

**CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 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 Richards, and Mayor Dave Potter were present.

PLEDGE OF ALLEGIANCE

City Administrator Rerig led the pledge of allegiance.

PUBLIC APPEARANCES

Dan Ripke read the proclamation issued by the Mayor declaring March 2023 as American Red Cross Month. Jorge Gonzalez, Carmel's Postmaster, spoke about post office hours being extended, ADA ramp being worked on, adding package lockers, and more use of the lockers for package deliveries.

ANNOUNCEMENTS

City Administrator - Announced that staff is preparing for another rain and wind storm coming into town this week and weekend, and Farmer's Market is canceled this week.

City Attorney - No reports from Closed Session on 3/6.

City Council - No announcements

CONSENT AGENDA

Councilmember Dramov pulled Item 7 from Consent.

Motion by Mayor Pro Tem Richards to approve consent items #1-6, seconded by Councilmember Baron, 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 31, 2023, Special Meeting Minutes, February 7, 2023, Regular Meeting Minutes, and February 21, 2023, Special Meeting Minutes

Item 2 - January 2023 Monthly Reports

Item 3 - January 2023 Check Register Summary

Item 4 - Resolution 2023-027, Declaring the continued existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event

Item 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

Item 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

ITEMS PULLED FROM CONSENT

Item 7 - Resolution 2023-030 Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act

Councilmember Dramov pulled Item 7 from Consent to make a comment that supports the Initiative, so she does not support approval of a Resolution to oppose the initiative.

Motion by Councilmember Ferlito to approve Resolution 2023-030, seconded by Councilmember Baron, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Dramov

ABSENT: None

ABSTAIN: None

ORDERS OF BUSINESS

Item 8 - Receive a presentation on Car Week 2023 planning

Library and Community Activities Director Ashlee Wright gave a brief presentation to Council and answered questions. Council discussed the option of having smaller events throughout car week, since the larger Concourse on the Avenue annual event is not happening this year. Council voiced concerns about keeping pedestrians safe, the noise, and car racing.

Public Comment:

Carrie Anne commented in favor of the smaller car week events but brought up concerns about keeping the city safe during the event. Richard Kreitman commented about crowd control and visitation numbers.

Council received the presentation, no action was taken.

Item 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

Public Works Director Bob Harary gave a presentation to Council on the item and answered questions. Council discussed the topics of median islands, sharrows and bike route signs, and trees planted on San Carlos Street.

Public comment:

Katherine McFarlane, Norm McFarlane, Yung Sun, Don Huber, Cindy Lloyd representing the Carmel Residents Association, and Stacey Steele spoke in opposition to a bike route on San Carlos.

Chris Mack, Steven Wilson, Carlyana Gillian, Francisco Belaunzaran, and Karen Gelf spoke in favor of bike lanes and/or median islands on San Carlos.

Council discussion resumed, and consensus direction to staff to not to put in the median islands on San Carlos Street.

Motion by Mayor Pro Tem Richards to not put in median islands on San Carlos Street, seconded by Councilmember Dramov, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Ferlito

ABSENT: None

ABSTAIN: None

Council discussion resumed, and consensus direction to staff approving the painted sharrows on the road and no green signs.

Motion by Councilmember Baron to paint the sharrows for a bike route and no green signs on San Carlos Street, seconded by Ferlito, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Dramov

ABSENT: None

ABSTAIN: None

Council discussion resumed, and consensus direction to staff to plant replacement trees on both sides of San Carlos Street.

Motion by Mayor Potter to plant replacement on both sides of San Carlos Street, 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

Council took a 10 min recess at 6:30 p.m. Council reconvened at 6:40 p.m.

Item 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)

City Attorney Brian Pierik gave a brief summary of the discussion with the Monterey County Assessor's office regarding the property tax implications of fractional ownership properties. He summarized that the threshold for a property tax assessment occurs when there is a 50% ownership change, and the responsibility for reporting falls on LLC.

Public Comment: Mike Coughlin spoke in opposition to the Ordinance.

City Attorney Pierik read the title of the Ordinance.

Motion by Councilmember Baron to read by title only, waive full reading, and adopt Ordinance 2023-007, seconded by Councilmember Ferlito, 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 11 - Early policy discussion of Draft Ordinance Amending Municipal Code Section 17.20.200 E (Recreational Beach Fires on Carmel Beach)

Community Planning and Building Director Brandon Swanson gave a brief presentation of the item. Council directed staff to include air quality and health concerns in the Ordinance.

Public comment: None

Item 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.

Community Planning and Building Director Brandon Swanson gave a brief overview of the direction for the Council priorities. Councilmember Dramov asked that a discussion be brought back to consider funding the 3 police officer positions that were removed last year during POA negotiations. City Administrator Rerig said that discussion on adding the police officer positions back can be brought up during the budget cycle meetings.

KEEP as top priority project (11 total)

- Explore Parking and Traffic Management program (35% Complete)
- Plan for natural areas, reduce fire risk (55% Complete)
- Review opportunities for enhanced fire/ambulance service (50% Complete)
- Develop forest management plan and update tree ordinance (35% Complete)
- Update zoning code & design guidelines (65% Complete)

- ADU ordinance (65% Complete)
- Wireless ordinance (75% Complete)
- Stormwater ordinance update (85% Complete)
- Review barriers to affordable housing (45% Complete)
- Explore street addresses (30% Complete)

ELEVATE to top priority project (7 total)

- Update purchasing Ordinance (10% Complete)
- Increase beautification efforts (35% Complete)
- Develop a facilities master plan (45% Complete)
 - Split into two projects (both elevated)
 1. Develop a facilities Master Plan
 2. Police/Public Works Building Renovation
- Underground utility Rule 20A (10% complete)
- Explore reinstatement of the design review board (65% complete)
 - combined with “update zoning code and design guidelines”
- Opportunities for Flanders mansion (0% complete)

NOT a top priority project (7 total)

- Volunteer group facilitation (70% complete)
- Review/reformulate approach to reserves/update financial policies (15% complete)
- Explore dining in the public right-of-way (25% complete)
- Explore redevelopment of Sunset Center North lot (0% complete)
- Develop and implement a social media plan (10% complete)

MOVE to another list (3 total)

- Filling vacancies
 - Moved to the “completed” list
- Pandemic Recovery
 - Moved to the “completed” list
- Climate Action and Adaptation Plans
 - Moved to “Active” list until Sea Level Rise Analysis is complete

Public comment: none.

Council agreed with the staff summary of the priorities list as presented, and gave direction to staff to move forward as discussed.

Item 13 - Resolution 2023-026 Rescinding Resolution 2020-021 and Terminating the Proclamation of a Local Emergency within the City due to COVID-19

City Attorney Pierik gave a brief summary of the item. He explained that the termination of the State emergency by the Governor on February 28, 2023, ended the ability of legislative bodies to teleconference under AB 361. He summarized that as of now, either the traditional Brown Act teleconference rules or AB 2449 teleconference rules must be used for meetings moving forward.

Community Planning and Building Director Brandon Swanson said that once Council adopts Resolution 2023-026, the approval granted under the proclamation by the City Administrator that allowed outdoor dining and outdoor wine tasting to operate outside of City regulations during COVID without requiring a permit will also go away. He added that as a result, a number of restaurants and wine tasting establishments in town will be immediately in non-compliance with either the Muni code or their use permit. He asked for Council direction on when to begin enforcing compliance with outdoor dining and outdoor wine tasting regulations after tonight. He asked whether Council would consider giving businesses a grace period to allow time for them to revert back to pre-COVID regulations or apply for a new use permit.

Public comment: Wendy Black, Toby Rowland-Jones, Kim Stemler, Steven Wilson, and Kristin addressed the Council requesting more time for businesses to comply with the pre-COVID regulations regarding outdoor seating and/or wine tasting once the emergency Resolutions are terminated.

Council discussion resumed. Council consensus was to adopt the Resolution as presented and make a separate motion to address the issue of granting amnesty to businesses that will become out of compliance as of tomorrow.

Motion by Mayor Potter to adopt Resolution 2023-026, seconded by Councilmember Dramov, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Council discussed when to begin enforcing the outdoor dining and outdoor wine tasting regulations after the adoption of Resolution 2023-026. Council consensus was to give businesses notice within the next 90 days to let them know what they need to do to become in compliance with the City's existing outdoor dining and wine tasting regulations. Council discussed giving businesses amnesty until December to begin the process of taking action to bring their businesses into compliance regarding allowing continued outdoor dining through the Planning Commission. Council discussed that through the Design Traditions Review process, suggestions on how to change the municipal code to allow continued outdoor wine tasting could be considered and brought to Council for approval.

Motion by Councilmember Baron to extend amnesty to December 31, 2023, and for staff to return with an update at the July Council Meeting with the full scope of the issues with the existing businesses, as well as a recipe for code amendments or use permits to address the issues, second 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 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

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

Public comment: none

Council consensus to rescind all COVID-related Urgency Ordinances, except 2022-006. Council discussed bringing back Urgency Ordinance 2022-006 at the next Council meeting to repeal and replace it with new language stating that masks are only required when attending meetings of legislative bodies in City facilities when the CDC Community COVID level is “high”, instead medium or high.

Motion by Mayor Potter to adopt Urgency Ordinance No. 2023-03, with the amendment that Urgency Ordinance 2023-006 not be rescinded, seconded by Mayor Pro Tem Richards and adopted 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

FUTURE AGENDA ITEMS

None

ADJOURNMENT

Council adjourned the meeting at 8:08 PM.

SIGNED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk