

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 8, 2018**

CALL TO ORDER

Mayor Termini called the meeting to order at 6:15 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

LIABILITY CLAIMS (Govt. Code § 54956.95)

Claimant: Richard Willis

Agency claimed against: City of Capitola

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

Treasurer Peter Wilk was absent.

2. REPORT ON CLOSED SESSION

City Attorney Tony Condotti said the Council provided instructions to the labor negotiator, and he noted the liability claim is also on the consent calendar for a vote.

3. ADDITIONAL MATERIALS - None**4. ADDITIONS AND DELETIONS TO AGENDA - None****5. PUBLIC COMMENTS**

Mayor Termini introduced the comments by noting that the Council Jewel Box traffic calming action on January 11 will come back for additional discussion on February 22.

Neal Savage, Opal, spoke in opposition of the recent decision to reroute traffic in the Jewel Box neighborhood. His full comments are on file.

Mel Vento, Topaz, thanked the Council for addressing safety issues on Topaz.

Rose Filicetti, Opal, asked for a delay of implementation of Jewel Box traffic changes (full comments on file).

Paul Belina, 49th and Opal, fears that cars will continue to enter and then turn around to exit.

Sue Seeley, Jewel, asked for a safety response review.

Ron Burke, 47th, noted there wasn't consensus for a solution in the neighborhood survey.

Jonathan Cesena, Opal, opposes street closures and requested a full traffic survey.

Jim Sherman, Crystal, questioned the follow up and resulting vote. He asked the Council to revisit its decision.

Dwight Dillon, Jewel, opposed the recent vote and requested increased police presence.

Jim Donaldson, Opal, agreed with Mr. Savage's comments.

Mick Routh, Crystal, acknowledged the traffic concerns on Topaz but disputed the recent decision and its impacts.

Marcos Vasquez, Topaz, worries that a tragic accident can happen and said a solution may be positive for the whole neighborhood

Beverly Martin, Jewel Box, said she will try to use other routes to decrease impacts on Topaz.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bertrand reported that at the Regional Transportation Commission he discussed the City's concerns about the safety of the trestle and learned there is an overall survey planned. He also confirmed that the consultant is developing the methods for the Unified Corridor Study and those will be reported at a public meeting.

Council Member Harlan asked for a reprint of a guide to Soquel Creek. Public Works Director Steve Jesberg noted it has been redistributed recently by the Commission on the Environment. Council Member Harlan also asked about the possibility of changing banks.

Mayor Termini asked about looking at replacing the lights on the Jade Street tennis courts for energy saving and improved lighting for the basketball courts.

7. CONSENT CALENDAR

MOTION:	APPROVE OR DENY AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

- A. Consider the January 25, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

- B. Receive Planning Commission Action Minutes for the Regular Meeting of January 18, 2018.
RECOMMENDED ACTION: Receive minutes.
- C. Consider Adoption of a Revised Conflict of Interest Code
RECOMMENDED ACTION: Adopt **Resolution No. 4104** amending the Conflict of Interest Code to include members of the Historical Museum Board and the Museum Curator.
- D. Liability Claim of Richard Willis [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Monterey Bay Community Power Update
RECOMMENDED ACTION: Receive report.

City Manager Jamie Goldstein introduced Mike Adato from Monterey Bay Community Power.

Mr. Adato presented an overview of the hybrid model for electricity service and California's first tri-county community choice aggregate program. All customers are automatically enrolled with a rebate, and can contribute back rebates under two programs or return to PG&E service. Events and outreach are planned for all three counties as the program rolls out.

Council Member Bertrand asked about plans for a community advisory board, and Mr. Adato said there is interest but no specifics have been determined.

RESULT: RECEIVED REPORT

- B. Review of Marijuana Sales, Processing, and Cultivation Ordinance
RECOMMENDED ACTION: Provide direction.

Community Development Director Rich Grunow provided an overview of state and local actions regarding marijuana use, production, and sales. Staff requested direction to either maintain current prohibitions or to develop options for permitted uses.

Council Member Bottorff asked about the potential impact on the police force, increased crime, and safety if uses were permitted. Police Chief Terry McManus responded that there is not much data yet on commercial sales calls for service. He does not feel there are best practices established yet.

Chief McManus read the state's definition of delivery service, a commercial transfer of cannabis to a consumer, and distribution, which is between license holders. He believes delivery has the highest potential for criminal activity because of the lack of security between points. He agreed with Council Member Petersen that language in the state's delivery definition referencing "any technology platform" is unclear.

He also noted that Colorado reports that sales are still 70 percent black market after 2012 legalization.

Chief McManus said his primary concern is access by youth.

Sam Laforte, a cannabis-related permitting consultant, offered to work with the City. He noted delivery can be through the mail. He recommends brick-and-mortar locations that appeal to tourist traffic.

Council Member Harlan said her outreach to the public has received mixed responses. Cultivation is not practical. Council Member Bertrand echoed a lack of community input thus far. Council Member Petersen suggested the Council eliminate all uses but retail, limiting the number and establishing distance between locations. Signage should prohibit the green cross. Council Member Bottorff prefers maintaining the current prohibition, saying the Police Department is stretched currently.

The Council reached consensus direction to prohibit manufacturing, cultivation, and delivery except perhaps to medical patients. Members favored locating retail only in the regional commercial zone.

Members asked staff to return with more information on fiscal impacts and tax options, zoning, and any available statistics from Santa Cruz or other jurisdictions.

RESULT: PROVIDED DIRECTION AS ABOVE.
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9. ADJOURNMENT

Prior to adjournment, Mayor Termini noted that a group is discussing a water festival to replace the Begonia Festival.

Council Member Harlan asked about hosting a reception for the student artists.

The meeting adjourned at 9:14 p.m.



Michael Termini, Mayor

ATTEST:



Linda Fridy, City Clerk

APPROVED AT THE MEETING OF FEBRUARY 22, 2018.