

**FINAL CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, MARCH 25, 2021 - 7 PM**

**CLOSED SESSION – 5 PM**

**CALL TO ORDER AND ROLL CALL**

Mayor Brooks called the meeting to order at 5 p.m.

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

No members of the public were present, and the Council adjourned to the virtual meeting with the following items to be discussed in Closed Session:

**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 - 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. REPORT ON CLOSED SESSION – no action taken**

**3. ADDITIONAL MATERIALS**

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

**5. PUBLIC COMMENTS – none**

**6. CITY COUNCIL / STAFF COMMENTS**

City Manager Goldstein announced that the City of Scotts Valley partnered with a nonprofit to provide recreation for their jurisdiction, and no longer need to request a partnership with the City of Capitola.

Council Member Bertrand asked if the Executive Director of the Regional Transportation Commission could be invited to present at a future Council meeting.

Council Member Petersen condemned the recent hate crimes against Asian Americans and reiterated that all people are welcome in the City of Capitola.

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Mayor Brooks addressed the recent gun violence in America. She also reminded the public about the upcoming Easter Egg scavenger hunt by the Chamber of Commerce and Recreation division, and reminded everyone to continue wearing masks and practicing social distancing.

Council Member Keiser provided an update on the Environmental Commission, and stated that current topics include mandates regarding to-go containers.

**7. CONSENT CALENDAR**

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

- A. Consider the March 11, 2021, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes  
RECOMMENDED ACTION: Receive minutes.
- C. Consider the Budget Calendar for the 2021/22 Fiscal Year[330-05]  
RECOMMENDED ACTION: Approve the Budget Calendar meeting schedule for Fiscal Year 2021/22.
- D. Approve Contract Amendment with Adams Ashby Group for Professional Services Related to Community Development Block Grant Administration and Annual HOME reporting  
RECOMMENDED ACTION: Approve an amendment to the existing contract with Adams Ashby Group to add \$8,750 to cover costs associated with grant applications, \$27,000 for CDBG-CV2&3 administration; \$3,700 for annual HOME Investment Partnership Program reporting; and an option of up to \$35,000 for 2021 CDBG administration if the City receives 2021 CDBG funding. Total contract value will increase from \$16,575 to \$91,025.
- E. Consider Adoption of Updated Recreation Job Descriptions  
RECOMMENDED ACTION: Adopt the proposed resolution amending the Hourly/Seasonal Pay Schedule and approve new job descriptions.
- F. Consider an Amended Fee Schedule for Fiscal Year 2020-21[390-40]  
RECOMMENDED ACTION: Adopt the proposed resolution amending the fee schedule for fiscal year 2020/2021.
- G. Consider Granting an Easement to Soquel Creek Water District for a Water Main Located on the Library Property at 2005 Wharf Road  
RECOMMENDED ACTION: Approve a resolution authorizing and directing the City Manager to execute a Grant Deed, granting a 10-foot-wide easement for a water main to the Soquel Creek Water District over the City owned property at 2005 Wharf Road, the location of the new Capitola Branch Library (APN: 034-541-34).
- H. Receive Update on Pandemic Response  
RECOMMENDED ACTION: Make the determination that all hazards related to the

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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. 2021 Community Development Block Grant Public Hearing to Consider Potential Activities

RECOMMENDED ACTION: Receive staff presentation, open public hearing to allow input on potential activities, and direct staff to proceed with an application under the 2021 CDBG NOFA.

Director Herlihy introduced Paul Ashby, who presented the staff report.

Vice-Mayor Storey asked about allocating City general fund money for community grants. Mr. Ashby explained that CARES Act does not allow for duplication of benefits; the funding must provide services not already paid for by other sources.

Council Member Bertrand asked about reporting requirements for recipients. Mr. Ashby stated the reporting is done by the sub-recipient and focuses more on demographics, though narrative results are appreciated.

There was no public comment.

<b>MOTION:</b>	<b>DIRECT STAFF TO PROCEED WITH AN APPLICATION UNDER THE 2021 CDBG NOFA</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

B. Outdoor Dining and Village Parking Program Discussion

RECOMMENDED ACTION: Consider potential FY 21/22 City goals related to outdoor dining and Village parking rates, and provide direction.

City Manager Goldstein presented the staff report.

Council Member Petersen asked about the revenue estimates, and potential rate increases. City Manager Goldstein said that this figure could easily be calculated as a percentage.

Council Member Keiser asked that businesses and restaurants outside of the Village not be forgotten when developing a long-term strategy to allow outdoor dining.

Vice-Mayor Storey asked if parklets in the Village would require Coastal Commission approval. City Manager Goldstein replied that Coastal did not require an LCP amendment for the pilot program but did require the City to issue a Coastal Development Permit. Staff would work with Coastal Commission to determine how they would treat a long term parklet program.

In public comment, Linda Smith spoke in favor of a parklet program, and encouraged staff attention to safety, pedestrian awareness, borders, and lighting.

Council Member Keiser spoke about a symbiotic relationship between the City and small businesses.

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Vice-Mayor Storey said the Emergency Order 4-2020 permit allowing for outdoor activities due to COVID-19 will likely need to be extended beyond the May 31, 2021 deadline. He spoke with concern with respect to fees for this program. He is in favor of Option 2: developing a long-term strategy while evaluating parking rates less likely to generate community concern.

Council Member Petersen said she is concerned about the costs to applicants associated with the original pilot program and asked to see the cost estimates for parking meter and parking lot revenue at a future meeting. She made a motion supporting Option 1: developing a long-term strategy and committing to evaluating parking rates after implementing the parklet program.

Council Member Bertrand pointed out that the Emergency Order 4-2020 permit, allowing for outdoor activities as they are currently, could be extended past the May 31, 2021 deadline while a longer-term program is sorted out.

Vice-Mayor Storey asked for clarification of the motion.

Mayor Brooks and the City Manager clarified that Council is voting to set a goal for the coming year, not to change any current outdoor dining allowances.

Vice-Mayor Storey asked staff if a strategy could be revenue neutral for the City. City Manager said one could be developed.

Mayor Brooks said she does not support the motion due to the potential for lost parking revenue.

<b>MOTION:</b>	<b>DIRECT STAFF, AS A GOAL FOR FISCAL YEAR 2021-22, TO DEVELOP A LONG-TERM STRATEGY FOR OUTDOOR DINING AND COMMIT TO EVALUATING PARKING RATES AND THE PARKING PROGRAM AFTER IMPLEMENTING THE OUTDOOR DINING (PARKLET) PROGRAM</b>
<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Jacques Bertrand, Kristen Petersen, Margaux Keiser
<b>NAYS:</b>	Sam Storey, Yvette Brooks

C. Consider Options for Implicit Bias Training

**RECOMMENDED ACTION:** Approve the implicit bias training plan as follows; 1) City Council and City Department Heads: Hold public workshop, 2) Capitola Police and Community Service Officers: Continue with the required eight-hour Implicit Bias and Racial Profiling course every five years, and 3) Other City Employees: access to a self-directed e-learning program.

Assistant to the City Manger Laurent presented the staff report.

Council Member Petersen asked if there would be a required frequency for this staff training. Assistant Laurent stated there could be if so desired.

Council Member Bertrand confirmed this training would take place during a special meeting and could include Planning Commissioners.

Mayor Brooks asked about the five-year requirement for Police; Chief McManus confirmed a Bill was proposed at the legislative level that would have required training every two-years, though it did not pass. This is likely to come up again in the future.

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In public comment, Linda Smith spoke in favor of Citywide, mandatory implicit bias training. Amy Forest read a letter in agreement.

Council Member Bertrand agreed with the public comments but pointed out that the City Council and Commissioners must be trained in public to comply with the Brown Act and emphasized the difference between public agencies and the private sector.

Council Member Petersen stated she supported a mandatory training for employees and Planning Commissioners. Mayor Brooks agreed and added that the training should happen on a two-year cycle.

<b>MOTION:</b>	<b>DIRECT STAFF TO IMPLEMENT MANDATORY IMPLICIT BIAS TRAINING FOR CITY COUNCIL, PLANNING COMMISSION, AND STAFF, WITH MORE INFORMATION ON WHAT IS REQUIRED OF THE POLICE DEPARTMENT TO COME BEFORE COUNCIL AT A LATER DATE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Margaux Keiser
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Bertrand, Petersen, Storey, Brooks, Keiser

D. Coastal Commission preliminary comments on Local Coastal Plan (Zoning Code Update)

RECOMMENDED ACTION: Receive staff update on Local Coastal Plan (Zoning Code) Certification by the California Coastal Commission and direct the Mayor to submit a public comment letter on behalf of the City Council.

Director Herlihy presented the staff report. She presented on Monarch Cove item separately from the other items. Vice-Mayor Storey recused himself due to proximity for the Monarch Cove discussion.

In public comment, Lana and Bob Blodget spoke of their support for keeping the staff language and letting the Monarch Cove Inn property remain residential.

<b>MOTION:</b>	<b>AUTHORIZE THE MAYOR TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION THE PORTIONS OF THE PUBLIC COMMENT LETTER THAT ADDRESS THE MONARCH COVE INN</b>
<b>RESULT:</b>	<b>ADOPTED [4 to 0]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Kristen Petersen
<b>AYES:</b>	Bertrand, Petersen, Brooks, Keiser
<b>RECUSED:</b>	Sam Storey

Director Herlihy presented on the remaining topics.

Council Member Bertrand confirmed that, per the Coastal Commission recommendations, only a hotel or other visitor serving uses would be allowed at the Capitola Theater site.

In public comment, Jesse Bristow spoke in favor of staff's recommended responses to the Coastal Commission.

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<b>MOTION:</b>	<b>AUTHORIZE THE MAYOR TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION THE REMAINING PORTIONS OF THE PUBLIC COMMENT LETTER RECOMMENDED BY STAFF, IN RESPONSE TO THE COASTAL COMMISSION'S REQUESTED CHANGES TO ZONING CODE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Bertrand, Petersen, Brooks, Storey, Keiser

E. Consider a Cooperative Agreement with the Santa Cruz County Regional Transportation Commission Concerning the Regional Monterey Bay Sanctuary Trail  
RECOMMENDED ACTION: Approve an agreement with the Santa Cruz County Regional Transportation Commission for work on the Santa Cruz Branch Rail Line for construction of a pedestrian pathway along the rail line connecting the Upper Beach and Village Parking Lot and Monterey Ave.

Public Works Director Jesberg presented the staff report.

Vice-Mayor Storey asked about trees on the project site; Director Jesberg replied that the ownership of trees is about half-and-half between Capitola and the RTC and confirmed saving all the trees may cost more, requiring budget trade-offs. To other questions, Director Jesberg confirmed that parking is not allowed on the site and that if contaminants are found onsite, that if contaminants are found on site, the RTC is responsible for remediation if the remediation is required regardless of the project; however, the project would be responsible if remediation is necessary due to the project. Lastly, he explained that the agreement sets up ground-rules for the project, not all the project specifics.

Council Member Bertrand asked about the timing, as the adjacent corridor and future rail-trail are many years away from proposal and completion. Director Jesberg explained that changes to the agreement are possible but would have to be presented to the RTC.

City Manager Goldstein reminded Council that the project was conceived separately from the rail-trail with the City's goal of providing a safe pathway out of the parking lot and cleaning up a currently vacant lot.

Vice-Mayor Storey confirmed that the trail will continue towards New Brighton in the future.

Council Member Keiser asked about project improvements and if the project site could be adjusted to be on City property, not the RTC's.

In public comment, Barry Scotts spoke in favor of this agreement and the project.

<b>MOTION:</b>	<b>APPROVE THE AGREEMENT WITH THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION WITH A MODIFICATION OF THE PROJECT DESCRIPTION THAT INCLUDES ONLY A TRAIL FROM THE PARKING LOT TO THE PARK/MONTEREY INTERSECTION</b>
<b>RESULT:</b>	<b>RETRACTED BY COUNCIL MEMBER BERTRAND</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Sam Storey

City Manager Goldstein explained that Council could approve the agreement and direct staff to

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come back with further details regarding the project.

Mayor Brooks said that the agreement lays a framework, and that further project details can be revised after approving it.

Director Jesberg reconfirmed that the project description in the agreement can be modified after signing.

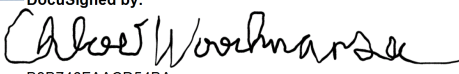
<b>MOTION:</b>	<b>APPROVE AN AGREEMENT WITH THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR WORK ON THE STANTA CRUZ BRANCH RAIL LINE FOR CONSTRUCTION OF A PEDESTRAIN PATHWAY ALONG THE RAIL LINE CONNECTING THE UPPER BEACH AND VILLAGE PARKING LOT AND MONTEREY AVE</b>
<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Kristen Petersen
<b>SECONDER:</b>	Yvette Brooks
<b>AYES:</b>	Kristen Petersen, Yvette Brooks, Margaux Keiser
<b>NAYS:</b>	Jacques Bertrand, Sam Storey

**9. ADJOURNMENT**

The meeting was closed at 9:57 PM to the next regular meeting of the City Council on April 8, 2021.

DocuSigned by:  
  
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 Yvette Brooks, Mayor

ATTEST:

DocuSigned by:  
  
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 Chloé Woodmansee, City Clerk

**APPROVED APRIL 8, 2021**