

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, APRIL 26, 2018**

CALL TO ORDER

Mayor Termini called the meeting to order at 5:45 p.m. with the following items to be discussed in Closed Session:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Dania Torres Wong

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Gov't. Code § 54956.9(d)(4).

(Two potential cases)

There was no public comment; therefore, the City Council recessed to Closed Session in the City Manager's Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

Treasurer Wilk was present.

2. PRESENTATIONS

A. Present Certificate of Appreciation to Stephanie Tetter

B. Introduce New Community Development Director Katie Herlihy

City Manager Jamie Goldstein said goodbye to departing Community Development Director Rich Grunow and introduced Katie Herlihy, the City's senior planner who will now be heading the department.

3. REPORT ON CLOSED SESSION

City Attorney Tony Condotti said for all items the Council received reports and took no reportable action.

4. ADDITIONAL MATERIALS

A. Item 9.A – Six public comment correspondence.

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

6. **PUBLIC COMMENTS**

Molly Ording asked for timely solutions to cut-through traffic on Topaz Street, especially as Camp Capitola will soon be in session. She also asked if excessive noise caused by motorcycles can be addressed.

Dana Ingersall, Topaz resident, echoed the desire for action on Topaz Street traffic.

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

Council Member Bertrand welcomed local school district representatives and noted he recently discussed the safe routes to school program at its board meeting. He also attended a Central Coast Climate Collaborative meeting that focused on tools for addressing climate change and sea level rise.

Mayor Termini noted that a statewide tax initiative is being circulated for the November ballot underwritten by soda companies that would raise voter passage of taxes to a two-thirds threshold. The annual car show is coming in June. The Council received comments about cars parked cars on Crystal Street longer than allowed and asked for enforcement. Finally, in relation to a recent release of comments through a public records request to the Regional Transportation Commission, he said the safety of the trestle is a genuine safety concern.

8. **CONSENT CALENDAR**

MOTION:	ADOPT AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand, Vice Mayor
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
ABSENT:	Stephanie Harlan

- A. Consider the April 12, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated March 2, March 9, March 16, March 23 and March 30, 2018
RECOMMENDED ACTION: Approve check registers.
- D. Consider Museum Space Agreement with Capitola Library
RECOMMENDED ACTION: Direct the City Manager to enter an agreement with the Santa Cruz Public Library System for long-term display space for the Capitola Historical Museum at the Capitola Library, and appropriate \$15,000 from the Museum donations fund for this purpose.

April 26, 2018

- E. Consider Beacon Award Resolution to Recognize the City's Achievements in Reducing Greenhouse Gas Emissions

RECOMMENDED ACTION: Adopt resolution.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Food Cupboard and Free Little Libraries

RECOMMENDED ACTION: Accept staff presentation and continue to prohibit unsupervised food distribution in residential areas.

Community Director Grunow presented the staff report, noting concerns with both health and safety and zoning uses. He added that the Municipal Code limits garage sales to three a year to prevent similar impacts.

Council Member Bertrand asked about partnering with Second Harvest Food Bank and options for the back yard.

Bonnie Linden, who had a community cupboard at her home, advocated for allowing the use and explained potential benefits. She noted online and neighborhood support, and provided Council with printouts of support signatures.

The following spoke in support of food cupboards:

Asia Newman

Eve Roberson (comments on file)

Kristen Macdonald

Helen Bryce

Paula Bradley

Peter Wilk

Council Member Bottorff said the City Council is entrusted with enforcing the rules. For most code violations, Capitola is a complaint-driven city, and staff has received complaints about this use. He also has concerns about regulating the safety of food. He would like to see libraries allowed, and moved the recommendation. The motion died for a lack of a second.

Council Member Petersen said she agrees with the cupboards' benefits but understands the need for proper zoning use. She also has food safety concerns including sabotage by those bothered by the use. She suggested developing online matching. She would be willing to look at amending accessory structures again after the Local Coastal Program (LCP) amendment adoption.

Council Member Bertrand said he walked the area and talked with neighbors. He noted both complaints and efforts to feed the needy are appropriate actions. He emphasized that guidelines for these types of projects say the use should suit the location and only be undertaken after checking local regulations.

Mayor Termini said the pantry is clearly a violation of the code and noted there are more intense uses at the property. He heard a lot of support for the intent, but not as currently handled.

Director Grunow noted the Community Development Department is short-staffed and asked how this issue stands with other priorities of developing a retail marijuana ordinance for the November ballot and overseeing LCP amendments.

In response to questions, staff noted that regulated food pantries could currently be allowed in commercial zones and possibly at churches in residential areas.

MOTION:	CONTINUE TO PROHIBIT UNSUPERVISED FOOD DISTRIBUTION IN RESIDENTIAL AREAS AND DIRECT STAFF TO RETURN TO CITY COUNCIL WITH A SUMMARY OF LOCATIONS ALLOWING THIS TYPE OF USE UNDER CURRENT ZONING REGULATIONS, AND AT THE TIME OF THE LCP AMENDMENTS CONSIDER MODIFICATIONS TO THE MUNICIPAL CODE TO ALLOW LITTLE LIBRARIES AND FOOD CUPBOARDS
RESULT:	ADOPTED AS AMENDED [3 TO 1]
MOVER:	Jacques Bertrand, Vice Mayor
SECONDER:	Michael Termini, Mayor
AYES:	Michael Termini, Jacques Bertrand, Kristen Petersen
NAYS:	Ed Bottorff
ABSENT:	Stephanie Harlan

B. Presentation of Santa Cruz County Office of Education "Threat Assessment Guide for School Staff"

RECOMMENDED ACTION: Receive report.

Police Chief Terry McManus introduced the recently adopted threat assessment protocol, along with Soquel Union Elementary School District Superintendent Scott Turnbull and New Brighton Middle School Principal Craig Broadhurst. The effort came out of the Santa Cruz County Grand Jury report issued last spring, with the new protocol adopted in December 2017. Capitola Police Sergeant Cliff Sloma serves as the liaison with local schools.

Superintendent Turnbull emphasized the value of the flowchart and the chance for school personnel to lead the process. A key component is determining if an action is a transient or substantive threat. A substantive threat, one that continues even after a cooling off period, triggers law enforcement involvement. The superintendent praised the responsiveness of Capitola Police.

Principal Broadhurst noted that a written checklist strengthens the ability to fully respond. He explained that when administration speaks with the student issuing a threat, in most cases after time s/he will apologize. Saying there is a plan to carry out the threat will flag a student. Administration will also check the school record and social media. In response to a question, he agreed that the use of restorative justice is more effective than straight punishment.

RESULT:	RECEIVED REPORT
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April 26, 2018

- C. Consider Approval of Plans, Specifications, and Construction Estimate for the Capitola Branch Library and Authorize Release of the Documents for Bidding Purposes

RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the Capitola Branch Library; authorize the Public Works Department to release the documents for bidding and advertise a notice listing the pre-qualified general contractors; and set the bid opening date for May 30, 2018 at 11 a.m.

Public Works Director Steve Jesberg presented the staff report. He noted a reduction in furnishing costs and a lowered contingency, allowing the project to remain within its \$13.15 million budget.

In public comment, Gayle Ortiz spoke on behalf of the capital campaign. Its initial goal was to net \$350,000. She reported pledges to date total \$600,000, with no more than \$60,000 in costs expected. This will provide additional funding for construction and special projects.

Council Member Bottorff praised the design and fundraising support, but he remains concerned about the budget funding gap until bids are received.

Council Member Petersen expressed ongoing enthusiasm for the project and thanked the fundraisers.

Council Member Bertrand confirmed that an attractive, major civic project can be an additional attraction to bidders.

MOTION:	APPROVE THE PLANS AND SET THE PROJECT BIDDING AS RECOMMENDED
RESULT:	ADOPTED [3 TO 1]
MOVER:	Kristen Petersen, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Michael Termini, Jacques Bertrand, Kristen Petersen
NAYS:	Ed Bottorff
ABSENT:	Stephanie Harlan

- D. Consider a Community Survey Contract

RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$13,000 for a community survey to help gauge public interest on potential ballot measures for the November election.

City Manager Goldstein presented the staff report. He shared previous results from 2014 polling about the treasurer and increasing the Transient Occupancy Tax (TOT). He noted that Proposition 64 passed in Capitola by 72 percent and if the retail marijuana ordinance is intended as a voter referendum, polling may not be needed.

There was no public comment.

Council Member Bertrand said taking the issue to the voters is the ultimate polling

result, and he is unsure of the language regarding the treasurer for polling.

Treasurer Wilk said the potentially dangerous conflict between the finance director and the treasurer roles as described by state law was not presented in previous polling.

Council Member Bottorff noted that TOT polling was not accurate last time and said much of the outcome depends on the campaign and support. He favors saving the \$13,000.

Council Member Petersen clarified the option for a future resolution of intent to support a children's fund versus placing two marijuana taxes on the ballot, one of which requires a two-thirds vote to pass.

MOTION:	DIRECT STAFF NOT TO PURSUE A CONTRACT FOR A COMMUNITY SURVEY AND INSTEAD CONTINUE DISCUSSIONS OF POSSIBLE MEASURES DURING THE ANNUAL BUDGET PROCESS.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
ABSENT:	Stephanie Harlan

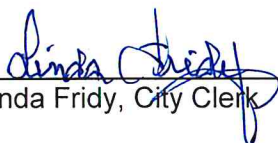
10. ADJOURNMENT

The meeting adjourned at 9:12 p.m.



Michael Termini, Mayor

ATTEST:



Linda Fridy, City Clerk

MINUTES WERE APPROVED MAY 10, 2018