

CITY COUNCIL REGULAR MEETING

Tuesday, July 7, 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

PUBLIC APPEARANCES

The following members of the public spoke:

Barbara Livingston

Fred Bologna

Eliza Velazquez

John Plastini

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator discussed the next steps regarding the most recent Order from the Governor; stated he and the Director of Public Safety are continuing to gather data regarding ambulance operations and will provide a presentation to the City Council at the August or September Council meeting. The City Administrator thanked Carmel residents for their support in his decision to close the beach over the Fourth of July holiday weekend and thanked the Police Department and Monterey Fire for their assistance in educating people if they arrived at the beach and also thanked Public Works staff for their work in closing the beach to keep the community safe.

Item B: City Attorney Announcements

The City Attorney stated the City Council met in Closed Session on July 6, 2020 and discussed the matters listed on the agenda with no reportable action.

Item C: Councilmember Announcements

Council Member Baron welcomed Fred Bologna as President of the Carmel Residents Association; announced the Climate Committee will be meeting in July; thanked the Police Department for keeping the beach clear and thanked those who are not normally involved with that type of thing (VIP and CERT members) for efforts in assisting with the beach closure.

Council Member Reimers echoed the appreciation for all involved with the beach closure; updated the public on the mutt mitt project and discussed the 'sunset' of the Fort Ord Reuse Authority (FORA).

Item C: Councilmember Announcements continued...
Mayor Potter thanked Council Member Reimers for her work on the FORA Board; thanked the community members for their support of the beach closure and their efforts in increasing awareness to wear masks in the Village.

CONSENT AGENDA

Council Member Reimers discussed a specific item covered in Item No. 4 as it relates to potential savings to the City through the use of volunteers.

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 May 29, 2020 Special Meeting Minutes, June 1, 2020 Special Meeting Minutes, June 2, 2020 Meeting Minutes, June 2, 2020 Special Meeting Minutes and June 16, 2020 Special Meeting Minutes as presented

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 2020 Check Register Summary

Item 4: Resolution 2020-041 rejecting all bids received for the annual Landscape Maintenance Services Contract

Item 5: Resolution 2020-042 authorizing a Funding Agreement with the Transportation Agency for Monterey County

Item 6: 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 Fiscal Year 2020/21

Item 7: Resolution 2020-043 authorizing a refund of a Design Review (DR 19-463) permit fee of \$3,166.88 and Use Permit (UP 19-466) permit fee of \$2,276.25 to Jeselnick Architects.

Item 8: Resolution 2020-044 authorizing a refund of a Design Study permit fee of \$3,783.75 to Tim Schultz

Item 9: Resolution 2020-045 consenting to the dissolution of the Monterey Peninsula Regional Water Authority

ORDERS OF BUSINESS

Item 10: Report on the Police Department's Use of Force Policies and how the policies align with the "8Can'tWait" campaign and Former President Obama's "Police Use of Force Project"

The Police Chief provided the staff report for this item.

The City Council discussed their appreciation of Chief Tomasi and the Carmel Police Department; the Council appreciates the protective language in the policies, discussed the number of use of force incidents in the City, acknowledged their appreciation of the environment of customer service cultivated at the Police Department and thanked the officers for embodying the community's values in the way they serve.

Verbal report, no formal action needed.

Item 11: Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.

The Environmental Compliance Manager provided the staff report for this item.

The City Council requested clarification regarding the reasoning behind the Planning Commission's recommendation, the maintenance involved with the recommended receptacle, the locations of the new receptacles, and discussed consideration of no-touch trash cans.

The following members of the public spoke:
Barbara Livingston

Discussion among the City Council and staff included discussion of recycling in downtown and the deadline for the use of, and reimbursement for, the grant funding. Discussion of the increase in capacity and functionality of the new cans and consideration of no-touch trash cans took place. The Council discussed the impact of the weather on the new design and expressed an interest in potentially obtaining the removed squirrel cans for personal use.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council adopted Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks, by the following roll call vote:

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

Item 12: Confirm the Forest & Beach Commission's recommendations regarding the format and content of the monthly Forester's Reports, or provide alternate direction to staff

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

Item 12 Continued...

The following members of the public spoke:

Karen Ferlito

Discussion among the City Council and staff included acknowledgement of the City Forester's work done with the report and the data. Extensive discussion took place regarding the Council's request to have the information in specific graph and chart form.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council accepted the City Forester's revised "reports given the direction provided to staff to follow the example on page 154, separating upper and lower canopy trees and adopt the numeric representations of that data both monthly and yearly and both public and private trees into the same format", by the following roll call vote:

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

Item 13: Outdoor Seating in the Public Way

Council Member Reimers recused herself because her family owns property that has a restaurant leased to it.

Mayor Pro Tem Richards recused himself due to his business relationship with a restaurant owner.

The City Administrator and the Acting Community Planning & Building Director provided the staff report for this item.

The City Council requested clarification regarding the direction needed to staff from Council, clarification regarding the temporary status and when to involve the Planning Commission.

The following members of the public spoke:

Melinda Raine
Kim Stemler
Sabine Rohdem
Mike Sapon
Jack Galante
Parker Logan
David Fink
Bobby Richards
John Plastini
Jan Reimers
Janet McAthie
JD Margol
Steven Dissendorf
Bechard
Scott Caricholli

Item 13 Continued...

Discussion among the City Council and staff included discussion of the approved use for wine tasting businesses and discussion of the information from the State regarding bars and wine tasting. Discussion regarding specialty shops took place. Discussion included temporarily allowing the use of public space for outdoor seating, if no private outdoor space is available, without increasing the number of approved seats and discussion of concerns regarding the number of people congregating outside these shops. Discussion regarding wine tasting using outdoor public space took place. Discussion included concerns with impeding traffic and temporarily allowing the use of public space, only if no private space is available, without compromising public safety and only directly in front of the business. Discussion regarding the use of heaters in outdoor seating took place. Discussion included removing heaters and umbrellas each night. Discussion regarding the impact to bars took place. Discussion included business models, indoor space, social distancing, hours of operation and allowing limited outdoor seating depending on the circumstances. The State's directive preempts the City with regard to certain allowances. Additional discussion took place regarding people queuing up on the sidewalk and 'strikes' against the businesses for not following the rules that may result in the loss of approved outdoor space. The City Council and staff discussed when to involve the Planning Commission regarding outdoor seating.

No vote required, direction provided to staff.

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

FUTURE AGENDA ITEMS

The Mayor requested information be provided to the City Council regarding potentially rewriting the Ordinance pertaining to the City's parking in-lieu fund.

ADJOURNMENT in memory of Joe Gunter - Mayor of the City of Salinas

The City Council stated Mayor Gunter will be missed and remembered him as a mentor and a straight forward, trustworthy man.

Mayor Potter adjourned the meeting at 8:10 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk