



# CITY OF CARMEL-BY-THE-SEA

## CITY COUNCIL AGENDA

Mayor Steve G. Dallas, Council Members Carolyn Hardy,  
Jan Reimers, Bobby Richards, and Carrie Theis

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

Contact: 831.620.2000 [www.ci.carmel.ca.us/carmel](http://www.ci.carmel.ca.us/carmel)

### SPECIAL MEETING

Thursday, December 15, 2016  
10:30 a.m.  
**AMENDED**

#### CALL TO ORDER AND ROLL CALL

#### PLEDGE OF ALLEGIANCE

**PUBLIC APPEARANCES** Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the City Council, Board or Commission. Matters not appearing on the City Council, Board or Commission's agenda will not receive action at this meeting but may be referred to staff for a future meeting. Persons are not required to give their names, but it is helpful for speakers to state their names so that they may be identified in the minutes of the meeting.

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

1. Appoint Agency Negotiators for Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8; Property: Sunset Center, Agency Negotiators: Chip Rerig, Carrie Theis, and Carolyn Hardy; Negotiating Parties: Sunset Cultural Center, Inc.; Under Negotiation: Terms and Conditions for Lease Agreement.

#### CLOSED SESSION

- A. REAL PROPERTY NEGOTIATIONS – LEASE  
Pursuant to Government Code Section 54956.8  
Between Chip Rerig, Carrie Theis, and Carolyn Hardy and Sunset Cultural Center, Inc.
- B. LITIGATION ONE MATTER  
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
54956.9(c)  
Order Instituting Investigation and Order to Show Cause on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with respect to Facilities Records for its Natural Gas Distribution System Pipelines. Investigation 14-11-008 (Filed November 20, 2014)

#### ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7<sup>th</sup> Avenue, Harrison Memorial Library, NE corner of Ocean Avenue and Lincoln Street, and the Carmel-by-the-Sea Post Office, 5<sup>th</sup> Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us/carmel/> on Wednesday, December 14, 2016 in accordance with the applicable legal requirements.

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Leslie Fenton, Deputy City Clerk

**SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

Any supplemental writings or documents distributed to a majority of the City Council, Board or Commission regarding any item on this agenda, after the posting of the agenda and received by 12:00PM the day of the Council meeting, will be available for public review in the City Clerk's Office located at City Hall, Monte Verde Street between Ocean Avenue and 7<sup>th</sup> Avenue, during normal business hours. In addition, such writings or documents will be available for public review at the respective meeting. Documents or and writings received at the meeting or after 12:00PM the day of the meeting will be made available for public review the following business day.

**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 831-620-2007 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).

**CHALLENGING DECISIONS OF CITY ENTITIES** The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of Carmel-by-the-Sea is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing. If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Carmel-by-the-Sea, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.



# CITY OF CARMEL-BY-THE-SEA

## CITY COUNCIL Staff Report - Amended

SR 2016-1219  
December 15, 2016  
Orders

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Appoint Agency Negotiators for Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8; Property: Sunset Center, Agency Negotiators: Chip Rerig, Carrie Theis, and Carolyn Hardy; Negotiating Parties: Sunset Cultural Center, Inc.; Under Negotiation: Terms and Conditions for Lease Agreement

### RECOMMENDATION

That the City Council appoint agency negotiators for Conference with Real Property Negotiators pursuant to Government Code Section 54956.8 to discuss and provide confidential direction for terms and conditions for Sunset Center.

### BACKGROUND / SUMMARY

The City and Sunset Cultural Center, Inc. entered into a real property agreement on July 2, 2013, and extended the relationship through June 30, 2017 earlier this year. The City Council is currently in real property negotiations with Sunset Cultural Center, Inc. for an amended real property agreement. Closed session discussions are permitted by State law, and are appropriate for confidential direction on real property matters involving terms and conditions.

### FISCAL IMPACT

There are no fiscal implications related to the recommendation to appoint agency negotiators.

### PRIOR CITY COUNCIL ACTION

As stated above, the City Council most recently approved a 12-month real property agreement extension on June 30, 2016.

### ATTACHMENTS

None.