

**CAPITOLA CITY COUNCIL  
DRAFT REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 23, 2021 - 7 PM**

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).

Two potential cases

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Member Jacques Bertrand: Remote, Council Member Kristen Petersen: Remote, Vice Mayor Sam Storey: Remote, Mayor Yvette Brooks: Remote, Council Member Margaux Keiser: Remote.

**2. PRESENTATIONS**

A. Police Policy Review Presentation

Chief Dally presented on the recent activities of the Criminal Justice Council in the County and introduced the new Capitola Police Department Chief's Advisory Committee.

**3. REPORT ON CLOSED SESSION**

City Attorney Zutler said that Council made recommendations to staff.

**4. ADDITIONAL MATERIALS**

A. Item 9.A – three public comment emails

**5. ADDITIONS AND DELETIONS TO AGENDA – NONE**

**6. ORAL COMMUNICATIONS – NONE**

**7. STAFF / CITY COUNCIL COMMENTS – NONE**

**8. CONSENT ITEMS**

<b>MOTION:</b>	<b>APPROVE, DIRECT, ADOPT, AUTHORIZE, AND DETERMINE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Margaux Keiser
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

A. Consider the November 10 and November 18 City Council Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.

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- B. Approval of City Check Registers Dated October 15, October 22, October 29, November 5 and November 12.  
RECOMMENDED ACTION: Approve check registers.
- C. Settlement Agreement with Noll and Tam Architects and Pacific Gas and Electric  
RECOMMENDED ACTION: Direct the City Manager to sign a settlement agreement between the City of Capitola, Noll and Tam Architects, and Pacific Gas and Electric Company (PG&E).
- D. Consider an Ordinance Adding Chapter 9.62 Film Permits to Capitola Municipal Code  
RECOMMENDED ACTION: Consider adoption, by title only, waiving further reading of the text, an ordinance adding Chapter 9.62: Film Permits.
- E. Consider Side Letter to Existing Memoranda of Understanding with Association of Capitola Employees Regarding Vacation Cash-Out Provisions  
RECOMMENDED ACTION: Authorize the City Manager to execute a side letter agreement to existing Memoranda of Understanding (MOU) with the Association of Capitola Employees (ACE).
- F. Receive Update on Pandemic Response  
RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Outdoor Dining Ordinance  
RECOMMENDED ACTION:
  - 1. Consider Planning Commission recommendations regarding the draft outdoor dining ordinance and either:
    - a. Provide direction on the draft ordinance and consider a schedule for a first reading and adoption, or
    - b. Introduce by title only, waiving further reading of the text, an ordinance of the City Council of the City of Capitola repealing and replacing Municipal Code Sections 17.96.170 and amending Municipal Code Section 17.120.030, related to outdoor dining in the public right of way; or
  - 2. Consider options to extend, terminate, or modify the temporary outdoor dining program, currently scheduled to end on January 3, 2022.

Council Member Keiser recused herself.

Community Development Director Herlihy presented a staff report, which was interrupted by technical connectivity issues at around 7:45PM. After attempts to fix connectivity and allow staff and the public to rejoin the Zoom meeting, Staff and Council agreed to adjourn the meeting with no further reports or action.

Both item 9.A: Outdoor Dining Ordinance, and Items 9.B and 9.C, will be heard in a special meeting to be scheduled and noticed as required by the Brown Act.

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- B. Mandatory Organics Waste Disposal Reduction Ordinance  
RECOMMENDED ACTION: Introduce for first reading, by title only, waiving further reading of the text, an ordinance repealing Capitola Municipal Code Chapter 8.04: Garbage and enacting Chapter 8.04: Solid Waste and Edible Food Recovery.

This item was not presented, heard, or acted on by Staff or Council.

- C. New State of California Housing Legislation and Community Development Department Housing Workplan  
RECOMMENDED ACTION: Accept staff presentation on recent housing legislation and the Community Development Department's workplan.

This item was not presented, heard, or acted on by Staff or Council.

**10. ADJOURNMENT**

The meeting was closed at 8:13 PM to a yet to be scheduled Special City Council meeting and the next regular Council meeting on December 9, 2021.

\_\_\_\_\_  
Yvette Brooks, Mayor

ATTEST:

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Chloé Woodmansee, City Clerk