

REGULAR MEETING
Tuesday, May 2, 2023

4:30 p.m.

OPEN SESSION

CALL TO ORDER AND ROLL CALL

Mayor Dave Potter called the meeting to order at 5:00 p.m.

Roll call: Roll Call: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter were all present.

PLEDGE OF ALLEGIANCE

Councilmember Dramov led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Proclamation recognizing May 21-27, 2023 as National Public Works Week "Ready and Resilient" - City Administrator Rerig read the proclamation and presented it to Public Works Director Harary.

B. Proclamation Declaring May as Military Appreciation Month - Mayor Pro Tem Richards read the proclamation and presented it to the Commander of the Local American Legion.

C. Carmel High School Report Out - Jack Norman, Associated Student Body President and Student Representative of all Carmel Unified Schools. He gave a brief summary of the school districts expanding programs, events, community outreach, arts, volunteerism and opportunities for community involvement and engagement.

PUBLIC APPEARANCES

Julie Kenner, Abby Rose Kenner, Quinn, Ella, Noah Braun, Lydia, Kaya Newman, Penny Reeser, Katie Heley, John Plastini, Michael Blackburn, Brian Congleton, Tom Donella, Michael Kovak, Lindsay Paleman, spoke about their concern and sadness about the Carmel Youth Center (CYC) closing abruptly and asked for Council support in getting it re-opened. Karyl Hall asked that Council prioritize the most urgent or time sensitive projects and not get overwhelmed with too many different projects at once. Beth Bowman, announced updates and upcoming community events and exhibits at the Sunset Cultural Center. Michael McWalters thanked the Council for thoughtful approach to drafting the wireless ordinance, and brought up several health concerns related to exposure to wireless telecommunication frequency. Brian Sours, Forest and Beach Commissioner, thanked the Public Works and Forestry Department for their outstanding work on keeping the city clean in the aftermath of the winter storms, and asked that the Council prioritize the reopening an access ramp down to the beach for emergency vehicles. Patricia Harrington spoke about concerns over the paid parking program in the residential area and how it will affect

residents who live near downtown, and said more public outreach is needed. Herzog spoke about the upcoming Culinary Event and other events sponsored by Visit Carmel. Neal Kruse and Christy Hollenbeck spoke about concerns over the state's housing mandates for the City and asked the Council to fight against it. Brian Trollingham spoke about an upcoming fundraiser for Legal Services for seniors. Janice Bradner said she does not support the paid parking program, and said that it will not solve the parking problems the City has.

ANNOUNCEMENTS

A. City Administrator Announcements – Reminded everyone that there is a study session on the budget on May 16, 2023, at 4:00 p.m. and encouraged the public to ask questions and provide feedback. He said that answers to the budget questions will be presented with the budget at the June 6th meeting.

B. City Attorney Announcements - no reportable action from the May 1st closed session.

C. Councilmember Announcements - Mayor Potter said that the Council will continue meeting with the CYC Board and work together on ways to help with the issues for CYC to re-open.

CONSENT AGENDA

Councilmember Baron pulled Item # 8 from Consent.

Bobby Richards Made a motion to approve consent agenda Items #1-7, and #9-11, seconded by Councilmember Ferlito 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 - April 4, 2023, Regular Meeting Minutes, April 5, 2023, Special Meeting Minutes

Item 2 - March 2023 Monthly Reports

Item 3 - March 2023 Check Register Summary

Item 4 - Resolution 2023-043 declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event

Item 5 - Resolution 2023-045 accepting the General Plan and Housing Element Annual Progress Reports for the Calendar Year 2022 and authorizing submittal to the State Department of Housing and Community Development and Office of Planning & Research

Item 6 - Resolution 2023-046 authorizing a Purchase Order, in the amount of \$50,000 to Pacific Redwood Products, LLC, to purchase materials for the Scenic Pathway Barrier Rails Project

Item 7 - Resolution 2023-047 authorizing a Funding Agreement with the Transportation Agency for Monterey County

Item 9 - Resolution 2023-050, a Resolution of Intention to Renew the Carmel Restaurant Improvement District (CRID)

Item 10 - Resolution 2023-053 authorizing the renewal execution of a 48-month service agreement for Advanced Life Support Providers and James Stubblefield, MD, with a year 1 cost of \$14,000 and authorize the city manager to enter into a four-year renewal agreement to maintain the program, not to exceed \$62,000 (life of the contract)

Item 11 - Resolution 2023-055 amending the professional services agreement with Joseph Systems, Inc. dba J4 Systems to increase the not to exceed contract value by \$10,000 to \$51,840 and extend the termination date by 5 months to November 30, 2023

ITEMS PULLED FROM CONSENT

Item 8 - Resolution 2023-048 Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control as Related to Local Zoning and Housing Issues

Councilmember Baron said he will not be supporting this Resolution because its sponsors are working against the Regional Housing Needs Allocation (RHNA) process, and he is supportive of finding ways to create local housing opportunities for Carmel. Councilmember Ferlito agreed with Councilmember Baron. Councilmember Dramov, Mayor Pro Tem Richards, and Mayor Potter spoke in support of Resolution which is symbolic in nature in keeping local housing and zoning control in the hands of local authorities and communities.

Public comment: David O'Neil voiced support for the Resolution. Ian Martin spoke against the Resolution.

Motion by Mayor Potter to approve Resolution 2023-048, seconded by Councilmember Dramov, and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Dramov, Richards, and Mayor Potter

NOES: Councilmembers Baron and Ferlito

ABSENT: None

ABSTAIN: None

PUBLIC HEARING

Item 12 - First Reading of Ordinance No. 2023-003 Amending Chapter 3.12 of the City of Carmel-by-the-Sea Municipal Code to Regulate Contracting Including Purchases of Supplies and Services

City Attorney Pierik gave a brief presentation on the item and answered questions from Council.

Public Comment: None

Council discussion resumed. Councilmember Baron asked Council to consider some amendments to the proposed Ordinance. He suggested taking the Local Business Policy section of the Ordinance and incorporating it into the City Code by removing Section 2, and adding it as "Article VII" to the Ordinance so it is codified. He suggested an amendment to require the City Administrator to sign all contracts over \$10,000 but under \$60,000, and allowing department heads to sign contracts that are under \$10,000. Councilmember Dramov said she supports the Ordinance as it is written without any changes.

City Attorney Pierik read the title of the Ordinance.

Motion by Councilmember Baron to read by title only, waive full reading, and introduce the Ordinance with the amendment that the City Administrator must sign contracts between \$10,000-\$60,000, and to remove Section 2 Local Business Policy and add it as Article VII of Exhibit A of the Ordinance, seconded by Mayor Pro Tem Richards, and passed to a second reading 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 13 - Receive the Fiscal Year 2023-2024 Recommended Budget

Assistant City Administrator Maxine Gullo gave a brief presentation of the recommended budget for FY 23-24, and answered questions from Council.

Public Comment: Sonjel Gomez, Carmel Chamber of Commerce Chair, requested additional funding this year for their programs which have expanded and costs have increased, and said it is an investment into the city. Lance Wills, Carmel Chamber of Commerce Interim Executive Director, said the Chamber's focus is on strengthening community relationships, business support services, and developing new revenues, and announced some new programs and awards received. Jeff Roceno, Carmel Chamber Treasurer, spoke on behalf of the Chamber to report they are financially stable and working hard to be good stewards of their members dues. Rob O'Keefe, Monterey County Convention & Visitors Bureau President, requested Council to consider a 3% increase in funding for MCCVB as the community bounces back from the pandemic.

Council discussion resumed, and report was received.

RECESS

Council took a recess at 6:46 p.m., and returned at 7:00 p.m.

Item 14 - Approve Fiscal Year 2021/22 and Fiscal Year 2022/23 carry-over projects, approve proposed Fiscal Year 2023/24 Capital Improvement Plan Projects, and provide direction to staff

Public Works Director Bob Harary gave a brief presentation on the item, and highlighted the changes made to the 5 year CIP forecast since the last meeting on April 5th.

Public Comment: Scott Lonnergan voiced support of the proposed CIP Projects.

Council discussion resumed. Councilmember Dramov said she does support approving all of the CIP projects since it will require using \$10 million from reserves, and said she would prefer to cut back on the list of projects.

Motion by Councilmember Baron to give the following direction to Staff:

- 1) To approve the completed CIP projects.**
- 2) To confirm the cancellation and deferral of 3 previously identified CIP projects, and approval of the anticipated projected to be provided or donated by others.**
- 3) Tentatively approve the FY 21-22 and FY 22-23 carry over projects and associated funding into the FY 23-24 Capital Budget.**
- 4) Tentatively approve the 16 proposed FY 23-24 projects to be included in the FY 23-24 Capital budget.**
- 5) Direct staff to present the proposed projects to the Planning Commission on May 10, 2023 for a General Plan consistency review as required by the Muni Code.**

Motion seconded by Councilmember Ferlito, 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 15 - Consider applications submitted as part of the Fiscal Year 2023-2024 Council Discretionary Grant Program and provide funding recommendations to staff

City Clerk Romero gave a brief overview of the item and answered questions from Council.

Motion by CM baron to award a \$3,000 grant to each of the 9 applicants, and requested that the Carmel Residents Association include mailing newsletters to all addresses within the City to their proposal, seconded by Councilmember Ferlito, 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 16 - Resolution 2023-056 Authorizing a Letter in Support of California AB 953 (Connolly and Hart) which will develop a Statewide Voluntary Vessel Speed Reduction and Sustainable Shipping Program

Councilmember Ferlito gave a brief overview of this item.

Public comment: None

Motion by Councilmember Baron to approve Resolution 2023-056, seconded by Councilmember Ferlito, and approved 5-0-0-0:

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

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARINGS

Item 17 - Urgency Ordinance 2023-004 Regarding Wood Burning Beach Fires on Carmel Beach

Community Planning and Building Director Brandon Swanson gave a brief presentation and summary of the item, and added that the Monterey Bay Air Quality Control Board submitted a letter to Council today stating the adverse health impacts associated with wood smoke and asked for Council direction on whether to add the health impacts of wood smoke into the text of the ordinance.

Public comment: Lucinda Lloyd spoke in favor of the Ordinance. Ian Martin asked if wood burning fireplaces have been banned in the City.

Council discussion resumed. Mr. Swanson addressed public comment stating the City has not banned wood burning fireplaces inside residential homes, however, the Planning Commission has a position of not approving outdoor wood fireplaces and recommend propane instead.

City Attorney Pierik read the title of the urgency ordinance.

Councilmember Ferlito made a motion to waive further reading, and adopt Urgency Ordinance 2023-004 Regarding Wood Burning Beach Fires on Carmel Beach with the amendment to include a section in the Ordinance regarding the adverse health effects due

to wood burning fires, and finding that this Urgency Ordinance is exempt from CEQA, seconded by Mayor Pro Tem Richards, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Baron

ABSENT: None

ABSTAIN: None

Item 18 - APP 23-031 (Esperanza Carmel) - Consideration of an Appeal by Esperanza Carmel (APP 23-031), of the Historic Resources Board's decisions to: 1) List the Northern California Savings and Loan Complex on the Carmel Inventory of Historic Resources and Carmel Register of Historic Resources, and; 2) Issue a Finding of Noncompliance with the Secretary of the Interior's Standards for the relocation of the Northern California Savings and Loan Community Room located at the southeast corner of Dolores Street and 7th Avenue, in the Service Commercial (SC) Zoning District

Associate Planner Evan Kort gave a brief summary and presentation of the Appeal by Esperanza Carmel and answered questions from Council.

Mayor Potter gave the appellant 15 minutes to give a presentation on their appeal and 5 minutes for rebuttal.

Public comment:

Logan Opshal spoke on behalf of the appellant and gave a presentation on their request that the Council approve the appeal and reverse the HRB's decision.

Karyl Hall, Polly Osborne, Richard Janick, Don Goodhue, Ken Seavey, Ian Martin, Lucinda Lloyd, and Anthony Kirk, addressed the Council.

Logan Opshal gave a rebuttal to the comments by the public in favor of denying the appeal.

Council discussion resumed.

Motion by Councilmember Dramov to adopt Resolution 2023-051 denying the appeal by Esperanza Carmel (APP 23-031), and upholding the Historic Resources Board's (HRB) decision to list the Northern California Savings and Loan Complex on the Carmel Inventory of Historic Resources and Carmel Register of Historic Resources located at the southeast corner of Dolores Street and 7th Avenue, seconded by Councilmember Ferlito, 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

Motion by Councilmember Dramov adopt Resolution 2023-052 upholding the HRB's decision to issue a Finding of Noncompliance with the Secretary of the Interior's Standards for the relocation of the Northern California Savings and Loan Complex Community Room, seconded by Councilmember Ferlito, 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

FUTURE AGENDA ITEMS

None

ADJOURNMENT

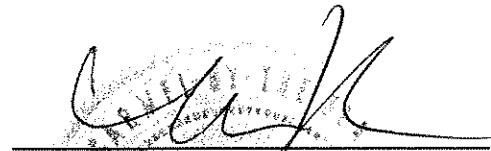
Council adjourned at 8:28 p.m.

APPROVED:



Dave Potter, Mayor

ATTEST:



Nova Romero, MMC, City Clerk

