

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, AUGUST 26, 2021 - 7 PM**

**CLOSED SESSION – 5:45 PM**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**(Gov't Code § 54956.9(d)(4).**

Initiation of litigation, one potential case

**CONFERENCE WITH LABOR NEGOTIATORS**

**(Gov't Code § 54957.6)**

Negotiators: Algeria Ford, Larry Laurent

Employee Organizations: (1) Police Captains; (2) Capitola Police Officers Association;

(3) Association of Capitola Employees

**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. Introduce New Museum Curator

Assistant to the City Manager Laurent introduced Museum Curator Deborah Osterberg.

B. Present Certificates of Appreciation for Frank Phanton and Carolyn Swift

Community Development Director Herlihy thanked Mr. Phanton and Ms. Swift.

**3. REPORT ON CLOSED SESSION – NO ACTION TAKEN**

**4. ADDITIONAL MATERIALS**

A. Item 8.G - two additional materials

B. Item 9.A - two public comment emails

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

**6. PUBLIC COMMENTS- NONE**

**7. CITY COUNCIL / STAFF COMMENTS**

Community Development Director Herlihy announced that the City will launch a small business grant program on September 1, in partnership with the Small Business Development Center and using CDBG-

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CV 2&3 Grant funds awarded to the City.

Vice-Mayor Storey extended condolences to the family and community following a recent murder/domestic violence incident. He asked that Monarch Services present at an upcoming Council meeting.

**8. CONSENT CALENDAR**

<b>MOTION:</b>	<b>APPROVE, AUTHORIZE, AND ADOPT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Jacques Bertrand, Sam Storey, Yvette Brooks, Margaux Keiser, Kristen Petersen

- A. Consider the July 22 City Council Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes  
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated July 16, July 23, July 30, August 6, and August 13  
RECOMMENDED ACTION: Approve check registers.
- D. Donation to Service Corps of Retired Executives: Central Coast  
RECOMMENDED ACTION: Authorize the City Manager to donate \$500 to the Service Core of Retired Executives: Central Coast in recognition of their assistance on Capitola’s Business Recovery Task Force.
- E. Purchase Used Police Motorcycle and Surplus Police Motorcycle  
RECOMMENDED ACTION: Authorize the Police Department to purchase a 2016 BMW R1200-RTP motorcycle from Max BMW Motorcycle for \$16,000 and authorize the sale/auction of a 2014 Zero motorcycle.
- F. Update Hourly and Seasonal Salary Schedule  
RECOMMENDED ACTION: Adopt the proposed resolution amending the hourly and seasonal Pay Schedule.
- G. Employee Group Agreements  
RECOMMENDED ACTION:
  - 1. Authorize the City Manager to execute the successor agreements to existing Memoranda of Understanding (MOU) with negotiated changes for the following groups:
    - a. Capitola Police Officers Association (CPOA).
    - b. Capitola Police Captains Association
  - 2. Adopt a Resolution approving the new salary schedule.
- H. Capitola Recreation Afterschool Program Update  
RECOMMENDED ACTION: Receive report on the Capitola Recreation Afterschool program at New Brighton Middle School.

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

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## A. Receive Update on Pandemic Response

### RECOMMENDED ACTION:

1. 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; and
2. Extend the COVID-19 temporary use permits allowing for outdoor dining to January 3, 2022 and implement rules for permit holders, as outlined in the staff report.

Council Member Keiser recused herself due to a financial conflict. City Manager Goldstein presented the staff report.

In response to his question, Vice-Mayor Storey was told that a date earlier than the proposed January 3, 2022, temporary permit deadline could be chosen.

Council Member Bertrand asked if the Police have received complaints regarding the Village parklets. Chief McManus replied that he was aware of three noise complaints related to entertainment, off the top of his head, and explained it was difficult to know if the complaints are aligned with the outdoor dining as complaints have been similar to summers when the temporary outdoor dining was not in place.

During public comment, Mary, Bob Anderson, and Eric Fawcett spoke against extending the temporary permit's due to noise in the village from outdoor dining, and the dining areas lack of use by restaurants. They asked that the temporary permits expire on September 13, as previously planned.

Council Member Petersen considered an informal poll of businesses on their need/interest in continuing temporary outdoor dining.

Council Member Bertrand spoke about businesses that may or may not be using the temporary dining areas.

Vice-Mayor Storey thanked residents for voicing their opinions and asked for clarification regarding complaints that the temporary outdoor seating is going unused, in contrast to complaints that the Village is overly noisy because of the outdoor seating.

City Manager Goldstein explained that the noise complaints were regarding restaurants leaving windows and doors open, allowing for sound to travel in the Village, and not necessarily regarding the outdoor seating specifically.

Council Member Petersen suggested that staff monitor the use of the outdoor areas and bring an update item to Council in November.

<b>MOTION:</b>	<b>1) MAKE DETERMINATION; AND 2) EXTEND TEMPORARY OUTDOOR DINING PERMITS TO JANUARY 3, 2022, IMPLEMENT RULES AS OUTLINED IN THE STAFF REPORT, WITH A STAFF/COUNCIL CHECK IN ON USE OF THE PERMITS AT A PUBLIC MEETING IN NOVEMBER</b>
<b>RESULT:</b>	<b>ADOPTED [4 to 0]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Jacques Bertrand, Sam Storey, Yvette Brooks, Kristen Petersen
<b>RECUSED:</b>	Margaux Keiser

## B. Award a Contract for 41st Avenue Traffic Signal Adaptive Signal Project

### RECOMMENDED ACTION:

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1. Award a contract to Bear Electric Solutions from Alviso for construction of the 41<sup>st</sup> Avenue Adaptive Traffic Signal System in the amount of \$460,526; and
2. Authorize the City Manager to reallocate up to \$100,000 in the Capital Improvement Project fund from the Bay Avenue/Capitola Avenue Roundabout project to the 41<sup>st</sup> Avenue Adaptive Traffic Signal project.

Public Works Director Jesberg presented the staff report.

Council Member Bertrand asked about the money reallocation and Director Jesberg said that staff anticipates that a grant will cover the cost of the work, so as not to need the entire \$100,000. In response to Council Member Bertrand’s question about back up streets, Director Jesberg explained that the project will measure Brommer and Capitola Road, and all cross streets, with the goal of helping traffic flow.

There was no public comment.

<b>MOTION:</b>	<b>1) AWARD A CONTRACT TO BEAR ELECTRIC SOLUTIONS AND 2) AUTHORIZE THE CITY MANAGER TO REALLOCATE UP TO \$100,000 OF CIP FUNDS FROM BAY AVENUE/CAPITOLA AVENUE ROUNDABOUT TO THE 41<sup>ST</sup> AVENUE TRAFFIC SIGNAL PROJECT</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Jacques Bertrand, Sam Storey, Yvette Brooks, Kristen Petersen, Margaux Keiser

C. Community Grant Subcommittee

RECOMMENDED ACTION: Appoint two Councilmembers to a subcommittee to review applications for the 2021 - 2022 Community Grant Program.

Vice-Mayor Storey recused himself due to a financial conflict. Assistant to the City Manager Laurent presented the staff report.

There was no public comment.

<b>MOTION:</b>	<b>APPOINT COUNCIL MEMBERS BERTRAND AND KEISER TO THE SUBCOMMITTEE TO REVIEW APPLICATIONS</b>
<b>RESULT:</b>	<b>ADOPTED [4 to 0]</b>
<b>MOVER:</b>	Margaux Keiser
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Jacques Bertrand, Yvette Brooks, Kristen Petersen, Margaux Keiser
<b>RECUSED:</b>	Sam Storey

D. Consider Request for Sponsorship of the Capitola Beach Festival

RECOMMENDED ACTION: Authorize the City Manager to provide \$5,000 in sponsorship to the Capitola Beach Festival.

Vice-Mayor Storey recused himself due to a financial conflict. Clerk Woodmansee presented the staff report.

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There was no public comment.


<b>MOTION:</b>	<b>AUTHORIZE THE CITY MANAGER TO PROVIDE \$5,000 IN SPONSORSHIP TO THE CAPITOLA BEACH FESTIVAL</b>
<b>RESULT:</b>	<b>ADOPTED [4 to 0]</b>
<b>MOVER:</b>	Margaux Keiser
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Jacques Bertrand, Yvette Brooks, Kristen Petersen, Margaux Keiser
<b>RECUSED:</b>	Sam Storey

**10. ADJOURNMENT**

The meeting was closed at 8:16 pm to the next regular meeting of the Capitola City Council on September 9, 2021.

DocuSigned by:  
  
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Yvette Brooks, Mayor

ATTEST:

DocuSigned by:  
  
B3B746FAAGD54BA...  
Chloé Woodmansee, City Clerk

**APPROVED SEPTEMBER 9, 2021**