MINUTES
CITY COUNCIL SPECIAL MEETING
CARMEL-BY-THE-SEA

Monday, November 30, 2015

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

Present:	Council Members Beach, Dallas, Theis, Mayor Pro Tem Talmage and Mayor Burnett
Absent:	None
Staff Present:	Michael Calhoun, Interim City Administrator Don Freeman, City Attorney Leslie Fenton, Deputy City Clerk

PLEDGE OF ALLEGIANCE

CLOSED SESSION

Mayor Burnett announced the items on the Closed Session agenda. There were no Public Comments. The Council adjourned to Closed Session.

Item 1 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 3 cases

Item 2 **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

Item 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: City of Carmel-by-the-Sea, Plaintiff v. Pacific Harvest Seafoods, Inc. – Monterey County Superior Court Case No. 15CV000014

Item 5 **CONFERENCE WITH LEGAL COUNSEL – EXISINT LITIGATION**
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Simonelli v. City of Carmel-by-the-Sea, United States District Court Case No. C 13-1250 LB

Item 6 **PUBLIC EMPLOYEE APPOINTMENT**
Pursuant to Government Code Section 54957

Item 7 **LABOR NEGOTIATIONS**
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance

At 5:30 p.m., the Council reconvened in Open Session.

REGULAR MEETING:

Mayor Burnett called the regular meeting to order at 5:30 p.m.

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

Absent: None

Staff Present: Michael Calhoun, Interim City Administrator
Don Freeman, City Attorney
Leslie Fenton, Deputy City Clerk
Paul Tomasi, Commander
Janet Bombard, Library & Community Events Director
Rob Mullane, Public Works Director
Marc Wiener, Interim Community & Planning Director
Margi Perotti, Community Activities Assistant
Sharon Friedrichsen, Director of Contracts & Budget
Joel Staker, Information Services Network Manager

ANNOUNCEMENTS

Mayor Burnett announced that there were no announcements from Closed Session, the Council would re-convene into Closed Session after the Regular Meeting and that the Closed Session would be continued to 3:30 on Tuesday, December 1, 2015. He also invited everyone to the tree lighting.

Council Member Dallas thanked Margi, Janet and staff for a very successful Homecrafters' Marketplace event.

Council Member Talmage invited everyone to the tree lighting event on Friday, December 4, 2015.

PUBLIC APPEARANCES

Sue McCloud mentioned the "Public Back in Public Service" article that was recently in the Herald and that the City has gone thru 5 City Administrators in the last 15 years and should use a head-hunter firm to recruit a new City Administrator.

---End Public Comment---

CONSENT CALENDAR

Action: Upon a motion made by Council Member Theis, seconded by Council Member Dallas, the Council unanimously approved Consent Agenda items 9, 10, 12 with modifications, 13, 14, 15, 16, 17, 18, 19 and identifying Council Member Beach as the representative for item 20.

Item 9 Check Register for the Month of October. **Approved 5:0**

Item 10 Monthly Reports for the Month of October. **Approved 5:0**

a. Contracts executed within the City Administrator's Signing Authority
b. Community Planning & 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

Item 12 AB 1057 Consideration of a resolution authorizing the closure of: 1. Northbound and southbound lanes of Ocean Avenue from Mission to Dolores Streets, 2. San Carlos Street between 6th and Ocean, and 3. San Carlos street between 7th and Ocean for the Carmel Centennial Launches 100 Years of Memories event. **Authorized 5:0**

Interim City Administrator Calhoun clarified that only two lanes of traffic would be closed, law enforcement would be directing traffic, road closures would not be for the times listed on permit and that the Centennial Committee had requested a banner to be hung for that day on the Arch.

Item 13 AB 1058 Consideration of a Resolution approving a MOU for the LIUNA General Employees Union and Management Employees Union, LIUNA/UPEX, Local 792, AFL-CIO for 2014 to 2016. **Approved 5:0**

Item 14 AB 1059 Authorization of Amendments to Professional Services Agreements for Planning Services for Rio Park and the Housing Element, Janitorial Services and IT Support for an Amount Not to Exceed $79,904 for All Amendments. **Authorized 5:0**

Item 15 AB 1060 Authorization of the Interim city Administrator to sign an addendum to the Monterey Regional Taxi Authority (RTA) Joint Powers Agreement Amended to include the City of Marina as a part to the

agreement and receive update on Ordinance 2016-01 of the Monterey Regional Taxi Authority to require credit card reading and processing machines in taxicabs. **Authorized 5:0**

Item 16 AB 1061 Consideration of a Resolution Authorizing the Mayor to Execute and Employment Agreement between the City of Carmel-by-the-Sea and Mike Calhoun, Public Safety Director, Chief of Police, and Interim City Administrator. **Authorized 5:0**

Item 17 AB 1062 Authorization of the City Administrator to transfer funds realized thru salaries and benefits savings due to Community Planning and Building Department vacancies to fund the permanent full-time position of Building Inspector. **Authorized 5:0**

Item 18 AB 1063 Consideration of a Resolution of the City Council of the City of Carmel-by-the-Sea approving the regular meeting dates of the City Council for the calendar year 2016. **Approved 5:0**

Item 19 AB 1064 Consideration of: 1. A Resolution of the City Council of the City of Carmel-by-the-Sea adopting regulations from candidate statements submitted to the voters at an election to be held Tuesday, April 12, 2016 in accordance with Government Code Section 13307 and 2. A Resolution of the City Council of the City of Carmel-by-the-Sea providing for a procedure for determining by lot a tie among candidates at the April 12, 2016 General Municipal Election in accordance with Government Code Section 15651. **Approved 5:0**

Item 20 AB 1065 Consideration of a Resolution authorizing the City to join the California Coastal Trail Association and identify a Council member to be listed as the City's Primary representative on the membership form. **Approved 5:0**

Council Member Talmage, seconded by Council Member Dallas nominated Council Member Beach to the City's representative.

The following items were removed from the agenda and will be on the Consent Calendar and will be brought to Council again in the future.

Item 8 Minutes for the November 2, 2015 Special Council Meetings and November 3, 2015 Regular Council Meeting.

The following items were pulled by members of the public or by a Council Member and taken up separately:

Item 11 AB 1056 Consideration of a resolution 1. Authorizing the closure of 7th Avenue to expand the annual Monterey County Vintners and Growers Association annual Winemakers' Celebration Event and 2. Granting a waiver of up to $2,887 in fees for the event.

Public Comment:

Barbara Livingston stated that this is the last year the event is eligible for the fee waiver and she likes the cross-traffic plan.

Sue McCloud commented on the length of the new event permit application of18 pages.

---End Public Comment---

Upon a motion made by Council Member Dallas, seconded by Council Member Talmage, the Council unanimously approved Consent Agenda item 11. **Approved 5:0**

ORDERS

Item 21 AB 1066 Receive an update on the transition of solid waste and recycling services and on the development of a model solid waste ordinance and provide preliminary direction.

Director of Contracts & Budgets Sharon Friedrichsen introduced Rob Hilton, HF&H Consultants; Jeff Lindenthal, MRWMD; and Emily Finn, Green Waste Recovery.

Mr. Hilton provided a power-point presentation on the first 5 months of Green Waste Recovery's services and discussed that Green Waste was going to stop picking up the loose cardboard in the commercial district on January 1, 2016.

Public Comment:

Carl Iverson spoke about the unsightliness of the cardboard on the streets and that it would just get worse if we continue to not do anything.

---End of Public Comment---

Council Member Beach moved to ask the franchise to return to Council with a definitive plan regarding collection of cardboard in the commercial district and with guidance from Council

Council Member Beach amended her original motion.

Council Member Beach moved to direct Green Waste Recovery to bring back a plan for implementing and enforcing of Municipal Code and removal of loose cardboard with a

provisional drop-dead date of April 1, 2016, seconded by Council Member Theis and approved by the following roll call vote:

AYES: Beach, Theis, Burnett
NOES: Talmage, Dallas

Item 22 AB 1067 Receive an update on the status of 2015 Council Goals.

Interim City Administrator Mike Calhoun presented the staff report. Council discussion followed and they requested the following changes and details be added to the report:

- Summary of long-term goals
- Add number of vacant positions and training details under Day-to-Day Operations column
- Add 2016 after those goals to be continued
- List individual pieces of goal (ex. IT Plan)
- Add organizational chart with names and departments

Public Comment:

Public Works Director Rob Mullane spoke about the work plans for Public Works and the need for staffing and training.

---End Public Comment---

FUTURE AGENDA ITEMS

Nuisance Ordinance

ADJOURNMENT

There being no further business Mayor Burnett adjourned the Open Session and Council reconvened into Closed Session at 8:22 pm.

APPROVED:

Jason Burnett

Jason Burnett, Mayor

ATTEST:

Leslie Fenton

Leslie Fenton, Deputy City Clerk