

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

**CLOSED SESSION – 6:15 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:15 PM. He announced the item to be discussed in Closed Session, as follows:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Govt. Code §54956.9)
(Two Cases)**

1. Theresa Kloepfer, GAL for Kaitlin Kloepfer vs. the City of Capitola et al.
[Santa Cruz County Superior Court, Case No. CV179725]
2. Tuka Gafair vs. the City of Capitola et al.
[Santa Cruz County Superior Court, Case No. 16CV00902]

**CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(Govt. Code §54956.9(a))**

People of the State of CA, City of Capitola v. Tomas M. D’Angelo and Rosa Z. D’Angelo, [Santa Cruz Superior Court, Case No. 15CV00384]

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:15 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: Absent, Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was present.

2. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed the following existing litigation: (1) Theresa Kloepfer, GAL for Kaitlin Kloepfer vs. the City of Capitola et al.; and (2) Tuka Gafair vs. the City of Capitola et al. In addition, the Council discussed pending litigation regarding People of the State of CA, City of Capitola v. Tomas M. D’Angelo and Rosa Z. D’Angelo. There was no reportable action on all items.

3. **ADDITIONAL MATERIALS** (None provided)
4. **ADDITIONS AND DELETIONS TO AGENDA** (None provided)
5. **PUBLIC COMMENTS** (None provided)
6. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

Council Member Termini stated that today Charter Communications experienced a widespread shut down of Internet and phone service in a major part of the country. In addition, he stated that the Operation Surf event that occurred last week was a success; also he encourage the public to get involved with the newly formed Capitola Friends of the Library.

Council Member Bertrand stated that the recent Vision Capitola workshops were well attended. He stated that he attended an Area Agency on Aging of Santa Cruz and San Benito Counties Board of Directors meeting; the Agency is starting an initiative to elevate addressing the needs of seniors in our community. As the City Council representative he attended a breakfast meeting with representatives from the Soquel Union Elementary School District Board of Trustees. Also he is part of an organizing committee for the Central Coast Climate Collaborative.

Council Member Harlan provided information regarding the "Teen Kitchen Project" provided by the Second Harvest Food Bank.

Mayor Bottorff stated that he helped with the April 16th Peery Park Habitat Restoration Project in pulling English Ivy and thanked "Think Tank" students for helping helped with the efforts. He requested that staff develop a City proclamation administrative policy and be brought to a future meeting for approval.

City Treasurer McBroom invited the public to attend the future special City Council Budget Study Sessions meetings if they are comments regarding the City Fiscal Year 2016/20176 Budget.

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. **REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS**

Council Member Harlan stated that as the City's representative on the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties she attended a recent meeting. She requested that the City's work plan incorporate addressing senior needs as the senior population is growing steadily.

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3. **ADDITIONAL MATERIALS** (None provided)
4. **ADDITIONS AND DELETIONS TO AGENDA** (None provided)
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8. CONSENT CALENDAR

RESULT:	ADOPTED ITEMS 8.A., 8.B., 8.C., 8.D. 8.E., AND 8. F. [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton

- A. Consider the April 14, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Registers dated March 4, March 11, March 18 and March 25 2016 [300-10]
RECOMMENDED ACTION: Approve Check Register Reports.
- C. Set Public Hearing Date to Consider an Appeal of the Planning Commission's Decision to Approve the Monterey Avenue Skate Park [1040-20]
RECOMMENDED ACTION: Set a hearing date of June 23, 2016.
- D. Consider an Amendment to Mid-Management Memorandum of Understanding [600-10]
RECOMMENDED ACTION: Consider Approval of Amendment to the Mid-Management Employees Memorandum of Understanding (MOU) in order to change the Fair Labor Standards Act (FSLA) status of the Environmental Projects Manager and Building Official to exempt effective April 1, 2016.
- E. Adoption of **Resolution No. 4047** Authorizing Capitola's Participation in the CalRecycle Payment Program [930-30]
RECOMMENDED ACTION: Approve Resolution.
- F. Approve a Fiscal Year 2015-2016 Budget Amendment to Purchase Two Unmarked Police Vehicles [330-10/370-10/370-40]
RECOMMENDED ACTION: Amend the Fiscal Year 2015-2016 State Supplemental Law Enforcement Services Fund (SLESF) Budget to increase expenditures by \$40,020.

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9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Appeal of a Planning Commission Approval of a Design Permit and Variance for a Garage Addition to a Single-family Home Located at 4980 Garnet Street [730-10]

RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned. *This item was continued from the April 14, 2016, City Council meeting.*

David Aaron, 4980 Garnet Street (property owner), stated he was available for questions.

Rick Caldarella, local resident, stated concerns regarding approving non-conforming setbacks.

RESULT:	ADOPTED TO UPHOLD THE PLANNING COMMISSION'S APPROVAL OF A DESIGN PERMIT AND VARIANCE FOR A GARAGE ADDITION TO A SINGLE-FAMILY HOME LOCATED AT 4980 GARNET STREET [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton

- B. Community Choice Energy Status Report [430-20]

RECOMMENDED ACTION: Receive presentation and authorize the City Manager to designate staff to participate in the upcoming special study sessions and ad-hoc subcommittee deliberations.

Santa Cruz County Supervisor Bruce McPherson provided support for the City's participation in the Community Choice Energy (CCE) programs special study sessions.

Jenny Johnson, Monterey Bay Community Choice Aggregation (CCA) Representative, provided an overview of the CCA method of building demand for electricity across several jurisdictions, creating an economy of scale allowing the purchase of energy from renewable sources at a competitive rate with existing utility providers. PG&E would continue to bill local customers and distribute electricity.

City Manager Goldstein stated that he will investigate the governance of the proposed Regional Community Choice Energy Joint Powers Authority.

RESULT:	AUTHORIZED THE CITY MANAGER TO DESIGNATE STAFF TO PARTICIPATE IN THE UPCOMING SPECIAL STUDY SESSION AND AD-HOC SUB-COMMITTEE DELIBERATIONS [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton

C. Consider a Resolution for Widening Kennedy Drive to Allow Four Hour Parking [470-40/940-40]

RECOMMENDED ACTION: Authorize the Public Works Department to issue an encroachment permit for shoulder widening on Kennedy Drive and approve a Resolution designating on-street parking as four-hour parking along Kennedy Drive between Chittenden Lane and Rosedale Avenue.

Adair Paterno, Sante Adairius Rustic Ales owner, presented information regarding her request.

Manuel Vieira, Cabrillo Estates Mobile Home Park owner, stated concerns regarding this item.

Frederick Copeland, Cabrillo Mobile Home Estates resident, stated concerns in creating parking issues if this items is approved by the City Council.

Jim Ray, local resident, stated concerns in allowing four-hour parking on Kennedy Drive.

Mr. Francisco, Cabrillo Mobile Home Estates resident, stated his opposition to this item.

Juan Cachun, Cabrillo Mobile Home Estates resident, suggested issuing permits for overnight parking.

RESULT:	ADOPTED <u>RESOLUTION NO. 4048</u> FOR WIDENING KENNEDY DRIVE TO ALLOW A FOUR-HOUR PARKING ZONE FOR ON-STREET PARKING ALONG KENNEDY DRIVE BETWEEN CHITTENDEN LANE AND ROSEDALE AVENUE; WILL BE IN EFFECT FROM 8 A.M. TO 8 P.M. [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton


10. ADJOURNMENT

The meeting was closed at 8:30 P.M.



Ed Bottorff, Mayor

ATTEST:

 CMC
Susan Sneddon, City Clerk