

**FINAL CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, MAY 14, 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: Present, Vice Mayor Yvette Brooks: Remote.

**2. REPORT ON CLOSED SESSION**

There was no reportable action during closed session

**3. ADDITIONAL MATERIALS**

There was an email for Item 8.A and one for 8.C.

**4. ADDITIONS AND DELETIONS TO AGENDA – none**

**5. PUBLIC COMMENTS**

Three members of the public sent emails:

- 1) Laurie Ingram requested the Council state their intentions on closing or opening Capitola Beach.
- 2) The Capitola Village and Wharf Business Improvement Area requested an emergency item for Council to discuss the legality of businesses selling product via “sidewalk” sales.
- 3) David Bianchi expressed dismay that local nonprofits will have their funding cut due to the pandemic’s negative effect on Capitola’s budget.

**6. CITY COUNCIL / STAFF COMMENTS**

Vice-Mayor Brooks asked that Staff invite the Business Improvement Area to present during the next meeting and wanted options for commercial signage and other markings explored.

Councilmember Bertrand asked about the effect of not closing off the lagoon and if choosing not to do so will prohibit its closure in the future. Public Works Director Jesberg responded that keeping the lagoon open poses no jeopardy to it or the beach’s future. Councilmember Bertrand also said that many business owners may be in desperate situations due to the pandemic and that he wanted Staff to address the issues merchants are facing. He was assured that the topic would be addressed in the COVID-19 Update item on the agenda.

After receiving several emails regarding Capitola Beach and other public health measures, Mayor Petersen said she needed to clarify for the public that Capitola Council and Staff do not have the authority to open or close the beach. She also explained that herself and other local Mayors/City Managers have weekly calls with the County Health Officer and that City Council and Staff are regularly questioning and communicating with the authorities. She announced the formation of the Mayor’s Business Recovery Task Force committee, created to best serve the business community during this challenging time.

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**7. CONSENT CALENDAR**

<b>MOTION:</b>	<b>APPROVE AND ADOPT AS RECOMMENDED</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

- A. Consider the April 23, 2020, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Receive the Planning Commission Action Minutes from the Regular Meetings of April 2 and May 7, 2020  
RECOMMENDED ACTION: Receive minutes.
- C. LEAP HCD Grant Resolution  
RECOMMENDED ACTION: Consider 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. Update on the Emergency Repairs to the Wharf  
RECOMMENDED ACTION: Accept this report on the Emergency Repairs to the Wharf as detailed in Resolution 4169 and declare the work required to abate all hazards have been completed and no further actions are required.

**8. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Receive Update on the City's Pandemic Response  
RECOMMENDED ACTION:
  - 1. By super majority vote, 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 the emergency order to temporarily suspending certain Conditional Use Permit requirements regarding on-street parking and pick-up/delivery business operations.

City Manager Goldstein presented the staff report and City Attorney Zutler provided information on the State's Resistance Roadmap.

Vice Mayor Brooks asked for more clarification on why Capitola is held to Santa Cruz County's health order. She asked Staff to provide information on what local organizations are doing to respond to the pandemic in future COVID-19 Updates.

Councilmember Storey asked about guidelines for business owners to follow regarding newly allowed pick-up/delivery services. He also asked if kiosk businesses are permitted to be open for business under the new Order, and recommended that the City make a statement about the Capitola Beach closure explaining there is no ability to regulate who can visit the beach based on where the person lives.

Councilmember Bottorff asked is fishing is permitted under the Order, Staff replied this item will

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be clarified with the Health Officer the following day.

Councilmember Bertrand asked how the newly appointed Business Liaison, Richard Hill, will help with communication between local businesses owners and City staff. Staff answered that a committee has been formed as well as a website to increase communication.

Councilmember Storey confirmed that Governor Newsom has not closed all beaches statewide.

During public comment, Sandi Jordan asked why the County has not requested a variance to their current position in the Governor’s Resilience Roadmap Stage 2. City Attorney Zutler again explained that the County does not currently qualify to apply for one.

<b>MOTION:</b>	<b>DETERMINE THAT HAZARDS STILL EXIST AND APPROVE RESOLUTION RATIFYING EMERGENCY ORDER 3-2020</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Yvette Brooks
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Council Compensation Decision to Decline Adjustment

RECOMMENDED ACTION: Affirm that the adjustment in Council’s monthly salary, previously approved to be increased to \$600 following the November 2020 election, will not be accepted by each individual member of Capitola City Council due to the economic impacts of COVID-19.

City Manager Goldstein presented the staff report and explained that each individual member of council should affirm that the previously approved increase would not be accepted.

There was no public comment.

<b>RESULT:</b>	<b>COUNCIL MEMBERS BERTRAND, BOTTORFF, STOREY, VICE MAYOR BROOKS, AND MAYOR PETERSEN EACH AFFIRMED THEY WOULD NOT ACCEPT THE SALARY INCREASE</b>
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C. Recreation Summer Programs Update

RECOMMENDED ACTION: Receive report on modifications to the Recreation Division’s summer programs due to the COVID-19 epidemic, and consider allocating \$5,200 from the TOT Early Childhood and Youth Fund.

Recreation Division Head Bryant-Leblond presented the staff report.

Matt Arthur asked about the status of the traditional beach grading during public comment.

Vice Mayor Brooks thanked Division Head Bryant-Leblond for the presentation and asked why the age minimum for Junior Guards has been raised to seven-years-old this year. Division Head Bryant-Leblond explained that this was due to the limited number of children that will be able to participate in compliance with social distancing Orders. Vice Mayor Brooks asked if Staff would be prepared if the Beach was to be reopened before the end of potential programs to which Division Head Bryant-Leblond said yes.

Councilmember Storey confirmed that the program will be able to function even with the lagoon remaining.

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Councilmember Bertrand asked Fire Captain Harway if the same training can be provided to junior Guard instructors to which he responded yes.

Matt Arthur asked about the status of the traditional beach grading during public comment,

Councilmember Bertrand made a motion to adopt staff recommendation. Vice Mayor Brooks asked for a friendly amendment for the program to reserve 10 spaces for six-year-olds to register for the program. After some debate, Councilmember Bertrand agreed to the amendment.

<b>MOTION:</b>	<b>RECEIVE REPORT, APPROVE ALLOCATION OF FUNDS, AND DIRECT STAFF TO RESERVE 10 JUNIOR GUARD SPACES FOR SIX-YEAR-OLD PARTICIPANTS TO REGISTER.</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Sam Storey
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

### D. CDBG-CV Grant Resolution

#### RECOMMENDED ACTION:

1. Adopt the attached Resolution authorizing the City Manager to submit a Community Development Block Grant Coronavirus Response (CDBG-CV) application requesting up to \$114,367.65 of CDBG-CV grant funds and reutilizing \$80,632.35 of CDBG program income funds (total \$195,000) for three Covid-19 related relief programs and to execute the grant agreement upon award.
2. Identify two Council Members to participate in a CDBG-CV ad hoc subcommittee.

Community Development Director Herlihy presented the staff report and provided modified language for the staff recommendation that the grant application be for up to \$250,000.

Mayor Petersen asked when the City could expect to receive funding; Director Herlihy said the response to applications is quick. She also answered that the funds could help multiple organizations, if they can be shown to serve different populations.

Councilmember Bertrand clarified that the rental assistance program qualifies for this type of grant funding. He also asked who on Staff would oversee this grant allocation, Director Herlihy explained that an RFP will be out soon to find an experienced professional to administer the grants.

City Manager Goldstein explained that the ad-hoc committee would be comprised of Staff and two Councilmembers, and thus not regulated by the Brown Act.

One public comment was made by Paz Padilla, a representative of Community Action Board. He asked that some CDBG funds be used for rental assistance programs.

Mayor Petersen volunteered to be a member of the ad-hoc committee and asked that Vice-Mayor Brooks also join. Vice-Mayor Brooks agreed.

The City Attorney read the recommended budget adjustment, raising the application's maximum to \$250,000.

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<b>MOTION:</b>	<b>ADOPT RESOLUTION WITH BUDGET ADJUSTMENT READ BY THE CITY ATTORNEY, IDENTIFY MAYOR PETERSEN AND VICE MAYOR BROOKS AS PARTICIPANTS IN THE AD-HOC COMMITTEE</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Yvette Brooks
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

E. Zoning Code Update Chapter 17.44 Coastal Overlay Zone  
RECOMMENDED ACTION: Accept staff presentation, provide direction on zoning code revisions, and continue the public hearing to the May 28, 2020, City Council meeting.

Community Development Director Herlihy presented the staff report.

There was no public comment.

<b>MOTION:</b>	<b>APPROVE STAFF RECOMMENDED CODE REVISIONS AND CONTINUE FURTHER DISCUSSION TO THE MAY 21 REGULAR MEETING</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Yvette Brooks
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks


Commissioner Herlihy gave a brief overview of the zoning code topics to be discussed at the next public hearing.

**9. ADJOURNMENT**

The meeting was closed at 9:27 PM.

DocuSigned by:  
  
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 Kristen Petersen, Mayor

ATTEST:

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

**APPROVED MAY 28, 2020**