

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, JUNE 24, 2021 - 6 PM**

**CLOSED SESSION – 5 PM**

**CONFERENCE WITH LABOR NEGOTIATORS**

**(Gov't Code § 54957.6)**

Negotiators: Algeria Ford, Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Police Captains; (3) Mid-Management Group; (4) Department Heads; (5) Confidential Employees; (6) Capitola Police Officers Association

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 6 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. REPORT ON CLOSED SESSION**

**3. ADDITIONAL MATERIALS**

B. Item 7.C – one public comment email

B. Item 8.A – three public comment emails

C. Item 8.G – Six staff provided supporting documents

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

**5. ORAL COMMUNICATIONS**

**6. STAFF / CITY COUNCIL COMMENTS**

Director Jesberg announced the Clares Street Improvement Project Community Workshop, on Wednesday, June 30, at 6PM on Zoom.

Council Member Bertrand discussed the Area Agency on Aging's master plan on aging and asked that the plan be presented at a future Capitola City Council Meeting. He also reiterated the public's desire to have benches returned along Esplanade Drive and asked staff about the playground railing that has yet to be installed at the new Library.

Council Member Petersen acknowledged and thanked Frank Perry, the City Museum Curator, who retires at the end of the month.

Mayor Brooks reminded the community about the upcoming Art Walk on Sunday, June 27 at 10AM. She asked that staff and council consider beginning in-person Council meetings in October.

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**7. CONSENT ITEMS**

<b>MOTION:</b>	<b>APPROVE, RECEIVE, ACCEPT, AND DETERMINE AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

- A. Consider the June 10 City Council Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes  
RECOMMENDED ACTION: Receive minutes.
- C. Update on Regional Bikeshare Program and Issuance of Request for Proposal  
Recommendation: Accept update on regional bikeshare program and the issuance of a Request for Proposals (RFP) for a no-cost regional bike share program with a single vendor.
- D. 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.

**8. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Update on the Proposed Outdoor Dining Program  
RECOMMENDED ACTION: Receive a report on the development of an outdoor dining program and provide input on key elements of the program as detailed in the report.

Council Member Keiser recused herself from Items 8.A, 8.B. and 8.C.

Director Jesberg and Director Herlihy presented a staff report on outdoor dining.

Council Member Bertrand asked for more information on the prototype design possibilities and maintained that some originality would be preferred.

Vice-Mayor Storey confirmed that 180 feet is the size of a parking spot, and Director Jesberg explained that most parklets are four parking spots, with the largest being five.

Mayor Brooks asked if there are any ways for Staff to ensure the construction of parklets is done efficiently by business owners, rather than remaining unfinished and tying up a resource that could instead be used for parking.

Council Member Bertrand pointed out that allowances for sidewalk seating should also be considered.

In public comment, Linda Smith and Carin Hanna spoke in support of a parklet program. Hanna said that maintenance of the parklets, with the threat of removal if unused, is important.

Council Member Petersen spoke support for limiting the number of parklets, joining with Santa

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Cruz on prototype designs, using money from the City Manager Unexpected Events fund, and requiring some public use hours.

Council Member Bertrand agreed with these points and reiterated that some flexibility in the prototypes allowing for a level of individuality is important.

Vice-Mayor Storey said he agreed with an overall cap on parklets, but not with setting arbitrary limits. He encouraged using the business' interest level guide the limitations and suggested shorter lease terms with options for renewal.

Council Member Bertrand suggested the parklets be removed in winter.

Mayor Brooks asked that Staff bring further information to Council in July regarding methods on limiting the number of parklets, prototype ideas including winterization, a system for check and balances to ensure maintenance and use of the parklets, and different ways of calculating rent.

Council Member Petersen explained her concerns with allowing an unlimited amount of parking spaces due to the Coastal Commission and preference for a show of good faith in limiting to 25 spaces; she also suggested that the Capitola Planning Commission review parklet prototype designs before making a motion:

<b>MOTION:</b>	<b>INCORPORATE THE FOLLOWING DIRECTION AS A PERMANENT OUTDOOR DINING PLAN IS DEVELOPED: LIMIT SPACES TO 25, USE \$10,000 OF CITY MANAGER UNEXPECTED EVENT FUNDS FOR PROTO-TYPE DEVELOPMENT, PROPOSE LCP AMENDMENT TO THE PLANNING COMMISSION, SET 3 YEAR LEASES, WAIVE PERMIT FEES</b>
<b>RESULT:</b>	<b>AMENDED AS BELOW</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Jacques Bertrand

In response to Council Member Bertrand's question, Director Herlihy explained that while during the pandemic the Coastal Commission was tolerant of outdoor dining and parklets, now that the emergency is easing they remain concerned with maintaining public access to the coast.

Vice-Mayor Storey said he preferred limiting the amount of spaces based on how many businesses are interested, rather than arbitrarily using 25 as a limit.

<b>MOTION:</b>	<b>INCORPORATE THE FOLLOWING DIRECTION AS A PERMANENT OUTDOOR DINING PLAN IS DEVELOPED: LIMIT SPACES TO 25, USE \$10,000 FOR CITY MANAGER UNEXPECTED EVENT FUND FOR PROTO-TYPE DEVELOPMENT, PROPOSE LCP AMENDMENT TO THE PLANNING COMMISSION, SET 3 YEAR LEASES, WAIVE PERMIT FEES</b>
<b>AMENDMENT:</b>	<b>INCLUDE ONLY THE STREETS RECOMMENDED IN STAFF REPORT</b>
<b>RESULT:</b>	<b>ADOPTED [3 TO 0]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Yvette Brooks
<b>NOES:</b>	Sam Storey
<b>RECUSED:</b>	Margaux Keiser

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B. 2021 Summer Events Plan

RECOMMENDED ACTION:

1. Approve the City-sponsored event program as outlined in this report. and
2. Provide direction for issuance of other private special event permits.

Assistant to the City Manager Laurent presented a staff report.

There was no public comment.

Council Member Bertrand received confirmation from Assistant Laurent and Chief McManus that the City can support and staff the various events as normal.

Mayor Brooks suggested staff use July 14, the date of the first summer event, be the deadline to check in on current COVID-19 temporary use permit holders, and to remove unused outdoor dining areas.

Council Member Petersen asked how the City would ensure Mega Event requirements are followed by the Art and Wine Festival; staff replied that this the event's permit would include a condition that all state health guidance must be followed.

<b>MOTION:</b>	<b>APPROVE THE CITY SPONSORED EVENT PROGRAM AND REQUIRE OTHER EVENTS TO FOLLOW STATE HEALTH GUIDANCE AS APPROPRIATE</b>
<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Sam Storey, Yvette Brooks
<b>RECUSED:</b>	Margaux Keiser

C. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2021/2022

RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2021/2022 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.

Vice-Mayor Storey recused himself from this item.

Finance Director Malberg Jim presented the staff report.

Council Member Bertrand asked about the in-lieu program, and BIA representative Carin Hanna responded that this is an additional cost savings for the group continued from last year. The BIA plans to revamp their assessments next year.

There was no public comment.

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<b>MOTION:</b>	<b>ADOPT THE RESOLUTION LEVYING THE FY 2021-22 CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA ASSESSMENTS</b>
<b>RESULT:</b>	<b>ADOPTED [3 TO 0]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Yvette Brooks
<b>RECUSED:</b>	Sam Storey, Margaux Keiser

D. Consider the Fiscal Year 2021/2022 Budget and Capital Improvement Program for the City of Capitola[330-05/780-30]

RECOMMENDED ACTION: Approve the proposed resolution adopting the Fiscal Year 2021-22 City Budget and Capital Improvement Program.

Finance Director Malberg presented a staff report.

Council Member Bertrand asked about funding allocated to Monterey Park benches, and if the funding could be broader for the park in general.

There was no public comment.

<b>MOTION:</b>	<b>APPROVE THE RESOLUTION ADOPTING THE FY 2021-22 CITY BUDGET AND CAPITAL IMPROVEMENT PROGRAM, WITH ONE CHANGE IDENTIFYING THE \$10,000 TO BE SPEND ON IMPROVEMENTS AT MONTEREY PARK IN GENERAL (NOT ONLY FOR BENCHES)</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Margaux Keiser, Council Member
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

E. Recruitment Process for Chief of Police, and Designation of City Council Members to Serve on the Interview Panel

RECOMMENDED ACTION: Approve the proposed recruitment process for Police Chief; authorize the City Manager to enter into a contract with Bob Murray and Associates to conduct the recruitment; and designate up to two City Council Members to serve on the interview panel.

City Manager Goldstein presented the staff report.

Council Member Keiser asked for about the panels; City Manager Goldstein clarified that community forums will be public while the interviews are not.

There was no public comment.

Mayor Brooks asked that an appropriate local equity group be involved in the forum or interview panels, and that the BIPOC community be included when looking for community input.

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<b>MOTION:</b>	<b>APPROVE THE PROPOSED RECRUITMENT PROCESS AND NOMINATE COUNCIL MEMBERS PETERSEN AND KEISER TO SERVE ON INTERVIEW PANEL</b>
<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Margaux Keiser
<b>AYES:</b>	Kristen Petersen, Sam Storey, Yvette Brooks, Margaux Keiser
<b>NAYS:</b>	Jacques Bertrand

- F. Consider the Fee Schedule for Fiscal Year 2021-2022[390-40]  
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2021/2022 and adopt the proposed Resolution amending the current fee schedule.

Director Malberg presented the staff report.

In response to a question from Council Member Petersen, Director Herlihy explained that the planning fees are estimated by hourly rates, and applicants are refunded for any portion not used. Recreation Division Leader Bryant-LeBlond clarified that there is no increase in cost to the Jr Guard program.

Vice-Mayor Storey asked about the in-lieu tree replacement fee, and confirmed that this can only be done for qualifying circumstances and not simply an applicant who does not want to replace a tree.

Mayor Brooks noted that Cliff Avenue should also be included in the fee schedule regarding memorial plaques.

There was no public comment.

<b>MOTION:</b>	<b>ADOPT THE RESOLUTION AMENDING THE CURRENT FEE SCHEDULE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Margaux Keiser
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

- G. Consider Approval of Memoranda of Understanding with Labor Groups and Adopt Salary Schedule beginning June 27, 2021

RECOMMENDED ACTION:

1. Authorize the City Manager to execute the successor agreements to existing Memoranda of Understandings (MOUs) with negotiated changes for:
  - a. Confidential Employees Bargaining Group
2. Approve changes to the Management Compensation Plan
3. Approve changes to City Manager Employee Contract
4. Adopt a Resolution approving the new salary schedule

Assistant Laurent presented the staff report.

There was no public comment.


<b>MOTION:</b>	<b>AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT</b>
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	<b>WITH THE CONFIDENTIAL EMPLOYEES BARGAINING GROUP, APPROVE CHANGES TO THE MANAGEMENT COMPENSATION PLAN AND THE CITY MANAGER CONTRACT, ADOPT THE RESOLUTION APPROVING THE NEW SALARY SCHEDULE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

**9. ADJOURNMENT**

The meeting was closed at 9:01PM to the next regular meeting of the City Council on July 22, 2021.

DocuSigned by:  
  
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Yvette Brooks, Mayor

ATTEST:

DocuSigned by:  
  
B3B746FAACD54BA...  
Chloé Woodmansee, City Clerk

**APPROVED JULY 22, 2021**