

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, APRIL 25, 2019**

CALL TO ORDER AND ROLL CALL

Mayor Bertrand called the meeting to order at 6:15 p.m.

Council Member Yvette Brooks: Present, Council Member Ed Bottorff: Present, Council Member Sam Storey: Present, Vice Mayor Kristen Petersen: Absent, Mayor Jacques Bertrand: Present.

No members of the public were present and the Council adjourned to the City Manager's Office with the following items to be discussed in Closed Session:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

1. PLEDGE OF ALLEGIANCE

2. REPORT ON CLOSED SESSION

Deputy City Attorney Reed Gallogly said no reportable action was taken.

3. ADDITIONAL MATERIALS

A. Item 8.D – Updated bail schedule and related memo

4. ADDITIONS AND DELETIONS TO AGENDA - None

5. PUBLIC COMMENTS

Toni Castro of the Capitola-Soquel Chamber of Commerce gave a brief overview of the many special events and projects it sponsors, including the egg hunt, Halloween parade, Surfin' Santa, and the Art and Wine Festival, along with general promotion of the area. She recalled the City-Chamber partnership during the damage to residences and businesses when a storm pipe broke in 2011.

Alan Cable, resident, thanked the Council and Public Works Department for the efforts to reduce cut-through traffic in the Jewel Box.

Dana Engersoll, resident, echoed the appreciation for slowed traffic.

6. CITY COUNCIL / STAFF COMMENTS

Council Member Bottorff noted he missed the last Council meeting due to his role as METRO representative lobbying in Washington, D.C., for revenue for buses. He also recently attended the Santa Cruz-Santa Clara Roundtable discussing its role and purpose in addressing the impact of air traffic routes.

Council Member Brooks thanked the Chamber for putting on the egg hunt, which was a great success, and the Capitola Candy Company for its donations.

Mayor Bertrand echoed the praise for the hunt and the visit from the Easter Bunny. He noted there is now a joint-jurisdiction interview room for youth and victims to be interviewed that is set up like a room in a home to make the process more comfortable.

Staff noted the City-wide garage sale is this Saturday with about 100 locations participating.

7. CONSENT CALENDAR

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Sam Storey, Jacques Bertrand
ABSENT:	Kristen Petersen

- 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.
- 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 **Ordinance No. 1029** 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

- A. Consider Options for Banning Flavored Tobacco / Vaping Products
RECOMMENDED ACTION: Accept report and provide direction.

Police Chief Terry McManus presented the staff report with research on the impact of flavored tobacco on youth and options for addressing this concern.

In response to a question, the chief confirmed that a Tobacco Retail License would include additional training and inspections to enforce a ban.

There was no public input.

The Council favored taking action against all types of flavored tobacco given its appeal to youth. Council Members Storey and Bottorff noted the irony of banning these products while recently allowing the sale of cannabis, but agreed that the impact of the flavored products on under-age users outweighs that conflict.

MOTION:	DIRECT STAFF TO PREPARE A NEW ORDINANCE BANNING THE SALE OF ALL FLAVORED TOBACCO AND FLAVORED TOBACCO PRODUCTS IN THE CITY OF CAPITOLA, ESTABLISH A TOBACCO RETAIL LICENSE PROGRAM, AND UPDATE MUNICIPAL CODE DEFINITIONS AND LANGUAGE.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Sam Storey, Jacques Bertrand
ABSENT:	Kristen Petersen

- B. Consider a Resolution Allocating the 2019/20 Road Maintenance and Rehabilitation Account Funds
RECOMMENDED ACTION: Adopt **Resolution No. 4147** 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.

Public Works Director Steve Jesberg presented the staff report with an overview of the City's dedicated local and state road funds and the use restrictions on those funds. He noted both the Park Avenue and the 42nd Avenue, Diamond Street and Ruby Court projects have been planned for several years. There is sufficient funding for only one and he recommends Park Avenue as the older and less expensive option.

Council confirmed the bid process could move quickly and work could begin this summer.

There was no public comment.

MOTION;	ADOPT THE RESOLUTION AS RECOMMENDED.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Sam Storey, Jacques Bertrand
ABSENT:	Kristen Petersen

- C. Consider Fee Schedule for Fiscal Year 2019-20[390-40]
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2019/2020 and adopt **Resolution No. 4148** repealing Resolution No. 4132 and adopting the new fee schedule.

Finance Director Jim Malberg presented the staff report, including the history of consumer price index increases since the 2015 review and an overview of how the proposed new fee amounts were determined.

There was no public comment.

In addition to supporting the resolution, Council Member Brooks asked for future discussion of a grant program to offset childcare center planning costs, perhaps using funds from restricted children's program transient occupancy tax funds. She also requested a presentation by the Recreation Division.

MOTION:	ADOPT THE RESOLUTION AS RECOMMENDED.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Sam Storey, Jacques Bertrand
ABSENT:	Kristen Petersen

D. Consider Bail Schedule for Fiscal Year 2019/20

RECOMMENDED ACTION: Adopt **Resolution No. 4149** repealing Resolution No. 4065 and adopting the new bail schedule.

City Clerk Linda Fridy presented the staff report outlining recommended new bail amounts and updates. She noted Council received an updated schedule with more clean-up revisions.

There was no public comment.

MOTION:	ADOPT THE RESOLUTION AS RECOMMENDED WITH THE UPDATED SCHEDULE.
RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Yvette Brooks, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Sam Storey, Jacques Bertrand
ABSENT:	Kristen Petersen

E. Second Reading of an Uncodified Ordinance Regarding Removal of Optional CalPERS Membership for Future Council Members

RECOMMENDED ACTION: Adopt **Ordinance No. 1030**.

Assistant to the City Manager Larry Laurent presented the staff report, reiterating that this action will affect only future councils.

There was no public comment.

Council Member Storey reiterated his opposition from the first reading.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Yvette Brooks, Council Member
AYES:	Yvette Brooks, Ed Bottorff, Jacques Bertrand
NAYS:	Sam Storey
ABSENT:	Kristen Petersen

9. ADJOURNMENT

The meeting adjourned at 8:11 p.m.



Jacques Bertrand, Mayor

ATTEST:

Linda Fridy, City Clerk

MINUTES APPROVED MAY 9, 2019

