

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, OCTOBER 27, 2016 - 7:00 PM**

CLOSED SESSION – 6:00 PM

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code § 54956.8)

Property: 4400 Jade Street, APN 034-551-02, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Soquel Union Elementary School District
Under Negotiation: Terms of Joint Use Agreement

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

(One case)

City of Capitola v. Water Rock Construction, Inc.
Santa Clara Superior Court Case No. 16CV295795

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Councilmember Dennis Norton: Present, Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was absent.

2. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the City Council discussed the following: (1) Water Rock Construction, Inc. v. City of Capitola existing litigation; and (2) conference with real property negotiator, City Manager Goldstein, regarding the terms of the Joint Use Agreement between the City and Soquel Union Elementary School District; there was no reportable action.

3. ADDITIONAL MATERIALS

City Clerk Sneddon stated that five additional materials were received for Item No. 8.B. regarding a Village Parklet Pilot Program.

4. ADDITIONS AND DELETIONS TO AGENDA (None provided)

5. PUBLIC COMMENTS

Marshall Torre, Silicon Valley Turkey Trot representative, provided information regarding the upcoming Silicon Valley Turkey Trot 2016.

Gary Richard Arnold provided public comment.

Pam Greeninger, Historical Museum Board Secretary, stated that on November 1st evening there will be a community night at the Shadowbrook Restaurant where one-third of the sales will go to the Capitola Historical Museum.

Kristen Petersen, local resident, stated that there will be a Capitola Branch Community Meeting November 1st at 7:00 PM held at the Capitola Branch Library.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the Capitola Village Halloween Parade will be held on Sunday at 2:00 PM. In addition, he stated that the Capitola Plein Air event starts on Saturday, November 5th.

Council Member Harlan reported on the recent meeting of the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties. In addition, she provided an update on a recent Soquel Cemetery meeting.

Mayor Bottorff reported on a recent Select Committee on South Bay Arrivals (FAA) meeting.

Council Member Bertrand provided an update on a Regional Climate Action Conference.

Public Works Director Jesberg provided an update regarding various Capital Improvement Program projects.

City Clerk Sneddon announced various openings on City boards/commissions/committees.

7. CONSENT CALENDAR

RESULT:	ADOPTED <i>ITEMS NO. 7.A. AND 7.B.</i> [UNANIMOUS]
MOVER:	Dennis Norton, Councilmember
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Consider the September 29, 2016, and October 1, 2016, Special City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Registers dated September 2, September 9, September 16, September 23 and September 30, 2016[300-10]
RECOMMENDED ACTION: Approve Check Register Reports.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Receive a Report on the Widening of Capitola Wharf and Ten-Year Schedule of Improvements [280-20]

RECOMMENDED ACTION: Accept a report on the widening of Capitola Wharf and 10-year expenditure plan update. If Measure F is successful, direct the Public Works Department to develop a plan for a Project Manager to oversee and manage the wharf and beach projects.

Brad Porter, Moffett Nickle, Consultant, provided information regarding this item.

Bob Edgren, local resident, suggested a bathroom be constructed at the foot of the wharf as well as the end with the restaurant. In addition, he stated concerns regarding how Measure F funds will be spent if approved by the voters.

Craig, local resident, stated regarding concerns how Measure F funds (if approved by the voters) how the funds would be spent.

RESULT: RECEIVED REPORT ON THE WIDENING OF CAPITOLA WHARF AND TEN-YEAR SCHEDULE OF IMPROVEMENTS; PROVIDED DIRECTION TO STAFF THAT IF MEASURE "F" IS APPROVED BY THE VOTERS AT THE NOVEMBER 8, 2016, ELECTION THE PUBLIC WORKS DIRECTOR IS DIRECTED TO AGENDIZE THE APPROVAL OF A PROJECT MANAGER FOR THE WHARF WIDENING PROJECT ALONG WITH A TIMELINE FOR THE PROJECT; CONTRACT TO COMPLETE A DIVE INSPECTION OF THE WHARF STRUCTURE; PROVIDE AN APPRAISAL OF THE CONDITION OF THE BUILDINGS ON THE WHARF AND INCLUDE THE RELOCATION OF THE RESTROOM AND CONSTRUCTION OF A NEW RESTROOM AT THE BASE OF THE WHARF [UNANIMOUS]

MOVER: Michael Termini, Council Member

SECONDER: Dennis Norton, Council Member

AYES: Norton, Bertrand, Harlan, Termini, Bottorff

B. Consideration of a Village Parklet Pilot Program [470-40]

RECOMMENDED ACTION: Accept presentation and provide direction.

The following local residents or business owners provided support for a Village Parklet Pilot Program:

- McKenzie Fullmer, Cava Restaurant owner
- Lance Eppard, Merchantile Property Manager
- Melissa , Caruso Tuscan Cuisine's owner
- Shey, Off the Block Desserts
- Craig
- Elise

The following local residents or business owners provided opposition for a Village Parklet Pilot Program:

- Susan Westman, Planning Commissioner, stated that the Planning Commission unanimously did not recommend parklets in the Village because they take away parking spaces. She suggested that a Village parking study be completed prior to approval of parklets.
- Jill Anderson, St. John Helpful Shop Manager
- Pam Greeninger
- Nels Westman
- Ron Graves

Bob Edgren, local resident, provided comments regarding the proposed Village Parklet Pilot Program.

RESULT:	APPROVED [4 TO 1] A TWO-YEAR VILLAGE PARKLET PILOT PROGRAM WITH THE FOLLOWING CONDITIONS: 1) LOW-LEVEL LIGHTING PERMITTED; (2) LIMITED TO FOUR PARKING SPACES; (3) OPERATION PERIOD FROM 9:00 A.M. TO 9:00 P.M.; (4) LIMITED USAGES TO SAN JOSE AVENUE; AND (5) DEVELOP AN ANNUAL FEE STRUCTURE TO INCLUDE METER REVENUE ONLY (NOT INCLUDE IN LIEU FEES). FOLLOWING ROLL CALL VOTE:
MOVER:	Dennis Norton, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bertrand, Termini, Bottorff
NAYS:	Harlan

- C. Consider Amendments to Various Finance Administrative Policies [100-10]
RECOMMENDED ACTION: Approve Amendments.

RESULT:	APPROVED AMENDMENTS TO THE FOLLOWING FINANCE ADMINISTRATIVE POLICIES: (1) III-3 FINANCIAL MANAGEMENT POLICY; (2) III-4 PURCHASING AND PROCUREMENT POLICY; (3) III-11 COLLECTIONS POLICY. [VOTE WAS UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Dennis Norton, Council Member
AYES:	Norton, Bertrand, Termini, Harlan, Bottorff

- D. Authorize Participation in the Public Agencies' Post-Employment Benefits Trust Program [500-10 A/C: Public Agency Retirement System (PARS)]
RECOMMENDED ACTION: Authorize participation in the Public Agencies' Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) with U.S. Bank as trustee, appointing the City Manager as the Plan Administrator, and authorizing the City Manager to negotiate and execute the documents to implement the Program.

Gary Richard Arnold stated opposition in giving the City Manager authority to be the Plan Administrator and to negotiate and execute the documents to implement the Program

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RESULT:	APPROVED PARTICIPATION IN THE PUBLIC AGENCIES' POST-EMPLOYMENT BENEFITS TRUST PROGRAM TO BE ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS) WITH U.S. BANK AS TRUSTEE, APPOINTING THE CITY MANAGER AS THE PLAN ADMINISTRATOR, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE DOCUMENTS TO IMPLEMENT THE PROGRAM. [UNANIMOUS]
MOVER:	Dennis Norton, Councilmember
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

E. Consider Amendments to the Administrative Policy I-7 Regarding the Memorial Program [1040-50]

RECOMMENDED ACTION: Approve Amendment to Administrative Policy I-7.

Bob Edgren, local resident, commented on memorial tree planting.


Peter Wilk, local resident, provide comments about the memorial plaques.

RESULT:	APPROVED AMENDMENTS TO THE ADMINISTRATIVE POLICY I-7 REGARDING THE MEMORIAL PROGRAM WITH THE INCLUSION OF THE MEMORIAL TREES [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

9. ADJOURNMENT

The meeting was closed at 10:10 PM.

ATTEST:


Susan Sneddon, City Clerk


Ed Bottorff, Mayor

MINUTES WERE UNANIMOUSLY APPROVED ON NOVEMBER 22, 2016