

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, AUGUST 27, 2020 - 7 PM**

CALL TO ORDER AND ROLL CALL

Mayor Petersen called the meeting to order at 6 p.m.

Council Member Ed Bottorff: Remote, Council Member Jacques Bertrand: Remote, Council Member Sam Storey: Remote, Mayor Kristen Petersen: Remote, Vice 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 LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO
LITIGATION**

(Gov't Code § 54956.9(d)(2).)

one potential case

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. REPORT ON CLOSED SESSION

There was no reportable action.

3. ADDITIONAL MATERIALS

A. Item 8.A – 2 emails supporting the beach closure

B. Item 8.D – 1 in favor, 95 against staff recommendation for Policy 5

C. Item 8.F – 1 supporting document

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

There was no public comment.

6. CITY COUNCIL / STAFF COMMENTS

Vice-Mayor Brooks commented on the Black Lives Matter movement and thanked local protest coordinator Joyce Flynn.

Councilmember Bertrand spoke about the outbreak of the CZU Lightning Complex Fires and thanked local first responders.

Mayor Petersen also thanked local first responders, fire fighters, and Capitola PD for their help during

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the local emergency caused by the CZU Lightning Complex Fire. She encouraged members of the public to heed the visitor advisory and stay away from Santa Cruz County while the community responds to the fire disaster. The Mayor also said that August 31 is Overdose Awareness Day and spoke to the importance of destigmatizing substance addiction. She dedicated the meeting to the memory of Emil Edgren, a local resident who recently passed away.

Requested Items for Future Agendas:

- 1) New Councilmember onboarding (Vice-Mayor Brooks)

7. CONSENT CALENDAR

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| MOTION: | APPROVE, ADOPT, AND REJECT AS RECOMMENDED |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Sam Storey |
| SECONDER: | Ed Bottorff |
| AYES: | Bottorff, Bertrand, Storey, Petersen, Brooks |

- A. Consider the July 23, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Registers Dated June 5, June 12, June 19, June 29, July 9, July 17, July 24 and July 31.
RECOMMENDED ACTION: Approve check registers.
- C. Liability Claim of Scholine Slikker[Claims Binder]
RECOMMENDED ACTION: Reject liability claim.
- D. Liability Claim of Jamison Rea[Claims Binder]
RECOMMENDED ACTION: Reject liability claim.
- E. Grand Jury Response - Website Accessibility
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.
- F. Update Part-Time Seasonal Salary Schedule
RECOMMENDED ACTION: Adopt the proposed resolution amending the Hourly/Seasonal Pay Schedule and including the Out-of-School Time positions.
- G. Replace Police Video Evidence System
RECOMMENDED ACTION: Approve \$29,400 contract with WatchGuard Video to replace hardware and upgrade software for Capitola Police Department' s Evidence Library system.
- H. Accept the Park Avenue Sidewalk Project as Complete and Approve a Notice of Completion
RECOMMENDED ACTION: Approve the Notice of Completion for the Park Avenue Sidewalk Project constructed by Anderson Pacific Engineering Contractors with a final cost of \$943,154 and direct the Public Works Department to record the Notice of Completion.

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- I. Accept the Brommer Complete Street Project as Complete and Approve a Notice of Completion

RECOMMENDED ACTION: Approve the Notice of Completion for the Brommer Street Complete Street Improvement Project constructed by McKim Corp. with a final cost of \$567,383.06 and direct the Public Works Department to record the Notice of Completion.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Receive Update on the City's Pandemic Response

RECOMMENDED ACTION:

- 1) Determine 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
- 2) Approve the proposed resolution ratifying Emergency Order 5-2020; making violation of the County Mask Order subject to either an administrative citation or infraction, each carrying fines
- 3) Provide direction to the Director of Emergency Services regarding a potential Beach Closure. If directed, the Director of Emergency Services will sign the prepared Emergency Order 6-2020; closing Capitola Beach to the public for the Labor Day holiday weekend from September 5 through September 7
- 4) If consistent with direction, approve the proposed resolution ratifying Emergency Order 6-2020

City Manager Goldstein presented the staff report and explained Emergency Order 5-2020 and the proposed Emergency Order 6-2020.

Vice-Mayor Brooks asked if further beach closures are expected and if the money received from mask violation citations could be restricted for certain City uses. The City Manager answered no to both questions.

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| MOTION: | 1) DETERMINE ALL HAZARDS CONTINUE TO EXIST; 2) ADOPT RESOLUTION RATIFYING EMERGENCY ORDER 5-2020; 3) DIRECT THE DIRECTOR OF EMERGENCY SERVICES TO SIGN EMERGENCY ORDER 6-2020: CLOSING BEACH FOR THE LABOR DAY HOLIDAY WEEKEND AS PROPOSED; AND 4) ADOPT RESOLUTION RATIFYING EMERGENCY ORDER 6-2020 |
| RESULT: | AMENDED |
| MOVER: | Yvette Brooks |
| SECONDER: | Jacques Bertrand |

Councilmember Storey asked about Emergency Order 5-2020 and the difference between an infraction and an administrative citation; Chief McManus explained that Officers would only issue infractions, though other members of City Staff could enforce the order by issuing administrative citations. He explained that this would not likely happen, but the Emergency Order was written to cover all possibilities allowed by Code.

Mayor Petersen asked how the City was prepared to enforce the proposed beach closure. City Manager Goldstein and Chief McManus said that extra help will be provided by a contract security firm and that electronic message boards would be strategically placed the week prior to the closure.

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There was no public comment.

Councilmember Bottorff proposed a friendly amendment to the Vice-Mayor's earlier motion.

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| MOTION: | 1)DETERMINE ALL HAZARDS CONTINUE TO EXIST; 2) ADOPT RESOLUTION RATIFYING EMERGENCY ORDER 5-2020; 3) DIRECT THE DIRECTOR OF EMERGENCY SERVICES TO SIGN EMERGENCY ORDER 6-2020: CLOSING BEACH FOR THE LABOR DAY HOLIDAY WEEKEND WITH OPEN HOURS SATURDAY AND SUNDAY 6PM TO 8PM; AND 4) ADOPT RESOLUTION RATIFYING EMERGENCY ORDER 6-2020 |
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Yvette Brooks |
| SECONDER: | Jacques Bertrand |
| AYES: | Bottorff, Bertrand, Storey, Petersen, Brooks |

B. Discussion on the Lighting of the Village Palm Trees

RECOMMENDED ACTION: Provide direction to staff regarding the Village palm tree lights.

Public Works Director Jesberg presented the staff report.

During public comment, Carin Hanna spoke about the unusual challenges faced by local businesses due to COVID-19 and said the tree lights provide lots of nighttime light in the otherwise dark Village. Rodney, Capitola Candy Company, said that the lights help make the Village safer and asked that they stay in place.

Councilmember Bottorff commented that the lights have been an issue in Capitola for more than two years and spoke to his frustration with the BIA not following through on the project. He said he'd like the lights taken down until a new and approved program is created.

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| MOTION: | REMOVE EXISTING LIGHTS |
| RESULT: | DIED FOR LACK OF SECOND [4 TO 1] |
| MOVER: | Ed Bottorff |

Councilmember Bertrand thanked the BIA for taking the initiative in paying for sidewalk cleaning.

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| MOTION: | KEEP THE EXISTING LIGHTS IN PLACE, CITY STAFF TO REPLACE STRANDS THAT ARE NOT OPERATING |
| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Jacques Bertrand |
| SECONDER: | Sam Storey |
| AYES: | Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks |
| NAYS: | Ed Bottorff |

C. BIA Amended Budget

RECOMMENDED ACTION: Conduct a public hearing and adopt the proposed resolution levying the revised Fiscal Year 2020/2021 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the revised CVWBIA Annual Plan and budget.

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Finance Director Malberg presented the staff report.

During public comment, Carin Hanna, BIA Representative spoke and was available for questions. Devon, BIA Treasurer, said that the BIA has money left over to spend on further Village enhancements, despite the financial struggle caused by the pandemic.

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| MOTION: | ADOPT THE RESOLUTION AND ACCEPT THE REVISED BUDGET |
| RESULT: | ADOPTED [3 TO 1] |
| MOVER: | Yvette Brooks |
| SECONDER: | Jacques Bertrand |
| AYES: | Jacques Bertrand, Kristen Petersen, Yvette Brooks |
| NAYS: | Ed Bottorff |
| RECUSED: | Sam Storey |

D. Amendment to Inclusionary (Affordable) Housing Ordinance

RECOMMENDED ACTION: Accept staff presentation and provide direction on key policy issues for the City's Inclusionary Housing Ordinance Update.

Community Development Director Herlihy presented the staff report on the Inclusionary Housing Ordinance (IHO) update. She requested Council direction on six affordable housing policies, to be reflected in a future revised ordinance. Council asked questions by policy:

Policy 1:

Councilmember Storey asked why the need for low and very low-income housing has changed since 2011, Director Herlihy noted this was likely due to gentrification. Councilmember Bertrand asked if the policy should increase the threshold to 20%. Vice-Mayor Brooks asked about the City's Regional Housing Needs Assessments (RHNA) numbers.

Policy 2:

Councilmember Storey asked how much the City would lose in fees by eliminating the in-lieu fees for rental housing.

There were no questions for Policy numbers 3 through 5.

Policy 6:

Vice-Mayor Brooks asked for more explanation. Councilmember Bertrand clarified that most planning and building permits are for home upgrades, single family homes, and remodels.

During public comment, David from Loma Vista Estates reminded Council that they received more than 90 signed petition letters on the asset limit issue (Policy 5) and asked Council to read the letter from their attorney. Karen asked that Council lift restrictions on 55+ parks. Two public comment emails were read in opposition to Policy 5. Councilmember Bottorff said that alternatives to RHNA numbers must be considered, as Capitola is built out. Vice-Mayor Brooks said her priority is affordable housing for families in Capitola.

Council provided comments by policy:

Policy 1:

Vice-Mayor Brooks agreed with staff recommendation. Councilmember Bertrand asked that

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the fee be increased to 20%. Councilmember Bottorff asked that the fee be 15%. Councilmember Storey supported the 15% fee and said he was alright with offering in-lieu fees.

Policy 2:

Councilmember Bottorff, Councilmember Storey, and Vice-Mayor Brooks agreed that rental units should be exempt from the IHO. Councilmember Bertrand asked if lowering the fee rather than getting rid of it altogether was worth discussing.

Policy 3:

Vice-Mayor Brooks, Councilmember Bottorff, and the Mayor supported implementing a nexus study. Councilmember Storey asked Staff to develop in-lieu fees for 2 to 6-unit developments. Councilmember Bertrand proposed a tax or fine for those with second homes, who do not live in the Capitola community. The Mayor was also interested in this idea. Councilmember Bottorff did not agree with this type of tax or fine.

Policy 4:

Councilmember Bottorff supported IHO requirements to allow developers to pay in-lieu fees. The Mayor agreed. Vice-Mayor Brooks was not in favor of in-lieu fees, Councilmember Storey asked for more information on what the fees would be.

Policy 5:

The Council agreed with staff recommendation to modify the asset limits. Vice-Mayor Brooks asked how the new number was decided upon.

Policy 6:

Councilmember Bertrand suggested further allowances for ADUs and rental properties. Vice-Mayor Brooks agreed and asked Staff to investigate a land trust. Councilmember Bottorff said that the IHO is a significant amount of work to update, and due to COVID-19 community development is already down. He proposed postponing major changes until 2023. Councilmember Storey agreed with putting off changes to the IHO to 2023, when the Housing Element is renewed. He asked for an update at the next meeting on how well the new ADU and density bonus policies have been received.

Mayor Petersen asked staff if Council could get more information and fully revisit in 2023. City Manager Goldstein replied that all topics brought up by Council did not fit into the context of the IHO, and suggested that if the scope was kept broad, Staff's return timeline would have to be longer.

Councilmember Bertrand said that acting sooner rather than later was preferred.

Director Herlihy clarified that she sought direction on alternatives within the IHO and that a discussion of ADUs would be separate from the IHO.

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| RESULT: | PROVIDED DIRECTION |
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E. Adopt a Resolution Declaring an Emergency Condition Pertaining to the CZU Lightning Complex Fire

RECOMMENDED ACTION: Adopt the proposed resolution declaring an emergency condition continues to exist as addressed in the proclamation of existence of a local

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emergency issued by the Director of Emergency Services on August 20, 2020 pertaining to the CZU Lightning Complex Fire.

City Manager Goldstein presented a staff report and provided a timeline of the fire event.

Leah Samuels, Community Care Alliance, reminded Council that non-profits are also first responders during community emergencies such as this fire, and that non-profits should be considered essential services.

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| MOTION | ADOPT RESOLUTION, DECLARE AN EMERGENCY CONDITION PERTAINING TO THE CZU LIGHTNING COMPLEX FIRE |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Sam Storey |
| SECONDER: | Ed Bottorff |
| AYES: | Bottorff, Bertrand, Storey, Petersen, Brooks |

F. Designation of the Voting Delegate and Alternate for the 2020 League of California Cities Annual Conference [150-50]

RECOMMENDED ACTION: Designate Capitola’s voting delegate and alternate(s), if desired.

There was no public comment.

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| MOTION: | DESIGNATE MAYOR KRISTEN PETERSEN AS VOTING DELEGATE AND COUNCILMEMBER BERTRAND AS ALTERNATE |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Ed Bottorff |
| SECONDER: | Sam Storey |
| AYES: | Bottorff, Bertrand, Storey, Petersen, Brooks |


9. ADJOURNMENT

The meeting was closed at 9:44 PM.

DocuSigned by:

 5A84A0BE54B041E...
 Kristen Petersen, Mayor

ATTEST:

DocuSigned by:

 B3B746FAACD54BA...
 Chloé Woodmansee, Interim City Clerk

APPROVED SEPTEMBER 10, 2020