CITY COUNCIL
REGULAR MEETING
December 6, 2022
4:30 p.m.

OPEN SESSION

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30 p.m.
Councilmembers Ferlito, Theis, Richards and Mayor Potter were present.
Councilmember Baron arrived at the dais at 5:13 p.m.

PLEDGE OF ALLEGIANCE

Councilmember Theis led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Statement of Support for the Guard and Reserve

Mayor Pro Tem Richards read the Certificate of Support for the Guard and Reserve and thanked Facilities Maintenance Specialist Leo Hernandez for his service as an Army National Guard Reserve.

PUBLIC APPEARANCES

Patrick Ferguson addressed the Council regarding his dismay that MST has canceled bus route #11 from Seaside/Sand City to Carmel beginning Saturday. Christy Hollenbeck addressed the Council regarding Stop Cell Towers' support of a strongly written wireless ordinance that protects the residents. A Carmel student voiced support of Carmel Cares. A Carmel resident thanked Councilmember Theis for her service. Victoria Beach thanked the community for their outpouring of support in hosting a refugee family from Ukraine. Nancy Twomey thanked City staff, volunteers, and the community for a successful tree-lighting event last Friday. Parker Logan addressed the Council regarding the Parklet funds that the City collected and the RHINA allocation for Carmel.

ANNOUNCEMENTS

A. City Administrator Announcements - Thanked all City Staff that kept the City safe and pulled off a fantastic tree lighting event on December 2nd that was well attended and received. He spoke about the Rotary Club Fundraiser and was proud to see the community support for the refugee family from Ukraine. He announced the Special Meeting on December 13th to swear in Councilmembers Dramov, Baron, and Mayor Potter.

B. City Attorney Announcements - No reports.

C. Councilmember Announcements -

Councilmembers Ferlito, Theis, Mayor Pro Tem Richards and Mayor Potter - No reports.

Council thanked City Staff for the wonderful tree lighting event.

CONSENT AGENDA

Public Comment: None

Motion by Mayor Pro-Tem Richards to approve Consent Agenda items 1-10, seconded by Councilmember Ferlito, and adopted 4-0-1-0 by the following roll call vote:
AYES: Councilmembers Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: Councilmember Baron
ABSTAIN: None

Item 1 - October 27, 2022, Special Meeting Minutes, November 1, 2022, Regular Meeting Minutes, and November 9, 2022, Special Meeting Minutes

Item 2 - October 2022 Check Register Summary

Item 3 - October 2022 Monthly Reports

Item 4 - Resolution 2022-100, Proclaiming the Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e)

Item 5 - Resolution 2022-101, Authorizing the City Administrator to execute a Professional Services Agreement with Bureau Veritas North America, for Facilities Condition Assessments of four City buildings, for a not-to-exceed fee of $56,518

Item 6 - Resolution 2022-102, Authorizing the City Administrator to execute a Professional Services Agreement with FE Technologies for RFID and Self-Service Technology Systems and Software

Item 7 - Adopt Resolution 2022-103, Authorizing and approving pay rates and ranges (salary schedules) for the following: 1) Pay Schedule for At-Will (Unrepresented) classifications, 2) Pay Schedule for Management Employees Unit (affiliated unit of LiUNA) classifications; 3) Pay Schedule for General Employees Unit (affiliated unit of LiUNA) classifications

Item 8 - Resolution 2022-104, Authorizing a refund of Design Study (DS 22-140) and Lot Merger (LM 22-141) application fees of $4,653.75 to Eric Miller

Item 9 - Second Reading and Adoption of Ordinance 2022-004 amending Carmel Municipal Code (CMC) Title 15 (Buildings and Construction) by adopting the 2022 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments

Item 10 - Second Reading and Adoption of Ordinance 2022-005 Amending Section 2.74.010(B) of the Carmel-by-the-Sea Municipal Code Related to Board Member Qualifications for the Historic Resources Board

ORDERS OF BUSINESS

Item 11 - Resolution 2022-105, Accepting donations from Carmel Cares, an official City Support Group, and approving a Budget Amendment to the Fiscal Year 2022/23 Adopted Budget

Dale Byrne from Carmel Cares gave a presentation to Council. Council thanked Mr. Byrne for all of the support they have given to the City of Carmel. Councilmember Ferlito said Carmel Cares is a great example of a public-private partnership and the creation of community relationships.

Public Comment:
Lucinda Lloyd addressed the Council in support of the Resolution.

Motion by Councilmember Theis, to adopt Resolution 2022-105, seconded by Councilmember Ferlito, and adopted 4-0-1-0 by the following roll call vote:
AYES: Councilmembers Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: Councilmember Baron
ABSTAIN: None

Councilmember Baron arrived at the dais at 5:13 p.m.

Item 12 - Resolution 2022-106, Authorizing the City Administrator to execute a Professional Services Agreement with Wald, Ruhnke & Dost Architects, for preparation of a Functional Program Report and Schematic Design for the expanded scope of the Police Building Renovation Project

City Administrator Rerig gave a brief summary of the item.

Councilmember Baron spoke about the different iterations of the Police Department (PD) renovation that has increased over the last 5 years from $1M to now $3.3M project and said he does not support the current project scope at this time. He asked that Council consider whether the project should take a step back and conduct an analysis of the PD and all City facility buildings within the area. Mayor Potter voiced agreement with much of what Councilmember Baron brought up and suggested creating an ad-hoc committee consisting of himself, Councilmember Baron, and key staff to provide direction and leadership on the project and scope. Councilmember Ferlito said she would like to hear from Police Chief Ward about the current Police building deficiencies. Councilmember Theis said that expanding the project to include other City facilities surrounding the Police Department, would make the scope even larger than it currently is and delay the PD renovations further.

City Administrator Rerig said that the PD renovation is one of the most important CIP projects the City currently has, and the PD runs 24-7 and needs to have a working facility. Fred Meuer and Public Works Director Bob Harary gave a presentation on the item and answered questions from Council. Police Chief Ward spoke about the top concerns, deficiencies, and needs of the police department building.

Public Comment:
Alissandra Dramov spoke in support of the Council creating an ad-hoc committee to re-evaluate the project and think big and long term. Dale Byrne commented that there have been several studies done and no progress made to complete the project.

Council discussion resumed.

Resolution 2022-106 failed due to lack of motion.

Motion by Mayor Pro Tem Richards to create a Police Department Renovation ad hoc committee, consisting of Mayor Potter, Councilmember Baron, and key staff to develop a preliminary plan and project scope for the Police Department building, and consider possible master plan for the NE corner building use, and return with an update for Council in March 2023. Motion seconded by Councilmember Theis, and carried 5-0-0-0 by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: None
ABSTAIN: None

Item 13 - Resolution 2022-107, Establishing the meeting dates of the City Council for the calendar year 2023

City Clerk Romero gave a brief overview of the item.

Public Comment: None

Motion by Mayor Pro Tem Richards to adopt Resolution 2022-107, seconded by Councilmember Baron, and adopted 5-0-0-0 by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: None
ABSTAIN: None

Council took a recess from 6:13 to 6:25 p.m.

Item 14 - Consider requests and recommendations from the Steering Committee regarding the Design Traditions 1.5 Project

Community Planning and Building Director Swanson gave a brief overview of the item. Nore Winter, Design Consultant, and Victoria Beach, Design Traditions 1.5 Committee Chair, addressed the Council and answered questions.

Public Comment:
Maryanne Shaker Townsend requested that Council authorize hiring a landscape architect for this project. Don Goodhue said that the committee would like to have some input in the selection of the landscape architect. Neal Kruse said he is pleased with the Design Traditions Committee's progress. Richard Kreitman and Karyl Hall addressed the Council and said that landscaping cannot hide bad architectural design.

Council discussion resumed.

Motion by Mayor Potter, directing staff to stay on board with the plan, timeline, and scope of Nore Winter Co, to create a Landscape Ordinance for Council by June 2023, and for Council to approve an RFP to hire a landscape architect by February, seconded by Mayor Pro Tem Richards, and approved by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS

Item 15 - 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) - Recommended for Continuance to January 2023

Mayor Potter stated that this item has been recommended for a continuance to January 2023.

Public Comment:
Andreas Macsen spoke in favor of continuing the item to allow time for discussion.
Adam Pinterits spoke in favor of continuing this item and gathering public input.
Anne Cocklin spoke in favor of continuing this item.
Simon Bull spoke in favor of continuing this item for future discussion.

Motion by Councilmember Baron, to leave the public hearing open and continue Ordinance 2022-007 to January 10, 2023, seconded by Councilmember Ferlito, and approved 5-0-0-0 by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: None
ABSTAIN: None

Item 16 - Consider Resolution 2022-108, Approving the Historic Context Statement Update for the 1966-1986 time period

Katherine Wallace, Associate Planner, gave a brief presentation on the item and answered questions from staff.

Public Comment:
None

Motion by Mayor Pro Tem Richards to adopt Resolution 2022-108, seconded by Councilmember Ferlito, and adopted 5-0-0-0 by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, Theis, Richards, and Mayor Potter
NOES: None
ABSENT: None
ABSTAIN: None

Item 17 - Consideration of a Mills Act Contract Application, MA 21-238 (L' Auberge Carmel Hotel), submitted by Mr. David Fink on behalf of Esperanza Carmel Commercial, LLC for the L' Auberge Carmel Hotel located on Monte Verde Street 2 northeast of 7th Avenue in the Residential and Limited Commercial (RC) Zoning District - Applicant request for continuance to a date uncertain

Mayor Potter and Mayor Pro Tem Richards recused themselves for this item due to proximity and left the dais at 8:03 pm.

Acting Mayor Theis opened the public hearing. Community Building and Planning Director Swanson said that the applicant has requested a continuance of this item, and staff is seeking direction from Council.

Public comment:
Mr. Barlow addressed the Council on behalf of the applicant, in favor of continuing the item.

Motion by Councilmember Baron to keep the public hearing open, continue this item to March 7, 2023, to give the applicant additional time to provide the financial information requested, seconded by and approved 3-0-0-2 by the following roll call vote:
AYES: Councilmembers Baron, Ferlito, and Theis
NOES: None
ABSENT: None
ABSTAIN: Mayor Potter and Mayor Pro Tem Richards (recused)

FUTURE AGENDA ITEMS

Council request a Strategic Planning update.

ADJOURNMENT

Council adjourned the meeting at 8:15 PM

APPROVED:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk