



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Councilmembers Jeff Baron,
Alissandra Dramov, Karen Ferlito, and Bobby
Richards
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, March 7, 2023

THIS MEETING IS VIA TELECONFERENCE AND IN-PERSON AT CITY HALL.
Councilmembers will be attending this meeting in person, the zoom link below is offered
as an alternative method of participation for the public.

To that end, this meeting will be held via teleconference and in-person in the City
Council Chambers at City Hall located on Monte Verde Street between Ocean and
Seventh Avenue. To participate via teleconference click the following link to attend via
Zoom (or copy and paste link in your browser): [https://ci-carmel-ca-
us.zoom.us/j/844444647127](https://ci-carmel-ca-us.zoom.us/j/844444647127) Meeting ID: 844 4464 7127 Passcode: 811199 Dial in: (253)
215-8782

The COVID-19 Community Level for Monterey County as of the date of this agenda
posting on March 1, 2023, is LOW. Per Urgency Ordinance 2022-006, wearing a face
mask to attend a meeting of a legislative body inside a City facility is optional when the
community level is low. Seating will be limited and available on a first come first served
basis.

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be
received 2 hours before the meeting in order to be provided to the legislative body.
Comments received after that time and up to the beginning of the meeting will be added
to the agenda and made part of the record.

OPEN SESSION 4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public
Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair.
Matters not appearing on the agenda will not receive action at this meeting and may be referred to staff. Persons
are not required to provide their names, and it is helpful for speakers to state their names so they may be identified

in the minutes of the meeting.

ANNOUNCEMENTS

- A.** City Administrator Announcements
- B.** City Attorney Announcements
- C.** Councilmember Announcements

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

- 1.** January 31, 2023, Special Meeting Minutes, February 7, 2023, Regular Meeting Minutes, and February 21, 2023 Special Meeting Minutes
- 2.** January 2023 Monthly Reports
- 3.** January 2023 Check Register Summary
- 4.** Resolution 2023-027, Declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event
- 5.** Resolution 2023-028, authorizing the City Administrator to execute On-Call Tree Maintenance Service Contracts with Community Tree Service, Tope's Tree Service, and West Coast Arborists, with initial terms of three years, expiring June 30, 2026, and fees for the remainder of Fiscal Year 2022/23 of \$30,000, \$60,000, and \$60,000 respectively
- 6.** Adopt Resolution 2023-029 adopting the City of Carmel-by-the-Sea Temporary/Hourly (at-will/unrepresented) classification salary plan in accordance with Municipal Code 2.52.520 as of March 1, 2023
- 7.** Resolution 2023-030 Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

- 8.** Receive a presentation on Car Week 2023 planning
- 9.** Receive a presentation and provide direction to staff regarding the proposed paving, bike route, and median island projects along San Carlos Street, between Eighth and Thirteenth Avenues
- 10.** Second Reading and Adoption of Ordinance No. 2022-007 - Amending Carmel Municipal Code (CMC) Sections 17.14.040, 17.28.010, and 17.70.020, to prohibit timeshare and fractional interest uses, as well as advertising and sale thereof, in a manner fully in conformity with the California Coastal Act (CA Section 30510)
- 11.** Early policy discussion of Draft Ordinance Amending Municipal Code Section 17.20.200 E (Recreational Beach Fires on Carmel Beach)

12. Receive a report on the outcome of the January 31, 2023 City Council strategic workshop, and provide direction to staff regarding the projects remaining as “top priorities” and those to be elevated to a “top priority” as discussed at the workshop
13. Resolution 2023-026 Rescinding Resolution 2020-021 and Terminating the Proclamation of a Local Emergency within the City due to COVID-19
14. Consider Adoption of Urgency Ordinance 2023-001 to Rescind Urgency Ordinances 2020-002, 2020-004, 2020-005, 2022-001, 2022-002, and 2022-006, Regarding Various Health and Safety Measures as a Result of the Covid-19 Pandemic

FUTURE AGENDA ITEMS

ADJOURNMENT

15. Correspondence Received After Agenda Posting

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

March 7, 2023
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: January 31, 2023, Special Meeting Minutes, February 7, 2023, Regular Meeting Minutes, and February 21, 2023 Special Meeting Minutes

RECOMMENDATION:

Approve Draft Minutes.

BACKGROUND/SUMMARY:

The City Council routinely approves minutes of its meetings.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

- Attachment 1) January 31, 2023, Special Meeting Minutes
- Attachment 2) February 7, 2023, Regular Meeting Minutes
- Attachment 3) February 21, 2023, Special Meeting Minutes

**CITY COUNCIL
SPECIAL MEETING**

JANUARY 31, 2023

OPEN SESSION - 10:00 AM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 10:00 a.m.

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

PUBLIC APPEARANCES

Nancy Twomey, Tasha Witt, Christy Hollenbeck, Amy Herzog, Jeff Burghardt, Cindy Lloyd, Neil, and Lynette Zimmerman addressed the Council.

ORDERS OF BUSINESS

Item 1 - City Council Workshop - Strategic Planning Meeting to discuss the City Council's Strategic Projects and gather input from the public, and provide directions to staff during strategic planning, however, any actions to implement such directions will be considered at a future scheduled Council meetings

City Administrator Chip Rerig gave a brief presentation on the current status of the Council's priority projects #1 -24, and the 6 priority items that have been completed. Council opened public comment on each individual priority, discussed, and provided direction to staff.

1. Explore Parking and Traffic Management program (35% complete) – top 16 priority

Public Comment: None

Discussion: Council requested addressing the construction parking problems as part of the parking and traffic discussion. Councilmember Dramov suggested looking into employee/visitor parking lot with shuttles to decrease the need for paid parking. Councilmember Baron suggested the Planning commission take on the issues of construction management plans and construction parking issues. Councilmember Ferlito suggested adding a pedestrian component to parking/traffic program, as well as a safety analysis regarding the intersections without stop signs.

Direction: Council consensus to keep this item on the list. Add a bullet item to this priority to address construction parking, construction site impacts, and safety concerns.

2. Update purchasing ordinance (10%) – top 16 priority

Public comment: Dale Byrne addressed the Council.

Direction: Council consensus to keep this item on the list. City Administrator Rerig to work with the City Attorney on updating the City's purchasing policy and using other cities as reference point to make it more contemporary.

3. Plan for natural areas, reduce fire risk (55%) – top 16 priority

Public comment: Ken White, Tasha Witt, Dale Byrne, and Christy Hollenbeck addressed the Council.

Discussion: Councilmember Dramov said she has heard public concerns about trees falling especially after the recent storms. Councilmember Ferlito suggested an educational presentation on how to evacuate Carmel if there is a wildfire so we are prepared and know where the emergency routes are. City Administrator Rerig spoke about the need to hire a Natural Resources Manager to work on preserving and protecting natural spaces.

Direction: Council consensus to keep this item on the list. Fire Department to continue to conduct risk assessments on private property, highlight evacuation routes, make sure Nixle and other social alerts are used during emergencies.

4. Review opportunities for enhanced fire/ambulance service (50% complete) – top 16 priority

Public Comment: Shirley Moon addressed the Council.

Discussion: Fire Chief Panholzer gave an update that the City of Monterey is nearing completion of their contract audit and will hopefully be able to move forward with the contract with Carmel very soon.

Direction: Council consensus to keep this item on the list. Wait for the City of Monterey to complete their contract audit.

5. Develop forest management plan and update tree ordinance (35%) – top 16 priority

Public comment: Janie Marshman, Shirley Moon, Cindy Lloyd, and Karyl Hall addressed the Council.

Discussion: Councilmember Ferlito said that our replacement tree policy has not been enforced and suggested reinstating tree grid pruning. She also suggested a separate Forestry department and education to the public about keeping trees healthy and maintaining new trees. Councilmember Dramov said we should prioritizing removing dead or dying trees, as well as watering trees. Chip said part of the tree management plan is to plan for the best urban trees to plant.

Direction: Council consensus to keep this item on the list. Continue to implement “right tree, right place” for urban tree planting, tree watering, planning for tree squares, and reinstate tree grid pruning.

6. Update zoning code & design guidelines (65% complete) – top 16 priority

Public comment: Ken White, and Shirley Moon addressed the Council.

Discussion: Community Planning and Building (CPB) Director Swanson said that the Steering Committee is working on reviewing the RFPs for a Landscape Architect, and after the contract for a landscape architect is awarded the landscape ordinance can be developed. Mayor Potter requested that the Design Steering Committee address the dangers of garages being placed right next to the street and suggested the setback requirements for garages should be increased to prevent this. Councilmember Baron said that at last year’s Priorities Workshop, he stated he would the Design Review Board to be in place by the time the design guidelines are ready to take over the design review responsibilities.

Direction: Council consensus to keep this item on the list. Council would like to have a future agenda item to discuss the structure and role of a Design Review Board before adopting the design guidelines. Staff to work on a whitepaper to outline what it will take to get a Design Review Board in place.

Council took a recess at 12:12 p.m. Council reconvened at 12:48 p.m.

7. ADU ordinance (65% complete) – top 16 priority

Public comment: Nancy Twomey, a resident, and Karyl Hall addressed the Council.

Discussion: Councilmember Baron asked if accessory dwelling units (“ADU”) must be occupied, rather than the ADU being used just to make an existing house bigger. CPB Director Swanson clarified that an ADU that is attached cannot have a door into the main house, and State law dictates other requirements. He also said that ADU guidelines would be included in the general plan, and that the ADUs may help meet the quota of Regional Housing Needs Allocation (RHNA) housing for affordable housing (moderate), even if they are not “deed restricted” ADUs.

Direction: Council consensus to keep this item on the list. Staff to continue ADU verification process, annual compliance checks, explore incentives for affordability, and the need to address lot coverage to save room for trees.

8. Wireless ordinance (75% complete) – top 16 priority

Public comment: Tasha Witt, and Michael McWalters addressed the Council.

Direction: Council consensus to keep this item on the list. Staff will ensure the public has adequate time to spend with the draft ordinance before it goes to Council.

9. Filling vacancies (90% complete) – top 16 priority

Public comment: None

Direction: Council gave consensus to remove this item from the list.

10. Pandemic recovery (90% complete) – top 16 priority

Public comment: None

Direction: Council gave consensus to remove this item from the list.

11. Stormwater ordinance update (85% complete) – top 16 priority

Public comment: None

Direction: Council consensus to keep this item on the list. Staff waiting for Coastal Commission comments.

12. Volunteer group oversight (70% complete)

Public comment: Dale Byrne, Shirley Moon, and Cindy Lloyd addressed the Council.

Councilmember Ferlito requested to change the name of this priority to “Volunteer Group Facilitation”. Mayor Potter asked if Carmel Cares could help with planting trees. City Administrator Rerig said that the City’s website has been updated with a page listing all of the local volunteer groups.

Direction: Council consensus to keep this item on the list. Staff will make the volunteer page on the website more prominent and intuitive. Carmel Cares offered to help plant trees, and work with the Friends of the Carmel Forest group.

13. Review/reformulate approach to reserves/update financial policies (15% complete)

Public comment: None

Direction: Council consensus to keep this item on the list. Staff to continue recruiting for the finance department.

14. Explore outdoor dining program (25% complete) (in the public right of way)

Public comment: None

Councilmember Dramov asked if this item could be changed or incorporated into a downtown comprehensive plan.

Direction: Council consensus to keep this item on the list. Staff to change the name of this item to “Dining in the public right-of-way”, and to come up with a broad scope update on what it would take to develop a Downtown Master Plan.

15. Increase beautification efforts (35% complete)

Public comment: Tasha Witt, Nancy Twomey, Cindy Lloyd, Dale Byrne, and Janice Gardner addressed the Council.

Discussion: Councilmember Ferlito said that the City is using Rio Park as storage for wood chips and logs and would like to see the park cleaned up. She added that perhaps the ballfields could be turned into a location for housing, and use Rio Park property for a ball field instead, and suggested that an analysis can be done to find out how many tree squares have been paved over, stumps left behind where a new tree could grow, and utility companies should be forbidden from attaching communication cables to trees.

Council: Council consensus to keep this item on the list. Councilmembers to give ideas for beautification to the City Administrator during weekly meetings and staff will come back with a budget for the requests.

16. Review barriers to affordable housing (45% complete) – top 16 priority

Public comment: None

Direction: Council consensus to keep this item on the list. The Housing Committee Ad Hoc is making great progress and will continue working on this.

17. Explore street addresses (30% complete) – top 16 priority

Public comment: Janice Bradner, Tasha Witt, and David O’Neil addressed the Council.

Councilmembers Baron and Ferlito said that street addresses are at the top of their priority lists.

Direction: Council consensus for this to remain a high priority. Staff is working with the Carmel Postmaster on a future update to Council and then public outreach.

18. Develop a facilities master plan (45% complete)

Public comment: Ken White, Tasha Witt, and Janice Gardner addressed the Council.

Council asked if we could set aside a reserve fund specifically for facilities maintenance, and if a facility master plan could be done to evaluate if the existing buildings are being utilized to meet the needs of the City.

Direction: Council consensus to keep this item on the list, but split it into two items and elevate them: The Police Department Renovation as one item and developing a Facilities Master Plan as another item. The Police Building Renovation Ad Hoc committee is making progress.

Council took a recess at 2:24 pm. And returned at 2:34 pm.

19. Underground utilities rule 20A (10% complete)

Public comment: Tasha Witt, a resident, and Dale Byrne addressed the Council.

Discussion: Mayor Potter suggested putting it to the voters to approve a local tax to pay for undergrounding of utilities. Public Works Director Harary said that by the end of the year we need to have an assessment district established by City Council, then the City can secure the Rule 20A funds allocated for Carmel. He said that generally it is estimated that it costs a million dollars per linear mile to underground. Councilmember Baron suggested starting the process of undergrounding by using Rule 20A Funds to underground the lines at the Mission Trail Nature preserve to see how that goes first.

Direction: Council consensus to elevate this priority.

20. Explore reinstatement of design review board (65% complete)

Public comment: None.

Direction: Council consensus to elevate this priority. Staff will bring Council a scope of responsibilities for a Design Review Board.

21. Explore redevelopment of Sunset Center north lot (0% complete)

Public comment: none.

Direction: Council consensus to keep this item where it is on the list.

22. Opportunity for Flanders Mansion (0% complete)

Public comment: Mike Buffo, Michael Hogan, Thomas Hood, Tony Tollner, Dale Byrne, Cindy Lloyd, a resident, and Dave Hala addressed the Council.

Discussion: City Administrator Rerig said that this item was at 50% a few years back before the conservator walked away from the project and Council took a break from pursuing this project.

Direction: Council consensus to elevate this project as a higher priority. City Administrator Rerig will have staff bring back the previous Flanders RFP and ask Council for direction.

23. Opportunities for Scout House (35% complete) – top 16 priority

Public comment: None

Direction: Council consensus to keep item on the list. Staff continuing to make progress.

24. Develop and Implement social media plan (10% complete)

Public comment: Tasha Witt, and Mike Buffo addressed the Council.

Discussion: Councilmember Baron spoke about using social media as a means for communication, especially during the storms to get information out to the public.

Direction: Council consensus to keep item on the list. Staff will continue to work on launching the website update.

Completed Priority Items

Councilmember Baron would like to add the Climate adaptation plan back to the priority list until the Sea Level Rise is completed.

ADJOURNMENT

Council adjourned at 3:55 pm.

SIGNED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

**CITY COUNCIL
REGULAR MEETING**

FEBRUARY 7, 2023

OPEN SESSION - 4:30 PM

CALL TO ORDER AND ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

City Attorney Pierik led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Receive a presentation on preliminary housing feasibility report and Housing Element update status

Principal Planner Marnie Waffle gave a brief summary of the status of the housing feasibility report and Housing Element update. She stated that the Housing Element Ad Hoc Committee consists of Mayor Pro Tem Richards and Councilmember Ferlito who reported that the City is working on opportunities for positive and creative solutions to meet the State's Regional Housing Needs Allocation (RHNA) demands, while at the same time working with the League of California Cities (LOCC) to push back on the state's demands.

Councilmember Dramov voiced concerns about the city's zoning and density being disrupted due to additional housing demands, and how the design guidelines will be incorporated. Councilmember Baron voiced concerns that most of the housing is focused on downtown. Mayor Potter encouraged the public to attend the next Housing Element meeting at the end of February to give feedback on the study.

PUBLIC APPEARANCES

Wanda Vollmer and Scott Smythe spoke about CERT and future training opportunities. Christy Hollenbeck spoke about the concerns of wireless towers on public health and safety, and asked that the whitepaper on the hazards be included in the City's upcoming wireless ordinance. Amy Herzog and Jeff Burghardt spoke about Carmel Cares mission and vision. Chris Mitchell spoke about the housing element regarding his company's interest in building housing in Carmel.

ANNOUNCEMENTS

- A. City Administrator - No announcements.
- B. City Attorney - No reportable action from closed session yesterday.
- C. Councilmembers - Councilmember Ferlito attended the ReGen meeting and encouraged the public to read the flyers included in ReGen bills about how to compost correctly using the green bins, and the importance of diverting waste from the landfill to be used as agricultural compost. Councilmember Baron thanked Agnes Martelet and Sara Davis for their work for the City and wished them luck in their new careers. Mayor Potter echoed those sentiments. No announcements from Councilmember Dramov and Mayor Pro Tem Richards.

CONSENT AGENDA

Councilmember Baron pulled consent item #4.

Motion to approve consent items #1-3 and #5-19 by Councilmember Baron, 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 - January 3, 2023, Special Meeting Minutes, January 10, 2023, Regular Meeting Minutes, and January 17, 2023, Special Meeting Minutes

Item 2 - December 2022 Monthly Reports

Item 3 - December 2022 Check Register Summary

Item 5 - Resolution 2023-011, Declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event

Item 6 - Resolution 2023-012 adopting the Fiscal Year 2023-2024 budget schedule

Item 7 - Resolution 2023-013, declaring the 1994 Ford F-250, 2012 Ford Expedition, 2013 Go-4, 2014 Dodge Charger, 2017 Ford Escape, and 2010 Isuzu Street Sweeper, as surplus and authorizing their sale at auction

Item 8 - Resolution 2023-014, authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with Ten Over Studio for architectural services for five facility renovation projects, for a fee not to exceed \$78,900

Item 9 - Resolution 2023-015 authorizing the City Administrator to approve Purchase Orders with John Ley's Tree Service for a fee not to exceed \$50,000 and Tope's Tree service for a fee not to exceed \$40,000

Item 10 - Resolution 2023-016, granting consent to the City of Monterey to renew the Monterey County Tourism Improvement District (MCTID) and include the City of Carmel-by-theSea in the MCTID

Item 11 - Resolution 2023-017, authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Donor Salute Event at the Main Library on Sunday, March 5, 2023; and Authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Sterling Circle Event at the Main Library on Sunday, June 11, 2023

Item 12 - Resolution 2023-018, Approving the use of the Sourcewell cooperative purchase contract with Krueger International Inc., dba KI doing business as Systems & Space Inc. (Contract no. 121919-KII) for the purchase and installation services for library shelving; and authorizing the City Administrator to enter into an agreement with Krueger International Inc./ Systems & Space Inc. for the purchase and installation services for library shelving

Item 13 - Resolution 2023-019 authorizing the City Administrator to execute Amendment No. 4 to the Agreement with Peninsula Messenger Service for mail delivery for a not-to-exceed increase of One Hundred Seven Thousand Seven Hundred and Thirty Dollars (\$107,730.00) for the term of January 1, 2023 to June 30, 2024

Item 14 - Resolution 2023-020 authorizing the City Administrator to execute Amendment No. 3 to a Professional Services Agreement with Municipal Resource Group, LLC (MRG) for a new not-to-exceed amount of One Hundred Nineteen Thousand Five Hundred and Fifty Dollars (\$119,550.00) and modify the scope of work, therein, by requiring additional services

Item 15 - Resolution 2022-021 adopting the City of Carmel-by-the-Sea At-Will (Unrepresented) Classification Salary Plan in accordance with Municipal Code 2.52.520 as of January 1, 2023

Item 16 - Resolution 2023-022 ratifying an appointment to the Historic Resources Board

Item 17 - Adopt Resolution 2023-023 authorizing a refund of a Track 2 Design Review application fee and Use Permit application fee in the amount of \$5,846.25 to CRI on Carpenter, Inc.

Item 18 - Resolution 2023-024 Authorizing the City Administrator to execute a Professional Services Agreement with EMC Planning Group Inc., for a not-to-exceed fee of \$239,145.00, to update the General Plan Housing and Safety Elements

Item 19 - Report on the Ad Hoc Committee findings and recommendations regarding the Police/Public Works Building; authorize staff to move forward with Request for Proposals (RFP) for architectural firms with a strong practice in Police Department design and rehabilitation

ITEMS PULLED FROM CONSENT

Item 4 - Resolution 2023-010, Proclaiming the Continuing Need to Meet by Teleconference Pursuant to Government Code Section 54953 (e)

Motion by Mayor Pro Tem Richards to adopt Resolution 2023-010, seconded by Mayor Potter, 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

PUBLIC HEARINGS

Item 20 - Consider Ordinance No. 2022-007 (first reading) amending Carmel Municipal Code (CMC) Sections 17.14.040, 17.28.010, and 17.70.020, to prohibit timeshare and fractional interest uses, as well as advertising and sale thereof, in a manner fully in conformity with the California Coastal Act (CA Section 30510) - Continued from December 6, 2022, and January 10, 2023

Community Planning and Building Director Swanson gave a brief presentation on the item.

Public Comment:

Missy Moile, spoke on behalf of Pacasso, against the Ordinance. Ann Coughlin, Adam Pinterits, Richard Kreitman, Simon Bull, Mike Coughlin, and Eric Colson spoke against the Ordinance. Nancy Twomey, William Hansen, Mike Brown, Bill Caddel, Janice Bradner, Tim Twomey, and Lucinda Lloyd spoke in favor of the Ordinance.

Council discussion resumed. Council asked for information at the next meeting regarding how property taxes are assessed. City Attorney Pierik read the title of the Ordinance.

Motion by Councilmember Ferlito to read by title only, waive full reading, and introduce Ordinance 2022-007, seconded by Councilmember Baron, and passed 5-0-0-0 to a second reading on March 7, 2023, 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 21 - Receive an Update on the AB 2449 Teleconferencing Rules for Attendance at Meetings of Legislative Bodies

City Attorney Pierik gave a summary of the item and answered questions from Council.

Public comment: None

No formal action taken.

FUTURE AGENDA ITEMS

Councilmember Ferlito asked for the City Attorney for an update on the laws regarding Councilmembers disclosing donations received for their campaign before voting on an item. She also requested an update on the City's General Plan.

ADJOURNMENT

Council adjourned at 5:59 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

**CITY COUNCIL
SPECIAL MEETING**

Attachment 3

FEBRUARY 21, 2023

OPEN SESSION - 4:30 PM

CALL TO ORDER AND ROLL CALL

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

Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, and Mayor Dave Potter were present. Mayor Pro Tem Bobby Richards was absent.

PLEDGE OF ALLEGIANCE - Mayor Potter led the pledge.

PUBLIC APPEARANCE - None

ORDERS OF BUSINESS

Item 1 - Fiscal Year 2022-2023 Mid-Year Budget Report and Resolution 2023-025 Approving FY 2022-2023 Adopted Budget Amendments

City Administrator Rerig gave a brief overview of the item. Assistant City Administrator Gullo gave a presentation to Council and answered questions.

Public Comment:

Shirley Moon said there is an imbalance in the budget regarding adequate trash pickup on the beach, particularly during the last holiday weekend. Phil Finterman (sp?) the public spoke about the risk to Carmel for theft to businesses, especially jewelry retailers.

Council discussion resumed.

Motion by Councilmember Baron to adopt Resolution 2023-025, seconded by Councilmember Ferlito, and approved 4-0-1-0 by the following roll call vote:

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

NOES: None

ABSENT: Mayor Pro Tem Richards

ABSTAIN: None

ADJOURNMENT

Council adjourned at 5:08 PM

SIGNED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: January 2023 Monthly Reports

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports:

- City Administrator Contract Log (none for January 2023)
- Community Planning and Building Department Reports
- Police, Fire, and Ambulance Reports
- Public Records Act Requests
- Public Works Department Reports

FISCAL IMPACT:

N/A

PRIOR CITY COUNCIL ACTION:

Monthly review and approval

ATTACHMENTS:

Attachment 1) Community Planning and Building Department Reports

Attachment 2) Police, Fire, and Ambulance Reports

Attachment 3) Public Records Act Requests

Attachment 4) Public Works Department Reports



CITY OF CARMEL-BY-THE-SEA Monthly Report

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Leah Young, Administrative Coordinator
SUBMITTED ON:	February 7, 2023
APPROVED BY:	Brandon Swanson, Director of Community Planning and Building

JANUARY 2023 – DEPARTMENT ACTIVITY REPORT

I. PLANNING PERMIT APPLICATIONS:

In January 2023, **34** planning permit applications were received.

II. BUILDING PERMIT APPLICATIONS:

In January 2023, **59** building permit applications were received.

III. CODE COMPLIANCE CASES:

In January 2023, **28** new code compliance cases were created.

IV. TRANSIENT RENTAL COMPLIANCE CASES:

In January 2023, **10** new transient rental compliance cases were created.

V. ENCROACHMENT PERMIT APPLICATIONS:

In January 2023, **17** encroachment permit applications were received.

VI. YEAR-TO-DATE TRENDS

Table 1 includes the following January 2023 totals: planning and building permit applications, code compliance and transient rental compliance cases, and encroachments. January 2023 totals are provided alongside January 2022 totals for comparison.

Compared to the same time period in the year 2022, Table 1 denotes the following percentage changes in the year 2023:

- Planning Permit Applications – **increase of 13.33%**
- Building Permit Applications – **increase of 20.41%**
- Code Compliance Cases – **increase of 75.00%**
- Transient Rental Compliance Cases – **increase of 900.00%**
- Encroachment Permit Applications – **decrease of 8.78%**

Table 1. Permit Application Totals

	PLANNING	BUILDING	CODE COMPLIANCE	TRANSIENT RENTAL COMPLIANCE	ENCROACHMENTS
2022 YTD Totals	30	49	16	1	15
2023 YTD Totals	34	59	28	10	17
YTD % Difference	+13.33%	+20.41%	+75.00%	+900.00%	+13.33%



Planning Permit Report

01/01/2023 - 01/31/2023

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
23024	Design Study	REPLACEMENT OF 10 ORIGINAL SINGLE-PANE DIVIDED LITE WINDOWS WITH NEW PELLA DOUBLE-PANE, WOOD CLAD WITH ALUMINUM, DIVIDED LITE WINDOWS. ALL NEW WINDOWS WILL BE INSTALLED IN THE SAME FOOTPRINT AS THE ORIGINAL WINDOWS WITH NO CHANGES IN WINDOW LOCATION OR SIZE	NE 10th & Mission	1/30/2023		Pending Assignment
23023	Design Review	Add Balcony and Deck to upper floor & awning roof. Remove and changing of windows and door and staircase.	Santa Rita 4 SE Ocean	1/30/2023		In Review
23022	Design Study	Remodel of and Addition to existing 1,555 SF house with attached garage. Remodel existing kitchen, bathrooms, add laundry, 2nd-story bedroom suite. Replace existing roof, siding, all doors and windows.	4th Avenue 2 NE Lobos Street	1/27/2023		In Review
23021	Authorized Work	Repair leaking roof above front entry.	Casanova 5 SE of 13th Ave	1/24/2023	1/26/2023	In Review
23020	Authorized Work	This Notice of Authorized Work allows for additional patching/repairing of a portion of a shared driveway. The repair shall be limited to the area shown on the annotated plan prepared by Terry Latasa dated received by the Community Planning & Building Department on August 14, 2015 and stamped approved by the City. The area of work is generally along the north side of the rear stoop.	Lobos 5 NW 2nd Ave	1/10/2023	1/25/2023	Approved

23019	Design Study	Convert existing 208 SF Guest House into Accessory Dwelling Unit with an addition of 56 SF; 49 SF addition to existing main level, replace existing fireplace; new 200 SF garage addition; 282 SF addition to existing upper level.	Carmelo Street 2 NE of 8th Avenue	1/24/2023		In Review
23018	Preliminary Site Assessment	Remove existing detached laundry shed and garden structure. Add 875 SF two story addition to rear (west). Add 100 SF one story to side (north).	0 Mission 2 NW of Santa Lucia	1/24/2023		In Review
23017	Coastal Development Permit	Drainage improvements		1/19/2023		In Review
23016	Coastal Development Permit	Well decommissioning		1/19/2023		In Review
23015	Historic Evaluation	Replace existing roof with new Malarkey "Windsor" composition shingle roof system	Lincoln 3 NE of 11th	1/19/2023		In Review
23014						Closed
23013	Street Vending	Devendorf Sidewalk Vending Permit		1/18/2023		In Review

23012	Design Study	Revision To Design Study DS 20-392. Original project description: Addition and Remodel of existing single-family residence, including new attached ADU, decks, new detached garage, and interior remodeling. PLAN REVISIONS: Architectural: 1.) Delete Stone Privacy Wall At North Property Line & Continue Wood Fence In It's Place. 2.) Change Fence Design At North Property Line To A Simple Grape Stake Fence. 3.) Change Window Manufacturer From Pella - Reserve To Kolbe - Ultra (Metal Clad Wood). Style Remains Unchanged. 4.) Change Exterior Door & Window Color From Black To Kolbe - Sahara Color (See Updated Exterior Colors & Materials Sheet A7.01). 5.) Increase Width Of Segmented Overhead Garage Door From 8'-0" To 8'-10". 6.) Change Stone Arch At Dining Room Bi-Fold Door (Door #02) To Flat Top Opening With Wood Lintel. 7.) Delete Window At South Wall Of Dining Room (Window #01). 8.) Reduce Height Of Windows At South Wall Of Master Bedroom (Windows #07 & 08). 9.) Change Master Bedroom Oriel Window From Arch Top To Flat Top (Window #10). 10.) Remove Iron Grille From North ADU Bath Window (Window #21). 11.) Replace Glass In Windows Located Within The 3'-0" Setback With Fire Rated Glass & Make Inoperable To Meet The Building Code Requirements For Fire-Resistant Construction. (Windows #02, 03, & 06) 12.) Add Two Skylights At The West Side Of The Living Room / Kitchen. 13.) Convert Ceiling In Bedroom No. 1 From Flat Ceiling Into Vaulted Ceiling. 14.) Extend Parapet Wall At Roof Deck In The Place Of	Camino Real 3 SW of 13th	1/18/2023		In Review

		Iron Railings. Structural: 1.) Details Added For Shear Wall Sheathing At Wall Interior To Allow For Exterior Finish To Remain Where Required. 2.) Detail Added For Bridging Garage Foundation Footings Over Tree Roots.				
23011	Preliminary Site Assessment	Alterations and addition to the (E) historic residence. Construction of new detached 1-car garage.	Santa Fe 3 NW of 6th	1/13/2023		In Review
23010	Design Study	Revised design for previously submitted remodel including exterior material and color changes, 141 sq. ft. sunroom addition, and reduction and replacement of existing front yard hardscape.	Casanova 4 SW of 13th	1/12/2023		In Review
23009	Design Study	Replace all windows size for size with new wood windows. Remove 2 doors and 1 window. Build new 172 sf 1st floor wood deck.	Forest 2 NW of Mountain View	1/3/2023		In Review
23008	Preliminary Site Assessment	-INTERIOR REMODEL AND ADDITION TO EXISTING RESIDENCE WITH BASEMENT. -ADDITION OF NEW DETACHED ONE-CAR GARAGE. -NEW ADJUSTED FLOOR LEVEL AT BASEMENT WITH NEW FLOOR AREA ADDITION -EXISTING HIGHEST RIDGE TO REMAIN	NE corner of 12th and San Antonio	1/3/2023		In Review
23007	Sign	Install one (1) non-illuminated blade sign and window vinyl.	Ocean Avenue & Mission Street, Carmel Plaza, Suite 217	1/3/2023		In Review
23006	Design Study	Removal of existing garage and storage building with construction of new garage and ADU in the same location.	Corner of 11th Avenue & Casanova Street	1/9/2023		In Review

23005	Design Study	Single-family residence addition / alteration. EXCAVATION AND EXTENSION OF EXISTING WALKOUT BASEMENT TO PROVIDE NEW ADU. HORIZONTAL ADDITION TO RELOCATE 1ST FLOOR STAIR/BATHROOM. HORIZONTAL ADDITION TO PROVIDE ATTACHED SIDE GARAGE. NEW ROOF DORMERS TO PROVIDE CODE REQUIRED HEAD SPACE AT 2ND FLOOR. NEW TRELLISES AND DECK. INTERIOR ALTERATIONS.	Casanova 10 NE of Ocean	1/6/2023		In Review
23004	Landscape Plan Check/Inspection	Right of way landscaping along front yard of residence.	Carmelo 3 SW of 9th	1/4/2023		In Review
23003	Design Study	Replace existing detached garage with new detached garage on lower side of property.	0 Mission 2 NW of Santa Lucia			Closed
23002	Design Study	Installation of a 12x28 shed	5 Crespi Ave.	1/13/2023		In Review
23001	Landscape Plan Check/Inspection	Landscape modifications to accommodate new construction for a Statewide Exemption Accessory Dwelling Unit (ADU), without additional site coverage. Proposed ADU is one-story and 800 square feet total.	NE corner of Monte Verde & 13th Avenue	1/3/2023		In Review
23000						

Total Records: 25

2/3/2023



Building Permit Report

01/01/2023 - 01/31/2023

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
230058	1/31/2023	2/2/2023	Tear off (e) composition roof and install Malarkey 30 year composition shingles in color Antique Brown over 15lb felt. Contact: Williams Roofing Company (831) 758-2749	8,900	Building	Mission 2 SE of 8th
230057	1/31/2023		Install RainSoft EC-5 series water treatment system	8,950	Plumbing	Santa Fe 4 NW of 4th
230056	1/31/2023		Gas repair. 3/4" pipe leaking, replace 25-30' section at parking area for C-D-E apartments. Contact: Ramirez Plumbing (831) 393-9804	3,000	Plumbing	NW Corner of Mission & 4th
230055	1/31/2023	2/2/2023	Remove old shake roof and install new cedar shake roof system to main house and garage only.	62,480	Roofing	8th 2 SE of Torres
230054	1/31/2023		Building deck behind main residence and replacing railroad tie retaining walls with stone veneer concrete retaining walls.	150,000	Building	Forest 2 SE of 8th
230053	1/30/2023		Repair storm damaged fence at front of property. Replace grape stake fence in-kind. Contact: Carmel Custom Homes (831) 717-0404	0	Exempt Work	Casanova 2 SE of 10th
230052	1/27/2023		Northwest patio/deck extension. Complete dismantling of existing north patio/deck cantilever from existing ground floor structure and construction of new patio/deck north extension.	15,000	Building	NE Corner of Mission & 3rd
230051	1/27/2023	1/27/2023	Caulk around fire place to prevent roof leaking, paint touchups, and treat rusty nails. Contact: Jim Messemer (415) 517-7291	0	Exempt Work	San Antonio 2 NW of 13th
230050	1/26/2023		Retroactive authorization of previously installed generator.	2,000	Building	Dolores 4 NE of 2nd
230049	1/26/2023		Add 120 VAC convenience outlet to border wall, remove existing dining table with gas fireplace centerpiece; install 2'x4' interior natural gas fire pit. Run new line to fire pit.	0	Plumbing	NE Corner of Lincoln & 10th

230048	1/25/2023		Replace/retrofit 10 windows in the same size, no framing work to take place.	0	Exempt Work	Santa Rita 2 SW of Ocean
230047	1/25/2023	1/25/2023	Upgrade service panel from 100 to 200 amp, replace three subpanels throughout the house.	3,800	Electrical	SW Corner of Carmelo & 7th
230046	1/25/2023	1/25/2023	Paint all window trims and eaves Double Espresso DY633 to match (e) roof shingles. Paint all exterior walls and deck hand railings Smoky White BWC-13. Paint the garage door Grant Gray HDC-AC-19. Stain all the decks Cedar Natural Tone Transparent Waterproofing Exterior Wood Finish.	0	Exempt Work	13th 2 SE of Mission
230045	1/25/2023	1/25/2023	Main panel replacement in-kind, reconnect for PG&E. Contact: Lori Electric (831) 521-2841	1,800	Electrical	Mission 7 SW of 13th
230044	1/25/2023		Retile vanity & toilet in bathroom. Contact: Mac Builder (831) 277-5142	15,000	Building	NW Corner of Forest & 7th
230043	1/25/2023	1/25/2023	Remove and replace furnace with new ducting. Contact: Marina Plumbing & Heating (831) 384-8206	19,800	Mechanical	Santa Rita 2 SE of 5th
230042	1/25/2023	1/25/2023	Remove existing Landmark TL Shingles along the walls of property to weave with new flashings, seal chimney, and flat roof where needed. Reinstall Landmark TL shingles in color "Country Gray".	6,000	Roofing	San Carlos 2 NW of 12th
230041	1/25/2023		Interior Finishes and Exterior Deck Changes	50,001	Building	Mission 4 SW of 10th, Carmel By The Sea, CA 93921
230040	1/25/2023	1/27/2023	MITIGATION OF WATER INTRUSION IN THE CRAWLSPACE. ENTRY DOOR STOOP (CONCRETE/TILE) TO BE DEMOLISHED TO ALLOW ACCESS TO THE FOUNDATION WALL.	12,000	Building	Lincoln 3 SW of 3rd
230039	1/20/2023		MITIGATION OF WATER INTRUSION AT THE LOWER LEVEL RETAINING WALL LOCATED IN THE CRAWLSPACE - 80LF	10,000	Building	Lincoln 6 SW of 3rd
230038	1/20/2023		Inter	0	Building	
230037	1/20/2023	1/25/2023	Addition of EV charger in garage, 32 amps 240 volt. Contact: John Craft (831) 915-3488	1,800	Electrical	Lopez 12 NE of 4th
230036	1/20/2023	1/20/2023	Change meter main load center from 100 amps to 200 amps. Contact: John Craft (831) 915-3488	3,500	Electrical	SE Corner of Carpenter & 4th

230035	1/19/2023	1/19/2023	Remove (e) roofing, install class "A" fire retardant composition shingles. Contact: Slaton & Son Roofing (831) 449-0599	17,593	Roofing	Carpenter 3 NE of 5th
230034	1/19/2023		Remove (e) cementitious deck system and install new "Westcoat" cementitious deck system, to remain in color gray. Contact: Coastal Roofing & Waterproofing (831) 324-4809	11,490	Building	Lincoln 3 NE of 11th
230033	1/19/2023		Replace water line from meter to house, install new natural gas line from meter to new fire pit. Contact: Hall Landscape Design Inc (831) 601-5490	2,340	Plumbing	Carmelo 2 SW of 8th
230032	1/18/2023	1/18/2023	Replace electrical meter main panel with new 200 amp panel. Contact: JP Electric (831) 288-1414	4,000	Electrical	Junipero 6 NE of 10th
230031	1/18/2023	1/18/2023	Replace old water heater with new electric heat pump water heater, 50 gallon.	0	Plumbing	6th 2 NE of Dolores
230030	1/18/2023	1/18/2023	Replace old water heater with new electric heat pump water heater, 50 gallon.	0	Plumbing	NE Corner of Ocean & Lincoln
230029	1/18/2023	1/18/2023	Replace old water heater with new electric heat pump water heater, 50 gallon.	0	Plumbing	Monte Verde 3 SE of Ocean
230028	1/18/2023	1/18/2023	Replace old water heater with new electric heat pump water heater, 50 gallon.	0	Plumbing	Junipero 2 NE of 5th
230027	1/18/2023	1/18/2023	Remove damaged switches, install new switches, new control panel installation. Contact: Cal Coast Electric (408) 887-8576	0	Electrical	Junipero 2 NE of 5th
230026	1/18/2023	1/27/2023	Rooftop PV System with Battery. Contact: Mark Evensen (831) 453-0060	9,000	Electrical	Lincoln 3 NE of 5th
230025	1/17/2023		Replacement of existing PVC exterior railings with new wood and aluminum railings. Contact: Jerry Stepanek (831) 915-2730	10,000	Building	San Carlos 2 NW of 3rd
230024	1/17/2023	1/27/2023	Install a roof mounted 3.60 kw solar PV system and ESS. Contact: SolarTecture (831) 233-3004	43,656	Electrical	26245 Dolores
230023	1/17/2023		Waterproof exterior foundation of the garage on the southeast side of the house. Contact: Lewis Builders (831) 601-9256	5,000	Building	NE Corner of Santa Fe & 4th
230022	1/17/2023		Bathroom remodel	15,000	Building	SW Corner of Mission & 10th

230021	1/13/2023	1/13/2023	Fixing (e) fence that fell in storm. Correcting posts, no increase to height. Contact: Mariya Rychkova (209) 981-5691	0	Exempt Work	Lincoln 2 NW of 8th
230020	1/13/2023	1/13/2023	Tear off (e) shake roof down to original sheathing. Install 1/2" cdx laminated plywood sheathing. At existing flat roof, install single-ply PVC membrane. At pitched section, install one layer of polyglass polystick XFR class A self-adhered membrane over roof deck. Install 24ga Galvalume 18 3/4" wide 2.0 SCH mechanical seam roof panels, Western States Matte, over metal underlaying in color "Dark Bronze". Contact: Scudder Roofing (831) 384-1500	68,656	Roofing	Forest 2 SE of 8th
230019	1/12/2023		Remodel two existing kitchens in units 204 & 205. Replacement of appliances, cabinets, flooring, sinks, faucets, kitchen and dining room windows. Upgrade electrical outlets, lighting, and electrical panels. The remaining electrical panels will be upgraded by separate contractor.	42,000	Building	SE Corner of Junipero & 3rd
230018	1/12/2023		Complete repairs to existing sundeck. Replace remaining Bomenite surface with porcelain tiles to match existing proper repairs. Repairs include replacing rotted plywood, weather proofing material, and plaster touch ups.	25,000	Building	SW Corner of Junipero & 3rd
230017	1/12/2023	2/2/2023	Tear off four layers of roofing and replace 21 squares of shingle roofing. CONDITIONS: Utilize asphalt shingles by Ownes Corning brand in color "Summerwood", and shingles shall be applied in the same manner as the existing roof style, keeping the curved element which is considered a significant identifying feature of the "Dr. H.R. Green House". Contact: Reliable Roofing (408) 709-1499	15,000	Roofing	Camino Real 4 SE of 10th
230016	1/12/2023	1/12/2023	Service upgrade from 100 amp to 200 amp. Contact: Cate Electrical Co (831) 624-5361	2,000	Electrical	Carpenter 2 SE of 5th
230015	1/12/2023	1/12/2023	Replace damaged weatherhead and riser. Contact: Get Wired (831) 915-4301	500	Electrical	NW Corner of Guadalupe & 4th

230014	1/10/2023	1/10/2023	Plaster and drywall repairs, repair and reglaze wood sash window panes where leaking, install new carpeting, paint interiors, change counter tile to quartz counter tops. Contact: South Coast Construction (831) 512-6739	0	Exempt Work	SW Corner of Carmelo & 7th
230013	1/10/2023	2/2/2023	Remove and install new solar panels in conjunction with roof replacement. Contct: Oliveira Benedito (831) 236-7829	7,000	Electrical	Forest 2 SE of 8th
230012	1/9/2023	1/9/2023	Repair and replace damaged electrical riser.	1,000	Electrical	Lobos 4 SE of 2nd
230011	1/9/2023	1/9/2023	Emergency electrical service reconnect and panel upgrade from 100amp to 200amp. Contact: Barry Long (925) 989-8931	2,500	Electrical	SW Corner of Torres & 2nd
230010	1/6/2023	1/9/2023	Replace panel and upgrade to 200 amp. Contact:	4,000	Electrical	San Carlos 6 SW of 8th
230009	1/9/2023	1/19/2023	Solar PV roof mounted system & interconnection and 4 powerwalls and gateway installation.	92,815	Electrical	Camino Real 4 SW of 13th
230008	1/6/2023	1/6/2023	Replacement of electrical weather head connector. Contact: Casas Builders (831) 601-0922	400	Electrical	Junipero 6 NE of 10th
230007	1/5/2023	1/6/2023	Remove portion of old fence that was taken down by wind and rebuild fence in kind. Condition: Fence shall match existing fence in both height and design. Contact: David Segura (831) 601-6768	0	Exempt Work	NE Corner of Carmelo & 11th
230006	1/5/2023	1/5/2023	Replacement of tile surround at tub enclosure in bathroom #2. No plumbing work authorized. Contact: Russell Campbell (831) 238-7040	0	Exempt Work	Santa Fe 2 SE of 3rd
230005	1/4/2023	1/31/2023	Replace existing deck Like and Kind, due to severe wood rot. Safety Hazard	45,000	Building	Dolores 3 NW of 3rd
230004	1/4/2023		Rear porch and step replacement, roof replacement, window replacement, fence repair and replacement. Contact: Lorenzo Mariani (209) 401-5001	20,000	Building	NW Corner of Torres & 3rd
230003	1/4/2023	1/4/2023	Paint interior walls, remove old carpet, and install a floating vinyl tile floor with faux wood appearance. Contact: Cristina Rosenbaum (415) 961-5557	0	Exempt Work	Dolores 3 NE of 6th

230002	1/3/2023		Remodel kitchen and two bathrooms. Install new windows in existing openings, replace asphalt driveway with paver driveway, new exterior paint.	150,000	Building	Lincoln 3 SW of 12th
230001	1/4/2023		Generator Installation.	8,100	Electrical	Vizcaino 1 NW of Flanders
230000				15,000		

Total Records: 59

2/3/2023



Code Compliance Report

01/01/2023 - 01/31/2023

Case #	Case Type	Status	Location	Problem Description	Date Received	Date Closed
23028	Other	Open	SW Corner 4th & Mission	Emergency repair - gas line		
23027	Building Violation	Open	Dolores 3 NW of 13th	Unscreened portable toilet	1/12/2023	
23026	Right of way Violation	Closed		Waste in right-of-way	1/10/2023	
23025	Public Nuisance	Closed	SE Corner Junipero and 8th	Construction on Sunday	1/22/2023	1/22/2023
23024	Sign Violation	Open	SW Corner Ocean and Junipero	"A" frame sign - Dutch Door	1/21/2023	
23023	Sign Violation	Open	SW Corner of Ocean and Junipero	"A" Frame Sign Dutch door	1/22/2023	
23022	Sign Violation	Closed	2nd 3 se Monte Verde	Open house signs in ROW	1/21/2023	1/21/2023
23021	Tree Violation	Closed	Scenic 3 NE of 13th	Digging in root zone	1/20/2023	1/20/2023
23020	Right of way Violation	Open	2nd 3 NW of Carpenter	No parking sign/control ROW	1/19/2023	
23019	Sign Violation	Open	5th 3 SW San Carlos	Illuminated Window Display		
23018	Sign Violation	1st NOV sent	Junipero 2 SW 5th	self-illuminating displays	1/6/2023	
23017	Sign Violation	1st NOV sent	N side Ocean b/n Dolores & San Carlos	self-illuminating sign/display`	1/6/2023	
23016	Planning/Building Violation	Open	Dolores 4 SE of 1st	Generator noise	1/3/2023	
23015	Short-term Rental	1st NOV sent	Carmelo 2 SE 4th	STR	1/9/2023	
23014	Short-term Rental	Closed	25975 Mission	Transient Rental	1/9/2023	1/30/2023
23013	Short-term Rental	1st NOV sent	N Casanova 2 SE 2nd	STR	1/9/2023	
23012	Short-term Rental	Closed	25967 Mission	Transient rental	1/9/2023	1/27/2023
23011	Business License Violation	Open	NWC of San Carlos and 8th	Operating without a business license		

23010	Business License Violation	Open	San Carlos SW of 7th	Operating without a business license	1/6/2023	
23009	Short-term Rental	Closed	Santa Fe 2 SE 5th	STR	1/8/2023	2/3/2023
23008	Short-term Rental	Closed	Guadalupe 2 NE 3rd	STR	1/8/2023	1/13/2023
23007	Short-term Rental	Open	2nd 1 NE N Camino Real	STR	1/8/2023	
23006	Short-term Residential Violation	Closed	San Carlos 4 SE Alta	STR	1/8/2023	2/3/2023
23005	Short-term Rental	1st NOV sent	Carpenter 4 SE of 3rd	STR	1/8/2023	
23004	Short-term Rental	1st NOV sent	5th 2 NE Perry Newberry	STR	1/5/2023	
23003	Short-term Rental	1st NOV sent	SW Corner Dolores and 1st	Short Term Rental	1/5/2023	
23002	Right of way Violation	Open	Santa Fe 3 NW of 2nd	Landscaping public right-of-way	1/5/2023	
23001	Sign Violation	Open	Plaza Courtyard	Sandwich Sign	1/4/2023	

Total Records: 28

2/3/2023



Transient Rental Report

01/01/2023 - 01/31/2023

Case #	Street	Status	Date Received	Last Status Date	Date Closed
23015	Carmelo	1st NOV sent	1/9/2023	1/9/2023	
23014	Mission	Closed	1/9/2023	1/10/2023	1/30/2023
23013	N Casanova	1st NOV sent	1/9/2023	1/9/2023	
23012	Mission	Closed	1/9/2023	1/27/2023	1/27/2023
23009	Santa Fe	Closed	1/8/2023	2/3/2023	2/3/2023
23008	Guadalupe	Closed	1/8/2023	1/13/2023	1/13/2023
23007	2nd	Open	1/8/2023	1/8/2023	
23005	Carpenter	1st NOV sent	1/8/2023	1/8/2023	
23004	5th	1st NOV sent	1/5/2023	1/8/2023	
23003	Dolores and 1st	1st NOV sent	1/5/2023	1/8/2023	

Total Records: 10

2/3/2023



Encroachment Permit Report

01/01/2023 - 01/31/2023

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
230017	Driveway	1/31/2023	Replace 9'x29' asphalt driveway with new permeable paver driveway. Contact: Ricardo Munoz (831) 402-5078	Torres 4 NE of 6th		In Review
230016	Temp Ench	1/31/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	SW Corner of Carmelo & 10th	1/31/2023	Issued
230015	POD	1/30/2023	Have a 20' storage container placed in front of the Golden Bough, Monte Verde side. 2-3 days projected timeline. Contact: Julie Highett (831) 622-0700	Monte Verde 2 SW of 8th	1/31/2023	Issued
230014	Temp Ench	1/30/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	NW Corner of Junipero & Vista	1/30/2023	In Review
230013	Driveway	1/27/2023	Driveway replacement with new Antiquated Flat Top pavers.	10th 2 NE of Casanova		In Review
230012	Temp Ench	1/25/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	NW Corner of Junipero & Vista	1/25/2023	Issued
230011	Temp Ench	1/25/2023	6'x8' concrete patch for CalAm job #1365. Contact: Coastal Paving & Excavating (831) 262-1425	Monte Verde 2 SE of Ocean	1/25/2023	Issued
230010	Temp Ench	1/10/2023	Installation of 16' POD in public ROW from 2/8/23 - 2/28/23. Contact: Joanie Deis (925) 683-8404	Casanova 5 SW of 13th	1/11/2023	Issued
230009	Temp Ench	1/10/2023	Commercial underground service to hotel. Applicant to trench/backfill onsite and install electric substructures. PG&E to trench/backfill offsite & install electric conduit/new service. Contact: PG&E (408) 478-1894	NW Corner of Mission & 5th	2/1/2023	Issued
230008	Temp Ench	1/9/2023	Installation of clearance pole and trim trees to eliminate tree usage. PM# 35411733. Contact: PG&E (831) 713-6019	SW Corner of Flanders & Crespi		In Review

230007	Temp Ench	1/3/2023	5'x7' asphalt patch for CalAm. Contact: Coastal Paving & Excavating (831) 262-1425	Intersection of Camino Real & Ocean	1/3/2023	Issued
230006	Temp Ench	1/3/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	San Carlos 2 NW of 12th	1/4/2023	Issued
230005	Temp Ench	1/3/2023	PG&E to remove and replace switch pole, install transformer, remove and replace riser, install underground svc and meter to new home with 320A panel. PM# 35321128. Contact: PG&E (408)	Monte Verde 3 NE of Santa Lucia	1/12/2023	Issued
230004	Temp Ench	1/3/2023	PG&E to trench and backfill all. PG&E gas maintenance, installation of 2 anodes. Road closure required. PM# 45547576. Contact: PG&E (408) 478-1894	Intersection of Mission & 3rd	1/4/2023	Issued
230003	Driveway	1/3/2023	Replace (e) concrete driveway with 6"x9" concrete sand set pavers and replace (e) asphalt transition strip and shoulders at the street with new asphalt. All pavers and asphalt to be in same location/size. Contact: John Hill (831) 620-2924	SW Corner of Camino Real & 11th		In Review
230002	Temp Ench	1/3/2023	PG&E to trench and backfill all (5'x5' bellhole), PG&E to abandon existing gas service. Contact: PG&E (408) 478-1894	Carmelo 5 NW of Ocean	1/3/2023	Issued
230001	Temp Ench	1/3/2023	Replace sewer lateral using pipe bursting. 811# 202212220276. Contact: Rooter King (831) 394-5315	Torres 2 NW of 1st	1/3/2023	Issued

Total Records: 17

2/3/2023



CITY OF CARMEL-BY-THE-SEA

Monthly Report

January 2023

Public Safety

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Acting Police Chief Jeff Watkins
SUBMITTED ON:	February 24, 2023
APPROVED BY:	Chip Rerig, City Administrator

AMBULANCE REPORT

Summary of Carmel Fire Ambulance May Calls for Service

AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of January 2023 the ambulance was able to meet the performance measure. The response time was 96% with (3) code-3 call over 5 minutes.

76 total calls for service in CBTS Average response time: 3:13 min.

68 total Code-3 Fire calls for service with (3) Fire call over 5:00 min

01/05/2023 – Code 3 response 05:28 min – 2nd Ave/N Casanova – Did not hit the on scene button

01/09/2023 – Code 3 response 05:28 min – Carpenter St/6th Ave – Delayed due to weather

01/10/2023 – Code 3 response 05:04 min – Santa Fe St/4th Ave – Delayed due to weather

MONTEREY FIRE REPORT

Summary of Monterey Fire May Calls for Service

FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life-threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of January 2023 the fire department was able to meet the performance measure. The response time was 99% with (1) code-3 calls over 5 minutes.

120 total calls for service in CBTS Average response time: 2:19 min.

Attachment 2

90 total Code-3 Fire calls for service with (1) Fire call over 5:00 min

01/09/2023 – Code 3 response 09:15 min – Mission St/Vista Ave – Delayed due to multiple call and weather

BEACH FIRES

(0) Illegal beach fires were recorded during the month of January



RESPONSE SUMMARY REPORT BY DISTRICT
27015 CARMEL-BY-THE-SEA FIRE AMBULANCE
Alarm Date From: 01/01/2023 To: 01/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
300-321 Series (EMS)						
Rescue, EMS incident, other	1/8/2023	230108-CFA00047	00:02:45	SAN CARLOS ST	8TH AVE	3
EMS call, exluding vehicle accident with injury	1/1/2023	230101-CFA00001	00:01:42	DOLORES ST	5TH AVE	3
EMS call, exluding vehicle accident with injury	1/1/2023	230101-CFA00002	00:02:38	SAN CARLOS ST	4TH AVE	3
EMS call, exluding vehicle accident with injury	1/1/2023	230101-1040-CFA0003	00:05:00	10TH AVE	MONTE VERDE	3
EMS call, exluding vehicle accident with injury	1/1/2023	230102-0042-CFA0004	00:03:00	CASANOVA ST	NOVA/OCEAN	3
EMS call, exluding vehicle accident with injury	1/2/2023	230102-CFA00006	00:02:53	LINCOLN ST	7TH AVE	3
EMS call, exluding vehicle accident with injury	1/4/2023	230104-CFA00016	00:01:56	CARPENTER ST	1ST AVE	3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00026	00:05:28	2ND AVE	N CASANOVA ST	3
EMS call, exluding vehicle accident with injury	1/6/2023	230106-CFA00037	00:03:46	SAN ANTONIO AVE	9TH AVE	3
EMS call, exluding vehicle accident with injury	1/7/2023	230107-CFA00044	00:02:11	MONTE VERDE ST	OCEAN AVE	3
EMS call, exluding vehicle accident with injury	1/11/2023	230111-CFA00078	00:03:20	SANTA FE ST	3RD AVE	3
EMS call, exluding vehicle accident with injury	1/12/2023	230112-CFA00079	00:03:47	TORRES ST	2ND AVE	3
EMS call, exluding vehicle accident with injury	1/12/2023	230112-CFA00083	00:02:10	LINCOLN ST	7TH AVE	3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00090	00:02:31	DOLORES ST	4TH AVE	3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00092	00:02:44	4TH AVE	N CAMINO REAL	3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00093	00:03:53	DOLORES ST	2ND AVE	3
EMS call, exluding vehicle accident with injury	1/15/2023	230115-CFA00100	00:02:09	4TH AVE	SAN CARLOS ST	3
EMS call, exluding vehicle accident with injury	1/15/2023	230115-CFA00101	00:03:09	MISSION ST	4TH AVE	3
EMS call, exluding vehicle accident with injury	1/16/2023	230116-CFA00104	00:00:43	TORRES ST	2ND AVE	3
EMS call, exluding vehicle accident with injury	1/16/2023	230116-CFA00106	00:02:46	CAMINO REAL ST	OCEAN AVE	3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00115	00:02:23	5TH AVE	DOLORES ST	3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00120	00:01:55	JUNIPERO AVE	OCEAN AVE	3
EMS call, exluding vehicle accident with injury	1/22/2023	230122-CFA00133	00:01:29	MONTE VERDE ST	10TH AVE	3
EMS call, exluding vehicle accident with injury	1/22/2023	230122-CFA00135	00:01:44	MONTE VERDE ST	OCEAN AVE	3
EMS call, exluding vehicle accident with injury	1/22/2023	230122-CFA00136	00:03:31	SCENIC RD	10TH AVE	3
EMS call, exluding vehicle accident with injury	1/24/2023	230124-CFA00143	00:03:09	2ND AVE	JUNIPERO AVE	3
EMS call, exluding vehicle accident with injury	1/24/2023	230124-CFA00146	00:01:13	5TH AVE	LINCOLN ST	3
EMS call, exluding vehicle accident with injury	1/25/2023	230125-CFA00153	00:03:29	7TH AVE	LINCOLN ST	3
EMS call, exluding vehicle accident with injury	1/25/2023	230125-CFA00154	00:03:27	CASANOVA ST	8TH AVE	3
EMS call, exluding vehicle accident with injury	1/26/2023	230126-CFA00159	00:02:25	JUNIPERO AVE	4TH AVE	3
EMS call, exluding vehicle accident with injury	1/27/2023	230127-CFA00162	00:03:09	LINCOLN ST	3RD AVE	3
EMS call, exluding vehicle accident with injury	1/28/2023	230128-CFA00166	00:02:15	JUNIPERO AVE	6TH AVE	3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
300-321 Series (EMS) cont.						
EMS call, exluding vehicle accident with injury	1/28/2023	230128-CFA00167	00:03:38	3RD AVE	2 NE OF SANTA FE ST	3
EMS call, exluding vehicle accident with injury	1/28/2023	230128-CFA00168	00:03:13	3RD AVE	SANTA FE ST	3
EMS call, exluding vehicle accident with injury	1/29/2023	230129-CFA00169	00:02:39	SAN CARLOS ST	13TH AVE	3
EMS call, exluding vehicle accident with injury	1/30/2023	230130-CFA00172	00:03:46	SAN CARLOS ST	9TH AVE	3
EMS call, exluding vehicle accident with injury	1/30/2023	230130-CFA00173	00:04:50	5104 MONTEREY ST	5104 MONTEREY ST	3
EMS call, exluding vehicle accident with injury	1/31/2023	230131-CFA00177	00:02:22	MISSION ST	3RD AVE	3
EMS call, exluding vehicle accident with injury	1/31/2023	230131-CFA00178	00:01:53	MISSION ST	3RD AVE	3
39			0:02:51			
322-399 Series (Rescues)						
Motor vehicle accident with injuries	1/10/2023	230110-CFA00070	00:03:00	JUNIPERO AVE	5TH AVE	3
Motor vehicle/pedestrian accident (MV Ped)	1/9/2023	230109-CFA00060	00:01:46	SAN CARLOS ST	7TH AVE	3
Motor vehicle/pedestrian accident (MV Ped)	1/20/2023	230120-CFA00127	00:01:12	SAN CARLOS ST	OCEAN AVE	3
Motor vehicle accident with no injuries.	1/4/2023	230104-CFA00023	00:04:12	HWY 1	OCEAN AVE	3
Motor vehicle accident with no injuries.	1/21/2023	230121-CFA00129	00:03:42	OCEAN AVE	MISSION ST	3
5			0:02:46			
400 Series (Hazardous Material)						
Hazardous condition, other	1/4/2023	230104-CFA00010	00:01:13	TORRES ST	9TH AVE	3
Hazardous condition, other	1/4/2023	230104-CFA00012	00:04:35	LOBOS ST	3RD AVE	3
Hazardous condition, other	1/4/2023	230104-CFA00013	00:05:16	ALTA AVE	MISSION ST	2
Hazardous condition, other	1/4/2023	230104-CFA00014	00:03:17	JUNIPERO AVE	7TH AVE	3
Hazardous condition, other	1/4/2023	230104-CFA00015	00:05:56	TORRES ST	1ST AVE	2
Hazardous condition, other	1/4/2023	230104-CFA00018	00:04:15	N CAMINO REAL	2ND AVE	2
Hazardous condition, other	1/5/2023	230105-CFA00025	00:06:46	2ND AVE	N CASANOVA ST	3
Hazardous condition, other	1/7/2023	230107-CFA00040	00:02:20	OCEAN AVE	MISSION ST	3
Hazardous condition, other	1/7/2023	230107-CFA00042	00:02:58	SAN CARLOS ST	12TH AVE	3
Hazardous condition, other	1/7/2023	230107-CFA00043	00:01:12	OCEAN AVE	LINCOLN ST	3
Hazardous condition, other	1/7/2023	230107-CFA00045	00:04:41	6TH AVE	CARPENTER ST	3
Hazardous condition, other	1/9/2023	230109-CFA00053	00:05:28	CARPENTER ST	6TH AVE	3
Hazardous condition, other	1/9/2023	230109-CFA00056	00:03:39	CASANOVA ST	10TH AVE	3
Hazardous condition, other	1/10/2023	230110-CFA00063	00:05:04	SANTA FE ST	4TH AVE	3
Hazardous condition, other	1/10/2023	230110-CFA00065	00:03:38	CARPENTER ST	5TH AVE	3
Hazardous condition, other	1/11/2023	230111-CFA00074	00:03:53	GUADALUPE ST	3RD AVE	2
Hazardous condition, other	1/13/2023	230113-CFA00086	00:03:46	4TH AVE	SANTA FE ST	3
Hazardous condition, other	1/14/2023	230114-CFA00088	00:03:54	SANTA FE ST	S MOUNTAIN VIEW AVE	3
Hazardous condition, other	1/14/2023	230114-CFA00089	00:03:03	SAN ANTONIO AVE	9TH AVE	3
Hazardous condition, other	1/15/2023	230115-CFA00096	00:04:35	MISSION ST	13TH AVE	3
Hazardous condition, other	1/15/2023	230115-CFA00097	00:02:49	CARMELO ST	SANTA LUCIA AVE	3
Hazardous condition, other	1/16/2023	230116-CFA00105	00:03:25	SANTA RITA ST	5TH AVE	3
Hazardous condition, other	1/17/2023	230117-CFA00107	00:03:41	SAN CARLOS ST	13TH AVE	3
Hazardous condition, other	1/17/2023	230117-CFA00109	00:04:12	CARPENTER ST	2ND AVE	3
Hazardous condition, other	1/18/2023	230118-CFA00114	00:03:29	4TH AVE	CASANOVA ST	3
Hazardous condition, other	1/26/2023	230126-CFA00158	00:03:34	SANTA FE ST	3RD AVE	2
Hazardous condition, other	1/30/2023	230130-CFA00174	00:04:11	MONTE VERDE ST	13TH AVE	2

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
27			0:03:53			
500 & 600 Series (Service Calls)						
Assist invalid	1/10/2023	230110-CFA00068	00:01:57	JUNIPERO AVE / 6TH AVE	6TH AVE	3
Assist invalid	1/11/2023	230111-CFA00077	00:03:28	SANTA FE ST / 3RD AVE	3RD AVE	2
Assist invalid	1/16/2023	230116-CFA00103	00:02:42	3RD AVE / SANTA FE ST	SANTA FE ST	3
Assist invalid	1/18/2023	230118-CFA00112	00:04:19	3RD AVE / SANTA FE ST	SANTA FE ST	2
5			0:03:22			
700 Series (False Alarms)						
Alarm system activation, no fire - unintentional	1/3/2023	230103-CFA00008	00:03:11	DOLORES ST / 10TH AVE	10TH AVE	3
1			0:03:11			

Over 5 Minute Response Times Cause of Delay: Code 3 Responses

230105-CFA00026 Did not hit the on scene button
 230109-CFA00053 Delayed due to weather
 230110-CFA00063 Delayed due to weather

Code 2 Calls	8
Code 3 Calls	68
Total # of Incidents	76
% Under 5 Minute Response Time	96%
Total Average Response Time	0:03:13



RESPONSE SUMMARY REPORT BY DISTRICT
27015 CARMEL-BY-THE-SEA FIRE AMBULANCE
Alarm Date From: 01/01/2023 To: 01/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
CARMEL HIGHLAND						
EMS call, exluding vehicle accident with injury	1/26/2023	230126-CFA00157	00:12:44	139 BOYD WAY		3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00033	00:09:31	138 CARMEL RIVIERA DR		3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00121	00:11:00	131 CYPRESS WAY		3
EMS call, exluding vehicle accident with injury	1/28/2023	230128-CFA00163	00:13:03	115 YANKEE POINT DR		3
		4	0:11:34			
CYPRESS						
Fire, other	1/14/2023	230104-CFA00024	00:07:47	26435 SCENIC RD		3
Alarm system activation, no fire - unintentional	1/22/2023	230122-CFA00134	00:04:47	25800 HATTON RD		3
Assist invalid	1/9/2023	230109-CFA00058	00:04:54	26408 MISSION FIELDS RD		3
Assist invalid	1/8/2023	230108-CFA00052	00:04:11	24558 PORTOLA RD		3
Assist invalid	1/4/2023	230104-CFA00021	00:04:24	FLANDERS WAY	VIZCAINO	2
EMS call, exluding vehicle accident with injury	1/7/2023	230107-CFA00038	00:06:11	24583 GUADALUPE ST		3
EMS call, exluding vehicle accident with injury	1/9/2023	230109-CFA00054	00:06:18	26521 WILLOW PL		3
EMS call, exluding vehicle accident with injury	1/13/2023	230113-CFA00087	00:05:56	25815 RIO VISTA DR		3
EMS call, exluding vehicle accident with injury	1/4/2023	230104-CFA00017	00:03:54	CARMEL VALLEY RD	CARMEL RANCHO BLVD	3
EMS call, exluding vehicle accident with injury	1/12/2023	230112-CFA00082	00:05:43	555 CARMEL RANCHO BLVD	SHOPPING CENTER	3
EMS call, exluding vehicle accident with injury	1/27/2023	230127-CFA00160	00:07:16	3771 RIO RD		3
EMS call, exluding vehicle accident with injury	1/25/2023	230125-CFA00152	00:04:32	3476 3RD AVE		3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00116	00:06:16	26378 CARMEL RANCHO BLVD		3
EMS call, exluding vehicle accident with injury	1/17/2023	230117-CFA00108	00:06:13	26245 CARMEL RANCHO BLVD		3
EMS call, exluding vehicle accident with injury	1/12/2023	230112-CFA00081	00:07:01	24520 OUTLOOK DR		3
EMS call, exluding vehicle accident with injury	1/6/2023	230106-CFA00035	00:08:01	26245 CARMEL RANCHO BLVD		3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00091	00:03:17	26245 CARMEL RANCHO BLVD		3
EMS call, exluding vehicle accident with injury	1/11/2023	230111-CFA00073	00:06:33	26245 CARMEL RANCHO BLVD		3
EMS call, exluding vehicle accident with injury	1/10/2023	230110-CFA00071	00:05:08	6 CROSSROADS MALL		3
EMS call, exluding vehicle accident with injury	1/10/2023	230110-CFA00066	00:04:30	24646 GUADALUPE ST		3
EMS call, exluding vehicle accident with injury	1/8/2023	230108-CFA00051	00:06:55	3050 RIBERA RD		3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00034	00:05:35	3645 RIO RD		3
EMS call, exluding vehicle accident with injury	1/30/2023	230130-CFA00175	00:06:36	AGUAJITO RD	HOLMAN HWY	3
EMS call, exluding vehicle accident with injury	1/29/2023	230129-CFA00170	00:03:53	25123 N CARMEL HILLS DR		3
EMS call, exluding vehicle accident with injury	1/29/2023	230129-CFA00171	00:06:44	3850 RIO RD		3
EMS call, exluding vehicle accident with injury	1/25/2023	230125-CFA00155	00:06:22	3790 WHITMAN CIR		3
EMS call, exluding vehicle accident with injury	1/23/2023	230123-CFA00141	00:08:02	67 HACIENDA CARMEL		3
EMS call, exluding vehicle accident with injury	1/23/2023	230123-CFA00140	00:07:01	3850 RIO RD		3
EMS call, exluding vehicle accident with injury	1/23/2023	230123-CFA00138	00:07:51	4060 ARROYO TRL		3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
CYPRESS cont.						
EMS call, exluding vehicle accident with injury	1/23/2023	230123-CFA00137	00:06:33	4000 RIO RD		3
EMS call, exluding vehicle accident with injury	1/22/2023	230122-CFA00132	00:06:52	26360 MISSION FIELDS RD		3
EMS call, exluding vehicle accident with injury	1/21/2023	230121-CFA00130	00:05:54	3305 RIO RD		2
EMS call, exluding vehicle accident with injury	1/20/2023	230120-CFA00125	00:06:07	3850 RIO RD		3
EMS call, exluding vehicle accident with injury	1/20/2023	230120-CFA00124	00:06:18	4380 CARMEL VALLEY RD		3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00122	00:07:03	4120 TOLANDO TRL		3
EMS call, exluding vehicle accident with injury	1/19/2023	230119-CFA00117	00:06:44	ATHERTON DR / TREVIS WAY		3
EMS call, exluding vehicle accident with injury	1/18/2023	230118-CFA00113	00:04:52	26388 CARMEL RANCHO LN		3
EMS call, exluding vehicle accident with injury	1/16/2023	230116-CFA00102	00:06:45	3815 WHITMAN CIR		3
EMS call, exluding vehicle accident with injury	1/15/2023	230115-CFA00099	00:05:00	3161 SYCAMORE PLACE		3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00032	00:09:09	4120 TOLANDO TRL		3
Motor vehicle accident with injuries	1/25/2023	230109-CFA00055	00:10:13	HWY 1	POINT LOBOS STATE RESERVE	3
Motor vehicle accident with no injuries.	1/25/2023	230112-CFA00085	00:07:17	HWY 68	SFB MORSE DR	3
42			0:06:12			
MONTEREY						
Cover assignment, standby, moveup	1/24/2023	230124-CFA00149	0:00:29	SOLEDAD AND MUNRUS		3
Cover assignment, standby, moveup	1/23/2023	221228-CFA01760	00:02:00	SOLEDAD AND MUNRUS		2
Cover assignment, standby, moveup	1/12/2023	230112-CFA00084	00:00:18	HWY 1	CANYON DEL REY BLVD	2
EMS call, exluding vehicle accident with injury	1/20/2023	230120-CFA00123	00:10:11	PACIFIC ST	VIA BUENA VISTA	3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00027	00:09:59	200 IRIS CANYON RD		3
EMS call, exluding vehicle accident with injury	1/5/2023	230105-CFA00030	00:05:11	1 SURF WAY		3
EMS call, exluding vehicle accident with injury	1/12/2023	230112-CFA00080	00:09:02	666 CASANOVA AVE		3
EMS call, exluding vehicle accident with injury	1/10/2023	230110-CFA00064	00:10:17	1110 CASS ST		2
EMS call, exluding vehicle accident with injury	1/2/2023	230102-CFA00005	00:08:51	1575 SKYLINE DR		3
EMS call, exluding vehicle accident with injury	1/27/2023	230127-CFA00161	00:08:10	CAMINO EL ESTERO	E FRANKLIN ST	3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00095	00:06:48	200 IRIS CANYON RD		3
EMS call, exluding vehicle accident with injury	1/10/2023	230110-CFA00069	00:17:55	2 UPPER RAGSDALE DR		2
12			0:07:26			
PACIFIC GROVE						
EMS call, exluding vehicle accident with injury	1/3/2023	230103-CFA00007	00:12:35	PINE AVE	ALDER ST	3
EMS call, exluding vehicle accident with injury	1/7/2023	230107-CFA00041	00:11:15	200 LIGHTHOUSE AVE		3
EMS call, exluding vehicle accident with injury	1/24/2023	230124-CFA00148	00:11:35	1003 SHELL AVE		3
3			0:11:48			
PEBBLE BEACH						
EMS call, exluding vehicle accident with injury	1/21/2023	230121-CFA00131	00:07:02	1500 CYPRESS DR		3
EMS call, exluding vehicle accident with injury	1/11/2023	230111-CFA00076	00:11:11	SUNSET POINT		3
EMS call, exluding vehicle accident with injury	1/9/2023	230109-CFA00061	00:18:00	109 9TH ST		2
EMS call, exluding vehicle accident with injury	1/11/2023	230111-CFA00072	00:09:25	3152 FOREST LAKE RD		3
EMS call, exluding vehicle accident with injury	1/14/2023	230114-CFA00094	00:09:55	1544 VISCAINO RD		3
EMS call, exluding vehicle accident with injury	1/9/2023	230109-CFA00059	00:07:01	3215 LIVE OAK MEADOWS RD		3
Motor vehicle accident with no injuries.	1/11/2023	230111-CFA00075	00:09:25	PORTOLA RD	SOMBRIA LN	3
Search for person in water	1/28/2023	230128-CFA00164	00:09:11	SEVENTEEN MILE DR	SIGNAL HILL RD	3
8			0:10:09			

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
SEASIDE						
Cover assignment, standby, moveup	1/31/2023	230131-CFA00179	00:04:14	HWY 1	CANYON DEL REY BLVD	2
Cover assignment, standby, moveup	1/31/2023	230131-CFA00181	00:01:30	HWY 1	CANYON DEL REY BLVD	2
Cover assignment, standby, moveup	1/5/2023	221228-CFA01760	00:01:00	DEL MONTE AVE	CANYON DEL REY BLVD	2
EMS call, excluding vehicle accident with injury	1/8/2023	230108-CFA00050	00:11:09	1418 SAN PABLO AVE		3

4

0:04:28

Code 2 Calls	10
Code 3 Calls	63
Total # of Incidents	73
Total Average Response Time	0:08:36



CARMEL-BY-THE-SEA JANUARY 2023 Response Summary Report by Incident Type

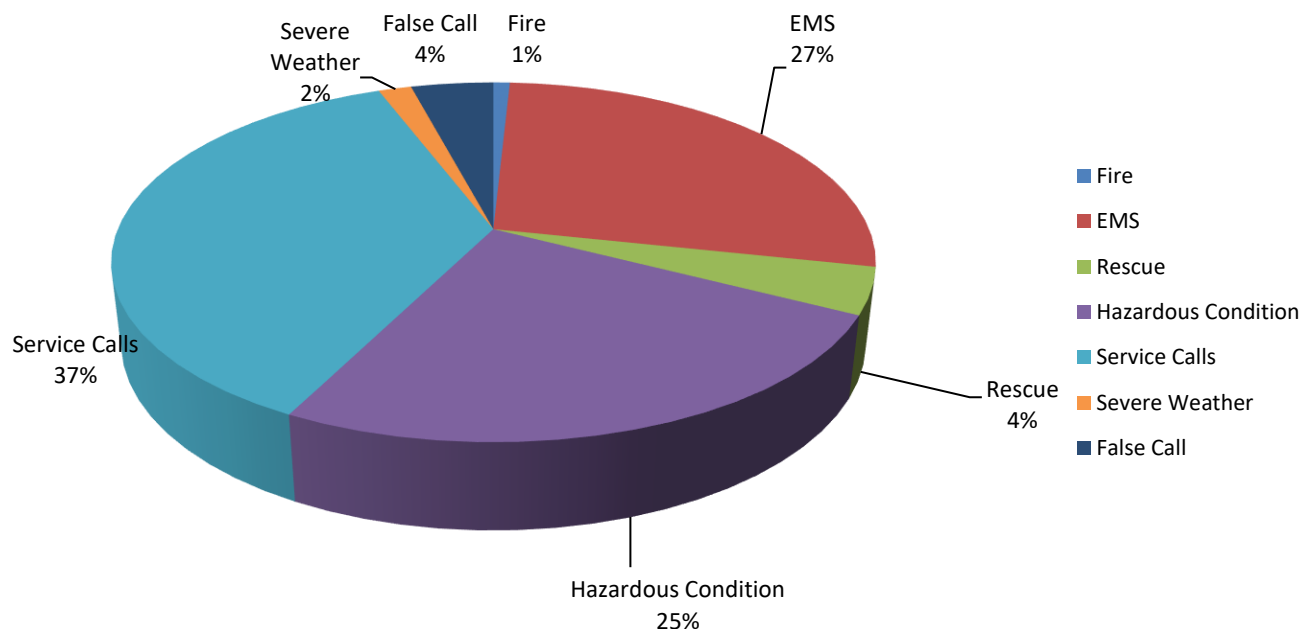


Type of Call	Number	Average Response Time
Fire	1	0:00
EMS	33	3:04
Rescue	5	2:09
Hazardous Condition	30	3:51
Service Calls	44	3:46
Severe Weather	2	0:00
False Call	5	3:25

Total Responses

120

2:19



Total Code 3 Calls:

90

Response Times for Code 3

Calls ≤ 5 minutes:

99%



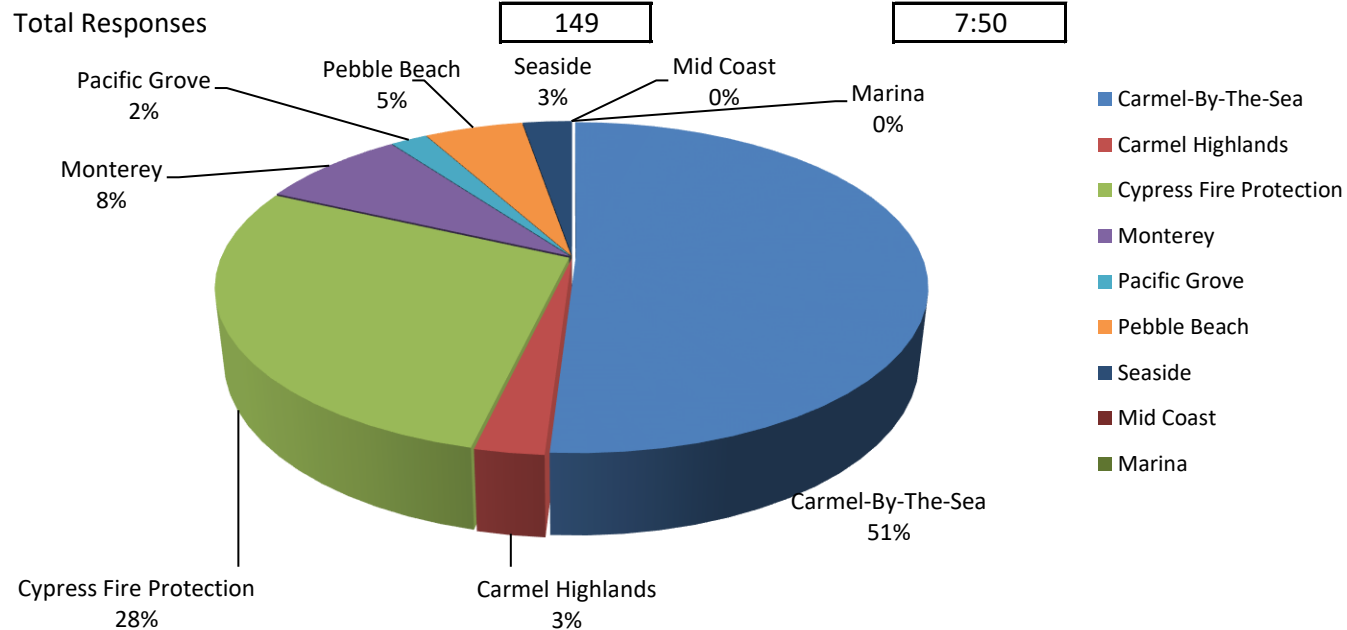
CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT

JANUARY 2023

Response Summary Report by District Type



<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
Carmel-By-The-Sea	76	3:13
Carmel Highlands	4	11:34
Cypress Fire Protection	42	6:12
Monterey	12	7:26
Pacific Grove	3	11:48
Pebble Beach	8	10:09
Seaside	4	4:28
Mid Coast	0	0:00
Marina	0	0:00



Total Code 3 Calls:	68
CFA Response Times for Code 3 Calls ≤ 5 minutes:	96%

POLICE RECORDS REQUEST LOG - JANUARY 2023

Attachment 3

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Requestor	Info Requested	Status	Date & PSO Mailed
2023-0001	01/03/2023 JK	1/13/2023		John Tobin	CA2200551	completed	released at front counter
2023-0002	01/02/2023 JK	1/13/2023		Masuda Rahmati	CC2200585; homeowners info	completed	awaiting release at front counter
2023-0003	1/3/2023 mw	1/13/2023		State Dept of Real Estate	CG2100113	Completed/redacted/Certified	01/03/2023 - Mailed
2023-0004	1/6/23 DA	1/16/2023		Midwest Insurance	CG2300003	denied-email sent	1/6 emailed
2023-0005	1/9/2023	1/19/2023		Kristin Torrice	CG2300016	completed	awaiting to be released
2023-0006	01/04/2023 JD	1/14/2023		Deborah Lemmon	CA2300015	denied	referred to fire dept
2023-0007	1/12/2023	1/22/2023	1/26/2023	Michelle Bacon	CG1700685	completed	sent to da's office
2023-0008	1/13/2023	1/23/2023	1/27/2023	LexisNexis	CA2200526	completed	mailed by DA
2023-0009	1/13/2023	1/23/2023	1/27/2023	LexisNexis	9730	completed, no record found	mailed by DA
2023-0010	1/13/2023	1/23/2023	1/23/2023	Lang, Stephen	CA2300020	completed	mailed by DA
2023-0011	1/19/2023	29-Jan		Shelley Moreo	CA2300019	completed	awaiting release at front counter
2023-0012	1/20/2023	30-Jan		Sergio Mora	CA2200525	completed	released at front counter
2023-0013	1/23/2023	2-Feb	2/6/2023	Vicuna, Sophia	CA2300031	called	referred Crashdocs.org
2023-0014	1/26/2023	6-Feb		Stamenov, Robbin	CG2200056	completed	awaiting pickup
2023-0015	1/27/2023	7-Feb		Christensen, Brian	CG2200509	denied	email sent under investigation w/DA
2023-0016	1/29/2023	8-Feb	2/12/2023	Robinson, Janice	CG2300007	completed	emailed report
2023-0017	1/30/2023	9-Feb	2/13/2023	Montana, Carol	CA2300041	report not ready	requestor advised

**CITY CLERK
PUBLIC RECORDS ACT REQUEST LOG - JANUARY, 2023**

Attachment 3

request number	Date Requested	10-day response date	records requested	requestor	date completed	notes
2023-01	1/3/2023	1/13/2023	The employment contract with the Police Chief of Carmel-by-the-Sea	The Institute for Sunshine Law and Open Data	1/6/2023	record sent
2023-02	1/3/2023	1/13/2023	request for business license information on all businesses that have applied for business licenses within the City of Carmel within the past 6 months including the type of business, owner.	Jeannette Witten, Hudson Martin PC	1/9/2023	records sent
2023-03	1/9/2023	1/19/2023	sewer pump permit or any building permits for Guadalupe 3 SW of 2nd Ave	Adelina Harold	1/10/2023	sent link to records online
2023-04	1/17/2023	1/27/2023	current employee contact info including Name, position, Dept., phone # with extension, business cell (if provided by Carmel), email and office address. This request is limited to readily available records without physically copying, scanning, or printing paper documents	Keana Mendez, Smart Procure	1/27/2023	response sent
2023-05	1/17/2023	1/27/2023	all permits issued and requested for the property located at Lincoln St. 2 NW of 9th Ave, Block 94 Lot 17 (APN 010-193-006-000) including building permits, construction, tree removal/replacement/inspection, shrub planting, for the timeframe of 1999 to present	David Hutchings	1/26/2023	sent records 1/26/2023
2023-06	1/17/2023	1/27/2023	The agenda packet (including staff reports, resos, etc.), and minutes, for the "Carmel Design Review Board" from their meeting held on or about March 26, 2009. The Carmel Design Review Board may have been known as the Planning Commission	David Hutchings	1/20/2023	records sent
2023-07	1/18/2023	1/30/2023	all property files for "5th and Dolores SE Corner"	Don Goodhue	1/18/2023	records sent (available online)
2023-08	1/18/2023	1/30/2023	all property files for "7th and Dolores SE corner"	Don Goodhue	1/20/2023	online records link sent, sent msg to schedule appt. with CPB to view physical files that aren't scanned yet
2023-09	1/12/2023	1/13/2023	all building/property files for the following property: SW Corner of Carmelo and 10th, APN 010-278-001	Madison Basham	1/13/2023	link to online records sent
2023-10	1/18/2023	1/30/2023	Del Dono Project files (DR 16-032 Leidig-Draper) PC meeting packets/minutes for 3-9-16 and 7-13-16, Del Dono Project II DR 17-482 (Leidig-Draper), PC meeting packets/minutes/video for 1-10-18, 5-9-18.	David O'Neil	1/20/2023	sent records
2023-11	1/18/2023	1/30/2023	Parcel 010241002000 (Home of Li Kasey K & Orida Carolyn K TRS) - Any PC agenda packets/minutes/video related to the 11/25/19 permit granted - 12/22/21 final approval.	David O'Neil	2/16/2023	no records found, sent clarifying question to requester on 2/16/2023. requester said he found the records online (city's GIS).
2023-12	1/18/2023	1/30/2023	building permits and hazmat documents re: APN: 010-134-012 Near Dolores St. and Ocean Ave. Carmel, CA 93923	Travis Stansbery	1/18/2023	link to online records sent
2023-13	1/26/2023	2/6/2023	property files for NW corner of 12th and Cassanova	David O'Neil	1/26/2023	sent link to online records

Attachment 3

2023-14	1/30/2023	2/9/2023	Invoice records for the months of October, November & December 2022 for The Telecom Law Firm & the Best Best & Krieger Law Firm	Mike McWalters	2/22/2023	deadline extended deadline to 2/23/2023. Sent email that legal bills and invoices from these law firms are exempt from disclosure pursuant to Government Code Section 7927.705 and the attorney-client and the attorney work product privileges.



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Works Department

January 2023

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	February 1, 2023
APPROVED BY:	Chip Rerig, City Administrator

City Council Meeting of January 10, 2023

- Adopted Resolution 2023-002, awarding a Professional Services Agreement to Jayson Architecture to prepare the Libraries Master Plan for a fee not-to-exceed \$55,000.
- Adopted Resolution 2023-004, awarding a Professional Services Agreement to BKF Engineers for the Concrete Streets Repair Project, with the modification to remove the proposed bicycle pathway along Ocean Avenue, between Monte Verde and San Carlos, and reduce the fee accordingly.
- Denied the Rotary Club of Carmel's request to install up to two, wooden Rotary International signs at the entrances of the City on Carpenter Street and Rio Road.

Forest and Beach Commission Meeting of January 12, 2023

- Approved removal of two dying Monterey pines at Vizcaino Avenue, 11 southeast of Eleventh Avenue, and required replanting of two trees or pay the in-lieu fee of \$800 per tree.
- The Public Works Director presented highlights of the Public Works Department activities in 2022, emphasizing how all five operating divisions of the department support the quality, conditions, and sustainability of the urban forest, parks, beach, and open spaces.
- Presented the Forester's reports for December 2022. Report included final data for 2022 as follows: Private trees: approved removal of 168, required replanting of 90, and processed 180 permits. Public trees: pruned 675, removed 135, and planted 45.

City Council Workshop for Strategic Planning of January 31, 2023

- Supported Council discussions regarding: fire risk reduction strategies, forest management plan update, stormwater ordinance update, oversight of volunteer groups, beautification efforts, facilities master planning, undergrounding utilities, and the Scout House project.

Administration

- Accepted the resignations of Environmental Compliance Manager Agnes Martelet, effective February 7th, and City Forester Sara Davis, effective February 15th.
- Project Manager candidate cleared the background check and is scheduled to start on February 16th.
- Coordinated storm response and recovery operations during the atmospheric river storm event lasting nearly 17 days. Began to compile documentation for state disaster relief funds.
- Updated the Council Strategic Priorities spreadsheet for the January 31st Workshop.
- Presented the San Carlos Median Islands, Bike Route, and Paving Project at the 2nd Public Workshop at Sunset Center on January 26th.
- Posted a new webpage with links to 27 different volunteer organizations that provide a broad range of community, environmental, and/or social services that enhance the well-being of our residents.

- Requested additional requirements for the Operations and Maintenance Agreement, prepared by the City Attorney's office, for the upcoming Request for Proposal (RFP) for the Scout House, particularly as it relates to the renovation portion of the proposed services.
- Prepared proposed Mid-Year Budget adjustments for the Public Works operating budget.

Carmel Cares

- Held the first "Summit" meeting where the combined Carmel Cares and Public Works team reviewed the City's active capital improvement projects and key Public Works activities, and Carmel Cares' ongoing task list and proposed projects. Will seek opportunities for Carmel Cares to provide certain professional services during staff vacancies and to increase efforts on facility-oriented projects.
- Staff met with new Carmel Cares Communications Director, David O'Neil, to review opportunities for messaging their partnership with Public Works with the goal of attracting more volunteers and donations supporting City projects.
- Following the storms, continued to maintain the Scenic Pathway, Forest Theater grounds, and various landscaped medians, and the Downtown Detail continued to make downtown beautification improvements.
- Carmel Cares purchased and stocked pink Mutt Mitts along the Scenic Pathway with the expectation that more pet owners will pick up after their pets with the brightly-colored Mutt Mitts.

Environmental Programs

- Received minor comments from the California Water Quality Control Board regarding proposed, updated Stormwater Ordinances CMC Sections 17.42, Stormwater Quality, and 17.43, Water Quality Protection. Comments still pending from the Coastal Commission.
- Continued to coordinate with EMC, Integral Consultants, and Haro Kashunich for preliminary tasks associated with the Coastal Engineering Study – a key Climate Adaptation Project.
- Met with PG&E to initiate the design by both PG&E and an electrical engineering consultant to be retained by the City, for EV charging stations along the southern row of the Vista Lobos Parking Lot.
- Prepared staff reports for the February 8th Planning Commission meeting for Coastal Development Permits for the MTNP 3 Drainage Projects and MTNP Well Abandonment and Tank Removal Projects.
- Executed a \$5,000 CalRecycle Grant
- Trained Library staff on stormwater quality regulations.
- Began planning for Earth Day to be held in April.

Facility Maintenance

- For Storm Recovery: investigated 19 roof leaks, repaired four, contracted to repair most, and in the process of obtaining quotes for the most-costly leaks. Will also need to replace tiles on the Harrison Memorial Library (HML) roof. Also, pressure-washed out several clogged drains.
- Immediately upon receipt of a Corrections Notice by the Building Official, retained an electrical contractor to reconstruct the electrical switches in the back of the Garage with a new, waterproof switches. Also met with a structural engineer to evaluate the condition of the combined Police/Public Works building and recommend repairs to maintain the structural integrity of the facility.
- Under the Central California Energy Watch program, coordinated with a PG&E contractor to replace four old, gas-fired water heaters with energy-efficient, electric heat pump water heaters, at no cost to the City, in City Hall, Fire Station, HML, and Public Works.
- Investigated and repaired broken pipes causing a leak under the kitchenette in the Park Branch Library. Also coordinated with a disaster mitigation vendor to replace wet drywall and ensure no mold.
- Packed up, moved out old furniture, and began preparations for paneling removal, drywall replacement, and painting to renovate the Public Works front office prior to delivery of refurbished furniture to match existing lobby furniture and house one additional employee in the front office.
- Removed holiday decorations in Devendorf Park and along Ocean Avenue.
- Coordinated with a plumber to video a broken drain pipe in the Vista Lobos parking lot.

Forest Theater

Quarterly Report for October 1 through December 31, 2022 is summarized as follows:

Thirty-four (34) performances were held for nine (9) productions: Pacific Repertory Theatre (Pac Rep): The School for Lies, Pac Rep: Remembering Olympia, Carmel Rotary, Music in the Forest (Stephen Vagnini), Carmel Library Foundation: Bohemian Soul, Pac Rep: Celebrating the Beatles, Pac Rep: Rudolph, School of Dramatic Arts fall semester, and Pac Rep: A Christmas Carol.

The total combined attendance at these events was 5,009. Pac Rep will provide \$2,888 as revenue to the City for ticket user fees. The next performance will be on March 31st.

Project Management for Capital Improvement Program

Wallace Group Projects:

- For the Concrete Streets Repair Project, revised the Professional Services Agreement with BKF Engineers, to eliminate the previously-proposed bike pathway along Ocean Avenue, reducing the fee by \$25,000. Held a design kickoff meeting with BKF.
- For the MTNP well abandonment and water tank removal project, supported environmental review documentation, completed 90% level plans and specifications, and will support the Coastal Development Permit application to the Planning Commission in February.
- The results of the Storm Drain Master Plan Update, by Schaaf & Wheeler Consulting Engineers, will be presented to staff on February 1st. Neill Engineers began work on drainage repair plans.

Ausonio, Inc. Projects:

- For the City Hall Retaining Wall Repair Project, the project's structural design was significantly revised, based on the required geotechnical evaluation, and back checked. The building plan check process was approved, and the project will be ready to advertise for bids in early February.
- The first Facility Condition Assessment Report, prepared by Bureau Veritas for City Hall, was submitted for review. Key recommendations include replacing the fire alarm panel and both sets of front doors, and updating lighting controls.
- For the combined City Hall Roof Replacement, HML Exterior/Interior Painting and Generator, Sunset Center Exterior Painting, and Cottage Windows Repairs Projects, Amendment No. 1 was prepared to the \$24,999 Professional Services Agreement with Ten Over Studios for on-call architectural services. The \$78,900 Amendment covers design plans through construction support services. While work commenced under the original Agreement authorization, the Amendment is scheduled for approval at the February 7th Council meeting.

4 Leaf Projects:

- For the Police Building Project, the Project Team met several times with the Ad Hoc Committee comprised of Mayor Potter and Councilmember Baron. The Team toured the Police/Public Works facility and noted safety and code concerns and Police operational deficiencies. A recommendation from the Ad Hoc Committee to the full Council, scheduled for February 7th, is anticipated to recommend issuing an RFP to hire an architectural firm, with police building expertise, to perform an evaluation of the issues and provide cost estimates.

Additional CIP Projects:

- For the ADA Upgrades Project, Year 5, quotes were received and approved for fabrication and installation of ADA-compliant railings in front of the HML library and in Piccadilly Park. This work complements other ADA upgrades performed this fiscal year including an ADA fountain in the Park Branch Library, restoring the ADA call button at HML, and lowering the emergency phone in Forest Hill Park.

- Executed a \$24,999 Professional Services Agreement with Haro Kashunich and Associates for on-call, as-needed geotechnical engineering services.

Street Maintenance

- During and following the storms, Street Maintenance crews:
 - Supported Police, Fire, and PG&E crews with barricades and street closures, sometimes 24/7
 - Provided detour signs during a one-day shutdown of Highway 1, south of Carpenter
 - Closed down the beach access stairs and posted warning signs along the beachfront
 - Closed off the MTNP, and later reopened it to pedestrians only
 - Closed down the pathway on the west side of San Antonio, north of Fourth Avenue
 - Placed and maintained a pile of sand and sandbags at Vista Lobos parking lot
 - Cleared out drainage inlets on an ongoing basis
 - Restored the Serra Trail, including placing rock gabions
 - Repaired fallen traffic signs and damaged fencing
 - Repaired a sinkhole which damaged a portion of split rail fencing along the Fourth Avenue Pathway
- Prepared a staff report for the February 7th City Council meeting to declare six (6) City vehicles as surplus and authorize their sale at a public auction with an estimated total value of \$27,000.
- Posted signage for the Pebble Beach AT&T Pro Am Tournament.

Forestry Parks and Beach Report (Forester's Report)

- Forty (40) trees completely failed during the storm, and 44 trees had large broken limbs. Twenty (20) of the 88 incidents required the assistance of PG&E.
- Storm Recovery work included hiring John Ley's Tree Service and Tope's Tree Service for emergency tree removals and tree debris hauling. New Purchase Orders, valued up to \$90,000, will be requested for Council approval at their February 7th meeting.
- Davey Resource Group, the consultant who is preparing the Urban Forest Master Plan, is beginning to collect inventory data.
- Due to the storms, the application process has been delayed for additional Steering Committee members to supplement the Forest and Beach Commission for oversight of the Urban Forest Master Plan development.
- The On-Call Tree Care Services Contract was advertised for bids. Due to the storms, the Pre-Bid Meeting was re-scheduled from January 10th and held on the 24th. The Bid Opening is scheduled for February 14th. These contracts include the option for the City to retain a qualified consulting arborist, via a Task Order Process, as well as to perform tree planting, watering, pruning, removal, and stump grinding services.
- Justin Ono of Ono Consulting may be retained to provide arborist services until the on-call tree contracts are awarded and a task order is issued for a consulting arborist, or the next Forester is hired. The position will be posted by the City imminently and advertised extensively.
- Coordinated with Leadership Carmel regarding their proposed project(s) in Devendorf and/or Forest Hill Parks, which will be presented at the February 9th Forest & Beach Commission meeting.
- Received a quote for \$6,650 for replacement of rusted components of the playground structure at Forest Hill Park.

Private and Development Activities

2023 Permitted Removals and Required Planting

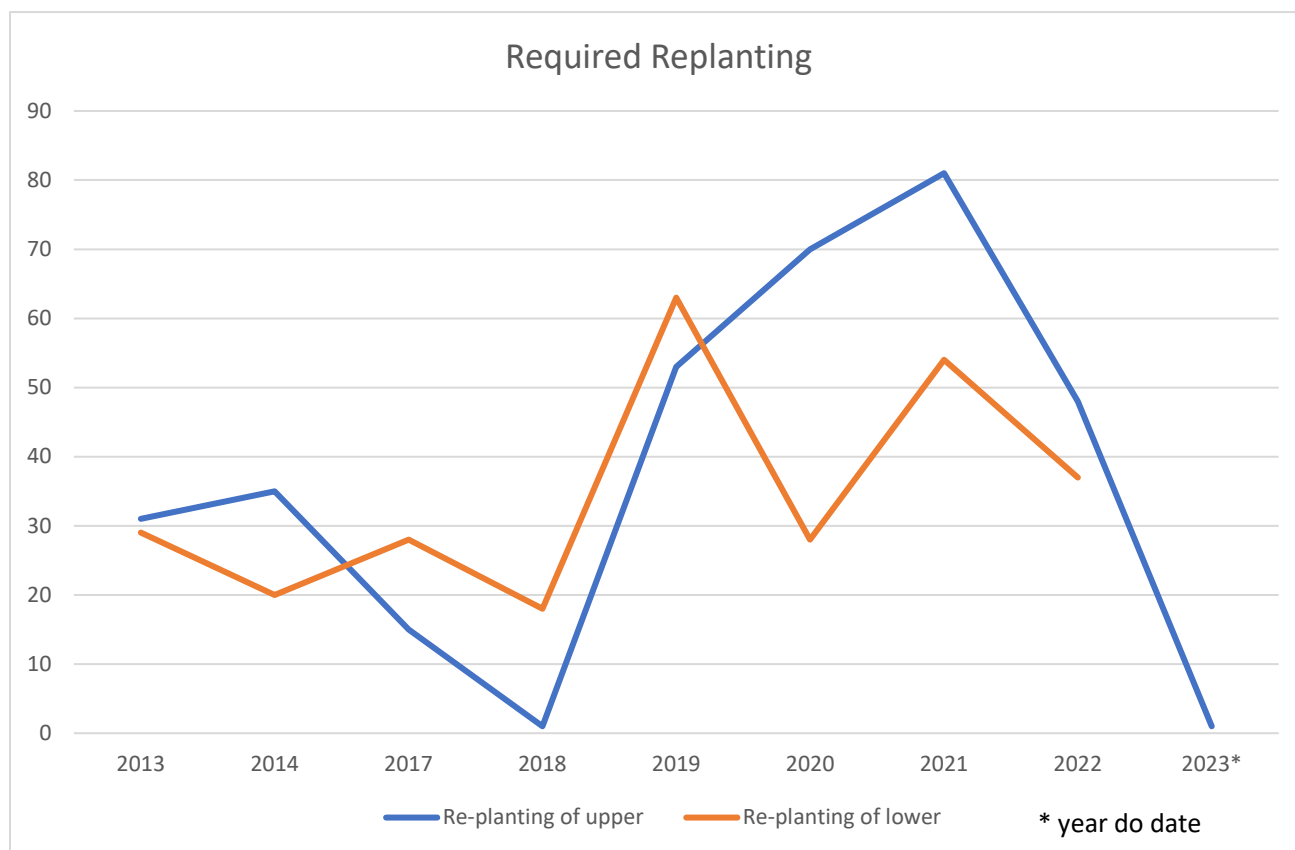
	Removals	Plant Upper	Plant Lower	No room for New Tree	Meets Density Recommendation	Total Number of Trees Required
January	1	1	0	0	0	0
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
2023 Totals	1	1	0	0	0	0

Historic Permitted Removals and Required Planting

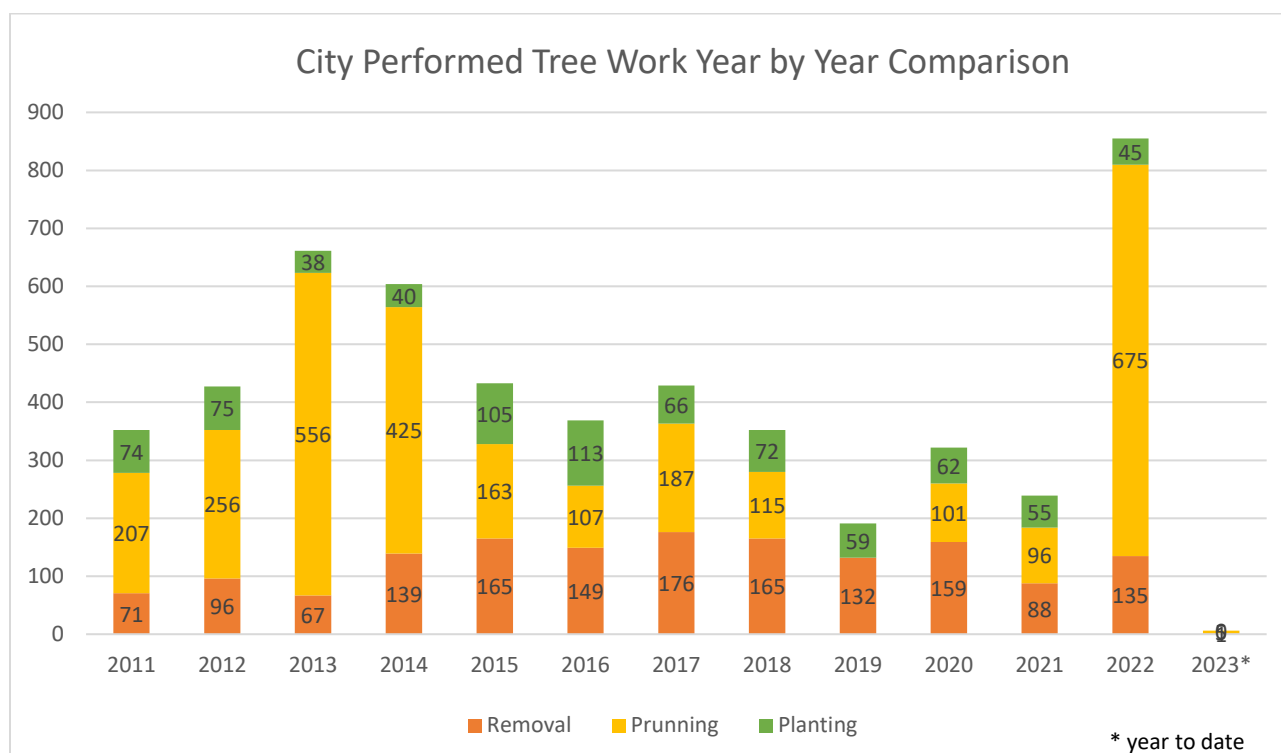
	Removal permits	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	20.62%
2019	170	107	63	116	53	63	68.24%
2020	98	57	41	93	67	26	94.90%

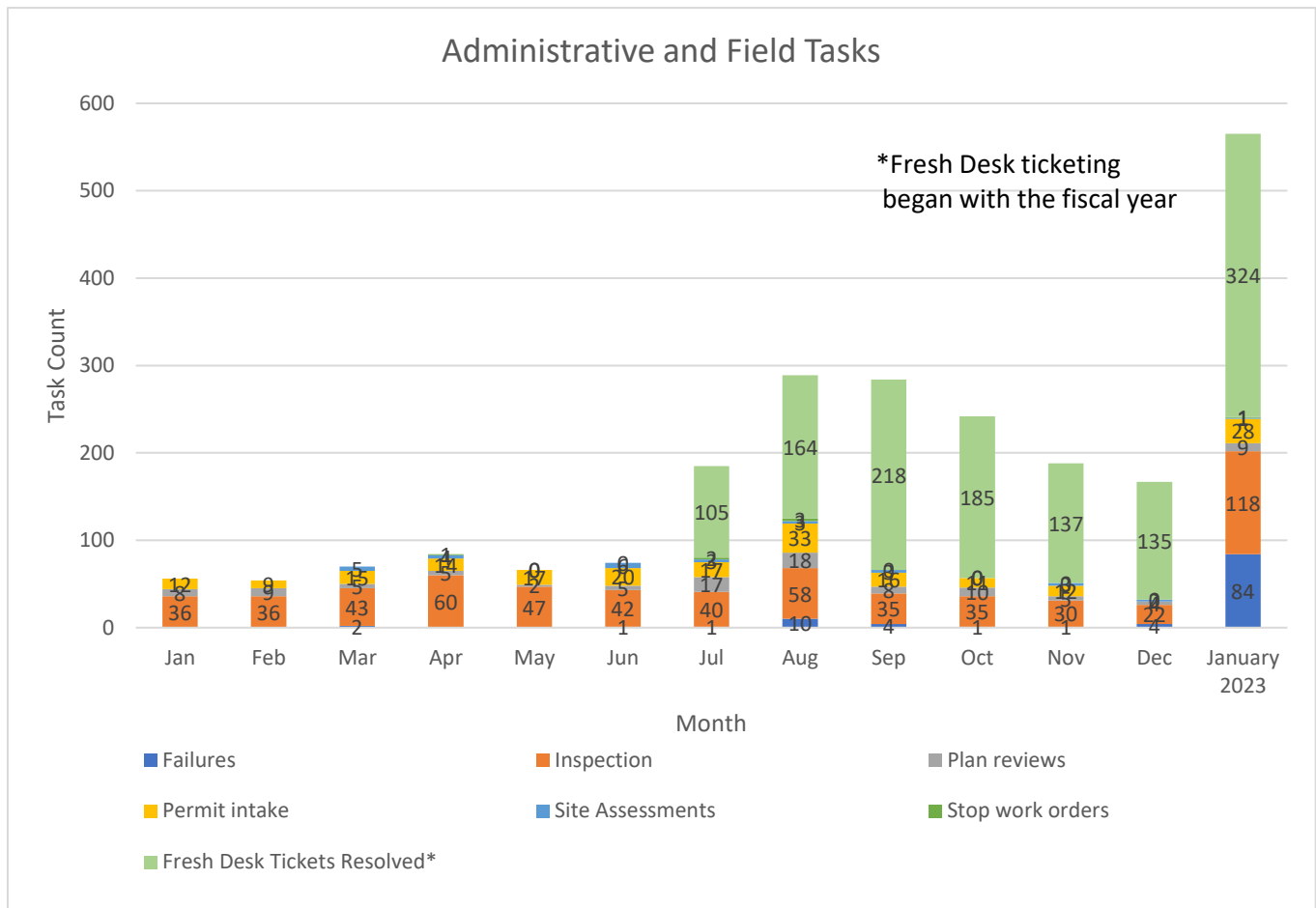
	Permitted removals	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %	Applications processed
2021	204	81	123	135	81	54	66.18%	213
2022	149	82	67	85	48	37	57.05%	155
2023*	1	1		1	1			28

*year to date



City Forestry, Parks, and Beach Activities







CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

March 7, 2023
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: January 2023 Check Register Summary

RECOMMENDATION:

Approve the check register for January 2023.

BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check.

Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in January 2023.

FISCAL IMPACT:

The check register summary for January 2023 totals \$625,778.16.

PRIOR CITY COUNCIL ACTION:

Council ratified the December 2022 check register its February 7, 2023, regular meeting.

ATTACHMENTS:

Attachment 1) January 2023 Check Register

January 2023 Check Register

Check No.	Vendor/Employee	Transaction Description	Date	Attachment 1 Amount
Department: 000				
50555	Division of the State Architect	Disability Access & Educ Fee Quarterly Report Q4 2022	01/23/2023	44.40
Total for Department: 000				44.40
Department: 110 City Council				
50474	Peninsula Messenger LLC	Mail service sorting and delivery	01/06/2023	4,560.00
Total for Department: 110 City Co				4,560.00
Department: 111 City Administration				
50471	City of Foster City	Calopps Job Advertisements	01/06/2023	540.00
50472	Comcast	Services 12-19-2022 to 01-18-2023	01/06/2023	73.32
50473	Jane Wilson	SHRM and HRCI HR professional credentials	01/06/2023	350.00
50477	Verizon Wireless	Services Nov 24 - Dec 23	01/06/2023	326.78
50478	Wageworks, Inc	PMB Payments - DCFSA 2022	01/06/2023	223.22
50481	Alhambra	Water service City Hall	01/13/2023	225.67
50483	Amazon Web Services Inc	Data and cloud storage fees	01/13/2023	893.52
50484	AT&T	Telephone service citywide	01/13/2023	2,995.20
50490	Carmel Pine Cone	Legal noticing	01/13/2023	1,042.50
50493	Code Publishing Company	Municipal code updates, electronic, web and paper	01/13/2023	102.75
50498	Digital Deployment	Website support agreement: Maint, training, security and updates	01/13/2023	700.00
50499	Diversified Management Group	Job Accomodation Services	01/13/2023	425.50
50505	Hinderliter, De Llamas & Associates	Sales/transactions tax auditing services	01/13/2023	4,800.00
50506	Iron Mountain	Records storage service	01/13/2023	225.69
50511	Minuteman Press	Envelopes, stationary, business card and business license form	01/13/2023	621.03
50514	Office Depot, Inc.	Office supplies - Finance and Admin	01/13/2023	448.95
50521	Robert Half	Temporary payroll assistance services	01/13/2023	9,065.10
50524	SESAC -	Music Performance License	01/13/2023	553.00
50526	Sprint	Cell service fees, usage and purchases	01/13/2023	29.99
50529	T-Mobile	Monthly cell service, usage and purchases	01/13/2023	1,468.02
50532	Universal Staffing Inc	Temporary staffing services: Front desk, City Hall	01/13/2023	2,419.41
50534	US Bank	Bruno's Market - Housing Ad Hoc Committee Lunch Meeting	01/13/2023	75.87
50537	Wageworks, Inc	Healthcare monthly Admin and Compliance Fee	01/13/2023	190.00
50578	Carmel Pine Cone	Legal noticing	01/30/2023	805.00
50582	Comcast	City Hall business cable service	01/30/2023	73.45
50583	Comcast Business	NonNGEN internet and recurring charges	01/30/2023	644.82
50584	Corbin Willits System	MOM Financial system monthly fee	01/30/2023	720.79
50596	Municipal Resource Group, LLC	Consulting services-Admin	01/30/2023	875.00
50599	Pitney Bowes Bank Inc Purchase Power	Postage-meter refills	01/30/2023	40.94
50605	Toshiba Financial Service	Copier use Business office	01/30/2023	373.06
50609	Verizon Wireless	Cell phone usage and sales	01/30/2023	2,089.56
Total for Department: 111 City Ad				33,418.14
Department: 112 City Attorney				
50488	Burke, Williams & Sorensen, LLP	City Attorney services-General	01/13/2023	10,623.00
50574	Burke, Williams & Sorensen, LLP	City Attorney services-General	01/30/2023	16,306.00
Total for Department: 112 City Att				26,929.00
Department: 115 Community Planning & Building				
50480	Aaron Campbell	Reimbursement: wiper blades for Ford Escape	01/13/2023	49.64
50491	Carmel Towing & Garage	December Fuel	01/13/2023	80.31
50495	CSG Consultants, Inc.	FY 22-23: Building Dept. - Plan Review Svcs.	01/13/2023	362.25
50496	De Lage Landen Financial	FY 22-23: Planning Dept. - Financial Svcs.	01/13/2023	202.11
50502	Engineered Fire Systems	FY 22-23: Fire Inspection Plan Reviews	01/13/2023	937.50
50503	FedEx	FY 22-23: Planning Dept. - Shipping Fees, Volume Studies	01/13/2023	25.68
50514	Office Depot, Inc.	CP&B Office Supplies	01/13/2023	145.90
50534	US Bank	Ace Hardware - Scanning/Digitizing supplies	01/13/2023	36.40
50534	US Bank	Monterey Co. Clerk-Recorder contract and copy fees	01/13/2023	341.50
Total for Department: 115 Commu				2,181.29
Department: 116 Police				
50481	Alhambra	Water service-PD	01/13/2023	254.04
50482	Altius Medical	Medical/bio hazard waste disposal	01/13/2023	94.00
50491	Carmel Towing & Garage	FY 22-23 Fuel charges PD	01/13/2023	3,399.98
50494	Comcast	PD Cable services	01/13/2023	67.03
50497	Department of Justice/Accounting Office	Fingerprinting services	01/13/2023	32.00
50522	Same Day Shred	PD-Documents shredding services	01/13/2023	45.00
50525	Sirchie Acquisitions Co LLC-Dept #6481	PD Evidence and fingerprinting supplies	01/13/2023	253.13
50527	Surveillance Grid Intergration Inc	Securitiy network monitoring services	01/13/2023	4,875.00
50528	T2 Systems Canada Inc.	PD: Digital iris services	01/13/2023	75.00
50531	United Public Safety, Inc	Ticketing Platform for PD: Hardware, software, tech support and d	01/13/2023	21.59
50534	US Bank	South Bay Regoinal Public Safety Training Consortium - Basic Dispatch course	01/13/2023	969.00
50586	De Lage Landen Financial	Police Dept copier lease	01/30/2023	161.70

50595	Monterey Tire Service Inc	PD-New tire purchase and installation	01/30/2023	37.66
50606	Transunion Risk & Alterna	PD: Monthly fee for information services	01/30/2023	75.00

Attachment 1

Total for Department: 116 Police 10,360.13

Department: 117 Fire

50481	Alhambra	Water service Fire Dept	01/13/2023	208.52
50491	Carmel Towing & Garage	Fire Dept gas expense	01/13/2023	599.44
50492	City Of Monterey	FY 22-23 Fire Dept vehicle repairs	01/13/2023	240,257.32
50512	Mission Linen Service	Fire Dept laundry service	01/13/2023	256.56
50585	Cypress Coast Ford/Lincoln	Ambulance vehicle repairs	01/30/2023	455.86
50593	Mission Linen Service	Fire Dept laundry service	01/30/2023	242.18

Total for Department: 117 Fire 242,019.88

Department: 118 Ambulance

50485	Bauer Compressors	Annual PM service & repairs 1 Bauer compressor	01/13/2023	935.29
50487	Bound Tree Medical LLC	Medical supplies	01/13/2023	1,365.91
50491	Carmel Towing & Garage	Amb Dept gas expense	01/13/2023	1,389.38
50492	City Of Monterey	FY 2022-23 Ambulance Administration fee	01/13/2023	1,996.96
50496	De Lage Landen Financial	Ambulance copier lease	01/13/2023	71.01
50508	LogRx	Annual subscription - Drug tracking software	01/13/2023	1,080.00
50517	Peninsula Welding & Medical Supply, inc.	Ambulance Dept-Oxygen/hazardous materials transport service	01/13/2023	176.01
50540	Wittman Enterprises, LLC	Ambulance billing service	01/13/2023	4,450.20
50609	Verizon Wireless	Machine to machine activity	01/30/2023	1.84

Total for Department: 118 Ambula 11,466.60

Department: 119 Public Works

50486	Bear Saver	Bear Saver Liners	01/13/2023	2,658.40
50504	Great Valley Holdings, LLC	Pavers for City sidewalk at 5th Ave. 11/22/22 #90147	01/13/2023	4,480.40
50507	John Ley's Tree Service	Tree work as directed by City Forester	01/13/2023	8,990.00
50514	Office Depot, Inc.	PW/FM/Forestry - Office Supplies FY 2023	01/13/2023	188.89
50523	Scarborough Lumber & Building	Supplies for Forestry Division	01/13/2023	157.22
50530	Tope's Tree Service Inc.	Tree services citywide as directed by City Forester	01/13/2023	828.75
50535	Valley Hills Nursery	Plants for City sites #16HG1M9PRJNG	01/13/2023	320.79
50551	Applied Marine Sciences	ASBS Watershed monitoring	01/23/2023	11,930.00
50552	California Fire Protection, Inc.	Annual Fire Inspection extinguishers	01/23/2023	1,010.00
50553	Cintas Corp 2 (First Aid)	Main Library 1st Aide Cabinets 12/16/22 #5137304372	01/23/2023	1,412.93
50554	Cintas Corporation	PW Uniform Service 21/22 FY	01/23/2023	517.07
50556	Ennis-Flint Inc	2 gallons of thermoplastic primer	01/23/2023	357.35
50557	GCS Environmental Equipment Services	Sweeper water pump	01/23/2023	367.55
50558	Gilbert Tomayo	Reimbursement for Rain Gear	01/23/2023	196.60
50559	Hayward Lumber	PW Streets - Supplies	01/23/2023	158.86
50560	Kelly-Moore Paint Company Inc	Paint for FM at City facilities	01/23/2023	74.98
50561	Monterey Tire Service Inc	2 new tires for 2. 1/3/23 #1-110028	01/23/2023	322.32
50563	Pureserve Building Service	Janitorial services	01/23/2023	21,141.35
50564	Quinn Company Inc	New batteries for loader	01/23/2023	601.97
50565	Rubberway, Inc	Rubber tree well material	01/23/2023	1,872.17
50566	Scarborough Lumber & Building	PW Streets - Supplies	01/23/2023	325.86
50567	Sentry Alarm Systems	Alarm monitoring for City buildings	01/23/2023	2,382.54
50569	Uline Inc.	PW Streets - Safety Supplies	01/23/2023	420.57
50570	Ailing House Pest Control	City Wide Pest Control	01/30/2023	584.00
50572	Assured Aggregates Company, Inc	MTNP road repair 12/31/22 #54760	01/30/2023	1,574.53
50576	California Fire Protection, Inc.	Annual Fire Inspection extinguishers	01/30/2023	195.00
50577	Carmel Glass Company	Glass repair for City facilities	01/30/2023	165.00
50579	Carmel Towing & Garage	PW Streets - Fuel for PW vehicles	01/30/2023	3,062.98
50580	Cintas Corporation	PW Uniform Service 21/22 FY	01/30/2023	146.51
50581	City Of Monterey	Install sweeper curtains. 12/21/22 #99419	01/30/2023	749.49
50589	John Ley's Tree Service	Tree work as directed by City Forester 1/8/23 ##188 STORM	01/30/2023	1,111.00
50590	L ayer 1 Networks Inc	Cabeling at PW.	01/30/2023	3,901.33
50594	Monterey County Weekly Classifieds	On Call Tree Service Notice-12/29/22 #31-072215	01/30/2023	341.25
50597	Napa Auto Parts	PW Streets - Vehicle Supplies	01/30/2023	326.66
50600	Poe's Plumbing & Backflow	Acacia Way - to clear drain. 1/25/23 #29121	01/30/2023	350.00
50602	Scarborough Lumber & Building	PW Streets - Supplies	01/30/2023	68.90
50604	Tope's Tree Service Inc.	Tree services citywide as directed by City Forester-STORM 2023 I	01/30/2023	19,402.50
50607	Tree Stuff Lockbox No 639707	Forestry safety equipment and supplies	01/30/2023	167.14
50608	US Bank	Parking brake cable	01/30/2023	11.56

Total for Department: 119 Public V 92,874.42

Department: 120 Library

50516	Pacific Grove Self Storage	Storage Unit - Document storage	01/13/2023	353.00

Total for Department: 120 Library 353.00

Department: 121 Community Activities

50592	Minuteman Press	500 business cards for A. Wright Library & Community Activities	01/30/2023	138.83
50603	The Christmas Light Pros	Install & remove holiday tree lights	01/30/2023	6,250.00

Total for Department: 121 Commu 6,388.83

Department: 122 Economic Revitalization

50513	Monterey County Convention & Visitors Bureau	Destination Marketing Juris investment 1/1-1/31/2023	01/13/2023	50,002.50
50536	Visit Carmel	Marketing & Econ Development Jan-Mar 2023	01/13/2023	30,000.00

Attachment 1

Total for Department: 122 Econom 80,002.50

Department: 130 Non-Departmental

50475	Prism Public Risk Innovation	Services Jan - Mar 2023	01/06/2023	8,787.95
50489	Cal-Am Water Company	Water service citywide	01/13/2023	9,744.41
50515	Pacific Gas & Electric	Citywide gas & electric services	01/13/2023	24,644.75
50519	Prism Public Risk Innovation	Aircraft program S Adams Dec 2022	01/13/2023	10,342.44
50575	Cal-Am Water Company	Water service citywide	01/30/2023	8,970.27

Total for Department: 130 Non-De 62,489.82

Department: 311 Capital Projects

50500	Dudek	MTNP Improvements	01/13/2023	2,232.50
50501	EMC Planning Group, Inc	Coastal Engineering Study and Adaptation Plan	01/13/2023	1,397.81
50520	Rincon Consultants, Inc	Environmental Permitting Support MTNP Well Decommissioning	01/13/2023	9,548.20
50538	Wallace Group	Project management:CIP MTNP well, tank, and pump house abandonmen	01/13/2023	3,415.00
50568	State Water Resources Control Board	State Water Board Permit 2023	01/23/2023	2,297.00
50571	American Lock & Key	ADA call system for HML	01/30/2023	988.59
50573	Ausonio, Inc	HML Ext/Int. Paint	01/30/2023	5,255.00
50587	Dudek	MTNP Improvements	01/30/2023	2,721.83
50588	EMC Planning Group, Inc	Coastal Engineering Study and Adaptation Plan	01/30/2023	4,126.42
50591	Mayone Structural Engineering	Satement for professional services failed retaining wall 1/13/23	01/30/2023	12,050.00
50598	Neill Engineers Corp.	CIP-Pavement Repair Project 2022-2023 Pavement Rehabilitation	01/30/2023	982.00
50601	Rincon Consultants, Inc	Environmental Permitting Support MTNP Well Decommissioning	01/30/2023	2,655.50
50610	Wallace Group	Project management CIP Drainage System Repairs	01/30/2023	1,330.00

Total for Department: 311 Capital 48,999.85

Department: 411 Debt Service

50533	US Bank	Admin fees 2012 Tax Pen Oblig Bonds	01/13/2023	1,000.00

Total for Department: 411 Debt Se 1,000.00

Department: 513 Veh & Equip Replacement

50562	Pacific Coast Trane Controls	Sunset Center HVAC Emergency replacement.	01/23/2023	2,690.30

Total for Department: 513 Veh & I 2,690.30

Grand Total 625,778.16

Schedule of Contract Payments - January

Vendor	Contract Amt	Paid thru Jan	Contract Balance
Pen Messenger	\$ 122,000.00	\$ 88,630.00	\$ 33,370.00
City of Monterey *	\$2,839,443.00	\$ 1,582,005.86	\$ 1,257,437.14
Tope's Tree Service	\$ 65,000.00	\$ 109,432.08	\$ (44,432.08)
West Coast Arborists	\$ 160,000.00	\$ 121,024.08	\$ 38,975.92
John Ley's Tree Service	\$ 70,000.00	\$ 66,707.67	\$ 3,292.33
J4 Systems	\$ 38,840.70	\$ 28,699.00	\$ 10,141.70
Pureserve *	\$ 250,000.00	\$ 126,848.10	\$ 123,151.90
Rincon	\$ 50,500.00	\$ 57,371.45	\$ (6,871.45)
Dudek	\$ 75,000.00	\$ 75,944.99	\$ (944.99)
4Leaf Inc.	\$ 179,800.00	\$ 22,832.50	\$ 156,967.50

Fire Admin

* FY2022-2023 Budget



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brian Pierik, City Attorney
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2023-027, Declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event

RECOMMENDATION:

Motion to adopt Resolution 2023-027, declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event.

BACKGROUND/SUMMARY:

On December 30 and 31, 2022, Monterey County ("County") and the City of Carmel by-the-Sea ("City"), experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"). As a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County and the City caused damage to public and private property. Damage to public infrastructure has included localized flooding, roadway slope erosion and embankment slip-outs, debris flows, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris, fallen trees, and roadway failure; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout the County and in the City.

On January 4, 2023, California Governor Gavin Newsom proclaimed a state of emergency in response to severe winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue.

On January 4, 2023, Interim County Administrative Officer of the County proclaimed the existence of a local emergency on January 4, 2023, and the Board of Supervisors of the County adopted a resolution ratifying the proclamation of a local emergency.

On January 13, 2023, based on the events described above, Chip Rerig (City Administrator of the City and the Director of Emergency Services of the City) issued a Proclamation of Existence of a Local Emergency by the City Administrator.

On January 17, 2023, Council adopted Resolution 2023-008 Ratifying the Proclamation of the existence of a local emergency due to the 2022- 2023 Atmospheric River Winter Storm Event.

Current Situation

On January 14, 2023, President Joe Biden declared that a major disaster exists in the State of California and ordered Federal aid to supplement State, tribal, and local recovery efforts in the areas affected by severe winter storms, flooding, landslides, and mudslides beginning on December 27, 2022, and continuing. The President's action makes Federal funding available to affected individuals in the counties of Merced, Sacramento, and Santa Cruz. On January 17, Monterey County was added to the list of affected counties.

State and local teams have begun and continue to conduct damage assessments in areas of the county impacted by flooding, including Carmel River State Beach, where the beach access parking lot was buried in sand and a large portion of Scenic Drive was damaged. Both the parking lot and the southern end of Scenic Drive remains closed due to these damages. Officials with Monterey County are continuing to gather damage information caused by the 2023 Winter Storm countywide. The last estimate of damages caused by the storm is nearly \$80 million.

The true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm and cost of damages to Carmel-by-the-Sea has yet to be ascertained. Soil conditions in the City remain saturated as a result of the 2022-23 Winter Storm increase the likelihood of further damage from earth slippage events, including the potential for flooding. City Staff is currently working on storm recovery and will continue for the next several months.

Conclusion

Per Resolution 2023-008, the local emergency due to the Winter Storms shall be deemed to continue to exist and shall be reviewed at least once every 30 days until its termination is proclaimed by the City Council of the City of Carmel-by-the-Sea per California Government Code section 8630. By adopting the attached Resolution, (**Attachment 1**) the declaration of the local emergency due to the Winter Storm Event will be renewed for another 30 days.

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

On January 17, 2023, Council adopted Resolution 2023-008 Ratifying the Proclamation of the existence of a local emergency due to the 2022-2023 Atmospheric River Winter Storm Event.

On February 7, 2023, Council adopted Resolution 2023-011, Declaring the Continued Existence of a local emergency due to the 2022-2023 Atmospheric River Winter Storm Event.

ATTACHMENTS:

Attachment 1) Resolution 2023-027

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

Attachment 1

RESOLUTION NO. 2023-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2022-
2023 ATMOSPHERIC RIVER WINTER STORM**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, California Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, in response to severe winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue; and

WHEREAS, the Board of Supervisors of the County of Monterey adopted a resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 4, 2023; and

WHEREAS, on December 30 and 31, 2022, Monterey County, including the City, experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County, including the City, caused damage to public and private property, such as road closures, and loss of power; and

WHEREAS, various other roads and infrastructure in the City have been damaged as a result of the 2022-23 Atmospheric River Winter Storm; and

WHEREAS, damage to infrastructure have included localized flooding, roadway slope erosion and embankment slip-outs, debris flows, risk of falling trees, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris, fallen trees and roadway failure; damage to storm drain infrastructure and other infrastructure; and

WHEREAS, Monterey County currently estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$80 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City on January 13, 2023; and

WHEREAS, the Proclamation of the Existence of a Local Emergency issued by the City Administrator acting as the Director of Emergency Services was ratified by the City Council of the City of Carmel-by-the-Sea on January 17, 2023; and

WHEREAS, said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 30 days until its termination is proclaimed by the City Council of the City of Carmel-by-the-Sea per California Government Code section 8630; and

WHEREAS, the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA THAT:

Section 1. Imminent Risk to Health and Safety. Soil conditions in the City and remain saturated as a result of the 2022-23 Atmospheric River Winter Storm, increasing the likelihood of further damage from earth slippage events, including the potential for flooding, risk of falling trees, and other infrastructure damage.

Section 2. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution rescinding this Resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2023-028, authorizing the City Administrator to execute On-Call Tree Maintenance Service Contracts with Community Tree Service, Tope's Tree Service, and West Coast Arborists, with initial terms of three years, expiring June 30, 2026, and fees for the remainder of Fiscal Year 2022/23 of \$30,000, \$60,000, and \$60,000 respectively

RECOMMENDATION:

Motion to adopt Resolution 2023-028, authorizing the City Administrator to execute On-Call Tree Maintenance Service Contracts with Community Tree Service, Tope's Tree Service, and West Coast Arborists, with initial terms of three years, expiring June 30, 2026, and fees for the remainder of Fiscal Year 2022/23 of \$30,000, \$60,000, and \$60,000 respectively.

BACKGROUND/SUMMARY:

Public Works/Forestry has a long history of working with qualified, licensed tree contractors to supplement the City's forestry crews with tree planting, watering, pruning, removals, and stump grinding. For the past four Fiscal Years (FY), 2018/19 through 2021/22, the City had on-call, as-needed contracts with up to five tree care contractors. However, these contracts phased out over the years, and the last expired on June 30, 2022.

Last fall, staff updated bidding documents and technical specifications for tree care services. In addition to updating safety standards and technical requirements for pruning and removals, new requirements were added to provide qualified consultant arborist services and to ensure prompt response to emergency call outs. In addition, the bid cost schedules were modified to ensure that all bidders provide costs for all listed labor classifications, equipment, and waste hauling, including costs for subcontractors and equipment rentals where required, whereas in prior bid proposals, bidders only had to list their own labor classifications and equipment.

On-call, as-needed tree care service contractors allow the City to address the many needs of our urban forest, such as removal of dead, diseased, or hazardous trees, planting new trees, pruning to maintain clearances and proper tree health, stump grinding, watering, and tree removals associated with various Capital Improvement Projects. In addition to the trees located in the City's right-of-way, maintenance is also needed for trees located on all City properties, facilities, and parks.

In December 2022, bid advertising notices were sent to all tree service vendors that maintain a current City of Carmel business license, published in the Carmel Pine Cone and Monterey County Weekly, posted on the City's and other purchasing websites, and sent to Central Coast Builders Association.

Six bid proposals were received and opened at a Public Bid Opening held on February 14, 2023 with the following results:

Bidder	As Bid Amount (See Note 1)	Adjusted Bid Amount (See Note 2)	Recommended Contract Award for FY 2022/23 (See Note 3)	See Note #
Tope's Tree Service	\$1,124.00	\$2,022.44	\$60,000	
John Ley's Tree Service	\$1,215.00	\$2,644.91	\$0	4
West Coast Arborists	\$1,920.00	\$1,920.00	\$60,000	
Community Tree Service	\$2,278.60	\$2,278.60	\$30,000	
AERI Tree Service	\$2,344.00	\$2,467.67	\$0	5
The Professional Tree Co.	\$2,675.00	\$2,675.00	\$0	5

Notes:

1. The Bid amounts do not reflect a specific task, but rather are cost totals of one hour for eleven (11) labor classification fully burdened rates, one hour of nine (9) different equipment rates, plus one ton of waste hauling. Specifically, the 11 labor classifications include: consulting arborist, crane operator, ISA-certified arborist, ISA tree worker, laborer, and utility line trimmer. Equipment rates cover a chipper, crane, dump truck, pickup truck, stump grinder, and water truck. If the prime contractor does not employ the labor classification nor possess the equipment listed in the bid schedule, costs for subcontractors and/or equipment rental rates were required to be provided.
2. Administrative adjustments were made by staff on the bid proposals submitted by Tope's Tree Service, John Ley's Tree Service, and AERI to best compare "apples with apples" labor and equipment rates." Specifically, these bidders did not list certain prices for labor and equipment listed elsewhere on the bid schedule (prices for both a laborer and tree worker, for example). These amounts were estimated by staff as an average of bid prices submitted by all bidders for those items. The adjustments did not materially alter the ranking of the six bids.
3. The total available for tree care services for the balance of FY 2022/23 is \$150,000. The recommended contract award amounts to the three lowest responsive bidders reflect the most commonly used labor and equipment costs, location of resources, and past performance on City contracts.
4. John Ley's Tree Service submitted a non-responsive bid proposal which must be rejected. All other bid proposals were responsive.

5. The four lowest bidders have all worked under contract with the City in the past. New to Carmel bidders, AERI Tree Service and The Professional Tree Care Company, have contracts in the Bay Area, Sacramento, and other northern California counties, but do not appear to have performed work locally in the recent past.

Public Works requests awarding contracts to the three (3) lowest contractors to ensure we can meet the City's tree care needs in a responsive and cost-effective manner through the next three fiscal years, through June 30, 2026. All work is to be performed on an on-call, as-needed basis. Upon execution of the Contracts, subsequent Task Orders will be assigned to individual Contractors at the discretion of the City.

Tope's Tree Service is a local Monterey Peninsula company with the ability for quick response times, and have a variety of equipment to perform most ongoing and emergency tree care needs. West Coast Arborists and Community Tree Service are larger companies that can provide additional, specialized services, but may be less available for urgent needs. West Coast Arborists have also provided professional arborist services to the City in past.

Public Works Forestry crews can perform most routine tree care tasks in a far less expensive manner; however, our work force is simply spread too thin. Shifting our resources to work exclusively on trees would have immediate impacts on other facilities, such as the beach, parks, and landscaping in open spaces. In addition, we do not have certain ISA-certified employees on staff, such as utility line clearance trimmers, nor possess a crane, and thus must rely on outside contractors for these specialized services.

FISCAL IMPACT:

The Public Works/Forestry operating budget for Contract Services for FY 2022/23 was \$521,500 in Account No. 101-119-45-42101. As of February 21, 2023, approximately \$180,000 remained available in this account, which is sufficient to award these three new tree contracts with a combined fee for the remainder of FY 2022/23 of \$150,000.

For subsequent fiscal years, the maximum amount of each Contract would be based on the Council-approved Forestry operating budgets. Hourly rate increases for extensions of the initial Contracts, beyond the first year, will be tied to the Consumer Price Index for Urban Consumers for the San Francisco Bay area and required prevailing wage increases.

PRIOR CITY COUNCIL ACTION:

In September 2018, Council authorized the City Administrator to execute five On-Call Tree Maintenance Service Contracts for initial one-year terms, and three optional, one-year extensions, for a combined initial fee for FY 2018/19 of \$391,800. These contracts were subsequently extended over the next three fiscal years by a combination of Council Resolutions and City Administrator Change Orders (for authorizations under \$24,999), with varying amounts of budgets, through June 30, 2022. All of those prior contracts have expired.

In February 2023, Council adopted Resolution 2023-015 authorizing the City Administrator to approve Purchase Orders with John Ley's Tree Service and Tope's Tree service for fees not to exceed \$50,000 and \$40,000, respectively, for tree and debris removals resulting from the strong storms of January 2023.

ATTACHMENTS:

Attachment 1) Resolution 2023-028

Attachment 2) On-Call Tree Service Bid Packet

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2023-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ON-CALL TREE MAINTENANCE SERVICE CONTRACTS WITH COMMUNITY TREE SERVICE, TOPE'S TREE SERVICE, AND WEST COAST ARBORISTS, WITH INITIAL TERMS OF THREE YEARS, EXPIRING JUNE 30, 2026, AND FEES FOR THE REMAINDER OF FISCAL YEAR 2022/23 OF \$30,000, \$60,000, AND \$60,000, RESPECTIVELY

WHEREAS, Public Works/Forestry has a long history of working with qualified, licensed tree contractors to supplement the City's forestry crews with tree planting, watering, pruning, removals, and stump grinding; and

WHEREAS, prior on-call contracts with tree care contractors expired on June 30, 2022, after which, bidding documents and technical specifications were updated by Public Works and extensively advertised for bids; and

WHEREAS, six bid proposals were received at the public Bid Opening held on February 14, 2023; and

WHEREAS, the lowest responsive, responsible bid proposals were submitted by Community Tree Service, Tope's Tree Service, and West Coast Arborist, and one bid proposal, submitted by John Ley's Tree Service, was non-responsive; and

WHEREAS, the bids consisted of fully-burdened hourly rates for one hour each of eleven different labor classifications, plus one hour each of nine different equipment rates, plus one ton of waste hauling, with all rates to be the basis for individual Task Orders to be issued on an on-call, as-needed basis; and

WHEREAS, having multiple contractors under contract will best ensure that the City can meet our tree care needs in a responsive and cost-effective manner through the next three fiscal years, expiring June 30, 2026; and

WHEREAS, approximately \$180,000 remains in the Fiscal Year (FY) 2022/23 operating budget for Public Works/Forestry Contract Services account 101-119-45-42001, sufficient to award these contracts; and

WHEREAS, Contracts for the balance of FY 2022/23 will be for \$30,000 for Community Tree Service, \$60,000 for Tope's Tree Service, and \$60,000 for West Coast Arborists, and Change Orders to these Contracts will be issued at the start of each subsequent Fiscal Year dependent on Council-authorized budgets for each fiscal year.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize the City Administrator to execute On-Call Tree Maintenance Service Contracts with Community Tree Service, Tope's Tree Service, and West Coast Arborists, with initial terms of three years, expiring June 30, 2026, and fees for the remaining of Fiscal Year 2022/23 of \$30,000, \$60,000, and \$60,000, respectively.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF PUBLIC WORKS

SPECIFICATIONS
FOR
ON-CALL TREE SERVICES
INVITATION FOR BIDS 22-23-003

Non-Mandatory Pre-Bid Conference:

Tuesday, January 10, 2023 at 2:00 pm

Carmel City Hall Council Chambers

East side of Monte Verde Street between Ocean and 7th Avenues, Carmel-by-the-Sea

Bidder Questions Due by:

Friday, January 17, 2023 at 5:00 pm

Questions regarding this solicitation must be submitted in writing via email to Sara Davis, City Forester at forester@ci.carmel.ca.us.

Responses to Bidder Questions to be Posted on City Website by:

Tuesday, January 24, 2023 at 5:00 pm

Bid Submittal Due Date and Time:

Tuesday, January 31, 2023 at 2:00 pm

Bids to be Publicly Opened Immediately after Bid Submittal Due Date and Time at:

Carmel City Hall Council Chambers on the East side of Monte Verde Street between Ocean Avenue and 7th Avenue, Carmel-by-the-Sea

Prepared by
City of Carmel-by-the-Sea
Department of Public Works
Junipero Avenue between 4th and 5th Avenue
Carmel-by-the-Sea, CA 93921
Website: ci.carmel.ca.us

TECHNICAL SPECIFICATIONS
PREPARED BY:

Sara Davis
City Forester

DATE: 12.22.2022

APPROVED FOR BIDDING:

Robert M. Harary, P.E.
Director of Public Works

DATE: 12/14/2022

On-Call Tree Services

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**CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF PUBLIC WORKS**

PART I: NOTICE TO CONTRACTORS

The City of Carmel-by-the-Sea (the “City”) is soliciting bids from qualified, C-61/D-49 limited specialty licensed tree Contractors for On-Call Tree Maintenance Services to perform all aspects of urban forestry. The work, in general, consists of maintenance of trees within the public right-of-way, as well as trees on City properties, that are scheduled for standard, priority, and emergency maintenance services. Tree maintenance work may include, but is not limited to: tree planting, staking, watering, pruning, chipping, removal, and stump grinding. The selected firm(s) must also be available to respond to the City’s emergency tree issues, as well as provide consulting arborist services.

The City is seeking to award up to three (3) tree maintenance Contracts for an initial term of three (3) years, with up to two (2), one-year (1-year) extension periods at the option of the City Administrator. The total combined annual contract amount is not anticipated to exceed \$300,000. Contract awards will be made to the most responsive and responsible bidders with the lowest total Base Hourly Rates for Items 1-21 in the Bidding Schedule.

All work is to be performed on an as-needed basis. Upon execution of the Contract, subsequent Task Orders will be assigned to individual Contractors at the discretion of the City based on Contractor availability, past performance, and estimated cost. Hourly rate increases for extensions of the initial Contract, beyond the first year, will be tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay area and required prevailing wage increases.

Submit bids in a sealed envelope addressed to City Hall, attention City Clerk.

Mail or deliver sealed bids to the following address by January 31, 2023 before 2:00 pm:

US Mail	City of Carmel-by-the-Sea City Clerk P.O. Box CC Carmel-by-the-Sea, CA 93921
FedEx / UPS / Hand Delivery	City of Carmel-by-the-Sea City Clerk Eastside of Monte Verde Street between Ocean and Seventh Avenues Carmel-by-the-Sea, CA 93921

Immediately after the deadline, bids will be publicly opened and read in the City Council Chambers. At the time of the bid opening, the successful Bidder must be legally entitled to perform contracts requiring a California C-61/D-49 (Limited Specialty/Tree Service) Contractor’s License.

SPECIFICATIONS AND BID FORMS

Specifications, including Instructions to Bidders and all necessary Contract Documents and forms, are available on-line from the City’s website located at ci.carmel.ca.us/bidinfo. Submit the original bid proposal unbound with wet signatures (see Appendix A for required Bid Forms for Submittal) in a sealed envelope clearly marked on the exterior “**On-Call Tree Services, Invitation for Bids 22-23-003.**” When submitting a bid in a sealed envelope within another sealed envelope, such as an envelope provided by an overnight carrier, be sure to also mark the exterior of the outermost envelope or overnight carrier’s envelope clearly with the Project Name, Bid opening date and Bid opening time.

PRE-BID CONFERENCE

A Non-Mandatory Pre-Bid Conference is scheduled for **2:00 pm on Tuesday, January 10, 2023** at Carmel City Hall Council Chambers on the east side of Monte Verde Street between Ocean and 7th Avenues in Carmel-by-the-Sea. This conference will allow Bidders to receive an overview of this Contract and ask questions.

INQUIRIES

Only the following individual may be contacted during the bidding period, and this individual **may only be contacted via email**:

All Questions shall be submitted to:	Sara Davis City Forester Email: forester@ci.carmel.ca.us

To provide adequate response time prior to the bid opening, all questions regarding this Invitation for Bids must be submitted in writing to forester@ci.carmel.ca.us by the time stated on the cover sheet. If the issue materially affects the Bid, the information will be incorporated into an Addendum and posted on the City's website at ci.carmel.ca.us by the date and time listed on the cover sheet.

No letters or correspondence will be sent notifying prospective Bidders of any modifications or clarifications to the Invitation for Bids. It is the Bidder's responsibility to review all Addenda posted to the City website and to acknowledge Addenda by dating and initialing Page 6 in Appendix A, Bid Forms for Submittal.

PREVAILING WAGES

Local prevailing wage rates shall be paid in accordance with Sections 1770, 1773, and 1782, as amended, of the California Labor Code, on all public works contracts for alteration, demolition, repair or maintenance work exceeding one thousand dollars (\$1,000). Local wage rates may be obtained from the Department of Industrial Relations (<https://www.dir.ca.gov/OPRL/2022-1/PWD/Northern.html>), State of California, 455 Golden Gate Avenue, San Francisco, California (415-703-4774). Any Contractor awarded a public works Contract that uses a craft or classification not in the general prevailing wage determinations is required to pay the wage rate most closely related in the general determinations, effective at the time of the bid opening.

In accordance with the provisions of Sections 1725.5, 1771.1, 1771.3, and 1771.4 of the Labor Code, this project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. A Contractor or subcontractor shall not be qualified to bid on, be listed in a bid (subject to the requirements of Section 4104 of the Public Contract Code), or engage in the performance of any Contract for public work, as defined by that chapter of the Labor Code, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. See Part III of these Specifications for additional requirements.

In accordance with the provisions of Section 1773.3 of the Labor Code, the City of Carmel-by-the-Sea shall provide notice to the Department of Industrial Relations (DIR) of the award of any public works Contract subject to the requirements of Chapter 1 of the Labor Code, within five (5) days of the award, but in no event later than the first day in which a Contractor has workers employed upon the public work. The notice shall be transmitted electronically in a format specified by the DIR (see <https://www.dir.ca.gov/pwc100ext>) and shall include the name and registration number issued by the DIR pursuant to Section 1725.5 of the Contractor, the name and registration number issued by the DIR pursuant to Section 1725.5 of any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

The general prevailing wage rates and any applicable changes to these wage rates are available from the California Department of Industrial Relations' Web Site at: <http://www.dir.ca.gov>.

ON-CALL TREE SERVICES

Additional Information Effective 2017:

In 2014, SB 854 (Chapter 28, Statutes of 2014) created a new system for oversight of prevailing wage compliance by the California DIR. It required contractors and subcontractors to register with the DIR in order to bid or contract for public works projects and to submit payroll records directly to the DIR through a new online portal. SB 854 also required cities and other local agencies to notify the DIR online within thirty days after award of a public works contract.

SB 96 (Chapter 28, Statutes of 2017) was signed into law on June 27, 2017, as a budget trailer bill and became effective immediately. SB 96 refines and expands SB 854's requirements and adds significant penalties for local agencies that fail to comply with prevailing wage requirements. Because prevailing wage requirements apply to all public works contracts over \$1,000, these new requirements will apply to the vast majority of municipal public works projects.

The Public Contract Code requires Bidders to submit a list of every subcontractor that will perform work in excess of one half of one percent of the contract price. SB 96 requires that the subcontractor list form now include the DIR registration number for each listed subcontractor. An inadvertent error in listing a subcontractor's DIR number will not be grounds for a bid protest or for rejecting the bid as nonresponsive if the Contractor provides the correct number within 24 hours following the bid opening.

BID VALIDITY

No Bidder may withdraw their bid for a period of ninety (90) days from the date of opening of the bids for the purpose of reviewing the bids and investigating the qualifications of Bidders, prior to awarding of the Contract. In the event of a bid mistake resulting from a clerical error made by the Bidder, withdrawal of such bid may only be allowed if the criteria set forth in California Public Contracts Code Sec. 5103 are met and the procedures set forth therein are followed; any such approval by City of Bidder's request to withdraw bid shall be at the sole discretion of the City.

RESPONSIBLE BIDDER

Responsible Bidder as it pertains to this Contract shall be as follows:

1. **Standards of Responsibility:** The City may reject bids on the basis of non-responsibility. A responsible Bidder is one that has the capacity in all respects to perform fully the Contract requirements, and the integrity and reliability which will assure good faith performance of the Contract. Factors to be considered in determining whether the standard of responsibility has been met include whether a Bidder has:
 - a) The appropriate financial, material, equipment, facility, capacity (adequate workforce to complete the job in a timely fashion) and personnel resources, including all required certifications, licenses, and expertise necessary to indicate its capacity to meet all contractual requirements, including the following specific requirements:
 - i) Adequate workforce to meet multiple critical path schedule tasks at once;
 - ii) Ability to start projects on the commencement dates set forth by the City and satisfactorily complete them within the City's stated time limits;
 - b) A satisfactory record of performance, including, but not limited to, any prior work performed by Bidder for the City or other agency;
 - c) Evidence of Bidder's ability to provide the required bonding and insurance capacity;
 - d) A satisfactory record of integrity, diligence, and professionalism in the specific Contract work;
 - e) The legal qualifications to Contract with the City; and
 - f) Supplied all information requested by the City in connection with the inquiry concerning responsibility.

2. **Information Pertaining to Responsibility:** The prospective Contractor shall supply any information requested by the City concerning the responsibility of such Contractor, including the qualifications and performance records of Contractor's employees and proposed subcontractors. If the prospective Contractor fails to supply the requested information, the City shall base the determination of responsibility in award of the Contract upon any available information, or may find the prospective Contractor non-responsible on the basis of its failure to provide the requested information to the City in a timely manner.
3. **The City's Duty Concerning Responsibility:** Before awarding a Contract, the City must be satisfied that the prospective Contractor is responsible. The City may use the information provided by prospective Contractor as well as information obtained from other legitimate sources, including City staff's own experience with the prospective Contractor and prospective Contractor's employees.
4. **Written Determination of Non-responsibility Requirements:** If a Bidder who otherwise would have been awarded the Contract is found non-responsible, a written determination of non-responsibility setting forth the basis determination shall be prepared by the City and sent to the non-responsible Bidder. The Bidder shall have an opportunity to appeal the City's determination on non-responsibility.

BID REJECTION

The City reserves the right to reject any or all bids as the best interests of the City may dictate and, to the extent permitted by law, waive any irregularity in any bid. If there is any reason for believing that collusion exists among the Bidders, the City may reject any or all bids.

UNBALANCED BID

Bids which are obviously unbalanced may be rejected. For the purposes of this section, an unbalanced bid is one that (a) has unit prices based on nominal prices for some items of work and enhanced unit prices for other items of work, and (b) the amount and manner in which the unit prices are distributed is not reflective of the true cost to perform the work. Any unbalanced bid may be rejected by the City whether or not the result of the unbalanced bid increases the cost of the project to the City.

BIDDER PROTEST

All bid protests shall follow the procedures set forth below:

1. Grounds for Protest. Authority to protest shall be limited to Bidders. A written protest may be filed based on the following grounds:
 - a) Failure of the City to correctly apply the standards of review, evaluation, or scoring of a bid or proposal as specified in the solicitation documents.
 - b) Such other grounds as would create a cause of action at law or in equity.
2. Bidder protests must be submitted in writing within five (5) business days after the bid opening. Such protests may be filed immediately after the bid opening. Protests will be accepted in person or via mail, either delivery shall be to City of Carmel-by-the-Sea, Office of the City Clerk, P.O. Box CC, Carmel-by-the-Sea, CA 93921. Once the bid protest package has been received, follow-up communications in reference to the bid protest may be made to the City Clerk's Office by telephone, fax, or email.
3. The written formal protest must contain the following:
 - a) Identification of the specific Contract provision, City Purchasing Code and/or other statutory or regulatory provision(s) that the City is alleged to have violated;
 - b) Description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
 - c) A precise statement of the relevant facts that includes dates, timelines, involved parties, and all supporting documents. Supporting documentation not submitted within the five (5) business days described in this

subsection (b) will not be reviewed;

- d) An identification of the issue(s) that need to be resolved that support the protest;
- e) A statement of the form of relief requested.

4. If a timely protest is filed, City Clerk's Office shall notify the involved department(s).
5. The applicable City department(s) will conduct an investigation, gather information, prepare documentation of its findings and make every effort to resolve the protest to the mutual satisfaction of all stakeholders. Whether or not the protest cannot be mutually resolved, the department(s) or City Clerk's Office will notify the protest Bidder(s), in writing. The notice to the protester shall state the basis of Bidder's protest(s), the results of the investigation, findings, recommendation(s) and reasons for the action taken and delivered to the protesting Bidder(s).
6. Bid Protestors may appeal, in writing, to the City Administrator within five (5) business days of receipt of the written notification. The City Administrator shall have five (5) business days to make a decision which shall be final.
7. Alternatively, Bid Protestors may attend the next City Council meeting to make a public comment. While the City Council may accept the public comments, no action will be taken by the City Council at said meeting.

INTERPRETATION OF SPECIFICATIONS

Should a Bidder be in doubt as to the true meaning of any item in the Specifications or should Bidder discover items containing discrepancies or omissions, the City Forester shall be immediately notified. All requests for interpretations must be submitted at least ninety-six (96) hours before bid opening by email to Sara Davis, City Forester, at forester@ci.carmel.ca.us.

If found necessary, interpretation or correction will be made by written addendum, a copy of which will be posted on the City website at ci.carmel.ca.us/bidinfo. Such addenda are to be considered as part of the Contract documents, and the Bidder shall acknowledge this condition by listing each addendum by number in their bid proposal. The City shall not be held responsible for any oral interpretations or instructions. No addenda can be issued less than seventy-two (72) hours before bid opening without an accompanying bid time extension. The Director of Public Works and his representatives reserve the right to make decisions on extending the bid period.

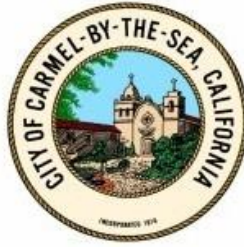
DEFINITIONS

For the purposes of this document, the following definitions shall apply:

ADA:	Americans with Disabilities Act of 1990, Titles II and III, revised September 15, 2013
ANSI:	American National Standard Institute
ASCA:	American Society of Consulting Arborists
BMP:	Best Management Practice
BIDDER:	Party submitting a bid for consideration by the City of Carmel-by-the-Sea
CBC:	California Building Code, latest edition
CITY:	The City of Carmel-by-the-Sea, Monterey County, State of California
CONTRACTOR:	The term Contractor refers to and indicates the party or parties contracting to perform the work to be done pursuant to this Contract

CQC:	The Contractor Quality Control is the Contractor's system to manage, control, and document Contractor, supplier, and subcontractor activities to comply with the Contract requirements.
COUNCIL OR CITY COUNCIL:	The City Council of the City of Carmel-by-the-Sea
CITY ENGINEER:	The term City Engineer refers to and indicates the Director of Public Works of the City of Carmel-by-the-Sea or his duly authorized representative
GENERAL PROVISIONS:	Part III of these Specifications.
ISA:	International Society of Arboriculture
NCCCO:	National Commission for the Certification of Crane Operators
OSHA:	Occupational Safety and Health Administration
PG&E:	Pacific Gas and Electric
QUALITY MANAGEMENT:	All control and assurance activities instituted to achieve the product quality established by the Contract requirements.
RCA:	Registered Consulting Arborist
SPECIAL PROVISIONS:	Part IV of these Specifications
SPECIFICATIONS:	This document, in its entirety
STANDARD SPECIFICATIONS:	Specifications entitled "State of California, Department of Transportation, Standard Specifications", latest publication
TCIA:	Tree Care Industry Association
TECHNICAL SPECIFICATIONS:	Included at the end of the Part IV of these Specifications
TRAQ:	Tree Risk Assessment Qualification
USA:	Underground Service Alert

PART II: BID PROPOSAL



CITY OF CARMEL-BY-THE-SEA DEPARTMENT OF PUBLIC WORKS

SPECIFICATIONS FOR
On-Call Tree Maintenance Services
Invitation for Bids 22-23-003

BID PROPOSAL

To the Honorable City Council
City of Carmel-by-the-Sea
City Clerk
Eastside of Monte Verde
Between Ocean and Seventh Avenues
Carmel-by-the-Sea, CA 93921

The undersigned declares to have carefully examined the location of the proposed work, that the Scope of Work and Specifications, as set forth herein, have been examined, and hereby proposes to furnish all labor, materials, and equipment and do all the work required to complete said work in accordance with said Scope of Work and Specifications for per unit prices set forth in the following Bid Schedule.

BID APPROVAL:

PRINCIPAL/ OWNER

COMPANY

DATE

BIDDING SCHEDULE**ON-CALL TREE MAINTENANCE SERVICES
INVITATION FOR BIDS 22-23-003**

Item #	Labor Classifications	Base Per Hour Labor Rate	Emergency and/or Weekend/Holiday Per Hour Labor Rate
1	Certified Crane Operator (NCCCO)		
2	Certified Traffic Control Plan Designer		
3	Certified Utility Line Clearance Tree Trimmer		
4	Crew Leader, Foreman, or Lead Worker		
5	ISA Certified Arborist		
6	ISA Certified Arborist with TRAQ		
7	ISA Certified Tree Worker		
8	Laborer		
9	Licensed Pesticide Applicator (California)		
10	Registered Consulting Arborist (ASCA)		
11	Tree Worker		
	Waste Disposal	Base Per Ton Rate	Emergency and/or Weekend/Holiday Per Ton Rate
12	Waste Disposal Haul Away		
	Equipment	Base Per Hour Equipment Rate	Emergency and/or Weekend/Holiday Per Hour Equipment Rate
13	Aerial Lift Truck – 50 ft. or larger		
14	Brush Truck/Dump Truck		
15	Chipper		
16	Crane-100 foot or larger, 15 metric ton capacity minimum		
17	Log Loader		
18	Pickup Truck		
19	Stump Grinder		
20	Tub Grinder		
21	Water Truck with 100 gal. minimum		
BID TOTALS OF ITEMS #1-21:		(Basis of Award)	
BID TOTALS WRITTEN IN WORDS:			

Do not enter "N/A" or leave any Bid Item blank. If a Bid Item cost is included elsewhere, enter \$0.00. **If the Bidder does not have the specified labor classification on staff, the Bidder shall include the cost for that**

labor classification as provided by a subcontractor. If the Bidder does not possess the specified equipment, the Bidder shall include the cost for that equipment as provided by a subcontractor or as a rental cost.

“Base Per Hour Labor Rate” refers to the fully burdened rates and includes all of the following costs:

- a) Prevailing wage rates, employee benefits, memberships, certifications, transportation to/from jobsite, certified payroll records
- b) General company costs, overhead, profit, taxes, and markup for subcontractor labor if the Bidder cannot directly provide the labor listed
- c) Insurance, bonds, licenses, and encroachment permit (permit issued at no fee to Contractor)
- d) Administrative costs, attendance at meetings, notifications to adjacent property owners/residents, coordination with utility companies, site consultations, preparation of Task Orders, Quality Control plan, computers, cell phones, office supplies, incidentals
- e) Jobsite costs, portable toilet, temporary utilities, staging/storage areas, temporary fencing, USA Alert tickets, portable and power tools, safety gear, rigging, protection of public and private property, daily cleanup, protecting the site if necessary overnight
- f) Implementation of “Environmental/Pollution Prevention Requirements” of the Special Provisions, including compliance with all applicable storm water rules, regulations, ordinances, and statutes, utilizing BMPs, and clean up with proper disposal of any environmental pollutants
- g) Traffic Control in accordance with the Special Provisions, to maintain vehicular, bicycle, pedestrian, and worker safety during performance of the work, including Traffic Control plan preparation where required, establishing traffic detour(s), street closure notifications, traffic control device placement and maintenance, flagging, barriers, temporary access, removal of detours, and restoration.

“Base Per Hour Equipment Rate” refers to fully-burdened rates and includes all of the following costs:

- a) Equipment, mileage, fuel, depreciation, vehicle maintenance, insurance, safety inspections
- b) Markup for subcontracted or rented equipment if the Bidder does not possess the equipment listed
- c) Mileage to and from home office to project site, (and for dump truck to/from the landfill or other disposal areas)

“Base Per Ton Rate” for Waste Disposal” refers to fully-burdened rates and includes all of the following costs:

- a) Landfill tipping fees, and any markup
- b) Rates for the dump truck and driver (assumed Laborer, Lead Worker, or Tree Worker) are included with the corresponding labor and equipment classifications, not with the per ton rate.

“Emergency and/or Weekend/Holiday (Per Hour Labor Rate, Per Ton Rate, and Per Hour Equipment Rates)” refers to the fully-burdened rates and includes all of the following costs:

- a) All of the applicable costs listed above
- b) Labor, equipment, and waste disposal performed between the hours of 5:30 pm and 7:30 am with prior City authorization
- c) Work done on federal and City-recognized Holidays, with prior City authorization
- d) Work done on weekends (Saturdays, Sundays), with prior City authorization
- e) Emergency call backs, such as following a storm, for work not identified on an issued Task Order
- f) Any labor work performed during Emergency Labor Hours or during Weekend//Holiday Labor Hours shall be no less than one and one-half times the Per Hour Labor amount the Bidder submits for the respective Bid Item(s)

Rates in the Bid Schedule shall be in effect from the date the Contract is Awarded until June 30, 2023. Future years' rates shall equal the Bid Schedule rates increased per the Consumer Price Index, San Francisco Bay area and per required prevailing wages.

BASIS OF AWARD

Award of Contracts, if any be made, shall be made to the Contractor(s) with the most responsive and responsible bid(s) with the lowest total Base Hourly Rates for Items 1-21 on the Bidding Schedule.

See Appendix A: Bid Forms for Submittal. No Bid Bond or Security is required with the Bid Proposal.

Upon execution of the Contract, subsequent Task Orders will be assigned to individual Contractors at the discretion of the City based on the Contractor availability, past performance, and estimated cost. Reference Part IV, Special Provisions, "Task Order Processing."

BID CLARIFICATION

Incomplete Bid Schedules will render the bid proposal as non-responsive.

Unit prices (fully-burdened hourly rates) shall be used for all Task Orders, storm water compliance, traffic control, and incidentals necessary for a complete job.

The foregoing quantities in the Bidding Schedule are given as a basis for comparison of bids, and the City does not, expressly or by implication, agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of work or to omit portions of the work as may be deemed necessary.

Bidders may withdraw or revise their bid personally, or upon a written request, or at any time prior to the hour set for the opening of bids, but not thereafter. The City shall not accept faxed copies of bid proposals, affidavits or any other documents where an original document or signature is required by these Specifications. Bids may not be withdrawn for the time period specified in Bid Validity of Part I.

The Non-collusion Declaration included in this document shall be executed and submitted with each bid.

DECLARATION OF BIDDER RE: LICENSE QUALIFICATIONS

Bidder certifies he/she possesses a license in accordance with a State Act providing for the registration of Contractors. License No.: _____, Class: _____, Expiration date: _____.

THE FOREGOING INFORMATION IS TRUE AND CORRECT AND IS EXECUTED UNDER PENALTY OR PERJURY IN

_____ COUNTY, CALIFORNIA, ON _____, 2023.

Name of Firm: _____

Address: _____

Telephone: _____

Email: _____

(If firm is an individual, so state. If a firm or co-partnership, state the firm name and give the name(s) of person(s) authorized to execute the declaration on its behalf.)

FAILURE TO PROVIDE ANY OF THE INFORMATION REQUIRED HEREIN INCLUDING CONTRACTOR SIGNATURES MAY RESULT IN YOUR BID BEING DEEMED NON-RESPONSIVE

Signature Printed Name and Title

ACKNOWLEDGEMENT OF ADDENDA

The Bidder shall list below any and all addenda issued for this project. Failure to list issued addenda will result in a non-responsive bid:

<u>ADDENDA</u>	<u>DATE RECEIVED</u>	<u>INITIAL</u>
1. _____	_____	_____
2. _____	_____	_____

EXAMPLE TREE MAINTENANCE / ON-CALL CONTRACTS

Bidder shall list at least three (3) jobs of a similar nature completed by the Bidder within the past five (5) years. (Please include Reference Contact Information on the following page.)

Date	Contract Amount	Organization/Client	Job Types	Project Location

REFERENCES

List at least three (3) organizations of similar size, scope, and cost where the same/similar services, as stated herein, have been provided. The City reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the Contractor's performance on previous assignments.

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

SUBCONTRACTORS LIST

The Bidder shall list below the name, location of the place of business, and California Contractor license number of any subcontractors proposed to perform work or labor or render service on this project, or a subcontractor licensed by the State of California who will perform a portion of the work per the Specifications of this project, whose work is in excess of one-half (1/2) of one (1) percent of the Bidder's total bid or ten thousand dollars (\$10,000), whichever is greater:

Name of Subcontractor	California Contractor License Number	California DIR Registration Number	Location of Place of Business	Trade or Portion of Work

CERTIFICATIONS OF KEY PERSONNEL

Contractors must have an ISA certified arborist on staff. Bidders must complete the following table and provide copies of staff certifications, credentials, and/or memberships (ISA, ASCA, TCIA, NCCCO) with the Bid Proposal.

Employee (including Subcontractor's Employee)	Labor Classification	Certification Type and Number

NONCOLLUSION DECLARATION

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the _____ of _____, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or a sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other Bidder. All statements contained in the bid are true. The Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on this _____ day of _____ 2023 in _____ [City], _____ County, California.

Signature

Printed Name and Title

Company

DEBARMENT AND SUSPENSION CERTIFICATION

The Bidder, under penalty of perjury, certifies that, except as noted below, or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any state, federal, or local agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any state, federal, or local agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining Bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

I declare under penalty of perjury that the foregoing is true and correct and that this certification is signed this _____ day of _____, 2023 in _____ [City], _____ County, California.

Signature

Printed Name and Title

Company

CERTIFICATION OF WORKERS' COMPENSATION INSURANCE

I, _____ the _____ of
(Name) (Title)

_____, declare, state, and certify that:
(Contractor Name)

1. I am aware that California Labor Code § 3700(a) and (b) provides:

"Every employer except the state shall secure the payment of compensation in one or more of the following ways:

- c. By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this state.
- d. By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees."

3. I am aware that the provisions of California Labor Code §3700 require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of this Contract.

(Contractor Name)

By: _____
(Signature)

(Company)

PART III: GENERAL PROVISIONS

BIDDING

JOB SITE AND DOCUMENT EXAMINATION

The Bidder is required to thoroughly examine the job site, Specifications including the Sample Contract Form and Task Order Form (See Appendices B and C) for the work contemplated, and it will be assumed that the Bidder has investigated and is satisfied as to the requirements of the Specifications, including the Contract. It is mutually agreed that submission of a proposal shall be considered prima facie evidence that the Bidder has made such examination.

BID DOCUMENT COMPLETION

Proposals to receive consideration shall be made in accordance with the following instructions:

The proposal shall be made upon the form provided therefore with all items filled out (Appendix A, page 2 of these Specifications). The completed forms must be without interlineations, alterations, erasures, or omissions. All submitted documents must be in original form (no photocopies or faxes).

CONTRACT AWARD AND EXECUTION

CONTRACT AWARD

The Contract shall be awarded, if an award is made, to the most qualified and lowest responsive, responsible Bidders as defined in Part II, Bid Clarification, of these Specifications, within ninety (90) calendar days from the date bids are publicly opened, examined and declared. Upon execution of the Contract, subsequent Task Orders will be assigned to individual Contractors at the discretion of the City based on the Contractor availability, past performance, and estimated cost. If the award is not made within the specified period, then all of the bids submitted shall be deemed to have been rejected by the legislative body.

CONTRACT EXECUTION

A Contract shall not be deemed to have been made between the Contractor and the City of Carmel-by-the-Sea until all of the following steps have been completed:

1. Award of the Contract by the City Council,
2. Within fifteen (15) calendar days after written notice that a Contract has been awarded to the Contractor (Notice of Award), the Contractor shall submit two (2) signed original Contracts, required bonds or alternative security, evidence of insurance that conforms to the Contract, and City of Carmel- by-the-Sea Business License or evidence of application for said license.
3. Upon approval of the foregoing documents, the City will execute the Contract and return an original to the Contractor.
4. The City will then issue a Notice to Proceed authorizing Contractor to begin work upon approval of subsequent Task Orders.

SCOPE OF WORK

INTENT

The work to be done consists of furnishing all labor, materials, methods, processes, tools, equipment, incidentals and machinery, which are necessary and required to complete the Contract in a satisfactory and worker-like manner.

The intent of the Specifications is to prescribe the details for the completion of the work which the Contractor undertakes to perform in accordance with the terms of the Contract. Where the Specifications describe

portions of the work in general terms, but not in complete detail, it is understood that only the best general practice is to prevail and that only materials and workmanship of the best quality are to be used.

CHANGES AND EXTRA WORK

The City Forester reserves the right to make such alterations, deviations, additions to or omissions from the Specifications, including the right to increase or decrease the quantity of any item or portion of the work or to omit any items or portion of the work, as may be deemed by the City Forester to be necessary or advisable, and to require such extra work as may be determined by the City Forester to be necessary for the proper completion of the whole work contemplated.

When special conditions arise, such as mitigation of unforeseen conditions or additional work, the work shall be negotiated as "extra work". Approved Change Orders, to be issued as subsequent Task Orders, shall describe the changes or extra work, Contract time adjustments and payment basis for such work as applicable. Change Orders are valid Contract amendments when approved and signed by the City and Contractor. All non-emergency changes and extra work must be negotiated and approved by a written Change Order/Task Order before the work is performed.

CLEANUP

All work sites shall be kept as clear of equipment, material and waste material as is practicable at all times. The City's representative shall make the determination that this requirement is being complied with.

If the City is required to provide cleanup of the work sites due to failure of the Contractor to so provide, the City shall charge the Contractor the actual cost of labor and materials and may deduct said costs from any monies due and owing the Contractor.

Upon completion and before making an application for acceptance of the work, the Contractor shall clean the areas of work, and all ground occupied in connection with the work, of all rubbish, excess materials, temporary structures, and equipment, and all parts of the work shall be left in a neat and presentable condition.

CONTROL OF WORK

CONTRACT COMPONENTS

These Specifications and all supplementary documents are essential parts of the Contract, and a requirement occurring in one is as binding as though occurring in all; they are intended to be cooperative, to describe, and to provide for a complete job.

All authorized alterations affecting the requirements and information given in the Specifications shall be in writing. No changes shall be made on any Plan or Specification after the same has been approved by the Director of Public Works or the City Forester.

In the event of discrepancy, written dimensions shall take precedence over scaled dimensions.

AUTHORITY

The City Forester shall respond to any and all inquiries as to the quality or acceptability of materials furnished and work performed, and as to the manner of performance and rate of progress of the work; all inquiries as to the interpretation of the Specifications; all inquiries as to the acceptable fulfillment of the Contract on the part of the Contractor; and all inquiries as to claims and compensation. The City Forester shall have authority to enforce and make effective such responses.

In the event of doubt or question relative to the true meaning of the Specifications, reference shall be

made to the Director of Public Works, whose decision thereon shall be final.

SUBCONTRACTING

Any Proposed substitution of subcontractors must comply with the requirements of the Subletting and Subcontracting Fair Practices Act, California Public Contract Code §4100, et seq.

The Contractor shall give his personal attention to the fulfillment of the Contract and shall keep the work under his control.

Subcontractors engaged in the work will be considered as employees of the Contractor, and their work shall be subject to the same provisions of the Contract and Specifications.

Where a portion of the work sublet by the Contractor is not being prosecuted in a manner satisfactory to the City Forester, the subcontractor shall be removed immediately on the request of the City Forester and shall not again be employed on the work.

REPRESENTATIVE

The Contractor shall assign a representative and submit contact information (name, telephone number, email address) to the City. If the after-hours representative is different than the on-site representative, provide contact information for both.

The Contractor shall be constantly on the work during its progress or shall be represented by a foreman who is competent to receive and carry out instructions which may be given by the proper authorities, and the Contractor shall be held liable for the faithful observance of any lawful instructions of the City Forester not in conflict with the Contract, and which may be delivered to the Contractor, Contractor's superintendent, foreman, or other representatives on the work. If the Contractor believes the City Forester's instructions are in conflict with the Contract, the Contractor shall immediately bring it to the attention of the Director of Public Works in writing.

EQUIPMENT

While certain sections of these Specifications may provide that equipment of a particular size and type is to be used to perform portions of the work, it is to be understood that the development and use of new or improved equipment is to be encouraged.

The Contractor may request, in writing, permission from the City Forester to use equipment of a different size or type in place of the equipment specified.

The City Forester, before considering or granting such request, may require the Contractor to furnish, at Contractor's expense, evidence satisfactory to the City Forester that the equipment proposed for use by the Contractor is capable of producing work equal to, or better than, that which can be produced by the equipment specified.

PROPERTY AND FACILITY PRESERVATION

Attention is directed to Section 5-1.36, Property and Facility Preservation; Section 7-1.05, Indemnification; and Section 7-1.06, Insurance, of the Standard Specifications. Due care shall be exercised to avoid injury to existing street improvements or facilities, utility facilities, adjacent property, roadside trees and shrubbery that are not to be removed.

The Contractor shall be held responsible for any damages to existing streets, highways, roads, driveways, sidewalks, curbs, gutters, utilities, trees, other public facilities or private property caused by Contractor's

operations. Where the work calls for cutting into or disturbing existing materials, the Contractor shall patch or repair the existing area to a neat, finished product. This shall include touch up or repair existing facilities which were disturbed, and repair to the same structural capacity as the existing facility or better.

Full compensation for furnishing all labor, materials, tools, equipment and incidentals, and for doing all the work involved in protecting or repairing property, shall be considered as included in the unit prices paid for the various Contract items of work, and no additional compensation will be allowed therefor.

POTENTIAL CLAIMS AND DISPUTE RESOLUTION

Potential claims and dispute resolution shall be in accordance with Section 5-1.43, Potential Claims and Dispute Resolution, of the Standard Specifications. Also refer to Resolution of Claims in the Special Provisions.

CONTRACTOR'S RESPONSIBILITY FOR WORK

All work which is deficient in any of the requirements of the Specifications shall be remedied or removed and replaced by the Contractor in an acceptable manner, and no compensation will be allowed for such correction.

The inspection of the work shall not relieve the Contractor of any of his obligations to fulfill the Contract as prescribed. Defective work shall be made good, and unsuitable materials may be rejected, notwithstanding the fact that such defective work and unsuitable materials have been previously overlooked or approved by the City Forester and estimated for payment.

Upon failure on the part of the Contractor to comply without delay with any order of the City Forester made under the provisions of this article, the City Forester shall have authority to cause defective work to be remedied. The cost of removing, replacing, or repairing said defective or unauthorized work may be deducted from any monies due and owing the Contractor until the Contractor remedies, removes, replaces, or repairs defective work.

Until the formal acceptance of the work by the City, the Contractor shall have the charge and care thereof and shall bear the risk of injury or damage to any part thereof by the action of the elements or from any other cause whether arising from the execution or from the non-execution of the work. The Contractor shall rebuild, repair, restore, and make good all injuries or damages to any portion of the work occasioned by any of the above causes before final acceptance and shall bear the expense thereof, except such injuries or damages occasioned by the acts of the federal government or the public enemy.

At all times during contracted tree service activities, the firm shall have work crews on site that are represented by a foreman or supervisor who can receive and carry out instructions given by designated City Representatives in English.

EMPLOYEES

All workmanship shall be fully up to the highest standard and practice. The employment of labor shall comply with the prevailing local labor conditions, and the Contractor shall employ only competent, careful, orderly persons upon the work. If at any time it shall appear to a City representative that any person employed upon the work is incompetent, careless, reckless, or disorderly, or disobeys or evades orders and instructions, such person shall be immediately removed from the project and not again employed upon the work.

CONTROL OF MATERIALS

GENERAL

The Contractor shall furnish without charge such samples of materials and tests of materials as are required by the Specifications or the City Forester. No material shall be used until it has been approved by the City Forester.

All tests of materials ordered by the City Forester and made by the Contractor shall be made in accordance with commonly recognized standards of national organizations, and such special methods of tests as are prescribed in the Specifications.

All materials not conforming to the requirements of the Specifications shall be considered defective, and all such materials, whether in place or not, shall be rejected and shall be removed immediately from the site of the work unless otherwise permitted by the City Forester. No rejected materials, the defects of which have been subsequently corrected, shall be used until approved in writing by the City Forester.

Upon failure on the part of the Contractor to comply with any order of the City Forester made under the provisions of this article, the City Forester shall have authority to remove and replace defective material. The cost of removing, replacing or repairing said defective or unauthorized material may be deducted from any monies due and owing the Contractor but said right of set-off shall be an alternative and not the sole remedy of the City.

For convenience in designation in the Specifications, certain articles or materials to be incorporated in the work may be designated under a trade name or the name of a manufacturer and its catalog information. The use of an alternative article or material which is of equal quality and of the required characteristics for the purpose intended will be permitted, provided that the burden of proof as to the quality and suitability of alternatives shall be upon the Contractor who shall furnish, at the Contractor's expense, all information necessary as required by the City Forester who shall be the sole judge as to the quality and suitability of alternative articles or materials and that decision shall be final.

MATERIAL SOURCE

The source of supply of each of the materials shall be approved by the City Forester before delivery is started and before such material is used in the work.

City water is available at the Del Mar Parking Lot, and is provided at no charge for purposes related to the Work.

LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

LAWS

The Contractor shall be kept informed of existing and future state and federal laws and municipal ordinances and regulations of the City which affect those engaged or employed in the work, or the materials used in the work, or which affect the conduct of the work, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same.

All work shall comply with all governing laws, regulations, and ordinances of the City, which shall be considered for the purpose of Contract to which the Specifications refer, a part thereof. The Contractor shall give to the proper authorities all necessary notices relative to the work, and shall obtain and pay for all such permits, licenses, notices, inspections, or tests required as part of the Contract price. Permits issued by the City for work done under this Contract shall be issued at no charge.

All Bidders and Contractors shall be licensed in accordance with the laws of this State, specifically the provisions of the Business and Professions Code, Division 3, Chapter 9. Any Bidder or Contractor not so

licensed is subject to the penalties imposed by such laws. In accordance with the requirements in Public Contract Code Section 10164, in all contracts where Federal funds are involved, the Contractor shall be properly licensed at the time the Contract is awarded.

NONDISCRIMINATION

The Contractor shall comply with Section 1735 of the Labor Code, which reads as follows:

A Contractor shall not discriminate in the employment of persons upon public works on any basis listed in subdivision (a) of Section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code. Every Contractor for public works who violates this section is subject to all the penalties imposed for a violation of this chapter.

The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform Work under the Contract.

LABOR CODE

In accordance with the provisions of Sections 1725.5, 1771.1, 1771.3, and 1771.4 of the Labor Code, this project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. A Contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal (subject to the requirements of Section 4104 of the Public Contract Code), or engage in the performance of any Contract for public work, as defined by that chapter of the Labor Code, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. Notice of this requirement shall be included in all bid invitations and public works contracts, and a bid shall not be accepted nor any contract or subcontract entered into without proof of the Contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5.

An inadvertent error in listing a subcontractor that is not registered pursuant to Section 1725.5 in a bid proposal shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any one of the provisions of Section 1771.(c)(1)-(3) applies. Failure of a listed subcontractor to be registered shall be grounds for the Contractor to substitute a registered subcontractor for the unregistered subcontractor. The City shall not accept any bid, nor shall the City or Bidder enter any Contract, without proof of the Contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5 of the Labor Code. The prime Contractor shall post job site notices, as required by Section 1771.4(a) (2) of the Labor Code and regulations. The prime Contractor shall submit records to the Labor Commissioner, as required by Sections 1771.4(a), and 1776 of the Labor Code.

WAGES

Local prevailing wage rates shall be paid in accordance with Sections 1770, 1773, and 1782, as amended, of the California Labor Code, on all Public Works Contracts exceeding one thousand dollars (\$1,000).

The Contractor and all Subcontractors under the Contractor shall comply with Labor Code Sections 1774 and 1775. Pursuant to Section 1775, the Contractor and any subcontractor under the Contractor shall as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates as determined by the DIR for the work or craft in which the worker is employed for any public work (City) done under the contract by the Contractor or by any subcontractor under the Contractor in violation of the requirements of the Labor Code and in particular, Labor Code Sections 1770 to 1780, inclusive. The amount of the penalty shall be determined by the Labor Commissioner and shall be based on the following considerations

- (i) Whether the failure of the Contractor or subcontractor to pay the correct rate of per diem wages was a

good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or subcontractor.

- (ii) Whether the Contractor or subcontractor has a prior record of failing to meet its prevailing wage obligations.

In addition to the penalty and pursuant to Labor Code Section 1775, the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the Contractor or subcontractor. This section must be complied with.

If a worker employed by a subcontractor on a Public Works project is not paid the general prevailing per diem wages by the subcontractor, the prime Contractor of the project is not liable for the penalties described above unless the prime Contractor had knowledge of that failure of the subcontractor to pay the specified prevailing rate of wages to those workers or unless the prime Contractor fails to comply with all of the following requirements:

1. The Contract executed between the Contractor and the subcontractor for the performance of Work on the public works project shall include a copy of the provisions of this section and Sections 1771, 1776, 1777.5, 1813 and 1815 of the Labor Code.
2. The Contractor shall monitor the payment of the specified general prevailing rate of per diem wages by the subcontractor to the employees, by periodic review of the certified payroll records of the subcontractor.
3. Upon becoming aware of the subcontractor's failure to pay his or her workers specified prevailing rate of wages, the Contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for Work performed on the public works project.
4. Prior to making final payment to the subcontractor for Work performed on the Public Works (City) project, the Contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general prevailing rate of per diem wages his or her employees on the Public Works project and any amounts due pursuant to Section 1813 of the Labor Code.

Pursuant to Section 1775 of the Labor Code, the Division of Labor Standards Enforcement shall notify the Contractor on a Public Works project within 15 days of the receipt by the Division of Labor Standards Enforcement of a complaint of the failure of a subcontractor on that public works project to pay workers the general prevailing rate of per diem wages.

If the Division of Labor Standards Enforcement determines that employees of a subcontractor were not paid the general prevailing rate of per diem wages and if the City did not retain sufficient money under the Contract to pay those employees the balance of wages owed under the general prevailing rate of per diem wages, the Contractor shall withhold an amount of moneys due the subcontractor sufficient to pay those employees the general prevailing rate of per diem wages if requested by the Division of Labor Standards Enforcement. The Contractor shall pay any money retained from and owed to a subcontractor upon receipt of notification by the Division of Labor Standards Enforcement that the wage complaint has been resolved. If notice of the resolution of the wage complaint has not been received by the Contractor within 180 days of the filing of a valid notice of completion or acceptance of the public works project, whichever occurs later, the Contractor shall pay all moneys retained from the subcontractor to the City. These moneys shall be retained by the City pending the final decision of an enforcement action.

Pursuant to the requirements in Section 1773 of the Labor Code, the City has obtained the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality

in which the public work is to be performed for each craft, classification, or type of worker needed to execute the contract from the Director of Industrial Relations. The holidays upon which those rates shall be paid need not be specified by the awarding body, but shall be all holidays recognized in the applicable collective bargaining agreement. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code.

The general prevailing wage rates and any applicable changes to these wage rates are available from the California Department of Industrial Relations' Web Site at: <http://www.dir.ca.gov>.

The wage rates determined by the Department of Industrial Relations for the project refer to expiration dates. Prevailing wage determinations with a single asterisk after the expiration date are in effect on the date of advertisement for bids and are good for the life of the Contract. Prevailing wage determinations with double asterisks after the expiration date indicate that the wage rate to be paid for Work performed after this date has been determined. If Work is to extend past this date, the new rate shall be paid and incorporated in the Contract. The Contractor shall contact the Department of Industrial Relations as indicated in the wage rate determinations to obtain predetermined wage changes. Pursuant to Section 1773.2 of the Labor Code, general prevailing wage rates shall be posted by the Contractor at a prominent place at the site of the Work.

In lieu of specifying the rate of wages in the call for bids, and in the bid Specifications and in the Contract itself, the awarding body may, in the call for bids, bid Specifications, and Contract, include a statement that copies of the prevailing rate of per diem wages are on file at its principal office, which shall be made available to any interested party on request. The awarding body shall also cause a copy of the determination of the director of the prevailing rate of per diem wages to be posted at each job site.

CERTIFIED PAYROLL RECORDS

The Contractor shall conform to the requirements in Labor Code Section 1776 concerning payroll records. Regulations implementing Labor Code Section 1776 are located in Sections 16016 through 16019 and Sections 16207.10 through 16207.19 of Title 8, California Code of Regulations. The Contractor and each subcontractor shall preserve their payroll records for a period of 3 years from the date of completion of the Contract.

APPRENTICES

The Contractor and subcontractors shall comply with the provisions in Sections 1777.5, 1777.6 and 1777.7 of the California Labor Code and Title 8, California Code of Regulations Section 200 et seq. To ensure compliance and complete understanding of the law regarding apprentices, and specifically the required ratio there under, the Contractor and each subcontractor should, where some question exists, contact the Division of Apprenticeship Standards, 455 Golden Gate Avenue, San Francisco, CA 94102, or one of its branch offices prior to commencement of Work on the Contract. Responsibility for compliance with this section lies with the Contractor. It is State and City policy to encourage the employment and training of apprentices on public works contracts as may be permitted under local apprenticeship standards.

WORKING HOURS

Eight hours labor constitutes a legal day's Work. The Contractor or any subcontractor under the Contractor shall forfeit, as a penalty to the State of California, twenty five dollars (\$25) or such other amount as may be amended by the Department of Industrial Relations from time to time for each worker employed in the execution of the Contract by the respective Contractor or subcontractor for each calendar day during which that worker is required or permitted to Work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the requirements of the Labor Code, and in particular, Section 1810 to Section 1815, thereof, inclusive, except that Work performed by employees of Contractors in excess of 8 hours per day, and 40 hours during any one week, shall be permitted upon compensation for all hours

worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay, as provided in Section 1815 thereof.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

The Contractor shall conform to all local, state and federal rules and regulations pertaining to safety, including compliance with ANSI 2133. Furnished equipment, material and services shall comply with all OSHA Standards and regulations and all applicable governmental laws and orders. The Contractor shall post an OSHA poster in a conspicuous location as required by law.

PUBLIC CONVENIENCE AND PUBLIC SAFETY

Contractor is to notify the City Forester of the start date and schedule at least one (1) calendar day prior to the planned start of work unless otherwise noted in the issued Task Orders (Appendix C).

The Contractor shall conduct his operations as to cause the least possible inconvenience to public traffic, including bicycles and pedestrians. The Contractor shall provide traffic control devices and personnel where necessary in conformance with good traffic safety standards. The Contractor shall provide sufficient warning signs or devices to give adequate notice to the public of dangerous or changed conditions existing during work. The Public Works Director, or designee, shall determine the adequacy of said devices and, in cases of dispute, their determination shall be final.

If the City is required to provide traffic direction, signs or devices, due either to failure of the Contractor to so provide or in case of emergency, the City shall charge Contractor the actual cost of labor and materials and may deduct said costs from any monies due and owing the Contractor.

WORKERS' COMPENSATION

Pursuant to the requirements in Section 1860 of the Labor Code, the Contractor will be required to secure the payment of workers' compensation to the Contractor's employees in conformance with the requirements in Section 3700 of the Labor Code.

RIGHT OF PROPERTY

Nothing in the Contract shall be construed as vesting the Contractor with any right of property in the materials furnished and used in the work herein provided for after they have been attached to the work and have become an integral portion of the work herein provided. All such materials shall, upon their becoming an integral part of the work herein provided, be, and remain, the property of the City.

PATENTS

If any material, composition, process, method, or anything else called for or required by the Specifications or used in the work is covered by letter patent, all royalties and expenses thereof, all litigation thereupon, or anything whatsoever which may develop as a cost from the use of such materials, composition, process, method, or any other thing which is covered by letter patent, shall be borne by the Contractor.

INCREASED FORCE

In case of emergency involving danger to life or property, continuous work with increased force may be required by the Director of Public Works.

LIABILITIES

Right of general supervision by the City shall not make the Contractor an agent of the City, and the liability of the Contractor for all damages to persons or to public or private property arising from the Contractor's

execution of the work shall not be lessened because of such general supervision.

PROSECUTION AND PROGRESS

GENERAL

If at any time in the opinion of the City Forester, the Contractor has failed to supply an adequate working force, or material of proper quality, or has failed in any other respect to prosecute the work with the diligence and force specified and intended in and by the terms of the Contract, notice thereof in writing shall be served upon the Contractor. Should the Contractor neglect or refuse to provide means for a satisfactory compliance with the Contract, as directed by the City Forester, within the time specified in such notice, the City Forester in any such case shall have the power to suspend the operation of the Contract. Upon receiving notice of such suspension, the Contractor shall discontinue said work, or such parts of it as the City may designate.

Upon such suspension, the Contractor's control shall terminate, and thereupon the City Forester or duly authorized representative may take possession of all or any part of the Contractor's materials, tools, equipment, and appliances upon the premises, and use the same for the purpose of completing said Contract, and hire such force and buy or rent such additional machinery and appliances, tools, and equipment and buy or rent such additional materials and supplies at the Contractor's expense as may be necessary for the proper completion of the work; or may employ other parties to carry the Contract to completion, employ the necessary workers, substitute other machinery or materials and purchase the materials contracted for in such manner as the City may deem proper; or the City may annul and cancel the Contract and re-let the work or any part thereof.

Any excess of cost arising therefrom over and above the Contract price will be charged against the Contractor and his sureties, who will be liable therefor. In the event of such suspension, all money due the Contractor or retained under the terms of this Contract shall be forfeited to the City, but such forfeiture will not release the Contractor or his sureties from liability for failure to fulfill the Contract. The Contractor and his sureties will be credited with the amount of money so forfeited toward any excess of cost over and above the Contract price, arising from the suspension of the operations of the Contract and the completion of the work by the City as above provided, and the Contractor will be so credited with any surplus remaining after all just claims for such completion have been paid.

In the determination of the question whether there has been any such noncompliance with the Contract as to warrant the suspension or annulment thereof, the decision of the City Administrator shall be binding on all parties to the Contract.

SUSPENSIONS AND DELAYS

The City Forester shall have the authority to suspend the work wholly or in part, for such period as the City Forester may deem necessary due to unsuitable weather, or to such other conditions as are considered unfavorable for the suitable prosecution of the work, or for such time as the City Forester may deem necessary due to the failure on the part of the Contractor to carry out City Forester's orders given or to perform any provisions of the work. The Contractor shall immediately obey such order of the City Forester and shall not resume work until ordered in writing by the City Forester.

Any act of, or any omission of anything required to be done by the City, its officers, agents or employees which shall cause the Contractor delay in the completion of the work shall be a ground for extension of time on the part of the Contractor to complete the work but shall not grant the Contractor any monetary damages for such delay.

RIGHTS OF WAY AND STAGING AREA

Rights-of-way or easements for the work will be provided by the City. The Contractor shall make his own

arrangements and pay all expenses for additional areas, including a staging area, required by him outside of the limits of rights-of-way or easements. In the event of delay on the part of the City, its officers, agents or employees in obtaining any such rights-of-way or easements for the work, then the Contractor shall be granted extra time by the City for the completion of his Contract for the period caused by such delay but shall have no damages against the City, its officers, agents or employees.

PAYMENT

GENERAL

The City pays for the Contractor furnishing the resources and activities to complete the work. The Contractor shall accept the City's payment as full compensation for furnishing the resources and activities, including, but not limited to all labor, materials, tools, equipment, taxes and incidentals necessary to complete the work and for performing all work contemplated, and embraced under the Contract; also for loss or damage arising from the nature of the work or from the action of the elements, or from any unforeseen difficulties which may be encountered during the prosecution of the work until the formal acceptance by the City, and for all risks of every description connected with the prosecution of the work; also for all expenses incurred in consequence of the suspension or discontinuance of the work as herein specified, and for completing the work according to the Specifications.

The City shall not be obligated to process any payment request until thirty (30) calendar days after receipt of a correct, complete and undisputed progress payment request or sixty (60) calendar days after receipt of a correct, complete and undisputed final payment request. Payments not made within the specified time periods are subject to an interest rate of two percent (2%) per month. A payment request shall not be deemed complete unless all related documentation has been supplied and verified, and all related Contract requirements have been satisfactorily met.

PROGRESS PAYMENTS

The Contractor shall, once each month, make an estimate in writing of the total amount of work done to the time of such estimate and the value thereof, and request payment for that work.

Upon approval of the progress payment request, the City Forester shall cause to be paid to the Contractor the balance not retained as aforesaid, after deducting therefrom all previous payments and all sums to be withheld or retained under the provisions of the Contract. No such estimate or payment shall be required to be made when, in the judgment of the City Forester, the work is not proceeding in accordance with the provisions of the Contract, or when in the judgment of the City Forester, the total value of the work done since the last estimate amounts to less than one thousand dollars (\$1,000.00).

No such estimate or payment shall be construed to be an acceptance of any defective work or improper materials.

PAYMENT AFTER CONTRACT ACCEPTANCE

Final payment, including all sums withheld or retained as herein before specified as partial security for the fulfillment of the Contract, shall be paid promptly by the City after expiration of the lien period (see California Civil Code § 3179 et seq.), providing there are no disputes arising from the performance of the Contract or the amount due.

PART IV: SPECIAL PROVISIONS

GENERAL

The City is soliciting bids from qualified, C-61/D-49 limited specialty licensed tree Contractors for On-Call Tree Maintenance Services to perform all aspects of urban forestry. The work, in general, consists of maintenance of trees within the public right-of-way, as well as trees on City properties, that are scheduled for standard, priority, and emergency maintenance services. Tree maintenance work may include, but is not limited to: tree planting, staking, watering, pruning, chipping, removal and stump grinding. The selected firm(s) must also be available to respond to the City's emergency tree issues, as well as provide consulting arborist services.

SPECIFICATIONS

A component in one Contract part applies as if appearing in each. The parts are complementary and describe and provide for a complete work. The work embraced herein shall be done in accordance with the appropriate provisions of the Standard Specifications insofar as the same may apply, and in accordance with these Specifications. In case of conflict between the **Standard Specifications** and these **Special Provisions**, the order of precedence shall be as follows:

Special Provisions, including **Supplemental Special Provisions**, if any, shall take precedence over **Standard Specifications**. These **Special Provisions** shall also take precedence over conflicting portions of the "General Provisions, Part III" of these project Specifications.

CONTRACT BONDS

The Contractor, at the time of signing and executing the Contract, shall execute and file with the City a **Performance Bond** to the satisfaction and approval of said City, in a sum of 100% of the annual Contract value, conditional upon the faithful performance of the Contract. For additional information, see Guarantees elsewhere in these Specifications.

The Contractor, at the time of signing and executing any Contract in excess of twenty-five thousand dollars (\$25,000), shall execute and file with the City a **Payment Bond** (labor and materials bond) to the satisfaction and approval of said City, in a sum of 100% of the annual Contract value in accordance with Public Contract Code §9550 et seq.

Please refer to Appendix B: Sample Contract, Performance Bond, and Payment Bond forms.

The surety shall be an admitted carrier in California with a valid surety license and possess a minimum rating from A. M. Best Company of A-VII. The Surety must be listed as an acceptable surety on federal bonds by the United States Department of the Treasury, subject to the maximum amount shown in the listing. If co-sureties are used, their bonds shall be on a joint and several basis.

Notwithstanding the above, the Contractor may substitute adequate securities for any bond called for under the provisions of these Specifications as set forth in Public Contracts Code Section 22300.

Alternate security substitutions shall be submitted to the City no later than ten (10) calendar days after written notice that a Contract has been awarded to the Contractor to allow processing and escrow agreement for in lieu security.

The Contractor shall submit the Contract with his signature affixed thereto, required bonds or alternate security and evidence of insurance that conforms to the Contract within fifteen (15) calendar days after written notice that a Contract has been awarded to him.

TIME LIMITS

The Contractor shall submit the Contract with his signature affixed thereto, required bonds or alternative security and evidence of insurance that conforms to the Contract within fifteen (15) calendar days after written notice that a Contract has been awarded to him.

A Notice to Proceed for this Contract will be issued upon receipt of the foregoing documents and execution of the Contract by the City. The Contractor shall be ready to commence work within ten (10) calendar days after the effective date of said Notice to Proceed.

The annual Contract term, and remaining balance of Contract Value, if any, will expire on June 30 each year, at which time a Change Order will be processed for the next Fiscal Year with a new Contract Value to be determined by the City Council.

LICENSES AND PERMITS

Prior to the execution of any contractual agreements, the successful Contractor shall obtain at Contractor's expense a City of Carmel-by-the-Sea Business License. In addition, the Contractor shall be required to obtain and hold a Public Works Encroachment Permit from the City of Carmel Community Planning and Building Department. Contractor shall provide a copy of the approved permit(s) to the Public Works Department no later than three (3) calendar days prior to the start of work. City permit application fee(s) shall be waived. See also subsection "Certifications of Key Personnel" in Part II: Bid Proposal.

SITE INSPECTION

It shall be the Contractor's responsibility to inspect the site and become thoroughly familiar with all aspects of the work to be done prior to submitting the Task Order form to the City.

The submission of a bid shall be conclusive evidence that the Bidder has investigated the site and is thoroughly satisfied as to the conditions to be encountered, as to the character, quality, and scope of the work to be performed; the quantity of materials to be furnished; and as to all the requirements of these Specifications.

It shall be the Contractor's responsibility to be aware of surface and subsurface drainage conditions that may exist at the site. The Contractor is further responsible for work necessary to rectify any resulting drainage problems; labor, materials, equipment, and incidentals necessary to achieve the solution shall be borne by the Contractor.

SUBMITTALS

The review of submittals and approval thereof by the City does not relieve the Contractor from compliance with the requirements and intentions of the Specifications to which the submittals pertain. It is recommended that the Contractor submits all required submittals as soon as possible at the start of the project.

Submittal Format:

1. Contractor shall submit individually bound copies of all submittals and revised submittals to the City's City Forester. A minimum of two (2) copies shall be submitted. Submittal submission may be done in PDF form via email.
2. All submittals shall have a cover sheet containing the following:
 - a. Submittal date, submittal number and submittal revision number (as applicable)
 - b. City Project Name
3. Each submittal item shall clearly identify the specification section(s) and paragraph(s) for which the submittal item pertains to.
4. The City and its Design Professionals will endeavor to return complete and proper submittals within five (5) working days. However, the Contractor is not guaranteed a specific review time period. If Contractor requests a quick submittal turnaround of specific submittal item(s), Contractor must indicate which submittal item(s) require a quick turnaround by attaching a memo to the submittal indicating such and the requested turnaround period. The City shall make every effort to meet the requested review period. Incomplete and/or inaccurate submittals may take additional time for

review.

5. Contractor shall place orders for all materials or equipment in time to prevent any delays to the work schedule or project completion. If any materials or equipment are not ordered in a timely fashion, any additional charges made by equipment manufacturers and/or suppliers to complete the manufacturer and/or delivery in time to meet the work schedule or project completion, together with any special handling charges, shall be borne by the Contractor.

Submittal Content and Product Data:

1. Contractor shall review all submittals, including submittals by Subcontractors, prior to submission to the City.
2. Submittals shall contain all required information such as shop drawings, product data, samples, etc.
3. Each submittal item shall be identified by manufacturer, brand name, trade name, model number, size, rating and additional information as is necessary to properly identify and verify the materials and equipment. The phrase "as specified" is not sufficient.
4. Where possible, submittal information shall be limited to the specific item being submitted. In the event multiple materials or equipment are described in one submittal, Contractor shall clearly identify the pertinent information being submitted on.
5. Accessories, controls, finish, etc. not required to be submitted or identified with the submittal shall be furnished and installed as specified.

PROTECTION OF PRIVATE PROPERTY

Private property grounds and facilities, if damaged or removed because of the Contractor's operations, shall be restored or replaced to same or better than the original condition and located in the same position and alignment as is reasonably possible. Contractor shall obtain release from private property owner upon repair or restoration of damaged improvements.

QUALITY CONTROL

Contractor Responsibility

The Contractor shall establish and maintain an effective quality control system in compliance with the Specifications. The quality control system shall consist of submittals, procedures, and organization necessary to provide materials, equipment, workmanship, fabrication, and operations which comply with Contract requirements. The system shall cover operations both onsite and offsite, and shall be keyed to the proposed sequence.

Quality Control Plan Implementation

1. **Pre-Work Conference.** During the pre-work conference, a mutual understanding of the CQC system details shall be developed, including the forms for recording the CQC operations, control activities, testing, administration of the system for both onsite and offsite work, and the interrelationship of Contractor's management with the City's inspections. Minutes of the conference shall be prepared by the City. The minutes shall become a part of the Contract file. There may also be occasions when subsequent conferences will be called to reconfirm mutual understandings.
2. **Daily Reports:** The Contractor shall provide copies of daily reports which describe the work performed, weather conditions, personnel and equipment on site, and quality control activities performed. The Contractor will not be paid for work prior to City Forester reviewing and accepting daily reports for the period of time payment is requested.

3. **Acceptance of Plan.** Acceptance of the Contractor's plan is required prior to the start of work. Acceptance is conditional and will be predicated on satisfactory performance during the work. The City Forester reserves the right to require the Contractor to make changes in the CQC plan and operations as necessary to obtain the quality specified.

GUARANTEE

Materials and labor guarantees shall be per Part III of these Specifications. All warranty shall be to the satisfaction of the City. Final payment will not be released without submission of warranties.

REGULATIONS

The Contractor and all subcontractors shall give notices and comply with all laws, ordinances, rules, and regulations applicable to the work, safety and hiring/employment practices. Nothing in the Specifications shall be construed to permit work not conforming to the regulations and codes set forth herein which include, but are not limited to the following:

1. Americans with Disabilities Act (ADA) accessibility and employment standards. In the event of conflicting federal and state standards, the standard that provides greater access will take precedence.
2. California Building Code, latest edition as adopted by the City of Carmel-by-the-Sea
3. California Electrical Code, latest edition as adopted by the City of Carmel-by-the-Sea
4. California Mechanical Code, latest edition as adopted by the City of Carmel-by-the-Sea
5. California Plumbing Code, latest edition as adopted by the City of Carmel-by-the-Sea
6. California Green Building Standards Code, latest edition as adopted by the City Carmel-by-the-Sea
7. California Historic Building Code, latest edition as adopted by the City of Carmel-by-the-Sea
8. California Occupational Safety and Health Administrative Code, latest edition
9. California Government Code Section 4216, Protection of Underground Infrastructure
10. National Fire Protection Association NFPA 1 Fire Code, latest edition
11. National Fire Protection Association NFPA 13, 13R, 13D Fire Sprinklers Code, latest edition
12. National Fire Protection Association NFPA 72 Fire Alarm Systems Code, latest edition
13. California Labor Code
14. Federal Water Pollution Control Act (Clean Water Act), and,
15. Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.).

PUBLIC SAFETY AND PROTECTION OF THE WORK

The Contractor shall furnish, erect and maintain such fences, barricades, guards, lights and other devices as are necessary to prevent accidents and avoid damage to the work area or injury to the public. No separate payment shall be made for such work. If in the opinion of the City Forester, adequate barricades

or warning devices are not being properly maintained by the Contractor, the City may furnish and erect same and charge the Contractor therefore. Attention is directed to Sections 7-I.03 "Public Convenience" and 7-I.04, "Public Safety", of the Standard Specifications published by the State of California Department of Transportation.

INDEMNIFICATION AND HOLD HARMLESS

To the fullest extent permitted by law, Contractor agrees to indemnify, investigate, defend (at Contractor's sole cost and expense and with legal counsel reasonably approved by City), protect and hold harmless, the City of Carmel-by-the-Sea, its officials, officers, employees, agents, and representatives from and against any and all claims [including, without limitation, claims for bodily injury or death (including but not limited to Contractor, persons employed by Contractor, persons acting on behalf of Contractor, and third parties) or damage to property], demands, obligations, losses, damages, actions, causes of action, suits, judgments, fines, penalties, liabilities, defense costs, and expenses (including, without limitation, reasonable attorneys' fees as determined by the Court, disbursements, and court costs, and all other professional, expert, or Contractors' fees and costs) of every kind or nature arising out of or in connection with or relating to any work or activities of Contractor (or Contractor's subcontractors, if any) conducted under this Contract or arising out of the failure on Contractor's part to perform their obligations under this Contract. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of the City, except for those claims which arise out of the active negligence, sole negligence, or willful misconduct of the City of Carmel-by-the-Sea.

Notwithstanding the provisions of the above paragraph, Contractor agrees to assume all risk and to indemnify and hold harmless the City from and against any and all claims, demands, defense costs, liability, expense, or damages of any kind or nature arising out of or in connection with damage to or loss of any property belonging to Contractor or Contractor's employees, contractors, representatives, patrons, guests, or invitees.

Contractor further agrees to indemnify City for damage to or loss of City property arising out of or in connection with Contractor's work associated with this Contract or arising out of any act or omission of Contractor or any of Contractor's employees, agents, contractors, representatives, patrons, guests, or invitees; excepting such damage or loss arising out of the negligence of the City.

INSURANCE

Contractor shall procure and maintain, at its own cost, in effect throughout the term of the Contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, his agents, representatives, employees, or subcontractors.

MINIMUM SCOPE AND LIMITS OF INSURANCE

1. **Commercial General Liability** (CGL) Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than two million dollars, (\$2,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location, or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability** ISO Form Number CA 0001 covering Code 1 (any auto), with limits no less than \$2,000,000 per accident for bodily injury and property damage.
3. **Workers' Compensation insurance** as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. **Professional Liability Insurance** for professional arborist consulting services, with limits of not less than one million dollars (\$1,000,000) per occurrence or claim and two million dollars (\$2,000,000) in the aggregate. Consultant will have a policy for professional liability coverage that provides coverage on an

occurrence basis or obtain extended reporting (tail) coverage (with the same liability limits) for at least three (3) years following the City's acceptance of the work.

5. **Surety Bonds** as described above in the CONTRACT BONDS subsection.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the Contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or the City.

OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).
2. For any claims related to this project, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers, shall be excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide that coverage shall not be canceled, except with prior written notice to the City of at least 30 days of cancellation.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII, unless otherwise acceptable to the City. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Subcontractors

Contractor shall either (1) insure the activities of its subcontractors in its policies; or (2) require and verify that each of its subcontractors procure and maintain insurance meeting all the requirements stated herein, with Contractor ensuring that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 38 04 13.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

Verification of Coverage

Contractor shall furnish the City with certificates of insurance and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this Contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these Specifications, at any time.

Neither the insurance requirements hereunder, nor acceptance or approval of Contractor's insurance, nor whether any claims are covered under any insurance, shall in any way modify or change Contractor's obligations under the indemnification clause in the Agreement, which shall continue in full force and effect. Notwithstanding the insurance requirements contained herein, Contractor is financially liable for its indemnification obligations under the Agreement.

RESOLUTION OF CLAIMS

Applies to ALL Contractor Claims for Time Extension, Payment Not Expressly Provided for, and Payment of Disputed Amounts

1. In accordance with Section 9204 of the California Public Contract Code, this Section applies to any claim by the Contractor in connection with a public works project for:
 - a. A time extension, including, without limitation, for relief from damages or penalties for delay assessed by the City under a Contract for a public works project.
 - b. Payment by the City of money or damages arising from work done by, or on behalf of, the Contractor pursuant to the Contract for a public works project and payment for which is not otherwise expressly provided or to which the claimant is not otherwise entitled.
 - c. Payment of an amount that is disputed by the City.
2. Upon receipt of a claim pursuant to this section:
 - a. The City shall conduct a reasonable review of the claim and, within a period not to exceed 45 days, shall provide the claimant a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, the City and a Contractor may, by mutual agreement, extend the time period provided in this subdivision.
 - b. The claim shall be in writing, include reasonable documentation to substantiate the claim as specified in subsection d below, and be accompanied by the following certification:

"CONTRACT PROVISION REQUIRING PERSONAL CERTIFICATION OF ALL CLAIMS:

I, _____, BEING THE _____
(MUST BE AN OFFICER) OF _____ (GENERAL CONTRACTOR), DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, AND DO PERSONALLY CERTIFY AND ATTEST THAT: I HAVE THOROUGHLY REVIEWED THE ATTACHED CLAIM FOR ADDITIONAL COMPENSATION AND/OR EXTENSION OF TIME, AND KNOW ITS CONTENTS, AND SAID CLAIM IS MADE IN GOOD FAITH; THE SUPPORTING DATA IS TRUTHFUL AND ACCURATE; THAT THE AMOUNT REQUESTED ACCURATELY REFLECTS THE CONTRACT ADJUSTMENT FOR WHICH THE CONTRACTOR BELIEVES THE CITY IS LIABLE; AND, FURTHER THAT I AM FAMILIAR WITH CALIFORNIA PENAL CODE SECTION 12650, ET SEQ. PERTAINING TO FALSE CLAIMS, AND FURTHER KNOW AND UNDERSTAND THAT SUBMISSION OR CERTIFICATION OF A FALSE CLAIM MAY LEAD TO FINES, IMPRISONMENT AND/OR OTHER LEGAL CONSEQUENCES."

- c. Claims must be filed on or before the date of final payment. Nothing herein is intended to extend the

time limit or supersede notice requirements otherwise provided by Contract for the filing of claims.

- d. The claim must include actual cost documentation, including hours of work performed, equipment operation costs, and labor and overhead costs, which should be established at a standard percentage. Any overhead costs listed when paid, shall provide full and complete payment for any and all overhead, including jobsite overhead, home office overhead, as well as additional costs arising from disruption, re-sequencing or acceleration. Contractor shall provide prompt notification of any disagreement in quantities of work performed along with a detailed accounting by means of a schedule update demonstrating any delays incurred.
 - e. If the City needs approval from the City Council to provide the claimant a written statement identifying the disputed portion and the undisputed portion of the claim, and the City Council body does not meet within the 45 days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the City shall have up to three days following the next duly publicly noticed meeting of the City Council after the 45-day period, or extension, expires to provide the claimant a written statement identifying the disputed portion and the undisputed portion.
 - f. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the City issues its written statement. If the City fails to issue a written statement, paragraph 5 of this section shall apply.
3. Following City's written response:
- a. If the claimant disputes the City's written response, or if the City fails to respond to a claim issued pursuant to this section within the time prescribed, the claimant may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the City shall schedule a meet and confer conference within 30 days for settlement of the dispute.
 - b. Within 10 business days following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the City shall provide the claimant a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the City issues its written statement. Any disputed portion of the claim, as identified by the Contractor in writing, shall be submitted to nonbinding mediation, with the City and the claimant sharing the associated costs equally. The City and claimant shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.
 - c. For purposes of this section, mediation includes any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in this section.
 - d. Unless otherwise agreed to by the City and the Contractor in writing, the mediation conducted pursuant to this section shall excuse any further obligation under Section 20104.4 to mediate after litigation has been commenced.
 - e. This section does not preclude the City from requiring arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program, if mediation under this section does not resolve the parties' dispute.
4. Failure by the City to respond to a claim from a Contractor within the time periods described in this subdivision or to otherwise meet the time requirements of this section shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the City's failure to have responded to a claim, or its

failure to otherwise meet the time requirements of this section, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the claimant.

5. Amounts not paid in a timely manner as required by this section shall bear interest at 7 percent per annum.

6. If a subcontractor or a lower tier subcontractor lacks legal standing to assert a claim against a City because privity of Contract does not exist, the Contractor may present to the City a claim on behalf of a subcontractor or lower tier subcontractor. A subcontractor may request in writing, either on his or her own behalf or on behalf of a lower tier subcontractor, that the Contractor present a claim for work which was performed by the subcontractor or by a lower tier subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the City shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the Contractor shall notify the subcontractor in writing as to whether the Contractor presented the claim to the City and, if the original Contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

7. A waiver of the rights granted by this section is void and contrary to public policy, provided, however, that (1) upon receipt of a claim, the parties may mutually agree to waive, in writing, mediation and proceed directly to the commencement of a civil action or binding arbitration, as applicable; and (2) the City may prescribe reasonable change order, claim, and dispute resolution procedures and requirements in addition to the provisions of this section, so long as the contractual provisions do not conflict with or otherwise impair the timeframes and procedures set forth in this section.

RESOLUTION OF CLAIMS – CLAIMS UNDER \$375,000

Applies to claims under \$375,000 for Time Extension, Payment Not Expressly Provided for, and Payment of Disputed Amounts (California Public Contract Code §20104 et seq.)

1. In addition to the provisions of California Public Contract Code §9204 set forth in Section Q above which applies to all construction claims for: a) a time extension; b) payment of money or damages arising from work done by, or on behalf of, the Contractor pursuant to this Contract which is not otherwise expressly provided for or the Contractor is not otherwise entitled; and c) payment of an amount that is disputed by the City, the following provisions shall also apply to said construction claims of three hundred seventy-five thousand dollars (\$375,000) or less.

2. If, following the meet and confer conference set forth in Section Q.4.a. above, the claim or any portion remains in dispute, the Contractor may file a claim pursuant to Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code. For purposes of those provisions, the running of the period of time within which a claim must be filed shall be tolled from the time Contractor submits its written claim pursuant to subdivision (a) until the time the claim is denied, including any period of time utilized by the meet and confer conference.

3. The following procedures are established for all civil actions filed to resolve claims subject to this Section:

- a. Responsive pleadings, the court shall submit the matter to nonbinding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within fifteen (15) days by both parties of a disinterested third person as mediator, shall be commenced within thirty (30) days of the submittal, and shall be concluded within fifteen (15) days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court or by stipulation of both parties. If the parties fail to select a mediator within the 15-day period, any party may petition the court to appoint the mediator.
- b. If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, notwithstanding Section 1141.11 of that code. The Civil Discovery Act Title 4 commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure shall apply to any proceeding brought under this subdivision consistent with the rules pertaining to judicial arbitration.
- c. Notwithstanding any other provision of law, upon stipulation of the parties, arbitrators appointed for purposes of this article shall be experienced in construction law, and, upon stipulation of the parties, mediators and

arbitrators shall be paid necessary and reasonable hourly rates of pay not to exceed their customary rate, and such fees and expenses shall be paid equally by the parties, except in the case of arbitration where the arbitrator, for good cause, determines a different division. In no event shall these fees or expenses be paid by state or county funds.

- d. In addition to Chapter 2.5 (commencing with Section 1141.10 of Title 3 of Part 3 of the Code of Civil Procedure) any party who after receiving an arbitration award requests a trial de novo but does not obtain a more favorable judgment shall, in addition to payment of costs and fees under that chapter, pay the attorney's fees of the other party arising out of the trial de novo.
- e. The City shall not fail to pay money as to any portion of a claim which is undisputed except as otherwise provided in this Contract.
- f. In any suit filed under Section 20104.4 of the California Public Contract Code, the City shall pay interest at the legal rate on any arbitration award or judgment. The interest shall begin to accrue on the date the suit is filed in a court of law.

PRE-WORK CONFERENCE

Prior to the beginning of any work on this project, a conference shall be held at the City's Department of Public Works. The date and time of this conference shall be established by the Contractor contacting that office at 831-620-2070 not less than forty-eight (48) hours in advance of the meeting date and time.

A list of personnel and equipment the Contractor proposes to use on the project and 24/7 after-hours emergency contacts shall be submitted to the City prior to or during the conference.

TASK ORDER PROCESSING

Task Orders, prepared and assigned by the City to the Contractor, shall be thoroughly completed and returned to the City within seven (7) calendar days of receipt. The City will evaluate the completed Task Order and either authorize the work to proceed, deny the Task Order, or amend the tasks and/or time to be performed. The Contractor must be attentive to the completion date of issued Task Orders as Liquidated Damages will apply for any inexcusable delays. All costs for the designated task shall be based on the submitted rates from the Bid Schedule. A sample Task Order form is provided in Appendix C.

The Contractor shall provide copies of daily reports which describe the work performed, weather conditions, personnel and equipment on site, and quality control activities performed. The Contractor will not be paid for work prior to City Forester reviewing and accepting daily reports for the period of time payment is requested.

LIQUIDATED DAMAGES

It is agreed by the parties to the Contract that in case all the work called for under a Task Order is not completed before or upon the expiration of the time limit as set forth in the Task Order, damage will be sustained by the City, and that it will be difficult or impossible to ascertain and determine the actual damage which the City will sustain in the event of and by reason of such delay. It is therefore agreed that the Contractor will pay to the City the sum of fifty dollars (\$50) for each and every calendar day's delay beyond the time prescribed to complete the work; and the Contractor agrees to pay such liquidated damages as herein provided. In case the same are not paid, it is agreed that the City may deduct the amount thereof from any money due or that may become due the Contractor under the Contract.

It is further agreed that, in case the work called for under the Contract is not finished and completed in all parts and requirements within the time specified, the City shall have the right to extend the time for completion of the Contract or not, as may seem best to serve the interest of the City.

The Contractor shall not be assessed with liquidated damages due to any delay in the completion of the work caused by Acts of God or of the public enemy, fire, floods, earthquakes, epidemics, quarantine

restrictions, strikes, freight embargoes and unusually severe weather or delays of subcontractors due to such causes; provided that the Contractor shall within five (5) days from the beginning of any such delay notify the City Forester in writing of the causes of delay, who shall ascertain the facts and the extent of delay, and his findings of the facts thereon shall be final and conclusive.

TRAFFIC CONTROL

1. Pursuant to the authority contained in Vehicle Code Section 591, the City has determined that within those areas that are within the limits of the project and are open to traffic, the Contractor shall comply with all the requirements set forth in Divisions 11, 12, 13, 14 and 15 of the Vehicle Code. In accordance with the statement in Vehicle Code Section 591, this section shall not relieve the Contractor or any person from the duty of exercising due care. The Contractor shall take all necessary precautions for safe operation of the Contractor's equipment and the protection of the public from injury and damage from the Contractor's equipment.
2. Traffic control shall conform to the provisions of Section 12, "Temporary Traffic Control" of the Standard Specifications and the 2014 California Manual on Uniform Traffic Control Devices (CA MUTCD) as adopted by Caltrans.
3. For work not located on residential streets, a Traffic Control Plan (TCP) shall be submitted to the Director of Public Works for approval prior to commencement of work and must be applicable to existing site conditions. Contractor shall notify all emergency services, affected residences, affected businesses, and the Department of Public Works at 831-620-2070 a minimum of three (3) business days in advance as to proposed closures and alternate routes available.
4. For work not located on residential streets, a Traffic Control Plan (TCP) is required. The objective of the plan is to permit a Contractor, or utility, to work within the public right-of-way safely, efficiently, and effectively while maintaining a safe, uniform flow of vehicle traffic. Additionally, a TCP ensures safe provisions for bicyclists and pedestrians to bypass the construction work zone.
5. Every TCP submitted for City review and approval must conform to the following guidelines:
 - a. TCP shall reflect actual job site conditions.
 - b. TCPs shall be prepared to scale on 24" x 36" or 11" x 17" sheets.
 - c. Use legible lettering.
 - d. Provide a legend for symbols used.
 - e. Provide a north arrow.
 - f. Provide a USA/Dig Alert warning stamp.
 - g. Lay out streets in proper orientation and label streets.
 - h. Indicate posted speed limits.
 - i. Show existing crosswalks, bike lanes, striping, ADA ramps, berms, or drainage facilities.
 - j. Show existing regulatory signs in the vicinity of the Work Zone.
 - k. Identify the type of construction (i.e. install gas line, pave new driveway).
 - l. Indicate location and dimensions of the proposed construction Work Zone.
 - m. Show any equipment/materials staging area, if applicable.
 - n. Note the Contractor's business name, address, phone number, and license number.
 - o. Note the name and phone number of a 24-hour contact(s) associated with the Contractor.
 - p. Indicate the start date and estimated construction completion date.

- q. Label proposed temporary construction signs, barricades, and delineators.
 - r. Label proposed taper lengths, width, and delineator spacing.
 - s. Label signs/barricades to navigate bicyclists and pedestrians around the Work Zone.
 - t. Label any proposed temporary parking restrictions.
 - u. Copy the following General Notes onto the TCP.
6. Traffic Control Plans submitted for City review must include the following General Notes:
- a. All traffic control devices shall conform to the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD).
 - b. Work hours are 8:00am – 5:00pm Monday-Friday, and 8:00am to 5:30pm on Saturdays.
 - c. Any night work will require prior written approval from the City Forester.
 - d. The Contractor shall maintain traffic control devices 24 hours per day, 7 days per week.
 - e. Traffic control devices shall be removed from view when not in use.
 - f. Travel lanes through construction sites shall be at least 12 feet wide.
 - g. Temporary “No Parking” signs must be posted at least 48 hours prior to work.
 - h. Trenches must be backfilled or plated during non-working hours.
 - i. When requested by the City, a flashing arrow board will be required on arterial lane closures.
7. Site- specific Traffic Control Plans required by the Director of Public Works shall be paid for by the rate of the Certified Traffic Control Plan Designer. Generic Traffic Control Plans are included in the fully burdened hourly rates in the Bid Schedule.
8. The Contractor is to notify residences and/or businesses a minimum of three (3) business days in advance of closing access to any driveways or providing any detours or changes in on-street parking. Notifications shall be in writing.
9. Contractor shall provide all labor and facilities required for safe and expeditious handling of traffic during the course of construction. Contractor shall provide all flaggers, signs, delineators, and barricades required for traffic control and shall modify or remove same at appropriate times. The Director of Public Works shall be the sole judge as to the adequacy of the Contractor's traffic control measures. If such measures are found to be inadequate by the Director of Public Works, the City may furnish and install same and charge the Contractor therefor.
10. The Contractor shall, at his own expense, construct and maintain in good condition, such detours, detour bridges and temporary crossings for use by the public as deemed necessary or expedient by the City Forester for the proper execution of the work.
11. The Contractor shall designate a representative who can be reached immediately (24 hours per day) in the event of traffic control device failures.

REMOVAL OF OBSTRUCTIONS

The Contractor shall remove and properly dispose of all structures, debris, landscaping, or other obstructions of any character within the work area as called for in the Specifications, and as required by the City Forester.

If archeological items or hazardous wastes are discovered during construction operations, the Contractor

shall cease operations in those areas and immediately notify the Environmental Compliance Manager.

The Contractor shall remove and dispose of all materials designated for removal by the Specifications and as required by the City Forester for the proper completion of the work. Payment for hauling away debris and waste disposal fees shall be based on actual tonnage at the rate included in the Bid Schedule. See Tree Protection Requirements elsewhere in these Special Provisions.

UNDERGROUND UTILITIES

Contractor shall locate all underground obstructions and utilities, (electric, gas, sewage and water lines, cable, fiber, etc.). Prior to any grinding or trenching operation, Contractor shall pothole underground obstructions and utilities that appear to be in conflict with the work area. However, the City shall fairly compensate the Contractor for costs of locating and repairing damage not due to failure of the Contractor to exercise reasonable care, and removing or relocating such facilities not indicated or in a location different from that indicated with reasonable accuracy, and for equipment on the project necessarily idled during such work. Contractor shall not be assessed liquidated damages for delay in completion of the project when such delay was caused by the failure of the City or utility company to provide for removal or relocation of such utility facilities. Contractor shall notify all utility companies of grinding or trenching operations forty-eight (48) hours in advance to enable the utility companies to take any action they deem appropriate.

UTILITY COMPANY COORDINATION

Some trees in the City may have utility company lines attached to them. Contractor shall coordinate activities with the utility companies as required and shall adjust the project schedule to accommodate utility relocation as necessary.

DUST CONTROL

The Contractor shall minimize dust generation from the jobsite and shall spray the site with water or dust palliative as required, in accordance with Section 14-9, "Air Quality", of the Standard Specifications.

SANITARY FACILITIES

Contractor may provide and maintain his/her own portable sanitary facilities on-site, for the duration of the work. Coordinate location(s) with the City Forester. Existing City-owned sanitary facilities may be used.

INSPECTION OF WORK

It is the responsibility of the Contractor to call for all required inspections within the required time lines. The City reserves the right to perform random inspections at any time.

The City Forester and his or her representatives shall at all times have access to the work areas, and shall be furnished with reasonable facility for ascertaining full knowledge respecting the progress, workmanship and character of materials used and employed in the work.

Whenever the work provided and contemplated by the Contract shall have been satisfactorily completed and the final cleanup performed, the City Forester will make the final inspection.

ENVIRONMENTAL/POLLUTION PREVENTION REQUIREMENTS

Contractor shall comply with all air pollution and environmental control rules, regulations, ordinances and statutes that apply to the project and any work performed pursuant to the Contract. Additionally, Carmel-by-the-Sea Municipal Code Section 17.42.020 Urban Runoff Water Quality and Discharge Management, C. Discharge Prohibitions states,

"No person shall discharge or cause to be discharged into the municipal storm drain system or

watercourses any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water...”

Contractor shall comply with all water quality regulations in Carmel-by-the-Sea Municipal Code Chapters 17.42 Stormwater Quality and Utility and 17.43 Water Quality Protection Ordinance, as well as State Water Resources Control Board (SWRCB) and Central Coast Regional Water Quality Control Board (RWQCB) regulations for the prevention of construction site discharges of pollutants, illicit discharges, and enforcement of prohibited and illicit discharges.

EROSION AND SEDIMENT CONTROL PLAN

Detailed design and implementation guidance for construction BMPs can be found through the California Storm Water Quality Association's *Construction BMP Handbook Portal*, *Caltrans Storm Water Quality Manuals and Handbooks*, and the *Construction BMP Handbook* of the Monterey Regional Storm Water Management Program available at <http://montereysea.org/best-management-practices>.

BEST MANAGEMENT PRACTICES OF STORMWATER

BMPs shall be in place and implemented, as appropriate, prior to commencing vegetation removal. The Contractor shall implement and maintain BMPs throughout the term of the Contract to prevent discharges of pollutants, including soil and trash, to the street, storm drain system, and local waterways.

Activities to be performed by Contractor include, but are not limited to:

- At all times, Contractor shall maintain the vegetation (if any), implement erosion and sediment control measures, and provide other protective BMP measures in good and effective operating condition by performing routine inspections to determine condition and effectiveness of BMPs.
- Contractor shall inspect the following areas at least once every seven (7) calendar days, unless otherwise necessary based on current weather conditions or as directed by the Environmental Compliance Manager, and always within 24 hours prior to and after any storm:
 - Inlet protections and perimeter controls;
 - Vehicle parking and storage areas;
 - Disturbed areas of the work site;
 - Runoff discharge locations;
 - Areas that have not received final stabilization;
 - Areas used for storage of materials that are exposed to wind or rain;
 - Equipment and staging areas that are exposed to wind or rain; and,
 - All waste storage areas.

All site BMPs shall be implemented at the appropriate level for the activity at hand. Deficiencies observed during inspections shall be noted and rectified before the end of the workday. Site storm water management and control measures shall be implemented year- round regardless of season.

POLLUTION PREVENTION EXPECTED OUTCOMES

Storm water management and control practices shall result in the following outcomes on all project sites, regardless of size:

- Protection of storm drain inlets and adjacent waterways must be implemented at all times to prevent illicit discharges of sediment, trash, chemicals, debris and fluids, and waste of any kind;
- No release of hazardous substances, such as oils, paints, thinners, fuels, and other chemicals; if such a spill occurs that may threaten local water quality, Contractor must call 911 immediately and notify the City Forester.

- Site disturbance shall be kept to that portion necessary for project work only, and perimeter controls be implemented at all times;
- No deposit of mud, soil, sediment, trash, chemicals, vegetation clippings or other similar waste shall occur on or into public rights of way, the City's storm water system, or local waterways. Any such discharge shall be cleaned-up promptly;
- All hard-surfaced areas are to be swept regularly and maintained free of dirt, debris, and vegetation clippings.

The City's Environmental Compliance Manager may perform periodic site monitoring visits to ensure the Contractor complies with the requirements specified herein. In the event work is found non-compliant, a follow up site monitoring visit will be conducted to ensure non-compliant items have been corrected to the satisfaction of the City. If non-compliant items are not properly addressed prior to the follow up site monitoring visit, the costs associated with additional follow up site monitoring visits shall be deducted from the Contractor's payment. Citations may also be issued for violations.

TREE PROTECTION REQUIREMENTS

According to the Carmel-by-the-Sea Municipal Code Section 12.28.340, for the purpose of safeguarding trees during construction, demolition or tree removal, the following conditions shall apply to all trees other than trees for which a removal Task Order has been issued:

- A. Damage to any other tree be immediately reported by Contractor to the City Forester, and the Contractor shall treat the tree for damage in the manner specified by the City Forester.
- B. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

SUPPLEMENTAL SPECIAL PROVISIONS

- A. The Contractor shall furnish all labor, materials, tools, and equipment necessary to safely perform the work assigned. This equipment may include, but is not limited to, dump trucks, wood chippers, aerial lifts, traffic control device, chainsaws, stump grinders, log loader, water truck, personal safety gear, etc.
- B. Contractor must maintain daily records, including various maintenance activities, hours during which activities are performed, location of work, employees presents at job sites, activities employees performed, materials and equipment used.
- C. The City will provide a representative to meet with the Contractor regularly on site to inspect Contractor's performance and conformance of Contract requirements. The Contractor will provide

competent and trained professionals with extensive knowledge of their trade. It is solely the responsibility of the Contractor to provide training for their employees, and all personal protective equipment to safely perform the duties of the projects.

D. Contractor shall be responsible for removal of all debris from each jobsite in a legal and appropriate manner on a daily basis. All job sites need to be cleaned of all hazards and equipment, unless approval has been given from the City to store equipment at the job site, before the end of each business day.

E. All employees must be professional and courteous to citizens and visitors of the City at all times.

F. The Contractor shall perform work during regular business hours, which are between the hours of 8:00 am and 5:00 pm, Monday through Friday. Emergency work shall occur as necessary and may be required outside of normal business hours. Any work performed during Emergency Hours, or during Weekends or Holidays, shall be paid at the rates included in the Bid Schedule for the respective work.

G. Contractor shall be available twenty-four (24) hours a day, 7 day a week for emergency response. For emergency call back work, Contractor shall provide and maintain an updated list of a minimum of two (2), twenty-four (24) hour emergency contact phone numbers. All requests to these phone numbers must be replied to within one (1) hour of initial phone call, and crews must be dispatched within two (2) hours from initial contact by the City if so required by the City.

H. All work must be done safely and in accordance with the American National Standard Institute for Arboriculture Tree Care Operation ANSI Z133.1-2006.

I. The Contractor must keep all equipment in good working order and shall maintain and operate such equipment in full compliance with OSHA regulations, ANSI Z133 standards, and State of California Department of Transportation (Caltrans) requirements.

J. All tree work performed by the Contractor shall be conducted in a professional manner consistent with the American National Standards Institute ANSI A300.

K. All work performed, methods, and equipment used shall be in conformance with the State and Federal Occupational Safety and Health Act (OSHA). Costs from delays and losses for operations, not in conformance to these acts, specifications, or stoppages by OSHA inspectors or the designated representative, as a result of non-conformance, shall be solely borne by the Contractor.

L. The Contractor shall be responsible for notifying, in writing, at least twenty-four (24) hours before beginning of the work day, the Police, Public Works, and Fire Departments, and local residents if streets are to be temporarily closed. In addition, the waste hauler (Green Waste) and the bus service (Monterey-Salinas Transit) must also be notified at least 24 hours in advance if routes are to be disrupted.

M. The Contractor shall be responsible for notifying and coordinating work with PG&E, telephone, cable television, fiber optic providers, and all other utilities that may be affected by the work. The Contractor shall be responsible for ensuring that Underground Service Alert marks underground utility locations prior to starting any work below grade. Any damage that may occur as a result of Contractor's work is the responsibility of the Contractor

N. The Contractor shall notify all residents in the area if any utilities will be interrupted at least twenty-four (24) hours prior to the interruption of service.

O. The Contractor will clearly post the name of business on all company vehicles.

REQUIRED QUALIFICATIONS

Contractors submitting bids must hold a C-61/D-49 (Limited Specialty/Tree Service) Contractor's License at time of bidding. License must be in good standing.

Bidder must submit, with the Bid Proposal, copies of certifications for staff members and/or subcontractor employee for all certified labor classifications included in the Bid Schedule. These certifications may include: ISA, ASCA, TCIA, and NCCCO.

The Contractor's personnel must be qualified and trained in the tree care industry. At all times during contracted tree service activities, the Contractor shall have work crews on site that are represented by a foreman or supervisor who can receive and carry out instructions given by designated City Representatives in English.

The Contractor shall be held liable for the faithful observance of any lawful instructions of the City, not in conflict with the awarded Contract, which may be delivered to said party or representative at the work site.

TECHNICAL SPECIFICATIONS

A. Planting Specifications:

All plantings shall be in accordance with ANSI A300, Part 6, Best Management Practices.

B. Pruning Specifications:

All tree services shall adhere to the most recently-adopted ANSI Best Management Practices for tree care operations to include ANSI A300 parts 1 through 9.

All cuts shall be made in accordance with the ANSI A300 Part 1 BMPs. All work shall be performed under the supervision of a credentialed arborist.

C. Grinding Tree Stump Specifications:

1. Entire stumps and major roots will be routed to a depth, from existing grade, specified in the Task Order.
2. Contractor is responsible for removing all excess debris created by routing process.

D. ANSI Documents:

1. By signing and submitting this Contract, Contractors are affirming they have the most current copy of all applicable ANSI literature.
2. Copies of the above-mentioned documents are available at the Public Works Department, located in the east side of Junipero Street between Fourth and Fifth Avenues.

E. Safety Specifications:

The Contractor must understand and abide by ANSI Z133 standards and all other safety regulations enacted by OSHA and PG&E. Contractor personnel shall wear proper PPE as required by law. Anytime a worker is aloft, at least one other worker on the job site shall be trained in aerial rescue.

The Contractor will be solely responsible for providing all safety equipment necessary to accomplish the work in a safe manner. The Contractor shall be responsible for providing safe public passage of the area of work, including for pedestrians. Flagmen will be used for the direction of traffic and establishing temporary traffic detours approved by the City and meeting OSHA Standards for public safety when operating in public rights-of-ways. Traffic Control Plans shall be submitted in accordance with Part III: General Provisions, Traffic Control. Contractor shall provide all competent flagmen, signs, lights, barricades, barrier rails, fences, and/or other traffic control measures needed to adequately warn, guide and protect the public.

Under no circumstances will the Contractor or its employees be permitted to work within ten (10) feet of energized high voltage lines or two (2) feet of energized secondary (low voltage) transmission lines unless they are line clearance qualified. All persons, tools, and equipment must maintain these minimum clearances while conducting work in accordance with ANSI Z133.

If there is a question regarding the voltage transmitted via any energized lines, it is the Contractor's responsibility to contact PG&E before working on any tree.

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APPENDIX A:
BID FORMS FOR SUBMITTAL

BID COVER SHEET



CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF PUBLIC WORKS

FOR

**On-Call Tree Maintenance Services
Invitation for Bids 22-23-003**

Submit the following items unbound:

<u>ITEM</u>	<u>INCLUDED</u>
1. Bid Cover Sheet (this sheet)	_____
2. Bid Proposal	_____
3. Bidding Schedule	_____
4. Declaration of Bidder, Acknowledgement of Addenda, and Example Projects	_____
5. References	_____
6. Subcontractor List	_____
7. Certifications of Key Personnel	_____
8. Non-Collusion Declaration	_____
9. Debarment and Suspension Certification	_____
10. Certification of Worker's Compensation	_____
11. Copy of Staff Certifications, Credentials, and Memberships (ISA, ASCA, TCIA, NCCCO)	_____

Failure to include required items, included those identified above, may result in your Bid Proposal being deemed non-responsive resulting in rejection of your bid.

By: _____
Company Name Signature



CITY OF CARMEL-BY-THE-SEA DEPARTMENT OF PUBLIC WORKS

SPECIFICATIONS FOR
On-Call Tree Maintenance Services
Invitation for Bids 22-23-003

BID PROPOSAL

To the Honorable City Council
City of Carmel-by-the-Sea
City Clerk
Eastside of Monte Verde
Between Ocean and Seventh Avenues
Carmel-by-the-Sea, CA 93921

The undersigned declares to have carefully examined the location of the proposed work, that the Scope of Work and Specifications, as set forth herein, have been examined, and hereby proposes to furnish all labor, materials, and equipment and do all the work required to complete said work in accordance with said Scope of Work and Specifications for per unit prices set forth in the following Bid Schedule.

BID APPROVAL:

PRINCIPAL/ OWNER

COMPANY

DATE

BIDDING SCHEDULE

ON-CALL TREE MAINTENANCE SERVICES

INVITATION FOR BIDS 22-23-003

Item #	Labor Classifications	Base Per Hour Labor Rate	Emergency and/or Weekend/Holiday Per Hour Labor Rate
1	Certified Crane Operator (NCCCO)		
2	Certified Traffic Control Plan Designer		
3	Certified Utility Line Clearance Tree Trimmer		
4	Crew Leader, Foreman, or Lead Worker		
5	ISA Certified Arborist		
6	ISA Certified Arborist with TRAQ		
7	ISA Certified Tree Worker		
8	Laborer		
9	Licensed Pesticide Applicator (California)		
10	Registered Consulting Arborist (ASCA)		
11	Tree Worker		
	Waste Disposal	Base Per Ton Rate	Emergency and/or Weekend/Holiday Per Ton Rate
12	Waste Disposal Haul Away		
	Equipment	Base Per Hour Equipment Rate	Emergency and/or Weekend/Holiday Per Hour Equipment Rate
13	Aerial Lift Truck – 50 ft. or larger		
14	Brush Truck/Dump Truck		
15	Chipper		
16	Crane-100 foot or larger, 15 metric ton capacity minimum		
17	Log Loader		
18	Pickup Truck		
19	Stump Grinder		
20	Tub Grinder		
21	Water Truck with 100 gal. minimum		
BID TOTALS OF ITEMS #1-21:		(Basis of Award)	
BID TOTALS WRITTEN IN WORDS:			

Do not enter "N/A" or leave any Bid Item blank. If a Bid Item cost is included elsewhere, enter \$0.00. **If the Bidder does not have the specified labor classification on staff, the Bidder shall include the cost for that**

labor classification as provided by a subcontractor. If the Bidder does not possess the specified equipment, the Bidder shall include the cost for that equipment as provided by a subcontractor or as a rental cost.

“Base Per Hour Labor Rate” refers to the fully burdened rates and includes all of the following costs:

- h) Prevailing wage rates, employee benefits, memberships, certifications, transportation to/from jobsite, certified payroll records
- i) General company costs, overhead, profit, taxes, and markup for subcontractor labor if the Bidder cannot directly provide the labor listed
- j) Insurance, bonds, licenses, and encroachment permit (permit issued at no fee to Contractor)
- k) Administrative costs, attendance at meetings, notifications to adjacent property owners/residents, coordination with utility companies, site consultations, preparation of Task Orders, Quality Control plan, computers, cell phones, office supplies, incidentals
- l) Jobsite costs, portable toilet, temporary utilities, staging/storage areas, temporary fencing, USA Alert tickets, portable and power tools, safety gear, rigging, protection of public and private property, daily cleanup, protecting the site if necessary overnight
- m) Implementation of “Environmental/Pollution Prevention Requirements” of the Special Provisions, including compliance with all applicable storm water rules, regulations, ordinances, and statutes, utilizing BMPs, and clean up with proper disposal of any environmental pollutants
- n) Traffic Control in accordance with the Special Provisions, to maintain vehicular, bicycle, pedestrian, and worker safety during performance of the work, including Traffic Control plan preparation where required, establishing traffic detour(s), street closure notifications, traffic control device placement and maintenance, flagging, barriers, temporary access, removal of detours, and restoration.

“Base Per Hour Equipment Rate” refers to fully-burdened rates and includes all of the following costs:

- d) Equipment, mileage, fuel, depreciation, vehicle maintenance, insurance, safety inspections
- e) Markup for subcontracted or rented equipment if the Bidder does not possess the equipment listed
- f) Mileage to and from home office to project site, (and for dump truck to/from the landfill or other disposal areas)

“Base Per Ton Rate” for Waste Disposal” refers to fully-burdened rates and includes all of the following costs:

- c) Landfill tipping fees, and any markup
- d) Rates for the dump truck and driver (assumed Laborer, Lead Worker, or Tree Worker) are included with the corresponding labor and equipment classifications, not with the per ton rate.

“Emergency and/or Weekend/Holiday (Per Hour Labor Rate, Per Ton Rate, and Per Hour Equipment Rates)” refers to the fully-burdened rates and includes all of the following costs:

- g) All of the applicable costs listed above
- h) Labor, equipment, and waste disposal performed between the hours of 5:30 pm and 7:30 am with prior City authorization
- i) Work done on federal and City-recognized Holidays, with prior City authorization
- j) Work done on weekends (Saturdays, Sundays), with prior City authorization
- k) Emergency call backs, such as following a storm, for work not identified on an issued Task Order
- l) Any labor work performed during Emergency Labor Hours or during Weekend//Holiday Labor Hours shall be no less than one and one-half times the Per Hour Labor amount the Bidder submits for the respective Bid Item(s)

Rates in the Bid Schedule shall be in effect from the date the Contract is Awarded until June 30, 2023. Future years' rates shall equal the Bid Schedule rates increased per the Consumer Price Index, San Francisco Bay area and per required prevailing wages.

DECLARATION OF BIDDER RE: LICENSE QUALIFICATIONS

Bidder certifies he/she possesses a license in accordance with a State Act providing for the registration of Contractors. License No.:_____, Class:_____, Expiration date:_____.

THE FOREGOING INFORMATION IS TRUE AND CORRECT AND IS EXECUTED UNDER PENALTY OR PERJURY IN

_____ COUNTY, CALIFORNIA, ON _____, 2023.

Name of Firm: _____

Address: _____

Telephone: _____

Email: _____

(If firm is an individual, so state. If a firm or co-partnership, state the firm name and give the name(s) of person(s) authorized to execute the declaration on its behalf.)

FAILURE TO PROVIDE ANY OF THE INFORMATION REQUIRED HEREIN INCLUDING
CONTRACTOR SIGNATURES MAY RESULT IN YOUR BID BEING DEEMED NON-RESPONSIVE

Signature Printed Name and Title

ACKNOWLEDGEMENT OF ADDENDA

The Bidder shall list below any and all addenda issued for this project. Failure to list issued addenda will result in a non-responsive bid:

<u>ADDENDA</u>	<u>DATE RECEIVED</u>	<u>INITIAL</u>
1. _____	_____	_____
2. _____	_____	_____

EXAMPLE TREE MAINTENANCE / ON-CALL CONTRACTS

Bidder shall list at least three (3) jobs of a similar nature completed by Bidder's organization within the past five (5) years. (Please include Reference Contact Information on the following page.)

Date	Contract Amount	Organization / Client	Job Types	Project Location

REFERENCES

List at least three (3) organizations of similar size, scope, and cost where the same/similar services, as stated herein, have been provided. The City reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the Contractor's performance on previous assignments.

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

ORGANIZATION/CLIENT

Contact Person	Title		
Address	City	State	Zip
Phone Number	Email		

SUBCONTRACTORS LIST

The Bidder shall list below the name, location of the place of business, and California Contractor license number of any subcontractors proposed to perform work or labor or render service on this project, or a subcontractor licensed by the State of California who will specially fabricate and install a portion of the work per the Specifications of this project, whose work is in excess of one-half (1/2) of one (1) percent of the Bidder's total bid or ten thousand dollars (\$10,000), whichever is greater:

Name of subcontractor	California Contractor License Number	California DIR Registration Number	Location of Place of Business	Trade or Portion of Work

CERTIFICATIONS OF KEY PERSONNEL

Contractors must have an ISA certified arborist on staff. Bidders must complete the following table and provide copies of staff certifications, credentials, and/or memberships (ISA, ASCA, TCIA, NCCCO) with the Bid Proposal.

Employee (or Subcontractor)	Labor Classification	Certification Type and Number

NONCOLLUSION DECLARATION**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

The undersigned declares:

I am the _____ of _____, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or a sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other Bidder. All statements contained in the bid are true. The Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on this _____ day of _____ 2023 in _____ [City], _____ County, California.

Signature

Printed Name and Title

Company

DEBARMENT AND SUSPENSION CERTIFICATION

The Bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any state, federal, or local agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any state, federal, or local agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining Bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

I declare under penalty of perjury that the foregoing is true and correct and that this certification is signed this _____ day of _____, 2023 in _____ [City],
_____ County, California.

Signature

Printed Name and Title

Company

CERTIFICATION OF WORKERS' COMPENSATION INSURANCE

I, _____ the _____ of
(Name) (Title)

_____, declare, state and certify that:
(Contractor Name)

1. I am aware that California Labor Code § 3700(a) and (b) provides:

"Every employer except the state shall secure the payment of compensation in one or more of the following ways:

e. By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this state.

f. By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees."

3. I am aware that the provisions of California Labor Code §3700 require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of this Contract.

(Contractor Name)

By: _____
(Signature)

(Company)

(THIS PAGE IS INTENTIONALLY LEFT BLANK)

APPENDIX B:

SAMPLE CONTRACT,
PERFORMANCE BOND,
AND PAYMENT BOND

SAMPLE CONTRACT**CITY OF CARMEL-BY-THE-SEA
AGREEMENT FOR TREE SERVICES****Contractor name****Project Service****Contract #**

THIS AGREEMENT FOR TREE SERVICES is made and effective as of _____, 2023, between the City of Carmel-by-the-Sea, a municipal corporation ("City") and _____, a _____, ("Contractor") whose current and valid Contractor's License # _____, as duly issued by the California Department of Consumer Affairs. In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **TERM**

This Agreement shall commence upon full execution of this Contract and shall remain and continue in effect until all tasks and warranty period as described herein are completed unless sooner terminated pursuant to the provisions of this Agreement.

2. **SERVICES**

Contractor shall perform the tasks described and set forth in the Contract Documents attached hereto and incorporated herein as though set forth in full. Contractor shall complete the tasks according to the Schedule and Time Limits of performance which is also set forth in Exhibit "A." Exhibit "A" includes Scope of Work, Plans, Specifications and other related documents specific to the services to be provided by Contractor.

3. **PERFORMANCE**

a) Contractor shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Contractor shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Contractor hereunder in meeting its obligations under this Agreement.

b) Contractor shall conform to the rules and regulations pertaining to safety established by the California Division of Industrial Safety. Contractor further agrees to take all necessary precautions for the safety of employees and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. The Contractor shall be responsible for erecting and properly maintaining at all times as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known or reasonably foreseeable or unusual hazards.

c) Contractor acknowledges that it is familiar with City's policies for the protection of trees and agrees to take all reasonable precautions to protect trees not subject to trimming or removal from damage which might be caused during the work to be performed. (See Carmel-by-the-Sea Municipal Code Chapter 12.28).

d) At all times during the term of this Agreement, Contractor shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

e) The Contractor will obtain a valid City Business License and shall maintain said Business License for the term of this Agreement and any extensions thereof.

f) Contractor shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by Contractor or in any way affect the performance of its service pursuant to this Agreement. Contractor shall at all times observe and comply with all such laws and regulations. City, its officers and employees, shall not be liable at law or in equity occasioned by failure of Contractor to comply with this Section. Contractor further agrees to indemnify and hold City, its officers and employees harmless for any such violation of law or regulation, as further set out under paragraph 11 of this agreement.

g) Contractor agrees to comply with all of the applicable provisions of Sections 1777.5 and 1777.6 of the Labor Code, which Sections are hereby specifically referred to, incorporated herein by reference and made a part hereof as though set forth at length herein.

Appendix B: Sample Contract, Performance Bond, and Payment Bond, Page 3

h) Contractor agrees that in the performance of this Agreement or any sub-agreement hereunder, neither Contractor nor any person acting on Contractor's behalf shall refuse to employ or refuse to continue in any employment any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct. Contractor further agrees to comply with all laws with respect to employment when performing this Agreement.

i) Contractor shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in the Contract Documents. To insure performance, the Contractor must provide Faithful Performance and Labor and Material Bonds in favor of City, each in the amount of fifty percent (50%) of the value of the contract.

j) Contractor declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Carmel-by-the-Sea in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial agreement or financial inducement. No officer or employee of the City of Carmel-by-the-Sea will receive compensation, directly or indirectly, from Contractor, or from any officer, employee or agent of Contractor, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling City to any and all remedies at law or in equity.

4. CITY MANAGEMENT

The Public Works Director shall represent City in all matters pertaining to the administration of this Agreement. However, neither the Public Works Director nor the City Forester shall have the authority to enlarge the Tasks to Be Performed or change the compensation due to Contractor. City's City Administrator or his designee, shall be authorized to act on City's behalf and to execute all necessary change order documents which enlarge the Tasks to Be Performed, or change Contractor's compensation.

5. PAYMENT

(a) City agrees to pay Contractor monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in the Bid Schedule attached hereto and incorporated herein by this reference as though set forth in full. This amount shall not exceed _____ which sum shall include all costs for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

(b) The City Administrator's contract authority is limited to a total threshold of \$24,999.00 which includes all costs. Contracts, including any contract amendments that exceed the total threshold, require City Council approval. Any contracts, including contract amendments that exceed the total threshold, which have not received prior City Council approval, shall be void.

(c) Contractor will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Contractor's fees it shall give written notice to Contractor within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. INSPECTION

City shall at all times have the right to inspect the work and materials supplied by Contractor. Contractor shall furnish all reasonable aid and assistance required by City for the proper examination of the work, materials and parts thereof. Such inspection shall not relieve Contractor from any obligation to perform said work in accordance with the specifications of the contract or any modifications thereof and in compliance with the law.

7. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the Contractor at least ten (10) days prior written notice of intention to terminate. Upon receipt of said notice, the Contractor shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Contractor the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon

termination of the Agreement pursuant to this Section, the Contractor will submit an invoice to the City pursuant to Section 6(c).

8. DEFAULT OF CONTRACTOR

(a) Contractor's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Contractor is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Contractor for any work performed after the date of default and can terminate this Agreement immediately by written notice to Contractor. If such failure by Contractor to make progress in the performance of work hereunder arises out of causes beyond Contractor's control, and without fault or negligence of Contractor, it shall not be considered a default.

(b) In the event that the City Administrator or his/her delegate determines that Contractor is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon Contractor a written notice of the default. Contractor shall have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that Contractor fails to cure its default within such period of time, City shall have the right, but not the obligation, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

9. OWNERSHIP OF DOCUMENTS

(a) Contractor shall maintain complete and accurate records with respect to costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Contractor shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Contractor shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records at Contractor's office; shall permit City to make copies and transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained at the City of Carmel-by-the-Sea City Hall for a minimum period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of City and may be used, reused, or otherwise disposed of by City without the permission of Contractor. With respect to computer files, Contractor shall make available to City, at City's office and upon reasonable written request by City, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

10. INDEMNIFICATION

(a) Indemnification for Professional Liability. Contractor shall indemnify, protect, defend and hold harmless City and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are actually caused in whole or in part by any negligent or wrongful act, error or omission of Contractor, its officers, agents, employees or sub-contractors (or any entity or individual that Contractor shall bear the legal liability thereof) in the performance of professional services under this Agreement. With respect to the design of public improvements, the Contractor shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit "A" without the written consent of the Contractor.

(b) Indemnification for Other Than Professional Liability. Contractor shall indemnify defend and hold harmless City, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorneys' fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Contractor or by any individual or entity for which Contractor is legally liable, including but not limited to officers, agents, employees or sub-contractors of Contractor.

(c) General Indemnification Provisions. Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. In the event Contractor fails

Appendix B: Sample Contract, Performance Bond, and Payment Bond, Page 5

to obtain such indemnity obligations from others as required here, Contractor agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend City as set forth here is binding on the successors, assigns or heirs of Contractor and shall survive the termination of this Agreement or this section.

(d) Indemnity Provisions for Contracts Related to Construction. Without affecting the rights of City under any provision of this Agreement, Contractor shall not be required to indemnify and hold harmless City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In instances where City is shown to have been actively negligent and where City's active negligence accounts for only a percentage of the liability involved, the obligation of Contractor will be for that entire portion or percentage of liability not attributable to the active negligence of City.

11. WARRANTIES

Contractor agrees that it will warrant all work performed and equipment supplied hereunder for a period of one year or, in the case of equipment, for the period of the manufacturer's warranty if such warranty be for a period longer than one year. Contractor shall immediately correct all defective workmanship discovered within one year after acceptance of final payment by it and shall indemnify and defend City against all loss and damage occasioned by any such defect, discovered within said year, even though the damage or loss may not be ascertained until after the expiration thereof. Nothing herein constitutes a waiver of City's rights or any statute of limitations.

12. INSURANCE

(a) Contractor shall submit and maintain prior to the beginning of and for the duration of this Agreement insurance coverage covering the Contractor and designating the City, its officers, officials, and employees as additional insureds under an ISO CG 20 10 07 04 and ISO 20 37 07 04 or their equivalent against any and all claims resulting in injury or damage to persons or property (both real and personal) caused by any aspect of the Contractor's work, in amounts no less than the following and with such deductibles as are ordinary and reasonable in keeping with industry standards. It shall be stated, in the Additional Insured Endorsement, that Contractor's insurance policies shall be primary as respects any claims related to or as the result of Contractor's work. Any insurance, pooled coverage, or self-insurance maintained by the City, its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultants shall be non-contributory. The Additional Insured Endorsement shall not apply to the Professional Liability Insurance.

General Liability:

a. General Aggregate	\$2,000,000
b. Products Comp/Op Aggregate	\$2,000,000
c. Personal & Advertising Injury	\$2,000,000
d. Each Occurrence	\$2,000,000
e. Fire Damage (any one fire)	\$ 50,000
f. Medical Expense (any one person)	\$ 5,000

Workers' Compensation:

a. Workers' Compensation	Statutory Limits
b. EL Each Accident	\$1,000,000
c. EL Disease - Policy Limit	\$1,000,000
d. EL Disease - Each Employee	\$1,000,000

Automobile Liability

a. Any vehicle, combined single limit	\$2,000,000

(b) Other Insurance Requirements

(1) All insurance required under this Agreement must be written by an insurance company admitted to do business in California with a current A.M. Best rating of no less than A: VII. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

(2) Each insurance policy required by this Agreement shall be endorsed to state that CITY shall be given notice in writing at least thirty (30) days in advance of any cancellation thereof, except CITY shall be given TEN (10) days' notice for nonpayment of the premium.

(3) The general liability and auto policies shall:

Appendix B: Sample Contract, Performance Bond, and Payment Bond, Page 6

(a) Provide an endorsement naming CITY, its officers, officials, and employees as additional insureds under an ISO CG 20 10 07 04 and ISO 20 37 07 04 or their equivalent.

(b) Provide that such insurance is primary and non-contributing insurance to any insurance or self-insurance maintained by CITY.

(c) Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or their equivalent.

(d) Provide for a waiver of any subrogation rights against CITY via an ISO CG 24 01 10 93 or its equivalent.

(e) Prior to the start of work under this Agreement Contractor shall file certificates of insurance and endorsements evidencing the coverage required by this Agreement with the City Administrator. Contractor shall file a new or amended certificate of insurance promptly after any change is made in any insurance policy which would alter the information on the certificate then on file.

(f) The Contractor shall immediately advise the City of any litigation and/or open claims that may affect these insurance policies.

13. INDEPENDENT CONTRACTOR

(a) Contractor is and shall at all times remain as to City a wholly independent Contractor. The personnel performing the services under this Agreement on behalf of Contractor shall at all times be under Contractor's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Contractor or any of Contractor's officers, employees, or agents, except as set forth in this Agreement. Contractor shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Contractor shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Contractor in connection with the performance of this Agreement. Except for the fees paid to Contractor as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Contractor for performing services hereunder for City. City shall not be liable for compensation or indemnification to Contractor for injury or sickness arising out of performing services hereunder.

(c) Any and all employees or sub-contractors of Contractor under this Agreement, while engaged in the performance of any work or services required by Contractor under this Agreement, shall be considered employees or sub-contractors of Contractor only and not of City. Any and all claims that may arise under the Workers' Compensation Act on behalf of said employees or sub-contractors, while so engaged and all claims made by a third party as a consequence of any negligent act or omission on the part of the Contractor's employees or sub-contractors, while so engaged in any of the work or services provided for or rendered herein shall not be City's obligation.

14. PREVAILING WAGE

It is further expressly agreed by and between the parties hereto that the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in this locality for each craft, classification, or type of worker needed to execute this Agreement is that ascertained by the Director of the Department of Industrial Relations of the State of California, copies of which are on file in the Office of the City Clerk and the Department of Public Works, which shall be made available to any interested party on request, which said rates are hereby made a part hereof, incorporated herein by reference as though set forth in full. The holidays upon which such rates shall be paid shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of worker employed on the Project.

Pursuant to Senate Bill 222 City is required to withhold from any progress payments owed to a Contractor any amount that has been forfeited as penalties, or as wages owed to employees who have not been paid the prevailing wage for work performed. This allows the intervention by the Division of Labor Standards Enforcement, which is headed by the State Labor Commission, in a Contractor's lawsuit for recovery of amounts withheld by an awarding body. All withheld wages and penalties will be transferred to the Labor Commissioner for disbursement in those cases where a Contractor fails to bring a lawsuit for amounts withheld within ninety (90) days after completion of the public works contract and formal acceptance of the job by the awarding body. The Labor Commissioner is then permitted to intervene in any lawsuit brought by the Contractor against an awarding body for recovery of amounts withheld.

15. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

16. CONFLICT OF INTEREST

Contractor shall at all times avoid conflicts of interest, or the appearance of conflicts of interest, in the performance of this Contract.

Contractor covenants that neither he/she nor any officer or principal of their firm have any interest in, or shall acquire any interest, directly nor indirectly, which will conflict in any manner or degree with the performance of their services hereunder. Contractor further covenants that in the performance of this Agreement, no person having such interest shall be employed by them as an officer, employee, agent, or subcontractor. Contractor further covenants that Contractor has not contracted with nor is performing any services, directly or indirectly, with any developer(s) and/or property owner(s) and/or firm(s) and/or partnership(s) owning property in the City or the study area and further covenants and agrees that Contractor and/or its sub-contractors shall provide no service or enter into any agreement or agreements with a/any developer(s) and/or property owner(s) and/or firm(s) and/or partnership(s) owning property in the City or the study area prior to the completion of the work under this Agreement.

If City determines Contractor comes within the definition of Contractor under the Political Reform Act (Government Code §87100 et seq.) Contractor shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with City disclosing Contractor's and/or such other person's financial interests.

17. NO WAIVER OF BREACH/TIME

The waiver by City of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement. Time is of the essence in carrying out the duties hereunder.

18. CONFIDENTIAL INFORMATION/RELEASE OF INFORMATION

(a) All information gained by Contractor in performance of this Agreement shall be considered confidential and shall not be released by Contractor without City's prior written authorization. Contractor, its officers, employees, agents, or sub-contractors, shall not without written authorization from the City Administrator or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Contractor gives City notice of such court order or subpoena.

(b) Contractor shall promptly notify City, through the City Attorney's office, should Contractor, its officers, employees, agents, or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Contractor and/or be present at any deposition, hearing, or similar proceeding. Contractor agrees to cooperate fully with the City and City Attorney's office and to provide the opportunity to review any response to discovery requests provided by Contractor. However, City's right to review any such response does not imply or mean the right by City or the City Attorney's office to control, direct, or rewrite said response.

19. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City: _____

To Contractor: _____

20. THIRD PARTY BENEFICIARIES

Nothing contained in this Agreement shall be construed to create, and the parties do not intend to create, any rights in third parties.

21. ASSIGNMENT

Contractor shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Subject to the foregoing, all terms of the Agreement will be binding upon, enforceable by and inure to the benefit of the parties and their successors and assigns.

22. GOVERNING LAW

City and Contractor understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in Monterey County, or the federal district court with jurisdiction over the City. Contractor agrees not to commence or prosecute any dispute arising out of or in connection with this Agreement other than in the aforementioned courts and irrevocably consents to the exclusive persona and in rem jurisdiction and venue of the aforementioned courts.

23. ATTORNEY'S FEES AND COURT VENUE

Should either party to this Agreement bring legal action against the other (formal judicial proceeding, mediation or arbitration) the party prevailing in such action shall be entitled to a reasonable attorney's fee which shall be fixed by the judge, mediator or arbitrator hearing the case, and such fee shall be included in the judgment together with all costs.

24. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Contractor warrants and represents that he/she has the authority to execute this Agreement on behalf of the Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

25. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

26. AGREEMENT CONTAINS ALL UNDERSTANDINGS: AMENDMENT

(a) This document represents the entire and integrated Agreement between City and Contractor, and supersedes all prior negotiations, representations and agreements, either written or oral.

(b) Any modification or amendment to this Agreement must be in writing.

(c) Neither City nor Contractor shall be deemed to have waived any obligation of the other, or to have agreed to any modification to this Agreement unless it is in writing, and signed by the party giving the waiver.

27. SEVERABILITY

If any term of this Agreement is held invalid by a court of competent jurisdiction or arbitrator the remainder of this Agreement shall remain in effect.

Appendix B: Sample Contract, Performance Bond, and Payment Bond, Page 9

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF CARMEL-BY-THE-SEA:

By: _____
Dave Potter, Mayor

Date: _____

CONTRACTOR:

By: _____
(Printed Name)

Date: _____

ATTEST:

By: _____
Nova Romero, MMC, City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Brian Pierik, ESQ, City Attorney

Date: _____

PERFORMANCE BOND

BOND NO. _____

PREMIUM: _____

WHEREAS, The City of Carmel-by-the-Sea, (hereinafter designated as "Obligee") and _____ (hereinafter designated as "Principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, and identified as project _____ is hereby referred to and made a part hereof; and

WHEREAS, Said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement;

NOW, THEREFORE, We, the principal and _____ as surety, are held and firmly bound unto the hereinafter called "The Obligee," in the penal sum of Fifty Thousand Dollars (\$ 50,000) lawful money of the United States for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally firmly by these presents.

As part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees as determined by the Court, incurred by Obligee in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specification accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the Plans or Specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on

By _____
PRINCIPAL

By: _____
PRINCIPAL

By: _____
ATTORNEY-IN-FACT

PAYMENT (LABOR AND MATERIALS) BOND

BOND NO.: _____

KNOW ALL MEN/WOMEN BY THESE PRESENCE that we, _____ as Principal (also referred to herein as "Contractor"), and _____ as Surety, are held and firmly bound unto City of Carmel-by-the-Sea, hereinafter called "OWNER," in the sum of Fifty Thousand Dollars (\$ 50,000) for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these present.

The condition of the above obligation is such that, whereas said Principal has been awarded and is about to enter into the annexed Contract with the City of Carmel-by-the-Sea for the On-Call Tree Maintenance Services, in accordance with OWNER's Call for Bids documents and Principal's Bid Dated_____, and to which reference is hereby made for all particulars, and is required by said City of Carmel-by-the-Sea to give this bond in connection with the execution of said Contract;

NOW, THEREFORE, if said Contractor, its Subcontractors, its heirs, executors, administrators, successors, or assigns, shall fail to pay (a) for any materials, provisions, equipment, or other supplies used in, upon, for or about the performance of the WORK contracted to be done under the Contract, or (b) for any work or labor thereon of any kind contracted to be done under the Contract, or (c) for amounts due under the Unemployment Insurance Code with respect to work or labor performed pursuant to the Contract, or (d) for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and its Subcontractors under Section 13020 of the Unemployment Insurance Code with respect to such work and labor, in each case, as required by the provisions of Sections 9550-9566 inclusive, of the Civil Code of the State of California and acts amendatory thereof, and sections of other codes of the State of California referred to therein and acts amendatory thereof, and provided that the persons, companies, corporations or other entities so furnishing said materials, provisions, provender, equipment, or other supplies, appliances, or power used in, upon, for, or about performance of the Work contracted to be executed or performed, or any person, company, corporation or entity renting or hiring implements or machinery or power for or contributing to said Work to be done, or any person who performs work or labor upon the same, or any person, company, corporation or entity who supplies both work and materials therefor, shall have complied with the provisions of said laws, then said Surety will pay in full the same in an amount not exceeding the sum hereinabove set forth and also will pay, in case suit is brought upon this bond, a reasonable attorney's fee, as shall be fixed by the Court. This bond shall inure to the benefit of any and all persons named in Section 9100 of the Civil Code of the State of California so as to give a right of action to them or their assigns in any suit brought upon this bond.

PROVIDED, that any alterations in the WORK to be done or the materials to be furnished, or changes in the time of completion, which may be made pursuant to the terms of said Contract Documents, shall not in any way release said Contractor or said Surety thereunder, nor shall any extensions of time granted under the provisions of said Contract Documents release either said Contractor or said Surety, and notice of such alterations or extensions of the Agreement is hereby waived by said Surety.

Appendix B: Sample Contract, Performance Bond, and Payment Bond, Page 12

IN WITNESS WHEREOF, the Principal and the Surety have executed this instrument in duplicate
this _____ day of _____, 2023.

Surety

Principal

By: _____

By: _____

Print Name/Title

Print Name/Title

Address

Address

(_____) _____
Telephone Number

(_____) _____
Telephone Number

Email Address

Email Address

NOTARIAL CERTIFICATE OF ATTORNEY IN FACT AND SEAL OF SURETY MUST BE ATTACHED.

APPENDIX C:
SAMPLE TASK ORDER FORM

Appendix C: Sample Task Order Form, Page 2

Contract #
PO#:
Task Order #:

I. SCOPE AND SCHEDULE BY CITY:

Scope of Work, including locations and frequency:	
Required Completion Date:	

II. COST ESTIMATE AND START DATE BY CONTRACTOR:

Proposed Amount: (Attach Back up Documents)	\$ Not-To-Exceed	
Start & Completion Dates:	Start by:	Complete by:

III. SIGNATURES:

Submitted by: _____ **Contractor** _____ **Date** _____

Approved by: _____ **City Forester** _____ **Date** _____

Complete and return form to Sara Davis at forester@ci.carmel.ca.us within 3 business days for approval.

A signed Task Order form with City approval will be sent to the Contractor as authorization to proceed. Cost Estimate shall be based on the hourly rates submitted in the Bid Schedule.

Liquidated Damages: For inexcusable delays, the Contractor agrees to pay the City the sum of fifty dollars (\$50) for each and every calendar day delay beyond the required Completion Date.



ON-CALL TREE SERVICES
INVITATION FOR BIDS 22-23-003
ADDENDUM #1
Date of Addendum: 01/19/2023

NOTICE TO ALL POTENTIAL BIDDERS

The invitation for Bids is modified as set forth in this Addendum. The original Invitation for Bids Documents remains in full force and effect, except as modified by this Addendum. Bidders shall take Addendum #1 into consideration when preparing and submitting a Bid Proposal and will need to acknowledge Addendum #1 in Appendix A: Page 2, "Bid Cover Sheet."

DATE CHANGES

The scheduled dates found on Page 1 of the On-Call Tree Services Invitation for Bids document have each been postponed by two weeks. The updated timeline is as follows:

Pre-Bid meeting: Rescheduled to Tuesday, 01/24/2023 at 2:00 pm at Carmel City Hall Council Chambers

Bidder Questions Due By: Rescheduled to Tuesday, 01/31/2023 at 5:00 pm

Responses to Bidder Questions to be posted on City Website By: Rescheduled to Tuesday, 02/07/2023 at 5:00 pm

Bid Submittal Due Date and Time: Rescheduled to Tuesday, 02/14/2023 at 3:30 pm

Bids to be publicly opened in Carmel City Hall Council Chambers immediately after Bid submittal due date and time

SUBMITTAL DEADLINE

**The Bid submittal due date and time has been changed to:
Tuesday, February 14, 2023 at 3:30 pm**

Mail or hand deliver sealed Bids to Carmel-by-the-Sea City Hall.

END



**ON-CALL TREE SERVICES
INVITATION FOR BIDS 22-23-003
ADDENDUM #2
Date of Addendum: 02/09/2023**

NOTICE TO ALL POTENTIAL BIDDERS	
The invitation for Bids is modified as set forth in this Addendum. The original Invitation for Bids Documents remain in full force and effect, except as previously modified by Addendum #1. Bidder shall take Addendum #1 and Addendum #2 into consideration when preparing and submitting Bid Proposal and will need to acknowledge in Appendix A: Page 2, "Bid Cover Sheet."	
SUBMITTAL DEADLINE	
The previously-revised submittal deadline remains Tuesday, 02/14/2023 at 3:30 pm. Mail or hand deliver sealed Bids to Carmel-by-the-Sea City Hall.	
1.0 – CLARIFICATIONS	
The following clarifications are provided as a matter of information to clarify issues raised from the plans, specifications and potential Bidders. All Bidders are reminded that in order to submit an acceptable Bid, the acknowledgement found on Page 2 of Appendix A of the Bid Document must be completed.	
Item	Clarifications
1.00	None

2.0 – QUESTIONS AND ANSWERS	
The following questions and answers are provided as a matter of information to clarify issues raised from the plans, specifications and potential Bidders. The Bidder shall include all costs for the following clarifications in the Bid Schedule.	
2.01	Question: What type(s) of jobs are expected to be issued first? Answer: The City intends to issue many pruning, removal, and stump grinding tasks prior to issuing other less time-sensitive tasks such as planting and watering.
2.02	Question: If contracts are awarded to multiple Bidders, how will the City decide which contractor gets which job? Answer: Initially, the City will need to offload many jobs at once by dividing them among the awarded Bidders. There will also be times when the City will send a single Task Order to the various awarded contractors requesting quotes for certain jobs.
2.03	Question: Is tree inventory with dates, species, and size required?

	Answer: The City does not foresee needing a tree inventory with dates, species, and size as part of this Contract.
2.04	Question: Is it required for Contractor to have an ISA certified worker on site at all times? Answer: No.
2.05	Question: Does the City need wood chips and wood rounds produced by the crews? Answer: At this time, it appears the majority of the materials are to be hauled away by the Contractor. However, due to the City owning the wood chips and rounds produced by work on City trees, it will be at the City's discretion to determine whether crews will haul away the materials or deposit them at a City-owned facility.
2.06	Question: Will the City allocate budget for each of the 3 awarded Companies or will proposals for each project be required and awarded to the low bidder? Answer: The City has allocated up to \$100,000 of work for each of the awarded companies each fiscal year (July 1 - June 30). Some jobs requiring more specialized equipment and/or workers may be sent out to each awarded Contractor, with the City selecting the lowest quote for that specific task. With that said, the City intends on utilizing each of the awarded Contractors to the largest extent possible due to the large volume of outstanding work to be performed.
3.0 – INFORMATION	
The following item (s) are provided as a matter of information only to all respondents and do not modify or become part of the contract documents.	
Item	Description
3.01	Attached is the Non-Mandatory Pre-Bid Conference attendees
END	

Pre-Bid Meeting Sign-In Sheet

On-Call Tree Services
Carmel City Hall Council Chambers
2:00 pm, January 24, 2023

Name	Organization	Phone	Email
Sara Davis	City of Carmel	831-620-2073	sdavis@ci.carmel.ca.us
Tom Ford	City of Carmel	831-427-7673	tford@ci.carmel.ca.us
Bob Harary	City of Carmel	831-620-2021	rbharay@ci.carmel.ca.us
Juan Ortiz	West Coast Arborists	408 591 4860	jortiz@wcainc.com
Sal Ocesueda	CTS		salocesuedacts@gmail.com
Matt Swanson	AERI		mswanson@aeri-ca.com



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

March 7, 2023
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Adopt Resolution 2023-029 adopting the City of Carmel-by-the-Sea Temporary/Hourly (at-will/unrepresented) classification salary plan in accordance with Municipal Code 2.52.520 as of March 1, 2023

RECOMMENDATION:

Motion to adopt Resolution 2023-029 adopting the City of Carmel-by-the-Sea Temporary/Hourly (at-will/unrepresented) classification salary plan in accordance with Municipal Code 2.52.520 as of March 1, 2023.

BACKGROUND/SUMMARY:

Temporary/Hourly employees are at-will and unrepresented and are not recognized nor represented for the purpose of collective bargaining and meeting and conferring over salary, benefits, and work conditions. For the at-will classifications, once the salary range is created and established, the salary remains static and does not increase unless approved by City Council. Over the course of the year, City Council has approved with the labor units (General and Management Unit, an affiliate of LiUNA, POA, Ambulance) and At-Will/Unrepresented. This administrative change updates the hourly rates to reflect the up-to-date rates for the corresponding classification.

FISCAL IMPACT:

Any fiscal impact will be absorbed in the department's operating budget.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1) Resolution 2023-029

Attachment 2) Exhibit A - Salary Schedule Hourly and Temporary

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

Attachment 1

RESOLUTION NO. 2023-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING THE TEMPORARY / HOURLY (AT-WILL/UNREPRESENTED CLASSIFICATION SALARY PLAN IN ACCORDANCE WITH MUNICIPAL CODE 2.52.520 AS OF MARCH 1, 2023.

WHEREAS, Municipal Code 2.52.520 and amendments thereto provide, among other things that the City Council establish the legal current salary range from the salary schedule for each class of position;

WHEREAS, the salary resolution is adopted annually or periodically by the City Council upon review and recommendation of the City Administrator; and

WHEREAS, the California Public Employee's Retirement Law, at Section 570.5 of the California Code of Regulations Title 2, requires the City to publish pay rates and ranges on the City's internet site and the City Council to approve the pay rates and range in its entirety each time a modification is made; and

WHEREAS, the temporary/hourly classifications do not receive Cost of Living Adjustments (COLA) or salary adjustments on an annual basis such as employees represented by bargaining units; and

WHEREAS, City Council has approved labor agreements and salary increases with General and Management (an affiliate of LiUNA), POA, Ambulance and the At-Will (Unrepresented) group; and

WHEREAS, staff recommends that the City Council adopt the current City pay rates and ranges for Temporary/Hourly (at-will/unrepresented) classifications (Exhibit A).

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

1. The City of Carmel-by-the-Sea City Council authorizes and approves the City of Carmel-by-the-Sea current pay rates and ranges (salary schedule) for City of Carmel-by-the-Sea Temporary/Hourly (at-will/unrepresented) Classifications (**Exhibit A**).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of March, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

CITY OF CARMEL-BY-THE-SEA
PAY SCHEDULE FOR TEMPORARY / HOURLY
EFFECTIVE MARCH 1, 2023
City Council Approval (pending) Resolution #2023 - 029

Note: These temporary/hourly positions are unclassified part-time "at-will" pursuant to the City's Municipal Code 2.52.055 (c). The temp/hourly positions are limited to work no more than 1000 hours in any fiscal year (July 1st - June 30th) and are eligible for only those benefits required by applicable State and Federal laws.

Classification Title	Range	Step 1	Step 2	Step 3	Step 4	Step 5
Intern Temp/Hourly		\$ 17.86	\$ 18.75	\$ 19.69	\$ 20.67	\$ 21.71
Office Assistant Temp/Hourly		\$ 24.33	\$ 25.54	\$ 26.82	\$ 28.17	\$ 29.56
Forest Care Worker Temp/Hourly		\$ 24.33	\$ 25.54	\$ 26.82	\$ 28.17	\$ 29.56
Library Assistant Temp/Hourly		\$ 26.01	\$ 27.31	\$ 28.68	\$ 30.12	\$ 31.60
Maintenance Worker I Temp/Hourly		\$ 27.33	\$ 28.69	\$ 30.13	\$ 31.62	\$ 33.21
Tree Care Specialist Temp/Hourly		\$ 33.06	\$ 34.72	\$ 36.45	\$ 38.27	\$ 40.19
Administrator Coordinator Temp/Hourly		\$ 29.41	\$ 30.93	\$ 32.46	\$ 34.09	\$ 35.80
Librarian I Temp/Hourly		\$ 30.20	\$ 31.70	\$ 33.28	\$ 34.95	\$ 36.69
Community Activities Assistant I Temp/Hourly		\$ 31.43	\$ 33.01	\$ 34.65	\$ 36.38	\$ 38.19
Finance Specialist Temp/Hourly		\$ 30.97	\$ 32.51	\$ 34.13	\$ 35.83	\$ 37.62
Administrative Analyst Temp/Hourly		\$ 39.72	\$ 41.71	\$ 43.80	\$ 45.99	\$ 48.28

Classification Title	Minimum Hourly	Maximum Hourly
Project Manager Temp/Hourly	\$55.75	\$67.76
Extra-Help Retired Annuitant	\$15.00	\$100.00



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Chip Rerig, City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2023-030 Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act

RECOMMENDATION:

Motion to adopt Resolution 2023-030 Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

BACKGROUND/SUMMARY:

BACKGROUND

On Jan. 4, 2022, the California Business Roundtable filed the "Taxpayer Protection and Government Accountability Act" or AG# 21-0042A1. On Feb. 1, 2023, the measure qualified for the November 2024 ballot. If approved, the Taxpayer Protection and Government Accountability Act would amend the California Constitution with provisions that limit voters' authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative (Attachment 2).

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

The measure puts billions of local government tax and fee revenues at risk statewide with related core public service impacts and would have significant negative impacts on the City of Carmel-by-the-Sea operations and core service delivery.

[Full text of Ballot Initiative](#)

MAJOR PROVISIONS

Fees and Charges[1]:

- Except for licensing and other regulatory fees, fees and charges may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” The burden to prove the fee or charge does not exceed “actual cost” is changed to “clear and convincing” evidence.
- Requires fees and charges paid for the use of local and state government property and the amount paid to purchase or rent government property to be “reasonable.” These fees and charges are currently allowed to be market-based. Whether the amount is “reasonable” (introducing a new legal standard aiming to force below market fee and charge amounts) must be proved by “clear and convincing evidence.”[2] The standard may significantly reduce the amount large companies (e.g., oil, utilities, gas, railroads, garbage/refuse, cable, and other corporations) will pay for the use of local public property.
- Prohibits fees on new development based on vehicle miles traveled.

Taxes[3]:

- Taxes and fees adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted[4].
- Invalidates *Upland* decision that allows a majority of local voters to pass special taxes. The measure specifies that taxes proposed by the initiative are subject to the same rules as taxes placed on the ballot by a city council.
- Expressly prohibits local advisory measures which allow local voters to express a preference for how local general tax dollars should be spent.[5]
- Requires voter approval to expand existing taxes (e.g., Utility, Transient Occupancy) to new territory (e.g., annexations) or to expand the tax base (e.g., new utility service)
- New taxes can only be imposed for a specific time period.
- City charters may not be amended to include a tax or fee.
- All state taxes require majority voter approval.

Fines and Penalties[6]:

- May require voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

DISCUSSION

The “Taxpayer Protection and Government Accountability Act” or AG# 21-0042A1 measure puts billions of local government tax and fee revenues at risk statewide with related core public service impacts and would have significant negative impacts on the City of Carmel-by-the-Sea operations and core service delivery.

This measure also may make it much more difficult for the City of Carmel-by-the-Sea to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services. Fees for services make up 7% of the City's revenue. Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.
- Fees for processing of land use and development applications such as plan check fees, use permits, design review, environmental assessment, plan amendment, subdivision map changes.

Examples of City of Carmel-by-the-Sea adopted fees include:	
Service	Fee
Design Review Fees	\$430 to \$5,175
Use Permit Fees	\$350 to \$1,745
Appeal to Historic Resources Board	\$2,035 per application
Mills Act Contract processing	\$3,440 per application
Appeal to Planning Commission	\$2,000
Coastal Dev. Permit - Event	\$1,360 per application

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the amount of local government fee and charge revenue at risk is approximately \$2 billion per year including those adopted since Jan. 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual and reasonable test."
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Allows legal challenge to any tax adopted before the effective date of the initiative and after January 1, 2022. Such a lawsuit could enjoin (stop) the enactment of the tax pending the outcome of the legal challenge.
- Subjects a challenged fee to new, higher burdens of proof if legally challenged.

Hundreds of local tax measures were approved in 2022[1] that likely do not comply with the provisions of the initiative. Nearly \$2 billion of annual revenues from these voter-approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures, unless the tax is re-submitted for voter approval.

Reductions on local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention, and mental health services.

Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [*Merco Construction Engineers v. Los Angeles Unified School District* (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively-imposed fines and penalties into taxes unless a new, undefined, and ambiguous “adjudicatory due process” is followed. This provision may put at risk authority to impose fines and penalties for violations of state and local law.

City of Carmel-by-the-Sea administrative fines and penalties include:	
<i>Example Violation</i>	<i>Fine</i>
Construction site maintenance (debris, scrap, trash, materials)	\$500
Camping or littering on Carmel Beach	\$250-500
Short term rental violations	\$1,000 per day
Non-permitted residential property work	\$150-1,000
Prohibited discharge into City's storm drain	\$1,000
Property nuisance	\$500
Zoning violations	\$250-500
Fireworks (including “safe and sane”)	\$1,000

Unless defeated, the measure puts billions of dollars statewide currently dedicated to local services at risk, and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more. It is recommended that Council adopt the attached Resolution 2023-0330 opposing this initiative and send a copy to the League of California Cities at BallotMeasures@calcities.org.

[1] Initiative No. 21-0042A1 (pgs.4-6; Section 1 (a)-(j))

[2] Initiative No. 21-0042A1 (pg.5; (3))

[3] Initiative No. 21-0042A1 (pgs.4-6; Section 1 (a)-(j))

[4] Initiative No. 21-0042A1 (pg.7; Section 6 (Sec. 2)(g))

[5] Initiative No. 21-0042A1 (pg.6 (3))

[6] Initiative No. 21-0042A1 (pg. 5 (4))

FISCAL IMPACT:

The Taxpayer Protection and Government Accountability Act will take billions of dollars away from local government services statewide (see Attachment 3). If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

- Over \$20 billion of local government fee and charge revenues over 10 years placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for drinking water, sewer sanitation, and public health and safety.
- About \$2 billion of revenues each year from fees and charges adopted after January 1, 2021 subject to legal peril if not adopted in compliance with the initiative.
- Over \$2 billion dollars of annual revenues from dozens of tax measures approved by voters between January 1, 2022 and the effective date of the act subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations.
- Substantially higher legal and administrative cost of public infrastructure financing which will delay and deter new residential and commercial development.
- Service and infrastructure declines including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

PRIOR CITY COUNCIL ACTION:

None for this item.

ATTACHMENTS:

Attachment 1) Resolution 2023-030

Attachment 2) LOCC Summary

Attachment 3) IA 21-0042A1 Fiscal Effects on Local Governments

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2023-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA OPPOSING INITIATIVE NO. 21-0042A1, THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

WHEREAS, an association representing California's wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2024 statewide ballot; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure and our environment; and

WHEREAS, the measure may make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Oppose Initiative 21-0042A1; the Taxpayer Protection and Government Accountability Act.

BE IT FURTHER RESOLVED, that the City of Carmel-by-the-Sea will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state; and direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1¹

Feb. 1, 2023

Effective date: Any new or increased tax or fee adopted by the Legislature, a city council, or the local voters after **January 1, 2022**, must comply with the Act's new rules.

Voters

- Local advisory measures are prohibited. No measure may appear on the ballot asking for approval of a general tax that would allow the voters to express a preference for how the revenue from the general tax will, could, or should be used.
- Overturns *Upland* decision which upheld a special tax that had been placed on the ballot by the voters to be approved by a majority vote. Taxes proposed by initiative will be subject to the same rules as taxes placed on the ballot by a city council.
- Voters may not amend a city charter to impose, extend, or increase a tax or fee.

Local taxes

- Requires voter approval in order to apply an existing tax:
 - to territory that is annexed.
 - to a new service or product, for example when a utility user tax is applied to a new service.
- All new or increased taxes adopted after Jan. 1, 2022, must include a sunset date.

State taxes

- All new or increased state taxes require statewide voter approval.
- Prohibits a property tax "surcharge" (increase). Prohibits any allocation of property tax to the state.

¹ This is a summary of some of the more significant provisions of the Act. Please review the Act for a complete understanding of the changes it makes to the Constitution.

Fees and charges

- Fees and charges for services and permits may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” Examples include planning services, excavation and encroachment permits, preparation of candidate statement, and permit parking.
- State and cities have the burden of proving by “clear and convincing evidence” that a fee/charge is not a tax, that the amount is reasonable, and that it does not exceed “actual cost.”
- Franchise fees — historically considered fees, not taxes — will more likely be considered taxes due to the elimination of an existing category of “fee” and the requirement that charges to entrance, purchase, rental, or lease of government property be “reasonable.” The state and cities issue franchises to oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations.
- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fines and penalties (administrative enforcement of state law and municipal codes)

- May require voter approval of fines and penalties for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties. Examples include nuisance abatement, organic waste reduction requirements, and failure to maintain a vacant property.

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

- Over \$20 billion of local government fee and charge revenues over 10 years placed at heightened **legal peril**. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for drinking water, sewer sanitation, and public health and safety.
- About \$2 billion of revenues each year from fees and charges adopted after January 1, 2021 **subject to legal peril**.¹
- Over \$2 billion dollars of annual revenues from dozens of tax measures approved by voters between January 1, 2022 and the effective date of the act² subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations.
- Substantially higher legal and administrative cost of public infrastructure financing which will delay and deter new residential and commercial development.
- Service and infrastructure declines including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - o Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).³
 - o Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through the effective date of the Act should it pass would be void a year after the effective date of the initiative.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - o This would require additional tax measures to extend previously approved taxes.
- A city charter may not be amended to impose, extend, or increase a tax might interfere with the ability of cities that do not already have such authority in their charters to adopt Property Transfer Taxes.
 - o There are no more than a few of these every few years, but it is a valuable tax for those that adopt it.

¹ Assumes fee increases since January 1, 2022 would be subject to possible legal challenge if not adopted in compliance with the Initiative.

² The effective date of the initiative would be sometime in December 2024, the date the California Secretary of State certifies the election results of the November 5, 2024 election.

³ Unlike the initiative 17-0050, this initiative **does not** eliminate that ability of cities and counties to adopt general taxes by majority voter approval.

- Requires that a tax measure adopted after January 1, 2022 and before the effective date of the initiative that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative.
 - o If past election patterns and elections in 2022 are an indication, over 200 tax measures approving more than \$2 billion annual revenues to support local public services would not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date and special taxes (including parcel taxes). Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, the measures would each require declaration of emergency and unanimous vote of the governing board to be placed on a special election ballot within a year for approval or the tax will be void after that date. I would expect most to succeed, but some will not, in particular citizen initiative majority vote special taxes which would have to meet a higher voter approval threshold to continue.
- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - o If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions would each require unanimous vote of the agency board to be placed on a special election ballot or would be void a year later.

1.a. Number of Measures and Value of Local Taxes at Risk⁴

Over a hundred local measures were approved in 2022 that likely do not comply with the provisions of Initiative 21-0042A1. Nearly \$2 billion of annual revenues from these voter approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures. We can expect a similar volume of measures in 2024 and a similar volume of non-compliance. So the combined total of annual local funding directly affected by Initiative 21-0042A1 due to its retroactivity provision is about \$4 billion.

Citizen Initiative Special Taxes in 2022.

Special taxes placed on the ballot by citizen initiative and approved after January 1, 2022 by a majority but less than two-thirds of the voters are out of compliance with Initiative 21-0042A1.

On June 7, 2022, there were three local special tax measures placed on the ballot by citizen initiative. Two failed to get majority voter approval. A one percent transactions and use tax (sales tax) for the John C. Fremont Healthcare District in Mariposa County received 69.6 percent approval, over the two thirds needed for any special tax under California Constitution Article XIII C. So this measure was passed in compliance with Initiative 21-0042A1.

June 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
John C. Fremont Healthcare District	Mariposa	Measure N	Transactions & Use Tax	1 cent	\$ 150,000	hospital	40yrs	69.6%	PASS
County of Kings	Kings	Measure F	Transactions & Use Tax	1/2 cent	\$ 11,700,000	fire	none	37.6%	FAIL
Manhattan Beach USD	Los Angeles	Measure A	School Parcel Tax	\$1095/yr	\$ 12,000,000	schools	12yrs	31.2%	FAIL

On November 8, 2022, there were 14 local special taxes placed on the ballot by citizen initiative. Seven of these

⁴ Source: Compilation and summary of data from County elections offices.

measures failed with less than majority voter approval. The other seven measures received majority, but less than two-thirds, voter approval. These measures passed under current law but are out of compliance with Initiative 21-0042A1. Taken together these seven taxes will provide estimated annual revenues of **from \$900,000 to \$1.4 billion** in support of parks and recreation, zoo, library, affordable housing, transportation, homelessness prevention, and schools in these communities.

November 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
Crockett Community Services District	Contra Costa	Measure L	Parcel Tax	\$50/parcel	\$ 60,000	parks/recre	none	62.8%	PASS
Oakland	Alameda	Measure Y	Parcel Tax	\$68/parcel	\$ 12,000,000	zoo	20yrs	62.5%	PASS
County of Mendocino		Measure O	Transactions & Use Tax	1/8 cent then 1/4 cent in 2027	\$ 4,000,000	library	none	60.8%	PASS
Los Angeles	Los Angeles	Measure ULA	Property Transfer Tax	4% if >\$5m, 5.5% if >\$10m	\$600 m to \$1.1 b	affordable housing	none	57.3%	PASS
County of Sacramento		Measure A	Transactions & Use Tax	same 1/2 cent	\$ 212,512,500	transportati	40yrs	55.3%	PASS
San Francisco		Proposition M	Business Operations Tax	\$2500-\$5000/ vacant resid unit	\$ 20,000,000	housing	30yrs	54.5%	PASS
Santa Monica	Los Angeles	Measure GS	Property Transfer Tax	\$56/\$1000 if >\$8m	\$ 50,000,000	schools, homelessne ss, afford. housing	none	53.3%	PASS
					Total \$900,000 to \$1.4 billion				

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
County of Calaveras		Measure A	Transactions & Use Tax	1 cent	\$ 5,000,000	fire	none	49.4%	FAIL
South San Francisco (for Schools)	San Mateo	Measure DD	School Parcel Tax	\$2.50/sf	\$ 55,900,000	schools	none	47.2%	FAIL
County of Fresno (for CSU)		Measure E	Transactions & Use Tax	1/5 ct, 1/40 ct (Reedley)	\$ 36,000,000	Calif State Univ	20yrs	46.9%	FAIL
Santa Cruz	Santa Cruz	Measure N	Parcel Tax	\$6k/vacant SFU	xxx	vacant property	xxx	44.2%	FAIL
County of Monterey		Measure Q	Parcel Tax	\$49/parcel	\$ 5,500,000	childcare	10yrs	41.1%	FAIL
San Francisco City College	San Francisco	Measure O	School Parcel Tax	\$150/sfu	\$ 37,000,000	schools	10yrs	36.7%	FAIL
Morro Bay	San Luis Obispo	Measure B	Parcel Tax	\$120+/parcel	\$ 680,000	harbor	none	36.0%	FAIL
Inverness Public Utility District	Marin	Measure O	Parcel Tax	\$0.20/sf, \$150/vacant	\$ 276,000	fire	none	27.0%	FAIL

Non-Specific Tax Durations in 2022

Voters approved 106 measures in June 2022 (10) and November 2022 (96) that do not provide a specific duration of time that the tax will be imposed (end date). Typically, the ballot titles for these measures state that the tax would be imposed "until ended by voters." Four of these measures also did not include any estimate of the annual revenues that the tax would generate, another violation of initiative 21-0042A1. Taken together, these approved local measures generate **\$561 million per year** that will expire a year after the effective date of the initiative if Initiative 21-0042A1 passes.

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
Oakland	Alameda	Measure T	Business Tax General	various	\$ 20,900,000		none	71.4% PASS
Culver City	Los Angeles	Measure BL	Business Tax General	various	\$ 10,000,000		none	60.5% PASS
El Segundo	Los Angeles	Measure BT	Business Tax General	various	\$ 3,000,000		none	51.2% PASS
Pico Rivera	Los Angeles	Measure AB	Business Tax General	various	\$ 5,800,000		none	75.5% PASS
Santa Ana	Orange	Measure W	Business Tax General	various	neutral		none	64.8% PASS
Tracy	San Joaquin	Measure B	Business Tax General	various	\$ 3,200,000		none	72.6% PASS
Burlingame	San Mateo	Measure X	Business Tax General	various	\$ 2,500,000		none	75.1% PASS
Los Gatos	Santa Clara	Measure J	Business Tax General	various	\$ 1,100,000		none	53.4% PASS
Santa Clara	Santa Clara	Measure H	Business Tax General	\$45/employee, \$15/rental unit	\$ 6,000,000		none	59.5% PASS
Brisbane	San Mateo	Measure O	Business Tax lodging busn	\$2.50/rm/day	\$ 250,000		none	69.2% PASS
East Palo Alto	San Mateo	Measure L	Business Tax resid. rentals	2.5% gross Rcpts	\$ 1,480,000		none	69.9% PASS
County of Santa Cruz Unincorporated		Measure C	Busn Tax-disp cups	12.5cents/cup	\$ 700,000		none	68.2% PASS
South Lake Tahoe	El Dorado	Measure G	Busn Tax Cannabis	6% retail, manufacturing	\$ 950,000		none	62.9% PASS
McFarland	Kern	Measure O	Busn Tax Cannabis	8% of gross receipts retail,	\$ 1,800,000		none	63.5% PASS
Avenal	Kings	Measure C	Busn Tax Cannabis	\$25+/s for 15% gr rcpts	\$ 600,000		none	61.8% PASS
Baldwin Park	Los Angeles	Measure CB	Busn Tax Cannabis	4% gross Rcpts	\$ 300,000		none	51.3% PASS
Claremont	Los Angeles	Measure CT	Busn Tax Cannabis	4%-7% gr rcpts, \$1-	\$ 500,000		none	61.1% PASS
County of Los Angeles Unincorporated		Measure C	Busn Tax Cannabis	4% gross receipts retail,	\$ 15,170,000		none	60.1% PASS
Cudahy	Los Angeles	Measure BA	Busn Tax Cannabis	15% gross Rcpts	\$ 3,600,000		none	54.0% PASS
El Segundo	Los Angeles	Measure Y	Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	72.8% PASS
Hermosa Beach	Los Angeles	Measure T	Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	67.6% PASS
Lynwood	Los Angeles	Measure TR	Busn Tax Cannabis	5%to 10%	\$ 3,000,000		none	66.4% PASS
Santa Monica	Los Angeles	Measure HM	Busn Tax Cannabis	10% gross Rcpts	\$ 5,000,000		none	66.4% PASS
South El Monte	Los Angeles	Measure CM	Busn Tax Cannabis	6% special excise tax on	\$ 126,000		none	53.7% PASS
Monterey	Monterey	Measure J	Busn Tax Cannabis	6% gross Rcpt	\$ 1,300,000		none	65.2% PASS
Pacific Grove	Monterey	Measure N	Busn Tax Cannabis	6% gross Rcpt	\$ 300,000		none	70.8% PASS
Huntington Beach	Orange	Measure O	Busn Tax Cannabis	6% retail, 1% other	\$ 600,000		none	54.7% PASS

Measures in 2022 with Non-Specific Durations

Agency Name	County		Tax/Fee	Rate	Annual Revenue	Use	Sunset	YES%	
Laguna Woods	Orange	Measure T	Busn Tax Cannabis	4%-10% of gross receipts	\$ 750,000		none	61.1%	PASS
Corona	Riverside	Measure G	Busn Tax Cannabis	9% of gross receipts for	\$ 5,000,000		none	61.6%	PASS
Montclair	San Bernardino	Measure R	Busn Tax Cannabis	7% gross Rcpts	\$ 3,500,000		none	70.3%	PASS
County of San Diego Unincorporated		Measure A	Busn Tax Cannabis	6% retail, 3% distribution,	\$ 5,600,000		none	57.4%	PASS
Encinitas	San Diego	Measure L	Busn Tax Cannabis	4% to 7% of gross receipts	\$ 1,400,000		none	65.1%	PASS
Healdsburg	Sonoma	Measure M	Busn Tax Cannabis	8% gross Rcpt	\$ 500,000		none	72.7%	PASS
Exeter	Tulare	Measure B	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	66.5%	PASS
Tulare	Tulare	Measure Y	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	65.2%	PASS
Woodland	Yolo	Measure K	Busn Tax Cannabis	10% gross Rcpts	?		none	66.2%	PASS
Redlands	San Bernardino	Measure J	Busn Tax Distrib centers	from \$0.047/sf to \$0.105/sf	\$ 530,000		none	53.5%	PASS
Arcadia	Los Angeles	Measure SW	Busn Tax Sports Betting	5% gross Rcpts	n/a*		none	63.9%	PASS
Albany	Alameda	Measure K	ParcelTax	\$0.074+/sf	\$ 1,950,000	fire/EMS	none	76.0%	PASS
Cameron Park Airport District	El Dorado	Measure J	ParcelTax	by \$600 to \$900/parcel	\$ 117,900	airport/streets	none	78.2%	PASS
Highlands Village Lighting Benefit Zone	El Dorado	Measure L	ParcelTax	\$140+/parcel	\$ 10,920	streets	none	86.3%	PASS
Knolls Property Owners CSD	El Dorado	Measure P	ParcelTax	by \$300+ to \$600+/parcel	\$ 8,400	streets	none	75.5%	PASS
Sundance Trail Zone of Benefit	El Dorado	Measure C	ParcelTax	\$600+/yr	\$ 24,000	roads	none	73.2%	PASS
South Pasadena	Los Angeles	Measure LL	ParcelTax	xxx	?	library	none	86.2%	PASS
River Delta Fire District	Sacramento	Measure H	ParcelTax	\$90/yr	\$ 130,000	fire	none	72.1%	PASS
Emeryville	Alameda	Measure O	PropTransfTax	\$15/\$1000 if \$1m-\$2m,	\$ 5,000,000		none	71.6%	PASS
San Mateo	San Mateo	Measure CC	PropTransfTax	by 1% to 1.5% if >\$10m	\$ 4,800,000		none	71.8%	PASS
Alameda	Alameda	Measure F	TOT	by 4% to 14%	\$ 910,000		none	59.2%	PASS
Clovis	Fresno	Measure B	TOT	by 2% to 12%	\$ 500,000		none	69.7%	PASS
Kerman	Fresno	Measure G	TOT	10%	\$ 40,000		none	62.3%	PASS
Trinidad	Humboldt	Measure P	TOT	by 4% to 12%	\$ 65,000		none	77.6%	PASS
Imperial	Imperial	Measure G	TOT	by 4% to 12%	\$ 600,000		none	56.2%	PASS
Arcadia	Los Angeles	Measure HT	TOT	by 2% to 12%	\$ 730,000		none	54.1%	PASS
Santa Monica	Los Angeles	Measure CS	TOT	by 1%, 3% home shares	\$ 4,100,000		none	73.7%	PASS

Notes

?= Ballot measure title did not include an estimate of annual revenues, also not in compliance with Initiative 21-0042A1.

n/a*= Arcadia Measure SW passed but sports betting remains illegal after the failure of Propositions 26 and 27 on the November statewide ballot.

Measures in 2022 with Non-Specific Durations

Agency Name	County	Tax/Fee	Rate	Annual Revenue	Use	Sunset	YES%
Anaheim	Orange	Measure J	TOT	online travel companies	\$ 3,000,000	none	59.2% PASS
La Palma	Orange	Measure P	TOT	by 4% to 12%	\$ 200,000	none	71.1% PASS
Colfax	Placer	Measure B	TOT	by 2% to 10%	\$ 29,000	none	73.5% PASS
Rocklin	Placer	Measure F	TOT	by 2% to 10%	\$ 300,000	none	59.8% PASS
Roseville	Placer	Measure C	TOT	by 4% to 10%	\$ 3,000,000	none	73.0% PASS
Big Bear Lake	San Bernardino	Measure P	TOT	by 2% to 10%	\$ 1,300,000	none	54.4% PASS
Grand Terrace	San Bernardino	Measure M	TOT	new 10%	\$ 250,000	none	51.9% PASS
Yucca Valley	San Bernardino	Measure K	TOT	by 5% to 12%	\$ 1,300,000	none	71.9% PASS
Imperial Beach	San Diego	Measure R	TOT	by 4% to 14%	\$ 400,000	none	67.4% PASS
El Paso de Robles	San Luis Obispo	Measure F	TOT	by 1% to 11%	\$ 750,000	none	61.2% PASS
Belmont	San Mateo	Measure K	TOT	by 2% to 14%	\$ 600,000	none	79.3% PASS
Millbrae	San Mateo	Measure N	TOT	by 2% to 14%	\$ 1,500,000	none	75.8% PASS
County of Humboldt Unincorporated		Measure J	TOT	by 2% to 12%	\$ 3,080,000	none	63.3% PASS
County of Placer - North Tahoe TOT Area		Measure A	TOT	by 2% to 10%	\$ 4,000,000	none	90.0% PASS
County of Santa Cruz Unincorporated		Measure B	TOT	by 1% to 12%	\$ 2,300,000	none	69.2% PASS
County of El Dorado - East Slope Tahoe		Measure S	TOT 2/3	by 4% to 14%	\$ 2,500,000	none	81.8% PASS
Chico	Butte	Measure H	TrUT	1 cent	\$ 24,000,000	none	52.4% PASS
Mendota	Fresno	Measure H	TrUT	1.25 cent	\$ 493,498	none	57.2% PASS
Blue Lake	Humboldt	Measure R	TrUT	1 cent	\$ 30,000	none	55.4% PASS
Rio Dell	Humboldt	Measure O	TrUT	3/4cent	\$ 400,000	none	53.3% PASS
County of Kern unincorporated areas		Measure K	TrUT	1 cent	\$ 54,000,000	none	50.8% PASS
McFarland	Kern	Measure M	TrUT	1 cent	\$ 579,662	none	62.2% PASS
Tehachapi	Kern	Measure S	TrUT	1 cent	\$ 4,000,000	none	57.2% PASS
Avenal	Kings	Measure A	TrUT	1 cent	\$ 500,000	none	72.5% PASS
Susanville	Lassen	Measure P	TrUT	1 cent	\$ 1,750,000	none	54.7% PASS
Baldwin Park	Los Angeles	Measure BP	TrUT	3/4 cent	\$ 6,000,000	none	58.1% PASS
Malibu	Los Angeles	Measure MC	TrUT	1/2 cent	\$ 3,000,000	none	52.6% PASS
Monterey Park	Los Angeles	Measure MP	TrUT	3/4 cent	\$ 6,000,000	none	58.5% PASS
Torrance	Los Angeles	Measure SS1	TrUT	1/2 cent	\$ 18,000,000	none	55.0% PASS
Larkspur	Marin	Measure G	TrUT	1/4 cent	\$ 700,000	none	59.4% PASS
Sand City	Monterey	Measure L	TrUT	by 1/2cent to 1.5cents	\$ 1,400,000	none	68.7% PASS
Hemet	Riverside	Measure H	TrUT	same 1 cent	\$ 15,000,000	none	58.0% PASS
Elk Grove	Sacramento	Measure E	TrUT	1 cent	\$ 21,000,000	none	54.1% PASS
Galt	Sacramento	Measure Q	TrUT	1 cent	\$ 3,600,000	none	52.4% PASS
Colton	San Bernardino	Measure S	TrUT	1 cent	\$ 9,500,000	none	66.8% PASS
Ontario	San Bernardino	Measure Q	TrUT	1 cent	\$ 95,000,000	none	53.2% PASS
Solana Beach	San Diego	Measure S	TrUT	1 cent	\$ 3,000,000	none	66.7% PASS
Brisbane	San Mateo	Measure U	TrUT	1/2 cent	\$ 2,000,000	none	63.9% PASS
Goleta	Santa Barbara	Measure B	TrUT	1 cent	\$ 10,600,000	none	64.7% PASS
Solvang	Santa Barbara	Measure U	TrUT	1 cent	\$ 1,600,000	none	63.1% PASS

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
Watsonville	Santa Cruz	Measure R	TrUT	1/2 cent	\$ 5,000,000	none	64.4% PASS
Vallejo	Solano	Measure P	TrUT	7/8 cent	\$ 18,000,000	none	54.7% PASS
Modesto	Stanislaus	Measure H	TrUT	1 cent	\$ 39,000,000	none	62.8% PASS
County of Colusa		Measure A	TrUT 2/3	1/2 cent	\$ 2,400,000	EMS	69.4% PASS
Atwater	Merced	Measure B	TrUT 2/3	same 1 cent	\$ 4,000,000	police/fire	73.7% PASS
Truckee	Nevada	Measure U	TrUT 2/3	by 1/4 cent to 1/2 cent	\$ 3,000,000	open space / trails	76.4% PASS
Palo Alto	Santa Clara	Measure L	Utility Transfer	18% gas	\$ 7,000,000	none	77.7% PASS
Santa Clara	Santa Clara	Measure G	Utility Transfer	5 %	\$ 30,000,000	none	84.2% PASS
Hercules	Contra Costa	Measure N	UUT	8%	\$ 3,600,000	none	69.3% PASS
Carson	Los Angeles	Measure UU	UUT	2% electr, gas	\$ 8,000,000	none	78.4% PASS
Sebastopol	Sonoma	Measure N	UUT	3.75% (same)	\$ 700,000	none	83.5% PASS

Co-temporal Advisory Measures in 2022

At the November 2022 election, there was just one local general tax measure that was accompanied by an advisory measure as to the use of funds. The City of Santa Monica's Measure DT property transfer tax failed with just 34 percent approval as voters instead chose the citizen initiative Measure GS.

There was also just one such tax use advisory measure on the June 2022 election. Susanville's voters passed Measure P, a 1 percent transactions and use (sales) tax that generates \$1.75 million per year⁵ for general city services. The measure was accompanied by advisory Measure Q, accompanied the city's It asked, "If Measure P passes, should the revenues be used to balance the budget to maintain and enhance existing public safety services (police and fire), and provide funding to support street infrastructure improvements and provide funding to support economic development efforts designed to increase businesses, jobs and visitors to Susanville?" Both measures passed. Under Initiative 21-0042A1, the tax will expire a year after the effective date of the initiative (i.e., in December 2025).

1.b. Additional Costs and Public Service Effects of the Tax Provisions

Assuming a similar volume of local measures through 2024 as we saw in 2022, there will be over 200 local measures that will need to be redrafted to comply with the Initiative and placed back on the ballot for the taxes to continue after December 2025. The costs of re-drafting, re-placing and re-voting on these measures, previously legally approved by voters, will be in the tens of millions in total statewide.

2. "Exempt Charges" (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual and reasonable test."
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Allows legal challenge to any tax adopted before the effective date of the initiative and after January 1,

⁵ The Susanville measure also did not include a specific end date and so is included in the list and totals of those measures.

2022. Such a lawsuit could enjoin (stop) the enactment of the tax pending the outcome of the legal challenge.

- Subjects a challenged fee to new, higher burdens of proof if legally challenged.

2.a. Value on New Local Government Fees and Charges at Risk⁶

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$2 billion per year including those adopted since January 1, 2022. Of \$2 billion, about \$900 million (45 percent) is for special districts, \$800 million (40 percent) is cities, and \$300 million (15 percent) is counties.**⁷

Major examples of affected fees and charges are:

1. Certain water, sanitary sewer, wastewater, garbage, electric, gas service fees.
2. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Business improvement district charges.
6. Fees for processing of land use and development applications such as plan check fees, use permits, design review, environmental assessment, plan amendment, subdivision map changes.
7. Document processing and duplication fees.
8. Facility use charges, parking fees, tolls.
9. Fines, penalties.
10. Fees for parks and recreation services.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

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⁶ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁷ School fees are also affected but the amount is negligible by comparison.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Ashlee Wright, Director, Libraries & Community Activities
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a presentation on Car Week 2023 planning

RECOMMENDATION:

Receive a presentation on Car Week 2023 planning.

BACKGROUND/SUMMARY:

Since its inception, “Car Week” has evolved from being just a handful of events during the span of a week, to tens of public and private events held over the span of a week and a half on the peninsula.

During 2020 there were no Car Week events. In 2021 the State began allowing large-scale events again, but Concours on the Avenue was the only event held in the City. 2022 was the first return to “normal” year on the Peninsula for Car Week since the pandemic. In Carmel-by-the-Sea in 2022 two small events were held: Acura in the Park on Tuesday (former sponsor of Concours on the Avenue) and Prancing Ponies on Thursday.

Unfortunately, due to the passing of Concours on the Avenue (COTA) event organizer Doug Freedman the event was not held in 2022. Pebble Beach also decided not to return to their pre-pandemic Tour d’ Elegance stop and luncheon in Carmel in 2023. Since Car Week 2022 staff have been having conversations with individuals and groups interested in reviving the COTA event, however nothing has come to fruition. COTA was a well organized, well executed event, but it was also a full-time job and only a break even event in terms of finances. At this point in time there is no plan for a COTA scale event in town for Car Week 2023. This does not mean that this type of event will not ever return to Carmel, it just means that the groups interested in working on an event of that magnitude need more time and that a COTA-like event is more likely in 2024.

Concurrently, staff have been working with event organizers focused on smaller, more curated events. Previous Council direction has been to limit events in Carmel to the Tuesday and Thursday of Car Week. This was mostly due to the size of COTA and the Pebble Beach Tour and the strain on the Village and safety resources. Based on the fact that neither large event is returning, staff is proposing a new plan to have events Monday-Thursday and up to two events per day that span no more than one or two blocks or occupy the footprint of the Farmers' Market (Mission Street and Sixth Avenue) and are inclusive of Devendorf Park.

Tentatively these are the permits that are in progress and this is the proposed event schedule for Car Week:

- Monday, August 14 Concours for a Cause (Farmers' Market footprint)
- Tuesday, August 15 Acura in the Park (Devendorf Park only)
- Wednesday, August 16 TBD (Farmers' Market footprint)
- Thursday, August 17 Prancing Ponies on Ocean Avenue
- Thursday, August 17 Ferrari Owners Club - Concours Carmel on Dolores Street between Ocean and Seventh Avenues

Smaller events will reduce the strain on Public Safety and village infrastructure overall, but the door is still open for a larger COTA type of event returning in the future. The aforementioned permits are works in progress and event details and dates are subject to change. Staff and event organizers are working hard to get everything nailed down as quickly as possible to provide notice to the community.

Consistent with the Council-adopted Special Events Policy, approval of special events occurs at the staff level. However, because of the nature and popularity of Car Week, this report seeks feedback from Council on the proposed plan and slate of events.

FISCAL IMPACT:

N/A

PRIOR CITY COUNCIL ACTION:

Council received a Car Week 2022 after action in the fall.

ATTACHMENTS:

Attachment 1) Survey Results

Attachment 1

Timestamp	I am:	How did you feel about Car Week in Carmel-by-the-Sea overall this year?	Why do you feel that way?	Did you attend the Acura in the Park Event on Tuesday, August 16?	How did you feel about the Acura in the Park event on Tuesday, August 16?	Did you attend the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How did you feel about the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How do you feel about the events in Carmel-by-the-Sea in general this year?	Why do you feel that way?	Do you want to see the larger events like Concours on the Avenue and/or Tour d'Elegance return to Carmel-by-the-Sea if it is possible?	Why do you feel that way?	How did you feel about the effectiveness of traffic calming measures in place for safety in the City during Car Week - i.e. shutting streets down in the evenings, alternate routes around Ocean Avenue, etc.?	Why do you feel that way?
9/9/2022 16:35:40	A worker in 93921	Loved it.		No	It was okay.	Yes	Loved it.	Loved them.		Yes.		They helped with traffic and safety somewhat.	
9/9/2022 16:47:06	A worker in 93921	I did not like it at all.	Fancy cars are dumb. Just think of all the good the money spent on those car could do in the world. I do not like that the park was turned into a Acura dealership.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all	It is wasteful and glorifies an antiquated mode of transpiration.	Why does it have to be cars? Why not a Pride event. Or a dog show. Or an art festival?	Again, it is gross to see rich people showing off their money.	We need pedestrian calm measures. People just wonder into the street. It is dangerous.	
9/9/2022 16:59:03	A worker in 93921	It was okay.	Cool to watch and not as bad as folks had described it as, but also incidents of unnecessarily loud noise and reckless behavior (ex: cars revving/barreling down Ocean Ave) with no city authorities in sight.	No		No		I really liked them, but t	My work in public services requires facilitating cooperation between the public and community services, and Car Week helped as much as hindered that.	I am neutral.	I wouldn't mind larger events if they were managed properly by city personnel.	They helped with traffic and safety.	I was able to get in and out of the city for work without too much fuss.
9/11/2022 17:22:04	A resident of 93921	Loved it.	great event that brings tourism to the area	No	I'm indifferent	No	neutral	They were okay.	I didn't pay much attention- and wasn't real clear on the events in the evenings on Ocean Ave	or maybe new and different events	I like the idea of doing something in the evenings in the village where people could do after dinner strolls	don't know	I really can't answer- not sure if they helped
9/12/2022 8:55:46	A worker in 93921	Loved it.	This was my first car week experience and while I do not have an interest in cars, I loved seeing others' passion! I was impressed by the number of cars on display throughout town and the fact that people had travelled from around the country to attend the event. My favorite moment was driving out Ocean towards 1 and seeing a group of young men/teens with lawn chairs posted up in a driveway, excitedly waiting for the next cool car to drive by.	No		Yes	I have never experience	I didn't care very much	No interest in organized car week events	Have never seen these events but would be interested to experience them	From what I've heard, these are part of Carmel's historical tradition that seem worthy of continuing	I'm not sure. I leave work at 5pm and did not experience car week at night	
9/12/2022 11:02:32	A worker in 93921	It was okay.	Felt too crowded and the guests were not well behaved.	Yes	It was okay.	Yes	Loved it.	They were okay.	Didn't appreciate the behavior of the Village guests after dark.	Apathetic.	Not sure it will attract any better behaved guests.	They helped with traffic and safety.	The traffic calming measures made it less appealing for the 'side shows.'
9/12/2022 11:45:12	A resident of 93921	It was okay.	Felt less significantly lively than usual. The loss of Concours on the Avenue was clearly felt. The prancing ponies show didn't bring the same energy or scale.	No	I walked by the event a	Yes	It was okay.	They were okay.	The events in town felt like second tier after thought events.	Yes.	Car Week is a big event for the area and Carmel felt left out this year. We were just a place for people to sleep vs being a part of the event.	They helped with traffic and safety.	The evenings were not disrupted by the cars speeding through town as they have been in the past.
9/12/2022 11:46:41	A resident of 93921	I did not like it at all.	Unchecked speeding and reckless driving all over the village, not just on Ocean.	No	N/A since I did not att	No	N/A since I did not att	Assume you mean Car	We didn't attend	No	Event likely to attract more traffic, speeding, reckless driving	They helped with traffic and safety somewhat.	Very limited due to perceived impact on businesses. Suggest more closures around Ocean completely shutting down causing and create more of a walking street faire to attract people to businesses.
9/12/2022 12:25:10	A resident of 93921	Loved it.	Great cars, fun visitors.	Yes	Loved it.	Yes	Loved it.	Loved them.	Great to showcase Carmel with interesting events.	Yes.	Celebrate life!	They helped with traffic and safety somewhat.	
9/12/2022 12:27:02	A resident of 93921	I did not like it at all.	very little for locals to see this year / too much cars racing down the neighborhood streets	No	did not visit it	No	not worth going to		see previous answer	Yes.	it makes it something worthwhile to see in the village	Carpenter Street was a disaster with loud cars racing up and down it	the noise in the residential area and safety issues with the cars speeding
9/12/2022 12:28:04	A resident of 93921	It was okay.	Revvng cars during day and evening. Concern about pedestrians in crosswalks. Great for business.	No		No		They were okay.	Missed the Concours on the Avenue.	Yes.	Quality event that seems to be an anchor event for the smaller events.	They helped with traffic and safety somewhat.	Good that Ocean closed in evening. Maybe have some barriers up in the evening/night on neighborhood streets that open to residents only? For example (and granted, self-serving), from Monte Verde/Seventh south to Ninth?
9/12/2022 12:28:10	A worker in 93921	It was okay.	miss Concours on the Avenue. Only car event was Prancing Ponies which I believe to be substandard.	No	knew it was there. didn	Yes	I did not like it at all.	not like the old days of	Those two events were professional and represented Carmel-by-the-Sea the way we would want our village to show.	Yes.	Carmel-by-the-Sea = quality, high end events	They helped with traffic and safety.	
9/12/2022 12:28:10	A resident of 93921	I did not like it at all.	The Thursday event was marketing a lot of cars for rent. Tacky. And it should have been held on Wednesday so the farmers market on Thursday could have been held.	No		Yes	I did not like it at all.			Yes.	The Concours event has always been tasteful, classy and benefits an amazing local charity, The Carmel Foundation.		
9/12/2022 12:28:40	A resident of 93921	I did not like it at all.	No events	Yes	It was okay.	No	Scam charity	What events?	See above	Yes.	I miss COTA and the Tour		
9/12/2022 12:28:59	A resident of 93921	It was okay.	Do not enjoy the throngs of people all over town.	No	Did not attend	Yes	Again very crowded	They were okay.	Too crowded	No	You have to ask....too crowded	They helped with traffic and safety.	
9/12/2022 12:30:33	A resident of 93921	It was okay.	missed concours on the avenue	No	did not attend	Yes	Loved it.	They were okay.	Prancing Ponies car show was great, filled the void (somewhat) of the concours on the ave, but still missed that event	Yes.	tradition, and it also helps the businesses in carmel, makes car week in carmel more festive, etc.	They helped with traffic and safety.	i actually think it would be fun if they shut the streets down on Saturday night and allowed the fancy cars to come through and "show off" . Crowds would love to see that and it would bring people in to watch vs. making it a safety issue
9/12/2022 12:31:17	A resident of 93921	It was okay.	No event on Ocean Ave. this year	No	Did not attend	No	Did not attend	They were okay.	Did not attend any	Yes.		They helped with traffic and safety.	

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9/12/2022 12:31:55	A resident of 93921, A v	It was okay.	I missed Concours on the Ave. and the Thursday Tour stop.	No		Yes	It was okay.	They were okay.	Concours on the Ave is a very well executed event and we missed it. The Thursday tour stop is also very special and we missed it!	Yes.	They are wonderful events!	They helped with traffic and safety somewhat.	I appreciate how they closed Ocean at Junipero in the evening and redirected traffic. During the daytime, during car week, there was some dangerous activity. As soon as I would step out of the crosswalk, cars were gunning it to get to the next stop sign. Especially with my 6 year old with me, this felt very unsafe.
9/12/2022 12:32:27	A resident of 93921	It was okay.	Wish the cars on the avenue would return. Unhappy to hear of those who came to town to cause problems. Grateful to our amazing police department doing their best.	Yes	It was okay.	Yes	Loved it.	Loved them.	Love the variety of community activities for such a tiny village.	Yes.	It's such a great opportunity for people to see amazing cars without the high cost of Pebble Beach events.	They helped with traffic and safety somewhat.	People still speeding, revving engines, etc.
9/12/2022 12:33:12	A resident of 93921	Loved it.	Great to see fancy cars around the downtown neighborhood	No	What event in the Park?	No	What event on Ocean A	Loved them.	Glad to see all the activity in the area	Yes.	A little personal inconvenience is worth it	They helped with traffic and safety somewhat.	worked fine
9/12/2022 12:33:46	A resident of 93921	Loved it.	The influx of car enthusiasts brings millions of dollars to local business and Charity's	Yes	I would like to see the c	Yes	Loved it.	Brings local community	Brings local community together	Yes.	These free events allow younger families to Learn and see cars they'd never have the opportunity too without spending hundreds at Pebble	They did not help with traffic and safety at all.	Created more traffic in surrounds residential areas. Isn't a needed expense
9/12/2022 12:36:49	A resident of 93921	It was okay.	It had a different feel. Less wholesome and more racing type vehicles that were not part of an official event. Racing up and down our streets for hours, with little regard for safety of pedestrians. Seemed like the people following the Fuel Run were not our usual visitors. Clogging the sidewalks, drinking and eating on sidewalks, etc.	Yes	It was okay.	Yes	Better than just OK. Di	They were okay.	Miss the Thursday event with the unusual older historical vehicles.	Possibly, if they are a bit smaller and less noise.	The COTA of the last few years had gotten stale. Too many Porsches. And, too much partying and public drinking when parklets were on the street in 2021.	They helped with traffic and safety somewhat.	They stopped some of the racing down Ocean Avenue. But there was not enough control of the Fuel Run traffic.
9/12/2022 12:36:52	A resident of 93921	I did not like it at all.	Too busy, too unmanaged, too loud at night (we live near Junipero st)	No	Why? What's the point	Yes	It was okay.	They were okay.	Just not very interesting	Not until the TRAFFIC and the DISRESPECTFUL VISITORS are better managed.	You guess --- miserable experience. Dirty diapers in our front yard. Rude people running stop signs while I'm walking the dogs. It's just the caliber of person that these events are now drawing. It's all about money, money, money	They helped with traffic and safety somewhat.	Try living a block off of Junipero downtown
9/12/2022 12:37:20	A resident of 93921	It was okay.	I miss Concours on the Avenue and the Tour d'Elegance on Ocean Avenue, and hope to see them back someday.	No	Devendorf Park should	No	It was okay.	Loved them.		Yes.	I like that the downtown gets used in this creative, festive way.	They helped with traffic and safety.	
9/12/2022 12:37:43	A resident of 93921	I did not like it at all.	Noise, violations requiring extra police time, exhaust fumes. goes against efforts to mitigate climate change. Only good for restaurants and hotels. Ostentatious puerile displays of wealth.	Yes	Went as a volunteer in j	No	Not interested.	Unnecessary	I enjoy the beauty, clean air, quietness of the City. Nothing else is necessary.	No	It's 2022--way past due to shut down global warming contributors induced by endless hours of wasted gas burned on showing off 20th century relics.	They helped with traffic and safety.	Communication from CBTS PD.
9/12/2022 12:38:24	A resident of 93921	Loved it.	The event is only one week per year. The village is alive as people celebrate cars.	No	It was okay.	Yes	Loved it.	Loved them.	I want to see more outdoor events. More outside dining and seating.	Yes.	I want to see more outdoor events. More outside dining and seating.	They helped with traffic and safety somewhat.	Did not like the traffic calming. Felt like a police state. Not friendly. Not inviting.
9/12/2022 12:40:24	A resident of 93921	I did not like it at all.	No events. No Concour On The Avenue, no Thursdays tour, no Aston Martin.	Yes	It was okay.	No	I did not like it at all.	I did not like them at all	The Prancing Ponies should be called the Prancing Phonies. Fake charity. They were supposed to be denied because it's a scam. According the IRS in 2017 they took in \$486,811.00 and they only paid out \$1,721 in grants.	Yes.	Love Car Week, Best week in the year.	They helped with traffic and safety.	YouTube influences and out of town people ruining the party for the rest of us.
9/12/2022 12:41:55	An innkeeper in 93921	It was okay.	No Tuesday COTA nor aThursday stop over.	No		Yes	Loved it.	Loved them.		Yes.	Helps to increase overnight visitors on Monday & Tuesday.	They helped with traffic and safety.	
9/12/2022 12:42:45	A resident of 93921	Loved it.	It was less crowded	No	What event in the Park?	No	Not interested	They were okay.		Yes.	It's fun - but do just one big event.	They helped with traffic and safety.	It seems comprehensive

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9/12/2022 12:43:15	A resident of 93921	It was okay.	Really missed the drive-thru on Ocean Ave and the car display on Ocean Ave. Really upset by the bad behavior of some of the visitors which required police activity. The police did a great job.	No	It was okay.	No	It was okay.	They were okay.	Really missed the Carmel Mission event.	Yes.	Really a nice addition.	They helped with traffic and safety.	The traffic flow seemed just fine.
9/12/2022 12:44:09	A resident of 93921	I did not like it at all.	after living here for 30 years the bloom is off the rose...as far as car week...i want a quieter carmel	No	What event in the Park?	No	What event on Ocean Ave?	I did not like them at all	i moved here for peace and the sound of the ocean... affordable restaurants...easy parking...no litter... respectful visitors	No	i have lived in large urban cities...i want a peaceful village as it was decades ago...	i mostly stayed home...when i drove i hated the irresponsible motorists and pedestrians	i am old.... i can afford to live here...pay my taxes...buy expensive gas and nice groceries....i want more bang for my buck in thinking this is ACTUALLY MY village and it can bring me serene joy i deserve
9/12/2022 12:45:49	A resident of 93921	Loved it.	very nice event, good people, good for community	No	not personally interested	No	Didn't bother me but I participated	Loved them.	good events, good for community	Yes.	Nice to make them accessible, great attraction in town	They helped with traffic and safety.	
9/12/2022 12:46:01	A resident of 93921	It was okay.	Missed the cars on Ocean	No		Yes	It was okay.	Loved them.	Culturally interesting	Yes.		They helped with traffic and safety.	
9/12/2022 12:47:06	A resident of 93921	It was okay.	We missed the cars on the avenue and the tour d'elegance in town	No	What event in the Park?	Yes	Loved it.	They were okay.		Yes.	They are well run & fun	They helped with traffic and safety.	
9/12/2022 12:47:58	A resident of 93921	Loved it.	I love seeing the old classic cars in such perfect condition and also the not so perfect but still old cars that their owners like to bring out of storage.	Yes	It was okay.	Yes	Loved it.	They were okay.	My first year as a resident and Concourse on the Avenue is cancelled - big disappointment. I can understand why and sympathize.	Yes.	It is much easier to walk into town and see cars on Ocean Avenue etc and also to walk to Hwy 1 and see the cars going to Big Sur than it is to go into Pebble Beach.	They helped with traffic and safety.	Because they seemed to help.
9/12/2022 12:48:14	A Car Week attendee from Carmel	Loved it.	Loved the energy. Even though it added additional traffic, the many cars on the road and parked around the village, created a sense of inclusion through proximity. You didn't need to purchase a ticket to drive alongside or see/photograph many of the unique cars, just being out/about in the village was fun.	No	What event in the Park?	No	What event on Ocean Avenue?	Did not attend		Yes.	Great energy and fun to be amongst!	They helped with traffic and safety.	
9/12/2022 12:48:17	A worker in 93921	Loved it.	Smaller events, east to navigate around the City. Events didn't overwhelm the City. Still lots of nice cars parked everywhere.	Yes	Loved it.	Yes	Loved it.	Loved them.	Again, they were small and didn't overwhelm the City. Both events were put together nicely, the Prancing Ponies on Ocean Avenue was the perfect size, they could of had more cars if they wanted.	Yes.	The events are different, one is an all day event (similar to the Prancing Ponies) and the other is just a drive through, but the cars are beautiful!!! Both bring different elements to the City.		The streets should be reopened, the parts that were shut down seemed dead and closed up. I think the business owners in these areas suffered. Maybe look at different styles of traffic patterns - switching the left and right lane on each intersection or mid-block - maybe?
9/12/2022 12:50:13		Loved it.	Great for the economy of Monterey County	No		No		Loved them.	Great for the economy of Monterey County.	Yes.	Great for the economy of Monterey county		
9/12/2022 12:52:56	A resident of 93921	I did not like it at all.	There was no Concours event	No	What event in the Park?	No	What event on Ocean Avenue?	Lacks a sense of community	The general feeling is that Carmel is shoddy, overrun by tourists, and no one cares anymore	Yes.	These are epic events! Especially Tour d'Elegance	It may have deterred racing.	There are a lot of Larry Lambos in town that week. We can hear them.
9/12/2022 12:55:34	A resident of 93921	It was okay.	Cool to see all the cars but crowded and people were drag racing down ocean.	No		Yes	Loved it.	They were okay.		Yes.	Would like to see Carmel event return but need to enforce things like speeding.	They helped with traffic and safety somewhat.	There was drag racing down ocean
9/12/2022 12:55:39	A worker in 93921	Loved it.	An exceptional event for the Monterey Peninsula.	No		No				Yes.	A free opportunity for locals to participate in Car Week.	They helped with traffic and safety somewhat.	Best that PD could do
9/12/2022 12:57:06	A worker in 93921	It was okay.	I miss the bigger events from previous years.	No	I did not attend.	No	I did not attend.	They were okay.	The energy in the city is exciting but the lack of the big events made me not as excited about the events as I was in previous years.	Yes.		No opinion. Did not affect me.	No opinion. Did not affect me.
9/12/2022 12:57:29	A resident of 93921	I did not like it at all.	Rudeness of tourists and excessive noise	No		No				If it benefits the town, I don't mind		They did not help with traffic and safety at all.	I've never seen the level of openly and arrogantly flouting traffic rules and speed limits as this year.
9/12/2022 12:58:03	A resident of 93921	It was okay.	Aggressive drivers made me unsafe in walking downtown. I wasn't certain if they would observe stop signs -- some didn't. And the constant noise from loud mufflers, day and night.	No	Did not attend.	No	Walked through it, so hit the car	They were okay.	Some businesses make lots of money and tax revenues accrue to us. That is OK	Yes.	Classier crowd and more revenue. It may be good for the city, but I just stay home and avoid the mobs	They helped with traffic and safety.	Anything is better than leaving it unchanged and wide open for mischief.
9/12/2022 12:58:50	A resident of 93921, A resident of 93921	I did not like it at all.	Bad for my business.	No	What event in the Park?	No	What event on Ocean Avenue?	I like the events that are for the residence, like the car show		No			
9/12/2022 12:59:13	A resident of 93921	It was okay.	Really miss the Carmel Ocean Avenue car event. I think it provided a nice opportunity for residents and non residents a no cost event to get into the spirit of car week.	Yes	It was okay.	Yes	Loved it.	They were okay.	Same as previous answer.	Yes.	Same overall answer	They helped with traffic and safety somewhat.	

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9/12/2022 13:04:43	A resident of 93921	It was okay.	Loved the Prancing Ponies two-block show; missed having the bigger Concourse on Ocean; Loved the hard work of CPD trying to keep the racing cars and shenanigans and everyone safe; Hated hearing about the threatening gang of bad actors disrupting people's safety and comfort!	No		Yes	Loved it.	They were okay.	See answer to Q2 on earlier page	Yes.	Enjoy the cars, energy and fun atmosphere ... but also so very much appreciate how CPD works hard to control troublemakers disrupting things both on wheels and on foot. If it becomes to daunting to control them and keep people happy & safe, I would rather not have the event(s).	They helped with traffic and safety somewhat.	It definitely helps on Ocean but, unfortunately, there are troublemakers and other drivers who simply go to other streets and speed up well over safe speeds. We live on Dolores and a safe walk to town during Car Week is definitely much tougher.
9/12/2022 13:05:07	A resident of 93921	Loved it.	Wonderful celebration of kinetic art	No		Yes	Loved it.	Loved them.	Brings life to the town	Yes.	Unique opportunity for residents and visitors to witness truly world class events	They helped with traffic and safety somewhat.	
9/12/2022 13:07:06	A resident of 93921	I did not like it at all.	Horribly loud, terribly crowded and misbehaving visitors	Yes	I did not like it at all.	No	What event on Ocean A	I did not like them at all.		No	Horrible	They did not help with traffic and safety at all.	
9/12/2022 13:08:23	A worker in 93921	It was okay.	I missed the concourse event on Ocean	No		No				Yes.		They helped with traffic and safety.	
9/12/2022 13:08:40	A worker in 93921	It was okay.	The impacts to traffic were not too bad. The event brought in alot of visitors and revenue, which is positive. The Prancing Ponies event was great!	No		Yes	Loved it.	They were okay.		Yes.	Revenue and visitors to Carmel are a positive way to bring people to experience the area. It would be great to have other events that focus on the environment and sustainability, such as electric cars/alternative energy	They helped with traffic and safety somewhat.	
9/12/2022 13:11:50	A resident of 93921	It was okay.	cars on ocean av cancelled this year hope back next year really missed	No	What event in the Park	No	was not aware of it	I did not like them at all	cars in park too short no cars on ocean avenue this year too many rowdy outsiders on fri and sat night	absolutely return these two events	they were missed and they bring the local community together	They helped with traffic and safety somewhat.	too many outside visitors wanting to drive fast good that we had extra police in town
9/12/2022 13:13:25	A resident of 93921	It was okay.	We really missed Concours on the Avenue	Yes	It was okay.	Yes	Loved it.	They were okay.		Yes.	The free events are really important for locals who don't have the means to attend Pebble Beach or Auction events. Not having races at Laguna Seca on Sunday was a strange choice that probably had nothing to do with the city but does make the week less desirable.	They helped with traffic and safety.	
9/12/2022 13:16:55	A resident of 93921	It was okay.	I don't care about cars.	No	I don't care	No	I don't care	They were okay.	This is not an area of interest for me	No	I don't care about cars or the people who do	I stayed home to avoid all the traffic	
9/12/2022 13:19:26	A resident of 93921, A r	I did not like it at all.	My local clients don't want to come to town and car week doesn't generally bring me too much tourist clients. Perhaps sales are better for jewelry stores? It is really the worst week for me and many of us (business owners) have said that next year may be one where we are closed for the week. It's not worth the time coming in.	No		No		I did not like them at all	It's so rough on my business.	No	Same as above	They helped with traffic and safety.	Blocking the streets was great for preventing the usual revving and speeding that happens.
9/12/2022 13:20:02	A resident of 93921	It was okay.	Good attendance and great for local businesses after Covid losses, but too many people. Attendance should be limited (tickets?) so village can handle crowds safely. Disruptions by out of towners who came to make noise and be a nuisance was not at all welcome. Concern for residents who need services or help when all resources were directed to events.	No		No			Good attendance and great for local businesses after Covid losses, but too many people. Attendance should be limited (tickets?) so village can handle crowds safely. Disruptions by out of towners who came to make noise and be a nuisance was not at all welcome. Concern for residents who need services or help when all resources were directed to events.	No	Good attendance and great for local businesses after Covid losses, but too many people. Attendance should be limited (tickets?) so village can handle crowds safely. Disruptions by out of towners who came to make noise and be a nuisance was not at all welcome. Concern for residents who need services or help when all resources were directed to events.	They helped with traffic and safety somewhat.	Good attendance and great for local businesses after Covid losses, but too many people. Attendance should be limited (tickets?) so village can handle crowds safely. Disruptions by out of towners who came to make noise and be a nuisance was not at all welcome. Concern for residents who need services or help when all resources were directed to events.

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9/12/2022 13:20:43	A resident of 93921	It was okay.	Not enough enforcement & too much bad behavior	No	What event in the Park?	No	Not sure why we do this	They were okay.	As residents, it all seems a bit out of control. Loud, speeding cars, crowds of unruly people, rules of the beach not followed.	Yes, with good enforcement.	We need more safety in place for residents.	Need mor	We stayed away from downtown so not sure what was/wasn't effective. Based on what we heard about certain behavior, we think we need more proactive enforcement
9/12/2022 13:26:44	A resident of 93921	Loved it.	Car week brings lots of visitors and their families. The events provide fun things to do and the local businesses benefit. Yes, it's crowded and there's lots of traffic, but for one summer week, the area is all about automobiles. It's wonderful! I would really like to see the COTA come back and would be willing to volunteer to help with that effort.	No	I had to work...	Yes	Loved it.	Loved them.	It's a week about CARS. Love them or plan your trip out of town next year. I think it's the best week of the year and want to see Carmel reinstate COTA and the lunch hour of the Tour.	Yes.	That's what it's all about. If you don't like it, leave town for the week.	They helped with traffic and safety.	I think the traffic management was handled thoughtfully and that it made a real difference.
9/12/2022 13:30:01	A resident of 93921	Loved it.	It brings interesting people, autos and much needed revenue to our town and to area charities.	No		No		Loved them.	The events showcase our community and bring people together.	Yes.	It was sorely missed this year and I believe the more events the better for reasons stated prior.	They helped with traffic and safety.	Pretty easy to get around all week.
9/12/2022 13:31:11	A resident of 93921	It was okay.	I find part of the fun of Car Week is getting to stroll to downtown and see the cars/chat with the owners and enthusiasts, which wasn't an option this year as we didn't have the Concours on the Avenue.	No	I didn't attend.	No	n/a	Missed Concours.	It's an event that fits my level of participation in Car Week.	Yes.	Car Week isn't going away. It will continue to be in the surrounding areas, and we will continue to hear the noise from the cars coming through town or on Hwy 1 into the evening even if Carmel doesn't participate. It's nice to enjoy some of the activities of Car Week without having to pay a large amount for tickets or drive to another town/search for parking, etc. Concours on the Avenue was a great way to see a lot of the cars, feel like the town was bustling with enthusiasts as opposed to feeling as if our town had been overtaken by those attending Car Week.	They helped with traffic and safety.	The 5-way stop at the bottom of Ocean is often a nightmare crossing without an event happening. I thought the redirection of traffic helped tremendously in that area.
9/12/2022 13:33:47	A worker in 93921	I did not like it at all.	Too noisy, too much traffic, crime, and chaos.	No	What event in the Park?	No	What event on Ocean Ave?	They were okay.		No	Streets around this area are not constructed for large events like this. This is a quaint area with a classical, whimsical ambience and the events should be fitting of this.	They helped with traffic and safety somewhat.	
9/12/2022 13:38:58	A worker in 93921	Loved it.	It's my first time being here in Carmel during the week. I loved seeing all the cars.	Yes	It was okay.	No	I wasn't here.	Loved them.		not sure, as I have not experienced them.		do not have an opinion.	
9/12/2022 13:44:43	A resident of 93921	I did not like it at all.	It's all too much. Hear racing engines at night feels unsafe for the community	No	Too many events	No	Didn't go	Not interested	Car week is now ten days or more. It's too much and has wrecked the thing . 85000 visitors and we have no water??	Those events are more traditional and the one supports carmel foundation	See above. Your is directly related to the main event	Not sure . Avoided town at night. It's t sounded dangerous snd friends told me it felt that way	Why do people think it's ok to come to our town and race ???!!!!
9/12/2022 13:53:39	A resident of 93921	I did not like it at all.	Noise, visitors looking to park in the driveways, facing wrong way, cars go throuth the stops without stopping (Monte Verde & Ocean-needs a cop present at all times).	No	I did not like it at all.		I did not like it at all.	They were okay.		No	Not enough cops to keep things under control	They helped with traffic and safety somewhat.	Alternative routes around Ocean Ave would clog up narrow streets
9/12/2022 13:59:35	A resident of 93921	I did not like it at all.	We live close to one of the main entrances/exits into town. The loud revving of car engines went on well after we had gone to bed most nights of car week. We were woken from sleep four and five times a night. We are also frequent pedestrians and it became quite dangerous at times with speeding cars and little regard for stop signs. For the first time ever I was frequently thinking "where are the cops".	No		No		Did not attend				I wish that there had been more comprehensive safety throughout the city, not just centered on downtown. I live about six blocks from town and I felt that my neighborhood was turned into a race track. The noise and the speeding cars made walking into town very unpleasant	

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9/12/2022 13:59:43	A resident of 93921	I did not like it at all.	Hard to move around our own city. Loud racing engines at all hours of the night. Streets littered by people who do not respect our city.	No		No		I did not like them at all.		No	People park haphazardly all over the neighborhoods, where parking is already at a premium. A friend had her driveway blocked and the police refused to have the rental car towed. Squealing tires, revving engines, and cars racing between stop signs. I watched several cares blow through stop signs like they weren't even there. It becomes very dangerous for pedestrians in the neighborhoods.	Only helped moderately in the downtown.	
9/12/2022 14:01:28	A resident of 93921	It was okay.	We live far enough from the center that the inconvenience doesn't reach us	No	Not in town that day	No	It was okay.	They were okay.	Don't go near the center at that time	This year seemed to have less crush	Celebrating such inequality kind of doesn't mesh with our values	They helped with traffic and safety.	We didn't seem to notice any problems
9/12/2022 14:02:08	A resident of 93921	Loved it.	I liked seeing the visitors in town, I liked seeing the cars	No		Yes	Loved it.	Loved them.		Yes.	It is a really fun experience	They helped with traffic and safety.	
9/12/2022 14:09:47	A resident of 93921	Loved it.	Vibrancy...lots of people and fun	No		No		They were okay.		Yes.	Good for the town	They helped with traffic and safety.	
9/12/2022 14:18:28	A resident of 93921, A v	I did not like it at all.	Too crowded, too noisy. Not really what the village is about imho	No	It was okay.	No	It was okay.	Love farmers' market	as above	No	as above	it was scary here. first time in 20 + years I've felt that way.	Scary!
9/12/2022 14:19:17	A worker in 93921	It was okay.	It was very crowded	No	What event in the Park	No	What event on Ocean A	Not a huge fan of car week		Yes.	I like the more traditional	They helped with traffic and safety.	I heard it was crazy!
9/12/2022 14:19:43	A resident of 93921	It was okay.	I was disappointed that Concourse on the Avenue did not take place.	No		Yes	Loved it.	They were okay.		Yes.		They helped with traffic and safety.	Police were organized and ready for inappropriate activity.
9/12/2022 14:20:32	A resident of 93921	I did not like it at all.	Every year it just seems like we have more "bad actors" in town. These are not classic car enthusiasts, but just people - typically young men - with loud cars that they like to drive fast, seemingly enjoying the annoyance they create. It has become a loud and unsafe weekend and I'd be delighted if it just went away.	Yes	It was okay.	Yes	It was okay.	They were okay.	The sponsored events are fine, but having them CBTS just encourages the bad actors to also attend.	No	I think I've said it - the overall tone of car week is inconsistent with the tone of CBTS. It is a "look at me" crowd, showing off their stuff. Boys with toys. CBTS is delightfully not about showmanship. End this please.	They helped, but only by keeping an intolerable situation from becoming worse.	As long as CBTS supports any events at car week, it will continue to be identified as the place to come and annoy the locals. Shutting down streets is just a game of whackamole, sending the nuckleheads into the residential streets. How about a big sign at Ocean and Hwy 1 saying that there are no car week events in CBTS, and to please enjoy those in Carmel Valley and Monterey and elsewhere!
9/12/2022 14:23:57	A resident of 93921	I did not like it at all.	City already has 40% 2cd/3rd and investment homes -- all unoccupied. Character is lost as a wealth enclave, some would say wealth ghetto	No	I did not like it at all.	No	I did not like it at all.	They were okay.	Some diversity to events	No	City less a "real town" and more an Event Center for wealthy and wealthy wannabes	They helped with traffic and safety somewhat.	Drag racing on Ocean Ave, racing/speeding throughout the peninsula
9/12/2022 14:26:19	A resident of 93921	I did not like it at all.	In this age of climate change, it is irresponsible to be celebrating the internal combustion engine.	No		No	I did not like it at all.	I did not like them at all	See above.	No	See above.	They helped with traffic and safety somewhat.	
9/12/2022 14:29:28	A resident of 93921	It was okay.	Missed COTA and Pebble Tour cars coming through. Felt like every other city had things going on except us.	No	It was okay.	No	I did not like it at all.	There weren't any	There was nothing	Yes.	They are classy and at no charge and show off our village in a good way. It's art in the street.	They helped with traffic and safety.	
9/12/2022 14:31:31	A resident of 93921	Loved it.	Liked all the cars	No	Too much advertising	No	Didn't attend	Loved them.		Like the Concors on the Avenueq		They were good but probably need more.	Didn't like the crowd that gathered in the evening

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9/12/2022 14:34:50	A resident of 93921	I did not like it at all.	I hate what the crowds do to our town, and the drivers go racing through the neighborhoods at a really unsafe speed.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all	I understood the appeal of the Concours on the Avenue, since it offered people a chance to look at the cars without paying a steep price for a ticket, and of course I was pleased that the Carmel Foundation benefited from the event. But that event is gone, and we don't need other Car Week events in town. It doesn't seem consistent with the culture of Carmel, and I do hate it that we're celebrating the internal combustion engine at a time like this, when climate change is such a looming crisis.	I'd be grudgingly okay with the Concours on the Avenue, but that's it.		They didn't work well enough...it was better than 2019, but still a problem.	
9/12/2022 14:35:05	A resident of 93921	It was okay.	Need to do something about cars racing on San Carlos. Not safe and very loud. Happens up to almost midnight. Trash from sunset center to pur frontyards to 11th Avenue. Drunk high school kids at the bus stop on San Carlos and 11th from 1:00 p.m. until midnight. RV's parked in front of our houses with generators going, dogs barking and loud music.	No		No		Working so did not attend any events.	Yes.		Great boost for our village shops and is a wonderful time for locals.	Did not seem to stop racing and loud cars in residential area on San Carlos. Blocking Ocean was s good move.	It seems like what was done wS for the commercial district and not much for residents on San Carlos and other high traffic streets like Junipero.
9/12/2022 14:50:22	A resident of 93921	It was okay.	Minimal exposure but likes that Prancing Ponies was on Ocean Avenue	No		Yes	Loved it.	They were okay.		Yes.	More excitement and brings in outside participants and tourists	They helped with traffic and safety.	
9/12/2022 14:59:39	A resident of 93921, A r	It was okay.	No COTA, no Pebble Beach Tours d'Elegance on Ocean	Yes		Yes	I did not like it at all.	Kind of pathetic versus	See above.	Yes.	We need it for the City's economy and I like beautiful cars.	They helped with traffic and safety.	Think how bad it would have gotten without them.
9/12/2022 15:17:47	A resident of 93921	It was okay.		Yes	Loved it.	Yes	Loved it.	Loved them.		Yes.			
9/12/2022 15:43:51	A resident of 93921	Loved it.	Love seeing all the cars and excitement in the town	No		Yes	Loved it.	Loved them.		Yes.	I think its good for the town	They helped with traffic and safety.	
9/12/2022 15:50:29	A resident of 93921, A r	It was okay.	I would like to see Concourse on the Avenue return (I understand why it did not happen this year) and the road rally on Thursday stop in town again. These are the type of events that Carmel should embrace and work to keep. They bring a lot of people into town—which is good for everyone. Yes, parking is difficult but so what, it' s a couple of days. Unfortunately, the "events" that did take place—evening drive arounds—we' re not the type we want in town.	No		No	Didn't attend but glad th	They were okay.		Yes.	Great events that reflect the Carmel.	They helped with traffic and safety somewhat.	
9/12/2022 15:51:19	A resident of 93921	It was okay.	Sad that the concours on Ocean Ave did not take place	Yes	It was okay.	Yes	It was okay.	They were okay.	Again missed the concours on the avenue	Yes.	The events are fun and interesting	They helped with traffic and safety.	The Carmel PD did a great job
9/12/2022 15:54:05	A resident of 93921	I did not like it at all.	(1) Loud, intoxicated people on the sidewalk, (2) people disrespectful to and threatening police officers, (3) reckless, speeding unsafe driving, (4) loud cars and motorcycles with mufflers ALL night long and (5) no place for families and the elderly. Why did we install cameras around town that don't monitor and ticket excessively loud vehicles? Don't we care about our reputation? Every year this gets worse!!! Why do we tolerate this behavior? Where is the benefit here? I know many residents who leave town for car week.	No	I did not like it at all.	No	I did not like it at all.	All of them are fine EXC	This is not way to live!	The Tour d'Elegance was fine. It was free and open to everyone. It least we got some benefit for all the trouble.		They helped with traffic and safety somewhat.	
9/12/2022 16:13:38	A resident of 93921	It was okay.	It didn't really make a difference to my activities.	No	What event in the Park	Yes	Loved it.	They were okay.	We missed the Ocean Avenue event.	Yes.	Ocean Avenue is a great venue	They helped with traffic and safety.	Controlling the speed up and down ocean Ave is essential

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Timestamp	I am:	How did you feel about Car Week in Carmel-by-the-Sea overall this year?	Why do you feel that way?	Did you attend the Acura in the Park Event on Tuesday, August 16?	How did you feel about the Acura in the Park event on Tuesday, August 16?	Did you attend the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How did you feel about the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How do you feel about the events in Carmel-by-the-Sea in general this year?	Why do you feel that way?	Do you want to see the larger events like Concours on the Avenue and/or Tour d'Elegance return to Carmel-by-the-Sea if it is possible?	Why do you feel that way?	How did you feel about the effectiveness of traffic calming measures in place for safety in the City during Car Week - i.e. shutting streets down in the evenings, alternate routes around Ocean Avenue, etc.?	Why do you feel that way?
9/12/2022 16:24:50 9/12/2022 16:31:00	A resident of 93921	I did not like it at all.	Too many visitors overwhelm the village and the municipal resources. Attracting an undesirable element as seen on Friday night this year and akin to the problems of several years ago.	No		No		too many!	The City is catering to the visitor element and not the residential community. The downtown public assets looks shabby, unkempt, in need of maintenance and repair/replacement. But the focus is on events to attract out-of-towners.	No	Same answers as above	If we didn't have the events, we wouldn't need the traffic efforts.	Same as previously listed.
9/12/2022 16:31:50	A resident of 93921	It was okay.	Carmel should host the Tuesday and Thursday events like before. The amount of people and traffic is the same whether the main events are outside of Carmel or in Carmel, so why not host some of the events that Carmel is known for.	No	What event in the Park?	No	Just not the amazing C	Not impressed.	By comparison to previous car show years in Carmel, this was not worth attending or inviting friends to come.	Yes.	Spectacular cars and it's free for everyone to enjoy on Carmel's amazing stage (it's streetscape of historic buildings), and Carmel is famous for these events. I don't like the traffic issues or sideshows, but we seemed to have those issues without hosting.	They did not help with traffic and safety at all.	Still too many people and too many cars. As a resident, I usually leave town to avoid the traffic and crowds.
9/12/2022 16:41:57	A resident of 93921	Loved it.	Car week is a globally recognized series of events that bring patrons and participants to the Peninsula from all over the world. this global exposure is priceless and should be celebrated by everyone interested in seeing carmel thrive.	Yes	Loved it.	Yes	Loved it.	Loved them.	Carmel should encourage events and community celebrations to enhance and reinforce our active culture.	Yes.		They helped with traffic and safety somewhat.	I don't think closing ocean avenue is the right decision. Instead just place sufficient temporary speed humps to modulate flow.
9/12/2022 16:48:39	A resident of 93921	It was okay.	Fewer cars as previous years. Loud recorded music not useful.	Yes	I did not like it at all.	Yes	It was okay.	Loved them.	I love local events	Yes.	It enhances the town	They helped with traffic and safety somewhat.	Speeding on 4th as usual to/from Pebble Beach
9/12/2022 17:50:06	A resident of 93921	It was okay.	Missed the Concours on the Avenue	No	What event in the Park?	No	missed it unfortunately	Missed the usual Thursday car meet at Devend	Yes.		Love the cars and it brings in high end tourists and makes money for the town and charities	They helped with traffic and safety.	Didn't notice any disruptions except for loud engine noises at night
9/12/2022 17:56:30		I did not like it at all.	The attendees do not respect Carmel, our town, the plants and it provides an opportunity for mayhem by those bent on causing trouble. It causes traffic disruption, closure of schools, prevents people who work in and around Carmel to cancel their jobs.	No	I drove by it to see how	No	Did not go.	They were okay.	The cultural events befit Carmel.	No	The Concours on the Avenue just go too big. The 10 days of events become headaches for residents, other than those who like cars. The Tour with a stop in Carmel would be welcome.		Because I avoid downtown during Car Week, I cannot speak to this issue. It was very crowded when I did drive through.
9/12/2022 17:59:35	A resident of 93921	Loved it.	Loved the excitement and seeing all the exotic, beautiful, and sporty cars on the roads or parked in town.	No	It was okay.	Yes	Loved it.	They were okay.	Miss the Concours on the Avenue on Tuesday's and vintage cars lined up on Ocean on Thursday's.	Yes.	They were the highlights of Car Week for my husband and me in past years. As residents, we loved being able to walk freely to the events, mingle with people, and spend time taking photos.	They helped with traffic and safety somewhat.	As a pedestrian, I felt it was more dangerous to divert traffic to side streets which were narrow and caused congestion, resulted in impatient and erratic drivers, made parked cars were more likely to be sideswiped, and created more risks for pedestrians crossing streets.
9/12/2022 18:04:32	A resident of 93921	It was okay.		No		No	I did not like it at all.	Missed cars in Carmel	Fun gathering with locals	Yes.	Local involvement	They helped with traffic and safety.	Kept traffic moving
9/12/2022 18:05:14	A resident of 93921	I did not like it at all.	It used to be called « le concours d'élégance ». Now it is more like noise, drag racing and total disrespect for our precious little town. I live on Carpenter and we take our very lives in our hands trying to back out of our driveways. The noise and danger of the speeding on my street is absolutely unacceptable and very dangerous.	No		No				Yes.	Because that is what the Concours is about		
9/12/2022 18:37:31	A restauranteur in 9392	It was okay.	Not enough foot traffic	Yes	It was okay.	No	What event on Ocean A	They were okay.	Big events are all gone	Yes.	More people in town	They helped with traffic and safety.	Need to enforce
9/12/2022 18:59:01	A resident of 93921	I did not like it at all.	Crowds at night too large, lawlessness, etc.	No	What event in the Park?	Yes	I did not like it at all.	I did not like them at all	these events are attracting an outside element that is reckless, dangerous	No	too disruptive	They did not help with traffic and safety at all.	there were incidents of crime, out of control behavior
9/12/2022 19:32:40	A resident of 93921	It was okay.	Missed the daytime events that usually occur.	No		Yes	It was okay.	They were okay.	Missed the drive through parade and the other daytime event Hope they are back next year	Yes.	More enjoyable than the nighttime antics	They helped with traffic and safety.	Pedestrian management has gotten challenging, we even saw a flasher this year.

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9/12/2022 20:36:54	A resident of 93921	It was okay.	Too much of a sideshow feel on Ocean Ave Friday and Saturday nights. It was a younger crowd that appeared to be interested in loitering and side show type events. Didn't feel like the typical car week audience.	Yes	It was okay.	Yes	Loved it.	They were okay.	we missed attending concourse on the ave. Acura event was fairly low key and uneventful	Yes.	these are traditional car week events that bring true car enthusiasts to the city and people who will also patronize the restaurants and retailers	They helped with traffic and safety somewhat.	overall too many people downtown on Friday and Saturday and a questionable crowd
9/12/2022 20:37:56	A worker in 93921	Loved it.	It was exciting to see the joy and enthusiasm of the car lovers. Patience was important to handle the large number of visitors	Yes	Loved it.	Yes	Loved it.	Loved them.	Again, the enthusiasm and joy of all participants was worth the challenges of the crowds	Yes.	So many people asked "When is the Concours on the Avenue?" It was truly missed by many people	They helped with traffic and safety.	
9/12/2022 20:59:42	A resident of 93921	Loved it.	Need to bring back COTA	Yes	Loved it.	Yes	Had mixed feelings abo	Loved them.	Enjoyed people from all over the world coming together for an innovative event in a beautiful location.	Yes.	Making the beautiful cars available to all to appreciate is essential to Car Week. And the draw for local businesses is huge. Missed that this year quite a lot.	They helped with traffic and safety.	There are some who are detrimental to this elegant history.
9/12/2022 23:02:04	A resident of 93921	It was okay.	I hate cars and car noise. So I stay away from downtown, and it then does not bother me too much, except for the occasional roar of an unmuffled roar	No	What event in the Park?	No	What event on Ocean A	I did not like them at all	Hate cars and attendant hoopla	No		They helped with traffic and safety somewhat.	
9/12/2022 23:45:11	A resident of 93921	It was okay.	We really missed COTA and even much more missed Tour D'Elegance stopping in town on Thursday. Prancing ponies was ok (better than nothing). The exotic cars around town were amazing (jewelry on wheels) .	No	Like going Tovar dealer	Yes	It was okay.	They were okay.	Already answered this	Yes.	Getting up close for free to the 1950 and prior year cars is what is the real Village experience for Car Week. Love love love that the best!	They helped with traffic and safety somewhat.	Still too much speeding in San Carlos Ave.
9/13/2022 0:10:44	A resident of 93921	It was okay.	For me, car week is all about the Thursday tour on Ocean Ave we previously have enjoyed. I had volunteered from 2016 to 2019 for this event, until the pandemic shut it down. It is such a great opportunity for residents and visitors to see the classics up close and interact with the owners all for free. Please work on bringing that back as an event!!	Yes	I did not like it at all.	Yes	It was okay.	I did not like them at all	Nothing can replace the COTA event on Tuesday and the Thursday Tour d' Elegance on Ocean. I realize the issues with the Tuesday event and am sympathetic. Please work to bring them back. The Acura and Prancing Ponies were unimpressive substitutes.	Yes.	They are stellar events and contribute to the Carmel Foundation. The Tour d'Elegance is an opportunity to volunteer and provides residents and visitors an opportunity to see these amazing cars that will be judged up close for free. The COTY event highlights more of the exotic cars which are exciting, as well. These two events are what makes car week special for me!	They helped with traffic and safety somewhat.	Ocean Ave was way too crowded with hyper cars and people.
9/13/2022 6:22:10	A resident of 93921	I did not like it at all.	Too many loud cars, totally out of control. City streets should not be blocked with car shows and the resulting no parking for traffic control. Too big for our small business district.	Yes	I did not like it at all.	Yes	I did not like it at all.	I did not like them at all	The cars shown were not worthy of the resulting disruption.	No	These events are too large and disruptive. It is questionable as to the revenue brought in compared to the overall cost to the city to monitor and maintain them.	They did not help with traffic and safety at all.	Obstacles seem to annoy the speeders, sometimes resulting in more reckless driving. There should be more police presence and violations given.
9/13/2022 7:22:18	A resident of 93921	Loved it.	I think it's nice to have a classy event with beautiful cars and owners who love sharing them. I liked the prancing pony show a bit more than the previous event. The events bring life as well as money for our local businesses.	No		Yes	Loved it.	Loved them.	Same answer as above.	Yes.	Same answer	They helped with traffic and safety.	From what I observed in the evenings it seemed a bit calmer than previous years although I know we had some issues with bad behavior.
9/13/2022 7:31:03	A resident of 93921	It was okay.	Completely missed having concour on the Avenue. We have car event guru's here who could've stepped in and picked up the event for the previous operator and then have given it back to her should she choose. An event conservator per say.	Yes	Loved it.	Yes	Loved it.	They were okay.	Needed concours on the ave	Yes.	That event elevates our area and allows us to show off to a world crowd.	They helped with traffic and safety somewhat.	
9/13/2022 9:26:06	A resident of 93921	I did not like it at all.	Bad elements in town.	No	I DIDN'T ATTEND	No	I DIDN'T ATTEND	I think that there's an unruly element that comes to town and we	I think that there's an un	No	Too much unruliness	They helped with traffic and safety.	
9/13/2022 9:37:57	A resident of 93921	It was okay.	No Cars in the Avenue	No	What event in the Park?	No	What event on Ocean A	They were okay.		Yes.	More events, more fun	They helped with traffic and safety.	

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9/13/2022 10:15:22	A resident of 93921	I did not like it at all.	The noise is deafening. We live close to 17 mile drive and we may as well live next to Laguna Seca. I never heard police sirens chasing down those racers. How about imposing an RPM limit? What about violations of noise limits. I was in a cross walk and had an antique car honk at me to get out of the way as he sped past! The lack of Concours on the Ave spoiled car week for Carmel-By-The-Sea Residents!	No	What event in the Park?	Yes	It was okay.	I only saw one		Yes.	They are the only events that make car week tolerable for residents.	I didn't witness any positive effects	
9/13/2022 10:20:15	A worker in 93921	Loved it.	It brings energy and excitement to the village. And lots of eye candy (the cars, of course)!	No	What event in the Park?	Yes	Loved it.	Loved them.	The vibe is so positive.	Yes.	More energy, excitement, and good vibes for the village. Plus it's an economic boost to our local economy.	They helped with traffic and safety.	People who break the rules will always find a way. Carmel PD did an excellent job managing those who got out of hand.
9/13/2022 10:31:03	A resident of 93921	Loved it.	Because the Auto Racing Industry made me what I am today. I love Cars!	No	Didn't attend this event.	Yes	Loved it.	Loved them.	Events generate revenue for Carmel plus I love people.	Yes.	We all need to get out of the house, have fun and meet new people!	They helped with traffic and safety.	Because it helped isolate the flow of event traffic.
9/13/2022 11:48:40	A resident of 93921	It was okay.	I missed the Concourse de Avenue and would love to see it return. Also, there was a different crowd on the Avenue this year. Many younger adults who seemed to be more interested in loitering and side shows than automobiles. It felt like a more "combustible" crowd which made it less pleasant for me.	Yes	It was okay.	Yes	Loved it.	They were okay.	See prior response	Yes.	Very enjoyable and good for Carmel merchants	They helped with traffic and safety somewhat.	
9/13/2022 12:13:41	A worker in 93921, A Car Week attendee from	It was okay.	TRAFFIC NOISE	Yes	It was okay.	Yes	It was okay.	Loved them.	CARMEL IS #1 MOST BEAUTIFUL CITY	Yes.	REVENUE	They helped with traffic and safety.	
9/13/2022 12:43:51	A resident of 93921	It was okay.	It didn't interfere with my life.	No	What event in the Park?	Yes	It was okay.	They were okay.	I miss the usual big events.	Yes.	They are a bigger draw and more exciting.	They helped with traffic and safety somewhat.	I could get around better
9/13/2022 13:26:03	A resident of 93921	It was okay.	I used to like it, many, many years ago. Like Carmel by the Sea, it now attracts way too many visitors. Those visitors cost tax dollars (police, administration, maintenance, clean-up, etc). I don't benefit in any way and am mostly inconvenienced. Businesses make money, homeowners who can rent their homes for outrageous sums due to demand, make money. Residents like me foot the bills for no benefit other than the eye candy of the cars. For the 20 years we have lived here, we've seen our city go from a nice quiet little beach community to a profit driven, over advertised, over visited, over priced, Business, whose goal is to make money for business. The quality of life to residents like me has gone down tremendously while the budget to maintain this business centric model has become obscene.	No	What event in the Park?	No	I did not like it at all.		Too crowded, no parking, I avoid town other than very early in the day.	No	If it gets larger than it was this year I'll leave town like many other residents do.	They helped with traffic and safety somewhat.	Traffic control of events has very much improved over the years. How much did this traffic and safety cost exactly?
9/13/2022 14:10:39	A worker in 93921	It was okay.	Loved the cars, hate the traffic but once a year, the pro's outweigh the con's.	Yes	Loved it.	Yes	Loved it.	Loved them.	Would like more car events	Yes.	Love the cars	Needs improvement like shut down Ocean St completely and sell or allocate parking spots for show cars only.s	Love old cars
9/13/2022 14:42:01	A resident of 93921	I did not like it at all.	Missed having the car show on Ocean Avenue this year and felt that Carmel was not as active in Car Week as it has been in the past. So we left town for a few days.	No	We were not in town on	No	Have seen Prancing Ponies	Would like to see Carmel	Prefer having Carmel be a major player during Car Week with top notch events.	Yes.	We have always enjoyed those events.	We were out of town.	See above.
9/13/2022 15:04:05	A resident of 93921	Loved it.	I enjoyed the Prancing Ponies show, and seeing all the fancy sporty cars parked around town during the 10 days of car week.	No	Missed it but would have	Yes	Loved it.	Missed having the cars	We have enjoyed both events in the past and missed them this year. It is a great opportunity to see the cars close up without having to leave town and face traffic!	Yes.	I think they are great events that draw a lot of people to town - enjoyed by both locals and tourists, and great for our local businesses.	They helped with traffic and safety somewhat.	I walked downtown a few nights and the later it got there was a feeling things could get out of control pretty easily (I worked in law enforcement before I retired)
9/13/2022 15:20:18	A Car Week attendee from	Loved it.	It wasn't too overly crowded this time. We didn't have to wait long for dinner anywhere either. The police did really well on the traffic flow.	No	Missed it this year	Yes	Loved it.	Loved them.	Always a good time	Yes.	I love more events in the area	They helped with traffic and safety.	
9/13/2022 15:35:20	A Car Week attendee from	I did not like it at all.	There continues to be a reduction of car week events each year. It is disappointing given the events I've attended numerous times in years' past.	No	What event in the Park?	No	Did not attend as I was in	I did not like them at all	Lack of shows that were staples in previous years	Yes.	Concours on the Avenue and the tour stop were the two events I would attend every year in Carmel.	They did not help with traffic and safety at all.	It did not calm traffic by shutting streets down and it is an insulting measure taken for one week a year by a community that loves to reap the rewards of car week but doesn't want to partake in it.
9/13/2022 15:35:48	A resident of 93921	It was okay.	traffic and stunt car racing in Carmel was unacceptable	Yes	I did not like it at all.	Yes	not a good role model for	nothing special	nothing of interest for me	one or the other but not both	traffic and safety concerns	They helped with traffic and safety somewhat.	helped with traffic but safety issues were still a big concern
9/13/2022 15:55:29	A Car Week attendee from	It was okay.	Really not the same without Concours on the Avenue... hopefully the event will return.	No		No				Yes.	They are signature events that bring out the absolute best cars for the viewing public to enjoy without an admission ticket.	They helped with traffic and safety somewhat.	

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9/13/2022 16:38:45	A Car Week attendee fr	I did not like it at all.	Miss the tour d'elegance stopping in downtown Carmel. This used to be a highlight of all of car week The revving/cruising in the evening needs to be stopped somehow	No		No		I did not like them at all.		Yes.		They helped with traffic and safety somewhat.	
9/13/2022 16:42:37	A Car Week attendee fr	Loved it.	Car Week is awesome. And really my only reason for visiting Carmel.	No		No				Yes.		Seemed unnecessary.	Some of the traffic measures seemed over-the-top. There were a lot of people out wanting to see the cars on weekend. But I didn't see any dangerous driving so shutting the streets down felt like an overcorrection.
9/13/2022 17:11:56	A Car Week attendee fr	Loved it.		No	What event in the Park?	No		Loved them.		Yes.		They helped with traffic and safety.	
9/13/2022 17:20:08	A Car Week attendee fr	I did not like it at all.	Please bring back cars on Ocean Ave. fashion show was boring and not fun.	Yes	It was okay.	Yes	I did not like it at all.	I did not like them at all.		Yes.	Be great!	They helped with traffic and safety.	Too strict. Roads were closed and quite difficult to get around.
9/13/2022 18:09:56	A Car Week attendee fr	Loved it.	Friends, Food, cars, amazing	No	What event in the Park?	No	It was okay.	They were okay.	I miss Concours on the Ave held on Tuesday to kick off carweek	Yes.	Tradition	They helped with traffic and safety somewhat.	
9/13/2022 18:18:49	A Car Week attendee fr	I did not like it at all.	The events I normally go to were canceled this year. It was really just a place to see people and cars going by. I ended up not spending any money in Carmel which is unusual.	No	What event in the Park?	No	I had another event at t	They were okay.		Yes.	These are the reasons I come to Carmel during Car Week.	They did not help with traffic and safety at all.	This just pushed traffic to the side streets that are narrower so they ended up being blocked and caused more traffic.
9/13/2022 18:39:54	A worker in 93921, A C	It was okay.	Just not the same without Concours on the Ave	No	What event in the Park?	No	Poor substitute for COA	They were okay.	No COA	Yes.	I own the Junipero Professional Building (4th & Junipero) and I am a car guy. It was very convenient for me to park at the building and walk to Ocean	They helped with traffic and safety somewhat.	I heard that CPD was treated poorly by some adolescents from out of the area. The City should have a promoter for future year's events that has a strong connection with owners of noteworthy cars. The Prancing Ponies show is basically a "social gathering" and not of vintage or COA heritage quality. I believe the City should establish an economic cost value for security, etc and (if transferable) start an RFP immediately for a 5 or 10 yr period. The City should also ask Jeannie Freedman for the roster of all cars previously submitted, asking them their price point threshold for entering. Darius Sadeghi 625.5815
9/13/2022 19:09:51	A Car Week attendee fr	Loved it.	As a Monterey County resident car week is my favorite week of the year.	No	Wasnt there	No	Wasn't there	They were okay.	Missed concours on the avenue	Yes.	Concours on the avenue is a highlight of the week for me.	They helped with traffic and safety.	
9/13/2022 19:14:59	A resident of 93921	It was okay.	Very overcrowded in town so I avoided it for many days	No	What event in the Park?		What event on Ocean A	They were okay.	I understand that they are historical or necessary or whatever to bring in needed funds so I do not mind avoiding certain areas during certain times.	Not really, unless the majority of my fellow residents want it. Then I could go along with it and not complain.	Ambivalence about cars but I understand that our financial coffers need to be considered.	I'm sorry, but living in North West Carmel and not leaving my house did not allow me to witness the traffic calming measures.	
9/13/2022 19:52:27	A retail shop owner in 9	Loved it.	Brings money to our area	No	Wish I could have seen	Yes	Loved it.	They were okay.	I missed the concours on the Ave, but I understand the main organizer passed recently.	Yes.	It's crucial to keeping Carmel part of Car Week	They helped with traffic and safety somewhat.	
9/13/2022 19:54:56	A Car Week attendee fr	Loved it.	Grey events good Venus just hard to find parking.	No		No	Could not find parking	Loved them.	They had parking.	Yes.		They helped with traffic and safety.	
9/13/2022 20:00:00	A Car Week attendee fr	Loved it.	First time out there during car week. It great meeting so many people and seeing great cars.	No	What event in the Park?	No	What event on Ocean A	Didn't attend any of the formal events				They did not help with traffic and safety at all.	Made it very hard to get around anywhere in the evening and it took away from the atmosphere of what I think car week should be.
9/13/2022 20:14:25	A Car Week attendee fr	It was okay.	A lot of the events in downtown Carmel are no longer there. Concourse on the avenue, the pebble beach tour end up on ocean avenue. Roads closed at dark ect.. it just feels like Carmel doesn't want the car people in there city. Just my opinion, I have been coming for car for the last 15 years. Didn't come in 2020 and 2021, that's why this year was such a let down.	Yes	It was okay.	No	What event on Ocean A	They were okay.	Just not a lot of car stuff like they had in years past.	Yes.	That's what made coming to downtown Carmel	They did not help with traffic and safety at all.	It just frustrated most people either visiting or staying in the golden triangle. Police closed ocean avenue but drove the bad behavior to the outer streets. You don't need to close ocean avenue, it just needs to be policed.
9/13/2022 20:17:42	A resident of 93921, A v	Loved it.	I'm in the automotive industry and I love cars. Take Exotics back to Canary Row. Broadway is not exotic at all. More like the Pits on Broadway with exotic cars. Not appropriate!	No	What event in the Park?	Yes	Loved it.	Loved them.	It's the right venue for the event.	Yes.	It's been the focus and venue for these events	They helped with traffic and safety somewhat.	Need more volunteers
9/13/2022 20:29:31	A Car Week attendee fr	Loved it.	It was my first time attending and so had no expectations	No		No		Loved them.		Yes.		They helped with traffic and safety.	
9/13/2022 20:38:44	A Car Week attendee fr	Loved it.	It was great to eat at the restaurants, visit the shops, and watch the city decide to shut down the cars going into the weekend.	Yes	It was okay.	No	What event on Ocean A	Loved them.		Yes.	It was like the city didn't want the cars or people later on the week	They helped with traffic and safety somewhat.	Trying to find a handicapped parking spot at any time after Thursday in the city was impossible.

Attachment 1

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9/13/2022 20:56:28	A Car Week attendee fr	Loved it.		No	What event in the Park?	No	What event on Ocean Avenue?	Loved them.		Yes.	Monterey car week is the standout event of the year with a great chance to view rare automobiles with fellow enthusiasts and bring business to the area	They helped with traffic and safety somewhat.	
9/13/2022 20:58:55	A Car Week attendee fr	It was okay.	Carmel seemed overrun in the evenings by young attendees looking to film the next video. While it's fun to watch the various exotic cars, I'm not sure how you control the crowds. We had dinner reservations on Saturday night this year and it was difficult to navigate in order to find parking. We likely won't schedule dinner in downtown Carmel next year on Saturday as a result.	No		No		They were okay.		Yes.	Carmel is a very neat city & setting; however, crowd management would help tremendously. Perhaps a limited number of tickets available on a first come first serve basis.	They helped with traffic and safety somewhat.	I don't know if shutting down traffic lanes in the evening helped or just made it worse. Police presence to keep everything under control was nice.
9/13/2022 21:32:55	A resident of 93921	It was okay.	We got rid of all the events. Unfortunately, that left it a circus for all the visitors to essentially shut down the streets. Had we had formal events, we not only would have brought in revenue but could have limited who was there.	Yes	It was okay.	No		They were okay.		Yes.	We have a beautiful town. People are already coming for Car Week. People look forward to these events and they're well organized and support our community.	They helped with traffic and safety.	They helped with safety as less cars could get around and it likely limited all the "donuts" done in the past. However, it didn't help at all with traffic. Again, if we had sanctioned events, perhaps where ocean was closed, that would eliminate the crazy driving.
9/13/2022 22:05:02	A resident of 93921	It was okay.	Concours on the ave. and the P.B	Yes	It was okay.	Yes	It was okay.	They were okay.		Yes.	Those two events that that have been held here in Carmel-by-sea are of the highest quality and are recognized throughout the world "for must see".	They helped with traffic and safety.	I believe social media practice's makes it very difficult to keep normal traffic flow. Safety in the village is paramount !! We cannot have our streets gridlocked because of the possible need for emergency vehicles.
9/13/2022 22:15:29	A Car Week attendee fr	It was okay.	Missing concourse on the avenue	No	What event in the Park?	No		There were events?		Yes.	Best events of car week	They did not help with traffic and safety at all.	
9/13/2022 22:20:55	A Car Week attendee fr	I did not like it at all.	Carmel by the sea ruined the car week vibe, along with the ridiculous cops on electric motorcycles who were harassing multiple car owners. It was disgusting. I won't be back. If you're trying to kill car week you're doing a fantastic job.	No		No		I did not like them at all	The events were pathetic.	No	You've already ruined the experience, now you want to bring events back?	The police were lawful and rude	Never coming back
9/13/2022 22:47:34	A Car Week attendee fr	Loved it.	Great atmosphere and important support of the area businesses	No	What event in the Park?	No	What event on Ocean Avenue?	Loved them.	Love to see cars and meet great people	Yes.	Very important events for community	They helped with traffic and safety.	Sounds like a good compromise
9/13/2022 22:58:27	A resident of 93921	Loved it.	Only thing I didn't like was missing concours on the avenue, and that prancing ponies event.	No		No	I did not like it at all.			Yes.		They helped with traffic and safety.	
9/14/2022 1:37:31	A Car Week attendee fr	Loved it.	This has been a tradition and it's great	No		No		Loved them.		Yes.		They helped with traffic and safety.	
9/14/2022 1:37:52	A resident of 93921	Loved it.	It's an amazing week	Yes	Loved it.	Yes	Loved it.	Loved them.		Yes.		They helped with traffic and safety.	
9/14/2022 7:00:27	A Car Week attendee fr	Loved it.	Great venue, people and cars. It's awesome!	No	What event in the Park?	No	Na	Loved them.		No		They helped with traffic and safety.	They were unnecessary.
9/14/2022 7:05:47	A Car Week attendee fr	It was okay.	Did not like the sideshow characters causing scenes	No		No		Loved them.		Yes.	Those are literally the biggest draw for me and many more fans	They helped with traffic and safety.	
9/14/2022 7:14:33	A worker in 93921	It was okay.	Expensive cars blocking roadways and causing traffic for no other reason than to show off.	Yes	It was okay.	Yes	It was okay.	They were okay.	Creates lots of traffic and large wait times for restaurants	No	Carmel is a small town and cannot handle the increase in foot/vehicle traffic	They helped with traffic and safety somewhat.	Still too many impatient drivers speeding around
9/14/2022 9:00:09	A resident of 93921	Loved it.	It's a week of excitement for our beautiful, quiet little village. And when it's over we go back to being a quiet little village.	Yes	It was okay.	Yes	Loved it.	Loved them.		Yes.		They did not help with traffic and safety at all.	

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9/14/2022 9:54:17	A resident of 93921	Loved it.	It was quiet and lovely. COTA was sort of fun when it was unique, but there are currently so many similar events in the area that it just seems unnecessary and intrusive. We know there is money to be made and taxes to be collected, but is it really worth the extra security and increased administrative costs? Concours D'Elegance is the crown jewel and Carmel government, Foundation and businesses benefit plenty without the chaos of another car event that closes our streets.	No	What event in the Park?	No	What event on Ocean Ave?	I didn't love them because	Do we really want to use Devendorf Park for car sales? ugh	Yes to the Tour, no to COTA	The Tour is a grand tradition which allows us to see the extraordinary automobiles that have qualified for the Sunday event, and is in an elevated class above all other car events in the area. The lunch stop is a perfect use of Devendorf Park and Ocean Avenue. The audience is very civilized. We are much more aligned with Concours d'Elegance and should embrace the opportunity to support them. However, it looked like they were very happy to have lunch in Pebble Beach instead this year, probably because they are not competing with another event that shuts down the streets.	They helped with traffic and safety somewhat.	Because there were no big car events like COTA and Tour, the comparison between 2022 and years past is not valid.
9/14/2022 10:08:40	A resident of 93921	Loved it.	Love the excitement and the money it brings into the community	No		No		Loved them.		No		They helped with traffic and safety somewhat.	Need more traffic control though
9/14/2022 10:17:42													
9/14/2022 11:28:03	A resident of 93921, A v	It was okay.	Missed having the free concours on the avenue event	No	What event in the Park?	Yes	It was okay.	They were okay.	I liked the fashion show which included local retailers	Yes.	Free to attend	They helped with traffic and safety.	It seemed to deter problematic side shows on Ocean Ave.
9/14/2022 11:50:44	A resident of 93921	I did not like it at all.	Bad behavior by visitors and too many noisy vehicles racing.	No	I did not like it at all.	No	What event on Ocean Ave?	I did not like them at all	Too disruptive	No	Too disruptive, compromises public safety responses, too much noise and reckless driving threatens pedestrians walking Carmel's streets.	They did not help with traffic and safety at all.	Witnessed problems
9/14/2022 12:43:58	A Car Week attendee fr	Loved it.	Need more cars! Rare exotics.	No		No		Loved them.	Rare cars	Yes.	Chance to see cars up close	Closing down ocean avenue made for worse crowds and traffic flow	Disruptive to people trying to find parking and caused more pedestrian obstructions
9/14/2022 13:09:36	An innkeeper in 93921	Loved it.	Slow start to the week, but picked up starting on Thursday	No		No				Yes.	Would draw more to the area, particularly if they occur earlier in the week	They helped with traffic and safety.	
9/14/2022 14:43:25	A Car Week attendee fr	It was okay.	Tuesday cars on ocean was eliminated. It must come back next year.	No		Yes	Loved it.	They were okay.		Yes.		They did not help with traffic and safety at all.	All they did was give out unwarranted tickets!
9/14/2022 15:02:47	A resident of 93921	It was okay.	enjoyed the car day of past years.	No		No				Yes.	for one day it is fun and not disruptive, easy to attend and free	They helped with traffic and safety.	
9/14/2022 15:42:57	A resident of 93921	Loved it.	Part of the reason we purchased a house in Carmel by the sea is to have east access to car week.	No		Yes	It was okay.	They were okay.	Only attended Prancing Ponies this year, other than just walking down to ocean ave in the evenings to see what was out.	Yes.	Fantastic event in the past, missed it this year.	They helped with traffic and safety somewhat.	As much as I like car week, I don't necessarily love guys dragging up and down ocean ave. This at least made the drivers slow down a little.
9/14/2022 16:12:31	A Car Week attendee fr	It was okay.		Yes	It was okay.	No		They were okay.		Yes.		They did not help with traffic and safety at all.	
9/14/2022 19:44:57	A Car Week attendee fr	I did not like it at all.	The lack of quality events there - Prancing Ponies def doesn't qualify - was a big disappointment. As a result we barely spent any time in Carmel this year, and will probably come to car week later next year if the Ocean ave concours doesn't return. This was our 20th year attending car week.	No	Can see new Hondas a	Yes	Poorly attended	They were okay.	A shadow of former years	Yes.	That's a big part of what car week is! Classic and unique vehicles normally never seen	They helped with traffic and safety.	2019 was a gong show, that level of attendee is not needed nor wanted.
9/14/2022 20:47:05	A Car Week attendee fr	Loved it.	Plenty of cars and diversity for people , plenty of new food spots to try and support local businesses	No	What event in the Park?	No	What event on Ocean Ave?	Loved them.		Yes.	More room for people to explore , plus costal has cooler weather near water ,	They helped with traffic and safety somewhat.	More focused on random small tickets for cars over the line
9/14/2022 20:51:30	A Car Week attendee fr	Loved it.	It's our fourth year going and we still enjoyed it although we left on the 18th to go to Capitola. Next year we're going to stay Sunday to Sunday.	No	What event in the Park?	Yes	Loved it.	Loved them.	Why would anybody not love it	Yes.	Really miss the concourse on the Avenue this year.	No problems for us	We stayed in a hotel a block away and so we didn't notice any traffic problems.

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9/14/2022 22:50:38	A Car Week attendee fr	Loved it.	If I could express my gratitude straight to the city/residents of Carmel I would. Some of the things that they put up with during the week are something else. This year, in my opinion, was much better in comparison to a few years ago, say 2019 when people blatantly disrespected the people & police of Carmel by being super annoying with their cars. When I was there, most of the action was usually taking place on Ocean Avenue. I didn't hear too many loud noises, see reckless driving, & even though I'm not a resident I thought it was much more bearable especially in the evening hours. Regardless of the yearly revenue that Monterey Car Week brings in, I am especially grateful that it continues to be one of the greater areas of the peninsula during and apart from Monterey car week. The police work done during the week was great and seemed to keep people in line in order to create positive experiences for themselves and others around them. Thanks again to all who help make it possible.	No	What event in the Park?	No	What event on Ocean A	Loved them.	I didn't attend the tour D'elegance this year but in prior years I enjoyed it. I think one positive thing that would benefit both parties would be some time to stay on the sidewalks when all the cars park. Speaking from a photographers perspective, I think everyone would enjoy getting a few full photos of cars before people swarm around them. Wonderful event otherwise. Super disappointed I missed this year!	Yes.	I think in terms of Carmel city it brings in a lot of revenue during these times especially to restaurants. In regards to attendees, these events are so special to us and when they're free, it helps college students like me, and families as well, see vehicles I only dream of being able to see when I don't have the means to pay for the higher priced events. Super thankful that Carmel puts these on and I hope to continue to see the tour and concours on the avenue continue in the future.	They helped with traffic and safety somewhat.	I said before in another response how back in 2019 I believe, I don't think there was as much enforcement on obeying traffic laws in comparison to last year and this years week. With a combination of donuts, excessive revving and burnouts I agree with a stricter level of enforcement. I'm not sure to what effect or reason keeping streets closed during later hours does, but it did seem to mitigate risk of endangerment to pedestrians and vehicles alike. I think there are some instances where there should be leniency in the case of a couple loud noises, it did seem that they were particularly strict this year on such matter but that helped the local residents sleep as well. It is car week, and I think that engines revving and accelerations are imminent. I do believe while that is a part of the experience, it should be done in a safe and respectful manner.
9/14/2022 22:56:15	A resident of 93921	Loved it.	This area is known to celebrate beautiful cars like art and artistic display; love the festiveness, anticipation leading up to the final day.	Yes	Loved it.	Yes	Loved it.	Loved them.	The event is unique w/it's international influence as well as its All American influence—being an American sport to collect or race cars; Laguna Seca is also a treasure to complement the event.	Yes.	If you build it they will come! People love coming to see so many gorgeous cars in one place.	They helped with traffic and safety.	Always a good thing to make it known the City takes safety seriously; visitors need to be respectful, responsible, and aware the City can't/won't tolerate anything less
9/15/2022 0:06:27	A resident of 93921	Loved it.	Amazing cars	Yes	Loved it.	Yes	It was okay.	They were okay.	Not enough events	Yes.	They are staples of car week	They helped with traffic and safety.	
9/15/2022 0:39:56	A Car Week attendee fr	Loved it.	It's an amazing area that is perfect to enjoy cars and just overall have a good time. I love the scenery and the events that go on each year.	Yes	Loved it.	No	I have to check it out ne	Loved them.	The events are always a hit with me there.	Yes.	They're awesome events I always look forward to watching them.	They helped with traffic and safety somewhat.	
9/15/2022 9:13:31	A Car Week attendee fr	It was okay.	Too much police presence. People were pulled over more than driving and it burned out the cruising. No loud exhaust or revving robbed people of the opportunity to hear supercars. Same thing in Monterey.	No	Did not attend	Yes	Loved it.	They were okay.	Once again too much police presence shutting down car owners from having fun	Yes.	I like concours	They helped with traffic and safety.	Did not have any issues with travels
9/15/2022 11:21:24	A resident of 93921	I did not like it at all.	Mayhem, way too many people with supercars running amok and showing off.	No		No		I did not like them at all	I'm over it	No	I'm over it all.	They helped with traffic and safety somewhat.	The whole thing has gotten too big.
9/15/2022 11:37:02	A resident of 93921	Loved it.	Brings in business and publicity for Carmel and the surrounding area. A good tradition to keep going through the coming years. Police did a good job of keeping everything under control as well.	No	N/A	Yes	Loved it.	Loved them.	Great atmosphere of bringing people together.	Yes.	Keeps the tradition and is more reminiscent of the original Car Week feel of where it started with the Concours.	They helped with traffic and safety.	Keeps the wrong crowd out of the area and establishes that recklessness won't be tolerated.
9/15/2022 15:44:52	A Car Week attendee fr	Loved it.	I loved that they changed the schedule of the Reunion so that Saturday was the final day, clearing the conflict with Pebble Beach that has been in place since I began attending in 1984. As a working journalist, it meant I no longer had to give up the last day at Laguna Seca to cover the Pebble Beach event for the magazine that sent me there.	No	What event in the Park?	No	What event on Ocean A	They were okay.	My assignments were specifically at Laguna Seca and Pebble, but friends and fellow journalists were quite disappointed in the way some other events (Concours on the Avenue in particular) were downplayed or simply cancelled this year.	Yes.	Time permitting, I would love to see the Concours on the Avenue. My wife was able to walk around Carmel for several hours while I was at Pebble (the media pass for the Concours did not include her), and she always loves browsing the galleries and shops, and she found a lovely French restaurant, La Bicyclette, where we had a delicious meal.	They helped with traffic and safety somewhat.	Our 2021 visit to Carmel was made almost impossible, if not impossible, by the gridlock. As much as I love the automobile-related events, it was somewhat easier to negotiate the streets of Carmel on Sunday.
9/15/2022 17:42:53	A Car Week attendee fr	Loved it.	Its a good event to people Who love cars and for local commerce	Yes	Loved it.	Yes	Loved it.	Loved them.	It was very awesome	Yes.	These are great events	They helped with traffic and safety.	Its useful
9/15/2022 19:47:25	A Car Week attendee fr	Loved it.	Car Week gives me a reason to go visit my friends and enjoy the views!	Yes	It was okay.	No		Loved them.		Yes.		I wasn't a fan of the police shutting down Ocean Ave!!	

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9/15/2022 21:33:45	A resident of 93921	It was okay.	We need the big Car Week events back in Carmel-by-the-Sea, it was too dull this year without them. Any why were there no events scheduled at Sunset Center in August? That is just plain stupid to have a venue like Sunset Center just sit idle during such a popular month.	No	What event in the Park?	No	Why was it gender focus?	They were okay.	We need the big events back in Carmel-by-the-Sea, it was too dull this year without them. Any why were there no events scheduled at Sunset Center in August? That is just plain stupid to have a venue like Sunset Center just sit idle during such a popular month.	Yes.	We need these types of events to return so Carmel-by-the-Sea can regain its following and have events enjoyed by both locals and visitors.	They did not help with traffic and safety at all.	It was very inconvenient.
9/15/2022 21:33:57	A Car Week attendee from	It was okay.	Peoples behaving badly, a seedy element that I haven't witnessed before	No		Yes	It was okay.	I did not like them at all	Not like the old days. Too much trailer trash	Yes.	I liked the old tour	They helped with traffic and safety somewhat.	Not enough enforcement. More tickets and impound..cars shouldn't be allowed to cruise
9/15/2022 22:03:30	A resident of 93921	It was okay.	Not as good as last year. Need to bring back Ocean Avenue events.	Yes	It was okay.	Yes	Loved it.	They were okay.	Not as exciting as in past years.	Yes.	Carmel, has evolved to become an event location.	They helped with traffic and safety somewhat.	The radius of 50 miles surrounding Carmel, rowdies disrupted a very nice event on Carmel in general.
9/15/2022 22:06:51	A Car Week attendee from	Loved it.	The traffic was well controlled and not too crowded.	No			This event is just medicine	They were okay.	Bring back the local events. See above!	Yes.	It brings more business to town.	They helped with traffic and safety somewhat.	
9/15/2022 22:37:41	A resident of 93921	It was okay.	Not enough events	No	What event in the Park?	Yes	It was okay.	They were okay.		Yes.	It makes Carmel special	They helped with traffic and safety somewhat.	
9/16/2022 0:14:14	A resident of 93921	Loved it.	The city needs upscale and community events to remain vibrant and relevant. Tourism and new ideas and events help a community communicate and interact with each other. We are a welcoming and volunteering people and these events help our nonprofits and businesses. We have an excellent police department with very quick response for any type of call.	No		No		Loved them.	Great for our community.	Yes.	Concours d'Elegance is one of the premier international events. Any city in the US would be happy to host this event. I volunteered for 15 years and they are the best at preparation and operation. They care about their employees, residents and the surrounding community. Please ask them to return. A huge loss to Carmel when they left.	They helped with traffic and safety.	Results
9/16/2022 5:05:40	A retail shop owner in 9	It was okay.	The lack of the two events (Tuesday & Thursday), made Carmel appear to not be an important stop during car week. Many of our regular clients attended other events in the peninsula and skipped Carmel on their visit, resulting in a big decline in sales primarily on these two days.	Yes	I did not like it at all.	Yes	It was okay.	We needed more event above	See explanations	Yes.	Carmel should always be an important visiting stop during car week with events that benefit our town. Concours on the Ave was sorely missed.	They helped with traffic and safety somewhat.	
9/16/2022 5:20:01	A resident of 93921	I did not like it at all.	I live on Monte Verde St. I had difficulty getting in and out of my house and my garage because of crowds on the sidewalk and in the street. The revving of engines and then the loud roars of people responding to the revving was annoying as hell. By Wednesday I couldn't stand it anymore and left town for the duration.	No		No		I did not like them at all.		No	These events completely hijack life for residents. It's noisy and obnoxious.	I can't say. I try not to leave my house during this event.	
9/16/2022 6:16:22	A resident of 93921	I did not like it at all.	Crowds, traffic, noise. No respect for the people who live here!	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all	See previous	No	Same as before	They did not help with traffic and safety at all.	See prior
9/16/2022 6:17:25	A resident of 93921	I did not like it at all.	Too many car clubs that ignore the road laws, especially down hwy 1. We do not have enough law enforcement to handle the large crowds, now bringing in some bad elements. We are a small community and are starting to feel we come second to the event. The amount of money it brings in is for only a few, I do not see how it helps the community as a whole.	No		No		They were okay.	The car show used to be a long weekend, now it's inconveniencing us for over a week	No		They helped with traffic and safety somewhat.	
9/16/2022 7:11:04	A Car Week attendee from	Loved it.	Not overwhelming	No	It was okay.	No	It was okay.	They were okay.	Small scale. Not really special	Yes.	Spectacular events showcasing Carmel	They helped with traffic and safety.	Not as many problems with hooligans
9/16/2022 7:13:01	A resident of 93921	Loved it.	I love having the car events in town	Yes	Loved it.	Yes	It was okay.	They were okay.	I missed having the Concours on the Avenue and having the Pebble Beach Tour stop in town.	Yes.	I like the cars and I think it is good for the City	They helped with traffic and safety.	
9/16/2022 7:35:14	A resident of 93921	It was okay.	Wish you guys would bring back the Concours on the Avenue and the Pebble Beach Tour. It's so nice to live in town and be able to avoid all the traffic and just walk to see the cars.	Yes	It was okay.	No		They were okay.		Yes.	Those are the best of the best cars wise and as previously stated so nice to live in town and be able to walk to them and again all the traffic.	They helped with traffic and safety somewhat.	

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9/16/2022 8:09:29	A resident of 93921	Loved it.	The cars are magnificent works of art and history. Car week makes it possible to see so many in one place. The owners are happy to share information about their cars.	Yes	I enjoyed the event in the	Yes	Loved it.	Loved them.	I enjoy attending the events with friends. It's something we look forward to from year to year. We watch the cars, people and shop downtown.	Yes.	Concourse on the Avenue was a great event that allowed you to look at cars and also stop and listen to owners discussing their cars. The tour of d'elegance gives us the ability to see some of the magnificent cars that are entered into the concours d' elegance if you are not able to purchase tickets for the Sunday event.	They helped with traffic and safety.	I did not have any problems driving around town or walking to the prancing ponies event.
9/16/2022 8:15:54	A Car Week attendee from	It was okay.	The only negative was the racing of loud cars on Highway 1 and neighboring streets. It seems as if the car owners want to be noticed and making the sound of a road race is their method of securing attention. It is VERY annoying to us locals.	No	Did not attend	Yes	Loved it.	Loved them.	The beautiful cars and friendly people	Yes.	For Carmel, it is the only way to partake in the festivities without paying \$500+. The event was a stroke of genius and gets everyone is Carmel involved.	They helped with traffic and safety.	In 2019 I witnessed the hooligans during their dangerous driving and head-to-head confrontations with police. Not something I ever want in Carmel.
9/16/2022 8:24:17	A resident of 93921	I did not like it at all.	It disrupts every aspect of living in Carmel by the Sea. My neighborhood is always full of cars making it hard to have a normal week. Car owners are the most part rude.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all	Who needs to see people showing off their cars?	No	Disruptive and unnecessary.	They did not help with traffic and safety at all.	Guests (not for car show) couldn't park near us.
9/16/2022 8:28:52	A resident of 93921	I did not like it at all.		No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.		No		They helped with traffic and safety somewhat.	
9/16/2022 8:44:49	A resident of 93921	Loved it.	I love muscle cars and car week is the undisputed leader in bring together car lovers of all types	No	What event in the Park?	No	Loved it.	Loved them.		Yes.		They helped with traffic and safety.	
9/16/2022 8:55:47	A resident of 93921	I did not like it at all.	I enjoyed it when it was VINTAGE cars, now it seems to be mostly race cars, and the type of people that like loud and fast.	No	What event in the Park?	No	What event on Ocean Avenue?	I did not like them at all	Again, used to be about VINTAGE cars (10s-40s) and now about race cars	No	Carmel is too small a town for that	They helped with traffic and safety somewhat.	
9/16/2022 9:14:30	A resident of 93921	Loved it.	Naturally missed the display of cars on Ocean, lot of work, hope it comes back, it was such a fun, joyous street fair atmosphere, however this year survived without incident and exotic, beautiful cars were abundantly roaming our Village with gleeful spectators,... I Loved It!	Yes	The Host were very nice	No	Wasn't there	Loved them.	Great opportunity to mingle, view and enjoy the atmosphere of cordial locals and tourists.	Yes.	It is great for the Village but I'll tell you our restaurants could use some lessons in service, hosting, manners and the taste of their food, I can count on one hand places I would recommend as places to dine in Carmel. Proprietors seem to take for granted that our Village will always have tourists and therefore do not need to put their best foot forward all the time in Service, Taste of Food and Price.	They helped with traffic and safety.	Never had a problem getting around.
9/16/2022 9:21:52	A Car Week attendee from	It was okay.	No Concours on the Avenue and no Tour de Elegance. Sorry, but Prancing Ponies does not generate the same excitement. I would also imagine that not having the two events hurt retail revenue, but that is just a guess.	Yes	It was okay.	Yes	It was okay.	They were okay.	They lack the excitement of the Concours on the Avenue and the Tour.	Yes.	That is a major part of the draw of Car Week.	They helped with traffic and safety.	
9/16/2022 9:53:18	A resident of 93921	Loved it.		No		No				Yes.		They helped with traffic and safety somewhat.	
9/16/2022 10:05:16	A resident of 93921	It was okay.	Missed the closing of Ocean Avenue for one day ... big loss !	Yes		Yes	Loved it.	They were okay.	Not very exciting	Yes.	Again ... closing Ocean Ave again would be ... WONDERFUL!	They helped with traffic and safety.	
9/16/2022 11:49:36	A resident of 93921	It was okay.	Too many cars from other nearby areas come to race down our residential areas, not enough enforcement.	No	It was okay.	No		They were okay.		No	Those events are too big for our small town. They cause too many traffic and noise problems.	They helped with traffic and safety somewhat.	
9/16/2022 12:18:24	A worker in 93921, A Car Week attendee	Loved it.	Streets not overly crowded	No	I did not like it at all.	No	What event on Ocean Avenue?	They were okay.		Yes.	COTA is a highlight of Car Week and it only one day	They did not help with traffic and safety at all.	Need active traffic control at Ocean and Junipero. Crossing pedestrians hold up lines of traffic!
9/16/2022 13:00:01	A Car Week attendee from	I did not like it at all.	Event canceled due to death	No	Not substantial enough	No	Did not attend, too narrow	Did not attend any event	Major event canceled due to death of the "promoter"	Yes.	Larger events are more inclusive and serve broader interests	They helped with traffic and safety.	Alcohol consumption causes bad behavior

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9/16/2022 13:06:04	A resident of 93921	I did not like it at all.	Cars racing at break-neck speed through our town, running stop signs, racing engines all through the night. Impossible to get anywhere because of traffic and discourteous people blocking the roads. I couldn't even walk my dog without fear of getting run over. It should be held at Laguna Seca on a race track.	No		No		I did not like them at all	Same answer as before	No	All events should be held at a venue that can take care of racing cars. NOT on our local streets.	They helped with traffic and safety somewhat.	I was walking my dog mid day during the week, and at the intersection at Monte Verde and 4th approximately 10-15 Ferrari's ran the stop sign. No one was around to ticket them. Why should this be the norm? Why are these inconsiderate and unlawful people allowed to disregard rules and laws? Also, when people say "it's good for business" all I can think about are the people that live here 365 days a year and pay taxes? What about our "good for business" money that we use here 365 days? Our money is more plentiful than those that come for a day or two. The residents needs should be of more concern than those "out of towners". Again, have these events at a venue that can support them not in a small town on residential streets.
9/16/2022 13:20:46	A resident of 93921	I did not like it at all.	Hectic, and impossible to get any where	No		No	It's crazy to think that th	I did not like them at all	Laws were broken with total disregard. Speeding, running stop signs, etc. It is a miracle that no one was/is killed.	No	Our village cannot safely manage these events. There are venues that can. Those coming to them still need a place to stay and restaurants to eat at.	They helped with traffic and safety somewhat.	Our residential streets should not be holding events that encourage visitors and out-of-towners to blatantly break the law. I live across from City Hall and could not drive out of my driveway because of the careless people blocking the street. I could not get a delivery the entire week. I couldn't keep any appointments. What if an emergency happened?
9/16/2022 14:06:04	A Car Week attendee fr	I did not like it at all.	The Green Porsche is the trouble maker. https://www.youtube.com/watch?v=Fys5s8SVVcg	No	I did not like it at all.	Yes	It was okay.	They were okay.	We are missing two key events.	Yes.	Its part of Car Week's history	They helped with traffic and safety somewhat.	
9/16/2022 14:14:23	A resident of 93921	Loved it.	I generally love how quiet the town is. But this is one of the few weeks where it is a destination spot! I do love seeing all of the cars. And if we don't feel like dealing with the crowds it's an opportunity to get away.	No	What event in the Park?	Yes	It was okay.	They were okay.	Missed the Acura event totally. The prancing ponies was fine, an interesting concept. No issues with it.	Yes.	The Tour de Elegance was one of the highlights of the week!! I do miss that and wish it would return. So amazing to see those cars going, and to be able to take a closer look at them parked on Ocean was a treat.		They certainly helped. There is an aspect of the public on Friday and Saturday nights that gets slightly intimidating, but seems to be perfectly safe.
9/16/2022 15:27:58	A Car Week attendee fr	It was okay.								Yes.			
9/16/2022 15:30:26	A resident of 93921	It was okay.	Miss the concours on Ocean.	No	It was okay.	Yes	It was okay.	Loved them.		Yes.		They helped with traffic and safety.	
9/16/2022 15:46:15	A Car Week attendee fr	It was okay.	While I love and fully support the idea and drive behind the prancing ponies event, and truly hope they can continue to host their event in downtown, their selection of cars leaves a little to be desired. I wholeheartedly support the return of both the concourse on the avenue and the tour de elegance. They are all great events and the only events I make plans to attend.	No	While I think it is cool to	Yes	I love what this event re	I was only really aware	*see above (basically, would just love more events)	Yes.	I have lived just outside of city limits (93923) for 30+ years and have attended Peale beach concours only once (when gifted a free ticket). But I attended almost every tour, and concours on the avenue since their inception. Having those events walking distance from my home and free has really make me look forward to car week. Despite all the traffic and congestion and people on the peninsula, that feels like a little gift for the locals.	I'm not sure how well they actually worked but I support the idea of shutting down idiots who want to speed and do doughnuts.	*see above
9/16/2022 15:46:46	A resident of 93921	I did not like it at all.	Inconsiderate attendees were speeding and revving their engines loudly at night.	No	What event in the Park?	Yes	It was okay.	They were okay.	I would like to see more elegant Concours events as it seems to attract a more mindful attendee than car week in general with its frat-like atmosphere. Also, I would like to see more emphasis on electric cars given climate change.	Yes.	It would be nice to have that energy on town as well as other kinds of elegant events throughout the year.	They did not help with traffic and safety at all.	so much speeding and car revving

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9/16/2022 16:57:22	A resident of 93921	I did not like it at all.	Cars driving irresponsibly, noise, bad element coming to town with violent behavior. Was just happy it was over. Been there, done that in regards to seeing cars. When you think about all the pollution caused by all the trucks bringing the Concours cars here it doesn't seem very environmentally positive.	Yes	Ho hum.	Yes	It's nice to give people	Let the Concours take	Bad behavior by the crowd that is drawn into town. It is just going to get worse and worse as crime in surrounding communities continues to go up. We are a magnet for people to come and show off their bad behavior.	No	Same as above.	No affect in my neighborhood.	People were blowing through stop signs without slowing down, driving noisy cars way too fast, and just being plain rude as drivers.
9/16/2022 17:11:07	A resident of 93921	It was okay.	Instead of blocking the Ocean ave. by our police department, they should've kept the street open but have a visible presence to curtail and discourage any mischievous behavior. By blocking the street, our business community did suffer and they did lost business.	No		No		They were okay.	The City and the community should be much more pro-active during the car week. We do get lost of visitors and they come to see car activities and if such activities are downplayed, they may not come back. This is the time where everyone makes money for not only for our community abroad but also for charitable organizations that they depend on such revenue.	Yes.	This has been the heartbeat of the Car week for the locals. This is where people can mingle and see most of the cars that may be too expensive to see in private venues. Please bring it back for the sake of the community and the car lovers.	They did not help with traffic and safety at all.	Please see my earlier comment. Do not close the street but have officer present with their patrol cars. People do behave when the police is physically present.
9/16/2022 17:24:24	A Car Week attendee fr	I did not like it at all.	Concourse on the Avenue is a truly wonderful event I hope is able to return	No	What event in the Park?	No				Yes.			
9/16/2022 17:25:04	A resident of 93921	It was okay.	Have the regular car week activities return	Yes	It was okay.	Yes	Loved it.	They were okay.	Return all car week activities in the village	Yes.	It is a great time, lots of fun, good for the village and shops and restaurants	They helped with traffic and safety.	Closing streets and more police presence is a good thing, helps keep all safe.
9/16/2022 17:28:46	A resident of 93921	It was okay.		No	It was okay.	No	It was okay.	They were okay.		Yes.		They helped with traffic and safety somewhat.	
9/16/2022 17:29:34	A resident of 93921	It was okay.	I missed the car show on Ocean, and the classic cars on parade... I do not like how people have turned our local residential streets into drag racing, loud modified cars, speeding roads.	No		No		Missed to cars on Ocean		Yes.	Concourse on the Ave, brought a lot of beautiful autos, and people, it's controlled, and organized, not just a free for all drag racing...	They did not help with traffic and safety at all.	
9/16/2022 17:43:29	A Car Week attendee fr	It was okay.	The big event on Tuesday was missed by many of our friends. We live in Tehama	No	What event in the Park?	Yes	It was okay.	What events?	Not clear which were open to everyone.	Yes.	It was great for out of town guests. We walked Ocean and then had lunch. It was large enough that it was worth the effort to go.	They helped with traffic and safety somewhat.	Did not notice huge differences
9/16/2022 17:56:13	A resident of 93921	I did not like it at all.	My favorite events no longer happen. It's not the same without the Tuesday Concourse on the Avenues (my favorite event of the entire week), and Thursday's parade of PB Concourse cars. It's ridiculous that these two events no longer take place. Looks like Carmel is no longer participating in the week's events and that Pacific Grove has stepped up to fill in for Carmel. However, I applaud Carmel for cracking down on the morons doing doughnuts and burn-outs at the intersections on Ocean.	No	What event in the Park?	Yes	I did not like it at all.	I did not like them at all	The Acura event is a joke, and Prancing Ponies is a bit of a mystery, seemingly run by 2 or 3 women, and with a strange collection of cars. Not very enticing, crappy music, just not much fun.	Yes.	They are the best events with the best cars and the best crowds of people. They make car week.	They helped with traffic and safety somewhat.	They didn't solve the entire problem of the morons doing burn-outs on Ocean, but the effort helped.

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9/16/2022 18:27:04	A resident of 93921	I did not like it at all.	Without Concours on the Avenue it was very dull.	Yes	I did not like it at all.	Yes	Not very good. Small no	I did not like them at all.		Yes.	It brings a vibrancy to our town. Makes our town an important destination in the biggest week of the year on the Monterey Peninsula.	They helped with traffic and safety somewhat.	
9/16/2022 18:29:39	A resident of 93921	It was okay.	We missed the Tuesday car show. Was always a fun, exciting event. Well organized, civilized and a credit to our village. Missed the Concourse cars stopping in town on Thursday. What did we have this year? A small Prancing Piny show and lots of people here to go to events in other towns.	Yes	It was okay.	Yes	It was okay.	They were okay.	Our events were small, no energy, no pizzazz. All we got were unruly crowds at night, which kept many of us from coming into town for the evenings.	Yes.	Those were class. classic events that brought people into our village during the days. Vibrant crowds. All we get now is the drunk trouble makers at night.	They helped with traffic and safety.	
9/16/2022 19:21:12	A resident of 93921	I did not like it at all.	The associated noise and cars racing in and around town. Not clear to me that they were part of a sanctioned car week event, but that all comes with it so I have a negative opinion. Even the sanctioned events with all the idling and exhaust would be better held outside of Carmel, or minimally only involve parked cars.	No		Yes	I did not like it at all.			No	See response above. It will be markedly worse than this year without the larger events. How about an e-car event and drop the gassy noisy cars.		
9/16/2022 20:21:36	A resident of 93921	I did not like it at all.	Lack of events	No		No		I did not like them at all.		Yes.	It brings the city to life	They helped with traffic and safety somewhat.	
9/16/2022 21:35:53	A resident of 93921	Loved it.		No				Loved them.		Yes.		They helped with traffic and safety.	
9/16/2022 21:59:50	A resident of 93921	Loved it.	Great influx of cars, tourists and a much needed injection of fun to the city	No		Yes	Loved it.	Loved them.	Cars and Carmel go together perfectly. Brought life to the city	Yes.	It's great fun and brings in a great crowd you won't find on other weeks. Exposes the world to how great Carmel is.	They helped with traffic and safety somewhat.	It helped.
9/17/2022 2:01:37	A Car Week attendee fr	It was okay.	I miss the Tour d' Elegance stopping in Carmel.	No		Yes	Loved it.	Loved them.	I love cars. It doesn't matter if I see them on the street or at a show. I get excited. I've been attending car week since 1996. 2020 it was cancelled.	Yes.	Those are my favorite events.	They helped with traffic and safety.	Safety is importsnt.
9/17/2022 4:11:14	A resident of 93921	Loved it.	Better control over lawlessness and debauchery versus previous years!	No	Did not attend...but I lov	No	In the interest of fairnes	Loved them.	The events are irrelevant. I just love anything Carmel!	Yes.	It's the money, baby. We need the tax revenue.	They helped with traffic and safety.	Seriously...this is THE most important thing for the City to focus on. Someone is going to get killed by one of these out-of-control hot-rodders if our Police and City Planners don't remain vigilant. Please keep being proactive on this subject. Thank you!
9/17/2022 8:15:49	A worker in 93921, A C	It was okay.	the best part was ALWAYS the big car event..... not the ponies	Yes	It was okay.	Yes	I did not like it at all.	They were okay.	just didn't have that Carmel feeling and atmosphere that makes Carmel fun and great.....booring events this year.	Yes.	you had to ask!!!! they are fun and exciting and add to Carmel as being part of the peninsula..... never mind the dollars and people these events bring into our town. Don't fret about the parking issue..... there's not a lot of parking every day anyway....it's normal	They helped with traffic and safety.	in a town our size, it's also normal to do that for an event.....SAFETY is ALWAYS first!!!! Traffic is what it is.....nothing new....local and shops should be informed more so their employees can plan property.....GREAT IDEA the shuttle.....use it more.....
9/17/2022 8:37:09	A resident of 93921	I did not like it at all.	It's always been a problem for me as a local. Too many people and too much noise pollution.	No	What event in the Park?	No	What event on Ocean A	I did not like them at all	I have never been a fan of Car Week.	No	I don't think I need to explain.	It seems to me that an event centered around cars in our present environmental crisis (climate change) is irresponsible and given what happened with the police this year asking for problems.	Climate change and a huge problem for locals who live here full time.
9/17/2022 8:54:19	A resident of 93921	It was okay.	I missed the Concours on the Avenue and the Tour d'Elegance stopping on Ocean Ave.	No		Yes	Loved it.	They were okay.	Not enough variety of classic cars.	Yes.	Great cars, great crowds and good for the town's image and businesses.	They helped with traffic and safety.	Blocking Ocean Ave at critical times appears to be effective.

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9/17/2022 11:21:24	A resident of 93921	It was okay.	My year revolves around Car Week, since 1987, almost. I moved from Saratoga to Carmel (0 Torres SW 9th) in 2020, but I never missed Car Week. (I bought the 2nd Murphy House on Dolores between 9th and 10th in 1983.) The loss of Concours on the Avenue - sad that no one could keep it alive. That is the single best event of the week. And for the Pebble Beach cars to not stop for lunch on Thursday has been a disappointment for a few years now. By the same token, for the Pacific Grove Auto Rally to no longer stop in Carmel on Fridays is sad. I drove in that event each year since it started in 1994. Ocean Avenue used to be lined with cheering, happy people.- it was sublime. The Acura thing this year was a joke, nothing more than a new car showroom outdoors. Prancing Ponies brought some pretty great cars out, though some of the models had more of a Hollywood vibe. But it was a fun event. And the CPD seems to have gotten the better of the morons driving 600 hp Lambos and Dodges on Friday and Saturday nights. Bravo!	Yes	I did not like it at all.	Yes	It was okay.		A sadly minimal participation compared to PG and Monterey. I really hope CBTS will get in the game.	Yes.	I've seen and felt the great energy these things bring. Carmel is a privileged place, and I know that residents treasure the quiet calmness here. But for a few days during a single week to bring some authentic excitement and energy - that makes the quiet that follows even more treasured. Kind of how we love the holidays, and then how we enjoy the peace after New Years.	They helped with traffic and safety.	I watched the street scene from 8:30 to 9:30 Friday and Saturday nights. Seemed much better than 2021. And that's a lot of testosterone to manage!
9/17/2022 14:55:00	A Car Week attendee fr	It was okay.	I greatly miss the Tuesday Concours on the Avenue	No	Miss the Concours on t	No	What event on Ocean A	I	I leave Wednesday to avoid the congestion.	Yes.	COTA was my favorite event; relatively low key and on Tuesday before the craziness	They helped with traffic and safety.	From what I understand, they are necessary given the later week congestion and craziness
9/17/2022 16:07:12	A resident of 93921	I did not like it at all.	Traffic congestion, rude visitors, excessive noise at all hours, no benefit to the residents.	No	I did not attend due to c	No	I did not attend due to c	I did not like them at all	Traffic congestion, rude visitors, excessive noise, no benefit to the residents.	No	Even more traffic congestion, more rude visitors, more excessive noise.	They helped with traffic and safety somewhat.	Coming back home on Ocean avenue from family event were directed through a maize of unsafe routes through 6th street packed with vehicles and pedestrians. City needs more signage when traffic entering Ocean Avenue or Rio Road so that residents can use alternate routes to their homes.
9/17/2022 16:58:09	A resident of 93921	It was okay.	I missed having the Concours d'Elegance drive through the city.	No	No comment.	Yes	It was okay.	They were okay.	I missed the loudspeaker commentary. It would help with crowd control if there was an occasional welcome and please be mindful of this or that. In addition to commenting on special cars, the commentator could encourage patronage and give historical anecdotes about past Carmel Car Shows.	Yes.	I like the American love affair with the car and that romance may well end as we move into a new era of transportation.	They helped with traffic and safety somewhat.	As far as I know, no one was injured or killed by a moving vehicle during Car Week, but I could be misinformed.
9/17/2022 17:02:39	A resident of 93921	I did not like it at all.	The people it drew in behaved horribly. Friday night's crowds on Ocean Ave along egging on the sooped up, loud cars was sad to see. A truck belching smoke out as it went by and everyone cheering was atrocious. I was embarrassed to say I lived in Carmel. And the vandalism to the new police vehicle on Thursday was something that should never happen.	No	Did not attend	No	Did not attend	Loved them.	Because they are "Carmel". Keeping on the small home town tradition.	Yes.	Concours on the avenue was a great event.	They helped with traffic and safety somewhat.	I believe it helped discourage drag racing thru town, by slowing cars down, but it did not discourage the type of people we don't want here. They were going so slow on Ocean Ave which gave them more time to rile up the crowds. I sincerely believe Ocean Avenue should be closed down completely. We are already planning to go out of town next year should things remain the same. So sorry to say that, but it just keeps getting worse. What we witnessed is not Carmel.
9/18/2022 6:08:28	A Car Week attendee fr	It was okay.	Miss Concours on the Avenue but liked Prancing Ponies	Yes	It was okay.	Yes	Loved it.	They were okay.		Yes.	More interesting as more to see	They helped with traffic and safety.	
9/18/2022 8:34:58	A worker in 93921	Loved it.	I enjoy car culture and I get more hours at work that week and it helps me out financially quite a bit. Without events as large as Car Week I could not afford to live in Monterey County	No	I was working. I see th	No	Loved it.	Loved them.	Because they bring good economic activity to our community and the revenues and taxes generated create jobs and taxes and those tax dollars go to pay for services that all residents, workers and visitors benefit from.	Yes.	The Concours on the Avenue was my absolute favorite event. It was easy to attend and so interesting with all of the beautiful cars on display	They helped with traffic and safety.	I support ALL of the Car Week activities but I do not support lawbreakers. I would like to see a zero tolerance policy from CPD towards speeders and other bad actors. If they are not stopped forcefully, they will ruin this wonderful event and we will lose it forever.
9/18/2022 10:33:32	A resident of 93921	It was okay.	Missed Concource line up on ocean and the display of cars	Yes	It was okay.	Yes	It was okay.	They were okay.	Missed old events	Yes.	Makes car week a stupendous event	They helped with traffic and safety.	Safety to residents is important
9/18/2022 11:44:35	A Car Week attendee fr	It was okay.	No Concours on the Avenue. And no Tour D'Elegance lunch stop. We live in Carmel (93923)	No		No	Totally under whelmed.	They were okay.		Yes.	They are the best events Carmel has to offer.	They helped with traffic and safety.	

Attachment 1

Timestamp	I am:	How did you feel about Car Week in Carmel-by-the-Sea overall this year?	Why do you feel that way?	Did you attend the Acura in the Park Event on Tuesday, August 16?	How did you feel about the Acura in the Park event on Tuesday, August 16?	Did you attend the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How did you feel about the Prancing Ponies All Woman Car Show on Thursday, August 18 on Ocean Avenue?	How do you feel about the events in Carmel-by-the-Sea in general this year?	Why do you feel that way?	Do you want to see the larger events like Concours on the Avenue and/or Tour d'Elegance return to Carmel-by-the-Sea if it is possible?	Why do you feel that way?	How did you feel about the effectiveness of traffic calming measures in place for safety in the City during Car Week - i.e. shutting streets down in the evenings, alternate routes around Ocean Avenue, etc.?	Why do you feel that way?
9/18/2022 12:14:52	A Car Week attendee fr	It was okay.	Not enough interesting events in the village	No		Yes	It was okay.	They were okay.	There wasn't much of interest going on...and nothing compares to the Concours on the Avenue event!	Yes.	The Concours on the Avenue always showcases an amazing selection of vehicles and it's fun to speak with the owners. Listening to the personal stories (interviews by 2 experts with car owners by the library) is a highlight of the day. This is our favorite event. The tour on Wednesday is also fun to attend, due to the variety of vehicles all in one place.	They helped with traffic and safety.	No racing from block to block stop signs, revving of engines, i.e., noise, etc.
9/18/2022 12:16:58	A Car Week attendee from outside of the 93921		I just submitted my form but wanted to add a note that you should include the 93923 zip code along with 93921.										
9/18/2022 14:15:44	A resident of 93921	Loved it.	I missed Concours on the Avenue, but enjoyed everything else.	Yes	It was okay.	Yes	Loved it.	Loved them.	Love the car events at no cost	Yes.	They are interesting and exciting	Living right downtown, I walk to everything and was not inconvenienced by traffic except on the Highway.	See above
9/18/2022 14:33:21	A Car Week attendee fr	It was okay.	I wish there had been more events like there have been in the past but prancing ponies did a great event	No		Yes	Loved it.	Wished there could've been more events		Yes.	Because they were exciting and fun	They helped with traffic and safety.	
9/18/2022 15:37:55	A Car Week attendee fr	Loved it.	It was an opportunity to see some remarkable cars. There was an air of excitement that was fun.	No		Yes	Loved it.	Loved them.	Carmel is a charming community. We have been renting a vacation rental for a month or two every year for 25 years. The people are friendly and the restaurants are great. We are golfers and appreciate the beauty of the courses. All the events we have attended in the past have been enjoyable.	Yes.	This was our first car show, so we have never experienced those events and would like to.	They helped with traffic and safety.	We never experienced any issues or inconvenience
9/18/2022 17:30:01	A resident of 93921	Loved it.	Great cars, no major issues, money to the city/business	Yes	Loved it.	Yes	Loved it.	Loved them.	They bring something to Carmel	Yes.	An event to do something for the day	They helped with traffic and safety.	Slowed down traffic and prevented reckless drivers
9/18/2022 18:36:41	A resident of 93921	I did not like it at all.	Even though the event says it brings in millions to charity, I never see what charities. It must cost a mint and a half to put up the massive tents, etc. Three weeks to set up/two weeks to take down. Semi trucks everywhere. Speeding here and in PB day and night. Noise ... OMG, it's such a juxtaposition from what we are used to here. Even if cars are gunning it on Ocean, you can hear for miles. I wish everyone could be shuttled in. That might not help Carmel b/c if they shuttle in to PB events, maybe more would come to Carmel. ??? Not sure. I had one couple in a convertible tell me to get out of the road and drove right at me while I was walking. I was on the side of the road - like we all walk and have forever. It just seems like too much, too excessive and too disruptive to those of us who live here, pay taxes here, shop here and support here. Even if it's just a week. We've come to call it Hell Week vs Car Week.	No	NA	No	NA	I did not like them at all	It's just nothing we are that interested in - cars/crowds.	No	See all the previous Why answers.	They helped with traffic and safety somewhat.	
9/19/2022 14:28:44	A Car Week attendee fr	I did not like it at all.	Prancing Ponies has never interested me, nor Acura. Concours on the Avenue has always been a huge draw as was the Pebble Beach Tour d'Elegance. Hopefully the City of Carmel will make an effort to bring them back.	Yes	I did not like it at all.	No	I did not like it at all.	I did not like them at all.		Yes.	They were exciting events.	They helped with traffic and safety.	It's nice to be able to walk down Ocean Avenue and not wonder if you are going to be hit by crazy car drivers.
9/19/2022 15:48:12	A resident of 93921	It was okay.	I miss Concourse on the Avenue. Miss the PB drive through Carmel/lunch for drivers.	No	What event in the Park?	Yes	Loved it.	Missed previous years	Love the cars, love that I can walk to the event, dont have to leave town. Love the atmosphere it creates downtown.	Yes.	See above	They helped with traffic and safety somewhat.	Very concerned about police officers safety. Still had issues in the evenings, despite no large events during the day. Any measures to make it easier for the officers to manage the later evening trouble makers would be welcome.

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9/19/2022 15:49:00	A resident of 93921	I did not like it at all.	The cars were out of control, it was dangerous to cross the street downtown, way too much traffic out of town. If you lived in town it didn't allow you to do your usual errands.	No		Yes	It was okay.	I did not like them at all	Nothing seemed worth viewing. It felt like there was no effort put into the events for the community.	Yes.	It actually gives the local community something to participate in and makes you hate the overall week less.	They did not help with traffic and safety at all.	
9/19/2022 16:33:47	A Car Week attendee fr	I did not like it at all.	Missed Concours on the Avenue. One of few free events for locals. Plus businesses count on this income.	No	Attended in 2021. Borin	No	Uninterested	I did not like them at all	Boring	ABSOLUTELY!!!	Fun, entertaining, educational, engaging	Carmel did their best. In future bring in additional help	Too many rude people coming from out of area
9/19/2022 17:39:19	A Car Week attendee fr	Loved it.	It's fun and brings a lot of benefit to our economy	No	Didn't attend	No	Didn't attend	Loved them.	Fun	Yes.	Economic benefits	They helped with traffic and safety.	No issues
9/19/2022 17:42:30	A Car Week attendee fr	Loved it.	As a local peninsula resident, it was great to see businesses thriving. It's also fun to see all the cars.	No		No		Wish there were more.	Seems like someone canceled this year	Yes.	I think it shows off our town, and brings revenue to our businesses and workers. This money helps pay for things for residents in the long run.	They helped with traffic and safety somewhat.	Cars were deterred from Ocean Avenue, which was great after a certain hour. I like having the ability to see them, drive up and down during the day though.
9/19/2022 17:48:50		I did not like it at all.	Too many people, frightening to drive locally, people driving 65 in 25mph zones	No		Yes	I did not like it at all.	I did not like them at all.		No	Too many people, no parking, dangerous for police and firefighters to get to help those in need	They helped with traffic and safety somewhat.	there's still too many people
9/19/2022 19:16:43	A restaurateur in 93921	I did not like it at all.	Missed Concours on the Avenue and the Prancing Ponies was just horrible, a complete embarrassment, not the upscale type of event we are use to. Also, this event being held on Thursday messed up the Concours cars coming through Carmel like they usually do. All in all, it felt like a bad year for Carmel relative to Car Week so I hope it improves next year. Martin and I are happy to donate time to help now that Doug is gone.	Yes	I did not like it at all.	Yes	I did not like it at all.	I did not like them at all	A big let down compared to prior years	Yes.	They are part of our culture and are so much fun! They tie Carmel to Car Week and are upscale events showcasing amazing cars. Half the cars at Prancing ponies were not woman owned and many were rental cars.	Overkill! Let's enjoy one week a year if fun cars zipping around and showing off. Too much policing, feels like a retirement community has taken over.	
9/19/2022 19:25:31	A Car Week attendee fr	It was okay.	Really missed concourse on the avenue!	No		No		They were okay.		Yes.		They helped with traffic and safety somewhat.	
9/19/2022 20:55:09	A Car Week attendee fr	It was okay.	Love the events but not the show off drivers	No	What event in the Park?	No	What event on Ocean A	They were okay.		Yes.	They were a family friendly fun event.	They helped with traffic and safety somewhat.	I heard a lot of racing though carmel, pebble and pg. didn't feel safe going on walks or taking kids out.
9/20/2022 8:00:35	A resident of 93921, A v	Loved it.	Less crowds	No	Neutral	No	It was okay.	They were okay.		Neutral	They mostly inconvenience residents and those attendees are not spending at local businesses	Slight improvement.	STILL lots of racing on resident streets for hours and police never showed up! Everyone thought someone else would call authorities. It was insane!
9/20/2022 9:30:23	A resident of 93921	It was okay.	Missed COTA. Best part.	Yes	I did not like it at all.	Yes	I did not like it at all.	I did not like them at all	Unengaging	Yes.	Best excitement. FREE. Fun. Educational.	They helped with traffic and safety somewhat.	Police/City did their best. Guests always find a way around safety measures.
9/20/2022 9:33:53	A worker in 93921	I did not like it at all.	Slow. Business declined.	Yes	I did not like it at all.	Yes	I did not like it at all.	I did not like them at all	Dull	Yes.	It's the best event in Carmel for all	They helped with traffic and safety somewhat.	
9/20/2022 11:00:47	A resident of 93921	I did not like it at all.	Too much traffic, too many really terrible drivers, too many people in general. Too much violation of driving laws.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all	see comments above	No		They did not help with traffic and safety at all.	Idiot drivers racing up and down Ocean Ave. Grand standing.
9/20/2022 11:45:01	An innkeeper in 93921	It was okay.	Missed Concourse on the Ave which made a lot of our guests come in later than we usually do which lead to lost revenue. Parking was better though!	No		Yes	Loved it.	They were okay.		Yes.	It's fun for everyone!	They helped with traffic and safety.	
9/20/2022 11:45:18	A restaurateur in 93921	It was okay.	Not enough events in Carmel	No	It was okay.	Yes	Loved it.	I wish there were more	More events brings more people. More people means more money spent in Carmel	Yes.	I know locals do not like car week but it brings a lot of business and money for everyone that works in Carmel	They helped with traffic and safety.	
9/20/2022 11:51:34	A resident of 93921	It was okay.	The Concour on the Avenue and Tour d'Concour set the stage for world class events that during car week that were managed extremely well. This year was chaos. We went from Rolex and Tiffany events in previous years to Walmart and Target events this year.	Yes	Loved it.	Yes	I did not like it at all.	I did not like them at all.		Yes.	World class events that were professionally executed	They helped with traffic and safety somewhat.	

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9/20/2022 11:51:40	An innkeeper in 93921	Loved it.	Its a very lively event and there is a great vibe all week long	Yes	It was okay.	Yes	Loved it.	Loved them.	it was great and brought in lots of people which is good marketing and revenue for Carmel	Yes.	Definitely wish to bring it back as some of my guests stay at our hotel so they can walk to these events or sit outside to see the tour and they were very disappointed that it did it happen this year. Then streets were bare on some of these days due to nothing happening in Carmel.	They helped with traffic and safety.	it was ok but it does deter some guests to avoid coming in
9/20/2022 13:55:43	A restaurateur in 93921	It was okay.	Business is not what it used to be 5 years ago during that week.	Yes	It was okay.	No		They were okay.		Yes.		They helped with traffic and safety somewhat.	
9/20/2022 14:55:30	A resident of 93921	It was okay.	Understand the reasons, but it wasn't the same without Concours on the Avenue and the Pebble Cars on the Avenue. Prancing Ponies should be relegated to the side streets they started on, not front and center at Devendorf Park. Other than that, I look forward to Car Week every year.	No	What event in the Park?	No	I did not like it at all.	They were okay.	Missed Concours and Pebble Cars	Yes.	That's the heart and soul of the Carmel-by-the-Sea Car Week experience .	They helped with traffic and safety.	
9/20/2022 16:48:11			It did bring a lot of visitors into our store.Those putting on and judging the different events, attendees of the events. There was joy and happiness in the air.Even those visitors who were in the area and didn't know the event was going on we're excited when we talk to them	Yes	It was okay.	Yes	Loved it.	Loved them.	Well, I'm a car fan! I was very surprised though of all the cars and people up and down Ocean Avenue and the side streets Thursday Friday and Saturday night I think that's an unplanned event and it was wow	Yes.	☺	Didn't notice	
9/20/2022 17:09:47	A resident of 93921	I did not like it at all.	Tuesday and Thursday were canceled! That's terrible. Those were the days I looked most forward to in Carmel, the days most special for our city. Seeing the cars all week in town is nice, but concours on the Avenue and the tour stop are the best	Yes	It was okay.	Yes	does not have the inter	I like seeing the car is v	Concours on the Avenue and the tour de elegance are very special events that put Carmel on the map. We should not take these for granted.	Yes.	These are world-class events that contribute to the special aspects of our city!	may have actually been too much. Don't take out all the fun!	I do appreciate the work of the police officers. They were very vigilant and brave. City manager and mayor very smart and caring for our city.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a presentation and provide direction to staff regarding the proposed paving, bike route, and median island projects along San Carlos Street, between Eighth and Thirteenth Avenues

RECOMMENDATION:

Receive a presentation and provide direction to staff regarding the proposed paving, bike route, and median island projects along San Carlos Street, between Eighth and Thirteenth Avenues. Staff recommends that only the Median Islands be eliminated from the Project.

BACKGROUND/SUMMARY:

Background

In June 2019, the City Council adopted the Fiscal Year (FY) 2019/20 Capital Improvement Program (CIP) which included the following Projects, with General Fund budgets as indicated:

- FY 2019/20 Pavement Rehabilitation \$918,270 (included \$361,222 external funds)
- San Carlos Bike Route \$105,000
- San Carlos Median Islands \$34,000 (included \$17,000 in donations)

The combined total Project budget was \$1,057,270 when initially funded.

Although the FY 2019/20 paving project is City-wide, these three projects overlap along the San Carlos Street truck/bus route as follows:

- FY 2019/20 Pavement Rehabilitation includes resurfacing San Carlos Street from Eighth to Thirteenth Avenues
- San Carlos Bike Route is along San Carlos between Eighth to Thirteenth Avenues
- San Carlos Median Islands is along San Carlos from Tenth to Thirteenth Avenues

In September 2019, Council awarded a Professional Services Agreement to Neill Engineers Corp., for a not-to-exceed fee of \$126,800, for engineering and design of the Project. The design was 90% complete

by the time of Public Workshop #1 in January 2020. Soon afterwards, the Project was put on hold during the Covid-19 Pandemic, and in July 2022, the Project resumed. The engineering design, bidding and contract documents, and technical specifications are now substantially complete based on the original scope of these Projects.

Due to the public comments received at the Forest and Beach Commission meeting in November 2022, and at Public Workshop #2 in January 2023, the Project was deferred from construction bidding pending direction from the City Council.

This staff report and presentation at the March 7, 2023 Council meeting will outline the scope of work for the combined Project with justifications for developing the Projects as originally intended, and provide Council with the results of two Public Workshops and one Forest & Beach Commission meeting in which numerous public comments were obtained, many opposed to certain elements of the Project. Council will be asked to provide direction to staff on whether or not to proceed with the Project as designed, or to modify any or all of the Project elements along the San Carlos Street portion of the Project.

Scope of the Project

A. Pavement Rehabilitation and Street Improvements

Street work for the Project includes constructing microsurfacing treatments and asphalt overlays over various street segments, and reconstructing/repairing sidewalks as follows:

Microsurfacing is a protective seal coat which extends the life of pavement. It is a thin, tough layer of asphalt emulsion blended with finely-crushed stone for traction. While new to Carmel, this has been successfully used in other Monterey Peninsula municipalities for many years. This is a cost-effective method to renew the road surface and seal minor cracks and other irregularities. Microsurfacing is proposed along:

- San Carlos Street, between Eighth and Thirteenth Avenues*
- Junipero Street, between Fourth. and Ocean Avenues

* The Pavement Condition Index (PCIs) along San Carlos Street, per our “Street Saver” computer program, is 76 (between Eighth and Eleventh Avenues), and 85 (between Eleventh and Thirteenth Avenues). These PCIs indicate that microsurfacing treatments would be more cost-effective than more costly asphalt overlays, which are usually used for street segments with slightly lower PCIs.

The Project also includes asphalt pavement overlays along the following street segments, pending on bid results and budget availability at the time the construction contract is awarded:

- Junipero Street, between Third and Fourth Avenues
- Junipero Street, northbound, between Fifth and Sixth Avenues
- Fifth Avenue, between Junipero and Torres Streets
- San Antonio Avenue, between Fourth and Ocean Avenues
- San Antonio Avenue, between Ocean and Eighth Avenues
- Monte Verde Street, between Fourth and Ocean Avenues
- Camino Del Monte, between Second Avenue and Junipero Street
- Santa Fe Street, between Fifth and Sixth Avenues

- Torres Street, between Second and Fourth Avenues

Sidewalk Improvements are also planned as part of the Project along:

- Mission Street, between Fourth and Sixth Avenues (west side)
- Dolores Street, between Fifth and Sixth Avenues (west side)
- San Carlos Street and Fourth Ave north to Hofsas House (west side)

A. San Carlos Bike Route

The San Carlos Bike Route, between Eighth and Thirteenth Avenues, will be first “official” Bike Route in Carmel with the proper signage, striping, and pavement markings standards for a Class III Bike Route as adopted by CalTrans and the Transportation Agency of Monterey County. A Class III Bike Route shares the roadway with vehicles and bicycles. Centrally located in the City, this segment is a vital “hub” upon which future bike routes will ultimately extend to the north, south, east, and west across the City.

San Carlos Street is also designated as a Bike Route on the City’s General Plan’s Circulation Element. The Circulation Element includes the following Objective and Policy:

- Objective O2-6 is to encourage and participate in programs promoting alternative modes of transportation in Carmel.
- Policy P2-29 is to evaluate pedestrian, bike, and local mass transit improvements. Implement improvements when appropriate through the Capital Improvement Program.

In addition, the Council-adopted Climate Action Plan includes related implementation measures such as:

- 2.1 Provide alternative transportation options. Actions include reducing reliance on automobiles.
- 2.1.2: Create Safe Bike Routes around the City. Develop customized bike routes to improve bike transit. Provide signage, reduce speed limits as necessary, and develop safety education programs on “sharing the road” with bikes.

The San Carlos Bike Route, will ultimately extend to the City limits at Camino del Monte and Rio Road. This is also the planned corridor of US Bike Route 95 (USBR 95) which is part of the American Association of State Highway and Transportation Officials’ national bike network extending along the California coast from San Diego to Crescent City. There it will connect to adjacent routes which continue along the coast through the states of Oregon and Washington, ultimately connecting to the Canadian and Mexican borders. In June 2020, Council adopted Resolution 2020-031 supporting the designation of US Bike Route 95 through Carmel.

B. San Carlos Median Islands

The San Carlos Median Island Project was initially planned to construct several landscaped medians along San Carlos Street, between Tenth and Thirteenth Avenues, to serve as an aesthetically-pleasing enhancement and traffic calming measure.

At the October 2019 meeting, Council accepted matching donations, totaling \$17,000, from individuals and

organizations collectively referred to as the “Friends of Lower San Carlos Street,” as noted below:

- Barbara Livingston (\$9,500)
- Friends of Carmel Forest (\$3,500)
- Margaret and Dale Byrne (\$1,700)
- Francisco and Veronica Belaunzaran, and Susan Thomas (\$1,300)
- Maria and Robert Finegan (\$1,000)

The initial total budget for the median islands, including the City's \$17,000 allocation, was \$34,000.

The engineering consultant evaluated the geometric feasibility of the San Carlos Median Islands to be able to slow traffic in conjunction with the new bike route, while also minimizing the loss of parking spaces along the curbs. The geometrics also had to accommodate large truck and bus turn movements and site visibility issues at all intersections, and allow for safe ingress and egress from all private driveways, on both sides of the street, with vehicles coming from either direction.

It should be noted that the 85th-percentile recorded traffic speeds along San Carlos were 25 miles per hour for both speed surveys conducted in 2020 and in 2023. The posted speed along San Carlos is 25 mph, indicating that speeding may be perceived, but the speed data does not warrant reduction of the posted speed limit.

Initially, two, 25-foot long medians were planned and presented at Public Workshop #1. Based on comments received at that Workshop, an alternative design of four, 12-foot long medians were designed. Either option would eliminate approximately eight (8) parking spaces along the curbs.

Two optional median island landscaping themes and renderings were developed for the two longer and four shorter sets of median islands - a basic landscaping palette and a plush landscaping palette. All options included at least one new tree in the islands. Examples will be presented to Council.

More than half of the \$34,000 budget for the median islands has already been expended for the engineering evaluations by Neill Engineers and for landscaped themes and renderings provided by a landscape architect. If the median islands are to proceed into the construction phase, the remaining budget will likely be depleted by construction costs associated with removing the asphalt pavement at the median locations, excavating the base rock, and installing rolled asphalt berms around the island perimeters. Installation of soil, landscaping, and hardscape materials would have to be provided by staff and expended from the Forestry Division operating budget.

Public Workshop #1 – January 27, 2020

The first Public Workshop was held on January 27, 2020 at Sunset Center and was focused on reviewing the San Carlos Street Median Islands and the Bike Route. At the well-attended Workshop, the Public Works Director presented an overview of the Project, explained the importance of the Bike Route as the hub for future bikeway route expansions, and noted that two (2), 25-feet long by 6-feet wide median islands were proposed along San Carlos Street, between Tenth and Thirteenth Avenues. The meeting's goal was to solicit community feedback about the project elements before proceeding with the final design plans.

The attendees provided the following input pertaining to the Median Islands:

- Some residents opposed the Medians
- Most supported beautification and traffic calming along San Carlos

- Preference was for a greater number of smaller islands versus two larger islands
- Preference was for the “plush” landscaping palette versus the basic palette
- Support for 6-foot wide medians w/rolled asphalt berm edges if medians are installed
- Concerns about trucks and buses damaging tree limbs as the trees grow
- Concerns about overgrown trees impacting sight distance or blocking views
- Concerns for potential traffic re-routing (from San Carlos over to Junipero or Mission)
- Concerns about ongoing landscape maintenance

Other public comments regarding the Paving, Bike Route, and related matters included:

- No opposition to the proposed microsurfacing paving
- Preference for the shared bike route (Class III) versus installing dedicated bike lanes (Class II) which would eliminate nearly all parking along both sides of San Carlos
- Concerns about a shared Bike Route along a truck/bus route
- Strong opposition to eliminating any parking spaces
- Suggestions to put in more stop signs at the intersections to slow/calm traffic (similar to San Carlos and Ninth Avenue)
- Concerns about perceived speeding – currently and after the project is completed

Following this Workshop, the Project was in the process of being modified according to these comments, but was placed on hold at the start of the Covid 19 Pandemic.

Forest and Beach Commission Meeting – November 10, 2022

At the Forest and Beach Commission meeting of November 10, 2022, the Public Works Director presented the Project as modified by comments received at Public Workshop #1, and sought further input from the public and guidance from the Commissioners regarding the following issues:

- Support for installing four, 12-foot long median islands, instead of the initially-proposed, two (2), 25-foot long islands
- Confirmation of support for the plush landscaping palette
- Refinements to the trees, plantings, and hardscape elements

Unexpectedly, there was strong opposition from the public at the meeting. Specifically:

- Three (3) written statements were received prior to the meeting, all opposing any median islands
- Twelve (12) public comments were received – all strongly opposing any median islands. Most speakers noted that they lived directly along San Carlos Street.
- A representative of the Friends of Carmel Forest, one of the original donators, also opposed the medians
- There was consensus to use any remaining funds for another beautification project

The Commission requested staff to proceed with the planned Public Workshop #2 and return to the Commission for further discussion.

Public Workshop #2 – January 26, 2023

The second Public Workshop was held on January 26, 2023 at Sunset Center. The Public Works Director presented the scope and history of Project, summarized comments received at the first Workshop and

Forest and Beach Commission meeting, and again sought community feedback about any project element before proceeding to advertise the Project for construction bids.

Approximately 45 members of public attended this Workshop. This time, staff asked the public speakers to identify the location of their property in an effort to ascertain if the residents along San Carlos had the same or different preferences for the medians. At the end of the Workshop, votes were tallied to quantify the public's interest in the Project.

Similar to the results of the Forest and Beach Commission meeting, there was strong opposition to installing any median islands. The formal, posted vote was 2 in favor of medians to 39 opposing the medians (95% opposed). It should be noted that 26 of the "no votes" were cast by residents who live directly along San Carlos Street. It appears that most of those who do not live directly along San Carlos also oppose the medians. For these reasons, **staff recommends that the City Council completely cancel the Median Islands portion of the Project.**

Unlike the prior public meetings, there were many unanticipated comments also opposing the Bike Route along San Carlos. Comments ranged from diverting north-south bike travel outside of Carmel to go along Highway 1, or developing a formal Class I bike path within the Mission Trail Nature Preserve. There were some repeat concerns about having a Bike Route along a shared bus/truck route, although the design standards for a Class III bike route do allow for the shared use of the roadway. These comments reflected public opinions even without any median islands along San Carlos. By a hand vote, 2 people supported the Bike Route on San Carlos while 24 people opposed the Bike Route (92% opposed).

As noted above in the Scope of the Project, the San Carlos Bike Route is in the Circulation Element, is supported by the Climate Action Plan, serves as a central hub to future bike route extensions in Carmel, and even is a segment along the future USBR 95. Therefore, **staff recommends proceeding with the Class III Bike Route as planned.**

Also unlike the prior public meetings, there were some unanticipated comments opposing the application of microsurfacing pavement along San Carlos. In response to a question about if car tires would be any noisier on a microsurfaced street, the consulting engineer answered that he thought there would be slightly louder tire noise for a microsurfaced street versus a street with a new pavement overlay. The Public Works Director added that while that may be true, within a year or so, either pavement treatment would result in approximately the same noise levels. As a result of these initial opinions, there were some requests to overlay the street rather than to apply the microsurfacing treatment as designed.

After the second Workshop, staff reviewed a technical report entitled, "*Comparative Field Measurements of Tire Pavement Noise of Selected Texas Pavements*," prepared by the Center for Transportation Research at the University of Texas, Austin. The report notes roadside decibel readings for various pavements as listed below:

- Microsurfaced pavement 80.1 to 82.5 dB
- Asphalt (new) 81.5 dB
- Asphalt (aged) 83.1 dB

In other words, microsurfaced pavement may be slightly less noisy, and certainly not noisier, than older asphalt surfaces.

In terms of costs, a 2-inch thick asphalt overlay along San Carlos, between Eighth and Thirteenth Avenues, is nearly four times the cost of microsurfacing and would increase the cost of the Project by roughly \$225,000. Therefore, **staff recommends proceeding with the microsurfacing pavement treatment**

as designed.

FISCAL IMPACT:

There is no fiscal impact to receiving the presentation and providing direction to staff regarding these Project elements.

In June 2019, the City Council adopted the Fiscal Year 2019/20 CIP which included the

- FY 2019/20 Pavement Rehabilitation \$918,270 (including \$361,222 in external funds)
- San Carlos Median Islands \$34,000 (included \$17,000 donation)
- San Carlos Bike Route \$105,000

The combined total project value was \$1,057,270 when initially funded. Following the Covid-Pandemic period when nearly all capital projects were placed on hold, remaining project balances have been carried-over into subsequent Fiscal Year capital budgets.

Should the Median Islands portion of the project be terminated at this time, a final accounting will be performed and a reallocation of any small remaining balance will be included in the upcoming Capital Improvement Program Budget for Fiscal Year 2023/24.

PRIOR CITY COUNCIL ACTION:

In June 2019, the City Council adopted the Fiscal Year 2019/20 Capital Improvement Program which included the FY 2019/20 Pavement Rehabilitation, San Carlos Bike Route, and San Carlos Median Islands Projects.

In September 2019, Council awarded a Professional Services Agreement to Neill Engineers Corp., for a not-to-exceed fee of \$126,800, for engineering and design of the Fiscal Year 2019/20 Pavement Rehabilitation, San Carlos Bike Route, and San Carlos Median Islands Projects.

In October 2019, Council adopted a resolution accepting donations totaling \$17,000 from the Friends of South San Carlos Street to match City funding for the Median Islands.

In June 2020. Council adopted a resolution supporting the designation of US Bike Route 95 through Carmel by the American Association of State Highway and Transportation Officials.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Community Planning & Building Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Second Reading and Adoption of Ordinance No. 2022-007 - Amending Carmel Municipal Code (CMC) Sections 17.14.040, 17.28.010, and 17.70.020, to prohibit timeshare and fractional interest uses, as well as advertising and sale thereof, in a manner fully in conformity with the California Coastal Act (CA Section 30510)

RECOMMENDATION:

1. Request the City Attorney to read the title of Ordinance 2022-007.
2. Waive further reading and ADOPT ordinance 2022-007 amending Carmel municipal code (CMC) sections 17.14.040, 17.28.010, and 17.70.020, to prohibit timeshare and fractional interest uses, as well as advertising and sale thereof, in a manner fully in conformity with the California Coastal Act (CA section 30510).

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

The Carmel-by-the-Sea Municipal Code prohibits timeshares. The proposed ordinance confirms the existing prohibition of time shares, and adds new prohibitions with respect to advertisement and sale of timeshares and fractional interest ownerships. The City's Planning Commission has recommended adoption of these amendments, with an additional recommendation for Council to have a policy level discussion in the future about whether or not timeshares should continue to be prohibited in the Village.

BACKGROUND

Existing provisions of the Carmel-by-the-Sea Municipal Code prohibit timeshare uses. Specifically, timeshares are prohibited in all zoning districts of the City, and are defined in Section 17.28.010 to include any land use that is a "timeshare project", "time share program," or "time share occupancy." These are defined in Section 17.70.020 as follows:

Time-Share Occupancy. An occupancy related to the situation wherein a purchaser receives the right or entitlement in perpetuity, for life, or for a term of years or other extended term, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), hotel or portion thereof, or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or

will be allotted from the use or occupancy periods into which the time-share project which is involved has been divided. The right or entitlement to occupancy may attach in advance to a specific lot, parcel, unit, room(s) or portion of a hotel, or segment of real property, or may involve designation or selection of the same at a future time or times.

Time-Share Program. Any arrangement for a project whereby the use, occupancy, or possession of real property has been made subject to a time-share estate, use, or occupancy, whereby such use, occupancy, or possession circulates among purchasers of the time-share intervals according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, but not necessarily for consecutive years.

Time-Share Project. A project in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted for the use or occupancy periods into which the project has been divided.

As a result of recent enforcement efforts related to timeshares, City staff have reviewed the existing city code provisions and recommend that they be revised to confirm the existing prohibition, and additionally, that new prohibitions be added with respect to advertisement and sale of timeshares and fractional interest ownerships, which are treated identically under the existing City code.

On October 12th, 2022, the Planning Commission was presented these draft amendments, and received testimony from the public. Following discussion, the Commission approved a resolution recommending that the City Council adopt the ordinance as drafted by staff. The Commission also crafted an additional recital recommending that Council have a policy discussion in the near future to explore whether or not timeshares should still be prohibited in the City of Carmel-by-the-Sea. This additional recommendation arose from deliberations during the hearing, in which the Commissioners discussed the number of vacant homes in the Village and whether a form of timeshare use could present a solution to filling them. The Commission's additional recommendation is for Council to hold a separate hearing in the near future to have a policy level discussion and decide whether or not to refer an item back to the Planning Commission to remove or modify the prohibition on timeshares in Carmel-by-the-Sea.

STAFF ANALYSIS

The changes proposed by the ordinance include:

- Section 17.70.020 is modified to simplify the City's existing definitions with respect to timeshares. The City's existing definitions include definitions of time-share estate, time-share use, time-share occupancy, and time-share property, which are based on similar definitions in state law (the Vacation Ownership and Time-Share Act of 2004, as set forth in Business and Professions Code section 11210 et seq.). However, the existing definitions with respect to timeshares in 17.70.020 are multiple and reference each other, and introduce unnecessary complexity into the City's zoning regulations. While not a substantive change in the scope of the City's regulations, the proposed ordinance would simplify definitions to prohibit the use of real property under a "time-share plan."
- The definition of "time-share plan" would mean "any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right to use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of real property or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily

for consecutive years.”

- The code would specify that a time share plan exists “whenever such recurring rights of exclusive use to real property are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in real property, and regardless of whether they are coupled with ownership of a real property interest such as freehold interest or an estate for years in the property subject to the time-share plan.”
- The code would be revised to make clear that a prohibited timeshare is created whenever any right is established for exclusive use of the property that is periodic on a recurring basis, regardless of the form. The definition of “timeshare plan” would now specifically mention that fractional ownership is one way a timeshare can be created, which is also not a substantive change. “Time-share use” and “fractional interest use” are defined to mean exactly same thing, so that it is clear to all potential violators that there is no difference between a fractional interest use and a timeshare use.
- 17.14.040, prohibiting timeshares in commercial zones, is modified to use the updated definitions.
- 17.28.010.A, prohibiting timeshares in all city zoning districts, is updated to use the updated definitions. Additional subsections are added to this section to make advertisement of timeshares subject to criminal penalties as well as the City’s administrative civil penalty process. The code also specifies that each day a violation occurs is a separate offense, for purposes of deterring violations by increasing the visibility of potential consequences.

While the existing municipal code prohibits fractionalized interest ownership, as a timeshare is created based on the allocation of exclusive rights of use to real property, the proposed code amendments would clarify the prohibition and strengthen enforcement efforts.

Additionally, the proposed ordinance would expressly prohibit the advertisement and sale of timeshares and fractional interest uses; this would allow for proactive enforcement by the City against those involved in the creation, advertisement, and sale of such prohibited land uses, rather than just the purchaser or owner of a timeshare or fractional interest use.

During the February 7, 2023 discussion on this item, the City Council directed staff to inquire with appropriate Monterey County offices about the tax implications of a Limited Liability Corporation (LLC) owning and disposing of fractional ownership interests. Monterey County Counsel advised that reassessment of fractional ownership real property interests in an LLC does not occur until transfer of 50 percent or more of said interests occurs. Reporting of such is incumbent on the LLC filing appropriate documentation with the Internal Revenue Service which, in turn, relays such information to a state’s real property taxing authority (a County in the case of the State of California).

FISCAL IMPACT:

The staff time associated with processing this ordinance amendment is captured in the FY2022/2023 Community Planning and Building Budget.

PRIOR CITY COUNCIL ACTION:

Ordinance 2022-007 was introduced (first reading) on February 7, 2023 at a Regular City Council Meeting

ATTACHMENTS:

Attachment 1) PC Resolution 2022-036-PC Recommending Approval

Attachment 2) Draft Ord. 2022-007 REDLINE

Attachment 3) Draft Ord. 2022.007 CLEAN

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

RESOLUTION NO. 2022-036-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
RECOMMENDING CITY COUNCIL ADOPT ORDINANCE AMENDING MUNICIPAL CODE SECTIONS
17.14.040, 17.28.010, AND 17.70.020, TO PROHIBIT TIMESHARE AND FRACTIONAL INTEREST
USES, AS WELL AS ADVERTISING AND SALE THEREOF**

WHEREAS, existing provisions of the Carmel-by-the-Sea Municipal Code prohibit timeshare uses. Specifically, timeshares are prohibited in all zoning districts of the City, and regulated by Sections 17.28.010, 17.70.020 and 17.14.040; and

WHEREAS, as a result of enforcement efforts, City staff have reviewed the existing city code provisions and recommend that they be revised to confirm the existing prohibition, and additionally, that new prohibitions be added with respect to advertisement and sale of timeshares and fractional interest ownerships, which are treated identically under the existing City code; and

WHEREAS, notice of a public hearing of the Planning Commission was published on September 30th, 2022 in compliance with State law (California Government Code 65091); and

WHEREAS, on October 12, 2022, the Planning Commission held a public hearing to consider draft Ordinance 2022-007 amending regulations pertaining to timeshares and receive public testimony, including without limitation, information provided to the Planning Commission by City staff and through public testimony; and

WHEREAS, the Planning Commission found that the draft Ordinance 2022-007 was consistent with the City's General Plan, Local Coastal Plan, and all other relevant City and State codes and regulations.

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, et seq., the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require the review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, the Planning Commission finds that pursuant to CEQA regulations, the project will have no impact on the environment and is not considered a project requiring compliance with the California Environmental Quality Act (Section 21065 of the California Public Resources Code); and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY recommend the City Council amend municipal code sections 17.14.040, 17.28.010, and 17.70.020, to prohibit timeshare and fractional interest uses, as well as advertising and sale thereof and adopt the Update in a manner fully in conformity with the Coastal Act (CA Section 30510).

BE IT FURTHER RESOLVED, THAT THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DOES ALSO recommend the City Council hold a separate hearing in the near future to have a policy level discussion and decide whether or not to refer an item back to the Planning Commission to remove or modify the prohibition on timeshares in Carmel-by-the-Sea.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 12th day of October, 2022, by the following vote:

AYES: Delves, Allen, Bolton, LePage, Locke

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage, Chair

Leah Young, Planning Commission Secretary

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2022-007

AN ORDINANCE AMENDING THE CARMEL-BY-THE-SEA MUNICIPAL CODE TO PROHIBIT TIMESHARE AND FRACTIONAL INTEREST USES, AS WELL AS ADVERTISING AND SALE THEREOF IN A MANNER FULLY IN CONFORMITY WITH THE COASTAL ACT (~~CA~~ PUBLIC RESOURCES CODE SECTION 30510 ET SEQ.)

WHEREAS, timeshares involve the division of the exclusive rights to use, possess, and occupy any real property between multiple persons, pursuant to a fixed or floating time schedule; and

WHEREAS, since at least 1988, the City of Carmel-by-the-Sea has prohibited the establishment of timeshares within the City; and

WHEREAS, the Housing Element of the City's General Plan specifically recognizes that the City seeks to protect the stability of residential neighborhoods by promoting year-round occupancy, and to avoid depletion of residents and associated impacts on the community, City services, Goal G3-4 of the City's Housing Element specifically requires the enforcement of the prohibitions on short-term, transient rentals and timeshares in residential dwellings; and

WHEREAS, the Planning Commission of the City of Carmel-by-the-Sea reviewed the ordinance, and on October 12, 2022, determined the ordinance was consistent with the City's General Plan, Local Coastal Plan, and all other relevant City and State codes and regulations, and having reviewed the Planning Commission's recommendations and the relevant provisions of the General Plan, the City Council finds that the ordinance is consistent with the City's General Plan; and

WHEREAS, recent increases in the development and sale of fractional interest ownerships have made it appropriate for the City to revisit its municipal code to clarify that fractional interest ownerships are prohibited timeshares and to also expressly prohibit the advertising and sale of prohibited timeshares and fractional interest uses.

WHEREAS, notice of the public hearing was published on November 25, 2022 in compliance with State law (California Government Code 65091), indicating the date and time of the public hearing; and

WHEREAS, on December 6, 2022, the City Council opened the a public hearing to receive public testimony regarding the draft ordinance, including without limitation, information provided by City staff and public testimony, and continued the hearing to a date certain of January 10, 2023; and

WHEREAS, on January 10, 2023, the City Council re-convened the public hearing to receive further public testimony regarding the draft ordinance, including without limitation, information provided by City staff and public testimony; and

WHEREAS, this decision is made based upon evidence presented to the City Council at its December 6, 2022 [and January 10, 2023](#) hearings including, without limitation, the staff report submitted by the Community Planning and Building Department and public testimony; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, attachments and testimony herein above set forth and used their independent judgement to evaluate the ordinance; and

WHEREAS, the proposed amendments are in full conformity with the City's Local Coastal Plan and the California Coastal Act (~~CA~~ [Public Resources Code](#) Section 30510 [et seq.](#))

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections. 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; 15061(b)(3) because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and 15308 because the proposed ordinance involves regulatory actions to assure protection of the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

SECTION 2. Amendment to the CMC.

1. Subsection A of Section 17.14.040 is amended and restated as follows:

17.14.040 Additional Use Regulations.

A. All Uses.

1. No new structure or modification to an existing structure shall be permitted nor shall any business license be issued that would allow the creation of publicly accessible retail space occupying fewer than 200 square feet or more than 5,000 square feet unless approved through a use permit and pursuant to the adoption of findings per CMC 17.64.200, Retail Space of Less Than 200 Square Feet or Greater Than 5,000 Square Feet.
2. No timeshare uses or fractional interest uses shall be established or permitted in any zone.
3. Except in restaurants, not more than five persons in any one individually licensed business shall be engaged in the production, repair or manufacturing of goods.
4. No use shall be permitted and no process, equipment, or materials shall be employed which is found by the Planning Director or by the Planning Commission to be

objectionable to persons residing or working in the vicinity by reason of odor, fumes, noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.

2. Section 17.28.010 is amended and restated as follows:

17.28.010 Timeshare and Fractional Interest Uses.

A. Timeshare uses and fractional interest uses are prohibited uses within all of the zoning districts within the City.

B. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.16 (General Penalty).

C. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is subject to administrative fines and/or penalties as set forth in Chapter 18.04 (Municipal Code and Ordinance Enforcement).

D. Each day a violation of this section occurs shall constitute a separate offense, and the remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.

3. "Time-Share Definitions" of Section 17.70.020 is amended to repeal the definitions of "Time-Share Estate," "Time-Share Occupancy," "Time-Share Program," "Time-Share Project," and "Vacation-Time Sharing Project," and restated to enact the definitions of "Time-Share Plan," "Time-Share Use" and "Fractional Interest Use" to read as follows:

17.70.020 Definitions.

The words, terms, and phrases defined in this chapter shall, for all purposes connected with this title, be construed as having the meanings respectively set forth in this chapter.

...

Time-Share Definitions.

"Time-Share Plan" means any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of real property or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to real property are created, regardless of whether such exclusive rights of use are

a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in real property, and regardless of whether they are coupled with ownership of a real property interest such as freehold interest or an estate for years in the property subject to the time-share plan.

“Time-Share Use” and “Fractional Interest Use” means the use of real property or any part thereof, pursuant to a timeshare plan.

SECTION 3. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such a decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. Publication. The City Clerk shall publish or post this ordinance in the manner required by law.

SECTION 5. Effective Date. This ordinance shall be effective 30 days after its adoption [and after approval by the California Coastal Commission](#).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this XX day of XX 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVE:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2022-007

AN ORDINANCE AMENDING THE CARMEL-BY-THE-SEA MUNICIPAL CODE TO PROHIBIT TIMESHARE AND FRACTIONAL INTEREST USES, AS WELL AS ADVERTISING AND SALE THEREOF IN A MANNER FULLY IN CONFORMITY WITH THE COASTAL ACT (PUBLIC RESOURCES CODE SECTION 30510 *ET SEQ.*)

WHEREAS, timeshares involve the division of the exclusive rights to use, possess, and occupy any real property between multiple persons, pursuant to a fixed or floating time schedule; and

WHEREAS, since at least 1988, the City of Carmel-by-the-Sea has prohibited the establishment of timeshares within the City; and

WHEREAS, the Housing Element of the City's General Plan specifically recognizes that the City seeks to protect the stability of residential neighborhoods by promoting year-round occupancy, and to avoid depletion of residents and associated impacts on the community, City services, Goal G3-4 of the City's Housing Element specifically requires the enforcement of the prohibitions on short-term, transient rentals and timeshares in residential dwellings; and

WHEREAS, the Planning Commission of the City of Carmel-by-the-Sea reviewed the ordinance, and on October 12, 2022, determined the ordinance was consistent with the City's General Plan, Local Coastal Plan, and all other relevant City and State codes and regulations, and having reviewed the Planning Commission's recommendations and the relevant provisions of the General Plan, the City Council finds that the ordinance is consistent with the City's General Plan; and

WHEREAS, recent increases in the development and sale of fractional interest ownerships have made it appropriate for the City to revisit its municipal code to clarify that fractional interest ownerships are prohibited timeshares and to also expressly prohibit the advertising and sale of prohibited timeshares and fractional interest uses.

WHEREAS, notice of the public hearing was published on November 25, 2022 in compliance with State law (California Government Code 65091), indicating the date and time of the public hearing; and

WHEREAS, on December 6, 2022, the City Council opened the public hearing to receive public testimony regarding the draft ordinance, including without limitation, information provided by City staff and public testimony, and continued the hearing to a date certain of January 10, 2023; and

WHEREAS, on January 10, 2023, the City Council re-convened the public hearing to receive further public testimony regarding the draft ordinance, including without limitation, information provided by City staff and public testimony; and

WHEREAS, this decision is made based upon evidence presented to the City Council at its December 6, 2022 and January 10, 2023 hearings including, without limitation, the staff report submitted by the Community Planning and Building Department and public testimony; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, attachments and testimony herein above set forth and used their independent judgement to evaluate the ordinance; and

WHEREAS, the proposed amendments are in full conformity with the City's Local Coastal Plan and the California Coastal Act (Public Resources Code Section 30510 *et seq.*)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections. 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; 15061(b)(3) because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and 15308 because the proposed ordinance involves regulatory actions to assure protection of the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

SECTION 2. Amendment to the CMC.

1. Subsection A of Section 17.14.040 is amended and restated as follows:

17.14.040 Additional Use Regulations.

A. All Uses.

1. No new structure or modification to an existing structure shall be permitted nor shall any business license be issued that would allow the creation of publicly accessible retail space occupying fewer than 200 square feet or more than 5,000 square feet unless approved through a use permit and pursuant to the adoption of findings per CMC 17.64.200, Retail Space of Less Than 200 Square Feet or Greater Than 5,000 Square Feet.
2. No timeshare uses or fractional interest uses shall be established or permitted in any zone.
3. Except in restaurants, not more than five persons in any one individually licensed business shall be engaged in the production, repair or manufacturing of goods.
4. No use shall be permitted and no process, equipment, or materials shall be employed which is found by the Planning Director or by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes,

noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.

2. Section 17.28.010 is amended and restated as follows:

17.28.010 Timeshare and Fractional Interest Uses.

A. Timeshare uses and fractional interest uses are prohibited uses within all of the zoning districts within the City.

B. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.16 (General Penalty).

C. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is subject to administrative fines and/or penalties as set forth in Chapter 18.04 (Municipal Code and Ordinance Enforcement).

D. Each day a violation of this section occurs shall constitute a separate offense, and the remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.

3. "Time-Share Definitions" of Section 17.70.020 is amended to repeal the definitions of "Time-Share Estate," "Time-Share Occupancy," "Time-Share Program," "Time-Share Project," and "Vacation-Time Sharing Project," and restated to enact the definitions of "Time-Share Plan," "Time-Share Use" and "Fractional Interest Use" to read as follows:

17.70.020 Definitions.

The words, terms, and phrases defined in this chapter shall, for all purposes connected with this title, be construed as having the meanings respectively set forth in this chapter.

...

Time-Share Definitions.

"Time-Share Plan" means any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of real property or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to real property are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights

pursuant to contract, or ownership of a fractional interest or share in real property, and regardless of whether they are coupled with ownership of a real property interest such as freehold interest or an estate for years in the property subject to the time-share plan.

“Time-Share Use” and “Fractional Interest Use” means the use of real property or any part thereof, pursuant to a timeshare plan.

SECTION 3. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such a decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. Publication. The City Clerk shall publish or post this ordinance in the manner required by law.

SECTION 5. Effective Date. This ordinance shall be effective 30 days after its adoption and after approval by the California Coastal Commission.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this XX day of XX 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVE:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Community Planning & Building Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Early policy discussion of Draft Ordinance Amending Municipal Code Section 17.20.200 E (Recreational Beach Fires on Carmel Beach)

RECOMMENDATION:

Provide early policy feedback on Draft Ordinance Amending Municipal Code Section 17.20.200 E (Recreational Beach Fires on Carmel Beach) and provide direction to staff.

BACKGROUND/SUMMARY:

The Beach Fire Management Pilot Program ('Pilot Program') was first adopted on June 30, 2016, through the approval of a Coastal Development Permit (CDP 18-231), in response to issues associated with unrestricted fires on Carmel Beach. The Pilot Program, was intended to provide the City with an opportunity to explore various beach-fire options, with the ultimate goal of making permanent changes to the beach-fire rules through a Local Coastal Program amendment.

From the 2016 to 2022 season, the Pilot Program took several different shapes with various numbers of devices allowed on the beach. This period also included limited use of the beach due to Covid-19 restrictions.

On September 13th, 2022, City Council received a report based on information gathered during the pilot program, and provided direction to staff to draft new regulations regarding fires on Carmel Beach. The Council's direction was to allow only user-supplied, propane fueled fire devices on the beach, with the burning of wood strictly prohibited. As part of this action, Council also extended the Pilot Program to May 15th, 2023, which keeps regulations in place prohibiting all fires on the beach during this period. If an ordinance is not adopted and certified by May 15th, 2023, Council will need to take some additional temporary measures to control beach fires (e.g.: Urgency Ordinance), or the regulations will revert to the existing Municipal Code which allows an unlimited number of wood fires to be built year-round in the sand.

Council is being asked for early policy level feedback on the draft regulations to prohibit wood burning fires on Carmel Beach, and only allow user-supplied propane devices. Following this direction, staff will begin the adoption hearing process, which includes obtaining a recommendation from the Planning Commission, and returning to Council for two readings of the final draft ordinance before going to the Coastal Commission.

Proposed Ordinance Language

The City of Carmel By-The-Sea Municipal Code Section 17.20.200.E currently allows the burning of wood on Carmel Beach. Through the pilot program, it was noted that burning of wood and other combustible materials:

1. Poses a risk of polluting Carmel Beach and the Carmel Bay State Marine Conservation Area, which is an Area of Special Biological Significance (ASBS) and therefore a State Water Quality Protection Area.
2. Poses a risk of starting a fire given the beach's close proximity to homes and the urban forest of Carmel-by-the-Sea and the potential for embers to be blown back from the beach.
3. Creates a potentially hazardous situation for members of the public wishing to access the beach due to the risk of stepping on buried coals or partially burned materials such as pallets, broken glass, aluminum cans and other materials.

The existing language in Section 17.20.200.E of the Municipal Code provides as follows:

E. Recreational Fires on Carmel Beach. All fires on Carmel Beach shall meet the following requirements:

- 1. Beach fires shall be used for cooking or warmth and shall be located on that part of the City beach property which lies south of an extension of the center line of Tenth Avenue and west of a line reached by the high tide; provided, that all of the following conditions are met:*
 - a. The base of the fire shall be defined as the level at which the lowest burnable material or ash is located, and it shall be on the beach sand unless the fire is in a hibachi, charcoal grill or other like receptacle, in which case the base shall be a horizontal plane touched by the lowest burning material.*
 - b. The burnable material used in the fire shall not extend more than two feet above the base of the fire.*
 - c. Flames from the fire shall not extend into the air more than five feet from the base of the burnable material in the fire.*
 - d. The longest horizontal straight-line distance through the base of the fire shall not exceed four feet.*
 - e. Flammable liquids other than charcoal starter shall not be used in any manner in connection with starting or maintaining the fire.*
 - f. No fire shall be built, lit, or maintained on any slope or within 25 feet of any wall, vegetation or combustible material not intended to be used in the fire.*
 - g. All flammable coals, embers or burning material shall be extinguished with sea water by the person or persons building, lighting or maintaining the fire prior to said person or persons leaving the beach.*
 - h. The extinguished remains of all fires shall be left exposed and not covered with sand.*
 - i. Building, lighting, maintaining or causing or permitting to build light or maintain a fire in violation of any of the above conditions shall be an infraction.*
 - j. Penalties. Any person who shall violate any of the provisions of this chapter that necessitates the response of the Fire Department shall be guilty of an infraction punishable by a fine of not*

more than \$50.00 per hour or portion thereof, not to exceed \$500.00.

The Draft Ordinance (Attachment 1) would fully replace Municipal Code Section 17.20.200.E and would read as follows:

E. Recreational Fires on Carmel Beach. Beach fires shall be used for cooking or warmth and shall be located on that part of the City beach property which lies south of an extension of the center line of Tenth Avenue and west of a line reached by the high tide; provided, that all of the following requirements are met:

- 1. Propane fire devices are the only type of fires which are permitted. No burning of wood or any other substances on the beach is permitted.*
- 2. Propane devices must be supplied by the user.*
- 3. All propane fire devices and propane tanks must be UL listed and in safe working order*
- 4. No materials of any kind shall be placed into or onto the propane devices to be burned*
- 5. These requirements apply every day of the year.*
- 6. The violation of any of the requirements in this Section shall be an infraction or misdemeanor subject to the penalties set forth in Section 1.16.010 of this Code. An infraction shall be punished as follows: (1). By a fine not exceeding \$100.00 for each violation; (2) For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding \$200.00 for each violation; and (3) For a third and any subsequent infraction occurring within one year of two or more infractions which resulted in convictions, a fine not exceeding \$500.00 for each violation. Every person convicted of a violation of this code determined to be a misdemeanor shall be punished as follows: (1) by a fine not exceeding \$1,000; and/or (2) Imprisonment for a term not exceeding six months.*

The Draft Ordinance would make no change to existing Municipal Code Section 17.20.200.D which only regulates the time and location of fires as follows:

D. Location and Time Limits on Beach Fires. No person, firm, corporation or other entity shall build, light, maintain, cause or permit to be built, lighted or maintained any open or outdoor fire on any public beach designated by the City after the hour of 10:00 p.m. No fires shall be permitted at any time on the slopes leading thereto within the City. This prohibition is applicable to all that beach and slope area lying west of Scenic Road and south of Ocean Avenue to the southern City boundary. No fires shall be permitted at any time on all that beach and slope area lying west of San Antonio from Ocean Avenue to the northern City boundary. The prohibition against all fires on all the beach that lies at or below the high tide line shall extend from 10:00 p.m. on the day it commences until 7:00 a.m. the following day.

Staff is requesting early policy level feedback on this draft language before proceeding with the adoption hearing process.

FISCAL IMPACT:

Staff time associated with processing this municipal code amendment is captured in the Fiscal Year 2022/2023 City budget.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1) Draft Ordinance Amending Municipal Code Section 17.20.200 E (Recreational Beach Fires on Carmel Beach)

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

DRAFT ORDINANCE NO. 2023-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING CITY OF CARMEL BY-THE-SEA MUNICIPAL CODE SECTION 17.20.200 E REGULATIONS INCORPORATED FROM OTHER TITLES (RECREATIONAL FIRES ON CARMEL BEACH)

RECITALS

WHEREAS, City Of Carmel By-The-Sea Municipal Code Section 17.20.200 E currently permits the burning of wood at the Carmel Beach; and

WHEREAS, burning of wood and other combustible materials poses a risk of polluting Carmel Beach and the Carmel Bay State Marine Conservation Area, which is an Area of Special Biological Significance (ASBS) and therefore a State Water Quality Protection Area; and

WHEREAS, burning of wood and other combustible materials poses a risk of starting a fire given the beach's close proximity to homes and the urban forest of Carmel-by-the-Sea and the potential for embers to be blown back from the beach; and.

WHEREAS, burning of wood and other combustible materials creates a potentially hazardous situation for members of the public wishing to access the beach due to the risk of stepping on buried coals or partially burned materials such as pallets, broken glass, aluminum cans and other materials.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DOES ORDAIN AS FOLLOWS:**

SECTION 1.

1. The City Council of the City of Carmel-by-the-Sea does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.
2. GENERAL PLAN CONSISTENCY PLACEHOLDER

SECTION 2.

City Of Carmel By-The-Sea Municipal Code Section 17.20.200 E Regulations Incorporated From Other Titles (Recreational Fires On Carmel Beach) is hereby repealed and replaced with the text as shown in Exhibit A attached hereto.

SECTION 3. CEQA PLACEHOLDER

SECTION 4. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect on the later of (i) 30 days after its final passage by the City Council of the City of Carmel-by-the-Sea or (ii) certification of the Ordinance passed by the City Council by the California Coastal Commission in accordance with the California Coastal Act.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this XX day of XX, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

EXHIBIT A

E. Recreational Fires on Carmel Beach. Beach fires shall be used for cooking or warmth and shall be located on that part of the City beach property which lies south of an extension of the center line of Tenth Avenue and west of a line reached by the high tide; provided, that all of the following requirements are met:

1. Propane fire devices are the only type of fires which are permitted. No burning of wood or any other substances on the beach is permitted.
2. Propane devices must be supplied by the user.
3. All propane fire devices and propane tanks must be UL listed and in safe working order
4. No materials of any kind shall be placed into or onto the propane devices to be burned
5. These requirements apply every day of the year.
6. The violation of any of the requirements in this Section shall be an infraction or misdemeanor subject to the penalties set forth in Section 1.16.010 of this Code. An infraction shall be punished as follows: (1) By a fine not exceeding \$100.00 for each violation; (2) For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding \$200.00 for each violation; and (3) For a third and any subsequent infraction occurring within one year of two or more infractions which resulted in convictions, a fine not exceeding \$500.00 for each violation. Every person convicted of a violation of this code determined to be a misdemeanor shall be punished as follows: (1) by a fine not exceeding \$1,000; and/or (2) Imprisonment for a term not exceeding six months.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brandon Swanson, Community Planning & Building Director

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Receive a report on the outcome of the January 31, 2023 City Council strategic workshop, and provide direction to staff regarding the projects remaining as “top priorities” and those to be elevated to a “top priority” as discussed at the workshop

RECOMMENDATION:

Receive a report on the outcome of the January 31, 2023 City Council strategic workshop, and provide direction to staff regarding the projects remaining as “top priorities” and those to be elevated to a “top priority” as discussed at the workshop.

BACKGROUND/SUMMARY:

The following is a brief chronological summary of how the Strategic Priority List has evolved over the last couple of years:

- **October 12th, 2021** - City Council held a public workshop at Sunset Center to discuss roughly sixty (60) different projects associated with the Council’s adopted Strategic Initiatives. Following a hearty and productive discussion, the Council reduced the list of priority projects to a total of thirty (30), recognizing that some tasks were “day to day” or belonged on other lists like the Capital Improvement Program (CIP).
- **January 4th, 2022** – Council received a presentation from staff on the list of thirty (30) priority projects. To aid in managing the Council’s priority projects, staff created a worksheet called the “Council Priorities Tracker”, which includes information about project completeness and month-by-month updates/forecasting.
- **March 10th, 2022** - Council held another public workshop. Department heads presented and discussed each item on the full priority list of thirty (30) projects. Following these detailed discussions, and in consideration of available staff resources, Council opted to elevate sixteen (16) projects as the highest priority, and directed staff to focus their efforts on these projects before working on any of the remaining projects on the larger list of thirty (30). The concept behind this top priorities list, was that as projects were completed, and resources became available, another project from the larger list of thirty (30) could move up to become a top priority at the direction of the full

Council.

- **September 13th, 2022** – Council received a brief update on each project contained in the tracking list of thirty (30) strategic priority projects, including the percentage complete and the items that have been completed, which were moved off the tracking sheet to a separate “Completed Projects” worksheet. Council gave direction to staff to give an update to Council after the election when the new Councilmember is seated.
- **January 31st, 2023** – Council conducts another public strategic workshop at Sunset Center. Department heads presented the status of each project on the full priority list of thirty (30) projects. This update included percentage of completion for active projects, and those which had been finalized and moved over to a separate list (5 total completed, not including the Climate Action Plan). Council discussed the active projects, and provided some preliminary direction about elevating certain projects to “top priorities”. Council also suggested moving other projects to the list of those that are fully completed (Vacant Positions, and Pandemic Recovery). Council directed staff to return in March at their regular meeting to present the outcomes from the strategic workshop and to receive direction on specific projects.

Next Steps

Below, is the full list of the active strategic priority projects. Each item includes bullets regarding the direction noted at the January workshop. Staff is requesting Council review this list, and provide additional direction if any alterations need to be made to these next steps. Once this direction is finalized, this list will represent how staff time will be focused until the next strategic workshop or otherwise directed by Council.

To quickly summarize the list:

- 11 projects were kept as previously existing Top Priority Projects
- 7 projects were elevated to the status of Top Priority Project
- 2 projects were moved to the “complete” list
- 1 project was removed from the “complete” list and placed back onto the active list
- 5 projects remain on the active list but are not considered a Top Priority Project

Workshop Direction by Project:

1. Explore Parking and Traffic Management program (35% Complete)
 - Keep as Top Priority Project
 - Ensure construction project parking is incorporated to scope
2. Update purchasing ordinance (10% Complete)
 - **Elevated** to Top Priority Project
 - Assigned to City Attorney
 - Target June/July 2023 draft review by Council
3. Plan for natural areas, reduce fire risk (55% Complete)
 - Keep as Top Priority Project
 - Explore ability to reduce risk on private property
 - Ensure compatibility with other City regulatory documents
 - Explore real-time alert systems
 - Consider adding ‘grid pruning’ to scope of plan
4. Review opportunities for enhanced fire/ambulance service (50% Complete)
 - Keep as Top Priority Project

- Paused while City of Monterey evaluates all contracts
- 5. Develop forest management plan and update tree ordinance (35% Complete)
 - Keep as Top Priority Project
 - Scope should include tree replanting plan, and replacement/maintenance of street trees
 - Ensure compatibility with other City regulatory documents
 - Consider adding 'grid pruning' to scope of plan
- 6. Update zoning code & design guidelines (65% Complete)
 - Keep as Top Priority Project
 - Ensure compatibility with other City regulatory documents
 - Bring policy discussion about Design Review Board to Council ASAP
- 7. ADU ordinance (65% Complete)
 - Keep as Top Priority Project
 - Ensure alignment with Housing Element Update
- 8. Wireless ordinance (75% Complete)
 - Keep as Top Priority Project
- 9. Filling vacancies (90% Complete)
 - Moved to "Complete" list
- 10. Pandemic recovery (90% Complete)
 - Moved to "Complete" list
- 11. Stormwater ordinance update (85% Complete)
 - Keep as Top Priority Project
 - Next steps pending Coastal Commission input
- 12. Volunteer group oversight (70% Complete)
 - Not a Top Priority Project
 - Look for opportunities to partner with groups for labor support
 - Make volunteer web page more intuitive
- 13. Review/reformulate approach to reserves/update financial policies (15% Complete)
 - Not a Top Priority
 - Continue recruiting for finance staff
- 14. Explore dining in the public right-of-way (25% Complete)
 - Not a top Priority
- 15. Increase beautification efforts (35% Complete)
 - **Elevated** to Top Priority Project
 - Councilmembers to give individual idea to City Manager at weekly updates
 - Staff to incorporate into FY2023/24 budget request
- 16. Review barriers to affordable housing (45% Complete)
 - Keep as Top Priority Project
- 17. Explore street addresses (30% Complete)
 - Keep at Top Priority Project
 - Must include retention of the Post Office
- 18. Develop a facilities master plan (45% Complete)
 - Split this item into two items:
 - i. Develop Facilities Master Plan
 - ii. Police/Public Works Building Renovation
 - **Elevated** BOTH items to Top Priority Project
- 19. Underground utilities rule 20A (10% Complete)
 - **Elevated** to Top Priority Project
 - Develop a project ASAP to capture Rule 20A funds before they expire
- 20. Explore reinstatement of design review board (65% Complete)
 - **Elevated** to Top Priority Project
 - Will be rolled into item #6 - *Update zoning code & design guidelines*

- Bring policy discussion about Design Review Board to Council ASAP
- 21. Explore redevelopment of sunset center north lot (0% Complete)
 - Not a Top Priority Project
- 22. Opportunities for Flanders mansion (0% Complete)
 - **Elevated** to Top Priority Project
 - Staff to present previous RFP to Council for direction
- 23. Opportunities for Scout House (35% Complete)
 - Keep as Top Priority Project
- 24. Develop and implement social media plan (10% Complete)
 - Not a Top Priority Project
 - Continue work on City website refresh as time allows
- 25. Climate Action and Adaptation Plans
 - Removed from “Complete” list
 - Added back to active projects until sea level rise analysis is complete

Full project status for each project can be found in the staff report from the January 31st Strategic Workshop, which has been included as Attachment 1.

FISCAL IMPACT:

None for this item

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brian Pierik, City Attorney

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2023-026 Rescinding Resolution 2020-021 and Terminating the Proclamation of a Local Emergency within the City due to COVID-19

RECOMMENDATION:

Motion to adopt Resolution 2023-026 Rescinding Resolution 2020-021 and Terminating the Proclamation of a Local Emergency within the City due to COVID-19.

BACKGROUND/SUMMARY:

On March 4, 2020, Governor Newsome declared a State of Emergency as a result of the COVID-19 pandemic.

On March 12, 2020, the City Administrator issued a Proclamation of the Existence of a Local Emergency due to COVID-19, acting in his capacity as the Director of Emergency Services.

On March 13, 2020, the Carmel City Council (Council) adopted Resolution 2020-021, ratifying the proclaiming the existence of a local emergency due to COVID-19. The Resolution (**attachment 2**) states that the local emergency is proclaimed until it is terminated by City Council.

On September 16, 2021, Governor Gavin Newsom signed AB 361 into law. AB 361 amended the Brown Act to allow for remote public meetings without having to comply with all provisions and restrictions for remote meetings in the Brown Act with which local agencies normally have to comply. AB 361 temporarily wrote into the Brown Act some remote meeting requirements the City has already met and implemented under the Governor's prior Executive Orders issued during the COVID-19 pandemic. However, AB 361 included additional requirements in the form of an initial authorizing resolution and subsequent resolutions to extend the use of remote meetings for additional periods of 30 days thereafter (hereafter referenced as Reauthorizing Resolutions).

The Governor of California has announced that the COVID-19 State of Emergency will end on February 28, 2023. Therefore, the local emergency declaration and related executive orders may also be terminated. Adopting Resolution 2023-026 (**attachment 1**) will terminate the local emergency, and rescind other COVID policy related Resolutions adopted since March 2020. The list of Resolutions that will be

rescinded are referenced in Resolution 2023-026 and attached to this staff report (**attachment 3**).

SUMMARY

Since the enactment of AB 361, Carmel City Council and other City Boards, Commissions, and Committees have been conducting meetings in accordance with AB 361. Under that legislation every 30 days the Council adopted a Reauthorizing Resolution for AB 361 meetings. A Reauthorizing Resolution is not on this evening's agenda as findings for its adoption cannot be made.

On February 28, 2023, the proclaimed State of Emergency pertaining to COVID-19 will end for the State of California. The end of California's proclaimed State of Emergency on February 28, 2023, will also put an end to local legislative bodies' authority to meet via remote teleconferencing pursuant to AB 361 on the basis of COVID-19, despite the fact that the provisions of AB 361 would remain in effect (and could potentially be invoked in the event of another proclaimed state of emergency) until the end of 2023. Without the State Proclamation of Emergency and without facts supporting a COVID-19 emergency in the City, there are insufficient facts for the Council to make the findings necessary to support an AB 361 Reauthorizing Resolution.

This means that legislative bodies that are currently still meeting entirely pursuant to AB 361 or are relying on AB 361 for any kind of hybrid meeting approach (e.g., where some members participate remotely under AB 361 rules and others participate in person) will need to cease doing so by February 28, 2023. However, even though the provisions of AB 361 will terminate on February 28, 2023, the City may still provide for the public to attend meetings of the City's legislative bodies remotely.

After February 28, 2023, members of the City Council or other legislative bodies of the City who wish to video conference in for a particular meeting will need to follow the Brown Act Traditional Rules in Government Code Section 54953 or AB 2449. These rules were described in the Staff Report from the City Attorney presented to the City Council at its meeting on February 7, 2023 and are also set forth below.

Brown Act Traditional Rules:

In summary, the Traditional Rules require the following:

If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.

If the legislative body of a local agency elects to use teleconferencing during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.

AB 2449 Alternative to Traditional Rules:

Under new AB 2449 rules, members of the legislative body can teleconference into meetings without meeting the requirements of the Traditional Rules only for just cause or due to emergency circumstances. These provisions expire January 1, 2026.

In summary, the AB 2449 Rules provide alternative teleconference procedures for publicly disclosed “just cause” or “emergency circumstances” approved by the legislative body subject to the following limitations:

- Under AB 2449, the Agency need not identify each location from which a member is teleconferencing if at least a quorum of the members of the legislative body participate in person from a single physical location identified on the agenda; whereas the traditional rules require that the location from which members teleconference be identified on the agenda.
- At least a quorum must be in the boundaries of the local agency under AB 2449.
- The legislative body must provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body.
- The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and the in-person location of the meeting; if technology fails and the public cannot participate then the body may not take action on the items that the disruption affected.
- During a meeting that features remote attendance, votes must be by roll call, as is required by the traditional rules on teleconferencing and AB 361.
- AB 2449 authorizes a legislative body to consider and take action, by majority vote, on a request from a member to participate in a meeting remotely due to emergency circumstances even if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made.
- AB 2449 teleconference procedures may not be used by a member of the legislative body to teleconference for a period of more than three consecutive months or 20% of the regular meetings within a calendar year.
- Members participating remotely must disclose whether any individual over the age of 18 is present at the remote location with the member.
- The member wishing to appear remotely must promptly let the legislative body know, and publicly make the request at the beginning of the meeting, identifying the reasons. The body would then vote on the request.
- “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (ii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. This can only be used twice in one year by each member.
- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
- These provisions also have a number of requirements for remote participation by the public, including the type of platform and the ability to comment in real time during the meeting, and noticing on the agenda how the public can participate.

ADDITIONAL NEXT STEPS – NONCOMPLIANT BUSINESSES:

– Staff is seeking direction from Council on how to address the items below when the leeway granted to businesses under the Emergency Proclamation no longer exists:

- All outdoor wine tasting will be considered noncompliant effective immediately (there are +/- 6 that do it now). In order for these uses to be legalized, the Zoning Code, LCP, and General Plan would need to be amended. Attached, is the white paper that planning staff produced on the City's regulation of alcohol consumption over the years (**attachment 4**). This was previously sent to Council, but is being included given its relevance to the discussion about outdoor wine tasting.
- All outdoor restaurant seating over and above the amount allowed in each restaurant's Use Permit would be noncompliant effective immediately (indoor and outdoor). This affects many restaurants, and ranges from only one table to several. In order to keep the additional seating, each restaurant would need to have an amended use permit approved by the Planning Commission. This would also include conversations about occupancy, water, etc.
- The City has been lenient on signage under the Emergency Proclamation, which was done in an effort to allow advertising to keep businesses open during the pandemic. While the A-frame signage was removed from the streets some time ago, a large number of window signs will be noncompliant because of the number and size when the Emergency Proclamation is rescinded. In order for businesses to keep the additional signage, the Zoning Code and LCP would need to be amended.
- The City has also been lenient on other "outdoor accessories" in the commercial district such as lights, speakers, heaters, and propane tank storage. All of these would be considered noncompliant effective immediately until such a time that a Zoning Code and LCP amendment was processed.

Some options for the Council to Consider include, but are not limited to:

- Direct staff to begin code compliance actions effective immediately (Notices of Violation, etc.).
- Direct staff to establish a "grace period" of a certain time (eg: 30 days) for businesses to come into compliance with existing regulations. This would include early courtesy compliance inspections by City staff to inform businesses what corrections needed to take place.

FISCAL IMPACT:

There are no financial impacts for adopting this Resolution.

PRIOR CITY COUNCIL ACTION:

On March 13, 2020, the Carmel City Council (Council) adopted Resolution 2020-021, ratifying the proclaiming the existence of a local emergency due to COVID-19. The Resolution states that the local emergency is proclaimed until it is terminated by City Council.

ATTACHMENTS:

Attachment 1) Resolution 2023-026

Attachment 1) Resolution 2020-021 declaring emergency due to COVID

Attachment 3) Resolution 2020-022, Resolution 2020-057, Resolution 2020-070 (COVID policy related Resolutions)

Attachment 4) Whitepaper on the History of Alcohol in Carmel

**CITY OF CARMEL-BY-THE SEA
CITY COUNCIL**

RESOLUTION NO. 2023-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RESCINDING RESOLUTION NO. 2020-021 AND THEREBY TERMINATING THE
PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE
WORLDWIDE SPREAD OF THE CORONAVIRUS ("COVID-19") AND CERTAIN RELATED
EMERGENCY POLICIES RATIFIED BY THE CITY COUNCIL**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2; section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, including conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, from January 2020 to March 2020, COVID-19 spread throughout the world, with over 114,000 confirmed cases of individuals contracting COVID-19, and over 4,000 confirmed cases of individuals dying from COVID-19; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death;

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City at 10:26 am on Thursday, March 12, 2020; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-21 ratifying the declaration of emergency by the City Administrator; and

WHEREAS, on February 28, 2023, Governor Newsom announced that the COVID-19 Declaration of State of Emergency was terminated; and

WHEREAS, since the City Council's proclamation of a local emergency, various emergency policies have been issued by the Director of Emergency Services and ratified by the City Council; and

WHEREAS, the case incidence of COVID-19 cases in Monterey County has significantly subsided; and

WHEREAS, pursuant to Government Code Section 8630, the City Council, after reviewing the need for continuing the local emergency, has determined that conditions no longer exist to warrant continuing the local emergency beyond the timeframe identified by the state of California.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA PROCLAIMS, AND ORDERS AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated by reference.
2. The City of Carmel-by-the-Sea may continue to offer teleconference options for meetings of legislative bodies for the public, city staff, and consultants, as an alternative participation method but is not guaranteed. Councilmembers, Board and Commission members may participate via teleconference in the manner provided by law under Government Code Section 54953 traditional teleconference rules and under the AB 2449 rules which went into effect January 1, 2023.
3. The City Council hereby rescinds Resolution No. 2020-021 which ratified the proclamation of a local emergency related to COVID-19 and also rescinds the following Resolutions:
 - Resolution 2020-022 – Ratifying Emergency Services Order 20-1 Staying Evictions in the City
 - Resolution 2020-050 – Temporary Voluntary Time Off Program for At-Will employees
 - Resolution 2020-057 – Ratifying Emergency Services Order No. 20-2 Issuing rules for use of the beach in Carmel
 - Resolution 2020-070 – Amending Resolution 2020-057 Regarding Rules for the beach in Carmel
4. This Resolution shall take effect immediately upon adoption by the City Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of March 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING THE CITY ADMINISTRATOR'S PROCLAMATION OF THE EXISTENCE OF A
LOCAL EMERGENCY DUE TO THE WORLDWIDE SPREAD OF THE CORONAVIRUS
("COVID-19")**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, including conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, from January 2020 to March 2020, COVID-19 spread throughout the world, with over 114,000 confirmed cases of individuals contracting COVID-19, and over 4,000 confirmed cases of individuals dying from COVID-19; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death;

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 10, 2020, the Governor's Office of Emergency Services quarantined in Monterey County up to 24 cruise ship passengers who recently disembarked from the Grand Princess cruise ship in Oakland, California, which had over 20 confirmed cases of COVID-19 onboard; and

WHEREAS, as of March 11, 2020, the Centers for Disease Control and Prevention ("CDC") has confirmed 938 cases of COVID-19 in the United States, with 29 cases resulting in death, with thirty-nine (39) jurisdictions reporting cases, including California; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City at 10:26 am on Thursday, March 12, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COOUNCIL FO THE CITY OF CARMEL-BY-THE-SEA, that the Proclamation of the Existence of a Local Emergency issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea; and

BE IT FURTHER RESOLVED, that said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 60 days until its termination is proclaimed by the City Council of the City of Carmel-by-the-Sea per California Government Code section 8630; and

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 13th day of March 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, THEIS; MAYOR PRO TEM RICHARDS; MAYOR POTTER

NOES: NONE

ABSENT: COUNCIL MEMBER REIMERS

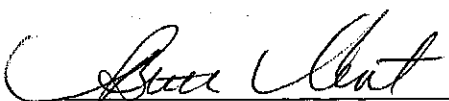
ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING THE DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-1 STAYING
EVICTIONS IN THE CITY OF CARMEL BY-THE-SEA**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, including conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, from January 2020 to March 2020, COVID-19 spread throughout the world, with over 114,000 confirmed cases of individuals contracting COVID-19, and over 4,000 confirmed cases of individuals dying from COVID-19; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death;

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

Resolution No. 2020-022

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WHEREAS, on March 10, 2020, the Governor's Office of Emergency Services quarantined in Monterey County up to 24 cruise ship passengers who recently disembarked from the Grand Princess cruise ship in Oakland, California, which had over 20 confirmed cases of COVID-19 onboard; and

WHEREAS, as of March 11, 2020, the Centers for Disease Control and Prevention ("CDC") has confirmed 938 cases of COVID-19 in the United States, with 29 cases resulting in death, with thirty-nine (39) jurisdictions reporting cases, including California; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City at 10:26 am on Thursday, March 12, 2020; and

WHEREAS, on March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, On March 17, 2020, the Governor issued Executive Order N-28-20, which waived any provisions of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions, including but not limited to Civil Code Sections 1940 et seq. or 1954.25 et seq., until May 31, 2020, unless extended; and

WHEREAS, on March 23, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-1 staying evictions in the City to protect life, property and civil order and a copy of Order 20-1 is attached hereto as Exhibit A; and

WHEREAS, Order 20-1 Staying Evictions in the City was issued pursuant to the authority granted to the Director of Emergency Services by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FO THE CITY OF CARMEL-BY-THE-SEA, that the foregoing Recitals and Exhibit A attached hereto are hereby incorporated by reference as though fully set forth here; and

BE IT FURTHER RESOLVED, that Order 20-1 Stay Evictions in the City issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea; and

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes to implement Order 20-1 Staying Evictions in the City.

Resolution No. 2020-022

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**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 30th day of March 2020, by the following vote:**

AYES: COUNCIL MEMBERS BARON, THEIS, MAYOR POTTER

NOES: NONE

ABSENT: NONE

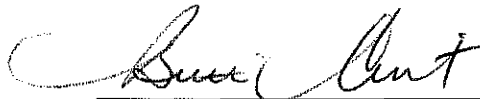
RECUSED: COUNCIL MEMBER REIMERS, MAYOR PRO TEM RICHARDS

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

**DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-1 STAYING EVICTIONS IN
THE CITY OF CARMEL BY-THE-SEA**

WHEREAS, Pursuant to Carmel-by-the-Sea Municipal Code ("CMC") Section 2.64.050 , as City Administrator of the City of Carmel-by-the-Sea ("City"), I serve as the Director of Emergency Services for the City; and

WHEREAS, In December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, On March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, On March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, On March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, On March 17, 2020, the Governor issued Executive Order N-28-20, which waived any provisions of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions, including but not limited to Civil Code Sections 1940 *et seq.* or 1954.25 *et seq.*, until May 31, 2020, unless extended. A copy of Executive Order N-28-20 is attached hereto as Exhibit 1 and is hereby incorporated by reference; and

WHEREAS, In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order 20-1 to protect life, property and civil order and I am issuing this Order 20-1 pursuant to the authority granted to me by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor.

NOW, THEREFORE, AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF CARMEL BY-THE-SEA, I HEREBY ISSUE THE FOLLOWING ORDER:

SECTION 1. This Order hereby incorporates by reference as though fully set forth here the above recitals and Exhibit 1 attached hereto.

SECTION 2. A temporary moratorium on eviction for non-payment of rent, by any residential tenant, any commercial tenant, and/or any non-residential tenant, impacted by the COVID-19 crisis is imposed as set forth herein.

SECTION 3. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to Financial Impacts related to COVID-19.

SECTION 4. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above in Section 2 shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.

SECTION 5. A landlord knows of a tenant's inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to Financial Impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text, as well as traditional written communication. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

SECTION 6. Tenants who were afforded eviction protection under this section shall have up to sixty (60) days after the termination of this Order to pay their landlord all unpaid rent.

SECTION 7. Nothing in this section waives a tenant's obligations to pay back rent owed once this Order is no longer effective; provided, however, that a landlord may not file an unlawful detainer action based on the failure to pay rent while this Order is in effect unless the tenant fails to pay rent when due under Section 6 of this Order.

SECTION 8. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, nor restrict a landlord's ability to recover rent due.

SECTION 9. For purposes of this Order, "financial impacts related to COVID-19" ("Financial Impact") include nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; provided that, the Financial Impact was caused by the COVID-19 pandemic, or by any local, state or federal government response to COVID-19, and is documented.

SECTION 10. For purposes of this Order, "no-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c. This order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a Local Emergency was proclaimed.

SECTION 11. This Order shall be punishable as set forth in the CMC Section 1.16.010. In addition, this Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order.

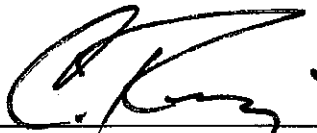
SECTION 12. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant.

SECTION 13. This Order shall be in force and effect until May 31, 2020, until and unless superseded by a duly enacted Ordinance or Resolution of the City Council of the City or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order. Should the Governor extend Executive Order N-28-20, this Order will continue automatically beyond May 31, 2020 to the date of the Governor's extension unless superseded.

SECTION 14. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Order. I hereby declare that I would have issued this Order and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

SECTION 15. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

This Order is hereby issued on March 23, 2020 at 3:37 pm



Chip Rerig, Director of Emergency Services

Attest:



Britt Avrit, City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

Attachment 3

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

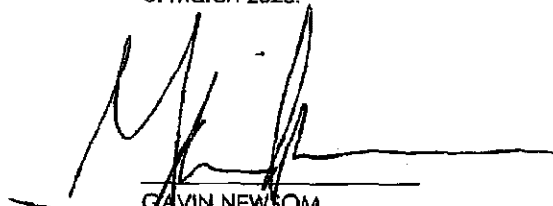
Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

Director of Emergency Services Order 20-1
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I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 16th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-057

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING THE DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-2 ISSUING
RULES FOR THE USE OF THE BEACH IN THE CITY OF CARMEL BY-THE-SEA**

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, on March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, pursuant to Urgency Ordinance No. 2020-004 adopted on August 4, 2020, City peace officers and the City Compliance Coordinator may enforce the Orders of the Governor, State Public Health Officer and the County Public Health Officer; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the United States, and presents an immediate and significant risk to public health and safety, and resulting in serious illness or death; and

WHEREAS, City Municipal Code Section 2.64.060 sets forth the powers and duties of the Director of Emergency Services which includes the power to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, due to the serious health risks due to COVID-19, and the spread of COVID-19 from person to person, as well as other means of transmission, it is reasonable and necessary to issue and enforce rules regarding the use of City beaches; and

WHEREAS, City Municipal Code Section 2.64.100 provides that It shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to: any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this City; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six month or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, on August 11, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-2 issuing rules for the use of the beach in the City and a copy of Order 20-2 is attached hereto as Exhibit A; and

WHEREAS, Order 20-2 was issued pursuant to the authority granted to the Director of Emergency Services by all applicable laws including, but not limited to, Government Code Section 38791 and City Municipal Code Section Chapter 2.64

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, that the foregoing Recitals and Exhibit A attached hereto are hereby incorporated by reference as though fully set forth here; Order 20-2 will expire on October 7, 2020 unless extended by action of the City Council; and

BE IT FURTHER RESOLVED, that Order 20-2 Issuing Rules for the use of the beach in the City issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea except as modified herein and except that the rules for the use of the City Beaches shall be as follows:

2.1 No person shall have on the beach any of the following: umbrellas, shade structures or tents, beach equipment, BBQs, tables, fireworks or propane or other fuel tanks.

2.2 This section is stricken entirely

2.3 No groups of more than 10 people shall be permitted on the beach.

2.4 All persons using the beach must comply with all Orders issued by Governor Newsom, the State Public Health Officer and the County Public Health Officer; and

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes to implement Order 20-2.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of September 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS, MAYOR PRO TEM RICHARDS; MAYOR POTTER

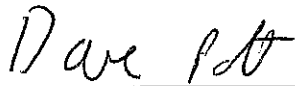
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

**DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-2 ISSUING RULES FOR
THE USE OF THE BEACH IN THE CITY OF CARMEL BY-THE-SEA**
Order 20-2 has been modified by Resolution 2020-57

WHEREAS, pursuant to Carmel-by-the-Sea Municipal Code ("CMC") Section 2.64.050, as City Administrator of the City of Carmel-by-the-Sea ("City"), I serve as the Director of Emergency Services for the City; and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, on March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, pursuant to Urgency Ordinance No. 2020-004 adopted on August 4, 2020, City peace officers and the City Compliance Coordinator may enforce the Orders of the Governor, State Public Health Officer and the County Public Health Officer; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the United States, and presents an immediate and significant risk to public health and safety, and resulting in serious illness or death; and

WHEREAS, City Municipal Code Section 2.64.060 sets forth the powers and duties of the Director of Emergency Services which includes the power to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, due to the serious health risks due to COVID-19, and the spread of COVID-19 from person to person, as well as other means of transmission, it is reasonable and necessary to issue and enforce rules regarding the use of City beaches; and

WHEREAS, City Municipal Code Section 2.64.100 provides that it shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to: any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this City; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six months or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order 20-2 to protect life, property and civil order and I am issuing this Order 20-1 pursuant to the authority granted to me by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor.

WHEREAS, based upon the foregoing, I hereby find that this Order is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF CARMEL BY-THE-SEA, I HEREBY ISSUE THE FOLLOWING ORDER:

SECTION 1. This Order hereby incorporates by reference as though fully set forth here the above recitals.

SECTION 2. It is hereby ordered that the following rules shall apply for the use of City beaches at all times:

2.1 No person shall have on the beach any of the following: coolers or other containers for the storage of food or drinks, umbrellas, shade structures or tents, beach equipment, BBQs, chairs, tables, fireworks or propane or other fuel tanks.

2.2 Persons may only use the beach for walking, running, swimming and surfing.

2.3 No person shall engage in the following activities at the beach: group activities, sports except as allowed by subsection 2.2, sitting, lounging, picnics, sunbathing, BBQs or fires of any kind.

2.4 All persons using the beach must comply with all Orders issued by Governor Newsom, the State Public Health Officer and the County Public Health Officer.

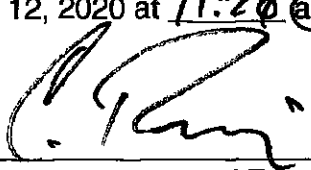
SECTION 3. This Order shall be punishable as set forth in the City Municipal Code Section 1.16.010 and Section 2.64.100.

SECTION 4. This Order shall be in force and effect until and unless superseded by a duly enacted Ordinance or Resolution of the City Council of the City or a further Order by the Director of Emergency Services

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Order. I hereby declare that I would have issued this Order and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

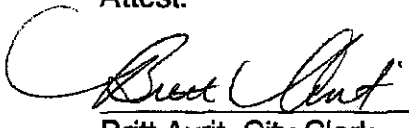
SECTION 16. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

This Order is hereby issued on August 12, 2020 at 11:26 am/pm



Chip Rerig, Director of Emergency Services

Attest:



Britt Avrit, City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-070

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AMENDING RESOLUTION 2020-057 REGARDING RULES FOR THE USE OF THE BEACH IN
THE CITY OF CARMEL BY-THE-SEA**

WHEREAS, on August 11, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-2 issuing rules for the use of the beach in the City; and

WHEREAS, on September 1, 2020, the City Council adopted Resolution No. 2020-057 ratifying Order No. 2-20 with the following modifications:

2.1 No person shall have on the beach any of the following: umbrellas, shade structures or tents, beach equipment, BBQs, tables, fireworks or propane or other fuel tanks.

2.2 This section is stricken entirely

2.3 No groups of more than 10 people shall be permitted on the beach.

2.4 All persons using the beach must comply with all Orders issued by Governor Newsom, the State Public Health Officer and the County Public Health Officer

WHEREAS, Resolution 2020-057 (attached hereto as Exhibit 1) provided that the Order 20-2, as modified, will expire on October 7, 2020 unless extended by action of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, that the foregoing Recitals and Exhibit A attached hereto are hereby incorporated by reference as though fully set forth here; Order 20-2 as modified by Resolution 2020-057 will expire on February 3, 2021 unless extended by action of the City Council; and

BE IT FURTHER RESOLVED, that Order 20-2 Issuing Rules for the use of the beach in the City issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea except as modified herein and except that the rules for the use of the City Beaches shall be as follows:

2.1 No person shall have on the beach any of the following: shade structures or tents, beach equipment, BBQs, tables, fireworks or propane or other fuel tanks.

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes to implement Order 20-2 as modified by Resolution 2020-057.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 6th day of October 2020, by the following vote:**

AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS, MAYOR PRO TEM
RICHARDS; MAYOR POTTER

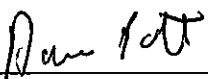
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

EXHIBIT A TO RESOLUTION 2020-070

CITY OF CARMEL-BY-THE-SEA CITY COUNCIL

RESOLUTION NO. 2020-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA RATIFYING THE DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-2 ISSUING RULES FOR THE USE OF THE BEACH IN THE CITY OF CARMEL BY-THE-SEA

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, on March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19; and

EXHIBIT A TO RESOLUTION 2020-070

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, pursuant to Urgency Ordinance No. 2020-004 adopted on August 4, 2020, City peace officers and the City Compliance Coordinator may enforce the Orders of the Governor, State Public Health Officer and the County Public Health Officer; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the United States, and presents an immediate and significant risk to public health and safety, and resulting in serious illness or death; and

WHEREAS, City Municipal Code Section 2.64.060 sets forth the powers and duties of the Director of Emergency Services which includes the power to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, due to the serious health risks due to COVID-19, and the spread of COVID-19 from person to person, as well as other means of transmission, it is reasonable and necessary to issue and enforce rules regarding the use of City beaches; and

WHEREAS, City Municipal Code Section 2.64.100 provides that It shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to: any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this City; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six month or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

EXHIBIT A TO RESOLUTION 2020-070

WHEREAS, on August 11, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-2 issuing rules for the use of the beach in the City and a copy of Order 20-2 is attached hereto as Exhibit A; and

WHEREAS, Order 20-2 was issued pursuant to the authority granted to the Director of Emergency Services by all applicable laws including, but not limited to, Government Code Section 38791 and City Municipal Code Section Chapter 2.64

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, that the foregoing Recitals and Exhibit A attached hereto are hereby incorporated by reference as though fully set forth here; Order 20-2 will expire on October 7, 2020 unless extended by action of the City Council; and

BE IT FURTHER RESOLVED, that Order 20-2 Issuing Rules for the use of the beach in the City issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea except as modified herein and except that the rules for the use of the City Beaches shall be as follows:

2.1 No person shall have on the beach any of the following: umbrellas, shade structures or tents, beach equipment, BBQs, tables, fireworks or propane or other fuel tanks.

2.2 This section is stricken entirely

2.3 No groups of more than 10 people shall be permitted on the beach.

2.4 All persons using the beach must comply with all Orders issued by Governor Newsom, the State Public Health Officer and the County Public Health Officer; and

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes to implement Order 20-2.

Resolution No. 2020-057

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EXHIBIT A TO RESOLUTION 2020-070

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of September 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS, MAYOR PRO TEM RICHARDS; MAYOR POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

EXHIBIT A TO RESOLUTION 2020-070

DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20-2 ISSUING RULES FOR THE USE OF THE BEACH IN THE CITY OF CARMEL BY-THE-SEA Order 20-2 has been modified by Resolution 2020-57

WHEREAS, pursuant to Carmel-by-the-Sea Municipal Code ("CMC") Section 2.64.050, as City Administrator of the City of Carmel-by-the-Sea ("City"), I serve as the Director of Emergency Services for the City; and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020 at 10:26 a.m., acting in my capacity as the Director of Emergency Services, I issued a Proclamation ("Proclamation") ordering there is a local state of emergency ("Local Emergency") which now exists in the City due to COVID-19 ("Coronavirus"); and

WHEREAS, on March 13, 2020 at 11:00 a.m., there was a Special Meeting of the City Council at which the Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus ("COVID-19"), and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

Resolution No. 2020-057

EXHIBIT A TO RESOLUTION 2020-070

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**Director of Emergency Services Order 20-2
Page 2**

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, pursuant to Urgency Ordinance No. 2020-004 adopted on August 4, 2020, City peace officers and the City Compliance Coordinator may enforce the Orders of the Governor, State Public Health Officer and the County Public Health Officer; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the United States, and presents an immediate and significant risk to public health and safety, and resulting in serious illness or death; and

WHEREAS, City Municipal Code Section 2.64.060 sets forth the powers and duties of the Director of Emergency Services which includes the power to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, due to the serious health risks due to COVID-19, and the spread of COVID-19 from person to person, as well as other means of transmission, it is reasonable and necessary to issue, adopt and enforce rules regarding the use of City beaches; and

WHEREAS, City Municipal Code Section 2.64.100 provides that it shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to: any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this City; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six months or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order 20-2 to protect life, property and civil order and I am issuing this Order 20-1 pursuant to the authority granted to me by all applicable laws including, but not limited to, Government Code Section 38791, CMC Chapter 2.64 and Executive Order N-28-20 issued by the Governor.

Director of Emergency Services Order 20-2

Page 3

EXHIBIT A TO RESOLUTION 2020-070

WHEREAS, based upon the foregoing, I hereby find that this Order is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF CARMEL BY-THE-SEA, I HEREBY ISSUE THE FOLLOWING ORDER:

SECTION 1. This Order hereby incorporates by reference as though fully set forth here the above recitals.

SECTION 2. It is hereby ordered that the following rules shall apply for the use of City beaches at all times:

2.1 No person shall have on the beach any of the following: coolers or other containers for the storage of food or drinks, umbrellas, shade structures or tents, beach equipment, BBQs, chairs, tables, fireworks or propane or other fuel tanks.

2.2 Persons may only use the beach for walking, running, swimming and surfing.

2.3 No person shall engage in the following activities at the beach: group activities, sports except as allowed by subsection 2.2, sitting, lounging, picnics, sunbathing, BBQs or fires of any kind.

2.4 All persons using the beach must comply with all Orders issued by Governor Newsom, the State Public Health Officer and the County Public Health Officer.

SECTION 3. This Order shall be punishable as set forth in the City Municipal Code Section 1.16.010 and Section 2.64.100.

SECTION 4. This Order shall be in force and effect until and unless superseded by a duly enacted Ordinance or Resolution of the City Council of the City or a further Order by the Director of Emergency Services

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Order. I hereby declare that I would have issued this Order and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

EXHIBIT A TO RESOLUTION 2020-070

SECTION 16. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

This Order is hereby issued on August 12, 2020 at 11:26 am

Chip Rerig, Director of Emergency Services

Attest:

Britt Avrit, City Clerk



**COMMUNITY PLANNING & BUILDING DEPARTMENT
CITY OF CARMEL-BY-THE-SEA**

TO: Brandon Swanson, Community Planning and Building Director

FROM: Katherine Wallace, Associate Planner

DATE: August 10, 2022

SUBJECT: History and Policies on Alcohol in Carmel-by-the-Sea

SUMMARY

At the turn of the twentieth century, the Carmel Development Company envisioned the village as “a place where liquor, even in the privacy of the home, could never be found.”¹ Today, Carmel-by-the-Sea has nearly twenty wine tasting rooms, three permitted bars, two liquor stores, and numerous dining establishments with liquor licenses. The following background describes the history of restrictive liquor deeds in Carmel, Prohibition-era policies and the legal challenges that followed, the rise of wine tasting shops, and the designation of Carmel’s three permitted bars. This paper also describes the impact of the Covid-19 pandemic on outdoor drinking and hours of operation, and provides the current municipal code regulations as it relates to drinking places, restaurants with bars, and wine tasting shops. The background content is followed by preliminary staff recommendations for consideration. In 1957, the *Monterey Peninsula Herald* reported on liquor regulations in Carmel-by-the-Sea, noting, “the subject of liquor is broad, controversial, and occasionally bewildering.” This holds true today.

TIMELINE

Late 1880s: Honore Escolle and Santiago Duckworth convey more than 500 lots free of restrictive liquor clauses, and 134 lots with restrictive liquor clauses in what is now Carmel-by-the-Sea.

1902: The Carmel Development Company begins selling remaining lots with restrictive liquor clauses as standard deed language.

1920-1933: Nationwide Prohibition in effect.

1933: Carmelites vote 449 to 259 in favor of permitting the sale of 3.2% beer and light wine (declared by Congress as non-intoxicants and thus not in violation of the property deeds).

1934-1936: California Superior Court case Carmel Development Company vs. Espindola’s results in the undoing of Carmel as a dry city.

1955: CA Department of Alcoholic Beverage Control established (replacing State Board of Equalization).

1956-1957: Liquor licenses for Hearthstone Bar and Pink Elephant liquor chain contested but upheld.

2003: Planning Commission grants first wine tasting shop use permit to Galante Family Winery.

2011: With ten tasting shops in operation, the Wine Tasting Policy is adopted.

2014: Moratorium on new wine tasting establishments.

2015: Wine Tasting Policy revised, with an addendum approved in 2016; Planning Commission formally identifies Carmel’s three legal drinking places (bars) permitted in the municipal code as Sade’s, A.W. Shucks, and Barmel.

¹ Superior Court of the State of California, County of Monterey. Carmel Development Company vs. Inc.; Isabel A. Leidig. Case No. 15,304. Defendant’s Brief (June 5, 1936).

2020-present: Covid-era exceptions made for outdoor drinking and hours of operation under the City's Proclamation of a Local Emergency.

BACKGROUND

Restrictive Liquor Deeds

In the late nineteenth century, landowner Honore Escolle conveyed 324 acres of what is now Carmel-by-the-Sea to Santiago J. Duckworth. The land was sold without any deed restrictions against the use and sale of liquor. Duckworth envisioned the area as a Catholic summer retreat and hired W.C. Little and Davenport Bromfield to survey and map "Carmel City." Beginning in 1888, Duckworth began to sell individual lots. Escolle and Duckworth together sold more than 500 lots free of restrictive liquor clauses, 90 of which were located in the business district. However, 134 other lots sold by Escolle and Duckworth *did* have a liquor restriction clause in their deeds. The grantors had come to recognize "the selling quality of 'dry territory'" and began to include restrictive clauses in their later conveyances to attract temperance-minded buyers.

In 1902, the Carmel Development Company was incorporated by partners Frank H. Powers and J. F. Devendorf. Powers and Devendorf amassed unsold properties from Escolle and Duckworth, filed a map of Carmel-by-the-Sea with the County Recorder, and began selling lots to the public.² Whereas Escolle and Duckworth were financially motivated to restrict the use and sale of liquor to attract buyers, the founders of the Carmel Development Company felt a moral responsibility to keep liquor and its associated ills out of the community. The Carmel Development Company incorporated restrictive liquor clauses as part of its standard deed language. If a grantee was found in breach of the clause, the Carmel Development Company reserved the right to access and repossess the property.

The standard deed language read: "[Grantees] will not sell, exchange or give away intoxicating liquor of any kind thereon and will not use or employ, nor directly or indirectly suffer, allow or permit any other person or persons whatever to use or employ said land or premises hereby sold, or any improvements which are now or maybe hereafter placed thereon, or any part thereof, for the purpose of selling, exchanging, bartering, delivering or giving away any spirituous or malt intoxicating liquors, wine or cider, and in case of breach of this covenant [the whole of the estate] shall immediately revert to and become the property of [the grantor, which] expressly reserves to itself, its successors and assigns, the right to enter upon said land and premises, and to take absolute possession thereof of any and all improvements thereon for and upon the breach of the aforesaid conditions."³

While many residents were temperance minded, other Carmelites did imbibe. Specifically, the artists and writers of the c.1906 to 1915 era who held abalone feasts with red wine on the beach.⁴

² Powers and Devendorf acquired all unsold lots from Escolle and Duckworth in 1900 before incorporating in 1902.

³ Restrictive liquor clause included as standard language in Carmel Development Company deeds.

⁴ "A Little Slip Here and There, and Carmel, a Dry Town, Became Wet; Mrs. Dummage Remembers When."

Monterey Peninsula Herald (March 30, 1951). These feasts are known to have occurred at Point Lobos and Carmel Beach.

Prohibition and the post-Prohibition Era

The liquor restrictions were ubiquitous, but Carmel was not bone-dry.⁵ The most notable exemption was the 1923 Palace Drug Company deed, which allowed for lawful possession of intoxicating liquors for the purpose of sale.⁶ The Palace Drug Company, located on the north block face of Ocean Avenue between San Carlos and Dolores (now, Carmel Drug Store), sold liquor for medicinal use. At the time of the deed conveyance, Carmel was subject to national prohibition disallowing non-medicinal liquor consumption. The 18th Amendment, passed by Congress in 1917 and ratified in 1919, prohibited the manufacture, sale, or transportation of intoxicating liquors.⁷ While Carmel appears to have largely complied, there are accounts of Canadian liquor smuggled from British Columbia to the Central Coast during prohibition. The book, *Rumrunners: Liquor Smugglers on America's Coasts, 1920-1933*, describes a smuggler syndicate that "landed shipments of liquor at isolated spots near Pebble Beach, Pacific Grove, and Carmel-by-the-Sea."⁸

Nationwide prohibition was in effect from 1920 to 1933. In December 1933, federal prohibition was repealed with the ratification of the 21st Amendment. However, because the 21st Amendment allowed prohibition to be maintained at state and local levels, Carmel was faced with how to handle liquor on a local level.⁹ To complicate the matter of local vs. state control over liquor regulation, in California, powers of taxation and regulation of the manufacture, distribution, and sale of alcoholic beverages were given to the California State Board of Equalization in 1933. Alcohol could now be transported and held in possession in Carmel (with the Council powerless to say otherwise), but the city could continue to prohibit sales of alcohol if it wished. Many Carmelites - particularly members of the business community - wanted alcohol legally sold in town. An opinion ad run in the *Pine Cone* questioned how Carmel "could deprive its business people of the revenue which beer will give them, and to force that revenue 'over the hill'" to Monterey, where Carmel shoppers go for beer and are likely "apt to heed the 'specials' and sales talks of

⁵ Deeds were conveyed by the Carmel Development Company to the school district, the water company, and Del Monte Properties company containing no liquor restrictions; several residential and business lots also were free of restrictions. Some exceptions were made for people who wanted to imbibe in the privacy of their own homes. Additionally, in 1913 and again in 1917, the Pine Inn was conveyed by a deed which contained the standard liquor restriction but also contained a special provision permitting liquor to be served with meals with a table license. However, it appears as though the Pine Inn did not serve liquor despite the provision and the Pine Inn was thereafter re-acquired by the plaintiff who then sold it again with the restriction in place. "Letter to Mr. Prince, Carmel Development Company Secretary, from Morrison, Hohfeld, Foerster, Shuman & Clark" (April 1, 1936), on file at the Henry Meade Williams Local History Department; Superior Court of the State of California, County of Monterey, Case No. 15,304, Carmel Development Company vs. Espindola's, Inc., "Opinion and Decision" of Judge H.G. Jorgensen (September 1936).

⁶ Deed from Carmel Development Company to Palace Drug Company (April 11, 1923). The Carmel Development Company later claimed this applied to medicinal liquor use only. Because the deed was drafted during Prohibition, they thought it unnecessary to specify otherwise.

⁷ The 18th Amendment did not prohibit the consumption, private possession, or production of alcohol for one's own consumption. The Volstead Act was enacted in 1919 to enforce the 18th Amendment. In March 1933, the Cullen-Harrison Act amended the Volstead Act, permitting the manufacturing and sale of low-alcohol beer and wine (up to 3.2%).

⁸ Anne Funderburg, *Rumrunners: Liquor Smugglers on America's Coasts, 1920-1933*. McFarland & Company, Inc. Publishers (2016), p.166. No additional information is provided specific to Carmel-by-the-Sea.

⁹ *Carmel Pine Cone* (February 20, 2015); "Sweet A-d-e-l-i-n-e! Beer May Be Sold Here After All," *Carmel Pine Cone* (March 24, 1933), 12.

the merchant, and buy other things at the same time.”¹⁰ If losing potential revenue to Monterey wasn’t reason enough, “doctors say beer is a wholesome body building beverage”!¹¹

But not everyone wanted alcohol - even 3.2% beer and light wine - sold within Carmel’s boundaries. An anonymous editorial in the *Pine Cone* urged caution on the matter, noting, “We have been some thirty years without a sales place for liquors of any kind, doing very fairly...Perhaps the sale of 3.2 per cent beer in original packages at grocery stores and elsewhere, and served by hotels and restaurants with meals, would not create any problem of the kind. Again, perhaps it might. It’s a chancy decision.”¹²

Unsurprisingly, this issue swiftly became a hot-button political issue. How could Carmel determine the risk of legalizing 3.2% beer? Then-mayor John Catlin supported an experiment to test beer’s intoxicating strength. “Under terms of the experiment, Mayor Catlin would appoint six prominent residents of the village, possibly artists and writers (well known for their capacity) to try out the beer. Each would be given six bottles to partake within the limited space of an hour. If at the end of the hour, the participants of the experiment can tell their correct names, walk a straight line and refrain from singing in a high tenor voice Sweet A-d-e-l-i-n-e, Mayor Catlin is willing to be convinced that 3.2 per cent beer is non-intoxicant.”¹³ Research has not determined whether the experiment was ever carried out.

A vote was scheduled for May 1933 to determine whether 3.2% beer should be allowed for sale in Carmel.¹⁴ In April, a month prior to the vote, the *Pine Cone* reported “every wet and every dry voter in Carmel is already being solicited to cast votes for or against the sale of beer...house to house canvassing is reported.”¹⁵ The *Pine Cone* article, “Beer Foams to Splash Legally as Carmel Goes Dripping Wet,” reported a win for the “wets”, with “449 votes for the sale of beer while the dries only had 259 ballots on their side.” Carmel, “known in temperance circles as a dry community” would now allow beer and light wine sold openly in local stores and restaurants, under state regulations.¹⁶ The article was sure to specify that “the clause in all Carmel property which prohibits the sale of liquor will have no effect on beer and light wines, both beverages having been declared by Congress as non-intoxicant. Under present federal regulation, the stronger liquors will be sold from drugstores under the prescriptions given out by

¹⁰ “Vote for Beer,” *Carmel Pine Cone* (May 12, 1933), 2.

¹¹ Ibid.

¹² “3.2 percent,” *Carmel Pine Cone* (March 31, 1933), 9.

¹³ “Can Carmel’s Elite Hold Their Liquor? Tests May Expose Them,” *Carmel Pine Cone* (April 14, 1933), 1.

¹⁴ “Beer Question to be Decided by Special Election May 15,” *Carmel Pine Cone* (April 14, 1933), 4; “Carmel to Vote on Single Beer Proposition May 15th,” *Carmel Pine Cone* (April 28, 1933), 12; “Beer Foams to Splash Legally as Carmel Goes Dripping Wet,” *Carmel Pine Cone* (May 19, 1933), 1-2.

¹⁵ “Beer Issue to Warm Political Hearts as Election Date Nears” *Carmel Pine Cone* (April 21, 1933), 1.

¹⁶ “State Will Control Licenses,” *Carmel Pine Cone* (April 28, 1933), 9. California state law in 1933 specified that licenses must be granted for alcohol sales in original, unbroken packages, for use off premises, at ten dollars a year; and to restaurants, coffee houses, hotels and cafes, to be drunk with meals served, at fifty dollars a year. Any bona fide applicant, unless he may have at some time been convicted of a felony, can get a license.

physicians without violating the clause of the property deeds.”¹⁷ Restaurateurs reported the first day of legal beer - May 24, 1933 - resulted in “a large sale of the beverage.”¹⁸

With the beer and light wine issue settled, attention turned to liquor and the restraining clauses in the Carmel Development Company deeds which encompassed most, but not all properties in Carmel.¹⁹ The Palace Drug Store deed recorded in 1923, during Prohibition, did permit the sale of liquor, “it being understood in connection herewith that such possession, sale, exchange or otherwise disposing of intoxicating liquors shall be in strict accordance with the laws of United States of America, the State of California and the County of Monterey, as the same may now or hereafter exist.”²⁰ Because liquor became legal on a federal level post-Prohibition, this language led to the undoing of Carmel as a dry city. As the deed specified strict accordance with the laws of the United States, the Carmel Development Company could no longer legally restrict the Palace Drug Store’s liquor sales to medicinal use only.

Other local businesses took note and wanted to join the lucrative liquor market as well. Espindola’s, a grocery store on Ocean Avenue (Block 71, Lot 2), took the issue to the California Superior Court in 1934-36. Proceedings of the case revealed dozens of early deeds conveyed without restrictions by grantors Honore Escolle, S. J. Duckworth; Frank H. Powers and/or Jane G. Powers; and the Carmel Development Company. Judge H.G. Jorgensen found that the number of exceptions and properties without any restrictive liquor clauses - even if they never actually sold liquor - collectively invalidated the Carmel Development Company’s general plan of Carmel as a dry city. The defendants argued the plaintiff knew about infringements and took no enforcement actions, in effect condoning the activity. As plaintiff, the Carmel Development Company argued the liquor restrictions were for “the moral uplift and social betterment of the community,” and any exceptions - specifically, the Palace Drug Company - were made inadvertently. Judge Jorgensen ruled in favor of the defendant, and wrote in his Opinion and Findings, “In consideration of all the facts it does seem that various deviations of the plaintiff require too much explaining...While the plaintiff undoubtedly had in mind that the National Prohibition Law and the 18th Amendment would take care of the situation, and the restrictions were unnecessary, and while it is true that it did not intend to permit the unlimited sale of liquor, nevertheless it certainly did intend to relinquish its own power to prevent the sale” and the general plan vision of Carmel as a bone dry town “must be considered to have been abandoned in the legal sense.”²¹

¹⁷ Ibid, 2.

¹⁸ “Beer Flows in Carmel for the First Time in its History,” *Carmel Pine Cone* (May 26, 1933), 1-2. Licenses to sell bottled beer were given to El Fumidor, Leidig’s, Ewig’s, Minges’, Dolores Grocery and Espindola’s. Licenses to sell beer with meals were given to The Chop House, Carmeleta, Curtis’ Candy store, Romy Lane and Whitney’s.

¹⁹ Though legally free to do so, unrestricted properties such as the school district and water company properties had never sold liquor and the Carmel Development Company never intended they would. There are assertions that the Pine Inn illegally sold wine despite its amended restrictive deed and the Carmel Development Company did not nothing about it. “A Little Slip Here and There, and Carmel, a Dry Town, Became Wet; Mrs. Dummage Remembers When.” *Monterey Peninsula Herald* (March 30, 1951).

²⁰ Palace Drug Company Deed (April 11, 1923), on file at the Henry Meade Williams Local History Department.

²¹ Jorgensen, “Opinion and Decision.”

Bars opened at once and grocery stores added liquor departments.²² In 1955, the California State Constitution was amended to reassign regulation duties from the State Board of Equalization (first instituted in 1933) to the new Department of Alcoholic Beverage Control (ABC). Liquor licenses were issued by the ABC but Carmel's land use and zoning laws restricted the location of licenses. City Ordinance 122 NS provided that liquor be sold only in the downtown area between 6th and 7th streets and Mission and Monte Verde, unless liquor sales were in conjunction with another business and subordinate to it (such as a grocery, restaurant, or drug store).²³

Liquor license applications for the Hearthstone Bar and Restaurant and the Pink Elephant (a national liquor store chain) were hotly contested in 1956 and 1957. The proposed locations of these establishments would be within a block of one another, bordering Carmel's residential area. When the Hearthstone Bar and Restaurant was permitted to transfer their on-sale (on-premises) liquor license from their original Ocean Avenue location to a new proposed location across from Devendorf Park, outraged community members appealed.²⁴ Similarly, when the ABC granted the Pink Elephant an off-sale (take-away) liquor license at NW 6th and Torres (now, Surf and Sand), the community appealed. ABC held that the area in question was zoned as commercial and that to limit special control to liquor in "so-called buffer areas adjoining residential areas" was discriminatory and "the section of the ordinance in question steps beyond the field of zoning into the field of regulation," in conflict with the ABC's realm of power.²⁵

In 1957, there were 23 licensed liquor outlets, all in the downtown business district.²⁶ Residents felt the character of Carmel was under assault. "Crisis in Carmel" headlined the *Monterey Peninsula Herald* in March 1957; the author warned if the Pink Elephant and Hearthstone licenses were not overturned, then "the traditions of half a century will have been shattered and Carmel will be on the road to honky-tonk."²⁷ A town hall discussion titled "The status of beverage alcohol and its impact on civilization" was held February 1957 and lasted three hours.²⁸ The ABC ultimately ruled Ordinance 122 NS invalid and upheld their decision.²⁹

²² "A Little Slip Here and There, and Carmel, a Dry Town, Became Wet; Mrs. Dummage Remembers When." *Monterey Peninsula Herald* (March 30, 1951).

²³ "Carmel Liquor License Move is Approved," *Monterey Peninsula Herald* (October 4, 1956).

²⁴ The new location to a residential zone was permitted because the Hearthstone was primarily a restaurant, with liquor sales subordinate.

²⁵ "Carmel Mayor Promises 'Fight to End' In the Case of Pink Elephant," *Monterey Peninsula Herald* (February 16, 1956).

²⁶ Carmel Protective Association, "Crisis in Carmel." *Monterey Peninsula Herald* (March 8, 1957). The article does not specify the breakdown of uses (restaurants, bars, and/or liquor stores).

²⁷ Carmel Protective Association, "Crisis in Carmel." *Monterey Peninsula Herald* (March 8, 1957).

²⁸ "Panel Presents Varied Views on Liquor Topic: Townhall Discussion in Carmel." *Monterey Peninsula Herald* (February 13, 1957), 13.

²⁹ "New Fight on Liquor in Carmel," *Monterey Peninsula Herald* (January 18, 1957); "Carmel Liquor Hearing Monday at City Hall," *Monterey Peninsula Herald* (February 7, 1957); "Liquor License Move Protested in Carmel," *Monterey Peninsula Herald* (February 11, 1957); "Mayor Clarifies City Action on Liquor," *Monterey Peninsula Herald* (February 15, 1957); "Opposition to Carmel Liquor License Mounts," *Monterey Peninsula Herald* (March 15, 1957), 2.

Wine Tasting Shops

Wine Tasting Shop. Establishments primarily engaged in the retail sale of wine for off-site consumption and as an ancillary use includes the service of wine for on-site consumption (CMC 17.68.050).

The sentiment of Carmel in crisis persisted throughout the twentieth century but dissipated in part due to the rise of wine tasting rooms in the early 2000s and the associated tourism boost. Tourism has always been foundational to Carmel's identity, and it is unsurprising that merchants responded to the tastes of Carmel's visitor population. On December 3, 2003, the Planning Commission granted the earliest recorded use permit for a wine tasting shop. UP 03-39 (Galante) allowed for the establishment of a liquor store (SIC 592) as a primary use with wine tasting (categorized as a drinking place, SIC 5813) as an ancillary use. The permit specified the following:

1. *The use will sell locally produced wine products and related goods and provide a wine tasting area. No distilled spirits are authorized;*
2. *The business's public hours shall be limited to 9:00 a.m. to 8:00 p.m. seven days a week;*
3. *No products or merchandise not associated with the liquor store/wine shop or wine tasting shall be permitted;*
4. *No more than 20% of the commercial floor area shall be allowed for wine tasting;*
5. *The wine tasting area shall not be operated as a bar. Approval of this permit does not authorize the selling of mixed alcoholic drinks or the serving of full-sized servings for consumption on site. All wine tasting and consumption shall be confined to the building interior; and*
6. *The proposed use shall maintain a reasonable noise. During the hearing, Planning Commissioner Cunningham inquired about the tasting aspect of the establishment, to which Mr. Jack Galante responded that very small samples would be provided to patrons who were purchasing wine and that it was not a drinking establishment.³⁰*

The following year, in February 2004, the Planning Commission approved Southern Latitude Wines on Lincoln Street as the town's second wine tasting shop (no longer in business). The *Carmel Pine Cone* reported, "After receiving assurance that wine-sipping patrons would not be allowed to loiter in the courtyard with their glasses or stand around blocking the doorway to the shop, the commission unanimously approved the use permit."³¹

Subsequent years saw local restaurateurs embrace and encourage wine tasting.³² It appears as though there were both dedicated wine tasting shops and other businesses (restaurants) that offered wine tasting privileges. Applications for dedicated wine tasting shops were evaluated based on whether or not they were consistent with past Planning Commission approvals. A staff report authored in 2010 for the Wrath Wines use permit states: "In previous decisions the Commission has typically included the following

³⁰ UP 03-39 (Galante) was approved under a previous city code. CMC 17.06.036 allowed for drinking places and liquor stores as a conditional use and required adoption of general findings, and CMC 17.10.010 allowed for a secondary use to exceed 10% of the total floor area with approval of a use permit by the Planning Commission if specific findings could be made.

³¹ *Carmel Pine Cone* (February 12, 2004), 6A.

³² *Carmel Pine Cone* (December 8, 2006), 18A.

restrictions to ensure that the business does not function as a drinking establishment: serving sizes shall be no greater than 2 ounces; the sale of alcohol is limited to wine; limited hours of operation (close by 10:00 p.m.); and limiting the area devoted to wine tasting.”³³

On November 10, 2010, the Planning Commission appointed a subcommittee to evaluate the City’s requirements on processing requests to offer wine tasting and whether new requirements should be considered. The subcommittee found that the Commission had approved ten wine tasting use permits since 2003, and staff continued to receive frequent inquiries regarding potential new establishments.

Carmel’s first official Wine Tasting Policy was adopted at the June 23, 2011 Planning Commission hearing with the stated purpose “to establish guidelines for the review and approval of wine tasting facilities in the Central Commercial and Service Commercial Districts in the downtown.”³⁴ Even with the Wine Tasting Policy in effect, wine tasting shops proliferated. They functioned as wine tasting rooms rather than retail shops that offered ancillary wine tastings, as intended. Another issue with the 2011 Wine Tasting Policy was its failure to define a Monterey County wine. The 2011 Wine Tasting Policy stated a strong preference for tasting rooms featuring local wines; however, how to define a ‘Monterey County’ wine proved problematic. Did wine need to be made from grapes grown *and* produced locally? In 2014, Mr. Jack Galante of Galante Family Winery spoke to the City Council on behalf of some dozen tasting rooms. Galante expressed that the existing policies were confusing and that a moratorium should be enacted, saying, “It is time that the city set specific policies...having grapes grown in Monterey County is essential.”³⁵ On April 1, 2014, Ordinance 2014-03 established a moratorium on the processing of use permits for new wine tasting establishments. Ordinance 2014-05, passed May 6, 2014, extended the moratorium for an additional ten months and 15 days.

Former Planning Director Mullane and staff spent the summer and fall 2014 coordinating Wine Tasting Subcommittee meetings and soliciting input from stakeholders, including Carmel Wine Walk-by-the-Sea, Carmel Residents Association, Monterey County Wine Growers Association, and the Carmel Chamber of Commerce. Wine Tasting Subcommittee Workshops held January 13 and 15 proposed changes to the existing policy, and Planning Staff drafted additional changes on January 27, 2015.

The updated Wine Tasting Policy was adopted by City Council March 3, 2015.³⁶ Much of the previous (2011) policy was retained. Changes in the definition of “wine tasting room” included the following:

- Define wine tasting rooms as a “stand-alone establishment”;
- Reiterate that the purpose is for tasting *not* drinking; and
- Recognize that tasting rooms host occasional promotions and special events.

The primary changes in the review standards for Tasting Rooms included the following:

- Should have a Duplicate Type 02 ABC license;
- No more than three permits for new tasting rooms will be issued within any 12-month period;

³³ Carmel Planning Department, Staff Report for Wrath Wines (2010).

³⁴ Wine Tasting Policy (June 23, 2011). The Wine Tasting Policy does not appear to have been reviewed or adopted by the City Council.

³⁵ *The Carmel Pine Cone* (April 4, 2014), 1A.

³⁶ “Council agrees to more restrictions on tasting rooms.” *Carmel Pine Cone* (March 6, 2015), 6A.

- Should be no larger than 1,000 square feet;
- Can serve light snacks but no full meals;
- Should be open no later than 9:00 pm; and
- Should not be combined with other uses such as food markets, art galleries, or clothing stores.

The Council debated over the language of “should” vs. “shall” and decided on “should.”³⁷ Making the new policy mandatory via the use of “shall” was thought to invite discrimination lawsuits so the Council decided on strongly worded policy guidelines instead. The new policy limited new operations to stand-alone rooms operated by wineries located in Monterey County and which only serve wines made from at least 75% Monterey County grapes. The Planning Commission reviewed the newly adopted policy just a few months later, on May 11, 2015, to determine if any revisions were needed; they found none. An Addendum to the Wine Tasting Policy was authored August 10, 2016. The addendum distinguished routine vs. special events, defined both and outlined associated rules.

Note that while the Wine Tasting Policy almost exclusively uses the term, wine tasting “room,” the municipal code uses wine tasting “shop.” Per CMC 17,14,040.J.5, wine tasting shops must adhere to the city’s wine tasting policy, must maintain a 200-foot distance from another use selling distilled spirits intended for either on-site or off-site consumption; maintain a 100-foot minimum distance from an R-1 district; and are permitted in the CC and SC districts with the issuance of a conditional use permit.

³⁷ “Council agrees to more restrictions on tasting rooms.” *Carmel Pine Cone* (March 6, 2015), 6A.

Approved Wine Tasting Shops in Operation in Carmel-by-the Sea

No.	Name	Use Permit No.	Hours	ABC License	Year Approved	Primary/ Secondary
1.	Galante Vineyards	03-39	9 AM-8 PM	Type 02	2003	SIC 592 (Liquor)/SIC 5813 (Drinking Places)
2.	Windy Oaks Estate	04-03	9 AM-8 PM	Type 02	2004	SIC 592 (Liquor)/SIC 5813 (Drinking Places)
3.	Vino Napoli	09-01	10 AM-10 PM	Type 02	2009	445310 (Liquor Store)/ 722410 (Drinking Place)
4.	Wrath Wines	10-22	10 AM-10 PM	Type 02	2010	445310 (Liquor Store)/ 722410 (Drinking Place)
5.	Caraccioli Cellars	10-13	10 AM-10 PM	Type 02	2010	445310 (Liquor Store)/ 722410 (Drinking Place); 448140 (Clothing Store); 448140 (Book Store)
6.	Lepe Cellars	11-01	8 AM- 10 PM	Type 02	2011	453920 (Art Gallery)/ 722410 (Drinking Place)
7.	Scheid Vineyards	11-11	8 AM-10 PM	Type 02	2011	Retail Sales 85% / Wine Tasting 15%
8.	Shale Canyon Wines	12-11	8 AM-10 PM	Type 02	2012	Retail Sales 70% / Wine Tasting 30%
9.	De Tierra Vineyards	12-17	10 AM-8 PM	Type 02	2012	Retail Sales 70% / Wine Tasting 30%
10.	Albatross Winery/Kori Wines	13-09/BL 18-336	10 AM-9 PM	Type 02	2009	Retail Sales 63% / Wine Tasting 37%
11.	Dawn's Dream Winery	13-15	12 PM-7 PM	Type 02	2013	Retail Sales 75% / Wine Tasting 25%
12.	Silvestri Vineyards	13-04	10 AM-10 PM	Type 02	2013	Retail Sales 70% / Wine Tasting 30%
13.	Su Vecino Court	14-09	12 PM-8 PM	Type 02	2014	Retail Sales 75% / Wine Tasting 25%
14.	Hahn Family Wines	15-188	11 AM-9 PM	Type 02	2015	Retail Sales 71% / Wine Tasting 29%
15.	Blair Estate	17-140	9 AM-8 PM	Type 02	2017	Retail Sales 71% / Wine Tasting 29%
16.	Albatross Ridge	17-264	9 AM-9 PM	Type 02	2017	Retail Sales / Wine Tasting
17.	Manzoni Cellars	17-442	9 AM-9 PM	Type 02	2018	Retail Sales / 72.5% / Wine Tasting 27.5%
18.	Talbott Vineyards	18-150	11 AM-8 PM	Type 02	2018	Not specified
19.	Carmel Ridge Cellars	20-158	11 AM-8 PM	IP	2020	445310 (Liquor Store)/ 722410 (Drinking Place)

Wine Tasting Mixed with Other Uses						
	Surf N' Sand	07-10	Not specified	Type 21 & Type 42	2008	Full line market/wine and beer
	Cheese Shop	06-10	10 AM- 7 PM	Type 21 & Type 42	2006	445299 (Specialty Food Stores); 445310 (Beer, Wine, Liquor Store) / 442299 (Kitchenware); 4512 (Book Sales); 453991 (Tobacco Stores)
	Nielsen's Market	Not specified	Not specified	Not specified	Not specified	Not specified

Drinking Places

Drinking Places. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks (CMC 17.68.050)

Drinking Places are required to maintain a minimum 200-foot distance from another use selling distilled spirits intended for either on-site or off-site consumption, and are allowed only in blocks numbered 70 through 77, inclusive. The number of permitted drinking places is capped at three total (CMC 17.14.040).³⁸ Policy P1-22 of the General Plan requires the City to limit or reduce the number of drinking places; the numerical limit in the CMC implements this policy.³⁹

The three permitted drinking places are presently Sade's (Lincoln Street between Ocean and 7th), A.W. Shucks (Ocean between San Carlos and Dolores), and Barmel (San Carlos between Ocean and 7th). The Planning Commission accepted the staff identification of these three drinking places at their September 23, 2015 meeting with a vote of 4-0 with one abstaining vote.

Sade's was established in 1926 at Ocean and Dolores, later moving west on Ocean between Monte Verde and Lincoln (to the present location of Portabella). In 1994, Sade's moved to its current location on the east block face of Lincoln Street between Ocean and 7th.⁴⁰ Sade's use permit (UP 93-47) specifies hours of operation of 11:00 am to 2:00 am. Sade's is the only establishment in the City without a food service.

A.W. Shucks was established in 1993 on Ocean between Dolores and San Carlos, taking the place of Maxwell McFly's, a bar that had been in use for many years. A.W. Shucks was permitted to add an ancillary food service through the approval of UP 93-45, which also specified "the applicant has agreed to reduce

³⁸ The three drinking place limit is also specified in CMC 17.56.010 and 17.56.020, Restricted Commercial Uses.

³⁹ Carmel-by-the-Sea General Plan, Land Use Element (adopted June 3, 2003) p.1-33.

⁴⁰ Note that the 200-foot minimum distance requirement was in place at the time of Sade's most recent location transfer; UP 93-47 measured the distance based on "shortest pedestrian route" rather than a radius measurement from lot lines.

the hours of operation to 11:00am to 11:00pm, five days a week, and to retain the 2:00am closing hour only on weekends.”⁴¹ The majority of the floor space of the business is occupied by the bar.

Carmel’s third permitted drinking place is Barmel (UP 15-286), on San Carlos Street 2 NE of 7th Avenue. Barmel took the place of a previous restaurant/bar called Ody’s Tavern.⁴² Barmel historically operated solely as a drinking place but expanded food service in 1997 with approval of UP 97-22. The Planning Commission confirmed Barmel was still appropriately categorized as a drinking place at their September 23, 2015 meeting; the Commission voted to extend the closing hour to 2:00 am.

Carmel has historically had restaurants with both small and large bar components. Restaurants are allowed to have a bar or bar room as an ancillary use, with a requirement that only 20% of the seating be used at the bar (CMC 17.14.040.I). Jack London’s Bar & Grill (no longer in operation) had a larger bar component than most restaurants and was permitted to stay open until 2:00 am, but the primary use was still as a restaurant. Brophy’s Tavern, NW of 4th and San Carlos (BL 15-434) has a bar-like appearance but operates under a restaurant designation. Brophy’s Tavern is a non-conforming use located in the Residential and Limited Commercial Zoning District where neither restaurants nor drinking places are permitted. Brophy’s allowed hours of operation are 8:00 am to 11:00 pm. Staff reconsidered the use designation in 2015 and recommended that Brophy’s restaurant designation be maintained because it is a non-conforming use close to residential areas.

Liquor Stores

Liquor. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor (CMC 17.68.050)

Surf and Sand Liquors (UP 14-08; UP 07-10) is a longtime family-owned local business; Ryan Sanchez, grandson of the original owner, presently runs the store. In 2008, a staff report described Surf and Sand as a retail store where “wine and other alcoholic beverages make up approximately 50% of the use.” A wine tasting bar within the store was approved in 2008 (UP 07-10). The store is located within 100 feet of the R-1 Zoning District. When Surf and Sand applied in 2013 to construct an expanded wine tasting area within their shop, the City acknowledged “this issue of proximity to the R-1 District was not identified by the City when the current use permit (UP 07-10) was approved in 2008” but the allowance “does not entitle a further expansion of the non-conformity.”⁴³ The wine tasting room expansion was denied.

Carmel Liquors (BL 20-147) was established in 2020 on San Carlos between Ocean and 7th; it took the place of Lopez Liquors, established in 2011.

⁴¹ Presently, A.W. Shucks typically closes at 8:30pm and stays open until 9:00pm on Fridays and Saturdays.

⁴² In 1984 the Red Lion restaurant/bar was issued Use Permit B.A. 84-52, which permitted hours of operation from 11:00 a.m. to 2:00 a.m. In 1997 the City issued Use Permit UP 97-22 for the Village Pub restaurant, which permitted hours of operation from 8:00 a.m. to 12:00 a.m. Barmel took over UP 97-22.

⁴³ Marc Wiener, Senior Planner, “Application Completeness Review” (March 7, 2013).

Covid-19

During the Covid 19 pandemic, the city issued a Proclamation of Local Emergency.⁴⁴ As a safety precaution, indoor dining and drinking ceased, but restaurants, wine tasting rooms, and bars were allowed to serve outdoors in temporary “parklets.” The parklet spaces were allowed to stay open until 10:00pm. Prior to the pandemic, wine tasting shops closed at 6:00pm. While the 10:00pm policy resulted in extended hours for wine tasting rooms, it limited the hours for bars, which could be open until 2:00am previously.

Closing times for restaurants, bars, and tasting room parklets were discussed at the March 2, 2021 City Council meeting. It was determined that restaurants should close at 10:00pm (last seating at 10:00pm), tasting rooms should close at 7:00pm, and bar parklets could stay open past 10:00pm if they wished. Parker Logan, owner of Sade’s Cocktails, requested to seat guests through 12:30 and close at 1:00 am; the Outdoor Seating Ad Hoc Committee (comprising Mayor Dave Potter and Councilmember Bobby Richards) found this to be a reasonable request and it was ultimately approved by City Council.⁴⁵

Current Municipal Code

CMC 17.14.030 prescribes the land use regulations for the commercial districts. Schedule II-B, listed in CMC 17.14.030 identifies the land use regulations for Eating and Drinking Establishments: Drinking Places (ex. bars), Full-Line Restaurants, and Specialty Restaurants (ex. Coffee Shops). Pursuant to Table II-B, Drinking Places and Full-Line Restaurants are Conditionally Permitted in the Central Commercial (CC) and Service Commercial (SC) Land Use Districts. Specialty Restaurants are Conditionally Permitted in the CC Zoning District only. The following, evaluates the land use regulations pertaining to Eating and Drinking Establishments individually and as a combination of uses.

Drinking Places, Liquor Stores, and Wine Tasting Shops are defined in CMC 17.68.050:

Drinking Places. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks.

Liquor. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Wine Tasting Shop. Establishments primarily engaged in the retail sale of wine for off-site consumption and as an ancillary use includes the service of wine for on-site consumption.

CMC 17.14.040.I.2, Drinking Places

⁴⁴ Chip Rerig, “Proclamation of Existence of a Local Emergency by the City Administrator” (March 12, 2020).

⁴⁵ Chappellet-Lanier, Tajha, “A Bar by Any Other Name,” *Monterey County NOW* (March 1, 2021); Carmel-by-the-Sea City Council Meeting Minutes (March 2, 2021), p.5.

- a) Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 feet.
- b) Allowable locations: blocks numbered 70 through 77 inclusive, as shown on the map of Carmel-by-the-Sea.
- c) Maximum number: three. See also Chapter 17.56 CMC, Restricted Commercial Uses.
- d) See also subsection (I)(1) of this section, All Eating and Drinking Establishments.

CMC 17.14.040.I.3, Restaurant, Full Line

- a) Any sale of alcoholic beverages shall be subordinate to this primary use.
- b) Drive-in, formula and fast food establishments are prohibited.
- c) Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served.
- d) The applications, menus and plans indicate that the business will primarily be a restaurant – full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection (I)(2) of this section, Drinking Places, shall also apply to the use.
- e) Customers shall be provided with individual menus while seated at a table or counter.
- f) The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
- g) Outside seating may be allowed subject to Chapter 17.58 CMC, Design Review.
- h) Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.
- i) Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.
- j) See also subsection (I)(1) of this section, All Eating and Drinking Establishments.
- k) Outdoor cooking devices are permitted on private property if designed and located to mitigate impacts to adjacent properties.

CMC 17.14.040.I.4, Restaurant, Specialty

- a) Minimum size: 400 square feet.
- b) Minimum number of customer seats on site: 14 seats. The customer seating area must be open to patron use during all hours of operation and the use must be managed to encourage on-premises consumption of food products.
- c) Sales of soup, salads and sandwiches may be allowed in an amount up to 10 percent of sales.
- d) The sale of alcohol is prohibited.
- e) Drive-in, fast food, take-out or formula establishments are prohibited.
- f) The service counter must be located within the interior of the business premises and arranged so that customers must first pass by or through the seating area to reach the counter and patron queues will be contained within the building.
- g) Outside seating may be allowed, subject to Chapter 17.58 CMC, Design Review.
- h) All products sold for consumption off the premises, other than frozen desserts, must be placed in covered containers or wrappings.
- i) Cooking equipment is limited to indoor stoves and ovens.
- j) Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue allowed: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.
- k) The operator of the use shall be responsible for the clean-up of all on-site and off-site litter generated by the use including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area. A practical plan for monitoring and implementing this standard shall be submitted for review with the application for use permit, and will be adopted as a condition of approval of the use.
- l) See also subsection (I)(1) of this section, All Eating and Drinking Establishments.

Combining Uses: A Drinking Place is defined as *a business serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks.* To hold one of the three licenses for a drinking place, a business must serve beverages as a primary use and any additional use, including the service of food, is ancillary. Establishing an ancillary food service

(other than light snacks; i.e. nuts, pretzels, peanuts, etc.) with a Drinking Place may be permitted only through approval of a Conditional Use Permit issued by the Planning Commission as:

1. Serving food (restaurant, full-line or specialty) is not expressly permitted as an ancillary use for the Drinking Place use (CMC 17.14.040.B.2).
2. Serving food (restaurant, full-line or specialty) requires a use permit.

Establishing an ancillary food service would only be allowed with a full-line restaurant as alcohol is not permitted to be sold under a specialty restaurant classification.

To contrast, a full-line restaurant may provide ancillary alcohol sales when no more than 20% of the restaurant seats are located at a bar or separate bar room. Pursuant CMC 17.14.040.I.3.d (Full Line Restaurants), *The applications, menus and plans indicate that the business will primarily be a restaurant – full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection (I)(2) of this section, Drinking Places, shall also apply to the use.*

1. If a full-line restaurant provides less than 20% of its seats at a bar or in a bar room, the business is classified as a full-line restaurant with permitted ancillary alcohol sales.
2. If a full-line restaurant provides more than 20% of its seats at a bar or in a bar room, the code classifies the use as a drinking place as the primary use and the restaurant as ancillary. As a use permit is required for either use, the Planning Commission may authorize the ancillary use (the restaurant) to exceed 10% of the primary use.

FUTURE CONSIDERATIONS

Carmel-by-the-Sea has wrestled with its policies on alcohol from its very founding. Property deeds have included alcohol restrictions since the late 1800s through to the post-Prohibition era. The mid-twentieth century saw liquor licenses challenged, while the early twenty first century brought a boom in wine tasting rooms. City law has changed with the times and today, it may be prudent to once again re-evaluate Carmel's approach to alcohol regulation.

When the Covid-19 emergency proclamation is rescinded, there will be increased urgency to clarify the City's policies on wine tasting shops and bars. The Covid era has served as a pilot program of sorts for expanded outdoor drinking in Carmel. While the existing Zoning Code and General Plan effectively disallow outdoor drinking areas for bars and tasting shops, there may be cause to re-evaluate this in the future, both for private and public property.

Option 1: Maintain Status Quo. The City could maintain the status quo, though residents and business owners cite a number of problematic conditions. The 200-foot minimum distance between properties with liquor licenses significantly limits available locations both for new businesses and for existing businesses looking to relocate. The 200-foot minimum distance rule has not been consistently applied

with tasting room approvals, resulting in an inequitable regulatory landscape for bars compared to tasting rooms. Wine tasting shops operate in the capacity of wine bars, in direct conflict with the retail function described in their use permits. There are numerous local restaurants that include a bar as an ancillary use, yet revenue breakdowns are not submitted to the City as proof of primary vs. ancillary bar use. In some cases, restaurants and bars are barely differentiated beyond their closing times. Something else to consider is that use permits for the three legal drinking places (bars) run with the land. If a bar goes out of business, the property owner may or may not choose to continue the use. Sade's UP 93-47 and A.W. Shucks UP 93-45 both state "this use permit shall become void and of no further force of effect upon termination or discontinuance of the use for any period of time exceeding six months."

Option 2: Codify and Enforce Policies Already in Place. The Wine Tasting Policy could be codified and better enforced. The use permits for the wine tasting shops and drinking places could be reviewed by code compliance and enforced. This option would involve consistent application of existing laws across all uses and establishments and would be viewed by the community as a tightening of restrictions.

Option 3: Loosen Restrictions. The City may choose to remove the 200-foot minimum distance requirement between all establishments with liquor licenses. Alternatively, the distance requirement could be removed for bars and tasting rooms but retained for liquor stores. The three-bar limit could be officially discarded, maintained, or expanded. Options for outdoor drinking and dining could be expanded (for public and/or private property).

Option 4: Create new use categories. The City could create new use categories, such as specialty and full-service drinking places. Wine tasting rooms could be re-categorized as specialty drinking places rather than primarily retail shops, and be permitted to serve in outdoor spaces (courtyards, passages, patios) within reason and subject to approval of ABC. The new use category approach would encompass potential future businesses, such as specialty beer or spirit tasting.

Whatever the approach, it is important that Carmel maintain a mix of uses per the General Plan and prioritize equitable policies for our business community.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

March 7, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brian Pierik, City Attorney
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Consider Adoption of Urgency Ordinance 2023-001 to Rescind Urgency Ordinances 2020-002, 2020-004, 2020-005, 2022-001, 2022-002, and 2022-006, Regarding Various Health and Safety Measures as a Result of the Covid-19 Pandemic

RECOMMENDATION:

Motion to Adopt Urgency Ordinance 2023 Rescinding Urgency Ordinances 2020-002, 2020-004, 2020-005, 2022-001, 2022-002, and 2022-006, Regarding Various Health and Safety Measures as a Result of the Covid-19 Pandemic.

BACKGROUND/SUMMARY:

On March 4, 2020, Governor Newsome declared a State of Emergency as a result of the COVID-19 pandemic.

On March 12, 2020, the City Administrator issued a Proclamation of the Existence of a Local Emergency due to COVID-19, acting in his capacity as the Director of Emergency Services.

On March 13, 2020, the Carmel City Council (Council) adopted Resolution 2020-021, ratifying the proclaiming the existence of a local emergency due to COVID-19.

As a result of the pandemic, Council has adopted various Urgency Ordinances since March of 2020 to preserve public peace, health and safety. The COVID related Urgency Ordinances that have been adopted and are currently in effect are:

- **Urgency Ordinance No. 2020-002** – prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the COVID pandemic (*Attachment 2, adopted June 2, 2020*)
- **Urgency Ordinance No. 2020-004** – affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within City jurisdiction and authorization of code

compliance coordinator to issue citations (**Attachment 3**, adopted August 4, 2020)

- **Urgency Ordinance No. 2020-005** – for the enforcement of provisions and conditions of encroachment permits for outdoor dining for outdoor dining and authorization of Code Compliance Coordinator to issue citations (**Attachment 4**, adopted August 4, 2020)
- **Urgency Ordinance No. 2022-001** – adopting rules of conduct at City facilities (**Attachment 5**, adopted February 28, 2022)
- **Urgency Ordinance No. 2022-002** – adopting rules of conduct for attending meetings of legislative bodies at City facilities (**Attachment 6**, adopted April 4, 2022)
- **Urgency Ordinance No. 2022-006** – adopting (amended) rules of conduct for attending meetings of legislative bodies at City facilities (**Attachment 7**, adopted November 1, 2022)

The Governor of California has announced that the COVID-19 State of Emergency will end on February 28, 2023.

The Council has a Resolution on tonight's agenda to terminate the local emergency following the Governor's declaration to end California's state of emergency due to COVID on February 28, 2023. If Council adopts this Resolution, it is recommended that Council also adopt an Urgency Ordinance to rescind the COVID related Urgency Ordinances that are currently in effect.

SUMMARY:

Without the State Proclamation of Emergency and without facts supporting a COVID-19 emergency in the City, there are insufficient facts for the Council to make the findings necessary to continue to enforce Urgency Ordinances 2020-002, 2020-004, 2020-005, 2022-001, 2022-002, and 2022-006. It is recommended that City Council adopt Urgency Ordinance No. 2023-001 (**Attachment 1**), at the same time that it terminates the local emergency due to COVID-19 via Resolution. A 4/5 vote is required to adopt an urgency Ordinance.

FISCAL IMPACT:

There are no financial impacts for adopting this Urgency Ordinance.

PRIOR CITY COUNCIL ACTION:

June 2, 2020 - Council adopted Urgency Ordinance No. 2020-002 – prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the COVID pandemic.

August 4, 2020 - Council adopted Urgency Ordinance No. 2020-005 – for the enforcement of provisions and conditions of encroachment permits for outdoor dining for outdoor dining and authorization of Code Compliance Coordinator to issue citations, and, Urgency Ordinance No. 2020-004 – affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within City jurisdiction and authorization of code compliance coordinator to issue citations.

February 28, 2022 - Council adopted Urgency Ordinance No. 2022-001 – adopting rules of conduct at City facilities.

April 4, 2022 - Council adopted Urgency Ordinance No. 2022-002 – adopting rules of conduct for attending meetings of legislative bodies at City facilities.

November 1, 2022 - Council adopted Urgency Ordinance No. 2022-006 – adopting (amended) rules of conduct for attending meetings of legislative bodies at City facilities.

ATTACHMENTS:

Attachment 1) DRAFT Urgency Ordinance 2023-001

Attachment 2) Urgency Ordinance 2020-002

Attachment 3) Urgency Ordinance 2020-004

Attachment 4) Urgency Ordinance 2020-005

Attachment 5) Urgency Ordinance 2022-001

Attachment 6) Urgency Ordinance 2022-002

Attachment 7) Urgency Ordinance 2022-006

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2023-001

**URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RESCINDING URGENCY ORDINANCES 2020-002, 2020-004, 2020-005, 2022-001, 2022-002,
AND 2022-006, REGARDING VARIOUS HEALTH AND SAFETY MEASURES AS A RESULT
OF THE COVID-19 PANDEMIC**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2; section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, including conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, from January 2020 to March 2020, COVID-19 spread throughout the world, with *over* 114,000 confirmed cases of individuals contracting COVID-19, and *over* 4,000 confirmed cases of individuals dying from COVID-19; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death;

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City at 10:26 am on Thursday, March 12, 2020; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-21 ratifying the declaration of emergency by the City Administrator; and

WHEREAS, after the City Council's adoption of Resolution 2020-21 various Urgency Ordinances were adopted by the City Council to address health and safety issues relating to COVID-19; and

WHEREAS, on February 28, 2023, Governor Newsom announced that the COVID-19 Declaration of State of Emergency was terminated; and

WHEREAS, the case incidence of COVID-19 cases in Monterey County has significantly subsided; and

WHEREAS, pursuant to Government Code Section 8630, the City Council, after reviewing the need for continuing the local emergency, has determined that conditions no longer exist to warrant continuing the local emergency beyond the timeframe identified by the state of California.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA PROCLAIMS, AND ORDERS AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by- the-Sea incorporates the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by- the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or

unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. The following Urgency Ordinances are hereby repealed:

- **Urgency Ordinance No. 2020-002** – prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the COVID pandemic
- **Urgency Ordinance No. 2020-004** – affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within City jurisdiction and authorization of code compliance coordinator to issue citations.
- **Urgency Ordinance No. 2020-005** – for the enforcement of provisions and conditions of encroachment permits for outdoor dining for outdoor dining and authorization of Code Compliance Coordinator to issue citations
- **Urgency Ordinance No. 2022-001** – adopting rules of conduct at City facilities
- **Urgency Ordinance No. 2022-002** – adopting rules of conduct for attending meetings of legislative bodies at City facilities
- **Urgency Ordinance No. 2022-006** – adopting (amended) rules of conduct for attending meetings of legislative bodies at City facilities

Section 6. Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 7. Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of March 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2020-002

AN ORDINANCE TEMPORARILY PROHIBITING EVICTIONS OF TENANTS ARISING FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE CORONAVIRUS PANDEMIC

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, in December 2019 and January 2020, reports began spreading worldwide of a flu-like virus first found in China, that was more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County ("County CAO") proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, based on said events, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, that authorizes local jurisdictions to suspend the evictions of tenants for the non-payment of rent if the non-payment is a result of the COVID-19 pandemic, encourages financial institutions to slow foreclosures, and protects renters and homeowners against utility shutoffs for Californians affected by COVID-19; and

WHEREAS, on March 17, 2020, the County of Monterey Health Officer issued a "Shelter in Place" Order requiring, among other things, that people self-isolate in their places of residence; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued a shelter in place order for the entire State of California; and

WHEREAS, on March 23, 2020, City Administrator Chip Rerig, acting in his capacity as the Director of Emergency Services for the City, issued Order No. 20-1 Staying Evictions in the City of Carmel-by-the-Sea; and

WHEREAS, on March 25, 2020, the California Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20, which suspended the deadline specified in Code of Civil Procedure section 1167 for 60 days, by which a complaint for eviction must usually be served on a tenant within 5 days, in cases during the COVID-19 pandemic where a tenant is unable to pay rent; and

WHEREAS, on March 30, 2020, the City Council adopted Resolution No. 2020-022 Ratifying Director of Emergency Services Order No. 20-1; and

WHEREAS, on April 3, 2020, the County of Monterey Health Officer issued a further "Shelter in Place" Order to supersede the prior Orders of the Health Officer; and

WHEREAS, in order to comply with the shelter in place orders, and for their own safety, City residents must have access to permanent housing; and

WHEREAS, the COVID-19 pandemic and associated public health and shelter in place orders are expected to result in the closure of most local businesses for the foreseeable future, and result in extreme restrictions on other local businesses, resulting in commercial tenants suffering a significant decrease in income; and

WHEREAS, without local protection, eviction notices for failure to pay rent are likely to surge as residents and businesses are unable to earn income due to the pandemic, or are forced to pay substantial medical expenses associated with the pandemic; and

WHEREAS, particularly given the high cost of housing, evictions of tenants could lead to long term or permanent displacement of tenants impacting the health and safety of these tenants as well as the City.

WHEREAS, the City Council is concerned that, during the COVID-19 pandemic, eviction notices and threats of eviction will surge; and

WHEREAS, the City has determined that it is appropriate to temporarily prohibit evictions until the authorization to suspend evictions under Executive Order N-28-20 and Executive Order N-37-20 terminates or the City Council declares an end to the local emergency, whichever occurs first, for any tenant who can demonstrate that they are being evicted for the failure to pay rent and that such failure is a direct impact of the COVID-19 pandemic, as provided in Governor Newsom's Executive Order N-28-20, issued March 16, 2020, and Executive Order N-37-20, issued March 27, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel-by-the-Sea incorporates the findings above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA. The City Council hereby finds that the action to adopt this Ordinance will not result in any change in the environment and thus is not a project subject to the requirements of CEQA. Further, even if the action to adopt this Ordinance was deemed to be a project subject to CEQA, the City Council finds the proposed Ordinance is exempt from CEQA under the common sense exemption set forth in Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and thus where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4: Authority Pursuant to Applicable Law. Pursuant to Cal. Gov. Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. Pursuant to City Municipal Code Section 2.64.060, the Director of Emergency Services has the authority to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, so long as such rules and regulations must be confirmed at the earliest practicable time by the city council. The City Council also thus finds and determines that it has the authority to enact this ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code and the declaration of local emergency issued by the City Council on March 13, 2020.

Section 5. Director of Emergency Services Order 20-1. On March 23, 2020, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Administrator, in his capacity as the Director of Emergency Services, issued Order No. 20-1 staying evictions in the City to protect life, property and civil order. On March 30, 2020, the City Council adopted a Resolution ratifying Order No. 20-1. This Ordinance is intended to provide support in addition to Order 20-1 for the staying of evictions according to the terms of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 2nd day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, THEIS; MAYOR POTTER

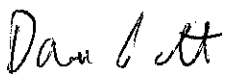
NOES: NONE

ABSENT: NONE

RECUSED: COUNCIL MEMBER REIMERS; MAYOR PRO TEM RICHARDS

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

ATTACHMENT A

SECTION 1: PURPOSE.

This Ordinance ("Ordinance") temporarily prohibits evictions until the authorization to suspend evictions under Executive Order N-28-20 and Executive Order N-37-20 terminates, or the City Council declares an end to the local emergency, whichever occurs first, of residential tenants, commercial tenants and non-residential tenants, who can demonstrate that they have received a notice of eviction for failure to pay rent, and that such failure is related to a substantial loss of income or substantial out-of-pocket medical expenses resulting from the 2020 novel coronavirus (COVID-19) pandemic or any local, state, or federal government response to the pandemic.

SECTION 2: ORDERS BY GOVERNOR AND CITY DIRECTOR OF EMERGENCY SERVICES STAYING EVICTIONS.

A. Executive Order N-28-20, issued March 16, 2020, is attached as Exhibit A and incorporated by reference.

B. City Director of Emergency Services Order No. 20-1, issued on March 26, 2020 and ratified by the City Council on March 30, 2020 with the adoption of Resolution No. 2020-022, is attached as Exhibit B and incorporated by reference. If there are any inconsistencies between Exhibit B and this Ordinance, this Ordinance is controlling.

C. Executive Order N-37-20, issued March 27, 2020, is attached as Exhibit C and incorporated by reference.

SECTION 3: DEFINITIONS.

The following words and phrases, whenever used in this Ordinance, shall be construed as follows:

A. "Dwelling Unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one or more persons who maintain a household or common household.

B. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Dwelling Unit or portion thereof or any building or structure of any kind which a business occupies to conduct its business.

C. "Eviction" means a termination of an agreement that preexists the COVID-19 pandemic, due to both of the following:

1. Nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
2. The decrease in household or business income or the out-of-pocket medical expenses referenced in the last subparagraph was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

D. "Owner" means any person, acting as principal or through an agent, offering a Dwelling Unit for rent, and includes a predecessor in interest to the owner.

E. "Pandemic" means the 2020 novel coronavirus (COVID-19) pandemic.

F. "Tenant" means any person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit or any person or business entitled by written or oral agreement, or by sufferance, to use or occupy a building or structure to conduct its business.

SECTION 4: PROHIBITION ON EVICTIONS.

A. A landlord of any Dwelling Unit or Dwelling Units or of any building or structure occupied by a business shall not terminate or attempt to terminate a lawful tenancy for failure to pay rent if the tenant demonstrates that the failure to pay rent is directly related to a substantial loss of income or substantial out-of-pocket medical expenses associated with the coronavirus pandemic or any local, state, or federal government response to the pandemic.

B. This Ordinance shall also apply to a landlord's action that constitutes constructive eviction under California law. Terminations that are required to comply with an order issued by a government agency or court requiring that the real property be vacated are excepted from this prohibition.

C. To take advantage of the protections afforded under this Ordinance, a tenant must do all of the following:

1. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment. For purposes of this Ordinance, "writing" shall include emails, text messages, or other forms of electronic communication with landlord or landlord's representative.

2. Pay the portion of rent that the tenant is able to pay.
3. Demonstrate through documentation or other objectively verifiable means that the tenant has experienced:
 - a. Substantial loss of income from: (1) job loss; (2) layoffs; (3) a reduction in the number of compensable hours of work; (4) a store, restaurant, office, or business closure; (5) a substantial decrease in business income caused by a reduction in opening hours or consumer demand; (6) the need to miss work to care for a home-bound school-age child or a family member infected with coronavirus; or (7) other similarly-caused loss of income that resulted from the COVID-19 pandemic; or
 - b. Substantial out-of-pocket medical expenses related to the COVID-19 pandemic.

D. Tenants who were afforded eviction protection under this Ordinance shall have up to sixty (60) days after the termination of this Ordinance to pay their landlord all unpaid rent.

E. Nothing in this Ordinance waives a tenant's obligations to pay back rent owed once this Ordinance is no longer effective; provided, however, that a landlord may not file an unlawful detainer action based on the failure to pay rent while this Ordinance is in effect unless the tenant fails to pay rent when due under Section 3 D of this Ordinance.

F. Nothing in this Ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due once this Ordinance is no longer effective.

G. This Ordinance shall not apply to any of the following circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.
2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.
3. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

H. The City Council urges financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

SECTION 5: ENFORCEMENT.

A. In the event of a violation of this Ordinance, a Tenant who has been improperly served with notice of an eviction or an unlawful detainer action may institute a civil proceeding for an injunction, and the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs if so ordered by the court.

B. This Ordinance may be asserted as an affirmative defense in an unlawful detainer action.

C. A landlord's failure to comply with this Ordinance does not constitute a criminal offense but may subject an owner to civil fines and penalties as set forth in the Carmel-by-the-Sea Municipal Code.

D. The remedies provided in this Ordinance are in addition to any other existing remedies that may be available to a Tenant under local, state, or federal law or equity and in no way limit such existing remedies, if any.

SECTION 6: WAIVER.

A Landlord may request that the requirements of this Ordinance be waived or modified based on a showing that applying the requirements would have an unconstitutional application to the Landlord's property. A Landlord shall bear the burden of presenting evidence to support any such request for waiver or modification and shall set forth in detail the factual and legal basis for the claim, including all supporting documentation, for consideration by the City Council.

SECTION 7: EFFECTIVE DATES.

This Ordinance applies to eviction notices and unlawful detainer actions based on notices served or filed on or after the effective date of this Ordinance. The prohibitions on evictions shall continue to apply until the authorization to suspend evictions under Executive Order N-28-20 and Executive Order N-37-20, attached hereto, terminate or the City Council declares an end to the local emergency, whichever occurs first.

SECTION 8: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2020-004

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AFFIRMING ORDERS OF THE STATE PUBLIC HEALTH OFFICER AND THE COUNTY OF MONTEREY PUBLIC HEALTH OFFICER RELATED TO COVID-19 AND EXPRESSLY AFFIRMING SUCH ORDERS AS APPLICABLE AND ENFORCEABLE WITHIN CITY JURISDICTION AND AUTHORIZATION OF CODE COMPLIANCE COORDINATOR TO ISSUE CITATIONS

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on April 28, 2020, the Health Officer of the County of Monterey issued an Order requiring members of the public and workers to wear face coverings subject to certain exceptions; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, on June 29, 2020, the California State Department of Public Health issued a Guidance for the Use of Face Coverings; and

WHEREAS, on July 13, 2020, the State Public Health Officer issued an Order which included as Order No. 8 that the guidance mandating the wearing of face coverings shall continue to apply statewide, except as specifically permitted in other orders or guidance documents; and

WHEREAS, on July 14, 2020, the Centers for Disease Control (CDC) issued a News Release "CDC calls on Americans to wear masks to prevent COVID-19 spread" which includes the following statement: "We are not defenseless against COVID-19," said CDC Director Dr. Robert R. Redfield. "Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities." and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Findings in the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID 19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Orders Enforceable. The Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 as currently in effect, or as subsequently amended, are hereby expressly acknowledged and declared to be enforceable within the City and violations of such Orders are hereby deemed to be a violation of City Municipal Code Section 1.16.010 as if directly enacted by the City Council or as otherwise allowed by law.

Section 8. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, city code compliance coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 9. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10: Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 11: Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12: Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS, MAYOR PRO TEM
RICHARDS; MAYOR POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2020-005

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FOR ENFORCEMENT OF PROVISIONS AND CONDITIONS OF ENCROACHMENT PERMITS FOR OUTDOOR DINING AND AUTHORIZATION OF CODE COMPLIANCE COORDINATOR TO ISSUE CITATIONS

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the City has issued, and may issue in the future, Encroachment Permits with provisions and conditions to allow restaurants to use public space for outdoor dining in order to allow restaurants to continue to operate during limitations imposed by Orders from the Governor, State Public Health Officer and County Public Health Officer and for such outdoor dining operations to be conducted in a manner consistent with public peace, health and safety; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Findings in the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID 19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Outdoor Dining. The City has issued, and may issue in the future, Encroachment Permits with provisions and conditions to allow restaurants to use public space for outdoor dining. The failure of any restaurant to fully comply with any of the provisions and conditions of an Encroachment Permit for outdoor dining is hereby declared to be a violation of this Urgency Ordinance and the City and City peace officers may proceed with enforcement for such a violation in the manner provided in the City Municipal Code including, but not limited to, Section 1.16.010 or as otherwise allowed by law.

Section 8. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, city code compliance coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 9. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10: Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 11: Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12: Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES: COUNCIL MEMBERS BARON, THEIS, MAYOR PRO TEM RICHARDS; MAYOR POTTER

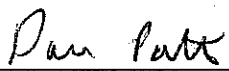
NOES: NONE

ABSENT: NONE

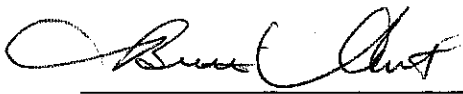
RECUSED: COUNCIL MEMBER REIMERS

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2022-001

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING RULES OF CONDUCT AT CITY FACILITIES

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Government Code section 37359 allows cities to "limit the access or use [of city-owned property] in area or time or in any reasonable manner deemed necessary" and enforce such limitations through trespass law; and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, the COVID-19 pandemic, including its variants, continues to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, especially the elderly and those with underlying health conditions; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six month or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, in the absence of actions to mitigate the spread of COVID-19, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, in order to mitigate the spread of COVID-19, it is necessary for the immediate preservation of the public peace, health and safety to adopt rules of conduct at City facilities; and

WHEREAS, the City desires to further combat COVID-19 by establishing safe protocols for conduct within city-owned facilities, including requiring persons to provide proof of vaccination and wear a mask at all times covering the mouth and nose, before entry or remaining within city-owned facilities; and

WHEREAS, the City further desires to identify certain city-owned facilities as limited public forums opened to the public for the limited purpose of conducting city business, that this policy for conduct is intended to prevent disruptive conduct that prevents the efficient processing of city business by establishing reasonable time, place, and manner requirements for persons wishing to enter or use such city-owned facilities, and that this policy is not intended to limit rights protected by the First Amendment; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency

with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID-19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID-19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Rules of Conduct at City Facilities. It is hereby ordered and ordained that the following rules shall apply for the use of the City facilities, as defined herein:

7.1 City Facility For purposes of this Urgency Ordinance, the term “City Facility” or “City Facilities” means City Hall, Police Department lobby, Public Works Department lobby, Main Harrison Library and Park Branch Library.

7.2 Vaccination against COVID-19. No person shall be permitted to enter or remain in a City Facility at any time unless that person has been fully vaccinated against COVID-19. The term “fully vaccinated” means the person has been vaccinated against COVID-19 and received a booster. Persons shall not be permitted to enter a City Facility unless they first present proof to an authorized City employee that they are fully vaccinated.

7.3 Face Covering. No person shall be permitted to enter or remain in City Facility at any time unless that person wears a face covering both the mouth and nose at all times. Upon request, the City will provide anyone seeking to enter City Facility with a face covering if they do not have one.

7.4. Attendance at Meetings at City Hall.

7.4.1 Persons who wish to attend a meeting at City Hall of the City Council and any Boards or Commissions of the City must comply with the vaccination and face covering requirements in this Section 7.

7.4.2 If anyone is unable or unwilling to comply with the requirements of this Section 7, they may attend the meeting remotely in the manner described in the Agenda posted for the meeting.

7.4.3 Due to the size of the City Council chambers, and in order to maintain social distancing, 27 members of the public will be allowed in the Chamber at any one time with seats being available on a first come first served basis. All others will need to wait outside of the building for their turn to speak during public comments or they may instead attend the meeting remotely.

SECTION 8. Violations of this Urgency Ordinance shall be punishable as set forth in the City Municipal Code Section 1.16.010 and Section 2.64.100. In addition, persons

who do not follow the Rules of Conduct set forth in this Urgency Ordinance must remain outside city-owned facilities or may be considered trespassers subject to removal by peace officers or any other method authorized under this Urgency Ordinance or under Government Code section 37359.

Section 9. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, the City Code Compliance Coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 10. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 11. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 12. Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

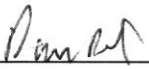
Section 13. Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 28th day of February, 2022, by the following vote:

AYES:	COUNCIL MEMBERS: BARON, FERLITO, THEIS, MAYOR PRO TEM RICHARDS, MAYOR POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Yashin Abbas
Interim City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2022-002

FIRST AMENDMENT TO URGENCY ORDINANCE NO. 2022-001 OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING RULES OF CONDUCT FOR ATTENDING MEETINGS OF LEGISLATIVE BODIES AT CITY FACILITIES

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Government Code section 37359 allows cities to "limit the access or use [of city-owned property] in area or time or in any reasonable manner deemed necessary" and enforce such limitations through trespass law; and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency

actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, the COVID-19 pandemic, including its variants, continues to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, especially the elderly and those with underlying health conditions; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six month or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, in the absence of actions to mitigate the spread of COVID-19, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, in order to mitigate the spread of COVID-19, it is necessary for the immediate preservation of the public peace, health and safety to adopt rules of conduct at City facilities; and

WHEREAS, the City desires to further combat COVID-19 by establishing safe protocols for conduct within city-owned facilities, including requiring persons to provide proof of vaccination and wear a mask at all times covering the mouth and nose, before entry or remaining within city-owned facilities; and

WHEREAS, the City further desires to identify certain city-owned facilities as limited public forums opened to the public for the limited purpose of conducting city business, that this policy for conduct is intended to prevent disruptive conduct that prevents the efficient processing of city business by establishing reasonable time, place,

and manner requirements for persons wishing to enter or use such city-owned facilities, and that this policy is not intended to limit rights protected by the First Amendment; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this First Amendment to Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings; and

WHEREAS, the City Council adopted Urgency Ordinance 2022-001 on February 28, 2022 with Rules of Conduct at City Facilities; and

WHEREAS, this First Amendment to Urgency Ordinance No. 2022-001 amends Section of 7 of said Urgency Ordinance and sets forth the Rules of Conduct For Attending Meetings of Legislative Bodies at City Facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this First Amendment to Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed First Amendment to Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this First Amendment to Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this First Amendment to Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules

and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this First Amendment to Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID-19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID-19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Rules of Conduct For Attending Meetings of Legislative Bodies at City Facilities. It is hereby ordered and ordained that the following rules of conduct shall apply to attendance at meetings of Legislative Bodies at City facilities, as defined herein:

7.1 City Facility. For purposes of this First Amendment to Urgency Ordinance, the term "City Facility" or "City Facilities" means City Hall and any other property owned by the City where there is a meeting held of a Legislative Body.

7.2. Legislative Body. For purposes of this First Amendment to Urgency Ordinance, the term "Legislative Body" means the City Council, Planning Commission, Forest and Beach Commission, Historic Resources Board, Harrison Memorial Library Board of Trustees, Community Activities Commission and the Building Code Board of Appeals.

7.3 Vaccination against COVID-19. No person shall be permitted to enter or remain in a City Facility at a meeting of a Legislative Body unless that person has been fully vaccinated against COVID-19. The term "fully vaccinated" means the person has been vaccinated against COVID-19 and received a booster. Persons shall not be permitted to enter a City Facility unless they first present proof to an authorized City employee that they are fully vaccinated.

7.4 Face Covering. No person shall be permitted to enter or remain in City Facility at a meeting of a Legislative Body unless that person wears a face covering

which covers both the mouth and nose at all times. Upon request, the City will provide anyone seeking to enter City Facility to attend a meeting of a Legislative Body with a face covering if they do not have one.

7.5 If anyone is unable or unwilling to comply with the requirements of this Section 7, they may attend the meeting remotely in the manner described in the Agenda posted for the meeting.

7.6 Due to the size of the City Council chambers, and in order to maintain social distancing, 27 members of the public will be allowed in the Chamber at any one time with seats being available on a first come first served basis. All others will need to wait outside of the building for their turn to speak during public comments or they may instead attend the meeting remotely.

SECTION 8. Violations of this First Amendment to Urgency Ordinance shall be punishable as set forth in the City Municipal Code Section 1.16.010 and Section 2.64.100. In addition, persons who do not follow the Rules of Conduct set forth in this First Amendment to Urgency Ordinance must remain outside city-owned facilities or may be considered trespassers subject to removal by peace officers or any other method authorized under this First Amendment to Urgency Ordinance or under Government Code section 37359.

Section 9. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, the City Code Compliance Coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this First Amendment to Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 10. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this First Amendment to Urgency Ordinance.

Section 11. Severability. If any section, subsection, sentence, clause, or phrase of this First Amendment to Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this First Amendment to Urgency Ordinance. The City Council declares that it would have passed this First Amendment to Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this First Amendment to Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 12. Effective Date and Duration. This First Amendment to Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This First Amendment to Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 13. Publication. The City Clerk is directed to certify this First Amendment to Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 4th day of April, 2022, by the following vote:

AYES: COUNCIL MEMBERS BARON, FERLITO, THEIS, MAYOR PRO TEM
RICHARDS, MAYOR POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Yashin Abbas
Interim City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2022-006

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING RULES OF CONDUCT FOR ATTENDING MEETINGS OF LEGISLATIVE BODIES AT CITY FACILITIES

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as "the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, [emphasis added] which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat"; and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the "actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, [emphasis added] riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, Government Code section 37359 allows cities to "limit the access or use [of city-owned property] in area or time or in any reasonable manner deemed necessary" and enforce such limitations through trespass law; and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, the COVID-19 pandemic, including its variants, continues to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, especially the elderly and those with underlying health conditions; and

WHEREAS, City Municipal Code Section 1.16.010 provides that every person convicted of a violation of any provision of the Municipal Code may be punished as a misdemeanor with a fine not exceeding \$1000 and/or imprisonment for a term not exceeding six month or punished as an infraction with a fine up to \$100.00 for each violation, \$200.00 for second violation within one year and \$500.00 for a third and any subsequent violation within one year; and

WHEREAS, in the absence of actions to mitigate the spread of COVID-19, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, in order to mitigate the spread of COVID-19, it is necessary for the immediate preservation of the public peace, health and safety to adopt rules of conduct at City facilities; and

WHEREAS, the City desires to further combat COVID-19 by establishing safe protocols for conduct within city-owned facilities, including requiring persons wear a face covering at all times covering the mouth and nose, before entry or remaining within city-owned facilities; and

WHEREAS, the City further desires to identify certain city-owned facilities as limited public forums opened to the public for the limited purpose of conducting city business, that this policy for conduct is intended to prevent disruptive conduct that prevents the efficient processing of city business by establishing reasonable time, place, and manner requirements for persons wishing to enter or use such city-owned facilities, and that this policy is not intended to limit rights protected by the First Amendment; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this to Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings; and

WHEREAS, the City Council adopted Urgency Ordinance 2022-001 on February 28, 2022 with Rules of Conduct at City Facilities; and

WHEREAS, the Council adopted Urgency Ordinance 2022-002 on April 4, 2022 amending Section of 7 of Urgency Ordinance 2022-001 with Rules of Conduct for attendance at meeting of Legislative Bodies; and

WHEREAS, Since the adoption of Urgency Ordinance 2022-002, the Monterey County Health Department has deferred their guidance on masking to the California Department of Public Health ("CDPH") recommendations; and

WHEREAS, As of September 23, 2022, the CDPH shifted from a "strong recommendation" for the general population to mask in all indoor settings at all times, to using the CDC Community Levels to help inform masking recommendations: Website: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>; and

WHEREAS, CDC Community Levels – are updated weekly on Thursday, and are determined by hospital based metric data (COVID-19 hospital admissions, % inpatient beds occupied with COVID-19, new cases per 100,000 population), and are intended to "provide a broad framework for jurisdictions to use and adapt...based on local needs"; and

WHEREAS, the three CDC Community Levels may be summarized as follows:

Low – recommendations focus on best practices for prevention and control, vaccinations

Medium – strengthens emphasis on protecting people are immunocompromised, enhanced prevention measures for high-risk settings

High – focus on wearing masks indoors in public and providing added protection to populations at high risk

WHEREAS, the Monterey County COVID-19 Community Level as of October 3, 2022 was "Low"; and

WHEREAS, Recommended Guidance from the CDPH when the level is low:

- Stay up to date with COVID-19 vaccines
- Get tested if you have symptoms
- People may choose to mask at any time
- People with symptoms/positive test/exposure should wear a mask

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID-19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID-19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Rules of Conduct for Attending Meetings of Legislative Bodies at City Facilities. It is hereby ordered and ordained that the following rules of conduct shall apply to attendance at meetings of Legislative Bodies at City facilities, as defined herein:

7.1 City Facility. For purposes of this Urgency Ordinance, the term "City Facility" or "City Facilities" means City Hall and any other property owned by the City where there is a meeting held of a Legislative Body.

7.2. Legislative Body. For purposes of this Urgency Ordinance, the term "Legislative Body" is defined as for in Government Code Section 54952.

7.3 Face Covering. No person shall be permitted to enter or remain in City Facility at a meeting of a Legislative Body unless that person wears a face covering which covers both the mouth and nose at all times when the CDC Community Level for the County Monterey is medium or high as of the date of posting the agenda for the meeting of the Legislative Body. The agenda will state the CDC Community Level and whether a face covering will be required for attendance at that meeting of the Legislative Body. Upon request, the City will provide anyone seeking to enter City Facility to attend a meeting of a Legislative Body with a face covering if they do not have one.

7.4 If anyone is unable or unwilling to comply with the requirements of this Section 7, they may attend the meeting remotely in the manner described in the Agenda posted for the meeting.

SECTION 8. Violations of this Urgency Ordinance shall be punishable as set forth in the City Municipal Code Section 1.16.010 and Section 2.64.100. In addition, persons who do not follow the Rules of Conduct set forth in this Urgency Ordinance must remain outside city-owned facilities or may be considered trespassers subject to removal by peace officers or any other method authorized under this Urgency Ordinance or under Government Code section 37359.

Section 9. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, the City Code Compliance Coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 10. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 11. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 12. Urgency Ordinance 2022-001 and Urgency Ordinance 2022-002 are hereby repealed.

Section 13. Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 14. Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 1st day of November 2022, by the following vote:

AYES: COUNCIL MEMBERS BARON, FERLITO, THEIS, RICHARDS, POTTER

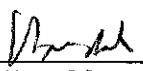
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter, Mayor



Nova Romero, MMC, City Clerk