

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 13, 2018**

CALL TO ORDER

Mayor Termini called the meeting to order at 6:15 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 LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Dania Torres Wong/Larry Laurent

Employee Organizations: (1) Capitola Police Officers Association

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9 (d)(1)]

(1 cases)

City of Capitola v. Water Rock Construction, Inc.

Santa Clara Superior Court Case No. 16CV295795

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Stephanie Harlan: Absent, Council Member Ed Bottorff: Present, Mayor Michael Termini: Present, Vice Mayor Jacques Bertrand: Absent, Council Member Kristen Petersen: Present.

Treasurer Wilk was present.

2. PRESENTATIONS

A. Children's Cancer Awareness Month Proclamation

Mayor Termini presented the proclamation honoring Jacob's Heart for 20 years of service and declaring Children's Cancer Awareness Month. Sue Quijano thanked the City and invited the community to Kidrageous on September 23 in Watsonville. Cancer patient Grace's parents expressed their appreciation for the understanding community of families and services provided by Jacob's Heart.

B. Introduce New Building Official

Community Development Director Katie Herlihy introduced Robin Woodman, the City's new building official. She is working a shared contract with Scotts Valley.

C. Introduce New Recreation Supervisor

Jamie Goldstein introduced Nikki Bryant, who was selected from a large and enthusiastic pool of applicants. She thanked the Council for the opportunity to lead the recreation team.

3. REPORT ON CLOSED SESSION

Deputy City Attorney Reed Gallogly said the Council took no reportable action.

4. ADDITIONAL MATERIALS

A. Item 9.B – one public comment email.

5. ADDITIONS AND DELETIONS TO AGENDA - None

6. PUBLIC COMMENTS - None

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Treasurer Wilk reported on the Peery Park Soquel Creek restoration program, overseen by Commission on the Environment. Following volunteer clearing of non-native plants, work will begin at the creek bed the week of September 24. This phase will be handled by the City's habitat contractor and crew following clearance by regulatory agencies. He supports continuing and expanding efforts along the creek.

Public Works Director Steve Jesberg reported on the start of slurry seal work on streets throughout the city and reminded the community to expect detours and road closures next week. The sidewalk program on 38th Avenue is also about to begin, along with paving of the Community Center parking lot and basketball court.

Council Member Bottorff praised the recent quick response of Central Fire to keep a fire in the Village from spreading. Responding to comments and rumors online on Next Door about street plates and the height of the project across from City Hall, he noted the time the plates are in place is a PG&E issue and the height of building is within allowed parameters. He asked to place on a future meeting agenda an item discussing the removal of council members from pension programs.

Council Member Petersen noted there is still time to register for Capitola Foundation's golf tournament in early October and requested a future agenda item considering a Citizen's Climate Lobby resolution of support.

Mayor Termini praised the Art & Wine Festival, especially its impact on local restaurants and police department efforts. Monterey Bay Community Power is now providing carbon-free electricity and will give a three to five percent rebate. It is also already retiring two debts that were guaranteed by local jurisdictions.

8. CONSENT CALENDAR

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Bottorff, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan, Jacques Bertrand

- A. Consider the August 9, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes
RECOMMENDED ACTION: Receive minutes.
- C. Update Administrative Policies Regarding Communication Devices
RECOMMENDED ACTION: Adopt updated V-9 Mobile Communication Device Use Policy and V-10 Digital Device Purchasing Policy including recommendations by the City Attorney's Office.
- D. Ratify Agreement with the City of Scotts Valley for Sharing of Chief Building Official Services
RECOMMENDED ACTION: Ratify the agreement between the City of Capitola and the City of Scotts Valley.
- E. Consider Awarding the Contract for the Local Hazard Mitigation Plan Update
RECOMMENDED ACTION: Award a sole-source contract to Kimley-Horn for an update of Capitola's Local Hazard Mitigation Plan in an amount not to exceed \$55,250.
- F. Consider a Resolution in Opposition to Proposition 6 Repealing Senate Bill 1, the Road Repair and Accountability Act of 2017
RECOMMENDED ACTION: Adopt **Resolution No. 4125**.
- G. Approve the First Supplement to the Amended and Restated Joint Exercise of Powers Agreement for the Santa Cruz Public Libraries Facilities Financing Authority
RECOMMENDED ACTION: Approve agreement.
- H. Consider a Contract Amendment with Noll and Tam Architects for Capitola Branch Library Design Work
RECOMMENDED ACTION: Approve contract amendment for Noll & Tam Architects for \$129,390 for work necessary to complete value engineering and cost reduction modifications to the plans for the Capitola Branch Library Project.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Report on the Status of Construction of the Capitola Branch Library
RECOMMENDED ACTION: Receive report.

Director Jesberg presented the staff report, noting the two items on the consent calendar including the additional Measure S money. The amended contract will include two change orders, one of about \$300,000 in cost savings that is more straightforward and should be in place soon. Another \$487,000 requires some design work, but review

should begin soon. The budget now has a 7.3 percent contingency.

Council Member Bottorff said he is pleased with the new funding and that it appears no more General Fund money will be needed.

RESULT:	RECEIVED REPORT
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B. Consider Request for Sponsorship of the Capitola Beach Festival

RECOMMENDED ACTION: Provide direction regarding of sponsorship of \$5,000 for the Capitola Beach Festival.

Assistant to the City Manager Larry Laurent presented the staff report, noting a history of previous sponsorship of the Begonia Festival.

Beach Festival Treasurer Teresa Green said that the festival continues a number of events from the former Begonia Festival, with a lighted barge parade replacing begonia-covered floats. Laurie Hill reiterated the close ties to the former Begonia Festival and its volunteers.

Council Member Bottorff agrees that there is a community desire to continue a festival and Council Member Petersen added that this an opportunity for the next generation to create a tradition.

MOTION:	ALLOCATE \$5,000 FROM THE CITY MANAGER'S UNANTICIPATED EVENTS FUND TO SPONSOR THE BEACH FESTIVAL
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Bottorff, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan, Jacques Bertrand

C. Fiscal Year 2018-19 Sales Tax Revenue Update

RECOMMENDED ACTION: Receive report.

Finance Director Jim Malberg presented the staff report. He noted that previously consultant projections and actual income had been consistently close, but a change in state reporting has led to erratic numbers.

Staff is communicating with the property owners of both Orchard Supply Hardware and Sears, which announced closures for this fall, but a drop in sales tax is expected. Should the November Transient Occupancy Tax measure pass, it could help offset losses.

Data for April through June is expected soon and a reconciliation of economic activity and actual cash receipts will be conducted.

RESULT:	RECEIVED REPORT
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D. Bikeshare Program Overview

RECOMMENDED ACTION: Receive report and direct staff to initiate research for establishment of a local bikeshare program and return to a future City Council

meeting with additional program details

Community Development Director Herlihy presented the staff report. She noted that dockless bikes, those that are not returned to a specific location, create a need to address the use in the municipal code regardless of whether the City initiates a program or not.

In response to Mayor Termini's question, she explained that for an existing business to host or invite a bikeshare vendor would require a conditional use permit and also must be a use related to the existing business/retailer. She also answered that the goal of Santa Cruz City's program's is to be cost-neutral and she does not have income information.

City Manager Jamie Goldstein emphasized the need to address these types of uses to prevent problems whether there is a program or not. He said a load of dockless scooters were dropped off without notice or permits recently in Santa Cruz.

Treasurer Wilk confirmed that a bikeshare program is not needed to meet carbon-reduction goals, although Director Herlihy said a program would meet other goals.

In public comment, Jannelee Strause of Bike Santa Cruz County shared statistics from the program's kickoff in Santa Cruz. She noted the appeal of bikeshare for those who do not wish to own a bike and the anticipated reduction in short driving trips. She encouraged the City to investigate a program.

Piet Canin from Ecology Action noted that electric bikes are appealing for steep hills such as Capitola's. He supports looking at a program. Ecology Action is also interested in working with the City and vendors to address safety concerns.

Sam Storey, resident and Planning Commissioner, is enthusiastic about the possibility, but asked staff to look into Americans with Disabilities Act issues.

Council Member Bottorff likes the idea of coordinating a program with other jurisdictions, but cautioned about establishing a monopoly and being stuck with "old" technology.

MOTION:	DIRECT STAFF TO INITIATE RESEARCH FOR ESTABLISHMENT OF A LOCAL BIKESHARE PROGRAM AS RECOMMENDED.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristen Petersen, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Ed Bottorff, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan, Jacques Bertrand

- E. Consider Request for Proposals for Tax Revenue Consulting Services
RECOMMENDED ACTION: Authorize staff to issue the Request for Proposals.

Director Malberg presented the staff report. He noted transient occupancy tax monitoring, the potential new cannabis tax, and a request by the current vendor for a new contract drove this request to review options.

MOTION:	AUTHORIZE STAFF TO ISSUE THE REQUEST FOR PROPOSAL AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Bottorff, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan, Jacques Bertrand

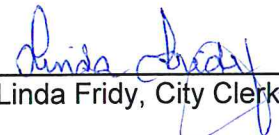
10. **ADJOURNMENT**

The meeting adjourned at 8:15 p.m.



Michael Termini, Mayor

ATTEST:



Linda Fridy, City Clerk

MINUTES APPROVED ON SEPTEMBER 27, 2018