

**CITY COUNCIL  
REGULAR MEETING MINUTES**

**August 1, 2023**

**CALL TO ORDER AND ROLL CALL**

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

Roll Call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Richards, and Mayor Dave Potter were all present.

**PLEDGE OF ALLEGIANCE**

City Administrator Rerig led the pledge of allegiance.

**PUBLIC APPEARANCES**

Michael McWalters spoke about concerns over residents who have electromagnetic radio sensitivity and urged Council to adopt a strong wireless Ordinance to protect vulnerable residents. Melanie Billick thanked Chip and staff for the appointment of the new City Forester. Jo Todd thanked Council for extending the post office lobby hours for the public.

**ANNOUNCEMENTS**

City Administrator Rerig - announced that there will be an Urban Forest Master Plan questionnaire sent out to residents soon. He also announced the Planning Commission meeting on August 9<sup>th</sup> to review the plans for the Ulrika Plaza project, and a special meeting on August 23<sup>rd</sup> regarding the wireless telecommunications draft ordinance. He added the Coastal Commission will be reviewing the City's Timehsare Ordinance at a meeting on August 10<sup>th</sup> in Oxnard. He thanked Police Chief Wakins to his many hours of work he spent working with FEMA attempting to get reimbursement from the damages caused by the winter storms.

City Attorney Pierik - announced that there are no reportable actions from closed session yesterday, except that closed session item #3, City Attorney Evaluation, will be continued at the end of today's open session.

Councilmembers - none

**CONSENT AGENDA**

Item #4 was pulled by Councilmember Ferlito, Item # 5 pulled from consent by Councilmember Dramov.

Public comment: none

**Motion by Councilmember Ferlito to approve consent agenda items 1, 2, 3, 6, & 7, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:**

**AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Item 1** - July 11, 2023 Regular Meeting Minutes, and July 17, 2023, Special Meeting Minutes

**Item 2** - June 2023 Check Register Summary

**Item 3** - June 2023 Monthly Reports

**Item 6** - Resolution 2023-079, authorizing a Free Use Day of the Sunset Center Theater and Lobby for the Carmel Sunset Rotary Club Art Auction Event

**Item 7** - Resolution 2023-080 to designate 2023 Holiday Closure from December 22 – December 29, 2023

**ITEMS PULLED FROM CONSENT:**

**Item 4** - Resolution 2023-077, authorizing the City Administrator to execute a Construction Contract with Bowen Engineering and Environmental, in an amount, including a 10% contingency, of \$139,700, for the Water Well Decommissioning, and Tank and Pump House Removal Project in the Mission Trails Nature Preserve

Councilmember Ferlito commented that she is glad to see this long awaited project move forward with approval of the contract to remove the decommissioned well, tank, and pump house from Mission Trail Nature Preserve.

Public comment: none.

**Motion by Councilmember Baron to approve Resolution 2023-077, seconded by Mayor Pro Tem Richards, and approved 5-0-0 by the following roll call vote:**

**AYES:** Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**Item 5** - Resolution 2023-078 authorizing the City Administrator to execute an agreement with the Monterey County Convention and Visitors Bureau (MCCVB) for Destination Marketing for the term of July 1, 2023 to June 30, 2024 in an amount not to exceed \$204,030

Councilmember Dramov commented that she is not in favor of the current contract proposed and marketing strategy by the MCCVB which attracts the wealthiest tourists and drives up costs.

Public comment: A resident commented that the contract amount for marketing in Carmel is too high and he would like to have the contract reviewed in the future.

**Motion by Mayor Pro Tem Richards to approve Resolution 2023-078, seconded by Councilmember Baron, and approved 4-1-0-0 by the following roll call vote:**

**AYES: Councilmembers Baron, Ferlito, Richards, and Mayor Potter**

**NOES: Councilmember Dramov**

**ABSENT: None**

**ABSTAIN: None**

## **ORDERS OF BUSINESS**

### **Item 8 - 6th Cycle Draft Housing Element (2023-2031) Update**

Principal Planner Marnie Waffle gave a presentation on the updates to the 6th Cycle Draft Housing Element that were made per Council's direction at the July 11th City Council meeting.

#### **Public Comment:**

David O'Neil said that many residents are concerned about the accessory dwelling unit (ADU) pre-approved plans idea and hopes that the public will be able to give input on this before adopting an ADU plan. Melanie Billick said that the planning staff have been so overwhelmed with projects they have not been able to complete an ADU Ordinance or plan. Nancy Twomey spoke on behalf of the Carmel Residents Association (CRA) agreed with the comments made about maintaining the City's charm when Council considers an ADU plan. Neal Kruse said that much of staff time is being taken up by administering the state mandated guidelines and pushing them on the residents which forces the public to take a defensive approach.

Council thanked Marnie Waffle for her work on this item and for the thorough and clear presentation of the item. Councilmember Baron thanked Councilmember Ferlito and Mayor Pro Tem Richards, Planning Staff, and residents for all of their hard work on drafting the 6<sup>th</sup> Cycle Housing Element plan. Councilmember Dramov said she does not support approval and the City should be doing more to fight back against state mandates.

**Motion by Councilmember Ferlito to direct staff to submit the updated Housing Element to the State, seconded by Mayor Pro Tem Richards, and approved 4-1-0-0 by the following roll call vote:**

**AYES: Councilmembers Baron, Ferlito, Richards, and Mayor Potter**

**NOES: Councilmember Dramov**

**ABSENT: None**

**ABSTAIN: None**

**Item 9 - Receive a report on non-compliant outdoor seating and amenities at restaurants and wine tasting shops that still remain after the City's Proclamation of a Local Emergency was rescinded, and provide direction to staff on how it should be addressed**

Community Planning and Building Director Swanson gave a presentation to Council on the survey conducted of businesses with outdoor dining and what compliance issues are in violation since the Council repealed the emergency resolution that allowed for temporary outdoor seating. He asked for Council to provide direction to staff how to move forward.

**Public comment:**

Jeff Blair, Jack Galante, and Kim Stemler urged Council to allow for continued outdoor wine tasting. Anthony Carnazzo voiced support for outdoor dining and said that it is part of Carmel's charm. Kristin Rideout asked council to allow continued outdoor dining and amenities while restaurants apply for a use permit and are going through the permitting process which can take several months. Karyl Hall spoke in favor of continuing the outdoor dining especially to allow people to bring their dogs to eat outdoors. Parker Logan said that the vibe of council is authoritarian.

Council discussion resumed.

Council consensus direction to staff:

Restaurants:

- Allow restaurants to temporarily keep additional outdoor seating while they are applying for a use permit.
- Complete Use Permit application (including paying fees) must be received by Dec. 31, 2023.
- For those not applying, all unpermitted seating must be removed by Dec. 31, 2023. Failure results in all unpermitted seating being removed immediately.

Wine tasting shops:

- Put off a decision at this time and discuss at the August 30th special meeting to discuss Council priorities.

Amenities:

- Begin strict enforcement of non-compliant outdoor amenities (heaters, lighting, signage, outdoor speakers) immediately.

**FUTURE AGENDA ITEMS**

Councilmembers Baron and Ferlito requested a future item to discuss street addresses.

**ADJOURNMENT**

Council adjourned open session at 6:15 pm.

Council moved to closed session for a continuation of item #3 from the July 31<sup>st</sup> meeting. Council adjourned from closed session at 7:15 pm.

SIGNED:

  
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Mayor Potter, Mayor

ATTEST:

  
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Nova Romero, MMC, City Clerk

