

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 22, 2020 - 7 PM**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. PRESENTATIONS

A. Introduction of Santa Cruz County District Attorney Office Neighborhood Courts Program

Chief McManus introduced Elaine Johnson, the District Attorney's Office Neighborhood Courts program coordinator. She explained the Neighborhood Courts program, a diversion program for adults that admit responsibility for first time offense, low-level misdemeanors. The program focuses on rather than punitive justice.

Councilmember Bottorff clarified that the program is looking for volunteers from the entire Santa Cruz County, not solely Capitola. Councilmember Storey asked about volunteer qualifications.

Councilmember Bertrand asked if children being tried as adults would qualify for this program. Ms. Johnson clarified that such cases would not be low-level misdemeanors, and thus not part of the Neighborhood Court program. He asked if this program was a part of community policing, to which Ms. Johnson replied no.

3. ADDITIONAL MATERIALS

4. ADDITIONS AND DELETIONS TO AGENDA – none

5. PUBLIC COMMENTS – none

6. CITY COUNCIL / STAFF COMMENTS

Director Herlihy provided updates on COVID-19 temporary outdoor use permits.

Director Jesberg announced that work will begin on the jetty project, though not on the flume due to a lack of rain.

Vice Mayor Brooks announced a community health initiative.

Councilmember Bertrand reminded the community about the Halloween Car Cruise, hosted by Capitola Recreation.

7. CONSENT CALENDAR

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MOTION:	APPROVE AND DETERMINE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand
SECONDER:	Sam Storey
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

- A. Consider the July 21, 2020, Special Meeting and the October 8, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Registers Dated September 11, September 18, September 25, October 2 and October 9
RECOMMENDED ACTION: Approve check registers.
- C. Resolution Authorizing Application for a Community Power Resiliency Grant from the California Office of Emergency Services
RECOMMENDED ACTION: Approve the proposed resolution authorizing the Director of Public Works to submit a grant application to the California Office of Emergency Services for funding from their Community Power Resiliency Grant Program.
- D. Receive Update on the City's 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. First Reading Chapter 17 Zoning Code/Local Coastal Plan Adoption
RECOMMENDED ACTION:
 - 1. Approve the first reading and waive reading of the text of the proposed Ordinance amending Title 17
 - 2. Adopt the proposed Resolution authorizing staff to submit the Zoning Code Update/Local Coastal Plan Update to the Coastal Commission for certification

Director Herlihy presented the staff report.

Councilmember Storey asked which code the Coastal Zone would be regulated by if the Coastal Commission does not immediately certify the proposed zoning code. Director Herlihy responded that the coastal zone would be subject to the previous zoning code until the one proposed is certified.

Councilmember Bertrand asked if sections of the proposed zoning code regarding the Village Hotel be severed and not recommended for Coastal Commission certification, while still recommending the rest of the proposed changes. City Attorney Zutler suggested that Council discuss that as a motion and second and added that Staff would need to provide two separate ordinances for adoption likely at a later meeting.

During public comment, Michael Morrissey spoke in favor of the proposed zoning code ordinance.

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Councilmember Bottorff said he was not willing to sever the Village Hotel section from recommending the zoning code. Vice Mayor Brooks agreed.

MOTION:	APPROVE THE FIRST READING OF PROPOSED ORDINANCE, APPROVE RESOLUTION AUTHORIZING COASTAL COMMISSION CERTIFICATION
MOVER:	Yvette Brooks
SECONDER:	Ed Bottorff

Councilmember Bertrand commended Staff on their work towards a new zoning code. He explained his desire to sever the Village Hotel section from recommendation because his belief it does not reflect what the community wants.

Mayor Petersen recused herself from discussion of the Village Hotel.

Councilmember Bertrand continued to explain his concerns with recommending the Village Hotel section of code for certification.

Councilmember Storey reminded Council and the public that there is no hotel project before Council or up for approval. He spoke to concern that not recommending the entire zoning code for certification will hold up the process for too long.

Councilmember Bottorff thanked Councilmember Storey for clarifying that there is no project up for approval.

MOTION:	REMOVE THE VILLAG HOTEL SECTION FROM APPROVAL, APPROVE FIRST READING OF THE REMANING ZONIGN CODE, APPROVE RESOLUTION AUTHORIZING COASTAL COMMISSION CERTIFICATION FOR THE ZONIGN CODE NOT INCLUDING THE VILLAGE HOTEL SECTION.
RESULT:	DIED FOR LACK OF SECOND
MOVER:	Jacques Bertrand

Mayor Petersen returned to the meeting.

Councilmember Bottorff spoke to frustration that the Coastal Commission will not allow for City code to protect the bluff. He also thanked staff for their hard work.

MOTION:	APPROVE THE FIRST READING OF PROPOSED ORDINANCE, APPROVE RESOLUTION AUTHORIZING COASTAL COMMISSION CERTIFICATION
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks
SECONDER:	Ed Bottorff
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

- B. Adopt a Resolution Approving the 2020 Update to the City of Capitola Local Hazard Mitigation Plan
RECOMMENDED ACTION: Adopt the proposed resolution approving the 2020 update to the City of Capitola Local Hazard Mitigation Plan.

Director Jesberg presented a short staff report and introduced Bill Wiseman, Kimley Horn, who presented an overview of the Local Hazard Mitigation Plan.

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Councilmember Storey asked that a section of Mr. Wiseman’s presentation is included on the City website. He asked about the difference between an adaptation plan and a mitigation plan, and for clarification on beach nourishment alternatives. Director Jesberg explained that the Jetty restoration plans to capture more sand and provide the necessary nourishment on a seasonal basis.

Councilmember Bertrand asked about the bluff and financial assistance to protect it, specifically what other similar communities have done for funding. Director Jesberg replied that each situation is unique, with Capitola’s option known to be soft armoring, re-growing the jetty, and reefs. He explained that grants could be available for studies, yet design permits would likely take close to 10 years to be approved.

There was no public comment.

MOTION:	ADOPT THE PROPOSED RESOLUTION
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

9. ADJOURNMENT

The meeting was closed at 8:54pm.

APPROVED NOVEMBER 12, 2020

Kristen Petersen, Mayor

ATTEST:

Chloé Woodmansee, City Clerk