

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, JANUARY 9, 2014
CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Storey called the meeting to order at 6:30 p.m. and announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9)

Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]

Mayor Storey noted that there was no one in the audience; therefore, the City Council recessed at 6:35 p.m. to the Closed Session in the City Manager’s Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Stephanie Harlan, Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey

2. REPORT ON CLOSED SESSION [520-25]

Assistant Attorney Lauren Valk stated that City Council received a status report regarding the following existing litigation: Schroedel et al. v. the City of Capitola; there was no reportable action.

3. ADDITIONAL MATERIALS

A. Mayor Storey listed additional material regarding *Item 9.A.* received after the posting of the January 9, 2014, City Council agenda packet.

4. ADDITIONS AND DELETIONS TO AGENDA**5. PUBLIC COMMENTS**

Manuel Vieira, Cabrillo Mobile Home Estates Property Manager, stated concerns regarding the number of vehicles parked near the brewery located at 103 Kennedy Drive, and that alcoholic beverages are being consumed in the corded off area in the parking lot in front of the brewery.

The following local residents stated concerns regarding the newly installed solar radar speed sign affecting the residents’ ocean view:

Matthew David, 850 Park Ave, 16C
Jessica Hansen, 850 Park Avenue 14 C
Cynthia Quist, 850 Park Avenue 14B
(provided additional material)
Jim Quist, 850 Park Avenue 14B
June Smith, 850 Park Avenue.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS (none provided)**7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

A. Mayor and Vice Mayor’s appointments to the City’s Finance Advisory Commission. [110-10/330-40]

ACTION **Motion made by Council Member Harlan, seconded by Council Member Bottorff, to approve the appointment of Council Member Termini for the**

Vice Mayor's appointee, and Mayor Storey to serve as the Mayor appointee on the City's Finance Advisory Commission. The motion carried unanimously.

8. CONSENT CALENDAR

Council Member Norton requested that *Item 8.C.* be removed from the Consent Calendar and discussed after *Item 8.F.*

Council Member Termini requested that *Item 8.F.* be removed from the Consent Calendar to be discussed prior to *Item 9.A.*

Council Member Harlan requested that *Item 8.H.* be removed from the Consent Calendar and discussed after *Item 9.E.*

Council Member Bottorff requested that *Item 8.I.* be removed from the Consent Calendar and discussed after *Item 8.C.*

ACTION

Motion made by Council Member Harlan, seconded by Council Member Termini, to approve *Items 8.A., 8.B., 8.D., 8.E., and 8.G. on the Consent Calendar.* The motion carried unanimously.

- A. Consider approving the City Council Minutes of the Special Joint Meeting of the City Council and the Planning Commission held on November 21, 2013; the Special Closed Session held on December 12, 2013; and the Regular City Council Meeting held on December 12, 2013.
- B. Approval of City Check Register Reports dated November 22, 2013; December 6, 2013; December 13, 2013; and December 20, 2013. [300-10]
- C. Consider an Ordinance amending Chapter 15.04 of the Capitola Municipal Code pertaining to Building and Fire Model Codes to become effective January 1, 2014 [2nd Reading]. [570-10/1110-10]
- D. Adopt ***Ordinance No. 988*** amending Chapter 2.44 of the Capitola Municipal Code pertaining to the Personnel System [2nd Reading]. [600-25]
- E. Consideration of Budget Calendar for Fiscal Year 2014/2015. [330-05]
- F. Consider a contract with Gene Bregman and Associates in an amount not to exceed \$10,000 for a public opinion poll. [160-50/500-10 A/C: Gene Bregman and Associates]
- G. Consider an Administrative Policy to amend the Board, Commission and Committee Guide Procedures. [100-10/110-10]
- H. Designate the Mayor and Vice Mayor to act as liaisons with the Soquel Unified Elementary School District Board of Trustees. [1150-05]
- I. Consider approving a lease agreement with MRA, Inc., dba Capitola Beach Company, and authorize the City Manager to execute the agreement commencing on October 1, 2014, for a term of five years. [730-65 Special Use Permits/500-10 A/C: MRA, Inc. dba Capitola Beach Company]

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

The following *Item 8.F.* was pulled from the Consent Calendar.

- 8.F. Consider a contract with Gene Bregman and Associates in an amount not to exceed \$10,000 for a public opinion poll. [160-50/500-10 A/C: Gene Bregman and Associates]

12472 CAPITOLA CITY COUNCIL MINUTES – Thursday, January 9, 2014

Glenn Hanna, former City Treasurer, stated that the proposed public opinion poll which includes obtaining information from the public about the community's library needs is premature.

ACTION **Motion made by Council Member Termini, seconded by Council Member Bottorff, to decline the approval of a contract with Gene Bregman and Associates in an amount not to exceed \$10,000 for a public opinion poll. The motion carried unanimously.**

The following *Item 8.C.* was pulled from the Consent Calendar.

8.C. Consider an Ordinance amending Chapter 15.04 of the Capitola Municipal Code pertaining to Building and Fire Model Codes to become effective January 1, 2014 [2nd Reading]. [570-10/1110-10]

ACTION **Motion made by Council Member Bottorff, seconded by Council Member Termini, to consider an Ordinance No. 987 amending Chapter 15.04 of the Capitola Municipal Code pertaining to Building and Fire Model Codes to become effective January 1, 2014 [2nd Reading]. The motion carried with the following vote: AYES: Council Members Harlan, Bottorff, Termini, and Mayor Storey. NOES: Council Member Norton. ABSENT: None. ABSTAIN: None.**

The following *Item 8.I.* was pulled from the Consent Calendar.

8.I. Consider approving a lease agreement with MRA, Inc., dba Capitola Beach Company, and authorize the City Manager to execute the agreement commencing on October 1, 2014, for a term of five years. [730-65 Special Use Permits/500-10 A/C: MRA, Inc. dba Capitola Beach Company]

Ray Apolskis, Surf N Shack store owner, stated concerns regarding the Capitola Beach Company selling products, in addition to providing rentals and surf lessons.

Gayle Ortiz, local resident, stated that she support the lease agreement between Matt Arthur and the City.

ACTION **Motion made by Council Member Norton, seconded by Council Member Termini, to approve a lease agreement with MRA, Inc., dba Capitola Beach Company, with an amendment stating that the class size be limited to no more than 4 clients per instructor, and authorize the City Manager to execute the agreement commencing on October 1, 2014, for a term of five years. The motion carried unanimously.**

A. Consider an Urgency Ordinance prohibiting commercial marijuana cultivation. [570-10]

The following individuals provided support for the proposed urgency ordinance:

Ron Circus, Coalition for Drug Free California member

Manuel Vieira, Cabrillo Mobile Home Estates Property Manager

Nicholas Brian, stated opposition to the proposed Urgency Ordinance.

ACTION **Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve the adoption of Urgency *Ordinance No. 989* prohibiting commercial marijuana cultivation. The motion carried unanimously.**

B. Consider allocating funding to Esplanade Sidewalk Project. [330-05/940-40]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to allocate the following Capital Improvement Program funds: (1) \$15,000 from the Esplanade Sidewalk Project; (2) \$10,000 from the Stockton Avenue/Esplanade Intersection improvement Project (total of \$25,000). The motion carried unanimously.

C. Consider the adoption of a Green Energy Incentive Program. [750-10]

ACTION Motion made by Council Member Norton, seconded by Council Member Harlan, to adopt of a Green Energy Incentive Program. The motion carried unanimously.

D. Consider a contract with the Animal Services Authority for Shelter and Adoption Services. [400-10/500-10 A/C: Animal Services Authority]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve a contract with the Animal Services Authority for Shelter and Adoption Services. The motion carried unanimously.

E. Consider an Ordinance amending Chapters 2.08 and 2.16 of the Capitola Municipal Code regarding the City Manager and the Planning Department [1st Reading]. [570-10]

ACTION Motion made by Council Member Termini, seconded by Council Member Harlan, to approve the first reading of the Ordinance amending Chapters 2.08 and 2.16 of the Capitola Municipal Code regarding the City Manager and the Planning Department with an additional amendment to include that the City Manager must become a resident of the County of Santa Cruz within one hundred eighty days after appointment, and a recital indicating that the City Council encourages the City Manager to live in the City. The motion carried unanimously.

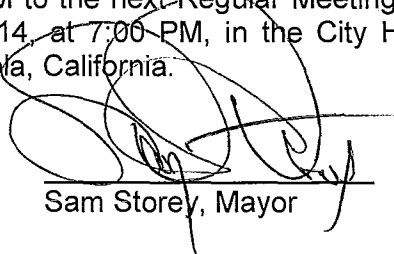
The following *Item 8.H.* was pulled from the Consent Calendar.

8.H. Designate the Mayor and Vice Mayor to act as liaisons with the Soquel Unified Elementary School District Board of Trustees. [1150-05]

ACTION Motion made by Council Member Bottorff, seconded by Council Member Termini, to designate the Mayor Storey and Vice Mayor Norton to act as liaisons with the Soquel Unified Elementary School District Board of Trustees; and Council Member Bottorff and Council Member Harlan to act as alternate liaisons. The motion carried unanimously.

10. ADJOURNMENT

Mayor Storey adjourned the meeting at 8:53 PM to the next Regular Meeting of the City Council on Thursday, January 23, 2014, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.


Sam Storey, Mayor

ATTEST:


Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JANUARY 23, 2014