

City of Capitola

City Council Meeting Minutes

Thursday, April 28, 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

Closed Session – 6:15 PM

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One potential case

CONFERENCE WITH LABOR NEGOTIATORS

(Gov't Code § 54957.6)

Negotiator: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Police Captains; (3) Mid-Management Group; (4) Department Heads; (5) Confidential Employees; (6) Capitola Police Officers Association

Regular Meeting of the Capitola City Council – 7 PM

1. Roll Call and Pledge of Allegiance

Council Members Jacques Bertrand, Kristen Brown, Vice Mayor Margaux Keiser, and Mayor Sam Storey were present. Council Member Brooks joined the meeting at around 8:05pm.

2. Additions and Deletions to the Agenda

3. Presentations

A. Acknowledge Local Government Academy Class of 2022

City Manager Goldstein congratulated this year's 25 participants of the local government academy; the Mayor thanked those who attended the workshops for showing interest and dedicating time to learning about the City of Capitola.

4. Report on Closed Session

City Attorney Zutler said that direction was given to staff on the items on the agenda.

5. Additional Materials

A. Item 7.E – seven public comment emails.

6. Oral Communications by Members of the Public

Marley Morales, Program Coordinator for Ventures, and spoke about the organization which helps working class families obtain an equitable financial future. She invited the City to consider a program such as “A Santa Cruz Like Me”, which is a partnership between Ventures and the County of Santa Cruz.

7. Staff / City Council Comments

Public Works Director Jesberg announced that, as hoped, the City has been granted funding from Central Coast Community Energy to pay for an electric street sweeper, however there is a delay in receiving funds.

Council Member Brown announced that May is both Community Action Month and Affordable Housing Month.

8. Consent Items

Motion: Approve, Pass, Determine, and Adopt, as recommended

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Vice Mayor Keiser

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brown

Absent: Council Member Brooks

- A. Consider the minutes from the April 14, 2022, regular City Council meeting
Recommended Action: Approve minutes.
- B. Consider Adding a Section to the Municipal Code in Accordance with Assembly Bill 481
Recommended Action: Pass an ordinance adding Section 2.60 to the Capitola Municipal Code, approving a Military Equipment Use Policy for Police Services.
- C. Receive Update on Pandemic Response and 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.

9. General Government / Public Hearings

- A. Approval of Plans, Specifications, and Budget for the Clares Street Traffic Calming Project
Recommended Action: Approve the plans, specifications, and construction budget of \$1,153,000 for the Clares Street Traffic Calming Project and authorize the Department of Public Works to advertise for construction bids.

Project Manager Project Manager Mozumder presented a staff report.

Council Member Bertrand confirmed that there is no RDA money for this project.

Mayor Storey confirmed that the project’s proposed bike lane at the 41st intersection, which serves to the center, follows best practices, and is preferred by the biking committee.

Council Member Bertrand asked about community outreach for affected residents.

Mayor Storey asked about the dedicated bike lanes at intersections and how the lane is protected. Director Jesperg explained that this layout is preferred for bicyclists and there are currently two other City intersections in this layout.

In public comment, Bridget Hawkins enquired about the Clares Street crosswalk and if a calming bump was also planned.

Mayor Storey asked about the durability of the decorative crosswalk; Project Manager Mozumder said that the thermoplastic used is quite lasting.

Council Member Brown complimented the project.

Vice Mayor Keiser thanked staff for the work on this project.

Council Member Bertrand commented that the area is dark at night, which should be considered.

Motion: Approve the project plans, specifications, and \$1,153,000 budget and authorize the advertising of bids

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Vice Mayor Keiser

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brown

Absent: Council Member Brooks

B. Presentation Regarding Senate Bill 9 and Draft City Ordinance

Recommended Action: Accept staff presentation.

Community Development Director Herlihy presented a staff report.

Mayor Storey asked about a section of the ordinance regarding limitations of demolishing affordable/rental housing and asked that staff research and come back with more information.

Mayor Storey reordered the rest of the agenda, as Council Member Brooks joined the meeting; the remaining items were heard in this order: Item 9.E, Item 9.D, Item 9.C.

C. Presentation on Objective Standards for Multifamily and Mixed-Use Residential and Related Upcoming Proposed Ordinance

Recommended Action: Accept staff presentation.

Director Herlihy presented a brief staff report.

Council Member Bertrand clarified that if an applicant proposes a project that meets the intent of the Bill the project still has potential for approval but must be heard by Planning Commission.

There was no public comment.

D. Temporary Village Parking Committee Goals and Appointments

Recommended Action: Approve the goals for the Temporary Village Parking Committee, consider applications, and make appointments to the committee including three Village business representatives, three City residents, one member of the Finance Advisory Committee, and two members of City Council.

Director Jesberg presented a staff report, and Clerk Woodmansee explained the appointment requirements.

There was no public comment.

Motion: Adopt proposed committee goals

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Brown

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

Motion: Appoint Anthony Guarjardo, Vicki Guinn, and Carin Hanna to the Temporary Village Parking Committee as Village Business Representatives

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Brooks

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

Motion: Appoint Dennis Norton, Molly Ording, and Peter Wilk to the Temporary Village Parking Committee as City Residents

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brown

Second: Council Member Brooks

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

Motion: Appoint Council Members Bertrand and Vice Mayor Keiser to the Temporary Village Parking Committee as Council representatives

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brooks

Second: Council Member Brown

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

E. Temporary Outdoor Dining Program

Recommended Action: 1) Receive a report on the coastal commission certification of Ordinance 1050: Outdoor Dining in the Public Right of Way; and 2) Consider adopting the proposed resolution extending the COVID-19 temporary outdoor dining use permits with new modified conditions, including fees.

Vice-Mayor Keiser was recused from the item.

Director Herlihy presented the staff report.

Council Member Bertrand asked if the reduced use of outdoor dining spaces correlates with the relaxation of COVID restrictions. He confirmed that restaurant owners were informed of potential changes.

Council Member Brooks asked about proposing changes to the City Ordinance regarding outdoor dining.

Council Member Brown confirmed that any changes to the Ordinance would require submittal to Coastal Commission for certification.

Mayor Storey asked about the required planters.

In public comment, Peter Wilk said he did not support outdoor dining on the Esplanade. Linda Smith asked that temporary outdoor dining be extended until at least the end of September. Josh Fisher supported all proposed conditions but asked that the cost be cut in half with an extension to October 1. Police Chief Dally spoke on behalf of the Public Safety Foundation and the Car Show scheduled for June 11 and 12; he said the event can go on if temporary outdoor dining is extended. Via email, Doug Conrad wrote about why outdoor dining spaces were empty at the time that City staff surveyed them and asked that patron safety be considered. Doug spoke against the proposed fee and encouraging safer nicer looking design for the permanent outdoor dining spaces.

Council Member Bertrand supported changing the open day requirement from five to four days.

Council Member Brown suggested extending the temporary program until two months after Coastal Commission Certification of Ordinance 1050.

Council Member Brooks confirmed that any extension would be longer than two months.

Mayor Storey said he was concerned about patron safety and that appropriate replacements for benches are used. He suggested a lower rate per square foot.

Motion: Adopt proposed resolution with the edits read by the City Attorney, including extending the temporary outdoor dining program in the entire City until two months after the Coastal Commission adopts Ordinance 1050; requiring 1) 4 open days 2) the removal of all benches 3) a \$500 deposit and 4) rent of \$200 a month per space

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Council Member Bertrand

Yea: Mayor Storey, Council Member Bertrand, Council Member Brooks, Council Member Brown

Recused: Vice Mayor Keiser

10. Adjournment

The meeting was adjourned at 9:50PM to the next regular City Council meeting on May 12, 2022.