

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, APRIL 11, 2019**

Mayor Bertrand called the meeting to order at 7 p.m.

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

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

**2. PRESENTATIONS**

A. Introduce New Police Officer

Police Chief Terry McManus introduced Michael Kilroy, the department's newest police officer. A veteran policeman with 20 years' experience working in Phoenix, Officer Kilroy praised his fellow officers' skills and expressed his pleasure joining the department.

**3. ADDITIONAL MATERIALS**

A. Item 8.B – One public comment letter.

B. Item 8.D – Three public comment letters.

**4. ADDITIONS AND DELETIONS TO AGENDA**

Mayor Bertrand asked to continue item 8.B due the absence of Council Member Bottorff.

**5. PUBLIC COMMENTS**

Carin Hanna, Capitola Village and Wharf Business Improvement Association (BIA), shared that at its last directors meeting, the BIA voted to invite Council Member Kristen Petersen to be the board liaison, and she has accepted.

Melinda Vento, Topaz Street resident, thanked the City for its efforts addressing traffic concerns.

**6. CITY COUNCIL / STAFF COMMENTS**

Council Member Brooks volunteered recently at the Live Oak Senior Resource Center helping to feed seniors lunch. She invited the community to participate Mondays, Wednesdays, and Fridays at noon and added Community Bridges also needs drivers for Meals on Wheels. She visited the Museum of Art and History's new exhibit on seniors in the community and distributed information. She and Council Member Petersen also attended the county census launch.

Council Member Petersen invited the community to a public forum on April 17 at the Community Foundation regarding the Community Action Board community action plan.

Council Member Storey announced that the Police Officers Association will sponsor "Skatetola" at the Monte Family Skate park on May 11. The Art and Cultural Commission will formally unveil the new public art mural then. He also asked for a follow-up report on traffic calming efforts in the Jewel Box.

Mayor Bertrand also recently joined in on Meals on Wheels delivery and was surprised to find he knew many recipients. He also encouraged community engagement.

City Manager Jamie Goldstein announced the California Coastal Commission approved jetty and plume permits yesterday and invited the community on April 20 to the "fastest Easter egg hunt in the west."

## 7. CONSENT CALENDAR

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

- A. Consider the March 28, 2019, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Appoint City Treasurer  
RECOMMENDED ACTION: Appoint Capitola Finance Director Jim Malberg as city treasurer.
- C. Amend the Conflict of Interest Code to Reflect Updated Job Titles  
RECOMMENDED ACTION: Approve **Resolution No. 4145**.
- D. Consider a Contract Amendment for Beach Shuttle Operations with MV Transportation, Inc., to Adjust the Hourly Rate of Compensation  
RECOMMENDED ACTION: Approve a contract amendment with MV Transportation for operation of the beach summer shuttle increasing the hourly rate of compensation by 5 percent, to \$86.90.

## 8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider a Resolution Supporting Census 2020 Complete Count Committee  
RECOMMENDED ACTION: Approve **Resolution No. 4146** and direct staff to include \$5,000 in funding for regional census outreach efforts in the Fiscal Year 2019-20 budget.

City Manager Goldstein introduced Partnership Specialist Tory Del Favro of the Census Bureau. She noted California is a "giver not getter" for federal funding and explained that census self-response will be available on the internet starting in March 2020. In early outreach, officials have been hearing a mistrust of the federal government, which creates the need for local emphasis on the importance of everyone participating in the census to get a full and accurate count.

She introduced "census celebrity" Vince Baraba, a Capitola resident, who worked on censuses under two administrations. He provided background and acknowledged the concerns around a potential citizenship question. He emphasized that census information is protected by Title 17 with severe penalties for disclosure and the bureau has never released individuals' information.

There was no public comment.

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<b>MOTION:</b>	<b>APPROVE THE RESOLUTION AND BUDGET EARMARK AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey, Council Member
<b>SECONDER:</b>	Yvette Brooks, Council Member
<b>AYES:</b>	Yvette Brooks, Sam Storey, Kristen Petersen, Jacques Bertrand
<b>ABSENT:</b>	Ed Bottorff

B. Consider Village Decoration Policy

RECOMMENDED ACTION: Approve the recommended Village Streetscape Decorating Policy and proposed modifications to the Capitola Village Street Banner Program Policy, and provide direction regarding lighting on public right-of-way trees in Capitola Village.

<b>MOTION:</b>	<b>POSTPONE THE HEARING UNTIL MAY 9, 2019, WHEN THE FULL COUNCIL WILL BE PRESENT</b>
<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS] TO 5/9/2019 7:00 PM</b>
<b>MOVER:</b>	Sam Storey, Council Member
<b>SECONDER:</b>	Kristen Petersen, Vice Mayor
<b>AYES:</b>	Yvette Brooks, Sam Storey, Kristen Petersen, Jacques Bertrand
<b>ABSENT:</b>	Ed Bottorff

C. Introduce an Ordinance Amending Chapter 9 of the Capitola Municipal Code Pertaining to Cannabis

RECOMMENDED ACTION: Introduce 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).

Police Captain Andrew Dally presented the staff report. The proposed ordinance will remove the complete prohibition of retail sales and update language. Staff responded to a question noting that recent state law does not allow cities to prohibit delivery, but that directive has been challenged. It will continue to follow the issue.

There was no public comment.

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

D. Introduce Revised Zoning Code for Coastal Commission Certification

RECOMMENDED ACTION: Accept staff presentation, provide direction on revised code, and direct staff to initiate public review.

Council Member Storey noted that he needs to recuse himself from discussion of issues related to the Monarch Cove Inn due to his home's proximity. Council Member Petersen noted a similar conflict with the Village Hotel discussion. Each left the dais when those items were covered.

Community Development Director Katie Herlihy presented the staff report. She emphasized that comments and requested changes are from Coastal Commission staff and the update has not gone to the commission itself. This update does not include geological hazards and non-conforming property to allow more time to address new coastal policies. She highlighted eight areas for discussion:

1. New Brighton State Beach
2. Monarch Cove Inn
3. Environmentally Sensitive Habitat Areas
4. Village parking
5. Village hotel
6. Accessory dwelling units
7. Density versus floor area ratio
8. Garage exception

Public comment was provided by the following:

Lonna and Bob Blodgett, Monarch Cove Inn owners, noted previous action removing residential rights and asked for R-1 zoning of their property.

Adam Samuels, Depot Hill resident, supports residential use for the Monarch Cove property.

TJ Welch, Depot Hill resident and Planning Commissioner, supports a request for more time to make a decision.

Mike Morrissey, Depot Hill resident, followed up on his public comment letter addressing potential overstepping by the Coastal Commission.

Nels Westman, resident, shared his alarm regarding the Coastal Commission's sea level rise policy of "managed retreat" that he feels will have immediate and devastating impacts. He wants the Council to decide on whether low-lying areas may rebuild and carry on or not and advocated for specialized legal support.

Carin Hanna echoed these concerns as a property owner on both the river and in the Village, urging caution and taking time to understand the issues.

There was significant discussion about how to address competing concerns of public use and neighborhood preservation on Depot Hill, as well as legal issues, including the option of hiring a coastal specialist firm. The council supported continuing the item to allow more research and discussion initially for Monarch Cove in a motion by Council Member Petersen, seconded by Mayor Bertrand, and then later for the entire update.

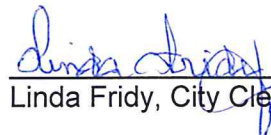
<b>MOTION:</b>	<b>CONTINUE THE HEARING TO ALLOW FOR ADDITIONAL TIME FOR LEGAL REVIEW AND CLARIFICATIONS</b>
<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS] TO 5/9/2019 7:00 PM</b>
<b>MOVER:</b>	Sam Storey, Council Member
<b>SECONDER:</b>	Yvette Brooks, Council Member
<b>AYES:</b>	Yvette Brooks, Sam Storey, Kristen Petersen, Jacques Bertrand
<b>ABSENT:</b>	Ed Bottorff

9. **ADJOURNMENT**

The meeting adjourned at 9:34 p.m.

  
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Jacques Bertrand, Mayor

ATTEST:

  
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Linda Fridy, City Clerk

**MINUTES APPROVED APRIL 25, 2019**

