

**CITY COUNCIL
REGULAR MEETING MINUTES**

TUESDAY, JUNE 6, 2023

OPEN SESSION - 4:30 PM

CALL TO ORDER AND ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Richards led the pledge of allegiance.

EXTRAORDINARY BUSINESS

June Pride Month Proclamation - Councilmember Baron read the proclamation.

Carmel High School Report Out - None

PUBLIC APPEARANCES

Michael McWalters spoke about negative health impacts due to cell towers. Neal Kruse thanked Council for supporting the CA Cities for Local Control Resolution of support at the last meeting. Shirley Moon, Christy Hollenbeck, and Karyl Hall, asked Council to consider slowing down on the number of projects and issues they are taking on at once.

ANNOUNCEMENTS

City Administrator Announcements - Announced that the City's Draft 6th Cycle Housing Element has been completed and added to the website for a 30 day public review, as well as a joint City Council and Planning Commission Meeting on June 15, 2023, in Carpenter Hall at the Sunset Center.

City Attorney Announcements - No reportable action from Closed Session last night.

Councilmember Announcements -

Councilmember Ferlito - Spoke about the 6th Cycle Housing Element document and encouraged the public to please read it and to provide comments on the draft. She reported that she attended a ReGen Board meeting, and an AMBAG Meeting.

Mayor Pro Tem - Congratulated the Carmel High Padre Baseball team on their CCS win, and Jonathan Chen for winning 14th place at the State Golf Championship. He also said that culinary week is going on in the village with lots of great events.

Mayor – Reported that he also had a great time attending the Surf competition and culinary week events over the weekend.

CONSENT AGENDA

A member of the public pulled item #8 and made a public comment.

Public Comment: Elliott Ruchowitz-Roberst, president of the Tor House Foundation, spoke about the foundation and welcomed Councilmember Baron as a new Board Member.

Councilmember Dramov pulled item #10 to make a comment.

Mayor Potter requested that the Council appointee to the Litter Abatement Task Force be Alissandra Dramov who volunteered to be on the board.

Motion by Councilmember Ferlito to adopt consent items 1-8, with the amendment to appoint Councilmember Dramov to the Litter Abatement Task Force, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 1 - May 1, 2023, Special Meeting Minutes, May 2, 2023, Regular Meeting Minutes, and May 16, 2023, Special Meeting Minutes

Item 2 - April 2023 Monthly Reports

Item 3 - April 2023 Check Register Summary

Item 4 - Resolution 2023-054 authorizing the City Administrator to execute an Amendment to Professional Services Agreement No. CPB-CSG-033-19-20 with CSG Consultants, Inc. for on-call building and code compliance services increasing the not to exceed amount from \$240,000 to \$331,000, and extending the term to June 30, 2024

Item 5 - Resolution 2023-058, authorizing the City Administrator to execute Change Orders No. 1 for the On-Call Tree Maintenance Services Contracts, in the combined amount of \$33,236 for the remainder of Fiscal Year 2022/23, and Resolution 2023-059 for Change Orders No. 2 for Fiscal Year 2023/24, in the combined amount of \$525,000, contingent upon Council approval of the FY 2023/34 Forestry Operating Budget

Item 6 - Resolution 2023-060 authorizing the City Administrator to execute a Professional Services Agreement with Ono Consulting, LLC to provide on-call arborist services for a not-to-exceed fee of \$100,000 and a term expiring on June 30, 2025

Item 7 - Resolution 2023-061 amending the professional services agreement with Clifton Larsen Allen, LLP (CLA) to increase the not-to-exceed contract value by Thirty Thousand One Hundred and One Dollars (\$30,101.00) to Fifty-Five Thousand One Hundred Dollars (\$55,100.00)

Item 8 - Resolution 2023-062 (*as amended*) confirming Councilmember appointments to Coastwalk - California Coast Trail Association, the Litter Abatement Task Force, and the Tor House Foundation

Item 9 - Resolution 2023-065 ratifying appointments to the Harrison Memorial Library Board of Trustees, and the Planning Commission

ITEMS PULLED FROM CONSENT

Item 10 - Second Reading and Adoption of Ordinance No. 2023-003 Amending Chapter 3.12 of the City of Carmel-by-the-Sea Municipal Code to Regulate Contracting Including Purchases of Supplies and Services

Councilmember Dramov pulled this item from consent to make a comment that she does not agree with making the Local Business Plan being added to the municode, and that she would rather the limit for the City Administrator to sign contacts be \$45,000 rather than \$60,000 so she will be voting no.

Motion by Mayor Pro Tem Richards to adopt Ordinance 2023-003, seconded by Mayor Potter, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Dramov

ABSENT: None

ABSTAIN: None

PUBLIC HEARING

Item 11 - Resolution 2023-040 for Intent to Lease Real Property, Resolution 2023-042 for a Surplus Lands Act Resolution, and CEQA findings, for the Scout House Renovation, Activities Programming, and Facilities Management Project

Public Works Director Bob Harary gave a brief presentation to Council and provided an update on the meeting with the groups interested in the project. Joan Cox, City Attorney, answered questions from Council.

Public comment: Richard Kreitman said that the Boy Scouts will not be submitting a proposal for the Scout House due to there being too many unknowns and questions, and suggested that the City consider making some of the upfront improvements to the Scout House.

Council discussed that RFP process has become complex and may deter local groups from submitting proposals, and asked what other options the City has. Joan Cox said that if Council adopts the Surplus Land Act Resolution it will allow more flexibility on what to do with the Scout House in the future.

Motion by Mayor Pro Tem Richards, to adopt Resolutions 2023-040 and 2023-042, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

ORDERS OF BUSINESS

Item 12 - Resolution 2023-063, authorizing the City Administrator to execute a Professional Service Agreement with Hammond+Playle Architects, LLP (Indigo), for preparation of a functional program report, conceptual drawings, and cost estimates for a not-to-exceed fee, including contingency, of \$300,000 for the Police Building Project

City Consultant Fred Meurer gave a presentation to Council regarding the Police Department Renovation Project phases and tasks, as well as the RFP process to select the most qualified architect firm. He answered questions from Council and introduced architect Jonathan Hammond.

Public comment: Janice Bradner thanked the Council for moving forward with this project.

Council discussion resumed.

Motion by Councilmember Baron, to adopt Resolution 2023-063, seconded by Mayor Potter, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 13 - Resolution 2023-064 approving a 3.71 percent rate increase to charges by the City's franchised hauler, GreenWaste Recovery, for the collection of solid waste, recycling, and organics, effective July 1, 2023, and approving Amendment No. 2 to the Memorandum of Understanding between ReGen Monterey and Member Agencies for Fiscal Year 2023/24

Environmental Programs Manager Mary Bilse gave a presentation on the item. GreenWaste representative Emily Hanson answered Council questions regarding the rate increases since 2015.

Public Comment: None.

Council discussion resumed. Mayor Pro Tem Richards commented that it seems that GreenWaste can use any methodology they want to justify increase rates every year and the City has no choice but to approve them. Councilmember Dramov commented that SB 1833 is another example of an unfunded mandate from the State that the City is forced to comply with.

Motion by Councilmember Ferlito, to adopt Resolution 2023-064, seconded by Councilmember Baron, and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmember Baron, Ferlito, and Mayor Potter

NOES: Councilmember Dramov, Mayor Pro Tem Richards

ABSENT: None

ABSTAIN: None

Item 14 - Receive a report and provide policy direction on the potential re-establishment of the Design Review Board

Director of Community Planning and Building Brandon Swanson gave a presentation to Council on the history and duties of the Design Review Board (DRB).

Public Comment: Ken White said that the Carmel Residents Association voted that they agree with the reinstatement of the DRB, and suggested combining the DRB with the Historic Resources Board. Neal Kruse said that the Carmel Preservation Society agrees with the reinstatement of the DRB, but would like to see the DRB members be more resident driven. Thomas Hood echoed the comments made by Ken White. Eric Dyar said that in principle having a DRB sounds good, but has concerns over finding enough qualified residents to serve on the DRB and said that architects are critical to have serve on this type of board. Karyl Hall voiced support for reinstating the DRB and combining with the HRB to keep the permitting process moving forward.

Council voiced support of reinstating the DRB as a decision making body on design projects, and possibly combining its duties with the Historic Resources Board which meets once monthly. Director Swanson is in the process of developing the regulations and procedures to reestablish DRB would follow the same timeline as the completion of the Design Traditions 1.5 Guidelines.

Council gave consensus direction to staff to come up with a draft Design Review Board policy and present it to the Planning Commission and Historic Resources Board for their input and feedback, then come back to Council for further policy direction on the reinstatement of the DRB.

Council took a recess at 6:35 p.m. and resumed at 6:46 p.m.

Item 15 - Receive an update on the status of the Design Traditions 1.5 Project

Director of Community Planning and Building Brandon Swanson gave a presentation on the Design Traditions 1.5 Project (DT 1.5) and answered questions from Council.

Public comment: Nancy Twomey, said that the Carmel Residents Association are very appreciative of all of the work by the Design Traditions 1.5 Committee Members and City staff on this project. Eric Dyar said that the overall process is going well and asked for patience while they continue to refine the guidelines. Thomas Hood said that the design guidelines are still subjective in interpretation so this is where the DRB would come in. Neal Kruse, Cindy Lloyd, David O'Neal, and Karyl Hall voiced support of the Design Traditions 1.5 process and thanked all of the members involved.

Council received the report, and thanked the Design Traditions 1.5 committee members, public, and staff for all of their hard work and commitment to the process. Council gave consensus direction to Director Swanson to take control of the DT 1.5 Guidelines process and timeline, while continuing to receive feedback and input from the Committee members.

PUBLIC HEARINGS

Item 16 - First Reading of Ordinance 2023-005 to Renew the Carmel Restaurant Improvement District

Amy Herzog and Jeff Burkhardt, Visit Carmel, gave a presentation to Council on the Carmel Restaurant Improvement District and renewal process.

Public Comment: Dale Byrne and Shirley Moon voiced distaste of the Visit Carmel advertising and marketing strategy and said it does not fit in with the character of Carmel. David O’Neil commented that digital marketing design is constantly changing and evolving.

The City Attorney read the title of the Ordinance.

Motion by Councilmember Baron, to read by title only, waive full reading and introduce Ordinance 2023-005, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 17 - Resolution 2023-066 Adopting the Fiscal Year 2023-2024 Appropriations Limit

Assistant City Administrator Maxine Gullo gave a brief presentation to Council.

Public Comment: None

Motion by Mayor Potter, to adopt Resolution 2023-066, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 18 - Resolution 2023-067 Adopting the Fiscal Year 2023-2024 Annual Operating and Capital Budget

Assistant City Administrator Maxine Gullo gave a presentation to Council.

Public Comment: Carmel Chamber CEO Lance Wills spoke about the Carmel Chamber’s visitor center costs and deficit, and requested Council consider additional funding to refresh the visitor’s center. Doug Lumsten, Maria Weigman, David O’Neil, Ashley Stoddard, Sygale Lomas, spoke about the importance of the Carmel Chamber visitor’s center and asked for Council support for additional funding. John Ruskell and Pam Nyman asked for Council support the Carmel Youth Center by investing \$50,000 into the CYC building improvements such as the heating system.

Council discussion resumed. Council voiced support of the FY 23-24 budget as presented by staff.

Motion by Councilmember Baron to adopt Resolution 2023-067, seconded by Mayor Pro Tem Richards and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Dramov

ABSENT: None

ABSTAIN: None

Item 19 - Consideration of a Permanent Encroachment Permit (EN 21-272, Fountain) for an existing fence in the public right-of-way on the southern side of the single-family residence on the northwest corner of Junipero Avenue and 8th Avenue in the Residential and Limited Commercial (RC) Zoning District.

Principal Planner Marnie Waffle gave a presentation on the item.

Anthony Lombardo, gave a presentation to Council on behalf of the applicant explaining that there is evidence that the City approved an encroachment permit to Fountain in 2005, but the documentation is missing and tonight his client is asking Council to formally approve a permanent encroachment permit.

Public Comment: Victoria Beach addressed the Council.

Council discussion resumed.

**Motion by Councilmember Ferlito to deny the encroachment permit (EN 21-272, Fountain).
Motion failed due to lack of second.**

Motion by Mayor Pro Tem Richards to approve the encroachment permit to allow the applicant to keep their existing fence with the condition that a landscaping plan be submitted and approved that requires the adjacent property owners to maintain the conditions of the encroachment permit, seconded by Mayor Potter, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Ferlito

ABSENT: None

ABSTAIN: None

ADJOURNMENT

Council adjourned the meeting at 9:17 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk