

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, JUNE 9, 2016**

Mayor Bottorff called the meeting to order at 6:00 PM. He announced the item to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code §54956.9(d)(1)]

(Two cases)

1. Friends of Monterey Park v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 16CV01091]
2. GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola
[United States District Court Case No 16-CV-02495-PSG]

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

LIABILITY CLAIMS [Govt. Code §54956.95]

Claimant: Sandra Wallace

Agency claimed against: City of Capitola

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:00 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 McBroom was absent.

2. PRESENTATIONS

A. Presentation of the 2016 Herb Ross Community Achievement Award for the Capitola Police Officer of the Year

Award presented.

3. REPORT ON CLOSED SESSION

Deputy City Attorney Lenhardt stated that the Council discussed the following two cases of existing litigation: (1) Friends of Monterey Park v. the City of Capitola; and (2) GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola; there was no reportable action. Ms. Lenhardt stated the Council discussed Conference with Real Property Negotiator regarding 2091 Wharf Road, APN 034-241-05, Capitola; there was no reportable action. In addition, the Council discussed the Sandra Wallace tort claim which is listed on the Council's regular meeting Consent Calendar this evening.

4. ADDITIONAL MATERIALS

Community Development Director Grunow requested that Item 11.C. regarding the appeal of Community Development Department's determinations for 519 Oak Drive be continued to he July 28, 2016, City Council meeting.

City Clerk Sneddon stated the following additional materials were received:

- One additional material regarding Item 10.C.: Deny Liability Claim of Sandra Wallace.
- Two additional materials regarding Item 10.E.: Approval of plans, specifications, and construction estimate and authorize advertising for bids for the Rispin Mansion Park Project and the 2016 Street Rehabilitation Project.
- One additional material regarding Item 11.A.: Capitola Wharf presentation by Frank Perry, Capitola Museum Curator.
- One additional material regarding Item 11.B.: Zoning Code Update Progress Report.
- Eight additional materials regarding Item 11.C.: An appeal of Community Development Department's determinations regarding 519 Oak Drive.

5. ADDITIONS AND DELETIONS TO AGENDA

None provided

6. PUBLIC COMMENTS

Richard Lippi, local resident, thanked the Public Works Department for laying out lines on the ground showing boundary options for the proposed Monterey Skate Park.

Devon Lawery, resident, stated concerns regarding vehicles parked in residential areas during special events in the Village. She suggested that the public be encouraged to park in the lower and upper Pacific Cove parking lots, and that the police enforce parking in neighborhoods where parking permits are required.

Dan Steingrube, local resident, stated concerns regarding the Environmental Impact Report for the proposed skate park.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that locations where the public can park should be added to the City's website. He announced that the Art and Cultural Commission's first Wednesday Twilight Concert began on June 8th in Esplanade Park.

Council Member Harlan stated that on June 11th at 10:00 AM will be the grand opening and dedication of Ozzi's Memorial Dog Park at McGregor Multi-Use Park. She also thanked the City Council for their support in the passage of Measure S (Santa Cruz Public Libraries).

City Manager Goldstein provided an update regarding various Capital Improvement Program projects.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Consider Appointments to the Historical Museum Board and the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito County [240-40]

RECOMMENDED ACTION: Accept the recommendation of the Capitola Historical Museum Board (Board) to reappoint four Board members, and accept the Board's recommendation to fill a vacancy; confirm appointment to the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito County.

RESULT:	REAPPOINTMENT OF KRISTEN PETERSEN, STEPHANIE TETTER, GORDON VAN ZUIDEN, AND NIELS KISLING TO THE HISTORICAL MUSEUM BOARD (BOARD), AND TO CONTINUE RECRUITMENT TO FILL A VACANCY ON THE BOARD; UNANIMOUS
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

RESULT:	APPOINTMENT OF COUNCIL MEMBER HARLAN AS THE CITY'S REPRESENTATIVE ON THE ADVISORY COUNCIL TO THE AREA AGENCY ON AGING OF SANTA CRUZ AND SAN BENITO COUNTY (ADVISORY COUNCIL), AND FOR STAFF TO CONTINUE RECRUITMENT FOR AN ALTERNATE REPRESENTATIVE ON THE ADVISORY COUNCIL; UNANIMOUS
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Mayor
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

9. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

Council Member Termini stated that the Heroes Breakfast will be held on Friday, June 17th at the Twin Lakes Church in Aptos.

Council Member Norton stated that on June 16th the Santa Cruz Regional Transportation Commission will hold a public meeting at 9:00 AM in the Santa Cruz City Council Chambers to discuss enacting a transportation tax measure to be placed on the November 2016 General Election Ballot.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

June 9, 2016

Council Member Bertrand stated that as the City's Alternate Representative on the Santa Cruz County Libraries Facilities Financing Authority he attended the June 2nd meeting.

10. CONSENT CALENDAR

Richard Lippi, local resident, requested that **Item 10.D.** regarding a contract amendment with Strelow Consulting for the Monterey Avenue Skate Park application be pulled for discussion.

Council Member Bertrand requested that **Item 10.E.** regarding approving the plans, specifications, and construction estimate and authorize advertising for bids for the Rispin Mansion Park Project and the 2016 Street Rehabilitation Project be pulled for discussion.

RESULT:	ADOPTED <u>ITEMS 10.A., 10.B., 10.C., 10.F., AND 10.G.</u> [UNANIMOUS]
MOVER:	Stephanie Harlan, Vice Mayor
SECONDER:	Dennis Norton, Councilmember
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Consider the May 26, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of June 2, 2016
RECOMMENDED ACTION: Receive Minutes.
- C. Deny Liability Claim of Sandra Wallace in the Amount of \$3,468.49[Claims Binder]
RECOMMENDED ACTION: Deny liability claim.
- D. Contract Amendment with Strelow Consulting for the Monterey Avenue Skate Park Application [1040-20/500-10 A/C: Strelow Consulting]
RECOMMENDED ACTION: Authorize the City Manager to sign a Contract Amendment in the amount of \$4,800 with Strelow Consulting.
- E. Approve the Plans, Specifications, and Construction Estimate and Authorize Advertising for Bids for the Following Projects: Rispin Mansion Park Project and the 2016 Street Rehabilitation Project on Portions of Park Avenue, Kennedy Drive, and Monterey Avenue [275-20/940-40]
RECOMMENDED ACTION: Approve the plans, specifications, estimate of costs and authorize advertising for bids.
- F. Consider the Adoption of a Resolution Setting the Fiscal Year 2016-2017 Appropriation Limit [330-05]
RECOMMENDED ACTION: Adopt a Resolution setting the Fiscal Year 2016-2017 Appropriation Limit as required by Article XIII B of the California Constitution.
- G. Consider accepting the City's Investment Policy [100-10/350-10]
RECOMMENDED ACTION: Confirm the City's Administrative Policy Number III-1, Investment Policy, or provide direction to staff regarding any recommended changes.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

June 9, 2016

Community Development Director Grunow provided a brief report on **Item 10.D.** regarding a contract amendment with Strelow Consulting for the Monterey Avenue Skate Park application.

Richard Lippi, local resident, stated that the public should have ample time to analyze the Environmental Impact Report, specifically regarding noise issues. In addition, he stated that the proposed skate park drawings are not the same as were proposed by the Planning Commission at their March 31, 2016, meeting.

Council Member Termini stated that he will recuse himself from this item because his company has done work for Richard Novak, owner of Santa Cruz Skateboards (Mr. Novak is the financial sponsor the proposed Monterey Skate Park).

Council Member Bertrand stated that he will recuse himself from this item because he resides within 500 feet of the subject property.

RESULT:	ADOPTED <u>ITEMS 10.D.</u>
MOVER:	Stephanie Harlan, Vice Mayor
SECONDER:	Dennis Norton, Councilmember
ABSTAIN:	Termini, Bertrand
AYES:	Norton, Bottorff, Harlan

Council Member Bertrand stated that he rescinds pulling **Item 10.E.** for discussion.

RESULT:	ADOPTED <u>ITEMS 10.E</u> [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Michael Termini, Councilmember
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

11. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Presentation by Frank Perry, Capitola Museum Curator, regarding the History of the Capitola Wharf [240-10]
RECOMMENDED ACTION: Receive Presentation.

RESULT:	RECEIVED REPORT
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- B. Zoning Code Update Progress Report [730-85]
RECOMMENDED ACTION: Accept staff presentation and provide direction on future review of draft zoning code.

Council consensus for staff to move forward with Option 2: “Hybrid – Sequential Significant Changes” for the review of the Zoning Code Update and to schedule a City Council special meeting.

- C. Appeal of Community Development Department’s Determinations Regarding 519 Oak Drive [730-10]
RECOMMENDED ACTION: Uphold the Community Development Director’s decision.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

June 9, 2016

Council Member Norton and Council Member Termini stated that they will recuse themselves from this item because they resides within 500 feet of the subject property. They both left the dais.

RESULT:	COUNCIL APPROVED TO CONTINUE <u>ITEM 11.C.</u> REGARDING THE APPEAL OF COMMUNITY DEVELOPMENT DEPARTMENT'S DETERMINATIONS REGARDING 519 OAK DRIVE TO THE JULY 28, 2018, CITY COUNCIL MEETING
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Jacques Bertrand, Council Member
ABSTAIN:	Termini, Norton
AYES:	Bertrand, Bottorff, Harlan

12. ADJOURNMENT

The meeting was closed at 8:19 PM

Ed Bottorff, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JUNE 23, 2016