

City of Capitola Agenda

Mayor: Kristen Petersen
Vice Mayor: Yvette Brooks
Council Members: Jacques Bertrand
Ed Bottorff
Sam Storey



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 26, 2020

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

NOTICE OF REMOTE ACCESS ONLY:

In accordance with the current Shelter in Place Order from Santa Cruz County Health Services and Executive Order N-29-20 from the Executive Department of the State of California, the City Council meeting will not be physically open to the public and in person attendance cannot be accommodated. To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting online at <http://capitolaca.ig2.com/Citizens/Default.aspx> or it can be seen live on Spectrum Cable Television channel 8. Remote participation is possible in the form of emailed public comment.

How to comment via email:

1. As always, send additional materials to the City Council via citycouncil@ci.capitola.ca.us by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
2. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
 - o Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
 - o Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed.
 - o Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
 - o Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
 - o Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

**CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

CALL TO ORDER AND ROLL CALL

Council Members Jacques Bertrand, Ed Bottorff, Yvette Brooks, Sam Storey, and Mayor Kristen Petersen

**CONFERENCE WITH LABOR NEGOTIATORS
(Gov’t Code § 54957.6)**

Negotiator: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Confidential Employees; (3) Mid-Management Group; and (4) Department Heads

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Jacques Bertrand, Ed Bottorff, Yvette Brooks, Sam Storey, and Mayor Kristen Petersen

2. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

3. ADDITIONS AND DELETIONS TO AGENDA

4. PUBLIC COMMENTS

*Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. ****please see information on Page 1 of the agenda regarding how to submit public comment via email*****

5. CITY COUNCIL / STAFF COMMENTS

City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.

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6. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Receive the Planning Commission Action Minutes for the Regular Meeting of March 5, 2020
RECOMMENDED ACTION: Receive minutes.
- B. Approval of City Check Registers Dated February 7, February 14, February 21 and February 28, 2020
RECOMMENDED ACTION: Approve check registers.
- C. Second Reading of an Ordinance Amending Chapter 17.74 Accessory Dwelling Units and Chapter 17.15 (17.16 Outside Coastal Zone) for R-1 Zoning District
RECOMMENDED ACTION: Adopt the proposed Ordinance amending Title 17 to align with recent State requirements for Accessory Dwelling Units and Floor Area Ratio for Single Family Residences with an Accessory Dwelling Unit, and waive reading of the text.
- D. Second Reading of an Ordinance Amending Chapter 17.80 Signs
RECOMMENDED ACTION: Adopt the proposed Ordinance amending Title 17 to align with recent legal decisions regarding non-commercial signs, amended from introduction to allow 120 days for political signs, and waive reading of the text.
- E. Update on the Emergency Repairs to the Wharf
RECOMMENDED ACTION:
 - 1. Accept this update report on the Emergency Repairs to the Wharf, and
 - 2. By super majority vote, adopt a resolution amending Resolution No. 4166 adopted by the City Council on February 13, 2020, to reflect changes in the project scope.

7. GENERAL GOVERNMENT / PUBLIC HEARINGS

All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Update on the COVID- 19 Emergency Declaration
RECOMMENDED ACTION:
 - 1. Accept this update report on the emergency declaration due to the worldwide spread of the Coronavirus (COVID-19), and
 - 2. By super majority vote, adopt a resolution determining that all hazards of the Coronavirus as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, have not been eliminated and that there is a need to continue action.

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- B. Consider Adopting an Urgency Ordinance Temporarily Prohibiting Tenant Evictions Due to COVID-19

RECOMMENDED ACTION: By super majority vote, approve an urgency ordinance to establish a temporary moratorium on evicting tenants unable to pay rent due to a loss of income caused by the Coronavirus Disease 2019 (COVID-19).

- C. Consider Approval of Plans, Specifications, and Construction Estimate for Park Avenue Storm Damage Repair and Authorize Advertising for Bids

RECOMMENDED ACTION: Approve the plans, specifications, and estimate for the Park Avenue Storm Damage Project and authorize the Department of Public Works to advertise for construction bids, setting the bid opening date for 11:00 a.m. on Wednesday, April 29, 2020.

8. ADJOURNMENT

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and outside Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection outside the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, and on the City’s website: www.cityofcapitola.org.

Americans with Disabilities Act: Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.cityofcapitola.org by clicking on the Home Page link “**Meeting Agendas/Videos**.” Archived meetings can be viewed from the website at any time.