

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 26, 2017**

CLOSED SESSION 6:30 PM

CALL TO ORDER

Mayor Harlan called the meeting to order at 6:30 p.m. with the following item to be discussed in Closed Session:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9(d)(1)]

Friends of Monterey Park v. the City of Capitola

Santa Cruz Superior Court Case No. CV216CV01091

TJ Welch, Carin Hanna, and Glenn Hanna expressed concern about the ongoing litigation. The City Council then recessed to the Closed Session in the City Manager's Office. Council Members Bertrand and Termini joined the meeting following Closed Session.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Treasurer Peter Wilk was present.

2. REPORT ON CLOSED SESSION

City Attorney Tony Condotti noted that Council Members Petersen and Bottorff and Mayor Harlan were present for closed session. They received a report on the existing litigation, gave direction, and took no reportable action.

3. ADDITIONAL MATERIALS

A. Closed Session – One email public comment.

B. Item 8.A – Two items of email public comment.

4. ADDITIONS AND DELETIONS TO AGENDA - NONE

5. PUBLIC COMMENTS - NONE

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini noted the Halloween Parade is this coming Sunday and the Art and Cultural Plein Air event is the following weekend.

Mayor Harlan shared a report regarding efforts to address the odor from the Soquel pump station near the Nob Hill Center. Council Member Bertrand added that neighbors are encouraged to report when odors occur.

Council Member Bertrand said the Regional Transportation Commission plans to offer regular reports on the unified corridor study.

Mayor Harlan asked if the Council was willing to discuss at the next meeting the possibility of postponing the Zoning Code Update hearings to allow time for more outreach along Capitola Road. Council preference was to move forward with the discussion, perhaps starting at the November 21 regular meeting, and if more time was warranted for a section, the decision could be made while not delaying review of other portions.

Treasurer Wilk said the Commission on the Environment was planning to continue work on Peery Park and that it is working on a grant to fund an eco walk.

City Manager Jamie Goldstein introduced Nicole Coburn, Santa Cruz County's new assistant administrative officer. She announced the county has begun a strategic planning process and distributed information about upcoming meetings.

Public Works Director Steve Jesberg announced that postcards for the Jewel Box neighborhood traffic survey would be going out soon, the new electric vehicle charging stations have been installed, and permanent Hill Street changes will be discussed at the next Council meeting.

7. CONSENT CALENDAR

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| MOTION: | APPROVE AS RECOMMENDED |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Michael Termini, Vice Mayor |
| SECONDER: | Ed Bottorff, Council Member |
| AYES: | Bottorff, Bertrand, Harlan, Termini, Petersen |

- A. Consider the October 12, 2017, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Register Reports Dated September 1, September 8, September 15, September 22 and September 29, 2017
RECOMMENDED ACTION: Approve check registers.
- C. Second Reading Subdivision Ordinance Cleanup
RECOMMENDED ACTION: Staff recommends the City Council direct staff to reintroduce the proposed ordinance amendment at a future hearing.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Hear Appeal of Vicious Animal Declaration
RECOMMENDED ACTION: Uphold the declaration of "vicious animal" as determined by the Director of the Santa Cruz County Animal Services Agency.

Chief McManus summarized the staff report regarding the appeal of the vicious animal declaration and introduced Officer Todd Stosuy of Animal Services and appellant Brian Schnack.

Council Member Termini asked if there is a process to remove the declaration from the pet in the future, and Council Member Bertrand asked if there were other complaints.

Officer Stosuy addressed the question of removing the designation by saying that no such mechanism exists currently, but the County is looking at updating its ordinance to mirror state law and allow a petition after 36 months without incident.

He noted that the designation followed three bites of children and it allows Animal Services to place requirements, such as muzzling outside the home, on the animal. In response to a question he replied that should the dog bite again, the circumstances would be evaluated and it would not necessarily be put down. He also clarified that there is not currently a designation scale other than vicious.

Mr. Schnack expressed his support for Animal Services and this process. He asked if the Municipal Code allowed for nuances in different situations, described his view of the incidents, and pledged to continue efforts to be a responsible pet owner.

There were no public comments.

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| MOTION: | UPHOLD THE VICIOUS ANIMAL DECLARATION AS RECOMMENDED |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Michael Termini, Vice Mayor |
| SECONDER: | Ed Bottorff, Council Member |
| AYES: | Bottorff, Bertrand, Harlan, Termini, Petersen |

B. Introduce an Ordinance Amending Chapter 6 of the Capitola Municipal Code Pertaining to Animals

RECOMMENDED ACTION: Approve first reading of an Ordinance amending Capitola Municipal Code Title 6: Animals by adding mandatory microchipping and updating definitions and rabies vaccinations requirements.

Animal Services Director Melanie Sobel summarized the staff report and the benefits of providing permanent identification by microchipping pets.

In response to Council Member Termini's question about the percentage of licensed dogs, Ms. Sobel said only about 17 percent are licensed in the County, and noted that a microchip is a one-time, permanent action.

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| MOTION: | APPROVE THE FIRST READING AS RECOMMENDED |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Michael Termini, Vice Mayor |
| SECONDER: | Jacques Bertrand, Council Member |
| AYES: | Bottorff, Bertrand, Harlan, Termini, Petersen |

C. Introduce an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications

RECOMMENDED ACTION: Approve first reading of an ordinance amending Municipal Code Chapter 17.98 Wireless Communications Facilities which incorporates revisions requested by the California Coastal Commission.

Community Development Director Rich Grunow summarized the staff report, noting that the amendments to the version approved earlier this year were requested by California Coastal Commission staff.

Council Member Termini expressed concern about placing certain equipment underground, noting that PG&E does not support subsurface equipment in coastal areas and those prone to flooding. Council members said they are comfortable with the "to the extent feasible" wording.

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| RESULT: | APPROVED THE FIRST READING AS RECOMMENDED |
| AYES: | Bottorff, Bertrand, Harlan, Termini, Petersen |

D. Consider Membership in the Central Coast Climate Collaborative
RECOMMENDED ACTION: Council discretion to authorize the City Manager to join the Central Coast Climate Collaborative.

Director Grunow summarized the staff report, noting that membership was requested by Council Member Bertrand.


Council Member Bertrand noted the group recently received a grant to fund informational workshops.

Council Member Termini asked Treasurer Wilk, who also chairs the Commission on the Environment, if that body supports the membership. Treasurer Wilk responded that others in the commission have participated and the knowledge shared from networking would be well worth the cost.

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| MOTION: | AUTHORIZED THE CITY TO BECOME A MEMBER OF THE CENTRAL COAST CLIMATE COLLABORATIVE. |
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Michael Termini, Vice Mayor |
| SECONDER: | Ed Bottorff, Council Member |
| AYES: | Bottorff, Bertrand, Harlan, Termini, Petersen |

9. ADJOURNMENT

The meeting adjourned at 8:21 p.m.


 Stephanie Harlan, Mayor

ATTEST:


 Liz Nichols, Deputy City Clerk

MINUTES WERE APPROVED ON NOVEMBER 21, 2017