

**CITY COUNCIL MINUTES**  
**Regular Meeting**  
**Tuesday, October 4, 2022**

**CALL TO ORDER AND ROLL CALL**

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

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

**CLOSED SESSION - 3:00 PM**

City Attorney Pierik read the closed session titles.

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PERSUANT TO GOVERNMENT CODE SECTION 54957  
Title: City Administrator
- B. CONFERENCE WITH LABOR NEGOTIATORS – Government Code Section 54957.6  
Agency designated representatives: Mayor Pro Tem Richards and City Attorney  
Unrepresented employee: City Administrator

Council adjourned to closed session at 3:04 p.m.

**TOUR OF INSPECTION - 3:30 PM**

Council returned from closed session, and conducted the tour of inspection of the following locations:

- A. Mills Act – Monte Verde Street 2 northeast of 9<sup>th</sup> Avenue, Block 94, Lot 18 (Strom and Miller)
- B. Mills Act – Southeast Corner of San Antonio Avenue and 4<sup>th</sup> Avenue Block HH, Lot 28 (Ludwick)
- C. Mills Act – Vizcaino Avenue 12 southwest of Mountain View Avenue, Block 102, Lot 12 & 13 (Prentiss)

**OPEN SESSION – 4:30 PM**

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the regular City Council meeting to order at 4:30 p.m.

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

**PLEDGE OF ALLEGIANCE**

Assistant City Administrator Maxine Gullo led the pledge of allegiance.

**EXTRAORDINARY BUSINESS**

**A. Proclamation - Childhood Cancer Awareness Week**

Council Member Baron read the proclamation.

**B. Receive a presentation on street addresses to be discussed, and provide staff with direction**

Administrative Analyst Emily Garay gave a presentation on the topic and answered questions from Council.

Public Comment:

Betty Maurutto, Betty Kullas, and Jana Schilling spoke in favor of street addresses. Nancy Twomey addressed the Council.

Council discussion resumed. Council gave direction to staff to continue to do research on the topic and confirm if implementing a street address system will require mail delivery service, and if so staff inform the Council and ask for further direction. Staff will return to Council with their findings and a preliminary plan for community engagement and feedback on the topic of street address implementation.

**C. Receive a presentation on Parking Management Program**

Parking Management Program Consultant Brian Uhler gave a presentation on the topic and answered questions from Council.

Public Comment:

Judy Tollner and Parker Logan spoke against paid parking. Nancy Twomey addressed the Council.

Council discussion resumed. Council directed Mr. Uhler to move forward with his recommendations on the next steps to begin a parking management program beginning in January after the new Council is seated.

**PUBLIC APPEARANCE**

None

**ANNOUNCEMENTS**

- A. CITY ADMINISTRATOR** - Assistant City Administrator Gullo thanked Council for the opportunity to sit at the helm of the meeting while City Administrator Rerig was attending a conference. She thanked the community for their input on the design guidelines workshop last night. She announced that Public Works will be planting new trees during the month of October. She announced upcoming City events: October 27 - Third Thursday in the park, 4-7 p.m.,

October 29 - Annual pumpkin roll 2-4 p.m. and Hocus Pocus movie in Devendorf Park in the evening, October 31 – the Annual Halloween parade at 4 p.m. and trick or treating in the park to follow.

**B. CITY ATTORNEY** - No reports from closed session.

**C. CITY COUNCIL**

Council Member Baron – No reports

Council Member Ferlito – No reports

Council Member Theis - Announced that October 8th there will be a Meet the Makers, art and wine tasting event.

Mayor Pro-Tem Richards – Announced that October 6th is the Taste of Carmel event put on by the Chamber of Commerce.

Mayor Potter – Reported that he attend the design traditions workshop last night there was great discussion and lots of interest and passion from the community. He voiced concern about homes that have their garages right on the front edge of the property with no area to back out, and is dangerous for cars to back out onto the street, especially on Carpenter Street.

**CONSENT AGENDA**

Mayor Potter pulled Item 7 from the Consent agenda.

**Item 1 - August 1, 2022 Special Meeting Minutes, and September 13, 2022 Regular Meeting Minutes**

**Item 2 - August 2022 Monthly Reports**

**Item 3 - August 2022 Check Register Summary**

**Item 4 - Resolution 2022-088, awarding a Professional Services Agreement to Schaaf & Wheeler to amend the City's Storm Drain Master Plan**

**Item 5 - Resolution 2022-089, waiving a bid irregularity and awarding a three-year on-call Landscape Maintenance Services contract to Town & Country Gardening & Landscaping, with a not-to-exceed fee for Fiscal Year 2022/23 of \$140,000**

**Item 6 - Resolution 2022-090, authorizing the City Administrator to execute an agreement with Public Risk Innovation, Solutions, and Management (PRISM) risk management for the term of October 15, 2022, to June 30, 2023 in an amount not to exceed the \$50,000 approved in the FY 22-23 budget**

**Motion by Mayor Pro Tem Richards to approve consent agenda items 1-6, seconded by Council Member Theis, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

## **ITEMS PULLED FROM CONSENT**

### **Item 7 - Resolution 2022-091 approving a supplemental budget appropriation to the Fiscal Year 2022-2023 Adopted budget for Discretionary Grants in the amount of \$1,000 for the Carmel High School Mock Trial Team**

Mayor Potter requested that Council to increase the donation amount from \$1,000 to \$5,000. He added that former Carmel Mayor Sue McCloud has generously offered to match the City's donation up to \$5,000. Council discussion resumed.

Public Comment: None

**Motion by Mayor Potter, to adopt Resolution 2022-091 with an amendment to increase the donation amount to \$5,000, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

## **ORDERS OF BUSINESS**

### **Item 8 - Resolution 2022-092 authorizing the City Administrator to execute a purchase agreement for the purchase of a One (1) Pierce Manufacturing, Inc. Enforcer 1500 GPM Pumper (HGAC Consortium Purchase – Contract FS12-19, Product Code FS19VC07) for a not to exceed in the amount of \$880,000**

Public Safety Director Ward gave a presentation on the item.

Public Comment: None

Council discussion followed.

**Motion by Baron to approve the purchase of a diesel fire engine and adopt Resolution 2022-092, seconded by Council Member Theis, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

**Item 9 - Receive a presentation on 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 to be discussed, and provide staff with direction**

Building Official Jermel Laurie gave a presentation and answered questions from Council.

Public Comment:

Judy Tollner and Edan Asturi addressed the Council.

Council discussion followed. Council consensus to move forward with the October 12th community meeting and have the first reading of the building code Ordinance added to the November 1, 2022 meeting.

Council took a recess at 6:35 p.m., and reconvened at 6:45 p.m.

**Item 10 - Discussion regarding potential amendments to the City's Mills Act Contract policy**

Principal Planner Marnie Waffle gave a presentation and answered questions from Council.

Public Comment: None

Council Member Ferlito said she would like consider a cap on the tax break, and limit the number of Mills Act contracts at any given time since the yearly inspections require lots of staff resources. Council Member Theis said she would like to consider the length of the contract and that 20 years may be too long for the tax break, and Mayor Pro Tem Richards and Council Member Baron agreed. Council Member Baron expressed concerns about commercial properties that make millions and get the benefit of reduced taxes for 20 years.

Council consensus to continue the discussion on amending the City's Mills Act Contract policy in the future.

**Item 11 - Discussion on amending the qualifications for the Historic Resources Board Members**

City Clerk Romero gave a presentation on the item and answered questions from Council.

Public Comment:

Edan Asturi addressed the Council.

Council discussion followed. Council consensus to return with a first reading Ordinance to amend City Code Chapter 2.74.010(B), to expand the residency requirements for Historic Resources Board members to allow up to two (2) members to reside within Monterey County, outside of Carmel-by-the-Sea, so long as they meet the other qualifications regarding relevant experience or knowledge.

**Item 12 - Discussion on rescinding Urgency Ordinance 2022-002 - Adopting Rules of Conduct for attending meetings of Legislative Bodies at City Facilities**

City Clerk Romero gave a presentation on the item and answered questions from Council.

Public comment: None.

Council discussion followed. Council discussed coming back with a new Urgency Ordinance to amend the rules of conduct for attending meetings of legislative bodies removing the requirement to show a vaccine card to enter City facilities, and require masks be worn if the CDC Community Level at the time of the agenda posting is medium or high, and to have the level posted on the agenda.

**Motion by Council Member Baron, directing staff to return with an Urgency Ordinance to repeal and replace Urgency Ordinance 2022-002, removing the requirement to show a vaccine card to enter City facilities, masks are required if the CDC Community Level at the time of the agenda posting is medium or high, per the guidance of the California Department of Public Health, seconded by Mayor Potter, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

**PUBLIC HEARINGS**

**Item 13 - Introduction of Ordinance No. 2022-003 (First Reading) - Amending Municipal Code Section 2.52.630 pertaining to eligibility for new hires to use accrued vacation leave in the first year of employment**

Assistant City Administrator Gullo gave a presentation on the item.

Public Comment: None

Council discussion followed.

**Motion by Council Member Baron to read by title only, waive full reading, introducing Ordinance 2022-003 and passing to second reading on November 1st, seconded by Council Member Theis, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Members Baron, Ferlito, Theis, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

**Item 14 - MA 22-204 (Prentiss): Consideration of a recommendation from the Historic Resources Board to the City Council that the City enter into a Mills Act Historical Property Contract MA 22-204 (Prentiss) with Amanda S. Prentiss and Matthew J.**

**Mermer for the historic “Marion Daniels Shand House” located at Vizcaino Avenue 12 southwest of Mountain View Avenue (APN 010-055-021)**

Associate Planner Katherine Wallace gave a presentation and answered questions from Council.

Public Comment: Dr. Matthew Mermer, applicant, addressed the Council.

Council discussion followed.

**Motion by Council Member Baron to approve the Mills Act Contract MA 22-204 (Prentiss), seconded by Council Member Theis, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Member Baron, Ferlito, Theis, Richards, Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

**Item 15 - MA 22-214 (Ludwick): Consideration of a recommendation from the Historic Resources Board to the City Council that the City enter into a Mills Act Historical Property Contract MA 22-214 (Ludwick) with Christopher & Adrienne Ludwick Trust for the historic “Frederick Ten Winkel House” located at the southeast corner of San Antonio Avenue and 4<sup>th</sup> Avenue (APN 010-253-018)**

Associate Planner Katherine Wallace gave a presentation and answered questions from Council.

Public Comment: Mr. Ludwick, applicant, addressed the Council.

Council discussion followed.

**Motion by Mayor Potter to approve the Mills Act Contract MA 22-214 (Ludwick), seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Member Baron, Ferlito, Theis, Richards, Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

**Item 16 - MA 22-254 (Strom & Miller): Consideration of a recommendation from the Historic Resources Board to the City Council that the City enter into a Mills Act Historical Property Contract MA 22-254 (Strom & Miller) with Nancy Strom and Gavin Miller for the historic “Enoch A. Lewis House” located at Monte Verde Street 2 northeast of 9th Avenue (APN 010-193-010)**

Public Comment: Nancy Strom, applicant, addressed the Council.

Council discussion followed.

**Motion by Council Member Theis to approve Mills Act Contract MA 22-254 (Strom & Miller), seconded by Mayor Potter, and approved 5-0-0-0 with the following roll call vote:**

AYES: Council Member Baron, Ferlito, Theis, Richards, Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

### **FUTURE AGENDA ITEMS**

Mayor Potter – Requested future discussion on garage encroachments.

### **ADJOURNMENT**

Council adjourned at 8:00 p.m.

APPROVED:

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Dave Potter  
Mayor

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Nova Romero, MMC  
City Clerk