

**CITY COUNCIL
SPECIAL MEETING
Monday, August 1, 2022**

**OPEN SESSION
4:30 PM**

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30 PM.

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

OPEN SESSION

CONSENT AGENDA

Item 1: Resolution 2022-063 of the City Council of the City of Carmel-by-the-Sea Proclaiming the Continuing Need to Meet by Teleconference Pursuant to Government Code Section 54953 (e)

Consent item #1 was pulled by Council Member Baron.

Public Comment: none.

Council Member Baron said he would like all of the City Commissioners to resume in-person meetings, and therefore will be voting no.

Motion to adopt Resolution 2022-063 by Mayor Potter, seconded by Council Member Ferlito. Roll Call Vote: Council Member Baron - no, Council Member Ferlito - yes, Council Member Theis – yes, Mayor Pro Tem Richards -yes, and Mayor Potter – yes.

Action: Resolution 2022-063 approved 4-1-0-0 (Council Member Baron voting no).

CLOSED SESSION

City Attorney Brian Pierik read the closed session agenda item titles for the record.

Public Comment:
None

Item A: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
(One potential case)

Item B: CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: City Administrator Chip Rerig, Katy Suttorp (Burke, Williams & Sorensen), Alan Ward, Public Safety Director, Brandon Swanson, Community Planning Building Director

Employee organization: General Employees Unit, an Affiliated Unit of LiUNA; Management Employees Unit, an Affiliated Unit of LiUNA; Police Officers Association (POA)

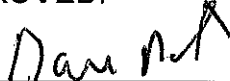
Item C: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: City Administrator

ADJOURNMENT

Council adjourned to Closed Session at 4:34 PM.

APPROVED:



Dave Potter
Mayor

ATTEST:



Nova Romero, MMC
City Clerk

CITY COUNCIL MINUTES
Regular Meeting
Tuesday, September 13, 2022

CALL TO ORDER AND ROLL CALL

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

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

CLOSED SESSION - 3:00 PM

Mayor Potter read the closed session title.

Item A: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO
GOVERNMENT CODE SECTION 54957
Title: City Administrator

Council adjourned to closed session at 3:04 PM.

OPEN SESSION - 4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the open session to order at 4:34 PM.

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

PLEDGE OF ALLEGIANCE

Mayor Potter led the pledge of allegiance.

EXTRAORDINARY BUSINESS

Item A: Proclamation - Declaring September 2022 as Childhood Cancer Awareness Month in the City of Carmel-by-the-Sea

Mayor Pro Tem Richards read the proclamation.

Item B: Receive a report on the status of the City Council's Strategic Priority Projects

City Administrator Chip Rerig gave a presentation on the status of the Council Strategic Priority Projects and answered questions from Council.

Public Comments:

Girard Rose addressed the Council regarding the mask mandate and vaccine requirements to enter city hall. Maria Bennett inquired about purchasing an ambulance for the City and if that is still on the list of priorities. Richard Kreitman addressed the Council regarding the Scout House RFP. Tasha Witt inquired about when the Council will discuss the first draft of the cell tower Ordinance and requested a community meeting on the topic. Christy Hollenbeck requested a meeting to discuss the draft cell tower Ordinance written by citizen funded telecom attorney Andrew Campanelli. Dale Byrne inquired about a new fire engine for the City.

Council discussion followed and direction was given to staff.

PUBLIC APPEARANCES

Maria Bennett inquired about the City's emergency evacuation plan and how the City plans to direct traffic in the event of a forest fire in Carmel.

Mike Brown requested that the City consider donating to the Carmel High Mock Trial Team, who has won at the local, state, and national level and is currently fundraising to attend the world Championship in Chicago next month.

Nancy Twomey announced that there will be a Carmel City Council candidate forum at the Women's Club on September 21, 2022 at 7 p.m. and invited the public to attend.

Parker Logan addressed the Council regarding the parklet program.

ANNOUNCEMENTS

Item A: City Administrator – Announced that the City is receiving car week feedback via an online survey. He announced that Commander Watkins graduated from the FBI academy at Quantico. He announced that the Carmel High Homecoming Parade is Friday, and the Sand Castle Contest is this Saturday.

Item B: City Attorney - Stephen McEwen stated that there is no reportable action from Closed Session.

Item C: Council Member Ferlito - Reported that she attended an AMBAG meeting and reported that two other Cities in the County have appealed their RHNA numbers for housing, but both appeals were turned down. She invited the public to attend future AMBAG meetings to give comments. She reported that she serves on the Coast Walk Committee and they met recently to discuss a coastal walking trail that connects from one city to the next down the entire coast of California. She reported that she attended the Litter Abatement Task Force meeting which discusses the issues with illegal dumping in the area, and reported that there are more cameras around to catch illegal dumping which fortunately is not a big issue in Carmel but is in other nearby rural areas.

Council Member Baron - Announced that there is a Climate Committee meeting this Thursday to receive the draft consultant report on the effects of sea level rise on coastal resources, which will include how to educate the community on these effects as well as adaptation measures that can be implemented.

Mayor Pro Tem Richards - Congratulated the Carmel High Mock Trial Team on their success. He announced that the Carmel Varsity Girls Cross Country team is ranked #2 on the central coast and the Boys team is ranked #4, and will be running at Palo Corona this week. He also mentioned that he would like a future discussion on City cell phones and the cost.

Council Member Theis – No reports

Potter – No reports

CONSENT AGENDA

Council Member Baron pulled the Special Meeting Minutes of August 1, 2022, and said the minutes need correction to the vote results on Resolution 2022-063 stating that he voted no. He requested to continue the adoption of the August 1, 2022 Minutes to October so the correction can be made. He requested to pull Item #4 and #8 for comments.

Motion by Council Member Baron to approve the remaining consent items, 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

- Item 1 -** August 2, 2022, Regular Meeting Minutes, and August 29, 2022, Special Meeting Minutes
- Item 2 -** July 2022 Check Register Summary
- Item 3 -** July Monthly Reports
- Item 4 -** Pulled from Consent
- Item 5 -** Resolution 2022-075 authorizing the City Administrator to execute a Professional Services Agreement with 4Leaf, Inc. for Project Management Services, for a not-to-exceed fee of \$197,780, for delivery of four Capital Improvement Projects
- Item 6 -** Resolution 2022-076, authorizing the City Administrator to execute a Professional Services Agreement with the Carmel Area Wastewater District, for a not-to-exceed fee of \$71,647, to provide Stormwater Program Vector Truck Services
- Item 7 -** Resolution 2022-077 rescinding Resolution 2020-056 and re-establishing the list of designated classifications and the disclosure categories of the City's Conflict of Interest Code
- Item 8 -** Pulled from Consent
- Item 9 -** Resolution 2022-080 authorizing the City Administrator to modify the job description for Police Officer
- Item 10 -** Resolution No. 2022-081 to designate 2022 Holiday Closure from December 27 – December 30, 2022

ITEMS PULLED FROM CONSENT

Minutes of August 1, 2022

Council Member Baron made a motion to continue the Minutes of August 1, 2022, with the requested correction made, seconded by Council Theis, 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

Item 4 - Resolution 2022-074 of the City Council of the City Of Carmel-by-the-Sea Proclaiming the Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e)

Council Member Baron pulled this item and stated he will be voting no because he would like to see all of the boards and commissions return to in-person meetings. Mayor Potter questioned if the masking mandate inside of City Hall can be relaxed. City Administrator Rerig responded that the masking and vaccine requirements were put into place based on COVID-19 data from the County and the CDC's best practices. He added that by next week since the number of cases have finally gone down, people who have received the newest Omicron vaccine booster may be able to stop wearing masks inside City Hall. Council Member Baron noted that the Council adopted an urgency Ordinance that governs the conduct for inside of City Hall, including masking and vaccination requirements, and said it would be up to the Council to make a decision about whether to amend those requirements. Mayor Potter directed staff to return in October with a discussion regarding relaxing the masking requirements and whether to repeal urgency Ordinance 2022-002.

Motion to approve Resolution 2022-074 by Council Member Theis, seconded by Mayor Pro Tem Richards, approved 4-1-0-0 (Council Member Baron voting no), with the following roll call vote:

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

NOES: Council Member Baron

ABSENT: None

ABSTAIN: None

Item 8 - Resolution 2022-078 authorizing the City Administrator to execute an agreement with the Monterey County Convention and Visitors Bureau for Destination Marketing for the term of July 1, 2022 to June 30, 2023 in an amount not to exceed \$210,010

Council Member Baron said he would like some clarity on what the marketing organizations are doing to minimize the impact of car week on the village. Council Member Ferlito commented that

she would like to see both Visit Carmel and the Visitor's Bureau continue to spread the same message about visitors taking care and respecting the area while visiting Carmel.

Public Comment:

Kevan Urquhart commented that better parking and traffic management is needed during car week.

Motion by Council Member Theis to approve Resolution 2022-078, 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

ORDERS OF BUSINESS

City Administrator Rerig requested that the next 3 items regarding employee MOU's be discussed as one item, but each Resolution be voted on separately, and Council agreed via consensus. City Administrator Rerig gave a presentation on the 3 bargaining unit MOU's and answered questions from Council.

Council discussion followed.

Item 12 - Adopt Resolution 2022-082 authorizing the City Administrator to execute the Memorandum of Understanding between the City of Carmel-by-the-Sea and the Carmel by-the-Sea General Employees Unit, effective July 1, 2022

Motion by Mayor Potter to approve Resolution 2022-082, 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

Item 13 - Adopt Resolution 2022-083 authorizing the City Administrator to execute the Memorandum of Understanding between the City of Carmel-by-the-Sea and the Carmel by-the-Sea Management Employees Unit, effective July 1, 2022

Motion by Mayor Potter to approve Resolution 2022-083, 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

Item 14 - Adopt Resolution 2022-084 authorizing the City Administrator to execute the Memorandum of Understanding between the City of Carmel-by-the-Sea and the Carmel-by-the-Sea Police Officers Association, effective July 1, 2022

Motion by Mayor Potter to approve Resolution 2022-084, 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

Item 15 - Resolution 2022-085 ratifying appointments to the Forest and Beach Commission and the Historic Resources Board

Mayor Potter summarized the Ad Hoc Committee's process for selection for the vacancies on the Forest and Beach Commission and Historic Resources Board, and said the competition was very close. Mayor Pro Tem Richards agreed that it was a difficult decision to make due to the quality applicants, and thanked everyone who applied.

Council Member Baron thanked Erik Dyar and Kathryn Gualiteri for their many years of service on the Historic Resources Board, and Council Member Ferlito echoed the sentiments. She asked if the sphere of influence could be broadened to include more applicants. Mayor Potter agreed and said that this discussion would be added to next month's agenda.

Motion by Mayor Potter to approve Resolution 2022-085, 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

Council took a recess at 6:15 pm, and reconvened at 6:30 PM.

Item 16 - Receive a report and provide direction on the City's Beach Fire Management Pilot Program

City Administrator Rerig gave a brief summary of the item, and Community Planning and Building Director Swanson gave a presentation on the item. He gave background on the beach fire program, provided 2022 data, and requested direction from Council on how to move forward.

Public Comment:

Nancy Garcia, Nancy Twomey, Kevan Urquhart, Parker Logan, and Jeanne McCullough spoke in favor of beach fires.

Lynn Ross, Cindy Lloyd, Denise Sodersen, John Cromwell, Kathleen Bang, and Richard Kreitman, spoke against beach fires.

Closed public comment at 7:08 PM.

Council discussion followed.

Council provided consensus direction for staff to come back with a program for propane only beach fires, and that the propane fires would be user supplied and not supplied by the City, and the program would no longer be a pilot program. Staff will return before the current pilot program expires on November 30th with an interim action for the Council to consider prior to the new propane fire only program adoption.

Future Agenda Items

Mayor Pro Tem Richards - Requested a report on cost of City employee cell phones.

Council Member Ferlito - Requested to bring back a discussion on making Carmel a non-smoking city.

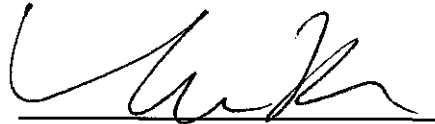
ADJOURNMENT

Mayor Potter wished former Carmel Mayor Ken White a happy birthday, and Council adjourned at 7:29 PM.

APPROVED:



Dave Potter
Mayor



Nova Romero, MMC
City Clerk