REGULAR MEETING
Tuesday, September 1, 2020
4:30 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor/Chair Potter called the Carmel-by-the-Sea City Council Meeting to order at 4:33

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

EXTRAORDINARY BUSINESS

Item A: Jacob's Heart Proclamation; declaration of September as Childhood Cancer Awareness month

PUBLIC APPEARANCES

The following member of the public spoke:
Fred Bologna

ANNOUNCEMENTS

Item A: City Administrator Announcements
The City Administrator thanked the Fire Department, Police Department and Executive Team for their work and flexibility during the recent wild fire emergency and discussed the change to the disabled parking spot near the Post Office.

Discussion took place regarding Item No. 10 regarding an added recommended option being provided to the City Council without sufficient time for the public to consider that option. It was determined the item could be addressed at an Adjourned Regular Meeting of the City Council and the Carmel-by-the-Sea Public Improvement Authority; action will be taken when that item is discussed later in the agenda.

Item B: City Attorney Announcements
The City Attorney stated the City Council met in Closed Session on August 31, 2020 and discussed the matters listed on the agenda with no reportable action.

Item C: Councilmember Announcements
Council Member Reimers expressed her condolences to those suffering from the impacts of the wild fires and childhood cancer; discussed the success of the Mutt Mitt program.

Council Member Baron discussed upcoming Climate Change Committee meeting; thanked the residents and the businesses for their patience as staff manages the impacts of the pandemic on the community; discussed holding meetings virtually.

Item C: Councilmember Announcements continued...

Mayor Potter discussed the impact of the recent wild fires; thanked the Fire Department for the way they handled the evacuations and thanked the County for their handling of the fires.

CONSENT AGENDA
Council Member Reimers commented on Item 1, Item 2, Item 4 and Item 6.

PUBLIC APPEARANCES
The following member of the public spoke on the Consent Calendar:
Karen Ferlito

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council approved the Consent Calendar, by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 1: Approve August 3, 2020 Special Meeting Minutes and August 4, 2020 Meeting Minutes as presented

Item 2: Monthly Reports for July: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

Item 3: June and July 2020 Check Register Summaries

Item 4: Resolution 2020-053 accepting a donation of $5,000.00 from the Friends of Mission Trail Nature Preserve and approving a budget amendment of five thousand dollars to the Fiscal Year 2020-2021 adopted budget.

Item 5: Resolution 2020-054 authorizing a refund of a Preliminary Site Assessment fee of $1,135.00 to Erik Dyar

Item 6: Resolution 2020-055 amending the City's Financial Policies to include a revised Debt Management Policy

Item 7: Resolution 2020-056 rescinding Resolution 2016-057 and re-establishing the list of designated classifications and the disclosure categories of the City's Conflict of Interest Code

ORDERS OF BUSINESS

Item 8: Resolution 2020-057 ratifying Order 20-2 regarding rules for the use of the beach and Urgency Ordinance 2020-006 adopting rules for the use of the beach

The City Administrator and City Attorney provided the staff report for this item.

Discussion among the City Council and staff included discussion of not moving forward with the Urgency Ordinance at this time, including an end date for the Order, revising or removing some of the restrictions listed in the Order and discussion of the Police Department's capacity to enforce the Order. Additionally discussion took place regarding following the Governor's Order with regard to large groups and ensuring the restrictions are similar to other cities on the Peninsula.

On a motion by Council Member Reimers and seconded by Council Member Baron, the City Council adopted Resolution 2020-057 ratifying Order 20-2 regarding rules for the use of the beach with modification to Section 2.1 striking "coolers or other containers for the storage of food or drinks", and "chairs", Section 2.2 is stricken in its entirety, Section 2.3 is amended to read "No groups of more than 10 people shall be permitted on the beach," modified the first resolve of the Resolution to include "Order 20-2 will expire on October 7, 2020 unless extended by action of the Council" and modified the second resolve by adding "except as modified herein," by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

It was the consensus of the City Council to address Item 11 at this time.

Item 11: Resolution 2020-060, acknowledging the letter co-signed by Mayor Potter and City Administrator Chip Rerig to Governor Newsom and Lisa Mangat, Director of State Parks requesting closure of all State beaches in Monterey County over the Labor Day Weekend in coordination with the closure of the City's beach

The City Administrator provided the staff report for this item.

The City Council requested clarification regarding the closure being the same as what was in place for the July 4th holiday.

On a motion by Council Member Theis and seconded by Council Member Reimers, the City Council adopted Resolution 2020-060, acknowledging the letter co-signed by Mayor Potter and City Administrator Chip Rerig to Governor Newsom and Lisa Mangat, Director of State Parks requesting closure of all State beaches in Monterey County over the Labor Day Weekend in coordination with the closure of the City's beach, by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 9: Receive a preliminary Fiscal Year 2019-2020 year-end status report; receive a budget status report on Fiscal Year 2020-2021 and adopt Resolution 2020-058 approving a budget amendment of $76,330 to the Fiscal Year 2020-2021 Adopted Budget

The Finance Manager provided the staff report for this item.

The City Council requested clarification regarding if there is an option to change the payment frequency with regard to the CalPERS payment from monthly to yearly if the City's financial status changes.

Discussion among the City Council and staff included discussion of the City's conservative approach resulted in the need to use less "fund balance" than originally anticipated, the Council thanked staff for the sacrifices already made and being made regarding the City's financial status. Additionally the City Council and staff discussed the timing for potentially revising the current budget based on actual revenues received.

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council received a preliminary Fiscal Year 2019-2020 year-end status report; received a budget status report on Fiscal Year 2020-2021 and adopted Resolution 2020-058 approving a budget amendment of $76,330 to the Fiscal Year 2020-2021 Adopted Budget, by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 10: Resolution 2020-059 approving the issuance and sale of Refunding Lease Revenue Bonds by the City of Carmel-by-the-Sea Public Improvement Authority to refinance outstanding bonds related to the Sunset Center Theater and approving related documents and actions and provide direction on savings option

On a motion by Council Member Reimers and seconded by Council Member Theis, the City Council adjourned this item to September 3, 2020 at 5:00 p.m., by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 12: Provide an overview of ambulance operations

The Director of Public Safety/Police Chief provided the staff report for this item.

The following member of the public spoke:

Nancy Twomey

Item 12 continued...
Discussion among the City Council and staff included discussion of the City Council's desire to keep the residents safe, discussion of the formation of a task force to address this issue based on data, not emotion, discussion of the amount of overtime historically needed by the ambulance service and the need to reduce the amount of overtime without cutting services. Additionally, discussion took place regarding budget constraints, having the task force evaluate different service models and metrics, and analyzing the potential of a new revenue stream related to real estate transfers in the City.

No vote required, update only.

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 7:30 p.m.

PUBLIC HEARING

Council Member Reimers recused herself from this item due to the proximity of the property involved to her family's commercial property and left the meeting at this time.

Item 13: Consideration of an Appeal (APP 19-251) of the denial of a Transient Rental Business License Application for an existing condominium and a Use Permit Amendment (UP 19-411) to allow for the operation of a Transient (Short Term) Rental located on Dolores, 3 SE of 7th in the Service Commercial (SC) Zoning District.

The Associate Planner and the City Attorney provided the staff report for this item.

The Appellant's Attorney, the Appellant and the Appellant's real estate agent provided information for this item.

The City Council requested clarification regarding the real estate agent's review of the property file and if the information prohibiting transient rental of this property was located in that file, and clarification if the Appellant has been using the property as a transient rental and for how long.

Discussion among the City Council and staff included discussion of the difficulty of addressing this issue due to the lengthy process undertaken by the City Council prohibiting transient rentals and the Council not being in favor of potentially making an exception. Additional discussion took place among the City Council regarding the possibility of allowing the rental with a sunset date. Discussion took place regarding the buyer and real estate agent's responsibility to conduct due diligence and review the property file, and discussion of the property owners' continued use as a transient rental even though they were denied the permit.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council denied the appeal and upheld the Planning Commission's decision to deny the Business License application and Use Permit amendment subject to the Findings for Denial found as attachment 9 to the Staff Report, by the following roll call vote:

AYES:	BARON, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
RECUSED:	REIMERS

FUTURE AGENDA ITEMS
None at this time.

ADJOURNMENT
Mayor Potter adjourned the meeting at 8:08 p.m.

APPROVED:

Dave Potter, Mayor

ATTEST:

Britt Avrit, MMC
City Clerk