

REGULAR MEETING
Tuesday, August 2, 2022

OPEN SESSION
4:30 PM

TOUR OF INSPECTION - 3:30 PM

Mayor Potter called the tour of inspection to order at 3:30 PM.

Roll Call: Council Members Baron, Ferlito, Theis, Mayor Pro-Tem Richards, and Mayor Potter were present.

Item A: Carmel Beach Hotel and Spa - Northeast corner of San Antonio Avenue and 13th Avenue (Meet at San Antonio Side)

Tour of inspection was conducted.

OPEN SESSION

CALL TO ORDER AND ROLL CALL

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

Roll Call: Council Members Baron, Ferlito, Theis, Mayor Pro-Tem Richards, and Mayor Potter were present.

PLEDGE OF ALLEGIANCE

Council Member Theis led the pledge of allegiance.

PUBLIC APPEARANCES

Christine Hollenbeck addressed the Council regarding a cell tower meeting to discuss a cell tower Ordinance for the City. Parker Logan addressed the Council regarding delivery trucks crowding the streets past noon and parklet funding for improvements. William Smith addressed the Council regarding multiple code violations and non-permitted changes by their neighbor and urged Council to take action.

EXTRAORDINARY BUSINESS

Item A: Introduction of New City Employees

City Administrator Rerig introduced the new City employees hired within the past year.

Item B: A Proclamation honoring Doug and Genie Freedman for Concours on the Avenue

Mayor Potter read the proclamation, and Community Services Director Wright accepted the proclamation on behalf of Genie Freedman.

Item C: 2022 CCCE Annual Member Agency Presentation

CCCE Director of Communications and Outreach, Catherine Steadman gave a presentation to Council regarding the CCCE annual member agency update.

Item D: Presentation on Digitizing and Scanning Records

Community Planning and Building (CPB) Director Swanson gave a presentation on the scanning and digitizing of CPB records such as property files and permits, so they are accessible online to the public and preserved in digital format.

ANNOUNCEMENTS

Item A: City Administrator Announcements

None.

Item B: City Attorney Announcements

City Attorney Pierik announced that there was no reportable action from Closed Session on August 1, 2022.

Item C: Council Member Announcements

Council Member Ferlito – Spoke in recognition and memory of a Carmel unsung hero, David Shonman, who passed away recently.

CONSENT AGENDA

Council Member Ferlito pulled Consent item #2, to thank Community Planning and Building staff for their hard work enforcing the short-term rental ban in Carmel. She also thanked staff for their work on the Climate Action Plan. A member of the public pulled item #11 and made comment about the lack of events in Carmel scheduled for car week.

Motion to approve all items on Consent made by Mayor Pro Tem Richards, seconded by Council Member Ferlito. Roll Call Vote: Council Members Baron, Ferlito, Richards, Theis, and Mayor Potter – yes.

Action: Consent Agenda Items Approved Unanimously 5-0-0-0

Item 1: July 11, 2022 Special Meeting Minutes, July 12, 2022 Regular Meeting Minutes, and July 13, 2022 Adjourned Regular Meeting Minutes

Item 2: June 2022 Monthly Reports

- Item 3:** June 2022 Check Register Summary
- Item 4:** Resolution 2022-064 adopting the City of Carmel-by-the-Sea's Climate Adaptation Plan and Climate Action Plan
- Item 5:** Resolution 2022-065, authorizing the City Administrator to execute a Professional Services Agreement with Ausonio, Incorporated for Project Management Services for delivery of nine Capital Improvement Projects
- Item 6:** Resolution 2022-066, approving an Agreement with the City of Monterey for Vehicle Maintenance Services
- Item 7:** Resolution 2022-067 approving a Budget Amendment of \$20,395 to the Fiscal Year 2022-2023 Adopted Budget for the CalRecycle SB 1383 Local Assistance Grant
- Item 8:** Resolution 2022-068, approving a Budget Amendment of \$150,000 to the Fiscal Year 2022/23 Adopted Budget for the Cal Fire Grant and authorizing the City Administrator to execute a Professional Services Agreement with Davey Resource Group for development of an Urban Forestry Master Plan
- Item 9:** Resolution 2022-069 authorizing the City Administrator to execute a change order to the existing agreement with CSG Consultants, Inc. for on-call building and code compliance services increasing the not to exceed amount from \$200,000 to \$240,000 per the adopted FY2022-2023 Budget, and extending the term to June 30, 2023
- Item 10:** Adopt Resolution 2022-071 authorizing the City Administrator to establish and adopt the newly created job descriptions for Maintenance Worker I/II and Maintenance Worker III
- Item 11:** Resolution 2022-073 authorizing the erection of tents on public property for the 5th annual Prancing Ponies event

ORDERS OF BUSINESS

- Item A:** Receive an update on the Farmers' Market and adopt Resolution 2022-072 Authorizing the consumption of alcohol at the Farmers' Market "Third Thursday" events through October 31, 2022, to be held in Devendorf Park

Mayor Pro-Tem Richards recused himself for Orders of Business items A and B due to his proximity to the events being discussed and left the dais.

Community Activities Director Wright gave a presentation on the item and answered questions from Council.

Public Comment: None.

Council Member Theis made a motion to approve Resolution 2022-072 as presented by staff, seconded by Mayor Potter.

Council discussion followed.

Council Member Baron made a substitute motion to approve the Resolution with the condition that the consumption of alcohol at the Farmers' Market Third Thursday Event be limited to beer and wine only. Substitute motion failed due to lack of a second.

Motion to approve the original motion by Council member Theis approving Resolution 2022-072 as presented by staff, seconded by Mayor Potter. Roll Call Vote: Council Member Baron - yes, Council Member Ferlito - no, Council Member Theis – yes, Mayor Potter – yes, Mayor Pro Tem Richards – recused.

Action: Resolution 202-072 adopted, 3-1-0-1 vote (Council Member Ferlito voting no, Mayor Pro Tem Richards recused)

Item B: Discuss and provide necessary direction the Pumpkin Roll event

Community Activities Director Wright gave a presentation on the item and answered questions from Council.

Public Comment:

John Turner, Ms. Turner, spoke in favor of the Pumpkin Roll event.

Chloe and her mother spoke in favor of the Pumpkin Roll event.

Richard Kreitman and Parker Logan spoke in favor of the Pumpkin Roll event.

Motion directing staff to hold the Pumpkin Roll by Mayor Potter, seconded by Council Member Theis with the amendment to add more family events at Devendorf Park. Mayor Potter supported the amendment. Roll Call Vote: Council Member Baron - yes, Council Member Ferlito - yes, Council Member Theis, Mayor Potter – yes, Mayor Pro Tem Richards recused.

Action: Approved Pumpkin Roll event held by staff, with more family events at Devendorf Park. 4-0-0-1 (Mayor Pro Tem Richards recused)

Mayor Pro Tem Richards returned to the dais at 6:15 PM.

Council took a recess at 6:15 PM, and returned at 6:25 PM.

PUBLIC HEARINGS

Council moved to hear Public Hearing Item #4 first.

Item 4: 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 21-239 (Carmel Beach Hotel & Spa) with Esperanza Carmel Commercial, LLC for the historic 'Colonial Terrace Inn' now known as Carmel Beach Hotel & Spa located at the northeast corner of San Antonio Avenue and 13th Avenue (APN 010-286-015)

Senior Planner Marnie Waffle gave a brief presentation of the item and answered questions from Council.

Public Comment:

David Fink - Applicant, addressed the Council.

Council discussion followed.

Motion to enter into a Mills Act Historical Property Contract MA 21-239 (Carmel Beach Hotel & Spa) with Esperanza Carmel Commercial, LLC for the historic 'Colonial Terrace Inn' now known as Carmel Beach Hotel & Spa by Mayor Pro-Tem Richards, seconded by Council Member Theis.

Roll call vote: Council Member Baron - no, Council Member Ferlito - no, Council Member Theis -yes, Mayor Pro Tem Richards - yes, Mayor Potter - yes.

Action: Motion to enter into a Mills Act Historical Property Contract MA 21-239 approved. 3-2-0-0 (Council Members Baron and Ferlito voting no)

Mayor Potter and Mayor Pro-Tem Richards recused themselves due to the proximity of their homes to L'Auberge, and left the meeting at 6:58 PM.

Item 3: 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 Street 2 northeast of 7th Avenue (APN 010-191-005)

Senior Planner Marnie Waffle gave a brief presentation of the item and answered questions from Council.

Public comment:

David Fink - Property Owner, requested continuation of this item to a later date. He stated he would come back preliminary financial information if possible from the assessor's office.

Motion to continue item to a later date by Council Member Ferlito, seconded by Acting Mayor Theis. Roll Call Vote: Council Member Baron - yes, Council Member Ferlito - yes, Acting Mayor Theis - yes. Mayor Potter and Mayor Pro Tem Richards recused.

Action: Motion to continue Mills Act Contract MA 21-238 approved 3-0-0-2 (Mayor Pro Tem Richards and Mayor Potter recused)

Public Comment re-opened:

Parker Logan addressed the Council regarding Mills Act exceptions that San Francisco adopted.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

Council adjourned at 7:18 PM in memory of David Shonman and Doug Freedman.

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk