

CITY COUNCIL SPECIAL MEETING
Tuesday, December 15, 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 p.m.

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

PUBLIC APPEARANCES

The following members of the public spoke:

Jo Todd
Theresa Hollman
Parker Logan

ANNOUNCEMENTS

Item A: City Attorney Announcements

The City attorney stated the City Council met on December 7, 2020 and discussed the items on the agenda with no reportable action.

ORDERS OF BUSINESS

Item 1: Update on Outdoor Seating in the Public Way

The City Administrator provided information regarding the current status related to the recent shutdown put in place by the County Health Officer.

The City Council requested comments from the public regarding the use of the existing "parklets" for to-go orders including allowing the chairs and tables to remain or consideration of removing them.

The following members of the public spoke regarding this topic:

Richard Kreitman
Chris Campbell
Michael LePage
Jack Galante
Todd Fisher
David Fink
Gabriel Georis
Ashley Wolf
Faisal
Lydia
Rich Pepe
Sara Cook

Item 1 Continued...

Discussion among the City Council and staff included encouraging people to get their food and go home and not let them linger in the parklets; allowing people to eat outside isn't the issue, continuing to allow eating in the parklets will only employ the "back of the house" staff and will not employ more people; pushing back on political leadership may need to take place, the Police Department cannot enforce if eating in the parklets is allowed. If COVID-19 gets into Public Safety staff it will have a devastating impact. The City Council discussed not disregarding the Stay at Home Order and "staying the course."

Council Member Baron made a motion and Council Member Ferlito seconded the motion to give direction to staff to request restaurants to remove tables, chairs and all other furniture from the parklets.

Mayor Potter requested clarification regarding the City Council having the option of holding a Special Meeting to amend this motion/direction.

The City Administrator requested that the motion be amended to include removing everything by December 16, 2020 at 5:00 p.m.

Council Member Baron agreed to amend the motion if the remaining members of the City Council feel it is appropriate and Council Member Ferlito agreed to the amendment to the motion.

Mayor Pro Tem Richards requested clarification regarding how long this direction will be in place.

Council Member Baron stated this will be in effect until the restriction on outdoor dining is lifted by the Health Department or until a Special Meeting can be held by the City Council based on new data.

On a motion by Council Member Baron and seconded by Council Member Ferlito, the City Council approved requiring restaurants to remove all tables, chairs and other furniture in the parklets no later than December 16, 2020 at 5:00 p.m. until January 11, 2021, or until the restriction on outdoor dining is lifted by the Health Department or until a Special Meeting can be held by the City Council based on new data, by the following roll call vote:

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

The Acting Community Planning & Building Director provided the presentation for this item.

The City Council requested clarification regarding inspection of heaters under awnings, propane tank storage and enforcement of rules on private property. Additionally, the City Council requested clarification regarding ADA compliance in the temporary parklets and the amount of staff hours spent on outdoor seating by the Police Department, Fire Department & Community Planning & Building Department. The City Council requested clarification regarding if there is a requirement to report COVID cases to the City. The City Council also discussed changing the existing outdoor seating ad-hoc committee to a standing committee.

Item 1 Continued...

The following members of the public spoke regarding this topic:

Parker Logan
Rich Pepe
Shaheen Alnuaimi
Richard Kreitman
Chris Campbell
Pasharsky

Discussion among the City Council and staff included discussion of the use of Hospitality Improvement District (HID) funds for enforcement of outdoor seating, policing the restaurants for compliance, the potential to recoup some of the funds needed for enforcement from the people who are requiring the enforcement. Additional discussion included potential revocation of outdoor seating permits after a specific number of “strikes”, potential of funding outside enforcement because law enforcement should be handing out tickets for law enforcement issues not heater violations. The City Council discussed which form of enforcement is more effective – citations or “strikes.” The City Council discussed potential standard closing times for outdoor seating including discussion of following the Use Permit for closing times, discussion of the Use Permit provides regulations for indoor use, not outdoor use and the impact to the Police Department with regard to enforcement if a standard closing time is not used. The City Council discussed when outdoor seating should go to the Planning Commission for consideration. The current ad-hoc committee being changed to a standing committee was discussed.

No vote required, direction was provided to staff.

Item 2: Urgency Ordinance 2020-008 and Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.

The Associate Planner provided the staff report for this item.

The City Council requested clarification regarding pausing this program due to COVID-19 restrictions, and renewal of the original licenses issued.

The following members of the public spoke:
Shaheen Alnuaimi

Discussion among the City Council and staff included discussion of the way in which the City Council has previously handled SB 946.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council moved to adopt Urgency Ordinance 2020-008 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code, by the following roll call vote:

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

Item 2 Continued...

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council requested a reading of the title of Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code, and waived further reading and introduced Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code, by the following roll call vote:

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

PUBLIC HEARING

Council Member Theis stated she needs to recuse herself from this item because she owns a hotel in the City and left the meeting at this time.

Item 3: Resolution 2020-087 declaring results of majority protest proceedings and renewing the Carmel Hospitality Improvement District for a term of March 1, 2021 through February 28, 2031 and Resolution 2020-088 authorizing the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Carmel Hospitality Improvement District Owners' Association for a term of March 1, 2021 through February 28, 2031

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

The following members of the public spoke:

Pam Shepherd
Amy Herzog
Rich Pepe

Discussion among the City Council and staff included discussion of the City Council's appreciation and respect for the Board of Directors and leadership and professionalism of Amy Herzog for this organization.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council adopted Resolution 2020-087 declaring results of majority protest proceedings and renewing the Carmel Hospitality Improvement District for a term of March 1, 2021 through February 28, 2031, by the following roll call vote:

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

Item 3 Continued...

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council adopted Resolution 2020-088 authorizing the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Carmel Hospitality Improvement District Owners' Association for a term of March 1, 2021 through February 28, 2031, by the following roll call vote:

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

FUTURE AGENDA ITEMS

Council Member Baron requested the City Council discuss a potential temporary road closure on Scenic Road.

ADJOURNMENT

Mayor Potter adjourned the meeting at 7:34 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk