

**CITY COUNCIL SPECIAL MEETING**  
**Wednesday, January 20, 2021**  
**5:00 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 5:00 p.m.

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

**PUBLIC APPEARANCES**

None

The City Administrator welcomed Brandon Swanson, the City's new Community Planning & Building Director.

**ORDERS OF BUSINESS**

**Item 1:** Outdoor Seating in the Public Way

The Senior Planner provided the staff report for this item.

The City Council requested clarification regarding the status of the existing permits and related insurance, identifying the restaurants that participate, responsibility for incidents that may occur involving the parklets, use of the General Plan, clarification of what the City Council is being asked to do for this item and clarification regarding involvement of the Department of Alcoholic Beverage Control (ABC).

The following members of the public spoke regarding this topic:

- Jack Galante
- Jeannie McCullough
- Mike & Michelle Sapon
- Richard Kreitman
- Parker Logan
- Amanda LeVett
- Ashley
- David Fink
- Stephen
- Gabriel Georis
- Dawn Galante
- Nera
- Chris Sanders
- Theresa Holman
- Sara Cook

**Item 1 continued...**

The following members of the public spoke regarding this topic:

Rich Pepe  
Todd Tice  
Federico  
Lydia  
Bechard

Discussion among the City Council and staff included discussion regarding the City's attempt to offer an interim solution for picnicking; does not apply to wine tasting rooms and bars, and discussion of taking alcohol to-go. Extensive discussion took place regarding the need to determine what the insurance implications will be, if insurance companies will provide coverage for this and what the State's stance will be.

Mayor Pro Tem Richards made a motion that the City Council explore the idea of picnicking in the right of way as long as "that motion doesn't mean we are going to do it," to explore the idea further and fully understand what the insurance issues are and what the State wants; concerned with many of the issues raised.

Council Member Theis discussed the unintended consequences of not allowing eating in the parklets in that people are dining outside anyway and eating wherever they can such as the Library, sitting on curbs, standing in front of hotels and there has been an increase in trash. Council Member Theis also discussed the need for the restaurants to know it is their responsibility to police, clean, and sanitize their parklet if this moves forward.

Council Member Theis made a motion to move forward to allow picnicking in the parklets in the right of way that are on City property only and to outline the critical areas such as those items listed as recommendations A through J on the staff report; Mayor Potter seconded the motion to initiate discussion.

Council Member Ferlito and Council Member Baron discussed not being able to support the motion due to the rules in place by the State and the risk to the community.

Discussion took place regarding the nexus between outdoor dining and an increase in COVID cases and the need for guidelines/boundaries to limit reckless behavior. Additionally the City Council and staff discussed deferring a decision until the February 2, 2021 City Council meeting after which more information can be obtained in order to make a decision. Discussion took place regarding parklet encroachment permits and the associated insurance.

Council Member Theis stated she will withdraw her motion in order to defer a decision until the February 2, 2021 meeting.

The City Attorney provided a preliminary motion; provide direction to staff to consult with the restaurants and their insurance companies regarding picnicking in parklets and consult with the State with recommendations A through J from the staff report; and check to see if there are alcohol related issues. The City Attorney suggested depending on the outcome of that motion, staff can prepare a staff report for the February 2, 2021 City Council meeting and at that time the threshold questions can be discussed.

**Item 1 continued...**

Discussion among the City Council and staff included potentially adding more options at the February 2, 2021 meeting.

Council Member Theis withdrew her previous motion and stated she accepts the City Attorney's motion; Mayor Potter seconded.

Council Member Baron stated he cannot support the motion and discussed his concerns with the State, insurance, enforcement, and the impact to staff time. Council Member Baron requested staff conduct an informal poll of the restaurants to determine how many are interested in the program. Council Member Ferlito stated she cannot support the motion.

On a motion by Council Member Theis and seconded by Mayor Potter, the City Council directed staff to consult with the restaurants, the insurance companies and the State for picnicking in the parklets related to conditions A through J on the Staff report, to check with the Department of Alcoholic Beverage Control (ABC) for alcohol related issues and continued the item to the February 2, 2021 City Council meeting at which time staff can provide a report on what has been learned, by the following roll call vote:

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

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 7:16 p.m.

APPROVED:

ATTEST:

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Dave Potter, Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk