

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MAY 26, 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 LEGAL COUNSEL - EXISTING LITIGATION [Govt. Code §54956.9(d)(1)]
(Three cases)

1. Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]
2. GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola
[United States District Court Case No 16-CV-02495-PSG]
3. Friends of Monterey Park v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 16CV01091]

LIABILITY CLAIMS [Govt. Code §54956.95]
Claimant: Vaccine Choice Santa Cruz County
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 - 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. Meet Your Police Officers

Police Chief Escalante introduced Parking Enforcement Officer Oscar Valdez and Senior Officer Leo Moreno.

B. Presentation of Appreciation Plaques to the City Council and the Police Department for Supporting Operation Surf

Laura Miller (Operation Surf representative) and Brent Edwards (Operation Surf Board Member) presented appreciation plaques to the City Council and the Police Department for Supporting Operation Surf.

3. **REPORT ON CLOSED SESSION**

City Attorney Condotti stated that the Council discussed the following two cases of existing litigation: (1) GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola; and (2) Friends of Monterey Park v. the City of Capitola. There was no reportable action. Council discussed Schroedel et al. v. the City of Capitola existing litigation. City Attorney Condotti stated that the City Council unanimously accepted the terms of the settlement agreement between Schroedel et. al. and the City of Capitola. In addition, the Vaccine Choice Santa Cruz County liability claim was discussed and is listed on the Council's regular meeting Consent Calendar this evening.

4. **ADDITIONAL MATERIALS** (None provided)

5. **ADDITIONS AND DELETIONS TO AGENDA** (None provided)

6. **PUBLIC COMMENTS**

Carol Lerno, former Pacific Cove Mobile Home Park resident, thanked the City Council and staff for arriving at a settlement between the City and Schroedel.

Marilyn Garrett, local resident, thanked the City Council for attempting to preserve the community's quality of life in relation to the Verizon cell tower appeal. She stated that she is opposed to microwave radiation.

7. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

Council Member Termini stated that the Red Cross will be conducting a blood drive at the Community Center on June 3rd. He stated that the Heroes Breakfast will be held on Friday, June 17th at the Twin Lakes Church in Aptos. He stated that the Santa Cruz County Business Council has reported an AT&T issue which removes AT&T's requirement to have simultaneous analogue and digital switching.

RESULT:	APPROVED TO SUSPEND ROSENBERG'S RULE OF ORDER REGARDING THE MOTION TO RECONSIDER¹
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

¹ A motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion)... If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

RESULT:	APPROVED TO RECONSIDER AN ITEM AT THE JUNE 16, 2016, OR THE JUNE 23, 2016, CITY COUNCIL MEETING REGARDING AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A WIRELESS TELECOMMUNICATIONS ANTENNA AT 1200 41ST AVENUE, CAPITOLA.
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

Council Member Bertrand stated that he attended the following:

- City's May 17th Finance Advisory Committee meeting
- League of Women Voters of Santa Cruz County Forum
- Attending breakfast meeting with two trustees from the Soquel Union Elementary School District
- City's Volunteer dinner on May 24th
- Santa Cruz County Children's Network meeting

Council Member Harlan stated that the Capitola Rod & Custom Classic Car Show will be held in the Village on June 4th and 5th. The City's Historical Museum will have a 60's pop-up display at the classic car show on June 5th.

City Manager Goldstein stated that KION News highlighted Capitola in the evening broadcast. He provided an update regarding the beach grading; the grand opening and dedication of the Monte Family Skateboard Park on June 4th at 11 a.m.

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

8. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

Mayor Bottorff, as the City's representative on the Santa Cruz Metropolitan Transit District Board (Metro), stated that Metro public meetings are being held with an attempt to resolve their 6.5 million structural deficit. In addition, he stated that as the City's representative on the FAA (Federal Aviation Administration) Select Subcommittee on South Bay Arrivals, he attended a public meeting and two more public hearings are scheduled.

9. CONSENT CALENDAR

RESULT:	ADOPTED ITEMS 9.A., 9.B., 9.C., 9.D., 9.E., 9.F., AND 9.G. [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

A. Consider the May 12, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.

B. Approval of City Check Registers dated April 1, April 8, April 15, April 22 and April 29, 2016 [300-10]
RECOMMENDED ACTION: Approve Check Register Reports.

- C. Deny Liability Claim and Forward to the City's Liability Insurance Carrier [Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- D. Adoption of ***Resolution No. 4049*** – a Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2016-2017, Which Receives the Capitola Village and Wharf Business Improvement Area Annual Report and the Proposed Fiscal Year 2016-2017 Budget; Sets a Public Hearing to Receive Oral or Written Protests on the Levy of Assessments for Fiscal Year 2016-2017 for Thursday, June 16, 2016; and Directs Required Noticing of the Public Hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area[140-05]
RECOMMENDED ACTION: Adopt Resolution.
- E. Authorize the City to Surplus Four City Vehicles and One Coin Change Machine [370-10/330-10]
RECOMMENDED ACTION: Approve the declaration of four vehicles and one change machine as surplus property and direct the Public Works Department to sell or dispose of the property.
- F. Consider extending the Wharf House Restaurant Lease [280-25/500-10 AC: Case, Willie]
RECOMMENDED ACTION: Approve the lease extension.
- G. Set Public Hearing Date to Consider an Appeal of the Community Development Director's Determination Related to a Residential Remodel Project Located at 519 Oak Drive [730-10]
RECOMMENDED ACTION: Set a Public Hearing Date for June 9, 2016.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider Adopting an Administrative Policy Regarding City Proclamations [100-10]
RECOMMENDED ACTION: Adopt the Administrative Policy.

City Clerk Sneddon provided the report for this item. She stated that the proposed Administration Policy includes two types of proclamations: (1) Type I proclamations would give recognition to local individuals/organizations or recognize local regular and special events; and (2) Type II proclamations are more routine in nature and are for regional or statewide events/recognitions that would be issued administratively and would generally not be read at a City Council meeting.

Council Member Termini suggested adding flexibility to the Administrative Policy regarding Type II proclamations so that if a group/individual wants to promote an organization and be present at a Council meeting for the reading of a proclamation.

City Manager Goldstein stated that staff will add flexibility into the Administrative Policy so that the Mayor and City Manager can make the determination if Type II proclamations should be read at a Council meeting.

RESULT:	ADOPTED WITH THE ADDITION OF TYPE II PROCLAMATIONS BEING READ AT A COUNCIL MEETING IF DIRECTED BY THE CITY MANAGER AND THE MAYOR [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

11. ADJOURNMENT

The meeting adjourned at 7:45 p.m.



Ed Bottorff, Mayor

ATTEST:



Susan Sneddon, CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JUNE 9, 2016