

**REGULAR MEETING**  
**Tuesday, March 1, 2022**

**TOUR**  
**4:00 PM**

**ROLL CALL**

Present: Council Members: Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

**TOUR OF INSPECTION**

Prior to calling the meeting to order, the Board/Commission will conduct an on-site tour of inspection of the properties listed on the agenda and the public is welcome to join. After the tour is complete, the Board/Commission will begin the meeting in the City Council Chambers no earlier than the time noted on the agenda.

A. Mills Act Contract, L'Auberge Carmel - Monte Verde Street 2 NE of 7th Avenue

**OPEN SESSION**  
**4:30 PM**

**CALL TO ORDER**

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

Present: Council Members: Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

Mayor Pro Tem Richards led the pledge of allegiance.

**EXTRAORDINARY BUSINESS**

**Item A:** Proclamation Celebrating the 50th anniversary of Meals on Wheels on the Monterey Peninsula

Esther Hobbs accepted the proclamation with Meals on Wheels Executive Director of the Monterey Peninsula Christine Winge and talked about their organization's services.

**Item B:** Proclamation Designating March as American Red Cross Month

Michele Averill, John Crowell and Dane Lobb accepted the proclamation and talked about the Red Cross mission services globally and thanked the volunteers in the community.

**PUBLIC APPEARANCES**

The following members of the public spoke:

Eric Tarbox  
Melanie Billig

John Thompson  
Richard Kreitman  
Beth Bowman  
Shelley

## **ANNOUNCEMENTS**

### **Item A: City Administrator Announcements**

Mr. Rerig thanked Scot Smythe and the CERT Team for checking vaccination records for the Council meeting and clarified that it is only for public meetings. He welcomed everyone back to the first (hybrid) meeting in two years. He reminded everyone to always wear their masks inside the Council Chamber. He thanked Police Chief Uhler, Commander Watkins and Community Building and Planning Director Brandon Swanson for taking the initiative to paint over hateful graffiti on the old Carmel Hospital. He thanked Council Member Ferlito for her suggestion to invite an unsung hero in the Carmel community to join in the weekly vlog. He introduced Mr. Fred Meurer, Interim Public Works Director.

### **Item B: City Attorney Announcements - None.**

### **Item C: Council Member Announcements**

Council Member Baron announced that their Climate Change meeting is on March 17. They are looking for public feedback regarding the final draft of the climate action plan and the climate adaptation plan, and will bring it to the City Commissions and to Council in May or June.

Council Member Richards congratulated Carmel High for winning the mock trial again this year for eight consecutive years.

Council Member Ferlito thanked staff for all their work to make the in-person meeting possible. It is her first meeting in the Council Chamber as a Council Member. She asked for patience and encouraged the public to participate in the meetings and to always wear the mask for self-protection as well as for others.

Mayor Potter announced that the City Council will be having a retreat on March 10, 2022 and encouraged public participation.

## **CONSENT AGENDA**

Item 4 was pulled from the consent agenda for discussion.

**Item 1:** Monthly Reports for January 2022

**Item 2:** December 6, 2021 Special Meeting, December 7, 2021 Regular Meeting, December 14, 2021 Special Meeting, January 3, 2022 Special Meeting, January 4, 2022 Regular Meeting, January 31, 2022 Special Meeting, and February 1, 2022 Regular Meeting

**Item 3:** January 2022 Check Register Summary

**Item 5:** Resolution 2022-020 Authorizing the City Administrator to Execute Amendment No. 1 to a Professional Services Agreement with Joseph Systems Inc. for a not-to-exceed amount of \$28,840.70 and extending the term through June 30, 2022

**Item 6:** Resolution 2022-021 Approving Uses of American Rescue Act Plan (ARPA) Funds

Public Comment - None.

On a motion by Council Member Theis and seconded by Council Member Ferlito, the City Council approved items 1, 2, 3, 5, and 6 on the Consent Agenda by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

The following item was pulled for modification by Council Member Baron.

**Item 4:** Resolution 2022-019 Approving Policy 2022-01 establishing Guidelines for the Review of Projects involving the Installation of a Grease Interceptor

Public Comment – None.

Council discussion followed.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2022-019 approving Policy 2022-01 establishing guidelines for the review of projects involving the installation of a grease interceptor, with the additional language that applications on specified locations require approval by the City Council by the following roll call vote:

**“Grease interceptor locations that impact the following resources are discouraged in the City *and applications for interceptors in these locations require approval by the City Council:***

- Grease interceptors shall not be located in a public street or on a public sidewalk along an arterial street (Ocean Avenue, Carpenter Street, San Carlos Street, Rio Road)
- Driveways
- Storm drain inlets (15-foot buffer)
- Americans with Disabilities Act (ADA) ramps or other ADA facilities
- Emergency exits or fire suppression apparatus
- No pumps within the public right-of-way
- Historic resources”

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER  
NOES: NONE

ABSENT: NONE  
ABSTAIN: NONE

## **ORDERS OF BUSINESS**

**Item 7:** Resolution 2022-022 Accepting a Status Report and Amending the FY 2021/22 Capital Improvement Plan to include the Police Building Renovation Project with a budget of \$2,000,000

Interim Police Chief Brian Uhler presented the staff report. Interim Public Works Director Fred Meurer provided additional information. Finance Manager and Acting Director of Budget and Contracts Robin Scattini provided the budget information. They responded to Council's questions.

The following members of the public spoke on this item:

Scot Smythe  
Stephen Moorer

Council discussion followed.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council adopted Resolution 2022-022 accepting a status report and amending the FY 2021/22 Capital Improvement Plan to include the Police Building Renovation Project with a budget of \$2,000,000 by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 8:** Resolution 2022-023 Approving a Lease Agreement with Pacific Repertory Theatre for Operations and Management of the Forest Theater, and Approving a Public Works budget amendment of \$60,000 for initial upgrades

The following members of the public spoke on this item:

Julie Hewett  
Stephen Moorer  
Karyl Hall  
Lee Rosen  
Lucinda Lloyd

Council discussion followed.

On a motion by Council Member Theis and seconded by Mayor Potter, the City Council adopted Resolution 2022-023 approving a lease agreement with Pacific Repertory Theatre for operations

and management of the Forest Theater, and approving a Public Works budget amendment of \$60,000 for initial upgrades by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 9:** Consider a resolution awarding a Professional Services Agreement to Winter & Company, for a not-to-exceed fee of \$139,330, to provide consultant support for the "Design Traditions 1.5" project to update the City's Design Guidelines and Zoning Code

Community Planning and Building Director Brandon Swanson provided the staff report.

The following members of the public spoke on this item:

Karyl Hall  
Nancy Twomey  
Graham Norton  
Melanie Billig  
Neal Kruse  
Lucinda Lloyd  
Rich Pepe

Council discussion followed. Council agreed to appoint a steering committee at the April meeting.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council adopted Resolution 2022-014 awarding a professional services agreement to Winter & Company, for a not-to-exceed fee of \$139,330, to provide consultant support for the "Design Traditions 1.5" project to update the City's Design Guidelines and Zoning Code by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

## **PUBLIC HEARINGS**

**Item 10:** Consideration of a recommendation from the Historic Resources Board to the City Council that the City Council enter into a Mills Act Historical Property Contract (MA 21- 238, L'Auberge Carmel) with Esperanza Carmel Commercial, LLC for the historic 'Sundial Lodge' now known as L'Auberge Carmel located on Monte Verde 2 northeast of 7th Avenue (APN 010-191-005)

Principal Planner Marnie Waffle provided the staff report.

Mayor Potter and Mayor Pro Tem Richards recused themselves as the project is within their sphere of influence. Council Member Theis was designated as Mayor Pro Tem.

Council discussion followed. Principal Planner Waffle responded to Council's questions. The applicant, David Fink, provided information.

Public Comment – None.

City Attorney Brian Pierik stated that if the contract approval is by a resolution as presented in the agenda, under Government Code Section 36936, the resolution requires a recorded majority vote of the total membership of the City Council to be adopted. Since the total membership of the City Council is 5, the majority vote is 3. If there is not a legal requirement in state or local law for the contract to be approved by a resolution, this item could be brought back at the next meeting. Council directed staff to research this matter.

On a motion by Council Member Theis and seconded by Council Member Ferlito, the City Council adopted Resolution 2022-024 approving a Mills Act Historical Property Contract (MA 21-238, L'Auberge Carmel) for the historic 'Sundial Lodge' now known as the L'Auberge Carmel hotel located on Monte Verde 2 northeast of 7th Avenue (APN 010-191-005) by the following roll call vote:

AYES: FERLITO, THEIS  
NOES: BARON  
ABSENT: NONE  
ABSTAIN: RICHARDS, POTTER

The motion failed with 2 ayes and 1 no with Council Member Baron dissenting, and Mayor Potter and Mayor Pro Tem Richards abstaining.

#### **FUTURE AGENDA ITEMS**

Council Member Baron – Climate Action Committee update.

Council Member Ferlito – discussion on the possibility of joining the other non-smoking cities in California.

#### **ADJOURNMENT**

The City Council adjourned the meeting in memory of fallen Salinas Police Officer Jorge David Alvarado, Jr. at 7:30 PM.

APPROVED:

ATTEST:



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Dave Potter, Mayor



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Yashin Abbas, Interim City Clerk