

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, JUNE 13, 2019**

**CALL TO ORDER**

Mayor Bertrand called the meeting to order at 6:30 p.m.

No members of the public were present and the Council adjourned to the City Manager's Office with the following items to be discussed in Closed Session:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION [Govt. Code § 54957(b)]**

City Council's Performance Evaluation of the City Attorney

**PUBLIC EMPLOYMENT [Govt. Code § 54957(b)]**

Title: City Attorney

**PUBLIC EMPLOYEE APPOINTMENT [Govt. Code § 54957(b)]**

Title: City Attorney

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Member Yvette Brooks: Present, Council Member Ed Bottorff: Present, Council Member Sam Storey: Present, Vice Mayor Kristen Petersen: Present, Mayor Jacques Bertrand: Present.

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM****2. REPORT ON CLOSED SESSION**

Deputy City Attorney Reed Gallogly reported that the Council discussed the listed public employment evaluation and an interim contract, including a change to termination language, which will be heard later in open session.

**3. ADDITIONAL MATERIALS - None****4. ADDITIONS AND DELETIONS TO AGENDA - None****5. PUBLIC COMMENTS**

Dennis Lowrey distributed a letter and explained he has been looking into the process to permit an individual emergency shelter other than as an expansion or secondary unit on a residential property. He wanted to introduce the issue to the City Council as he works with staff.

**6. CITY COUNCIL / STAFF COMMENTS**

Council Member Brooks attended the Santa Cruz County Youth Violence Prevention Task Force final meeting on June 5 and ask for a future presentation at a Council meeting from City participants.

Mayor Bertrand attended the same event and echoed Council Member Brooks enthusiasm for the youth violence prevention programs.

City Manager Goldstein announced the budget adopted by the state legislature today includes the \$2 million to fund Wharf rehabilitation.

## 7. CONSENT CALENDAR

<b>MOTION:</b>	<b>APPROVE AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Kristen Petersen, Vice Mayor
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

- A. Consider the May 23, 2019, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Consider the City's Investment Policy [100-10/350-10]  
RECOMMENDED ACTION: Approve changes to the City's Administrative Policy Number III-1, Investment Policy as recommended by the Finance Advisory Committee.
- C. Consider the Adoption of a Resolution Setting the Fiscal Year 2019/2020 Appropriation Limit [330-05]  
RECOMMENDED ACTION: Adopt **Resolution No. 4153**.
- D. Consider a Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2019-2020 [140-05]  
RECOMMENDED ACTION: Adopt **Resolution No. 4150** of intention that provides notification of the City's intent to levy business improvement assessments for Fiscal Year 2019/2020; receiving the annual report and proposed budget of the CVWBIA; setting the date for a public hearing to be held on Thursday, June 27, 2019; and outlining noticing requirements.
- E. Consider a Side Letter to the Capitola Police Officers Association Agreement [600-10]  
RECOMMENDED ACTION: Approve a side letter to the existing Memorandum of Understanding between the City of Capitola and the Capitola Police Officers Association adding Short Term Disability and clarifying FSLA overtime hours.
- F. Consider a Resolution Accepting Two Offers of Dedication for Street, Sidewalk, and Utility Purposes for the Tera Commons Subdivision, 1575 38th Avenue  
RECOMMENDED ACTION: Adopt **Resolution No. 4151** accepting two offers of dedication for street, sidewalk, and utility purposes for the Tera Commons subdivision, Tract No. 1596, located at 1575 38<sup>th</sup> Avenue.

## 8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Report on Proposed Wharf Rehabilitation Options  
RECOMMENDED ACTION: Receive a report on phasing options for the Wharf Rehabilitation Project and direct staff to proceed with design and permitting efforts for Phase 1 of the project.

Brad Porter of Moffett and Nichol provided background and options on the Wharf rehabilitation project. He reviewed the historic pattern of repairs and noted it is quite expensive to replace piles individually. To increase resilience, he recommends increasing the trestle width from three to six piles across. The recommended approach is a phased project with widening and structural improvements in the first phase and an



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eventual increase to a 24.5-foot elevation and building reconstruction recommended. He explained pile height can be lengthened with fiber glass, and estimated 12 months for environmental permits and design of the first phase.

This phase would have a life of 10 to 20 years with no repairs and the City should anticipate that about every 20 years it will incur major repair costs. At some point it may wish to replace the entire Wharf. He confirmed that fiberglass piles filled with concrete have a life of 40 to 50 years. The Council asked if there are sufficient funds for the first phase. Measure F does expire and also includes flume and jetty work, but there should be enough funding as proposed.

Council Member Brooks confirmed the Wharf is by age historic but is not a registered landmark and ask if there would be any additional parking available. Director Jesberg said the Wharf is not designed for significant vehicle traffic, but a few spaces could potentially be added.

In public comments, Willie Case of the Wharf House Restaurant asked to resume subcommittee meetings.

Council Member Bottorff supports this direction, appearance, and phasing as made possible by fiberglass. Council Member Storey seconded the motion with the addition of a formal thank you to State Senator Stone for the additional funding. They also accepted a friendly amendment to identify options and costs of additional parking.

<b>MOTION:</b>	<b>DIRECT STAFF TO PURSUE THE FIRST PHASE OF REHABILITATION AS RECOMMENDED, SEND A THANK YOU TO STATE SENATOR STONE, AND INVESTIGATE OPTIONS FOR ADDITIONAL PARKING.</b>
<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Sam Storey, Council Member
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

B. Consider Designating Two New 24-Minute Village Parking Spots Between 331 and 401 Capitola Avenue

RECOMMENDED ACTION: Consider designating two new 24-minute parking spaces under the rail trestle along Capitola Avenue as requested by the property owners at 331 and 401 Capitola Avenue.

Director Jesberg presented the staff report. This request came out of a recent project approval by the Planning Commission, which does not have jurisdiction to create or designate parking.

Council Member Storey asked what would happen if the City later wishes to widen the sidewalks. Director Jesberg said the sidewalk width could extend to five feet with the new spaces, but not eight.

In public comment, Amy Chang, 401 Capitola Avenue property owner, said she supports either the green curb or a loading zone as a benefit to businesses in the area.

Council Member Storey noted that in the future, he would prioritize sidewalk widening, and several members agreed.

<b>MOTION:</b>	<b>DESIGNATE TWO NEW 24-MINUTE PARKING SPACES AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristen Petersen, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

C. Consider the Fiscal Year 2019/2020 Budget and Capital Improvement Program for the City of Capitola [330-05/780-30]

RECOMMENDED ACTION: Approve **Resolution No. 4152** adopting the Fiscal Year 2019/20 City Budget and Capital Improvement Program.

Finance Director Jim Malberg presented the staff report and an overview of the budget hearing process. Items to review at mid-year include sales tax revenue, cannabis tax, community grants, and CalPERS actuarial reports.

The was no public comment.

<b>MOTION:</b>	<b>APPROVE BUDGET AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey, Council Member
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

D. Consider Recreation Strategic Plan Contract

RECOMMENDED ACTION: Consider funding levels for Recreation Strategic Plan project contract and authorize the City Manager to enter into a contract with BluePoint Planning.

Recreation Supervisor Nikki LeBlond presented the staff report, noting that in February Council allocated \$13,700 for the plan, but the top three responding companies estimated costs from \$60,000 to \$80,000. Staff was unanimous in its recommendation of BluePoint Planning, which is offering options at three funding levels: \$13,700, \$35,000, and 58,000.

Council discussed the difference in process and final projects between the various funding levels, asking whether the base funding option would provide adequate information and community engagement. Some members supported the possibility of adding more funding for BluePoint after the initial process if it is available and would provide a more robust end product.

There was no public comment.

<b>MOTION:</b>	<b>ADOPT THE \$13,700 FUNDING MODEL INCLUDING UPDATES DURING THE PROCESS</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Yvette Brooks, Council Member
<b>SECONDER:</b>	Kristen Petersen, Vice Mayor
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

E. Consider an Interim City Attorney Contract

**RECOMMENDED ACTION:** Consider the agreement for Interim City Attorney Services with RWG Legal in the amount of \$22,260 for July and August 2019 and authorize the City Manager to execute the agreement.

Mayor Bertrand made the required oral announcement regarding an interim contract with RWG Legal for \$22,260. City Manager Goldstein presented the staff report and noted a change of the termination notice from 30 days to 60.

There was no public comment.


<b>MOTION:</b>	<b>AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Kristen Petersen, Vice Mayor
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

9. **ADJOURNMENT**

The meeting adjourned at 8:35 p.m.

  
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Jacques Bertrand, Mayor

ATTEST:

  
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Linda Fridy, City Clerk

**MINUTES APPROVED JULY 25, 2019**

