

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

Tuesday, March 7, 2017

CALL TO ORDER AND ROLL CALL

Mayor Dallas called the meeting to order at 3:02 p.m.

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

Absent: None

Staff: Ashlee Wright, City Clerk
Chip Rerig, City Administrator
Paul Tomasi, Public Safety Director

PUBLIC APPEARANCES – None

CLOSED SESSION

Mayor Dallas announced the Closed Session items:

- Item A: PUBLIC EMPLOYEE PERFORMANCE REVIEW
Government Code Section 54957
Title: City Administrator
- Item 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)
- Item C: LABOR NEGOTIATIONS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Zutler
Employee Organization: Ambulance, General Employees, Management, Police
- Item D: REAL PROPERTY NEGOTIATIONS – LEASE
Pursuant to Government Code Section 54956.8
Between Chip Rerig, Carrie Theis, and Carolyn Hardy and Sunset Cultural Center, Inc.
- Item E: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(D)(1)
Name of Case: Joanna Pfeister, Appellant/Petitioner v. City of Carmel-by-the-Sea et al, Respondent/Real Party in Interest

Appellate District Court of Appeal - Appeal Case No. H040250 - Superior Court Case No. M93437

Council adjourned to Closed Session at 3:05 p.m.

OPEN SESSION

Council resumed in Open Session at 4:39 p.m.

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

Absent: None

Staff: Ashlee Wright, City Clerk
Chip Rerig, City Administrator
Paul Tomasi, Public Safety Director
Rob Mullane, Public Works Director
Lisa Leo, Project Manager
Gaudenz Panholzer, Monterey Fire Chief
Janet Bombard, Library and Community Activities Director
Cleve Waters, Public Works
Joel Staker, Information Services Manager
Marc Weiner, Community Planning and Building Director

PLEDGE OF ALLEGIANCE

Members of the community joined the City Council in the Pledge of Allegiance.

EXTRAORDINARY BUSINESS

Item A: Carmel High School Mock Trial Team

Mayor Dallas presented certificates to the members of the Mock Trial Team. Bill Schrier thanked the City Council for its support.

Item B: Group4 Architects presentation – Park Branch Library

Library and Community Activities Director Janet Bombard introduced Tara Twomey, President of the Harrison Memorial Library Board of Trustees, who gave a brief history of the proposed project before introducing Dawn Merkes of Group4 Architects. Merkes presented ideas for proposed renovations to the Park Branch library.

Public Comment

The following members of the public spoke on this item: Sheila Mark, Barbara Livingston, Lettie Bennet, Jonathan Sapp, and Sue McCloud.

---End Public Comment---

Item C: Appointment of Ad Hoc Committee for the review of Council Discretionary Funds grant applications

Mayor Dallas appointed Councilmembers Hardy and Richards to the Ad Hoc Committee.

Item D: Mayor and Mayor Pro Tem draft letter on behalf of the City to request one lane bridge for Big Sur

City Administrator Chip Rerig explained the purpose of the letter.

PUBLIC APPEARANCES

The following members of the public spoke during public appearances: Ellen Gannon, Sue McCloud, Chilone Payton, Joe Foster, Jeff Baron, Barbara Livingston, Mr. Mack, Ben Beesley, Gretchen Sortega, Michaela, Shayla, Richard Kreitman, Raley, Belle Paisient, Mike Brown, and no name given.

--End Public Appearances--

ANNOUNCEMENTS

Item A: Announcements from Closed Session

Item 1: No comments for the public; Item 2: Received status update, hoping for a future update; Item 3: received status update, no announcement.; Item 4: Received status update; hope to bring something to Council in the future; Item 5: item was argued in Appellate Court.

City Attorney Don Freeman also informed the public about a California Superior Court ruling regarding personal cell phones and the public's right to access to information and openness in government.

Item B: Announcements from City Council Members

Mayor Dallas responded to the issues of the JPA and sidewalks, and thanked the River School 5th Graders for their comments during Public Appearances. Councilmember Hardy reported that the ad hoc committee extended the deadline for the RFQ. Mayor Pro Tem Theis informed the public of the Monterey Regional Waste Management District open house and tour.

Item C: Announcements from City Administrator

City Administrator Chip Rerig announced he has been on the job for 372 days, and thanked the community, staff and Council.

Item D: Announcements from City Attorney

City Attorney Don Freeman also informed the public about a California Superior Court ruling regarding personal cell phones and the public's right to access to information and openness in government.

CONSENT AGENDA

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Richards, Council approved the consent agenda with the exception of Items 4, 5, 7, and 9.

Item 1: Consider and approve draft minutes for the special Council meeting held February 6, 2016, draft minutes for the regular Council meeting held February 7, 2017, and draft minutes for the special Council meeting held February 15, 2017. **Approved, 5:0**

Item 2: Check Register for January 2017. **Approved, 5:0**

Item 3: Monthly Reports for January 2017. **Approved, 5:0**

Item 6: SR 2017-023 Consideration of a resolution adopting a resolution authorizing the City Administrator to execute Amendment No. 2 to a Professional Services Agreement with Technology Integration Group in a total amount not to exceed \$159,617 for the purchase and installation of a Server System. **Adopted Resolution 2017-015, 5:0**

Item 8: SR 2017-025 Consideration of a resolution authorizing the City Administrator to execute an amendment to a professional services agreement with Golden State Planning and Environmental Consulting Services for a total not to exceed amount of \$37,600. **Adopted Resolution 2017-017, 5:0**

Councilmember Hardy pulled Items 4, 5, 7, and 9. Sue McCloud asked to have Item 7 pulled.

Item 5: SR 2017-022 Consider a resolution accepting a donation of \$31,000 from the Erling Lagerholm Living Trust.

Councilmember Hardy spoke about Erling Lagerholm and suggested planting a tree in his memory and adding a plaque in City Hall acknowledging his donation. Councilmember Reimers echoed Hardy's sentiments and indicated her support of the plaque.

Public Comments

Carl Iverson spoke to the item.

--End Public Comment--

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Reimers, Council moved to adopt a resolution accepting a donation of \$31,000 from the Erling Lagerholm Living Trust. **Adopted Resolution 2017-014, 5:0**

Item 4: SR 2017-021 Authorization of the City Administrator to Execute Various On-Call Contracts for Electrical, HVAC, Painting, and Plumbing Services.

City Administrator Chip Rerig provided a brief presentation on the reason for the item coming before the Council. Public Works Director Rob Mullane answered questions from the Council. City Attorney Don Freeman provided an explanation of pro forma contracts.

Public Comments

Sue McCloud spoke to the item.

--End Public Comment--

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council moved to continue the item to a future meeting.

Item 7: SR 2017-024 Authorize a budget adjustment of \$13,488.00, and award A Plus Painting, a Partnership, the Park Branch Library Interior Painting Project for a Total Amount Not to Exceed \$30,492.00.

Public Comments

Sue McCloud spoke to the item.

--End Public Comment--

City Administrator Chip Rerig explained the City's necessity for using project managers at this time.

Public Works Director Rob Mullane addressed Council's questions regarding the rates and fees charged for the project.

Public Comments

Richard Kreitman spoke to the item.

--End Public Comment--

Action: Upon a motion made by Councilmember Richards, seconded by Councilmember Hardy, Council moved to authorize a budget adjustment of \$13,488.00, and award A Plus Painting, a Partnership, the Park Branch Library Interior Painting Project for a Total Amount Not to Exceed \$30,492.00. **Adopted Resolution 2017-016, 5:0**

Item 9: SR 2017-026 Authorize City Administrator to enter into an agreement with the Cities of Monterey, Pacific Grove, and Salinas, and the Aromas Tri-County Fire Protection District for the joint grant funded purchase of radios

Fire Chief Panholzer provided the staff report and answered questions from the Council.

No Public Comments.

Action: Upon a motion made by Mayor Pro Tem Theis, seconded by Councilmember Hardy, Council moved to enter into an agreement with the Cities of Monterey, Pacific Grove, and Salinas, and the Aromas Tri-County Fire Protection District for the joint grant funded purchase of radios. **Adopted Resolution 2017-018, 5:0**

ORDERS OF BUSINESS

Item 10: SR 2017-027 Authorize the City Administrator to establish the Assistant City Administrator salary range, and adopt the 'at-will' classifications salary plan (pay schedule).

City Administrator Chip Rerig provided the staff report.

No Public Comments

Action: Upon a motion made by Councilmember Hardy, seconded by Councilmember Richards, Council moved to authorize the City Administrator to establish the Assistant City Administrator salary range, and adopt the 'at-will' classifications salary plan (pay schedule). **Adopted Resolution 2017-019, 5:0**

PUBLIC HEARINGS

Item 11: SR 2017-028 Consideration of an Ordinance (First Reading) amending Municipal Code Sections 17.14 and 17.68 in order to modify the restaurant and food store regulations

Councilmember Reimers recused herself due to owning property within 500 feet.

Community Planning and Building Director Marc Weiner provided the staff report. City Administrator Chip Rerig provided a follow-up staff report. City Attorney Don Freeman provided further clarification.

Public Comments

Barbara Livingston, Jeff Baron, Faye Marsudi, and Dave Mosley spoke to the item.

--End Public Comment--

Community Planning and Building Director Marc Weiner addressed Council's questions and the issues brought up during public comment.

Action: Upon a motion made by Councilmember Hardy, seconded by Mayor Pro Tem Theis, Council moved to approve with the following code amendment with the following changes to the language: to 4.i put back cooking stoves are limited to indoor stoves and ovens" for specialty stores and take out grills; and under 2) Food Stores – Full line will provide for a combination of indoor and outdoor, all indoor, or all outdoor; removing specialty restaurants in the Service Commercial district. **Introduced on 1st reading, 4:0:1 (Reimers recused)**

Discussion on future modifications to the restaurant codes followed.

Public Comments

Dave Moseley, Jeff Baron, John Plastini, Ken, Jay Dolata, Barbara Livingston, and Faye Massoudi, spoke to this item.

---End Public Comments---

Council discussion followed.

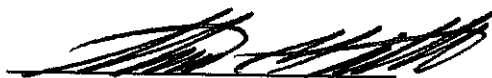
FUTURE AGENDA ITEMS

- North Dunes update
- Tree replacement
- Agendas distributed earlier

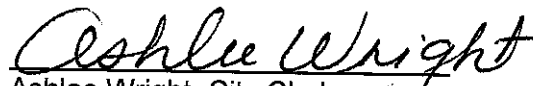
ADJOURNMENT

There being no further business, Mayor Dallas adjourned the meeting at approximately 8:49 p.m.

APPROVED:


Steve G. Dallas, Mayor

ATTEST:


Ashlee Wright, City Clerk