

SPECIAL MEETING
Monday, February 28, 2022

OPEN SESSION
3:00 PM

CALL TO ORDER AND ROLL CALL

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

Present: Council Members: Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter;
Planning Commissioners: Bolton, Delves, Vice Chair Lehman, Chair LePage
Absent: Planning Commissioner Locke

ORDERS OF BUSINESS

Item 1: Resolution 2022-018 of the City Council of the City of Carmel- by-the-Sea Proclaiming the Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953(e)

City Attorney Brian Pierik provided the staff report.

Public Comment – None

On a motion by Council Member Theis and seconded by Council Member Ferlito, the City Council adopted Resolution 2022-018 proclaiming the continuing need to meet by teleconference pursuant to Government Code Section 54953(e) by the following roll call vote:

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

Item 2: Urgency Ordinance Adopting Rules of Conduct for City Facilities

City Attorney Brian Pierik provided the staff report and responded to Council's questions.

Public Comment – None

Council discussion followed.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved the reading of the title of the Urgency Ordinance, waived further reading and adopted an Urgency Ordinance of the City Council of the City of Carmel-by-the-Sea adopting Rules of Conduct at City Facilities, with the modification to allow 27 people to attend the Council meeting in the Council Chamber, by the following roll call vote:

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

PUBLIC APPEARANCES

None

EXTRAORDINARY BUSINESS

Item A: Receive a report and presentation from the City's outside legal counsel regarding telecommunications codes and to conduct an early public workshop related to drafting a citywide Wireless Telecommunications Ordinance

City Administrator Rerig provided the background of this item. City Attorney Pierik introduced the speakers, the City's outside legal counsel. Tripp May and Gail Karish conducted a workshop and responded to the questions by the Planning Commissioners and Council Members, and discussion followed.

The following members of the public spoke on this item:

Jeannie Branham
Cristy Hollenbeck

The City Council authorized staff to work with outside legal counsel to prepare proposed updates to Chapter 17.46 that reflect the changes in the law since 2004, clarify the procedures and standards for each regulatory classification of wireless facility and provide the City with more effective tools to process and decide applications.

Staff was directed to take to the Planning Commission for discussion the following:

B Preferred versus discouraged locations

1. Existing poles versus new poles in potentially more advantageous location?
2. Collocation on the same pole or dispersed across poles in the same vicinity?
3. Ranking of zones/locations/support structures?
4. Discouraged zones/locations/support structures that require exception for preemption?

C. Preferred versus discouraged designs/configurations

1. Should all new facilities in all locations always be held to a stealth standard?
2. Preference for taller/narrower facilities or shorter/wider facilities?
3. Pole-mounted versus ground-mounted equipment?
4. Backup power at all sites or only some?

Staff should provide information on these topics so that the Planning Commission can make its recommendations and give direction to attorneys to draft an ordinance and design guidelines, to have the most conservative approach as far as preserving Carmel's community character.

The draft of the design guidelines and updated ordinance will then be brought to the Planning Commission for review, and then on to the City Council. In addition to other topics covered, the City Council will determine the following:

- A. Develop rules/procedures tailored to each regulatory category of facility?
1. Codified ordinances versus policies adopted by Council resolution
 2. Delegate authority to Community Development to develop detailed applications?
 3. For EFR, SWF and AB2421, initial administrative decision, plus available appeal?
 4. For appeals, direct to City Council?

CLOSED SESSION

City Attorney Pierik announced the closed session items.

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

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

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

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

Public Comment - None

ADJOURNMENT

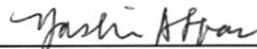
The City Council adjourned to Close Session at 5:30 PM.

APPROVED:

ATTEST:



Dave Potter, Mayor



Yashin Abbas, Interim City Clerk