

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 10, 2020 - 7 PM**

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 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. Children's Cancer Awareness Month Proclamation

Benito Salazar, Jacob's Heart, thanked Council for proclaiming September Childhood Cancer Awareness Month.

3. ADDITIONAL MATERIALS – NONE

4. ADDITIONS AND DELETIONS TO AGENDA – NONE

5. PUBLIC COMMENTS – NONE

6. CITY COUNCIL / STAFF COMMENTS

Recreation Division Head LeBlond announced that the Capitola Community Foundation is fundraising to provide scholarships to the Capitola Recreation Out of School Time program.

Vice-Mayor Brooks encouraged members of the public to determine if they are allies to the Black Lives Matter movement or part of the problem.

Mayor Petersen thanked the City Manager and Chief of Police for attending a recent racial injustice workshop.

7. CONSENT CALENDAR

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

A. Consider the August 27, 2020, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

B. Receive Update on the City's 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.

- C. Grand Jury Response - Homelessness in our Community
RECOMMENDED ACTION: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05.
- D. Grand Jury Response - Risk Preparedness
RECOMMENDED ACTION: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05
- E. Accept the Park Avenue Storm Damage Repair Project as Complete and Approve a Notice of Completion
RECOMMENDED ACTION: Approve the Notice of Completion for the Park Avenue Storm Damage Repair Project constructed by Earthworks Paving Contractors with a final cost of \$273,168.36 and direct the Public Works Department to record the Notice of Completion.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. FY 2019-20 Budget Update
RECOMMENDED ACTION: Receive Fiscal Year 2019-20 budget update and adopt proposed resolution amending the Fiscal Year 2020-21 Budget.

Finance Director Malberg presented the staff report and explained recommended budget amendments due to the changes in revenue received. He indicated that staff will return in December with more information and suggested any significant changes to the budget be considered at that later time.

Vice-Mayor Brooks asked about the money allocated for staff training.

Councilmember Bottorff asked the City Manager about parking revenue, and if the decrease is truly due to COVID impacts or is because spaces have been given up allowing for outdoor dining in the Village. City Manager Goldstein answered that the more recent 48% reduction is driven by the loss in spaces, however the greater revenue reduction suffered earlier in the year was due to COVID closures and Shelter in Place orders. Director Jesberg agreed and said that 50 spaces are out of use for outdoor dining, and that the City generally receives \$2,400 in annual revenue for each Village parking space.

Councilmember Bertrand asked if any normal trends are starting to reappear since COVID effects began in mid-March. Director Malberg said that TOT revenue is beginning to normalize, and that sales tax is looking stable though lower than average. Councilmember Bertrand asked about expected cannabis tax income and was told that sales tax from the open cannabis retailer is slowly growing and is near projections, whereas the second cannabis retailer expects to open before the end of the year. Councilmember Bertrand's final question was if CARES Act could pay for work done in response to the CZU Lightning Complex Fire; staff clarified that this mutual aid work was tracked and will be reimbursed by the County.

There was no public comment.

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MOTION:	RECEIVE UPDATE AND ADOPT PROPOSED RESOLUTION AMENDING THE FY 2020-21 BUDGET
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey
SECONDER:	Ed Bottorff
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Code of Conduct for Council Members

RECOMMENDED ACTION: Consider City Council and Commission Code of Conduct Policy recommended by the City Council ad hoc subcommittee.

Vice-Mayor Brooks introduced the Code of Conduct, and City Manager Goldstein presented a staff report highlighting the code's key points.

Councilmember Storey clarified that the City Council can dismiss complaints, not individuals who make complaints.

Councilmember Bertrand asked about Council members accepting gifts in the case of free or complimentary tickets for educational opportunities. City Attorney Zutler emphasized that the Code of Conduct is a document that must be interpreted by Council and not necessarily by City staff. She encouraged Council to keep in mind other members' reactions to specific behaviors and to stay considerate when acting. Councilmember Bertrand asked about closed and open session and Attorney Zutler said this is a distinction made by the Brown Act and that violations are a misdemeanor.

Mayor Petersen asked who would undertake an investigation if one was deemed necessary; Attorney Zutler replied that an investigator would be chosen by the full Council and hired to do so.

There was no public comment.

Councilmember Bertrand announced support for the Code and emphasized the importance of keeping closed session confidential.

MOTION:	APPROVE THE CODE OF CONDUCT
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

C. Onboarding Process Update

RECOMMENDED ACTION: Receive update and provide feedback.

Interim City Clerk Woodmansee presented the staff report.

There was no public comment.

Councilmember Bottorff said that he supported the process.

Mayor Petersen agreed and mentioned that City specific training is important for those new to Council.

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Councilmember Bertrand said he felt positively about the process.


9. ADJOURNMENT

The meeting was closed at 8:15 PM.

DocuSigned by:

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Kristen Petersen, Mayor

ATTEST:

DocuSigned by:

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Chloé Woodmansee, Interim City Clerk

APPROVED ON SEPTEMBER 24, 2020