

REGULAR MEETING
Tuesday, May 4, 2021

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 4:31 p.m.

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

EXTRAORDINARY BUSINESS

Item A: Proclamation recognizing May 2-8, 2021 as Municipal Clerks Week

Item B: Proclamation recognizing May 16-22, 2021 as National Public Works Week "Stronger Together"

PUBLIC APPEARANCES

The following member of the public spoke:

Dale Byrne

CONSENT AGENDA

Council Member Baron requested that Item No. 2 be removed for separate discussion.

Council Member Ferlito provided comments related to Item No. 1 when paving projects take place in the next Fiscal Year.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Ferlito, the City Council approved Consent Agenda Item No. 1, by the following roll call vote:

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

Council Member Baron discussed his concerns regarding Ordinance 2021-002, specifically regarding the lack of a section for applicants to appeal decisions made by staff.

CONSENT AGENDA continued...

The City Attorney stated Council Member Baron contacted him prior to the City Council meeting and provided proposed language to be included in the Ordinance:

12.48.060 Permit Review Procedures and Fees.

F. Appeals

1. *Within ten days of the date of written notification of action by the Reviewing Authority, an Applicant for a Permit may appeal any denial of the application or any condition of approval to the City Administrator or designee. The City Administrator or designee shall hear appeals within ten days following filing of the appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. On appeal, the City Administrator or designee shall approve the application unless he or she makes one or more of the findings for denial set out in subsection E of this section 12.48.060, in which case the City Administrator may deny the application. In approving a special event permit, the City Administrator or designee may exercise the authority of the Reviewing Authority to impose conditions of approval.*

2. *The City Administrator or designee's determination to grant or deny the appeal shall be the final decision of the City, unless timely appealed by the Applicant to the City Council by filing a notice of appeal with the City Clerk within ten days of the decision of the City Administrator. The City Council shall consider any such timely appeal at the next regularly scheduled council meeting, unless the appeal is filed within ten days of the next regularly scheduled council meeting, in which case such appeal shall be heard at the subsequent regular meeting. On appeal, the City Council shall consider the application de novo and shall approve the application unless the Council makes one or more of the findings for denial set out in subsection E of this section 12.48.060 and shall exercise the authority of the Reviewing Authority to impose conditions of approval in accordance with this chapter.*

Council Member Baron made a motion to amend Ordinance 2021-002 adding the revised language, re-introduced the ordinance as amended, and requested reading of the title of the ordinance.

Council Member Theis seconded the motion.

Mayor Pro Tem Richards requested clarification if the option of applying for multi-year permits is included in the Ordinance. Discussion took place about placing this on a future agenda or discussing the option at the upcoming Retreat on May 12, 2021.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council amended Ordinance 2021-002 adding the revised language, re-introduced the ordinance as amended, and requested reading of the title of the ordinance, by the following roll call vote:

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

Following discussion of Item No. 4, the City Attorney stated, in response to Mayor Pro Tem Richards' question regarding multi-year permits that he had confirmation there is no prohibition in submitting permit applications in advance.

Item 1: Resolution 2021-018 approving a list of street projects for Fiscal Year 2021/22 funded by SB 1: the Road Repair and Accountability Act of 2017

Item 2: Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code

ORDERS OF BUSINESS

Item 3: Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement and Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions

The City Clerk provided the staff report for this item.

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council requested a reading of the title of the ordinance, waived further reading and introduced Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement, by the following roll call vote:

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

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions, by the following roll call vote:

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

Item 4: Resolution 2021-017 authorizing the City Administrator to restore voluntary compensation reductions, in whole or in part, for At Will Executives and for classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association

The City Administrator provided the staff report for this item.

Questions from the City Council to staff included clarification if approving partial restoration could mean there would be enough funds to bring back staff.

Item 4 continued...

Discussion among the City Council and staff included discussion of the City Council's appreciation for staff's willingness to take salary reductions and give up their salary increases to assist with addressing the anticipated budget shortfall and their belief it is time to restore the salaries that were deferred. Discussion took place regarding the proposed budget includes bringing some staff back.

On a motion by Council Member Ferlito and seconded by Council Member Theis, the City Council adopted Resolution 2021-017 authorizing the City Administrator to fully restore salary deferral and/or other compensation reductions incurred since July 1, 2020 for At Will Executives and for classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association, by the following roll call vote:

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

Item 5: Consider applications submitted as part of the Fiscal Year 2021-2022 Council Discretionary Grant Program and provide funding recommendations to staff

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

Questions from the City Council to staff included clarification of the timing for the revised application received from Community Human Services.

The following members of the public spoke regarding this item:

Robert Rapp
Moir LaMountain
Dale Byrne
JC Myers
Marci Meaux

Discussion among the City Council and staff included discussion of following staff's recommendation provided in the matrix in the Staff Report plus funding Community Human Services and partially funding the request from C4G2 to provide total funding for the amount listed in the proposed budget. The City Council thanked the groups for the work they do for the Community.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council approved staff recommendations for funding the Council Discretionary Grant Program as listed in the staff report and added \$3,000 for Community Human Services and \$2,000 for Connections 4 Growth 2 Communities 4 Good for a funding total of \$20,000, by the following roll call vote:

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

Item 6: Receive the Fiscal Year 2021-2022 Recommended Budget

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

The following member of the public spoke regarding this item:
Paul Martin

Discussion among the City Council and staff included discussion of funding for specific projects, and clarification of what is included in the vehicle equipment fund. The City Council thanked staff for increasing staff related to customer service, discussed projects residing in the Capital Improvement Project list vs Operating Budgets, the timing for hiring and recruitment and using potential savings of holding off on this towards sprucing up downtown. The City Council stated many topics related to the budget may be discussed as part of Council's priorities at the upcoming Retreat.

On a motion by Council Member Baron and seconded by Mayor Potter, the City Council received the Fiscal Year 2021-2022 Recommended Budget, by the following roll call vote:

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

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 6:40 p.m.

It was the consensus of the Council to hear Item 8 at this time.

PUBLIC HEARING

Item 8: Resolution 2021-019 adopting the Fiscal Year 2021- 2022 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety and Public Works Services

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 how and when the parking garage fees will be increased and clarification when mail delivery fees will be included.

Discussion among the City Council and staff included discussion of increasing the fee for the parking garage.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2021-019 adopting the Fiscal Year 2021- 2022 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety and Public Works Services and gave direction to staff to bring back an increase to the parking garage fees, by the following roll call vote:

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

Item 7: Progress report on the Outdoor Seating Ad-Hoc Committee and consideration of expiration dates for parklet permits

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

Questions from the City Council to staff included clarification of what "100% open" means in terms of Covid-related restrictions.

The following members of the public spoke regarding this item:

Jim Schulz
Kim Stemler
Jenny MacMurdo
Anthony Camazzo
Parker Logan
Ashley Bennet Stoddard
Jack Galante
Bashar Sheeh
Dan McDonnal
Kenny Spilfogel
Jo Todd
Scott
Shaheen's iPhone
Dawn Galante
Sue McCloud
Richard Kreitman

The City Council thanked the Community Planning & Building Director for the outstanding presentation. Discussion included current expiration date of temporary permits, the challenges with making a decision without knowing if the Governor will open the State up on June 15th as he has indicated, and determining the monetary value of a parklet as it relates to a potential fee for permanent parklets. The City Council and staff discussed the need for an end date or a "methodology" for determining an end date such as setting the end of temporary parklets after certain metrics have been met, discussed the negative impacts to retailers due to the parklets, the difference between restaurant and wine tasting parklets and the impact the parklets will have on the Concourse on the Avenue event if it takes place. Additionally, the City Council discussed the amount of enforcement needed by staff related to the parklets and how this will be handled in the future including potentially imposing a fee after metrics have been met. The City Council stated residents want their sidewalks back and understand people still want to be outside even after the pandemic. Discussion took place regarding ensuring ABC regulations are followed as it relates to wine tasting rooms. The City Council discussed allowing wine tasting parklets to stay in place for 30 days after wine tasting rooms are allowed to return to 100% occupancy and then they must be removed. The City Council discussed allowing restaurant parklets to stay in place for 90 days after restaurants return to 100% occupancy – without social distancing requirements, pre-pandemic situation – and then they must be removed. It was the consensus of the City Council if the situation changes regarding Covid-related restrictions, the clock stops until the establishments are allowed to be at 100% occupancy with a "hard-stop" at the end of December. Staff will analyze the use/cost of part-time code compliance assistance and "getting the sidewalks back."

No action necessary, direction provided.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

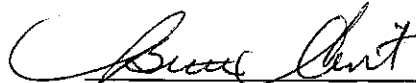
Mayor Potter adjourned the meeting at 8:44 p.m.

APPROVED:

ATTEST:



Dave Potter, Mayor



Britt Avrit, MMC
City Clerk