

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MARCH 10, 2016
CLOSED SESSION – 6:45 PM**

Mayor Bottorff called the meeting to order at 6:45 PM. He announced the items to be discussed in Closed Session, as follows:

LIABILITY CLAIMS (Govt. Code §54956.95)

Two Claims:

1. Claimant: Mercury Insurance
2. Claimant: Julie McDaniel

Agency claimed against: City of Capitola

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:45 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 Christine McBroom was absent.

2. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed the following tort claims:

1. Claimant: Mercury Insurance
2. Claimant: Julie McDaniel

There was no reportable action on these items. The tort claims are listed on the Council's regular meeting Consent Calendar this evening.

3. ADDITIONAL MATERIALS

City Clerk Sneddon stated that 17 emails were received regarding Item 9.C.: Appeal of a Planning Commission Decision to Approve a Wireless Telecommunications Antenna at 1200 41st Avenue.

4. ADDITIONS AND DELETIONS TO AGENDA

None provided.

5. PUBLIC COMMENTS

None provided.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Harlan stated that the Capitola Branch Library 16th Birthday Party will be held on March 26th from 12 (Noon) to 2:00 p.m.

Council Member Norton stated concerns regarding the recent report that 52% of the County's population has diabetes or pre-diabetes.

City Manager Goldstein provided an update regarding storm damages earlier this year.

7. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS/COMMISSIONS

Council Member Bertrand reported on the "Villages" (community circle that is developed to support seniors in the community) first meeting in Capitola.

Mayor Bottorff, City Representative on the Santa Cruz Metropolitan Transit District (District), stated that the District is looking at cutting back services to address a financial deficit.

Council Member Harlan stated that the City is finishing the Rosedale Area Paving Project that the Santa Cruz County Sanitation District started.

Mayor Bottorff stated that the recently formed mayoral committee (City Manager, Public Works Director, Council Member Bertrand, and himself) met to review the City's Capital Improvement Plan Projects (Public Works Director Jesberg provided an update on the following projects: McGregor Park, Stockton Avenue Intersection Improvement Project, and 38th Avenue Project).

8. CONSENT CALENDAR

Peter Pethoe, 434 Escalona, Santa Cruz, requested that Item 8.F. be pulled for discussion.

Mayor Bottorff stated that Item 8.F. would be discussed after Item 9.C.

RESULT:	ADOPTED ITEMS 8.A., 8.B., 8.C., 8.D., 8.E., AND 8.G. [UNANIMOUS]
MOVER:	Dennis Norton, Councilmember
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Consider the February 25, 2016, Regular City Council Minutes
- B. Receive Planning Commission Action Minutes for the Regular Meeting of March 3, 2016
- C. Deny Liability Claims and Forward to the City's Liability Insurance Carrier [Claims Binder]
- D. Adoption of Ordinance No. 1005 amending Municipal Code Section 9.30.020 to permit five (5) Surf Schools [2nd Reading] [1020-20]
- E. Approval of Plans, Specifications, and Construction Estimate for the Rosedale Area Paving Project and Authorization to Advertise for Bids [940-40]
- F. Approve a Notice of Completion for the Rispin/Peery ADA Pathway [580-30/500-10 Earthworks]
- G. Approve a Beach Lifeguard Contract with the City of Santa Cruz [500-10 City of Santa Cruz]

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

Mayor Bottorff stated that Item 9.C. will be move prior to Item 9.A.

C. Appeal of a Planning Commission Decision to Approve a Wireless Telecommunications Antenna at 1200 41st Avenue [730-10]

The following spoke against upholding the Planning Commission's decision to approve a Wireless Telecommunications Antenna at 1200 41st Avenue:

- Marketa Bilkova, Five Branches University Assistant Professor
- Barbara Bush, local resident
- Marilyn Garrett, Aptos resident
- Sylvia Skefich, local chiropractor
- Joseph Leight, Trade Winds Mobile Home Park resident
- Lowell W., local resident
- R. Martin, Soquel resident
- Bruce Tanner, local resident
- Gale, local resident
- Paul Lacques, Trade Winds Mobile Home Park resident

Pete Shubin, Verizon Representative, stated that the proposed cell tower complies with FCC regulations.

Peter Pethoe, 434 Escalona, Santa Cruz, suggested that the proposed cell tower be installed at a greater height resulting in less radiation to residents.

RESULT:	OVERRULED THE PLANNING COMMISSION DECISION TO APPROVE A WIRELESS TELECOMMUNICATIONS ANTENNA AT 1200 41ST AVENUE AND TO UPHOLD THE APPEAL ON THE BASIS OF PROXIMITY TO RESTRICTED ZONING [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Dennis Norton, Councilmember
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

A. Receive the 2015 Art and Cultural Commission Annual Report [1010-60]

RESULT:	RECEIVED REPORT
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Council Member Termini stated that a family member of his is employed by Earthwork Paving Contractors, the contractor for the Rispin/Peery Park ADA Improvement Projects, therefore he will recuse himself in participating on Item 9.B. He left the dais.

B. Report on Rispin Mansion Park and the Rispin/Peery Park ADA Improvement Projects and Approval of Plans, Specifications, and Construction Estimates, and Authorization to Advertise for Bids for Certain Phases of the Project [275-20]

Peter Pethoe, 434 Escalona, Santa Cruz, suggested that the Rispin property be used for a hostel.

RESULT:	APPROVED THE RISPIN/PEERY PARK ADA IMPROVEMENT PROJECT; SETTING THE BID OPENING DATE FOR APRIL 13, 2016; AND STAFF TO RETURN WITH PROPOSED PHASES OF THE PROJECT [UNANIMOUS]
MOVER:	Councilmember Termini
SECONDER:	Councilmember Harlan
AYES:	Norton, Bertrand, Harlan, Bottorff

8. CONSENT CALENDAR (continued)

Item 8.F. Approve a Notice of Completion for the Rispin/Peery ADA Pathway

RESULT:	APPROVED THE NOTICE OF COMPLETION FOR THE RISPIN/PEERY ADA PATHWAY; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO RELEASE THE CONTRACT RETENTION OF \$12,713.50 IN 35 DAYS FOLLOWING THE RECORDATION OF THE NOTICE OF COMPLETION [UNANIMOUS]
MOVER:	Councilmember Harlan
SECONDER:	Councilmember Norton
AYES:	Norton, Bertrand, Harlan, Bottorff
DISQUALIFIED:	Termini


10. ADJOURNMENT

Meeting adjourned at 9:00 PM.



Ed Bottorff, Mayor

ATTEST:

 CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON MARCH 24, 2016