REGULAR MEETING
Tuesday, July 6, 2021

This meeting was held via teleconference pursuant to Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL
Mayor Potter called the meeting to order at 4:30 p.m.

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

EXTRAORDINARY BUSINESS

Item A: Welcoming and Inclusive Community Proclamation

PUBLIC APPEARANCES
The following member of the public spoke:
Brian Andrus

Item A: City Administrator Announcements
The City Administrator thanked former Mayor White, Ashlee Wright, Leslie Fenton and the entire team for the hard work to put on the concert with Monterey Pops in Devendorf Park on 4th of July and stated the City intends to begin conducting City Council and Board/Commission meetings in person in September and will continue offering attendance via Zoom.

Item B: City Attorney Announcements
None

Item C: Councilmember Announcements
Council Member Ferlito thanked Public Works Director Bob Harary, Police Chief Tomasi and Fire Chief Panholzer for the recent fire safety presentation at the Forest Theater and discussed the 4th of July concert at Devendorf Park.

Council Member Baron discussed the upcoming Climate Committee meeting.

Mayor Pro Tem Richards congratulated Sarah Graessley from Carmel High School as the CCS pole vault champion and for placing fifth in pole vault at the State Championships.

Mayor Potter discussed the climate he experienced while visiting Boston and thanked Council Member Theis and Baron for their work with the Climate Committee.

CONSENT AGENDA
Council Member Baron requested Items 6 and 7 be removed for separate discussion.

Council Member Ferlito requested Items 2, 5, 6 and 8 be removed for comment and discussion

CONSENT AGENDA
Council Member Ferlito discussed concerns with the number of illegal fires on the beach and discussed the number of tress removed vs. the number replaced regarding Item 2; thanked Agnes Martelet for her work with the grant regarding Item 5; discussed the amount spent on cleaning at Vista Lobos regarding Item 8.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved the Consent Agenda except Items 6 and 7, by the following roll call vote:

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

Item 6: Resolution 2021-035 authorizing the City Administrator to execute Amendment No. 3 to the agreement with Peninsula Messenger Service for mail delivery for a not to exceed increase of $122,000 for the term of July 1, 2021 to December 31, 2022

Questions from the City Council to staff included clarification as to how the new rate for the service is determined, the deadline to return the applicable forms, and what happens after that deadline if people do not submit their form. Additional clarification was needed regarding the number of people dropping off the service and history of the cost to the City.

Discussion among the City Council and staff included discussion of verbiage in the staff report and the need to start the discussion and process related to assigning addresses and having USPS mail service in the City.

Council Member Baron moved and Mayor Pro Tem Richards seconded the approval of Consent Agenda Item 6.

Additional discussion included discussion of the concerns related to the amount spent and continuing to spend on the service, ensuring the City is not overpaying, and potentially reducing the number of days for mail delivery by Peninsula Messenger Service.

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council approved Consent Agenda Item 6, by the following roll call vote:

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

Item 7: Resolution 2021-036 authorizing the City Administrator to sign a Legal Services Agreement with the Telecom Law Firm

Questions from the City Council to staff included clarification of the process for developing a future telecommunications ordinance.

Item 7 continued...
The following members of the public spoke regarding this item:
Sue McCloud

Tripp May discussed Telecom Law Firm's history and areas of expertise.

Discussion among the City Council and staff included discussion of concerns related to the process of developing the ordinance and the associated policy, and discussion regarding involving the Planning Commission prior to presenting an ordinance to the City Council.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council approved Consent Agenda Item 7, by the following roll call vote:

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

Item 1: June 1, 2021 Regular Meeting Minutes and June 8, 2021 Special Meeting Minutes

Item 2: Monthly Reports for May: 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: May 2021 Check Register Summary

Item 4: Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during FY 2021/22

Item 5: Resolution 2021-034 approving the Grant of Funds from the California State Coastal Conservancy for the Mission Trail Nature Preserve Fire Fuel Abatement Project and approving a Budget Amendment of $45,000 to the Fiscal Year 2021-2022 Adopted Budget

Item 6: Resolution 2021-035 authorizing the City Administrator to execute Amendment No. 3 to the agreement with Peninsula Messenger Service for mail delivery for a not to exceed increase of $122,000 for the term of July 1, 2021 to December 31, 2022

Item 7: Resolution 2021-036 authorizing the City Administrator to sign a Legal Services Agreement with the Telecom Law Firm

Item 8: Resolution 2021-037 authorizing the City Administrator to execute Amendment No. 5 with Pureserve Building Services, Inc., extending the existing janitorial services contract through December 31, 2021 for a fee of $97,000, plus a supplemental services contingency of $5,000, for a not-to-exceed total of $102,000

Item 9: Resolution 2021-038 establishing a schedule of fines greater than $100 for Administrative Citations pursuant to Section 18.04.080 of the City of Carmel-by-the- Sea Municipal Code

ORDERS OF BUSINESS

Item 10: Receive a presentation recommending the Public Agency Retirement Services (PARS) as the preferred Section 115 Retirement Trust provider and direct staff to prepare the authorizing resolution and other necessary documents to establish a Section 115 Trust Administered by the Public Agency Retirement Services (PARS)

The City Administrator and Director of Budgets and Contracts provided the staff report for this item.

Questions from the City Council to staff included clarification of an IRS private letter ruling.

Discussion among the City Council and staff included discussion of the financial position the City is in and discussed the responsible use of funds to pay down the City's liability. The City Council stated it is pleased to be moving ahead with this and discussed restrictions for investment of the funds.

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council directed staff to prepare the authorizing resolution and other necessary documents to establish a Section 115 Trust Administered by the Public Agency Retirement Services (PARS), by the following roll call vote:

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

FUTURE AGENDA ITEMS

Council Member Ferlito requested an item regarding a plan for revitalization of the Commercial District be provided in the future. Mayor Potter discussed working with the Planning Commission to be more involved in planning as opposed to design.

ADJOURNMENT

Mayor Potter adjourned the meeting to Closed Session at 5:44 p.m.

APPROVED:

Dave Potter, Mayor

ATTEST:

Britt Avrit, MMC
City Clerk