

# City of Capitola Agenda

Mayor: Stephanie Harlan  
Vice Mayor: Michael Termini  
Council Members: Jacques Bertrand  
Ed Bottorff  
Kristen Petersen  
  
Treasurer: Peter Wilk



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, MARCH 9, 2017**

**7:00 PM**

**CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

### **REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 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.*

*All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.*

#### **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Kristen Petersen, Michael Termini, Jacques Bertrand, Ed Bottorff, and Mayor Stephanie Harlan

#### **2. PRESENTATIONS**

A. Red Cross Month Proclamation

B. Presentation of Check from Capitola Public Safety Foundation to Support Scholarships for Junior Guards

**3. ADDITIONAL MATERIALS**

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

- A. Item 9.A. Public Communications regarding Grand Avenue Pathway

**4. ADDITIONS AND DELETIONS TO AGENDA**

**5. PUBLIC COMMENTS**

*Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.*

**6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

*City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.*

**7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

**8. CONSENT CALENDAR**

*All items listed in the "Consent Calendar" 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 public or 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.*

- A. Consider the February 23, 2017, Regular City Council Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Establish a Police Officer Trainee Position  
RECOMMENDED ACTION: Approve the recommended police officer trainee position and the attached side letter with Capitol Police Officers Association.
- C. Consider Letter of Support for SB 158 Regarding Commercial Driver Training  
RECOMMENDED ACTION: Direct the Mayor to sign a letter of behalf of the City supporting AB 158.

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

*All items listed in "General Government" 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 Concepts to Relocate the Grand Avenue Pathway  
RECOMMENDED ACTION: Direct the Public Works Department to initiate a project to relocate the Grand Avenue Pedestrian Pathway to the northern edge of the road right-of-way in front of 402 and 404 Grand Avenue, mark the right-of-way boundary, and notify adjacent property owners.
- B. Introduction of an Amendment to the Marijuana Processing and Cultivation Ordinance  
RECOMMENDED ACTION:
1. Introduce an ordinance amending Chapter 9.61 of the Capitola Municipal Code regarding the cultivation and processing of marijuana; and
  2. Provide direction on other options to regulate marijuana-related businesses.
- C. Consider a 2017 Joint Meeting Strategy  
RECOMMENDED ACTION: Council direction regarding joint meetings with other Capitola commissions and outside jurisdictions.

## 10. ADJOURNMENT

**Note:** Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

**Notice regarding City Council:** The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
March 9, 2017

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at [www.cityofcapitola.org](http://www.cityofcapitola.org) by clicking on the Home Page link “**Meeting Video.**” Archived meetings can be viewed from the website at anytime.



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department  
SUBJECT: Red Cross Month Proclamation

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DISCUSSION: Mayor Harlan will present a proclamation declaring March 2017 as Red Cross Month in Capitola.

ATTACHMENTS:

1. Red Cross Month Proclamation

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

Jamie Goldstein, City Manager

3/2/2017



# City of Capitola Mayor's Proclamation

## Designating March 2017 as American Red Cross Month

*WHEREAS, American Red Cross Month provides the opportunity each year to recognize and thank our Everyday Heroes – those who reach out to help people in need; and*

*WHEREAS, American Red Cross heroes help families find shelter after a home fire, give blood to help trauma victims and cancer patients, and comfort hospitalized military service members; and*

*WHEREAS, American Red Cross heroes use their lifesaving skills to save someone from a heart attack, drowning, or choking, and enable children around the world to be vaccinated against measles and rubella; and*

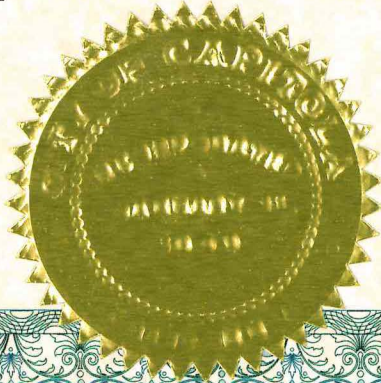
*WHEREAS, citizens of Capitola are among those volunteering their time and donating their blood; and*

*WHEREAS, every eight minutes across the country and around the world, the American Red Cross responds to disasters by providing shelter, food, emotional support and more; and*

*WHEREAS, the American Red Cross collects nearly 40 percent of the nation's blood supply; provides 24-hour support to military members, families, and veterans; and teaches millions of people lifesaving skills; and*

*WHEREAS, we dedicate the month of March to all those who assist the American Red Cross in its mission to prevent and alleviate human suffering in the face of emergencies. We encourage our community to continue its support through donations of time, money and blood; and*

**NOW, THEREFORE, I, Stephanie Harlan, Mayor of Capitola, do hereby proclaim March 2017 as American Red Cross Month.**



*Stephanie Harlan*  
Stephanie Harlan, Mayor  
Signed and sealed this 9<sup>th</sup> day of March, 2017





## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department

SUBJECT: Presentation of Check from Capitola Public Safety Foundation to Support Scholarships for Junior Guards

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DISCUSSION: Michael Banks of the Capitola Public Safety Foundation will present a check to the City of Capitola Recreation Department to help fund scholarships for the Capitola Junior Lifeguard program. Each year the foundation directs part of its fundraising efforts to support youth who wish to participate in the summer Junior Guards program through the Capitola Recreation Department.

In addition to the funding provided by the Capitola Public Safety Foundation, the Capitola Junior Lifeguard Parents Club also supports scholarships for the program.

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

3/2/2017

**Jamie, Steve**

**I have received the agenda for the upcoming meeting thursday night regarding relocating the pedestrian path with the hopes of reopening from Oakland to Hollister. Prior to making a final decision at the council level I am requesting an extension of 90 days so that I may further study with a soils engineer to determine the best option available for the community and home owners. This has been a very sudden development and is impacting to all parties. I will be speaking with Haro Kasunich today or tomorrow to set up a meeting and get some professional feedback. Thanks for your consideration in allowing just a little more time**

**sincerely,**



**Jim Castellanos  
402 Grand Avenue**

Communication: Item 9.A. Public Communications regarding Grand Avenue Pathway (ADDITIONAL MATERIALS)



To: Capitola City Council  
Re: Bluff Pathway Preservation  
From: Barbara Fabbro, Depot Hill Resident

I know that this has been a highly contentious issue for some time with opinions ranging from letting nature take it's course to those who view this as a problem specific to those who have homes along the bluff.

However, I would like to suggest that this is a broader community issue that affects many rather than just a few.

For example, the bluff pathway is accessible for everyone and anyone to enjoy, not just those who live there. As a result, on any given day you are likely to see any number of people walking their dogs, or whale watching, or kids learning to ride their bikes. People bring their meals, books to read, or just sit and enjoy the incredible views. We've met people from all over the world who, just like us, treasure this pathway as a unique feature to Capitola.

So, maybe it's the Italian in me, but I view the pathway as a type of "piazza" where people come to gather or maybe better yet, as a City Park, since that is how it really functions.

Therefore, I think it's important to recognize that if we are not able to find a way to preserve the pathway that really we all lose.

Page 2 of 2

Now of course there's the pragmatic question of how would this project be funded.

And to that I would say perhaps we can look to Measure F as a potential funding source by either extending the life of the measure or slightly increasing the tax.

Measure F states that the revenue will be used to maintain and protect our wharf and beaches from storms and rising sea levels, and to take care of and improve our parks.

I believe part of the philosophy behind Measure F was that the wharf was deemed to be a unique feature of Capitola that it was worth preserving. I would argue that the pathway falls into that same category and may, with a little imagination, perhaps meet the definition of a "park" and, therefore, fit nicely under the Measure F umbrella.

Finally, I would like to appeal to the Council to take a long view on this issue and allow for the time to obtain expert opinions and to formulate options that could provide a solution for the preservation of this beloved pathway.

Thank you for your consideration.



Jim,

As discussed, below are my comments about addressing the Oakland to Sacramento Public Walkway issues.

In my April 20, 2016 Vision Capitola Workshop presentation I said that I wanted Capitola to **Preserve the 4 block walkway along the bluff on Depot Hill. I pointed out that in some areas the walkway already come within 2-3 feet of the top edge of the bluff and, if nothing is done, parts of this continuous path will be lost forever and much of the social hub of the Depot Hill will be lost as well.**

I felt that it was appropriate for Capitola to address the Buff failure issues as part of its vision since the Capitola Municipal Code, Chapter 12.42 states that

**"The purpose of this chapter is to promote the stabilization of the Depot Hill Bluff and thereby enhance the safety of those persons who walk above and at the foot of the Depot Hill Bluff, or who are otherwise in the vicinity of the Depot Hill Bluff, as well as to protect property and structures in the vicinity of the Depot Hill Bluff..."**

Recently, as I predicted in April, one block of the 4 block walkway became unsafe due to the erosion in front of 402 and 404 Grand Avenue and is temporary closed. Further, I believe that if an engineering study of the entire Oakland to Sacramento part of the Walkway had been done 2 years ago, it would have concluded that an area further along the walkway was already too close to the cliff edge and unsafe. The reason this erosion has not been noticed is that no engineering study has been done and the erosion is well hidden by plants.

In conclusion, I believe the first step is to now do the long overdue engineering study of the entire Oakland to Sacramento section of the Public Walkway to determine if moving it a few feet will safely solve the problem and, if it does, how much of the walkway needs to be moved and how long will it remain safe. Also, the study should identify other longer term solutions that we may want to consider.

John Hart  
404 Grand Avenue



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department

SUBJECT: Consider the February 23, 2017, Regular City Council Minutes

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RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes for the regular meeting of February 23, 2017.

ATTACHMENTS:

1. Draft Minutes for 2/23/17 Meeting

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

3/2/2017



**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, FEBRUARY 23, 2017**

**CLOSED SESSION – 6:30 PM**

**CALL TO ORDER**

Vice Mayor Termini called the meeting to order at 6:30 p.m. with the following item to be discussed in Closed Session:

**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

There was no public comment; therefore, the City Council closed the Council Chambers and held the Closed Session.

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mayor Harlan joined the City Council in Closed Session.

Council Member Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Mayor Stephanie Harlan: Present, Vice Mayor Michael Termini: Present, Council Member Kristen Petersen: Present.

City Treasurer Peter Wilk was present.

**2. PRESENTATIONS**

A. Introduction of New Police Officer Zackary Currier

Police Chief Terry McManus introduced Officer Zackary Currier.

**3. REPORT ON CLOSED SESSION**

City Attorney Tony Condotti reported there was no action on the item.

**4. ADDITIONAL MATERIALS - None**

**5. ADDITIONS AND DELETIONS TO AGENDA - None**

**6. PUBLIC COMMENTS- None**

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

## 7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bottorff expressed his appreciation for the Public Works crew.

Council Member Bertrand noted that the movie *DNA Is Not Destiny* will be shown March 23 admission free at Cabrillo College as part of an early childhood program.

Council Member Termini welcomed Council Member Petersen to the Public Safety Foundation. He praised the ad hoc design and library advisory committees for their work and progress on the new library plans. He also asked to place on a future agenda a request to re-inspect the state of trestle because of concerns about its safety to run engines across it.

He advocated for an independent study and said he may ask the City to allocate money for a study. Council agreed it was a worthwhile discussion, which should include whether the Regional Transportation Commission should be involved. Staff will return with research.

Council Member Petersen echoed the thanks for Public Works, especially along the Depot Hill bluffs.

Public Works Director Steve Jesberg updated the Council on storm damage. Park Avenue has been closed for a week and the final tree came down today. The bike lane on the east is still closed. He estimates it will be quite a project to repair 50 feet of embankment impacted by fallen trees, which will require work with the railroad property. He estimated costs at \$300,000 to \$500,000. Along Soquel Creek nearly a dozen trees on the Rispin property fell into the creek and some across into neighbors' yards. They are catching debris, but cannot be accessed until flows recede. On Wharf Road a utility trench caused a small sinkhole and road closure. The upper portion of Esplanade Park remains closed due to a 35-cubic-yard chunk above park that a geologist determined is beginning to fail and recommends closure until it falls. City staff has met with the owner of the apartment building atop the bluff.

Staff today held a well-attended Depot Hill bluff meeting with residents. There has been significant bluff failure all the way to the fence with about 10 feet lost and the path closed. The City may move path away from the edge using land that the City owns as part of the former Grand Avenue. Some property owners have improvements within the area with encroachment permits requiring removal at their cost.

Several trees came down on homes and the Building Department responded.

Council Member asked if the City can join the county in FEMA applications. Staff will research options.

Mayor Harlan attended a Soquel Creek Water District board meeting and noted neighbors are not happy with proposal for treating waste water by the district office. She and Council Member Bertrand attended the Soquel school breakfast meeting, and said district representatives reported steady enrollment. She also praised the Hill Street neighborhood meeting.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

Treasurer Wilk noted that the agenda includes an addition to a contractor for the Zoning Update and suggested in the future there is a cost saving opportunity through shortened review cycles.

## 8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Historical Museum Board Appointment [240-40]  
RECOMMENDED ACTION: Make appointment.

Council Member Petersen praised the selection of Georgette Neal, who has been an outstanding volunteer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristen Petersen, Council Member
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

## 9. CONSENT CALENDAR

<b>MOTION:</b>	<b>APPROVE OR REJECT THE CONSENT AGENDA ITEMS AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

- A. Consider the February 9, 2017, Regular City Council Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of February 2, 2017  
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Register Reports Dated January 6, January 13, January 20 and January 27, 2017[300-10]  
RECOMMENDED ACTION: Approve Check Registers.
- D. Contract Amendment for Auditing Services [310-05/500-10 A/C: Rogers, Anderson, Malody & Scott LLP]  
RECOMMENDED ACTION: Authorize the City Manager to renew the agreement with Rogers, Anderson, Malody & Scott LLP to provide financial auditing services for an amount not-to-exceed \$48,000 for Fiscal Year 2016/2017 Audit.
- E. Amendment of Contract for Completion of the Zoning Code Update  
RECOMMENDED ACTION: Authorize the City Manager to execute a contract amendment in the amount of \$14,700 with Ben Noble Urban and Regional Planning.
- F. Second Reading of the Monterey Bay Community Power Uncodified Ordinance [500-10 A/C: Monterey Bay Community Power]  
RECOMMENDED ACTION: Approve the second reading of an ordinance authorizing the implementation of Community Choice Energy program in the City of Capitola.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

- G. Reject All Bids Received for the 41st Avenue Adaptive Traffic Signal System Project [490-70]

RECOMMENDED ACTION: Reject all three bids received for the 41<sup>st</sup> Avenue Adaptive Traffic Signal System and direct the Public Works Department to work with the project engineer to modify and redesign the project to bring it in budget.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Receive Art & Cultural Commission Annual Report [1010-60]

RECOMMENDED ACTION: Receive the 2016 Art and Cultural Commission Annual Report.

Assistant to the City Manager Larry Laurent and Council Member Termini, who chairs the Commission, presented the report. Highlights for 2016 include the 32nd year of Twilight Concerts, which caused no policing problems in spite of increased attendance; six Sunday Art and Music at the Beach, which are funded by sponsors and booth fees; three Movies on the Beach; Capitola en Plein Air, which raised \$3,000 for children's art split between SPECTRA and a free recreation art class; and an Opera at the Beach.

The committee also offered children's art at festivals and displays from New Brighton Middle School. Mayor Harlan offered to sponsor a reception for the students. The Village kiosk and its otter sculpture continue to be well used and loved. The Commission has a retreat planned soon for new projects. The library grounds are being reviewed for public art.

<b>ACTION:</b>	<b>RECEIVED REPORT</b>
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- B. Consider Letter of Support for Efforts by Central Fire and Aptos/La Selva Fire Protection Districts to Improve Efficiencies Through Cooperation

RECOMMENDED ACTION: Direct the Mayor to send the attached letter to the Central Fire Protection District and Aptos/La-Selva Fire Protection District in support of efforts to cooperate, improving service levels in Capitola.

City Manager Jamie Goldstein noted that this item came from a request by Council Member Termini. There is a long history of studies for coordination between the fire districts to increase efficiencies. Both districts have committees investigating options. Capitola's interest is to support an even higher level of service.

Brian Aluffi, Central Fire firefighter and president of Local 3605, thanked the City for support of these efforts.

TJ Welch, resident and retired firefighter, said based on consolidations in which he has taken part, he feels there is a great opportunity for improved efficiencies and would encourage full consolidation to achieve national standards.

Council Member Bertrand said he has been hearing support for these efforts since he ran two years ago.



CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

<b>MOTION:</b>	<b>APPROVE THE SUPPORT LETTERS</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

C. Approve Letters of Support for State Transportation Measures [580-40/1170-10]  
RECOMMENDED ACTION: Direct Mayor to sign letters on behalf of the City supporting measures AB1 and SB1.

City Clerk Linda Fridy noted that Council requested these letters following a presentation by the Santa Cruz Metropolitan Transit District and based on recommendations from the California League of Cities, which estimates the City could receive about \$400,000 in funding.

<b>MOTION:</b>	<b>APPROVE THE SUPPORT LETTERS</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Vice Mayor
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

D. Mid-Year Budget Report [330-05]  
RECOMMENDED ACTION: Receive mid-year report, amend the Fiscal Year 2016/17 Budget based on the budget adjustment, and authorize the staff changes.

Finance Director Mark Welch presented the staff report. It shows an increase in Transient Occupancy Tax based on last summer, but the rest of year is coming in at about the same level. Year-to-date figures reflect an increase revenue and decreased expenditures. He noted that pension costs are prepaid, so year-to-date is actually even lower. Projections have been largely on target. He anticipates a slight increase in property tax. Director Welch noted a parking revenue increase and decrease in citation revenue following the change from two- to three-hour limit in the Village.

The mid-year report includes amendments for reduced junior guards income and a new staff position.

Public Works Director Jesberg explained a recent reorganization plan included adding a staff position to help with Capital Improvement Projects. It was originally suggested to replace the maintenance supervisor, but there will be about 18 months overlap based on the anticipated retirement date. The new project manager position would require a licensed civil engineer. The position would help build some institutional knowledge and support Measure D and F projects. Director Jesberg expects the position could help manage consultants on large projects such as the Wharf and design some smaller projects, and help with federal reporting required with Measure D. Currently the City contracts with Kimley Horn for \$100,000 annually to work on projects such as green bike lanes and the coastal trail. The new staff person would reduce that contract. Measure D collections begin in April and could be

Attachment: Draft Minutes for 2/23/17 Meeting (1743 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

used for salary when working on those projects.

Treasurer Wilk reported that the Finance Advisory Committee has met twice to review the mid-year budget and new staff position. It unanimously supports both.

<b>MOTION:</b>	<b>RECEIVE REPORT, AMEND BUDGET AND AUTHORTIZE NEW STAFF POSITION.</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Michael Termini, Vice Mayor
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

E. Fiscal Year 2017/18 Budget Principles and Goals

RECOMMENDED ACTION: Adopt the Fiscal Year 2017/18 Budget Principles and Goals.

City Manager Goldstein presented the staff report with an overview of accomplishments to date and a request for guidance for next fiscal year. In recent years the City has consistently embraced fiscal principles of maintaining a balanced budget, planning for the future, maintaining reserves, using one-time revenue for one-time expenditures, providing transparency, and maintaining the commitment to Measure F capital projects.

Public service principles focus on analyzing effectiveness, meeting public safety expectations, and evaluating any service level increase with long-term financial impacts. The recommended public improvement principle is to continuing providing maximum funding for pavement management.

Staff offered a starting list of possible goals for 2017/18:

- Ensure adequate funds are available for the library construction
- Negotiate MOUs with all bargaining units
- Review community grant program in the context of regional changes to local agency grant programs
- Initiate public process for mall redevelopment project based on mall owners timeline
- Seek viable Police Department grant opportunities
- Complete the Emergency Operations Plan
- Assess the opportunity and need for re-introduction of Neighborhood Watch Program
- Increase participation in Capitola On Watch Program.
- Implement Measure D Projects
- Complete library design and construction bidding process
- Continue street paving projects
- Begin design on Measure F projects including the Wharf and flume
- Adopt Zoning Code Update and submit to Coastal Commission
- Adopt a Green Building Program update
- Update the Medical Marijuana Ordinance to ensure consistency with Proposition

64

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
February 23, 2017

Council members added the following items:

- Continue planning for pension cost increases
- Identify recreation goals
- Continue website improvements
- Continue public participation efforts
- Consider funding senior exercise equipment
- Consider forming an Economic Development Committee
- Identify options for Council team building
- Review inclusionary housing ordinance and funding
- Prioritize Wharf project based on original timeline
- Consider forming a Youth Council/Committee. Council Member Petersen said she is researching if she can donate her remaining campaign funds to this effort.
- Support ongoing community policing efforts
- Complete ADA transition plan

Council Member Bertrand also requested a presentation on the Police Department's crisis intervention training and a public workshop on the OpenGov financial transparency program.

<b>MOTION:</b>	<b>ADOPT PRINCIPLES AND GOALS</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

11. **ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.

ATTEST:

\_\_\_\_\_  
Stephanie Harlan, Mayor

\_\_\_\_\_  
Linda Fridy, City Clerk



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department  
SUBJECT: Establish a Police Officer Trainee Position

**RECOMMENDED ACTION:** Approve the recommended police officer trainee position and the attached side letter with Capitol Police Officers Association.

**BACKGROUND:** The City of Capitola Police Department does not currently have a police officer trainee position. In the past, the City has hired entry-level candidates as police officers even though they had not completed the police academy. Most police departments have a police officer trainee position to hire new recruits until they pass the required training, at which time they are promoted to police officer.

**DISCUSSION:** The proposed police officer trainee is a full time, non-sworn, temporary classification intended to prepare individuals to become sworn police officers. Trainees will be sent to a basic police academy at the City's expense, and upon successful completion of the academy will be promoted to the sworn police officer classification.

The Capitola Police Officers Association has agreed that the new position is needed for those who have not yet completed the basic police academy.

**FISCAL IMPACT:** The salary for the police officer trainee will be 5 percent below first step of the police officer position.

**ATTACHMENTS:**

1. POA Side Letter Trainee 3-2017
2. Police Officer Trainee Job Description

Report Prepared By: Larry Laurent  
Assistant to the City Manager



Establish a Police Officer Trainee Staff Position  
March 9, 2017

**Reviewed and Forwarded by:**



---

Jamie Goldstein, City Manager

3/2/2017

**SIDE LETTER  
BETWEEN CITY OF CAPITOLA AND  
CAPITOLA POLICE OFFICERS ASSOCIATION**

WHEREAS, the City of Capitola (City) and Capitola Police Officers Association (CPOA), have met and conferred in good faith regarding salary & benefits; and

WHEREAS, the City and the Union have previously agreed on an MOU with a term beginning on July 1, 2013 and expiring on June 30, 2018; and

WHEREAS, it has become beneficial and necessary for the City and Police Department to hire entry-level, non-academy graduates; and

WHEREAS, the City does not have an existing Police Officer Trainee position; and

WHEREAS, it is not appropriate for a Police Officer Trainee to be hired as a Police Officer while they are attending the basic police academy; and

WHEREAS, the Police Officer Trainee will be promoted to Police Officer upon successful completion of the basic police academy; and

IT IS HEREBY AGREED AS FOLLOWS;

1. Article 2.03 of the existing MOU shall be amended to read:

**2.03 EMPLOYEE/REPRESENTATION UNIT**

The term "Employee" or "Covered Employee", as used herein, means all persons employed by the Employer in the Police Department who are classified as Community Services Officer, Community Services Officer-Lifeguard Captain, Police Officer, Police Officer Trainee, Records Manager and Sergeant. Those positions constitute the unit represented by Capitola Police Officers' Association.

2. Attachment A – Salary Schedule will have the Police Officer Trainee Position and Salary added
3. The terms of this side letter will not go into effect until it has been approved by the City Council.

Capitola Police Officers Association

City of Capitola

\_\_\_\_\_

\_\_\_\_\_  
Jamie Goldstein, City Manager

\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Attachment: POA Side Letter Trainee 3-2017 (1756 : Establish a Police Officer Trainee Staff Position)

Attachment A – Salary Schedule

POA SALARY SCHEDULE JULY 3, 2016 - JUNE 30, 2017	Monthly						Hourly					
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F
Community Service Officer	4,674.80	4,910.53	5,154.93	5,413.20	5,685.33	5,969.60	26.97	28.33	29.74	31.23	32.80	34.44
Police Officer	5,905.47	6,201.87	6,510.40	6,836.27	7,179.47	7,538.27	34.07	35.78	37.56	39.44	41.42	43.49
Records Manager	5,387.20	5,657.60	5,940.13	6,236.53	6,550.27	6,877.87	31.08	32.64	34.27	35.98	37.79	39.68
Sergeant	7,233.20	7,595.47	7,976.80	8,373.73	8,794.93	9,233.47	41.73	43.82	46.02	48.31	50.74	53.27
<u>Police Officer Trainee</u>	<u>5,624.67</u>						<u>32.45</u>					

Attachment: POA Side Letter Trainee 3-2017 (1756 : Establish a Police Officer Trainee Staff Position)



## POLICE OFFICER TRAINEE

### **GENERAL PURPOSE:**

Under direct or general supervision, performs a variety of non-sworn law enforcement duties, attends a formalized education program in preparation for employment as a Police Officer and performs related work as required.

Police Officer Trainee is a full time, non-sworn, temporary classification intended to prepare individuals to become sworn police officers.

Trainees will be sent to a basic police academy at the City's expense, and upon successful completion of the academy will be promoted to the sworn Police Officer classification.

### **SUPERVISION RECEIVED:**

Works under general supervision

### **SUPERVISION EXERCISED:**

None

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

Participates in a rigorous, high stress, physically demanding police academy.

May observe and/or perform a variety of support tasks within the Police Department divisions or units assigned, to include the Records Bureau, Community Services, Uniform Division, Services Division and/or the Detective Division.

Drives a vehicle on City business.

### **PERIPHERAL DUTIES:**

Performs other projects/tasks as assigned.

### **DESIRED MINIMUM QUALIFICATIONS:**

- (A) Must be 21 years or older at the time of employment; (B) Must possess, or be able to obtain by time of hire, a valid State driver's license without record of suspension or revocation in any State;
- (B) Felony convictions and disqualifying criminal histories within the past seven years are not allowed;
- (C) U.S. citizen;
- (D) Must be able to read and write the English language;

(E) Must be of good moral character and of temperate and industrious habits.

**EDUCATION & EXPERIENCE:**

(A) High school diploma or equivalent supplemented by a two-year community college degree or vocational school training in police science, law enforcement, criminal justice administration, public administration, or a related field; or

(B) An equivalent combination of education and experience.

**Necessary Knowledge, Skills and Abilities:**

Basic goals and objectives of law enforcement; Ability to learn the applicable laws, ordinances, and department rules and regulations; Ability to perform work requiring good physical condition; Ability to communicate effectively orally and in writing; Ability to establish and maintain effective working relationships with subordinates, peers and supervisors; Ability to exercise sound judgment in evaluating situations and in making decisions; Ability to follow verbal and written instructions; Ability to meet the special requirements listed below;

**TOOLS AND EQUIPMENT USED:**

Police car, police radio, radar gun, handgun and other weapons as required, baton, handcuffs, breathalyzer, cell phone, first aid equipment.

**PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must occasionally lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

As detailed in the foregoing, police officers' and reserve officers' jobs involve a variety of activity in responding to public requests for service. Officers must be able to operate specialized equipment utilized in controlling traffic, preventing crime, and working undercover assignments. Additional specialized equipment may have to be operated in the following assignments: motorcycle patrol, bicycle patrol, investigations, youth services, communications, and narcotics.

The following is a partial list of basic skills and abilities the city has determined are necessary for all personnel appointed to the positions of police officer and reserve police officer. Officers must have the ability to successfully complete all essential job functions listed, but not limited to those defined.

1. Be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a police officer, or adversely affect the ability of the officer to perform essential job functions
2. Possess a valid California driver's license with a Class C endorsement
3. Without assistance, drag an unconscious person weighing 150 pounds a horizontal distance of 36 feet
4. With a running start, jump up to and climb over a 6-foot block wall, or fence
5. Walk a foot patrol for up to 10 hours during a parade, other public events, or regular assignment
6. Stand and direct traffic for 3 hours or more
7. Search a crime scene while stooping and bending to observe and pick up minute pieces of evidence
8. Move on foot through rough terrain
9. Chase a suspect for 200 yards
10. Subdue or control hostile or uncooperative subjects
11. Crawl through a window
12. Crawl through an attic in a residential home
13. Block a punch/kick
14. Climb onto a roof to search for evidence
15. Walk 15 feet down a 30-degree embankment
16. Steer around a corner while braking a car
17. Write cogent and legible reports, issue citations, investigate accidents
18. Perform loading of firearms & fire various weapons
19. Identify colors of clothing

20. Identify colors of vehicles
21. See fingerprints at a crime scene
22. Read license plates
23. Observe minute objects on the ground at a crime scene
24. Identify make and model of cars in traffic
25. Hear whispering at a stakeout situation
26. Hear the speech of others during crowd control and situations at a fire scene
27. Determine the direction of alarms or gunfire
28. Maintain firearms proficiency as defined in department policy
29. Drive a vehicle, or be a passenger in a vehicle for 10 hours or more a day & operate a vehicle under emergency and stressful conditions
30. Wear or carry heavy equipment, including a duty belt that weighs 20 pounds
31. Crouch or crawl when necessary to conceal oneself
32. Ability to communicate by phone and radio
33. Work under all kinds of weather conditions, including extreme and adverse conditions
34. Hear and be able to cope with general traffic noises, as well as gunshots, traffic collisions, yelling and screaming, use of profanity, sirens, and other loud noises
35. Possess sufficient manual dexterity to operate the following: patrol car, car radio, cellular phone, handguns, rifle, ammunition in the act of loading and unloading weapons, handcuffs, body armor, keys, pen and pencil, computer, baton, ticket book, tape recorder, tapes, etc.

**WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions. The employee occasionally works near moving mechanical parts; in high, precarious places; and with explosives and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, and vibration.



The noise level in the work environment is usually moderate.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Dated: 3-2-2017



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department

SUBJECT: Consider Letter of Support for SB 158 Regarding Commercial Driver Training

**RECOMMENDED ACTION:** Direct the Mayor to sign a letter of behalf of the City supporting AB 158.

**BACKGROUND:** In July 2014, 25-year-old Daniel McGuire of Santa Cruz was killed on Highway 17 when a truck driver lost control and crashed into 10 cars. The truck driver's lack of adequate training and behind-the-wheel experience was deemed a major factor in the crash. In response, State Senator Bill Monning drafted legislation (SB 344) to increase the amount of training required for commercial drivers. In March 2015, the City of Capitola passed Resolution No. 4015 in support of that legislation. Unfortunately, it was never signed into law.

**DISCUSSION:** In December 2016, the Federal Motor Carrier Safety Administration issued a new final rule establishing minimum training standards for entry-level commercial drivers. Senator Monning introduced SB 158 this year in response to the federal action, which requires states to adopt regulations to comply with the rule. His proposal requires 30 hours of behind-the-wheel training for a Class A license and 15 hours for a Class B. The attached fact sheet (Attachment 1) provides more details about the bill.

This bill is supported locally by Daniel McGuire's mother, Gail-Jean Sais, to help prevent future tragedies such as the one that took her son's life.

Staff recommends the City Council direct the Mayor to sign a letter of support (Attachment 2) and send it to the Senate Transportation and Housing Committee and Senator Monning.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

1. Fact Sheet SB 158 - Entry-Level Commercial Driver Training
2. Draft Support Letter\_SB158

Report Prepared By: Linda Fridy  
City Clerk

Letter of support for SB 158  
March 9, 2017

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

3/2/2017

**FACT SHEET: SB 158**  
**SENATOR WILLIAM MONNING**  
**ENTRY-LEVEL COMMERCIAL DRIVER TRAINING**

## **PROPOSED BILL**

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Senate Bill (SB) 158 implements a federal rule that requires those seeking a commercial driver's license (CDL) complete a certified course of instruction from a commercial driving institution or program offered by an employer before being issued a CDL.

The legislation requires the Department of Motor Vehicles (DMV) to adopt regulations to comply with the federal rule by February 7, 2020. In addition, the bill would establish minimum behind-the-wheel training be complete as part of the required training.

- Class A License – 30 hours of behind-the-wheel training, of which 10 hours must be at an off-highway facility and 10 hours on public roads.
- Class B License – 15 hours of behind-the-wheel, of which 7 hours must be on public roads.

## **EXISTING LAW**

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To obtain a valid CDL, you must pass a written test and driving test established by the DMV that complies with the federal Commercial Motor Vehicle Safety Act.

## **BACKGROUND**

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Commercial vehicles that require a CDL include a variety of motor carriers (trucks) over 26,000 lbs., passenger buses, and vehicles carrying hazardous materials.

An Entry-Level Driver Training Advisory Committee (ELDTAC), comprised of

industry, safety advocacy groups, labor, and other expert representatives, was established to negotiate rules for entry-level driver training for commercial motor vehicle drivers. The ELDTAC proposed Class A drivers have a minimum of 30 hours of behind-the-wheel training and Class B drivers have a minimum of 15 hours of behind-the-wheel training.

On December 8, 2016, the Federal Motor Carrier Safety Administration (FMCSA) issued a final rule establishing new minimum training standards for entry-level commercial drivers and requirements to complete a prescribed program of instruction provided by an entity that is listed on FMCSA's Training Provider Registry.

The FMCSA estimated that 30 hours and 15 hours behind-the-wheel driving requirements for Class A and Class B drivers, respectively, represent the average amount of time to develop proficiency in the behind-the-wheel curriculum required by the final rule.

However, the final federal rule removed minimum behind-the-wheel training hours recommended by the ELDTAC to allow the states to have the discretion to prescribe additional behind-the-wheel training requirements if they desire.

## **NEED FOR LEGISLATION**

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In California, there were 10,062 at-fault commercial vehicle collisions reported in 2014 of which 2,432 resulted in injury and 68 were fatal.

One of those fatal accidents in 2014 occurred on Highway 17 when a truck driver lost control and crashed into 10 cars, injuring 7 and killing 25-year-old Daniel McGuire of Santa Cruz. The truck driver's lack of adequate training and experience was a major factor in the crash.

Without holding commercial vehicles drivers to the highest safety standards, they can pose a serious safety risk to the public. By ensuring that commercial truck and bus drivers receive adequate training and behind-the-wheel experience, we will reduce the risk of tragic and fatal commercial vehicle accidents.

SB 158 conforms California State law to a federal rule by establishing a minimum standard for entry-level commercial driver training and requiring prospective drivers to show proof to the DMV that the appropriate training has been completed.

SB 158 also adds mandatory minimum hours of behind-the-wheel experience to ensure commercial vehicle drivers acquire the skills necessary to safely operate commercial vehicles. Behind-the-wheel training is already an industry best practice standard, and among the 10 training programs analyzed by FMCSA, the number of behind-the-wheel hours of training for a Class A CDL averaged 48.5 hours, with a high of 152 hours for one program.

SB 158 takes the necessary action for the California CDL program to comply with federal FMCSA rules and improves road safety.

## **SUPPORT**

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None at this time

## **OPPOSITION**

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None at this time

## **FOR MORE INFORMATION**

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Contact: Ryan Guillen

Phone: (916) 651-4017

Email: [ryan.guillen@sen.ca.gov](mailto:ryan.guillen@sen.ca.gov)



March 10, 2017

The Honorable Jim Beall  
Chair, Senate Transportation Committee  
California State Capitol, Room 2082  
Sacramento, CA 95814

**RE: SUPPORT for SB 158 – Entry-Level Commercial Driver Training**

Dear Chair Beall:

On behalf of the City of Capitola, I write to you to voice our City's Council's strong **SUPPORT** for Senate Bill (SB) 158, to improve road safety by implementing a new federal rule on entry-level commercial driver training, as well as adding additional behind-the-wheel requirements to ensure commercial vehicle drivers acquire the skills necessary to safely operate commercial vehicles.

Increasing the training and safety of commercial drivers is close to the heart of our community. In July 2014, 25-year-old Daniel McGuire of Santa Cruz was killed on Highway 17 when a truck driver lost control and crashed into 10 cars. The truck driver's lack of adequate training and behind-the-wheel experience was deemed a major factor in the crash.

SB 158 adopts the Federal Motor Carrier Safety Administration's final rule establishing new minimum training standards for entry-level drivers seeking a commercial driver's license to operate a variety of vehicles like motor carriers over 26,000 lbs. (trucks) and passenger buses. California and other states must comply with these minimum standards by February 7, 2020, and may consider additional safety requirements to protect public safety.

SB 158 strengthens these critical safety requirements to ensure drivers have the behind-the-wheel experience before entering our roadways. By holding prospective drivers to the highest standards, we can reduce the amount of serious and fatal at-fault commercial vehicle collisions in California.

Those driving large, heavy commercial vehicles must acquire the skills to safely operate them. SB 158 is a necessary action and a major step forward at keeping our highways and roads safe. For these reasons Capitola strongly supports this important public safety legislation.

Sincerely,

Stephanie Harlan  
Mayor

cc: Senator Bill Monning

Attachment: Draft Support Letter\_SB158 (1785 : Letter of support for SB 158)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: Public Works Department

SUBJECT: Consider Concepts to Relocate the Grand Avenue Pathway

**RECOMMENDED ACTION:** Direct the Public Works Department to initiate a project to relocate the Grand Avenue Pedestrian Pathway to the northern edge of the road right-of-way in front of 402 and 404 Grand Avenue, mark the right-of-way boundary, and notify adjacent property owners.

**BACKGROUND:** On or around January 23, 2017, a large portion of the Depot Hill bluff fronting 402 and 404 Grand Avenue failed. The initial slide was approximately 70 feet long by 25 feet high and five to eight feet wide, and came within three to four feet of the Grand Avenue pedestrian pathway that runs above the bluffs from Central Avenue to Hollister Avenue. Since the initial slide, the upper layer of soil has continued to fail and has now eroded back to the pathway and is undermining the safety fence between the pathway and the bluff. The Public Works Department has closed the pathway between Oakland Avenue and Hollister Avenue.

**DISCUSSION:** In 2005 the City Council recommended a minimum walkway width of eight feet (from bluff face to edge of pathway) within the Grand Avenue right-of-way, and that the public walkway be relocated within the right-of-way as necessary until such time that the path is no longer usable. That 2005 City Council action also included a recommendation that future City Councils should not consider eminent domain for the public walkway should the right-of-way become too narrow to safely accommodate pedestrians.

Based on the best information available, which includes the attached topographic survey map of Grand Avenue (Attachment 1), there exists approximately five to six feet of landscape improvements, including a fire pit, concrete and rock walls in the road right-of-way in front of 402 and 404 Grand Avenue. In order to relocate the pathway in front of these properties, these private improvements will need to be removed. The property owner at 402 Grand Avenue was granted a revocable encroachment permit in 2014 for the construction of landscaping, a fire pit, and bench in the right-of-way. The encroachment permit requires the owner to remove these improvements within 45 days of receiving written notice from the City. While no encroachment permit exists for 404 Grand Avenue, the City has the authority to reclaim road right-of-way as needed for public improvements.

A neighborhood meeting was held on February 23, which was attended by approximately 50 people including residents along Grand Avenue and users of the pathway. Staff reviewed the 2005 City Council direction with the community and indicated that staff would return to Council to get direction to initiate the pathway relocation project. The vast majority of the attendees at

Grand Avenue Pathway Relocation  
March 9, 2017

the community meeting supported the plan to relocate the pathway and keep it open as long as possible.

The initial steps to relocate the path include: marking the northern right-of-way boundary for Grand Avenue between Oakland Avenue and Hollister Avenue, notifying the property owners at 402 and 404 Grand Avenue of the City's intention to reclaim the right-of-way, and giving property owners notice of relevant deadlines to remove private improvements in the right-of-way. Except for drainage work related to the relocation of the pathway, the scope of the project at this time does not include any work to stabilize or protect the bluff from further erosion.

Completion of the relocation project will require the preparation of plans and specifications, obtaining planning permits, and publicly bidding the construction work. Bowman and Williams Engineering, which completed the survey work and has done previous work for the Depot Hill Geologic Hazard Abatement District, would be the logical firm to prepare the plans. Bowman and Williams indicates it has staff available to work on the project. At this time staff anticipates construction of the new path would be completed by late summer or early fall. The pathway will remain closed until the project is completed.

FISCAL IMPACT: At this time, no construction estimates have been prepared. Marking the right-of-way line is estimated to cost less than \$2,000, and the preparation of plans should cost about \$10,000. This initial work can be funded within the existing Capital Improvement Project budget.

ATTACHMENTS:

1. Grand Avenue Topographic Survey
2. Picture of Grand Ave slide

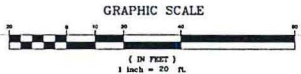
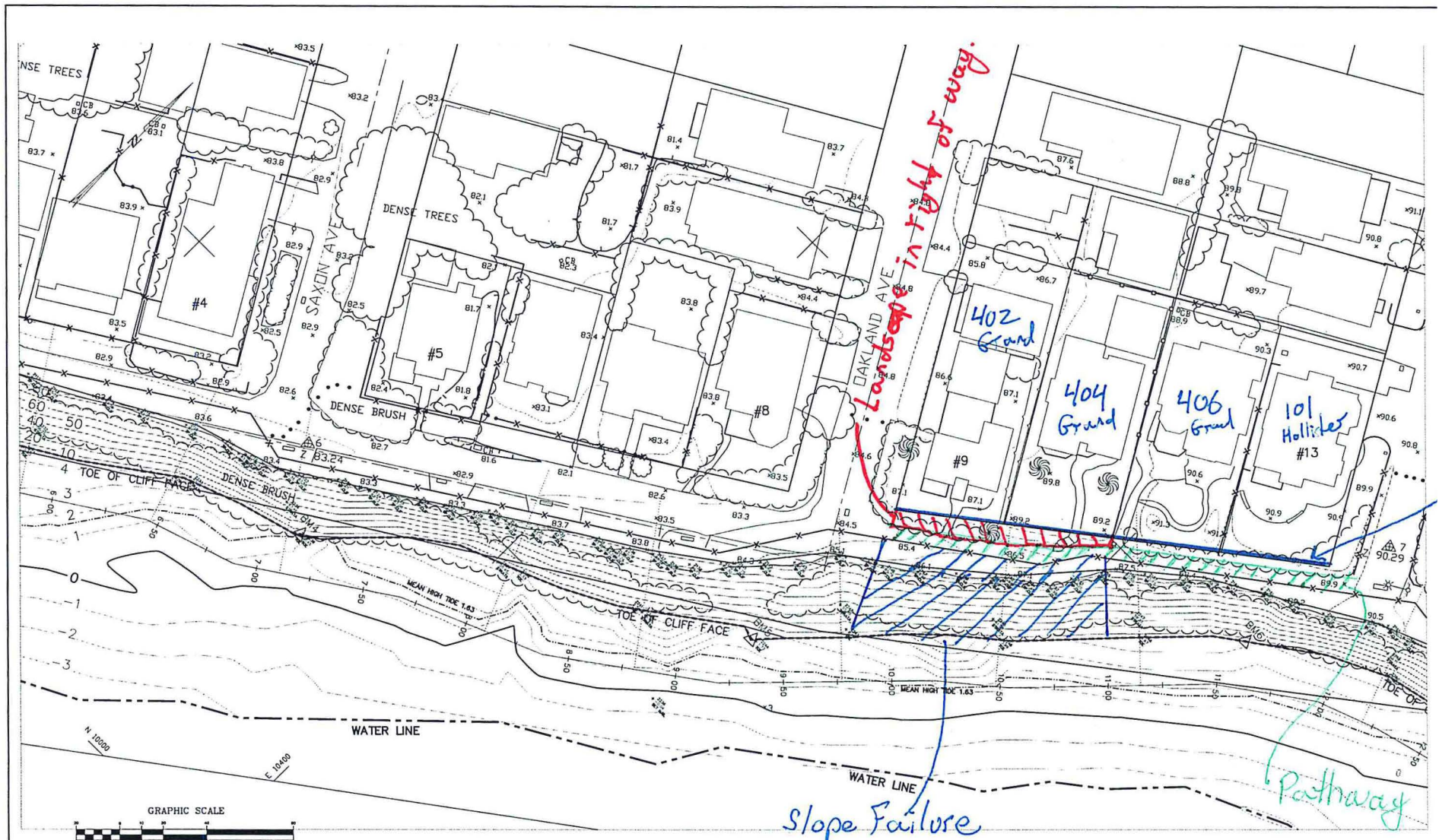
Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager

3/3/2017

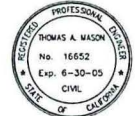


BENCH MARK	POINT #	NORTHING	EASTING	ELEVATION	STATION	OFFSET
BM1	776	9873.1952	9813.7679	8.73	1414.97	-33.14
BM2	777	9874.9248	10041.8279	16.58	1428.47	-28.48
BM3	778	10055.3605	10108.1039	9.98	5335.02	-23.50
BM4	779	10136.9588	10130.0002	8.20	7416.80	-19.48
BM5	780	10248.8760	10209.1597	7.78	8255.97	-19.92
BM6	781	10409.9285	10670.8846	10.02	11150.79	-21.68
BM7	782	10645.0248	10709.1083	7.28	12483.65	-22.48
BM8	783	10717.7453	11118.3229	7.53	17275.29	-15.38
BM9	784	10951.6224	11284.8848	9.82	19453.42	-24.84

STATION	BEARING	DISTANCE	STATION	BEARING	DISTANCE
1400.00	N54°22'56" E	343.81	924.85	N44°26'00" E	100.10
4444.81	N42°48'00" E	20.20	1019.85	S20°23'20" E	38.10
4444.87	S24°12'55" E	47.40	1016.15	N42°32'14" E	81.00
5221.40	N61°52'18" E	46.80	1148.18	S54°30'20" E	48.99
5476.28	N52°57'03" E	29.80	1149.18	N49°48'47" E	20.01
6442.18	N71°57'33" E	45.00	1222.20	N73°32'07" E	56.68
6448.00	N52°22'23" E	28.60	1143.88	N62°29'48" E	50.30
7487.84	N61°00'30" E	20.20	13348.24	N04°31'17" E	33.19
8436.10	N58°40'22" E	81.70	15499.43	N25°10'51" E	81.87
			14421.70	N52°22'24" E	44.79
			15218.00	N48°20'20" E	48.69
			15144.13	N00°54'23" E	70.17
			18434.88	N44°57'31" E	104.90
			17236.90	N57°50'27" E	36.92
			17236.30	N57°50'27" E	36.92
			18444.43	N08°31'13" E	130.44
			19422.88	N33°40'56" E	98.81
			20489.67	N44°24'33" E	81.60

NOTE:  
 THE CONTOURS ALONG BEACH AND UPPER TERRACE ARE ONE FOOT INTERVALS AND CONTOURS ALONG THE CLIFF FACE ARE TEN FOOT INTERVALS. THE FOLLOWING TOPOGRAPHY WAS COMPILED FROM AEROPHOTOMIC COPY, JOB NUMBER 986842 (DATED PHOTOGRAPHY JUNE 6, 1989) AND BOWMAN & WILLIAMS SURVEYS (LARK 4, 1989, NOV. 8-10, 1999, NOV. 22-24, 1999). TOPOGRAPHY ALONG BEACH AND TOE OF CLIFF WAS DURING A LOW TIDE -1.5 FEET (NOVEMBER 22-24, 1999).



APR		REVISED	
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (831) 426-3560			
REGISTERED CIVIL ENGINEER NO. 16512 SCALE 1"=20'		TOPOGRAPHIC MAP GRAND AVENUE & VICINITY DEPT. OF GEOLOGICAL HAZARD DISTRICT CARPENTIA, CALIFORNIA	
DATE 7 MAR 2003	DWG NAME 21533TOP02.DWG	DRAWN DMH	CHECKED TAM
DESIGN TAM	BASE MAP 106	JOB NO. 21533	DATE

Attachment: Grand Avenue Topographic Survey (1783 : Grand Avenue Pathway Relocation)



**2017 01 23**



Attachment: Picture of Grand Ave slide (1783 : Grand Avenue Pathway Relocation)





# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: Community Development

SUBJECT: Introduction of an Amendment to the Marijuana Processing and Cultivation Ordinance

**RECOMMENDED ACTION:**

1. Introduce an ordinance amending Chapter 9.61 of the Capitola Municipal Code regarding the cultivation and processing of marijuana; and
2. Provide direction on other options to regulate marijuana-related businesses.

**BACKGROUND:** The City Council adopted Urgency Ordinance No. 989 on January 9, 2014, to prohibit commercial cultivation and processing of medical marijuana within the City of Capitola. On November 8, 2016, California voters approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). The AUMA decriminalized the possession, use, and sale of recreational marijuana for adults 21 years or older and may allow recreational sale of marijuana beginning January 1, 2018.

**DISCUSSION:** The proposed ordinance amending Chapter 9.61 of the Capitola Municipal Code (Attachment 1) is intended to extend the restrictions on cultivation and processing of medical marijuana to recreational marijuana. The AUMA allows local jurisdictions to enact and enforce reasonable regulations to control the cultivation, processing, and sales of recreational marijuana. Absent local regulations, state regulations would govern marijuana-related activities.

The previously adopted Medical Marijuana Processing and Cultivation Ordinance allows medically qualified patients and primary caregivers to possess marijuana and to conduct indoor cultivation in a space not to exceed 50 square feet per residence. The ordinance prohibits commercial cultivation, outdoor cultivation, and processing and packaging activities. In addition, medical marijuana dispensaries are not defined as an allowed use in Capitola.

The proposed ordinance amendment would expand existing restrictions on the cultivation, processing, manufacturing, packaging, and distribution to recreational marijuana. Existing prohibitions on commercial marijuana-related activities would also be retained. The current 50-square-foot limit on indoor cultivation, however, would be changed to a maximum of six plants consistent with the AUMA.

*Commercial Marijuana Businesses*

Staff frequently receives inquiries from marijuana-related business owners who seek



Introduction of an Amended Marijuana Ordinance  
March 9, 2017

commercial opportunities in Capitola. The most common inquiry is whether the City would allow operation of a medical marijuana dispensary; however, since passage of the AUMA, staff has been contacted by individuals interested in a variety of other marijuana-related businesses.

Under the proposed ordinance, commercial cultivation, processing, and storage of marijuana would be prohibited. Other marijuana-related businesses, including retail and wholesale sales, delivery services, and testing laboratories are not addressed in the proposed ordinance.

Based on prior Council feedback, staff has made determinations regarding previous requests for the following marijuana-related businesses. To promote fair and consistent enforcement, staff recommends the City adopt an ordinance explicitly outlining any prohibited or allowed marijuana-related uses, and identify appropriate regulations for allowed uses.

<b>Business Type</b>	<b>Current Land Use Interpretation</b>
Medical sales (dispensary)	No <sup>1</sup>
Recreational sales	No <sup>1</sup>
Wholesale marijuana sales	No <sup>1</sup>
Medical delivery which originates outside Capitola	Yes <sup>2</sup>
Marijuana testing laboratories	Yes <sup>3</sup>
<ol style="list-style-type: none"> <li>1. Sale of medicinal and recreational marijuana is not listed as a principally or conditionally permitted use in the Zoning Code and therefore is not allowed.</li> <li>2. Delivery services which originate outside of the City are regulated by the agency where the business is located.</li> <li>3. Marijuana testing facilities have been considered a laboratory, which is a principally permitted use in the industrial zone.</li> </ol>	

*Staff Recommended Option 1 – Ban on retail sales (consider time frame to review)*

Direct staff to return with an ordinance that would explicitly ban all or certain types of marijuana sales within the City. Council could direct a review of the ban at a future date once more cities have adopted regulations regarding marijuana sales, and best practices established.

*Option 2 – Retail sales ordinance*

Direct staff to prepare an ordinance for adoption prior to January 1, 2018, that includes appropriate regulations for the sale of marijuana.

**FISCAL IMPACT:** The proposed ordinance amendment would not result in a direct fiscal impact to the City. However, by prohibiting commercial marijuana activities, the City would forego any potential tax revenue generated by marijuana-related businesses. In addition, the AUMA prohibits the disbursement of grant monies from the California Marijuana Tax Fund to local agencies that ban commercial cultivation or retail sales of marijuana.

**ATTACHMENTS:**

1. Draft Ordinance (PDF)

Report Prepared By: Rich Grunow  
Community Development Director

Introduction of an Amended Marijuana Ordinance  
March 9, 2017

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be 'JG', is written above a horizontal line.

Jamie Goldstein, City Manager

3/3/2017

## ORDINANCE NO. \_\_\_\_\_

~~AN URGENCY ORDINANCE OF THE CITY OF CAPITOLA  
REGARDING MEDICAL MARIJUANA PROCESSING AND CULTIVATION~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1: Chapter 9.61 is hereby added amended to the Capitola Municipal Code to read as follows:

**9.61.010 Findings**

The City Council of the City makes the following findings:

A. In 1996, the voters of the State of California approved Proposition 215, also known as the Compassionate Use Act (CUA), codified at California Health and Safety Code section 11362.5 et seq.

B. On January 1, 2004, S.B. 240, known as the "Medical Marijuana Program" (MMP) (codified at Health and Safety Code section 11362.7 through 11362.83) went into effect to clarify the scope of the CUA.

~~C. The CUA is limited in scope in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The MMP is also limited in scope in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.~~

~~D. Neither the CUA nor the MMP require or impose an affirmative duty or mandate upon local governments, such as the City of Capitola, to allow, authorize or sanction the establishment and the operation of facilities cultivating or processing medical marijuana within its jurisdiction.~~

~~E. The CUA expressly anticipates the enactment of additional local legislation, providing: "[n]othing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for non-medical purposes." (Cal. Health & Safety Code, § 11362.5(b)(2).)~~

~~F. On May 6, 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, holding that cities have the authority to ban medical marijuana uses within their boundaries and prohibit any use that constitutes a violation of state or federal law.~~

~~G. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801 et seq., which makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Federal Controlled Substances Act contains no statutory exemption for the cultivation of marijuana for medical purposes. In addition, the possession, possession for sale, cultivation, processing, transportation, importation, and distribution of marijuana generally still constitutes a crime in California pursuant to California Health and Safety Code Sections 11357 through 11361.~~

ORDINANCE NO. \_\_\_\_\_

H. On June 6, 2005, the United States Supreme Court held, in *Gonzales v. Raich*, that Congress has the authority under the Commerce Clause of the United States Constitution, and has the power under the Federal Controlled Substances Act, to prohibit local cultivation, processing and use of marijuana even though it would be in compliance with California law.

I. Some of the documented problems with the cultivation and processing of marijuana include offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards and problems associated with mold, fungus, and pests. In a small (1.676 square miles), densely developed city such as the City of Capitola, comprised for the most part of small parcels with minimum setbacks, a proportionally significant number of mobile home spaces, and industrial, commercial, public facility and residential land uses in extremely close proximity to one another with few buffer areas of separation, the nuisance impacts of the type herein delineated would be substantially intensified to the detriment of the City's residents, workers, businesses and visitors.

J. The City has experienced firsthand the secondary impacts associated with marijuana cultivation and processing when, in September 2004, the Capitola Police Department investigated an attempted murder which included a robbery and an assault on a person with a firearm over a large amount of processed marijuana and marijuana under cultivation found within a City residence. Most recently, on December 27, 2013, the City experienced impacts associated with marijuana cultivation and distribution when the Capitola Police Department investigated an attempted murder with a firearm during a marijuana sale on Capitola Road. During that incident, a non-City resident, who was apparently attempting to sell marijuana, was shot twice and transported by helicopter to a hospital. Most recently, on December 27 of 2013 the City experienced impacts associated with marijuana cultivation and distribution when the Capitola Police Department investigated an attempted murder with a firearm during a marijuana sale on Capitola Road. During that incident, a non-City resident who was apparently attempting to sell marijuana, and was shot twice and transported by helicopter to a hospital.

K. Due to the City's small size and the proximity of various uses to one another, any public nuisance within the City has the potential to adversely impact the entire community regardless of where the nuisance occurs.

L. On December 16, 2013, a building permit application was submitted on behalf of the 200 Kennedy Drive property owner seeking City authorization to proceed with structural, electrical and plumbing improvements to a warehouse building on those premises intended to facilitate the warehouse's use as an industrial/commercial medical marijuana cultivation, processing and warehouse facility which the property owner contends is a principally permitted agricultural use of the warehouse in the industrial zone in which the warehouse is located. For the reasons set forth in the foregoing findings the proposed medical marijuana-related use of the warehouse is both illegal and a public nuisance. The City Council finds that the public nuisance threatened by that proposed use is particularly accentuated in this instance in light of the fact that Cabrillo Mobile Home Estates, a tightly compacted mobile home community, comprised of over fifty (50) mobilehome residences, directly abuts the 200 Kennedy Drive property and the community's numerous residents would be immediately and adversely impacted by the public nuisance posed by this particular cultivation/processing/warehouse use. In December 20, 2013 correspondence with the property owner as well as in other verbal communications with the property owner, Community Development Department staff members have advised the property

ORDINANCE NO. \_\_\_\_\_

~~owner that the proposed medical marijuana-related use is prohibited by the City's Municipal Code. The property owner, in response, contends, based upon his consultation with legal counsel, that the proposed use is sanctioned by both the City's Municipal Code and state law and that accordingly he intends to proceed with his intended use of the property.~~

~~M. Because the potential risks posed by the proposed medical marijuana-related use to the health, safety and welfare of City residents, especially those residents in the mobilehomes located in the adjacent Cabrillo Mobile Home Estates mobilehome park, are so great, current and immediate, the City Council finds that there is an urgent need to adopt an ordinance which will go into effect immediately and which will unequivocally and clearly provide that medical marijuana cultivation and processing in the City in the manner here proposed by the property owner, already generally prohibited as illegal activity and a public nuisance, is also specifically and explicitly prohibited in the City of Capitola.~~

~~N. On January 9, 2014, the City Council adopted Ordinance No. 989 to regulate the processing and cultivation of medical marijuana.~~

~~O. On November 8, 2016, California voters approved the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA), which became effective immediately. Among other things, AUMA decriminalizes under state law the possession, use, transport, and purchase of limited amounts of non-medical marijuana for individuals who are 21 years of age or older. AUMA decriminalizes under state law the planting, cultivation, harvesting, drying, and processing ("cultivation activities") of up to six marijuana plants in, or upon the grounds of, a private residence, but at the same time permits local jurisdictions to enact and enforce reasonable regulations to regulate indoor cultivation activities and to completely prohibit cultivation activities outdoors upon the grounds of a private residences until the California Attorney General determines that non-medical use of marijuana is lawful in the State under federal law.~~

~~P. To regulate commercial use of marijuana, the AUMA added Division 10 (Marijuana) to the Business and Professions Code, which grants state agencies "the exclusive authority to create, issue, renew, discipline, suspend or revoke" licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana.~~

~~Q. The AUMA authorizes cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction including marijuana dispensaries, marijuana retailers, and marijuana delivery services. Absent appropriate local regulation authorized by the AUMA, state regulations will control marijuana activities.~~

~~R. Marijuana activities can create negative impacts relating to overall health, safety, and well-being of City residents. To the extent allowed by California law, a prohibition of commercial marijuana processing and cultivation is necessary to avoid the risks of adverse health effects, criminal activity, loitering, offensive odors, indoor structural damage, and electrical fire hazards that may result from such activities.~~

#### **9.61.020 Purpose and Intent**

~~A. It is the purpose and intent of this chapter to promote the health, safety, and general welfare of the residents and businesses within the City by regulating the cultivation and processing of medical-marijuana.~~



ORDINANCE NO. \_\_\_\_\_

B. Nothing in this chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance, ~~(2) allow the use or cultivation of marijuana for non-medical purposes,~~ or ~~(23) allow any activity relating to the cultivation, processing, or distribution of marijuana that is illegal under state or federal law.~~

### 9.61.030 Definitions

For purposes of this chapter, the following definitions shall apply:

A. "Collective or cooperative cultivation" means the association within California of qualified patients, persons with valid identification cards, and designated primary caregivers to cultivate marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5 et seq.

B. "Commercial marijuana activity" includes the cultivation, manufacturing, processing, packaging, distribution, and sale of marijuana and marijuana products.

C. "Cultivate" or "cultivation" is the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.

D. "Medical marijuana" is defined in strict accordance with California Health and Safety Code sections 11362.5 et seq.

E. "Processing" is defined as any method used to prepare marijuana or its byproducts for commercial sale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

F. "Primary caregiver" is defined in strict accordance with California Health and Safety Code section 11362.5 et seq.

### 9.61.040 Prohibited activities.

A. Indoor and outdoor cultivation of ~~medical~~ marijuana is prohibited in all areas of the City, except as outlined below in Section 9.61.040(A)(1).

1. ~~Medical m~~Marijuana for personal use may be cultivated in conformance with the following standards:

(a) An individual ~~qualified patient~~ may cultivate ~~medical~~ marijuana indoors on the parcel where the ~~qualified patient~~ individual resides. Outdoor cultivation is prohibited.

(b) A primary caregiver may cultivate medical marijuana indoors for a qualified patient for whom he/she is the primary caregiver. Outdoor cultivation is prohibited.

(c) ~~Medical m~~Marijuana cultivation is permitted only on parcels with residential units. ~~Medical m~~Marijuana cultivation is permitted only within a residential unit, a garage, or a self-contained outside accessory building that is secured, locked, and fully enclosed.

(d) The ~~medical~~ marijuana cultivation area shall not exceed a total of six plants fifty (50) square feet per residence or property (for example, a property owner/resident may not grow six plants indoors and grow additional plants in a separate self-contained building on the property).

(e) The use of gas products (CO<sub>2</sub>, butane, etc.) for ~~medical~~ marijuana cultivation or processing is prohibited. 2

ORDINANCE NO. \_\_\_\_\_

(f) ~~Medical m~~Marijuana cultivation for sale is prohibited. Notwithstanding this prohibition, a primary caregiver may recover from his or her qualified patient the actual costs incurred by the primary caregiver in cultivating the medical marijuana he or she delivers to the qualified patient.

(g) From the public right of way, there shall be no exterior evidence of ~~medical~~ marijuana cultivation.

~~(h) The qualified patient and/or primary caregiver shall not participate in medical marijuana cultivation in any other location within the City.~~

(i) The residence shall maintain kitchens, bathrooms, and primary bedrooms for their intended use and these rooms shall not be used for ~~medical~~ marijuana cultivation.

(j) Any ~~medical~~-marijuana cultivation area located within a residence shall not create a humidity, mold or other nuisance condition.

(k) The ~~medical~~ marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.

2. Personal possession, use, and cultivation of recreational marijuana in accordance with the AUMA is permissible.

3. Testing facilities which are fully enclosed in a laboratory setting may operate if consistent with local zoning regulations and do not involve any other prohibited activities, including but not limited to, cultivation, processing, packaging, or sales.

B. Processing and cultivation of marijuana for commercial sale is prohibited in all areas of the City.

#### **9.61.050 Prohibited activities declared a public nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to civil injunctions.

#### **9.61.060 Penalties for violation.**

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a maximum penalty of six (6) months imprisonment in county jail, or a fine of one thousand (\$1,000). Violators shall be subject to any other enforcement remedies available to the City under any applicable state or federal statute or pursuant to any other lawful power the City may possess.

B. Each day a violation is allowed to continue and every violation of the chapter shall constitute a separate violation and shall be subject to all remedies.

C. In the event any civil suit or action is brought by the City to enforce the provisions of this chapter, the prevailing party shall be entitled to recover the amount of its reasonable costs incurred in the action or proceeding, including, but not limited to, attorney's fees.

#### **9.61.070 Severability.**

If any part or subsection of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

ORDINANCE NO. \_\_\_\_\_

~~Section 2.~~ For the reasons hereinabove stated, the City Council finds and determines that: (a) there is a current and immediate threat to the public peace, health, or safety; (b) this ordinance must therefore be immediately enacted and enforced in order to protect and preserve the public interest, health, safety, comfort and convenience and to preserve the public welfare; and (c) this urgency ordinance is necessary to preserve the public health and safety of all residents or landowners adjacent to such uses as are prohibited by this ordinance.

~~Section 3.~~ This urgency ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) — the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and Section 15060(c)(3) — the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 2. Effective Dates. This ordinance shall be in full force and effect thirty (30) days from the date of its adoption by the City Council.

This ordinance was introduced on the \_\_\_ day of \_\_\_\_\_, 2017, and was passed and adopted by the City Council of the City of Capitola on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017, by the following vote:

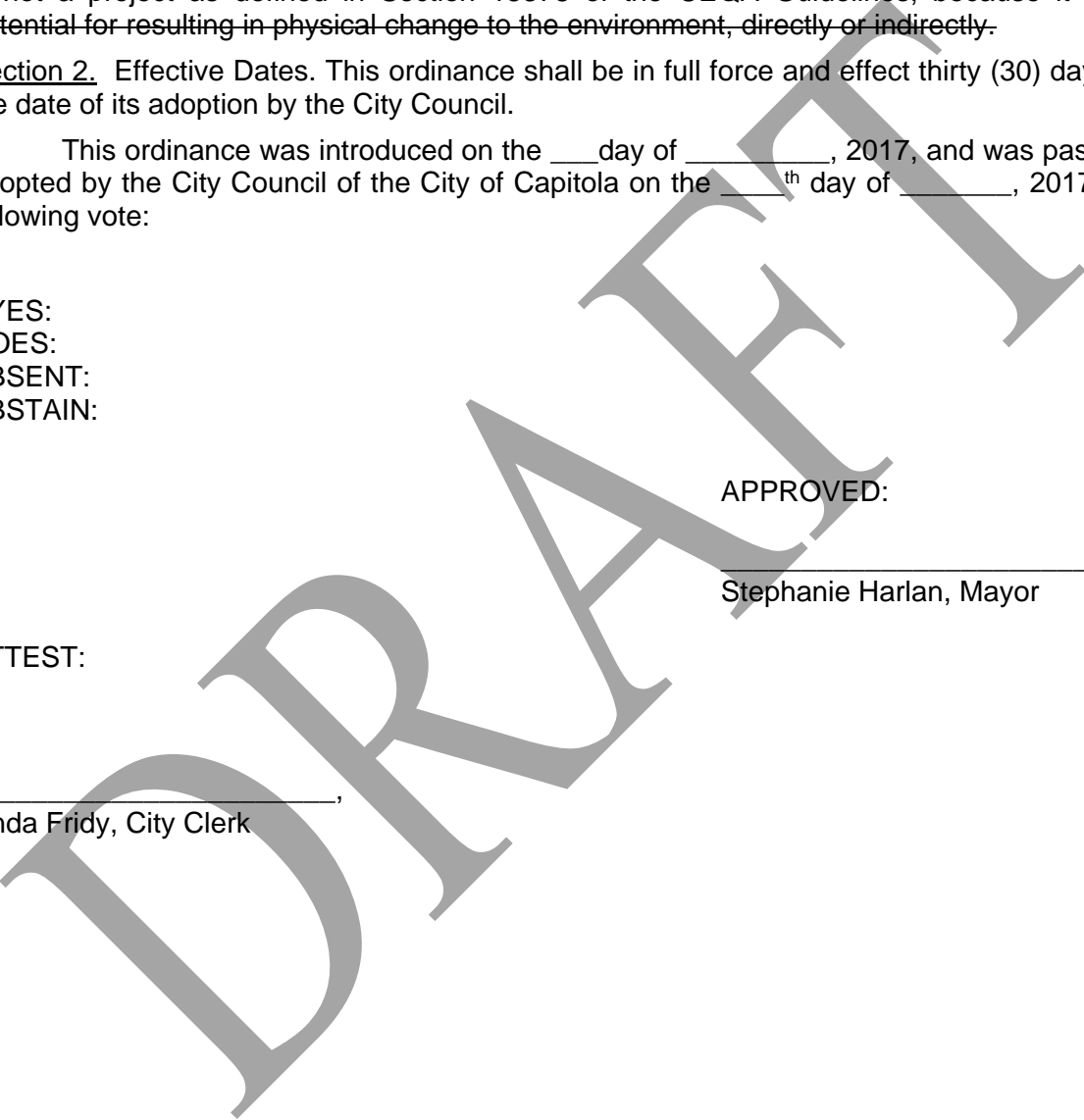
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Stephanie Harlan, Mayor

ATTEST:

\_\_\_\_\_  
Linda Fridy, City Clerk



Attachment: Draft Ordinance (1692 : Introduction of an Amended Marijuana Ordinance)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 9, 2017**

FROM: City Manager Department  
SUBJECT: Consider a 2017 Joint Meeting Strategy

**RECOMMENDED ACTION:** Council direction regarding joint meetings with other Capitola commissions and outside jurisdictions.

**BACKGROUND:** In the past, the City Council has held occasional joint meetings with the Planning Commission, particularly at key milestone points for major long-range planning projects, including the Housing Element updates, the General Plan and the Zoning Code update. Prior to the early 2000s, the City Council and Soquel Union Elementary School District Board held joint meetings.

During last year's City Manager evaluation process, there was an interest expressed by some Council Members in holding more joint meetings with other Capitola commissions and outside jurisdictions. This item is intended to provide the full Council with the opportunity to provide staff with policy direction regarding how best to approach the issue of additional joint meetings.

**DISCUSSION:** Two specific joint meeting opportunities with City advisory bodies have been identified:

- Additional joint meetings with the Planning Commission, and
- Holding joint meetings with the City's Library Advisory Committee

There can be value in holding joint meetings, particularly when the City is beginning a major strategic effort and wants to attempt to align goals with advisory bodies. This can avoid a situation where an advisory body ends up pursuing a project or policy that ultimately does not align with City Council goals.

Conversely advisory bodies are City-sponsored groups that conduct in-depth research into a specific topic, obtain public feedback, and then provide a recommendation to the full City Council, and by holding joint meetings there could be a concern the City Council would not get a fully independent recommendation from that group.

If the Council is interested in holding joint meetings with either of the two City advisory bodies identified above, staff will work with the relevant advisory body to schedule such a meeting.

In addition, there was an interest in pursuing joint meetings with the Soquel Union Elementary School District. Again there can be pros and cons with holding joint meetings. If the Council is interested in holding a joint meeting with the School District, the City Council should identify agenda topics in order to make effective use of each body's time and budget. If so directed, staff will reach out to the District to determine if there is a shared interest in holding joint meetings.

2017 Joint Meeting Strategy  
March 9, 2017

FISCAL IMPACT: Additional public meetings generate direct and indirect costs to the City. For example, joint meetings with the Planning Commission, if scheduled outside a regular meeting date, generally cost the City approximately \$1,000 in direct costs for Planning Commission stipends and broadcast services. In addition, staff time is required to prepare the agenda package, notice, and attend the special meeting.

Report Prepared By: Jamie Goldstein  
City Manager

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

3/3/2017