

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, JULY 23, 2020**

**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 LABOR NEGOTIATORS**

**(Gov't Code § 54957.6)**

Negotiators: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees

**LIABILITY CLAIM**

**(Gov't Code § 54956.95)**

Claimant: Suzanne Teixeira

Agency claimed against: City of Capitola

**CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

**(Gov't Code § 54956.9(d)(4).)**

one potential case

**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. ADDITIONAL MATERIALS**

**3. ADDITIONS AND DELETIONS TO AGENDA**

**4. PUBLIC COMMENTS**

A member of the public sent an email encouraging Capitola to participate in and self-respond for the 2020 Census.

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**5. CITY COUNCIL / STAFF COMMENTS**

Councilmember Bertrand announced his recently meeting with FDIU regarding a sanitation issue.

Councilmember Bottorff thanked the public for their patience as the sewer repair work was completed on Capitola and Park Avenues.

Vice-Mayor Brooks encouraged the public to continue wearing face coverings to slow the spread of COVID-19 and commented that the peaceful Black Lives Matter protest was a positive event she was happy to attend back in June.

Mayor Petersen also said that it is critical to continue wearing masks when in public and noted that Santa Cruz county was recently flagged by the State due to the COVID-19 cases. She urged the public to be counted in the 2020 Census and said that federal funding is determined by each person that responds.

**Requested Items for Future Agendas/ Staff Attention:**

- 1) Possibility of obtaining the title at the Escalona Road extension (Vice-Mayor Brooks)
- 2) Funding for tobacco enforcement (Vice-Mayor Brooks)
- 3) Applying for variety of League of Cities grants such as homekey grants (Vice-Mayor Brooks)

**6. CONSENT CALENDAR**

<b>MOTION:</b>	<b>APPROVE, ADOPT, AND REJECT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- A. Consider the June 25, 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 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. Capitola Beach Life Guards  
RECOMMENDED ACTION: Accept report
- D. Liability Claim of Esther Phillips [Claims Binder]  
RECOMMENDED ACTION: Reject liability claim.
- E. Liability Claim of Suzanne Teixeira [Claims Binder]  
RECOMMENDED ACTION: Reject liability claim.
- F. Consider Approval of Side Letter Agreement with the Association of Capitola Employees  
RECOMMENDED ACTION:
  1. Authorize the City Manager to execute the side letter agreement to existing Memorandum of Understanding (MOU) with negotiated changes from July 26, 2020, through December 28, 2020, for the following:

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- a. Association of Capitola Employees (ACE)
2. Rescind layoff notice for Maintenance 1 position
3. Adopt a Resolution approving the new salary schedule

**7. GENERAL GOVERNMENT / PUBLIC HEARINGS**

A. 207 Oakland Appeal

RECOMMENDED ACTION: Uphold the appeal and reverse the action of the Planning Commission with revisions to the front yard landscape and decrease in wall height.

Assistant Planner Sesanto presented the staff report.

Councilmember Storey asked about the front door and entryway area of the outdoor fence/wall and if it considered separate from the wall itself. Planner Sesanto confirmed that it is considered an accessory structure above the wall's height but also behind the front yard set-back, so within Code standards. Council Questions:

Councilmember Bottorff thanked Planner Sesanto for confirming that this project does not violate the Mello Act. He noted that Capitola Municipal Code does not prohibit the project as proposed.

Councilmember Bertrand asked if the proposed living space with bathroom could be converted into a full living space (with kitchen) in the future. Planner Sesanto said it was unlikely a permit would be granted to convert the space to an additional accessory dwelling unit.

Derek Van Alstine, project designer, was available to answer questions. He stated that many homes in Capitola are built in the Mediterranean style including the historic Rispin Mansion.

There were five public comment emails, all in opposition to the project because of the Mediterranean style and the high wall/fence proposed.

Councilmember Bottorff said he was troubled that the appeal was necessary and apologized to the homeowners. He shared a presentation of several Capitola homes built in the Mediterranean style. Lastly, he said that had all five members voted, he believed the project would have been approved by the Planning Commission.

Councilmember Storey disclosed that he spoke to the appellant prior to the meeting. He also addressed the Mello Act concern and explained that it does not apply to this project; he clarified that it's Capitola Municipal Code that requires the reduction in living spaces.

Councilmember Bertrand said he appreciated the project and its intention to provide a compound-style living space for a family.

Mayor Petersen said that she is personally aware of the property and that though she understands the project is allowable by Capitola code, she is concerned to lose more rental properties.

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<b>MOTION:</b>	<b>UPHOLD APPEAL AND REVERSE PLANNING COMMISSION ACTION AND WAIVE ASSOCIATED APPEAL FEES: APPROVE PROJECT WITH REVISIONS TO THE FRONT YARD LANDSCAPE PLAN AND A DECREASE IN WALL HEIGHT</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Consider Update on the Community Development Block Grant- Coronavirus Response Application  
RECOMMENDED ACTION:

1. Adopt the proposed resolution regarding the Community Development Block Grant Coronavirus Response (CDBG-CV) application amending resolution 4175 to revise the funding allocations between eligible activities
2. Authorize the City Manager to enter into a subrecipient agreements with the Community Bridges, Grey Bears, Second Harvest Food Bank, and the Community Action Board.

Councilmember Storey recused himself.

Community Development Director Herlihy presented the staff report.

Vice-Mayor Brooks asked about the next anticipated round of funding. Director Herlihy said that Paul Ashby did not have specifics, but that the NOFA is expected within 60 days.

There was no public comment.

Vice-Mayor Brooks clarified that a portion of funding would be allocated for early childhood and youth programming, not solely afterschool programming.

<b>MOTION:</b>	<b>ADOPT PROPOSED RESOLUTION AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AGREEMENTS AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Ed Bottorff, Jacques Bertrand, Kristen Petersen, Yvette Brooks
<b>RECUSED:</b>	Sam Storey

C. Consider a Proposal for an Out-of-School Time Recreation Program for the Blended Learning 2020/21 School Year  
RECOMMENDED ACTION:

1. Consider and approve the temporary suspension of Adult Classes and allocate the use of Jade St Community Center for Out-of-School Time (OST) Recreation programs.
2. Consider and approve three Out-of-School Time recreation program models to be offered for the blended learning 2020/21 school year.
3. Authorize the City Manager to enter into agreements not to exceed \$4,000 in total with partnering organizations to lease additional space for the elementary Out-of-

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School Time program.

- 4. Authorize the City Manager to enter into a 12-month agreement with Enterprise Fleet Management not to exceed \$125,000 for long-term vehicle rentals to provide transportation between school and the elementary Out-of-School Time program.
- 5. Adopt the proposed resolution amending the Hourly/Seasonal Pay Schedule and creating three Out-of-School Time positions, OST Coordinator, OST Senior Leader and OST Leader.

Recreation Division Head Bryant-Leblond presented the staff report and emphasized that the decision to have schools shift to all distance learning was made after the staff report was published. Changes to the proposed programming due to this decision were then highlighted in her report.

Vice-Mayor Brooks asked about the grade breakdown for the separate groups and confirmed there would be priority enrolment for essential workers' children. She also clarified the scholarship sign-up process.

Councilmember Bertrand asked about the location of the partnering church and how Division Head Bryant-LeBlond developed the program.

Councilmember Storey complimented the program and asked if the loss of adult class revenue could be neutralized somehow.

Mayor Petersen emphasized that providing location for the County's Voter Service Center is a priority and asked if the City has alternate spaces to offer.

Randy, Shorelife Community Church, expressed happiness their organization can help the community in this way.

Scott Turnball, SUESD Superintendent, thanked Division Head Bryant-LeBlond and Council for providing this program to students.

Councilmember Bottorff thanked staff for putting together this program.

Vice-Mayor Brooks also thanked Division Head Bryant-LeBlond for championing this program for the youth in the community.

<b>MOTION:</b>	<b>APPROVE ALL RECOMMENDATIONS</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Yvette Brooks
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- D. 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.

Finance Director Malberg presented the staff report.

Councilmember Storey asked Director Malberg if there's possibility for the overhead to be absorbed; Director Malberg and City Manager Goldstein explained that the intention is to make

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the program financially neutral, though the required COVID-19 precautions are expensive.

Councilmember Bertrand asked if the cost of this program charged to families is comparable with similar programs; Division Head Bryant-LeBlond replied that Capitola's program really is one-of-a-kind and hard to compare but that staff worked to charge a fair fee.

There was no public comment.

<b>MOTION:</b>	<b>ADOPT THE PROPOSED RESOLUTION</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Yvette Brooks
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

E. Consider Approval of Contract Change Order No. 8 for the Capitola Branch Library Project

RECOMMENDED ACTION: Receive this report and approve Contract Change Order No. 8 with Otto Construction for the Capitola Branch Library Project in the amount of \$120,688 for additional costs related to the conflict with the PG&E power lines.

Public Works Director Jesberg presented the staff report.

There was no public comment.


<b>MOTION:</b>	<b>APPROVE THE CONTRACT CHANGE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

**8. ADJOURNMENT**

The meeting was closed at 9pm.

DocuSigned by:  
  
 5A84A0BE54B641E...  
 Kristen Petersen, Mayor

ATTEST:

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

**APPROVED AUGUST 27, 2020**