

MINUTES
CITY COUNCIL SPECIAL MEETING
CITY OF MONTEREY
Wednesday, August 19, 2020
4:15 PM
MONTEREY, CALIFORNIA

Councilmembers**Present:** Albert, Haffa, Smith, Williamson, Roberson**Absent:** None**City Staff****Present:** City Manager, Assistant City Manager, City Attorney, Community Development Director, Public Works Director, Parks and Recreation Director, City Clerk, Property Manager, Police Lieutenant, Administrative Analyst (Housing)

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting was conducted with telephonic/video participation only by all parties.

CALL TO ORDER

Mayor Roberson called the meeting to order at 4:16 p.m. Assistant City Manager Rojanasathira provided details on how to phone into the meeting to participate and provide public comment.

PLEDGE OF ALLEGIANCE

Mayor Roberson led the Pledge.

PUBLIC APPEARANCE

1. Receive Informational Report on Physical Distancing and Crowd Management on Municipal Wharf No. 1 (Fisherman's Wharf) and Provide Direction to Staff on a Potential Emergency Order by the Director of Emergency Services (City Manager) (Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061)

Action: Received report

City Manager Uslar gave a brief update about the local wildfires, and shared the staff presentation on possible measures to manage physical distancing and crowd management at Wharf 1.

Mayor Roberson opened public comments. Mary Alice Fettis praised the City for its efforts so far and said they are successful. Nancy Black, Monterey Bay Whale Watch, questioned the need for a big change, and gave suggestions for how to reduce crowding if changes must be made. Kelly Ray gave a few suggestions and spoke in favor of closing the beaches. Dorit Gersh spoke about Item 2, sharing concerns about housing issues, and spoke in favor of a freeze on rent increases.

Wendy Brickman, Fisherman's Wharf Association, citing wildfires, said that it would be unlikely for crowds to come to the Wharf in the next few weekends. Jason Little suggested that a kiosk charge a small fee for entrance to the Wharf. Esther Malkin urged the Council to take strong measures to improve safety at the Wharf. Janine Chicourrat, Portola Hotel and Spa, said that the hospitality industry is trying hard to support the community in response to the fires and evacuations. Jean Rasch said there's an issue with mask compliance, and stated that it should be possible to calculate the capacity of the Wharf and limit attendance accordingly.

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Kala Fossum said the beach should be shut down and the Wharf should be regulated beyond just limiting parking. Lorna Moffat suggested either a full shutdown like the original Shelter in Place Order, or to post a security guard so only small groups at a time can enter the Wharf at a time. Luis Osorio said that the business owners need to regulate themselves. With no further requests to speak, Mayor Roberson closed public comments.

On question from Council, City Manager Uslar addressed questions about the capacity of the Wharf, and said that all area beaches will be completely shut down for Labor Day weekend.

The Council discussed the matter. It was noted that not many tourist-heavy weekends are left in the season and most crowds come to the Wharf on the weekends. It was stated that there is serious concern from residents and that a stronger policy will help make sure businesses can remain functioning. It was proposed to somehow limit the number of people who can access the Wharf at a time. It was stressed that the Council has always listed public safety as its top priority. It was suggested to calculate the maximum capacity of all the businesses, and use that as the maximum capacity of the Wharf. It was suggested not to limit parking, but to spend the additional money on a staff person who would monitor crowding at the Wharf. It was urged to adopt a policy to cover the remaining time in the tourist season. It was stressed that Wharf businesses are being cautious and that the Council supports them. It was stated that people are already used to limited capacity in stores, and that it makes sense for the Wharf also. It was stated that closing the beach during certain parts of day could help with the beach concern. It was stated that the consumer, the City, and the business operators all have responsibility regarding public safety.

It was stressed by Council that the City staff should calculate a safe capacity for Wharf 1, and that visitors to the Wharf need to be limited to meet the safe limit by way of a monitor. It was requested to increase garbage cleanup on the beaches.

City Manager Uslar said that limiting parking was a positive measure that helped limit crowds, and asked to keep it in his tool kit as he addresses the crowding problem. He proposed that he would come forward with an emergency order, which he would request Council to ratify at their next regular meeting on September 1, 2020. It was requested by Council to collaborate with small businesses as well as the Fisherman's Wharf Association on the City's solution.

The Council recessed at 6:00 p.m. and reconvened at 6:11 p.m.

2. Adopt an Urgency Ordinance to Temporarily Prohibit Residential Evictions and Residential Rent Increases Related to COVID-19 (Exempt from CEQA, Guidelines 15061(b)(3))
Action: Adopted Ordinance No. 3623 C.S. as amended (4-1, Councilmember Smith voting no)

Housing Analyst Leonard gave the staff presentation and, together with City Attorney Davi, answered Councilmembers' questions.

Mayor Roberson opened public comments. Kelly Davidian, Legal Services for Seniors, appealed to Council to enact the proposed urgency ordinance, citing vulnerability in the senior population to COVID-19 and lack of affordable housing in the area. Mark Poehner questioned the ability to fairly negotiate considering the power balance between landlords and renters, shared statistics regarding renters and rent, and spoke in support of rent control. Esther Malkin said that renters in the Monterey area pay 50% of their income for housing. Luis Osorio shared thoughts about challenges faced by area renters and urged Council to be proactive. Ashley Schaffer echoed concerns about rent in Monterey and said that now is the time to make changes to help renters.

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Robert Brown asked Council to do anything possible to limit rent increases for all types of rentals. Scott Dick, Monterey County Association of Realtors, said that there should be some third-party mechanism to confirm a reduction in income, and suggested notification seven days before, instead of seven days after, rent is due. Jeff Davi expressed concern about the ordinance and said that landlords will raise rents to avoid being shut out by legislation like this. With no further requests to speak, Mayor Roberson closed public comments.

A motion was introduced by Councilmember Williamson, and seconded by Councilmember Haffa, to adopt Ordinance No. 3623 C.S. to Temporarily Prohibit Residential Evictions and Residential Rent Increases Related to COVID-19.

The Council discussed the matter. It was stated that everyone, renters and landlords alike, are affected by the pandemic. It was stated that property owners are dependent on the income and that this should be temporary, through September, 2020 only. It was suggested that Council consider writing letters to the State legislature to weigh in on pending bills. It was stated that the Council needs to do what it can to protect the most vulnerable people in the community. It was urged that the City not become overly prescriptive.

It was proposed by the mover to amend the motion to change the 20% threshold to 10%. On question, City Attorney Davi said that the Governor's order refers to a "substantial" decrease in household income, and Council should decide what they find to be a "substantial" difference. Statements were made against reducing the threshold to 10%.

A friendly amendment was proposed by Councilmember Albert to change reduce the lost income threshold to 15%. The friendly amendment to 15% was approved by the mover and the seconder.

It was stated that a finding supporting a threshold representing a 15% reduction in income is that most renters pay more than a third of their income to rent, and that the percentage paid toward rent is closer to 55 to 60% of their income. It was stated by a member of Council that the change in direction would not be supported.

The amended motion carried by the following roll call vote:

AYES:	4	COUNCILMEMBERS:	Albert, Haffa, Williamson, Roberson
NOES:	1	COUNCILMEMBERS:	Smith
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

ADJOURNMENT

The Council adjourned at 7:16 p.m.

Respectfully Submitted,

Approved,

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Clementine Bonner Klein
City Clerk

Clyde Roberson
Mayor