

**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, MARCH 9, 2017**

**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.

City Treasurer Peter Wilk was present.

**2. PRESENTATIONS**

A. Red Cross Month Proclamation [120-40]

Mayor Harlan presented a proclamation declaring March as Red Cross Month in Capitola. The local chapter was represented by chair Michael Termini, who noted Santa Cruz County has more deployed volunteers than any other county in the country.

B. Presentation of Check from Capitola Public Safety Foundation to Support Scholarships for Junior Guards [485-10/1050-10]

The Capitola Public Safety Foundation's Lin Banks presented \$2,000 to support scholarships for needy students attending the Junior Guards program through Capitola Recreation. Anthony Gotti accepted on behalf of the program.

**3. ADDITIONAL MATERIALS**

A. Item 9.A. -- One public communication regarding Grand Avenue Pathway

**4. ADDITIONS AND DELETIONS TO AGENDA - None**

**5. PUBLIC COMMENTS**

Greg Tedesco, Hill Street resident, followed up on the recent neighborhood meeting regarding street safety and asked Council to support the bike lane and signage option as it is the least expensive and most easily implemented.

Patrice Keet, Santa Cruz Museum of Discovery, described the program and asked the City to support the nonprofit's efforts.

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

Council Member Bottorff asked to discuss code enforcement for signs in the Village on a future agenda.

Council Member Bertrand recently toured the pump station near Nob Hill and asked the County Sanitation District for long-term solutions to the increasingly unpleasant smell. It plans to increase filtration. He also asked for a General Plan follow-up discussion to unify the vision for mall redevelopment.

Council Member Termini attended, with Council Member Bertrand, the first meeting of the Homelessness Governance Study Committee. He represented the City and presented proclamations at the Second Harvest Annual Hunger Fighter dinner. He noted that cost estimates for the new library remain consistent and the City is working to allow the Junior Guard program the ability to participate in statewide competition.

Council Member Termini also said the meeting would be held in the memory of former Capitola Police Officer Josh Murray.

Council Member Petersen noted the grand opening of the new museum exhibit is March 25 and the nature exhibit will remain through the year. She said AMBAG (Association of Monterey Bay Governments) members are holding community meetings on the future of the region and one will be held in Watsonville. She will be speaking to New Brighton Middle School to see how youth can become involved with City efforts.

Mayor Harlan Soquel noted the Soquel Union School District will hold an informational meeting on immigration March 27. The Soquel Creek Water District continues to investigate supplemental water sources. She has asked County Zone 5 for a drain maintenance plan. Village businesses are discussing promotion efforts for the off-season.

Treasurer Wilk reported that a review using business analytics to look at City salaries show they are well within reasonable range.

Public Works Director Steve Jesberg met with Topaz Street residents to respond to concerns about the level of traffic. Recent traffic studies support their claim that the street is more heavily traveled. Solutions will need to be found that do not simply move the problem to another street.

**7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS - None**

**8. CONSENT CALENDAR**

<b>MOTION:</b>	<b>APPROVE ITEMS AS RECOMMENDED</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Michael Termini, Vice Mayor
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

- A. Consider the February 23, 2017, Regular City Council Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Establish a Police Officer Trainee Position [600-10]  
RECOMMENDED ACTION: Approve the recommended police officer trainee position and the attached side letter with Capitol Police Officers Association.
- C. Consider Letter of Support for SB 158 Regarding Commercial Driver Training [580-40]  
RECOMMENDED ACTION: Direct the Mayor to sign a letter of behalf of the City supporting AB 158.



**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

A. Consider Concepts to Relocate the Grand Avenue Pathway [940-40]

RECOMMENDED ACTION: Direct the Public Works Department to initiate a project to relocate the Grand Avenue Pedestrian Pathway to the northern edge of the road right-of-way in front of 402 and 404 Grand Avenue, mark the right-of-way boundary, and notify adjacent property owners.

Public Works Director Jesberg presented the staff report. Currently the path extends from the remaining portion of Grand Ave to Hollister. He estimates eight feet of cliff face were lost in the subject area. He noted that property owners have used, with City knowledge and approval, a portion of the right-of-way inland of the path. In 2005, Council recommended maintaining the path at eight feet, and when it is no longer possible, to abandon it and not take any private property.

In response to recent failures, the City is not planning any stabilization, just potential relocation of the pathway. The property owner at 402 Grand Avenue has a revocable encroachment permit granted in 2014 with a 45-day notice to remove. The property at 404 does not have a permit in place but the City maintains the right to use its right-of-way. Any work would need a survey and coastal development permit.

Council Member Termini said he would like to know if path is likely to fail further before much work is done, based on a report from a geologist.

Jim Castellanos, 402 Grand Ave., offered a letter from an adjoining neighbor, John Hart. Both owners appreciate the public benefit of the pathway. He asked for an engineering study.

Skip Allen, McCormick Avenue neighbor, attended the recent neighborhood meeting and said there was strong public support to keep the pathway open. It is an outstanding public resource and he encouraged Council to relocate it if safe.

Barbara Fabbro, Depot Hill resident, echoed the broad support for continuing public access and distributed a statement. She asked if Measure F funds could be used.

Council Member Termini suggested the City could revive the Geologic Hazard Abatement District (GHAD), and believed it previously recommended to clad the upper portion of the bluff. He also recommended diverting any Zone 5 drainage.

Council Member Bottorff expressed support for a survey, engineering and estimates, and consulting a geologist. He is concerned about longer term safety.

Council Member Bertrand asked for more information on the GHAD. It predates current staff and will be researched. In response to his question about drainage, Director Jesberg said past improvements include extending the drainage pipes so they don't flow on the upper cliff face. Most visible water is from groundwater seepage.

Council members concurred that they want more professional evaluation before committing to relocating the path, but understood the need to let property owners know the possibility was under consideration. They also encouraged staff and the Police Department to follow up on replacing the no collecting fossils sign near the bluff base.

<b>MOTION:</b>	<b>DIRECT STAFF TO MOVE FORWARD WITH A SURVEY, ENGINEERING, AND GEOLOGIC CONSULTING</b>
<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

B. Introduction of an Amendment to the Marijuana Processing and Cultivation Ordinance [485-70]

RECOMMENDED ACTION:

1. Introduce an ordinance amending Chapter 9.61 of the Capitola Municipal Code regarding the cultivation and processing of marijuana; and
2. Provide direction on other options to regulate marijuana-related businesses.

Community Development Director Rich Grunow presented the staff report. The current ordinance is related to medical marijuana use. Following the November 2016 passage of the Adult Use of Marijuana Act, which permits recreational adult use, this ordinance is outdated. Retail sales of marijuana products will require a license from the state. Related regulations are not expected to be released until at least January 2018.

The proposed amended ordinance extends the restrictions on cultivation and processing of medical marijuana to recreational marijuana. The City's current interpretation of the Municipal Code is that if something is not listed as a permitted use, then it is prohibited, but staff requested direction to clarify future uses including dispensaries, wholesale businesses, and retail.

The Council has the option to ban sales until it is ready to review that use at a future date or ask for development of retail regulations. The code does permit testing laboratories. City Manager Jamie Goldstein noted that Capitola is not on the leading edge of this regulation and would prefer to learn best practices from other jurisdictions rather than establish our own. City Attorney Anthony Condotti confirmed that Capitola may prohibit commercial activities.

In response to Council questions, Police Chief Terry McManus noted five different state departments are working on regulations and he would recommend the City benefit from those efforts.

Joey Sabini, who operates a local delivery and "dead drop" service, encouraged more time to share information.

Peter Wilk supported creating City regulations to allow some retail use at this point.



Council Member Termini asked if the City can learn from other states that have permitted recreational use. Chief McManus said Colorado and Oregon law enforcement shared statistical data and said they missed an opportunity for regulation. Statistics of concern are a 150 percent increase in traffic fatalities related to marijuana and a 300 percent increase in related juvenile hospitalizations.

Council Member Termini said he would like to craft regulations mirroring alcohol. Mayor Harlan also felt Capitola should address uses now. Council Member Bottorff expressed concerns about the impact of these uses on the community. Council Member Bertrand agreed that he would prefer to wait to learn from other jurisdictions. Council Member Petersen asked if the City could prohibit edibles and oils but allow, for example, plant sales. Staff said it is difficult to describe products and place them in appropriate zoning without knowing what the state will require and how it will define products.

Council Member Termini, seconded by Mayor Harlan, moved to ask staff to come back with commercial regulation. They accepted an alternative motion by Council Member Bottorff, seconded by Council Member Bertrand, to approve the first reading with clarification that commercial uses are prohibited. After discussion and assurances that the City could later allow some uses if desired, the vote on the second motion went forward.

<b>MOTION:</b>	<b>APPROVE FIRST READING AS CLARIFIED TO PROHIBIT COMMERCIAL SALES</b>
<b>RESULT:</b>	<b>FIRST READING APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Termini, Petersen

C. Consider a 2017 Joint Meeting Strategy

RECOMMENDED ACTION: Council direction regarding joint meetings with other Capitola commissions and outside jurisdictions.

City Manager Goldstein presented the staff report. He is seeking direction for holding joint meetings with advisory bodies or Soquel Union Elementary School District.

Mayor Harlan strongly supports the idea of joint meetings. A meeting with the Planning Commission could discuss the mall and standards for variances. She would like to build an alliance with the school district.

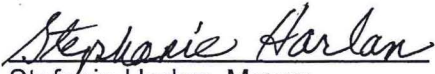
Council Member Bottorff opposes holding many meetings, but does support a joint meeting on the new library and regarding mall redevelopment with the Planning Commission. He feels the informal meetings with school district and city officials is sufficient. Other Council Members concurred.

City Manager Goldstein suggested the Council could meet jointly with the Library Advisory Committee on March 23 to approve the schematics for the new library.


<b>RESULT:</b> STAFF WILL SCHEDULE JOINT MEETINGS WITH THE LIBRARY ADVISORY COMMITTEE AND PLANNING COMMISSION.
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**10. ADJOURNMENT**

The meeting was adjourned at 9:18 p.m.

  
Stefanie Harlan, Mayor

ATTEST:

  
Linda Fridy, City Clerk

**MINUTES WERE UNANIMOUSLY APPROVED ON MARCH 23, 2017**