

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, MAY 23, 2019**

**CALL TO ORDER**

Mayor Bertrand called the meeting to order at 6 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:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION****[Govt. Code § 54956.9 (d)(1)]**

(two cases)

City of Capitola v. Water Rock Construction, Inc.

Santa Clara Superior Court Case No. 16CV295795

City of Capitola v. D'Angelo

Santa Cruz County Superior Court Case No. CV 181659

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

City Council's Performance Evaluation of the City Attorney

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

**2. PRESENTATIONS****A. Monterey Bay Community Power Annual Update**

Lena Williams from Community Power gave an update on their programs.

**3. REPORT ON CLOSED SESSION****4. ADDITIONAL MATERIALS****5. ADDITIONS AND DELETIONS TO AGENDA****6. PUBLIC COMMENTS**

Steve Cain talked about the photographs he took that are currently displayed in Council Chambers.

**7. CITY COUNCIL / STAFF COMMENTS**

Councilmember Storey discussed some projects the Art & Cultural Commission is working on, and requested an item be added to a future agenda regarding Assembly Bill 857.

Councilmember Petersen announced Emergency Medical Services week and reminded the public to celebrate safely on Memorial Day.

Councilmember Brooks welcomed the students in attendance at the meeting.

Mayor Bertrand agreed that an item on Assembly Bill 857 would be welcomed.

Councilmember Bottorff announced that he attended the ribbon cutting for the Regional Transportation Commission’s pedestrian bridge, the first section of the Monterey Bay Sanctuary Scenic Trail.

City Manager Goldstein asked Council members to contact him if they wanted to volunteer to review the consultant proposals to evaluate the Community Grant program.

Director Jesberg reported that the Beach and Lagoon grading was delayed and will begin Tuesday, May 28.

**8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

A. Appoint Art and Cultural Commission Members

RECOMMENDED ACTION: Appoint Laura Alioto as an at-large member and Kelly Mozumder as the artist representative for unfinished terms expiring in December 2019 as recommended by the Art and Cultural Commission.

Assistant to the City Manager Larry Laurent presented.

<b>MOTION:</b>	<b>APPOINT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>APPOINTED [UNANIMOUS]</b>
<b>MOVER:</b>	Yvette Brooks, Council Member
<b>SECONDER:</b>	Sam Storey, Council Member
<b>AYES:</b>	Brooks, Bottorff, Storey, Petersen, Bertrand

**9. CONSENT CALENDAR**

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

A. Consider the May 9, 2019, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

B. Receive the May 2, 2019, Planning Commission Regular Meeting Action Minutes

RECOMMENDED ACTION: Receive minutes.

C. Approval of City Check Registers Dated April 5, April 12, April 19, and April 26, 2019

RECOMMENDED ACTION: Approve check registers.

- D. Approve the Purchase of One Unmarked Police Vehicle for \$28,000 and Transfer one Unmarked Police Vehicle to the City Fleet  
RECOMMENDED ACTION: 1) Award purchase contract to North Bay Ford in the amount of \$28,000 for the purchase of one unmarked police vehicle: 2016 Ford Explorer (VIN: 1FM5K7DH6GGC66872) and; 2) Authorize the Police Department to transfer the unmarked police vehicle 2017 Toyota Camry (VIN: 4T1BF1FK1HU697216) from the Police Department to the City Fleet.
- E. Accept the Jewel Box Traffic Calming Project as Complete and Approve a Notice of Completion  
RECOMMENDED ACTION: Approve the Notice of Completion for the Jewel Box Traffic Calming Project constructed by Earthworks Paving Contractors with a final cost of \$64,200 and direct the Public Works Department to record the Notice of Completion.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Update on the Capitola Branch Library Project  
RECOMMENDED ACTION: Receive report and direct staff to continue working with utility companies to determine the most efficient and quickest solution to resolve existing conflicts with overhead wires located around the library site and return with further information regarding estimated schedule and costs at a future meeting.

Public Works Director Jesberg summarized the current status of the library project, and the recently identified conflict between the building and the adjacent power line. Director Jesberg also noted that staff is evaluating if architect's errors and omission insurance should cover the costs to resolve the conflict.

Councilmember Petersen asked if there will be a six-month delay to the anticipated June 2020 library opening; Director Jesberg said the worst-case scenario would push the opening to October 2020. Councilmember Brooks confirmed that there would be no cost difference in using PG&E or another contractor to complete this project.

No public comment.

<b>MOTION:</b>	<b>RECEIVE REPORT, MOVE FORWARD AS SOON AS POSSIBLE WITH UNDERGROUNDING WIRES AND SIMULTANEOUSLY PURSUE CLAIM FROM ARCHITECT'S ERRORS AND OMISSIONS INSURANCE</b>
<b>RESULT:</b>	<b>APPROVED [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. Continue Discussion of the Revised Zoning Code for Coastal Commission Certification - Capitola Staff Revisions for Internal Consistency and Compliance with State Regulations  
RECOMMENDED ACTION: Accept staff presentation and continue the discussion to the meeting of June 27, 2019.

Community Development Director Herlihy summarized the purpose of this hearing, to review the proposed changes to the zoning code based on revised state law and to clean up internal code inconsistencies. Future review of coastal commission staff edits will take place on June 27.

Councilmember Brooks requested that childcare centers be added to the Community Benefits section of Code.

No public comment.

<b>RESULT:</b> <b>RECEIVED REPORT</b>
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**11. ADJOURNMENT**

The meeting adjourned at 8:41 p.m.

  
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Jacques Bertrand, Mayor

ATTEST:

  
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Liz Nichols, Deputy City Clerk

**MINUTES APPROVED JUNE 13, 2019**