

REGULAR MEETING
Tuesday, June 1, 2021

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

EXTRAORDINARY BUSINESS

Item A: Proclamation recognizing June 2021 as LGBTQ Pride Month.

Item B: Local Hazard Mitigation Presentation

Item C: Presentation on 211 Services

PUBLIC APPEARANCES

None

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator discussed Monterey County moving into yellow-tier status, the beach fire program, stated the City's budget adoption is set for June 8, 2021, and discussed the recent outdoor seating survey and Outdoor Seating Ad Hoc Committee.

Item B: City Attorney Announcements

None

Item C: Councilmember Announcements

Mayor Pro Tem Richards congratulated Carmel Chamber Leadership Program for their recent graduation and congratulated the Carmel High School boys soccer team for their appearance in the CCS Championship and congratulated Carmel High School golf for their second place finish at the CCS Championship.

Council Member Baron discussed the upcoming Climate Committee Meeting.

CONSENT AGENDA

Council Member Ferlito requested that Item No. 5 be removed for separate discussion.

Council Member Ferlito thanked Carmel Cares and the volunteers for the work they do and the equipment provide to the City.

CONSENT AGENDA CONTINUED...

On a motion by Mayor Pro Tem Richards and seconded by Council Member Baron, the City Council approved the Consent Agenda, by the following roll call vote:

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

Item 1: May 3, 2021 Special Meeting Minutes, May 4, 2021 Regular Meeting Minutes, May 12, 2021 Special Meeting Minutes, and May 18, 2021 Special Meeting Minutes

Item 2: Monthly Reports for April: 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: April 2021 Check Register Summary

Item 4: Resolution 2021-020 authorizing a partial refund of a Track 2 Design Study application fee in the amount of \$3,783.75 plus the full amount of the volumetrics deposit of \$1,500 to Laurel Pavesi

Item 5: Resolution 2021-021 accepting donations from Carmel Gives and Carmel Cares, both nonprofit, volunteer organizations

Item 6: Resolution 2021-022 ratifying an appointment to the Historic Resources Board

Item 7: Resolution 2021-023 accepting the 2021 updates to the existing Emergency Operations Plan

Item 8: Resolution 2021-024 authorizing the City Administrator to execute a professional services agreement with Visit Carmel for marketing services for the period of July 1, 2021 to June 30, 2024

Item 9: Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement

Item 10: Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code

Item 11: Resolution 2021-025 authorizing the City Administrator to execute an agreement with Netkiller for Google WorkSpace products for the term of July 1, 2020 to July 1, 2023 in an amount not to exceed \$50,112

ORDERS OF BUSINESS

Item 12: Resolution 2021-026 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue, Prancing Ponies, and Ferrari of North America

The Library and Community Activities Director provided the staff report for this item.

Questions from the City Council to staff included clarification if the area where an event will be held is considered as it relates to outdoor events and COVID-related protocols.

The following members of the public spoke regarding this item:

Doug Freedman
Cliff Johnson
Kay Franke
Jon Hagstrom
Jenny MacMurdo
Kimberly Mattison
Gerard Mattimoe
Brian Turlington
Conklin
Ashley Bennett Stoddard
John McCoy
Holly Zoller
Jack Kendall
Monica Nathan
Richard Kreitman
Mitch Taylor
Tex Otto

Discussion among the City Council and staff included discussion of enforcement for wearing face masks, the number of volunteers, combining two Ferrari events into one day, and the requirements and protocols for all Car Week events are the same as it relates to COVID. Staff and the City Council discussed the organizations that benefit from the events. The City Council thanked staff for their hard work as they worked with the event organizers to ensure state guidelines are followed.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved the staff recommendation for street closures subject to adherence to mega event state guidelines and mask enforcement protocols, and provided staff with allowance to change dates for smaller events and will allow staff to relax restrictions if the State relaxes restrictions before car week, and adopted 2021-026 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue, Prancing Ponies, and Ferrari of North America , by the following roll call vote:

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

Item 13: Resolution 2021-027 authorizing the City Administrator to implement modifications to the home mail delivery program to include the use of eligibility criteria effective on August 15, 2021 and provide direction to staff regarding fees for this program

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

Questions from the City Council to staff included clarification if the August 15, 2021 start date will allow staff ample time to implement changes to the program, clarification of the original bidding process for this service and clarification of the number of people using the service.

The following members of the public spoke regarding this item:

Robert Rapp
Maira LaMountain
Dale Byrne
JC Myers
Marci Meaux

Discussion among the City Council and staff included discussion of the history of the program, the compromises between the City and postal service, and not subsidizing those individuals who don't want to go to the Post Office as opposed to those individuals who have a physical limitation to get to the Post Office. Staff and the City Council discussed the forms to be used and the type of information that will be on the forms, the process for how ineligible individuals will pay for the service going forward, and discussed having the City get out of the mail delivery service as well as any associated bookkeeping. The City Council discussed bringing forward discussion of issuing house numbers and having mailboxes in the City, beginning with the Planning Commission.

Mayor Pro Tem Richards moved and Mayor Potter seconded adopting Resolution 2021-027 as written.

Council Member Baron requested, and Mayor Pro tem Richards approved, an amendment to the motion to begin to charge ineligible individuals on the date recommended by staff and require ineligible participants to contract directly with Peninsula Messenger Service.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council adopted 2021-027 authorizing the City Administrator to implement modifications to the home mail delivery program to include the use of eligibility criteria effective on August 15, 2021, authorized staff to begin to charge ineligible individuals on the date recommended by staff and gave staff direction to require ineligible participants to contract directly with Peninsula Messenger Service, by the following roll call vote:

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

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 7:06 p.m.

PUBLIC HEARINGS

Item 14: Consideration of an Appeal by Peter Smith (APP 21-165) of a Design Study Approval (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage located on Camino Real 3 Southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District

The Associate Planner provided the staff report for this item.

Questions from the City Council to staff included clarification of the square footage for the house, garage and ADU.

The Applicant provided information regarding the Appeal.

Due to technical difficulties, after the presentation of the staff report and hearing from the Applicant for Item 14, the City Council heard Item 15 before hearing from the Appellant and taking action for Item 14.

Item 15: Consideration of an Appeal by Scott Hulett (APP 21-166, 'O' Day) of a decision made by the Planning Commission on April 14, 2021, denying a one-time extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side-yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and 4th Avenue in the Single-Family Residential (R-1) Zoning District. (APN 010-214-028)

The Senior Planner provided the staff report for this item.

Questions from the City Council to staff included clarification of the extension requests and why the second extension went before the Planning Commission.

The Appellant and homeowner provided information regarding the Appeal.

The neighbors, Julie and Paul Bruno provided information regarding the Appeal.

Discussion among the City Council and staff included discussion of a tree removal on the property, the significant changes referred to by the Planning Commission, the length of time involved with the project, the circumstances involved in delaying the project and the need for the project to receive full vetting at this time.

Council Member Baron requested the process related to staff level approvals for revisions of projects be updated.

Item 15 continued...

On a motion by Mayor Potter and seconded by Council Member Baron, the City Council adopted Resolution 2021-029 denying the Scott Hulett (APP 21-166), and upholding the Planning Commission's decision to deny a one-time extension of Design Study (DS 15-349, O'Day) for the construction of a detached carport in the front and side-yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and 4th Avenue in the single-family residential (R-1) zoning district (APN 010-214-028), by the following roll call vote:

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

Item 14: Consideration of an Appeal by Peter Smith (APP 21-165) of a Design Study Approval (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage located on Camino Real 3 Southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District

The Appellant provided information regarding the Appeal.

Discussion among the City Council and staff included discussion of the issue of privacy, ADU's and the difficult decision faced by the Council.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council adopted Resolution 2021-028 denying the appeal by Peter Smith (APP 21-165) and upholding the Planning Commission's decision to approve a Final Design Study (DS 20-392) and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a 240 square foot detached garage in the front setback located on Camino Real 3 southwest of 13th Avenue in the single-family residential (R-1) zoning district, APN 010-284-003, 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 at home mail delivery and addresses be brought to a future meeting.

ADJOURNMENT

Mayor Potter adjourned the meeting to Closed Session at 8:08 p.m.

CLOSED SESSION

Item A: Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title:
City Administrator

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk