

REGULAR MEETING
Tuesday, April 4, 2023

OPEN SESSION
4:30 PM

CALL TO ORDER AND ROLL CALL

Mayor Dave Potter called the meeting to order at 4:40 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

Mayor Pro Tem Richards led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Central Coast Community Energy Annual Update

Sophia Schwirzke gave a brief presentation to Council.

B. Presentation on PARS (Public Agency Retirement Services) 115 Trust

Rachael Sanders and Drew Brown from PARS gave a presentation to Council and answered questions.

PUBLIC APPEARANCES

Tasha Witt spoke about concerns over wireless towers in town, SB 9 and SB 10 that affect zoning, housing allocation mandates, and other legislation that threatens the charm of Carmel. She asked Council to work with the League of California Cities and Cities for Local Control to preserve the City's character and protect residents. Christy Hollenbeck spoke about concerns over state legislation weakening local control over zoning, causing densely packed neighborhoods, unsightly cell towers, and more. She urged the Council to stand up to the state mandates and take back local control. Girard Rose voiced concerns about the state's high housing mandate for Carmel, and concern over lack of water credits to accommodate 349 extra units. Ken White spoke about the need for the police department renovation. Karyl Hall spoke about SB 9 and SB 10, urged Council to attend the Catalyst CA meetings to fight the State's top-down mandates in addition to planning for possible future housing, and urged residents to write letters to state senators and assembly members. Alyssa Rindone, Community Relations Manager for MCCVB, spoke about upcoming events, focus on sustainable travel, and thanked Carmel hotels that offered discounted rates to evacuees during the storms. Parker Logan spoke about a tree that fell on his truck on Scenic during the storms and his frustration about the claims filing process. Brian Uhler gave a brief summary of the Parking and Congested Traffic (PACT) program which is a Council priority that was just launched this week and has started its public engagement efforts. Neal Kruse said he understands the need for a housing plan, and he hopes that the City Council is planning to fight back against the housing mandates. Melanie Billick questioned where the state came up with

the number of 349 new housing units for Carmel. Janice Bradner voiced concerns about the City's process for tree removal and safety concerns in light of the recent storms. Dale Byrne said he would like to see the scenic pathway guard rail restoration item be presented to Council for approval soon.

ANNOUNCEMENTS

A. City Administrator Announcements - Apologized for the technical difficulties at the beginning of the meeting, and announced that this is Sebastian McCabe's last week working for the City and wished him luck in his future.

B. City Attorney Announcements - Brian Hamblet filling in for City Attorney Brian Pierik, had no reports.

C. Councilmember Announcements - None

CONSENT AGENDA

A member of the public requested to pull item #4.

Motion by Councilmember Baron to approve Consent Agenda items #1-3, and #5-9, seconded by Mayor Pro Tem Richards, 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 - February 6, 2023, Special Meeting Minutes, March 6, 2023, Special Meeting Minutes, and March 7, 2023, Regular Meeting Minutes

Item 2 - February 2023 Monthly Reports

Item 3 - February 2023 Check Register Summary

Item 5 - Resolution 2023-032, Declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event

Item 6 - Resolution 2023-033 approving a list of street projects for Fiscal Year 2023/24 partially funded by SB1: The Road Repair and Accountability Act of 2017

Item 7 - Resolution 2023-034, authorizing the City Administrator to execute a Construction Contract with Rehak General Engineering, in the amount of \$128,600, including a 15% contingency, for the City Hall Wall Repair Project, and approving a Capital Project Budget Adjustment of \$113,600 to complete the Project

Item 8 - Resolution 2023-035 authorizing the City Administrator to Execute Amendment No. 3 to a Professional Services Agreement with Joseph Systems Inc. for a new not-to-exceed amount of \$41,840.70 and extending the term through June 30, 2023

Item 9 - Resolution 2023-036, authorizing the serving of alcohol on public property, and/or the erection of tents on public property for 1. Monterey County Vintners Winemakers' Celebration, and 2. Carmel Art Festival

ITEMS PULLED FROM CONSENT

Item 4 - Resolution 2023-031 authorizing the City Administrator to execute a 24-month service agreement with Flock Group Inc. for the lease of twenty-four (24) Falcon automated license plate reader (ALPR) cameras and six (6) Wing (ALPR) software overlays onto existing city cameras, for a year 1 cost of \$77,900 and authorize the city manager to enter into a two-year renewal agreement to maintain the program, not to exceed \$69,000 annually

Item 4 was pulled from Consent by a member of the public to make a comment.

Public Comment: Nancy Twomey spoke on behalf of the Carmel Residents Association, that they support the purchase of the ALPR cameras, and requested that the Council agendaize a future item to summarize the POA MOU for the public, and provide an update on crime and response.

Councilmember Dramov announced that the City Administrator and Acting Police Chief Watkins will be giving Council an update around July regarding the crime statistics over the past year and how the reduced staffing model is working. She added that in 2024 during the 2nd year of the contract, the negotiations for POA will resume, and during budget meetings, there will be more discussion on whether more police officer positions can be added.

Motion by Mayor Potter, to adopt Resolution 2023-031, seconded by Councilmember Dramov, 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

ORDERS OF BUSINESS

Item 10 - Mills Act Policy Discussion

Principal Planner Marnie Waffle, AICP, gave a presentation on the current Mills Act Policy and possible changes. She answered questions from Council.

Public Comment: Girard Rose and Karyl Hall addressed the Council.

Councilmember Dramov and Mayor Pro Tem Richards voiced support for the current Mills Act policy. Councilmember Baron suggested a cap on the amount of tax forgiveness, such as a maximum of \$20,000 per year property tax break for Mills Act contracts. Councilmember Ferlito said she is uncomfortable with awarding Mills Act contracts without knowing how much of a tax credit or forgiveness is being given for the next 15 years.

Council gave direction to staff to keep the current Mills Act Policy as is.

Council took a recess at 6:41 PM and returned at 6:51 PM.

Item 11 - Policy Discussion on Potential Reinstatement of the Design Review Board (DRB)

Community Planning and Building Director Brandon Swanson gave a brief presentation on the item. He acknowledged that the chair of the Design Review Traditions committee has requested that Council defer this discussion to a later date that can be more inclusive.

Public Comment: Sue McCloud, Melanie Billick, Tasha Witt, Ken White, and Karyl Hall addressed the Council.

Councilmember Ferlito said she supports not making a decision today, and bringing this item back later with more feedback from the Design Traditions on their thoughts on reinstating the DRB. Mayor Potter and Councilmember Baron both agreed that the DRB is a good thing to have so that the Planning Commission can go back to more planning-related issues and away from design review. Council discussed the possibility of combining the Historic Resources Board and DRB would be a good solution to make it easier and faster to get design review approval.

Consensus direction to staff to come back with a draft policy for a Design Review Board for Council to discuss and provide direction to the Planning Commission on the policy before receiving feedback.

Item 12 - Consider the total funding amount to authorize for the current Council Discretionary Grant Program cycle and provide direction to staff for the FY 2023-2024 budget

City Clerk Nova Romero gave a brief summary of the item and asked for Council direction.

Public comment: None

Council discussion resumed.

Motion by Councilmember Ferlito approving an allocation of \$30,000 for the FY 23-24 Operating Budget for Discretionary Grants, seconded by Councilmember Baron, 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 13 - Consider Adoption of Urgency Ordinance 2023-002 to Repeal and Replace Urgency Ordinance 2022-006, adopting amended rules of conduct for attending meetings of legislative bodies at City facilities

City Clerk Romero gave a brief summary of the item.

Public comment: None

Council discussion resumed.

Mayor Pro Tem Richards read the title of Urgency Ordinance 2023-002

Motion by Mayor Pro Tem Richards to read by title only, waive full reading, and ADOPT Urgency Ordinance 2023-002, seconded by Councilmember Dramov, 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

PUBLIC HEARINGS

Item 14 - Scout House Request for Proposals, and Resolution of Intent to Lease Real Property and Surplus Lands Act Resolution, and CEQA findings

Public Works Director Harary gave a presentation to Council on the item and answered questions. Joan Cox, Attorney with Burke, Williams, and Sorensen, also answered questions from Council.

Public Comment: Richard Kreitman addressed the Council on behalf of the Boy Scouts of Santa Clara. Sue McCloud addressed the Council.

Council discussion resumed. Ms. Cox clarified that the RFP for the Scout House states that any improvements made to the Scout House building will be counted toward market-rate rent. Council spoke about concerns that the RFP may be too constrictive to attract local organizations to submit proposals, and the City may need to do more site meetings to answer questions from groups who may have an interest in the project. City Administrator Rerig said that the feedback received from these meetings could be used to amend the terms of the agreement so that the City can come to an agreement with the Boy Scouts or another interested party. Ms. Cox stated that the RFP has language in it that allows respondents to suggest or propose different ideas which allows Council some flexibility on the agreement terms. Public Works Director Harary said he can return in June

after the proposal deadline and site review is done to report what questions or concerns come back from interested parties and ask for Council direction.

Resolutions 2023-040 and 2023-042 failed due to lack of motion.

Direction to staff given instead to come back to Council in June with an update on the interest in the Scout House RFP and any questions that arose after the mandatory site visit in late April.

Item 15 - Resolution 2023-041 Establishing the Electronic Form of Payment (Online) and Amending the Credit Card Fee in the Adopted Administrative Fee Schedule

Community Planning and Building Director Swanson gave a brief overview of the item and answered questions from Council.

Public comment: none

Council discussion resumed.

Motion by Mayor Pro Tem, Richards, to adopt Resolution 2023-041, seconded by Council Member 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

Item 16 - Consideration of a Mills Act Contract Application, MA 21-238 (L' Auberge Carmel Hotel), submitted by Mr. David Fink on behalf of Esperanza Carmel Commercial, LLC for the L' Auberge Carmel Hotel located on Monte Verde Street 2 northeast of 7th Avenue in the Residential and Limited Commercial (RC) Zoning District - Continued from December 6, 2022

Mayor Potter and Mayor Pro Tem Richards recused themselves from this item due to the proximity of the applicant's property and left the dais and meeting at 8:20 PM. Mayor Potter appointed Councilmember Baron as the chair of the remainder of the meeting.

Principal Planner Marnie Waffle, AICP, gave a brief summary of the L'Auberge Mills Act Application and answered questions from Council.

Public Comment: David Fink, applicant, addressed the Council. Mr. Barlow addressed the Council. Tasha Witt, Girard Rose, Melanie Billick, Christy Hollenbeck, Lucinda Lloyd, and Karyl Hall voiced support for approving the application.

Council discussion resumed. Councilmembers Baron and Dramov voiced disappointment that the applicant did not provide the financial information that the Council requested a few months ago.

Council spoke about the need to preserve the historic buildings in Carmel as part of the City's character, and the benefits of the Mills Act program.

Motion by Councilmember Dramov, to approve the Mills Act application MA 21-238 (L'Auberge Carmel Hotel), seconded by Councilmember Ferlito, and approved 2-1-0-2 by the following roll call vote:

AYES: Councilmembers Dramov, Ferlito

NOES: Councilmember Baron

ABSENT: None

ABSTAIN: Mayor Pro Tem Richards, Mayor Potter (recused)

FUTURE AGENDA ITEMS

None

ADJOURNMENT

Mayor Pro Tem Richards and Mayor Potter returned to the dais at 8:47 PM. Council adjourned in Memory of Skip Lloyd, at 8:53 PM.

SIGNED:



Dave Potter, Mayor

ATTEST:



Nova Romero, MMC, City Clerk

