

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, JULY 28, 2016**

**CLOSED SESSION – 6:00 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:00 PM. He announced the item to be discussed in Closed Session, as follows:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Jamie Goldstein, City Manager

Employee Organizations:

1. Association of Capitola Employees
2. Capitola Police Captains
3. Capitola Police Officers Association
4. Confidential Employees
5. Mid-Management Group
6. Department Heads

CONFERENCE WITH REAL PROPERTY NEGOTIATOR [Govt. Code § 54956.8]

Property: 2091 Wharf Road, APN 034-241-05, Capitola, CA

City Negotiator: Jamie Goldstein, City Manager

Negotiating Parties: Joseph K. and Debbie A. Genge

Under Negotiation: Terms for potential purchase of property by City

LIABILITY CLAIM [Govt. Code § 54956.95]

Claimant: Chad Geraci

Agency claimed against: City of Capitola

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:00 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 absent.

2. PRESENTATIONS**A. Introduction of Susan Nemitz, Santa Cruz Public Library Director [230-10]**

Ms. Nemitz was introduced.

B. Presentation Regarding the Human Care Alliance [330-30]

Shauna Mora, HCA Member (Conflict Resolution Center) and Gary Edwards, HCA Member (Advocacy, Inc.) provided the presentation.

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed conference with the City's labor negotiator (City Manager Goldstein) regarding the following employee organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains; (3) Capitola Police Officers Association; (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads; there was no reportable action. Mr. Condotti stated that the Council discussed with the City's real property negotiator (City Manager Goldstein) regarding property located at 2091 Wharf Road, Capitola (APN 034-241-05); there was no reportable action. In addition, the Council discussed the Chad Geraci tort claim which is listed on the Council's regular meeting Consent Calendar this evening.

4. ADDITIONAL MATERIALS

Deputy City Clerk Nichols stated that one additional material was received from Public Works Director Jesberg regarding Item 9.G.

5. ADDITIONS AND DELETIONS TO AGENDA**6. PUBLIC COMMENTS**

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

Deanna Zachary, Arts Council of Santa Cruz County representative, requested that the Council consider the Arts Council's application for the City's Community Grants.

Barri Boone, In-Home Supportive Services Public Agency (IHSS) representative, spoke regarding the living wage for IHSS home care workers. She also stated concerns regarding health risks related to wireless telecommunications antennas.

Gordon Cumming, Grey Bears Board Member, thanked the City Council for supporting Grey Bears.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the Capitola Begonia Festival's annual fundraiser will be held on Sunday, July 31st from 1:30 – 4:00 p.m. at Michael's on Main in Soquel.

Council Member Harlan stated that the Children of the World sculpture that was created by Luis Villarreal which was donated to the City in 1980 is being presented to the City of Rosarito, Baja California, Mexico.

Mayor Bottorff stated that the July 23rd Wharf to Wharf race was a success.

8. CONSENT CALENDAR

Council Member Harlan requested that Item 8.I. be pulled for discussion.

RESULT:	ADOPTED <u>ITEMS 8.A, 8.B., 8.C., 8.D., 8.E., 8.F., 8.G., 8.H., and 8.J.</u> [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Consider the May 18, 2016, and June 16, 2016, City Council/Successor Agency Budget Study Session Minutes; and the June 23, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of July 21, 2016
RECOMMENDED ACTION: Receive Minutes.
- C. Approval of City Check Registers dated June 3, June 10, June 17 and June 24, 2016[300-10]
RECOMMENDED ACTION: Approve Check Register Reports.
- D. Deny Liability Claim of Chad Geraci for an Undetermined Amount [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- E. Authorize the City to Surplus Two City Vehicles and One Motorcycle [370-10]
RECOMMENDED ACTION: Approve the following:
1. Authorize the Public Works Department to surplus the following vehicles:
 - Marked police vehicle, fleet number 082 (2008 Ford Crown Victoria VIN# 2FAFP71V48X139317), that is scheduled to come off line this fiscal year; and
 - GEM Electric Vehicle (VIN# 5ASAK27412F023950 License # B35240) which is no longer operational.
 2. Authorize sale of the 2002 Suzuki 400 motorcycle (VIN# J515K43A300101985) to the University of California Santa Cruz, Police Department in the amount of \$2,000.00.

- F. Approval of the Rosedale Paving Project Notice of Completion [940-40/500-10 A/C: Monterey Peninsula Engineering]
RECOMMENDED ACTION: Approve and accept the Rosedale Area Paving Project as constructed by the Monterey Peninsula Engineering as complete at a final cost of \$267,412; and authorize the Public Works Department to release the contract retention of \$13,370.60 in 35 days following the recordation of the Notice of Completion.

- G. Rescind Previously Awarded Contract for Repairs to the Jade Street Tennis Courts and Approve Plans, Specifications, and Estimate for Advertising for Bids [1040-20]
RECOMMENDED ACTION: Take the following actions:
 - 1. Rescind a contract awarded to Vintage Contractors on June 23, 2016, for repairs to the Jade Street Tennis Courts; and
 - 2. Approve plans, specifications, and estimate for advertising for bids for the selected repair alternative of the Plexipave Slipsheet overlay.

- H. Consider a Contract with Carolyn Flynn for Professional Services Related to Affordable Housing, Community Development Block Grant (CDBG) Administration, and Grant Writing [500-10 A/C: Flynn, Carolyn]
RECOMMENDED ACTION: Authorize the City Manager to execute a contract with Carolyn Flynn in an amount not to exceed \$52,000.

- I. Approve Agreement with Bogard Construction as the Project Manager for the Construction of Capitola Branch Library for an Initial Amount of \$21,600 [230-10/500-10 A/C: Bogard Construction]
RECOMMENDED ACTION: Award contract.

- J. Fiscal Year 2015/16 Budget Adjustments [330-10]
RECOMMENDED ACTION: Approve the Budget Adjustments.

Item 8.I. was pulled from the Consent Calendar for discussion:

- I. Approve Agreement with Bogard Construction as the Project Manager for the Construction of Capitola Branch Library for an Initial Amount of \$21,600 [230-10/500-10 A/C: Bogard Construction]
RECOMMENDED ACTION: Award contract.

RESULT:	<u>ITEM 8.I.:</u> APPROVED AN AGREEMENT WITH BOGARD CONSTRUCTION AS THE PROJECT MANAGER FOR THE CONSTRUCTION OF CAPITOLA BRANCH LIBRARY FOR AN INITIAL AMOUNT OF \$21,600
MOVER:	Stephanie Harlan, Vice Mayor
SECONDER:	Ed Bottorff, Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan
ABSTAIN:	Michael Termini

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Recruitment Process for Chief of Police, and Designation of City Council Members to Serve on the Interview Panel [650-05/500-100 A/C: Bob Murray & Associates]

RECOMMENDED ACTION: Approve recruitment process for Chief of Police, and designate two City Council Members to serve on the interview panel.

RESULT:	APPOINTED COUNCIL MEMBER TERMINI TO SERVE ON THE POLICE CHIEF INTERVIEW PANEL WITH THE FOLLOWING ROLL CALL VOTE:
MOVER:	Dennis Norton, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Dennis Norton, Ed Bottorff, Michael Termini
NAYS:	Jacques Bertrand, Stephanie Harlan

Marilyn Garrett suggested that the public be involved in the selection of the City's Police Chief.

Council Member Termini made a motion with a second from Mayor Bottorff to appoint Council Member Harlan to be on the interview panel. Council Member Termini withdrew his motion because Council Member Harlan stated that she will defer the appointment to Council Member Bertrand. Mayor Bottorff withdraw his second motion.

RESULT:	APPOINTED COUNCIL MEMBER BERTRAND TO SERVE ON THE POLICE CHIEF INTERVIEW PANEL WITH THE FOLLOWING ROLL CALL VOTE [UNANIMOUS]:
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- B. Consider a Resolution Establishing November 8, 2016, as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Authorization to Extend the Sunset Date on an Existing One-Quarter Cent (0.25%) Transactions and Use ("Sales") Tax; and the Introduction of an Ordinance Amending Section 16 of Ordinance 880, as Amended by Ordinance No. 935 Pertaining to the City's Transactions and Use Tax Administered by the State Board of Equalization[560-10]

RECOMMENDED ACTION: Staff recommends the City Council take the following actions:

1. Adopt the draft Resolution to (a) identify the City Council intentions for the proposed measure; (b) approve the proposed measure language; (c) request consolidation and County Elections to conduct the election; and
2. Introduce an Ordinance amending Section 16 of Ordinance No. 880, as amended by Ordinance No. 935, pertaining to the City's Transactions and Use Tax administered by the State Board of Equalization; and
3. Appoint a City Council subcommittee to prepare an argument and rebuttal in support of the ballot measure and return to the full City Council with a draft argument at a Special Meeting on August 11.

Nathan Cross, Finance Advisory Committee (FAC) representative, provided the FAC's recommendation for the proposed ballot measure.

Carin Hanna, Capitola Village & Wharf Business Improvement Area Advisory Committee representative, provided support to the proposed ballot measure.

RESULT:	(I) APPROVED <u>RESOLUTION NO. 4057</u> [A] IDENTIFYING THE CITY COUNCIL INTENTIONS FOR THE PROPOSED MEASURE; [B] APPROVE THE PROPOSED MEASURE LANGUAGE; AND [C] REQUEST CONSOLIDATION AND COUNTY ELECTIONS TO CONDUCT THE ELECTION; (II) THE INTRODUCTION OF AN ORDINANCE AMENDING SECTION 16 OF ORDINANCE NO. 880, AS AMENDED BY ORDINANCE NO. 935, PERTAINING TO THE CITY'S TRANSACTIONS AND USE TAX ADMINISTERED BY THE STATE BOARD OF EQUALIZATION; AND (III) APPOINTED COUNCIL MEMBERS NORTON AND HARLAN TO A CITY COUNCIL SUBCOMMITTEE TO PREPARE ARGUMENTS AND REBUTTALS IN SUPPORT OF THE BALLOT MEASURE AND RETURN TO THE FULL CITY COUNCIL WITH A DRAFT ARGUMENT AT A SPECIAL MEETING ON AUGUST 11, 2016; [UNANIMOUS]:
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

Mayor Bottorff stated that Item 9.D. was discussed prior to Item 9.C.

- D. Santa Cruz County Mosquito Abatement / Vector Control Presentation [460-10]
RECOMMENDED ACTION: Receive presentation regarding the Local Invasive Aedes Mosquito and Arbovirus Surveillance and Response Plan.
 Paul Binding, Santa Cruz County Mosquito Abatement / Vector Control Manager and Amanda Paulsen, Santa Cruz County Vector Ecologist, provided the presentation.
- C. OpenGov Financial Transparency Presentation [330-70/390-70]
RECOMMENDED ACTION: Receive presentation and provide direction.
 Rebecca Rosengarten and Sebastian Cabrera, OpenGov representatives provided the presentation.

The City Council took a five-minute break.

- E. Zoning Code Update Progress Report [730-85]
RECOMMENDED ACTION: Accept staff presentation and set special hearing schedule.

The following dates for the Special City Council Meetings regarding the Zoning Code Update were approved by the City Council:

- Thursday, August 11, 2016, at 6:00 p.m.
- Thursday, August 18, 2016, at 7:00 p.m.

- Thursday, September 15, 2016 at 6:00 p.m.
- Thursday, September 29, 2016 at 6:00 p.m, (if needed)

F. Designation of Voting Delegate and Alternate for the 2016 League of California Cities Annual Conference to be held in Long Beach October 5 through October 7, 2016[150-50]

RECOMMENDED ACTION: Designate Capitola's Voting Delegates.

RESULT:	APPOINTED COUNCIL MEMBER HARLAN TO BE THE VOTING DELEGATE FOR THE 2016 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND COUNCIL MEMBER BERTRAND TO SERVE AS THE ALTERNATE VOTING DELEGATE [UNANIMOUS]:
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

G. Consider Awarding a Contract for the 2016 Road Rehabilitation Project [940-40]

RECOMMENDED ACTION: Receive report on the bids for the 2016 Road Rehabilitation Project and award a contract to the lowest responsible bidder; and take any related actions necessary to proceed with the project as recommended by the Public Works Department.

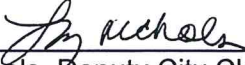
RESULT:	APPROVE A CONTRACT TO GRANITE ROCK COMPANY FOR THE 2016 ROAD REHABILITATION PROJECT WITH A BID IN THE AMOUNT OF \$1,343,067.60 [UNANIMOUS]:
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

10. ADJOURNMENT

The meeting was closed at 10:00 p.m.


Ed Bottorff, Mayor

ATTEST:


Liz Nichols, Deputy City Clerk