

# City of Capitola Agenda

Mayor: Jacques Bertrand  
Vice Mayor: Kristen Petersen  
Council Members: Ed Bottorff  
Yvette Brooks  
Sam Storey



## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, APRIL 25, 2019

7:00 PM

CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

## CLOSED SESSION – 6:15 PM CITY MANAGER’S OFFICE

*An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Gov't. Code § 54956.9(d)(2).  
(one potential cases)

### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**[Gov't. Code § 54956.9 (d)(1)]**  
(two cases)

City of Capitola v. D'Angelo  
Santa Cruz County Superior Court Case No. CV 181659

City of Capitola v. Water Rock Construction, Inc.  
Santa Clara Superior Court Case No. 16CV295795

## REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

*All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.*

*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 Sam Storey, Kristen Petersen, Yvette Brooks, Ed Bottorff, and Mayor Jacques Bertrand

**2. REPORT ON CLOSED SESSION**

**3. ADDITIONAL MATERIALS**

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

**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 / STAFF COMMENTS**

*City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.*

**7. 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 April 11, 2019, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.

B. Receive the April 4, 2019, Planning Commission Regular Meeting Action Minutes  
RECOMMENDED ACTION: Receive minutes.

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- C. Approval of City Check Registers Dated March 1, March 8, March 15, March 22, and March 29  
RECOMMENDED ACTION: Approve check registers.
- D. Second Reading of an Ordinance Amending Chapter 9 of the Capitola Municipal Code Pertaining to Cannabis  
RECOMMENDED ACTION: Adopt an Ordinance to amend Chapter 9.61, Cannabis Sales, Processing and Cultivation, to remove the prohibition on retail sales and update the section to reference the required retail cannabis permit (Chapter 5.36) and conditional use permit (17.24.020.D.1b).

**8. 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 Options for Banning Flavored Tobacco / Vaping Products  
RECOMMENDED ACTION: Accept report and provide direction.
- B. Consider a Resolution Allocating the 2019/20 Road Maintenance and Rehabilitation Account Funds  
RECOMMENDED ACTION: Adopt the proposed resolution allocating the 2019/20 Road Maintenance and Rehabilitation Account (RMRA) funds and re-allocation of the 2018/19 RMRA funds to the Park Avenue Sidewalk Project.
- C. Consider Fee Schedule for Fiscal Year 2019-20  
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2019/2020 and adopt the proposed Resolution repealing Resolution No. 4132 and adopting the new fee schedule.
- D. Consider Bail Schedule for Fiscal Year 2019/20  
RECOMMENDED ACTION: Adopt the proposed Resolution repealing Resolution No. 4065 and adopting the new bail schedule.
- E. Second Reading of an Uncodified Ordinance Regarding Removal of Optional CalPERS Membership for Future Council Members  
RECOMMENDED ACTION: Adopt ordinance.

**9. 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.

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**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 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.

**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 Agendas/Videos**." Archived meetings can be viewed from the website at any time.