

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, OCTOBER 13, 2016 - 7:00 PM**

**CLOSED SESSION – 6:15 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:15 PM. He announced the item to be discussed in Closed Session, as follows:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION [Gov’t Code § 54957(b)]
City Council’s Performance Evaluation of the City Manager**

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:15 p.m. to the Closed Session.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Councilmember Dennis Norton: Absent, Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Absent, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was present.

2. PRESENTATIONS

A. Introduction of New Police Officers Aron Quolas and Scott Newton

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed one case regarding existing litigation; and discussed the City Manager's performance evaluation; there was no reportable action.

5. ADDITIONAL MATERIALS

City Clerk Sneddon stated that ten additional materials were received regarding Item 9.B.

6. ADDITIONS AND DELETIONS TO AGENDA (None provided)

7. PUBLIC COMMENTS

Gary Richard Arnold provided public comments.

Marylin Garrett, local resident, spoke against wireless radiation.

8. CONSENT CALENDAR

RESULT:	ADOPTED <u>ITEMS 8.A., AND ITEM 8.B.</u> [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Dennis Norton, Council Member
AYES:	Bottorff, Bertrand, Norton, Termini
ABSENT:	Harlan

- A. Consider the September 22, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of October 6, 2016
RECOMMENDED ACTION: Receive Minutes.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider Options for Paving Repairs Along Stockton Avenue Near the Esplanade [940-40/500-10 A/C: Esplanade Sidewalk Cooperative]
RECOMMENDED ACTION: Consider options for repairing the paving along Stockton Avenue between the Stockton Avenue Bridge and Capitola Avenue. Provide direction and authorization to the Public Works Director to issue a change order for the selected amount.

RESULT:	APPROVED OPTIONS FOR PAVING REPAIRS ALONG STOCKTON AVENUE NEAR THE ESPLANADE, AND AUTHORIZED THE PUBLIC WORKS DIRECTOR TO ISSUE A CHANGE ORDER FOR THE SELECTED AMOUNT [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Bottorff, Bertrand, Norton, Termini
ABSENT:	Harlan

- B. Zoning Code Update – Additional Discussion on Small Mobile Vending Carts in Mixed Use Village, Drive-Through Facilities in Regional Commercial Zone, and Expansion of the Vacation Rental Overlay along Capitola Avenue. Followed by review of Part 3: Chapter 17.96.180 Temporary Use and Structures and Continuing with Subsequent Chapters [730-85]
RECOMMENDED ACTION: Receive the staff presentation on the proposed Zoning Code Update and continue the public hearing to the Thursday, October 27, 2016, City Council meeting.

There was Council consensus to send the Draft Zoning Code edits of the coastal chapters back to the Planning Commisison for review.

October 13, 2016

Zoning Code Section	Page Reference ¹	City Council consensus on the following:
17.20.020.A	Page 20-2	Discussion on allowing small human powered carts for popsicles and popcorn in the Village. City Council decided not to add the use and keep mobile vending in the Village prohibited.

Carin Hanna, Capitola Village and Wharf Business Improvement Area (CVWBIA) Representative, stated that the CVWBIA was unanimous in prohibiting mobile vending carts in the Village.

Sam Storey, local resident, urged the City Council to consider the consequences of having mobile vending carts and suggested that the Planning Commission have the opportunity to discuss this item.

RESULT: APPROVED TO CONTINUE PROHIBITING MOBILE VENDING CARTS IN THE VILLAGE WITH THE FOLLOWING ROLL CALL VOTE:
MOVER: Jacques Bertrand, Council Member
SECONDER: Ed Bottorff, Mayor
AYES: Bottorff, Bertrand, Termini
NOES: Norton
ABSENT: Harlan

Zoning Code Section	Page Reference	City Council consensus on the following:
17.24.020.A	Page 24-3	Require city council approval of all drive-throughs. Make sure 100-foot setback is from all residential, including properties located over the City boundary.

Sam Storey, local resident, stated that the City Council should have the ability to review any application for a drive-through establishment prior to approval.

RESULT: APPROVED REQUIRING THE PLANNING COMMISSION AND THE CITY COUNCIL TO REVIEW PROPOSED DRIVE-THROUGH ESTABLISHMENTS IN THE COMMERCIAL-RESIDENTIAL ZONE; REQUIRING A 100-FOOT SETBACK FROM ALL RESIDENTIAL PROPERTIES, INCLUDING PROPERTIES LOCATED OVER THE CITY BOUNDARY. FOLLOWING ROLL CALL VOTE:
MOVER: Michael Termini, Council Member
SECONDER: Jacques Bertrand, Council Member
AYES: Bottorff, Bertrand, Termini
NOES: Norton
ABSENT: Harlan

¹ Draft Zoning Code Update.

**Zoning Code Section Page City Council consensus on the following:
Reference²**

Z-Map Zoning Map Continue the discussion on Transient Rental Overlay along Capitola Avenue and upheld Planning Commission recommendation for El Camino Medio boundary with no changes.

Bob Edgren, local resident, suggested extending the Capitola Avenue Zone Vacation Rental Boundary.

Connie Smith stated that she is trying to retain their home located at 502 Beulah and would like to include it in the Vacation Rental Boundary.

Council Members Norton and Termini stated that they reside within 500 feet of the Capitola Avenue Zone Vacation Rental Boundary therefore requested that the discussion for this item be continued to a future Council meeting when a full Council is present.

There was Council consensus to continue the discussion regarding Transient Rental Overlay along Capitola Avenue to a future City Council meeting.

RESULT: **APPROVED THE PLANNING COMMISSION'S RECOMMENDATION FOR EL CAMINO MEDIO BOUNDARY WITH THE FOLLOWING UNANIMOUS VOTE:**

MOVER: Michael Termini, Council Member

SECONDER: Ed Bottorff, Mayor

AYES: Bottorff, Bertrand, Norton, Termini

ABSENT: Harlan

Zoning Code Section	Page Reference	City Council consensus on the following:
17.114.070	Page 114-2	Add "Community Development" Director has received an application.
17.120.030	Page 120-2	Staff edit: Update table based on prior changes (second story secondary dwelling units) and "other projects" for wireless.
17.120.030	Page 120-3	Staff edit: Add secondary dwelling units to single-family exceptions.

² Draft Zoning Code Update.

Zoning Code Section	Page Reference ³	City Council consensus on the following:
17.136.020.A (previous 3)	Page 136-1	Keep minimum and maximum setbacks from property lines (previously removed by Planning Commission).
17.136.020.A.1	Page 136-1	Move "minimum required on-site open space and landscaping" down to excluded modifications.
17.148.040	Page 148-4	Staff Edit: Input reference to wireless chapter and remove regulations.

RESULT:	APPROVED TO PROVIDE THE DRAFT ZONING CODE UPDATE FOR PUBLIC REVIEW FOR 60 DAYS WITH THE FOLLOWING UNANIMOUS VOTE:
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Bottorff, Bertrand, Norton, Termini
ABSENT:	Harlan

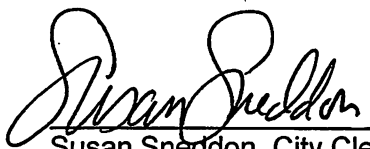
10. **ADJOURNMENT**

The meeting was closed at 9:30 PM.



Ed Bottorff, Mayor

ATTEST:



Susan Sneddon, City Clerk CMC

³ Draft Zoning Code Update.