

REGULAR MEETING
Tuesday, October 5, 2021

4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30 P.M. All Council Members were present.

EXTRAORDINARY BUSINESS

Item A: Legislative Update from Senator Laird

Senator Laird provided a legislative update and responded to questions from Council.

Item B: California American Water Presentation

Chris Cook, Director of Operations, provided a presentation and update on CalAm operations.

ANNOUNCEMENTS

Council Member Baron announced the upcoming Climate Change meeting on Thursday, October 21.

Mayor Pro Tem Richards provided a report out regarding his attendance at the annual League of California Cities conference.

Council Member Theis stated that she attended the 9/11 ceremony and thanked Carrie Ann for her work on the ceremony. She thanked those who participated in the public workshop with the ad hoc Fire and Ambulance committee and announced that there would be another workshop in December.

Council Member Ferlito recognized Dale Byrne for being named Citizen of the Year by the Carmel Residents Association. She thanked him and all of the Carmel Cares volunteers for their work.

Mayor Potter stated that he thought the 9/11 ceremony was very well done, especially the flag. He stated that he gave a talk for the Carmel Woman's Club.

City Administrator Chip Rerig announced that the first period TOT results were very good. He stated that there would be a Council Retreat for Strategic Planning next Tuesday, October 12. He announced that this would be Chief Tomasi's last Council meeting. He stated that Item #14 would be continued to the November regular meeting.

Mayor Potter thanked Chief Tomasi for his service.

Chief Tomasi stated that he was appreciative and grateful to have worked for the City.

PUBLIC APPEARANCES

The following members of the public spoke:

- Eric Tarbox
- Neal Kruse
- Fred Bologna
- Kristi Hollenbeck
- Jenny McMurdo
- Michael McWalters
- Beth Bowman
- Victoria Beach

CONSENT AGENDA

Council Member Baron pulled Item 4. Council Member Ferlito announced that she was recusing herself from voting on Item 6 because she owns property within 500 feet of Mission Trail Nature Preserve.

- 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) Public Works Department Report
- Item 2:** August 2021 Check Register Summary
- Item 3:** September 7, 2021 Special Meeting Minutes and September 7, 2021 Regular Meeting Minutes
- Item 5:** Resolution 2021-059 approving the City of Carmel-by-the-Sea Section 115 Post Employment Benefits Trust Investment Guidelines Policy
- Item 7:** Resolution 2021-063 awarding a Professional Services Agreement to Sytech Solutions, for a not-to-exceed fee of \$79,750, to scan and electronically digitize hard copy property files.
- Item 8:** Resolution 2021-065 authorizing the City Administrator to sign a Memorandum of Understanding with the Monterey Regional Waste Management District and Member Agencies regarding Assistance with Compliance with California Senate Bill 1383
- Item 9:** Resolution 2021-066 authorizing the City Administrator to execute Change Order No. 3 to the contract with Tope's Tree Service for on-call tree maintenance services for a not to exceed amount of \$65,0000 and extending the term through June 30, 2022.

On a motion made by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council **approved items 1, 2, 3, 5, 7, 8 and 9 on the Consent Agenda** by the following vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- Item 6:** Resolution 2021-061, Authorizing the City Administrator to Execute a Contract with Tope's Tree Service for a not-to-exceed amount, including a 5% contingency, of \$58,275 to implement the Mission Trail Nature Preserve Fire Fuel Abatement Project

On a motion made by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council **approved item 6 on the Consent Agenda** by the following vote:

AYES: BARON, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: FERLITO

- Item 4:** Adopt Resolution 2021-058 ratifying current Board and Commission members terms

to align with updates to Chapters 2.28, 2.32, 2.36, 2.72 and 2.74 of the Carmel Municipal Code changing the annual term expiration date from September 30 to April 30.

Council discussion followed.

Public Comments – None

On a motion made by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council moved to **extended all Board and Commission terms two months** by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ORDERS OF BUSINESS

Item 10: Consideration of Resolution 2021-060 to appoint Brian Uhler as Interim Public Safety Director/Police Chief (Retired Annuitant) effective October 6, 2021

City Administrator Chip Rerig provided the staff report and introduced Interim Public Safety Director Uhler.

Public Comments – None

Council discussion followed.

On a motion made by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council moved to adopt Resolution 2021-060 to appoint Brian Uhler as Interim Public Safety Director/Police Chief (Retired Annuitant) effective October 6, 2021 by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 11: Consideration of Ordinance 2021-003 (First Reading) amending Municipal Code Chapter 8.16 pertaining to Solid Waste and Materials Recovery and Chapter 12.32 pertaining to Conduct on Public Property

Environmental Compliance Manager Agnes Martelet provided the staff report and responded to Council questions.

Public Comments – None

Council discussion followed.

On a motion made by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council moved to **introduce on first reading Ordinance 2021-003 (First Reading) amending Municipal Code Chapter 8.16 pertaining to Solid Waste and Materials Recovery and Chapter 12.32 pertaining to Conduct on Public Property** by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

PUBLIC HEARINGS

Item 14: Consideration of a request to declare Exempt Surplus Right-of-Way and Vacating 1,103.15 square feet of Public Land across two legal lots located on the north side of 8th Avenue between Junipero and Mission

City Attorney Brian Pierik provided a report on this item and responded to Council questions.

The following members of the public spoke on this item:

Victoria Beach
Carolyn Hardy

Council discussion followed.

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council moved to **continue Item 14 to the November 2, 2021 Regular Council Meeting** by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 12: First reading of a draft ordinance amending Chapter 17.40 of the Carmel Municipal Code related to signs.

Community Planning and Building Director Brandon Swanson provided the staff report and responded to Council questions.

The following members of the public spoke on this item:

Parker Logan

Council discussion followed.

On a motion made by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council moved to **introduce on first reading an Ordinance amending Chapter 17.40 of the Carmel Municipal Code related to signs** by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER

NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 13: Consideration of extending the mandatory removal date for temporary parklets and temporary outdoor seating beyond October 12th, 2021

Community Planning and Building Director Brandon Swanson provided the staff report and responded to Council questions.

The following members of the public spoke on this item:

Parker Logan
Kim Stemler
Tim Twomey
Jack Galante
Anthony Carnazzo
Dawn Galante
Cindy Lloyd
Ken Spillfogel
Tatum Tollner
Jo Todd

Council discussion followed.

On a motion made by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council moved to extend the parklet removal date to November 12, deny allowing restaurants and who had removed parklets to rebuild, and allow wine tasting shops to continue to serve in private outdoor spaces and directed staff to report back on how the fees being collected from the parklets are being used by the following roll call vote:

AYES: THEIS, RICHARDS, POTTER
NOES: BARON, FERLITO
ABSENT: NONE
ABSTAIN: NONE

ADJOURNMENT

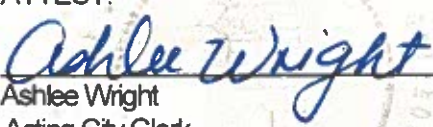
There being no further business Mayor Potter adjourned the meeting at 8:33 P.M.

APPROVED:



Dave Potter, Mayor

ATTEST:



Ashlee Wright
Acting City Clerk

