

**MINUTES
REGULAR MEETING
CARMEL-BY-THE-SEA**

Tuesday, September 12, 2017

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting called to order at 4:30 pm, all councilmembers present

Present: Councilmembers Hardy, Reimers, Richards, Theis and Mayor Dallas

Absent: None

Staff: Chip Rerig, City Administrator
Glen Mozingo, City Attorney
Paul Tomasi, Public Safety Director
Sharon Friedrichsen, Budget and Contracts Director
Marc Weiner, Community Planning and Building Director
Maxine Gullo, Assistant City Administrator
Joel Staker, IT Manager
Bob Harary, Public Works Director
Agnes Topp, Environmental Compliance Manager

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

Item A: Recognition of Don Freeman

Public Comments

The following members of members of the public spoke on this item: Charlotte Townsend, Clint Eastwood, Ken White, Sue McCloud, Paula Hazdovac, Elinor Laiolo, a representative from Assembly member Stone's Office, Councilmember Hardy, Councilmember Richards, Councilmember Reimers, Councilmember Theis, Mayor Dallas, Chip Rerig, Glen Mozingo and Don Freeman.

Mayor called a recess at 5:07 p.m. Council resumed the meeting at 5:10 p.m.

PUBLIC APPEARANCES

The following members of the public spoke during Public Appearances: Christine, Chris Thomas, Kenny Spilfogel, Barbara Livingston, Hugo Ferlito, Sue McCloud, and Angie Arius.

ANNOUNCEMENTS

Item A: Announcements from Closed Session

City Attorney Glen Mozingo stated that Council attended a training on the Brown Act on Monday, September 11, 2017.

CLOSED SESSION

City Attorney Glen Mozingo reported out on Closed Session items heard by Council at its Closed Session meeting held Monday, September 11, 2017.

Item A: LABOR NEGOTIATIONS

Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance

Council received an update and there was no action to report.

Item B: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Chilone Payton vs. City of Carmel-by-the-Sea, CA
Monterey Superior Court Case No. 16CV003820

Council received an update and there is no action to report.

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: State Farm General Insurance Company, Plaintiff v. City of Carmel-by-the-Sea, and Does I through 10, Defendant - Monterey County Superior Court Case No. 16CV002381

Council was advised of the status on the case and there is no action to report.

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: City of Carmel-by-the-Sea v. Josef Wagelaar.

This case has been concluded and closed.

Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Stacy Lininger v. Ronald Pflieger, City of Carmel-by-the-Sea, et. al.
United States District Court, Northern District of California Court Case No. C17-3385SVK

Council received an update and there is no action to report.

Item C: PUBLIC EMPLOYEE PERFORMANCE REVIEW
Government Code Section 54957
Title: City Attorney

Item D: PUBLIC EMPLOYEE PERFORMANCE REVIEW
Government Code Section 54957
Title: City Attorney - Retiring

Council discussed the transition between the former and current attorneys.

Item E: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 1 cases

Council was advised of one potential case and there was no action to report.

Item B: Announcements from Council

Councilmember Richards stated that he and Councilmember Theis had a meeting with a group to learn more about curatorship and Flanders. He spoke about Visit Carmel and the Carmel Hospitality Improvement District, and encouraged the public to attend the Sunset Gala and Taste of Carmel events.

Councilmember Reimers stated that she met with the Chamber of Commerce about creating a map to delineate the private and public right-of-way to visitors and the possible placement of signage. She stated that she participated in a Chamber walk to meet with businesses, attended a ribbon cutting for a new hotel in Marina where Congressman Panetta spoke (and that he also spoke at a FORA meeting), attended the Friends of the Forest tree walk, that she spoke at the Carmel Host Lions meeting, and attended a Carmel Youth Center event.

Mayor Dallas reminded the public that the City has vacancies on several Boards and Commissions. He stated that he, City Administrator Rerig and Assistant City Manager Gullo attended a meeting with a restaurant group interested in creating an assessment district.

Item C: Announcements from the City Administrator

City Administrator Rerig thanked the staff and the public for attending the street dance this past weekend and encouraged the public to attend the Sandcastle contest this weekend. He noted that the agenda packet was produced with the new agenda management system and also apologized for not following up with the Carmel Pine Cone to confirm the publication of the public hearing notices.

Item D: Announcements from the City Attorney

None.

CONSENT AGENDA

Action: Upon a motion made by Councilmember Reimers, seconded by Mayor Pro Tem Theis, Council moved to approve the consent agenda as follows, with the exception of item 6:

AYES: COUNCILMEMBERS: Hardy, Reimers, Richards, Theis, Dallas

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Item 1: Monthly Reports: Community Planning and Building Department Reports, Police, Fire, Ambulance, Beach Reports, Public Records Act Requests, and Forester Report.

Approved, 5:0:0

Item 2: Ratify check register for July 2017. **Ratified, 5:0:0**

Item 3: Consideration of a resolution authorizing the City Administrator to execute an amendment to a professional services agreement for financial consulting services for a not to exceed contract amount of \$60,000. **Adopted Resolution 2017-099, 5:0:0**

- Item 4:** Acceptance of Independent Auditor's Report and Audited Financial Statements for Fiscal Year 2015-2016. **Adopted Resolution 2017-103, 5:0:0**
- Item 5:** Consideration of Resolutions Amending the Fiscal Year 2017/18 Capital Improvement Program and 2017/18 Adopted Budget to include a new Capital Project to Decommission the Fueling System at the Public Works Yard with a Budget of \$150,000. **Adopted Resolution 2017-100, 5:0:0**
- Item 7:** Consideration of a resolution authorizing the City Administrator to execute Amendment No. 4 to a Professional Services Agreement with Boots Road Group, LLC for an additional amount of \$4,000 for contract website support services. **Adopted Resolution 2017-102, 5:0:0**
- Item 8:** Consideration of a resolution authorizing the City Administrator to execute Amendment No. 2 to a Professional Services Agreement with Franklin Technology Management in a total amount not to exceed \$25,000 for contract Information Technology services. **Adoption Resolution 2017-104, 5:0:0**
- Item 9:** Consideration of a resolution authorizing the City Administrator to execute an agreement with SHI International Corp for the purchase of computer workstations for an amount not to exceed \$27,130.95. **Adopted Resolution 2017-105, 5:0:0**
- Item 10:** Authorization to process refunds in a total not to exceed amount of \$15,550 per Carmel Municipal Code Section 3.06.060. **Adopted Resolution 2017-111, 5:0:0**

The following item was pulled and considered separately by Council:

- Item 6:** Approve Fiscal Year 2016-2017 year-end budget adjustments; Approve Fiscal Year 2017-2018 supplemental appropriations totaling \$452,750

Public Comments

The following members of the public spoke on this item: Jeff Baron

---End Public Comments---

City Administrator Chip Rerig and City Attorney Glen Mozingo responded to questions.

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmembers Reimers, Council moved to approve Fiscal Year 2016-2017 year-end budget adjustments and approve Fiscal Year 2017-2018 supplemental appropriations totaling \$452,750. **Adopted Resolutions 2017-106, 2017-107, 5:0:0**

AYES:	COUNCILMEMBERS:	Hardy, Reimers, Richards, Theis, Dallas
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

PUBLIC HEARINGS

Items 11, 12 and 13 continued to the regular October 3, 2017 Council meeting.

ORDERS

Item 14: Consideration of a Temporary Encroachment Permit (EN 17-75) and parking fee reduction associated with a construction project located at the southwest corner of Dolores Street and Fifth Avenue.

Community Planning and Building Director Marc Wiener provided the staff presentation responded to questions from Council.

Applicant Daniel Silverie spoke about about the project and responded to questions from Council.

Public Comments

The following members of the public spoke: Barbara Livingston, Jason Johnson, and no name given.

---End Public Comments

Council discussion followed.

Action: Upon a motion made by Councilmember Reimers, seconded by Councilmember Richards, Council moved to require a screen with netting. **Approved, 5:0:0**

AYES:	COUNCILMEMBERS:	Hardy, Reimers, Richards, Theis, Dallas
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NOES:	COUNCILMEMBERS:	None
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ABSTAIN:	COUNCILMEMBERS:	None
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Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to to approve the temporary encroachment permit subject to the attached conditions contained within the staff report, including the payment of all associated parking fees. **Approved, 5:0:0**

AYES:	COUNCILMEMBERS:	Hardy, Reimers, Richards, Theis, Dallas
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NOES:	COUNCILMEMBERS:	None
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ABSTAIN:	COUNCILMEMBERS:	None
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FUTURE AGENDA ITEMS

- Municipal code update regarding street dances and alcohol

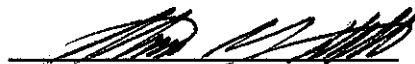
Mayor Dallas noted that tour bus parking will be on the October agenda.

ADJOURNMENT

There being no further business Mayor Dallas adjourned the meeting at 6:25 pm in memory of Courtney Brown.

APPROVED:

ATTEST:


Steve G. Dallas, Mayor


Sharon Friedrichsen, Director of Budget and Contracts