

**MINUTES
CITY COUNCIL SPECIAL MEETING
CARMEL-BY-THE-SEA
Monday, November 2, 2015**

CALL TO ORDER

Mayor Burnett called the meeting to order at 4:30 P.M.

CLOSED SESSION

Present: Council Members: Dallas, Beach, Theis, Mayor Pro Tem Talmage, and Mayor Burnett

Absent: None

Staff Present: Mike Calhoun, Interim City Administrator
Don Freeman, City Attorney
Ashlee Wright, City Clerk

Mayor Burnett announced the Closed Session items.

- 1. Conference With Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 3 cases
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Jennifer Da Silva, Plaintiff v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. M132929
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Chilone Payton, Plaintiff v. City of Carmel-by-the-Sea, Equal Employment Opportunity Commission Charge No. 485-2014-00453

There were no public comments. The Council adjourned to closed session at 4:31pm.

SPECIAL MEETING:

Council resumed in Open Session at 5:28 pm.

Present: Council Members: Dallas, Beach, Theis, Mayor Pro Tem Talmage, and Mayor Burnett

Absent: None

Staff Present: Mike Calhoun, Interim City Administrator
Don Freeman, City Attorney
Ashlee Wright, City Clerk
Sharon Friedrichsen, Director of Budgets and Finance
Janet Bombard, Library and Community Activities Director
Paul Tomasi, Police Commander
Marc Weiner, Senior Planner
Joe Headley,
Rob Mullane, Public Works Director

Mike Calhoun Interim City Administrator led the Council in the pledge of allegiance.

ANNOUNCEMENTS

City Attorney Don Freeman reported that Council received updates on one case for potential litigation and Council received an update on case re: Jennifer Da Silva, Plaintiff v. City of Carmel-by-the-Sea, Monterey County Superior Court Case No. M132929.

Mayor Burnett announced the resignation of City Administrator Doug Schmitz.

Council Member Beach, Vice Mayor Talmage, Council Member Dallas and Mayor Burnett thanked Staff and volunteers for their work on the City's Birthday Party and Parade and the 1st Annual Pumpkin Roll.

Centennial Committee members Sue McCloud and Tom Brocato provided an update of Centennial Committee activities.

Mayor gave a brief update on water related issues.

Interim City Administrator Mike Calhoun thanked the Council and members of the community for their support as he takes on the position of Interim City Administrator.

City Attorney Don Freeman recommended that anyone who has anything to report about short-term rental violations should contact Code Compliance Officer Al Fasulo.

PUBLIC APPEARANCES

Karen Ferlito thanked staff for their work at the Arbor Day event at First Murphy Park and commented on City Administrator Doug Schmitz's resignation.

Executive Director of the Sunset Cultural Center Christine Sandin announced series of Community Engagement events upcoming at the Sunset Center.

CONSENT CALENDAR

Action: Upon a motion made by Council Member Beach, seconded by Council Member Theis the Council unanimously approved the Consent Calendar with the following abstentions:

4. Minutes for October 5, 2015 Special Council Meeting and October 6, 2015 Regular Council Meeting. **Approved 4:1** (Council Member Theis abstaining, not present for meeting)
5. Check Register for the Month of September. **Approved 5:0**

6. Monthly Reports for the Month of September
 - a. Contracts executed within the City Administrator's Signing Authority
 - b. Community Planning and Building Department Reports
 - c. Police, Fire, Ambulance and Beach Reports
 - d. Public Records Act Request Logs – City Clerk and Police
 - e. Forester's Report
 - f. City Treasurer's Report**Approved 5:0**
7. AB 1034 Authorize the Purchase of Recyclable Materials and Yard Waste Trimming Carts.
Approved 5:0
8. AB 1035 Adopt a Resolution Authorizing a Purchase Agreement for a new Forestry Truck.
Approved 5:0
9. AB 1036 Consideration of a resolution authorizing City co-sponsorship of the Carmel Public Library Foundation's annual Donor Salute and Sterling Circle events. **Approved 5:0**
10. AB 1037 Receive a report on the North Dunes and Del Mar Dunes Habitat Restoration Plan, subsequent revisions to that plan, and prior Commission and Council actions with regards to the North Dunes and Del Mar Dunes. **Approved 5:0**
11. AB 1038 Adoption of a resolution granting one of the City's five free-use days of the Sunset Center Theater to the Carmel Public Library Foundation on Thursday, April 7, 2016 for its fifth annual fundraising benefit. **Approved 5:0**
12. AB 1039 Consideration of a Resolution Declaring City's Intent to Establish the Carmel Hospitality Improvement District **Approved 4:1** (Council Member Theis abstaining as she is a member of the HID)
13. AB 1040 Consideration of a Resolution calling the April 12, 2016, General Municipal Election for the purpose of electing a Mayor for a term of two (2) years and two members of the City Council for a term of four years each and requesting that the Monterey County Registrar of Voters (ROV) conduct the election; and authorizing the City Administrator to enter into an agreement with the Registrar of Voters to conduct the election. **Approved 5:0**
14. AB 1041 Adoption of a Resolution 1. Amending the Salary Range for Project Manager and 2. Amending the Job Description and Salary Range for Deputy City Clerk. **Approved 5:0**
15. AB 1042 Authorization of Amendments to Professional Services Agreement for Contract Planning Services for an Amount Not to Exceed \$95,000. **Approved 5:0**
16. AB 1043 Adoption of a Resolution Authorizing the City Administrator to Create and Adopt the Position of Permit Technician. **Approved 5:0**
17. AB 1044 Consideration of a resolution authorizing the City Administrator to execute an agreement for the purchase of a new police vehicle as identified in the FY 2015/16 vehicle and equipment replacement fund. **Approved 5:0**

18. AB 1045 Ratification of appointment to the Community Activities and Cultural Commission.
Approved 5:0

AB 1046 Adoption of a Resolution approving the transfer of \$855,000 from the Measure D fund balance for street paving and sidewalk projects and Authorization of staff to send a letter to TAMC seeking approval for directing monies to the Carpenter Street repaving project. Approved 5:0 with the following abstentions on certain streets: Mayor Burnett and Council Member Theis abstained from voting on the Dolores Street project since they live along the section of the street, Second to Fourth Avenues, proposed by the City Engineer for repaving. Vice-Mayor Talmage abstained from voting on the Mission Street and Lincoln Street segments. Council Member Dallas abstained on the Carpenter Street, Santa Rita, Lincoln Street and Eleventh Avenue projects. Council Member Beach abstained from voting on Torres Street between Ocean Avenue and 11th; and direction to staff to address design guidelines for road repairs in the resolution.

19. AB 1047 Adoption of a Resolution of the City Council of Carmel-by-the-Sea appropriating \$40,000 for Centennial Year related expenses. **Approved 5:0**

ORDERS

20. AB 1048 Receive community input on a new agreement between the City of Carmel-by-the Sea and the Sunset Cultural Center.

Mayor Burnett provided an update on negotiations for a new Sunset Cultural Center lease agreement and stated the Council and the Sunset Center Board were soliciting input from the public.

Kathy Bang, Chair of the Sunset Cultural Center Board, stated that it was the Sunset Cultural Center Board was in favor of a longer agreement, which would enable them to better fundraise for the future.

Council discussion followed.

Public Comments

None

---End Public Comments---

Further Council discussion followed.

Action: No action taken.

FUTURE AGENDA ITEMS

21. AB 1049 Planning for 2015 Council Retreat

Mayor Burnett stated that this retreat would be an appropriate time to address the comments that Karen Ferlito made during Public Appearances.

Council Member Theis stated that she thought it was a good time to ask the staff about their workload.

Public comments:

Barbara Livingston and Karen Ferlito provided suggestions of topics for the retreat.

---End Public Comments---

Council discussion followed.

Action: No action taken.

ADJOURNMENT: There being no further business, Mayor Burnett adjourned the meeting at 6:43pm

Jason Burnett

Ashla Wright