	OCEAN AVE	MONTE VERDE ST	3
Medical assist, assist EMS crew	2/26/2021 2:22 PM	210226-MNT01204	0:03:45	3049 RIO RD		3
EMS call, excluding vehicle accident with injury	2/1/2021 10:22 PM	210201-MNT00721	0:03:14	CARPENTER ST	2ND AVE	3
EMS call, excluding vehicle accident with injury	2/10/2021 10:27 PM	210210-MNT00907	0:03:26	CARMELO ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	2/11/2021 12:53 PM	210211-MNT00919	0:02:18	7TH AVE	LINCOLN ST	3
EMS call, excluding vehicle accident with injury	2/12/2021 1:21 PM	210212-MNT00939	0:04:31	26156 LADERA DR		3
EMS call, excluding vehicle accident with injury	2/16/2021 1:50 PM	210216-MNT01004	0:02:35	MISSION ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	2/18/2021 6:54 AM	210218-MNT01040	0:02:37	SAN CARLOS ST	4TH AVE	3
EMS call, excluding vehicle accident with injury	2/19/2021 10:38 PM	210219-MNT01080	0:03:03	MISSION ST	3RD AVE	3
EMS call, excluding vehicle accident with injury	2/22/2021 12:18 PM	210222-MNT01130	0:02:18	5TH AVE	SANTA FE ST	3
EMS call, excluding vehicle accident with injury	2/24/2021 4:09 PM	210224-MNT01170	0:02:16	OCEAN AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	2/25/2021 1:36 PM	210225-MNT01185	0:02:02	5TH AVE	DOLORES ST	3
EMS call, excluding vehicle accident with injury	2/28/2021 2:19 PM	210228-MNT01250	0:01:14	SAN CARLOS ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	2/28/2021 5:33 PM	210228-MNT01259	0:01:27	8TH AVE	SAN CARLOS	3
		19	***0:02:45***			
322-399 Series (Rescues)						
Motor vehicle/pedestrian accident (MV Ped)	2/12/2021 6:29 PM	210212-MNT00944	0:02:32	1ST AVE	DOLORES ST	3
Motor vehicle accident with no injuries.	2/11/2021 12:06 PM	210211-MNT00922	0:00:00	DOLORES ST	FIFTH AVE	2
Rescue or EMS standby	2/3/2021 10:00 AM	210203-MNT00742	0:02:45	MISSION ST	4TH AVE	3
		3	***0:01:46***			
400 Series (Hazardous Material)						
Gasoline or other flammable liquid spill	2/25/2021 5:36 PM	210225-MNT01190	0:02:05	LINCOLN ST	7TH AVE	3
Gas leak (natural gas or LPG)	2/15/2021 10:07 AM	210215-MNT00984	0:02:32	5TH AVE	MISSION ST	3
Arcing, shorted electrical equipment	2/22/2021 3:35 PM	210222-MNT01135	0:03:18	TORRES ST	OCEAN AVE	3
Accident, potential accident, other	2/13/2021 11:10 AM	210213-MNT00955	0:03:05	SAN ANTONIO AVE	7TH AVE	3
		4	***0:02:45***			

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
500 & 600 Series (Service Calls)						
Overpressure rupture, explosion, overheat other	2/7/2021 3:51 AM	210207-MNT00827	0:03:49	SAN CARLOS ST	10TH AVE	3
Person in distress, other	2/16/2021 3:22 PM	210216-MNT01007	0:06:23	OCEAN AVE	GUADALUPE ST	2
Person in distress, other	2/22/2021 11:09 AM	210222-MNT01128	0:02:57	5TH AVE	SANTA FE ST	3
Water or steam leak	2/18/2021 3:29 PM	210218-MNT01058	0:06:07	DOLORES ST	11TH AVE	2
Water or steam leak	2/24/2021 8:27 PM	210224-MNT01172	0:04:00	12TH AVE	MISSION ST	2
Public service	2/15/2021 2:04 PM	210215-MNT00991	0:01:25	OCEAN AVE	6TH	2
Assist invalid	2/2/2021 10:07 AM	210202-MNT00726	0:04:42	25981 RIDGEWOOD RD		2
Assist invalid	2/4/2021 7:12 AM	210204-MNT00757	0:03:08	GUADALUPE ST	OCEAN AVE	2
Assist invalid	2/4/2021 7:07 PM	210204-MNT00774	0:02:21	DOLORES ST	5TH AVE	2
Assist invalid	2/8/2021 8:01 PM	210208-MNT00865	0:02:34	GUADALUPE ST	OCEAN AVE	3
Assist invalid	2/9/2021 7:17 PM	210209-MNT00880	0:02:11	OCEAN AVE	GUADALUPE ST	3
Assist invalid	2/9/2021 9:31 PM	210209-MNT00883	0:02:42	GUADALUPE ST	OCEAN AVE	3
Smoke scare, odor of smoke	2/26/2021 6:10 PM	210226-MNT01212	0:00:00	OCEAN AVE	MISSION ST	2
		13	***0:03:15***			
700 Series (False Alarms)						
Smoke detector activation due to malfunction	2/13/2021 7:56 AM	210213-MNT00949	0:04:03	3RD AVE	LOBOS ST	3
Smoke detector activation due to malfunction	2/19/2021 11:06 PM	210219-MNT01082	0:04:43	MONTE VERDE ST	3RD AVE	3
Smoke detector activation due to malfunction	2/28/2021 8:22 PM	210228-MNT01265	0:02:33	MISSION ST	4TH AVE	3
Alarm system sounded due to malfunction	2/1/2021 8:29 AM	210201-MNT00707	0:02:01	SAN CARLOS ST	5TH AVE	3
CO detector activation due to malfunction	2/11/2021 2:51 AM	210211-MNT00909	0:06:00	DOLORES ST	SANTA LUCIA AVE	2
Detector activation, no fire - unintentional	2/28/2021 8:22 AM	210228-MNT01241	0:03:06	SAN CARLOS ST	8TH AVE	3
Alarm system activation, no fire - unintentional	2/17/2021 11:22 PM	210217-MNT01036	0:02:15	1ST AVE	SAN CARLOS ST	3
		7	***0:03:32***			

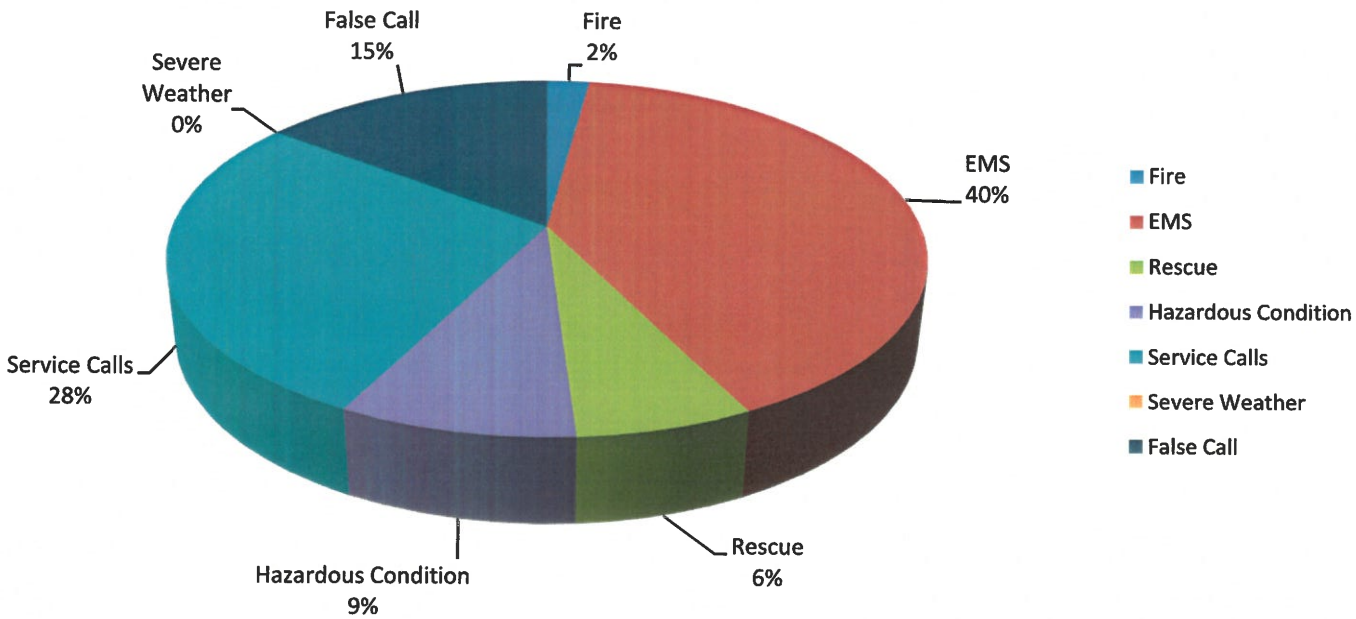
Over 5 Minute Response Times Cause of Delay: Code 3 Responses

210210-MNT00903 Delay caused by distance: Responded from Rio Road

Code 2 Calls	**12**
Code 3 Calls	**35**
Total # of Incidents	**47**
% Under 5 Minute Response Time	**97.1%**

CARMEL-BY-THE-SEA
FEBRUARY 2021
Response Summary Report by Incident Type

Type of Call	Number	Average Response Time
Fire	1	6:46
EMS	19	2:48
Rescue	3	1:46
Hazardous Condition	4	2:45
Service Calls	13	3:15
Severe Weather	0	0:00
False Call	7	3:32
Total Responses	47	2:57



Total Code 3 Calls:	35
Response Times for Code 3 Calls ≤ 5 minutes:	97.1%

CITY OF CARMEL-BY-THE-SEA
Monthly Report

February 2021

City Clerk's Office

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
SUBMITTED ON:	March 15, 2021
APPROVED BY:	Chip Rerig, City Administrator

In the month of February, the City handled 21 requests for public records.

	This Month	Calendar YTD
City Clerk's Office	9	13
Police Department	12	25
TOTAL REQUESTS/RESPONSES	**21**	**38**

February 2021 PRA

Attachment 4

request number	Date Requested	10-day response date	records requested	requestor	date completed	notes
2021-005	2/1/2021	2/11/2021	architectural plans and any Planning Conditions of Approval documents for the property at Scenic 6-1/2 SW of Ocean- APN010-312-033	Paul Davis	2/2/2021	MP handled providing paper copies
2021-006	2/2/2021	2/16/2021	I would like to obtain all records of encroachment permit violations and/or warnings issued since June 1, 2020 to February 2, 2021. I'd like all emails between marrnie waffle, bo Grunde, city council members (past and present), chip Rerig, any member of the Carmel police department, and all other city employees. Any conversations about violations between any members listed above through email, both private and city run computer systems, text messages and phone conversations if available. Also any hand written/delivered documentation between any of the parties listed above that include any details about encroachment permit /parklet violations and/or warnings.	Parker Logan		rolling production of records
2021-007	2/10/2021	2/22/2021	all current employee/staff contact information; The specific information being requested is: 1. First Name 2. Last Name 3. Position Title 4. Department 5. Direct Phone Number (if does not exist, list main phone number with extension) 6. Business Cell Phone (if provided by ${Accounts Account Name}) 7. Email Address 8. Office Address (Address, City, State, Zip)	Publiccontractors.com	2/19/2021	
2021-008	2/10/2021	2/22/2021	I would like to request a copy of the complete home file for my home at Casanova 5SW of 9th APN# 010-271-005. We are planning to remodel the home and it is currently under historical review. My architect is Thomas Hood, if you like, you have my permission to send the files to him direct.	Brad Holmgren	2/18/2021	MP working with requester
2021-009	2/10/2021	2/22/2021	Oath of Office for Chip Rerig, Dave Potter, Maxine Gullo, Brian Pierik, Bobby Richards, Jeff Baron, Karen Ferlito, Carrie Theis, Britt Avrit; copy of Britt Avrit's bond as an agent for the City of Carmel	Bernie Alvarado	2/24/2021	
2021-010	2/17/2021	3/1/2021	ordinances related to prohibiting signs or regulating signs on vehicles, parking of "trailers," parking of oversize vehicles and "72 hours parking."	Bruce Boyer	2/22/2021	
2021-011	2/18/2021	3/1/2021	current waste collection, processing & disposal franchise agreement and any amendments	Crystal Martin	2/22/2021	
2021-012	2/22/2021	3/4/2021	communications, notes, records, reports, exhibits, attachments,documents, videos, recordings, emails, memoranda,correspondence, etc. between the City and the Sunset Cultural Center Independent Study Group	Weinberg, Roger & Rosenfeld;David W. M. Fujimoto	3/2/2021	
2021-013	2/23/2021	3/5/2021	annual salary survey listing employee, position, base pay, OT, vacation/sick pay, other allowances, benefits, and retirement contributions	Mary Schley, Pine Cone	3/10/2021	

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requestor	Phone	Info Requested	Status	Date & PSO Mailed
2020-0001	2/2/2021 mjr	2/12	2/26	02/02/21 MJR	Robert Fagan	831-601-7808	CG2100043	completed	02/02/21 released at counter MJR
2020-0002	02/02/21 mjr	2/12/2021	2/26/2021	02/02/21 MJR	Metropolitan Reporting		CA2100040	completed	02/02/21 mailed
2020-0003	2/4/2021	2/14/2021			William Bans	831-241-0280	all CFS re parties	completed	no records located
2020-0004	2/19/2020	3/1/2021		20-Feb	Carrie Theis		CG2100065	completed	2/20 mailed by DA
2020-0005	2/19/2021	3/1/2021		20-Feb	Debbie Thomas	831-626-9393	CG2100077	completed	redacted report mailed by DA
2020-0006	2/4/2021	2/14/2021		2/20 DA	Attorney John Coniglio		CG2000599	completed	BWC, photos, PAS Log mailed with sdt
2020-0007	2/24/2021	3/4/2021		2/25/21 DA	Lexis Nexis		CA2100071	completed	mailed by DA
2020-0008	2/24/2021	3/4/2021		2/25 DA	Lexis Nexis		CG2000581	completed	mailed initial report
2020-0009	2/24/2021	3/4/2021		2/25 DA	Lexis Nexis		CC2100054	completed	mailed by DA
2020-0010	2/26/2021	3/6/2021		27-Feb	Metropolitan Reporting		CG2100082	denied	letter mailed
2020-0011	2/26/2021	3/8/2021	3/12/2021	3/10 DA	Hermina Dallas	body cams-emails-texts	CG2100077	denied	denial letter being processed by City Attorney
2020-0012	2/26/2021	3/8/2021	3/12/2021	3/1 DA	Hermina Dallas		CG2100077	completed	picked up at counter MJR

Attachment 4

Attachment 5

CITY OF CARMEL-BY-THE-SEA
Monthly Report

Public Works Department Report – February 2021

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E., Director of Public Works
SUBMITTED ON:	March 2, 2021
APPROVED BY:	Chip Rerig, City Administrator

City Council Meeting of February 2, 2021

- Received a presentation from the Monterey Regional Waste Management District's consultant on SB1383; food waste reduction and organics recycling.
- The Public Works Director presented an overview of the City's first Storm Drain Master Plan.

Forest and Beach Commission Meeting of February 11, 2021

- Refined a developer's request from the January meeting to remove 28 trees on 16 parcels to construct eight (8) single-family homes and a hotel. Site is between Carpenter and Guadalupe Streets, south of First Avenue. Commission approved the Forester's recommendation to permit removal of 23 trees and plant approximately 57 new trees. No healthy tree may be removed until demolition/building permits have been issued.
- The Environmental Programs Manager and City Forester presented the City's draft Integrated Pest Management Policy. The Commission supports the proposed Policy.

Climate Action Committee Meeting of February 18, 2021

- The Association of Monterey Bay Area Governments presented the results of the City's 2018 Greenhouse Gas Inventory.
- Central Coast Community Energy presented their climate action initiatives and energy procurement strategy.

Public Works Administration

- Certificates of Appreciation were issued to Senior Maintenance Worker, Jim Pingree for 30 years of service to the City, Public Works Superintendent Rob Culver for 25 years of service, and Maintenance Worker Michael Feher for 5 years of service.
- Baby Amilia was born to Tree Care Specialist Giuliano Picciuto and his wife, Anita.
- Completed a bicycle and pedestrian Wayfinding Sign funding agreement with the Transportation Agency of Monterey County (TAMC).
- TAMC accepted our Measure X audit submission without comments for the second year in a row. Special thanks to Finance for their efforts.
- Led by the City Clerk, drafted a Request for Proposals for Janitorial Services as the current Pureserve contract expires on June 30.

Public Works Department Report – February 2021

- Collected input and drafted a Capital Improvement Plan for FY 2021/22. First draft to be presented to the City Council on March 16.
- Met with the City Attorney's office regarding updating the Tree Ordinance and reviewing the Forest and Beach Commission's authority to impose fines and mitigation measures.
- Sponsored by the Community Planning and Building Department, Public Works participated in new Development Review Meetings to identify significant issues and conditions of approval for larger development projects.
- Continued to hold weekly meetings with Carmel Cares to coordinate improvements to the Scenic Pathway, Devendorf Park, median islands, and other initiatives.
- Compiled an equipment list of a dozen items, collectively valued at $5,000, for Carmel Cares/ Carmel Gives consideration for reimbursements. All items would benefit the City as a whole.

Environmental Programs

- Completed the draft Integrated Pest Management Policy.
- Resumed storm water commercial inspections with the Carmel Area Wastewater District.
- Removed piles of ivy, weeds, and debris from the Mission Trail Nature Preserve (MTNP).
- Refined and approved new fire-fuel and invasives removal projects with the Friends of MTNP.
- Replaced seven (7) high-pressure sodium lights with energy-efficient LED lights at the Sunset Center north parking lot.
- Received 12 new, metal ribbon style trash/recycling containers funded by CalRecycle.
- Identified the locations for the 12 new trash/recycling containers in the downtown area. Installation begins in March.

Facility Maintenance

- The fire pump system serving the Sunset Center complex burned out rendering the Center unable to be occupied. An emergency purchase of replacement parts, costing $52,000, was promptly ordered, and delivery is expected in early April. In the meantime, bid proposals for installation of the new pump equipment from three qualified contractors are pending.
- Hired a vendor who installed a new, high-speed garage door for the ambulance bay at the Fire station.
- Repaired broken metal doors covering a fire suppression valve vault in the sidewalk behind the Harrison Memorial Library. One contractor quote was $9,000, but repaired by staff for $400.
- Saved $845 by relocating a decorative light from the janitor's closet to the main area at the Scenic Pathway restrooms.
- The broken fire alarm panel was replaced at the Forest Theater.
- The fire alarm panel at the Harrison Memorial Library was damaged apparently due to a power surge when power was restored following the January storms. Repairs are in progress.
- Sewer lines were jetted at park restrooms as preventative maintenance.
- Continued making repairs to the rollup gate and security door at the Norton Parking Garage.

Street Maintenance

- Provided staffing for the four-day President's Day weekend. The amount of trash encountered that weekend was much less than during the New Year's Day holiday.
- Met with consultants from Monterey Salinas Transit regarding their long-range goals and service needs.

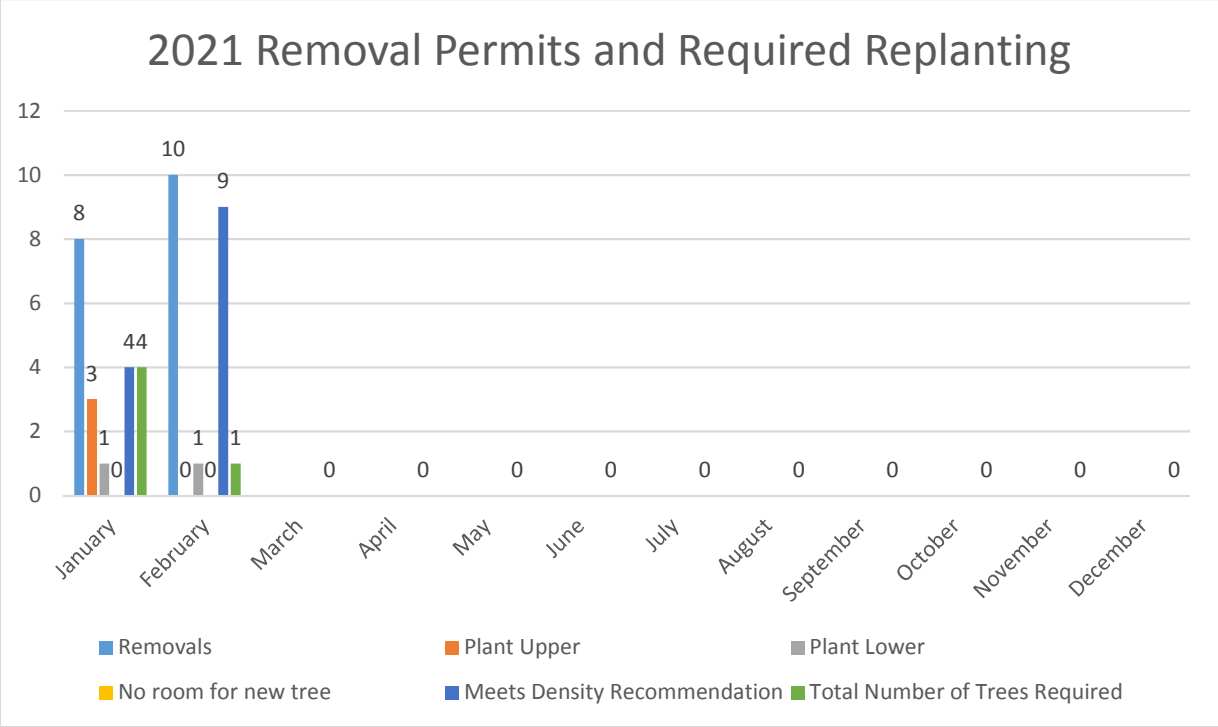
Public Works Department Report – February 2021

- The Friends of MTNP removed concrete steps at the foot of the abandoned pump house, allowing the Doolittle Trail to be extended without the steps being an obstacle.
- Continued to clear out drainage channels and culverts resulting from the heavy storms in late January, as well as localized flooded areas. Also repaired damaged traffic signs and fences.
- Continued making repairs to sidewalk uplifts based on the annual sidewalk inspection survey.
- Repaired curbs and benches in Devendorf Park.
- Replaced a broken section of the children's slide at Forest Hill Park.

Forestry, Parks and Beach (Forester's Report)

- One tree failed from root rot and another split in half under a power line requiring removal. There were 3 limb failures; one on Santa Lucia and two on Lincoln that were struck by a truck.
- 2,684 trees have been inventoried in TreeKeeper as of March 2, 2021. Staff is inventorying trees as work and inspections are performed.
- Large roots were cut of a pine at Casanova Street and Thirtieth Avenue resulting in the tree being removed for safety reasons.
- Cleanup from late January storms included removal of dead trees, hanging branches, and debris, and replanting newer trees that tipped over.
- Coordinated with PG&E for pruning City trees to clear power lines and removing eight more large, dead trees.
- Carmel Cares activities resumed in February with a focus on shrub pruning and ivy removal at Denvendorf Park.

Private and Development Activities



Attachment 5

Public Works Department Report – February 2021

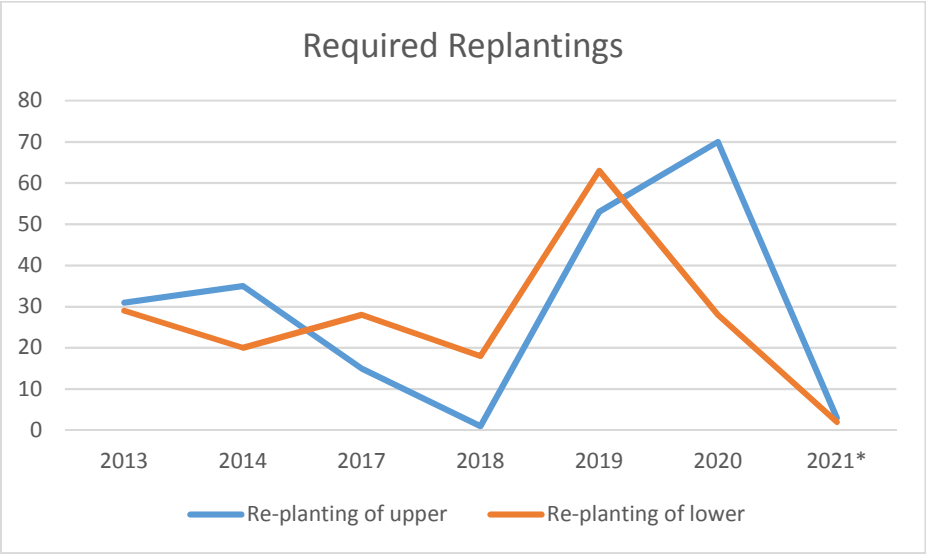
2021 Permitted Removals and Required Plantings

	Removals	Plant Upper	Plant Lower	No room for new tree	Meets Density Recommendation	Total Number of Trees Required
January	8	3	1	0	4	4
February	10	0	1	0	9	1
March						0
April						0
May						0
June						0
July						0
August						0
September						0
October						0
November						0
December						0
2021 totals	18	3	2	0	13	5

Historic Permitted Removals and Required Plantings

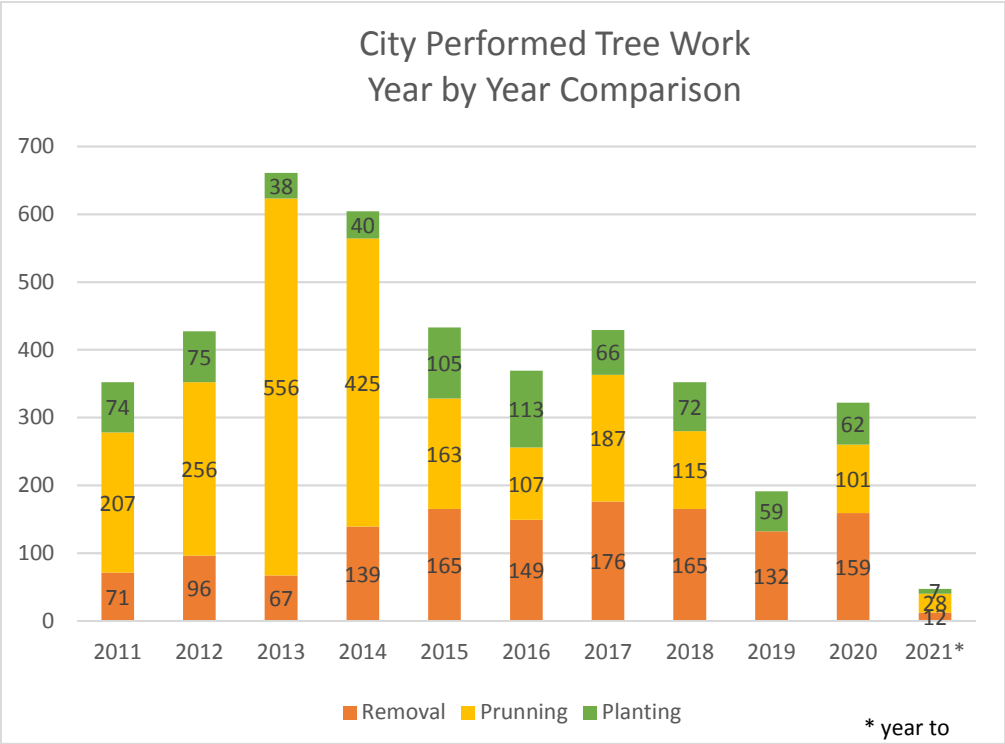
	Removal Permits	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	25.97%
2019	170	107	63	116	53	63	68.24%
2020	175	57	41	120	67	26	68.57%
2021*yr to date	13	16	2	5	3	2	38.46%

Public Works Department Report – February 2021



City Forestry, Parks, and Beach Activities

City Tasks February 2021	
Work Type	Count
Inspection	16
Pruning	1
Removals	4
Failures	4
Planting	3



CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-012 approving a Memorandum of Understanding (MOU) for the Central Coast Community Energy (3CE) shared seats with the Cities of Monterey and Pacific Grove and appointing Council Member Baron as the Policy Board Alternate pursuant to the MOU

RECOMMENDATION:

Adopt Resolution 2021-012 approving a Memorandum of Understanding (MOU) for the Central Coast Community Energy (3CE) shared seats with the Cities of Monterey and Pacific Grove and appointing Council Member Baron as the Policy Board Alternate pursuant to the MOU.

BACKGROUND/SUMMARY:

Central Coast Community Energy (3CE) is a Community Choice Energy agency established by local communities to source clean and renewable electricity for Monterey, San Benito and Santa Cruz counties and parts of San Luis Obispo and Santa Barbara counties while retaining the utility provider's traditional role of delivering power and maintaining electric infrastructure as well as billing. Before including parts of San Luis Obispo and Santa Barbara counties, 3CE was known as Monterey Bay Community Power. The City shares a seat on the governing Policy and Operations Boards with the Cities of Monterey and Pacific Grove.

3CE's Policy and Operations Boards are comprised (respectively) of local elected officials and City Managers/City Administrators/Chief Administrative Officers from member agencies. Each shared board seat has a primary, alternate and at-large representatives assigned from the three cities. Adopting a memorandum of understanding (attached) between the three cities will allow for an agreed upon rotational schedule for the representatives for the shared seats on the Policy and Operations Boards going forward. The Cities of Pacific Grove and Monterey City Council's have signed the Memorandum of Understanding.

Regardless of each cycle or appointed individuals, elected officials and City Managers/Administrators/Chief Administrative Officers are invited to attend 3CE meetings as they see fit.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

The City Council routinely makes appointment to various outside agencies.

ATTACHMENTS:

Attachment #1 - 3CE Policy and Operational Board Appointments MOU

Attachment #2 - Resolution 2021-012 Approving MOU with 3CE and appointing Council Member Baron as Policy Board Alternate

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into on _____ ("Effective Date") by and between the City of Pacific Grove, City of Monterey and City of Carmel by the Sea., The three cities shall be collectively referred to as the "Parties" and individually as a "Party".

RECITALS

A. As a public agency, Central Coast Community Energy (3CE) is governed by a Policy Board and an Operational Board comprised of elected officials, city managers and city administrators. This governing structure assures that the voices from each city and county served by 3CE will have a seat at the table when important decision regarding 3CE policies and operations are being made.
B. The 3CE Policy Board and Operational Board are shared seats by the Parties.
C. Each board seat shall have a designated primary and alternate designee appointed to 3CE by January 1st every other year.
D. Appointments will be held for 2-year terms.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the Parties hereby agree as follows:

1. Purpose. The purpose of this MOU, includes but is not limited to, allowing the Parties to agree to a rotational appointment schedule, further described in Exhibit A for naming elected officials, city managers and city administrators to the 3CE Policy Board and Operational Board shared seats. ("Purpose")
2. Term. This MOU may only be terminated by mutual written agreement.
3. Amendments. This MOU may only be amended by writing signed by all Parties.

ACKNOWLEDGED AND AGREED:

City of Pacific Grove	**City of Monterey**	**City of Carmel by the Sea**
By: _____	By: _____	By: _____
Name: Bill Peake	Name: Clyde Roberson	Name: Dave Potter
Title: Mayor	Title: Mayor	Title: Mayor

City of Pacific Grove	**City of Monterey**	**City of Carmel by the Sea**
By: _____	By: _____	By: _____
Name: Ben Harvey	Name: Hans Uslar	Name: Chip Rerig
Title: City Manager	Title: City Manager	Title: City Manager

EXHIBIT A – 3CE Shared Seats Rotational Schedule

1. Policy Board. Each cycle is two years duration and filled by an elected official. Return to Cycle 1 after Cycle 3 completes.

Cycle 1
Policy Board Primary - Monterey
Policy Board Alternate - Pacific Grove
Policy Board At Large – Carmel by the Sea

Cycle 2
Policy Board Primary – Pacific Grove
Policy Board Alternate - Carmel by the Sea
Policy Board At Large – Monterey

Cycle 3
Policy Board Primary - Carmel by the Sea
Policy Board Alternate - Monterey
Policy Board At Large – Pacific Grove

2. Operational Board. Each cycle is two years duration and is filled by city managers or city administrators. Return to Cycle 1 after Cycle 3 completes.

Cycle 1
Operational Board Primary - Monterey
Operational Board Alternate - Pacific Grove
Operational Board At Large – Carmel by the Sea

Cycle 2
Operational Board Primary – Pacific Grove
Operational Board Alternate - Carmel by the Sea
Operational Board At Large – Monterey

Cycle 3
Operational Board Primary - Carmel by the Sea
Operational Board Alternate - Monterey
Operational Board At Large – Pacific Grove

3. Starting Point. Policy Board appointment to the 2021-2022 term shall start on Cycle 2 based on previous 2-year appointment. Operational Board appointment to the 2021-2022 term shall start on Cycle 2 based on previous 2-year appointment.

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE CENTRAL COAST COMMUNITY ENERGY (3CE) SHARED SEATS WITH THE CITIES OF MONTEREY AND PACIFIC GROVE AND APPOINTING COUNCIL MEMBER BARON AS THE POLICY BOARD ALTERNATE PURSUANT TO THE MOU

WHEREAS, Central Coast Community Energy (3CE) is a Community Choice Energy agency established by local communities to source clean and renewable electricity for Monterey, San Benito and Santa Cruz counties and parts of San Luis Obispo and Santa Barbara counties; and

WHEREAS, 3CE's Policy and Operations Boards are comprised (respectively) of local elected officials and city managers/chief administrative officers from member agencies; and

WHEREAS, adopting a memorandum of understanding between the three cities will allow for an agreed upon rotational schedule for the representatives for the shared seats on the Policy and Operations Boards going forward; and

WHEREAS, in addition to their duties on the City Council, Council Members serve as the City's representatives to outside agencies.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Approve the Memorandum of Understanding for the Central Coast Community Energy (3CE) shared seats with the Cities of Monterey and Pacific Grove; and

Appoints Council Member Baron as the Policy Board Alternate pursuant to the MOU.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

_____
Dave Potter
Mayor

_____
Britt Avrit, MMC
City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Agnes Martelet, Manager, Environmental Compliance
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-013 establishing the City of Carmel-by-the-Sea Integrated Pest Management Policy, Policy Number 2021-001

RECOMMENDATION:

Adopt Resolution 2021-013 establishing the City of Carmel-by-the-Sea Integrated Pest Management Policy, Policy Number 2021-001.

BACKGROUND/SUMMARY:

In order to protect the health of our residents and the environment, the City has long operated under an unwritten policy that we do not use pesticides in City operations. However, there have been instances where appropriate and careful use of pesticides has been warranted and necessary because alternative methods of pest control were not feasible. Examples of pesticide uses that have been necessary in specific situations include:

- Removal of wasp nests that endanger public use areas
- Treatment of invasive tree stumps at Mission Trail Nature Preserve where the site is inaccessible for stump grinding
- Treatment of invasive ice plant at the North Dunes to aid in the removal of this aggressive invasive species and restoration of native dune habitat

The purpose of an Integrated Pest Management (IPM) policy is to provide a scientific, systematic, and environmentally responsible approach to identifying the best pest control method before using any pesticide, and in those rare cases where alternative approaches are not feasible, to use the least toxic pesticide option available. The IPM policy also supports a more transparent government, where decision-making regarding pest management is readily available, transparent, and the amount of pesticide used annually, if any, is tracked.

The IPM policy will also ensure that the City complies with its National Pollutant Discharge Elimination System (NPDES) stormwater permit with the State Water Resource Control Board. The permit requires implementation of best practices that reduce the discharge of pesticides, herbicides and fertilizers by utilizing non-chemical solutions, ensuring any pesticide applications are conducted in such a way that overspray and leaching are minimized, and by recording the types and amounts of pesticides used within a

permitted area.

The Environmental Compliance Manager will be charged with coordination of the program, tracking pesticide usage, and ensuring compliance with the NPDES permit. The City Forester will manage decision-making related to pest management activities, including developing standard IPM operating procedures, compliance with the City's IPM guidelines, and staff training.

At their February 11, 2021 meeting, the Forest and Beach Commission received a presentation on the proposed IPM policy. There were no public comments. The Commission unanimously supported the policy and recommended forwarding it to City Council for adoption. The proposed IPM policy is included as Attachment 2.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment 1: Resolution 2021-013
Attachment 2: City of Carmel-by-the-Sea Integrated Pest Management Policy

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ESTABLISHING THE CITY OF CARMEL-BY-THE-SEA INTEGRATED PEST MANAGEMENT POLICY, POLICY NUMBER 2021-001

WHEREAS, the purpose of an Integrated Pest Management Policy is to provide a scientific, systematic, and environmentally-responsible approach to identifying the best pest control method before using any pesticide; and

WHEREAS, an Integrated Pest Management Policy supports a more transparent government, where decision-making regarding pest management is readily available, transparent, and the amount of pesticide used annually, if any, is tracked; and

WHEREAS, an Integrated Pest Management Policy also ensures that the City complies with its National Pollutant Discharge Elimination System stormwater permit with the State Water Resource Control Board; and

WHEREAS, at their February 11, 2021 meeting, the Forest and Beach Commission unanimously supported the Integrated Pest Management Policy and recommended forwarding it to the City Council for adoption.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Establish the City of Carmel-by-the-Sea Integrated Pest Management Policy, Policy Number 2021-001.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: ATTEST:

_____ _____
Dave Potter Britt Avrit, MMC
Mayor City Clerk

Policy Number 2021-001

CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE

Subject: Integrated Pest Management Policy and Guidelines	**Policy/Procedure No: 2021-001**

Effective Date:	**Authority:**

Purpose: The City of Carmel-by-the-Sea is establishing this policy to ensure that pesticides are only used as a last resort when other means of pest control are infeasible; and to ensure that, if a pesticide must be used, that public health and the environment are protected.
Policy goals include:

1. Create awareness among City staff and citizens of integrated pest management techniques and environmental stewardship.
2. Ensure effective pest management on City property while minimizing health risks to the public and City staff, and risks to the environment that could result from pest management activities.
3. Promote transparency about the City's pest management actions.

Policy/Procedure:

The City Forester, in collaboration with the Environmental Compliance Manager, will develop and periodically review the City's IPM Program, which will apply to all City pest and weed management activities. The Program will include the following:

1. Appointment of a single person as the **IPM Program Coordinator** within the City for citywide IPM implementation and program evaluation.
2. Adherence to **IPM decision-making steps** for managing pests on City-owned properties and facilities.
3. Participation in countywide and **regional efforts** to further relevant policies and activities.
4. Maintenance of accurate **records** on IPM implementation and pesticide use.
5. **Staff training**.
6. Development of **Standard IPM Operating Procedures** for key pests.
7. Inclusion of City IPM policies and guidelines in **City contracts** for pest management.
8. Maintenance of a **list of resources** that can be accessed by staff.
9. Obtaining prior approval of any **change to the implementation program** by the Director of Public Works and Environmental Compliance Manager.

IPM Program Coordinator

The City Forester is the City's IPM Program Coordinator and works in collaboration with the Environmental Compliance Manager to implement the IPM Program. The IPM Program coordinator has the following responsibilities:

1. Coordinating efforts to adopt IPM techniques for the City.
2. Communicating with appropriate staff and providing information on the goals and guidelines of the program.
3. Providing training to Public Works and other City staff in the requirements of this IPM policy, as well as preparing individuals who handle pesticides and herbicides in obtaining and maintaining a Qualified Applicator Certification.
4. Tracking all pesticide use and ensuring that the information is available to the public.
5. Coordinating with other public agencies that are practicing IPM programs.
6. **Filing monthly pesticide use reports with the County and renewing bi-annual pesticide permit.**
7. Serving as public information officer in coordination with the Environmental Compliance Manager on IPM and pesticide related issues.
8. Keeping current on Federal (EPA), State Department of Pesticide Regulation (DPR), County Environmental Health and local regulations, and provide updates to department personnel.

IPM Decision-Making Steps

A. Based on field observations, evaluate locations and sites where pest problems commonly occur to properly **identify the pest, determine pest population size and location, and identify any natural enemy populations**.

B. **Identify conditions that contribute to the development of pest populations**, as well as measures that could be employed to prevent and manage pest populations. Prevention measures may include:

- Design, construction, and maintenance of landscapes and buildings to reduce and eliminate pest habitats.
- Modification of management practices including watering, fertilizing, mulching, waste management, and food storage to discourage the development of a pest population or to increase the resilience of a landscape or plant.
- Modification of pest ecosystems to reduce food, water sources, harborage, and access to buildings.
- Education of staff and the public about the connection between pests and the

availability of food, harborage, and access, and the role humans can play in preventing and reducing pest problems.

C. **Determine treatment thresholds** based on the level of biological, aesthetic, or economic damage that is tolerable.

D. When a pest population reaches its treatment threshold, **choose treatment strategies that are appropriate for the site and the pest**.

1	Evaluate non-pesticide management strategies first
2	Prioritize the use of physical controls such as sanitation, mowing weeds, using traps, and installing barriers
3	Create landscapes that encourage naturally occurring insect parasites and predators to help manage pest insects
4	When pesticides are necessary, select reduced-risk pesticides and use the minimum amounts needed to be effective
5	Apply pesticide at the most effective time based on pest biology, monitoring, weather, season, and local site conditions
6	Whenever feasible, use pesticide application methods, such as spot treatments and containerized baits, that minimize opportunities for mobilization of the pesticide in stormwater runoff, and minimize impacts on non-target organisms

E. **Evaluate the results of the treatment** to improve pest management.

Tracking Pesticide Use

The IPM Program Coordinator will work with the Environmental Compliance Manager to maintain accurate records of pesticide use that are accessible upon request. At the end of each month, each Division Manager will complete a Monthly Chemical Use Report form and return it to the IPM Coordinator or designee by the last day of the month in which the pesticide was used. The City's IPM Coordinator must utilize the information provided to complete a **Monthly Summary Pesticide Use Report** on the State's CalAgPermits website by the tenth of each month. The Monthly Summary Pesticide Use Report is only submitted during months when pesticides have been applied outdoors by City Staff.

The IPM Program Coordinator is also responsible for maintaining accurate records of pesticide use by City contractors on City property. City contractors utilizing any pesticides on City property will be responsible for submitting Monthly Summary Pesticide Use Reports to the State, and to provide a Chemical Use Report to the IPM Program Coordinator.

Monthly Chemical Use Report Form

Date	EPA/Calif. Reg. No. from Label	Product Name	Active Ingredient Chemical Name	No. of Applications	Total amount used / Units	Target Pest	Area Treated	Contractor

Staff Training

Pesticides and herbicides shall be applied by a certified **qualified applicator** that has been trained in application methods. Applicators should be versed in techniques, safety precautions, pest biology, proper use of personal protective equipment, proper storage, handling, environmental concerns, employee rights regarding pesticide, and California Department of Pesticide Regulation and Monterey County guidelines.

Training must be performed by a qualified person and cover the following for each pesticide handled:

1. Information on the pesticide label concerning human health effects.
2. Hazards of the pesticide, including acute and long-term effects.
3. Pesticide poisoning symptoms and routes pesticides and herbicides can enter the body.
4. Emergency first aid and how to get emergency medical care.
5. Routine and emergency decontamination procedures.
6. Need for, limitations, use, and cleaning of personal protective equipment (PPE).
7. Prevention, recognition and first aid for heat-related illnesses.
8. Safe procedures for handling pesticides and herbicides, including engineering controls.
9. Environmental concerns, such as drift and runoff and stormwater quality impacts.
10. Warnings against taking pesticides and herbicides home.
11. Regulatory requirements, including Material Safety Data Sheets (MSDS) and Pesticide Safety Information Series (PSIS).
12. Purpose and requirements of medical supervision, when applicable.
13. Location of hazard communication information.
14. Employee rights.

Person(s) applying pesticides and herbicides that are not licensed must have pesticide safety training before the use of any pesticide, regardless of toxicity. Training must be updated annually. A record must be made of each employee applying pesticides and herbicides, and evidence of training certified

by the trainer/supervisor. Copies of the record form will be kept by the employee and the City, and be available to local and State officials.

Standard IPM Operating Procedures

Standard IPM Operating Procedures shall be established for priority pests and weeds of concern. Additionally, the following general conditions shall be followed:

Pesticides and herbicides will be used only in authorized situations where other alternative methods have proven not to be effective or feasible (e.g., cannot be sustained due to budgetary or other constraints). When pesticide application is necessary, the following practices shall be followed:

General Application Best Practices:

1. No Category 1 pesticides and herbicides shall be used within the city limits except with the specific pre-authorization of the City's Public Works Director to protect the health or safety of the public. Category 1 pesticides are those that are classified as highly toxic on the basis of either oral, dermal, or inhalation toxicity. These pesticides have the signal words "Danger" and "Poison" printed in red with a skull and crossbones symbol prominently displayed on the package label.
2. Prior approval of the IPM Coordinator is required for all applications.
3. Applications shall be performed by a certified qualified applicator to avoid any hazard to any person or animal in the area or adjacent areas and to avoid any property damage.
4. Application(s) shall be made at the time of the treatment of weeds' most susceptible stage.
5. Care shall be observed not to damage non-targeted vegetation, especially when applying a non-selective herbicide.
6. Spraying shall be confined to target species and drift must be avoided.

Specific Application Best Practices:

No pesticides and herbicides are to be applied within 50 yards of any designated playground unless conditions call for control of a hazardous or noxious pest or weeds. In this case, the area must be closed until re-entry is deemed safe.
Pesticides and herbicides shall not be sprayed when weather conditions are:

- More than 5 miles per hour winds
- Damp or foggy
- Rainy
- Extremely cold or hot

The City will provide personal protective clothing and equipment to City personnel engaged in the

application of pesticides and herbicides on City property as stated on the manufacturer's label. Contractors are required to provide their own PPE.

Any person applying a pesticide on City property must have in their possession the following documents:

- Pesticide label
- Pesticide MSDS, (Material Safety Data Sheet)
- Medical Emergency Contact Information

Storage and Disposal

All pesticide storage locations must be posted with visible warning notices legible from a distance of 25 feet from any direction in English and Spanish. Any pesticide containers holding 1 gallon of concentrate or more, and any container above 3-gallons containing diluted pesticides or herbicides must be transported outside of the vehicle cab in a manner that will prevent spillage onto the vehicle or off the vehicle.

Empty pesticide containers, other than bags, must be rinsed and drained into the spraying equipment on site by the user, at the time of use, using the triple rinse method. Rinse solution should be applied to the treated areas.

All pesticide containers must be labeled with the following information:

- Name of pesticide
- Category of pesticide
- EPA registration number
- Active ingredient
- Precautionary statements
- First aid and personal protective equipment instructions

Small spills of pesticides and herbicides should be cleaned up immediately with absorbent material such as cat litter. For major toxic pesticide spills, contact the Fire Department and request Emergency Response Personnel. Note what pesticide it is, category, and if it is threatening to enter the storm drain system.

City Contracts

The IPM Program Coordinator will review contract provisions or addenda to purchase orders issued by all City departments that contract for pest management services and monitor contract work to ensure City IPM policies and guidelines are adhered to by all contractors performing pest

management work on City maintained properties and facilities.

Public Outreach and Resources

Public outreach efforts will include the distribution of information, as appropriate, such as Our Water Our World and Ecowise IPM Certification, or equivalent programs. The IPM Coordinator will coordinate and keep records of the following:

1. The City's, countywide, and regional advertising campaigns that focus on reducing the impact of urban pesticide use.
2. The City's outreach to pest control operators and landscapers, or contribution to regional efforts to promote IPM to pest control operators and landscapers.
3. Placement of messages focused on reducing the impact of urban pesticide use in the City's Friday Letter.
4. Distribution of IPM information and resources at public outreach events and on the website.
5. IPM Program updates in the Forester's Report to the City Council and Forest and Beach Commission.

Environmentally Sensitive Habitat Areas

In accordance with the City's municipal code, any weed removal activities conducted within an Environmentally Sensitive Habitat Area (ESHA) shall be done as specified in a Biological Resources Report and authorized through a coastal development permit. In no case shall the use of fertilizer, herbicide, or other chemical be allowed within 100 feet of a riparian habitat.

Stormwater NPDES Annual Report

By October 1st of each year, the IPM Program Coordinator will work with the Environmental Compliance Manager to prepare a summary of the previous Fiscal Year's IPM Program activities for the portion of the City's NPDES Stormwater Annual Report related to Pesticides Toxicity Control.

Responsible Party: City Forester and Environmental Compliance Manager

Department of Origin: Public Works

Revision Dates:

Rescinded Date:

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Ordinance 2021-001 amending sections 2.28.030, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions

RECOMMENDATION:

1. Request a reading of the title of the Ordinance
2. Motion to waive further reading and introduce Ordinance 2021-001 amending sections 2.28.030, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments
3. Adopt Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions

BACKGROUND/SUMMARY:

City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community. Currently these appointments are made at the City Council meeting in September each year with the appointees' terms beginning in October each year. The appointments took place after the City's General Municipal Election which was held in April of even-numbered years. Beginning in 2018, the City's General Municipal Election was moved to November of even-numbered years.

The City Clerk worked with the City Attorney's Office to update the Municipal Code. The attached ordinance changes the timing for the Board/Commission appointments to take place in May each year to be more in line with the timing of the City's General Municipal Election. The Ordinance would extend existing terms in order to effectuate the timing change.

To remain consistent, Policy C89-06 Appointments to Boards and Commissions also needs to be updated to reflect the change in timing. The policy provided in Exhibit A to Resolution 2021-014 reflects the change in timing and reflects current practices as it relates to Board/Commission recruitment and appointment. Additionally, the policy updates the process for handling unscheduled vacancies.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

Policy C89-06 was last updated March 2, 2009.

ATTACHMENTS:

Attachment #1 - Ordinance 2021-001 Amending the Municipal Code regarding timing of Board and Commission appointments

Attachment #2 - Policy C89-06 Appointments to Boards and Commissions, redline

Attachment #3 - Resolution 2021-014 Amending Policy C89-06, Appointments to Boards and Commissions

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING SECTIONS 2.28.030, 2.32.030, 2.36.030, 2.72.030, AND 2.74.010 OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE RELATED TO TIMING OF BOARD AND COMMISSION APPOINTMENTS

WHEREAS, to ensure for the orderly administration of the City of Carmel-by-the-Sea, the City Council has determined it necessary to amend provisions of the municipal code regarding the timing of appointments to the City's boards and commissions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Section 2.28.030. Section 2.28.030 of Title 2, Chapter 2.28 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.28.030 Appointment Process.

A. Members of the Community Activities Commission shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of members shall be staggered so that at least two terms, but no more than three terms, shall expire in any one year. Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of outgoing members shall end simultaneously. The newly appointed member(s) shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed.

SECTION 2. Amendment of Section 2.32.030. Section 2.32.030 of Title 2, Chapter 2.32 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.32.030 Appointment Process.

A. Members of the Forest and Beach Commission shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of members shall be staggered so that at least two terms, but no more than three terms, shall expire in any one year. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the commission.~~ Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of outgoing members shall end simultaneously. The newly appointed member(s) shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days~~ the incumbent may continue to serve until a new member is appointed.

SECTION 3. Amendment of Section 2.36.030. Section 2.36.030 of Title 2, Chapter 2.36 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.36.030 Appointment Process.

A. Members of the Planning Commission ~~shall be appointed in accordance with City policy adopted by resolution of the City Council~~ shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of members shall be staggered so that no more than two terms shall expire in any one year. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the commission prior to being seated.~~ Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of office for outgoing members shall end simultaneously. The newly appointed members shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed.

SECTION 4. Amendment of Section 2.72.030. Section 2.72.030 of Title 2, Chapter 2.72 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.72.030 Appointment Process.

A. Members of the Harrison Memorial Library Board of Trustees shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the board.~~ Terms of office for new members shall begin the date of the regular meeting in ~~October~~ May of the appropriate year. Terms of office of outgoing members shall end simultaneously. The newly appointed members shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed.

SECTION 5. Amendment of Section 2.74.010. Section 2.74.010 of Title 2, Chapter 2.74 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.74.010 Historic Resources Board.

A. Establishment. There is hereby established in the City a Historic Resources Board consisting of five members with powers and duties to administer the City's historic preservation program. Specific duties, responsibilities and functions of the Board are established in this title.

B. Board Member Qualifications.

1. Members of the Board shall have demonstrated interest in and knowledge of architectural history, architecture, archaeology, anthropology, paleontology, architecture, historic architecture, local history or fields related to historic preservation such as construction, planning, geography, landscape architecture, urban design, ethnography, fine arts, or real estate.

2. The Board shall be comprised of three professional members, consisting of one member each, from the following combined fields: (1) history, architectural history, or urban design, (2) architecture or historic architecture, and (3) archaeology, anthropology, or paleontology. The remaining two public members may represent any of the related historic preservation fields noted above.

3. All members shall be residents and electors of the City, except in the event that no resident with the requisite expertise needed for a professional member can be found. In such case one professional member appointee may reside outside the City limits but within the sphere of influence. In any event, a majority of the Board shall at all times be composed of resident-electors of the City and all public members shall at all times be resident-electors.

4. If professional members with the required expertise cannot be found, the City Council may substitute one or more additional public members with a demonstrated interest in historic preservation.

C. Term.

~~1.~~ Board members shall serve for a term of four years. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be made, where possible, prior to the beginning of the term of office, in order that the new member(s) may become familiar with the functions of the Board.~~

2. Terms of office for new members shall commence at the beginning of the first regular meeting in the month of ~~October~~ May. Terms of outgoing members shall end simultaneously.

D. Board Member Appointment.

~~1.~~ Members of the Historic Resources Board shall be nominated by the Mayor whose nomination shall be ratified by at least three members of and appointed by the City Council. The newly appointed members shall be sworn in by the City Clerk. ~~The City Clerk shall swear in the newly appointed member(s).~~

~~2.~~ In the event an appointment cannot be made in a timely manner, ~~the City Council, with consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed. ~~Any new appointee to a scheduled or unscheduled vacancy shall hold office until the expiration date of that position.~~

3. All members shall serve at the pleasure of the City Council. Any member may be removed from the Board upon a majority vote of the City Council.

SECTION 6. Effect on Existing Terms. The term of each current member of the Community Activities Commission, Forest and Beach Commission, Planning Commission, Harrison Memorial Library Board of Trustees, and Historic Resources Board, shall be extended approximately seven months in duration so that the expiration of such member's term shall now be on the first regular meeting in May that is after the October expiration date that would have applied to such member's term in the absence of this Ordinance.

SECTION 7. Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this _____ day of _____, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter Mayor	Britt Avrit, MMC City Clerk

C89-06

CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE

Subject: Appointments to Boards and Commissions	***Policy/Procedure No:*** C89-06

Effective Date: 1 October 1988	***Authority:*** Resolution No. 88-47

Purpose:
To provide guidelines for appointments to Boards and Commissions.

Policy/Procedure:
As set forth fully in the policy document attached.

Responsible Party:
City Clerk

Department of Origin:
Administration

Revision Dates:
4 April 1989 (Resolution No. 1989-33)
7 May 1991 (Resolution No. 91-46) (Resolution No. 1986-27)
1 October 1991 (Minute Motion)
5 November 1991 (Resolution No. 91-103)
4 April 1995 (Resolution No. 95-34)
9 September 1997 (Resolution No. 97-97)
5 December 2000 (Resolution No. 2000-143)
2 March 2009 (28 October 2008 Council Retreat)
6 April 2021 (Resolution 2021-014)

City Administrator Approval of Departmental Policies: 12/2000

Rescinded Date:

C89-06

POLICY C89-06

APPOINTMENT TO COMMISSIONS, BOARDS, COMMITTEES

Appointment to all City Boards, Commissions and Committees are established by the City's Municipal Code as Mayoral appointments with confirmation by the City Council.

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Posting and Notification of Vacancies

State law requires an annual posting prior to December 31 of all appointive terms on Boards, Commissions and Committees which are scheduled to expire within the upcoming year. The notice shall not be removed until these vacancies have been filled. State law requires unscheduled vacancies (resignation, etc.) to be publicly noticed within 20 days after the occurrence of the vacancy and prohibits appointment to the vacancy within 10 days of the public notice.

1. The City Clerk shall maintain ~~a file containing~~ all applications for appointive positions pursuant to the City's adopted retention schedule. All applications must be made on a form provided by the City Clerk. ~~Applications will be purged annually in November.~~ Interested applicants must reapply.

2. ~~A letter and application form~~Notice shall be sent to each current Board/Commission/Committee member whose term is set to expire in ~~October~~May~~, inquiring about their intent to seek reappointment and specifying that an affirmative response does not automatically mean reappointment~~. Those Commission~~er~~/Board members who wish to be reappointed must ~~complete and return the application to the City Clerk~~reapply by a date certain.

3. The City Clerk shall notify the Mayor, Mayor Pro Tempore, members of Council, the chairpersons of Boards/Commissions, and appropriate department directors of upcoming vacancies.

~~3.~~4. A subcommittee, comprised of the Mayor and Mayor Pro Tempore, shall review all applications and interview each prospective member.

~~4.1. The City Clerk shall notify the Mayor, Mayor Pro Tempore, members of Council, the chairpersons of Boards/Commissions, and appropriate department directors of upcoming vacancies.~~

5. The City Clerk shall ~~place a display ad~~advertise in the *Carmel Pine Cone* seeking applications from the general public. The Clerk shall establish a deadline for applications to be received. ~~Immediately f~~Following the deadline, copies of these applications shall be provided to the subcommittee of the Mayor and Mayor Pro Tempore for their review.

6. The subcommittee shall notify the City Clerk in sufficient time to place the nominees on ~~the September~~a City Council agenda for ratification by the ~~full~~ Council.

C89-06

7. Pursuant to the Municipal Code, a~~A~~ppointments shall be ratified by at least three of the five members of the City Council.~~confirmed by majority vote of those members present at the Council meeting at which the matter has been scheduled~~.

8. The Mayor, Mayor Pro Tempore or the ~~and~~ City Clerk shall notify each appointee of the City Council's action. The Clerk shall provide each appointee with the process for filing a ~~a current 700~~ Statement of Economic Interest, Form 700~~Assuming Office Form and a Value Statement for acknowledgement of receipt by each new appointee~~.

~~**C89-06**~~

9. All new appointees shall receive a Handbook for New Commission/Board/Committee M~~m~~embers.

10. The City Clerk shall notify all new appointees of the date and time to attend a~~n orientation program conducted by the City Attorney. The program will cover City government in general, and not be Commission/Department specific.~~presentation regarding the Brown Act.

11. Each department subsequently will arrange a full departmental orientation meeting, including review of the individual's own orientation handbook. This is the handbook that expands upon the information contained in the Citywide commissioner handbook.

Unscheduled Vacancies:

1. ~~1.~~ All resignations shall be in writing and filed with the City Clerk, who will distribute it to the affected parties. A Notice of Unscheduled vacancy will not be posted until such a written resignation is received.

2. ~~2. The appointment procedure shall follow the same guidelines as that for regularly scheduled appointments, with the exception that no~~No appointment shall be made until 10 days after the public Notice of Unscheduled Vacancy.

3. The City Clerk shall advertise in the Carmel Pine Cone seeking applications from the general public. The Clerk shall establish a deadline for applications to be received. Following the deadline, copies of these applications shall be provided to the subcommittee of the Mayor and Mayor Pro Tempore for their review.

4. The Mayor and Mayor Pro Tempore, shall review all applications, including those received for the most recent annual recruitment, and interview each new applicant.

5. Steps 6- 11 above will be followed with regard to appointing individuals to unscheduled vacant positions.

Oath of Office:

~~1.~~ The City Clerk shall administer the Oath of Office ~~and present a Certificate of Appointment to each new appointee at the applicable Board/Commission immediately~~as soon as possible following the Council meeting when they are confirmed and prior to attending the first Commission/Board meeting.

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CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING POLICY C89-06, APPOINTMENTS TO BOARDS AND COMMISSIONS

WHEREAS, the City adopted Resolution 89-33 establishing the process for appointments to Boards and Commission; and

WHEREAS, the City wishes to amend Policy C89-06 to change the appointment of the Board/Commission/Committee Members to occur in May each year as appropriate so that it follows the City's General Municipal Election which is held in November of each even-numbered year; and

WHEREAS, it is appropriate to clean up Policies from time-to time to reflect current practices and to be in line with other City Policies.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Amend Policy C89-06 Appointments to Boards and Commissions, as provided in Exhibit A

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter Mayor	Britt Avrit, MMC City Clerk

EXHIBIT A

C89-06

CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE

Subject: Appointments to Boards and Commissions	***Policy/Procedure No:*** C89-06

Effective Date: 1 October 1988	***Authority:*** Resolution No. 88-47

Purpose:
To provide guidelines for appointments to Boards and Commissions.

Policy/Procedure:
As set forth fully in the policy document attached.

Responsible Party:
City Clerk

Department of Origin:
Administration

Revision Dates:
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2 March 2009 (28 October 2008 Council Retreat)
6 April 2021 (Resolution 2021-014)

City Administrator Approval of Departmental Policies: 12/2000

Rescinded Date:

C89-06

POLICY C89-06

APPOINTMENT TO COMMISSIONS, BOARDS, COMMITTEES

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Posting and Notification of Vacancies

State law requires an annual posting prior to December 31 of all appointive terms on Boards, Commissions and Committees which are scheduled to expire within the upcoming year. The notice shall not be removed until these vacancies have been filled. State law requires unscheduled vacancies (resignation, etc.) to be publicly noticed within 20 days after the occurrence of the vacancy and prohibits appointment to the vacancy within 10 days of the public notice.

1. The City Clerk shall maintain all applications for appointive positions pursuant to the City's adopted retention schedule. All applications must be made on a form provided by the City Clerk. Interested applicants must reapply.

2. Notice shall be sent to each current Board/Commission/Committee member whose term is set to expire in May. Those Commission/Board members who wish to be reappointed must reapply by a date certain.

3. The City Clerk shall notify the Mayor, Mayor Pro Tempore, members of Council, the chairpersons of Boards/Commissions, and appropriate department directors of upcoming vacancies.

4. A subcommittee, comprised of the Mayor and Mayor Pro Tempore, shall review all applications and interview each prospective member.

5. The City Clerk shall advertise in the *Carmel Pine Cone* seeking applications from the general public. The Clerk shall establish a deadline for applications to be received. Following the deadline, copies of these applications shall be provided to the subcommittee of the Mayor and Mayor Pro Tempore for their review.

6. The subcommittee shall notify the City Clerk in sufficient time to place the nominees on a City Council agenda for ratification by the Council.

C89-06

7. Pursuant to the Municipal Code, appointments shall be ratified by at least three of the five members of the City Council.

8. The Mayor, Mayor Pro Tempore or the City Clerk shall notify each appointee of the City Council's action. The Clerk shall provide each appointee with the process for filing a Statement of Economic Interest, Form 700.

9. All new appointees shall receive a Handbook for New Commission/Board/Committee Members.

10. The City Clerk shall notify all new appointees of the date and time to attend a presentation regarding the Brown Act.

11. Each department subsequently will arrange a full departmental orientation meeting, including review of the individual's own orientation handbook. This is the handbook that expands upon the information contained in the Citywide commissioner handbook.

Unscheduled Vacancies:

1. All resignations shall be in writing and filed with the City Clerk, who will distribute it to the affected parties. A Notice of Unscheduled vacancy will not be posted until such a written resignation is received.

2. No appointment shall be made until 10 days after the public Notice of Unscheduled Vacancy.

3. The City Clerk shall advertise in the *Carmel Pine Cone* seeking applications from the general public. The Clerk shall establish a deadline for applications to be received. Following the deadline, copies of these applications shall be provided to the subcommittee of the Mayor and Mayor Pro Tempore for their review.

4. The Mayor and Mayor Pro Tempore, shall review all applications, including those received for the most recent annual recruitment and interview each new applicant.

5. Steps 6-11 above will be followed with regard to appointing individuals to unscheduled vacant positions.

Oath of Office:

The City Clerk shall administer the Oath of Office as soon as possible following the Council meeting when they are confirmed and prior to attending the first Commission/Board meeting.

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Ashlee Wright, Director, Libraries & Community Activities
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code and Resolution 2021-015 rescinding Resolution 2016-035 and rescinding City Council Policy C16-01 "Special Events"

RECOMMENDATION:

1. Request a reading of the title of the Ordinance
2. Motion to waive further reading and introduce Ordinance 2021-002 adding Chapter 12.48 "Special Events to the Carmel-by-the-Sea Municipal Code
3. Adopt Resolution 2021-015 rescinding Resolution 2016-035 and rescinding City Council Policy C16-01 "Special Events".

BACKGROUND/SUMMARY:

Special events, including public assemblies, parades, processions, block parties, car show events, and similar public gatherings provide cultural enrichment, economic vitality, enhance community identity, and generally provide a community benefit by enriching the lives of Carmel-by-the-Sea residents and business owners and visitors to the village.

The use of streets, sidewalks, and parks, and other traditional public forum for expressive activity is an inalienable and protected right under the First Amendment of the United States Constitution and Article I of the California Constitution, but may be subject to content-neutral time, place and manner restrictions as might be necessary to protect public property, the rights of other citizens to access and make use of such fora, and minimize public safety and traffic concerns related to such activity.

Public assemblies, parades and other special events also require a commitment of significant city resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to mitigate maintenance impacts and ensure trash impacts do not cause environmental hazards, enforcement staff to issue citations, and administrative staff to administer and oversee such special events.

City Council Policy C16-01 "Special Events" was adopted in 2016 to provide guidelines for the administration of the application and permitting process for special events occurring in Carmel-by-the-Sea.

In May 2018, staff was directed by Council to work with an ad hoc committee of the Community Activities Commission (CAC) to update policy C16-01, including eliminating the “Special Event Support Program” section of the policy. Further in February 2020 Council directed staff to return to Council with a further augment to Policy C16-01 regarding Car Week specifically to limit the number of Car Week events to the Tuesday and Thursday events.

As part of the policy review and revision process, staff undertook a survey of other California city policies to conduct comparisons in process. As part of this research process, staff discovered that the majority of cities that issue permits for special events have a section of their municipal codes that governs special event permitting.

The purpose of municipal policies is to seek to establish clear-cut, orderly, and systematic methods for handling certain administrative duties and internal City operations. On the other hand, ordinances are an expression of municipal will affecting the conduct of the inhabitants generally, or of a number of them under some general designation.

Staff is recommending the adoption of an ordinance to replace policy C16-01 and provide a more thorough coordinated process for managing special events on public property to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.

This ordinance also places some restrictions on locations of events. Special events are not appropriate in all locations of the City of Carmel by the Sea, due to significant impacts that such events may have on key transportation thoroughfares, and on protected environmental resources.

It is proposed that more stringent permit requirements will be imposed for Forest Hill Park and Picadilly Park to regulate organized gatherings of more than twenty-five or more persons based on the small size of such parks. Further because of their designations as Environmentally Sensitive Habitats, it is proposed that Special events be prohibited at the Mission Trail Nature Preserve and on the North Dunes and Del Mar Dunes.

Staff is also recommending that Council rescind Policy C16-01 “Special Events” and are proposing the drafting of a separate policy relating to City facility rentals. Ordinance 2021-001 covers many of the sections in Policy 16-01 (withstanding that covering facility rentals) and those not covered in the municipal code are covered in the special event permit application.

It should be noted that as part of continuing efforts to improve customer service, staff conduct regular reviews of the special event application for efficiency, effectiveness, and opportunities to streamline.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

PRIOR CITY COUNCIL ACTION:

City Council Policy C16-01 “Special Events” was adopted in 2016 to provide guidelines for the administration of the application and permitting process for special events occurring in Carmel-by-the-Sea.

In May 2018, staff was directed by Council to work with an ad hoc committee of the Community Activities Commission (CAC) to update policy C16-01, including eliminating the “Special Event Support Program” section of the policy. Further in February 2020 Council directed staff to return to Council with a further augment to Policy C16-01 regarding Car Week specifically to limit the number of Car Week events to the Tuesday and Thursday events.

ATTACHMENTS:

Attachment #1 - Ordinance 2021-002
Attachment #2 - Draft Chapter 12.48 Special Events
Attachment #3 - Resolution 2016-035
Attachment #4 - Policy C16-01 Special Events
Attachment #5 - Resolution 2021-015 Rescinding Reso 2016-035 and Policy C16-01

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA TO ENACT CHAPTER 12.48 (SPECIAL EVENTS ORDINANCE) OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE

The City Council ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Special events, including public assemblies, parades, processions, block parties, car show events, and similar public gatherings provide cultural enrichment, economic vitality, enhance community identity, and generally provide a community benefit by enriching the lives of the citizens of Carmel-by-the-Sea and members of the public from other jurisdictions.

B. The use of streets, sidewalks, and parks, and other traditional public forum for expressive activity is an inalienable and protected right under the First Amendment of the United States Constitution and Article I of the California Constitution, but may be subject to content-neutral time, place and manner restrictions as might be necessary to protect public property, the rights of other citizens to access and make use of such fora, and minimize public safety and traffic concerns related to such activity.

C. Public assemblies, parades and other special events also require a commitment of significant city resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to mitigate maintenance impacts and ensure trash impacts do not cause environmental hazards, enforcement staff to issue citations, and administrative staff to administer and oversee such special events.

D. Special events are not appropriate in all locations of the City of Carmel by the Sea, due to significant impacts that such events may have on key transportation thoroughfares, and on protected environmental resources. More stringent permit requirements should be imposed for Forest Hill Park and Picadilly Park to regulate organized gatherings of more than twenty-five or more persons based on the small size of such parks, and anticipated health, safety, and traffic impacts that would arise out of larger public gatherings at such parks, which are not likely to accommodate such larger gatherings without the dedication of additional City resources.

E. Special events should be prohibited at the Mission Trail Nature Preserve, as a formally designated Environmentally Sensitive Habitat Area, and includes key habitat such as wetlands, Arroyo Willow thickets, Monterey pine forest and coastal prairie. The Preserve is also home to protected species, including the federally endangered Yadon's rein-orchid, Hickman's onion (a California Rare Plant), and Monterey dusky-footed woodrat (Species of Concern). Special events should also be prohibited at the North Dunes and Del Mar Dunes, which have been designated as Environmentally Sensitive Habitat Area (ESHA) and are maintained as a preserve under the North Dunes & Del Mar Dunes Habitat Restoration Plan. The North Dunes and Del Mar Dunes are home to sensitive native coastal habitats, including dune strand, coastal scrub, coastal prairie, and oak woodland. The Preserve is home to the Federally Endangered Tidestrom lupine, and the California legless lizard (Species of Concern). These areas have been designated as sites for the preservation and restoration of these habitats and species, while providing opportunities for

passive recreation and enjoyment of the outdoors, and as such, they are not suitable for holding public events and receiving large numbers of visitors.

F. The purpose of this ordinance is to provide a coordinated process for managing special events on public property to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

SECTION 3. Chapter 12.48 (Special Events) Enacted. Chapter 12.48 (Special Events Ordinance) of Title 12 (Streets, Sidewalks, and Public Places) of the Carmel-by-the-Sea Municipal Code is hereby enacted as set forth in Exhibit A.

SECTION 4. Effective Date. This ordinance shall become effective 30 days from final passage.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this _____ day of _____, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: ATTEST:

_____	_____
Dave Potter	Britt Avrit, MMC
Mayor	City Clerk

OAK #4847-2096-2529 v1
07904-0000

Chapter 12.48 – Special Events Ordinance

12.48.010 Title
12.48.020 Purpose and intent
12.48.030 Definitions
12.48.040 General Provisions
12.48.050 Standards and Requirements
12.48.060 Permit Review Procedures and Fees.
12.48.070 Deposits for special events
12.48.080 Indemnification and Insurance
12.48.090 Permits and Fees Not Exclusive
12.48.100 Interference with Special Events
12.48.110 Penalties

12.48.010 Title
This chapter shall be known as the City of Carmel-by-the-Sea “Special Events Ordinance”.

12.48.020 Purpose and Intent.
To provide regulations allowing for special events while mitigating impacts on residents, visitors and businesses, maintaining traffic circulation, and ensuring public safety.

It is not the intent of this ordinance to prohibit conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, but to provide for reasonable time, place, and manner restrictions related to the same in order to protect public safety.

12.48.030 Definitions
“Applicant” means any person who seeks a permit under this chapter to organize a special event.

“Attendance” means the number of attendees anticipated to attend or who participate in a special event, whichever number is greater.

“Attendee” means any person anticipated to attend or participate or who actually does participate in a special event.

“City” means the City of Carmel-by-the-Sea.

“City Administrator” means the City Administrator of the City of Carmel-by-the-Sea.

“City Council” or “Council” means the City Council of the City of Carmel-by-the-Sea.

“City property” means all real property and improvements owned, operated or controlled by City within the City’s jurisdiction. City property includes, but is not limited to City Hall, police and fire facilities, recreational facilities, parks, beaches, libraries, and streets and sidewalks.

“Concert” shall mean any concert or performance of non-recorded or recorded musical selections which is open to the general public, whether or not for charge. The term shall not include the presentation of non-recorded or recorded musical selections in connection with any public gathering where the presentation of such musical selection is only incidental to such public gathering and not a primary purpose thereof.

“Expressive Activity” means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

“Organize” means to organize, operate, manage, stage, promote, sponsor or carry on a special event.

“Organizer” means the person who organizes, operates, manages, stages, promotes, sponsors or carries on a special event.

“Outdoor(s)” means any place other than in a permanent building. Outdoor(s) shall include tents, canopies and temporary structures.

“Permittee” shall mean any person that has been issued a permit to organize a special event in accordance with this chapter.

“Person” means and includes an individual, corporation, partnership, trust, non-profit organization, association, group or other business entity or organization.

“Public Property” for the purposes of this chapter means any publicly owned property within the City, and shall include all parks, beaches, and streets.

“Reviewing Authority” means the Community Activities Director, or such other person as may be designated by the City Administrator, who is authorized under the provisions of this chapter to review and act upon a special event application.

“Special Event” means any of the following:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the City which does not comply with applicable traffic regulations, laws or controls; or

2. Any organized assemblage of seventy-five (75) or more persons at any public place, public property or public facility which is to gather for a common purpose under the direction or control of a person, and any organized assemblage of twenty-five (25) or more persons at Forest Hill Park or Piccadilly Park.

3. Any other organized activity conducted by a person for a common or collective use, purpose, or benefit which shall require the use of city public services for street closure, erecting barriers, or traffic control, or that will interfere with normal use and operation of public right-of ways for vehicular travel.

For illustrative purposes, examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races) with spectators on public land, mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

"Special Event Venue" means that area for which a special event permit has been issued.

12.48.040 General Provisions.

A. Permit Required. Except as provided by the terms of a permit, lease or contract which has been specifically authorized by the City Council, no person shall operate any special event regulated by this chapter without first obtaining a permit in accordance with the provision of this chapter, unless exempt as set forth below.

B. Exempt Activities. The following activities are specifically exempt from the provisions of this chapter:

1. Commercial filming regulated by Chapter 5.28.

2. Activities conducted by a governmental agency acting within the scope of its authority, including events organized by the City;

3. Activities or events authorized under a conditional use permit under Title 17 of this Code.

4. Funeral processions by a licensed mortuary or funeral home.

5. Expressive Activity, provided that the Expressive Activity will abide by all applicable traffic regulations, laws or controls, and does not require any street closures, traffic or pedestrian barriers or traffic control. If practicable, the organizers should give notice to the City's Reviewing Authority at least four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.

12.48.050 Standards and Requirements.

A. Event Venue and Hours of Operation. Special event activities shall be limited to the venue area so designated in the permit approval. Special events shall not be conducted between the hours of ten p.m. and seven a.m. unless the Reviewing Authority determines that such hours of operation will not result in conditions materially detrimental to nearby property owners, residents, or businesses, or to public health or safety.

B. Prohibited Locations. Permits will not be issued for the closure of the following streets and thoroughfares: San Antonio Street, Junipero Avenue, Carpenter Street, Santa Lucia Avenue, or streets with designated bus or truck routes. Permits for special events will not be issued for the use of the Mission Trail Nature Preserve, nor the North Dunes or Del Mar Dunes areas as identified in the Del Mar Master Plan and the North Dunes & Del Mar Dunes Habitat Restoration Plan.

C. Other Requirements. In addition to the requirements set out in this section, the Reviewing Authority may also impose reasonable conditions of approval as is necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States constitutions. These conditions may include conditions relating to waste management and restoration of the special event venue, environmental protection, conditions to ensure safe accommodation of an event's pedestrian and vehicular traffic, including restricting events to city sidewalks, portions of a city street, or other public right-of-way, and reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity.

12.48.060 Permit Review Procedures and Fees.

A. Application Filing. Applications for special events shall be made in advance of the start of the special event. Applications shall be submitted to the Reviewing Authority. Applications shall be processed in the order of receipt and shall be processed within 14 days, unless, by written notice to the Applicant, the Reviewing determines to extend the period for an additional fourteen days.

If an application for a special event is submitted for a date less than 28 days before the proposed event, the Reviewing Authority shall determine if there is sufficient time remaining for proper review of the application under the provisions of this chapter. If the Reviewing Authority determines that there is sufficient time for review, the Reviewing Authority shall process the application. If the Reviewing Authority determines that there is not sufficient time, the Applicant shall be given the option of rescheduling the special event, or withdrawal of the application, or denial of the application. If the application is withdrawn prior to processing, the Applicant would be given a full refund of fees.

B. Submission Requirements. Applications for special events shall be completed in their entirety on forms supplied by the Reviewing Authority, and shall include information such as the Applicant, a description of the special event, a site plan or route plan, and any other information deemed necessary by the Reviewing Authority to complete review of the proposal. If the special event is proposed to be operated with another person different than the Applicant, the application shall include the name, address and telephone number of each person who will operate the special event. Any person

who applies for a permit as an authorized agent of the Applicant shall provide written authorization of such agency.

C. Application Fees. Applications shall be accompanied by a fee established by resolution of the City Council. The fee shall be established at a rate to cover the City's actual costs of review and processing of the application.

D. Use and Service Fees. Where a special event requires street closure, barriers, or other infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for traffic control and related municipal expenses. Additionally, use of City buildings or facilities shall be subject to any use or rental fees established by the City which shall be deposited by the Applicant prior to use.

E. Review Process. The Reviewing Authority shall review and act on complete permit applications in accordance with the procedures set out below.

1. Filing. Applications shall undergo initial staff review. Within ten business days of filing, the Reviewing Authority shall cause the Applicant to be notified in writing whether the application is complete. If an application is determined to be incomplete, the notification shall identify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete. The Director may reject the application if the Applicant fails to complete the application after having been notified of the additional information request.

2. Action by Reviewing Authority. After determination that the application is complete, the Reviewing Authority shall conduct an appropriate investigation, including consultation with other departments and site visits as deemed necessary. The Reviewing Authority shall then approve a special event permit, with or without conditions, upon finding that:

a. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules or regulations;

b. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location;

c. The event will not conflict with construction or development in the public right of way or on public property;

d. The event will not require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City, and the event will not adversely affect the City's ability to reasonably perform municipal functions or furnish city services;

e. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;

f. The event will not unreasonably interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions; and

g. The proposed use, event or activity will not have a significant adverse environmental impact.

h. The event will not have an unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue area.

3. Denial or Revocation by Reviewing Authority. The Reviewing Authority shall deny, and may revoke an issued permit, if the Reviewing Authority finds that:

a. The special event will unreasonably disrupt traffic or create an unreasonable danger to the health or safety of the applicant, spectators, city employees, or members of the public, which may not be adequately remedied by reasonable traffic control and other safety measures.

b. The special event is scheduled to occur at a location and time in conflict with another special event permitted or that will be permitted to a prior applicant;

c. The special event will unreasonably interfere with access to police or fire stations, or other public safety facilities, or will require the diversion of so many public employees that allowing the event would create inadequate levels of service to the remainder of the City;

d. The location of the special event is reasonably likely to substantially interfere with any construction or maintenance work scheduled to take place upon or along the City streets, or a previously granted encroachment permit;

e. The special event is in conflict with applicable provisions of any federal, state and/or local laws;

f. Information in the application or supplemental information is found to be incomplete, materially false or misleading;

g. The applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits, or fails to provide proof of insurance and/or an indemnification agreement as required by this chapter; or

h. The proposed area for the special event or for the set up or dispersal of the special event could not physically accommodate the number of participants expected to participate in the special event.

Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of special event participants with the number of police officers available to police the special event.

4. Permit Issuance. If the permit is approved, the Director shall cause the permit to be issued subject to confirmation that all information and documents required by this chapter have been filed, all required fees, and deposits have been paid or posted, and all conditions of approval have been provided for.

F. Appeals to City Administrator. Within ten days of the date of written notification of action by the Reviewing Authority, an Applicant for a Permit may appeal any denial of the application or any condition of approval to the City Administrator or designee. The City Administrator or designee shall hear appeals within ten days following filing of the appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. Decisions by the City Administrator shall be final with no right to further appeal. On appeal, the City Administrator or designee shall approve the application unless he or she makes one or more of the findings for denial set out in this section, in which case the City Administrator may deny the application. In approving a special event permit, the City Administrator or designee may exercise the authority of the Reviewing Authority to impose conditions of approval. The City Administrator or designee's determination to grant or deny the appeal shall be the final decision of the City.

12.48.080 Deposits for special events.

A. Deposit. For special events using barriers or structures, displaying or using horses or other large animals, operation of water stations, food distribution or sales, beverage distribution or sales, and/or sale of other goods or services, the applicant shall provide a deposit prior to the issuance of a special event permit. The amount of the deposit shall be the amount established in the most recent fee schedule adopted by City Council resolution.

B. Refund of Deposit. The deposit shall be refunded after the special event when the Reviewing Authority determines

that the area used for the permitted special event has been cleaned and structures and personal property removed, such that the property is restored to the same condition as existed prior to the special event.

12.48.090 Indemnification and Insurance.

A. Indemnification. Each Permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the willful or negligent acts or omissions of Permittee or its officers, employees, and agents. Nothing in this provision shall require a permittee to indemnify the City from claims or losses occasioned by the reaction of third parties to Expressive Activity at the permittee's event.

B. Except as otherwise prohibited by law, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the City, its boards, officers, agents, employees, and volunteers as either named insureds or additional named insureds and which provides the coverage that the Reviewing Authority determines to be commercially reasonable and adequate under the circumstances. The Reviewing Authority shall maintain a list of applicable insurance limits and coverages required that is determined solely on the size of the event, the use of vehicles, and the nature of the facilities involved. If the Reviewing Authority determines that a particular use, event, or activity which is for a permit period of no more than one day does not present a substantial or significant public liability or property damage exposure for the City or its officers, agents, employees, or volunteers, the Reviewing Authority may give a written waiver of the insurance requirements of this Section.

12.48.100 Interference with Special Events.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a special event for which a special event permit has been issued.

12.48.110 Penalties.

Any person willfully violating any provision of this chapter shall be deemed guilty of a misdemeanor, and shall be subject to penalty in accordance with Chapter 1.16.

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2016-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING CITY COUNCIL POLICY C16-01 : "CITY OF CARMEL-BY-THE-SEA SPECIAL EVENTS POLICY"

WHEREAS, current City policies governing special events are conflicting and outdated; and

WHEREAS, an Ad Hoc Event Policy and Event Fee Waiver Policy Review Committee was appointed to create an updated, comprehensive policy;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

Adopt City Council Policy C16-01 : "City of Carmel-by-the-Sea Special Events Policy".

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS: Hardy, Reimers, Richards, Theis, and Dallas

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

SIGNED:

Steve G. Dallas, Mayor

ATTEST:

Ashlee Wright

Ashlee Wright, City Clerk

City of Carmel-by-the-Sea
SPECIAL EVENTS

POLICY

Community Activities Department
Carmel-by-the-Sea, CA 93921
(831) 624-1366

Library and Community Activities
Director

SPECIAL EVENTS POLICY C16-___
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SPECIAL EVENTS POLICY
Policy No. C16-___

GENERAL

INTRODUCTION
The City of Carmel-by-the-Sea supports and encourages events that have a significant economic, charitable, or community benefit while maintaining the values and unique character of the village.

Special events can create a sense of community by, among other things:

- Providing a social gathering place for residents and visitors.
- Establishing and maintaining local traditions.
- Enhancing and supporting the unique village character and residential values.
- Showcasing talents of local artists and residents
- Providing cultural, educational and recreational enrichment.
- Enhancing the local economy and the City's reputation as a world-renowned destination.
- Providing funding opportunities for local community-serving, non-profit organizations.

PURPOSE
The purpose of this policy is to provide guidelines, processes, and regulations for special events that will protect public property and provide safety for participants and residents, and will strike an appropriate balance between the benefits of organized events and their associated impacts on the community and on the environment.

PREVIOUS POLICIES RESCINDED
This policy incorporates relevant information contained in previously adopted City policies pertaining to events and eliminates conflicting policies. For those reasons, the following policies are to be rescinded by City Council resolution: C89-45, C90-01, C95-06 and C12-02.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Application processing fee - Charges for staff time and expenses for processing special event permit applications. Application fees are established by the City Council by resolution.
City property - Any City street, sidewalk, parking lot, park, plaza, or any other property owned or controlled by the City.
City-sponsored event - A special event that meets at least one of the following criteria:

1. The event is planned, organized and executed by City staff, either solely or in cooperation with City-sanctioned partners (e.g., Fourth of July celebration, the Sandcastle Contest, Halloween parade and birthday party, and Tree-lighting Ceremony).
2. The event is held by an official City Support Group as defined in City Policy C89-47.

Event - Includes special event.
Event Organizer - Any person or organization that conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or non-commercial special event.
Merchandise - Includes goods, wares, personal property, merchandise or any other similar item that is generally sold.
Non-profit organization – A charitable organization (not an individual) that is exempted from payment of income taxes by federal or state law as designated by IRS Code 501(c)3 and has

been in existence for a minimum of three months preceding the date of application for a special event permit.
Public notification - If necessary, the Event Organizer provides notice to affected businesses and/or residents of the event's potential impacts. The Event Organizer is responsible for following the Notification Process outlined in this policy.
Public facility - Any property located within the City limits and owned by the City of Carmel-by-the-Sea.
Rental fee - A fixed amount for the rental of all or a portion of a venue, based on the length of the event; where applicable, a maintenance fee for facility rehabilitation/maintenance may be included with the rental fee if appropriate. Rental fees are established by the City Council by resolution.
Sale by donation - Refers to such events as raffles, or to monetary contributions given to offset cost of goods provided (e.g., donations toward wine provided at event for no charge).
Sidewalk - That portion of a street, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.
Special event - An activity on public property open to the general public, with or without an admission charge. Special events include:

- Any organized formation, parade, procession or assembly of persons, which may or may not include animals, vehicles or any combination thereof that is to assemble or travel in unison on any street that does not comply with normal or usual traffic regulations or controls; or,
- Any organized assemblage of persons at any park or facility, owned by the City that is to gather for a common purpose under the direction and control of a person; or,
- Any other organized activity conducted by a sponsoring organization or person for a common or collective use, purpose or benefit that involves the use of, or has an impact on, City property or facilities and the provisions of city services.

Examples of special events include, but are not limited to concerts, parades, special interest shows or expos, markets, fairs, festivals, block parties, community events or mass participation sports (such as marathons and running events, bicycle races or tours, etc.).
For the purpose of this policy, special events are distinguished from the following:

- Recurring program activities on public property, conducted by the City or by a lessee of City property, where the activity is specifically authorized by use permit and/or by the terms of the property lease; and
- Events on private property.

Special Event Coordinator - The person assigned by the City Administrator to carry out the duties and responsibilities set forth in this policy.
Special event permit - A permit issued under this policy.
Special event venue - That area for which a special event permit has been issued.
Staff Committee – Composition of the City committee includes Community Activities staff, Public Works Superintendent, Police Department staff, Planning Department staff, and Risk Manager.
Street - A way or place of whatever nature publicly maintained and open to use of the public for purposes of vehicular travel.
Support group –Associations of individuals who have voluntarily joined together in a unit whose sole or primary purpose is to provide assistance—monetary, social, cultural or otherwise, but not political—to the City or one of its departments. A group that has been formally designated by the City Council and is recognized to be private body.
Vendor - any person who sells or offers to sell any goods, food, or beverages within a special event venue.

CRITERIA FOR EVALUATING AND SCHEDULING SPECIAL EVENTS

Careful consideration will be made for each event being held in the City of Carmel-by-the-Sea taking
into consideration the following:

COMMUNITY IMPACTS
Special events can impact the community by, among other things:

- Adding to traffic congestion and exacerbating parking problems.
- Impinging on use of public spaces for passive enjoyment by area residents.
- Having a negative impact on the health and appearance of public landscaping and on the condition of public buildings and property.
- Adding direct and indirect expenses to the City budget for maintenance of public facilities.
- Adding direct and indirect expenses to City operations by diverting staff resources away from other high priority work programs and projects.

CRITERIA FOR EVENT EVALUATION
The City of Carmel-by-the-Sea has the responsibility for determining whether or not any applicant shall be entitled to hold a special event. The City shall take into account the effect the proposed special event will have upon the community and the environment as defined in the purpose. The City will also consider:

- Whether any inconvenience that the general public may suffer is outweighed by the potential benefit to the community as a whole.
- Whether the holding of the special event as planned would create an undue burden upon the resources of the City.
- The safety of the proposed event.
- The frequency of the same or similar event(s).

EVENTS THAT REQUIRE A PERMIT
A formal permit is required for use of public property in the City of Carmel-by-the-Sea for any of the following conditions:

- Exclusive use of any portion of any City property to the exclusion of the general public. (CMC Chapter 17.70 Definition of “Temporary Event”)
- Support of any commercial enterprise, e.g., caterer, portable restrooms, etc.
- Sound equipment use requiring greater than a 12-volt system.
  (CMC Chapter 8, 56.085)
- Erection of any structure, e.g., stage, tents, etc. (CMC Chapter 12, Section 32.060)
- Any request that involves special outside or City support, e.g., traffic control, traffic cones, barricades, signage, extra trash pickup, etc.
- Any request that involves the use of a stationary internal combustion engine, e.g., gas generator.
- A gathering or assemblage of 50 people or more.

Any request for exception from current City codes, rules, regulations, restrictions and policies governing activities on City property requires City Council authorization.

CITY SUPPORT GROUPS

This policy does not apply to City support groups as designated by the City Council and defined in the City's Support Groups Policy. Requests for use of public facilities by City support groups shall be in compliance with the Support Groups Policy C89-47 dated September 21, 1989 (adopted in Resolution No. 89-121) and revised from time to time thereafter.

PERMIT PROCESS

On forms provided by the City, a group or individual may make application to hold a special event using public property. Applications for special events are to be submitted at least 90 days in advance of the event and evaluated by the Staff Committee.

The City is not obligated to accept applications submitted less than 90 days in advance. Special Event Permit applications may not be submitted more than one year in advance of the date of the proposed event. The application may be approved, denied, or approved with conditions by the Staff Committee. Following action by the Staff Committee, the application may be reviewed and/or approved by the Community Activities Commission and/or the City Council.

STAFF COMMITTEE

The composition of the Staff Committee includes the following: Community Activities staff, Public Works Superintendent, Police Department staff, Planning Department staff, and Risk Manager. The Staff Committee may be expanded or contracted by enlisting the aid of other City personnel, as determined by event location or other pertinent criteria.

STAFF COMMITTEE REVIEW OF APPLICATION

The event organizer will be required to attend a pre-event meeting with the Staff Committee as referenced in the "Required Timeline", Attachment 1.

If the proposed use is deemed by the Staff Committee to potentially impact the community or the general public's well being, the Event Organizer shall provide public notice. For annual or continuing events, the Staff Committee shall decide – taking into consideration factors such as size, complexity, significant or substantive changes, etc. – whether public noticing will be required in subsequent years.

For annual or continuing events the permit may be renewable, provided there are no significant or substantive changes to the event. Following each event the Staff Committee will evaluate the event and determine if permit conditions should be amended and/or whether it will be renewable.

All events that require downtown street closures, have a significant impact on public facilities, require
a significant amount of City staff support, or require an exemption from current City codes or policies
require City Council approval. City Staff will inform the Event Organizer of the date and time at which
the Community Activities Commission and/or City Council will review the application. The Event
Organizer or a representative shall be present at this meeting to respond to questions.

CRITERIA FOR REVIEW OF APPLICATION

The Staff Committee will take into consideration:

- Consistency with the City's General Plan, Shoreline Management Plan, Ordinances, and Policies.
- Safety of the proposed event.
- Anticipated amount of extra personnel hours required to be furnished by the City.

- Event interference with the flow of traffic in the area and the need to close streets in a safe manner to allow emergency access for fire, police and EMS vehicles.
- Anticipated number of attendees over the entire timeframe of the special event.
- Potential need for notification to impacted neighbors or businesses.

The Staff Committee will also consider the following issues:

- Season of year/time of day/duration of activity.
- Conflicts with other events.
- Staging requirements.
- Parking.
- Street closures.
- Noise.
- Lights.
- Vehicles (trucks/number of vehicles).
- Advertising and signage.
- Sale of merchandise.

With input from the Staff Committee, the City Administrator will make a determination whether the Event Organizer has demonstrated a positive working relationship with the City and staff by:

- Cooperating/collaborating with City staff prior to, during, and after the event.
- Meeting all application deadlines.
- Properly caring for City property and/or City equipment.
- Providing a pre-event budget and post-event financial report to the Community Activities Director.

In reviewing permits, the Staff Committee shall neither discriminate nor infringe on rights related to free speech, protected classes or their Constitutional issue. If such issues arise, the City Attorney will be consulted.

PUBLIC NOTIFICATION

An event can change the normal flow of residential and business activity, potentially causing a negative impact to the community. In such cases the Staff Committee may determine that public notice to the surrounding neighborhood is required prior to reaching a decision. The applicant shall be responsible for distributing such notice.

NOTIFICATION PROCESS

If an event involves a street closure, amplified sound (more than announcements), the sale of alcohol, or more than 200 anticipated attendees, the applicant will be required to notify, in writing, all residents and businesses within 300 feet of the event venue and/or route at least two weeks prior to the Community Activities Commission or City Council meeting at which the event will be considered. The notification must include the following information:

- Name of event.
- Description of the event, including anticipated number of attendees.
- Name of person(s) or organization(s) sponsoring the event, with contact information including phone and e-mail.
- Proposed date, time and duration of the event, including setup and tear down.
- Proposed street closure(s) and alternative route(s), if applicable.
- Use of amplified sound, if applicable.
- Sale or serving of alcohol, if applicable.
- City staff contact information.

- Date, time and location of the public meeting(s) at which the event request will be considered.

The notification may be distributed door-to-door or mailed to the impacted area. A distribution list may be obtained from the Community Planning and Building Department. The applicant must also notice the proposed event in the local newspaper, and is encouraged to use other appropriate means of distribution such as e-mail blasts, and posting the notification on community or shared boards and at the Carmel Chamber of Commerce.

To complete the notification requirement, applicant must submit a Notification Certification listing the residents and businesses that were sent the notification, and the method of notification that was used. The Notification Certification form can be obtained from the Community Activities Department.

COMPETING INTERESTS
To avoid overlapping requests for a scarce resource, the Community Activities Department will maintain a calendar to schedule events at specific sites. The following ranked priority list shall be used as a guide by the Staff Committee in resolving conflicts among competing interests:

- Contractual obligations (leases, etc.).
- City Council, Commission, or department activities.
- City-sponsored events.
- Permit renewals for annual events.
- Events to raise funds for city programs.
- New events – non-profit organizations.
- New events – for-profit organizations.

RESOLVING CONFLICTS
If two or more events are proposed within the same priority at the same time and place, the Staff Committee shall use the following criteria for making a recommendation on which event to approve:

- Local organization vs. regional or outside organization.
- Impacts of the event on the community.
- Date of application.
- Ease of rescheduling to another time or place.

APPLICATION APPROVAL / DENIAL NOTIFICATION
After review, the Community Activities Director shall notify the applicant in writing of approval or denial of all special event requests.

All parties whose special event request have been approved shall assume full responsibility for compliance with all conditions, fees, and City, State and Federal laws. They assume responsibility for their actions, and any consequences associated with the special event. The Event Organizer or any event sponsors are advised not to announce, advertise or promote events until a permit has been issued.

Permit applications may be denied at the City's sole discretion. The City may propose alternate locations or dates, or may refuse to issue a permit. If the proposed special event does not satisfactorily pass the assessment in terms of the section "Criteria for Review of Application," the application will be recommended for denial.

APPEALS PROCESS
An Event Organizer whose application is denied, or who objects to the conditions or restrictions placed on the permit, may appeal to the City Administrator by submitting a written request to the

Community Activities Director within 10 working days of the date on the City's notification of denial, conditions or restrictions. The appeal must be based on the original submitted application. The appealing party will be notified in writing of the City Administrator's decision or action.

If the appealing party is dissatisfied with the City Administrator's response, the party may appeal to the City Council within 14 working days of receipt of the City Administrator's response. The appeal shall be in writing, including a copy of the appeal to the Community Activities Director and City Administrator and their responses. The appeal must be based on the original submitted application and shall include the reasons for disagreeing with the responses and include any supporting documents.

Upon receipt of the appeal, the City Council will hear the matter at an upcoming meeting. The decision
of the City Council is final.

REVOCATION OF PERMIT
Any conditions not met as set out in the approval of the application may be grounds for revocation of the permit by the City.

COST RECOVERY
Through permit review, the Staff Committee will estimate direct costs (labor, equipment and materials) for trash, portable toilets, and City departments Public Safety (Police and Ambulance), Forest and Beach, Community Activities, Public Works and Administration. Permit applications will be billed for staff hours, equipment, and associated costs.

Fees are established by Resolution of the City Council. These fees shall apply to short-term use for special events. Exceptions: Cost recovery will not be required for City-sponsored events (e.g., Fourth of July celebration, Sandcastle contest, Halloween parade and birthday party, Tree-lighting Ceremony).

EVENT DETAILS

PERMITS
The Event Organizer is responsible for obtaining all necessary required permits. Depending on the
event, these may include, but are not limited to, the following:

- Sign or banner approval from the City's Community Planning and Building Department.
- Encroachment permits from the City's Community Planning and Building Department.
- Monterey County Environmental Health Department permit.
- Department of Alcoholic Beverage Control (ABC) permit.

The Event Organizer is also responsible for ensuring that event vendors obtain all required permits including, but not limited to, Temporary Event Food Permit and Temporary Seller's Permit. Event Organizer must also ensure that event vendors have a current City of Carmel- by-the-Sea business license.

ALCOHOL
The sale of alcohol is allowed by permit only. The Event Organizer:

- Must obtain a permit from the State of California Alcoholic Beverage Control (ABC).
- Must post signs at all exits that "Alcohol is NOT Allowed Beyond this Point."

- Will be responsible for maintaining controls as specified by the Alcoholic Beverage Control Board.

Hours of sale will be regulated by the Carmel-by-the-Sea Police Department. Police may close the sale of alcohol at any time during the event in the interest of public safety or if they determine that these controls are not being followed.

The ABC Permit application must be submitted to the City for approval at least 30 days prior to the event. A copy of the temporary license must be provided to the Community Activities Department at least 10 days in advance of the event.

CROWD MANAGEMENT / EVENT SECURITY / TRAFFIC CONTROL
The Event Organizer must develop an event security plan in cooperation with the Police Department, and should incorporate an on-site private security plan for final Police Department approval. The plan should also include how vehicular and pedestrian traffic will be directed, whether there will be shuttle buses, and location of pick-up and drop-off areas. The City may require the Event Organizer to retain uniformed police personnel as needed for traffic, alcohol control and event security.

STREET CLOSURES
Permits will not be issued for such thoroughfares as San Antonio Street, Junipero Avenue, Carpenter Street, Santa Lucia, or bus/truck routes. Closure of other downtown streets will be considered on a case-by-case basis and will require City Council approval.

For any street closure, the Event Organizer will be required to provide uniformed officers or security officers on site to ensure public safety. Any closure of public streets will require physical barriers (cones, barricades, delineators) to ensure public safety. The number and placement of street barriers will be determined by the City. Rental fees for the barriers will be charged.

The Event Organizer must work with the City to specify the times and locations of all proposed lane closures and develop a traffic control plan that will ensure an adequate level of service on the public streets that remain open.

PARADES / WALKS / RUNS / RACE GUIDELINES
All proposed routes will be reviewed by the Police Department and the City to determine the impact on
public safety. Any route that would severely impact public safety or others' rights will not be approved.

The duration of any parade, walk, run or race should not exceed two hours. The Event Organizer will be required to provide sufficient monitors to control the staging area, direct orderly entry from the staging area, ensure continuous forward motion of participants along the route, and direct dispersal.

An adequate number of trash receptacles as determined by the City must line the route.

INSURANCE REQUIREMENTS
The City of Carmel-by-the-Sea requires liability coverage for $1,000,000 (or $2,000,000 for large-scale events) for non-City-sponsored special events on City property. All property and locations that are to be utilized and insured must be listed to reflect the City's interest in the insured property.

The policy must read as follows: The City of Carmel-by-the-Sea, its public officials, officers, agents, and employees are named as additionally insured in respect to <EVENT> on <DATE>. This information is typed in the "Description of operations/Locations/Vehicles/Exclusions Added by

Endorsement/Special Provisions. A separate, "Additionally Insured" endorsement page, with the same wording as above, is also required.

The policy must specify commencement and expiration dates for coverage of the event. NAME/ADDRESS OF INSURED must read: City of Carmel-by-the-Sea, PO Box CC, Carmel, CA 93921. The name of the insurance company writing the policy, policy number, address, e-mail address, phone and fax must be included. The Insurance Company must be a company doing business in California and must be rated A+ or better. The rating of the company must be attached to the Certificate of Liability/Additionally Insured Endorsement.

The following insurance requirements are standard for special events. The Event Organizer shall furnish the City a "Certificate of Insurance" showing there is in force the following valid policy naming the Event Organizer as insured and showing:

- **Commercial General Liability –** minimum $1,000,000 (or minimum $2,000,000 for large-scale events) combined single limit per occurrence for bodily injury and property damage including products and completed operations;
- **Automobile Liability –** (required for parades and car shows) minimum $1,000,000 (or minimum $2,000,000 for large-scale events) combined single limit per accident for bodily injury and property damage for all owned, hired or non-owned vehicles.

- **Liquor Liability –** (when alcohol is being served or sold):
  - If the Event Organizer will be supplying alcoholic beverages for no charge, the Commercial General Liability insurance should include host liquor liability coverage.
  - If the Event Organizer is using a caterer or other vendor to supply alcohol, that vendor must have liquor liability coverage with minimum limit of $1,000,000 per occurrence.
  - If the Event Organizer intends to sell alcohol, either the Event Organizer or vendor providing the alcohol for sale must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol with minimum liquor liability limit of $1,000,000 per occurrence.

AMPLIFIED SOUND

Any event using amplified sound requires a permit and must follow the regulations of Municipal Code Section 8.56.010 through 8.56.110 to avoid "unnecessary, excessive and annoying noises from all sources."

LOGISTICS AND CLEANUP

Portable toilets: The Event Organizer shall be responsible to provide portable toilets and indicate their location on the site diagram. The number of portable toilets will be based on a formula of at least one for every 250 people, or in the case of large-scale events, as determined by the Staff Committee. City facilities will not be substituted for the requirement and shall not be included in the formula. Ten percent of the total number of toilets shall be ADA/handicapped accessible. The goal is to have at least one wheelchair accessible toilet in each grouping of portable restrooms.

Cleanup: The Event Organizer must submit an event cleanup plan and must work with the City's waste management provider to address recycling and waste diversion. The plan must indicate sufficient staff to handle cleanup throughout the day and after the event, and sufficient equipment placed in effective locations.

- In the case of a street event, streets will remain closed to allow for adequate cleanup. Post-event cleanup must commence immediately after the end of the event.

- Litter and trash control shall include the event site and a one-block radius around the event site.
- Event Organizer shall provide copies of rental agreements for commercial dumpsters and portable toilets.

MERCHANDISE AND ALCOHOLIC BEVERAGES

There is no distinction between "direct sales" and "sale by donation" (e.g., raffles, requesting a donation in exchange for merchandise, alcohol, etc.). Table 2 shall be used as a guide to determine where such sales would be appropriate. In all cases where alcohol is sold or distributed, the operator must have all of the appropriate licenses, permits and insurance coverage.

Authorization to sell merchandise or food/beverages at locations outside the commercial district and outside a fixed place of business is usually prohibited by the Zoning Code, the Business License Code or the General Plan. Granting a permit under this Policy must therefore be limited to special events that are of limited duration, within a defined space and consistent with the following in Table 2:

TABLE 2
SALES OF MERCHANDISE, FOOD AND ALCOHOLIC BEVERAGES
IN PUBLIC PLACES AND/OR MUNICIPAL BUILDINGS

Municipal Location	Merchandise	Food	Alcohol
Carmel Beach	No	No	No
Del Mar Parking Lot	No	No	No
Devendorf Park	Yes	Yes	No
Forest Hill Park	Yes	Yes	No
Piccadilly Park	No	No	No
Mission Trail Nature Preserve	No	No	No
Scout House	No	Yes	Yes *
Forest Theater	No	Yes	Yes *
Vista Lobos	No	Yes	Yes *
Indoor city facilities	Yes	Yes	Yes *
Outdoor city facilities	Yes	Yes	No
Commercial streets and parking lots	Yes	Yes	No
Residential streets and parking lots	No	No	No

***Alcohol:** Permittee must have a license for sales and distribution

FOOD PERMIT / FOOD BOOTH REQUIREMENTS

The Health and Safety Code for the State of California states that the organizer of a community or special event which involves temporary food and/or food booth facilities must obtain a health permit. This applies to both selling and giving food away. The Event Organizer is responsible for obtaining all necessary permits – temporary event food and temporary seller's permits - from the Monterey County Health Department. The Event Organizer is also responsible for ensuring that all event vendors obtain temporary event food and temporary seller's permits.

The Event Organizer and food vendors must comply with all State and County requirements governing temporary food facilities, as outlined in the California Retail Food Code, Chapter 11.

To review County requirements and download forms and applications, go to the Monterey County
Health Department website.

The Event Organizer must submit a complete list of all food vendors at least 14 working days prior to
the event. All participating food vendors must have valid permits from the Monterey County Health
Department and a business license from the City of Carmel-by-the-Sea.

The use of single-use carryout plastic bags at any business, restaurant, corporate or individual special
event is prohibited (Carmel Municipal Code Chapter 8.74).

The use of CFC-processed food packaging or polystyrene foam food packaging is also prohibited (Carmel Municipal Code Chapter 8.68).

TENT AND CANOPY REQUIREMENTS
Erection of any tent will require a permit and may be inspected by the Fire Department. Article 32 of the State Fire Code requires that permits be obtained for the rental, use, or installation of any tents over 200 square feet in size, and canopies over 400 square feet in size.

When more than one tent or canopy is installed at the same location, adjacent to one another, the total square footage shall be computed for the purpose of enforcing the need for a permit.

When erecting a tent or canopy, no stakes shall be placed into the ground (to prevent damage to streets, irrigation systems or tree roots). Weights, sand bags or barrels of water are suggested alternatives.

STREET BANNER / SIGN REQUIREMENTS
A special event permit will be issued only after a banner and/or sign permit, along with any applicable Coastal Development permit, has been obtained. Applications for those permits must be submitted to the Community Planning and Building Department for review and approval or denial. Policy C95-07 (revised May 7, 2013) “Banners on Public Property” sets forth the duration, installation, monitoring and
removal of banners. Carmel Municipal Code Chapter 17.40 sets forth signage requirements and guidelines.

ELECTRICAL REQUIREMENTS
Electrical power is limited by location and the amount of power needed. The City will not be able to provide power in many locations, and in those cases the Event Organizer will need to use “whisper quiet” type generators for power in compliance with noise regulations as outlined in Carmel Municipal Code Sections 8.56.010 through 8.56.110.

AIR JUMPERS (“JUMP” HOUSES)
Inflatable structures such as “jump” houses or air jumpers are not permitted.

Table 3
REQUIRED TIMELINE

WHAT ORGANIZER MUST DO PERMITTING PROCESS	DUE DATE
Submit Special Event Application including site map to the City.	***At least 90 days (small events) or 180 days (large scale events)*** before event and no more than 1 year before the event
Submit banner/sign permit application to Community Planning and Building Department.	***A minimum of 90 days*** before event
Submit any partial fee waiver request, accompanied by a pre-event budget.	***At least 90 days*** in advance for consideration by CA&CC and City Council
Attend pre-event meeting scheduled by the City. Develop event security and traffic control plans in cooperation with City Staff.	New events require meeting at least ***90 days*** in advance. Returning events require meeting ***60 days*** in advance
Deliver written notice as need to neighbors and/or businesses.	***At least 14 days*** *prior to the public meeting at which the event will be considered*
Secure and submit Certificate of Insurance to the City.	***14 to 60 days*** before event
Secure required permits from appropriate departments or agencies.	***14 to 60 days*** before event
Event fee estimates for City services available from the City.	***14 to 30 days*** before event
Submit copies of all applicable permits to the City.	***14 to 21 days*** before event
Submit applicable ABC permit application to City. Submit temporary ABC permit to City.	***At least 30 days*** before event ***At least 10 days*** before event
Provide evidence of portable toilet and trash bin arrangements; provide an event cleanup plan.	***14 days*** before event
If required, attend pre-event site walkthrough – arranged by the City staff.	***1 to 2 days*** before event
HOLDING THE EVENT	**SCHEDULED EVENT DATE**
Clear event site of all remaining litter	***Immediately*** after event
Remove all event equipment from event site (portable toilets, fencing, booths, stage, signs, etc.).	***Within 24 hours*** after event and/or before start of business the next day. Signs are to be removed ***immediately*** after event.
If required, post-event site walkthrough – arranged by the City staff.	***1 to 2 days*** after event
Post-event meeting with the Staff Committee.	***7 to 30 days*** after event
Submit post-event financial report reflecting income and expenses.	***7 to 30 days*** after event

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA RESCINDING RESOLUTION 2016-035 AND RESCINDING CITY COUNCIL POLICY C16-01 "SPECIAL EVENTS".

WHEREAS, in 2016 June City Council adopted Resolution 2016-035 adopting Council Policy C16-01 "Special Events"; and

WHEREAS, City Council Policy C16-01 "Special Events" was adopted in 2016 to provide guidelines for the administration of the application and permitting process for special events occurring in Carmel-by-the-Sea; and

WHEREAS, special events also require a commitment of significant city resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to mitigate maintenance impacts and ensure trash impacts do not cause environmental hazards, enforcement staff to issue citations, and administrative staff to administer and oversee such special events; and

WHEREAS, staff is proposing the adoption of Ordinance 2021-002 to replace City Council Policy C16-01 and provide a more thorough coordinated process for managing special events on public property to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.

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NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Rescind Resolution 2016-035 adopting Policy C16-01 "Special Events" and rescind Council Policy C16-01 "Special Events".

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter	Britt Avrit, MMC
Mayor	City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Sharon Friedrichsen - Director, Contracts and Budgets
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive additional information regarding pension mitigation options to address the City's unfunded pension liability; discuss options, including the development of a pension funding policy, and provide direction to staff

RECOMMENDATION:

Receive additional information regarding pension mitigation options to address the City's unfunded pension liability; discuss options, including the development of a pension funding policy, and provide direction to staff.

BACKGROUND/SUMMARY:

The California Public Employees' Retirement System ("CalPERS") is the largest pension fund in the country and manages investments for nearly 2 million members on behalf of the State, schools and various public agencies. The City is a public agency member of CalPERS and has two primary CalPERS plans, one for its miscellaneous members and one for safety. Similar to other public agencies, the City's pension costs are increasing with the City's unfunded accrued liability (UAL) currently projected at $24.7 million as of 6/30/2021.

On March 3, 2021, Council received an update regarding the City's unfunded pension liability and potential strategies available to Council to help address its pension obligations. These strategies included a "fresh start" amortization and new amortization schedule with CalPERS; using cash reserves to establish and fund a Pension Rate Stabilization Program (e.g. Section 115 Trust) dedicated to pension and/or other post-employment benefit costs; using cash reserves to make an additional lump sum payment to CalPERS to pay down the UAL; issuing new pension obligation bonds and/or restructuring remaining debt service payments on the existing pension obligation bond; establishing a new internal reserve fund dedicated to pension liability; and developing a pension financial policy that would specify a dollar amount or percentage of one-time monies, annual surplus revenue and/or debt savings for pension mitigation.

The purpose of this agenda item is to continue the discussion regarding pension mitigation options. In particular, NHA Advisors will be providing information regarding other jurisdictions' approaches to pension mitigation; additional information regarding a Section 115 Trust and sample pension policies from other jurisdictions.

FISCAL IMPACT:

Based upon preliminary direction from the March 2, 2021 Council meeting, staff are planning to allocate $1 million from anticipated new revenue toward pension mitigation options as part of the Fiscal Year 2021-2022 budget.

PRIOR CITY COUNCIL ACTION:

Council received presentations on the City's pension liability on April 8, 2018 and December 4, 2018. On January 8, 2019, Council adopted a resolution endorsing participation in a pension rate stabilization program and authorized staff to issue a Request for Proposals for a Section 115 Trust. On January 7, 2020, Council received a presentation on various pension cost migration strategies, including the use of a Section 115 trust and making additional payments to CalPERS to reduce the amount of the unfunded accrued liability. On March 3, 2021, Council received an update on the City's unfunded pension liability, discussed pension mitigation options, including the development of a pension funding policy, and provided direction to staff. Staff incorporated the preliminary direction provided by Council from the March 3, 2021 meeting into the City's five-year financial forecast and allocated $1 million annually starting in Fiscal Year 2021-2022 toward pension mitigation strategies. The financial forecast was presented to Council on March 16, 2021.

ATTACHMENTS:

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-016 authorizing purchases for essential public safety projects including the emergency fire pump replacement at Sunset Center, renovation of the Police Dispatch Room, replacement of two Police vehicles, a water filtration system at the Public Works Yard, a Greenhouse Gas Emissions Forecast Study, and reopening City facilities per CDC Covid-19 guidelines

RECOMMENDATION:

Adopt Resolution 2021-016 approving six essential public safety projects including ratifying the emergency purchase of a fire pump system for Sunset Center from The Brown Company; ratifying a purchase order with Cosco Fire Protection for installation of the fire pump system; allocating funding for the Police Dispatch Room renovation and replacement of two police vehicles, authorizing a purchase order with Always Under Pressure for replacement of the water filtration system at the public works yard; authorizing funding for a Greenhouse Gas Emissions Study; and authorizing funding for facility upgrades to allow City buildings to re-open per CDC Covid-19 Guidelines, all using Fiscal Year 2020/21 end balance

BACKGROUND/SUMMARY:

This report provides the justification, status, and cost associated with six (6) essential public safety projects that are proposed to proceed immediately, all funded by the projected Fiscal Year 2020/21 end balance surplus. All of these projects were introduced at the March 16, 2021 Special Council meeting along with the proposed Capital Improvement Program. However, at that meeting, only three of the projects, namely the fire replacement pump at Sunset Center, water filtration system at the Public Works Yard, and the Greenhouse Gas Emissions Forecast were proposed to be funded at the April 6, 2021 meeting. Due to the unanticipated budget surplus and the need to expedite essential public safety projects, three additional projects are being advanced to this meeting. These three projects are the Police dispatch renovation, replacement of two Police vehicles, and installation of physical improvements to reopen City facilities per CDC guidelines.

Project #1 - Emergency Fire Pump Replacement at Sunset Center

In the early morning of Sunday, February 7, 2021, staff was notified of smoke coming out of the fire booster pump house at Sunset Center. Representatives of Fire Protection Inc., Sunset Center, and Facilities

Maintenance met to discuss the fate of this booster pump and its maintenance history. It appears that the booster pump was running at high speeds for a while over the weekend with the water having nowhere to go. This burned out the pump and motor. A power surge could not be ruled out as an underlying cause. The system was only 20 years old, but the warranty expired. Burnt metal can be seen in the photos in **Attachment 2**.

Without this booster pump, the fire sprinklers inside Sunset Center will not work, resulting in an emergency situation and closure of the building. However, subsequent tests of a bypass was sufficient for the Fire Marshall to waive having a fire watch of the building every hour until the replacement pump is installed. The City Attorney clarified emergency purchasing procedures for this project per Municipal Code Sections 3.12.140 and 3.12.510 (excerpts noted below).

> ***"3.12.140 Bidding Procedures – Dispensation When***
> *Purchase of supplies, materials, or equipment shall be by quotation or bid procedures as set forth in this chapter. Such procedures may be dispensed with by the purchasing agent, at her or his sole discretion and judgment as to the best interest of the City, as follows:*
> *A. When an emergency threatens the life, health or property of the community and requires that an order be placed immediately with the nearest available source of supply;*
> *Provided, that even when procedures are dispensed with hereunder, City Council approval, by resolution, shall be required for purchases of $25,000 or more. (Ord. 2015-01 § 1 (Exh. A), 2015; Ord. 2003-02 § 1, 2003).*
> ***3.12.510 Emergencies – Contracts Let Without Bids***
> *Public works project contracts governed by this article may be let without advertising for bids if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by an affirmative vote of at least three of its members and containing a declaration of the facts constituting such urgency. (Ord. 2003-02 § 1, 2003)."*

Next, we contacted the existing pump manufacturer, Brown Company, who confirmed that this system cannot be repaired or rebuilt, it has to be replaced. Brown Company recommended replacing the system in kind; otherwise, a new design would be required which would be subject to approval by the Fire Marshall and Building Official. Further, the dimensions of the support pads and piping connections would likely have to be changed with a different pump, and even the sprinklers inside the building may need to be modified, all at additional cost.

Delivery from the Brown Company was scheduled for 8-weeks from issuing the Purchase Order, in the amount of $52,962, as follows:

· Equipment	$43,606	**(Attachment 3)**
· 9.25% Sales Tax	4,034	
· 4 Week expedited delivery	2,800	(no cost if not expedited)
· 5% Contingency	2,522	(no cost if not needed)
	Total = $52,962	

Concurrently with processing the Purchase Order for the pump equipment, staff requested quotes from three (3) fire protection specialty companies for removal of the old system, installation of the new system, and startup and testing. We intentionally asked these companies to include the cost of the new equipment – as a backup, but the cost of equipment will be deducted from the bid.

The following bids were received:

- $112,500 from Cosco Fire Protection
- $123,590 from Western States Fire Protection Co.
- No bid from Bay Fire Sprinklers

Negotiations were held with Cosco to remove the cost of equipment from their bid, as well as to include labor and payment bonds, and lift the pump equipment from the manufacturer's delivery truck to the pump house. The revised, negotiated cost is $47,745.60. **(Attachment 4)** A 10% contingency of $4,775 is recommended if site conditions warrant refinements, for a total amount of **$52,520.60**.

The combined total estimated project cost, including new equipment, removal of the existing pump, installation of the new equipment, and contingency is not-to-exceed **$105,482.60**. This project is scheduled to be completed within two weeks upon delivery of the pump system.

Project #2 - Police Dispatch Renovation:

Multiple ergonomic reports were completed due to reported issues. Renovations at an estimated cost of **$50,000** are required to improve employee safety for this room which is occupied 24/7/365.

This renovation cannot be further delayed to be part of the now unfunded, $1.4M Police Building Renovation Project, as previously planned and designed. Unspent funds may need to be caried forward into FY 2021/22; however, the plans and specifications included in the major renovation project will be the basis for renovating the dispatch room.

Project #3 - Police Vehicles C8 and C5:

A new Police vehicle C8 would replace the 2012 Ford Expedition, and a new vehicle C5 would replace the 2014 DodgeCharger. These older vehicles are no longer reliable emergency response vehicles. Some, but not all, of the specialized police equipment can be salvaged from the existing vehicles and installed in the new vehicles.

Total cost, with equipment, of $150,000 could be leased/purchased at **$30,000 per year** for a total of **five (5) years.** Acquisitions are anticipated to be completed by the end of the current FY 2020/21.

Project #4 - Greenhouse Gas Emissions Forecast Study

The Climate Action and Adaptation Project is being conducted entirely by Councilmembers, community volunteers, and staff. The Climate Committee is requesting funding to hire an environmental consultant to conduct a greenhouse gas (GHG) emissions forecast study which will allow the Committee to evaluate greenhouse gas reduction potentials of various policies and projects.

Specifically, the Climate Committee is seeking a consultant for the following technical tasks:

- Develop a forecast of future emissions under a business-as-usual scenario.
- Evaluate the impacts of anticipated regional, state, and federal policies and programs on GHG emission reductions, and incorporate into the forecast as appropriate.
- Assist in identifiyiing and selecting appropriate GHG reduction strategies for the City.
- Quantify/forecast GHG reduction strategies selected by the Committee.
- Summarize emissions inventory, forecasting methodology, and findings in a report.
- Present the results of the report to the Climate Committee and City Council.

The GHG Emissions Study is required for the City's next General Plan update. As elements of the City's General Plan are approaching 20 years old, and the General Plan's Housing Element is due to be updated by 2023, it would be beneficial to have a completed Climate Action Plan (CAP) to guide the Housing Element update as well as subsequent elements to be updated. This GHG forecast is also needed to keep the momentum going for the Committee's CAP project. In addition, while a stand-alone CAP is not required to meet California Environmental Quality Act's (CEQA) GHG emissions analysis requirements, it does provide a comprehensive approach in a

streamlined and efficient manner. Many other local agencies have completed their GHG studies and CAPs.

There are several qualified environmental consultants in the City's Statement of Qualifications database who will be contactecd to submit project-specific proposals without the need to start with a Request for Proposal process from scratch. Once the proposals are received and ranked by a selection panel, the cost and terms of a Professional Services Agreement will be negotiated with the best qualified firm. The estimated fee will not exceed **$20,000**. Remaining funds may need to be carried forward into the next fiscal year if the Study is not yet complete.

Project #5 - Water Filtration System at the Public Works Yard

A water filtration system is required to ensure compliance of Yard operations with our National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit with the State. Wastewater from washing City vehicles and the street sweeper cannot be directed into the storm drain system. Thus, the purpose of a treatment unit is to treat wastewater from the wash down area so the water can be recycled and reused onsite, while the overflow is sent to the sanitary sewer system instead of the storm drain system, and oil and sludge are collected and disposed of separately.

The existing treatment unit located at the Public Works Yard **(Attachment 5)** was installed in 2003. The backwash system is broken, and replacement parts are no longer manufactured. This does not prevent the unit from operating; however, it is allowing sediment and grime to quickly accumulate within the system. Because of this, the unit is operating at approximately 10% of capacity and breaks down more frequently. When that happens, we must halt all vehicle washing, including daily washing of the street sweeper, and thus, street sweeping must be halted until the unit is repaired.

The existing treatment unit appears to have been unnecessarily complex compared to today's systems. Public Works is proposing to replace the unit with a simpler system that is more cost-effective to install and maintain.

Public Works received quotes from three (3) vendors to install their proprietary, pre-engineered systems meeting environmental requirements as follows:

- **$17,014** from Always Under Pressure **(Attachment 6)**
- $19,334 from Environmental Cleaning Systems
- $21,011 from California Stream

Upon adoption of the subject resolution, a Purchase Order will be issued to the low bidder. The new water filtration system is anticipated to be installed and tested before June 30, 2021.

Project #6 - Reopening City Facilities per CDC Covid-19 Guidelines

The City retained a consultant to review all occupied City buildings and identify physical improvements needed to meet Center for Disease Control (CDC) Covid-19 Guidelines to safely reopen to the public. A draft report is currently under review.

Tentatively, improvements to be recommended may include: plexiglass partitions between staff and the public, partitions between staff members, modifications at high contact areas, replacement doors, upgraded ventilation filters, etc. The cost is to be determined, with an initial order of magnitude estimate of **$10,000.** Unspent funds may need to be carried forward into the next FY 2021/22.

FISCAL IMPACT:

Funding for all six (6) new projects is available due to a projected net surplus in revenue for Fiscal Year

2020/21.

The costs for the projects are:

1. Fire Pump Replacement at Sunset Center $105,483
2. Police Dispatch Renovation 50,000
3. Police Vehicles C5, C8 30,000
4. Greenhouse Gas Emissions Forecast Study 20,000
5. Public Works Yard Water Filtration Unit 17,014
6. Reopening City Facilities 10,000

Total $232,497

PRIOR CITY COUNCIL ACTION:

These projects were introduced to the City Council at the March 16, 2021 Special Meeting.

ATTACHMENTS:

Attachment #1 - Resolution 2021-016 Authorizing funding for six essential Public Safety Projects for FY 2020-21

Attachment #2 - Photos of Burned Out Pump

Attachment #3 - Quote from Brown Company

Attachment #4 - Quote from Cosco Fire Protection

Attachment #5 - Existing Water Filtration System at PW Yard

Attachment #6 - Quote from Always Under Pressure

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING SIX ESSENTIAL PUBLIC SAFETY PROJECTS INCLUDING RATIFYING THE EMERGENCY PURCHASE OF A FIRE PUMP SYSTEM FOR SUNSET CENTER FROM THE BROWN COMPANY; RATIFYING A PURCHASE ORDER WITH COSCO FIRE PROTECTION FOR INSTALLATION OF THE FIRE PUMP SYSTEM; ALLOCATING FUNDING FOR THE POLICE DISPATCH ROOM RENOVATION AND REPLACEMENT OF TWO POLICE VEHICLES, AUTHORIZING A PURCHASE ORDER WITH ALWAYS UNDER PRESSURE FOR REPLACEMENT OF THE WATER FILTRATION SYSTEM AT THE PUBLIC WORKS YARD; AUTHORIZING FUNDING FOR A GREENHOUSE GAS EMISSIONS STUDY; AND AUTHORIZING FUNDING FOR FACILITY UPGRADES TO ALLOW CITY BUILDINGS TO RE-OPEN PER CDC COVID-19 GUIDELINES, ALL USING FISCAL YEAR 2020/21 END BALANCE

WHEREAS, the fire pump at Sunset Center unexpectedly burned out, resulting in an emergency situation and closure of the building; and

WHEREAS, Municipal Code Sections 3.12.140 and 3.12.510 allow for the dispensation in bidding procedures and contracting under emergency situations, provided that the City Council approves, by resolution, purchases of $25,000 or more; and

WHEREAS, replacement of the fire pump and equipment in kind was determined to be the quickest and least-expensive way to restore fire protection to Sunset Center; and

WHEREAS, a Purchase Order was issued to the Brown Company, in an amount not-to-exceed $52,962, for manufacturing and delivering the fire pump and associated equipment; and

WHEREAS, quotes were received separately from qualified fire pump installation contractors, and a Purchase Order was issued to low bidder, Cosco Fire Protection, in the amount, with 10% contingency, of $52,520.60; and

WHEREAS, to improve safety, the Police dispatch room requires renovations, with an estimated cost of $50,000, which cannot wait until the Police Building Renovation Project is funded; and

WHEREAS, Police vehicles C8 and C5 are no longer reliable emergency response vehicles and need to be replaced, and a leasing arrangement can be established with initial costs not to exceed $30,000; and

WHEREAS, with a budget estimate of $20,000, the Climate Committee seeks an environmental consultant to prepare a Greenhouse Gas Emissions Forecast Study to advance the Climate Action and Adaptation Project and allow for the City's General Plan, and it's component elements, to be updated; and

WHEREAS, the existing water filtration system at the Public Works Yard is required for the City to comply with the NPDES municipal storm water permit with the State, but it is breaks down frequently and results in halting of washing the street sweeper and other vehicles; and

WHEREAS, three quotes were received from vendors to install a pre-engineered water filtration system, with the lowest quote of $17,014.32 submitted by Always Under Pressure; and

WHEREAS, under an abundance of caution, the City plans to reopen City Facilities following the Center for Disease Control's Covid-19 guidelines, to protect staff, visitors, and customers, and the cost for furnishing and installing consultant-recommended items estimated to be $10,000; and

WHEREAS, a projected increase in Property Tax Secured revenue for Fiscal Year 2020/21 is sufficient to fund all six projects at this time.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Ratify the emergency Purchase Order of a fire pump system for Sunset Center from the Brown Company for $52,962; and

Ratify an emergency Purchase Order with Cosco Fire Protection for installation of the new fire pump system for $52,520.60; and

Authorize funding up to $50,000 to renovate the Police dispatch following the design included in the Police Building Renovation Project; and

Authorize funding for the replacement of Police vehicles C8 and C5 using a leasing arrangement with initial cost to not exceed $30,000; and

Authorize funding up to $20,000 for a qualified consultant to prepare a Greenhouse Gas Emissions Forecast Study; and

Authorize a Purchase Order with low bidder, Always Under Pressure, for replacement of the water filtration system at the Public Works Yard for $17,014.32; and

Authorize funding up to $10,000 for facility upgrades to allow City buildings to re-open per Center for Disease Control Covid-19 guidelines; and

Authorize the increase of Property Tax Secured revenue in the amount of $232,496.92 to pay for all purchases included in this Resolution, as detailed in Exhibit A.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter Mayor	Britt Avrit, MMC City Clerk

EXHIBIT A

General Ledger Account and Description	Purpose	FY 2020-21 Adopted Budget	Adjustment Amount	FY 2020-21 Amended Budget
101-119-42-42105 General Fund Expenditures Public Works Department Facilities Maintenance Division Materials and Supplies	Increase Materials and Supples budget for COVID-19 re-opening facility upgrades	$35,000	$10,000	$45,000
101-119-43-42001 General Fund Expenditures Public Works Department Environmental Compliance Division Contract Services	Increase Contract Services budget for Greenhouse Gas Emissions Forecast Study consultant services	$89,100	$20,000	$109,100
503-513-00-43002 Vehicle & Equipment Replacement Fund: Capital Outlay – Building & Improvements	Increase Capital Outlay – Building & Improvements budget for purchase and installation of Sunset Center fire pump system for $105,482.60 and Police dispatch renovation for $50,000	$0	$155,482.60	$155,482.60
101-119-40-42001 General Fund Expenditures Public Works Department Administrative Division Contract Services	Increase Contract Services budget for replacement of Public Works yard water filtration system	$19,150	$17,014.32	$36,164.32

503-513-00-43002 Vehicle & Equipment Replacement Fund: Capital Outlay – Vehicles & Fire Trucks	Increase Capital Outlay – Vehicles & Fire Trucks budget for lease of two replacement Police vehicles	$0	$30,000	$30,000
101-000-00-31001	Increase Property Taxes – Secured budget	$6,302,218	$232,496.92	$6,534,714.92

Attachment 2

The Brown Company

28847 Mack Street
Hayward, CA 94545
Contractor License: CA C-16, C-61 715370
NV C41A-0085145
Ph) 510-886-5260 Fx) 510-537-7707
www.thebrownco.net

2/9/2021

Carmel by The Sea
PO Box CC
Carmel-by-the-Sea, CA 93921

Attention: Cleve Waters

Re: Sunset Theater Center, Carmel

Quote: #Q21019 LEA16009

Dear Cleve:

We are pleased to offer material per description below:

750 GPM at 80 psi, 57 BHP, suction pressure at 45 psi, Driver HP: 73, site elevation of 100 feet, site temperature of 95 degrees fahrenheit, 2100 RPM, 12VDC/115AC Volts, 125/125# Flanges, Right-Hand Rotation

Qty	Product
1	Aurora, 5-481-15A, Fire Pump, UL Listed, FM Approved, Horizontal Splitcase fire pump, with suction and discharge gauges, air valve, base mounted to a
1	Clarke, JU4H-UFAEF2, Fire Pump Engine, UL Listed, FM Approved, Heat exchanger only. This equipment is UL listed and FM approved. Engine comes with coupling, muffler, flex connector, batteries, rack and cables.
1	Tornatech, GPD-12-120, Diesel Fire Pump Controller, UL Listed, FM Approved,
1	Aurora, ecc.conc, Adapters for NFPA 20 minimum pipe sizes, for minimum sizes, as needed by pump flange size
1	Aurora, JP and C, Jockey pump and controller, at 10 PSI higher than rated pump
1	LTL, Ground, Delivery - Standard,
1	startup trip, acceptance test per NFPA 20 Ch. 14 with test report,

Total Price, FOB Factory, Ground Freight Included, Not Including Sales Tax $43,606.00

Price does not include sales tax. Sales tax will be added to order unless a valid resale card is provided at time of order. Price reflects a cash or check discount. If using a credit card, other terms apply. Attached terms and conditions shall apply. The Brown Company represents fire pump manufacturers. The Brown Company and its employees look forward to working with you with respect to the purchase of fire pumps and related products as well as assisting you in project consultation. The employees are not authorized to install or repair the products.
Payment Terms to be Net 30.
Prices valid 30 days.
Shipment is 10 weeks after release of order to production, not including holidays.

Purchase orders are to The Brown Company.

For fire water flow to test the fire pump, there must be a safe, clear area for the water to travel. We are not responsible for water damage, dechlorination or disposal.

Diesel fuel, if required, is by others. Off-loading, installation, all permits by others. Pump to be installed per NFPA 20 requirements or as local jursidiction allows.

Notes:
This is replacement for existing diesel fire pump.
Demolition, wiring, Installation, permits, off loading and rigging are by others.
Pump is not dimensionally identical to existing. Piping and or anchorage changes will be needed.
Add $ 2,800 for 4 week production schedule , if we confirm it is available. Existing fuel tank will be re used. We have also included new jockey pump , this can be deleted if existing unit is still functional. Deduct ($ 1800.00)
The existing controller will not be adequate for the new engine. Therefore a new controller has been included

Very Truly Yours,

Craig Brown, The Brown Company, Representatives for Aurora Pumps, Fairbanks Pumps, and Tigerflow Systems

Accepted by: _____

Accepted Name: _____

Date: _____

COSCO
Fire Protection
Fire Protection and Life Safety Specialists

March 19, 2021

City of Carmel by the Sea
Attn: Cleve Waters IV
Facilities Maintenance Division Supervisor
cwaters@ci.carmel.ca.us
831-901-7127

Re; Sunset Cultural Center
8th and Mission
Carmel, CA.

Subject: Fire pump, controller and jockey pump installation

Cosco Fire Protection, hereby proposes to furnish material, labor, permits and drawings to perform the following outlined scope of work for the sum of: $ 47,745.60

Fitter labor..... $26,400.00
Permits & design..... $6,500.00
Jockey pump pipe, checks and valves..... $1,500.00
Pump Modification piping and material..... $6,500.00
Alarm Tech labor..... $2,640.00
Equipment rental.....$3,500.00
Bonding..... $705.60

Scope of Work

A. Including:

Removal of old pump and controller
Rental equipment
Includes new jockey pump piping, check valves and control valves
Includes alarm system wiring and misc. alarm material
Misc. pressure sensing line material
Permit fees and design
Disposal of old fire pump, controllers and piping
Pump and alarm testing and inspections (assist fire pump and alarms with Pump Company)

B. Excluding:

1. Structural calculations of any nature.
2. Painting, priming, masking, cutting and patching.
3. Design criteria more stringent than NFPA 13 requirements.
4. Bonding (bonding, if required, can be provided at additional cost)
5. Anti-Freeze systems and or Insulation of any nature.
6. Fire watch, temporary water or associated fees.
7. Overtime, weekend, holiday or shift work
8. Any electrical work for new fire pump controller and block heater
9. Any electrical inspections
10. Diesel fuel or tank
11. Any warrantee issues other than diesel pump and jockey pump piping

C. Clarifications:

1. Cosco Fire Protection does not assume responsibility for the structural strength of the subject building, and should structural calculations be required we will provide it at an agreed upon increase in the contract price.

C. This proposal does not include any amounts for impacts such as interference, disruptions, rescheduling, and change in the sequence of work, or delays and/or associated acceleration. We expressly reserve the right to submit our request for any of these items should we be faced with performing work under any of these conditions.

If you would like us to proceed with the above outlined scope of work, please sign below and return and we will get started on the design/installation portion right away. Please issue a contract/P.O. for this work as soon as possible. If you have any questions or require additional information, please contact us at (800) 485-3795. This proposal is valid for 30 days.

Thank you for letting Cosco Fire Protection, Inc. be your number one source for all your fire protection needs.

Sincerely,

Accepted_____

Dated_____

Greg Garcia
COSCO FIRE PROTECTION, INC.

Attachment 5

Attachment 6

Quotation

WaterMaze CLT-300 Pre-treatment

Thank you for the opportunity to quote this equipment.

Always Under Pressure
990 Lonus Street
San Jose, CA 95126-3713
800-654-6879
408-998-3051
Fax-998-0881
pressurewashers.com

Company:	**City of Carmel By the Sea**	Date:	January 6, 2021
Address:	P.O. Box SS	Quote #:	**2625**
	Carmel, CA 93921	Written by:	**David R. Wyett**
Attn:	**Rob Culver**	Cell #:	408-685-7425
Phone:	831-624-3543	e-mail:	dave@alwaysunderpressure.com
Fax:	831-624-2132	Est. Delivery:	7-10 days from order
Cell:	831-901-4888	Terms:	Check or CC w/order or lease
e-mail:	rculver@ci.carmel.ca.us	Quote Valid:	For 60 days

Qty	Part #	Description	Each	Price
1	**CLT-300**	**WaterMaze** Waste Water Treatment Tank		
		300 gl high-density, polyethylene tank		
		55º slopped bottom		
		Includes tank lid & support frame		
		Also includes two Coelescing Cones		
1		Transfer Pump, 4/10 hp, 120 volts w/25' cord		
1		Float Switch w/25' cord, for Transfer Pump above		
1		Transfer Tank, 100 gallons		
1		Plumbing from the pit to the CLT-300		
1		Electrical for the transfer tank and float switch		
1		Misc. Plumbing		
1		Misc. Electrical Wiring		
1		Sludge Bag Collection System		
1		CLT-300 automatic Dump Valve		
1		55 gallon Drip Deck		
				$15,985.00

Scope of Work: This is a quote to install a pretreatment system to separate oil & solids from vehicle washing. We will install a 300 gallon, cone-bottom tank beside the wash pad near the building. We will connect the pump in the sump pit to the cone-bottom tank, provide a line to overflow to the Transfer Tank.
A pump in the transfer tank will send the water to the 2500 gallon storage tank. This quote includes the parts listed above and the labor to install. It also itcludes removal of the old system.

75% with the order, 15 % on completion, 10% 10 days after completion

For a City, County or District Discount, deduct		**$799.25**
Lease Options Available 36 Month Lease-to-Buy	**$604.01**	
	Sub-total	$15,185.75
	Freight-in	$388.00
	Subtotal	$15,573.75
	Tax	$1,440.57
	Total	**$17,014.32**

Acceptance

Date: _____ PO#: _____

Customer Signature: _____

Thank You!

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Sharon Friedrichsen - Director, Contracts and Budgets
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-017 authorizing the City Administrator to restore voluntary compensation reductions for At Will Executives and classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association effective June 1, 2021

RECOMMENDATION:

Adopt Resolution 2021-017 authorizing the City Administrator to restore voluntary compensation reductions for At Will Executives and classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association effective June 1, 2021.

BACKGROUND/SUMMARY:

The Fiscal Year 2020-2021 Adopted Budget projected significant decreases in the City's major revenue sources, including transient occupancy tax and sales tax, due to the ongoing economic impact associated with COVID-19. The City projected a deficit of $1 million even after enacting staffing reductions and curtailing spending on capital projects. As a result of the forecasted deficit, various City employees voluntarily agreed to defer negotiated salary increases and/or implement salary and other compensation reductions to help the City achieve cost savings and lessen the planned financial deficit.

The City of Carmel-by-the-Sea Police Department includes various staff positions represented by the Police Officers' Association (POA). Given the City's forecasted financial condition, the POA voluntarily agreed to defer the negotiated salary adjustment scheduled for July 1, 2020. In addition, various "At Will" (Exempt) Executive positions voluntarily decreased their respective compensation packages through salary, deferred compensation and/or management leave reductions.

The coronavirus pandemic is unprecedented and thus it is difficult to model consumer behavior. Despite state shelter in place and travel restrictions and other COVID-19 protocols, the City's transient occupancy tax revenue was stronger than predicted for the first six months of the fiscal year. If this trend continues for the next six months and property taxes and sales taxes also remain strong for the latter part of the fiscal year, the City is expected to end the current fiscal year with a surplus.

Based upon the projected surplus, Council may consider whether to restore these voluntary reductions

before July 1, 2021. The attached resolution authorizes the City Administrator to restore these voluntary reductions on or before June 1, 2021.

Alternative Options: Council has the option to make the restoration effective May 1, 2021 instead of June 1, 2021. Alternatively, Council may postpone making any restorations at this time and use the projected savings toward next fiscal year's budget. All voluntary reductions are currently set to sunset on June 30, 2021.

FISCAL IMPACT:

The City is anticipated to achieve savings of approximately $41,250 due to the deferral of the July 1, 2020 negotiated salary adjustment by the Police Officers' Association if the deferral sunsets on May 31, 2021. The value of salary and benefit savings resulting from voluntary reductions made by the nine At Will positions approximates $110,000 for the period of July 1, 2020 through May 31, 2021.

PRIOR CITY COUNCIL ACTION:

Not applicable

ATTACHMENTS:

Attachment #1 - Resolution 2021-017-Restore Voluntary Concessions

Attachment 1

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2021-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO RESTORE VOLUNTARY COMPENSATION REDUCTIONS FOR AT WILL EXECUTIVES AND CLASSIFICATIONS COVERED UNDER THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CITY OF CARMEL-BY-THE-SEA POLICE OFFICERS ASSOCIATION EFFECTIVE ON JUNE 1, 2021

WHEREAS, the City of Carmel-by-the-Sea's Fiscal Year 2020-2021 Adopted Budget reflects a structural deficit whereby planned expenditures outpace projected revenue due to the economic impact of COVID-19 on the City's major revenue sources; and

WHEREAS, various employees have made voluntary concessions to help reduce the City's expenditures during this unprecedented time; and

WHEREAS, the At-Will (Exempt) Executive Employees have voluntarily agreed to a reduction in compensation effective July 1, 2020; and

WHEREAS, employees represented by the Police Officers Association voluntarily deferred the negotiated July 1, 2020 salary adjustment; and

WHEREAS, based upon actual performance to date, major revenue sources are projected to outpace budget projections resulting in surplus for Fiscal Year 2020-2021; and

WHEREAS, the City Council wishes to acknowledge the concessions made by these various employees and restore the reductions in compensation prior to June 30, 2021.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize the City Administrator to restore voluntary compensation reductions for At Will Executives and Classifications Covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association effective June 1, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of April, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

_____
Dave Potter
Mayor

_____
Britt Avrit, MMC
City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive an update and tentatively select proposed Fiscal Year 2021/22 Capital Improvement Program projects and provide direction to staff

RECOMMENDATION:

Receive a report regarding:

1. Fifteen (15) capital improvement projects recommended for funding in FY 2021/22
2. Six (6) Special Projects recommended for FY 2021/22 to be funded through the operating budget, specialized restricted revenues, donations, and/or volunteers
3. Ten (10) key projects and funding needs for the subsequent four (4) fiscal years, to be included in the Budget as a 5-year Capital Improvement Plan and reviewed and updated each Fiscal Year
4. Council to tentatively select projects to be funded in FY 2021/22, and direct staff to present the proposed projects to the Planning Commission for a General Plan consistency review

BACKGROUND/SUMMARY:

Capital Project Definition

A Capital Project, or a Capital Outlay, is an asset that **costs more than $10,000** and has an expected **useful life exceedingten (10) years**. Some of the projects listed below do not fall under the definition of a capital project and, if funded, would be added to the operating budget of the respective departments. However, these other projects are competing for the same funding as capital projects and should be considered holistically with the Budget.

Strategy

At the Special Council Meeting of March 16, 2021, the Budget and Contracts Director presented a 5-year financial forecast **(Attachment #1)** in which the current Fiscal Year 2020/21 would end with a net surplus of $2,626,112. Council may decide to use a portion of this surplus for proposed Capital Projects for FY 2021/22. The budget forecast for FY 2021/22 is projected to invest $829,011 into Capital and end the year with a net surplus of $970,723.

Clearly, there are sufficient funds in the current FY 2020/21 to fund the six (6) essential public safety projects, namely the Sunset Center Fire Pump Replacement, Police Dispatch Renovation, Police Vehicles

C5 and C8, a Greenhouse Gas Emissions Forecast Study, Water Filtration System at the Public Works Yard, and Facility Upgrades to Re-open City Facilities per CDC Guidelines. These projects, collectively valued at $232,497, were addressed under a separate resolution.

As this is the second time potential capital and special projects will be presented to Council, the objective of this Agenda item is to drill down and "lock in" only those projects which will be funded in the upcoming FY 2021/22. Other important and needed projects outside of next fiscal year will be deferred to subsequent years (i.e. included in Years 2 through 5 in the 5-year CIP Plan).

I. Staff Recommended Capital Improvement Projects for FY 2021/22 Funding

The following 15 proposed FY 2021/22 projects include only the most pressing needs for critical infrastructure, or are public-safety-related, and/or are linked to external funding opportunities. They are listed from most to least expensive, but have not been prioritized against the other projects in this category. Changes from the Special Council Meeting of March 16, 2021 are noted where applicable. **The cumulative cost of the 15 projects is $1,344,315, as shown in Attachment #2**.

Project #1 - FY 2019/20 Citywide Annual Paving Project (4 Conglomerated CIP Projects):

April 6, 2021 Update:

- *Projected revenue from the state and regional sources (Measure X, HUTA, and RMRA combined) has increased from $348,503 to $380,797.*
- *The San Carlos Street Bike Route and Landscaped Median Islands were advanced from FY 2022/23 to FY 2021/22 and merged back into the Annual Paving Project, as was originally planned and designed. Estimated savings is $25,000 versus constructing these improvements a separate project. The cost for these improvements are eligible for Maintenance of Effort credit.*
- *The Mission Street Sidewalk Repair, between Fifth and Sixth Avenues, was merged into the Annual Paving Project. The cost for this improvement is also eligible for MOE credit.*

This asphalt paving project, coupled with the San Carlos Street Bike Route, San Carlos Street Median Islands, and Mission Street Sidewalk Repair, were put on hold at the 90% level in final design last spring due to the Covid-19 pandemic.

Based on the City's Pavement Management System's Pavement Condition Index ratings, this project includes resurfacing pavement along Junipero Street, between Third and Ocean Avenues, San Antonio Avenue between Fourth and Eighth Avenues, and, for the first time, introduces micro-surfacing technology along San Carlos Street between Eighth and Thirteenth Avenues.

The City receives restricted funding from the State for street maintenance and other transportation-related projects through the Highway Users Tax Account (HUTA) and the Road Maintenance and Road Rehabilitation funds (RMRA) enacted as part of Senate Bill 1. As a condition of receiving these funds, the City is required to allocate a portion of its local General Fund revenues for transportation-related projects. This is known as the Maintenance of Effort (MOE) requirement, which has the objective that local funds used for street maintenance and other eligible expenses are maintained, and State funds do not replace, or supplant, local funds allocated for this purpose. If the City does not meet its annual MOE requirement, it may make up the difference the following year (annual MOE of Year 1 + annual MOE of Year 2) or risk repaying back the funds to the State.

The City also receives a portion of the voter-approved sales tax allocated for transportation safety projects (Measure X) from the Transportation Agency for Monterey County (TAMC). TAMC also has a MOE requirement that is similar to the State requirement, but also includes an annual cost index increase. The MOE is calculated at **$571,815 f**or FY 2021/2022.

The City is projected to receive $200,207 from Measure X, $102,665 from HUTA, and $77,925 from RMRA, or $380,797 in total. The City would be required to pay for the entire cost of the paving project, including the conglomerated projects, although it would be offset by this incoming revenue. In addition, the City receives an allocation of Regional Transportation Improvement Program (RSTIP) funds through TAMC, which is not subject to a MOE requirement. Currently $15,311 of RSTIP funds are programmed for the Mission Street Sidewalk Repair (see narrative below) and an additional $13,437 is anticipated for next FY.

San Carlos Street Bike Route and Landscaped Median Islands:
These two CIP projects, located on San Carlos Street between Eighth and Thirteenth Avenues, were included in the 90% design of the 2019/20 City-wide Annual Paving Project. There is no additional net cost to the City because these projects will be credited toward the MOE for the paving project and will not be constructed as a separate project. This amount reflects the Council-accepted private donation of $17,000 from Barbara Livingston and her neighbors for the median islands.

Mission Street Sidewalk Repairs:
As approved by Council, the City was allocated $15,311 from RSTP funding via TAMC in FY 2020/21 to repair a significantly uneven brick sidewalk on the west side of Mission Street, between Fifth and Sixth Avenues. To remove and replace the entire 720 square feet of uneven sidewalk, a total of $36,000 is needed. The difference of $21,000 would be City-funded but also credited toward the MOE obligation.

Project #2 - Police Radio Antenna:

April 6, 2021 Update:

- *Monterey County will install the antenna.*

This antenna is needed to meet 2013 FCC requirements for Digital Radio usage. An Urban Areas Security Initiative grant in the amount of $175,000 is anticipated in October 2021. The City's portion of the project would be **$200,000,** for a combined project total of $375,000.

Project #3 - Public Access to Digital Property Files:

April 6, 2021 Update:

- *New public access enhancement/staff efficiency project requested by the Community Planning and Building.*

The City retains a "historic property file" for each individual lot. These files are kept as physical records housed in the Community Planning and Building (CP&B) office. Numbering over 5,000 files with countless documents in each one, they contain historic permitting and land use information for each property, many of which date back to the early 1900s. These files are not only used by staff for processing permits, but also frequently reviewed by property owners, historians, journalists, real estate agents, and others who wish to research a property.

Currently, if a member of the public wants to access these files, they need to schedule an appointment to come in and physically inspect the documents. (This service has been restricted due to Covid.) On average, CP&B receives 10 appointment requests per week, with each visit requiring a staff staff to sit with the customer while they review files, which taks an hour on average.

This proposed project would scan and electronically digitize all property files and utilize the City's existing, interactive GIS map tool on the website to create a link to these property-specific digital records. The end result would be the ability to go online at any time and from anywhere, click on any lot in the City, and be given a link to all public documents in the currently physical property file. This project will provide better customer service, free up staff time for productivity, and utilize technology to make operations more

efficient. This system would also be used for land use documents moving forward, as permits continue to be processed on individual properties.

Creation of this digital system would implement the 2019 CP&B Strategic Plan, Goal #7 which is t o *"Improve Department operations through effective use of current technology and systems,*" and "*Digitize property files and plan archives to reduce storage space and improve access to information;"* Goal #3, "*Be responsive to customer needs and questions in a timely, proactive manner*," and Goal #4, "*Continue to obtain data and develop GIS capability related to land-use issues.*"

The estimated cost for this project is **$132,500**, and includes scanning and digitizing all property files, indexing and migrating them onto the City's Laserfiche record system, and updating the online GIS tool. Once started, the project would take approximately one-year to complete.

Project #4 - Drainage System Repairs:
The new, City-wide Drainage Master Plan identified numerous spot repairs needed for our existing, broken, underground storm drain pipes, as well as eliminating significant "bottlenecks" in the drainage system which result in excess surface runoff flowing down streets and potentially onto private properties during heavy storms. Pre-Covid, the estimated cost was $200,000 to design repairs for the worst defects in our drainage system. Due to budget limitations, **$100,000** is recommended in FY 2021/22 to get started on design of this important, multi-year, major project. Construction repairs would begin in another fiscal year.

At estimated $4M will be needed to fix the two (2) most critical bottlenecks to significantly improve the drainage system, namely eliminating the Junipero/Mission/Junipero bypass and upsizing the box culverts below Rio Road.

Project #5 - Sunset Center Hazardous Materials Testing, Remediation, and Windows:
The overdue Sunset Center Exterior Painting Project is proposed in two phases. This first phase would be to test and remediate asbestos and lead paint around the windows of the main Sunset Center buildings, and repair some of the imminently failing windows, for a cost estimate of **$60,000.** A subsequent phase would be to complete exterior repairs and hazardous windows, and paint the exterior walls assuming the existing lead paint can be encapsulated in place.

Project #6 - Ambulance:
This capital purchase would replace the 22-year-old back up ambulance that has exceeded its life expectancy and is no longer a reliable resource. Total cost of $275,000 could be leased/purchased at **$55,000 per year** for a total of **five (5) years.**

Project #7 - Libraries Master Plan:

April 6, 2021 Update:

- *Advanced to FY 2021/22*

The Library Master Plan would be led by a consultant to support the Library's Strategic Plan objective to develop facility plans for both the Harrison Memorial and Park Branch Library buildings. The plan will identify opportunities for improvements in both buildings, including ADA access, shelving, modular furniture, and improved catalog access. This plan would also include consensus building with the Library Board, Carmel Public Library Foundation, City, and community to prioritize and fund future improvement projects.
The estimated fee is **$50,000**. Because there are many improvement concepts that would bolster library services, this master plan should be adopted before subsequent renovation projects are programmed for funding.

Project #8 - Facility Maintenance Supplement (Operations Budget):

April 6, 2021 Update:

- *Project was advanced to FY 2021/22*
- *Increased allocation from $25,000 to $50,000*

The Facility Maintenance operating budget in Public Works has been insufficient to maintain the City's buildings. Of particular concern are historic buildings including Flanders Mansion, City Hall, First Murphy House, Sunset Center (within City's responsibility), and the Harrison Memorial Library. Although some preventative maintenance measures are being implemented, these older facilities continue to deteriorate, and the significant backlog of deferred maintenance continues to increase.
Due to the lean budget during the Covid-19 pandemic, some repairs were simply put on hold. A recent example is the Norton Court Parking Garage entrance and exit arms which has one arm broken and the other arm near the end of its life. This $9,000 project was put on hold pending funding.
These types of repairs could be addressed more quickly by having funds pre-programmed. Therefore, an increase in the Public Works Facilities Maintenance operating budget of **$50,000** is requested. This increased level of funding will likely be needed into future fiscal years as these older buildings, and other facilities, continue to deteriorate.

Project #9 - Police Radios:
Twenty-two (22) new Police radios would replace the existing, hand-held radios which were purchased in 2009 and are past their useful life. At $8,200 each, this capital outlay would cost a total of $180,400. Total cost could be leased/purchased at **$30,000 per year** for a total of **six (6) years.**

Project #10 - Retention Schedule (Operations Budget):

April 6, 2021 Update:

- *Project was advanced to FY 2021/22*

The City Clerk issued a Request for Proposal for a consultant to update the City's retention schedule and develop a 'Trusted System' for retaining the City's electronic records. The current retention schedule puts the City at potential risk and is not only well out of date, it may be inaccurate due to changes in various governing codes.

An updated Retention Schedule and establishment of a 'Trusted System' are necessary first steps to reach compliance, accurately retain and organize the City's records, and ultimately provide the public with greater transparency and access to the City's public records. This project will also allow the City to more efficiently retain and electronically and safely store its records. The estimated cost is **$25,000.**

Project #11 - Mission Trails Nature Preserve (MTNP) Stream Stability Projects:
An engineering and environmental consultant is needed to design and obtain environmental permits for the first three (3) of eight (8) stream restoration and erosion control measures for MTNP, as recommended in the 2019 MTNP Stream Stability Report. The majority of funding for design, environmental permit acquisitions, and construction will be from the Council-accepted $187,000 California State Parks Per Capita Grant. As this is a reimbursement-based grant, the City is required to pay for the cost of the project in advance, as well as a non-reimbursable 20% grant match of approximately $45,000, for a total cost of $230,000.

Since construction would not begin until the following fiscal year, only a portion of the project funds, $90,000, is needed by the City in FY 2021/22 for design and permit acquisitions. The $90,000 fee would be comprised of **$20,000** from the City plus $70,000 reimbursement from the grant. The project is required to be completed by December 2023.

Project #12 - Forestry Management Plan (Operations Budget):

April 6, 2021 Update:

- *Advanced to FY 2021/22*
- *Eligible for Reforestation Account funds*

The proposed Forestry Management Plan would consist of hiring a consultant to review existing plans, review current forestry management practices and resources, and convene diverse stakeholder groups to create a new plan that would guide consistent decisions about species selection, succession planting, and threats to our trees. This plan would also provide a comprehensive plan for the future of Carmel's forest. The estimated fee is **$20,000.**

Project #13 - ADA Upgrades, Year 4:

Based on the results of the City's 2018 Americans with Disabilities Act Transition Plan, funding should be programmed each year to demonstrate good faith efforts to address disability obstacles across the City. A budget of **$15,000** is requested for FY 2021/22.

Project #14 - Park Branch Library Backup Generator:

The backup generator at the Park Branch Library is past its useful life and increasingly unreliable. If the generator is not replaced, at an estimated cost of **$15,000**, the generator could fail at any time, and should it fail during a storm, the result would likely be flooding, damage, and mold in the library basement.

Staff met with the Central Coast Community Energy (3CE) regarding a very low interest loan. While this project qualifies, 3CE was requesting a more robust and costly backup generator system to upgrade the library building into a safe haven during City-wide power outages. Due to funding constraints, staff recommends moving forward with only the minimum required replacement generator.

Project #15 - Sixth Avenue & Devendorf Park Plaza – Community Project:

April 6, 2021 Update:

- *Council requested the start of a new, major community-oriented project.*
- *Advanced to FY 2021/22*

Attachment #3 is a draft concept of the Sixth Avenue and Devendorf Park Plaza Project. This concept sketch was prepared by a landscape architect pro bono to give us a visual of potential improvements and help the community envision possibilities for an expanded park and plaza. The project seeks to expand the footprint of Devendorf Park up to the front of the Park Branch Library and create a combined park and open air plaza where community members and visitors can gather, picnic, hang out after school, enjoy small summer concerts, attend events, shop at the weekly Farmers' Market, or take a nice evening stroll.

The concept was presented and supported by the Community Activities Commission and the Library Board, but limited vetting has been done to date. Staff recommends that we proceed to present the concept to Council, other Commissions, and the public to solicit feedback. A design charette(s) would be an ideal way to collaborate development of the plaza with the community.

No cost (other than staff resources) would be needed to launch this project in FY 2021/22, but funding of this $2.5 to $3 million dollar project would be requested in subsequent fiscal years for design and construction. Potential obstacles that this project may need to mitigate include: 1. Closure of Sixth Avenue, between Junipero and Mission Streets, 2. relocation of the MST bus stop, and 3. loss of parking spaces in front of the Park Branch Library. Issues 1 and 2 have been occurring for the weekly Farmer's Market for more than three (3) years with no recorded negative impacts.

Within this project also lies the opportunity to explore options for the use of permeable pavers for rainwater

control, sustainable climate-change-resistant landscaping, and a potential underground storm drainage storage tank which may be a less expensive alternative to eliminate drainage system bottlenecks downstream by capturing and slowly discharging large storm flows south of the park.

II. Staff Recommended Special Projects for FY 2021/22 with External Funding, Donations, Volunteers, and Carry-Overs from FY 2020/21 Budget

The following six (6) special projects do not appear to require any further City funding at this time; however, like all capital projects, project management oversight is needed.

Project #16 - Ocean Avenue Medians Split Rail Fence:

The Carmel Residents Association plans to donate to the City **$55,000** for installation of split rail fence along all five Ocean Avenue raised median islands, tentatively to be installed in a saw-tooth pattern near the center of each median island, subject to Planning Commission approval.

Project #17 - Wildfire Risk Assessment Plan (Operations Budget):

The current FY 2020/21 operating budget included **$20,000** for a Wildfire Risk Assessment Plan which can possibly be implemented in conjunction with the cities of Monterey and Pacific Grove. Staff recommends that we carry over this unused appropriation to FY 2021/22 in the Fire Department Operations Budget.

Project #18 - Wayfinding Signs:

As approved at the March 2, 2021 Council meeting, TAMC will be reimbursing the City up to **$18,500** for approximately 15 wooden wayfinding signs. These signs will provide directions to various Carmel area points of interest, especially for bicyclists, pedestrians, and visitors. Staff will seek Commission and Council approvals once the design has been developed.

Project #19 - North Dunes Habitat Restoration Project (Operations Budget):

Noticeable improvements have been made in recent years by removing invasive trees, non-native plants, and ice plant, post and cable railing, increasing the population of endangered species, etc. To continue biological monitoring, reporting of endangered and sensitive species, and to continue enhancements, such as new interpretive signage (which may have a funding sponsor) and/or split rail border fencing (which may be installed by Carmel Cares), the remainder of the $22,250 donation/mitigation funds provided by Ms. June Overett for removal of her nearby eucalyptus trees (approximately **$12,250**) should be carried-over into the FY 2020/21 Public Works Environmental Programs Operating Budget.

Project #20 - Carmel Cares Projects Oversite:

Guided and supported by Public Works, Carmel Cares will continue to implement a number of potential projects currently under consideration for FY 2021/22. Other than Public Works staff oversight and equipment support from time to time, there would be essentially **no cost** to the City to proceed with the following volunteer programs and projects:

- Median Minders Program
- Pick-up Posse Program
- Tree Tenders Program
- City entry signs (wooden, compatible with wayfinding signs)
- Devendorf Park Upgrades
- Equipment donations
- First Murphy Park observation deck and ADA improvement
- Forest Hill Park and North Dunes split rail fencing
- Forest Theater repairs
- MTNP - repair footbridge near Eleventh Avenue

- Park Branch Library dumbwaiter enclosure
- Scenic Pathway, Phase 2, replacement of wood barriers
- Sunset Center wrought iron railings

Project #21 - Energy Efficiency Projects (Operations Budget):
In December 2020, Council authorized a letter to proceed to SiteLogiQ, a firm who specializes in energy efficiency evaluations. This firm completed their evaluation of most City buildings, and their report findings will be presented in an upcoming Council meeting. It is assumed that one or two "low hanging fruit" projects could begin in FY 2021/22 if entirely funded by grants, rebates, and/or on-bill financing. There would be **no cost** to the City other than project management oversight.

III. Ten (10) Additional Key Projects and Funding Needs, previously considered by Council, over the Subsequent Four Fiscal Years, to be included in the Budget as a 5-year Capital Improvement Plan

· **Police Building Renovation Project:**
$1.0 million was previously budgeted for this project. The design was completed, and construction bids were received in March 2020 with the low bid of $1.31 million, which, with a 10% contingency, would have been **$1.44M**. Although the project was unfunded due to the pandemic, the project is still necessary and should be strongly considered for near-future funding.

· **Harrison Memorial Library Renovations:**
The following three (3) projects for the Harrison Memorial Library could be considered a "package deal." Should the City invest $100,000 to paint the exterior of the library, $100,000 to paint the interior, and another $100,000 to replace all of the carpeting, all of which are very much needed, then the Library Board may be satisfied that the City has met its ongoing maintenance obligation for this historic building. The concept is that a **$300,000** investment by the City may leverage up to $500,000 of private donations for extensive interior renovations, including shelving, furniture, lighting, and other upgrades, in the library.

· **Water Well and Tank Removal in MTNP:**
Proper, regulatory decommissioning of the abandoned water well, and physical removal of the elevated tank are needed. Otherwise, the City continues to be exposed to potential environmental and safety liability. The cost estimate is **$150,000.**

· **Sea Level Rise/Coastal Engineering Report:**
This report is requested by the Climate Committee for the Committee's Climate Adaptation Plan. A consultant would be needed for an estimated fee of **$150,000**. The relatively high cost assumes that soil borings and laboratory testing would be needed at strategic locations along the base of the bluffs and behind retaining walls. Staff is researching if this report could be accomplished together with neighboring agencies and/or by grant opportunities.

· **Backup Generator at the Harrison Memorial Library:**
Quotes were received for a new generator to predominately backup the IT servers and essential equipment in the lower level of the library. There is limited outdoor space available for the generator. The quotes were under **$60,000.**

If funded, the next steps would be to identify a suitable location for the generator with the Community Planning and Building Department, and present the project to the Planning Commission prior to processing a building permit.

· **Scout House Renovation:**

The roof reconstruction was completed last year. Only $12,280 was remaining to start the renovation design when the project was unfunded. The next step would be to retain an architect to design the renovation, including the challenging ADA aspects of the project. When funding for design is allocated (**$40,000**), construction funding ($360,000) should be allocated for the following fiscal year. The two-phase total cost is estimated to be $400,000.

· **Computer Servers Resilience:**
$35,000 was previously allocated; however, most IT upgrades and modifications were implemented using operating budget funds over the past few years. However, supplemental funding will be needed periodically in subsequent years to update and maintain our technology systems.

· **GIS Development, Phase 2:**
To increase the value and usefulness of our existing, powerful, but foundational, GIS system, **$20,000** is suggested to retain the Geographic Center at Chico State University to incorporate additional, available data from external sources and City files, including the new storm drain master plan database, into the City-wide geodatabase.

Funding would also establish initial applications to use GIS to streamline work processes between departments, such as processing building, encroachment, and tree permits. The proposed FY 2021/22 Public Access to Digital Property Files project would be compatible with future enhancements of the GIS system.

· **Uninterrupted Power Supply System:**
An estimate of **$20,000** is needed to protect our computer systems and secure the City's data from power disruptions.

· **Stormwater Ordinance:**
With an estimated fee of **$15,000**, a consultant with expertise in California's strict stormwater regulations is needed to update the City's ordinance to remain in compliance with state mandates. The ordinance provisions are further complicated by the Area of Special Biological Significance status of Carmel Bay.

5-Year Capital Improvement Plan
A preliminary 5-year Capital Improvement Plan will be introduced at the Council meeting.

Although only the first fiscal year (2021/22) would be funded as part of the City Budget, the remaining years serve as a planning tool to identify, early on, anticipated future projects. A multi-year plan also accommodates scheduling larger projects into multiple years, allows for more projects to be underway concurrently, and allocates construction funding only when those funds are actually needed for "shovel-ready" projects.

Note that the needs for infrastructure renewal and facility repairs far exceed the project capital outlay and year end balances for each of the subsequent four years.

IV. Council guidance for Capital Improvement Projects
Staff is seeking Council's direction on the following issues:

- Tentatively approve or modify the recommended 15 proposed projects for FY 2021/22 CIP at an estimated cost of $1,344,315.
- Tentative approve or modify the 6 recommended Special Projects funded by others, or by funds carried over from the current FY 2020/21.
- Incorporate public comments and suggestions into the FY 2021/22 CIP.
- Direct staff to present the proposed FY 2021/22 CIP to the Planning Commission in May for a

General Plan consistency review as required by State law and the City's Municipal Code.

FISCAL IMPACT:

The 5-Year Financial Forecast was presented to Council at the March 16, 2021 Special Meeting. The fiscal impact to the FY 2021/22 Budget for Capital Improvement Projects cannot be fully assessed until specific projects are selected by Council.

PRIOR CITY COUNCIL ACTION:

The 5-Year Financial Forecast was presented to Council at the March 16, 2021 Special Meeting. That presentation was followed by a summary of completed FY 2020/21 capital projects, an introduction to essential public safety projects to be funded in FY 2020/21, an introduction of potential FY 2021/22 capital projects, including special projects not requiring additional City funds, and a list of additional projects that were previously considered by Council, but which could be deferred to subsequent years in the 5-year Capital Improvement Plan.

ATTACHMENTS:

Attachment #1 - 5 Year Financial Forecast
Attachment #2 - Table of Costs for FY 2021/22 CIP
Attachment #3 - Sixth Avenue Devendorf Park Plaza Concept Sketch

Attachment 1

		Fiscal Years									
	FY 18-19 Adopted Budget	FY 18-19 Actual	FY 19-20 Adopted Budget*	FY 19-20 Actual**	FY 20-21 Adopted	FY 20-21 Preliminary Estimated Actual (3/15/21)	FY 21-22 Projection	FY 22-23 Projection	FY 23-24 Projection	FY 24-25 Projection	FY 25-26 Projection
Revenues											
Property	6,368,550	6,496,558	6,573,376	6,663,614	6,822,304	7,419,963	7,163,419	7,378,322	7,599,671	7,827,662	8,062,491
Sales- Bradley Burns	2,550,650	2,639,607	2,606,100	2,143,020	1,896,796	1,977,994	2,454,109	2,608,704	2,739,274	2,856,869	2,979,958
Sales- Local	2,964,870	3,079,914	3,025,000	2,611,802	3,050,000	3,581,477	4,293,615	4,493,211	4,583,075	4,698,708	4,900,611
Transient Occupancy Tax (TOT)	6,350,000	6,882,015	6,842,900	6,477,220	2,488,198	4,000,409	5,161,511	5,849,713	6,193,814	6,537,914	6,734,052
Charges for Services	2,040,620	2,521,960	2,487,435	2,139,035	2,080,159	1,651,460	2,121,762	2,164,197	2,207,481	2,251,631	2,296,664
Other Revenues	2,469,810	2,441,120	2,682,746	2,596,158	2,442,768	2,291,616	2,491,623	2,541,456	2,592,285	2,644,131	2,697,013
H.R.1319 "American Rescue Plan Act of 2021"						717,337					
Revenue Total	**22,744,500**	**24,061,174**	**24,215,557**	**22,630,849**	**18,780,225**	**21,640,256**	**23,686,040**	**25,035,603**	**25,915,600**	**26,816,914**	**27,670,789**
Expenditures											
Salaries/Benefits	11,129,892	9,718,662	11,500,087	10,156,434	9,595,869	9,188,163	10,424,584	10,945,813	11,493,104	12,067,759	12,671,147
CalPERS Unfunded Accrued Liability Payment	1,064,162	1,026,968	1,434,476	1,351,531	1,598,574	1,598,574	1,833,526	2,054,790	2,205,022	2,359,311	2,460,500
Services/Supplies	7,914,036	8,657,484	8,251,667	8,304,641	7,366,461	7,269,328	7,734,784	8,121,523	8,527,599	8,953,979	9,401,678
General Fund Operating Total	**20,108,090**	**19,403,114**	**21,186,230**	**19,812,606**	**18,560,904**	**18,056,065**	**19,992,894**	**21,122,126**	**22,225,725**	**23,381,049**	**24,533,325**
Debt Service											
Pension Bond	701,820	701,220	699,176	698,056	698,863	698,863	700,438	701,080	0	0	0
Sunset Center Bond	507,390	507,390	508,578	500,334	508,678	82,228	156,000	156,000	503,700	509,100	499,000
NGEN Radio	28,770	51,663	36,974	45,791	36,974	36,974	36,974	36,974	0	0	0
Debt Total	**1,237,980**	**1,260,273**	**1,244,727**	**1,244,181**	**1,244,515**	**818,065**	**893,412**	**894,054**	**503,700**	**509,100**	**499,000**
Pension Mitigation Total							**1,000,000**	**1,000,000**	**1,000,000**	**1,000,000**	**1,000,000**
Capital Outlay Total	**4,121,040**	**3,778,271**	**1,704,509**	**869,596**	**0**	**140,014**	**829,011**	**876,246**	**907,046**	**938,592**	**968,478**
Expenses Total	**25,467,110**	**24,441,658**	**24,135,466**	**21,926,383**	**19,805,419**	**19,014,144**	**22,715,317**	**23,892,427**	**24,636,471**	**25,828,741**	**27,000,803**
Surplus/(Deficit)	**(2,722,610)**	**(380,484)**	**80,091**	**704,466**	**(1,025,194)**	**2,626,112**	**970,723**	**1,143,176**	**1,279,129**	**988,173**	**669,986**

Footnotes: *The Fiscal Year 2019-2020 Adopted Capital Outlay Budget was amended to $3.4 million.**Transient occupancy tax revenue for Fiscal Year 2019-2020 includes $5,115,271 in actual revenue and $1,361,949 of Hosterly Fund Balance.

FY 20-21 Preliminary Estimated Actual Assumptions: Revenues and General Fund expenditures are projected based upon year-to-date actuals. Debt service reflects revised payment schedule due to the refinancing of the Sunset Center Lease Revenue Bond. Capital includes $123,000 for the fire pump at the Sunset Center and $17,014 for water filtration system at Public Works.

FY 21-22 to FY 24-25 Projections and Assumptions

Revenues: Property Tax: Assumes 5% growth over FY 20-21 Adopted in FY 21-22 and 3% annual growth thereafter. Bradley Burns and Measure C assumes phased in economic recovery and return to FY 18-19 performance in FY 23-24. TOT assumes phased in recovery until reaching 90% of FY 18-19 level in FY 23-24. Charges for Services and Other Revenues assumes 2% annual growth for inflation.

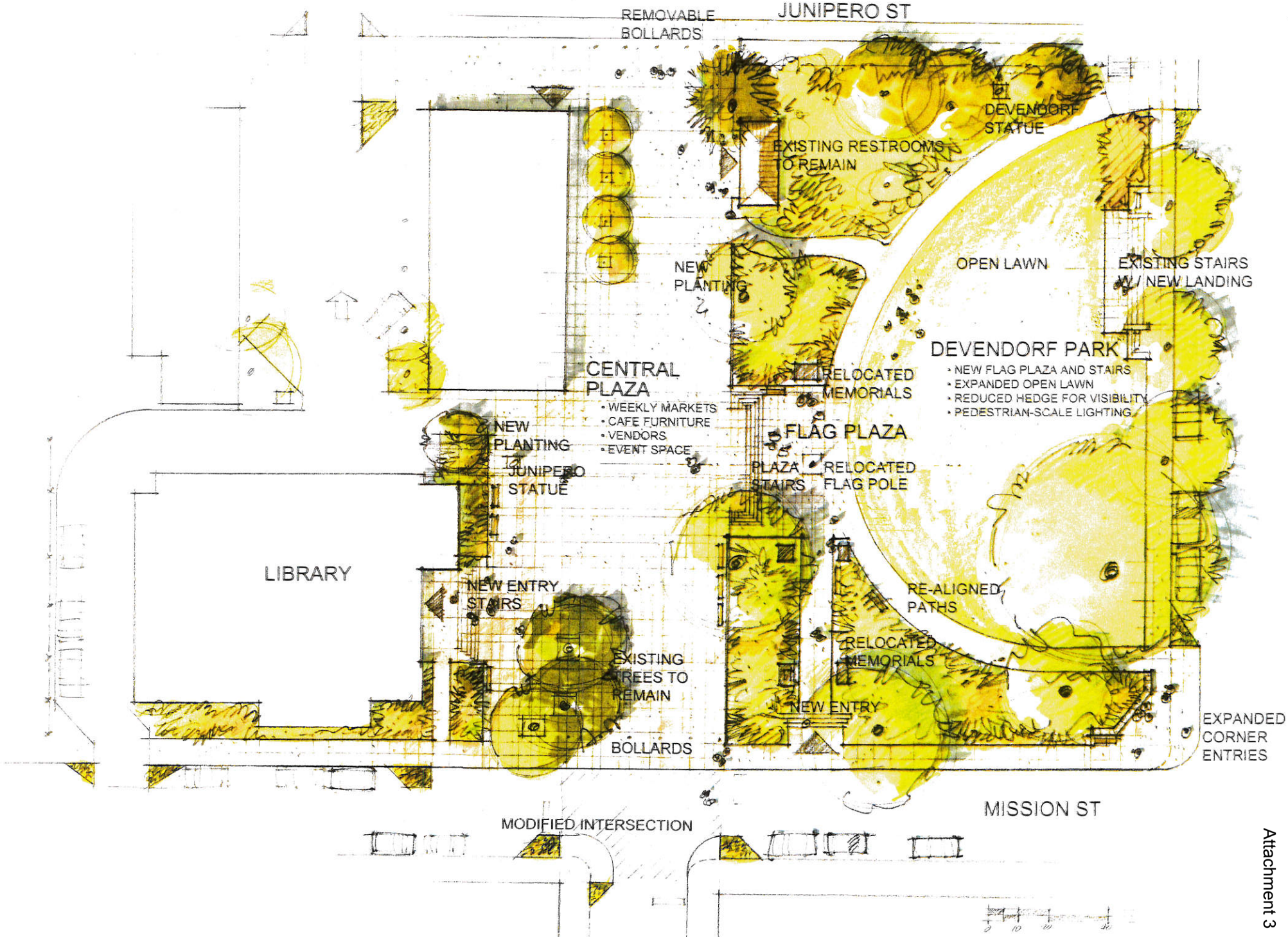
Expenditures: General Fund Operating: Salaries and Benefits in FY 21-22 reflects 8% growth over FY 20-21 budget to account for restoration of FY20-21 voluntary reductions; thereafter reflects 5% annual growth over each prior year's budget. FY 21-22 through FY 25-26 salaries and benefits are based on the FY 20-21 adopted budget funded positions and assumes no increase in staffing. PERS based upon CalPERS actuarial dated July 2020 with additional amount to account for investment loss due to unrealized investment discount rate. Services and supplies assumes 5% annual inflationary growth. Debt: Based on debt schedules. Pension Mitigation: Reflects direction provided by Council on 3/2/21 to set aside funding for pension mitigation options. Capital: Per financial policies, reflects 3.5% of projected revenues.

ATTACHMENT #2 - CIP FOR FY 2021/22

Project No.	Project Description	City Funds	External Funds
	Recommened FY 2021/22 Projects		
1	Annual Paving Project, incl. San Carlos Bike Route, Islands, and Mission Sidewalk	$571,815	$380,797
2	Police Radio Antenna	$200,000	$175,000
3	Public Access to Digital Property Files	$132,500	$0
4	Drainage System Repairs	$100,000	$0
5	Sunset Center Haz Mat Testing, Windows	$60,000	$0
6	Ambulance (5 year lease)	$55,000	$0
7	Libraries Master Plan	$50,000	$0
8	Facility Maintenance Supplement	$50,000	$0
9	22 Police Radios (6 year lease)	$30,000	$0
10	Retention Schedule	$25,000	$0
11	MTNP - Stream Stability Projects, Design, Permits	$20,000	$70,000
12	Forestry Management Plan (Operations)	$20,000	$0
13	ADA Upgrades, Year 4	$15,000	$0
14	PB Library Backup Generator (3CE Loan?)	$15,000	$0
15	Sixth Avenue & Devendorf Plaza (Outreach, Funding)	$0	$0
	TOTAL RECOMMENDED PROJECTS:	**$1,344,315**	**$625,797**

Project No.	Project Description	City Funds	Carry Over from FY	External Funds
	Recommended FY 2021/22 Special Projects			
16	Ocean Ave Medians Split Rail Fence	$0	$0	$55,000
17	Wildfire Risk Assessment Plan (Operations)	$0	$20,000	$0
18	Wayfinding Signs	$0	$0	$18,500
19	North Dunes Habitat Restoration (Operations)	$0	$12,250	$0
20	Carmel Cares Project Oversite	$0	$0	TBD
21	Energy Efficiency Projects (Operations)	$0	$0	TBD
	TOTAL RECOMMENDED SPECIAL PROJECTS:	**$0**	**$32,250**	**$73,500**

Project No.	Project Description	City Funds	External Funds
	ALTERNATE/FUTURE FY PROJECTS		
1	Police Building Renovation	$1,440,000	$0
2	Harrison Memorial Library Renovations (Paint, Carpet)	$300,000	$500,000
3	MTNP Water Well and Tank Removal	$150,000	$0
4	Sea Level Rise/Coastal Engineering Report	$150,000	$0
5	Backup Generator at HML	$60,000	$0
6	Scout House Renovation	$40,000	$0
7	Computer Servers, Resilience	$35,000	$0
8	GIS Development, Phase 2	$20,000	$0
9	Uniterrupted Power Supply	$20,000	$0
10	Stormwater Ordinance	$15,000	$0
	TOTAL ALTERNATE/FUTURE FY PROJECTS	**$2,230,000**	**$500,000**



CARMEL PLAZA

Attachment 3

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
Staff Report

April 6, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Community Planning & Building Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a report on paid parking in Carmel-by-the-Sea, and provide direction to staff on whether to pursue further action on a program in the City

RECOMMENDATION:

Receive a report and provide direction to staff.

BACKGROUND/SUMMARY:

Executive Summary:

Periodically throughout the years, the City of Carmel-by-the sea has explored the concept of paid parking at various levels, including implementation of pilot programs, which ultimately were not made permanent. While undoubtedly a complex and controversial topic, paid parking does have potential merits that warrant revisiting the concept from time to time. This report is intended to provide some history on paid parking in the city, potential benefits and challenges of a program, options to inform what type of paid parking could be explored, and most importantly facilitate a "yes" or "no" direction from Council as to whether staff should further pursue development of a paid parking program at this time.

Discussion:

History

In 1999, at the recommendation of the "Parking 2000 Committee", the City of Carmel-by-the-Sea contracted with Walker Parking Consultants to conduct a parking study for the City (Attachment 1). The resulting study provided ways for the City to regulate parking and traffic in the City through a paid parking program. In 2002, the Planning Commission unanimously approved the implementation of paid parking in the business district based on recommendations from the Walker study. The plan was to install meters on city streets and charge $0.50 cents per half hour, with unlimited parking for residents who purchased a $60 residential sticker. The plan also allowed employees to purchase a $5 permit to park in designated employee-only parking areas. Greg D 'Ambrosia - Assistant City Administrator, was quoted in the September 13-19 2002, Pine Cone as saying; "It raises substantial money (as much as $1.5 million net for the City), and manages many of the historical problems with traffic congestion, noise and other things that have bothered the community and residents for years and years." Although the City set up two streets with

meters as a test program to demonstrate the effectiveness of paid parking, the City ended up removing them and not proceeding with permanent implementation after heavy criticism and opposition from the community.

In 2012, once again, the City Council began to take steps to try and improve downtown traffic and parking issues by approving a $233,000 Capital Improvement Plan to address congestion and parking in the village. In 2013, with those funds, the City again hired Walker Parking Consultants to assess the City's current traffic and parking issues and provide analysis to the City (Attachment 2). The 2013 Walker report offered recommendations to the City for addressing the traffic and parking concerns at the time, which were similar to those mentioned in the 2000 report. The recommendation by Walker was to remove the paid parking in the North Lot of Sunset Center and install paid parking downtown. The Council approved a pilot program to gauge the effectiveness of paid parking. The pilot program consisted of a single meter placed mid-block along each of the ten blocks lining Ocean Avenue. City staff and Council in anticipation of the pilot program conducted multiple public workshops on paid parking as well as stakeholder outreach with businesses through face to face communication and partnering with the Carmel Chamber of commerce. To aid employees, business owners and visitors, all day free parking spaces were created in areas surrounding the business district. This included the removal of the paid parking in the Sunset Center North Lot.

Ultimately, in early 2014, the City Council granted final approval for moving forward with the parking pilot program to include 10 kiosks placed along Ocean Avenue. During the pilot program, the City contracted with concierge personnel to walk along Ocean Avenue and assist motorists with the use of the kiosks. During the pilot program, a significant amount of time was spent to educate users, employees, and business owners. It is important to note that the intent of the 2014 paid parking pilot program was to increase traffic flow, minimize traffic and reduce the number of parking citations being issued to visitors (Council had previously raised the issue about the number of visitors receiving a $25.00 citation for violating parking time limits in the village). Once again, public opposition was strong, and was the driving forces in removing paid parking. In late 2014, the decision was made to eliminate parking meters from the business district and not complete the pilot program as result of a number of business owners and residents who objected to the City installing paid parking. The parking meters in the Sunset Center North lot, which were removed as part of the pilot program to ensure adequate free parking, were never reinstalled. This resulted in an approximately $163,000 loss per year in revenue for the city. Council has since adopted an increase in parking fines from $25.00 to $40.00 for overtime parking violations.

Existing Conditions

Currently, parking is free everywhere in the City of Carmel-by-the-sea. Spaces are either all day, or time-limited (e.g.: "30-minute zone"). Generally, the two areas of the city that see the most visitor use are the greater commercial area and the areas which provide the best beach access. Given the transient nature of these two areas, they could be the most appropriate locations to consider of additional parking regulations, including paid parking. The following is a breakdown of available parking in each of the respective areas:

- **Greater Commercial Area** (Generally Junipero to Casanova; 8th Ave to 4th Ave.)
  - Approximately 1,143 total spaces (not including spaces for disabled persons)
    - (794) - 2 hour spaces
    - (128) - 30 minute spaces
    - (18) - 10 minute spaces
    - (68) - Vista Lobos parking lot
    - (135) - Sunset Center North parking lot
- **Beach Access Areas**
  - Approximately 258 total spaces (not including spaces for disabled persons)
    - (116) – Del Mar Lot (all spaces on Ocean Ave, West of San Antonio)

§ (13) – San Antonio between 4th Ave. and Ocean Ave.
§ (129) – Scenic between Ocean Ave and Martin Way (City limits).

Potential Benefits and Challenges

Paid parking is a complex topic. The following is a summary of the most compelling potential benefits and challenges. If the City Council wishes to further pursue a paid parking program, staff will more deeply explore the areas discussed below, along with others that may arise during research and analysis.

Benefits - Depending on the scope, Implementation of a paid parking program could supplement City revenues annually by over one-million dollars ($1M) based on calculations from the previous Walker Parking reports. This additional revenue could be used to improve services to residents, pay down the City's unfunded liability, maintain strategic reserves, fund deferred capital maintenance projects, or numerous other items to benefit the City of Carmel-by-the-sea. In addition to fiscal benefits, the Walker studies point out that paid parking, as a parking management system, can also help to ease congestion and availability issues in high demand parking areas. Walker concludes that paid parking should not be viewed only as a generator of revenue, but should also be viewed as a way to ensure the availability of parking spaces when and where people need them. The report states that the biggest issue is typically not a lack of parking spaces but an uneven distribution of the demand for parking spaces, which in some cases can be resolved through a paid parking system.

Challenges - Enacting a paid parking program would not be without challenges. First, as evidenced by previous attempts to implement a program, consensus does not exist among members of the public for the best approach. To be successful, a paid parking program would require a great deal of stakeholder outreach and public hearings. Second, a paid parking program also poses regulatory challenges. The Coastal Access and Recreation Element of the City's General Plan (Sections G4-1, P4-1, P4-7, P4-44) and the Zoning Title (Section 17.20.180) contain language about retaining free parking and access to the beach. In early March of this year, City staff reached out to Coastal Commission staff for some preliminary feedback on the concept of paid parking, particularly along the beach. Commission staff felt that converting spaces near the beach to paid parking would be generally inconsistent with the City's Local Coastal Program (LCP), and would not be supportive of the concept. However, Commission staff did state that if 100% of the revenue generated by the paid parking went to improve the beach overlay area of the city it may be more supportable (e.g.: pathway maintenance, dunes landscaping, restroom maintenance, construct boardwalk from Del Mar to 8th Avenue, etc.). Third and finally, execution of the program itself could pose challenges from the perspective of how to actually charge people for parking. If not done properly, parking kiosks could be unsightly and inconsistent with the character of the village. Technology is available that allows transactions to take place completely via smart phones, which removes the need for physical kiosks, but introduces challenges when members of the public may be unfamiliar with or not have access to certain levels of technology.

Options

As previously mentioned, staff is only seeking a "yes" or "no" direction from the City Council at this point as to whether the merits of a paid parking program should be analyzed in detail at this point in time. However, there are options that the Council could consider regarding the type of program the City may be interested in. These options could help to focus staff time if there is a desire to pursue a program. Those options include, but are not limited to:

1. Paid parking in both the commercial and beach access areas – By far, this option would be the most complex and controversial. The interests and concerns relative to parking in these two areas of the city are very different, so a single approach may not be appropriate. In essence, two separate programs would need to be created. The potential fiscal and parking management benefits could be large, but this option would also be the most likely to fail due to complications.

2. Paid parking in the commercial area only – With two previously completed reports by Walker Parking Consultants, and subsequent pilot programs, parking in the commercial area of the City is by far the most well understood. This previous research would provide staff a solid foundation to begin working from. However, as with previous attempts, business owners and residents, have not supported paid parking, stating publically that it falls outside the unique character of Carmel. Based on the history of those pilot programs, public support will be a factor in the successful integration of paid parking in the commercial area.

3. Paid parking in the beach access areas only – The beach access areas provide a unique opportunity to focus a paid parking program in a relatively small area, that regularly has a significant number of visitors. With three discrete areas (Del Mar, San Antonio, and Scenic), a program could be created that provides the benefits of paid parking in some locations, while still retaining free parking in others to maintain unrestricted public coastal access. However, the regulatory challenges are greater in this area, since any changes to public access would require amendments to the City's LCP, and verification of consistency with the General Plan and Zoning.

4. Other – The City Council may wish to explore a differently focused paid parking program, either larger or smaller in scale than the options presented here. Possibilities may include bringing back paid parking in the Sunset Center North Lot and potentially Vista Lobos.

Direction

Staff is seeking the following direction:

1. Is the City Council interested in staff doing further research and analysis on the merits of a paid parking program in the City of Carmel-by-the-sea?
2. If "yes", does the Council have any guidance related to a preferred program based on the options presented in this staff report?
    a. If the Council says "yes", staff recommends pursuing paid parking in the beach access areas only. In staff's opinion, this program would be the most manageable, and has the highest likelihood for success based on the history of paid parking in Carmel-by-the-sea.

ENVIRONMENTAL REVIEW:

Not Applicable. As a report and request for direction only, this action will not result in a direct or indirect physical change in the environment. Nothing is being approved by the City Council at this point. Therefore, the action does not qualify as a "project" as defined in section 15378 of the CEQA Guidelines, and is not subject to environmental review.

FISCAL IMPACT:

Direction from Council on whether to pursue development of a paid parking program at this time has no fiscal impacts on the City. Any staff time associated with this work would be part of the adopted City Budget. If in the future the City Council approved some form of paid parking program, the fiscal impacts would be directly tied to the number of spaces converted, and the rate which was charged. This impact would be discussed in future reports when a program was being considered for approval.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1 - 1999 Walker Parking study
Attachment 2 - 2013 Walker Parking study

Attachment 1

WALKER
PARKING CONSULTANTS

MULTI-SPACE METER PARKING STUDY

CARMEL-BY-THE-SEA, CALIFORNIA

Prepared for:
SCHLUMBERGER
TEST & TRANSACTIONS
MUNICIPALITIES SOLUTIONS

Initial Study
Aug '99

WALKER
PARKING CONSULTANTS

Walker Parking Consultants
2550 Hollywood Way, Suite 303
Burbank, CA 91505

Voice: 818.953.9130
Fax: 818.953.9331
www.walkerparking.com

Attachment 1

August 12, 1999

Greg D'Ambrosio
Assistant City Manager
City of Carmel-By-The-Sea
Carmel, CA 93921

Re: Multi-Space Parking Meter Study
Walker #37-7106.00

Dear Mr. D'Ambrosio:

We are pleased to submit the enclosed Multi-Space Parking Meter Study for the City of Carmel-By-The-Sea. The report was commissioned by Schlumberger Test & Transactions Municipalities Solutions – North America.

We look forward to discussing the report with the committee next Thursday, August 19.

Sincerely,

William E. Francis
Principal

Cc: Wade Bettisworth

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Attachment 1

DOWNTOWN CARMEL BY-THE-SEA

MULTI-SPACE METER PARKING STUDY

WALKER
PARKING CONSULTANTS

PROJECT #37-7106.00/AUGUST 12, 1999

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EXECUTIVE SUMMARY

- Walker Parking Consultants' field personnel conducted parking occupancy counts of all on-street parking spaces (Friday, May 22) and off-street spaces (Tuesday, June 22) in downtown Carmel-By-The-Sea. Peak occupancies reached 88% (on-street) and 70% (off-street).
- The occupancies recorded above would have been even higher on Saturdays or on summer weekdays.
- On-street parking is considered fully occupied when occupancies reach 90%, since it is harder to find the last spaces and motorists hunting for them can create traffic congestion.
- All of the parking in the downtown area (with the exception of the Sunset Center pay lot) is free and most of the spaces are limited to 90 minutes.
- Free parking encourages downtown employees to park in the close-in spaces and move their cars from space to space to avoid a parking citation. This prevents visitors to the downtown area from finding convenient parking.
- Many visitors (when they do find a convenient parking space) want to park longer than the 90 minute limit.
- We have recommended the installation of multi-space parking meters, which (in conjunction with providing permit parking areas for downtown employees) would accomplish the following goals:
    - Increase the availability of convenient downtown parking for visitors to the City;
    - Allow visitors to park for an unlimited time without the fear of receiving a costly parking citation;
    - Provide specific on-street and off-street parking spaces in less convenient areas of downtown for employees at a nominal fee ($5.00 per month);
    - Provide additional income that will allow the City to fund special programs for the benefit of the citizens of Carmel.
- We project that the net operating income from the multi-space meters will be approximately $1,692,000 per year.

DOWNTOWN CARMEL BY-THE-SEA

MULTI-SPACE METER PARKING STUDY

WALKER PARKING CONSULTANTS

PROJECT #37-7106.00/AUGUST 12, 1999

INTRODUCTION

With the authorization of the City of Carmel-By-The-Sea Parking 2000 Committee (Committee), Schlumberger, Test & Transactions, Municipalities Solutions, North America (Schlumberger) commissioned Walker Parking Consultants (Walker) to study the feasibility of installing multi-space meters in downtown Carmel.

Currently all on-street parking in the downtown area is free and most spaces are limited to 90 minutes from the hours of 10:00 a.m. to 6:00 p.m., seven days per week. Most of the on-street spaces are at or near capacity most of the time between the hours of 11:00 a.m. and 5:00 p.m. This problem is partially created by employees parking in the on-street spaces and moving their cars every 90 minutes (or whenever an enforcement officer is seen marking tires).

Walker reviewed previous parking studies completed for the City, reviewed citation history provided by the Police Department, reviewed sales tax information provided by the Chamber of Commerce, met with the Committee, conducted occupancy counts of the on-street and off-street parking, and surveyed comparable cities to determine how they regulated on-street parking.

STUDY AREA

The study area is bounded by 3rd Avenue on the north, Torres Street on the east, 10th Avenue on the South, and Camino Real on the west. A map of the area is provided in Figure 1 on the following page.

ON STREET PARKING OCCUPANCIES

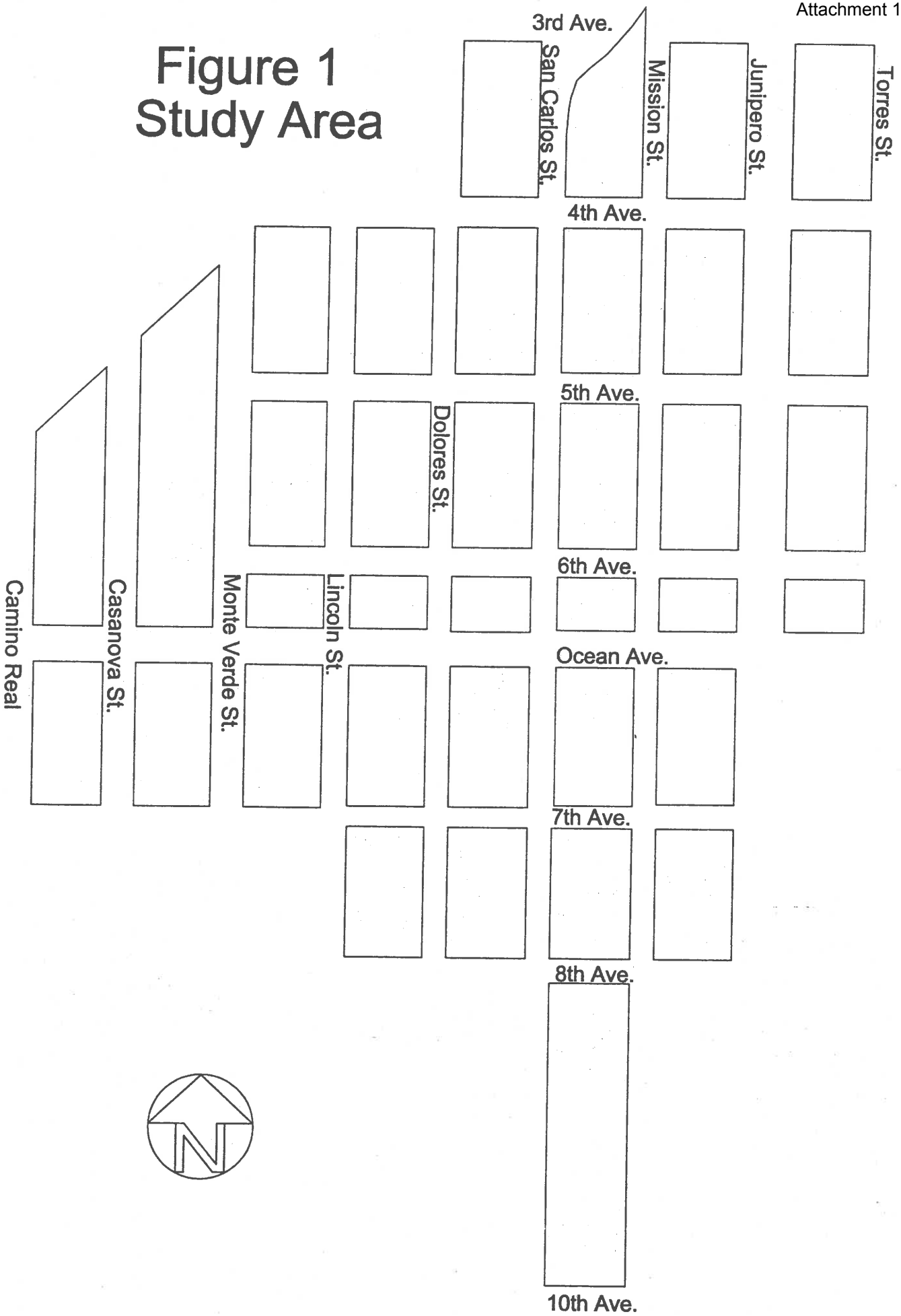
On-street parking occupancy counts were conducted by Walker staff on Friday, May 21 at 11:00 a.m., 2:00 p.m. and 5:00 p.m. A spreadsheet showing the occupancy of each block face in the study area for the three counts is provided in Table A-1 of the Appendix. The following occupancies were recorded for the entire study area: 11:00 a.m. - 88%; 2:00 p.m. - 83%; and 5:00 p.m. - 77%. However, the central area of downtown bounded by 5th Avenue on the north, Mission Street on the east, 7th Avenue on the south, and Monte Verde Street on the west experienced even higher occupancies for the 2:00 p.m. and 5:00 p.m. counts. The following occupancies were recorded for this area: 11:00 a.m. - 85%; 2:00 p.m. - 85%; and 5:00 p.m. - 87%. (Please refer to Table A-2 of the Appendix for a breakdown by street.)

It should be noted that on-street parking is considered fully occupied when it reaches 90% occupancy. This is called the "effective supply" in traffic engineering terms. In other words, the patron may have to search for many minutes in order to find a vacant parking space.

Also, it should be noted that the occupancy counts were taken during a non-peak day and during the off-peak season.

Attachment 1

Figure 1
Study Area



OFF STREET PARKING OCCUPANCIES

Occupancy counts were taken of all off-street parking facilities in the study area on Tuesday, June 22 between the hours of 12:30 p.m. and 3:00 p.m. In addition, three other off-street parking facilities outside the study area were counted. The off-street facilities and the number of spaces for each are provided on Figure 2 on the following page. The off-street parking facilities within the study area were 68% occupied. The three facilities counted that were not in the study area were 75% occupied. The total occupancy of the off-street parking facilities was 580 spaces or 70%. (Please refer to Table A-3 of the Appendix for a breakdown of occupancies by facility.)

TOUR BUS PARKING

Carmel has a total of 10 bus parking spaces located between Ocean Avenue and Seventh Avenue along Junipero Street that are used by tour buses. The spaces are free to the tour bus companies; however, the amount of time for which they may park is restricted to three hours.

SURVEY OF COMPARABLE CITIES

Walker conducted a telephone survey of comparable downtown areas to determine what their policies were regarding on-street, employee and tour bus parking. The complete results of the survey are provided in Table 1 on the following page.

REASONS FOR INSTALLING PARKING METERS

The major motivational factor for most cities that install metered parking is to free-up close-in parking spaces for visitors and shoppers. In order to accomplish this, area employees must be forced to park on the fringe of or outside the downtown area. Merely posting the streets with a one hour, ninety minute or two hour limit does little to keep employees from parking in front of their respective stores. If employees do not see an enforcement officer drive by marking tires, they can park for free and do not have to move their vehicles. If an enforcement officer does mark the vehicle tires on their street, they have from that time until the amount of time allowed (one hour, two hours, etc.) to move their vehicles to another on-street parking space.

The installation of meters deters employees in two ways. First, the cost (even though reasonable for short term stays) becomes expensive over an eight hour day. Second, the enforcement officer does not have to mark tires; therefore, employees have no warning and have to pay the meter each time they park to avoid a citation.

Table 1: Survey of Comparable Cities

City	On-Street Parking	Off-Street Employee Parking	Bus Parking
Santa Cruz	Meters - 1 hr, 2 hrs, 3 hrs, 4 hrs & 8 hrs - .15 + .75 per hour	$16 to $31 per month	Free
Monterey	Meters - 1 hr, 2 hrs, 12 hrs - .25 per hour	$32.50/month, $90/quarter, $324.60/year	Free
Solvang	Free - unlimited time	Free	Free
Pacific Grove	Free - 2 hrs	$65/six months; $120/year	None provided
Newport Beach	Free - 1 hr, 2 hr & 4 hr Meters - .25, .50 and $1.00/hr, various time limits	Free	$14/day
Laguna Beach	Meters - .25 ea. 15 minutes, various time limits	Free	$10/day
Capitola	Free - 2 hrs Meters - .25 ea 25 minutes, various time limits	None	$6/day
Sausalito	Meters - $1.00/hr various time limits	$216/Quarterly	$6/day
La Jolla	Free - 1 hr, 2 hrs, 4 hrs, unlimited	None	None provided

The installation of meters will not only open up additional parking spaces to area visitors, it will allow them to park for more than ninety minutes. The latter will be a tremendous aid to visitors who wish to spend an extended amount of time dining and shopping in the downtown area.

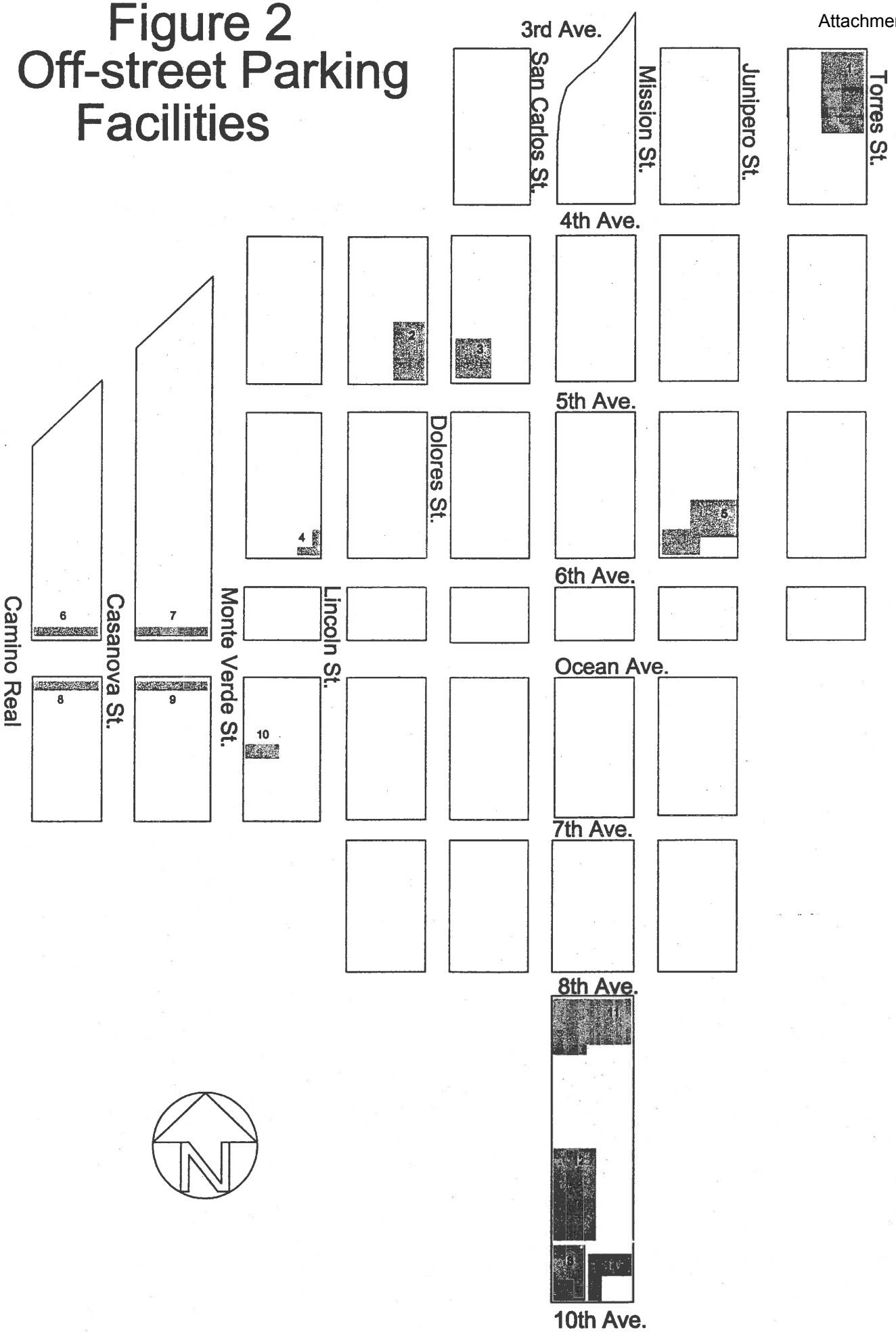
A secondary reason for installing parking meters is that the net income generated from the meters will allow the City to fund programs that will benefit the residents of Carmel. (Income, capital expense and operating expense projections are provided in a later section of this study.)

HOW DO MULTI-SPACE METERS WORK?

Multi-space meters work on basically the same theory as traditional parking meters. However, instead of installing one parking meter per parking space, it is only necessary to install one to three meters per block face. After parking their car, visitors proceed to the nearest multi-space meter. Directions on the rate card of each meter instruct the parkers that they may purchase time by increment by inserting coins, currency, debit card or credit card into the meter. Once the patrons have inserted the proper amount of money for the length of time they

Figure 2
Off-street Parking Facilities

Attachment 1



wish to purchase, a time dated receipt is printed from the meter. Patrons return to their vehicles and place the receipt on the dashboard. The receipt includes the expiration time and date; therefore, an enforcement officer can tell if the time has expired. (A picture of the proposed meters and accompanying specifications are included in the Appendix.)

ADVANTAGES OF MULTI-SPACE METERS

Multi-space meters have several advantages over the traditional parking meters for cities such as Carmel-By-The-Sea.

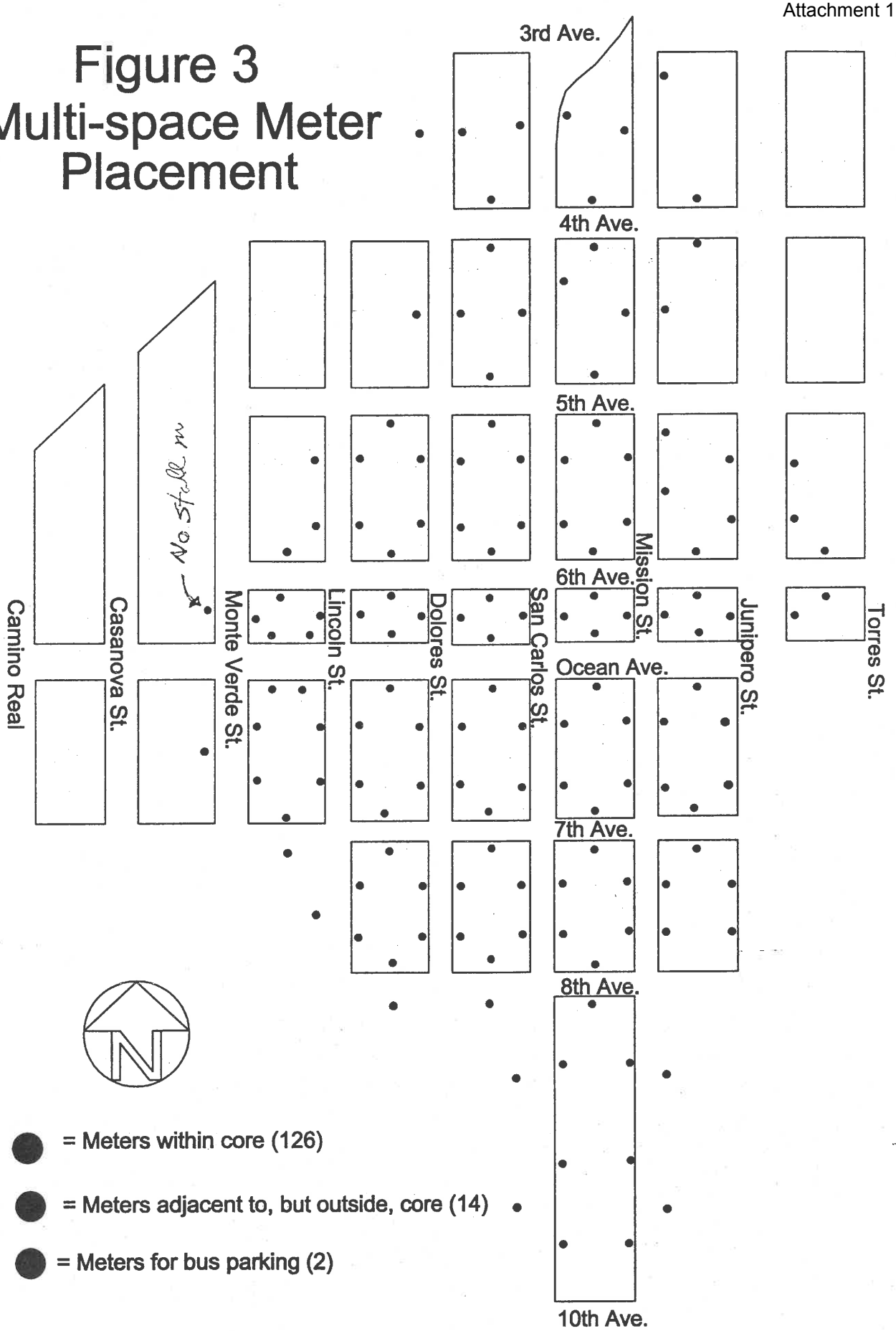
- The number of meters is greatly reduced, which in itself makes them more aesthetically pleasing than the large number of traditional meters that would be needed for the downtown area (140 multi-space meters vs. 1,049 single space meters).
- The multi-space meters can be painted or placed in aesthetically designed housings to blend with the overall architectural features of the city.
- Since fewer meters are required, maintenance and collection costs are less than the traditional meters.
- The multi-space meters allow for more payment options (coin, currency, debit cards and credit cards).
- The multi-space meters allow for more options in purchasing various time increments.
- Multi-space meters may be powered by solar energy, eliminating the installation and operating cost of electricity.
- Patrons can park more than once on the same payment as long as they have not exceeded the expiration time on the parking receipt.
- Income is not lost from patrons parking in a space that has unused time left on the meter, which often happens with traditional parking meters.

MULTI-SPACE METER LOCATIONS

Schlumberger staff surveyed the downtown area and determined the number of multi-space meters that would be needed in order to adequately cover the downtown area. Multi-space meter placements are provided on Figure 3 on the following page. They recommend 140 multi-space meters for the on-street spaces and two meters for the bus spaces. Some of these parking spaces, which will be controlled by the meters depicted by the green dots, are currently unrestricted parking spaces.

Attachment 1

Figure 3
Multi-space Meter Placement



CAPITAL COSTS

Capital cost estimates for purchasing the required amount of multi-space meters for the downtown area are provided in Table 2 below.

Table 2: Capital Cost Estimate

Equipment	Unit Cost[1]	Total Cost
140 Multi-space meters	$8,000	$1,120,000
2 Bus Multi-space meters	10,750	21,500
Utility Van		18,000
Change Counting Equipment		5,000
TOTAL		$1,164,500

[1] Includes installation costs; does not include signage costs or sales tax.

PARKING RATES RECOMMENDATION

We recommend the following parking rates:

- 50 cents per half hour, no time limit for regular parking spaces,
- $10.00 per hour, three hour time limit for bus parking spaces,
- Free parking for disabled accessible parking spaces and commercial and passenger loading zones.

PARKING INCOME PROJECTIONS

Parking income projections are provided in Table 3 below. The projections are based on the following data:

- Parking occupancy and vehicle turnover data from previous parking studies conducted for the city,
- Parking occupancy data from field work performed by Walker for this study,
- Quarterly sales tax information provided by the City,
- Parking citations provided by the Police Department,
- Data provided by the Carmel Business Association.

Our projections do not include additional income that could be generated by the elimination of pavement markings, which restrict the number of automobiles that can park on any block face. Our projections also assume that the loss of income for violators would be off-set by the increase in parking ticket income.

Table 3: Income Projections

Generator		Amount
Vehicles	1,049 spaces X 1.00 per hour per space X 8 hours X 365 days X .67 average occupancy	$2,052,000
Buses	10 spaces X $10 per hour per space X 8 hours X 365 days X .50 average occupancy	146,000
TOTAL		$2,198,000

DISPLACEMENT OF EMPLOYEE PARKERS

The average occupancy of the metered parking spaces (.67) is based on the expected displacement of the majority of employees who are now parking in these spaces and moving their vehicles to avoid parking citations. We expect that many employees will purchase time when they are parking for short periods.

A majority of the displaced employee parkers will be able to be accommodated in the following parking areas:

- North lot at Sunset Center – 137 spaces;
- Vista Lobos parking lot – 68 spaces;
- Junipero Street median, between 3rd & 6th – 87 spaces;
- Junipero Street, between 3rd & 5th – 48 spaces;
- Ocean Avenue, west of Monte Verde and East of Camino Real – 53 spaces.

The 393 spaces referred to above would be made available for employee permit parking only at a cost of $5.00 per month. These spaces will be able to accommodate up to 600 employees since employees work on different days of the week and different hours of the day. The income received from employee permit parking was not included in Table 3 since it would be off-set by the costs for administering the permit system.

OPERATING EXPENSE PROJECTIONS

Annual operating expense projections are provided in Table 4 below. The projections are based on data provided by the City regarding salary ranges and our experience with other cities regarding staffing levels. Projected staffing levels assumes that additional enforcement will be needed in the adjacent residential areas to protect that parking from being encroached upon by the downtown employees.

Table 4: Operating Expense Projections

	Annual Salary [1]	Total
One Parking Enforcement Supervisor	$45,000	$45,000
Five Community Service Officers [2]	39,520	198,000
Finance Specialist [3]		6,000
Parking Receipts		18,000
Multi-space Meter Repairs [4]		38,000
Amortization of Capital Costs [5]		201,000
TOTAL		$506,000

[1] Includes benefits

[2] In addition to the three officers who are currently working in this area.

[3] Additional salary and benefits to convert one Finance Specialist from part time to fulltime.

[4] 3% of purchase price

[5] $1,164,500 (total capital costs) amortized over a 7 year period; at 6% interest

APPENDIX

Table A-1
On-Street Parking Occupancy
Friday, May 21

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Torres St.	3rd	4th	East	6	2	33%	2	33%	1	17%
	3rd	4th	West	9	6	67%	6	67%	2	22%
	4th	5th	East	5	4	80%	5	100%	5	100%
	4th	5th	West	6	4	67%	5	83%	3	50%
	5th	6th	East	9	9	100%	7	78%	2	22%
	5th	6th	West	12	12	100%	12	100%	3	25%
	6th	Ocean	East	4	3	75%	2	50%	3	75%
	6th	Ocean	West	0	0	0%	0	0%	0	0%
Subtotal				51	40	78%	39	76%	19	37%
Junipero Ave.	3rd	4th	East	13	13	100%	10	77%	6	46%
	3rd	4th	West	9	4	44%	5	56%	2	22%
	Center Island		East	10	10	100%	9	90%	7	70%
	Center Island		West	12	12	100%	10	83%	7	58%
	4th	5th	East	16	5	31%	4	25%	4	25%
	4th	5th	West	10	8	80%	7	70%	3	30%
	Center Island		East	15	14	93%	13	87%	10	67%
	Center Island			16	16	100%	15	94%	14	88%
	5th	6th	East	12	11	92%	10	83%	7	58%
	5th	6th	West	12	10	83%	10	83%	9	75%
	Center Island		East	17	17	100%	17	100%	13	76%
	Center Island		West	17	16	94%	15	88%	12	71%
	6th	Ocean	East	5	5	100%	3	60%	3	60%
	6th	Ocean	West	6	5	83%	4	67%	4	67%
	Ocean	7th	East	12	12	100%	12	100%	11	92%
	Ocean	7th	West	2	1	50%	2	100%	0	0%
	7th	8th	East	12	12	100%	11	92%	8	67%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Junipero Ave.	7th	8th	West	26	25	96%	26	100%	18	69%
Subtotal				222	196	88%	183	82%	138	62%
Mission St.	3rd	4th	East	14	13	93%	7	50%	8	57%
	3rd	4th	West	11	11	100%	8	73%	5	45%
	4th	5th	East	7	7	100%	6	86%	7	100%
	4th	5th	West	12	12	100%	10	83%	11	92%
	5th	6th	East	13	13	100%	13	100%	13	100%
	5th	6th	West	17	17	100%	15	88%	14	82%
	6th	Ocean	East	5	5	100%	4	80%	5	100%
	6th	Ocean	West	5	5	100%	5	100%	4	80%
	Ocean	7th	East	17	15	88%	13	76%	16	94%
Mission St.	Ocean	7th	West	17	16	94%	16	94%	17	100%
	7th	8th	East	14	12	86%	13	93%	13	93%
	7th	8th	West	15	13	87%	12	80%	15	100%
Subtotal				147	139	95%	122	83%	128	87%
San Carlos St.	3rd	4th	East	5	5	100%	3	60%	5	100%
	3rd	4th	West	13	13	100%	9	69%	7	54%
	4th	5th	East	13	13	100%	11	85%	12	92%
	4th	5th	West	13	13	100%	11	85%	11	85%
	5th	6th	East	15	15	100%	10	67%	14	93%
	5th	6th	West	17	17	100%	14	82%	16	94%
	6th	Ocean	East	4	2	50%	0	0%	4	100%
	6th	Ocean	West	5	4	80%	0	0%	5	100%
	Ocean	7th	East	10	6	60%	4	40%	5	50%
	Ocean	7th	West	16	15	94%	14	88%	14	88%
	7th	8th	East	17	17	100%	12	71%	16	94%
	7th	8th	West	13	12	92%	10	77%	13	100%
Subtotal				141	132	94%	98	70%	122	87%
Dolores St.	3rd	4th	East	0	0	0%	0	0%	0	0%
	3rd	4th	West	7	7	100%	7	100%	1	14%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Dolores St.	4th	5th	East	11	10	91%	8	73%	6	55%
	4th	5th	West	15	13	87%	14	93%	12	80%
	5th	6th	East	16	16	100%	13	81%	15	94%
	5th	6th	West	18	18	100%	13	72%	14	78%
	6th	Ocean	East	4	4	100%	0	0%	4	100%
	6th	Ocean	West	4	4	100%	0	0%	4	100%
	Ocean	7th	East	17	13	76%	15	88%	14	82%
	Ocean	7th	West	15	14	93%	14	93%	14	93%
	7th	8th	East	15	15	100%	14	93%	15	100%
	7th	8th	West	16	15	94%	11	69%	14	88%
Subtotal				138	129	93%	109	79%	113	82%
Lincoln St.	5th	6th	East	11	10	91%	11	100%	11	100%
	5th	6th	West	3	2	67%	2	67%	1	33%
	6th	Ocean	East	6	3	50%	4	67%	5	83%
	6th	Ocean	West	3	3	100%	3	100%	3	100%
	Ocean	7th	East	18	17	94%	16	89%	17	94%
	Ocean	7th	West	18	18	100%	17	94%	18	100%
	7th	8th	East	16	15	94%	15	94%	15	94%
	7th	8th	West	14	14	100%	12	86%	14	100%
Subtotal				89	82	92%	80	90%	84	94%
Monte Verde	6th	Ocean	East	5	5	100%	5	100%	5	100%
	6th	Ocean	West	6	5	83%	5	83%	5	83%
	Ocean	7th	East	13	11	85%	12	92%	12	92%
	Ocean	7th	West	13	13	100%	11	85%	13	100%
	7th	8th	East	14	14	100%	14	100%	11	79%
	7th	8th	West	12	12	100%	10	83%	11	92%
Subtotal				63	60	95%	57	90%	57	90%
Third Ave.	Torres	Junipero	South	0	0	0%	0	0%	0	0%
	Junipero	Mission	South	7	7	100%	5	71%	6	86%
Subtotal				7	7	100%	5	71%	6	86%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Fourth Ave.	Torres	Junipero	North	3	3	100%	3	100%	3	100%
	Torres	Junipero	South	8	7	88%	5	63%	3	38%
	Junipero	Mission	North	6	3	50%	2	33%	2	33%
	Junipero	Mission	South	7	7	100%	3	43%	2	29%
	Mission	San Carlos	North	7	4	57%	6	86%	2	29%
	Mission	San Carlos	South	5	5	100%	4	80%	3	60%
	San Carlos	Dolores	North	6	6	100%	6	100%	4	67%
	San Carlos	Dolores	South	6	6	100%	6	100%	3	50%
	Dolores	Lincoln	North	7	7	100%	7	100%	4	57%
	Dolores	Lincoln	South	2	2	100%	2	100%	0	0%
Subtotal				57	50	88%	44	77%	26	46%
Fifth Ave.	Torres	Junipero	North	5	5	100%	5	100%	4	80%
	Torres	Junipero	South	4	4	100%	4	100%	4	100%
	Junipero	Mission	North	3	2	67%	3	100%	4	133%
	Junipero	Mission	South	0	0	0%	0	0%	0	0%
	Mission	San Carlos	North	6	4	67%	6	100%	5	83%
	Mission	San Carlos	South	7	4	57%	7	100%	7	100%
	San Carlos	Dolores	North	4	4	100%	4	100%	2	50%
	San Carlos	Dolores	South	6	4	67%	5	83%	4	67%
	Dolores	Lincoln	North	3	3	100%	3	100%	3	100%
	Dolores	Lincoln	South	6	6	100%	5	83%	6	100%
	Lincoln	Monte Verde	North	7	7	100%	7	100%	5	71%
	Lincoln	Monte Verde	South	4	3	75%	4	100%	2	50%
Subtotal				55	46	84%	53	96%	46	84%
Sixth Ave.	Torres	Junipero	North	5	5	100%	5	100%	3	60%
	Torres	Junipero	South	9	3	33%	9	100%	3	33%
	Junipero	Mission	North	8	8	100%	8	100%	5	63%
	Junipero	Mission	South	7	7	100%	6	86%	6	86%
	Mission	San Carlos	North	0	0	0%	0	0%	0	0%
	Mission	San Carlos	South	6	3	50%	4	67%	3	50%
	San Carlos	Dolores	North	6	0	0%	6	100%	4	67%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Sixth Ave.	San Carlos	Dolores	South	8	1	13%	8	100%	6	75%
	Dolores	Lincoln	North	9	9	100%	8	89%	8	89%
	Dolores	Lincoln	South	8	8	100%	7	88%	7	88%
	Lincoln	Monte Verde	North	9	9	100%	7	78%	7	78%
	Lincoln	Monte Verde	South	9	7	78%	8	89%	8	89%
Subtotal				84	60	71%	76	90%	60	71%
Ocean	Junipero	Mission	North	10	10	100%	10	100%	10	100%
	Junipero	Mission	South	10	9	90%	9	90%	10	100%
	Mission	San Carlos	North	10	10	100%	10	100%	10	100%
	Mission	San Carlos	South	10	7	70%	9	90%	10	100%
	San Carlos	Dolores	North	10	10	100%	9	90%	10	100%
	San Carlos	Dolores	South	9	9	100%	8	89%	3	33%
	Dolores	Lincoln	North	10	9	90%	10	100%	9	90%
	Dolores	Lincoln	South	9	7	78%	9	100%	3	33%
	Lincoln	Monte Verde	North	10	9	90%	8	80%	10	100%
	Lincoln	Monte Verde	South	10	9	90%	10	100%	9	90%
Subtotal				98	89	91%	92	94%	84	86%
Seventh Ave.	Junipero	Mission	North	7	4	57%	6	86%	7	100%
	Junipero	Mission	South	7	2	29%	5	71%	6	86%
	Mission	San Carlos	North	9	6	67%	7	78%	5	56%
	Mission	San Carlos	South	7	6	86%	5	71%	6	86%
	San Carlos	Dolores	North	8	7	88%	8	100%	8	100%
	San Carlos	Dolores	South	8	7	88%	7	88%	7	88%
	Dolores	Lincoln	North	9	6	67%	9	100%	9	100%
	Dolores	Lincoln	South	7	5	71%	7	100%	7	100%
	Lincoln	Monte Verde	North	7	4	57%	5	71%	6	86%
	Lincoln	Monte Verde	South	9	3	33%	7	78%	5	56%
Subtotal				78	50	64%	66	85%	66	85%
Eight Ave.	Junipero	Mission	North	0	0	0%	0	0%	0	0%
	Junipero	Mission	South	4	4	100%	4	100%	3	75%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Eight Ave.	Mission	San Carlos	North	8	8	100%	6	75%	6	75%
	Mission	San Carlos	South	7	6	86%	7	100%	6	86%
	San Carlos	Dolores	North	8	8	100%	4	50%	3	38%
	San Carlos	Dolores	South	7	7	100%	7	100%	6	86%
	Dolores	Lincoln	North	5	2	40%	5	100%	6	120%
	Dolores	Lincoln	South	7	7	100%	7	100%	6	86%
	Lincoln	Monte Verde	North	8	6	75%	8	100%	5	63%
Subtotal				54	48	89%	48	89%	41	76%
Grand Total				1284	1128	88%	1072	83%	990	77%

Attachment 1

Table A-2
On-Street Parking Occupancy
Friday, May 21

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Mission St.	5th	6th	East	13	13	100%	13	100%	13	100%
	5th	6th	West	17	17	100%	15	88%	14	82%
	6th	Ocean	East	5	5	100%	4	80%	5	100%
	6th	Ocean	West	5	5	100%	5	100%	4	80%
	Ocean	7th	West	17	16	94%	16	94%	17	100%
Subtotal				57	56	98%	53	93%	53	93%
San Carlos St.	5th	6th	East	15	15	100%	10	67%	14	93%
	5th	6th	West	17	17	100%	14	82%	16	94%
	6th	Ocean	East	4	2	50%	0	0%	4	100%
	6th	Ocean	West	5	4	80%	0	0%	5	100%
	Ocean	7th	East	10	6	60%	4	40%	5	50%
	Ocean	7th	West	16	15	94%	14	88%	14	88%
Subtotal				67	59	88%	42	63%	58	87%
Dolores St.	5th	6th	East	16	16	100%	13	81%	15	94%
	5th	6th	West	18	18	100%	13	72%	14	78%
	6th	Ocean	East	4	4	100%	0	0%	4	100%
	6th	Ocean	West	4	4	100%	0	0%	4	100%
	Ocean	7th	East	17	13	76%	15	88%	14	82%
	Ocean	7th	West	15	14	93%	14	93%	14	93%
Subtotal				74	69	93%	55	74%	65	88%
Lincoln St.	5th	6th	East	11	10	91%	11	100%	11	100%
	5th	6th	West	3	2	67%	2	67%	1	33%
	6th	Ocean	East	6	3	50%	4	67%	5	83%
	6th	Ocean	West	3	3	100%	3	100%	3	100%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Lincoln St.	Ocean	7th	East	18	17	94%	16	89%	17	94%
	Ocean	7th	West	18	18	100%	17	94%	18	100%
Subtotal				59	53	90%	53	90%	55	93%
Monte Verde	6th	Ocean	East	5	5	100%	5	100%	5	100%
	6th	Ocean	West	6	5	83%	5	83%	5	83%
	Ocean	7th	East	13	11	85%	12	92%	12	92%
	Ocean	7th	West	13	13	100%	11	85%	13	100%
Subtotal				37	34	92%	33	89%	35	95%
Fifth Ave.	Mission	San Carlos	North	6	4	67%	6	100%	5	83%
	Mission	San Carlos	South	7	4	57%	7	100%	7	100%
	San Carlos	Dolores	North	4	4	100%	4	100%	2	50%
	San Carlos	Dolores	South	6	4	67%	5	83%	4	67%
	Dolores	Lincoln	North	3	3	100%	3	100%	3	100%
	Dolores	Lincoln	South	6	6	100%	5	83%	6	100%
	Lincoln	Monte Verd	North	7	7	100%	7	100%	5	71%
	Lincoln	Monte Verd	South	4	3	75%	4	100%	2	50%
Subtotal				43	35	81%	41	95%	34	79%
Sixth Ave.	Mission	San Carlos	North	0	0	0%	0	0%	0	0%
	Mission	San Carlos	South	6	3	50%	4	67%	3	50%
	San Carlos	Dolores	North	6	0	0%	6	100%	4	67%
	San Carlos	Dolores	South	8	1	13%	8	100%	6	75%
	Lincoln	Monte Verd	North	9	9	100%	7	78%	7	78%
	Lincoln	Monte Verd	South	9	7	78%	8	89%	8	89%
Subtotal				38	20	53%	33	87%	28	74%
Ocean	Mission	San Carlos	North	10	10	100%	10	100%	10	100%
	Mission	San Carlos	South	10	7	70%	9	90%	10	100%
	San Carlos	Dolores	North	10	10	100%	9	90%	10	100%
	San Carlos	Dolores	South	9	9	100%	8	89%	3	33%
	Dolores	Lincoln	North	10	9	90%	10	100%	9	90%

Attachment 1

Location	From	To	Side	Total Spaces	Occupied					
					11:00 a.m.	%	2:00 p.m.	%	5:00 p.m.	%
Ocean	Dolores	Lincoln	South	9	7	78%	9	100%	3	33%
	Lincoln	Monte Verd	North	10	9	90%	8	80%	10	100%
	Lincoln	Monte Verd	South	10	9	90%	10	100%	9	90%
Subtotal				78	70	90%	73	94%	64	82%
Seventh St.	Mission	San Carlos	South	7	6	86%	5	71%	6	86%
	San Carlos	Dolores	North	8	7	88%	8	100%	8	100%
	San Carlos	Dolores	South	8	7	88%	7	88%	7	88%
	Dolores	Lincoln	North	9	6	67%	9	100%	9	100%
	Dolores	Lincoln	South	7	5	71%	7	100%	7	100%
	Lincoln	Monte Verd	North	7	4	57%	5	71%	6	86%
	Lincoln	Monte Verd	South	9	3	33%	7	78%	5	56%
Subtotal				55	38	69%	48	87%	48	87%
Grand Total				508	434	85%	431	85%	440	87%

Attachment 1

Table A-3
Off-Street Parking Facilities
Parking Occupancy Counts
(Tuesday June 22)

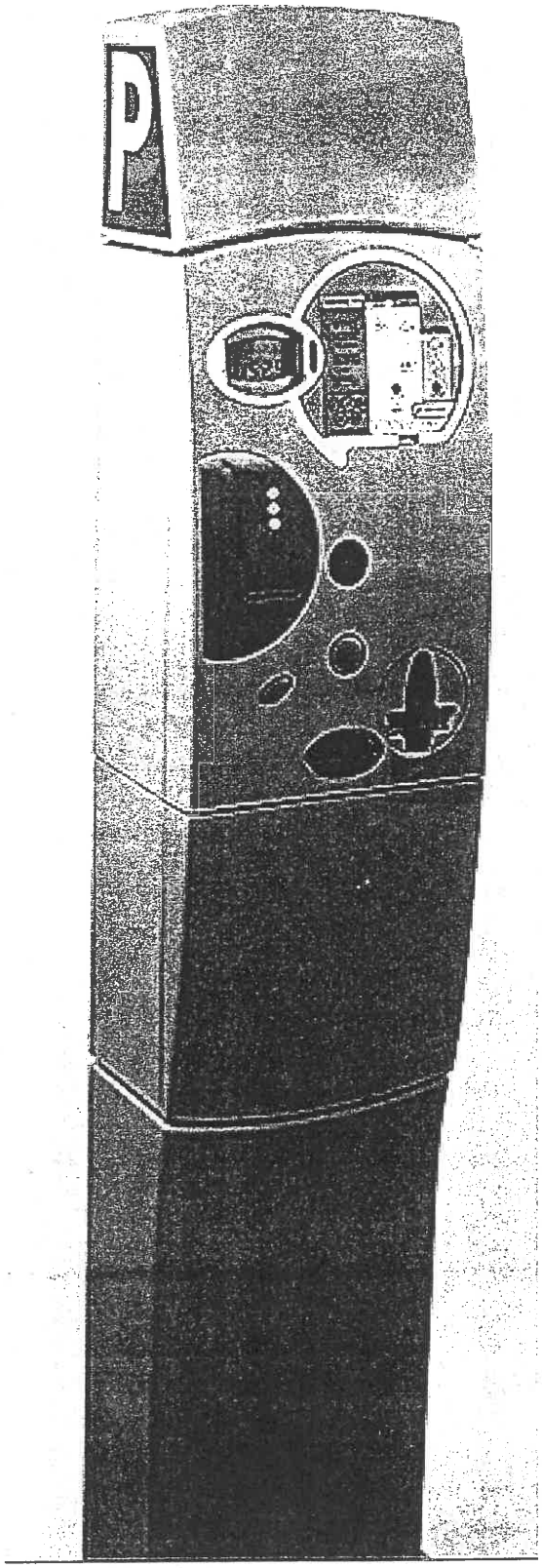
Map No.	Lot Name	Total Spaces	Occupied Spaces	% Occupied	Time
1	Vista Lobos	68	45	66.2%	3:00 PM
5	Harrison	19	15	78.9%	1:23 PM
11	Sunset Center	137	65	47.4%	12:55 PM
12	Sunset Center	34	30	88.2%	1:12 PM
14	Sunset Center	30	12	40.0%	1:05 PM
13	Sunset Center	18	6	33.3%	1:10 PM
13 [1]	Sunset Center	129	112	86.8%	2:05 PM
3	Post Office	18	12	66.7%	1:30 PM
2	Norton Court	37	19	51.4%	1:40 PM
4	Harrison Library	5	4	80.0%	1:50 PM
10	City Hall	9	8	88.9%	1:54 PM
7	Ocean Ave.	17	17	100.0%	12:30 PM
9	Ocean Ave.	12	12	100.0%	12:32 PM
6	Ocean Ave.	10	10	100.0%	12:35 PM
8	Ocean Ave.	14	12	85.7%	12:38 PM
Subtotal		557	379	68.0%	
a	Beach & Ocean Ave	122	112	91.8%	2:30 PM
b	Scenic Road (Ocean to City Limits)	127	87	68.5%	2:35 PM
c	Forest Theater	18	2	11.1%	2:55 PM
Subtotal [2]		267	201	75.3%	
Grand Total		824	580	70.4%	

[1] Streets surrounding Sunset Center; no time restrictions

[2] Lots a, b and c are outside the study area and not on the Area Map.

STELIO

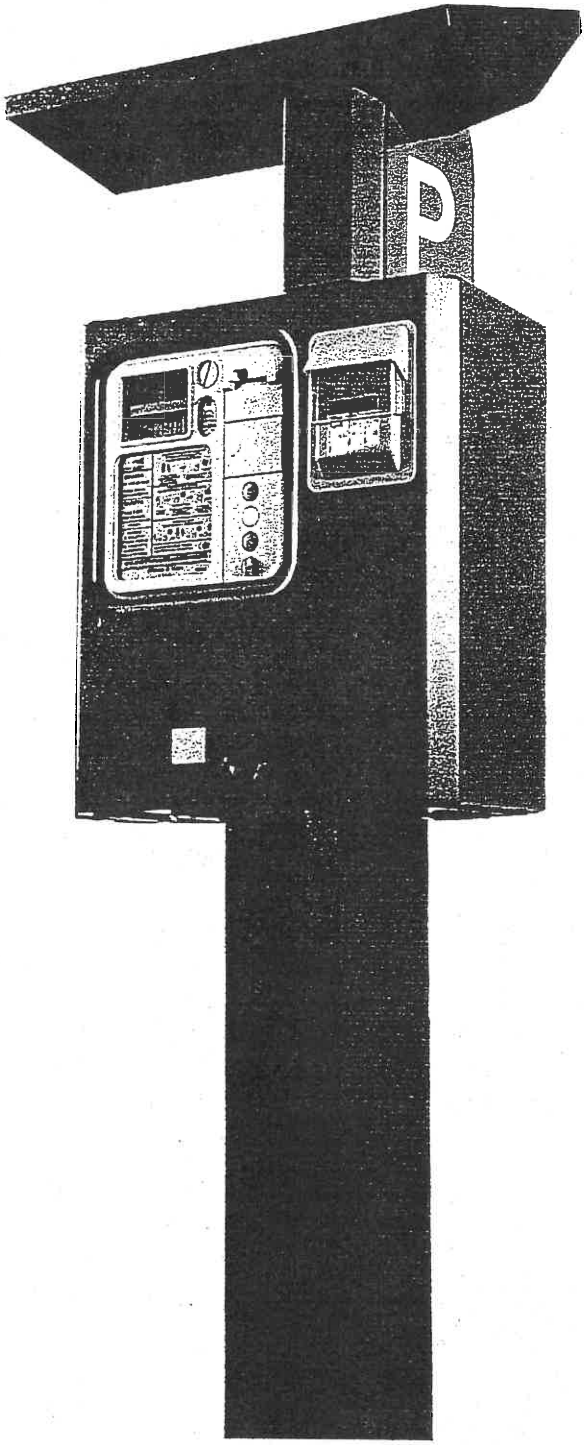
On-Street Parking Control



Attachment 1

PARKMASTER

Bus-Zone Parking Control



Attachment 1

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Attachment 1

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Kennesaw, GA 30144
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Austin, TX 78701
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BOSTON
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Boston, MA 02116
617.350.5040

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Tel: 415.644.0630
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www.walkerparking.com

October 28, 2013

Police Chief and Public Safety Director Michael Calhoun
City of Carmel-by-the-Sea Police Department
P.O. Box 600 (Southeast Junipero and Fourth Avenue)
Carmel-by-the-Sea, California 93921

Re: Downtown Parking Analysis and Parking Recommendations - Draft
Carmel-by-the-Sea, California

Dear Chief Calhoun:

Thank you very much for the opportunity to perform this study for you and the City of Carmel-by-the-Sea. Please find attached our draft findings and analysis of parking conditions in Carmel-by-the-Sea's downtown commercial district along with recommendations for managing the busy parking system.

This report contains a significant amount of data that we collected (which we detail in the appendices to the report) along with summaries and recommendations. We look forward to discussing the report with you and receiving your feedback at your earliest convenience.

Thank you very much again.

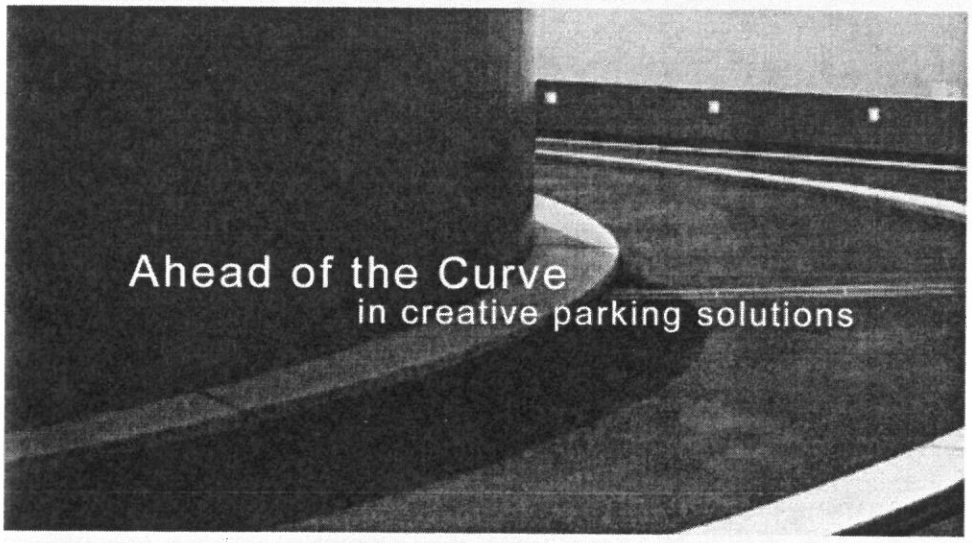
Sincerely,

WALKER PARKING CONSULTANTS

Steffen Turoff
Project Manager

ST:dpa

Attachment 2



DRAFT

PARKING ANALYSIS AND RECOMMENDATIONS

CARMEL-BY-THE-SEA, CALIFORNIA

Prepared for:
CITY OF CARMEL-BY-THE-SEA

OCTOBER 28, 2013

WALKER
PARKING CONSULTANTS

DRAFT PARKING ANALYSIS AND RECOMMENDATIONS

CARMEL-BY-THE-SEA

WALKER PARKING CONSULTANTS

OCTOBER 28, 2013 33-1758.00

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Draft

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DRAFT PARKING ANALYSIS AND RECOMMENDATIONS

CARMEL-BY-THE-SEA

WALKER PARKING CONSULTANTS

OCTOBER 28, 2013

33-1758.00

EXECUTIVE SUMMARY

Walker Parking Consultants (Walker) conducted a quantitative analysis of parking demand and supply in the downtown district of Carmel-by-the-Sea. Among our quantitative findings were the following:

- Peak parking demand was observed on a weekend (Saturday) afternoon during which time the occupancy rate for the combined on- and off-street parking system was 87%.
- The on-street parking occupancy during the (Saturday afternoon) peak was 90% but approximately two-thirds of the blocks in the area studied exceeded 90% occupancy during the peak, effectively resulting in a lack of available on-street parking along most streets in the commercial core. Peak occupancy conditions during the weekday count were essentially the same for on-street parking though lower for off-street parking.
- The on-street parking supply of two-hour and unrestricted parking spaces was found to have a deficit of 70± spaces during the peak.
- During the lunch time peak, 39 of 92 parking spaces surveyed hourly along Ocean Avenue and Dolores Street were occupied by cars staying 3+ hours, this despite time limits ranging from 30 minutes to two hours. 24 of these spaces were occupied by cars staying 4+ hours; we conclude from this data that, despite a diligent enforcement effort, long-term parkers are occupying a significant number of spaces designated for visitors and customers.
- Even during the periods of the highest parking occupancy rates, parking spaces were found to be available in City-owned off-street parking facilities and on-street parking spaces not in the immediate center of the commercial district.
- Carmel-by-the-Sea's parking challenges are more an issue of an imbalance of parking demand rather than a shortage of spaces; available spaces exist but proper policies are needed to redistribute parking demand and increase the availability of parking spaces in the busiest locations.

Draft

The overall, peak occupancy rate of the parking system in Downtown Carmel is among the highest we have observed among the dozens of parking demand studies that Walker has performed in commercial districts throughout California. Recent improvements in parking enforcement technology would provide the City with a greater ability to enforce existing parking restrictions, however paid parking, even if implemented only in those spaces experiencing the highest demand, would result in better management of the parking system overall (and could lower "ticket anxiety" for Carmel-by-the-Sea visitors). All of the comparable California coastal cities Walker surveyed for this assignment have implemented paid parking to better manage their parking systems.

While the aesthetic requirements of the City may make the implementation of paid parking more challenging than in other cities, new technologies could help mitigate the impact of paid parking on the streetscape.

The current parking occupancy conditions suggest that during busy periods, visitors are likely to have difficulty in finding an available parking space when visiting Carmel-by-the-Sea, resulting in a significant amount of traffic generated by visitors not driving to their destination

CURRENT PARKING CONDITIONS ANALYSIS

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DRAFT PARKING ANALYSIS AND RECOMMENDATIONS

CARMEL-BY-THE-SEA

WALKER PARKING CONSULTANTS

OCTOBER 28, 2013 33-1758.00

Table 1: Parking Space Inventory by Type

Spaces by Location and Control	Spaces	% Total
On-street	1,511	78%
Off-street City controlled[A]	312	16%
Off-street privately controlled, publicly available[B]	106	5%
Total Study Area Parking Supply	1,929	100%

[A]Includes the Vista Lobos, Sunset Center, City Hall, Harrison Park Branch Library and Post Office parking lots.

[B]Carmel Plaza.

Source: Walker Parking Consultants, 2013

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Table 2: Summary of On-Street Parking Space Inventory

	On Street Parking Spaces by Type						
	2 hr	30 min	10 min	Loading	Other*	No Time Restriction**	Total
Study Area Total	794	128	18	26	39	506	1,511

* Other includes, spaces reserved for police vehicles, spaces reserved for buses, ADA spaces, library patron spaces, and spaces timed for 60 and 90 minutes.

**Including spaces subject to residential parking permit requirements.

Source: *Walker Parking Consultants, 2013*

Table 3: Summary of Off-Street Parking Space Inventory

Number of Spaces by Type			
Reserved	ADA	Unreserved	Total
16	16	386	418

Source: Walker Parking Consultants, 2013

OCCUPANCY COUNTS

Field staff performed occupancy counts in the study area on Thursday, July 11, 2013 and on Saturday, July 13, 2013 in order to identify peak weekday and weekend parking conditions. The counts began at 11:30 AM, 2:30 PM, and 5:30 PM in order to capture parking demand during lunch time, midafternoon and the dinner hour. Based on our experience, at least one of these times would reflect peak parking conditions in a commercial district with Carmel-by-the-Sea's characteristics. A space was marked as occupied if a vehicle were parked in it or if the space was otherwise unavailable.

Table 4: Summary of District-wide Parking Demand

Space Type		On Street		Off Street		Study Area Total	
Number of Spaces		1,511 spaces		418 spaces		1,929 spaces	
Date of Count	Time of Count	Number of Cars	Occupancy Percentage	Number of Cars	Occupancy Percentage	Number of Cars	Occupancy Percentage
Thursday July 11, 2013	11:00 AM	1,347	89%	208	50%	1,555	81%
	2:00 PM	1,260	83%	229	55%	1,489	77%
	5:00 PM	1,148	76%	245	59%	1,393	72%
Saturday July 13, 2013	11:00 AM	1,214	80%	177	42%	1,391	72%
	2:00 PM	**1,365**	**90%**	**305**	**73%**	**1,670**	**87%**
	5:00 PM	1,313	87%	240	57%	1,553	81%

Source: *Walker Parking Consultants, 2013*

The overall peak parking demand for the study area occurred during the 2:30 PM count on Saturday. During that interval, 87% of the available parking spaces were occupied, including 90% of on-street and 73% of the off-street spaces surveyed. While 2:30 PM on Saturday represented the time of peak parking demand we note the demand for on-street spaces varied little from the peak observed on the weekday or on Saturday afternoon. However, the demand for off-street spaces varied considerably more.

Table 4 suggests that the parking system overall has enough parking spaces to accommodate peak demand, not to mention more typical demand.[1] However, further analysis of the data suggests widespread areas of on-street parking were effectively not available. Meanwhile, at least 100 off-street parking spaces were observed to be available during the peak. The lack of availability of some spaces occurring at the same time that availability is observed in other spaces, particularly off-street spaces, suggests an imbalance of parking and not necessarily a shortage of parking spaces that could be remedied with the creation of more supply.

[1] It is worth noting that within the Goals and Objectives of the City's General Plan, it is stated "avoid overbuilding parking capacity by using average demand factors instead of peak demand when establishing parking requirements." (O2-5 P2-27). We note that this pragmatic approach should be considered when managing parking demand in the City's commercial district as a whole as well.

EFFECTIVE SUPPLY

It is unrealistic to expect parkers to search for and find the last available parking spaces without experiencing significant frustration and perceiving that parking is inadequate. A margin of extra spaces in the supply minimizes circulation problems so that drivers can find spaces in a reasonable amount of time.

At the same time, an evaluation of a parking system needs to account for factors that can reduce the number of spaces available to the parking public. In an imperfect world, drivers sometimes "mispark," taking up more than one space when they park. Some vehicles are so large that they do not fit into one stall. Workers performing routine work or maintenance on the street, in a parking lot or a nearby facility may need additional spaces for their equipment and their safety.

To account for these factors, Walker Parking Consultants assesses the adequacy of a parking system by incorporating a "cushion" into the parking supply. This cushion, or effective supply factor, lowers the calculated number of available parking spaces.

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Visitors in particular, who by definition are less familiar with the area in which they are parking, need to be able to find spaces in a conveniently located, well-marked area. The effective parking supply factor thus allows for a more efficient use of a parking facility. The calculation of the effective supply factor for the study area requires careful consideration of several factors.

These factors include the size of the parking system, the type of spaces, the users' familiarity with the system, and the level of turnover. Typically parking spaces purposed primarily for employees need a smaller effective supply factor than spaces intended for visitors. Visitors are less familiar with the parking system tend to have higher turnover rates over the course of a day. They are more likely to park in different places and on different days.

Conversely, drivers familiar with the area tend to park more efficiently. This tendency is because members of these groups park in the location on a daily basis, are more familiar with the parking system, typically use the same parking areas each day, and frequently park in one place all day. As a result, on the one hand, they create less congestion. On the other hand, when they occupy a parking space, one long-term parker parked all day can prevent many short-term parkers from finding a space.

The effective supply factor applied to parking spaces can also be a function of the expectations of drivers and the desirability of the destination. In a high-demand location, the historic standard of 0.85 for on-street spaces we suggest would be too low. Recently in the parking industry we discuss a standard of one to two available parking spaces per block. We believe this standard to be appropriate for Carmel given the high demand for spaces and block faces that may contain 17± parking spaces.

Consequently, in our analysis of the effective parking supply, we apply an effective supply factor of 0.90 for time-restricted and unrestricted on-street spaces, as well as publicly available

Table 7: Summary of Effective Supply on Survey Days

Space Type		On Street		Off Street		Study Area Total	
Effective Supply		1,340 spaces		377 spaces		1,717 spaces	
Date of Count	Time of Count	Number of Cars	Adequacy/ (Deficit)	Number of Cars	Adequacy/ (Deficit)	Number of Cars	Adequacy/ (Deficit)
Thursday July 11, 2013	11:00 AM	1,347	(7)	208	169	1,555	162
	2:00 PM	1,260	80	229	148	1,489	228
	5:00 PM	1,148	192	245	132	1,393	324
Saturday July 13, 2013	11:00 AM	1,214	126	177	200	1,391	326
	2:00 PM	1,365	(25)	305	72	1,670	47
	5:00 PM	1,313	27	240	137	1,553	164

Source: *Walker Parking Consultants, 2013*

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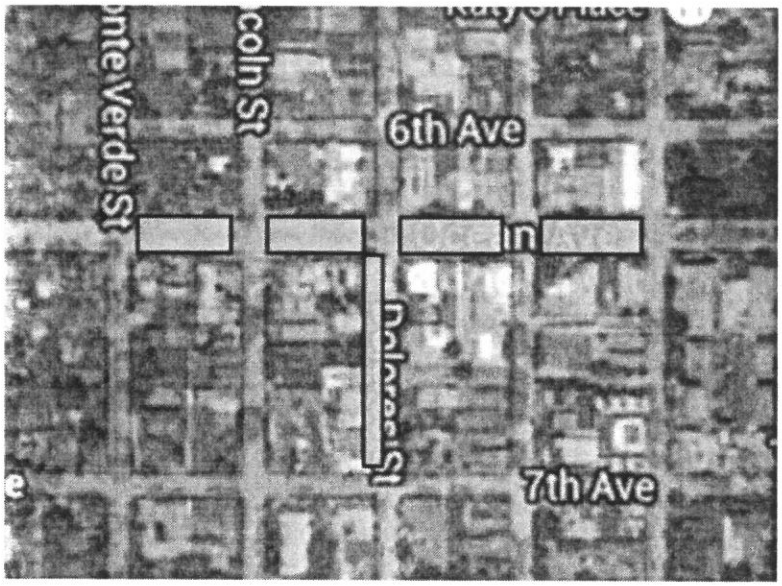
During the interval of peak demand, our overall analysis of the parking supply within our study area shows an overall surplus of 47± spaces (Table 7). The surpluses are many times higher during other periods when counts were performed. However, this surplus should not distract one's attention away from the 25± space deficit of on-street parking spaces. Table 8, below, provides a summary of the on-street parking adequacy and deficits by street for the interval of peak parking demand. Table 8 shows an actual deficit of 63± two-hour on-street parking spaces and seven unrestricted spaces.

We note that the spaces inventoried consisted of time restricted spaces. During our field work, parking enforcement was observed to be very active, chalking tires and issuing citations. However, in our experience enforcing time limits is an extremely time consuming and labor intensive effort. Drivers who regularly stay parked for more than the posted time limit (typically employees) become adept at determining the timing and pattern of enforcement, moving their vehicles (and alerting others to do so), and wiping off chalk marks applied for enforcement purposes. These efforts are made in order to avoid receiving a parking citation.

Figure 3: Map of LPI Area



For the LPI, field staff for Walker Parking Consultants recorded identifying license plate information from each car parked in the two LPI areas on an hourly basis with the first inventory starting at 10:00 AM and the last inventory starting at 8:00 PM. The LPI was performed on a weekday in July 2013.

The collected data were then analyzed to determine how long each vehicle was parked in the LPI area. Cars parked for three hours or longer were assumed to belong to area employees. Cars parked for less than three hours were assumed to belong to visitors [tourists or residents]. Based upon our assumptions, we drew the following conclusions.

Overall, Walker Parking Consultants counted separate 534 vehicles occupying the 92 parking spaces surveyed during the LPI. Table 9, below, summarizes the lengths of stay of the 534 vehicles inventoried during the LPI.

COMPARABLE MUNICIPALITIES

Per the scope of services for this assignment, Walker was requested to perform a survey of parking policies in three comparable municipalities in order to determine how cities similar to Carmel manage their parking systems. In determining the comparable cities, Walker used criteria provided by the staff of the City-of-Carmel-by-the Sea. Table 10, below, summarizes the criteria.

Table 10: Criteria for Selecting Comparable Municipalities

Population between 3,500 and 25,000
Located in a coastal county of California
Tourism is an important part of economy
Strong "sense of place/quality of life" community
Similar scope of services ("hybrid delivery:" provides safety and posterity services but does not provide enterprise services like water, sewer, transit, harbors or airports)
Management/governance reputation
Slow growth

Source: City of Carmel-by-the-Sea, 2013

Based upon these criteria Walker understood that Carmel-by-the-Sea has identified the following cities as comparable:

- Capitola
- Carpinteria
- Laguna Beach
- Pismo Beach
- Sausalito
- Scotts Valley

From this list, Walker determined the following cities in California as the most appropriate for parking policy research: Capitola, Laguna Beach, Pismo Beach, and Sausalito. In surveying each of these municipalities, Walker sought information on how each cities' parking policies addressed on- and off-street parking demand and supply in core commercial areas. Table 11, below, summarizes the findings of the survey.

FINDINGS

Carmel-by-the-Sea experiences a high demand for on-street parking spaces in its commercial core. While a preliminary review of data provided by City staff and observations of the enforcement operation suggest a diligent effort at enforcement, our findings indicate that the operation of a parking management system in the study area suffers from structural challenges:

- Policies are inadequate to address and manage the high demand for parking in the district;
- Outdated and inefficient technology; and
- An insufficient number of enforcement staff, particularly given the large area that is enforced, the type of technology and the policies in place.

Walker reviewed a number of parking system policies, practices, procedures and technologies for the purpose of addressing the challenges and needs of the parking system in Carmel-by-the-Sea's commercial core. Notable among these considerations, City staff instructed Walker that any new parking policies should minimally impact the streetscape in terms of the infrastructure needed to implement the new policies.

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We have determined that options for improving management of the parking system and parking space availability include improving the enforcement technology and related procedures, establishing some measure of paid parking, or a combination of these two measures.

We believe that the goals and recommendations contained in this section are consistent with the City's Circulation Element based on its policies related to parking's impacts on overall land use goals and, by extension, the efficiencies gained through shared parking. The goal of these recommendations is to maximize the efficiency of the parking system in order to improve the customer service experience of drivers to Carmel's commercial district while minimizing the need for parking spaces that may sit empty for significant periods of time, thus harming the special nature of the district.

PAID PARKING AS A PARKING MANAGEMENT TOOL

Without paid parking, popular commercial districts suffer from the same challenge. Business owners and employees arrive at the destination first and park in the most convenient and visible spaces. Visitors and customers who arrive later, and are less familiar with the area, then face challenges in finding parking as the best spaces are taking up by long-term parkers. By charging an hourly rate for spaces, long-term parkers park in less expensive locations and make way for later arriving short-term parkers.

Despite frequent perceptions to the contrary, paid parking should be viewed as the most efficient way, and usually the only efficient, way to manage and allocate parking demand. It should not be viewed primarily as a generator of revenue. Paid parking should be viewed as a way to ensure the availability of parking spaces when and where people need them. Parking availability is typically the most important criteria of the parking system.

area *could* improve availability for the general public, typically improved parking management measures are more effective in improving parking availability than is simply creating more spaces because the biggest issue is not a lack of parking spaces but an uneven distribution of the demand for parking spaces between on-street spaces (for which there is high demand) and off-street spaces (for which there is lower demand).

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METHODS OF IMPLEMENTING PAID PARKING

RECOMMENDED: PAY-BY-CELL

A credit card and a cellular (not necessarily a smart) phone is all the motorist needs to use this system:

- The cell-by-phone vendor sets up an account with/for the City;
- Signage advises motorists to call a designated phone number to pay for parking;
- Upon parking, the motorist calls the pay-by-cell vendor's automated payment line;
- First time users register their license plate and provide credit card payment information;
- The motorist is prompted to select the desired parking time;
- The pay-by-cell vendor charges the motorist or the City a convenience fee, typically $0.35 per transaction; and
- The pay-by-cell vendor deposits the parking fees into the City's established bank account, keeping the convenience fees.

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PbC systems can send a text message to the cell phone to advise of time expiration and can offer the option to add time if within the City's time limits.

While PbC systems are currently being implemented throughout the country only in rare (though an increasing number of) cases has PbC been implemented by itself, without an additional method by which to pay at a parking meter. The PbC option would provide Carmel-by-the-Sea with the attractive option of paid parking with no parking meters. However, challenges with a PbC only system in Carmel would consist primarily of the need to inform the public of the existence of the system as well as how to use it. Signage on the sidewalk in some form would likely be necessary to communicate this information to the public; something that we understand should be avoided or minimized.

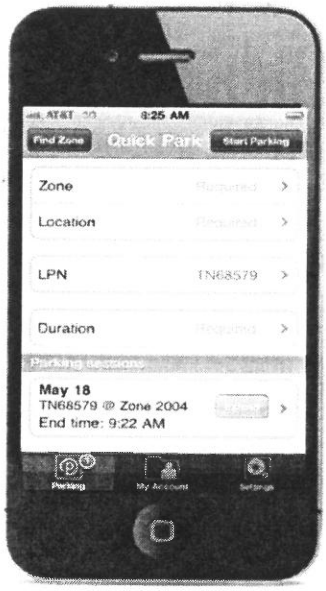

Figure 4: Sample PbC Screen

We have analyzed the use of PbC as a *standalone* payment system *without* additional payment options and rejected this option. However we believe that it is likely a component of a larger payment solution.

RECOMMENDED: MULTI-SPACE METERS (MSMS)

MSMs, which accept credit cards and may also accept paper currency, have been implemented by cities specifically to reduce or eliminate the sidewalk clutter of a single space

To minimize the impact on the streetscape, Walker considered the installation of MSMs at one or several strategic locations around but not in the commercial district, such as the Vista Lobos and Sunset (Center) lots for those parkers who chose not to pay for parking with their cell phones. Drivers could be directed to these lots using signage and either A) pay for parking in the peripheral location and drive to their destination, parking on street or B) choose to park free in these lots, thereby furthering the goal of redistributing parking demand away from the busy core of the commercial district. A pay-by-plate (PbP) MSM system could be integrated with a PbC system. However, Walker rejected the employment of PbP MSMs in these peripheral locations. We recommend PbP only if the MSMs are located in close proximity to where paid on-street parking is being implemented, basically on the street.

Figure 5: Sample Multispace Meter (MSM)

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RECOMMENDED: RESIDENTIAL PARKING PERMITS[4]

We note the use of residential parking permits at meters in a number of coastal cities including several of the comparable cities noted earlier. To implement this policy, City residents would register their license plates as special parking permits, entitling them to park in paid parking spaces without needing to purchase time. In other words, such a policy would likely fit with the parking enforcement regimen of pay-by-plate MSMs and pay-by-cell.

To the extent that the California Coastal Commission (CCC) must approve new parking policies in the City, the creation of this policy of preferential parking permits could be subject to scrutiny or challenge. However, as noted, there are other California coastal cities that allow residents to purchase parking permits for use at parking metered spaces.

ENFORCEMENT

The proposed system would be enforced via mobile license plate recognition (LPR) with fully integrated multi-space meter, pay-by-cell, permit and mobile LPR software systems. Walker typically recommends system capabilities and performance based specifications, not system providers; however, a T2-based system brought to market in the last two years is one of very few installed systems that incorporates all these capabilities has been beta tested.

With virtually all parking payments utilizing license plates and being enforced via mobile LPR, the T2 based system is a cutting edge solution. Walker has identified only a handful of installations that have fully integrated permit, multi-space meter, and pay-by-cell and mobile LPR software systems. Most of these systems were implemented on college campuses but can serve municipalities as well. Loyola Marymount University (LMU) in Southern California

[4] We note that residential permits do not help and may hinder the turnover of metered spaces. However, they should be considered, if necessary, to get residents comfortable with the idea of paid parking.

- Improved signage directing the public to use the Sunset and Vista Lobos parking lots, which are underutilized;

- Use proceeds from the City's parking in lieu fee program to provide more parking spaces within the district;

- The leasing of a limited number of available parking spaces from the owners of private off-street parking lots for use by employees or visitors. Leasing existing available spaces is far more cost effective than building new parking;

- Incenting the use of alternative modes by employees to access the district. These incentives could include bicycle parking facilities in existing off-street parking facilities, subsidized transit passes for employees, or potentially a shuttle to serve employees and visitors to the area;

- Eliminating paid parking for the general public in the Sunset Lot in order to encourage greater use of this parking facility;

- In an effort to provide balance to a more efficient parking citation issuance process, implement an ambassador-style approach to enforcement that emphasizes compliance over issuance of citations and takes into account the experience of visitors to Carmel.

- As part of the ambassador approach to parking enforcement, and in an effort to be more fair and customer focused, establish a system of graduated or tiered parking citation fines whereby first time offenders pay a fraction of the current citation rate and second offenders pay more per citation than for a first-time parking violation. Habitual offenders, who typically represent the bulk of the parking management challenges, would then pay several times the current citation rate.

- The creation of a Parking Benefit District (PBD) for the commercial core which would receive and allocate a portion of the parking revenue generated in the area for public improvements. Members of the PBD would also advise the City regarding the comprehensive management of on-street and off-street parking supplies to ensure that policies be maintained to distribute parking demand evenly throughout the parking system to maximize parking availability for the public. If parking spaces are going to generate revenue, on many levels it makes sense to return at least a portion of that revenue to the area from which it is generated.

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Table A- 1: On-Street and Off-Street Parking Inventories

Location	From	To	Inventory of Spaces by Type						Total
			2 hr	30 min	10 min	Loading	Other	Regular	
Junipero Ave	3rd	4th						20	20
	Center Island							25	25
	4th	5th	17	3	1		4 *		25
	Center Island							32	32
	5th	6th	22				3 *		25
	Center Island		34						34
	6th	Ocean	11						11
	Ocean	7th	13			2	11		25
	7th	8th						34	34
		Subtotal	**96**	**6**	**1**	**2**	**18**	**111**	**234**
Mission St.	3rd	4th	22				4 *		26
	4th	5th	16	3					19
	5th	6th	27	4					31
	6th	Ocean	6	4					10
	Ocean	7th	32	2					34
	7th	8th	26		4				30
		Subtotal	**129**	**13**	**4**	**0**	**4**	**0**	**150**
San Carlos St.	3rd	4th				1		16	17
	4th	5th	25						25
	5th	6th	28	3	1				32
	6th	Ocean	5	5					10
	Ocean	7th	18	5		4			27
	7th	8th	24	6					30
	8th	10th						52	52
		Subtotal	**100**	**19**	**1**	**5**	**0**	**68**	**193**
Dolores St.	3rd	4th						7	7
	4th	5th	25	3					28
	5th	6th	28	6					34
	6th	Ocean	4	4					8
	Ocean	7th	28	4					32
	7th	8th	28	3		1			32
		Subtotal	**113**	**20**	**0**	**1**	**0**	**7**	**141**
Lincoln St.	4th	5th						15	15
	5th	6th	29	1			4		34
	6th	Ocean		8			1 *		9
	Ocean	7th	33	2		1			36
	7th	8th	16	13					29
		Subtotal	**78**	**24**	**0**	**1**	**5**	**15**	**123**
Monte Verde St.	4th	5th						5	5
	5th	6th				1	1	28	30
	6th	Ocean	11			1			12
	Ocean	7th	8	4		1		12	25
	7th	8th						24	24
		Subtotal	**19**	**4**	**0**	**3**	**1**	**69**	**96**
Casanova St.	4th Street	Ocean						35	35
	Ocean	7th						22	22
	7th	8th						23	23
		Subtotal	**0**	**0**	**0**	**0**	**0**	**80**	**80**

Location	From	To	Inventory of Spaces by Type						Total
			2 hr	30 min	10 min	Loading	Other	Regular	
Third Ave.	Torres	Junipero							0
	Junipero	Mission						4	4
		Subtotal	**0**	**0**	**0**	**0**	**0**	**4**	**4**
Fourth Ave.	Torres	Junipero		1			1	9	11
	Junipero	Mission						10	10
	Mission	San Carlos	12						12
	San Carlos	Dolores						12	12
	Dolores	Lincoln						8	8
		Subtotal	**12**	**1**	**0**	**0**	**1**	**39**	**53**
Fifth Ave.	Torres	Junipero		1				8	9
	Junipero	Mission	2	1					3
	Mission	San Carlos	13						13
	San Carlos	Dolores			11		1		12
	Dolores	Lincoln	5	1				3	9
	Lincoln	Monte Verde						9	9
		Subtotal	**20**	**3**	**11**	**0**	**1**	**20**	**55**
Sixth Ave.	Torres	Junipero	14						14
	Junipero	Mission	12	2			1		15
	Mission	San Carlos			3	6			9
	San Carlos	Dolores	12	1		1			14
	Dolores	Lincoln	14	1		1	1		17
	Lincoln	Monte Verde	10			3	5		18
		Subtotal	**62**	**4**	**0**	**11**	**7**	**0**	**84**
Ocean	Junipero	Mission	15	3			2		20
	Mission	San Carlos	16	4					20
	San Carlos	Dolores	15	4					19
	Dolores	Lincoln	15	4					19
	Lincoln	Monte Verde	15	4		1			20
	Monte Verde	Casanova				2		27	29
		Subtotal	**76**	**19**	**0**	**3**	**2**	**27**	**127**
Seventh Ave.	Junipero	Mission	14						14
	Mission	San Carlos	12	4					16
	San Carlos	Dolores	13	3					16
	Dolores	Lincoln	13	3					16
	Lincoln	Monte Verde	14	1					15
	Monte Verde	Casanova						20	20
		Subtotal	**66**	**11**	**0**	**0**	**0**	**20**	**97**
Eighth Ave.	Junipero	Mission						4	4
	Mission	San Carlos	13	1	1				15
	San Carlos	Dolores	3	2				7	12
	Dolores	Lincoln	7	1				6	14
	Lincoln	Monte Verde						18	18
	Monte Verde	Casanova						11	11
		Subtotal	**23**	**4**	**1**	**0**	**0**	**46**	**74**

	Grand Totals by Space Type						
	2 hr	30 min	10 min	Loading	Other	Regular	Total
Study Area Total	**794**	**128**	**18**	**26**	**39**	**506**	**1511**

Selected Off-Street Parking Spaces		Number of Spaces by Type			
Lot	Facility Name	Reserved	ADA	Unreserved	Lot Total
A	Vista Lobos		2	58	60
B	Post Office			18	18
C	Harrison Library Park Branch	4	2	16	22
D	City Hall	3	1	4	8
E	Carmel Plaza		4	102	106
F	Sunset Center (North) Market		2	118	120
G	Sunset Center (San Carlos / Middle)	2	3	26	31
H	Sunset Center (Southwest)	3		17	20
I	Sunset Center (Southeast)	4	2	27	33
	Totals	**16**	**16**	**386**	**418**

Source: *Walker Parking Consultants, 2013*

Table A- 3: Parking Occupancy Counts Weekend

SATURDAY, 11 July 2013 11:00 AM

STREET	FROM	TO	NUMBER OF SPACES OCCUPIED							OCCUPANCY PERCENTAGE							SUPPLY ADEQUACY (DEFICIT)						
			2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total
Torres St.	3rd Avenue	Ocean								–	–	–	–	–	–	–	0	0	0	0	0	0	0
Junipero Ave.	3rd Avenue	8th Avenue	70	2	0	0	3	109	184	73%	33%	0%	0%	17%	98%	79%	16	3	0	2	14	(1)	25
Mission St.	3rd Avenue	8th Avenue	106	6	2	0	1	0	115	82%	46%	50%	–	25%	–	77%	10	5	1	0	2	0	18
San Carlos St.	3rd Avenue	10th Avenue	79	13	0	4	0	68	164	79%	68%	0%	80%	–	100%	85%	11	4	0	1	0	(2)	9
Dolores St.	3rd Avenue	8th Avenue	98	13	0	0	0	4	115	87%	65%	–	0%	–	57%	82%	3	5	0	1	0	2	11
Lincoln St.	4th Avenue	8th Avenue	70	15	0	0	0	13	98	90%	63%	–	0%	0%	87%	80%	0	6	0	1	4	0	11
Monte Verde	4th Avenue	8th Avenue	19	2	0	0	0	60	81	100%	50%	–	0%	0%	87%	84%	(2)	1	0	3	0	2	4
Casanova St.	4th Avenue	8th Avenue	0	0	0	0	0	45	45	–	–	–	–	–	56%	56%	0	0	0	0	0	27	27
Third Avenue	Torres	Mission	0	0	0	0	0	2	2	–	–	–	–	–	50%	50%	0	0	0	0	0	1	1
Fourth Avenue	Torres	Lincoln	9	1	0	0	0	35	45	75%	100%	–	–	0%	90%	85%	1	(1)	0	0	0	0	0
Fifth Avenue	Torres	Monte Verde	16	2	6	0	0	21	45	80%	67%	55%	–	0%	105%	82%	2	0	3	0	0	(3)	2
Sixth Avenue	Torres	Monte Verde	58	3	0	8	4	0	73	94%	75%	–	73%	57%	–	87%	(3)	0	0	3	2	0	2
Ocean	Junipero	Casanova	76	11	0	1	1	26	115	100%	58%	–	33%	50%	96%	91%	(6)	6	0	2	0	(2)	(2)
Seventh Avenue	Junipero	Casanova	55	4	0	0	0	16	75	83%	36%	–	–	–	80%	77%	4	5	0	0	0	2	11
Eighth Avenue	Junipero	Casanova	17	2	0	0	0	38	57	74%	50%	0%	–	–	83%	77%	3	1	0	0	0	3	7
		Totals	673	74	8	13	9	437	1,214	85%	58%	44%	50%	23%	86%	80%	37	35	4	13	22	15	126

SATURDAY, 11 July 2013 2:30 PM

STREET	FROM	TO	NUMBER OF SPACES OCCUPIED							OCCUPANCY PERCENTAGE							SUPPLY ADEQUACY (DEFICIT)						
			2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total
Junipero Ave.	3rd Avenue	8th Avenue	86	1	0	0	7	106	200	90%	17%	–	–	39%	95%	85%	0	4	0	2	10	(2)	9
Mission St.	3rd Avenue	8th Avenue	123	10	1	0	2	0	136	95%	77%	25%	–	50%	–	91%	(1)	1	2	0	1	0	(3)
San Carlos St.	3rd Avenue	10th Avenue	100	14	0	0	0	64	178	100%	74%	–	–	–	94%	92%	(0)	3	0	5	0	(3)	(5)
Dolores St.	3rd Avenue	8th Avenue	113	12	0	0	0	7	132	100%	60%	–	–	–	100%	94%	(12)	6	0	1	0	(1)	(6)
Lincoln St.	4th Avenue	8th Avenue	78	22	0	0	4	14	118	100%	92%	–	–	80%	93%	96%	(6)	(1)	0	1	0	(1)	(7)
Monte Verde	4th Avenue	8th Avenue	17	4	0	2	0	66	89	89%	100%	–	67%	–	96%	93%	0	(1)	0	1	0	(4)	(4)
Casanova St.	4th Avenue	8th Avenue	0	0	0	0	0	62	62	–	–	–	–	–	78%	78%	0	0	0	0	0	10	10
Third Avenue	Torres	Mission	0	0	0	0	0	1	1	–	–	–	–	–	25%	25%	0	0	0	0	0	2	2
Fourth Avenue	Torres	Lincoln	12	1	0	0	0	36	49	100%	100%	–	–	–	92%	92%	(2)	(1)	0	0	0	(1)	(4)
Fifth Avenue	Torres	Monte Verde	19	2	3	0	1	20	45	95%	67%	27%	–	100%	100%	82%	(1)	0	6	0	(1)	(2)	2
Sixth Avenue	Torres	Monte Verde	61	4	0	10	6	0	81	98%	100%	–	91%	86%	–	96%	(2)	(1)	0	1	0	0	(6)
Ocean	Junipero	Casanova	76	13	0	2	1	26	118	100%	68%	–	67%	50%	96%	93%	(8)	4	0	1	0	(2)	(5)
Seventh Avenue	Junipero	Casanova	64	7	0	0	0	16	87	97%	64%	–	–	–	80%	90%	(5)	2	0	0	0	2	(1)
Eighth Avenue	Junipero	Casanova	24	3	1	0	0	41	69	104%	75%	100%	–	–	89%	93%	(4)	0	(1)	0	0	0	(5)
		Totals	773	93	5	14	21	459	1,365	97%	73%	28%	54%	54%	91%	90%	(53)	16	7	12	10	(2)	(2)

SATURDAY, 11 July 2013 5:00 PM

STREET	FROM	TO	NUMBER OF SPACES OCCUPIED							OCCUPANCY PERCENTAGE							SUPPLY ADEQUACY (DEFICIT)						
			2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total	2 hr	30 min	10 min	Loading	Other	Regular	Total
Torres St.	3rd Avenue	Ocean	0	0	0	0	0	0	0	–	–	–	–	–	–	–	0	0	0	0	0	0	0
Junipero Ave.	3rd Avenue	8th Avenue	86	1	1	0	6	104	198	90%	17%	100%	–	33%	94%	85%	0	4	(1)	2	11	(5)	11
Mission St.	3rd Avenue	8th Avenue	125	11	2	0	0	0	138	97%	85%	50%	–	–	–	92%	(2)	0	1	0	3	0	(5)
San Carlos St.	3rd Avenue	10th Avenue	97	16	1	4	0	61	179	97%	84%	100%	80%	–	90%	93%	(7)	1	(1)	1	0	0	(6)
Dolores St.	3rd Avenue	8th Avenue	110	14	0	0	0	7	131	97%	70%	–	–	–	100%	93%	(3)	4	0	1	0	(1)	(5)
Lincoln St.	4th Avenue	8th Avenue	74	22	0	1	2	7	106	95%	92%	–	100%	40%	47%	86%	(4)	(1)	0	0	2	6	3
Monte Verde	4th Avenue	8th Avenue	19	3	0	1	0	59	82	100%	75%	–	33%	–	86%	85%	(2)	0	0	2	0	3	3
Casanova St.	4th Avenue	8th Avenue	0	0	0	0	0	59	59	–	–	–	–	–	74%	74%	0	0	0	0	0	13	13
Third Avenue	Torres	Mission	0	0	0	0	0	4	4	–	–	–	–	–	100%	100%	0	0	0	0	0	(1)	(1)
Fourth Avenue	Torres	Lincoln	12	1	0	0	0	30	43	100%	100%	–	–	–	77%	81%	(5)	(1)	0	0	0	5	2
Fifth Avenue	Torres	Monte Verde	20	3	5	0	1	17	46	100%	100%	45%	–	100%	85%	84%	(2)	(1)	4	0	(1)	1	1
Sixth Avenue	Torres	Monte Verde	62	4	0	10	6	0	82	100%	100%	–	91%	86%	–	98%	(7)	(1)	0	1	0	0	(7)
Ocean	Junipero	Casanova	69	11	0	0	0	23	103	91%	58%	–	–	–	85%	81%	(1)	6	0	3	1	1	10
Seventh Avenue	Junipero	Casanova	62	7	0	0	0	9	78	94%	64%	–	–	–	45%	80%	(3)	2	0	0	0	9	8
Eighth Avenue	Junipero	Casanova	22	4	0	0	0	38	64	96%	100%	–	–	–	83%	86%	(2)	0	0	0	0	3	0
		Totals	758	97	9	16	15	418	1,313	95%	76%	50%	62%	38%	83%	87%	(48)	12	3	10	16	34	27

Source: Walker Parking Consultants, 2013.

Attachment 2

Attachment 2

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into on _____ ("Effective Date") by and between the City of Pacific Grove, City of Monterey and City of Carmel by the Sea., The three cities shall be collectively referred to as the "Parties" and individually as a "Party".

RECITALS

A. As a public agency, Central Coast Community Energy (3CE) is governed by a Policy Board and an Operational Board comprised of elected officials, city managers and city administrators. This governing structure assures that the voices from each city and county served by 3CE will have a seat at the table when important decision regarding 3CE policies and operations are being made.
B. The 3CE Policy Board and Operational Board are shared seats by the Parties.
C. Each board seat shall have a designated primary and alternate designee appointed to 3CE staff by January 1st every other year.
D. Appointments will be held for 2-year terms.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the Parties hereby agree as follows:

1. Purpose. The purpose of this MOU, includes but is not limited to, allowing the Parties to agree to a rotational appointment schedule, further described in Exhibit A for naming elected officials, city managers and city administrators to the 3CE Policy Board and Operational Board shared seats. ("Purpose")
2. Term. This MOU may only be terminated by mutual written agreement.
3. Amendments. This MOU may only be amended by writing signed by all Parties.

ACKNOWLEDGED AND AGREED:

City of Pacific Grove
DocuSigned by: Bill Peake
By: 6C7CB8B632C34D0...
Name: Bill Peake
Title: Mayor

City of Monterey
DocuSigned by: Clyde Roberson
By: FA1081217DEE4FB...
Name: Clyde Roberson
Title: Mayor

City of Carmel by the Sea
By: _____
Name: Dave Potter
Title: Mayor

City of Pacific Grove
DocuSigned by: Ben Harvey
By: 903326509B8F4CA...
Name: Ben Harvey
Title: City Manager

City of Monterey
DocuSigned by: Hans Uslar
By: 6892AD3E4790433...
Name: Hans Uslar
Title: City Manager

City of Carmel by the Sea
By: _____
Name: Chip Rerig
Title: City Manager

EXHIBIT A – 3CE Shared Seats Rotational Schedule

1. Policy Board. Each cycle is two years duration and filled by an elected official. Return to Cycle 1 after Cycle 3 completes.

Cycle 1

DocuSign Envelope ID: B9D856E4-561C-4253-AB1F-096E506BF231

Policy Board Primary - Monterey
Policy Board Alternate - Pacific Grove
Policy Board At Large – Carmel by the Sea

Cycle 2
Policy Board Primary – Pacific Grove
Policy Board Alternate - Carmel by the Sea
Policy Board At Large – Monterey

Cycle 3
Policy Board Primary - Carmel by the Sea
Policy Board Alternate - Monterey
Policy Board At Large – Pacific Grove

2. Operational Board. Each cycle is two years duration and is filled by city managers or city administrators. Return to Cycle 1 after Cycle 3 completes.

Cycle 1
Operational Board Primary - Monterey
Operational Board Alternate - Pacific Grove
Operational Board At Large – Carmel by the Sea

Cycle 2
Operational Board Primary – Pacific Grove
Operational Board Alternate - Carmel by the Sea
Operational Board At Large – Monterey

Cycle 3
Operational Board Primary - Carmel by the Sea
Operational Board Alternate - Monterey
Operational Board At Large – Pacific Grove

3. Starting Point. Policy Board appointment to the 2021-2022 term shall start on Cycle 2 based on previous 2-year appointment. Operational Board appointment to the 2021-2022 term shall start on Cycle 2 based on previous 2-year appointment.

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

north dunes funding

1 message

Jon Lambert <jon_lambert@me.com> Mon, Apr 5, 2021 at 4:57 PM
To: Britt Avrit <bavrit@ci.carmel.ca.us>
Cc: Niels Reimers <nielsr@comcast.net>

hi britt,

i hear that the city council will, at the upcoming tuesday meeting, be considering taking budget away from the north dunes habitat restoration project and transferring it to public works environmental programs.

could you please convey to the council that this is please not the right thing to do. the north dunes have received some attention over the last couple of years but still are sadly lacking in transformational results.

the dunes are still scrappy, the protected fauna and flora are still being disadvantaged by the detritus of the trees and shrubs and the aesthetics are still not being optimized.

i continue to see the north dunes used as a lay by for the homeless and a toilet for those that don't want to use the public restroom.

the dunes should be at a standard such that it looks cared for and much work is still to be done removing trees, dead and alive, and ensuring that the weeds are kept at bay.

the dunes require focused guardianship and appropriate costs & efforts such that we can ensure this gem doesn’t fall into further disrepair please. cutting costs on a project that is already under funded is please not the right thing to do.

with the greatest respect, i appreciate all you and the council do for us….thank you.

all the best….jon lambert (san antonio ne of ocean).

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Letter for Council Members

1 message

Ramie Allard <ramie@bluedoorgardendesign.com> Tue, Apr 6, 2021 at 7:09 AM
To: cityclerk@ci.carmel.ca.us

Dear City Clerk,

Please include this letter in the City Council packets for this afternoon's meeting?

Thank you,

Ramie Allard

FRIENDS OF CARMEL FOREST
831-238-3774

CIP Forest Management Plan Suport Letter_4_21.pdf
28K

FRIENDS OF CARMEL FOREST

The cultivation of trees is the cultivation of the good, the beautiful and the ennobling in man.
- J. STERLING MORTON

April 5, 2021

City Council
City of Carmel-by-the-Sea

RE: Tentative Selection of Proposed Fiscal 2021/22 Capital Improvement Program Projects

Dear Council Members,

The Friends of Carmel Forest will always have Carmel's forest canopy and health as its first priority. With that said, any capital improvement projects that come before the City with respect to reviewing and revising the current Forest Management Plan will be wholly supported and appreciated by us.

The Friends of Carmel Forest feel that we have accomplished a lot recently with our communication and networking with staff members Sara Davis, Mike Tope and Rob Culver and look forward to future projects and collaboration. There are several directions the city could take with respect to the forest's longevity. One direction that Friends of the Carmel Forest will always support and want to be involved with is creating more mini-park settings. There are so many parts of the City that are longing for another creatively designed outdoor space of quite respite. Let us maintain Carmel's forestry character with thoughtful planning and not turn it into another familiar city.

Respectfully,

Ramie Allard
Friends of Carmel Forest, President

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

North Dunes

1 message

Gail Scearce <gailscearce@sbcglobal.net> Mon, Apr 5, 2021 at 6:11 PM
To: bavrit@ci.carmel.ca.us

Dear City Council Members,
I understand you are considering removing the remaining funds budgeted for the restoration of the North Dunes. It would be a shame not to continue funding the ongoing cleanup. Please do not let this happen. The dunes are the pride of Carmel Beach and we should preserve them.
Thank you,
Painting of the dunes attached from the early 1900s

Gail Scearce
Resident of Carmel
by the Sea

image0.jpeg
100K

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Capital Improvement Program for 2021-2022

1 message

alison shelling <remix.fashion.style@gmail.com> Mon, Apr 5, 2021 at 1:02 PM
To: cityclerk@ci.carmel.ca.us
Cc: scenicpathway@icloud.com

Dear Mayor Potter and Carmel by the Sea City City Council,

Firstly, thank you for your time and service to our town, it is much appreciated.

I am one of the volunteers and town residents, who is volunteering maintaining the Scenic Pathway every Wednesday, I am writing to ask you to include the Scenic Pathway as part of the Capital Improvement Program for 2021-2022.

It is desperately in need of repair, restoration and maintenance, as many of us who walk the area daily (and despair at the lack of attention to this beautiful, naturally landscaped walk) can attest to.

Scenic Drive is one of the world-class, seaside, walkways in the World. This walkable seaside park is an incredible asset for our community, again please vote to include Scenic Walkway Capital Improvement Program for 2021-2022

Thank you for your consideration
Alison

Alison Shelling
Remix. Style. Design.
Dress Management
(831) 624-3673
P.O. Box 866 Carmel ca 93921
remix.fashion.style@gmail.com

Carmel-
by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Parkway

1 message

Paul Hallinan <pauliwog66@sbcglobal.net> Mon, Apr 5, 2021 at 2:31 PM
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Have you walked the beach path lately? I have done so often in my 60 year of living in Carmel. I volunteer every Wednesday to help clean and freshen up the path way . Never have I seen the area so clean, so organized, and so beautiful. While doing my clean up agenda on the path way, I am thanked, praised, and greeted by both visitors and Carmel citizens. Please consider the funding of this special place when you work on the Capital Improvement Program. Thank you for your caring attention. ....Paul Hallinan

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic pathway maintenance plan

1 message

Kate Kluetmeier <katekluet@comcast.net> Mon, Apr 5, 2021 at 10:52 AM
To: cityclerk@ci.carmel.ca.us

We walk the Scenic pathway every day and we urge the city council to support the Carmel Cares Scenic pathway project with adequate funding to improve and maintain this local asset.
We have contributed financially to the project ourselves and have enjoyed the great improvements already made. Views are greatly improved; the pathway is safer for dogs without the large amount of foxtails and safer for us humans with the smoother surface and wider path.
This stunning oceanfront walk is an attraction for visitors also and thus helps local businesses and the city sales tax income.
We urge the City Council to partner with Carmel Cares to fund direct work on improvements and ongoing maintenance.
Thank you
Kathleen and Jorn Kluetmeier

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO BRANCH OFFICE

SUNSET CULTURAL CENTER

and **Case 32–CA–242555**

ANDREW HURCHALLA
An Individual

Leila M. Gomez, Esq., for the General Counsel.

Rona P. Layton, Esq. (Layton Law Firm),
for the Respondent.

DECISION

STATEMENT OF THE CASE

MARA-LOUISE ANZALONE, Administrative Law Judge. I heard this case in Oakland, California, on December 10–11, 2019. This case was tried following the issuance of a complaint and notice of hearing (complaint) by the Regional Director for Region 32 of the National Labor Relations Board on September 3, 2019. The complaint was based on an unfair labor practice charge filed by Charging Party Anthony Hurchalla (Charging Party or Hurchalla) on June 3, 2019, against Respondent Sunset Cultural Center (Respondent or SCC). The General Counsel alleges that Respondent violated Section 8(a)(3) and (1) of the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151, et. seq. (the Act), by prohibiting its subcontractors and/or customers from employing Hurchalla to perform work at its theater facility and/or causing them to remove him from working on events at that facility, in each case based on his concerted, protected activities and conduct as a steward of International Alliance of Theatrical Stage Employees Local 611 (the Union or Local 611). Respondent, by its answer to the complaint, denies committing the alleged unfair labor practices as alleged.

At trial, all parties were afforded the right to call, examine, and cross-examine witnesses, to present any relevant documentary evidence, to argue their respective legal positions orally, and

to file post-hearing briefs.[1] The General Counsel and Respondent filed post-hearing briefs, which have been carefully considered. Accordingly, based upon the entire record herein,[2] including the post-hearing briefs and my observation of the credibility of the witnesses, I make the following

FINDINGS OF FACT

I. JURISDICTION

Respondent admits, and I find, that it has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union has been a labor organization within the meaning of Section 2(5) of the Act. Accordingly, I find that this dispute affects commerce and that the National Labor Relations Board (the Board) has jurisdiction of this case, pursuant to Section 10(a) of the Act.

II. THE ALLEGED UNFAIR LABOR PRACTICES

Respondent, a California non-profit corporation with a place of business in Carmel, California, operates a performing arts center which presents live music, concerts, and other performing arts events to the public. Certain of the stage crew members who work at SCC are represented by I.A.T.S.E. Local 611 of the International Alliance of Theatrical Stage Employees and Motion Picture Technicians, Artists and Allied Crafts of the United States and Canada, AFL–CIO, CLC (Local 611 or the Union). The Union represents skilled theatrical employees, including stagehands, audio and lighting technicians, equipment operators, carpenters and riggers; it operates a hiring hall whereby it supplies labor based on the requests of employers, such as SCC. (Tr. 28.)

Included in every crew the Union dispatches to work a production at Respondent's theater is an individual designated as its onsite job steward. Responsibilities of the onsite job steward (in addition to performing stage labor) include documenting the hours worked on the production. Charging Party Hurchalla, a member of Local 611, often served as the onsite job steward for work calls at SCC. (Tr. 36–38.) The General Counsel contends that it was his zeal in policing the CBA covering the workers that motivated Respondent to ban him from dispatch to the theater. Respondent denies all allegations and asserts that its actions towards Hurchalla were based on a complaint from one of its production companies, as well as a concern that he posed a liability as a workplace bully and harasser. Respondent further asserts that the complaint allegations are barred by Section 10(b) of the Act.

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[1] Abbreviations used in this decision are as follows: "Tr." for transcript; "GC Exh.__" for General Counsel's Exhibit; "R. Exh. __" for Respondent's Exhibit; and "R. Br. at __" for Respondent's post-hearing brief.

[2] I note and correct the following inaccuracies in the transcript: the phrase, "Let's shoot it up," appearing at p. 17, ll.14–15, is corrected to read, "We're suited up"; and the term, "Weinman [sic]" appearing at p. 120, l.10, is corrected to read, "*Weingarten.*"

A. Factual Background [3]

1. Respondent's operations and relationship with Local 611

SCC is an entertainment venue for various touring productions; its business model involves contracting with a given production and thereby becoming obligated to meet that show's technical requirements. Respondent leases its theater premises from the City of Carmel, California. Respondent's governing body is a 13-person board of directors (the Board). Respondent's executive director is Christin Sandin (Sandin), and its operations manager is Roland Weaver (Weaver). Reporting to Sandin and Weaver is the SCC Production Manager, who supervises the crew and "advances" shows with their touring companies (i.e., arranges for the show's technical specifications). The production manager is also responsible for obtaining stage crew labor for productions. During the time period relevant to this case, Respondent employed two production managers: Michael Jayco (February 2014–May 2018), and Gary Brunclik (May 2018 forward). (Jt. Exh. 1; Tr. 30, 263, 375.)

Between 2007 and 2017, Respondent had a collective-bargaining relationship with the Union and obtained its stage crew through the Local 611 hiring hall. This involved the production manager contacting the Union's dispatcher with a specific call for labor, which could include a request for a specific worker, although the Union ultimately retained discretion as to which individual workers were dispatched. At all relevant times, Respondent's main liaison with Local 611 was Patrick Fitzsimmons (Fitzsimmons), who goes by the title business representative or business agent. (Tr. 28, 264.)

Following the expiration of their most recent collective–bargaining agreement in 2013, the parties unsuccessfully attempted to negotiate a successor agreement.[4] In August of the following year, the Union rejected Respondent's last, best and final offer, at which point Respondent implemented the terms of that offer. The parties abided by the terms of Respondent's offer (including the hiring hall provisions) until September 2017; at that point, however, Respondent began subcontracting its stage labor. Because at least two of the subcontractors Respondent used were themselves signatory to an agreement with Local 611, a portion of the workers supplied to Respondent continued to be obtained through the Union's hiring hall. (Tr. 30–34; GC Exhs. 2, 3; Jt. Exh. 8.)

---

[3] Certain of my findings are based on witness credibility. A credibility determination may rest on various factors, including "the context of the witness' testimony, the witness' demeanor, the weight of the respective evidence, established or admitted facts, inherent probabilities and reasonable inferences that may be drawn from the record as a whole." See *Double D Construction Group*, 339 NLRB 303, 305 (2003); *Daikichi Sushi*, 335 NLRB 622, 623 (2001) (citing *Shen Automotive Dealership Group*, 321 NLRB 586, 589 (1996)), enfd. sub nom., 56 Fed. Appx. 516 (D.C. Cir. 2003). In making credibility resolutions, it is well established that the trier of fact may believe some, but not all, of a witness' testimony. *Jerry Ryce Builders*, 352 NLRB 1262, 1262 n.2 (2008) (citing *NLRB v. Universal Camera Corp.*, 179 F.2d 749, 754 (2d Cir. 1950), rev'd on other grounds 340 U.S. 474 (1951)). Where there is inconsistent evidence on a relevant point, my credibility findings are incorporated into my legal analysis.

[4] The Board delegated the task of negotiating with Local 611 to a 3-person, ad hoc committee known as the "negotiating committee." (Tr. 374–375.)

2. Hurchalla's work at SCC and activity on behalf of Local 611

The Union first dispatched Hurchalla to SCC in September 2012. He was assigned a wide variety of roles, including audio, lighting, rigging, carpentry, and equipment operator work. In the 6 years during which he was dispatched to SCC, Hurchalla worked between 60 and 70 events, which varied in length anywhere from one day to over a month per event. According to Fitzsimmons, Hurchalla was dispatched to work the majority of SCC productions due to his wide range of job skills. (Tr. 38, 61, 98–99, 266–267.)

In 2014, Hurchalla was selected to become an onsite job steward for the Union; according to Fitzsimmons, this was due to Hurchalla's "varied skillset," as well as his knowledge of the parties' collective-bargaining agreement and willingness to engage in "difficult conversations" with management if it appeared that the contract was being violated. Hurchalla was considered the "main job steward" for Sunset Center productions, in that he served as job steward for the majority of productions held there.[5] As steward, Hurchalla was responsible for policing the parties' contract, interacting with management on the crew's behalf and addressing issues that arose between the crew and management. Another of Hurchalla's steward functions was to prepare a "steward report" for each work call; this consists of a report of which employees worked various positions and the hours that they worked. During his tenure as steward, Hurchalla filed approximately 4–5 grievances, both on behalf of himself and other crew members. (Tr. 39–41, 50–51, 99–100, 102, 103, 267.)

In addition to his steward role, Hurchalla held other positions with Local 611. In October 2015, he was elected as its financial secretary and its health and welfare officer, which placed him on the Local's executive board and for which he was paid a stipend. He was also assigned as an acting business agent when Fitzsimmons was not available; for this work, he was paid the equivalent of Fitzsimmons' salary.[6] In early 2017, Hurchalla attended 4–5 negotiation sessions on behalf of the Union on the subject of SCC's planned transition to a subcontracting model. (Tr. 102, 211–212, 244, 247.)

3. Hurchalla's conflicts with production manager Michael Jayko

Between 2014 and 2018, Hurchalla was directly supervised by SCC's then-production manager, Michael Jayko (Jayko). Their relationship was fraught, mainly because Hurchalla frequently accused Jayko of violating the terms of the parties' collective-bargaining agreement. According to Jayko, Hurchalla's zeal to enforce the contract amounted to opportunism; in his words, Hurchalla was "consistently confrontational" and "if there was an opportunity to create discord, he initiated discord with me." (Tr. 100, 315, 317.)

Hurchalla was also a frequent and open critic of Jayko's own job performance. The record is replete with instances of him taking issue with Jayko's ability to successfully "advance"

[5] I do not agree, as asserted by the General Counsel, that Hurchalla was actually appointed to serve as "chief job steward for all upcoming performances and productions held at Respondent's facility." (GC Br. at 5.)

[6] When acting in this capacity, Hurchalla appears to have identified himself as "assistant business representative." See, e.g., GC Exh. 21.

productions.[7] No longer employed by Respondent at the time of the hearing, Jayko was visibly aggravated in recounting what he considered Hurchalla's interference with his efforts to manage productions effectively.[8] Jayko's frustration over dealing with the Union was unvarnished, and he described the relationship between crew and management as involving "resentment and anger" and "a lot of history." Nor did Jayko made any attempt to conceal his disdain for Hurchalla's role as a steward, in his words, their "hostile" relationship was due the fact that the Union had an "agenda." (Tr. 291–292, 315–317.)

Jayko also testified that Hurchalla made him "uncomfortable," although he never identified what specific aspect of Hurchalla's conduct or demeanor caused him to feel so. At hearing, this claimed discomfort appeared somewhat embellished and histrionic; he claimed to have been distressed "[t]he whole time that I was at Sunset Center working with Mr. Hurchalla. From the first day that he came on stage." Asked to identify specific incidents that made him feel particularly uncomfortable, he recounted the first time he interacted with Hurchalla as a steward in an overtime dispute. While they clashed frequently, the two men never engaged in any physical altercation, threats, slurs, obscene language, or name calling during these interactions. While Jayko claimed that Hurchalla "got in his face" on several occasions, he also admitted that the two men never went "nose to nose." (Tr. 213–214, 309–310, 313–314, 317.)

4. <u>The do-not-dispatch orders issued against Hurchalla</u>

The General Counsel alleges that, since December 2018, Respondent has unlawfully caused its subcontractors and customers to cease using Hurchalla as stagehand labor at SCC and additionally caused them to remove him physically from the theater. As discussed below, the record evidence reveals that the Hurchalla's "ban" from SCC actually amounted to three separate determinations by Respondent. First, in 2016, Respondent decided to bar Hurchalla (and another stagehand) from working on productions by a specific client, The Panetta Institute. Second, in March 2018, Respondent extended this ban by requesting that one of its subcontractors not dispatch Hurchalla from working at SCC for non-Panetta Institute events. Finally, in March 2019, Respondent caused another subcontractor to eject Hurchalla from the theater after he had been dispatched there to perform work.

a. April 2016: The First Panetta do-not-dispatch order

The Panetta Institute for Public Policy[9] puts on lectures at SCC. Hurchalla, who had been assigned to work this event in the past, testified that, historically, the production itself was preceded by an 8-hour shift called a "pre-hang day," during which the crew performs electrical work and well as presets furniture and signage. (Tr. 116, 120–121.)

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[7] As indicated, this is the pre-show process whereby the production manager arranges details, such as staffing, breaktimes and crew meals pursuant to production's "rider" (i.e., the document that the production sends in prior to the event date contained their requirements for the production), to ensure that the production goes smoothly. (Tr. 49–50, 117–118, 137, 213.)

[8] While his account was somewhat rambling, it appears that Hurchalla prevented him from dealing directly with crew to create a "core group" (i.e., a consistent crew) of Local 611-dispatched technicians at SCC.

[9] This organization was founded and is run by former Secretary of Defense Leon E. Panetta and his wife, Sylvia Panetta.

(i) The April 2016 Panetta Institute event

On April 18, 2016, a Panetta Institute event was held at SCC; Jayko oversaw the production and Hurchalla was dispatched to work the event and also served as Local 611's steward. Contrary to past practice, no "pre-hang day" was scheduled for the production. It is undisputed that the production itself suffered from significant delays. According to Hurchalla, the failure to schedule a pre-hang day ultimately set back the production by approximately four hours. (Tr. 116, 120–121, 130.) Jayko, as detailed below, blamed the slowdown on Hurchalla and a fellow crew member.

Hurchalla and Jayko had several "run-ins" during the course of the production: Hurchalla accused Jayko of performing bargaining unit work, and Jayko accused Hurchalla of "dragging [his] feet" and causing the production to fall behind. The two also clashed over Jayko's adherence to the collective-bargaining agreement's requirements. Specifically, Hurchalla refused to allow the crew's head electrician—Sylvie VrayEnt (VrayEnt) to go on a 1-hour meal break while a non-electrican crew member filled her position. (Tr. 125–126.)

(ii) Sylvia Panetta requests that Hurchalla and VrayEnt not work on Panetta Institute events

April 18, 2016 was to be the last day that Hurchalla was dispatched to a Panetta Institute event at SCC. A few weeks after the event, Jayko and SCC Executive Director Sandin met with Sylvia Panetta (Panetta), who demanded to know what had caused delays in the production. Jayko laid the blame on Hurchalla's refusal to allow a non-electrician to substitute for VrayEnt during her break, stating that there had been "issues with people crossing departments." At that point, Panetta stated, "we don't want to see those two individuals back on the campus for the remainder of our series." (Tr. 130–131, 281–282, 367–371.)

On May 4, 2016, Jayko emailed the Union's dispatch mailbox about an upcoming event to be put on by The Panetta Institute. The email states, in part, that "Sunset Center requests that Sylvie VrayEnt and Andrew Hurchalla not be dispatched for this or any future Panetta Lecture Series Events." As a result, the Union did not dispatch Hurchalla for two productions that took place during the next week (on May 7 and 9). Other than VrayEnt and Hurchalla, no other SCC stage crew has ever been placed on do-not-dispatch status. (GC Exh. 4; Tr. 42–44, 353–354.)

b. December 2016: Hurchalla raises overtime concerns for SCC workers and management decides SCC has "tolerated his behavior long enough"

(i) The overtime complaint

On December 6, 2016, Hurchalla complained to Jayko that two members of the stage crew–Craig Lowe (Lowe) and Melissa DeGiere (DiGeire)–had gone into weekly overtime during recent productions and requested that Jayko address the issue. Jayko was not receptive; he accused Hurchalla of being inflexible for insisting that SCC follow California state overtime law, which he argued had been "waived." On December 10, Hurchalla followed up with an email; Jayko did not respond but Hurchalla received a response the following day from SCC's Operations Director Weaver, who promised to look into the issue. (Tr. 104; GC Exhs. 24, 25.)

On December 14, Hurchalla emailed Weaver (copying Jayco and Fitzsimmons) asking for an update on the overtime issue. Later that day, Weaver responded to Hurchalla's email, stating that, because the parties were operating under the terms of an expired collective-bargaining agreement, California overtime law did not apply.[10] The debate continued the following day, when Hurchalla sent a response email, stating that the California overtime exemption did not apply to expired collective-bargaining agreements, such as the one under which the parties were operating. He then laid out the case for the overtime he claimed had not been paid, accusing SCC of manipulating employee schedules to avoid its overtime obligations. (GC Exhs. 26, 27.)

Two days later, on December 17, Weaver emailed Fitzsimmons with a copy to Sandin, Jayko and Hurchalla, complaining that Hurchalla was pressing an overtime claim on behalf of two employees and that,

> [i]n doing so, he is presenting certain assertions, opinions, and interpretations of procedures, practices, and contract status as related to State law, that to SCC appears to represent the position and business interests of the Local 611 collectively. As such, further communication should be presented by a Business Manager.

(GC Exh. 28.)

(ii) Weaver floats the idea of disciplining Hurchalla and Sandin directs managers to document his conduct

About a half-hour after he responded to Fitzsimmons, Weaver sent another email. This time, he wrote internally to Sandin, with a copy to Jayko. He surmised that the Union had been dispatching Hurchalla for crew calls at SCC "in part, to create disruptions and engage in disagreements with management, often with hostile behavior." Hurchalla's claims, Weaver noted, usually had no merit, but the sheer frequency with which he raised them was itself creating a problem, as was his "harshly unprofessional and insubordinate" manner of raising them, which involved disparaging and trying to provoke Jayko. As Weaver put it, "the first problem is dealing with [Hurchalla] himself."

He then stated:

> We have tolerated his behavior long enough, too long really, and we consider him as having one foot out the door. Care will be taken to ensure that he is not dismissed or terminated for

[10] California's overtime law, Labor Code section 510, provides that it does not apply "to the payment of overtime compensation to an employee working pursuant to . . . [a]n alternative workweek schedule adopted pursuant to a collective bargaining agreement pursuant to Section 514." Section 514 exempts an employer from California's overtime laws if a CBA "expressly provides for the wages, hours of work and working conditions of the employees and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage."

> disagreeing with management. I think that would put us in a legal mess.

(Jt. Exh. 18.)

Weaver then posited a scenario in which Hurchalla might engage in a "disagreement" or "confrontation" when *not* acting as a steward; in this case, he suggested, Jayko would send Hurchalla home with pay in order to consider further disciplinary action. Weaver then identified a second problem SCC was facing: Hurchalla's overtime claim and specifically his contention that the parties' expired contract did not operate to exempt SCC from its overtime obligations under California law. Notably, he acknowledged the possibility that Hurchalla's argument actually had merit, stating, "I think his assertion that the CBA is not valid is a big deal . . ." and "there may be an element of truth to that, but I can't be certain." Id.

Four days later, on December 21, Sandin responded to Weaver's email. Copying Jayko and McCloud, she urged both Jayko and Weaver to document any problems with Hurchalla and address them with him "immediately." Referring them to the SCC handbook, she reiterated, "[t]he critical point is to address any issues immediately, with appropriate action and documentation, without letting time pass." Id. Jayko appears to have taken the directive to document Hurchalla's conduct to heart. On February 22, 2017, he emailed the Union's dispatch mailbox requesting a crew for another Panetta Institute event, adding, "[p]lease do not dispatch Andrew Hurchalla or Sylvia VrayEnt as per clients request." (GC Exh. 5.)

c. March/April 2017: Jayko clashes with Hurchalla and receives a verbal warning

Hurchalla's enthusiastic policing of the parties' contract led to further confrontations with Jayko in early Spring 2017. In early March, he accused Jayko of performing bargaining unit work and then filed a grievance over the incident,[11] which Weaver agreed had merit. A month later, on April 4, the two fell out again after Jayko tried to place Hurchalla on a 6-1/2 hour break during his shift; Hurchalla accused Jayko of violating the parties' expired contract, which provides that a job steward is required to be present "at all times work is being performed, exclusive of his/her meal breaks," which may last no longer than one hour. He then accused Jayko of causing the scheduling problem by inadequately advancing the production and added that he could teach him "something about properly advancing shows and production management." (Tr. 134, 136–138, 216–217, 331–332; Jt. Exh. 7 at 3, 6; GC Exh. 47 at 2.)

The two parted ways, leaving the break issue unresolved. Twenty minutes later, Jayko engaged Hurchalla again, insisting that he take the extended break and appoint an acting job steward in his absence. Hurchalla refused, insisting that this was not contractually permitted and physically showed Jayko the operative portions of the collective-bargaining agreement. Hurchalla denied raising his voice, yelling, threatening, berating, or harassing Jayko during these exchanges, and described both men's demeanor as "calm." (Tr. 139, 141–144.)

Another 20 to 30 minutes later, Jayko capitulated, offering that Hurchalla could break for an hour, during which time another technician could stand in as steward. Hurchalla agreed. With the issue resolved, Jayko walked away about 20 feet, but then turned around and asked Hurchalla

[11] I credit Hurchalla's version of this incident, which went unrebutted by Jayko.

what he had meant about telling him the he could "teach him something about production management." Hurchalla responded with an outright critique of Jayko's management abilities, accusing him of lacking a grasp of his job and asserting that his break scheduling was causing production problems that were in turn costing SCC more money and stressing out the crew. Jayko responded, sarcastically, "oh, you're just charming"; Hurchalla accused him of being sarcastic, which Jayko denied, adding (sarcastically) "oh, no . . . I meant that as a compliment." (Tr. 144–146.)

Hurchalla's dressing down of Jayko occurred in an area of the theater called the "crossover," which is a large hallway backstage. Hurchalla testified that it is a "really boomy" area, meaning that it has very sheer walls and acoustics such that anything that is said in the area can be heard, as he put it, "big time" and "out as the audience almost." According to Hurchalla, the two men remained about 20 feet apart during this entire exchange, which lasted approximately 3–4 minutes. During this time, he testified, he never raised his voice or yelled at Jayko; he described the exchange as calm and nonaggressive. This was at least partially corroborated by a current employee, Craig Lowe (Lowe), who was standing on the stage at the time with the stage doors open and testified that he did not hear Hurchalla yell at Jayko, but only raise his voice sufficiently to be heard long distance in the crossover. (Tr. 139, 147–149, 151–152, 155, 323–325.)[12]

About 15 minutes later, Jayko returned to Hurchalla, telling him, "[w]e need to get something straight. We cannot have everybody hearing these issues." He then explained that he was concerned and did not want the production (i.e., the talent and incoming production crew traveling with the show) "to hear the issues that was happening with the crew and him." Hurchalla responded that he did not think that anyone in the production would have heard their discussion.[13] Jayko then stated, "[w]ell, this is a warning," to which Hurchalla responded, "I don't accept your warning." Jayko walked away. Other than this verbal warning, Hurchalla never received any other discipline (written or otherwise) while dispatched to SCC. (Tr. 149–150, 227–228, 246, 353.)

Later that day, Hurchalla filed a grievance against SCC based on the verbal warning, accusing SCC of issuing him an unwarranted discipline for his conduct as a steward. The following day, April 5, Weaver drafted a "Memo of Record," describing the incident between Jayko and Hurchalla in which he claimed that Hurchalla had raised his voice in anger, and was "rude, insulting and completely insubordinate." He then stated that Hurchalla's grievance had no merit, in that his warning was not in any way related to his steward duties. Hurchalla credibly testified that Sandin's April 5 memoranda was the only time he had ever been accused of insubordinate conduct while dispatched to SCC. (GC Exh. 37; Jt. Exh. 5; Tr. 243, 348.)

On April 11, Weaver responded to Hurchalla's grievance via an email that stated that SCC had disciplined him for "unacceptable behavior" that was "not related to [his] assigned duties as

[12] I specifically reject Jayko's version of this portion of the exchange, which was delivered awkwardly and with little eye contact. By his telling, he disengaged from the conversation and simply walked away as Hurchalla "kept saying things" at him in a raised voice; this sanitized account pointedly left out Jayko's role in escalating the confrontation by turning around and demanding that Hurchalla explain what he had said earlier about teaching Jayko something about production management.

[13] Other than Lowe, there is no evidence that anyone had actually overheard the exchange.

a Steward." Attached to Weaver's email was a memorandum from Sandin stating that Hurchalla had been issued the verbal warning for "insubordinate conduct" and adding that "this represents a pattern of behavior that is not acceptable." The following day, Hurchalla sent a response email, in which he stated that he had not raised his voice to Jayko and that he was being disciplined based on a conversation in which he was attempting to police the parties' contract. Weaver did not respond. (Jt. Exh. 3; GC Exh. 38; Tr. 156.)

Various management witnesses testified about Respondent's handling of employee insubordination, outside of Hurchalla's case. Sandin testified that, in 2013, Respondent discharged an audio technician for insubordination. This individual was a Local 611 member but was employed on a regular basis by SCC (as opposed to an individual discharged for a particular production). This individual was alleged to have physically threatened SCC production manager Alex Saunders. Saunders is still employed at SCC but did not testify. (Tr. 372–373, 389–390.) Jayko admitted that another individual dispatched by Local 611, Chris Butler (Bulter), had, on occasion, yelled at Jayko and insulted him, but received no discipline. According to Jayko, Butler acted on occasion as a steward, but only rarely. (Tr. 311–312.)

d. May 2017: Management takes issue with Hurchalla as acting business agent

In May 2017, Fitzimmons took 7 days off and appointed Hurchalla to take over his duties in his absence. During that time, Hurchalla—using Fitzsimmons' Local 611 email account—wrote to a representative of the Carmel Academy of Performing Arts (CAPA), which had an upcoming event at SCC. Stating that he had heard that a plan was in the works to eliminate the pre-hang day from this production, Hurchalla expressed concern that this would leave the crew without enough time to prepare for the show and offered several ideas that would make the pre-hang day less expensive for CAPA. Hurchalla signed his email with an official Local 611 signature block as "Assistant Business Representative." (Tr. 158–159, 244; GC Exh. 21.)

According to Sandin, Hurchalla's directly contacting one of SCC's clients was "absolutely totally outside of protocol" and "disconcerting," in that it amounted to "a direct attempt to interfere, relationally, between SCC's clients and our management staff." Jayco concurred, explaining that he considered Hurchalla's communication with CAPA "inappropriate" and that he had "overstepped his bounds." This specific conduct by Hurchalla, he testified, was one of the reasons that he eventually advocated for Hurchalla to no longer be dispatched to the theater. (Tr. 269–270, 377–378.)

e. Winter 2017/spring 2018: Hurchalla spars with Jayko as a McCune employee and SCC requests that McCune not dispatch him

For nearly 7 months, it would appear that no significant issues arose between Hurchalla and Jayco. As noted, during this period (beginning in September 2017), Respondent began using a subcontracting model, whereby it obtained Local 611 labor indirectly from subcontractors, including McCune Audio Visual (McCune). This staffing model was used for a production of the Smuin Ballet held between November 29 and December 3, 2017. The Union dispatched crew for the show, including Hurchalla, who was also designated as steward for the production. (Tr. 160–163, 236, 293; GC Exh. 40.)

During the production, Hurchalla and Jayko disagreed over how to fix a malfunctioning speaker system. Ultimately, Jayko gave Hurchalla the system's schematics and asked him to try to troubleshoot the problem. Hurchalla then emailed McCune's sales and operations manager, Vince Hucks (Hucks); copying Fitzsimmons, Hurchalla reported what Jayko had instructed him to do. Hucks' response was swift and stern; he called Hurchalla and told him that he worked for McCune, not SCC, and that troubleshooting was not his duty and he was to focus on the work he had been scheduled to perform. Hurchalla later informed Jayko that his directive had been countermanded by Hucks; an apparently perturbed Jayko responded, "[o]h well, that just great." (Tr. 163–172.)

Three months later, on March 2, 2018, Pete Bender (Bender) of McCune emailed Jayko a list of stagehands, including Hurchalla, that he proposed be dispatched for an upcoming conference scheduled for May 2018. In response, Jayko called Bender and verbally instructed him not to dispatch Hurchalla. On March 19, Bender sent Jayko a revised list, with Hurchalla's name omitted. (Jt. Exhs. 9, 10; Tr. 305–307.) There is no evidence that Hurchalla was aware that Jayko had barred McCune from dispatching him.

f. March 2018: Jayko bars Hurchalla from visiting backstage at SCC

On March 23, Hurchalla attended a Smiun Ballet performance at the theater as an audience member. Notably, this performance was staffed with nonunion labor. With Fitzsimmons' assistance, he also arranged with the show's technical director, KT Graham (Graham) to visit with her backstage earlier in the day. This was not out of the ordinary, as productions sometimes invited guests backstage during a rehearsal or show. Shortly before the show's rehearsal began, Hurchalla, accompanied by his girlfriend, chatted with Graham backstage; as they spoke, two crew members who knew Hurchalla approached and greeted him. There is no evidence that their interactions were anything but cordial. Sometime later, Jayko spotted Hurchalla and approached him, stating that he was not permitted backstage. He then told Graham that Hurchalla was "not allowed to be here." (Tr. 72, 180–186, 189, 236, 294–297, 378–381; GC Exhs. 19, 20.)

Graham pushed back, maintaining that she had invited Hurchalla, and then she and Jayko discussed the matter privately in her office. When Graham emerged about 5 minutes later, she told Hurchalla that Jayko had accused him of making people on the crew "uncomfortable." Hurchalla said that was ridiculous, but, because he did not want to jeopardize Graham's production, he would leave and simply return that evening for the show. According to Fitzsimmons, neither Graham nor anyone else from Smuin Ballet contacted him to complain about Hurchalla after the March 23 event. Hurchalla likewise testified that neither Graham nor anyone from SCC contacted him to complain about his presence at the theater on March 23. (Tr. 74, 186–188, 190.)

g. Late March/April 2018: Hurchalla files a California State overtime claim and SCC officially places him on "do-not-dispatch" status

On March 29, 2018, Hurchalla filed an overtime claim with the California Department of Industrial Relations on behalf of Lowe and DeGiere, relating back to his 2016 claim that the parties' expired collective-bargaining agreement did not exempt SCC from California overtime laws. (Tr. 111.)

Six days later (on April 4), Fitzsimmons received an email from Bender at McCune. Referencing an upcoming event to be held at SCC, Bender noted that "Jayko requested that we do not dispatch [Hurcalla] to Sunset." Fitzsimmons forwarded the email to Hurchalla.[14] Fitzsimmons telephoned Hucks at McCune, who explained to him that McCune had no issues with Hurchalla and in fact wanted him to work on the upcoming call. On April 9, Fitzsimmons received an additional email from Bender repeating that Jayco had requested that Hurchalla not be dispatched to calls as SCC, and noting that "we at McCune have absolutely no issue with [Hurchalla]" and "[w]e enjoy working with him and would happily put him on this or any other call." (GC Exhs. 10, 11, 45.)

On April 11, 2018, Fitzsimmons emailed Sandin, Jayco and Weaver, as well as and Sue McCloud (McCloud) (a member of SCC's board of directors), accusing SCC of discriminating against Hurchalla based on his union activities. Within the next 3–4 days, Respondent's three-person (union) negotiating committee decided that, going forward, SCC would take a "zero tolerance" policy regarding Hurchalla. The negotiating committee at the time consisted of Board Members McCloud, Bob Kavner (Kavner), Sally Reed (Reed). Each of them was familiar with Hurchalla, as they had interacted with him regularly during bargaining. As of the hearing in this matter, McCloud and Reed had rotated off their positions as Board members, although they remained SCC donors; Kavner was still a current board member. (Tr. 57, 374–375, 391–393; GC Exh. 12.) None of the three testified.

On April 16, 2018, McCloud responded to Fitzsimmons' email on behalf of the committee, stating that Hurchalla would continue on no-dispatch status, and adding the following explanation:

> [t]here were significant issues with [Hurchalla] that arose prior to the signing of our latest agreement, including abusive/harassing conduct and bullying of [SCC] employees as well as client complaints. As an example, I am attaching a letter sent to him from Christine Sandin, Executive Director, in April 2017.[15] All of this resulted in him being placed on a "do not dispatch" list. While we have a new subcontracting agreement in place with Local 611, SCC is mandated under law to maintain a safe and healthy workplace, and a workplace free from harassment and abusive conduct, as well as remain a favored venue for our clients. Hence our position remains the same; namely, that Mr. Hurchalla continue to not be dispatched to our venue.

(GC Exh. 12.) When the upcoming SCC event staffed by McCune was eventually held (the following month), Hurchalla was not dispatched. (Tr. 54–55.)

[14] This was the first notice to Hurchalla that SCC had issued a broad "do not dispatch" order with respect to him. (Tr. 192.)

[15] No attachment to this email was introduced into the record, but McCloud was presumably referring to Sandin's April 11, 2017 "Memorandum for Record" addressed to Hurchalla regarding his alleged insubordination on April 4, 2017. See Jt. Exh. 3 at 2.)

j. May 2018: Hurchalla continues to pursue the overtime claim

Two significant events happened in May 2018. First, Hurchalla ratcheted up his efforts to pursue Lowe and DeGiere's overtime complaints; second, Jayko departed SCC and was replaced by Gary Brunclik (Brunclik).

On May 8, Hurchalla, accompanied by Lowe and DeGiere, attended a California Labor Commissioner's conference regarding the overtime complaint the Union had been pursuing for 15 months. Hurchalla served as the employees' representative; also in attendance were SCC officials Sandin and Weaver, along with Respondent's legal counsel. Hurchalla argued that, because the employees had been paid pursuant to an unsigned, unilaterally imposed contract (i.e., SCC's last, best and final offer), they were entitled by state law to overtime. He was unsuccessful, however, and the state agency found that it lacked jurisdiction over SCC. (Tr. 112, 113, 115–116.)

On May 11, Fitzsimmons emailed Bender and Hucks at McCune, inquiring whether Hurchalla would be deemed eligible for dispatch going forward considering that Jayko was no longer SCC's production manager. On May 16, Hucks responded by forwarding an undated portion of an email he had apparently received from Weaver, which stated, "[w]e are not allowing dispatch of Andrew Hurchalla to Sunset Center as previously established with McCune. This request to not dispatch is still in effect until further notice." The Union complied, and did not dispatch Hurchalla, through McCune, to any SCC events. (Tr. 57, 60, 195–196, 263; GC Exhs. 13, 14.)

On May 30, Hurchalla refiled Lowe and DeGiere's overtime claim. On September 18, 2018, the California State Labor Commissioner issued notice that another hearing would take place on October 8, but this never came to pass, as SCC agreed to settle the overtime claims. (Tr. 112, 113, 115–116; GC Exhs. 30, 31.)

k. Summer/fall 2018: Management wavers on its "do not dispatch" order

It appears that, on two occasions in 2018, Respondent made an exception to "zero tolerance" policy regarding Hurchalla and allowed him to be dispatched to the theater. The first production he worked was the Carmel Bach Festival, a lengthy (30–35 day) annual music festival during July and August. This event, which had been held for many years, is organized differently than a typical production at the theater in that SCC does not provide stage crew but rather left the production company in charge of obtaining its own labor.[16] Under this model, Hurchalla had been dispatched by Local 611 to work this particular event for the past 7 years. Hurchalla's 2018 experience with Brunclik, the new production manager, was a positive one and the men had no

[16] While Sandin testified that, pursuant to SCC's arrangement with the festival's producer, Respondent had "zero" control over which employees were dispatched to the event, I do not fully credit this testimony. As Respondent's table representative and final witness at hearing, she was privy to all other witness testimony; based on this, as well as her demeanor, it struck me that she was rather overselling the idea that Respondent was somehow forced to allow Hurchalla to work the Bach Festival. (Tr. 365–366.)

conflicts or disagreements.[17] According to Fitzsimmons, Brunclik respected the union crew and "valued" Hurchalla; he also told Fitzsimmons that things were going to change for the better and expressed his intention to "mend" the relationship between the Union and SCC. (Tr. 93–94, 193–196.)

By October, it appears that a difference of opinions among SCC's leadership had developed as to whether banning Hurchalla was still necessary in light of Jayko's departure. On October 8, Weaver emailed SCC's deputy director/event director, Mary Carrieri (Carrieri), copying Sandin:

> Moving forward, if [Hurchalla] is dispatched as a stagehand from the Local 611 hall, that's one thing. We would allow that to be fair and consistent with how the Bach crew is provided. However, if McCune is trying to dispatch him, a decision has to be made on that. I know [Brunclik] wants to show our willingness to move forward with a fresh start, and I think that's a good idea, but it's a tough call.

(Jt. Exh. 16.) Sandin disagreed, responding,

> He has to stay on the Do Not Dispatch. It's an employee liability issue.
> He threatened and bullied [Jayko], and we have to assume he will do it again to whomever he has a beef with. [Brunclik] feels that they are all "good" at the moment, but this is a serious accusation that was made against [Hurchalla], we had evidence of it, and now we have a duty to protect the rest of our employees from it.
>
> Liability, liability, liability.

Id. At hearing, when asked to explain her response, Sandin offered a vague historical account of employee claims between 2012 and 2017 about workplace harassment—not by Hurchalla but other individuals—that she claimed had made individual Board members sensitive about their potential personal liability. Sandin did claim that Weaver and Jayko had approached her "at different times" to talk about their concerns with Hurchalla; she did not, however, specify what those concerns had been, nor did she identify what "serious accusation" had been made against Hurchalla or what "evidence" was presented to support it. (Tr. 382–383.)

In any event, it does not appear that Sandin's "zero-tolerance" position carried the day. Later in the year, in November, Hurchalla was again dispatched to work at SCC, this time for another music event that lasted 2 days. Again, he testified, he ran into no "issues" with the production. (Tr. 196–198.)

[17] Respondent's claim that Brunclik did not work on this production was credibly rebutted by not only Hurchalla but Fitzsimmons as well. (See Tr. 93–94.) Brunclik did not testify.

l. 2019: Respondent continues to waver on Hurchalla's dispatch status

During the spring of 2019, Respondent vacillated on Hurchalla's ban from the theater. Having retreated from its position that Hurchalla not be permitted to work at the theater under any circumstances, Respondent again changed course in March, removing him from an SCC job to which he had been dispatched; months later, however, he was permitted back to work at the annual Carmel Back Festival.

(i) March 2019: SCC ejects Hurchalla from its premises[18]

In March 2019, the Union received a labor request from Musson Theatrical (Musson), a company that installs rigging and other theatrical equipment. Musson had contracted with SCC's landlord, the City of Carmel, to provide some rigging and fly repair maintenance at the theater. On March 11, the Union dispatched Hurchalla as head rigger to assist Musson's in-house field technician, Willie Massurv (Massurv); he was also designated job steward. While the identity of the decisionmaker is not clear from the record, it is undisputed that SCC requested that the City of Carmel cause Hurchalla to be removed from the theater. (Tr. 60–62, 199, 200–203, 354–355.)

Hurchalla's ejection from the jobsite was not without some drama. Shortly after arriving at the theater, Hurchalla and Massurv were approached by SCC's acting assistant production manager, Kevin Proctor (Proctor), who demanded that they explain what they were doing at the theater. After Massurv explained, Proctor involved Carrieri at SCC. Next, Massurv got a voice-mail message from a City of Carmel official, Robert Estrella (Estrella). According to Hurchalla, who heard the message played, this official stated that he had just been contacted by "somebody" at SCC and that "they" were extremely upset that his assistant (i.e., Hurchalla) was present at the theater, that he was not supposed to be there and that, if he did not leave voluntarily, he would be escorted out by the police. Hurchalla began packing up his tools, and also texted Fitzsimmons that "they're calling the cops on me and they're kicking me out of the building." Fitzsimmons cautioned him to go quietly if the police showed up and not cause a scene, and to wait outside the building to speak with Estrella, who was en route. (Tr. 62–63, 202–204.)

As instructed, Hurchalla waited in the parking lot for Estrella. Once he arrived, Estrella apologized and told Hurchalla, "somebody doesn't want you here." As Hurchalla walked to his car, a City of Carmel police cruiser entered the parking lot and drove up to where Estrella and Massurv stood speaking.[19] At the same time, Hurchalla got in his car and drove away. According to Hurchalla, this was the last day he worked as a steward for SCC. Late that afternoon, he received an email from Fitzsimmons stating:

> Due to today's mandate by [SCC], that you no longer be allowed in the building regardless of the employer your [sic] working for, you will be replaced on the following upcoming Monterey Symphony dates of 3/14, 3/15, 3/16, 3/17 and 3/18.

[18] Weaver, under questioning by counsel for the General Counsel, testified that this incident occurred on March 11, 2018, but I believe (based on the record as a whole, including contemporaneous emails regarding the events in question) that this was an innocent mistake on his part. (See, e.g., GC Exhs. 15, 46.)

[19] According to Hurchalla, the police cruiser came in without lights or a siren operating. (Tr. 206.)

(Tr. 64, 103, 204–206; GC Exhs. 15, 46.)

(ii) May 2019: Brunclik demands Hurchalla be reinstated

As noted, Brunclik replaced Jayco as SCC's production manager in May 2018 and had expressed his desire to "mend" the relationship between SCC and Local 611. On May 29, 2019, Brunclik emailed Weaver and McCloud (copying Sandin), demanding that SCC cause its subcontractors, McCune and Musson, to issue a letter releasing Hurchalla from "do-not-dispatch" status. He stated, in relevant part,

> This has gone on long enough, it's punitive and retaliatory. We are shooting ourself [sic] in the food by denying the best [head audio/head lighting] on the peninsula to serve us.
>
> All this is in the past and there is no documentation I have been shown to prove the allegations against him.

(Jt. Exh. 17; see Tr. 122.) Sandin responded minutes later, stating that no such letter would issue. Id.

(iii) June 2019: Hurchalla is Specifically Requested by an SCC Client, and Respondent Makes an Exception to His Ban

As he had been in prior years, Hurchalla was dispatched in late June 2019, to work as the lighting director and head electrician for the annual 30-35 day Carmel Bach Festival at SCC. This time, he was specifically requested by the executive director of the event; SCC management, however, was aware of his presence. As Hurchalla testified, he interacted frequently with Brunclik and even exchanged greetings with Carrieri during the production. This event was the last time Hurchalla was dispatched to SCC. (Tr. 70, 207–208.)

On December 2, 2019, Carrieri emailed one of the Center's labor subcontractors, Prime Time Entertainment, reiterating that Hurchalla was not to be dispatched to the Center, due to "customer complaints" and "problematic" conduct. (Jt. Exh. 11.)

h. Respondent's asserted rationale for banning Hurchalla

Respondent's main proffered rationale for banning Hurchalla is that it determined that permitting him to work at the theater would put SCC "at risk of harm to its employees," subjecting it to liability for his conduct under federal anti-harassment law, as well as Section 6400(a) of the California Labor Code.[20] Giving Respondent the fullest benefit of the doubt, I have culled out from the record any evidence that might shed light on this defense.

[20] See generally *Franklin v. The Monadnock Co.*, 59 Cal.Rptr.3d 692, 151 Cal.App.4th 252 (Cal. App. 2 Dist. 2007) (Labor Code Section 1004(a) establishes an explicit public policy requiring employers to provide a safe and secure workplace, including a requirement that an employer take reasonable steps to address credible threats of violence in the workplace).

As noted, Sandin (who, as Respondent's representative, observed the entire hearing) offered a somewhat meandering historical account of various employees raising concerns about workplace harassment, but the complaints in question were clearly not made about Hurchalla. (Tr. 382–383.) Nor did any witness identify what specific conduct by Hurchalla—other than him disagreeing with Jayko—was considered inappropriate in the workplace. According to McCloud's April 16, 2018 explanation, Hurchalla's "do-not-dispatch" status resulted from "significant issues" regarding harassment and bullying on Hurchalla's part had arisen prior to September 2017. McCloud did not testify, leaving the record devoid of an explanation as to what these "significant issues" were or why, considering Respondent's claimed hypersensitivity to liability for workplace harassment, Respondent failed for months to investigate or otherwise address his supposed malfeasance.

What emerges with relative clarity from the record is that Respondent's top officials considered Hurchalla's aggressive policing of the parties' expired contract and criticism of Jayko's job performance to amount to "harassment" and "bullying." In this regard, it is worth noting that, when justifying Respondent's 2018 do-not-dispatch order based on "abusive/harassing conduct and bullying of [SCC] employees," McCloud pointed to Hurchalla's alleged insubordination in April 2017, when he confronted Jayko about his lack of management prowess. (See GC Exh. 12; Jt. Exh. 3 at 2.) Respondent offered no evidence as to how Hurchalla's conduct towards Jayko posed a liability to Respondent vis-à-vis its stage crew work force. According to Hurchalla's unrebutted testimony, he was never made aware—during the entire time he was dispatched to SCC—that a coworker had complained that he had been hostile or aggressive towards them. Other than his interactions with Jayko, the record contains only two references to instances of harassment involving Hurchalla.

The first accusation that Hurchalla engaged in harassing conduct unrelated to his confrontations with Jayko came in through the testimony of Weaver, who claimed to have received a complaint about Hurchalla from SCC maintenance employee Jose Colocho (Colocho).[21] Weaver almost immediately backtracked, however, clarifying that Colocho did not make a "direct complaint" about Hurchalla, but rather occasionally requested that Weaver inform him if Hurchalla was working in a given building, so that he could arrange his maintenance work to avoid him. According to Weaver, Colocho had reported that Hurchalla had, on occasion, made him "feel uncomfortable." Weaver testified that Colocho's concerns about Hurchalla did not result in any discipline of the latter, nor were they documented in any way. As of the hearing, Colocho was still employed by SCC, but did not testify. (Tr. 333–335, 343–344.)

The second instance of alleged misconduct towards coworkers was based on Hurchalla's December 1, 2017 appearance backstage during a non-union production at the theater. According to Respondent's business records, this had created a complaint by the crew to Jayko that Hurchalla was "interrogating" and "watching" them, causing them to become uncomfortable. Weaver (who did not witness the incident) claimed that this was "the event that broke the camel's back," causing Jayko to convince the show's production manager that Hurchalla was creating a hostile work environment and would be removed by the police if he failed to leave of his own accord. Weaver's dramatic account, documented in his December 1, 2017 "Memo of Record," went largely uncorroborated by Jayko, who testified simply that he

[21] Colocho's title as of the hearing in this matter was maintenance manager, but he is not alleged to be a supervisor or agent under the Act, and Respondent's position is that he is an employee. (Tr. 333.)

spotted Hurchalla at the theater and told him to leave, omitting any reference to a crew complaint, hostile work environment discussion or threat to call the police. Jayko also flatly denied that Hurchalla's surprise appearance at the theater was *not* the "breaking point" for him. (Tr. 243, 267–268, 296–297, 351–353; Jt. Exh. 19.)

Respondent's reliance on the December 1, 2017 incident is further undercut by the fact that it did not—and indeed, could not—have occurred on the day Weaver claimed, by his memo, that it did. As detailed above, Hurchalla had indeed been present at a Smuin Ballet production on December 1, in his capacity as a crew member and steward. This is evidenced by Hurchalla's detailed testimony as to his various run-ins with Jayko during the production, as well as show's steward's report for the show, which indicates that Hurchalla was on the clock at the very time (2:15 p.m.) that he supposedly "showed up unexpectedly" during a nonunion production. As further noted, supra, Hurchalla did—in March 2018—make a backstage appearance at a non-union Smuin Ballet production; absent the application of time travel technology, however, this could not have formed the basis of Respondent's December 2017 decision to place him on non-dispatch status. Confronted with this rather glaring inconsistency, Jayko became confused, ultimately conceding that "the timeline seems a little convoluted." Weaver, for his part, was unable to explain how his December 4, 2017 "Memo or Record" could have summarized an event that would not occur until several months later. When pressed, he at first suggested that perhaps he had "mixed up" the dates and finally admitted that it was "possible" that the incident described in his "Memo of Record" in fact took place at the March 23, 2018 Smuin Ballet production. (Tr. 300–303; 308–309, 355–360; GC Exh. 40; Jt. Exh. 19.)

Finally, I note that Respondent's former manager, Jayko, offered a secondary rationale for banning Hurchalla. As he explained, an additional reason for banning Hurchalla was that, as Acting Business Manager, he had sent an unsolicited email to one of SCC clients, CAPA, raising concerns—on behalf of Local 611—about the stage crew not having enough time to prepare for the show. This, he testified, he considered inappropriate in that Hurchalla had "overstepped his bounds," treading on his own field of responsibility by interacting directly with a client of SCC. (Tr. 270; GC Exh. 21)

Analysis

The General Counsel alleges that Respondent violated Section 8(a)(3) and (1) of the Act of the Act by prohibiting subcontractors and/or customers from employing Hurchalla and causing them to remove him from working on events at SCC, in each case because he engaged in union activity. Respondent contends that its conduct was based not on Hurchalla's union activity, but rather that it was motivated by a complaint lodged by a customer (The Panetta Institute), as well as a need to address Hurchalla's inappropriate and harassing workplace conduct. Respondent also contends that the complaint is barred in its entirety by Section 10(b).

1. <u>Respondent's Statute of Limitations Defense</u>

Respondent, by its answer, contends that Hurchalla "became aware that he was on the do not dispatch list on or about May 4, 2016, and therefore the charge and this Complaint are barred by the six month statute of limitations provided by Section 10(b) of the [Act]." (GC Exh. 1(e).) By its post-hearing brief, Respondent asserts a slightly more nuanced theory, stating, "Mr. Hurchalla

knew on or about May 4, 2016 that he was on a Do Not Dispatch list with regard to Panetta Institute events, and he knew on or about April 16, 2018 that he was on a complete Do Not Dispatch list." (R. Br. at 7.)

General Counsel offers several arguments against application of the statute of limitations here, based on Respondent's admittedly causing subcontractor Musson to eject Hurchalla from the theater on March 11, 2019, within the limitations period. This action, it is argued, 'breathed life' into the complaint allegations. For the reasons set forth below, I find partial merit to each of the parties' positions.

a. The 10(b) standard

Section 10(b) of the Act provides that "no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made." It is therefore a statute of limitations which extinguishes liability for unfair labor practices committed more than 6 months prior to the filing of the charge. *NLRB v. Fant Milling Co.*, 360 U.S. 301, 309, fn. 9 (1959). The limitations period under Section 10(b) is an affirmative defense and Respondent has the burden of showing that the charge was untimely under Section 10(b). *NLRB v. Public Service Electric and Gas Co.*, 157 F.3d 222, 228 (3d Cir. 1998).

In *Machinists Local 1424 v. NLRB (Bryan Mfg.)*, 362 U.S. 411, 416–417 (1960), the Supreme Court differentiated between two categories of limitations cases. The first category involves cases where an occurrence within the 6-month limitations period constitutes an unfair labor practice in and of itself. The Court noted that earlier events might be utilized to shed light on the unfair labor practice, but such evidence is background. Such cases are not time barred. The second category involves conduct which occurred during the limitations period which does not in and of itself constitute an unfair labor practice without reference to a time-barred event. This category is time barred.

The 10(b) period commences, however, only when a party has clear and unequivocal notice—either actual or constructive—of the acts that constitute the alleged unfair labor practice, i.e., until the aggrieved party knew or should have known that his statutory rights have been violated. *Castle Hill Health Care Center*, 355 NLRB 1156, 1191 (2010); *Ohio & Vicinity Regional Council of Carpenters*, 344 NLRB 366, 367–368 (2005); *Broadway Volkswagen*, 342 NLRB 1244, 1246 (2004); *Concourse Nursing Home*, 328 NLRB 692, 694 (1999); *Leach Corp.*, 312 NLRB 990, 991 (1993). Actual or constructive knowledge may be ascribed where the conduct was "'sufficiently 'open and obvious' to provide clear notice" and/or where the party would have discovered the violation had it exercised reasonable diligence. See *Ohio & Vicinity*, supra at 367–368; *Duke University*, 315 NLRB 1291 n.1 (1995); see also *Phoenix Transit System*, 335 NLRB 1263 n.2 (2001) (charging party was "on notice of the facts that reasonably engendered suspicion that an unfair labor practice occurred," and could have been discovered by exercising due diligence).

b. Application of Section 10(b) bars certain portions of the complaint

The charge triggering the instant case was filed on June 3, 2019. Thus, to the extent that Respondent has proven that, more than 6 months prior to that date, Hurchalla either knew or

should have known of the acts which gave rise to the complaint allegations, they are untimely. In undertaking this analysis, it is useful to consider the two distinct categories of conduct alleged in the complaint. Specifically, Respondent is accused of: (a) prohibiting subcontractors from employing Hurchalla and causing them to remove him from working on events at SCC; (b) prohibiting customers from employing Hurchalla and causing them to remove him from working on events at SCC. As set forth below, I find that the charge is untimely as to the latter category (involving customers), but timely as to the former (involving subcontractors).

Turning first to the "customer" allegations, the record contains evidence of only one customer of SCC playing any role in barring Hurchalla from the theater: The Panetta Institute. In this regard, the record is clear that Hurchalla was made aware in May 2016 and again in February 2017 that he would not be permitted to work at future Panetta Institute events. Nor is there any evidence that, following February 2017, any Panetta Institute events were actually held at SCC. See *Bonwit Teller, Inc.,* 96 NLRB 608 (1951) (finding Section 10(b) bars the resting of an unfair labor practice finding upon the bare presumption of continuity of an unlawful practice which is shown to have occurred prior to the 6-month period). Because the record contains no evidence of Respondent allegedly prohibiting any customer from utilizing Hurchalla within the limitations period, I agree with Respondent that this aspect of the complaint is time barred.

An analysis of the allegations involving subcontractors, however, produces a different result. Respondent's actions in causing subcontractor Musson to eject Hurchalla from SCC on March 11, 2019, constitutes conduct of the type that the *Bryan Mfg.* Court identified as not time barred: that which occurs within the limitations period and constitutes an unfair labor practice in and of itself, without reference to pre-limitations conduct. See *Iron Workers Local 433*, 341 NLRB 523, 523 n.1 (2004) (refusal to allow discriminatee to register for referrals during 10(b) period timely where unlawful without reference to conduct outside limitations period); *Stage Employees IATSE Local 720*, 332 NLRB 1, 1–2 (2000) (failure to refer discriminatee within limitations period timely as separate event occurring within limitations period); *Electrical Workers IBEW Local 6 (San Francisco General Contractors)*, 318 NLRB 109, 126 (1995) (enforcement during limitations period of unlawful hiring hall rule or practice promulgated outside limitations period timely), enfd. 139 F.3d 906 (9th Cir. 1998); see also *South East Coal Co.,* 242 NLRB 547, 551 (1979) (in refusal to hire case "each unlawfully motivated refusal to hire . . . is a separate and distinct unfair labor practice. . .").

Based on these authorities, I find that Respondent's causing subcontractor Musson to eject Hurchalla from its worksite was a separate event that started the running of the 10(b) period and that, therefore, the complaint is timely to the extent it alleges that Respondent unlawfully prohibited subcontractors from employing Hurchalla and causing them to remove him from working on events at SCC.

2. Hurchalla's Ejection and Ban from SCC

Section 8(a)(3) of the Act provides, in relevant part, that it is "an unfair labor practice for an employer by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization." 29 U.S.C. § 158(a)(3). Under Section 8(a)(3), the prohibition on encouraging or discouraging "membership in any labor organization" has long been held to include, more generally, encouraging or

discouraging participation in concerted or union activities. *Radio Officers' Union v. NLRB*, 347 U.S. 17, 39–40 (1954); *NLRB v. Erie Resistor Corp.*, 373 U.S. 221, 233 (1963).

In cases involving alleged discriminatory discipline where the employer's motive is at issue (i.e., where the employer claims to have based its decision on conduct separate and apart from the employees' alleged protected conduct), the Board employs the burden shifting analysis set forth in *Wright Line*,[22] which I will discuss in more detail below. *Wright Line*, however, does not apply to situations in which the employer asserts that discipline was justified by misconduct occurring within the course of otherwise protected conduct. In such cases, the employer will be found to have violated the Act, irrespective of its motive or showing of animus, where "the very conduct for which employees are disciplined is itself protected concerted activity." *Burnup & Sims, Inc.*, 256 NLRB 965, 976 (1981).

As the Board has recognized, the appropriate analytical framework to apply to an allegedly discriminatory disciplinary action depends on the rationale the respondent asserts for that action. See *Nestlé, USA, Inc.*, 370 NLRB No. 53, slip op. at 1 n.2 (2020); *MCPC, Inc. v. NLRB*, 813 F.3d 475, 487–490 (3d Cir. 2016); *Shamrock Foods Co. v. NLRB*, 346 F.3d 1130, 1135–1136 (D.C. Cir. 2003), enfg. 337 NLRB 915 (2002). For that reason, I have analyzed certain facets of Respondent's defense under *Wright Line* and others under *Burnup & Sims*.

a. Burnup & Sims dictates that Respondent was not privileged to ban Hurchalla for misconduct allegedly occurring during his conduct as a union representative

The Board has consistently ruled that the Act is violated if an employer takes an adverse action against an employee for "misconduct arising out of a protected activity, despite the employer's good faith belief, when it is shown that the misconduct never occurred." *NLRB v. Burnup & Sims,* 379 U.S. 21, 23 (1964). Under the *Burnup & Sims* analysis, the General Counsel has the initial burden of proving that the employee was subjected to an adverse employment action during the course of protected activity. If the General Counsel sustains its initial burden, the employer must then establish that it held an honest, good-faith belief that the employee engaged in serious misconduct. Serious misconduct occurs when "the employee's activity is such that, under the circumstances existing, it may reasonably tend to coerce or intimidate coworkers." *Aqua-Aston Hospital, LLC*, 365 NLRB No. 53, slip op. at 5–6 (2017) (*citing Clear Pine Mouldings*, 268 NLRB 1044 (1984)). After the employer shows that it held a good-faith belief that the employee committed serious misconduct, the burden shifts back to the General Counsel to establish, despite the employer's good-faith belief, the misconduct never occurred. *Aqua-Aston Hospital*, supra, slip op. at 5; *Akal Security, Inc.*, 354 NLRB 122, 124–125 (2009), reaffd. 355 NLRB 584 (2010); *Taylor Motors*, 365 NLRB No. 21 (2017). "Thus, an employer who disciplines an employee for misconduct within the course of otherwise protected activity will be found to have violated the Act where the evidence discloses that: (a) it did not honestly believe the serious conduct occurred; or (b) even if it did so believe, it was mistaken." *Aqua-Aston Hospitality, LLC*, supra, slip op. at 6.

I find that, to the extent Respondent relied on Hurchalla's "inappropriate" interactions with Jayko, which it claims amounted to the creation of a hostile work environment, *Burnup & Sims*

[22] 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989, approved in *NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983).

provides the correct analytical framework. This is because each of the interactions relied on by Respondent involved Hurchalla, in his role as steward, either policing the parties' expired collective-bargaining agreement or expressing his disagreement with Jayko's day-to-day management decisions, insofar as they negatively impacted union-dispatched crew members. Such steward activity "embodies the essence of protected concerted activities." *General Motors Corp.*, 218 NLRB 472, 477 (1975), enfd. 535 F.2d 1246 (3d Cir. 1976); *USPS v. NLRB*, 652 F.2d 409, 412 (5th Cir. 1981).

Accordingly, I find that the General Counsel has met its initial burden under *Burnup & Sims*. The burden then shifts to Respondent to establish that it held a good-faith belief that Hurchalla engaged in "serious misconduct" during his interactions with Jayko. This I find Respondent failed to do. Notably, other than cursory claims that Hurchalla's treatment of Jayko put Respondent "at risk of harm to its employees," there is simply no credible evidence to suggest that Respondent was, in fact, concerned that Hurchalla's spirited exercise of his Section 7 rights threatened to subject Respondent to legal liability, whether as an actionable "hostile work environment" claim or pursuant to Respondent's duty to provide a safe work environment under California law, such that banning him became necessary. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993) (to be actionable under Title VII, conduct must be severe or pervasive, based on protected characteristics, and objectively and subjectively hostile or abusive).

Even assuming that Respondent held such a good-faith belief, I find that the credible evidence establishes that, in fact, at no time during his frequent dressing down of Jayko did Hurchalla engage in misconduct, serious or otherwise. As one court of appeals has explained, because tensions often run high during a steward's interactions with management, the Act's protections "would be seriously threatened if the employer could" insist that any emotional and argumentative point made during the discussion could lose the protection of the Act. *USPS v. NLRB*, supra at 412. Accordingly, it is well established that a union steward, acting in his or her official capacity may not be lawfully disciplined for conduct that is normally considered discourteous, disrespectful, belligerent, or even insubordinate. See *Lion Elastomers LLC*, 369 NLRB No. 88, slip op. at 20 (2020) ("[i]n the context of grievances, the standard is a high bar, and inflammatory, rude, or even profane language does not meet that bar—rather, such language is part of the *res gestae* of the grievance discussion") (citations omitted).

Likewise, where a steward directly confronts management over proposed action he considers unlawful, he does not commit misconduct justifying discipline, even where his conduct may be considered "disorderly, antagonistic and disrespectful." See *Noble Metal Processing, Inc.*, 346 NLRB 795, 798 (2006); see also *Lana Blackwell Trucking*, 342 NLRB 1059, 1062 (2004) (employee representative directing "disrespectful, angry and shocking outbursts that embarrassed and humiliated" company president not lawfully disciplined, where he was challenging allegedly unlawful management actions).

Hurchalla's skirmishes with Jayko, by all accounts, grew out of what Hurchalla considered to be contractual violations. Significantly, his most arguably indecorous conduct towards Jayko—his raised-voice dressing down of the latter's management skills in a "boomy" area backstage where he was overheard by at least one other employee, grew out of Jayko's announced intention to place Hurchalla on a multi-hour break which Hurchalla considered a contract violation. It is undisputed that, at no time during his confrontations with Jayko, did Hurchalla use any profanity or vitriol, make threats or engage in physical contact. Even assuming that, on occasion,

Hurchalla raised his voice and spoke out forcefully when raising concerns about Jayko's management style, he did not, under any reasonable view, engage in conduct that could reasonably be considered insubordinate or disruptive of the workplace sufficient to be considered "serious misconduct." See *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75, 81 (1998) (federal anti-harassment law does not constitute "a general civility code for the American workplace").

Another proferred rationale for banning Hurchalla is amenable to analysis under *Burnup & Sims*. Specifically, as detailed above, Respondent presented evidence at hearing that Jayko recommended that Hurchalla be banned from SCC based on his directly contacting CAPA, one of the theater's customers. Specifically, according to Jayko, who was responsible for recommending Hurchalla be banned from SCC, his decision was based, in part, on his "overstepping his bounds" by contacting one of SCC's clients (CAPA) in order to advocate that the crew be awarded an extra day of work (i.e., the "pre-hang" day) in which to set up for a production. To the extent Respondent relies on Hurchalla's contact with CAPA as Local 611's Acting Business Manager, I find this defense likewise fails under *Burnup & Sims*.

Section 7 of the Act generally protects employees when they appeal to customers for support in a labor dispute with their employer "where the communication [does] not constitute a disparagement or vilification of the employer's product or its reputation." *Allied Aviation Service Company of New Jersey, Inc.*, 248 NLRB 229, 230 (1980), enfd. 636 F.2d 1210 (3d Cir. 1980); see also *Kinder-Care Learning Centers*, 299 NLRB 1171, 1172 (1990). In this case, the content of Hurchalla's email to CAPA made it clear that he was enlisting it in an effort to improve the quality of their production while increasing the number of hours afforded to crew members for a "pre-hang" day, in contravention of SCC's directive. Insofar as nothing contained in the email served to disparage or vilify Respondent, Hurchalla's act of contacting CAPA constituted protected union activity, shifting the burden to Respondent to demonstrate that it held a good-faith—and correct—belief that Hurchalla nonetheless committed serious misconduct in the course of this communication.

In this regard, I credit Respondent's witnesses Weaver and Jayko, who were each plainly outraged by what they considered a serious breach in protocol. Thus, I find that Respondent did, in fact, harbor a good-faith belief that the email to CAPA constituted serious misconduct. This, however, is not the end of the inquiry but rather shifts the burden back to the General Counsel to prove that the misconduct Respondent perceived did not, in fact, occur. I find that the General Counsel has met this burden, in that, based on the Board's standards for contacting an employer's customers, Hurchalla's conduct was wholly appropriate and protected. Thus, Respondent relied on its good-faith belief at its own peril, and *Burnup & Sims* dictates that this defense must fail.

b. Under Wright Line, Respondent permanently banned Hurchalla based on his protected union activities

As noted, to the extent Respondent banned Hurchalla based on his alleged insubordination to Jayko, I have found that *Burnup & Sims* controls my analysis. However, to the extent that Respondent claims to have been motivated by different, unprotected conduct by Hurchalla, a mixed-motive analysis under *Wright Line* is necessary. In this regard, Respondent contends that it received complaints that Hurchalla made nonunion stage crew uncomfortable and

"interrogated" them inappropriately and additionally that maintenance employee Colocho requested not to work in the same physical area as him. Respondent claims that, based on these complaints, as well as on Hurchalla's interactions with Jayko, it was compelled to remove him from the workplace in order to fulfill its affirmative duty to provide workers with a safe and harassment-free workplace.

(i) The *Wright Line* standard

As noted, supra, where the respondent's proffered justification for its action relies on events other than protected conduct, the *Wright Line,* "mixed motive" framework applies to the question of whether such justification renders the conduct lawful. *Fresenius USA Manufacturing, Inc.*, 362 NLRB 1065, 1066 (2015); *Alton H. Piester, LLC*, 353 NLRB 369, 372 n.25 (2008). Under that framework, the General Counsel must prove by a preponderance of the evidence that an employee's protected concerted activity was a motivating factor (in whole or in part) for the employer's adverse employment action. "The elements required to support such a showing are union or protected concerted activity, employer knowledge of that activity, and union animus on the part of the employer." *Libertyville Toyota*, 360 NLRB 1298, 1301 (2014). Proof of such unlawful motivation can be based on direct evidence or can be inferred from circumstantial evidence based on the record as a whole. *Robert Orr/Sysco Food Services*, 343 NLRB 1183, 1184 (2004), enfd. 184 Fed.Appx. 476 (6th Cir. 2006); *Embassy Vacation Resorts*, 340 NLRB 846, 848 (2003).

If the General Counsel makes this initial showing, the burden shifts to the employer to demonstrate by a preponderance of the evidence that the same action would have taken place even in the absence of the protected conduct. See *Shamrock Foods Co*., 366 NLRB No. 117, slip op. at 26–27 (2018), and cases cited therein. In this regard, it is not sufficient for the employer merely to produce a legitimate basis for the adverse employment action or to show that the legitimate reason factored into its decision. *T. Steele Construction, Inc*., 348 NLRB 1173, 1184 (2006). Instead, it "must persuade that the action would have taken place absent protected conduct by a preponderance of the evidence." *Weldun International,* 321 NLRB 733 (1996) (internal quotations omitted), enfd. in relevant part 165 F.3d 28 (6th Cir. 1998); see *NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983) (approving *Wright Line* and rejecting employer's claim that its burden in making out an affirmative defense is met by demonstration of a legitimate basis for the adverse employment action).

That said, under the *Wright Line* framework, as part of his initial showing, the General Counsel may also offer proof that the employer's reasons for the personnel decision were pretextual. *Con-Way Freight, Inc.*, 366 NLRB No. 183, slip op. at 2–3 (2018) (citing *Pro-Spec Painting, Inc.*, 339 NLRB 946, 949 (2003)); *National Steel & Shipbuilding Co.*, 324 NLRB 1114, 1119 n.11 (1997)). Indeed, where the employer's proffered reason is shown to be pretextual, "the factfinder may not only properly infer that there is some other motive, but 'that the motive is one that the employer desires to conceal—an unlawful motive. . . .'" Id. (quoting *Shattuck Denn Mining Corp. v. NLRB*, 362 F.2d 466, 470 (9th Cir. 1966) (citation omitted). Thus, as the Board recently reiterated:

> A finding of pretext defeats any attempt by the [r]espondent to show that it would have discharged the discriminatees absent their union activities. This is because where "the evidence establishes that the reasons given for

> the [r]espondent's action are pretextual—that is, either false or not in fact relied upon—the [r]espondent fails by definition to show that it would have taken the same action for those reasons, absent the protected conduct, and thus there is no need to perform the second part of the *Wright Line* analysis.

Con-Way Freight, Inc., supra at 2–3 (citing *Golden State Foods Corp.*, 340 NLRB 382, 385 (2003); *Limestone Apparel Corp.*, 255 NLRB 722 (1981)). It follows that "the mere existence of a valid ground for [discipline] is no defense to an unfair labor practice charge if such ground was a pretext and not the moving cause." Id. at 3 (quoting *NLRB v. Yale Mfg. Co.*, 356 F.2d 69, 74 (1st Cir. 1966)), enfd. 182 F.3d 622 (8th Cir. 1999) (citation omitted).

(ii) Application of the *Wright Line* standard

Applying the *Wright Line* principles, I find that the counsel for the General Counsel has met his burden that the decision to place Hurchalla on permanent, "do-not-dispatch" status was motivated by his union and other protected activity and that Respondent failed to show that it would have taken the same action absent such protected activity.

(a) The General Counsel has established a prima facie case of discrimination

For the following reasons, I find the General Counsel has met his initial burden of establishing that Hurchalla's union activity was a substantial or motivating factor for Respondent's decision to cause Musson to eject and ban him from SCC.

The General Counsel clearly established that Hurchalla, as a steward, executive board officer and occasional acting business agent for Local 611, engaged in frequent, open and zealous advocacy for Local 611-dispatched crew, including aggressively policing the parties' contract and filing multiple grievances. In addition to these activities, Hurchalla served in prominent posts with the Local and was involved in collective-bargaining negotiations with Respondent in the 3 years preceding his ban from SCC. Perhaps most notably, Hurchalla spearheaded an overtime grievance challenging Respondent's position that it was exempt from overtime requirements with respect to its union-represented workforce. While his arguably confrontational style may have been viewed by Jayko as gruff and even uncivil, this is not the point. See *Tamara Foods*, 258 NLRB 1307, 1308 (1981) (whether employees could have protested working conditions in a "more efficacious or reasonable manner," irrelevant to analysis of protected conduct), enfd. 692 F.2d 1171 (8th Cir. 1982), cert. denied 461 U.S. 928 (1983).

Second, the General Counsel has established that Hurchalla's union activity, including grievance filing and service on the Local's negotiating committee, were known to top management, and he regularly clashed openly with Jayko over contract interpretation issues. Finally, it is appropriate to impute knowledge of these activities to the members of Respondent's "negotiating committee," who ultimately decided that he would not be dispatched to SCC. See *Airgas USA, LLC*, 366 NLRB No. 92, slip op. at 7 (2018) ("[i]t is well established that the Board imputes a manager's or supervisor's knowledge of an employee's protected concerted activities to the decision-maker, unless the employer affirmatively establishes a basis for negating such imputation") (citations omitted). As such, I conclude that Hurchalla was engaged in protected union conduct and that Respondent was keenly aware of such conduct.

The General Counsel has also made a strong case that Respondent harbored animus towards Hurchalla's union activities. The record discloses that Respondent considered Hurchalla's protected conduct—including his insistence on adhering to the parties' contract, defending bargaining unit work, asserting his authority as acting business manager, discussing unit employees terms and conditions with SCC clients and allegedly[23] interviewing nonunion crew at the theater about their terms and conditions of employment—to constitute an unacceptable incursion on management's own authority. On a day-to-day basis, this was demonstrated by Jayko's discomfort in dealing with Hurchalla as a steward, as well as Jayko's statements of hostility towards Hurchalla's union activity, which he described as inappropriate, opportunistic and "consistently confrontational."

Even more glaring evidence of animus against Hurchalla's union activity was management's reaction to his persistence in pursuing overtime time pay for crew members. In 2016, after Hurchalla first accused SCC of shorting employees their earned overtime, Weaver complained to the Union that Hurchalla, as a mere steward, had no standing to challenge Respondent's position that it was exempt from overtime requirements. On the very same day, Weaver began floating scenarios in which Respondent could rid itself of Hurchalla without creating "a legal mess," which included waiting for Hurchalla to get into a disagreement at work while *not* acting as a steward and then disciplining him. Notably, this scheme was laid out in the very same email in which Weaver expressed concern that Hurchalla's overtime claim had merit and his challenge to Respondent's exemption theory was "a big deal."

Against this backdrop, I find additional evidence of antiunion intent in the slapdash manner in which management attempted to build a case against Hurchalla. Despite his history of run ins with Jayko, it was only after Weaver floated the idea of seizing on a rationale for disciplining Hurchalla that Jayko issued him a verbal warning for supposedly being "rude, insulting and completely insubordinate." The insubordination this time: accusing Jayko of mismanaging employees' breaktimes and thereby stressing out the crew. The sheer flimsiness of Respondent's alternative case against Hurchalla—that his strident advocacy for his coworkers somehow threatened to subject them to a hostile work environment—itself speaks volumes, especially considering that his unspecified acts of "harassment" were admittedly never investigated. See *Washington Nursing Home, Inc.*, 321 NLRB 366, 375 (1996) (failure to adequately investigate the alleged misconduct supports inference of animus); *Clinton Food 4 Less*, 288 NLRB 597, 598 (1988) (failure to adequately investigate an employee's alleged misconduct has been found to be an indication of discriminatory intent).

Finally, perhaps the most powerful evidence of animus is inferred through the suspect timing of the decision by Respondent to ban him from the theater—within two weeks of his filing an overtime claim with the California Department of Industrial Relations on behalf of Lowe and DeGiere. The Board has long recognized that "'the timing of the [employer's conduct] is strongly indicative of animus.'" *A.S.V., Inc.*, 366 NLRB No. 162, slip op. at 36 (2018) (quoting

[23] To the extent that Hurchalla himself denied engaging in such conduct, I find this immaterial, inasmuch as management, per Respondent's own business records, was apparently under the impression that he had. See *Hyundai Motor Manufacturing Alabama, LLC*, 366 NLRB No. 166, slip op. at 2 (2018) (finding unlawful discharge based on decisionmakers' belief employees engaged in protected concerted activity "regardless of whether they actually did so") (citations omitted).

Electronic Data Systems, 305 NLRB 219, 220 (1991), enfd. in relevant part 985 F.2d 801 (5th Cir. 1993)); see also *North Carolina Prisoner Legal Services,* 351 NLRB 464, 468 (2007) (timing of employer's action in relation to protected activity provides reliable evidence of unlawful motivation) (citing *Davey Roofing Inc*., 341 NLRB 222, 223 (2004)); *Traction Wholesale Center Co. v. NLRB*, 216 F.3d 92, 99 (D.C. Cir. 2000) (discriminatory motive revealed by timing between discipline and discovery of employee's protected activities). Respondent's efforts to backdate the permanent ban decision (in order to dissociate it from the overtime claim), as well as prop up its decision to ban Hurchalla with shifting and unsupported explanations (i.e., insubordination versus coworker harassment) are additional strong indicia of Respondent's unlawful motive. *Kitsap Tenant Support Services, Inc.*, 366 NLRB No. 98, slip op. at 14 (2018); *Novato Healthcare Center*, 365 NLRB No. 137, slip op. at 16 (2017); *Lucky Cab Co.*, 360 NLRB 271, 274 (2014); *Austal USA, LLC*, 356 NLRB 363, 363 (2010).

(b) Respondent's *Wright Line* defense

Having found that the General Counsel has proven that Hurchalla's union activity was a motivating factor for his suspension, the burden shifts to Respondent to offer a legitimate, nondiscriminatory explanation for its actions. As the Board has noted, the respondent's burden under *Wright Line* is "not to identify legitimate grounds for which it *could* impose discipline, but to persuade that it *would* have disciplined the employee even absent his or her protected activity." *Wendt Corp.*, 369 NLRB No. 135, slip op. at 2 (2020). This Respondent has failed to do.

Respondent's main proffered rationale for placing Hurchalla on "do not dispatch" status is that he engaged in "abusive" and "harassing" conduct, including "bullying" of SCC employees, which in turn exposed Respondent to legal liability based on federal anti-discrimination law and/or its duty under California state law to provide a "safe and healthful" place of employment to its employees. It is true that employers may face a "Catch 22" when employee conduct protected by the Act nonetheless constitutes verbal harassment sufficient to trigger liability under state or federal law.[24] Respondent contends that it was "extremely sensitive" to this potential liability because, in 2013, it had been forced to discharge another employee for "insubordination and threatening behavior." (R. Br. at 12.) At hearing, Weaver led this charge, testifying that the "breaking point" occurred when Hurchalla appeared backstage, generating a complaint that he had made non-union crew members "uncomfortable" and causing Jayko to consider calling the police to remove him.

I do not credit Weaver's account, for several reasons. First, he was not present during the incident and appears to have embellished its details to a significant degree. Former manager Jayko recounted a far more low-key interaction, during which he simply spotted an off-duty Hurchalla backstage and told him to leave, making no mention of employee complaints or threatened police involvement. He also flatly denied that the event constituted a "breaking point" with respect to Hurchalla. Moreover, Weaver's documentation of the incident incorrectly states that it took place in December 2017, while the credible evidence concretely establishes that Hurchalla's appearance backstage did not actually occur until March of the following year.

[24] See generally Molly Gibbons, *License to Offend: How the NLRA Shields Perpetrators of Discrimination in the Workplace*, 95 Wash. L. Rev. 1493 (Oct. 2020) (discussing *Adtranz ABB Daimler-Benz Transportation v. NLRB*, 253 F.3d 19 (D.C. Cir. 2001)).

In any event, even had Hurchalla's appearance backstage made some employees uncomfortable, it is highly implausible that this would be considered the sort of "harassment" necessitating his total ban from the theater. See *Consolidated Diesel Co.*, 332 NLRB 1019, 1020 (2000) (prounion statements that merely cause another employee to feel "uncomfortable" not lawfully characterized as "harassment" sufficient to justify discipline).

Weaver's "back-up" harassment scenario was based on Colocho, the maintenance employee who allegedly requested to work at a distance from Hurchalla. Colocho, however, failed to testify and there is no indication that his requests (if they ever existed) were considered to raise issues of harassment or bullying, or that they resulted in any investigation by Respondent. Indeed, the record is devoid of credible evidence that Respondent in fact received, let alone investigated, a single employee complaint about Hurchalla acting in a threatening or otherwise inappropriate manner. See *Rood Trucking Co., Inc.*, 342 NLRB 895 (2004) (failure to investigate alleged misconduct constitutes strong evidence of pretext); *Golden State Foods*, 340 NLRB 382 (2003) (same). As the Board recently noted, an employer's defense based on a claimed "zero tolerance" policy against workplace harassment will not carry the day when it is inconsistent with its failure to respond to harassment allegations in a meaningful way, other than singling out the discriminatee for punishment. *Wendt Corp.*, supra at 3.

Ultimately, Respondent's witnesses failed to identify any bullying or harassing conduct to which Hurchalla had supposedly subjected his coworkers. Indeed, the most charitable interpretation of its defense is rather that Hurchalla, at some point in his dealings with Jayko, engaged in conduct that resulted in a "serious" but nonspecific accusation against him, backed by unidentified evidence, leading Respondent to conclude that Hurchalla posed a potential threat to his coworkers in the form of either hostile or otherwise unsafe work environment. Vetted against the record evidence, this both gauzy and histrionic account fairly screams of pretext for rather obvious reasons. First, despite the lack of affinity between Jayko and Hurchalla, there is no indication that any of their disputes between the two involved actual or threatened physical harm, "adult" or otherwise offensive language or other derogatory terms. Nor is there any credible evidence management in fact believed that Hurchalla's interactions with Jayko posed a potential threat to crew members, such that banning him became necessary to avoid legal liability.[25] Indeed, Respondent did not even follow through with its declared "zero tolerance" policy against Hurchalla, but rather selectively allowed him to work (e.g., the two month-long Carmel Bach Festival events) when its clients demanded him. Finally, Respondent's own production manager Brunclik considered the allegations against Hurchalla baseless, undocumented and retaliatory.

In contrast to Respondent's shifting, implausible and exaggerated claims regarding Hurchalla stands a single compelling storyline: he was an outspoken steward and union official whose duties included keeping detailed records of the hours worked by union-dispatched crew members, and who had officially accused SCC of incorrectly designating itself exempt from state overtime obligations with respect to such employees. The consistent linkage between Respondent's actions aimed to bar Hurchalla and his escalation of the overtime claim strongly supports an inference that this protected conduct was what motivated his ban from the theater. Notably, management first considered ridding itself of Hurchalla almost immediately after he

[25] Apparently, Respondent felt no compulsion to issue similar preemptive discipline to another potential future harasser, crew member Butler, who was known to have yelled at Jayko and even insulted him.

began advocating on behalf of Lowe and DiGiere. In that regard, I take Respondent's witness Sandin at her word; as she testified, the original idea of placing Hurchalla on "do-not-dispatch" status arose out of Weaver's December 2016 email complaint about Hurchalla's persistence in maintaining the Lowe/DiGiere overtime claim under the subject line, "Union Issues." The record also contains compelling evidence that that Respondent did, in fact, reach a "breaking point" with Hurchalla: within 2 weeks of his filing the Lowe/DiGiere overtime claim with the California Department of Industrial Relations, Hurchalla—at SCC's request—was barred from dispatch by subcontractors McCune and Bender. The very same month, Weaver seized upon Hurchalla's appearance backstage in his overzealous effort to document Hurchalla's supposed harassment.[26]

Because no member of Respondent's three-person negotiating committee testified and no management official took credit for the later decision to have him removed from the theater, the record contains no explanation as to what, if anything, the decision to ban Hurchalla—characterized by Respondent's own production manager as "punitive and retaliatory"—actually had to do with a legitimate concern over workplace harassment. Thus, no testimony spoke directly to Respondent's motive and refuted the inference that Respondent's claimed hypervigilance regarding workplace harassment was merely a pretextual, post-hoc attempt to justify its reaction to Hurchalla's persistent habit of forcing Respondent to adhere to its obligations as an employer. *Sound One Corp.*, 317 NLRB 854, 858 (1995) (where an employer has shifted reasons for its actions, "an inference may be drawn that the real reason for its conduct is not among those asserted") (citation and internal quotation omitted), enfd. mem. 104 F.3d 356 (2d Cir. 1996); *Fluor Daniel, Inc.*, 304 NLRB 970, 970 (1991) (noting that "it is…well settled…that when a respondent's stated motives for its actions are found to be false, the circumstances may warrant an inference that the true motive is an unlawful one that the respondent desires to conceal"), enfd. mem. 976 F.2d 744 (11th Cir. 1992).

For the reasons set forth herein, I find that, based on the preponderance of the evidence, Respondent banned Hurchalla not out of a concern for workplace safety but rather based on his unyielding union advocacy, thereby violating the Act.

CONCLUSIONS OF LAW

1. Respondent Sunset Cultural Center (Respondent) is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. International Association of Machinists and Aerospace Workers, Local Lodge 2949, AFL–CIO (the Union) is a labor organization within the meaning of Section 2(5) of the Act with 9(a) status under the Act.

3. Respondent has violated Section 8(a)(3) and (1) of the Act by prohibiting its subcontractors from employing Hurchalla to perform work at its theater facility and causing them to remove him from working on events at that facility, in each case for engaging in union and other protected conduct.

[26] As noted, I do not credit Respondent's rather obvious effort to back date the decision to permanently ban Hurchalla in an effort to decouple it from Hurchalla's overtime complaint on behalf of Lowe and DiGiere.

4. The foregoing unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

Having found that Respondent has engaged in certain unfair labor practices in violation of Sections 8(a)(5), (3), and (1) of the Act, I find that it must be ordered to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Therefore, I shall recommend that Respondent, having discriminatorily caused employee Anthony Hurchalla to be prohibited from performing work at its theater facility and causing him to be removed from that facility, should be required to restore the status quo ante by rescinding these actions and removing all references to them from Respondent's files. Further, I shall recommend that Respondent should make Hurchalla whole for any loss of earnings and other benefits. Backpay shall be computed in accordance with *Ogle Protection Service*, 183 NLRB 682 (1970), enfd. 444 F.2d 502 (6th Cir. 1971), with interest at the rate prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB 6 (2010). Respondent should be ordered to compensate the above-named employees for the adverse tax consequences, if any, of receiving lump sum backpay awards and to file a report with the Social Security Administration allocating backpay awards to the appropriate calendar quarters for each employee. *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB 101 (2014). In addition to the backpay-allocation report, Respondent must file with the Regional Director a copy of Hurchalla's corresponding W-2 form(s) reflecting the backpay award.

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended[27]

ORDER

Respondent Sunset Cultural Center, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Prohibiting its subcontractors from employing Anthony Hurchalla to perform work at Respondent's theater facility.

(b) Causing its subcontractors to remove Anthony Hurchalla from working on events at Respondent's theater facility.

(c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

[27] If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Rescind the ban on allowing Anthony Hurchalla to perform work at Respondent's theater facility and make him whole for any loss of earnings and other benefits suffered as a result of his ban from working at the facility in the manner set forth in the remedy section of this decision.

(b) Compensate Anthony Hurchalla for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 32, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating his backpay award to the appropriate calendar year(s).

(c) Within 14 days' of the date of the Board's Order, remove from its files all references to Anthony Hurchalla's discriminatory ban from working at Respondent's theater facility, and notify him in writing that this has been done and that the ban will not be used against him in any way.

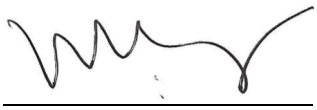
(d) Preserve and, within 14 days of a request following the Board's Order, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(e) Within 14 days after service by the Region, post at Respondent's theater facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 32, after being signed by Respondent's authorized representative, shall be posted by Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, Respondent has gone out of business or closed its theater operation, Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed at Respondent's theater operation at any time since December 3, 2018.

(f) Within 21 days after service by the Region, file with the Regional Director for Region 32 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that Respondent has taken to comply.

It is further ordered that the complaint allegations are dismissed insofar as they allege violations of the Act not specifically found.

Dated: Washington, D.C. March 2, 2021



Mara-Louise Anzalone
Administrative Law Judge

APPENDIX

NOTICE TO EMPLOYEES
Posted by Order of the
National Labor Relations Board
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefits and protection
Choose not to engage in any of these protected activities

WE WILL NOT do anything that interferes with these rights. Specifically:

WE WILL NOT prohibit any subcontractor from employing Anthony Hurchalla to perform work at Sunset Cultural Center or otherwise discriminate against him for supporting the Union or because he joined and assisted the Union and engaged in concerted activities or to discourage you from engaging in these activities.

WE WILL NOT cause any subcontractor to remove Anthony Hurchalla while working on any event at Sunset Cultural Center or otherwise discriminate against him for supporting the Union or because he joined and assisted the Union and engaged in concerted activities or to discourage you from engaging in these activities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL remove from our files all references to Anthony Hurchalla's discriminatory removal and ban from working at Sunset Cultural Center and WE WILL notify him in writing that this has been done and that the ejection and/or ban will not be used against him in any way.

SUNSET CULTURAL CENTER

_____
(Employer)

Dated_____

By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Hours: 8:30 a.m. to 5:00 p.m.
(510) 637-3300

The Administrative Law Judge's decision can be found at https://www.nlrb.gov/case/32-CA-242555 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (602) 640-2146.

SUNSET CENTER

February 5, 2021

Sent via email to:

Monterey Symphony: Bruce Lindsey, Lee Rosen, Charles Schimmel, and Nicola Riley;
Carmel Bach Festival: Cyril Yansouni and Steve Friedlander;
Carmel Music Society: Peter Thorp;
Chamber Music Monterey Bay: Amy Anderson

Ladies and Gentlemen:

We deliver with this letter the Report of the Sunset Cultural Center Study Group. We very much appreciate the time and energy the Study Group put into preparing and producing the Report for us and for the community.

We also thank each of you for the time spent and the efforts you made working with the Study Group as part of their process of review. Your input has been important in helping the Study Group to shape its Report and to make recommendations for the operation of the Center and its historic presenting partners.

We look forward to meeting with you on February 9 so that the Study Group can review the Report with all of us and can discuss the Report's recommendations. We also look forward to continuing to work collaboratively with each of your organizations to provide a superior artistic and cultural experience at Sunset Center for our audiences throughout the region.

Sincerely,

SUNSET CULTURAL CENTER, INC.

Steve Pearson

Stephen W. Pearson
President

P.O. Box 1950 Carmel-by-the-Sea, CA 93921
P: 831.620.2040 • F: 831.624.0147 • Box Office: 831.620.2048
www.sunsetcenter.org

Sunset Cultural Center Independent Study Group Report
January 26, 2021

To the Sunset Cultural Center (SCC) Board of Directors:

We, the Sunset Cultural Center Independent Study Group, are pleased to submit our thoughts on the operations of the Sunset Center (SC).

You tasked our group to independently consider the following:

Is the model currently used by the City of Carmel-By-The-Sea (the City)—delegating the operation of the Sunset Center to an independent nonprofit entity—the best model for the operation of the Sunset Center, taking into account the City's desire for a lively and diversified program of cultural offerings and other community uses?

A. If the Study Group determines that the model presently used is not the best model, the Study Group should recommend the use of a better model and give reasons for its conclusions or recommendations.

B. SCC and the City would also welcome any suggestions for improvement to the current model or its operations.

OUR PROCESS

Our group was pleased to take a deep dive into this question. Our process included:

1. Reviewing the existing lease contract with the City.
2. Reviewing the Webb Management Services Report dated 11/11/2013.
3. Reviewing the SCC 2020 Strategy Summary.
4. Reviewing the SCC Core Business Outline/Operating Budget dated 10/1/20.
5. Reviewing additional information provided by SCC management on 1/5/21.
6. Meetings with representatives of the SCC board and management.
7. Additional meetings with:
    a. City Administrator Chip Rerig.
    b. Management and board members of the four Historical Presenting Partners (HPPs): Monterey Symphony, Carmel Bach Festival, Chamber Music Monterey Bay, and Carmel Music Society; and another local user, Youth Music Monterey.
    c. Four public/private partnership community theaters in the State of California: California Center for the Arts (Escondido), Gallo Center for the Arts, Poway OnStage, and The Barclay.

d. A representative of the International Alliance of Theatrical Stage Employees (IATSE).

Our group used these inputs and our own experiences with other organizations to discuss at length the Mission and Operating Principles for the Sunset Center and whether it is achieving those goals.

The stated Mission is:

> To serve as a multi-purpose gathering place that enriches, educates, and entertains by presenting artistic and educational programs, and by hosting public and private events.

The Operating Principles (Goals) that support it are:

1. Deliver diverse, high-quality arts programming.
2. Promote arts education for all ages.
3. Support the activities of local performing areas groups.
4. Provide and maintain a state-of-the-art facility that is responsive to the needs of our audiences and performers.
5. Form supportive community partnerships.
6. Nurture our partnering with the City of Carmel for the benefit of the entire community.
7. Foster economic vitality, tourism, and local development.

We note that during the course of our discussions we heard broad support for SCC's Mission. Your importance to the community is recognized and valued, and reinforces Carmel as a cultural destination.

We are also very appreciative of the timely access we received to the staff and board members of the organizations we spoke with, the information they were willing to share, and their candid answers to our questions.

CONCLUSIONS

While the current structure has several challenges that need to be addressed, our group has concluded that the existing model is still the best option for the oversight and management of the Sunset Center. We believe the current model is superior for the City. We do not feel that changing operating control of SC to either the City or one of the HPPs is a better option. In addition, our findings suggest that because of the limited capacity of the theater and the breadth of SCC's Mission, this would not be an attractive management contract opportunity to an independent for-profit company.

Having reached this conclusion, we turned our attention to areas we felt should change or at least merit further investigation as to potential modifications. It should be noted that our group did not feel qualified to make specific recommendations for change on certain topics. As a result, we would recommend further analysis by those more qualified in the performing arts industry than our group.

OBSERVATIONS AND SUGGESTIONS FOR IMPROVEMENT

Our observations and suggestions for your consideration follow. We have divided them into the following categories:

1. Long Term Financial Viability.
2. Community Involvement and Fundraising.
3. Relationship with the HPPs.
4. Relationship with the City.
5. Operations.
6. Other Matters.

Long Term Financial Viability

SCC's operating model is not unusual in that there are many examples of government-owned performing arts centers managed by nonprofit organizations. That said, SCC faces significant long term financial challenges:

a. The City's financial support is critical to the operation but in the current economic environment it has cut its subsidy. When and by how much it restores its subsidy is unknown.

b. The SCC venue is too small to host performances that consistently produce a cash profit. Even considering the City's subsidy, this puts significant pressure on the philanthropic support and capacity of the local community to sustain it.

c. SCC lacks a significant endowment to support programming, maintenance, or capital needs. It also requires local patrons to underwrite individual performances on a regular basis.

d. The facility is aging and an increasing amount of capital will be required to upgrade its equipment and maintain the structure.

e. The pandemic has closed the operation. The speed at which SCC can get back to business as usual and what that "new normal" might be is unknown.

In response to these challenges, we believe:

1. It is critically important that the City maintain its financial support. The economic challenges presented by the building size, coupled with the desire to present diverse performances and further arts education, make SCC's financial independence unlikely. The City needs to maintain this long-term support within its budget. With few exceptions, similar arts institutions rely on financial support from their local government to achieve their Mission. Near term, we encourage the City to restore its annual subsidy to the contract amount as soon as practical after SC reopens. In addition, going forward, we recommend the City increase its subsidy on an annual basis in line with inflation trends.

2. SCC should pursue a significant campaign to increase its cash reserves and build an endowment. We believe raising significant funds will likely have to come from new sources. Those might include selling long term naming rights to SC and/or economic development of the North parking lot. We understand the reasons why it has been difficult to make progress on this in the past, but believe this is essential going forward. The City and SCC must work closely together to generate these important sources of new funding.

   We also believe that SCC's community outreach programs (arts education, senior living programming, etc.) can play an important role in raising endowment funds. Local patrons want SC to be an important cultural resource for the local community.

3. SCC should continually assess the value of its programs and the expenses and staffing that support them. With a financially challenged and uncertain future, constant reevaluation of its operating costs, including prioritizing staffing levels, is very important.

4. In light of the near term financial challenges, SCC and the City should consider temporarily narrowing the Mission of SCC until the performance arts and financial environment have stabilized.

5. We encourage SCC, in conjunction with the City, to continue to find safe ways to restart its performances during the pandemic. The artists and the community will benefit from it.

Community Involvement and Fundraising

SCC's success relies on the philanthropic and volunteer support of people in the area. The effort to raise the capital to renovate the Center 20 years ago to expand and deliver its diverse programs and promote arts education has been impressive. This has been made possible by recruiting strong volunteer leadership and the generosity of a small group of people. We are very concerned by the relatively new development that requires SCC to operate under the public meeting requirements of the Brown Act, the business record disclosure requirements of the California Public Records Act, and the personal disclosure requirements under the California Political Reform Act.

We lack the legal knowledge to fully understand the implications, but from our discussions with the SCC and other similar arts organizations know that it is rare for the Brown Act to apply to those relationships. Our concerns include:

1. Impairing the ability to conduct free-flowing meetings.
2. The ability to engage in unrestricted planning conversations.
3. A reduced ability to attract a strong board of directors.
4. The ability to protect proprietary donor information.

We believe the City and SCC should work together to form a new entity that allows SCC to operate in the same fashion as most other public/private partnerships that don't have the challenges presented by the Brown Act. The new entity should seek to maintain the level of transparency the City requires to properly oversee the use of its subsidy. We believe maintaining transparency with the community at large is also important.

Regardless of what successor entity emerges, we believe the special relationship with the HPPs should be maintained and their service requirements receive the utmost attention.

Relationship with the HPPs

All four HPPs expressed SC's importance as a venue for their organization and audiences. The HPPs are also SCC's most important customers accounting for 40% of annual stage usage and are core to achieving its Mission. SCC must have an effective working relationship with them. During the course of our review, we identified several issues that need to be addressed:

1. Greater Transparency and Alignment. We were surprised by the lack of understanding by the HPPs of:
   a. The intent and use of the City's subsidy.
   b. The booking discounts they receive versus other users.
   c. The lack of alignment around the Mission of bringing diverse performances to SC.
   d. The important role commercial entertainment providers play in augmenting program diversity at no financial risk to SCC or drain on the City subsidy.
   e. The financial challenges SCC faces (both fundraising and costs) given the size of the venue and the users this market can attract.
   f. The reasons behind the shift to a vendor labor model and what is necessary to properly qualify as an approved labor vendor at SCC that holds employer of record status for stage technicians.

   There have been several meetings and ongoing forums between the HPPs and SCC to discuss many of these matters in the past. However, we believe a meeting should be held between the City, the HPPs, and SCC to reset and better align their relationships. Following this, these groups should meet on a regular, ongoing basis.

2. Operational improvements are also needed to provide better service to the HPPs and other users. In recent years, SCC seems to have performed better in its role as a presenter than as a venue operator. Our observations are contained in the Operations section of this report, as these suggestions are applicable to all of the users of SC.

Relationship with the City

We believe the City is and should be largely pleased with the progress SCC has made over the last 20 years in executing its stated Mission. That said, in addition to addressing the financial challenges we have described, we believe improvements can be made in providing the City with better transparency into how effectively SCC is operating and supporting its users. We suggest:

1. The broad Mission of SCC needs to be reaffirmed in light of long-term audience, venue, and financial challenges. It is likely all of these challenges and others outlined in the Webb report will be present for years to come. The City and SCC should revisit the scope of the Mission and confirm it is still appropriate during these challenging times.

2. If a new nonprofit entity is formed to contract with the City, or when the current contract expires, the new contract should be drafted by those more familiar with the operating nature of performing arts centers. This will improve clarity around roles and responsibilities and performance metrics.

3. Resolve the lack of clarity between the City and SCC on maintenance capital, especially stage equipment. The City recognizes its responsibility to maintain the core infrastructure of SC, but it has the expectation that SCC will maintain and upgrade stage equipment and other less permanent parts of the building from its own financial resources. As a result, equipment and other items are sometimes in disrepair, negatively impacting the users of the facility and compromising their performances. To avoid these ongoing service issues, written clarification of who is responsible for what financially and who performs the repair work should be done as soon as possible.

Operations

During the course of our review, we received several comments about the operating aspects of SCC. Based on these discussions, we would encourage SCC to:

1. Hire a full time, highly qualified Production Manager or Stage Manager. In our discussions with the HPPs, all seemed to feel the quality of production support at the SC has deteriorated since that position was eliminated. Our discussions with other performing arts centers also reinforced how critical this role is to properly supporting performances, scheduling competent labor, maintaining equipment, and controlling costs. This role could also help lessen problems for users with nonunion labor. We understand that this role comes at a high cost, but it seems necessary given the diversity and large number of performances at SC. Some of the expense of this role could come from reallocating the time spent by the staff supporting these activities on a part-time basis.

2. Continue to improve its scheduling practices to better accommodate the different lead-time requirements of the HPPs. It seems that progress has been made in accommodating the scheduling needs and different lead times of the HPPs and other users. These new policies should be formally adopted and documented. We believe you should verify that these issues have finally been resolved and that the new process is working.

3. Create an environment where users can access the labor that best supports their needs at costs they can afford. SCC should qualify a larger number of labor contractors to function as the employer of record for IATSE or other labor providers. We understand the reasons behind SCC's decision to transition to a vendor labor model a few years ago. We have no opinion on the merits of that decision. We encourage SCC management to continue to seek out high quality labor support for their users. In addition, further clarification should be given on the conditions necessary to qualify as an employer of record.

4. Improve the timeliness of its billing practices and work to improve the accuracy of the estimated costs for the user. Several users were dissatisfied by the timeliness of the bills they receive, the lack of clarity in what they are being charged for, and often see final bills significantly higher than initial estimates. We know some improvements have been made in this area, but encourage continued focus. We note that the Production Manager role could help in this process as well.

5. Develop a User Satisfaction Survey. We note from your strategic plan that SCC has satisfaction surveys and quantitative goals for patrons, users of the North Wing, and employees. No reference is made to a comparable survey for user satisfaction. We believe having such a survey would bring attention in a more timely way to the need for operating improvements like those described above. If such a survey does exist, we believe it should rise to the same level of board and management visibility and focus as the areas currently highlighted in the strategic plan.

We received a number of other detailed comments about operations that are best discussed among those more knowledgeable about stage management. We are available to meet and discuss these items at your convenience.

Other Matters

There are three aspects of SCC operations we didn't review in detail: Sunset Center Presents, the Forest Theater, and Arts Education and Outreach Programs.

Sunset Center Presents

We recognize that Sunset Center Presents plays an essential role in fulfilling the "deliver diverse, high-quality arts programming" goal in SCC's Mission. During the course of our review, we noted the HPPs perceive a potential conflict of interest in giving performances sponsored by Sunset Center Presents preferred access over their and other users needs. We believe the recent progress on the scheduling process will resolve this issue.

In addition, concerns were raised that the City subsidy was being used to underwrite this activity in addition to the venue management aspects of the operation. While we believe

the City subsidy is unrestricted, we also note that Sunset Center Presents, as a standalone activity, has typically operated near break-even and, cumulatively since inception, has been cash flow positive. We did not take a deeper look into this aspect of SCC's operation beyond these areas.

Forest Theater

The management of the Forest Theater has been added to the scope of SCC's relationship with the City. While the Forest Theater is a special venue, it comes without adequate financial support and SCC doesn't have the financial resources to underwrite these additional activities. We believe the City should not burden SCC with this additional obligation and that this relationship should be terminated. In the interim, however, we would note that as the performing arts begin to reopen following the pandemic, an outdoor performance venue could play an important role during the transition.

Arts Education and Outreach

SCC has robust arts education and outreach programs that are core to its mission. The cost of these programs is significant, exceeding $200,000 per year. We fully support this aspect of your Mission but note that this work seems underappreciated by the users, the local community, and the City. Supporting these programs requires a large investment in staff and significant fundraising. In a time where schools and other youth organizations have difficulty finding the financial resources to support the arts, the level and quality of SCC's efforts here should be more appreciated by the community. We suggest you undertake a more proactive, public relations effort to be recognized for your impact. As previously stated, we believe these programs could also attract more endowment support from the local community.

NEXT STEPS

We have learned a great deal in this process and appreciate the opportunity to assist in helping SCC achieve its Mission. We hope that our findings will be of help as you move forward. We know that you were already aware of many of the issues we have identified and are in the process of addressing them. That said, you should commit to making tangible progress quickly. The areas we encourage you to prioritize are: addressing your long term financial viability, improving the relationship with the HPPs, hiring a Production Manager, improving user access to qualified labor at a fair cost, and creating a new entity not subject to the Brown Act. This is a challenging environment for SCC and the performing arts industry in general. SCC plays a vital role in our community and ensuring its long-term success is critical.

We are available to discuss our report with you in person. Please feel free to share it with the City, the users, and/or others. If it would be helpful for our group to meet with any of them to discuss our report, we would be happy to do so.

Sincerely,

The SCC Independent Study Group:

Dr. John Anderson
Brian Berris
Nancy Glaze
David Hall
Alan Lacy
Will Lathrop
John Mahoney

WHO WE ARE

The Sunset Cultural Center Independent Study Group was formed in July 2020 and launched its work in September 2020. The Study Group's members are independent and unconnected either to SCC or to the local users of the Sunset Center.

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Pesticides & 5G

1 message

'Bruce Hollenbeck' via cityclerk <cityclerk@ci.carmel.ca.us> Mon, Apr 5, 2021 at 10:05 AM
Reply-To: Bruce Hollenbeck <voloviper@icloud.com>
To: cityclerk@ci.carmel.ca.us

April 5, 2021

Mayor and City Council members,

I am against the use of pesticides in Carmel and I vehemently oppose and 5g towers in residential neighborhoods.

Thank you,
Christy& Doug Hollenbeck

Sent from my iPad

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

City Council Record

1 message

Douglas Mueller <mueller.douglas@gmail.com> Mon, Apr 5, 2021 at 10:16 AM
To: cityclerk@ci.carmel.ca.us

Hello-

I wanted to send in these documents related to Sunset Center to be included in the meeting.

Thanks
Doug

--
mueller.douglas@gmail.com
www.douglasmueller.com

2 attachments

Study Group Report + ltr (1).pdf
360K

Administrative Law Judges Decision.pdf
285K

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic pathway

1 message

Gail Williams <gail@williamsdentallab.com> Mon, Apr 5, 2021 at 9:20 AM
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Please add our names to property owners believing that the city should help us with funds to maintain the city owned path on scenic! Thanks you, Gail and Jake Williams

Sent from my iPad. Gail Williams

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Protect 19

1 message

Jan Reimers <janreimers@aol.com> Mon, Apr 5, 2021 at 8:30 AM
To: Britt Avrit <bavrit@ci.carmel.ca.us>

Dear Britt,
Please forward this letter to the council and Chip. Please confirm that you have been able to pass this along. Thanks, Jan

Dear Mayor Potter and Council members:
First, thank you for the time you commit to taking care of our town.

I am writing today in response to the agenda item listed as “Project 19”. The staff suggestion is that the funds that have been designated for the North Dunes Restoration should be shifted to the Public Works Department. As noted in the recent letter to the Editor written by Mrs, Overett, a great deal has been accomplished by the staff in regard to the Dunes restoration. I agree with Mrs. Overett and want to add my concern that the momentum not be lost in this project. The funds that exist should continue to be designated for the continued restoration and future maintenance of this special, sensitive habitat.

As many of you already know, this property was purchased from the Devendorf Property Company by the citizens of Carmel to protect it from planned development. We are fortunate that the restoration is allowing the beauty of the original white sands and native plants to return. Please, do not divert these funds to other purposes as it is necessary to continue the weeding and removal of non native plants in this habitat. The city staff needs to continue to have the funds designated for this purpose. It would be more reassuring if the North Dunes is noted if the funds, for some reason, need to be transferred.

In closing, I have an idea to share. Non native plants likely will continue to sprout and will need attention in the North Dunes. It is possible that seedlings from the Cypress trees that have been removed might begin to sprout. It is essential that this habitat not become reforested. In keeping with the restoration and respecting the seedlings, I suggest the consideration of a program to ‘harvest’ the saplings and pot them. Individuals in the community could then nurture the plants until they could be safely planted in an appropriate location. Some locations might be in the areas where wildfires have ravished our forests. I would welcome an opportunity to be involved in this endeavor, should the council feel it worth a try.
Thank you for your consideration.

Sincerely,
Jan Reimers

Sent from the all new AOL app for iOS

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Pathway Capital Improvements

1 message

K Peterson <kpete2002@msn.com> Mon, Apr 5, 2021 at 8:25 AM
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

To all,
As a resident on Scenic Road, we have seen the glorious reemergence of the Scenic Pathway that is used and enjoyed by all that live and visit Carmel by the Sea. It is our proudest landmark feature that is unparalleled in beauty.
Before Carmel Cares took on the task of restoring the pathway, it was an overgrown, ramble of a pathway with dirty trash areas, limited views and unkempt.

Since Carmel Cares has taken on the task the City neglected, it is now shining in all its glory and visitors and residents are experiencing a truly stunning vista and walkway.

It is unimaginable that the City would neglect this landmark feature.

Kerry and Brad Peterson

Sent from my iPad

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

SCENIC PATHWAY Improvement Plan

1 message

rieduck via cityclerk <cityclerk@ci.carmel.ca.us> Sun, Apr 4, 2021 at 9:00 PM
Reply-To: rieduck@aol.com
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

As a home owner in Carmel I am embarrassed by the lack of concern the City Council and planning commission have shown in the past for this most valuable asset.
Carmel Cares has shown us great results from a Volunteer Donor Supported Project !!
The city of Carmel Needs to fund and continue to support this very efficient program as requested in the April 5 letter from Dale Byrne!!!

Sincerely

John F Riedel M.D.
3 N E of 2nd
Monteverde

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Pathway funding

1 message

'Bruce Hollenbeck' via cityclerk <cityclerk@ci.carmel.ca.us> Sun, Apr 4, 2021 at 11:31 PM
Reply-To: Bruce Hollenbeck <voloviper@icloud.com>
To: cityclerk@ci.carmel.ca.us

April 4, 2021

Mayor and City Council members,

I think Shirley Moon and her team have done a wonderful job with Scenic Pathway. Please consider funding further improvements and maintenance.

Thank you,
Christy & Doug Hollenbeck

Sent from my iPad

Carmel-
by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Carmel Scenic Pathway

1 message

Riedel Judy <luckjude@gmail.com> Sun, Apr 4, 2021 at 8:39 PM
To: cityclerk@ci.carmel.ca.us
Cc: Shirley Moon <scenicpathway@icloud.com>

April 4, 2021

Re: Carmel Scenic Pathway

Dale Bryne and Shirley Moon have organized and orchestrated a wonderful, successful plan for keeping the Scenic pathway pristine. I wholly support their hard work, and request for funds to maintain the project now, and in perpetuity.

Also, I support the suggestion of minimal meetings and planning sessions. Keeping the area neat and clean is very similar to our own homes, which takes mainly common sense. The research they have done, and their suggestions seem very appropriate.

Thank you for your support of the beautiful beachfront we are so fortunate to enjoy.

Judy Riedel
3 NE Monte Verde of 2nd

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic pathway improvements

1 message

Karen Wolfe <kwkarenwolfe4@gmail.com> Sun, Apr 4, 2021 at 6:40 PM
To: cityclerk@ci.carmel.ca.us

To the members of the Carmel City Council,

Now is the opportunity to make the renovation of one of the City's most valuable assets a reality. Now is the opportunity to take advantage of Carmel Cares, a growing 501(c)3 nonprofit organization with a proven track record of performance in a public-private partnership. Now is the time for the City to stop spending money assessing the problems of the shoreline and instead redirect resources to solve them.

This incredibly significant asset needs capital improvements now and a long-term budgeted commitment to maintain all that has been accomplished. The City needs to do its share in the cost of maintaining and improving this asset that is enjoyed daily by countless people. We are imploring you to let us continue to do the hard work of renovating the Scenic Pathway by implementing the previously approved Hall Landscape Design and allocating a minimum of $100,000 in CIP for 2021-2022 with an overarching commitment of a minimum of $50,000 for each of the following 4 years. With this money applied as restricted grants to Carmel Cares, we will raise significant funds and contribute thousands of volunteer hours to guarantee successful execution of improvements and greatly enhance the maintenance of the pathway.

Please consider the Scenic Pathway project, thank you for your time. Fourth generation Carmel home owner, Karen Wolfe

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Pathway

1 message

Ken Smith <kensmithld@comcast.net> Sun, Apr 4, 2021 at 6:28 PM
To: cityclerk@ci.carmel.ca.us, Ken Smith <kensmithld@comcast.net>

Dear Mayor Potter and Council members,

I am writing in full support of funding for the Scenic pathway restoration and maintenance. I think you can all attest to the incredible work that Carmel Cares has done to improve and beautify the pathway. It is one of our main tourist attractions in the City and it should be properly funded in this coming budget, and for years to come. It is difficult to volunteer, work countless hours for free and then find out there is no funding to maintain this important project.

I hope you give this project your full support.

Sincerely,

Kendall Smith

Carmel-
by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Pathway

1 message

'Nancy Hallman' via cityclerk <cityclerk@ci.carmel.ca.us> Sun, Apr 4, 2021 at 6:02 PM
Reply-To: Nancy Hallman <nlhallman@icloud.com>
To: cityclerk@ci.carmel.ca.us

Dear Carmel City Council,
I was very disappointed to hear that Scenic pathway maintenance might possibly be left out of your funding plans.

Even with our lovely shops and excellent restaurants, Carmel's beautiful white sand beach and surrounding landscape is arguably the greatest asset of the city. (okay, golf too!) There is a dedicated group of volunteers that has worked very hard to clean up the worn and damaged plantings along the Scenic walkway and they have also widened the pathway to make it more pleasant and safe. Hundreds of people walk there every day and our pathway has never looked better.

Maintenance of the Scenic walkway has traditionally been handled solely by city workers. They work hard and are clearly very dedicated, but Carmel's forest environs is a challenge for them to care for and the staff is spread quite thin.. I'm feel sure they appreciate the volunteers' help along Scenic in this past year.

However, Mother Nature is relentless, and the pathway won't stay looking good without added care, especially now that Covid restrictions are lifted and people can get out and about again. I expect the foot traffic to increase tremendously.

I would ask that Carmel's City council would continue to dedicate funds to caring for this important part of our city's charm— the Scenic beach walk.

Thank you very much,
Nancy Hallman

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Resolution 2021-016 authorizing purchases for essential public safety projects: Project #3 - Police Vehicles C8 and C5

1 message

Jonathan Sapp <jws@sapp.net> Sun, Apr 4, 2021 at 5:56 PM
To: Britt Avrit <cityclerk@ci.carmel.ca.us>
Cc: Paul Tomasi <ptomasi@ci.carmel.ca.us>

I feel that the city should consider alternatives to replacing the to be retired Ford Expedition supervisor's vehicle and Dodge Charger patrol car.

Carmel-by-the-Sea is a small city of one square mile. It does not need "full size" police cars like larger cities. In addition, in today's world the city council should be looking to the future by purchasing vehicles encompassing new technologies. My suggestions for vehicles which fit this description are:

- Tesla Model 3- ordered by Seaside PD
- Rivian R1S- available this fall with a police package with special seats for officers
- Ford Fusion hybrid- in service with Los Angeles PD
- BMW i3- in service with Los Angeles PD

Thanks,

Jonathan Sapp
Post Office Box 4948
Carmel-by-the-Sea, CA 93921-4948
Mobile: 831-620-5907

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Scenic Pathway deserves a city budget commitment!

1 message

JACQUE JARVE <jacquejarve@comcast.net> Sun, Apr 4, 2021 at 5:52 PM
To: cityclerk@ci.carmel.ca.us
Cc: John Jarve <John@jarve.com>

Dear Carmel City Council,

As part time residents of Scenic Drive, we have been stunned by the accomplishments of a few volunteers (guided by the Public Works Department team) and some paid gardening help. The Scenic Pathway looks terrific! Our beautiful Scenic Pathway had become rather tired, overgrown and messy, but this group has turned it around. They deserve your attention and your help so that more improvements can be made and hard won battles with noxious weeds and garbage can be maintained. Hundreds of visitors and residents alike venture down this lovely path to see the gorgeous beach and ocean. It is the city's calling card!

Shirley Moon has put together a program that is improving life in Carmel and increasing civic pride. To date, monies to pay professional gardeners have been donated by people like us, who appreciate living along this incomparable pathway, but the City must step up. We believe that the city of Carmel must list this endeavor as critical! Please commit financial support to this important project. Guardrails, irrigation repair and pathway repair all require investment by the city. The current volunteers stand ready to keep supporting this project and with the City behind us, we can do great things for the Scenic Pathway.

Thank you,

Jacque and John Jarve
Scenic Road, SE Corner of Ninth
Carmel, CA

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Public comment for April council meeting

1 message

Jonathan Sapp <jws@sapp.net> Sun, Apr 4, 2021 at 5:27 PM
To: Britt Avrit <cityclerk@ci.carmel.ca.us>

Regarding parklets:

I feel that the existing agreements for the “temporary” dining/tasting spaces should have a “use it or lose it” clause. Some of the parklets are lightly used, some only on weekends. When a parklet doesn’t have a structure, but is just some wine barrels, etc, I feel that they should vacate the parking space when they aren’t using it and if their use falls below a certain percentage of time the use should be terminated.

As to permanent dining/tasting uses in parking spaces, I feel that the sidewalk should be extended into the former parking space with the use on top of it like on Alvarado Street in Monterey, rather than a wooden base over the pavement.

Also, I feel that the permanent spaces should only be for restaurants and tasting rooms lacking their own outdoor space, such as a courtyard, rooftop, or parking lot.

Thanks,

Jonathan Sapp
Post Office Box 4948
Carmel-by-the-Sea, CA 93921-4948
Mobile: 831-620-5907

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Receive a report on paid parking in Carmel-by-the-Sea, and provide direction to staff on whether to pursue further action on a program in the City

1 message

Jonathan Sapp <jws@sapp.net> Sun, Apr 4, 2021 at 5:26 PM
To: Britt Avrit <cityclerk@ci.carmel.ca.us>

As the staff report from the April meeting says, the concept of paid parking has not enjoyed support by the city's residents.

However, I believe that many would join me in supporting it at the Del Mar area and along Scenic Drive and San Antonio, as it would primarily affect the visitors, and not the residents.

The residents on San Antonio and Scenic could have free parking in front of their homes with a city parking permit.

Enclosed is a graphic showing the proposed area:

Obviously we don't want parking meters. I suggest a digital contactless system like https://go.passportinc.com, https://parkingboxx.com, https://www.passportinc.com, or https://text2park.com

Thanks,

Jonathan Sapp
Post Office Box 4948
Carmel-by-the-Sea, CA 93921-4948
Mobile: 831-620-5907

Proposed paid parking area.pdf
1449K

Attachment 1

April 4, 2021

Mayor Dave Potter and Members of the City Council, Carmel-by-the-Sea
Via email cityclerk@ci.carmel.ca.us

SUBJECT: April 6, 2021 City Council Meeting, Consent Agenda Item No. 5
Resolution 2021-013, Integrated Pest Management Policy, Policy Number 2021-001

Dear Mayor Potter and Members of the City Council:

I applaud the City's consideration of a proposed Integrated Pest Management Policy that will provide a scientific, systemic, and environmentally responsible approach for the application of pesticides and herbicides in the City, including at Mission Trail Nature Preserve.

However, I take exception to one line in the proposed policy. On page 7 of the proposed policy, under the section "Environmentally Sensitive Habitat Areas", the last line in the paragraph reads, "In no case, shall the use of fertilizer, herbicide, or other chemical be allowed within 100 feet of a riparian habitat."

This prohibition will effectively remove an important tool used to combat noxious, invasive weeds in key infestation areas of Mission Trail Nature Preserve where non-native species like Cape ivy, English ivy, acacia, and eucalyptus have overrun native riparian habitat. The Preserve is considered an Environmentally Sensitive Habitat Area (ESHA) within the California Coastal Zone and it supports an uncommon mosaic of remnant natural communities that formerly characterized the Carmel region. The critically important riparian habitat in the Preserve has been extremely impacted by pernicious, weedy species, to the detriment of native plants and wildlife. Targeted herbicide use may be the only management tool available to the City if the biological integrity of the habitat is to be restored.

I prepared the Mission Trail Nature Preserve "Baseline Biological Assessment and Management Recommendations" for the City in 2016. In my report I recommended that herbicide use should be carefully considered as an option for the control of invasive species in the Preserve, including in the riparian habitat where weedy species have become the dominant cover in many places. There are a variety of commercially available herbicides approved for use in riparian and wetland environments, including adjacent to open water. Herbicide treatments are commonly used by land managers in riparian and wetland environments.

I urge you to consider revising the single sentence quoted above to allow for the evaluation of appropriate chemical treatments of invasive plants within the riparian zone in ESHA, including at Mission Trail Nature Preserve. I recommend that the sentence quoted above be revised to read: "Use of targeted and appropriate fertilizer, herbicide, or other chemical in riparian habitat shall be carefully considered when mechanical or hand removal options are not viable."

Sincerely,

Nikki Nedeff

Nikki Nedeff

Cc: Chip Rerig, crerig@ci.carmel.ca.us
Bob Harary, rharary@ci.carmel.ca.us
Sara Davis, sdavis@ci.carmel.ca.us
Agnes Martelet, amartelet@ci.carmel.ca.us

Nicole Nedeff
Consulting Ecologist
11630 McCarthy Road
Carmel Valley, CA 93924
(831) 659-4252
nikki@ventanaview.net

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Capital Budget

1 message

'kathleen bang' via cityclerk <cityclerk@ci.carmel.ca.us> Sun, Apr 4, 2021 at 5:11 PM
Reply-To: kathleen bang <kathybang@mac.com>
To: Dave Potter <dave@davepotterformayor.com>, Bobby Richards <bobbyrichards6@gmail.com>, Jeff Baron <jeff@carmel2018.com>, Karen FERLITO <ferlito@me.com>, CarrieTheis <carrie.theis@hofsashouse.com>
Cc: City Clerk <cityclerk@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>

Hello all.

Just want to express my support for adding care and maintenance of the Scenic pathway into the capital budget for next year and ongoing years.

It is wonderful that we had a surplus this year, even as many of us were dipping into our pockets to support Carmel Cares' work on the pathway.

However, it should not be standard practice to rely on volunteers and donations to maintain a city asset, especially one as important as the Scenic path. This should be a routine annual expense, including irrigation, trimming, repairing and replanting as needed.

It is surprising that this was overlooked, and I hope is was simply an error in planning. Or perhaps it is included somewhere else in the budget?

Thanks
Kathy

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

Abandonment of Well and Supportive Infrastructure at MTNP

1 message

Greg D'Ambrosio <gregdambrosio@gmail.com> Thu, Apr 1, 2021 at 11:04 AM
To: CityClerk@ci.carmel.ca.us

In 2017, Friends of Mission Trail Nature Preserve submitted a proposal for the abandonment and dismantling of the city gravity well and supportive infrastructure (Proposal II: White Paper Removal of Gravity Well and Supporting Infrastructure)) to eliminate safety hazards within the Preserve.

Attached is the original document proposal for each council members review and consideration prior to the forthcoming discussion of the FY 2021/2022 budget.

Thank you for your thoughtful consideration.
Greg D'Ambrosio
Vice President, MTNP

Well Proposal(1).docx
22K

Mission Trail Nature Preserve
March 16, 2017

From: Friends of Mission Trail Nature Preserve (FOMTNP)

To: Chip Rerig, City Administrator

I: Challenge Grant Partnership Proposal – New Pedestrian Bridge:
Doolittle Trail Bridge Crossing Safety Improvements – Project Design Proposal
Fiscal Year 2017/2018

II: White Paper Proposal:
Removal of Old Gravity Well and Supporting Infrastructure
Fiscal Year 2017/2018

I. Doolittle Trail – New Pedestrian Bridge Project Partnership

Project Overview:
The City of Carmel completed its Coastal Development Permit (CDP) process for implementation of the Mission Trail Nature Preserve Master Plan in 2016. The CDP identified numerous maintenance issues requiring immediate attention and made recommendations for establishing ongoing maintenance programs to properly manage the Preserve, including its unique biological ecosystems and a wide variety of support facilities.

FOMTNP reviewed the CDP's Biological Assessment and has identified one important project that, if accomplished, would solve some existing problems by addressing both hazards to public safety and providing improved access for visitors: The installation of a pedestrian bridge (See MTNP CDP, page 55 sec. 7.3.1, Summary and page 69, * Realign Creek Crossing to Doolittle Trail) spanning the seasonal creek adjacent to the Laiolo Memorial Redwood Grove. Installing a bridge at this location would eliminate significant hiking hazards created as the existing trail route transitions to a concrete "forest service crossing" adjacent to well head infrastructure. Realigning the trail to cross the new bridge with connector trails to the redwood grove and linking the remainder of Doolittle Trail will provide safe footing for hikers using both Doolittle and Serra Trails.

Funding Partnership Proposal:
Friends of Mission Trail Nature Preserve requests that the City Council approve a project for Fiscal Year 2017/2018 to install a new pedestrian bridge and trail realignment improvements in the above location. FOMTNP proposes that the city allocate funds for the purpose of architectural design and construction documents for the bridge project. In return, upon City Council approval and preparation of design and construction documents**,** FOMTNP proposes to raise the necessary funds to pay for the new bridge and the realignment of Doolittle Trail.

The installation of the improvements would not commence until sufficient grant funding has been acquired by FOMTNP in a manner and amount confirmed by the city to purchase the prefabricated bridge and its supporting structure. Once funding has been acquired, the city would then advertise bids calling for construction. FOMTNP volunteers would rebuild new trails to and from the bridge to reconnect Serra and Doolittle Trails. Costs for construction would then be paid by the city.

II. White Paper – Proposed Abandonment and Removal of Discontinued Gravity Well and Supporting Infrastructure (Area of Laiolo Redwood Grove)

Background:
The City of Carmel installed a gravity well and accompanying support infrastructure located in the lower wetlands area near the edge of the Preserve's seasonal creek channel near the Liaolo Memorial Redwood Grove in the late 1970's. This well was constructed as a water supply for various municipal uses. Primarily, the water draws were used for portable irrigation of trees and isolated landscaping throughout the village. The site was also used by Public Works for cleaning the street sweeper and other construction equipment. During a period of about 12 years, the city siphoned off water from this source.

In the late 1980's and early 90's city officials recognized that these activities were drawing down the water table and causing substantial degradation of the wetlands ecosystem including a severe decline and die-off of redwoods in the immediate vicinity. Use of the gravity well was discontinued to halt further environmental damage to both wetland vegetation and the seasonal creek.

Project Proposal:
In conjunction with Proposal I above, FOMTNP requests that the city abandon and deconstruct the gravity well and its supporting facilities including: the 10K gallon steel water storage tank, pump house, utility pole with power line and half the concrete creek crossing structure. Friends proposes these facilities be removed at city expense.

III. Findings:

Bridge:
- A new pedestrian bridge, (see Proposal I above) will eliminate dangerous footing conditions at the interface between the Doolittle Trail and the forest service concrete crossing near the Liaolo Memorial Redwood Grove.

Removal of Well and Infrastructure:
- Water draws from the gravity well are recognized as the cause for the severe environmental damage to the wetland ecosystem and pollution of the seasonal creek.

- The well shaft is a public safety hazard if vandalized or accessed without authorization.
- The shaft should be filled with permeable soil/sand to existing grade eliminating any possibility of someone falling into the well shaft.
- Filling the well shaft with permeable soils will enhance the wetlands' original water storage capacity capabilities.
- The utility pole and power feed should be removed to prevent any potential for a power line failure that could cause a wildfire.
- The creek crossing ramp should be partially removed to eliminate inappropriate uses and to restore that portion of the creek channel damaged by the original installation.
- The power shed has no beneficial purpose and has begun to collapse because of vandalism. It is a hazard.
- The 10,000-gallon steel tank is no longer useable as a water storage facility, is corroding and is considered a potential public hazard that exposes the city to liability.
- Removal of these facilities would help restore the surrounding environment.
- The bridge project is identified in the Mission Trail Nature Preserve CDP as a preferred option in addressing a recognized hazardous trail condition.

Project Cost Centers:

- Design review process including fees, permits and other charges.
- Architectural design, construction drawings, bid documents and request for bids.
- Bridge acquisition and supporting infrastructure: pathway access improvements and signage.
- Construction contract and engineering.
- Decommissioning and removal of water drafting infrastructure and electric utility.
- Creek channel and site stabilization and restoration.
- Dump and landfill fees.
- Landscape restoration.

Request Re: Fiscal Years 2017/2018 and 2018/2019 City Budgets:

1. City Council approves the proposed bridge project concept with initial funding provided for design and construction plans in Fiscal Year 2017/2018. Subsequently, Friends will begin fund raising for acquisition of prefabricated bridge system and trail realignment as a City/Friends partnership. Project to be completed prior to commencement of Proposal II.
2. City Council approves and funds removal of water drafting infrastructure and storage facilities including demolition of the concrete pad previously used to clean city construction equipment following completion of bridge project installation.
3. Restore areas to natural vegetation as directed by the City's Consulting Biologist.

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

The Scenic Pathway, Carmel-by-the-Sea

1 message

'Christine Robertson' via cityclerk <cityclerk@ci.carmel.ca.us> Tue, Apr 6, 2021 at 4:50 PM
Reply-To: Christine Robertson <carmelchris@aol.com>
To: cityclerk@ci.carmel.ca.us

April 6, 2021

To City Council,

My name is Chris Robertson and I am writing to you regarding
the Scenic Pathway and Carmel Cares.
Carmel Cares is a non-profit organization involved in caring for many of the City's natural assets. Every Wednesday 7-10 of us gather and work for four or more hours to improve and maintain the Scenic Pathway. It is gratifying work and we are each involved in a different phase. We are constantly being thanked by passers-by. Also, the project is a pleasure to work on because of its structured, knowledgeable and friendly leadership!

I support the letter written to you by Dale Bvrne, President, Carmel Cares and Shirley Moon, Project Manager Scenic Pathway, Carmel Cares,
dated April 5, 2021
Now is the opportunity to take advantage of Carmel Cares, a nonprofit organization with a proven track record of performance in public private partnership. Now is the opportunity to make the renovation of one of the City's most valuable assets a reality. The Scenic Pathway needs capital improvements now and the City needs to do its share in the cost of maintaining and improving this asset that is enjoyed daily by countless people.

I urge you to support the Carmel Cares financial request made for
the Scenic Pathway.

Sincerely,
Chris Robertson
carmelchris@aol.com

Carmel-by-the-Sea

Attachment 1

Britt Avrit <bavrit@ci.carmel.ca.us>

North Dunes

1 message

Robert Cotham <rcotham@gmail.com> Wed, Apr 7, 2021 at 6:14 AM
To: bavrit@ci.carmel.ca.us

Please leave the funds appropriated for the North Dunes to be used for the dunes.Still a lot of maintenance to be done there.
Robert Cotham

Sent from my iPad