

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, SEPTEMBER 22, 2016**

**CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:30 PM. He announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Gov’t Code § 54956.9(d)(1)]

(Two cases)

1. City of Capitola v. D’Angelo
[Santa Cruz County Superior Court Case No. CV 181659]
2. City of Capitola v. Water Rock Construction, Inc.
Santa Clara Superior Court Case No. 16CV295795

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:30 p.m. to the Closed Session.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL 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 McBroom was present.

2. PRESENTATIONS

- A. Proclamations Honoring Police Chief Rudy Escalante [120-40]
Presentation of proclamations provided by Mayor Bottorff and State Assemblymember Stone.
- B. Legislative Update Provided by Assemblymember Mark Stone (update provided)

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the City Council received an update on the following existing litigations: (1) City of Capitola v. D’Angelo; and (2) Water Rock Construction, Inc. v. City of Capitola; There was no reportable action.

4. ADDITIONAL MATERIALS (None provided)

5. ADDITIONS AND DELETIONS TO AGENDA

City Manager Goldstein stated that this item will be discussed following General Government *Item No. 10.D.*

6. PUBLIC COMMENTS

Marylin Garrett, local resident, stated concerns regarding the telecommunications industry.

Public comment received from Gary Richard Arnold.

Teresa Green, Capitola Begonia Festival Chair, reported on the success of this year's Begonia Festival and presented the City with a commemorative tile.

Bob Edgren, local resident, requested a tour of Rispin Mansion.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the Capitola Public Safety Foundation (Foundation) provided funds for the City's police officers (Capitola Police Officers Association) to receive additional training. In addition, the Foundation provides funding for the Operation Surf event for wounded soldiers.

Council Member Bertrand stated that he attended a recent discussion sponsored by the Santa Cruz County Probation Department regarding the Epic Influencer Program which helps to keep people out of prison. He also attended a kick-off event for Proposition 8.

Council Member Norton stated that on September 28th at 5:00 PM there will be a kick-off event for Measure F at the Wharf Restaurant.

Mayor Bottorff reported that he is a member of the Select Committee on South Bay Arrivals (FAA); he stated the Committee provided a recommendation to Congressman Sam Farr to report back to Washington DC in mid-November.

City Treasurer McBroom stated that the next Finance Advisory Committee meeting will be held on September 27th at 6:00 PM.

City Manager Goldstein stated that Charter Cable is experiencing a power outage due to a fallen tree.

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

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

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Consider an Appointment to the Historical Museum Board [240-40]
RECOMMENDED ACTION: Appoint David Peyton to fill the vacancy on the Historical Museum Board (Board) based on the Board's recommendation.

David Peyton, Historical Museum Board applicant, thanked the City Council for their consideration regarding his appointment to the Board.

RESULT:	APPROVED APPOINTMENT OF DAVID PEYTON TO THE HISTORICAL MUSEUM BOARD [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Dennis Norton, Michael Termini

9. CONSENT CALENDAR

RESULT:	ADOPTED <i>ITEMS NO. 9.A.</i> [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Dennis Norton, Michael Termini

- A. Approval of City Check Registers dated August 5, August 12, August 19, and August 26, 2016 [300-10]
RECOMMENDED ACTION: Approve Check Register Reports.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider a Resolution Affirming the City's Intent to Participate in the Monterey Bay Community Power Joint Powers Authority [500-10 A/C: MBCP JPA]
RECOMMENDED ACTION: Adopt Resolution.
 Public comment received from Gary Richard Arnold.
 Bob Edgren, local resident, provided comments regarding solar energy.

RESULT:	APPROVED <i>RESOLUTION NO. 4061</i> AFFIRMING THE CITY'S INTENT TO PARTICIPATE IN THE MONTEREY BAY COMMUNITY POWER JOINT POWERS AUTHORITY [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Dennis Norton, Michael Termini

- B. Consider an Amendment to the Administrative Policy I-33 to Implement the In-Lieu Parking Fee Program [390-50]
RECOMMENDED ACTION: Amend Administrative Policy.
 Dave Fox, local resident, provided comments regarding selling in-lieu parking spaces.
 Bob Edgren, local resident, suggested that the in-lieu parking spaces be leased not sold.
 Nels Westman, local resident, stated the reasoning for being opposed to the proposed amendment to the administrative policy.

RESULT:	APPROVED <u>RESOLUTION NO. 4061</u> AFFIRMING THE CITY'S INTENT TO PARTICIPATE IN THE MONTEREY BAY COMMUNITY POWER JOINT POWERS AUTHORITY WITH THE FOLLOWING ROLL CALL VOTE:
MOVER:	Dennis Norton, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Dennis Norton
NOES:	Michael Termini and Stephani Harlan

- C. Consider a Resolution for Exception to the 180-Day Wait Period Per Government Code § 7522.56 and § 21221(h); and Approve Agreement with Rudolph Escalante for Interim Police Chief Services [500-10 A/C: Escalante, Rudy]
RECOMMENDED ACTION: Approve Resolution and Agreement.

RESULT:	APPROVED <u>RESOLUTION NO. 4062</u> FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PER GOVERNMENT CODES § 7522.56 AND § 21221(H); AND APPROVE AGREEMENT WITH RUDOLPH ESCALANTE FOR INTERIM POLICE CHIEF SERVICES [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Dennis Norton, Michael Termini, Stephani Harlan

- D. Presentation Regarding Propositions 65 and 67 [580-40]
RECOMMENDED ACTION: Receive presentation and provide direction.

RESULT:	APPROVED OPPOSING CALIFORNIA STATE PROPOSITION 65 WITH THE FOLLOWING ROLL CALL VOTE:
MOVER:	Stephanie Harlan, Vice Mayor
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Dennis Norton, Stephani Harlan
NOES:	Michael Termini

Item No. 5 was discussed at the end of the meeting.

5. ADDITIONS AND DELETIONS TO AGENDA

Community Development Director Grunow requested that the City Council select proposed future City Council meeting date(s) in October to discuss the Zoning Code Update. [730-85]

RESULT:	APPROVED SCHEDULING A SPECIAL CITY COUNCIL MEETING TO DISCUSS THE ZONING CODE UPDATE ON SATURDAY, OCTOBER 1, 2016, BEGINNING AT 10:00 AM
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Dennis Norton, Michael Termini
NOES:	Stephanie Harlan

RESULT:	APPROVED TO RE-ENFORCE NOTICING OF THE FIVE FUTURE CITY COUNCIL AND PLANNING COMMISSION MEETINGS TO REVIEW THE ZONING CODE UPDATE [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Dennis Norton, Michael Termini, Stephanie Harlan

11. ADJOURNMENT

The meeting adjourned at 9:15 PM


Ed Bottorff, Mayor

ATTEST:


Susan Sneddon, City Clerk

MINUTES APPROVED AT THE OCTOBER 13, 2016, SPECIAL CITY COUNCIL MEETING.