

# City of Capitola

## City Council Meeting Agenda

### Thursday, September 11, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke

**Vice Mayor:** Margaux Morgan

**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

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### Closed Session – 5 PM

*Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

- i. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)  
Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)  
Under Negotiation: Terms of Lease
- ii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)  
Claims Against the City of Capitola  
1) Kevin Maguire

### Regular Meeting of the Capitola City Council – 6 PM

#### 1. Roll Call and Pledge of Allegiance

*Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke*

#### 2. Additions and Deletions to the Agenda

#### 3. Presentations

*Presentations are limited to eight minutes.*

- A. Proclamation Honoring Jacob's Heart Children's Cancer Support Services and Declaring September 2025 as Childhood Cancer Awareness Month
- B. Proclamation Honoring September as National Preparedness Month

#### 4. Report on Closed Session

#### 5. Additional Materials

*Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that*

*Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.*

- A. Item 8C - Correspondence Received
- B. Item 9A - Correspondence Received and Staff Memorandum with Updated Option
- C. Item 9B - Correspondence Received

## 6. Oral Communications by Members of the Public

*Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. A **maximum of 30 minutes** is set aside for Oral Communications.*

## 7. Staff / City Council Comments

*Comments are limited to three minutes.*

## 8. Consent Items

*All items listed as "Consent Items" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.*

- A. City Council Meeting Minutes  
Recommended Action: Approve minutes from the regular meeting on August 28, 2025.
- B. Liability Claim  
Recommended Action: Deny a liability claim from Kevin Maguire.
- C. Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters  
Recommended Action: Adopt an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of partially inconsumable tobacco products.
- D. Emergency Operations Plan Update  
Recommended Action: Adopt a resolution amending the FY 2025-26 Budget to reallocate \$45,000 from the Police Department's Radio Infrastructure Project to fund the update of the City's Emergency Operational Plan (EOP); and authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with Franklin Frawley Think Tank, LLC in an amount not-to-exceed \$45,000 to complete the update of the EOP.

## 9. General Government / Public Hearings

*All items listed in "General Government / Public Hearings" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

- A. Capitola Mall Update and Amendment to Agreement with Ben Noble Planning  
Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's Zoning Code; 3) Adopt a resolution

amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and  
4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation. *(Continued from August 28, 2028)*

**B. Multifamily and Accessory Dwelling Unit Zoning Code Amendments**

Recommended Action: 1) Adopt a resolution amending the General Plan Land Use Element; 2) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; 3) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units; and 4) Adopt a resolution authorizing submittal of the Zoning Code amendments to the California Coastal Commission for the certification of an amendment to the Local Coastal Program.

**C. Pickleball Community Engagement Survey**

Recommended Action: Receive report on the community engagement survey for pickleball preferences.

**D. Measure D Five-Year Plan (2025-2030)**

Recommended Action: Conduct a duly noticed public hearing and adopt a resolution adopting the City's Measure D Five-Year Program of Projects (2025–2030), as required under the Measure D Master Funding Agreement.

## 10. Adjournment

*The next regularly scheduled City Council meeting is on September 25, 2025, at 6:00 PM.*

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### How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

**Other ways to Watch:**

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

**To Join Zoom Application or Call in to Zoom:**

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

### How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us) and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

**Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.**

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City's website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us).**

**Televised Meetings:** City Council meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website by clicking on the Home Page link "Meeting Agendas/Videos." Archived meetings can be viewed from the website at any time.