

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 13, 2020**

Mayor Petersen called the meeting to order at 6 p.m. with the following in attendance:
Council Member Jacques Bertrand: Absent (he joined the meeting at 7:05 p.m. during open session); Council Member Ed Bottorff: Present; Council Member Sam Storey: Present; Vice Mayor Yvette Brooks: Present; Mayor Kristen Petersen: Present.

There were no members of the public present and the Council adjourned to the City Manager's Office to discuss the following items in closed session:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiators: Larry Laurent, Sally Nguyen
Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Confidential Employees; (4) Mid-Management Group; and (5) Department Heads

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov't Code § 54956.9(2)(d)
Existing facts and circumstances pursuant to Gov't Code § 54956.9(2)(e)
A storm drain failed near Chittenden Lane on or before December 1, 2019, resulting in the release of storm water into Brookvale Terrace during subsequent rain events.
(One potential case)

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).
(One potential case)

LIABILITY CLAIMS [Gov't Code § 54956.95]

Claimant: Bryn Caisse
Agency claimed against: City of Capitola

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Ed Bottorff: Present, Council Member Jacques Bertrand: Present (7:05 p.m.), Council Member Sam Storey: Present, Mayor Kristen Petersen: Present, Vice Mayor Yvette Brooks: Present.

2. PRESENTATIONS

A. Update from Santa Cruz METRO

METRO Chief Executive Officer Alex Clifford provided statistics and an overview on the status of the county-wide bus and paratransit system.

- \$52 million budget
- 300 employees
- 98 buses
- 41 paratransit vehicles
- 5 million trips annually
- 72,000 paratransit rides
- 60 percent of riders come from UC Santa Cruz and Cabrillo College

- 16 percent of riders boarding at the Capitola Mall are City residents

METRO continues working toward the real-time tracking application, expected to launch this year. It has replaced about 50 percent of its aging bus fleet. It ordered four electric buses and hope to have them by June and in service in the fall. It is working with the Regional Transportation Commission on rail coordination and bus-on-shoulder highway options to speed up service. Staff is holding ongoing discussions with Merlone Geier on relocating and improving the mall transfer station, and Mr. Clifford feels it is good match with the proposed housing.

3. REPORT ON CLOSED SESSION

City Attorney Sam Zutler reported the Council provided direction on labor negotiations and anticipated litigation, and noted there is a related general government item later on the agenda, as well as on consent calendar for the liability claim.

4. ADDITIONAL MATERIALS

A. Item 10.A – One public comment email

A. Items 10.B – Two public comment emails

5. ADDITIONS AND DELETIONS TO AGENDA - None

6. PUBLIC COMMENTS

Marilyn Garrett, bus rider, said she is uncomfortable with heavy wifi use on public transportation and spoke to health concerns about 5G service.

Becky Steinbrenner, supervisor candidate, comment on rail corridor use analysis. She also praised the City's government academy.

Jennifer Izant Gonzales spoke in support of Measure V, which would fund the Soquel Union School District. She encouraged the community to learn about it.

7. CITY COUNCIL / STAFF COMMENTS

Vice Mayor Brooks noted the City received an increase to grade of B+ on County Health rating for the flavored tobacco ban. At today's criminal Justice Council she learned about grant opportunities regarding cannabis and vaping.

Council Member Bertrand apologized for missing closed session and praised Vice Mayor Brooks' recent County Office of Education Strategic Plan presentation. He noted the Regional Transportation Commission recently extended investigation of bus-on-shoulder options to take it further south, which is beyond the scope of Measure D. He asked to place a presentation on a future agenda.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Appointment to the Finance Advisory Committee

RECOMMENDED ACTION: Council Member Bertrand appoint his representative

Council Member Bertrand said he had three highly qualified applicants and it was a difficult choice. He appointed Laura Alioto.

9. **CONSENT CALENDAR**

MOTION:	APPROVE OR REJECT AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

- A. Consider the January 23, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive the Planning Commission Action Minutes for the Regular Meeting of January 16, 2020
RECOMMENDED ACTION: Receive minutes.
- C. Liability Claim of Bryn Caisse
RECOMMENDED ACTION: Reject liability claim.

10. **GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Community Grants Strategic Plan
RECOMMENDED ACTION: Receive report and provide direction.

Council Member Storey recused himself since his wife is employed by one of the grantees.

Assistant to the City Manager Larry Laurent introduced Nicole Lezin to present Optimal Solutions' study results and recommendations. The plan offers three options:

- Maintain the status quo
- Make incremental change
- Eliminate the program

The recommended action is incremental change, such as revising the application, developing a data-driven process, review the allocation and reporting, and align priorities, perhaps working with other funders.

During public comment, several representatives of current grant recipients spoke in support of the program, with several calling out the two-year cycle and cost-of-living increases as especially appreciated. There was also support for retaining a question related to regarding the impact of not funding. The following spoke:

Gabriella D'Mariano from Dientes
Kirk Antz, Lifeline and Community Bridges,
Helen Storey, Community Action Board
Keisha Browder, United Way
Leila Bratovic, Conflict Resolution Center
Creighton A. Mendivil, Senior Citizens Legal Services
Lisa Berkowitz, Meals on Wheels and Community Bridges
Tim Bradden, Grey Bears
Marilyn Garrett, community member

Vice Mayor Brooks supports the option for incremental change, with a focus on balance and prioritization, and the Council concurred. She also asked staff to develop a more

detailed timeline and to look at how to handle the new children's fund. The fund use will be discussed during budget sessions. She added that changes to the application should be made immediately, and asked Staff to analyze the past application question regarding the impact of not funding an applicant for its necessity.

Council Member Bottorff noted that near term there may not be much funding available for grants.

MOTION:	ADOPT THE STRATEGIC PLAN WITH THE GOAL OF MAKING INCREMENTAL CHANGES TO THE PROGRAM AND DIRECT STAFF TO DEVELOP A DETAILED TIMELINE, FIRST UPDATING THE APPLICATION AND ENSURING THAT A QUESTION ADDRESSING THE IMPACT OF LOST FUNDING REMAINS.
RESULT:	ADOPTED AS AMENDED [4 TO 0]
MOVER:	Yvette Brooks, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Kristen Petersen, Yvette Brooks
RECUSED:	Sam Storey

B. Consider Proposed Recreation Strategic Plan

RECOMMENDED ACTION: Adopt proposed five-year Recreation Strategic Plan.

Recreation Division Supervisor Nikki Bryant LeBlond presented the staff report, noting the consultant unfortunately is sick and cannot attend. The revised mission statement added "intergenerational" and specifies "support the health and well-being." The vision statement is new and reflects the revised mission statement. She walked the Council through the four goals of the plan:

- Become an efficient and effective umbrella organization
- Make programs affordable and accessible
- Maximize facilities
- Maintain and develop new partnerships

Council Member Storey asked if work was done on budgetary impacts, saying he has concerns about costs. Staff noted any changes will be addressed during the annual budget preparation.

In public comment, Michele Kennedy of Soquel Elementary Union School District praised the effort in developing the five-year plan. The school district fully supports the efforts to develop new programs and continuing its partnership.

Laurie Hill, Art and Cultural Commission, noted that she and other members of the commission have many questions about incorporating existing events.

Council Member Bottorff expressed his enthusiasm for having developed the plan and the recommendation to unite programs under one umbrella. He made a motion to adopt the plan, seconded by Council Member Bertrand. It was defeated by a substitute motion.

Council Member Storey expressed concern that the Art and Cultural Commission was not given the opportunity to review and comment and would like it to have that opportunity before a vote is taken. He also worries that adopting the plan has costs he is not sure the City can afford. Council Member Brooks concurred.

MOTION:	DELAY ADOPTION UNTIL THE ART AND CULTURAL COMMISSION HAS RECEIVED A PRESENTATION ON THE PROPOSED CHANGES
RESULT:	ADOPTED [4 TO 1]
MOVER:	Yvette Brooks, Vice Mayor
SECONDER:	Sam Storey, Council Member
AYES:	Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks
NAYS:	Ed Bottorff

C. Consider Approval of an Emergency Contract for Repairs to the Damaged Wharf Hoist Area

RECOMMENDED ACTION: Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050, and authorizing staff to enter into an emergency contract to Power Engineering Construction Company to repair damaged piles on the wharf (requires 4/5 vote).

Public Works Director Steve Jesberg presented the staff report, including introducing three options with costs not included in the agenda packet:

- Sleeve the piles and insert steel rebar and concrete at cost of \$171,700 and five- to-six-weeks lead time.
- Drive new wood pikes at a cost of \$166,325 and eight- to 10-week time
- Sleeve piles with fiberglass for \$181,538 and six- to eight-week time

MOTION:	ADOPT THE EMERGENCY RESOLUTION AND DIRECT STAFF TO PURSUE SLEEVING PILES WITH FIBERGLASS FOR AT LEAST TWO AND PERHAPS THREE PILES AT A COST NOT TO EXCEED \$180,000
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

D. Introduce an Ordinance Amending Portions of Municipal Code Title 2: Administration to Update and Clarify Various Sections

RECOMMENDED ACTION: Approve the first reading of an Ordinance amending and adding sections of Title 2: Administration of the Capitola Municipal Code, and waive reading of the text.

City Clerk Linda Fridy presented the staff report. Staff requested clarification on the majority number required for removing a planning commissioner and the mayor/vice mayor.

MOTION:	REQUIRE A MINIMUM 4-5 VOTE TO REMOVE A PLANNING COMMISSIONER AND A MINIMUM 3-5 VOTE FOR THE MAYOR AND VICE MAYOR.
RESULT:	FAILED [3 TO 2]
MOVER:	Yvette Brooks, Vice Mayor
SECONDER:	Sam Storey, Council Member
AYES:	Sam Storey, Yvette Brooks
NAYS:	Ed Bottorff, Jacques Bertrand, Kristen Petersen

MOTION:	REQUIRE A MINIMUM 3-5 VOTE TO REMOVE A PLANNING COMMISSIONER AND THE MAYOR AND VICE MAYOR.
RESULT:	ADOPTED [3 TO 2]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Kristen Petersen
NAYS:	Sam Storey, Yvette Brooks

MOTION:	APPROVE FIRST READING WITH A MAJORITY OF THREE VOTES FOR REMOVAL OF A PLANNING COMMISSIONER AND THE MAYOR/VICE MAYOR [UNANIMOUS]
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

E. Award a Contract for Emergency Repairs to a Storm Drain off of Chittenden Lane

RECOMMENDED ACTIONS:

1. Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050 and authorizing staff to enter a contract for such services to Anderson Pacific for repairs to a storm drain between Chittenden Lane and Brookvale Terrace at an estimated cost of \$65,000 (requires 4/5 vote);
2. Approve a budget amendment in the amount of \$32,500 to accept Zone 5 funding; and
3. Authorize staff to sign an agreement with Santa Cruz County Flood Control District, Zone 5, to equally split payment of these repairs.

Director Jesberg presented the staff report. The recommended repair is to replace/reline the entire pipe. Staff is still negotiating with Zone 5 on a shared responsibility agreement.

Dennis Kirby, Brookvale Terrace, said he has been working with Director Jesberg. He described the effects of the pipe failure and residents' concerns. He supports the emergency action.

Council Member Storey expressed concern about negotiations stalling an emergency repair and asked that if they are not moving forward, a special Council meeting be called.

MOTION:	ADOPT THE RESOLUTION AND OTHER RECOMMENDATIONS, AND CALL A SPECIAL MEETING IF NEGOTIATIONS FAIL.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

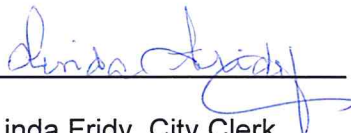
11. ADJOURNMENT

The meeting adjourned at 10:35 p.m.



Kristen Petersen Mayor

ATTEST:



Linda Fridy, City Clerk

MINUTES APPROVED FEBRUARY 27, 2020

