

**MINUTES
CITY COUNCIL SPECIAL MEETING
CARMEL-BY-THE-SEA
MONDAY, April 4, 2016**

Mayor Burnett called the meeting to order at 4:33PM.

ROLL CALL

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

Absent: None

Staff Present: Chip Rerig, City Administrator
Mike Calhoun, Public Safety Director
Don Freeman, City Attorney
Ashlee Wright, City Clerk

Mayor Burnett announced the Closed Session Items.

- Item 1: LABOR NEGOTIATIONS
Meet and confer with the Carmel-by-the-Sea's Meyers-Milias Brown Act representative, Public Safety Director Mike Calhoun, to give direction regarding labor negotiations with ambulance personnel pursuant to subdivision (a) of Government Code Section 54957.6.
- Item 2: REAL PROPERTY NEGOTIATIONS
Pursuant to subdivision (a) of Government Code Section 54956.8.
Property: Sunset Cultural Center, San Carlos Avenue between 8th and 10th Avenues. Negotiating parties: City Administrator Chip Rerig and the Sunset Cultural Center Board of Trustees. Under Negotiation: (Lease) agreement negotiations concerning price and terms of payment.
- Item 3: 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 4: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 1 case

Public Comment – None

Council adjourned to Closed Session at 4:35PM. Council resumed in open session at 5:35PM

ROLL CALL

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

Absent: None

Staff Present: Chip Rerig, City Administrator
Mike Calhoun, Public Safety Director
Don Freeman, City Attorney
Ashlee Wright, City Clerk
Paul Wood, Finance Manager
Janet Bombard, Library and Community Activities Director
Rob Mullane, Public Works Director
Marc Wiener, Senior Planner
Sharon Friedrichsen, Directory of Budgets and Contracts
Sherman Low, City Engineer

Council Member Theis led the pledge of allegiance

PUBLIC APPEARANCES

Mayor announced closed session items and stated that Council had provided direction on Item 1 and received an update on Item 3.

City Attorney Don Freeman provided an update to the public on Item 3 and an update on Item and that the potential litigation is short-term rental. He recommended that Item 17 AB 1114 is being remanded back to the Community Activities and Cultural Commission for reconsideration because of a conflict of interest

Janet Bombard, Library and Community Activities Director stated that the next Community Activities and Cultural Commission meeting is scheduled for Tuesday, April 12, 2016 at 9:30am

Mayor Burnett opened Public Comment on remanding Item 17.

Paul Hart and no name given spoke on this item.

---End Public Comment---

Action: Upon a motion made by Mayor Burnett, seconded by Council Member Dallas, Council moved to remand Item 17 AB 1114 "Consideration of a request to authorize shared use of the Indoor Forest Theater by the Forest Theater Guild, Pacific Repertory Theater, and the 2016 Centennial Committee during the 2016 season and provide direction" back to the Community Activities and Cultural Commission. **5:0**

PUBLIC APPEARANCES

- Stacey Meheen
- Karen Ferlito

---End Public Comment---

Mayor Burnett mentioned the site visit and commended the Chris Wasney and his staff and City staff and their work on this project.

Mayor Burnett announced the revised agenda so that action can be taken.

CONSENT AGENDA

Action: Upon a Motion made by Council Member Theis, seconded by Council Member Dallas, Council unanimously approved the Consent Calendar with the exception of Items 6, 7, 8, 9, 11 as follows:

- Item 5: Minutes for the February 29, 2016 Special Council Meeting, March 1, 2016 Regular Council Meeting, and March 15, 2016 Special Meeting. **Approved, 5:0**
- Item 10: AB 1107 Authorization of the Mayor to send a letter in support for State Assembly Bill 2730: Department of Transportation Prunedale Bypass: County of Monterey: disposition of excess properties. **Authorized, 5:0**
- Item 12: AB 1109 Award a Construction Contract to Monterey Peninsula Engineering for the 2016 Sidewalk and Concrete Pavement Repair Project in an Amount Not to Exceed \$95,160.00 and Authorize a Budget Transfer for an Amount Not to Exceed \$33,500.00. **Adopted Resolution 2016-022, 5:0**
- Item 13: AB 1110 Authorization of the City Administrator to enter into a new Areas of Special Biological Significance (ASBS)-Compliance Related Tolling Agreement with the State Water Resources Control Board (State Water Board) to extend the period of the Tolling Agreement until April 18, 2018, and authorization of a budget adjustment to cover the legal costs of the agreement preparation and execution. **Adopted Resolution 2016-023, 5:0**

NOTE: Item 15 was originally approved by the Council. This approval was later rescinded at this same meeting and Item 15 was remanded back to the Community Activities and Cultural Commission.

- Item 15: AB 1112 Consideration of a resolution authorizing the City Administrator to purchase light and sound towers and trusses for the outdoor Forest Theater at a cost not to exceed \$20,000 and authorizing the installation of light and sound towers and trusses at the outdoor Forest Theater.

Public Comment – None

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

- Item 6: Check Register for the Month of January and the Month of February.

Public Works Director Rob Mullane responded to questions from Council

Public Comment - None

Action: Upon a motion made by Mayor Pro Tem Talmage, seconded by Council Member Beach, Council moved to approve the Check Register for the Month of January and the Month of February. **5:0**

- Item 7: Monthly Reports for the Month of February
- 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
 - g. Forest Theater Report

Council Member Beach requested a more thorough Foresters Report.

Mayor Burnett requested that the Forest and Beach Commission weigh in on the Forest Theater Trees.

Action: Upon a motion made by Council Member Beach, seconded by Mayor Pro Tem Talmage, Council moved to receive the monthly reports. **5:0**

- Item 8: AB 1105 Authorization of Agreement with Accela, Inc. for implementation of a financial system and a hosting agreement for a five year term for an amount not to exceed \$199,500.

City Administrator Chip Rerig, Sharon Friedrichsen, Director of Budgets and Contracts, Paul Wood, Finance Manager, and Carolyn Hardy responded to Council question.

Public Comment - None

Action: Upon a motion made by Mayor Pro Tem Talmage, seconded by Council Member Beach, Council moved to authorize an agreement with Accela, Inc. for implementation of a financial system and a hosting agreement for a five year term for an amount not to exceed \$199, 500. **5:0**

ORDERS

- Item 16: AB 1113 Consideration of proposed amendments to the Draft Forest Theater Use Agreement and ratification of the Forest Theater Use Agreement as amended by Council direction.

Council discussion followed and Janet Bombard, Library and Community Activities Director responded to Council questions.

Public Comment

Barbara Livingston spoke on this item.

---End Public Comment---

Council discussion followed.

Action: Upon a motion made by Council Member Dallas, seconded by Council Member Theis Council Moved to remand Item 16 back to the Community Activities and Cultural Commission

due to the conflict of interest of a Commissioner who did not recuse themselves when the Item was heard by the Community Activities and Cultural Commission. **5:0**

Mayor Burnett called a recess at 6:41PM. The meeting resumed at 6:47.

Item 14: AB 1111 Receive report regarding a request from the Forest Theater user groups to purchase an ADA accessible golf cart to provide managed parking services at the Forest Theater. (p. 150)

Public Comment

Stephen Moorer spoke on this item.

---End Public Comment---

Action: Upon a motion made by Mayor Burnett, seconded by Council Member Dallas, Council moved to rescind the approval of Item 15 and to refer Items 14, 15, and 17 back to the Community Activities and Cultural Commission due to the conflict of interest of a Commissioner who did not recuse themselves when the Items were heard by the Community Activities and Cultural Commission, not to return to Council in the future unless necessary. **5:0**

CONSENT

Item 9: AB 1106 Authorization of the Mayor to send a letter to the California Public Utilities Commission (CPUC) protesting rate increases proposed by California American Water, Co. (Cal-Am).

Mayor Pro Tem Talmage stated that he has revisions to the letter offered to help Mayor Burnett incorporate in those suggested revisions prior to the transmittal of the letter.

Action: Upon a motion made by Council Member Beach, seconded by Council Member Theis, Council moved to authorize the Mayor to send a letter to the California Public Utilities Commission (CPUC) protesting rate increases proposed by California American Water, Co. with future suggested revisions to be made by Mayor Pro Tem Talmage. **5:0**

Item 11: AB 1108 Award a Construction Contract to Monterey Peninsula Engineering for the 2016 Street Project in a Total Amount Not to Exceed \$1,121,938.00; Authorize a Budget Adjustment of \$102,300 for the 2016 Street Project and Amend the Professional Services Agreement with Neill Engineers Corp. for an Amount Not to Exceed \$67,200.

Council discussion followed. City Administrator Chip Rerig responded to questions.

Public Comment – None

Action: Upon a motion made by Council Member Beach, seconded by Council Member Dallas, Council moved to Award a Construction Contract to Monterey Peninsula Engineering for the 2016 Street Project in a Total Amount Not to Exceed \$1,121,938.00; Authorize a Budget Adjustment of \$102,300 for the 2016 Street Project and Amend the Professional Services Agreement with Neill Engineers Corp. for an Amount Not to Exceed \$67,200 with the following

recusals: Mayor Burnett and Council Member Theis recused themselves from the Dolores street section, Council Member Dallas recused himself from the Guadalupe between Ocean and 2nd and Santa Rita between 3rd and 5th. **5:0**

FUTURE AGENDA ITEMS

- ADA and parking management
- Boards and Commissions and recusals

ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 7:15PM

APPROVED:



Steve Dallas, Mayor

ATTEST:



Ashlee Wright, City Clerk