

CITY COUNCIL REGULAR MEETING
Tuesday, August 4, 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 Potter called the meeting to order at 4:30

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

EXTRAORDINARY BUSINESS

Item A: Monterey Bay Community Power Presentation

PUBLIC APPEARANCES

The following members of the public spoke:

Fred Bologna
Neil Kruse
Ken Spilfogel

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator thanked the Police Department and CERT teams for their work with maintaining safety at the beach and in downtown; stated the agenda in September will have two Check Registers included and discussed a few items the Council will be considering in September.

Item B: City Attorney Announcements

The City Attorney stated the City Council met in Closed Session on August 3, 2020 and discussed the matters listed on the agenda with no reportable action.

Item C: Councilmember Announcements

Council Member Reimers discussed the progress on the Mutt Mitt containers sponsorship program and discussed her appreciation for the correspondence received from residents regarding the current issues facing the Village.

Mayor Pro Tem Richards thanked everyone in the village for "rallying" together in their efforts during these difficult times and discussed the recent recognition of Barbara Livingston.

Council Member Baron stated he appreciates hearing from the residents and discussed the upcoming Climate Committee meeting.

Mayor Potter discussed recent recognition of Barbara Livingston.

CONSENT AGENDA

Council Member Reimers commented on Item 8.

Council Member Baron discussed Item 2, specifically his concerns with the number of illegal beach fires and discussed staff's authority to issue citations for illegal beach fires.

Police Chief Tomasi stated for the same period last year, the number of illegal beach fires has decreased.

Due to a technical issue, Council Member Theis dropped off the call before the vote for the Consent Calendar was taken.

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

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

Item 1: Approve July 6, 2020 Special Meeting Minutes and July 7 2020 Meeting Minutes as presented

Item 2: Monthly Reports for June: 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: Resolution 2020-047 designating Council Member Carrie Theis as the voting delegate and Mayor Dave Potter as the alternate voting delegate at the 2020 annual League of California Cities conference

Item 4: Resolution 2020-048 establishing an Electronic Signature Policy

Item 5: Approve the City of Carmel-by-the-Sea's response letter to the 2019-2020 Monterey County Civil Grand Jury Final Report on Sexual Harassment Prevention and Training Compliance and authorize the Mayor and City Administrator to sign related documents

Item 6: Resolution 2020-049 authorizing the City Administrator to execute an agreement with Municipal Resources Group (MRG) LLC for facilitated evaluation services for City Administrator in an amount not to exceed \$8,000.

Item 7: Resolution 2020-050 authorizing the City Administrator to establish a temporary voluntary time-off (furlough) program for At-Will (exempt) executive employees

Item 8: Resolution 2020-051 authorizing the City Administrator to make technical corrections as necessary and execute a two-year professional services agreement with an option to renew for one additional year, with Alliant Insurance Services, Inc. for risk management services for an amount not to exceed \$30,000 over the two-year period

Council Member Theis rejoined the meeting at this time.

ORDERS OF BUSINESS

Item 9: State of the Forest & Vision for the Future

The City Forester provided the update for this item.

Discussion among the City Council and staff included discussion of the Council's appreciation of the tools being used and the tree protection program. Additional discussion took place regarding assisted migration and the impact of the warmer climate and storm events on the forest. Discussion took place regarding adjusting the focus on the number of trees planted and adjusting the protection of trees based on the type of work being done on the involved property and to focus on protection of the root zone. A suggestion was made to potentially involve the residents in obtaining donations to assist in removing stumps throughout the Village and discussion was had surrounding species selection, density vs urban tree canopy, enforcement of rules, a revised Forest Management Plan and involving the Forest & Beach Commission to assist the City Forester in achieving her goals.

No vote required, update only.

Item 10: Consideration of the cancellation of the City's Special Events through the end of the calendar year 2020

The Libraries & Community Activities Director provided the staff report for this item.

The City Council requested clarification regarding how the Christmas tree and Menorah lighting would take place without holding in-person events and clarification of the status of issuing Special Event Permits.

The following members of the public spoke:
Parker Logan

Discussion among the City Council and staff included discussion of the Village not having a "normal summer," the absence of European and Bay Area visitors and educating visitors to visit properly including wearing masks and practicing social distancing. The City Council expressed their disappointment in cancelling the events that bring the community together, stated it is necessary to keep everyone safe and thanked the Community Activities Commission and the Libraries & Community Activities Director for making the difficult decision for this recommendation.

Item 10 continued...

On a motion by Council Member Theis and seconded by Council Member Reimers, the City Council approved the cancellation of the City's Special Events through the end of the calendar year 2020, by the following roll call vote:

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

Item 11: In Lieu Parking Fees for off-street parking requirements

Mayor Potter discussed the history of this item and requested clarification regarding use of the funds to explore possibilities of a parking structure in town at some point in the future.

The Public Works Director provided a brief presentation of the staff report for this item.

The following members of the public spoke:
Richard Kreitman

Discussion among the City Council and staff included additional parking will be a necessity sometime in the future, during the current financial situation the issue can be delayed for formal action to a time when staff's workload may be better able to handle and yet not too far in the future. Use of the existing funds to prepare a proposal or to create a public/private partnership was discussed.

The City Council reached consensus to table the item for now with concurrence the City Council wants to use the funds; clarity regarding where and how the funds can be used has been provided in the staff report.

Item 12: Urgency Ordinance No. 2020-004 of the City Council of the City of Carmel-by-the-Sea affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within city jurisdiction and authorization of Code Compliance Coordinator to issue citations

The City Attorney provided the staff report for this item.

The City Council requested clarification from staff regarding who is responsible to ensure hotel visitors are wearing masks, if the signs at all beach entrances are considered a warning and how those with medical conditions and the youth will be handled with regarding to mask enforcement.

The following members of the public spoke:
Parker Logan
Karen Ferlito
Richard Kreitman

Item 12 continued...

The City Council stated the residents have asked for enforcement, the time has come to implement it.

On a motion by Council Member Theis and seconded by Council Member Baron, the City Council adopted Urgency Ordinance No. 2020-004 of the City Council of the City of Carmel-by-the-Sea affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within city jurisdiction and authorization of Code Compliance Coordinator to issue citations, by the following roll call vote:

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

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 7:15 p.m.

It was the consensus of the City Council to move Item 15 to this portion of the agenda.

PUBLIC HEARING

Item 15: Resolution 2020-052 adopting updated fees, as recommended by the Forest and Beach Commission, for Tree Pruning Permits, Tree Removal Permits, Tree-related Appeals to the Forest and Beach Commission, and Tree-related Appeals and to City Council, effective September 3, 2020

The Public Works Director provided the staff report for this item.

The City Council and thanked staff for the work done on this item.

On a motion by Council Member Reimers and seconded by Council Member Baron, the City Council adopted Resolution 2020-052 adopting updated fees, as recommended by the Forest and Beach Commission, for Tree Pruning Permits, Tree Removal Permits, Tree-related Appeals to the Forest and Beach Commission, and Tree-related Appeals and to City Council, effective September 3, 2020, by the following roll call vote:

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

ORDERS OF BUSINESS

Item 13: Urgency Ordinance 2020-005 of the City Council of the City of Carmel-by-the-Sea for enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorization of Code Compliance Coordinator to issue citations

The City Attorney stated in order for the Urgency Ordinance to be adopted a four-fifths vote is needed. Council Member Reimers has a conflict because her family owns property that has a restaurant involved in the outdoor seating process and Mayor Pro Tem Richards has a conflict because of a perceived personal conflict due to his business relationship with a restaurant owner. After invoking the Rule of Necessity and a random number was generated to determine which Council Member would remain to vote on the item, Mayor Pro Tem Richards is the Council Member remaining to consider this item.

Council Member Reimers left the meeting at this time.

The City Attorney provided the staff report for this item.

The City Council requested clarification from staff to confirm if Mayor Pro Tem can ask questions and comment on the item, confirm who will be issuing citations and clarify if a third party can be used on a contractual basis to assist in enforcement.

The following members of the public spoke:

Robert Knight
Karen Ferlito

Discussion among the City Council and staff included discussion of the "three strikes" associated with outdoor seating permits, the amount of staff time involved with this program so far and the impact to other duties staff has. Additionally, discussion took place regarding the goals of the Ordinance, which are compliance, as well as to ensure businesses understand there are consequences for not following the rules. The City Council appreciates the work done to make this happen.

On a motion by Mayor Potter and seconded by Council Member Baron, the City Council adopted Urgency Ordinance 2020-005 of the City Council of the City of Carmel-by-the-Sea for enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorization of Code Compliance Coordinator to issue citations, by the following roll call vote:

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

Council Member Reimers returned to the meeting at this time

Item 14: Update on Outdoor Seating in the Public Way

Council Member Reimers stated she must to recuse herself from this item because her family owns property that has a restaurant involved in the outdoor seating process.

Mayor Pro Tem Richards stated he must recuse himself from this item because of a perceived personal interest in downtown dining.

The Acting Director of Community Planning & Building provided the staff report for this item.

The following members of the public spoke:

Parker Logan
Melinda Rayne
Kim Stemler
Karen Ferlito
Sabrine Rodems
Scott Caracciolo

Discussion among the City Council and staff included discussion of expectation that businesses are to follow social distancing. The City Council provided direction to staff regarding input from the Planning Commission, outdoor seating in the City right-of-way for "Drinking Places," assistance related to code compliance for outdoor seating, the number of parking spaces, use of the sidewalk and queing as it relates to specialty restaurants and wine tasting shops, and direction related to electrical cords and gas heaters .

Direction provided to staff, not vote needed.

FUTURE AGENDA ITEMS

None at this time.

Mayor Potter adjourned the meeting at 9:10 p.m.

APPROVED:



Dave Potter, Mayor

ATTEST:



Britt Avrit, MMC
City Clerk