

REGULAR MEETING
Tuesday, May 5, 2020

OPEN SESSION
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 p.m.

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

EXTRAORDINARY BUSINESS

Item A: Monterey County Convention and Visitors Bureau (MCCVB) Update
Discussion among the City Council and Rob O'Keefe, President and CEO for MCCVB included discussion of the development of protocols and a pledge by the Carmel Innkeepers Association that will be presented to Visit Carmel and Monterey County and discussion of a timeline to provide to the County Health Officer.

Item B: Proclamation for Public Works Week

Item C: Proclamation for Municipal Clerks Week

PUBLIC APPEARANCES

The following members of the public spoke:

Dale Byrne
Richard Kreitman

ANNOUNCEMENTS

Item A: Councilmember Announcements
Council Member Reimers discussed the Ford Ord Reuse Authority receipt of a 2020 National Federal Facility Excellence in Site Reuse Award.

Item B: City Attorney Announcements/ Closed Session Oral Report in accordance with GC § 54957.1(a) The City Attorney stated the City Council met in Closed Session on May 4, 2020 and discussed the matters listed on the agenda. The City Attorney stated, with regard to Item C, Conference with Real Property Negotiators (§ 54956.8) Property: 25800 Hatton Road. Agency Negotiators: Director of Contracts & Budgets Sharon Friedrichsen, and Director of Public Works Robert Harary. Negotiating Parties: Les Albiol and Patricia Albiol. Under Negotiation: Terms and Conditions for New (Residential Curatorship) Lease; the City will be discontinuing negotiations with the parties at this time, at their request, and will evaluate available options with regard to Flanders Mansion as time permits; no other reportable action.

CONSENT AGENDA

Council Member Baron requested the City Forester's Report included in Item No. 2 be removed for separate discussion.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council approved the Consent Calendar except the Forester's Report as part of Item No. 2, by the following roll call vote:

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

Council Member Baron discussed his concerns with the change in the format of the Forester's report; specific information is not included in the new format, and requested the Forest and Beach Commission review the format and make suggestions to the City Forester regarding what information is needed on the report.

Discussion took place regarding allowing the City Forester to create the report, manage the forest and respect her position. Further discussion included discussion that the information is in the report and may not be in the format it used to be. Additional discussion took place regarding the role of the Forest and Beach Commission in the development of the report.

On a motion by Council Member Baron and seconded by Mayor Potter, the City Council did not accept the Forester's Report included in Item No. 2, requested the Forest and Beach Commission develop a new format for the report and, when done, bring the information for 2020 to the City Council for approval, by the following roll call vote:

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

Item 1: Approve March 30, 2020 Special Meeting Minutes, April 6, 2020 Special Meeting Minutes, April 7, 2020 Meeting Minutes, and April 15, 2020 Special Meeting Minutes as presented.

Item 2: Review monthly reports for March: 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: March 2020 Check Register Summary

Item 4: Adopt Resolution 2020-028, authorizing a Free Use Day of the Sunset Center Theater and Lobby for the Monterey Symphony.

Item 5: Adopt Resolution 2020-029, amending Policy C95-01 Claims against the City

ORDERS OF BUSINESS

Item 6: Ordinance temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic.

Council Member Reimers recused herself from this item because her family owns rental property.

Mayor Pro Tem Richards recused himself from this item because he owns two rental units in the downtown area.

The City Attorney provided the staff report for this item.

On a motion by Council Member Theis and seconded by Council Member Baron, the City Council requested a reading of the title of Ordinance 2020-002, waived further reading and introduced Ordinance 2020-002 temporarily prohibiting evictions of tenants arising from income loss or substantial medical expenses related to the Coronavirus pandemic, by the following roll call vote:

AYES: BARON, THEIS, POTTER

NOES: NONE

ABSENT: NONE

RECUSED: REIMERS, RICHARDS

Council Member Reimers and Mayor Pro Tem Richards returned to the meeting at this time.

Item 7: Verbal report on Coronavirus ("COVID-19") issues

The City Administrator provided the report for this item.

Verbal report, no formal action needed.

Item 8: Second Review of the proposed Fiscal Year 2020/21 Capital Improvement Program and Provide Direction to Staff

It was the consensus of the City Council to waive the staff report for this item due to the lengthy discussion that took place regarding the specific projects at the April 7, 2020 meeting.

Discussion among the City Council and staff included discussion of not moving forward with any projects other than those legally required to, discussion of limiting work to items that may impact the integrity of buildings such as the Scout House roof project, Flanders roof repair and Sunset Center windows. Further discussion took place regarding training staff to handle certain projects that, under different circumstances, would have been contracted out; monthly updates of the budget situation as information allows and discussion of continuing specific projects including drainage projects that impact health and safety in the community. Additionally, discussion was had regarding the difficult decision in not moving forward with the paving projects due to the return on investment for those projects; public safety is priority.

Item 8 Continued...

The following members of the public spoke:

Karen Ferlito

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council approved defunding projects listed in Category I for FY 19/20 and deferring all projects listed in Category II, except for the ADA Upgrades, Year 3 as listed in the Staff Report, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARINGS

Item 9: Adopt Resolution 2020-030 adopting a schedule of fees for Fiscal Year 2020-2021 for Administrative Services, Community Activities, Community Planning and Building, Public Safety and Public Works Services and provide direction to staff

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

Discussion among the City Council and staff included extensive discussion regarding the permit fees and associated fines related to tree pruning and removal. Discussion also took place regarding having the Forest and Beach Commission review the fees, fines and processes associated with trees. Additional discussion took place regarding motion picture commercial filming fees.

The following members of the public spoke:

Karen Ferlito

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2020-030 adopting a schedule of fees for Fiscal Year 2020-2021 for Administrative Services, Community Activities, Community Planning and Building, Public Safety and Public Works Services, increased the fee for Norton Garage from \$1,500 to \$1,600 a year and referred S-072, S-072A, S-072C and S-072D fees to the Forest and Beach Commission for their input, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Item 10: Discuss adoption of a Resolution establishing the value of parking in-lieu fees at \$105,044, per parking space based on the recently adopted 2019 California Building Codes; discuss other options regarding the Parking In-Lieu Fee Program; and provide direction to staff

The Interim Director of Community Planning and Building provided the staff report for this item.

Item 10 Continued...

The following members of the public spoke:

Tony Lombardo

Stuart Clark

Henry Reimke

Discussion among the City Council and staff included discussion of the additional staff time involved in making modifications to the program, the use of a consultant, in the future, if that is an option the Council wants to consider and modifying the formula used to determine the fee. Additionally, the City Council and staff discussed comparing the fee to other coastal cities and ensuring consideration is given to residential projects to encourage housing in downtown. Discussion took place regarding use of in lieu fees in the residential zone, following the Municipal Code, land value in Carmel, the use of City property for a parking structure and a parking study previously done in the City. The City Council further discussed considering a combination of multiple options as opposed to choosing just one option.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council adopted Option 2 and Option 3 as provided in the Staff Report with direction to the City Administrator to coordinate with staff, as time permits, with regard to the details of Option 3 including research to determine if funds in the in lieu fee account can be used to pay for a consultant or other work that is needed in the future, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

FUTURE AGENDA ITEMS

Council Member Baron requested an item regarding the process for reopening the City be placed on an agenda in the future.

ADJOURNMENT

Mayor Potter adjourned the meeting at 7:18 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk