

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, JANUARY 25, 2018**

**CLOSED SESSION 6 PM**

**CALL TO ORDER**

Mayor Termini called the meeting to order at 6 p.m. with the following items to be discussed in Closed Session:

**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)**

(Two items)

Claimant: Jonathan Gettleman, Esq. for John Doe (Minor)

Agency claimed against: City of Capitola

Claimant: Leslie Eurs

Agency claimed against: City of Capitola

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

**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. Certificates of Appreciation for Retiring Advisory Committee Members [120-40]**

Mayor Termini recognized Nathan Cross for his six years on the Arts and Cultural Commission.

Mayor Termini also presented Former Mayor Stephanie Harlan with a gift for her service in 2017.

**B. Soquel Creek Water District Update [160-10]**

General Manager Ron Duncan of Soquel Creek Water District provided an update on the district's current projects and concerns, particularly the status of the water basin and seawater intrusion. The district recently undertook a freshwater/seawater interface study

and he previewed the results to be released in March. Melanie Mow Schumacher outlined the Community Water Plan. Water supply options include river transfers, desalination, storm water capture, and water purification. She noted the districts recently earned a \$2 million grant from the state.

### 3. REPORT ON CLOSED SESSION

City Attorney Tony Condotti reported that Council received a report on negotiations with no reportable action, and the two liability claims were discussed and are on the consent agenda.

### 4. ADDITIONAL MATERIALS

A. Item 8.A – Revised draft minutes.

B. Item 9.A – Three public comment emails.

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

### 6. PUBLIC COMMENTS

Becky Steinbruner, Aptos resident and Water for Santa Cruz, advocated for river inter-ties.

Bruce Daniels, Soquel Creek Water District, noted water rights issues complicate shared water programs.

Georgette Neal, Bay Senior Apartments, praised a recent driving class, and she noted that participants discussed safety fears of pedestrians at the Bay Avenue and Hill Street intersection.

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

Council Member Bertrand noted that Merlone Geier held a community meeting regarding the mall redevelopment Jan. 24 and he encouraged continued public input.

Public Works Director Steve Jesberg noted that a lighted crosswalk is not recommended at stopped intersections such as Bay and Hill. Costs range from \$50,000 to \$300,000 and such a project is not currently funded. The intersection may be appropriate for a signal.

### 8. CONSENT CALENDAR

Item 8.G was pulled for discussion by public request and heard immediately following the Consent Calendar vote.

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

A. Consider the January 11, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.

B. Approval of City Check Register Reports Dated December 1, December 8, December 15 and December 22, 2017 [300-10]  
RECOMMENDED ACTION: Approve check registers.

- C. Liability Claim of Jonathan Gettleman, Esq., for John Doe (Minor) [Claims Binder]  
RECOMMENDED ACTION: Deny liability claim.
  
- D. Liability Claim of Leslie Eurs [Claims Binder]  
RECOMMENDED ACTION: Deny liability claim.
  
- E. Consider the Budget Calendar for the 2018/19 Fiscal Year [330-05]  
RECOMMENDED ACTION: Approve the Budget Calendar for Fiscal Year 2018/19.
  
- F. Approve Sale of Surplus Vehicles  
RECOMMENDED ACTION: Declare three Police Department vehicles and one Public Works vehicle as surplus property and authorize their sale.
  
- G. Consider a Resolution Reaffirming Opposition to Offshore Drilling [580-30]  
RECOMMENDED ACTION: Approve **Resolution No. 4101** opposing offshore oil and gas drilling and supporting Assembly Bill 1775 and Senate Bill 834.

Katherine O'Dea, Save Our Shores, expressed concern about the unpredictability of recent federal actions to open offshore drilling and supports the proposed resolution.

<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>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Harlan, Bottorff, Termini, Bertrand, Petersen

## 9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Review Results of Jewel Box Traffic Survey [940-40]  
RECOMMENDED ACTION Receive report and public comment, and provide direction to staff.

Director Jesberg presented the staff report and the highlights of the study resulting from community responses. He responded to a question noting that the Traffic and Parking Commission discussed but made no further recommendation following the study.

Karl Shubert, Topaz, noted he was part of neighborhood effort that started last year to address the local traffic. He emphasized the difference in traffic volume with neighboring streets and expressed continued safety concerns. He asked for diversion to arterial streets to address "hot spots."

Andrew Morroco, Topaz, reiterated his wife's emailed comments.

Dana Ingersoll, Topaz, said there are many toddlers in the Jewel Box neighborhood and on Topaz. She also noted that street is used by Camp Capitola counselors to walk.

Mick Routh, Crystal, recalled when his block requested a one-way street. He suggested a no left turn between 4 p.m. and 6 p.m. on 45<sup>th</sup> Avenue.

Becky Steinbruner, Aptos, asked for details on the study and suggested contacting

direction applications and asking roads to be removed.

Jim Hobbs, Topaz, said his impression is the primary problem is south/eastbound afternoon traffic. He suggested a temporary one-way.

Carin Hanna, Traffic and Parking Commission, is sympathetic to the situation on Topaz and supports a trial one-way.

Keith Rushing, realtor, said prospective buyers notice the traffic impact and property value is lower.

Glenn Hanna countered the suggestion that directional applications will remove routes.

Phil Stots, Diamond, praised the survey and suggested improved pavement conditions.

Peter Wilk spoke to the suggestion regarding a policy on speed bumps and encouraged more immediate action.

Council Member Harlan thanked Traffic and Parking Commission efforts. She would favor no turn signs but not the proposed fixes.

Council Member Bertrand shares the neighbors' safety concerns and asked about extending permit parking.

Council Member Petersen favors flashing speed signs, saying other signs are not especially effective. She believes it is worth looking at a citywide speed bump policy.

Council Member Bottorff expressed frustration that the greater neighborhood was not willing to make sacrifices to address Topaz. He moved that the Council adopt the Traffic and Parking Commission initial recommendation for a six-month trial of multiple intersection redirections. Councilmember Bertrand seconded the motion.

Mayor Termini supports development of a speed bump policy. He suggested an alternative motion of a trial one-way on Topaz from 47th to 45<sup>th</sup> Avenue with traffic counts.

After considerable discussion the Council clarified the initial motion to a trial period of no more than six months, with glue-down bollards upgraded as needed.

<b>MOTION:</b>	<b>UNDERTAKE A TRIAL OF THE TRAFFIC DIVERSION PLAN INITIALLY RECOMMENDED BY THE TRAFFIC AND PARKING COMMISSION FOR A PERIOD OF NO MORE THAN SIX MONTHS, USING BOLLARDS OR OTHER DEVICES AS NEEDED.</b>
<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>NAYS:</b>	Stephanie Harlan

There was a short recess.

- B. Consider a Density Bonus and Project Permits for 4199 and 4205 Clares Street  
RECOMMENDED ACTION: Approve a Design Permit, Conditional Use Permit, Tentative Map, and a State Density Bonus for a 10-unit residential project at 4199 and 4205 Clares Street.

Council Member Harlan recused herself from item 9.B since she owns property in the vicinity and left for the remainder of the meeting.

Senior Planner Katie Herlihy presented the staff report and gave an overview of the state density bonus program.

Mayor Termini asked what the income ranges are for the low and moderate categories. The county defines moderate income as 80 percent of median income and bases the price on affordability.

Applicant Bill Kempf spoke in support of the project.

Becky Steinbruner confirmed that water availability is addressed

Evan Siroky of Yes in My Backyard supported the project and praised the location.

Council Member Bottorff praised the project and improvements made through the Planning Commission process.

Council Member Petersen expressed pleasure that another Section 8 rental unit would be made available.

Council Member Bertrand and Mayor Termini praised the project as an example of an appropriate higher-density project for this community.

<b>MOTION:</b>	<b>APPROVE THE PERMITS, MAP, AND DENSITY BONUS AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>RECUSED:</b>	Stephanie Harlan

- C. City Attorney Annual Report [570-30]  
RECOMMENDED ACTION: Receive report.

Attorney Condotti presented the report. City Attorney services are provided by his private firm of nine attorneys, all of whom have worked on projects for the City. He provided an overview of the legal issues and categories with which municipal attorneys generally deal and offered examples of recent work within those areas.

Becky Steinbruner asked if there was a citizen's building and fire appeal board.

**RESULT: RECEIVED REPORT**

- D. Second Reading for Adoption of the Zoning Code Update [730-85]  
RECOMMENDED ACTION: Staff recommends the City Council take the following actions:
  1. Adopt the Addendum to the General Plan Update Environmental Impact Report (**Resolution No. 4102**);
  2. Adopt an Ordinance rescinding and readopting the Zoning Code of the Capitola Municipal Code Chapter 17, rescinding the Capitola Village Design Guidelines and 41<sup>st</sup> Avenue Design Guidelines; moving Floodplain District and Green Building Regulations into Title 15 Building and Construction; and adopting a new zoning map; and
  3. Adopt **Resolution No. 4103** authorizing the City Manager to submit an amendment to the Local Coastal Program to the California Coastal Commission for certification.

Planner Herlihy presented the staff report, highlighting changes and improvements to the code including updated standards for design, accessory dwelling units, and parking; increased green requirements, administrative review of smaller projects, clearer historic preservation, incentives for public benefits, a logical vacation overlay, and a new zoning map.

There was no public comment.

Council Member Bertrand praised the public process that led to this update.

Council Member Bottorff acknowledged the work of consultant Ben Noble.

City Manager Jamie Goldstein thanked planning staff.

<b>MOTION:</b>	<b>ADOPT THE ADDENDUM TO THE GENERAL PLAN UPDATE ENVIRONMENTAL IMPACT REPORT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Vice Mayor
<b>SECONDER:</b>	Kristen Petersen, Council Member
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>ABSENT:</b>	Stephanie Harlan

<b>MOTION:</b>	<b>ADOPT AN ORDINANCE RECINDING AND READOPTING THE ZONING CODE OF THE CAPITOLA MUNICIPAL CODE CHAPTER 17, RESCINDING THE CAPITOLA VILLAGE DESIGN GUIDELINES AND 41<sup>ST</sup> AVENUE DESIGN GUIDELINES; MOVING FLOODPLAIN DISTRICT AND GREEN BUILDING REGULATIONS INTO TITLE 15 BUILDING AND CONSTRUCTION; AND ADOPTING A NEW ZONING MAP.</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>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>ABSENT:</b>	Stephanie Harlan

<b>MOTION:</b>	<b>ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN AMENDMENT TO THE LOCAL COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION.</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristen Petersen, Council Member
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>ABSENT:</b>	Stephanie Harlan

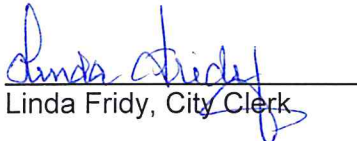
**10. ADJOURNMENT**

The meeting adjourned at 10:02 p.m.



Michael Termini, Mayor

ATTEST:

  
Linda Fridy, City Clerk

**MINUTES WERE APPROVED FEBRUARY 8, 2018**

