

City of Capitola

City Council Meeting Minutes

Thursday, April 14, 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 PM

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

[Govt. Code §54956.8]

Property: 4400 Jade Street, APN 034-551-02, Capitola, CA

City Negotiator: Jamie Goldstein, City Manager

Negotiating Parties: Soquel Union Elementary School District

Under Negotiation: Terms of Joint Use Agreement

Regular Meeting of the Capitola City Council – 7 PM

1. Roll Call and Pledge of Allegiance

Council Members Kristen Brown, Jacques Bertrand, Margaux Keiser, Mayor Sam Storey, and Yvette Brooks

2. Additions and Deletions to the Agenda

3. Presentations

A. Introduction of new Capitola City Manager Department Staff Member Louis Osemwegie and Recreation Division Staff Member Jesse Leyva

Louis Osemwegie, Deputy City Clerk, and Jesse Leyva, Recreation Coordinator, were introduced.

4. Report on Closed Session

5. Additional Materials

6. Oral Communications by Members of the Public

Linda Smith spoke in favor of extending the temporary outdoor dining use permits in the Village. She also asked that Council consider adopting less strict prototype designs for the longer-term program allowing for a variety of styles and furnishings.

7. Staff / City Council Comments

Community Development Director Herlihy said that the Coastal Commission review of the Outdoor Dining Ordinance has caused some delays in getting the program up and running.

Council Member Bertrand thanked staff for dealing with a complicated project approval at Planning Commission.

Council Member Brooks announced that Central Coast Community Energy has incentive programs for e-bikes and e-vehicles. She said that the Children's Network has adopted an action awareness strategic plan and encouraged that Council, Staff, and community members keep their fingers crossed regarding an earmark request to Congressman Panetta for Capitola Wharf funding.

8. Consent Items

Motion: Approve, determine, and adopt as recommended

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brown

Second: Vice Mayor Keiser

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

- A. Consider the March 24, 2022, City Council Meeting Minutes
Recommended Action: Approve minutes.
- B. Approval of City Check Registers Dated March 4, March 11, March 18 and March 25, 2022
Recommended Action: Approve check registers.
- 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. Report on Community Grant Program Review
Recommended Action: Receive report and provide direction.

Assistant to the City Manager Laurent introduced Nicole Young and Nicole Lezin, who presented an overview of possible updates to the City's Community Grant Program with the goal of improving the program and simplifying the application and selection process.

Council Member Brooks asked for more clarification on GuideStar.

Council Member Bertrand asked about organizations with goals that surpass Capitola alone, and if the City can collaborate with other Cities to address as shared need such as affordable child care.

There was no public comment.

After some discussion, Council reached consensus that further analysis of the presentation was needed before making official decisions on if/how to change the Community Grant Program.

Motion: Appoint Council Members Brown and Brooks to a committee for further review of the recommendations regarding the Community Grants Program, with the intention of reporting back to the full Council in May 2022

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Bertrand

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

B. Consider a Community Survey Contract

Recommended Action: Authorize the City Manager to enter a contract with Gene Bregman and Associates in an amount not to exceed \$17,000 for a community survey to help gauge public interest on potential ballot measures for the November election and approve the proposed resolution amending the FY 2021/22 Budget.

City Manager Goldstein introduced Gene Bregman to discuss a polling contract.

In response to a question about inflation from Council Member Bertrand, Mr. Bregman agreed that any tax may be slightly more challenging than normal to pass, but that it is not impossible for taxes to pass under these circumstances.

City Attorney Zutler clarified that a general tax, with money going into the general fund, needs a simple majority vote to pass. A special tax, with money going to a specific fund or project, requires a two-thirds vote to pass.

In response to a question, City Manager Goldstein said that ideas on enforcing a second home tax would be included in the survey if Council wants to poll this type of tax.

Council Member Brooks asked which type of tax would likely be more effective or generate the most revenue; City Manager Goldstein acknowledged that the taxes represent different orders of magnitude, and that if the polling contract is approved staff will conduct research into the different taxes to determine which was most sensible.

There was no public comment.

Motion: Approve Community Survey contract not to exceed \$17,000

Mover: Vice Mayor Keiser

Second: Council Member Bertrand

Result: Amended by Council Member Brown

Amendment: Approve Community Survey Contract not to exceed \$17,000, including questions regarding a Second Home Tax and a Sales Tax and excluding questions about a Utility Users Tax.

Result: Passed, 5:0 (Unanimous)

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

- C. Adopt a Resolution Declaring an Emergency for Storm Drain Repairs in Noble Gulch Park

Recommended Action: Adopt a resolution that 1) declares an emergency, 2) authorizes 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 with Graniterock Construction for repairs to a storm drain located in Noble Gulch Park at the intersection of Bay Avenue and Monterey Avenue and 3) approves a budget amendment transfer of \$60,000 from Emergency Reserve Fund to the Capital Improvement Project fund and authorize the creation of a new project entitled Noble Gulch Park Storm Drain Project.

Public Works Director Jesberg presented on the emergency.

There was no public comment

Motion: 1) Adopt the resolution, 2) Authorize procurement of services 3) Approve budget amendment

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brown

Second: Council Member Bertrand

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

- D. Consider Adding a Section to the Municipal Code in Accordance with Assembly Bill 481

Recommended Action: Introduce for first reading, by title only, waiving the full reading of the text, an ordinance adding Section 2.60 to the Capitola Municipal Code, approving a Military Equipment Use Policy for Police Services.

Police Chief Dally presented a staff report.

There was no public comment

Council Member Bertrand said he appreciated that personal weapons were being disclosed, thought they are not required to be.

Motion: Pass first reading of proposed ordinance, including the correction made by Chief Dally, adding section 2.60 to Capitola Municipal Code

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 Petersen

10. Adjournment

The meeting adjourned at 9:15pm to the next regular City Council meeting on April 28, 2022.

APPROVED APRIL 28, 2022