

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, JANUARY 14, 2016
CLOSED SESSION - 6:30 PM
CITY MANAGER'S OFFICE**

CALL TO ORDER

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 - ANTICIPATED LITIGATION
Potential initiation of litigation pursuant to subdivision (d) (4) of the Govt.
Code § 54956.9**

One potential case: City of Capitola v. Stewart Title Company

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 in the City Manager's Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Ed Bottorff: Present, Councilmember Dennis Norton: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was absent.

2. PRESENTATIONS

- A. Certificates of Appreciation to the Former Art and Cultural Commission Members [120-40/1010-60]

RESULT: CERTIFICATES OF APPRECIATION WERE PRESENTED

- B. Certificates of Appreciation to the Former Library Ad Hoc Committee Members [120-40/230-10]

RESULT: CERTIFICATES OF APPRECIATION WERE PRESENTED

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the City Council discussed one potential case of anticipated litigation entitled City of Capitola v. Stewart Title Company; there was no reportable action.

4. ADDITIONAL MATERIALS

City Clerk Sneddon stated the additional material was received regarding Item No. 8.A.

5. ADDITIONS AND DELETIONS TO AGENDA

(None provided)

6. PUBLIC COMMENTS

Elizabeth Russell, local resident, presented the Council with a handout and provided comments regarding the Environment Impact Report for the proposed skatepark at Monterey Park.

Peter Wilk, Community on the Environment Chair, requested volunteers to assist with the Peery Park Habitat Restoration Project on January 23rd from 9:00 a.m. to 12 (noon).

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bertrand stated that the Proposition 47 is a new law that changes certain low-level crimes from potential felonies to misdemeanors. He stated that the public can obtain more information by attending a forum on March 27th at Temple Beth El.

Public Works Director provided an update on the City's Capital Improvement Program.

Council Member Harlan stated that Santa Cruz Local Agency Formation Commission is co-sponsoring a public water forum entitled "Connecting the Drops." The workshop will be held on January 28th at the New Brighton School Auditorium (6:30 p.m. Open House / 7:00 – 9:00 p.m. Forum)

City Manager Goldstein stated that New Brighton Middle School students provided nine art pieces that are on display in the Police Department lobby.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Review City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Reappointments, and Nominations of Members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency [110-10]

RECOMMENDED ACTION: To make appointments to the various County/Multi-County Boards, Commissions, and Committees; and City Council appointments, reappointments, and nominations of members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency.

ACTION Motion made by Council Member Norton, seconded by Council Member Bertrand, to appoint/reappoint to following to the Finance Advisory Committee:

- Nathan Cross - Incumbent (Reapplied) (Norton's appointee)
- Will O'Sullivan - Incumbent (Reapplied) (Harlan's appointee)
- Brigitte Estey - Incumbent (Re-applied) (Bottorff's appointee)
- Matt Arthur - Business Rep (Chamber Board recommendation)
- Jacques Bertrand (Mayor's appointment)
- Michael Termini (Vice Mayor's appointment)

The motion was passed unanimously.

ACTION Motion made by Council Member Termini, seconded by Council Member Harlan, to appoint the following to the Santa Cruz Public Libraries System Commission:

- Barbara Gorson

The motion was passed unanimously.

ACTION Motion to appoint the five of the applicants.

Substitute motion made by Council Member Termini, seconded by Council Member Bertrand, for each Council Member to appoint a member to the City's Library Advisory Committee; and for Mayor Bottorff to interview the remaining applicants and to make his appointment at the next City Council meeting; and to appoint the following to the Capitola Library Advisory Committee:

- Lisa Steingrube (Council Member Norton's appointee)
- Gayle Ortiz (Council Member Termini's appointee)
- David Kraemer (Council Member Bertrand's appointee)
- Toni Campbell (Council Member Harlan's appointee)

The motion was passed unanimously.

ACTION Motion made by Council Member Termini, seconded by Council Member Bertrand, to endorse Council Member Termini to be re-appointed to the Monterey Bay Unified Air Pollution Control District.

The motion was passed unanimously.

There was Council consensus for the following appointments/reappointments:

- Council Member Norton to remain as the City's Representatives on the Arts Council Santa Cruz County.
- Mayor Bottorff to be the City's Representative on the Association of Bay Area Governments (AMBAG); and for Council Member Norton to be the Alternate.
- Council Member Termini to be the City's Representative on the Criminal Justice of Santa Cruz County; and for City Manager Goldstein to continue as a Representative.
- Council Member Bertrand to be the City's Representative on the Santa Cruz County Children's Network; and for Council Member Termini to be the Alternate.
- Council Member Harlan to be the City's Alternate Representative on the Santa Cruz County Flood Control and Water Conservation District, Zone 5; and for Council Member Bertrand to be the Alternate.
- Council Member Termini to be the City's Representative on the Santa Cruz County Library Financing Authority, and Council Member Bertrand to be the Alternate.

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- Council Member Norton to be the City's Representative on the Santa Cruz County Regional Transportation Commission; and Council Member Termini to be the Alternate.
- Council Member Harlan to be the City's Representative on the Santa Cruz County Sanitation District.
- Council Member Termini to be the City's Representative on the Oversight Board for the Capitola Successor Agency, and Senior Planning Cattan to be the Employee Representative.

9. CONSENT CALENDAR

RESULT: ADOPTED [UNANIMOUS]
MOVER: Stephanie Harlan, Council Member
SECONDER: Dennis Norton, Council Member
AYES: Norton, Bertrand, Harlan, Termini, Bottorff

- A. Consider the December 10, 2015, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approve the Budget Calendar for the 2016-2017 Fiscal Year [330-05]
RECOMMENDED ACTION: Approve Budget Calendar for Fiscal Year 2016-2017.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Receive Report on Special Events Highlights and Issues for 2015 [1050-70]
RECOMMENDED ACTION: Receive report and provide direction regarding 2016 special events.

Richard Lippi, local resident, provided comments regarding traffic flow during special events.

Kem Akol, applicant for Iron Man/Capitola Man, stated that he wants to change the start time of the event in 2016.

Tom Bradly, applicant for Surfer's Path 5k and 10k races, provided a handout and stated that he wants to add another special event.

Marc Monte, Monte Foundation, stated that he is available for suggestions for the Capitola fireworks event in 2016.

RESULT: RECEIVED REPORT; APPROVED THE EXISTING SPECIAL EVENTS PROGRAM; COUNCIL TO REVIEW THE MONTE FOUNDATION FIREWORKS SHOW IN FEBRUARY OR MARCH 2016; AND THE COUNCIL TO CONSIDER OTHER PROPOSED SPECIAL EVENTS IN THE FUTURE [UNANIMOUS]

MOVER: Michael Termini, Council Member

SECONDER: Stephanie Harlan, Council Member

AYES: Norton, Bertrand, Harlan, Termini, Bottorff

B. Receive Soquel Creek Water District Report [1160-10]

RECOMMENDED ACTION: Receive report by the Soquel Creek Water District.

Dr. Bruce Daniels, Soquel Creek Water District Board Chair, presented the Soquel Creek Water District Report.

Barbara Graves, Santa Cruz water activist, discussed various issues regarding water transfer costs and that Santa Cruz put the brakes on the proposed desalination plant. She requested the City's support in resolving a serious water situation.

RESULT: REPORT RECEIVED

C. Stockton Avenue and Esplanade Intersection Improvement Project Contract Award [940-40/500-10 A/C: Anderson Pacific Engineering Contractor]

RECOMMENDED ACTION: Receive report on the bids for the Stockton Avenue and Esplanade Intersection Improvements; award a contract to Anderson Pacific Engineering Contractor in the amount of \$223,928; and approve a budget transfer within the Capital Improvement Fund to cover the higher than anticipated costs.

RESULT: RECEIVED REPORT; AWARD A CONTRACT TO ANDERSON PACIFIC ENGINEERING CONTRACTOR IN THE AMOUNT OF \$223,928; AND APPROVE A BUDGET TRANSFER WITHIN THE CAPITAL IMPROVEMENT FUND TO COVER THE HIGHER THAN ANTICIPATED COSTS. [UNANIMOUS]

MOVER: Dennis Norton, Stephanie Harlan

SECONDER: Stephanie Harlan, Council Member

AYES: Norton, Bertrand, Harlan, Termini, Bottorff

D. Resident-Initiated Community Visioning Process [700-30]

RECOMMENDED ACTION: Authorize staff to provide technical and in-kind support for the proposed community visioning process.

Gayle Ortiz, local resident, provided the proposed community visioning process to be led by a group of long-term Capitola residents. She stated that the group proposes to hold two or three public workshops to discuss the goals identified in adopted City plans, ask community members to talk about what they value about Capitola and identify what their priorities are for the future of Capitola.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Dennis Norton, Councilmember
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- E. Unpermitted Vacation Rentals - Code Enforcement [390-70/570-10]
RECOMMENDED ACTION: Authorize staff to initiate a proactive Code enforcement sweep of unpermitted vacation rentals.

City Attorney Condotti stated that pursuant to the Capitola Municipal Code the City has recourse against internet service providers, such as AirBnB, VRBO, and HomeAway, that arrange or advertise unpermitted vacation rentals.

Nels Westman, local resident, provided comments regarding the negative impact of short term rentals in R-1 neighborhoods.

RESULT:	AUTHORIZED STAFF TO INITIATE A PROACTIVE CODE ENFORCEMENT SWEEP OR UNPERMITTED VACATION RENTALS, AND DIRECTED THE CITY ATTORNEY TO FILE A COMPLAINT TO THE UNPERMITTED VACATION RENTALS ORGANIZATIONS [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Council Member
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

11. ADJOURNMENT

Meeting adjourned at 9:50 PM.



Ed Bottorff, Mayor

ATTEST:


_____, CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JANUARY 28, 2016