

**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, MARCH 22, 2018**

**CALL TO ORDER**

Vice Mayor Bertrand called the meeting to order at 5:45 p.m. with the following items to be discussed in Closed Session:

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

City of Capitola v. D'Angelo

Santa Cruz County Superior Court Case No. CV 181659

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).

**CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code §54957.6]**

Negotiator: Dania Torres Wong

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads

**LIABILITY CLAIMS [Govt. Code §54956.95]**

Claimant: Norm Gaedtke

Agency claimed against: City of Capitola

There was no public comment; therefore, the City Council recessed to Closed Session in the City Manager's Office. Mayor Termini joined the Council during Closed Session.

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM****1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

Treasurer Peter Wilk was present.

**2. PRESENTATIONS****A. Red Cross Month Proclamation [120-40]**

Mayor Termini presented a proclamation to Michele Averill, COE of the Central Coast Red Cross. She said the local chapter will install more free smoke alarms this May. Mayor Termini noted that the small local chapter is one of the top providers of volunteers, who respond around the country and world.

**3. REPORT ON CLOSED SESSION**

Attorney Condotti reported that for the four items on the agenda, the Council received a report and gave direction. The liability claim is also item 8.D.

**4. ADDITIONAL MATERIALS**

A. Item 8.G – One public comment

B. Item 9.A – Three items: one staff memo and two communications

**5. ADDITIONS AND DELETIONS TO AGENDA - None**

**6. PUBLIC COMMENTS - None**

**7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

City Manager Jamie Goldstein reported the City just received the latest sales tax payment, covering the holiday season, which showed a 2.8 percent decline year-to-year. This information will be factored into the budget preparations.

Treasurer Wilk noted the city is paying \$135 an hour for contracting the building official. He said the costs are much higher than salaried employees and suggested saving money by raising salaries.

Council Member Petersen thanked the latest commissions to include youth membership. She also noted the Community Action Board has an emergency eviction prevention program available.

Council Member Bertrand attended the recent Central Fire District standards of coverage presentation. Chief Steve Hall said he was pleased with the results and the full report is available online.

Mayor Termini thanked Public Works for its efforts clearing drains and roads with recent rains.

Police Chief Terry McManus updated Council on recent ICE (Immigration and Customs Enforcement) action in the jurisdiction. The City was notified in the early hours of March 7 that action would take place. No assistance was requested or provided. The action followed existing policy, which encourages the cooperation of the immigrant community.

Mayor Termini announced Operation Surf's program for wounded veterans will hold its opening ceremonies in Capitola tomorrow morning.

**8. CONSENT CALENDAR**

<b>MOTION:</b>	<b>APPROVE OR DENY AS RECOMMNEDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Harlan, Bottorff, Termini, Bertrand, Petersen

A. Consider the March 8, 2018, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

B. Planning Commission Action Minutes

RECOMMENDED ACTION: Receive minutes.



- C. Approval of City Check Registers Dated February 2, February 7, February 16 and February 23, 2018  
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of Norm Gaedtke [Claims Binder]  
RECOMMENDED ACTION: Reject liability claim.
- E. Consider Amended Library Naming Policy [230-10]  
RECOMMENDED ACTION: Approve amended Library Donor Recognition Policy.
- F. Consider a Resolution Updating Commission on the Environment Membership [230-10]  
RECOMMENDED ACTION: Adopt resolution.
- G. Consider a Resolution Updating Traffic and Parking Commission Membership [230-10]  
RECOMMENDED ACTION: Adopt resolution.

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Appeal of a Director Decision Not To Relinquish a Public Right-of-Way  
RECOMMENDED ACTION: Uphold staff's determination to deny a Private Improvement Permit and a Revocable Encroachment Permit for 211 Monterey Avenue.

Community Development Director Richard Grunow presented the staff report.

Attorney David Beck spoke on behalf of the appellant. He provided an overview of property history and privacy concerns as outlined in the revised appeal letter. He noted that staff initially indicated a fence could be placed at the property line and was later issued a fence permit in 2015. Regarding the free flow of pedestrian traffic, he pointed to two "bottlenecks" at the edge of the two adjoining buildings.

Property owner Maor Katz said he made a number of decisions based on his belief that he had a valid fence permit.

In public comment, Peter Wilk noted there are bottlenecks and suggested approving a compromise.

Council clarified what diagram was presented at the time the fence permit was issued.

Council Member Harlan said that while she is sympathetic, she does not wish to grant the full encroachment request. Council Member Petersen agreed and expressed concern about setting a precedent that errors cannot be corrected. Council Member Bottorff noted the City has made many efforts to improve sidewalks and he does not wish to undo those efforts. There was consensus support for a compromise.

<b>MOTION:</b>	<b>DENY THE APPEAL AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Kristen Petersen, Council Member
<b>AYES:</b>	Harlan, Bottorff, Termini, Bertrand, Petersen

The Council also wished to provide staff with direction for achieving a compromise that would address the appellant's concerns. Council Member Bottorff proposed allowing a fence a distance of 33 inches from the home at regulation height. Council also supported refunding the fence permit and appeal fees, and encouraged working with the appellant to address any hazards created by the handicapped ramp and to relocate any personalized bricks.

Staff discouraged any increase in fence height out of concern for setting a precedent and the potential design issues that an application for a front yard fence exceeding 42 inches could experience at the Planning Commission.

<b>MOTION:</b>	<b>RECOMMEND THAT STAFF WORK WITH THE APPELLANT ON A PERMIT APPLICATION FOR A COMPROMISE PROJECT ALLOWING A FENCE NO MORE THAN 33 INCHES FROM FRONT OF THE HOME AT THE ALLOWED 42- INCH HEIGHT AND A REFUND OF FENCE AND APPEAL FEES.</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Harlan, Bottorff, Termini, Bertrand, Petersen

B. General Plan Clean-up Discussion

RECOMMENDED ACTION: Authorize staff to initiate the proposed General Plan Amendments

Director Grunow presented the staff report, identifying areas in which there is conflict between the updated General Plan and the newly adopted Zoning Code, such as map zoning changes and nomenclature. He highlighted the change to portions of the north side of Capitola Avenue from commercial to multi-use, which was not included in the written staff report.

There was no public comment.

In response to the Planning Commission request for additional comment time, Council Member Bottorff recommend a 60-day public comment period. The Council supported moving forward with the amendments as recommended.

<b>MOTION:</b>	<b>AUTHORIZE STAFF TO INITIATE PROPOSED GENERAL PLAN AMENDMENTS WITH A 60-DAY PUBLIC COMMENT PERIOD</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Vice Mayor
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Harlan, Bottorff, Termini, Bertrand, Petersen

C. Report on Soquel Creek Management Plan

RECOMMENDED ACTION: Accept report.

Don Alley, who has worked with the City as a fish biologist since 1990 monitoring the Soquel Creek lagoon, presented the report. The management plan was last updated in 2004. Efforts have focused on plans to restore steelhead and coho. His overview addressed both the upper watershed and lagoon. He noted he works closely with Public Works staff. Some steelhead spawn and yearlings live in the lagoon, and the current

flume improvement project is vital to managing the lagoon.

Seven of the last 11 years have been dry, which adversely impacts steelhead, and he shared steelhead counts. He said the City's habitat is excellent and declines are due to dry weather. Another recent project is trying to restore cattails. He would also like to find ways to have larger wood remain in the habitat. Expensive options are to replace the bridge or install wing walls to prevent buildup. Another option is to secure wood in place. Preserving shade trees and limiting erosion in the upper watershed will also improve conditions. He also expressed concern about cigarette butts making their way from the decks into the habitat.

Mr. Wilk from the Commission on the Environment noted that volunteer ivy pulling to support tree health was done as much as allowed without permits. A professional crew has been funded, likely working in August or September.

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

The meeting adjourned at 8:41 p.m.

  
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Michael Termini, Mayor

ATTEST:

  
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Linda Fridy, City Clerk

**MINUTES WERE APPROVED APRIL 12, 2018**

