

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 12, 2017**

CLOSED SESSION 6:30 PM

CALL TO ORDER

Mayor Harlan called the meeting to order at 6:30 p.m. with the following items to be discussed in Closed Session:

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
[Govt. Code § 54956.9(d)(1)]
 City of Capitola v. Water Rock Construction, Inc.
 Santa Clara Superior Court Case No. 16CV295795

2. **LIABILITY CLAIMS [Govt. Code § 54956.95]**
 Claimant: Richard Willis
 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 Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Mayor Stephanie Harlan: Present, Vice Mayor Michael Termini: Present, Council Member Kristen Petersen: Present.

Treasurer Peter Wilk was present.

2. REPORT ON CLOSED SESSION

Deputy City Attorney Reed Gallogly said no reportable action was taken on the existing litigation and denial of the liability claim is on the consent calendar.

3. ADDITIONAL MATERIALS

A. Item 8.A – Revised contract and insurance requirement attachment

4. ADDITIONS AND DELETIONS TO AGENDA - NONE

5. PUBLIC COMMENTS - NONE

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bottorff noted the Capitola Mall on 41st Ave is hosting a circus this week. He also said the fireworks approved several years ago for October are still enjoyed by many.

Council Member Bertrand attended a Measure C meeting by the Soquel Union Elementary School District.

Council Member Termini noted the Council has received emails with concern about speeding on Capitola Avenue where pets have been hit. The Begonia Festival gala is this Saturday.

Council Member Petersen thanked everyone for a successful Safety Foundation golf tournament.

Mayor Harlan noted receipt of an anonymous letter regarding illegal signs. She recently thanked workers in honor of California Water Professionals Appreciation Week. She continued to encourage both local officials and the community to attend Midcounty Groundwater workshops. She praised independent living projects providing housing for local veterans in the Salinas area, and noted Soquel Creek Water District meetings are held in Capitola's Council Chambers and televised.

Treasurer Wilk reported that at the recent Finance Advisory Committee meeting it requested the Finance Director look into prepaying retirement costs and more aggressive investment policies. He may ask to share the results at a future Council meeting and revisit the City's investment policy.

City Manager Jamie Goldstein noted divers are inspecting the Wharf and reminded the community that Local Government Academy signups are open now.

Community Development Director Rich Grunow introduced new Assistant Planner Matt Orbach, who was chosen from a pool of 80 applicants. Mr. Orbach noted he had worked with some City projects while with Soquel Creek Water District and said as a Capitola resident he is especially pleased to join the staff.

7. CONSENT CALENDAR

Council Member Bottorff asked to pull Item 7.G and the Council agreed to hear it immediately following the Consent Calendar.

MOTION:	APPROVE OR DENY ITEMS A THROUGH F AND ITEM H AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

- A. Consider the September 25 and September 28, 2017, City Council Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of October 5, 2017
RECOMMENDED ACTION: Receive minutes.
- C. Liability Claim of Richard Willis [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- D. Schedule Hearing to Consider an Appeal of a Vicious Animal Declaration
RECOMMENDED ACTION: Schedule an appeal hearing for October 26, 2017.

- E. Consider Amendments to Records Coordinator and Receptionist Job Descriptions [600-10]
RECOMMENDED ACTION: Approve the amended job descriptions.
- F. Consider Public Works Project Manager Job Description Changes [600-10]
RECOMMENDED ACTION: Approve changes to the job title and description for Public Works Project Manager and approve a side letter with Mid-Management Employees.
- G. Consider a Resolution Amending the 2017/18 Budget to Transfer \$58,000 from the Road Maintenance and Rehabilitation Account to Highway 1 Enhanced Bike Lane Improvement Project
RECOMMENDED ACTION: Adopt resolution.

This item was heard immediately following Consent Calendar. Public Works director Steve Jesberg provided a staff report, explaining that the state guidance for the new funds was not in place when the annual budget was adopted and the requested action addresses state requirements. Council Member Bottorff confirmed that the action does not increase the road slurry budget. Director Jesberg said the green bike lane project will soon be completed.

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

- H. Consider Contract Change Order No. 1 for the Rispin ADA Pathway Phase II Project and a Notice of Completion
RECOMMENDED ACTION: Approve Contract Change Order No. 1 for the Rispin ADA Pathway Phase II Project in the amount of \$135,334 and accept the project as complete by approving a Notice of Completion.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Capitola Avenue Railing Public Art [500-10 A/C: Sculptural Accents]
RECOMMENDED ACTION: Approve the recommended railing Public Art Project along Capitola Avenue and approve the contract with Sculptural Accents for \$30,000.

Council Member Bottorff recused himself for a potential conflict of interest because he rents property in the vicinity, and left the dais.

Assistant to the City Manager Larry Laurent explained that the change to the contract, distributed as additional materials, reflects recent laws. He introduced the project. More than 20 artists from western states responded to the call to artists. The design will allow for adjustments for future street or sidewalk work. Lois and Ernest Rich of Sculptural Accents were unanimously selected. They introduced themselves to the Council and offered images and an overview of their vision for the project incorporating ocean themes.

Treasurer Wilk asked if the project also includes Capitola Road. Council Member Termini said not at this time, but the Art and Cultural Commission could consider it later, and added that the commission was very impressed with the proposal.

MOTION:	APPROVE THE PROJECT AND AMENDED CONTRACT
RESULT:	ADOPTED [4 TO 0]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Kristen Petersen, Council Member
AYES:	Jacques Bertrand, Stephanie Harlan, Michael Termini, Kristen Petersen
RECUSED:	Ed Bottorff

B. Coastal Climate Change Vulnerability Report

RECOMMENDED ACTION: Accept report.

Director Grunow introduced the staff report, which looks at sea level rise impacts over three time horizons. Ross Clark, study project manager, presented the results. Moss Landing and the City and County of Santa Cruz are also part of the larger study. Mr. Clark noted that the Capitola study included flooding impacts from Soquel Creek and much of the City's infrastructure is vulnerable to both sea and river flooding.

The study should help the city identify projects to minimize future risks to facilities and infrastructure. These can be incorporated into Capital Improvement Projects.

In response to a question from Council Member Bertrand, Mr. Clark said that while the science is continuing to improve, coastal jurisdictions shouldn't wait until the science is "perfect" to begin short-term adaptations. Future scenarios may arrive sooner than the study projects, but they will occur.

Council Member Termini asked if Mr. Clark felt such studies would gain support for coastal armoring from the California Coastal Commission. He said his discussions show that the commission may consider that action as one of the tools available.

Council Member Bertrand expressed support for continuing staff participation in regional discussions on these topics.

RESULT:	RECEIVED REPORT
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C. Section 8 Landlord Incentive Program [300-50]

RECOMMENDED ACTION: Authorize the City Manager to allocate \$4,040 of Housing Successor funds to support the Section 8 Landlord Incentive Program.

Director Grunow presented the staff report. The program's goal is to encourage more landlords to accept Section 8 voucher holders. Jenny Panetta of the Housing Authority spoke to the need to assist landlords. She clarified the funds are not in a shared pot, but for Capitola.

Voucher holders are averaging nine months to find a unit. The program currently serves 4,500 low-income households countywide, 200 of which are in Capitola. The waiting list has been closed since July 2011 and the need is tremendous. This new program will be featured in the upcoming affordable housing week efforts.

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MOTION:	AUTHORIZE THE PROGRAM FUNDING AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

D. Subdivision Ordinance Cleanup

RECOMMENDED ACTION: Introduce an Ordinance amending Municipal Code Chapter 16 pertaining to Subdivisions.

Director Grunow presented the staff report. The purpose of this amendment is to update the code to reflect changes in state law since the chapter's last update in 1980. He also provided examples within the City of approved projects that could have been challenged under current code.

Council Member Termini noted there was a recent legal challenge to a project that was withdrawn and asked if those concerns were addressed by the proposed changes. Director Grunow said they were. Council Member Bertrand confirmed there are no changes to the condominium section.

Peter Taylor, resident, noted that he recently challenged a project adjoining his property and wanted to know how the changes would impact that status. He said there is a difference between access from a one-lane driveway and a two-lane street. Staff confirmed the project was withdrawn before the appeal was heard.

Council members expressed support for the updates.

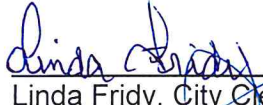
MOTION:	APPROVE FIRST READING OF AMENDED ORDINANCE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Michael Termini, Vice Mayor
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

9. ADJOURNMENT

The meeting was closed at 8:16 p.m.


Stephanie Harlan, Mayor

ATTEST:


Linda Fridy, City Clerk

MINUTES WERE APPROVED ON OCTOBER 26, 2017

