

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, JUNE 11, 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. REPORT ON CLOSED SESSION

There was no reportable action during closed session.

3. ADDITIONAL MATERIALS

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Lisa Burkiwitz asked that Council consider the use of CDBG funding to offset funding cuts to nonprofits.

Ray Concino asked the same, and that the City give preferential funding to organizations already serving Capitola.

Kurt Ance reminded Council that previously, Community Bridges “gave Measure D funding back to the City”.

6. CITY COUNCIL / STAFF COMMENTS

Community Development Director Herlihy provided a brief update on CARES Act funding (distributed by CDBG grants) and announced the City has been allocated a total of 168,000 in funding. Two more rounds of funding are expected.

Mayor Petersen addressed the recent death of Sergeant Damon Gutzwiller who was shot on June 6 while responding to a call for service. The Mayor asked for a moment of silence to honor him.

Councilmember Storey also paid tribute to the Sergeant and acknowledged all local first responders. He asked that the Council Meeting be held in Sergeant Damon Gutzwiller’s memory.

Vice-Mayor Brooks echoed the condolences for Sergeant Gutzwiller and spoke her support for the Black Lives Matter movement.

Councilmember Bertrand paid tribute to the Sergeant and spoke of the loss his professional and personal family has suffered. He said that the Council has a commitment to the community and reminded the public that traditionally the City of Capitola is generous to those in need.

Councilmember Bottorff said he agreed with the sentiments expressed by the rest of Council. He spoke about recent Planning Commission decisions and reminded the Commission that their duty is to approve or deny projects as outlined by the current Municipal Code, not to consider their own personal opinions. He asked Commissioners to fulfil their obligation appropriately.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
June 11, 2020

7. CONSENT CALENDAR

MOTION:	APPROVE AND CONFIRM ITEMS 7.A & 7.B AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand
SECONDER:	Ed Bottorff
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

- A. Consider the May 28, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Consider the City's Investment Policy [100-10/350-10]
RECOMMENDED ACTION: Confirm the City's Administrative Policy Number III-1, Investment Policy as recommended by the Finance Advisory Committee.
- C. Consider the Adoption of a Resolution Setting the Fiscal Year 2020/2021 Appropriation Limit [330-05]
RECOMMENDED ACTION: Adopt the resolution.

Vice-Mayor Brooks asked this item pulled off the Consent Calendar. She asked Staff if it was ok to approve this item prior to approving the Budget. Finance Director Malberg explained that the appropriation limit is based on a calculation from the State and is required to be complete prior to adopting the proposed budget.

There was no public comment.

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

- D. Consider a Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2020-21[140-05]
RECOMMENDED ACTION: Adopt the proposed resolution of intention that provides notification of the City's intent to levy business improvement assessments for Fiscal Year 2020/2021; receiving the annual report and proposed budget of the CVWBIA; setting the date for a public hearing to be held on Thursday, June 25, 2020; and outlining noticing requirements.

Vice-Mayor Brooks asked this item pulled off the Consent Calendar. She asked Staff why the BIA's roster seemed to include businesses that have recently closed. Staff responded that the list is not 100% perfect, and that the BIA generally leaves businesses on their roster until their "doors are closed" and they are officially no longer running in Capitola.

There was no public comment.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
June 11, 2020

MOTION:	ADOPT THE RESOLUTION
RESULT:	ADOPTED
MOVER:	Yvette Brooks
SECONDER:	Ed Bottorff
RECUSE:	Sam Storey
AYES:	Bottorff, Bertrand, Petersen, Brooks

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Receive Update on the City's Pandemic Response

RECOMMENDED ACTION:

1. 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.
2. Approve a resolution ratifying Emergency Order 4-2020, which allows for outdoor activities and encroachments for businesses operating in compliance with social distancing requirements.

City Manager Goldstein presented the staff report. He highlighted a recent local spike in COVID-19 cases, and shared progress in the Village regarding outdoor activities allowed under Emergency Order 4-2020.

Councilmember Storey asked for a COVID-19 case update specific to the City of Capitola; Staff said this number is around 8. This figure will be included in future reports. Councilmember Storey asked how the City is encouraging visitors to wear masks and maintain social distance as stores and restaurants open. The City attorney clarified that it is up to the individual business to ensure compliance from customers and that the recent County Health Order no longer requires businesses to post social distancing plans.

Councilmember Bertrand spoke highly of the enthusiasm in the Village due to the outdoor activity permits. He asked that Staff acknowledge individuals that helped create, approve, and implement these permits. Director Herlihy said this was an "all hands on deck" project and that local businesses and volunteers were also involved.

Vice-Mayor Brooks asked about the BIA giving an update on the outdoor dining's impact in the Village; this will be included on the next Council Meeting's agenda. She acknowledged many emails from the public worried about safety in the Village and asked how the City is ensuring compliance. Police Chief McManus spoke about the benefit of having Captain Dally and Sergeant Ryan as business liaisons, as it is the businesses role to gain compliance in their establishments. City Manager Goldstein added that the City is contracting with a private security firm to provide extra officials on the beach to gain compliance during the beach closures.

Carin Hanna thanked the City for their quick implementation of the outdoor activity permit process and agreed that the public's compliance with facial coverings and social distancing requirements is low.

Mayor Petersen thanked Staff and the BIA for their hard work.

Councilmember Storey suggested that Village businesses consider selling facial coverings so they are available to members of the public who may visit Capitola without one.

Councilmember Bertrand asked if lower Monterey will be steam cleaned. Director Jesberg said

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
June 11, 2020

that the Public Works crew will finish work there soon and reminded the Council that the proposed budget includes cutting the normal funds for steam cleaning in the Village.

Vice-Mayor Brooks asked if there were public cleaning requirements to counteract COVID-19, Staff responded they are unaware of any such requirements or recommendations.

MOTION:	1) MAKE DETERMINATION THAT HAZARDS STILL EXIST; 2) APPROVE RESOLUTION RATIFYING EMERGENCY ORDER 4-2020
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff
SECOND:	Yvette Brooks
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Consider the Fiscal Year 2020/2021 Budget and Capital Improvement Program for the City of Capitola [330-05/780-30]
RECOMMENDED ACTION: Approve the Resolution adopting the Fiscal Year 2020/21 City Budget and Capital Improvement Program.

Finance Director Malberg presented the staff report.

Vice-Mayor Brooks asked Community Development Director Herlihy for an overview of the CDBG Grant situation. Director Herlihy explained that the City will receive \$168,000 in the first round and that two more rounds are expected.

During public comment:

Raymond Concino asked why the City hasn't considered more revenue generation options and spoke to his dissatisfaction that Community Bridges won't receive funding from the City this year.

Lisa Burkiwitz and Karen Delaney both announce dismay that local nonprofits have had their funding cut by the City due to the pandemic's effect on the City's revenue.

Leah Samuels and Julie Ray Gilberts emailed asking for Council to reconsider cutting the City's community grant program in the coming fiscal year.

Mayor Petersen thanked the public for their comments and noted that the City of Capitola has a small budget and that, compared to other local Cities, Capitola traditionally uses the largest percentage of its budget to fund Community Grants. She also explained that the City is receiving CARES Act funding which will be used to provide for community grant programs.

Councilmember Bottorff agreed that the situation is difficult and new for City Council, as the City is typically generous with community grant funding. He said that Council is juggling possible layoffs of City Staff and represents 10,000 people to balance what the community wants and what is possible. He made a motion, seconded by Councilmember Bertrand.

Councilmember Bertrand said that the Council is trying to support critical portions of the Capitola community and restated that CARES Act funding will be distributed by CDBG for community grants in Capitola.

Councilmember Storey said that he was recused from the Community Grant portion of the budget vote.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
June 11, 2020

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

C. Receive Community Survey Results

RECOMMENDED ACTION: Receive report and provide direction to staff regarding potential measures to place on November 2020 ballot.

City Manager Goldstein introduced Gene Bregman, who presented the results of the community survey.

Mr. Bregman said that the survey was conducted from May 27 to May 31 in response to Councilmember Storey's question. Councilmember Storey asked how likely it is for someone who responded "yes" to a survey to then truly vote "yes". Mr. Bregman said this is generally based on how well a campaign is run, and that he would not recommend going forward with measures due to the data collected by the survey.

There was no public comment.

Councilmember Bottorff thanked Mr. Bregman for the report. He said in the past the City received data that 80% of those surveyed would approve a TOT tax measure, but the measure did not get the required votes to pass during the election. He explained that the City cannot run a campaign for any measures, and even though the City needs revenue he did not believe putting measures on the ballot would be wise.

Councilmember Storey agreed that the survey results were not encouraging. He said the City should keep this information and hold off on placing measures on the ballot.

Councilmember Bertrand also said that the results did not make him feel comfortable with placing any measures on the ballot.

MOTION:	DIRECT STAFF NOT TO PLACE ANY MEASURES ON THE BALLOT FOR THE NOVEMBER 3, 2020, ELECTION
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks
SECONDER:	Sam Storey
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

D. Consider Fee Schedule for Fiscal Year 2020-21[390-40]

RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2020/2021 and adopt the proposed Resolution amending the current fee schedule.

Finance Director Malberg presented the staff report.

Vice-Mayor Brooks asked about childcare facility permits and if they would still be waived in this fee schedule. Staff responded that those fees are already included in the budget and will not be charged to applicants.

There was no public comment.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
June 11, 2020

MOTION:	ADOPT THE RESOLUTION AMENDING THE CURRENT FEE SCHEDULE
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

- E. Continue Zoning Code Update Discussion
RECOMMENDED ACTION: Continue discussion about the Zoning Code and Local Coastal Plan update to the regular City Council meeting on July 23, 2020.

MOTION:	CONTINUE THE DISCUSSION TO THE REGULAR CITY COUNCIL MEETING ON JULY 23, 2020
RESULT:	CONTINUED [JULY 23, 2020]
MOVER:	Sam Storey
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

9. ADJOURNMENT

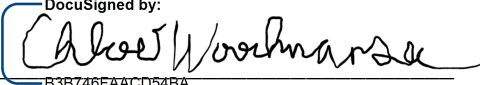
The meeting was closed at 9:40 PM.

APPROVED JUNE 25, 2020

ATTEST:

DocuSigned by:

5A84A0BE54B641E
Kristen Petersen, Mayor

DocuSigned by:

B3B746FAACD54BA...
Chloe Woodmansee, Interim City Clerk