

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MAY 25, 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:

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Thanh-Thanh Hoang
Agency claimed against: City of Capitola

Claimant: Savannah Smith
Agency claimed against: City of Capitola

Claimant: Ian Smith and the Estate of Luke Ian Howard Smith
Agency claimed against: City of Capitola

There was no public comment; therefore, the City Council closed the Council Chambers and held the 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: 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

City Attorney Tony Condotti reported on closed session. Council received reports on all three items and will vote on them during consent calendar.

3. ADDITIONAL MATERIALS

A. Item 9.A -- Four items of Coastal Commission and public communications regarding the Grand Avenue closure.

4. ADDITIONS AND DELETIONS TO AGENDA - None

5. PUBLIC COMMENTS – None

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bottorff requested that Council discuss the parking time limits for the lot by the Museum at a future meeting.

Council Member Termini shared the summer concerts and events mailer.

Council Member Petersen invited the City's women to a Capitola women's leadership mixer on June 5.

Treasurer Wilk reported the Finance Advisory Committee met and has recommendations regarding the Fiscal Year 2017-2018 Budget that will be shared at the May 31 meeting.

In response to a request from Council Member Bertrand, Public Works Director Steve Jesberg reported that his department has been fighting high tides in the efforts to create the lagoon and clear the beach for Memorial Day Weekend. The first closure was breached. The lagoon should be in place for the holiday weekend, and crews will reopen it and do additional grading the following week.

City Manager Jamie Goldstein introduced Central Fire Protection District's new Fire Chief Steven Hall, who had been serving in an interim capacity.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Appointment of Capitola Representative and Alternate to the Community Action Board [150-40]

RECOMMENDED ACTION: Make appointments.

Alternate candidate Tanya Allen introduced herself to the Council.

MOTION:	APPOINT COUNCIL MEMBER PETERSEN AS THE REPRESENTATIVE AND TANYA ALLEN AS THE ALTERNATE FOR THREE-YEAR TERMS ON THE COMMUNITY ACTION BOARD.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

8. CONSENT CALENDAR

MOTION:	APPROVE OR DENY ITEMS AS RECOMMENDED WITH COUNCIL MEMBER BERTRAND'S AMENDMENT TO ITEM 8.A.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

A. Consider the May 11, 2017, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

Council Member Bertrand asked that the minutes include that his rail trail request reflected the community input he heard at Vision Capitola.

- B. Receive Planning Commission Action Minutes for the Regular Meeting of May 4, 2017
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Register Reports Dated April 7, April 14, April 21, and April 28, 2017 [300-10]
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of Thanh-Thanh Hoang [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- E. Liability Claim of Savannah Smith [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- F. Liability Claim of Ian Smith and the Estate of Luke Ian Howard Smith [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- G. Fee Schedule for Fiscal Year 2017/18 [390-40]
RECOMMENDED ACTION: Adopt the proposed Resolution No. 4077 repealing Resolution No. 4054 and adopting the new fee schedule.

9. **GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Discuss a Geological Report and the Continuation of the Temporary Closure of the Grand Avenue Pathway between Oakland Avenue and Hollister Avenue [430-15]
RECOMMENDED ACTION: Accept the report and direct the continued temporary closure of Grand Avenue between Oakland Avenue and Hollister Avenue.

Director Jesberg presented the staff report. He offered a map delineating property and fence lines as well as before and after images of the bluff. He noted the natural angle of repose along the bluff is 38 degrees and erosion will continue until it reaches that state. The base of the cliff between the two portions that recently failed is severely undercut, similar to the status ahead of the recent failures. The map illustrated that the likely one-to-six-year failure area is further from the current edge than the private property lines. He also noted any trail must be ADA (Americans with Disabilities Act) compliant. Staff recommends the temporary closure continues to allow further evaluation.

Erik Zinn, Zinn Geology, who prepared the report, took questions from the Council. He described the section between the failures as "primed and ready to go." In response to the question of how safe would work on the path be, he repeated the report's recommendation that there be no heavy equipment within 15 feet of the edge and no work during wet weather.

John Hart, Grand Avenue resident, noted he communicated by email a request for a committee to review long-range options to preserve the path and stabilize the bluff.

Lester Loops, Grand Avenue, said the section of the Grand Avenue path by his home is still sufficient and the pathway is asset.

Carol Christensen, Saxon Avenue, would like to investigate options for bluff stabilization.

Gene Bernal, Grand Avenue, supported a long-range planning committee and asked if caves could be filled.

Coni Welch, Depot Hill, said the pathway is heavily used and is important to preserve.

Tom Parker, Grand Avenue, said that the pathway represents Capitola to residents and asked for a longer-term solution to reopen it.

Tim Matthews, Hollister Avenue, asked how much of the cliff is at the 38-degree angle of repose. He feels the cliff has been relatively stable and would like to see the path reopened.

TJ Welch, Depot Hill, also supported a long-term solution to preserve the path.

Mr. Zinn supported public observations that little of the bluff is at the 38-degree angle. His report focused on a short-term retreat. He emphasized that the status at the base drives the erosion. It is possible to plug the notch with frangible concrete, but he added that the Coastal Commission has said it wants paths preserved yet has taken action against Santa Cruz for repairs made. He also emphasized that erosion will occur episodically, and weather and earthquakes are the major influences.

Council Member Termini agreed that the Coastal Commission has not been consistent. He said the Council must take responsibility for allowing the Geologic Hazard Abatement District (GHAD) to be formed and then forgotten. He fears that work on the path would only speed the erosion at this time. The only solution he sees to preserve the path long-term is to take over or be given private property. He supports renewing the committee/district and believes that capturing sand may be a more likely option than cladding the top.

Council Member Petersen acknowledged the community's anxiety about losing access to the path and said continuing the temporary closure does not close the door on finding solutions.

Council Member Bertrand supports a committee to explore options and reviving the GHAD. He noted the City must balance budget needs. Currently the path is a danger and the City needs time to evaluate options.

Council Member Bottorff agreed and added that plans to rebuild the jetty will include a sand study and could be a jumping-off point for stabiliztion. He does not want to assume that an application to the Coastal Commission will be denied.

Mayor Harlan said she is pessimistic about keeping the path for any length of time and supports the current closure. With the many projects the City has undertaken she does not think it has the resources to preserve the path long-term.

In response to Council questions, City Manager Goldstein responded that there are limits to the money and staff time available to the City, and a timeline is difficult to estimate given the multiple parties that would be involved.

Council Member Termini suggested maintaining the closure and having the mayor or a Council appointee meet with interested parties. Council Member Petersen offered to serve on the committee.

MOTION:	CONTINUE THE TEMPORARY CLOSURE AND HAVE THE MAYOR OR A COUNCIL MEMBER MEET WITH RESIDENTS TO DISCUSS OPTIONS FOR REOPENING THE PATH.
RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

B. Mermaid Triathlon and Duathlon Special Event Permit [1050-70]

RECOMMENDED ACTION: Review and approve the Mermaid Series' request for a Special Event Permit, including an Encroachment Permit, an Amplified Sound Permit, and a Banner Permit, for the 2017 Mermaid Triathlon and Duathlon.

Police Chief Terry McManus presented the staff report, reviewed the courses and street impacts, and noted that previous noise complaints have been addressed. There were no calls for service in 2016 although some officers in the field did hear from inconvenienced residents.

Council Member Termini said his impression is that reentry of residents to Depot Hill was a source of frustration.

Capitola Police Sergeant Marquis Booth provided specifics about interactions with residents, saying there was some confusion about alternate routes into Depot Hill.

Carlo Facchino, event organizer, responded to questions and clarified that amplified sound to announce safety briefings begins shortly after 7 a.m., but music does not start until 8:30 a.m. He confirmed that changing the speaker direction to face the beach solved previous concerns. After discussion, he agreed to work on added signage for Depot Hill highlighting the detour route.

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

C. Approve a Notice of Completion for the 2016 Road Rehabilitation Project and Authorize an Allocation in the Capital Improvement Program for Storm Damage Repair Design Work on Park Avenue [940-40/500-10 A/C: Granite Rock Company]

RECOMMENDED ACTION:

1. Accept the 2016 Road Rehabilitation Project as complete at a final cost of \$1,373,030.78 and authorize the Public Works Department to file the Notice of Completion and release the contract retention amount of \$68,651.54.
2. Authorize a budget allocation within the Capital Improvement Fund of \$100,000 for engineering services for storm damage repairs to Park Avenue and authorize the Director of Public Works to enter into a contract for engineering services at an amount not to exceed \$100,000.

May 25, 2017


Director Jesberg presented the staff report. He explained the notice of completion was delayed because shortly after the project was finished, storm damage hit the improved area and staff was exploring the possibility of a change order. That work must instead go to bid to qualify for state and federal emergency funding.

Council asked if the trees that fell and caused damage were on City property or the rail corridor. Director Jesberg said the Regional Transportation Commission (RTC) paid for the related tree work and as much as 87 percent of the repair costs could be covered by state and federal emergency funds. The City could consider asking the RTC to pay for remaining expenses once that cost is known.


MOTION:	ACCEPT THE NOTICE OF COMPLETION AND AUTHORIZE A BUDGET ALLOCATION OF UP TO \$100,000 AS RECOMMENDED.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Kristen Petersen, Council Member
AYES:	Bottorff, Bertrand, Harlan, Termini, Petersen

10. ADJOURNMENT

The meeting was adjourned at 8:28 p.m.


Stefanie Harlan, Mayor

ATTEST:


Linda Fridy, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JUNE 8, 2017