

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, MAY 28, 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

A. Item 8.A – 68 public comment emails

B. item 8.E – one public comment email

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS – NONE

6. CITY COUNCIL / STAFF COMMENTS

Mayor Petersen and Councilmember Bottorff paid their respects to former City Manager Steve Burrell, who recently passed away. Staff and Council held a moment of silence for his memory.

Vice-Mayor Brooks asked about Capitola businesses repurposing parking areas for outdoor dining. Staff replied that this topic would be covered during the COVID-19 Update (item 8.A).

Councilmember Bertrand suggested Staff create a section in the minutes clearly identifying Council's requests for future agenda items.

Recreation Division Head Bryant-Leblond announced that the Recreation Center is currently tented for termite treatment and encouraged members of the public to apply for summer program scholarships.

Requested Items for Future Agendas:

1) Update on beach grading and lagoon closure (Vice-Mayor Brooks, Councilmember Storey)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 28, 2020

7. CONSENT CALENDAR

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

- A. Consider the May 14, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Registers Dated April 10, April 17, and April 24, 2020.
RECOMMENDED ACTION: Approve check registers.
- C. LEAP HCD Grant Resolution
RECOMMENDED ACTION: Adopt a Resolution authorizing the City Manager to apply for a Local Early Action Planning (LEAP) Grant to update the City's Inclusionary Housing Ordinance and execute the grant if awarded.
- D. Second Hearing for CDBG-CV Grant Resolution
RECOMMENDED ACTION: Hold second public hearing for the Community Development Block Grant Coronavirus Response (CDBG-CV) application requesting up to \$250,000 of CDBG-CV grant funds and reutilizing \$80,632.35 of CDBG program income funds (total \$330,632) for three COVID-19 related relief programs.
- E. Consider Award of a Project Management and Inspection Contract for the Park Avenue Storm Damage Repair Project
RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Cal Engineering and Geology for Construction Management Services for the Park Avenue Storm Damage Repair Project in the amount of \$66,860.
- F. Art and Cultural Commission Annual Report [1010-60]
RECOMMENDED ACTION: Receive report.

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. Consider options to allow outdoor dining on the Esplanade when allowed by County Health Orders

City Manager Goldstein presented the staff report and emphasized that enforcing the current beach closure has been a challenge since Memorial Day weekend.

Community Development Director Herlihy presented on outcomes of the Business Recovery Task Force's first meeting. She also presented two different plans for closing parts of the Esplanade, and allowing restaurants to utilize on-street parking spaces for outdoor dining, if the County's

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES May 28, 2020

variance application is approved by the State. She outlined both Option 1, a partial closure of the Esplanade to vehicle traffic; and Option 2, a full closure of the Village with no traffic allowed other than emergency vehicles and daily loading/unloading.

Councilmember Bertrand asked about Option 1 and checked that with one-way traffic, current road markings would still be accurate.

Vice-Mayor Brooks clarified that any business that applies for an administrative permit and is approved could participate in outdoor dining options, including those outside of Capitola Village. The Vice-Mayor asked that any fees associated with this permit be waived.

Councilmember Storey asked if the County's variance application would affect the beach closure. City Manager Goldstein said it is likely that the beach closure will remain in effect indefinitely. Councilmember Storey asked for clarification about parking for the Capitola Hotel under any plan that would block traffic along the Esplanade; and suggested that the additional parking near Esplanade Park be removed and the road closed to allow for social distancing in that area.

Councilmember Bottorff alerted staff that the proposed Option 1 map neglected to provide outdoor space for Bella Roma and the Cork and Fork.

City Manager Goldstein announced that the Esplanade between Zelda's and Esplanade Park is considered a beach parkway under the current County Health Order, which renders the area off-limits for sitting, gathering, and outdoor dining.

During the public comment period:

Sean Fyock emailed to ask when vacation rentals will reopen.

Josh Fisher emailed in favor of Option 1.

Julie Kenney emailed her support for grading the beach.

Dennis Norton spoke in favor of Option 2.

Hannah Smalltree said that she supports any action that will open the Village and help local businesses.

Mr. Patel, owner of the Capitola Hotel, said he tentatively supported Option 1, but still had concerns about the ability for his business to provide parking to hotel guests.

Nathan Cross expressed concern about both options and suggested a compromised approach.

Carin Hannah said that most Village business owners agree upon Option 1 and that the BIA was excited about the possibility of its implementation.

Councilmember Bottorff said that though people love the idea of closing the Esplanade completely to vehicle traffic, now is not the time to do so. He agreed with waiving permit fees, extending permits so the Hotel can have guest parking, and otherwise supported Option 1. He also asked Staff to reopen all available parking lots and suggested implementing an "express lane" for cars with no stopping or parking is allowed.

Councilmember Bertrand thanked the public for their input and said he supported Option 1, with a chance for adaptation and change in the future. He also agreed with waiving permit fees.

Councilmember Storey said he agrees to opening available parking lots, waiving the permit fees, and allowing the Hotel to have parking for guests. He announced concern about the ability to

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES May 28, 2020

promote social distancing with the beach still closed. He asked staff to compromise between the two Options to allow for the public to comply with current health orders and suggested that the end of Esplanade Road be closed to vehicle traffic.

Vice-Mayor Brooks asked Chief McManus about the safety of each Option, to which he responded that both options are safe but present different challenges. Vice-Mayor Brooks asked Councilmember Storey to clarify his vision regarding closing the end of Esplanade Road and requested that Fire Chief Hall speak to the safety of both Options. Fire Chief Hall explained that the concern with Option 2 is that the full road closure may encourage gatherings and discourage social distancing. He stated that Option 1 would be easier to work with regarding emergency response times. Vice-Mayor Brooks recommended Option 1, supported waiving fees, and asked that Staff revisit these decisions after the changes have been implemented to review their impacts. She stressed that there should be continuity of design for all the businesses' outdoor dining areas.

Mayor Petersen said that she was in favor of Option 1, agreed that permit fees should be waived and that the Hotel should be allowed permits for guest parking. She also asked that public parking on Cliff Drive be opened and that the Village parking limit be returned to three hours. The Mayor expressed concern with the possibility of COVID-19 cases rising and emphasized the significance of social distancing.

Councilmember Storey responded to the Vice-Mayor's earlier question and clarified that he'd like to see the end of Esplanade Road closed to effectively make Esplanade Park bigger, so the public has room to spread out and social distance.

Councilmember Bottorff said he supported Option 1 but did not want to extend Esplanade Park as it would become a gathering place. He then made a motion:

MOTION:	1) MAKE DETERMINATION THAT HAZARDS STILL EXIST; 2) DIRECT STAFF TO MOVE FORWARD WITH OPTION 1 (PARTIALLY CLOSING ESPLANADE ROAD TO VEHICULAR TRAFFIC, ALLOWING RESTAURANTS TO IMPLEMENT OUTDOOR DINING) AND: - OPEN ALL PUBLIC PARKING LOTS - RETURN VILLAGE PARKING LIMIT 3 HOURS - ALLOW THE CAPITOLA HOTEL A PARKING VARIANCE - EMPHASIZE FACIAL-COVERING REQUIREMENTS
RESULT:	AMMENDED
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand

Councilmember Storey asked who would be enforcing the facial-covering requirement. Staff clarified that this is a County Order and that business owners are responsible for enforcing it. Councilmember Bottorff said he wanted the Order emphasized, not an increase in its enforcement.

Vice-Mayor Brooks asked for a friendly amendment to Councilmember Bottorff's motion. He and Councilmember Bertrand accepted:

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 28, 2020

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Capitola Village Wharf Business Improvement Area (CVWBIA) Update
RECOMMENDED ACTION: Receive update report.

Carin Hannah provided an update on the BIA's activity per Vice-Mayor Brooks' request.

There was no public comment.

RESULT:	RECEIVE REPORT
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C. Receive Monterey Bay Community Power Presentation
RECOMMENDED ACTION: Receive update report.

Staff introduced Lina Williams, representative of Monterey Bay Community Power, who gave a brief presentation on the organization's annual achievements.

There was no public comment.

RESULT:	RECEIVE REPORT
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D. Continue Zoning Code Update Discussion
RECOMMENDED ACTION: Continue discussion about the Zoning Code and Local Coastal Plan update to the next City Council meeting on June 11, 2020.

City Manager Goldstein recommended this item be continued during Item 4.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 28, 2020

MOTION:	CONTINUE DISCUSSION
RESULT:	CONTINUED [JUNE 11, 2020, MEETING]
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

E. Consider Options for Ordinance Temporarily Prohibiting Tenant Evictions Due to COVID-19

RECOMMENDED ACTION: Receive report.

City Manager Goldstein presented the staff report.

There was no public comment.

City Attorney Zutler read suggested changes to the Ordinance: change from Sonoma to Santa Cruz County Health Department on page 94 in the packet and change the date from May 31 to June 1 on page 95 of the packet.

Councilmember Bertrand asked Staff if they had any feedback from local landlords or renters.

MOTION:	ALTERNATIVE RECOMMENDATION TO ADOPT URGENCY ORDINANCE WITH THE CHAGNES READ BY THE CITY ATTORNEY EXTENDING THE MORATORIUM AND SEND A LETTER OF SUPPORT FOR SENATE BILL 1410
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks
SECONDER:	Sam Storey
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

F. Consider Awarding a Contract for the Summer Beach Shuttle Service

RECOMMENDED ACTION: Approve a contract with MV Transportation for Summer Beach Shuttle operations. In response to the on-going COVID-19 pandemic it is anticipated that shuttle service under this contract will be cancelled for the 2020 summer season and shuttle service will resume in May of 2021.

Public Works Director Jesberg presented the staff report and emphasized that the contract will not be for service this summer due to the pandemic and local beach closures.

Councilmember Storey asked about the separate hourly rate for service during the Art & Wine Festival.

Councilmember Bottorff asked if the contract would cost less since it would be starting later in the year than usual, Director Jesberg agreed and explained that the City pays on a per-day basis, so the cost depends on how much work the contract is for.

There was no public comment.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 28, 2020

MOTION:	APPROVE CONTRACT WITH MV TRANSPORTATION
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

9. ADJOURNMENT

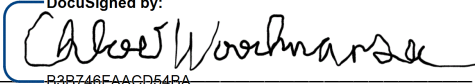
The meeting was closed at 9:30 PM.

APPROVED JUNE 11, 2020

DocuSigned by:

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Kristen Petersen, Mayor

ATTEST:

DocuSigned by:

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Chloé Woodmansee, Interim City Clerk