

City of Capitola

City Council Meeting Minutes

Thursday, July 24, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session – 5 PM

- i. **LIABILITY CLAIMS** (Government Code § 54956.95)
Claimants: Richard Aberman, Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Kelty, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok
Agency Claimed Against: City of Capitola
- ii. **LIABILITY CLAIM** (Government Code § 54956.95)
Claimant: John Mulry
Agency Claimed Against: City of Capitola
- iii. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** (Gov't Code § 54956.8)
Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)
Under Negotiation: Use of Premises

Regular Meeting of the Capitola City Council – 6 PM

- 1. Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:00 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.*
- 2. Additions and Deletions to the Agenda** – *Staff requested to continue Item 9B to the August 28th City Council meeting.*
- 3. Presentations**
 - A. *Sophie Schwirzke, Community Relations Manager, provided a presentation from Central Coast Community Energy.*
- 4. Report on Closed Session** – *The City Council met and discussed three items in Closed Session. No reportable action was taken.*
- 5. Additional Materials**
 - A. *Item 8C – One email received after publication of the agenda packet.*
 - B. *Item 8I – One email received after publication of the agenda packet.*
 - C. *Item 8J – One email received after publication of the agenda packet.*

- D. *Item 9A – One email received after publication of the agenda packet.*
- E. *Item 9D – Staff distributed an updated report after publication of the agenda packet.*
- F. *Item 9E – Three emails received after publication of the agenda packet.*

6. Oral Communications by Members of the Public

- *Tricia Wiltshire*
- *Oliver Potts*
- *Linda Smith*
- *Dorothy Anton*
- *Gina Thomkins*
- *Carrie Howard*
- *Clark Cochran*
- *James Whitman*
- *Terre Thomas*
- *Goran Klepic*
- *John Noland*
- *Steven Duclo*
- *Armani Chase*
- *Speaker*
- *Craig Curtis*
- *Bob Hickman*
- *Speaker*
- *Speaker*
- *Ron Hex*
- *Marilyn Garrett*
- *Speaker*
- *Eve Marie Grath*
- *Dan Haifley*

7. Staff / City Council Comments

- *City Manager Goldstein updated the City Council that the RTC will be presenting to the City Council at the August meeting.*
- *Community and Economic Development Director Herlihy highlighted the award of CDBG funding in Consent Items 8I and 8J.*
- *Council Member Jensen provided updates on local events attended; shared that he and Mayor Clarke have been working with residents at Castle Mobile Estates; and requested staff prepare a statement of facts about the Bay Avenue traffic corridor for the public.*
- *Council Member Orbach provided updates on upcoming events open to the public.*
- *Council Member Westman requested an agenda item to discuss the Bay Avenue traffic corridor in late September or early October.*
- *Vice Mayor Morgan thanked the public for their attendance; provided updates on local events attended and upcoming events.*
- *Mayor Clarke provided comments on traffic safety and traffic enforcement.*

8. Consent Items

- A. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on June 26, 2025.
- B. Liability Claims
Recommended Action: Deny a liability claim from the following claimants: Richard Aberman, Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene

Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Keltly, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok

C. Liability Claim

Recommended Action: Deny a liability claim from John Mulry.

D. Military Equipment Use

Recommended Action: Adopt a resolution renewing Chapter 2.60 of the Capitola Municipal Code entitled Military Equipment Use Ordinance, Capitola Military Equipment Use Policy 706, and finding that the annual Military Equipment Report complies with the standards of approval outlined in Government Code Section 7071(d). **(Resolution No. 4440)**

E. Conflict of Interest Code

Recommended Action: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure. **(Item pulled for discussion by Council Member Westman) (Resolution No. 4441)**

F. Title VI Program Manual

Recommended Action: Adopt a resolution adopting the City of Capitola Title VI Program Manual to comply with Caltrans and Federal Highway Administration (FHWA) requirements for recipients of federal transportation funding; appoint the Public Works Director as the City's Title VI Coordinator; and authorize submittal of required Title VI Program documentation to Caltrans Division of Local Assistance. **(Resolution No. 4442)**

G. Upper Village Parking Lot Sidewalk Improvement Project Completion

Recommended Action: 1) Accept as complete the Upper Village Parking Lot Sidewalk Improvement Project constructed by Diamond D Company at a final cost of \$382,491; 2) authorize the City Clerk to file and record a Notice of Completion; 3) adopt a resolution amending the FY 2025-26 Adopted Budget to allocate \$12,491 for additional project expenditures; and 4) authorize the release of the contract retention of \$18,528 as prescribed in the construction agreement. **(Resolution No. 4443)**

H. Coastal Rail Trail Segments 10 & 11

Recommended Action: Reschedule the Coastal Rail Trail Project update to the August 2025 City Council meeting to allow participation by representatives from the Santa Cruz County Regional Transportation Commission (RTC) and the County of Santa Cruz.

I. 2024 CDBG Grant Award

Recommended Action: Receive staff update on the 2024 Community Development Block Grant Award for the Jade Street Community Center Project Phase II and Public Service Food Distribution Programs; and adopt a resolution amending the FY 2025-26 budget to accept \$3.6 million into the CDBG Special Revenue Fund. **(Resolution No. 4444)**

J. Treasure Cove Playground and Jade Street Park Improvements

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Cumming Management Group, Inc. in the amount of \$242,000 for construction management services related to the Treasure Cove Playground, public restroom renovation, and Community Center patio improvements.

K. Police Department Staffing

Recommended Action: Authorize the over-hire of one Police Officer Trainee position for a period of three months, while concurrently holding a vacant Community Service Officer position to offset the cost.

Council Member Westman requested to pull Item 8E. Council Member Westman requested that the construction manager proposed in Item 8J come to the City Council quarterly to provide a report to the Council on construction progress.

8E. Conflict of Interest Code ***(Item pulled for discussion by Council Member Westman)***

Recommended Action: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure.

The City Council discussed the role of the Finance Advisory Committee and weighed the merits of including the Finance Advisory Committee as Conflict of Interest Form Filers.

Motion to approve Consent Items 8A –8K, with a modification to Item 8E to remove the FAC from the resolution: Council Member Westman

Second: Council Member Orbach

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

The City Council took a recess from 7:34 PM and reconvened at 7:39 PM.

9. General Government / Public Hearings

A. Community Grant Program

Recommended Action: 1) Provide direction to staff on the upcoming Community Grant Program term length and other program details; 2) consider grant priorities for the use of restricted Early Childhood and Youth Programming funds; and 3) appoint City Council Members to a subcommittee to review grant applicants and prepare funding recommendations.

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

Public Comment: None

The City Council discussed the term length for the Community Grants, the grant priorities, and the use of youth programming funds. Council Members Westman and Orbach volunteered to participate on the subcommittee.

B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26

Recommended Action: Continue the noticed public hearing to adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget to the August 28, 2025, Council meeting. ***(Continued to August 28, 2025)***

Public Comment: None

Motion to continue the public hearing to August 28th Council meeting: Council Member Westman

Second: Council Member Jensen

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

C. CVWBIA Advisory Committee

Recommended Action: Adopt a resolution approving bylaws for the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

City Clerk Gautho presented the staff report.

Public Comment:

- ***Anthony Guajardo***

Motion to adopt Resolution No. 4445 with a change to the composition to allow three members of the public: Vice Mayor Morgan

Second: Council Member Orbach

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

D. Appointment to City Advisory Bodies

Recommended Action: By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board; and, in accordance with Capitola Municipal Code Section 2.12.020, appoint a member of the public to the Planning Commission.

City Clerk Gautho presented the staff report.

Public Comment: None

Motion to make the appointments below: Council Member Westman

Second: Council Member Jensen

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

Historical Museum Board of Trustees, Term Expiring June 2028:

- ***Enrique Dolmo***
- ***Gordon Van Zuiden***
- ***Cami Corvin***

CVWBIA Advisory Committee, Term Expiring June 2027:

- ***Daniel Castagnola***
- ***Ted Burke***
- ***Kathleen French***

Council Member Jensen appointed TJ Welch to the Planning Commission to a term expiring December 2026, in accordance with CMC Section 2.12.020.

E. Administrative Policy I-42: Code of Conduct

Recommended Action: Review Administrative Policy I-42: Council and Board Code of Conduct; and provide direction to staff for desired changes.

City Manager Goldstein presented the staff report.

Public Comment:

- ***Speaker***
- ***Kevin Maguire***

The City Council discussed revisions to Administrative Policy I-42. The Council provided direction to amend the policy to simplify the complaint hearing procedure and the resolution of complaints.

F. City Council Representation on Regional Boards & City Advisory Bodies

Recommended Action: Review appointments of City Council representatives on regional boards and committees and City advisory bodies.

City Clerk Gautho presented the staff report.

Public Comment: None

Motion to make the appointments below: Vice Mayor Morgan

Second: Council Member Orbach

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

Advisory Council on Aging:

- ***Council Member Westman***

Association of Monterey Bay Governments:

- ***Council Member Westman***
- ***Vice Mayor Morgan***

G. Regional Transportation Improvement Program Grant - Sidewalk Infill

Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to construct high-priority sidewalk segments identified in the City's ADA Transition Plan.

Public Works Director Kahn presented the staff report.

Public Comment: None

Motion to authorize staff to apply for RTIP funding for sidewalk construction: Vice Mayor Morgan

Second: Council Member Westman

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

H. Regional Transportation Improvement Program Grant – Bay Avenue

Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to complete final design of the Bay Avenue Corridor Project.

Council Member Jensen recused himself due to the proximity of his residence to the proposed project. Public Works Director Kahn presented the staff report.

Public Comment: None

Motion to authorize staff to apply for RTIP funding for the Bay Avenue Corridor Project: Council Member Orbach

Second: Vice Mayor Morgan

Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

Abstain: Council Member Jensen

10. Adjournment – *The meeting adjourned at 8:57 PM. The next regularly scheduled City Council meeting is on August 28, 2025, at 6:00 PM.*

ATTEST:

Joe Clarke, Mayor

Julia Gautho, City Clerk