

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
TUESDAY, NOVEMBER 24, 2015**

**CLOSED SESSION - 6:30 PM
CITY MANAGER'S OFFICE**

CALL TO ORDER

Mayor Norton 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 - EXISTING LITIGATION (Govt. Code §54956.9)

(One case): Water Rock Construction, Inc. v. City of Capitola
[Arbitration Claim]

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

Mayor Norton noted that there was no one in the audience; therefore, the City Council recessed at 6:32 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 Dennis Norton: Present, Vice Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Council Member Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer McBroom was absent.

2. REPORT ON CLOSED SESSION

Deputy City Attorney Barbara Choi stated that the Council discussed one case regarding Water Rock Construction, Inc. v. City of Capitola existing litigation; and discussed Conference with Real Property Negotiations regarding 2091 Wharf Road, APN 034-241-05, Capitola; there was no reportable action.

3. ADDITIONAL MATERIALS

There was additional material provided regarding Item No. 9.B. regarding the proposed Fee Schedule for Fiscal Year 2015/16.

4. ADDITIONS AND DELETIONS TO AGENDA (None provided)

5. PUBLIC COMMENTS

Helmut John Fritz, local resident and business owner, provided comments regarding obtaining a building permit from the City for his business located on 110 Stockton Avenue.

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6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Manager Goldstein stated the Department of Finance for the State of California approved payment on the City's old cooperative agreement loan to the former RDA in the amount of \$618,000; payments will be made over the next couple of years and will go toward the City's General Fund Revenue.

Public Works Director Jesberg provided an update on various City Capitola Improvement Programs: (1) Vice Salon Storm Drain Project; (2) the McGregor Park Project; (3) the Capitola Wharf Inspection Project; and (4) the Stockton Avenue Intersection Project.

Council Member Stephanie Harlan recommended waiting until after the winter storms to repair the Capitola wharf pilings.

Council Member Termini stated that the Surfing Santa event will occur on Saturday, November 28th; Village Holiday Open House and Tree Lighting Event on December 5th.

Council Member Bertrand stated that the City has an opening on the Commission on the Environment for a student member.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS (None provided)**8. CONSENT CALENDAR**

Public Works Director Jesberg requested that ***Item No. 8.E.*** be pulled from the Consent Calendar regarding the Rosedale Avenue, Bay Avenue, Alma Court Area Paving Project (Project). He stated that Santa Cruz County Sanitation District (District) is unable to obtain a reasonable price with the sewer project contractor. The District will finish restoring the trenches as they were required to complete in their original permit. The District has agreed to negotiate to give the City a payment toward the Project.

RESULT:	ADOPTED <i>ITEMS 8.A., 8.B., 8.C., AND 8.D.</i> [UNANIMOUS]; NO ACTION TAKEN ON <i>ITEM NO. 8.E.</i> REGARDING THE ROSEDALE AVENUE, BAY AVENUE, ALMA COURT AREA PAVING PROJECT
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini (Mayor Norton voted against Check No. 81812 in Item No. 8.B. regarding payment to Santa Cruz Regional 911)

A. Consider the November 12, 2015, Regular City Council Minutes

RECOMMENDED ACTION: Approve minutes.

B. Approval of City Check Register Reports Dated October 2, October 9, October 16, October 23, and October 30, 2015 [300-10]

RECOMMENDATION: Approve Check Register Reports.

C. Quarterly Financial Reports - First Quarter Budget and Fourth Quarter Sales Tax Report [330-70/390-70]

RECOMMENDED ACTION: Receive the First Quarter Fiscal Year 2015/2016 Budget Report and Fourth Quarter Fiscal Year 2014/2015 Sales Tax Report.

- D. Adoption of **Resolution No. 4035** Repealing Resolution No. 3463 Amending the Art and Cultural Commission Bylaws Regarding Membership [1010-60]
RECOMMENDED ACTION: Consider a Resolution repealing Resolution No. 3463 amending the Bylaws of the Art and Cultural Commission to Reflect the Number of Members in Capitola Municipal Code Section 2.56.010.

NO ACTION WAS TAKEN ON ITEM NO. 8.E, REGARDING THE ROSEDALE AVENUE, BAY AVENUE, ALMA COURT AREA PAVING PROJECT.

- E. Consider authorizing the Rosedale Avenue, Bay Avenue, Alma Court Area Paving Project [330-20/940-40]
RECOMMENDED ACTION: Consider authorizing the expenditure of \$85,000 from the Capital Improvement Program for pavement restoration along Rosedale Avenue, Bay Avenue, Alma Court in conjunction with the Santa Cruz County Sanitation District's Noble Gulch Sewer Project; and authorizing the Director of Public Works to negotiate and sign an agreement with the Santa Cruz County Sanitation District to manage the construction contract.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

Item No. 9.B. was addressed first under General Government / Public Hearings.

- B. Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2015/16; and a Resolution repealing Resolution No. 3964 and Amending the City's Fee Schedule to reflect updated Fees [390-40]
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2015/16 and adopt the proposed resolution repealing Resolution No. 3964, and updating the existing fee and approve administrative adjustments.

Finance Advisory Commissioner Cross provided the Finance Advisory Commission's recommendation regarding proposed Fee Schedule for Fiscal Year 2015/16.

RESULT: ADOPTED RESOLUTION NO. 4036 BY ROLL CALL VOTE AS AMENDED [UNANIMOUS] WITH THE EXCLUSION OF THE CAMP CAPITOLA PARK AND RECREATION FEES

MOVER: Ed Bottorff, Vice Mayor

SECONDER: Stephanie Harlan, Council Member

AYES: Norton, Bottorff, Bertrand, Harlan, Termini

- A. 1575 38th Avenue - Application for a Tentative Map, Conditional Use Permit, Variance, and Design Permit for an 11-unit Residential Subdivision [730-10]
RECOMMENDED ACTION: Adopt the Resolution approving the Tentative Map, Conditional Use Permit, Variance, and Design Permit for Application #15-160.
 Matthew Thompson, Thacher Thompson Architects, provided comments on this proposed 11-unit Residential Subdivision.

RESULT:	ADOPTED <u>RESOLUTION NO. 4037</u> BY ROLL CALL VOTE ADOPTED [3 TO 2]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Norton, Harlan, Termini
NAYS:	Bottorff, Bertrand

- C. Consider Approving the Peery Park Vegetation Restoration Project [1040-20]
RECOMMENDED ACTION: Approve a project plan for the removal of non-native vegetation from Peery Park as recommended by the Commission on the Environment.

Commission on the Environment Vice Chair Wilk explained the proposed weed removal at Peery Park.


RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Vice Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- D. Consider Adoption of the Housing Element Update [730-85]
RECOMMENDED ACTION: Adopt **Resolution No. 4038** approving the Addendum to the General Plan Update Environmental Impact Report and adopt the proposed Housing Element Update.

RESULT:	ADOPTED [UNANIMOUS] BY ROLL CALL VOTE
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

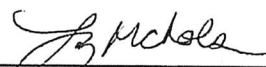
10. ADJOURNMENT

Meeting adjourned at 9:00 PM.



Dennis Norton, Mayor

ATTEST:



Liz Nichols, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON DECEMBER 10, 2015