

# City of Capitola

## City Council Meeting Minutes

### Thursday, November 10, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Sam Storey  
**Vice Mayor:** Margaux Keiser  
**Council Members:** Jacques Bertrand, Yvette Brooks, Kristen Brown

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### **Closed Session – 5:30 PM**

*Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). 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.*

- A.** Conference with Labor Negotiators  
(Gov't Code § 54957.6)  
Negotiator: Chloé Woodmansee, Assistant to the City Manager  
Employee Organization: Police Officers Association
  
- B.** Public Employee Performance Evaluation  
(Gov't Code §54957(b))  
City Attorney Performance Evaluation

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### **Regular Meeting of the Capitola City Council – 7 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.*

#### **1. Roll Call and Pledge of Allegiance**

In Attendance: Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

#### **2. Additions and Deletions to the Agenda - None**

#### **3. Report on Closed Session**

The City Council met and discussed two items on the Closed Session Agenda and took no reportable actions.

#### **4. Additional Materials**

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

The City Council received an updated salary schedule.

#### **5. Oral Communications by Members of the Public - None**

## 6. Staff / City Council Comments - None

## 7. Consent Items

*All items listed as “Consent Items” 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 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.*

### **Motion to approve the Consent Calendar made by Council Member Bertrand**

#### **Seconded by Council Member Brown**

**Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown**

- A. Consider the minutes from the October 27, 2022, regular City Council meeting  
Recommended Action: Approve minutes.
- B. Lifeguard Job Descriptions  
Recommended Action: Approve changes to the Beach Lifeguard/Junior Lifeguard Instructor and Lifeguard Lieutenant/Junior Guard Assistant Coordinator job descriptions.
- C. Update Hourly and Seasonal Salary Schedule  
Recommended Action: Adopt the proposed resolution amending the hourly and seasonal Pay Schedule.
- D. Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing  
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 there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

## 8. General Government / Public Hearings

*All items listed in “General Government / Public Hearings” 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. Consider Request to Fly the “Christian Flag” during the month of December, the month of Easter, and on May 1<sup>st</sup>, the National Day of Prayer, in Accordance with Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property  
Recommended Action: Deny request.

Chloe Woodmansee, Assistant to the City Manager, presented the staff report.

David Campbell, Petitioner, spoke in support of the request.

Mark Schweeny and TJ Welch, residents, both spoke in support of the flag request.

City Attorney Zutler made comments and spoke about the establishment clause, and the Shurtleff vs. Boston case - in that case the flag pole was a public forum. The City of Capitola has a specific policy that states that the City’s flag pole is not a public forum.

Council Comments:

Council Member Bertrand thanked speakers for their comments and acknowledged the role that religion plays in his personal life. He clarified that he doesn't believe in favoring one religion through the use of the flag policy.

Council Member Brown thanked the petitioner for his efforts and thanked the local faith community in Capitola for their work with non-profits.

Council Member Brooks thanked the speakers and agreed with other Council Members in their denial of the request.

Vice-Mayor Keiser thanked the speakers and City Attorney for their comments and reiterated that the flag policy is meant to be inclusive.

Mayor Storey thanked speakers and the petitioner and encouraged the City Council to revisit the flag policy in 2023 and urged all to look for one unifying symbol of the community.

***Motion to deny request made by Council Member Brooks***

***Seconded by Vice Mayor Keiser***

***Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

B. Consider a Cannabis Delivery Ordinance Amendment

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.

Andrew Dally, Police Chief, presented the staff report.

Council Comments:

Council Member Bertrand inquired about previous efforts to ban cannabis deliveries from non-Capitola based retailers, and City Manager Goldstein referenced the original ordinance and subsequent amendments.

Mayor Storey inquired about whether or not sales tax will be determined by delivery location or point of origin, and Police Chief Dally clarified that the point-of-sale location will receive the sales taxes. Mayor Storey also inquired whether the adoption of this ordinance should be contingent on a uniform adoption of other jurisdictions, and City Attorney Zutler clarified that other jurisdictions will be in the process of adoption by the time this ordinance is presented for its second reading.

***Motion to introduce the Ordinance made by Council Member Brown Seconded by Council Member Bertrand***

***Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

C. Introduce an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code

Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, a proposed ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments: None

***Motion to introduce the Ordinance made by Council Member Brown Seconded by Vice Mayor Keiser***

***Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

D. 2022 Zoning Code Amendments

Recommended Action: 1) Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution amending the General Plan Land Use Map.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments:

Council Member Brown inquired about restrictions for cannabis retailer signs, Katie Herlihy confirmed that they will no longer be restricted differently than other retail signs.

Council Member Brooks inquired about second story decks and their contributions to floor area ratio and deck screening.

Mayor Storey recused himself from further discussion due to a conflict of interest.

Peter Wilk, resident, spoke about second story decks and requested that elected officials provide guidance.

Council Member Bertrand thanked Staff and community members for their efforts.

***Motion to introduce the Ordinance and adopt the Resolution made by Council Member Brown***

***Seconded by Council Member Bertrand***

***Voting Yea: Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

***Abstaining: Mayor Storey***

E. Consider a Permanent Local Housing Allocation Resolution

Recommended Action: Adopt proposed resolution authorizing the City Manager to execute the Permanent Local Housing Allocation (PLHA) Program Application with 5-year plan, the PLHA Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant award.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments:

Council Member Bertrand inquired about how funding allocations is determined, and Staff clarified that allocations will be brought to Council for approval.

***Motion to adopt the resolution made by Council Member Bertrand***

***Seconded by Council Member Brooks***

***Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

**9. Adjournment** – The meeting was adjourned at 8:46 PM to a Special City Council Meeting on November 15, 2022, at 2:00 PM.

**ATTEST:**

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Sam Storey, Mayor

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Julia Moss, City Clerk

