

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, MARCH 26, 2020**

Mayor Petersen called the meeting to order at 6:30 p.m. There was no public comment and the Council adjourned to City Manager’s office to discuss the following closed session items:

**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 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Ed Bottorff: Remote, Council Member Jacques Bertrand: Remote, Council Member Sam Storey: Remote, Vice Mayor Yvette Brooks: Remote, Mayor Kristen Petersen: Present.

2. ADDITIONAL MATERIALS

A. Item 7.B – six public comment emails

B. Item 7.C – updated staff report

3. ADDITIONS AND DELETIONS TO AGENDA

A. Item 7.A - Rather than adopting a resolution, Council will instead be asked to confirm hazards still exist

4. PUBLIC COMMENTS – NONE

5. CITY COUNCIL / STAFF COMMENTS

City Manager Goldstein announced that current Records Coordinator, Chloé Woodmansee, has been appointed Interim City Clerk.

6. CONSENT CALENDAR

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

A. Receive the Planning Commission Action Minutes for the Regular Meeting of March 5, 2020

RECOMMENDED ACTION: Receive minutes.

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- 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

- 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.~~

Prior to beginning discussion on this item, Mayor Petersen requested a future general government agenda item regarding the use of \$10,000 of the City's emergency grant funding to support first responders and the larger community's efforts to react to the spread of the novel coronavirus.

City Manager Goldstein presented the staff report highlighting the Countywide situation and response to COVID-19, as well as the City of Capitola's departmental response to the health crisis.

Councilmember Storey asked how the City will handle preparation for the upcoming Budget, and the fourth quarter estimations. City Manager Goldstein acknowledged that while third quarter sales tax numbers will be available, guesswork will be involved for the fourth quarter.

There was no public comment.

Councilmember Bertrand asked if CA Governor Newsom is discussing any financial relief for municipalities. City Manager Goldstein said that nothing specific has been released, however said that the Federal stimulus bill will include funding allotted to states that can then benefit cities. Because Capitola is so dependent upon tourism and sales tax, it can be assumed that formula driven funding will be found to benefit the City. Councilmember Bertrand also asked about funding from the Regional Transportation Commission, projections of which will need to be

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adjusted.

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

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

City Attorney Zutler presented the staff report.

Vice-Mayor Brooks asked why commercial tenant evictions are not included in the proposed ordinance. City Attorney Zutler said that commercial tenants could be added upon direction from Council.

Councilmember Bertrand said he would like to have commercial tenants included, if not in an ordinance passed this evening then at a future meeting. He also asked about the waiver provision included in the draft ordinance.

Councilmember Bottorff asked about the 60-day deadline for renters to payback owed rent.

There was no public comment.

Councilmember Storey stated support for the ordinance and preference for commercial tenants also be protected. He moved approval of the ordinance with the inclusion of commercial tenants. Councilmember Bertrand seconded.

With the motions and second on the floor, but prior to Council's vote, the City Attorney read proposed additions to the ordinance to include commercial tenants.

Vice-Mayor Brooks confirmed that the ordinance was written prior to information on the federal stimulus package being available. She asked about potential liability, to which the Attorney responded that regardless of the federal package, California's state order will remain in effect and give cities' authority to suspend evictions. The Vice-Mayor asked if it would be beneficial for staff to have more time to analyze the federal stimulus package prior to drafting an ordinance for Council adoption.

Councilmember Bottorff announced support and said that Council has a responsibility to business owners as well as residential renters. He asked that the ordinance be changed to provide for a 90-day timeframe for renters to payback landlords. Councilmembers Storey and Bertrand agreed with this amendment to their active motion.

Mayor Petersen spoke in support of the ordinance.

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MOTION:	ADOPT URGENCY ORDINANCE, WITH ADDITIONS AS PROPOSED TO INCLUDE COMMERCIAL RENTERS, AND AN AMENDMENT TO ALLOW 90-DAYS AFTER THE TERMINATION OF SAID ORDINANCE FOR TENANTS TO PAY ANY/ALL UNPAID RENT
RESULT:	ADOPTED AS AMMENDED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

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.

Public Works Director Jesberg presented the staff report.

In answer to Councilmember Storey’s question, Director Jesberg said that the Santa Cruz County Regional Transportation Commission (RTC) reimburses the City about 6 weeks after invoices are submitted.

Councilmember Bertrand confirmed that the road is not being widened as part of this project. He also confirmed that the RTC approves of the project.

There was no public comment.

MOTION:	APPROVE THE PARK AVENUE STORM DAMAGE REPAIR PROJECT AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Vice Mayor
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks


8. ADJOURNMENT

The meeting was closed at 8:17 PM.

DocuSigned by:

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 Kristen Petersen, Mayor

ATTEST:

DocuSigned by:

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 Chloé Woodmansee, Interim City Clerk

APPROVED APRIL 23, 2020