

3. CONSENT CALENDAR (continued)

K. Pavement Repainting at Various Locations. [940-60\A/C: Chrisp Company]
(Pulled from Consent Calendar. See separate discussion and action on Page 9188.)

L. Action Minutes for the Planning Commission Meeting of 9/20/01. [940-50]

ACTION: Council Member Ortiz moved, seconded by Council Member Gualtieri, to receive the Action Minutes for the Planning Commission Meeting of September 20, 2001, as submitted. The motion carried unanimously.

4. PUBLIC HEARINGS

A. Public Hearing Concerning Proposed Ordinance Amending Section 6.12.090 of the Municipal Code pertaining to Dogs on Public Beaches and Parks. [400-10]
Presentation: Public Works Dept.

Assistant Public Works Director Ed Morrison provided background information and discussion regarding the proposed ordinance that, if adopted, will allow dogs on leash at Jade Street Park (except on the tennis courts), Monterey Avenue, Noble Gulch, Esplanade, Perry and Soquel Creek parks.

Mayor Norton opened the public hearing at 7:35 p.m.

The following people spoke in favor of the proposed ordinance that will allow dogs in parks on leash: Ron and Carolyn Emrich, Brett and Molly Graessle, Stuart Wisong, Sandi Pensinger, and Aglaia Cardona, DVM.

Kathi Howard, Columbus Drive, asked that the Council consider a heavy penalty fine (minimum of \$100) for dog owners who do not clean up after their dogs or have their dogs off leash. She expressed concern about lack of enforcement and need for increased enforcement if the proposed ordinance is enacted.

Janice Ahlf, member of the Dog Park Task Force, expressed her opposition to the proposed ordinance allowing dogs in the parks on leash, stating she believes it would be a huge mistake and discussed her reasons why (including safety, health, liability, enforcement, etc.) She would like to see a fenced dog park in Capitola. She also believes fines should be increased, and there needs to be better signage. Speaking on behalf of the silent majority, she urged the council not to adopt the proposed ordinance.

Mayor Norton closed the public hearing at 8:00 p.m.

Police Chief Ehle responded to Council Member Harlan's inquiry regarding current bail schedules (fines) for citations involving dogs (i.e., no license, no proof of rabies vaccination, dogs on beach, not picking up after dogs, no leash, etc.) He also discussed other aspects of the proposed enforcement plan as detailed in the staff report.

Council members discussed their individual positions on the proposed ordinance, with Council Members Arthur and Ortiz in support of the ordinance as written and acknowledged the community process that has brought it to this point. Council Member Harlan would rather include language that the dogs are allowed "on paths" within the park, and not on the grass.

4. A. PUBLIC HEARINGS

Council Member Gualtieri also appreciates the efforts of the dog park task force and C-DOG group. He expressed the importance of proper signage, enforcement and penalties. He also believes Jade Street and Monterey Parks should not be included as they are designed for recreational activities.

A motion was made by Council Member Arthur, and seconded by Council Member Ortiz, to accept the proposal as written, with the exception that in Jade Street and Esplanade Parks dogs be allowed on the pathways only. After discussion, the motion and second were withdrawn. Council Member Arthur expressed his desire to compromise. Council Member Gualtieri questioned if there could be a 6-month review to look at enforcement, violations, etc. City Manager Hill advised a 6-month review could be scheduled for the first meeting in April. He also stated the Council may remove parks from the ordinance by resolution.

Considerable Council deliberation was followed by this action:

ACTION: Council Member Arthur moved, seconded by Mayor Norton, to pass the proposed ordinance to a second reading, with the exception of lawn areas of Jade Street Park and Esplanade Park, and with the provision that parks identified in the ordinance may be removed by resolution of the Council.

The motion carried on the following vote: AYES: Council Members Gualtieri, Arthur and Mayor Norton. NOES: Council Members Ortiz and Harlan. ABSENT: None. ABSTAIN: None.

B. Public Hearing to Consider Community Development Block Grant Application for \$35,000 for a Housing Needs Assessment/Housing Conditions Survey on a Citywide Basis. [700-10] Presentation: Planning Dept.

Housing and Redevelopment Planner Dwire provided staff reports on this item. He advised staff has prepared the necessary grant application and the proposed resolution is necessary to make it complete. He advised the Redevelopment Agency approved this as part of its housing budget, and will be considering a resolution at its meeting committing funds for a local cash match.

Mayor Norton opened the public hearing at 8:37 p.m. Seeing no one, the public hearing was closed.

Housing and Redevelopment Planner Dwire responded to questions of council members and informed them that the planning department is about to begin the Housing Element review process. The information obtained by the proposed study will help in the preparation of the city's Housing Element. Council discussion was followed by this action:

ACTION: Council Member Arthur moved, seconded by Mayor Norton to adopt the revised draft resolution presented to the Council, **Resolution No. 3158, Resolution Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the Planning/Technical Assistance Allocation of the State Community Development Block Grant (CDBG) Program for a Professional/Technical Assessment of Housing Needs and Housing Conditions in the City of Capitola.** The motion carried on the following vote: AYES: Council Members Ortiz, Gualtieri, Harlan, Arthur and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.