

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, AUGUST 24, 2017**

CLOSED SESSION 6 PM

CALL TO ORDER

Mayor Harlan called the meeting to order at 6 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)]

Friends of Monterey Park v. the City of Capitola
Santa Cruz Superior Court Case No. CV 16CV01091

2. LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Liberty Mutual
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. Vice Mayor Termini joined the meeting following Closed Session.

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: Absent, Mayor Stephanie Harlan: Present, Vice Mayor Michael Termini: Present, Council Member Kristen Petersen: Present.

Treasurer Peter Wilk was present.

2. PRESENTATIONS

A. Proclamation Naming the Begonia the Official City Flower [100-130]

RECOMMENDED ACTION: Designate the tuberous begonia as Capitola's official city flower.

Laurie Hill and the Begonia Festival Committee, joined by begonia grower family members, celebrated the official proclamation.

B. Children's Cancer Awareness Month Proclamation [120-40]

Mayor Harlan presented a proclamation to Lorrie Butterworth and Emily Erickson of Jacob's Heart Children's Cancer Support Services.

3. REPORT ON CLOSED SESSION

City Attorney Tony Condotti said Council received a report from legal counsel regarding Friends of Monterey Park v. the City of Capitola, Santa Cruz Superior Court Case No. CV 16CV01091, and gave direction to staff to schedule a special meeting on September 25,

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2017, to consider rescinding the actions taken by Council at its meeting of June 23, 2016, certifying the Environmental Impact Report and approving project permits as amended and a right-of-entry agreement, and to take further actions consistent with a writ of mandamus issued by the Superior Court on August 4, 2017.

Attorney Condotti said action on the second closed session item, a liability claim, is on the consent calendar.

4. ADDITIONAL MATERIALS

- A. Item 8.E - One item, an email withdrawing the project application
- B. Item 9.B - Four public comment emails

5. ADDITIONS AND DELETIONS TO AGENDA

Based on the withdrawal of the related application, staff recommended removing item 8.E to set an appeal hearing date.

MOTION:	REMOVE ITEM 8.E FROM THE CONSENT CALENDAR
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Ed Bottorff, Stephanie Harlan, Michael Termini, Kristen Petersen
ABSENT:	Jacques Bertrand

6. PUBLIC COMMENTS

Capitola resident Ron Hart thanked the Council for its service and said the local faith community was instituting an "adopt a cop" program to keep officers in their prayers.

Taylor Brenis introduced herself as Congress Member Jimmy Panetta's new congressional aide.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Vice Mayor Termini reminded the community that *Finding Dory* will be this year's first Movie on the Beach this Friday.

Public Works Director Steve Jesberg reported that the green bike lane project installation will begin next week. It is the first Measure D-funded project and includes three intersections.

City Clerk Linda Fridy announced that the regular City Council meeting of September 14, 2017, will be cancelled due to a lack of a quorum to allow several Council members to attend the League of California Cities Annual Conference in Sacramento.

8. CONSENT CALENDAR

Council Member Bottorff clarified the process for collecting the fee proposed under item 8.G and confirmed that tule was planted this year to support the tidewater goby that are among the monitored species in item 8.H.

Council Member Termini asked staff to review the issues raised in the appeal letter for item 8.E. He also asked that staff identify possible locations for public access to Soquel Creek.

MOTION:	APPROVE OR DENY ITEMS AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Michael Termini, Vice Mayor
AYES:	Ed Bottorff, Stephanie Harlan, Michael Termini, Kristen Petersen
ABSTAIN:	Stephanie Harlan from item 8.A due to absence
ABSENT:	Jacques Bertrand

- A. Consider the July 27, 2017, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of July 20, 2017
RECOMMENDED ACTION: Receive minutes for the meeting of July 20, 2017. The regular Planning Commission meeting of August 3, 2017, was canceled.
- C. Approval of City Check Register Reports Dated July 7, July 14, July 21 and July 28, 2017 [300-10]
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of Liberty Mutual [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- E. Consider a Hearing Date for the Appeal of the Planning Commission's Decision Regarding 2205 Wharf Road
RECOMMENDED ACTION: Removed from agenda by prior vote.
- F. Consider Amending the Memorial Program Policy [1040-50]
RECOMMENDED ACTION: Approve the proposed amendment to the Memorial Program Policy.
- G. Consider Purchase of New Electric Vehicle Charging Stations and Authorize Related Use Fee [390-40]
RECOMMENDED ACTION: (1) Approve the purchase and installation of two Clipper Creek CS-40 electric vehicle (EV) charging stations in the amount of \$5,930 to replace the existing two EV stations in Beach and Village Parking Lot 1, and (2) approve **Resolution No. 4086** adding a 50-cents/hour use-fee for the stations to the City's 2017/2018 Fee Schedule.
- H. Consider a Five-Year, Sole-Source Contract for Fish and Wildlife Monitoring of Soquel Creek [500-10 A/C: D.W.Alley]
RECOMMENDED ACTION: Approve a sole-source contract with D.W. Alley and Associates for monitoring of Soquel Creek as mandated under the City's permits for an estimated annual cost of \$36,323, adjusted annually for up to five years.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider Capitola Village on ICEE Special Event Permit
RECOMMENDED ACTION: Review the Capitola Village Wharf and Business Improvement Association's request for a Special Event Permit, including an Encroachment Permit and an Amplified Sound Permit, for the Capitola Village on ICEE and provide direction.

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Police Chief Terry McManus introduced the renamed "I Skate Capitola" special event permit request for a synthetic ice skating rink in Capitola Village during the holiday season. He noted staff worked with the applicant and County Sanitation to design placement of the rink to allow access to facilities. He checked with other cities that have hosted similar events and other police departments said they have needed little police support.

Mayor Harlan asked about nighttime security concerns and whether additional security would be required. It could be a condition of the permit.

Council Member Bottorff asked if the path could be widened and was told it could.

Vice Mayor Termini confirmed that standard permit fees apply and asked if it will cause the city to incur many costs or if fees could be reduced. City Manager Jamie Goldstein suggested that if the Council wished, the Coastal Development Permit could be processed pro bono.

During public comment, Bob Edgren asked about insurance and liability and if there would be time dedicated to younger children.

Corrie Sid of the Business Improvement Association noted that Monterey has previously had a privately funded real ice rink and will not have it this year due to a location conflict. Insurance will be carried by the event provider.

MOTION:	APPROVE THE REQUESTED PERMITS AND DIRECT STAFF TO WAIVE COASTAL DEVELOPMENT PERMIT FEES.
RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Ed Bottorff, Stephanie Harlan, Michael Termini, Kristen Petersen
ABSENT:	Jacques Bertrand

- B. Consider Extending Red-Light Photo Enforcement Contract [500-10 A/C: ATS]
RECOMMENDED ACTION: Extend the existing contract with American Traffic Solutions (ATS) for red-light photo enforcement services for a period of two years and authorize the city manager or his designee to sign the agreement.

Chief McManus presented the staff report and supported the two-year extension of the contract. Sergeant Andy Dally presented additional statistics. The program began in 2005 and the first citation was issued in 2007. He noted that no right turn on red and median improvements also helped reduced collisions. Collisions are down 74 percent at 41st Avenue and Clares and dropped 94 percent at the mall entrance. He shared examples of the images that officers review prior to issuing citations, and noted the repeat offender and Capitola resident citations are very low since implementation.

Mayor Harlan confirmed that any overtime costs caused by reviewing the images are included.

During public comment, Bob Edgren confirmed with police staff that there is no difference in fines between photo enforcement and officer-on-scene citations. Sergeant Dally explained red light fines are among the highest because of the danger caused by violations.

Council members recalled that the program was implemented to increase safety in a cost-effective way, and said they believe it continues to be successful.

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

C. Drone Regulation Options Report

RECOMMENDED ACTION: Accept presentation and provide direction.

Community Development Director Rich Grunow presented the staff report, noting local jurisdictions can have some oversight for recreational use of smaller drones. The advantages of developing a policy include having defined and enforceable rules, while the concerns include changing regulations and difficulty with enforcement.

Vice Mayor Termini asked if any other local jurisdictions have adopted a policy. Attorney Condotti responded he does not know of any California cities that have adopted an ordinance. He is working with the Central Fire Protection District and the City of Santa Cruz, which is responding to concerns of interference with and safety of rides on the Boardwalk.

In public comment, Peter Wilk said he sees no public outcry and does not feel regulation is needed at this time.

Bob Edgren agreed that there does not seem to be a need for immediate action.

Fire Chief Steven Hall said Central Fire does on occasion use drones and is watching the issue. He responded that there is technology to stop a drone.

Vice Mayor Termini noted that local events have contracted for drone photography and he does not see a need to regulate now. Council Member Peterson added drones are helping to track bluff erosion. There was Council consensus that staff continue to monitor the issue and actions by other jurisdictions.

RESULT:	RECEIVED REPORT
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D. Discuss Youth Membership on City Advisory Bodies

RECOMMENDED ACTION: Review information and provide staff direction.

Clerk Fridy presented the staff report and asked for direction in developing a policy.

Vice Mayor Termini said his biggest concern in working with youth is safely releasing them after the meetings. He supported an option to have a guardian attend with a juvenile member to eliminate oversight concerns. Mayor Harlan preferred a parental release out of concern the adult attendance requirement would reduce interest. Director Jesberg said that based on observations from the student participants on the Commission on the Environment, the adult requirement could pose difficulties for single-

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parent households. Council Member Petersen suggested starting with the adult requirement with some flexibility that it does not have to be a parent, and reviewing the impact after the first year. The rest of the Council agreed.

The Council agreed with the staff recommendation to exclude the Planning Commission and Architectural and Site Commission from youth recruitment. Following discussion, it favored recruiting for all other advisory bodies with preference for Art and Cultural, Historical Museum, and the Library Advisory Commission as the revisions come forward. The Council agreed on non-voting status and one-year terms tied to the school year. With the adult attendance requirement, it did not establish an age or grade limit but identified drawing from students living in the Soquel Union Elementary School District boundaries as well as those who attend Soquel, Aptos, and Harbor High Schools.

MOTION:	DIRECT STAFF TO PREPARE A POLICY AS DESCRIBED.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Botorff, Stephanie Harlan, Michael Termini, Kristen Petersen
ABSENT:	Jacques Bertrand

10. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.


Stephanie Harlan, Mayor

ATTEST:


Linda Fridy, City Clerk

MINUTES WERE APPROVED ON SEPTEMBER 28, 2017