

**REGULAR MEETING**  
**Tuesday, January 5, 2021**  
**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 member of the public spoke:

Jo Todd

**ANNOUNCEMENTS**

**Item A:** City Administrator Announcements

The City Administrator thanked Marnie Waffle for stewarding the Community Planning & Building Department through a very busy and tumultuous time, thanked Maxine Gullo for taking care of the Village in his absence and reminded the public of the importance of using the trash cans as there's been an increase in trash in the Village.

**Item B:** The City Attorney stated the City Council met in Closed Session on January 4, 2021 and discussed the matters listed on the agenda with no reportable action.

**Item C:** Councilmember Announcements

Council Member Theis discussed the upcoming Climate Committee meeting and thanked the Library team for making their services accessible even when the Library is closed.

Mayor Pro Tem Richards stated he reached out to Green Waste regarding the trash and was reminded the contract states there is no trash pick-up on the New Year's Day holiday.

Mayor Potter thanked those specific businesses who took it upon themselves to handle the accumulation of trash over the holidays.

Council Member Ferlito discussed attending the upcoming AMBAG meeting and the increase of litter on Highway 1.

**CONSENT AGENDA**

Mayor Potter removed Item No. 4 for separate discussion and Council Member Baron requested Item No.'s 6 and 9 be removed for separate discussion.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council approved the Consent Agenda with the exception of Item No.'s 4, 6 and 9 by the following roll call vote:

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

The following member of the public spoke regarding Item No. 4:  
Tim Allen

Mayor Potter stated the Carmel Cares program is impressive and the City Council Members expressed their appreciation for the efforts of all those involved.

On a motion by Mayor Potter and seconded by Mayor Pro Tem Richards, the City Council approved Consent Agenda Item No. 4 by the following roll call vote:

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

The Director of Budgets and Contracts provided a brief overview of item No. 6; Mail Delivery Service Program.

The City Council requested clarification regarding the total amount budgeted for this service.

Council Member Baron discussed his concerns with budget adjustments.

Discussion among the City Council and staff included discussion of the dissolution of the Water Authority and the funds remaining from that body, and discussion of the budgeting process, limitations for spending if costs exceed budgeted funds and appropriation limits. Additionally, discussion took place regarding the issues surrounding mail delivery, including the Post Office hours, parking at the Post Office, and the delay in receiving mail. The City Council discussed the previous action taken to limit those who can receive the mail delivery at no cost and the need for a future discussion regarding having addresses in the Village.

**CONSENT AGENDA CONTINUED...**

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council approved Consent Agenda Item No. 6 by the following roll call vote:

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

Council Member Baron stated he pulled this item due to his desire to remain consistent with his votes on the topic and not being able to support the item.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council approved Consent Agenda Item No. 9 by the following roll call vote:

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

**Item 1:** December 3, 2020 Special Meeting Minutes, December 7, 2020 Special Meeting Minutes, December 8, 2020 Meeting Minutes, and December 15, 2020 Special Meeting Minutes

**Item 2:** Monthly Reports for November: 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:** November 2020 Check Register Summary

**Item 4:** Resolution 2021-001 accepting donations from Carmel Cares, a volunteer organization

**Item 5:** Resolution 2021-002 ratifying an appointment to the Forest & Beach Commission

**Item 6:** Resolution 2021-003 authorizing the City Administrator to execute Amendment No. 2 to the mail service agreement with Peninsula Messenger Service and approve a budget amendment to the Fiscal Year 2020-2021 Adopted Budget

**Item 7:** Resolution 2021-004 authorizing a refund of a Design Review (DR 20-326, The Pocket) permit fee of \$430.00 and Planning Commission referral fee of \$1,075.00 to Kent Ipsen.

**CONSENT AGENDA CONTINUED...**

**Item 8:** Ordinance 2020-007 adding chapter 2.04.170 to the Carmel-by-the-Sea Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements

**Item 9:** Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.

**ORDERS OF BUSINESS**

**Item 10:** Resolution 2021-005 receiving the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2020

The City Administrator thanked the team, the Auditor and all involved for their hard work on the Comprehensive Annual Financial Report (CAFR).

The Auditor provided the presentation for this item.

The City Council discussed their appreciation for staff and implementation of the City's processes that influence the report and encouraged the public to read the CAFR to be aware of the City's financial status.

On a motion by Council Member Theis and seconded by Council Member Baron, the City Council adopted Resolution 2021-005 receiving the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2020, by the following roll call vote:

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

**Item 11:** Direction to staff regarding whether or not to pursue intermittent closures of Scenic Road for recreational purposes

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

The City Council requested clarification regarding who conducted the survey, who received the survey and clarification regarding the options for the City Council to consider.

**Item 11 Continued...**

The following members of the public spoke:

Joshua Madfis  
Gary Austray  
Jill Lewis  
Michael McWalters  
Parker Logan  
Theodora Miller  
Sebastian Miller  
Nicole Forester  
Miss Madfis  
Brian McCarthy  
Dale Byrne  
Maryann  
Susan Bolgard  
Patrick McGivney

Discussion among the City Council and staff included discussion of the public safety concerns, previous closures of Scenic Road, no formal survey regarding this topic conducted as of this meeting, and discussion of the associated costs which are unknown at this time. Additionally, the City Council and staff discussed a meeting that took place with the County and City staff regarding this topic. The City Council discussed the reason the item was brought before the City Council, discussed the issues bike riders face in the City, discussed a potential public outreach program related to this topic and possibly moving this project along slowly. Discussion took place regarding the cost, the impact to the Police Department staff, beach access, alternate sites and discussed bike lanes throughout the City. Additional discussion took place regarding locations in the area where people can go to ride bikes and roller skate. The City Council discussed their concerns with people who have mobility issues but do not have a handicapped sticker and limiting their access to the beach.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Ferlito, the City Council voted to forego this project (intermittent closures of Scenic Road for recreational purposes), by the following roll call vote:

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

**PUBLIC HEARINGS**

**Item 12: Sidewalk Vending Program Application Fees**

The City Administrator provided the staff report for this item.

**Item 12 Continued...**

The following member of the public spoke:  
Parker Logan

Discussion among the City Council and staff included discussion of the way the permits are issued and the process, permits and insurance involved with renewing the permits. Additionally discussion took place regarding the laws relating to this topic and what happens if a permit holder does not renew their permit.

Council Member Baron clarified his support for this item is due to his support of charging for a service the City provides.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2021-006 approving application fees for Sidewalk Vending Permits, 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 the City begin discussion to bring the City's General Plan up-to-date.

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 6:56 p.m.

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Britt Avrit, MMC  
City Clerk