

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, SEPTEMBER 10, 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 – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9**

One potential case: Patrick and Julie Barnard, 510 Burlingame, APN: 035-103-13

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Marge Hansen

Claimant: John Russell

Agency claimed against: City of Capitola

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: Present

2. PRESENTATIONS

A. Presentation of a proclamation for September's Childhood Cancer Awareness Month
Lori Butterworth, Jacob's Heart Founder & Executive Director, received the proclamation.

3. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed the following three items:

1. Anticipated litigation regarding Patrick and Julie Barnard, 510 Burlingame, APN: 035-103-13
2. Tort claim from Marge Hansen;
3. Tort claim from John Russell.

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

4. ADDITIONAL MATERIALS

The following communications were received regarding the proposed Ordinance amending Section 8.38.060 of the Capitola Municipal Code pertaining to prohibitions of smoking in outdoor public places (Item No. 10.B.):

- Email from Capitola Village and Wharf Business Improvement Area Advisory Committee;
- Two emails from Mary Ann Scolari of Interior Designs in Capitola;
- Email from Alec Gagne.

5. ADDITIONS AND DELETIONS TO AGENDA

None

6. PUBLIC COMMENTS

Gayle Ortiz, 517 Riverview Drive, stated that various members of the community met and are proposing a "Vision Capitola" public forum facilitated by Bill Wiseman. The primary purpose of the forum would be to discuss future goals referenced in the City's General Plan. She requested a future City Council item be agendized for discussion and the approval of a expenditure in the amount of \$11,500 to cover the costs to facilitate the public forum.

There was City Council consensus to agendize this item proposed by Ms. Ortiz.

Nels Westman, local resident and Capitola Village Residents Association member, stated that he supports Ms. Ortiz's proposal.

Marie Martorella, proponent for the proposed skate park at Monterey Park, provided an update on Monterey Skate Park.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

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

Council Member Termini stated that the Capitola Art and Wine Festival will be held on September 12th and 13th; Movies on the Beach will be held on Friday, September 11th. In addition, he stated that he has been invited to be a guest at the October 5th and 6th Lucile Packard Hospital event in honor of Jacobs Hearts.

Council Member Bertrand thanked the City Police Department for their traffic patrol with the start of school. He expressed appreciation for the Soquel Union School Board of Trustees conducting a public forum regarding the proposed skate park at Monterey. In addition, he requested that the entire City Council be provided the proposed League of California Cities 2015 Annual Conference Resolutions for their review.

Council Member Harlan stated that the Santa Cruz County Fair will be held on September 16th through September 20th.

Mayor Norton complimented Police Chief Escalante for being honored by the Community Action Board. In addition, he stated that Save our Shores will provide a beach and Soquel Creek cleanup. They are looking for volunteers with paddle board to assist with garbage cleanup on Soquel Creek.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Review City Council Appointment to the City's Finance Advisory Committee [110-10/330-40]

RECOMMENDED ACTION: That Council Member Bottorff, with concurrence of the Mayor and City Council, make his appointment to fill a vacancy on the Finance Advisory Committee.

Council Member Bottorff appointed Brigitte Estey to be his appointee on the City's Finance Advisory Committee (FAC) to fill a term expiring on December 31, 2015. There was Council consensus to appoint Ms. Estey to the FAC.

9. CONSENT CALENDAR

| | |
|----------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Ed Bottorff, Michael Termini |
| AYES: | Norton, Bottorff, Bertrand, Harlan, Termini |

- A. Consider the August 13, 2015, Special and Regular City Council Minutes
RECOMMENDED ACTION: Approve the subject minutes as submitted.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of September 3, 2015
RECOMMENDED ACTION: Receive minutes.
- C. Denying Liability Claims and Forward to the City's Liability Insurance Carrier [Claims Binder]
RECOMMENDED ACTION: Deny liability claims for an undetermined amount and forward to the City's liability insurance carrier.
- D. Consider an Agreement with Rain Water Solutions for a Rain Barrel Purchasing Program and Offering a Subsidy of \$20 per Barrel to Capitola Residents and Businesses in an Amount Not to Exceed \$3,000 [1160-10/500-10 A.C: Rain Water Solutions]
RECOMMENDED ACTION: Approve agreement and subsidy.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider Public Outreach to Solicit Community Input on the Conception Library Design and a Task Order with Anderson Brule Architects [230-10/330-10/500-10 A/C: Anderson Brile Architects]
RECOMMENDED ACTION: Authorize staff to execute a task order with Anderson Brule Architects under the City's As-Needed Architectural Design Services Contract in an amount not to exceed \$23,300 to begin the public design process for the new Capitola Branch Library, and approve a budget amendment to transfer funds from the Library Trust Fund held by the County into the City's Library Planning Account.

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

- B. Introduction of an Ordinance Amending Section 8.38.060 of the Capitola Municipal Code Pertaining to Prohibitions of Smoking In Outdoor Public Places [460-70]

RECOMMENDED ACTION: Receive report on options to introduce a proposed Ordinance Amendment to the Capitola Municipal Code, Section 8.38.060 (Prohibitions of smoking in outdoor public places) to expand the outdoor public places where smoking is prohibited.

Carin Hanna, Capitola Village and Wharf Business Improvement Area Advisory Committee (CVWBIA) representative, stated the CVWBIA supports expanding the smoking ban. She requested clarification regarding smoking in certain residential areas and at the Capitola Venetian Hotel.

Jeanille Cox, 1500 Wharf Road, owner a Capitola Venetian Hotel short term rental unit, stated concerns regarding the areas where people are allowed to smoke. She suggested that Wharf Road be included in the smoking ban area.

RESULT: ADOPTED [4 TO 1] TO APPROVE EXPANDING THE BOUNDARIES OF THE PROHIBITED SMOKING AREA TO ANY PORTION OF STOCKTON AVENUE RIGHT-OF-WAY BETWEEN WHARF ROAD AND CAPITOLA AVENUE; ANY PORTION OF MONTEREY AVENUE RIGHT-OF-WAY SOUTH OF CAPITOLA AVENUE; ANY PORTION OF SAN JOSE AVENUE RIGHT-OF-WAY BETWEEN ESPLANADE AND CAPITOLA AVENUE; ANY PORTION OF LAWN WAY RIGHT-OF-WAY; AND ANY PORTION OF CAPITOLA AVENUE RIGHT-OF-WAY BETWEEN STOCKTON AVENUE AND MONTEREY AVENUE (OPTION 2).

MOVER: Ed Bottorff, Vice Mayor
SECONDER: Jacques Bertrand, Council Member
AYES: Norton, Bottorff, Bertrand, Harlan
NAYS: Termini

- C. Consider a Resolution Adopting the Countywide Youth Violence Prevention Strategic Plan and Supporting City Participation in the Strategic Plan Implementation (United Way Violence Program) [485-10]

RECOMMENDED ACTION: Adopt Resolution.

Sarah Emmert, United Way Coordinator of Youth Violence Coordinator of Santa Cruz County, provided information regarding "Turning the Curve: Youth Violence Prevention Strategic Plan" and responded to questions from Council.

RESULT: ADOPTED [UNANIMOUS] RESOLUTION NO. 4028
MOVER: Michael Termini, Council Member
SECONDER: Stephanie Harlan, Council Member
AYES: Norton, Bottorff, Bertrand, Harlan, Termini

- D. Consider a Resolution Approving the Final Map for the Surf and Sand Mobile Home Park Subdivision, Tract No. 1566 (Continued from the August 13, 2015, City Council meeting) [730-10/730-75]

RECOMMENDED ACTION: Adopt Resolution.

SUBSTITUTION MOTION

RESULT: TO CONTINUE THIS ITEM UNTIL THE CITY HAS INFORMATION WHICH MIGHT BE IN VIOLATION OF PREVIOUS SETTLEMENT WITH THE CITY
MOVER: Michael Termini, Council Member
SECONDER: Ed Bottorff, Council Member
AYES: Norton, Bottorff, Bertrand, Harlan, Termini

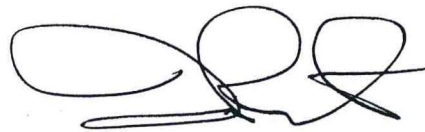
MOTION

RESULT: TO DISAPPROVE FINAL MAP. MOTION FAILED [0 TO 5]
MOVER: Jacques Bertrand, Council Member
SECONDER: Ed Bottorff, Vice Mayor
NAYS: Norton, Bottorff, Bertrand, Harlan, Termini

City Attorney Condotti stated that pursuant to Government Code the City Clerk is required to approve the Final Map for the Surf and Sand Mobile Home Park Subdivision, Tract No. 1566.

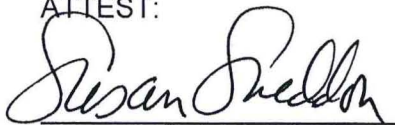
11. ADJOURNMENT

Adjourned at 9:05 PM



Dennis Norton, Mayor

ATTEST:

 CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON OCTOBER 8, 2015