

REGULAR MEETING
Tuesday, October 2, 2018

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL - 4:00 p.m.

Present: Councilmembers Richards, Hardy, Reimers, Mayor *pro tem* Theis, Mayor Dallas, City Administrator Rerig, Police Chief Tomasi, Deputy City Attorney Giffen, City Clerk Graves

PUBLIC APPEARANCES

SPEAKING FROM THE FLOOR
Hugo Ferlito

At 4:03 p.m., the meeting was continued to a closed session. All councilmembers and Deputy City Attorney Jon Giffen were present.

CLOSED SESSION 4:00 P.M.

Item A: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), Calkins v. City of Carmel-by-the-Sea; Monterey County Superior Court Case No. 18CV002532

The City Council reconvened in Open Session at 5:26 p.m.

Present: Councilmembers Richards, Hardy, Reimers, Mayor *pro tem* Theis, Mayor Dallas, City Administrator Rerig, Police Chief Tomasi, Deputy City Attorney Giffen, City Attorney Mozingo, Fire Chief Gaudenz, Public Works Director Harary, Community Planning and Building Director Wiener, Ass't. City Administrator Gullo, Finance Manager Scattini, Director of Libraries and Community Activities Wright, IT Manager Staker, Contracts and Budget Director Friedrichsen, Project Manager Estrella, City Clerk Graves.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

- A. City Administrator Announcements – This item was taken third in the order. Administrator Rerig thanks the Police and Fire Department employees for wearing pink in honor of Breast Cancer Awareness Month. He also noted most council members wore pink as well. He thanked Project Manager Estrella for his work on coordinating the paving of Ocean Street, and also the residents and merchants for their patience.
- B. City Attorney Announcements – This item was taken second in order. City Attorney Mozingo announced the Payton case had been finally adjudicated. The City will pay \$4,000 to the Plaintiff, and her attorney has waived his fees. The matter is now closed.

In the CalPERS case, which pertains to several local jurisdictions including the City as the lead agency, negotiations have been ongoing but are nearing an end. The amount owed by the City has gone from \$2.3 Million - \$2.7 Million, and could now be down to approximately \$800,000. Over the course of 20 years, the City will pay about \$1.4 Million.

- C. Closed Session Oral Report in accordance with GC § 54957.1(a) – This item was taken first in order.

Deputy City Attorney Jon Giffen reported that the City Council, in closed session, decided that so long as the language of the judge's decision did not materially change, it would not appeal in the case of Calkins v. The City of Carmel-by-the-Sea, and would release the documentation that was presented previously to the City Council in closed session to the public within fifteen days from receipt of a signed final judgment from the Court.

Several persons in the chambers felt the vote in closed session should have been disclosed.

- D. Councilmember Announcements – This item was taken fourth in order.

Councilmember Richards said Monterey Airport has added two non-stop flights; one to Denver and one to Dallas-Fort Worth. He encouraged all to support the routes.

Mayor *pro tem* Theis said GreenWaste is doing a great job educating residents about recycling options. There is an app now called whatgoeswhere.info that will guide you to what is recyclable and what is not.

Councilmember Reimers acknowledged Breast Cancer Awareness month, and thanked all for wearing pink. She attended the annual Leadership Luncheon of the Monterey Chamber of Commerce, and said Mayor Dallas made a great presentation there. She is also the representative for the Fort Ord Reuse Authority (FOR A), and is working on the transition plan, which remains a work in progress. The Board of Supervisors has voted to extend FORA, and she offered a brief list of accomplishments. She expressed appreciation for the FOR A staff, and reminded residents that Fort Ord was one of the first and largest military bases to be closed.

Councilmember Hardy attended the League of California Cities conference in Long Beach as the City's voting representative, and will submit a brief report for the record in next month's packet.

Mayor Dallas reminded about A taste of Carmel on October 4th and the pumpkin Roll on October 14th. Also on 10/27 is the City's 102nd birthday party.

PUBLIC APPEARANCES

SPEAKING FROM THE FLOOR

Michael Fechter

Hugo Ferlito

Georgina Armstrong

The Mayor called a recess at 6:04 p.m., and the Council reconvened at 6:28 p.m.

City Attorney Mozingo said that the vote in Closed Session regarding GC § 54957.1 should be disclosed by voice vote in open session. The vote in Closed Session was Four AYES and One NO in favor of releasing the documentation, as follows:

Mayor Dallas – Yes

Mayor *pro tem* Theis – Yes

Councilmember Hardy – Yes

Councilmember Richards – No

Councilmember Reimers – Yes

CONSENT AGENDA

ACTION: Mayor *pro tem* Theis moved, seconded by Councilmember Hardy, to approve the Consent Agenda.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

- Item 1:** Monthly Reports for August: 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.) Forester Reports.
- Item 2:** August 2018 Check Register Summary
- Item 3:** Minutes of August 6, 2018, August 7, 2018, September 10, 2018 and September 11, 2018 City Council Regular and Special Meetings
- Item 4:** Resolution No. 2018-105, Granting Consent to the City of Monterey to Establish The Monterey County Tourism Improvement District
- Item 5:** Resolution No. 2018-109, Authorizing a Free Use Day of the Sunset Center Theater and Lobby to the Carmel Public Library Foundation on Tuesday May 7, 2019.
- Item 6:** Resolution No. 2018-110, Consideration of a Second Amendment to the Employment Agreement between the City of Carmel-by-the-Sea and City Administrator Chip Rerig.
- Item 7:** Resolution No. 2018-111, Authorizing the Purchase of a New Truck for Facility Maintenance from Downtown Ford Sales of Sacramento.
- Item 8:** Resolution No. 2018-112, Authorizing the City Administrator to Execute Amendment No. 4 to a Professional Services Agreement with Franklin Technology Management in a Total Amount Not to Exceed \$60,000 for Contract Information Technology Services.
- Item 9:** Resolution No. 2018-114, Making Appointments to Terms of Various Lengths to the Community Activities and Cultural Commission, the Harrison Memorial Library Board of Trustees, and the Planning Commission. and the Forest and Beach Commission.

PUBLIC HEARINGS

- Item 10:** Ordinance No. 2018-004, SECOND READING - Amending Municipal Code Chapter 2.28 "Community Activities and Cultural Commission".

Mayor Dallas opened and closed the Public Hearing at 6:36 p.m.

ACTION: Councilmember Reimers moved, seconded by Councilmember Hardy, to approve Ordinance 2018-004, Amending Municipal Code Chapter 2.28 "Community Activities and Cultural Commission".

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

- Item 11:** Resolution No. 2018-107, Declaring Results of Majority Protest Proceedings and Establishing the Camel Restaurant Improvement District and Resolution 2018-000, Authorizing the City Administrator to Execute a Professional Services Agreement with Visit Camel to Serve as the Camel Restaurant Improvement District Owners' Association

Director Friedrichsen presented the staff report.

ACTION:

Councilmember Hardy moved, seconded by Councilmember Richards, to approve Resolution No. 2018-107, Declaring Results of Majority Protest Proceedings and Establishing the Camel Restaurant Improvement District and Resolution 2018-107-2, Authorizing the City Administrator to Execute a Professional Services Agreement with Visit Camel to Serve as the Camel Restaurant Improvement District Owners' Association.

Mayor *pro tem* Theis thanked the restaurants for their hard work.

Mayor Dallas also thanked the restaurants.

Administrator Rerig thanked Director Friedrichsen, Mr. Spielfogel and Ms. Herzog. He encouraged other discrete groups who want to go through a similar process to let the City know. He said the City would be happy to advise on the process.

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

ORDERS OF BUSINESS

- Item 12.** Receive a Report Regarding the Second Annual Public Works Report and Infrastructure Report Card.

Director Harary presented the staff report.

Councilmembers Reimers, Richards, Mayor *pro tem* Theis, Councilmember Hardy and Mayor Dallas all congratulated Director Harary on his presentation and the direction he is leading the Public Works Department. Administrator Rerig echoed their comments.

Mayor Dallas inquired about the digital data and GIS. He said Chico State is a leader in this field, and encouraged Director Harary to look into it. Director Harary said Agnes Topp Martelet is presenting on this subject to the next Forest and Beach Commission meeting on October 11, 2018 at 3:30 p.m.

Mayor Dallas said sidewalks are slated for work with a starting fund of \$245K. He is concerned about restroom complaints and the issue of bicycles and some damage caused by them in Mission Trails Nature Preserve. He also asked for a map of the slurry seal project to go out to all affected households and businesses.

Councilmember Hardy expressed disappointment that storm drainage wasn't going from a D- at least to a D, especially since Guadalupe and Fifth Street had been repaired.

Item 13. Resolution No. 2018-113, authorizing FY 2017/18 Year-End Adjustments, and Receive an Update on the FY17/18 Preliminary Fund Balance of the General Fund and Overview of the FY18/19 Quarter 1 Expenses and Revenue.

Finance Manager Scattini presented the staff report. Progress has been made on the current audit, and it will be presented to the City Council in December. The fiscal Year 2017-18 finished on a positive note as well.

Mayor *pro tem* Theis asked what kinds of adjustments were anticipated in the closing. Ms. Scattini said because of the transition from one system to another, the auditors are looking very closely at the two systems. The Resolution before the City Council is to transfer between line items for a smooth closeout.

ACTION:

Councilmember Reimers moved, seconded by Mayor *pro tem* Theis, to approve Resolution No. 2018-113, authorizing FY 2017/18 Year-End Adjustments

AYES: RICHARDS, HARDY, REIMERS, THEIS, DALLAS

NOES: NONE

FUTURE AGENDA ITEMS

ADJOURNMENT – 7:35 p.m.

APPROVED:



Steve G. Dallas, Mayor

ATTEST:



Thomas A. Graves, MMC
City