

**CITY COUNCIL
REGULAR MEETING**

November 1, 2022

CALL TO ORDER AND ROLL CALL

Mayor Potter called the closed session meeting to order at 3:00 p.m.

Roll Call: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards and Mayor Potter were present.

CLOSED SESSION - 3:00 PM

City Attorney Pierik read the closed session title.

- A. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT
CODE SECTION 54956.9 (d)(1) – EXISTING LITIGATION
Name of case: GTE Mobilnet of California Limited Partnership, a California limited
partnership d/b/a Verizon Wireless v. City of Carmel-by-the-Sea, [et.al.](#)
United States District Court (Northern District) Case No. 5:22-CV-00347-NC

PUBLIC APPEARANCE:

Christy Hollenbeck addressed the Council.

Council moved to closed session at 3:03 p.m.

Closed Session adjourned at 3:56 p.m.

OPEN SESSION

CALL TO ORDER AND ROLL CALL

Mayor Potter called the closed session meeting to order at 4:30 p.m.

Roll Call: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards and Mayor Potter were present.

PLEDGE OF ALLEGIANCE

City Clerk Romero led the pledge of allegiance.

PUBLIC APPEARANCES

Lucinda Lloyd, announced that former Mayor of Carmel, Charlotte Townsend, passed away on October 31, 2022. Janice Bradner, Neal Kruse, and an unnamed member of the public spoke out against implementing traditional home addresses. Anthony Carnazzo thanked the Council for approving the Pumpkin Roll event. Parker Logan addressed the Council.

ANNOUNCEMENTS

City Administrator – Thanked Assistant City Administrator Gullo for covering him at the last City Council Meeting while he attended a training. He gave thanks to the Community Activities Staff, Ashlee Wright, Leslie Fenton, Margie Perotti, volunteers, and Activities Commissioners who helped out with the Halloween parade, pumpkin roll and other events.

City Attorney - No reports.

Council Members

Mayor Pro Tem Richards – Reported that he had the pleasure of speaking at the Carmel High Public Policy Club. He said he was in the parade with some of the Carmel High mock trial students, and he congratulated the student athletes for having an average GPA of 3.7.

Council Member Baron – No reports.

Council Member Theis – No reports.

Council Member Ferlito -- Spoke about former Carmel Mayor, Charlotte Townsend, who passed away at age 97. She said Charlotte lived an admirable life, she was honored to know her and spend time with her, and would like to recognize her service to the community.

Mayor Potter – Said he had a great time at the pumpkin roll and parade, thanked staff for all their hard work. He suggested that Council hear public hearing item #16 first, regarding the Urgency Ordinance.

Council gave consensus to move up public hearing item #16.

PUBLIC HEARING

Item 16 - Introduction and Adoption of Urgency Ordinance 2022-006 - Urgency Ordinance of the City Council of the City of Carmel Adopting Rules of Conduct for Attending Meetings of Legislative Bodies at City Facilities

City Clerk Romero gave a brief presentation and overview of the Urgency Ordinance.

Public Comment - None.

City Attorney Pierik read the Urgency Ordinance title.

Motion by Mayor Potter to read by title only, waive full reading, and adopt Urgency Ordinance 2022-006, with the amendment to section 7.2 amending the meaning of the term Legislative Body to the Government Code definition, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 with the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA

Council Member Baron pulled item #4 from consent.

Public Comment: none.

Motion by Council Member Theis to adopt consent agenda items 1, 2, 3, 5, 6 and 7, seconded by Council Member Ferlito, and approved 5-0-0-0 with the following roll call vote:

AYES: Baron Ferlito, Theis, Richards, and Potter

NOES: None

ABSENT: None

ABSTAIN: None

The following items were approved with the above vote:

- Item 1 -** October 3, 2022, Special Meeting Minutes, and October 4, 2022, Regular Meeting Minutes
- Item 2 -** September 2022 Check Register Summary
- Item 3 -** September 2022 Monthly Reports
- Item 5 -** Resolution 2022-094 authorizing the City Administrator to execute a Professional Services Agreement with EMC Planning Group Inc., for a not-to-exceed fee of \$175,000, to conduct the Coastal Engineering and Adaptation Planning Project
- Item 6 -** Resolution 2022-095, Authorizing Free Use Days of the Sunset Center Theater and Lobby for the Carmel Public Library Foundation and Carmel Unified School District
- Item 7 -** Adoption of Ordinance No. 2022-003 (Second Reading) - Amending Municipal Code Section 2.52.630 pertaining to eligibility for new hires to use accrued vacation leave in the first year of employment

ITEMS PULLED FROM CONSENT

- Item 4 -** Resolution 2022-093 Proclaiming the Continuing Need to Meet by Teleconference Pursuant to Government Code Section 54953(e)

Council Member Baron said he would like to see all of the committees and commissions meeting in person, and therefore would be voting no on this item.

Motion by Council Member Theis to adopt Resolution 2022-093, seconded by Mayor Pro Tem Richards, and approved 4-1-0-0 with the following roll call vote:

AYES: Ferlito, Theis, Richards, and Potter

NOES: Baron

ABSENT: None

ABSTAIN: None

ORDERS OF BUSINESS

- Item 8 -** 2022 Car Week After Action Report

Chief Ward gave a presentation on the 2022 Car Week and answered questions from Council.

Public Comment - Neal Kruse, Sue McCloud, and Parker Logan addressed the Council.

Council discussion resumed and gave feedback to staff on planning for Car Week 2023.

Item 9 - Resolution 2022-096, adopting the 2022 Monterey County Multi-Jurisdictional Hazard Mitigation Plan.

Chief Ward gave a presentation on the Monterey County Multi-Jurisdictional Hazard Mitigation Plan.

Public Comment - Dr. David Revell addressed the Council.

Council discussion resumed.

Motion by Council Member Baron to adopt Resolution 2022-096, seconded by Council Member Ferlito, and adopted 5-0-0-0 by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 10 - Provide feedback on the Design Traditions 1.5 Strategy Paper

Community Planning and Building Director Swanson gave a presentation on the item.

Public Comment -

David O'Neill asked that Council approve guidelines that maintains the City's charm and character. A member of the public gathered 847 signatures on a petition asking for Council and the Planning Commission to reassess the approval process for demolitions, remodels, to prevent any-town USA style developments. Graham Norton addressed the Council. Neal Kruse and Janice Bradner, spoke in favor of the unique cottages and architecture of the past that Carmel is known for. Lucinda Lloyd spoke about the exquisite modern architecture in Carmel that fits into the residential areas beautifully.

Council discussion resumed. Council provided direction to staff.

Item 11 - Resolution 2022-097 Authorizing the Mayor to Execute a Sixth Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2022

Mayor Pro-Tem Richards gave a brief summary of the item.

Public Comment - None.

Council discussion resumed.

Motion by Council Member Baron to adopt Reso 2022-097, seconded by Council Member Ferlito, and adopted 5-0-0-0 by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Council took a recess at 7:00 pm, and reconvened at 7:11 pm.

PUBLIC HEARINGS (CONTINUED)

Item 12 - Resolution 2022-098 Amending CDP 18-231 to extend the current Beach Fire Management Pilot Program by six months, with an end date of May 15, 2023

Community Planning and Building Director Swanson gave a presentation on the item.

Public Comment - Lucinda Lloyd addressed the Council in favor of adopting the Resolution.

Council discussion resumed.

Motion by Mayor Pro-Tem Richards, to adopt Reso 2022-098, seconded by Council Member Ferlito, and adopted 5-0-0-0 by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 13 - Resolution 2022-099, Agreement between the County of Monterey and the City of Carmel-by-the-Sea for joint participation in the Permanent Local Housing Allocation (PLHA) funding program for fiscal years 2019-2023

Community Planning and Building Director Swanson gave a presentation on the item.

Public Comment - None.

Council discussion resumed.

Motion by Mayor Pro-Tem Richards, to adopt Reso 2022-099, seconded by Council Member Baron, and adopted 5-0-0-0 by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 14 - First Reading - Ordinance 2022-004 amending Carmel Municipal Code (CMC) Title 15 (Buildings and Construction) by adopting the 2022 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments

Building Official Jermel Laurie gave a brief summary of Ordinance.

Public Comment - None

Council discussion resumed. City Attorney Pierik read the Ordinance title.

Motion by Mayor Potter to read by title only, waive full reading, and Introduce Ord. 2022-004, seconded by Council Member Ferlito, passed to a second reading on December 6th by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 15 - First Reading - Ordinance 2022-005 Amending Section 2.74.010(B) of the Carmel-by-the-Sea Municipal Code Related to Board Member Qualifications for the Historic Resources Board

City Clerk Romero gave a summary of the item.

Public Comment - Lucinda Lloyd and Neal Kruse addressed the Council.

Council discussion followed. City Attorney Pierik read the Ordinance title.

Motion by Council Member Baron to read by title only, waive full reading, and Introduce Ord. 2022-005, seconded by Council Member Theis, passed to a second reading on December 6th by the following roll call vote:

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

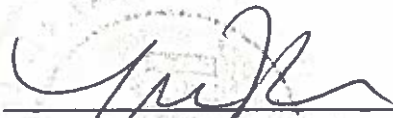
ADJOURNMENT

Council adjourned in memory of former Carmel-by-the-Sea Mayor Charlotte Townsend at 7:36 p.m.

APPROVED:



Dave Potter
Mayor



Nova Romero, MMC
City Clerk