

March 13, 2008
 Capitola, California

CAPITOLA CITY COUNCIL

MINUTES OF A REGULAR MEETING

6:00 P.M. CLOSED SESSION – CITY MANAGER’S OFFICE CAPITOLA REDEVELOPMENT AGENCY & CITY COUNCIL

At 6:00 p.m. in the City Hall Council Chambers, Mayor/Chairperson Nicol noted that all City Council Members/Redevelopment Agency Directors were present with the exception of Council Member/Director Graves, and he made an announcement regarding the matters to be discussed in Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Surf & Sand LLC vs. City of Capitola (Surf & Sand Mobile Home Park)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to Litigation Pursuant to Subdivision (b) of Govt. Code §54956.9
 Number of Potential Cases: Two (Save the Habitat claim re: Rispin Mansion Project and Soquel Union Elementary School District)

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Govt. Code §54956.9

Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code §54956.8)

Property: McGregor Drive Property, APN 036-341-02
 City Negotiator: City Manager
 Under Negotiation: Lease of City Property

Mayor/Chairperson Nicol asked if anyone wished to address items on the Closed Session agenda. Seeing no one, the council/agency recessed at 6:01 p.m. to the closed session.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

(See Redevelopment Agency Minutes)

REGULAR MEETING OF THE CITY COUNCIL

Mayor Nicol called the Regular Meeting of the City Council to order at 7:02 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Sam Storey, Bob Begun, Michael Termini, and Mayor Kirby Nicol;
 City Treasurer Tony Gualtieri
ABSENT: Council Member Ron Graves
STAFF: City Manager Rich Hill, City Attorney John G. Barisone, Finance Director Lauren Lai, Public Works Director Steve Jesberg, Chief of Police Rick Ehle, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

*** PRESENTATIONS ***

**Presentation on the Santa Cruz Meth Project by Shebreh Kalantari,
 Director of Community Building, United Way of Santa Cruz County [460-10]**

Aimee Mangan introduced herself and said she would be making the presentation to the Council tonight, along with Bobby Smith.

PRESENTATIONS (Continued)

Aimee Mangan provided a history of the Santa Cruz Meth Project and said it is a partnership between County of Santa Cruz Friday Night Live, the Rotary Club of Santa Cruz and Together for Youth (a United Way led initiative). Ms. Mangan submitted an Executive Summary prepared by Applied Survey Research regarding Methamphetamine. She discussed community awareness and provided the Meth Hotline number, which is 454-HOPE.

Utilizing a PowerPoint Presentation, Bobby Smith discussed the different forms of methamphetamine, street names, its use, its effects on the body, signs of meth use, and the various toxic household chemicals that are used in meth production. He said most of the meth in Santa Cruz County is produced in Mexico and brought over the border by vehicle.

Ms. Mangan then reviewed the components of the Project's work plan to promote community awareness, and she responded to questions of council members.

Council Member Termini said it might be appropriate to have a report by our police department at a future date relative to child abuse cases, many of which are meth related.

Mayor Nicol commended the speakers on their efforts and thanked them for an excellent presentation.

1. REPORT ON CLOSED SESSION [520-25]

Mayor Nicol said the City Council/Redevelopment Agency Directors met in Closed Session prior to the regular meetings and asked the city attorney to provide a report.

City Attorney Barisone stated that all members of the City Council/Redevelopment Agency were present with the exception of Council Member/Director Graves. Also present were City Manager Rich Hill and Community Development Director Juliana Rebagliati. He advised Council Member Termini excused himself from participating with regard to the Save the Habitat/Rispin Mansion matter for conflict of interest reasons. Mr. Barisone reported on the four items discussed in closed session as follows:

Surf & Sand LLC vs. City of Capitola (Surf & Sand Mobile Home Park) – The city attorney provided a status report. No reportable action was taken.

Soquel Union Elementary School District vs. City of Capitola - The city manager informed the City Council of the ongoing administration of the settlement with SUESD and related activities, especially as they pertain to Jade Street Park. No reportable action was taken.

Save the Habitat lawsuit regarding Rispin Mansion Project – The city attorney provided the Council with a status report. No reportable action was taken.

Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates) – The city attorney informed the council that there were no new developments; therefore, the matter was not discussed.

Conference with Real Property Negotiator regarding lease of McGregor Drive Property – The city manager provided the Council with a report on very preliminary negotiations for the lease or sale of the McGregor Drive property. No reportable action was taken.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – None

2. ORAL COMMUNICATIONS (Continued)

B. Public Comments

1) Bob Yount submitted a written copy of his remarks for the record, and he then addressed the City Council regarding his previous requests to ban smoking in the Village and in other areas of Capitola. He discussed the effects of second-hand smoke and his rights according to the Constitution of the State of California and the Americans with Disabilities Act. Mr. Yount commented on his discussions with the U.S. Department of Justice about filing a lawsuit and his intent to do so. In closing, Mr. Yount said the city council could mitigate this lawsuit by promptly protecting his rights, safety and welfare.

[460-70]

2) Mark Weller, Projects Coordinator of Unite Here Local 483, the union that represents 1,600 hospitality workers in the Monterey Bay area, expressed concerns about Barry Swenson Builder as it relates to the Rispin Mansion Project. He commented on meetings of his union with Barry Swenson Builder concerning the La Bahia project in Santa Cruz and misrepresentation of the union's position when representatives talked to the public about the project. After 10 months of negotiations, Swenson representatives informed the union that there could be no agreement on the union's two central negotiating points. In closing, Mr. Waller urged the council to proceed with great caution when dealing with Barry Swenson Builder and to make the answers clear to residents' questions about upcoming projects in Capitola.

[730-10]

3) Ned Van Volkenburgh, Aptos resident and carpenter's union worker in Santa Cruz County, wished to continue Mr. Weller's cautionary tale regarding dealing with Barry Swenson Builder. He commented on the La Bahia Project in Santa Cruz and how the project has changed from its original approval.

[730-10]

C. Staff Comments – NoneD. City Council/Treasurer Comments/Committee Reports

1) City Treasurer Gualtieri congratulated Council Member Termini on receiving the Capitola-Soquel Chamber of Commerce "Community Spirit" Award. Mayor Nicol said Mayor's Proclamations would be made at the Chamber's Award Luncheon to be held on March 14.

2) Council Member Storey said he wanted to follow up on Mr. Yount's remarks pertaining to a general smoking ban in Capitola. In the face of threatened litigation in that regard, Council Member Storey believes it would be appropriate for staff to prepare a report on the city's ability to institute such a ban. He recommended staff provide an analysis of the issues, including ADA issues referred to by Mr. Yount. City Attorney Barisone said he has worked with the County Health Department in enforcing the City of Santa Cruz smoking ordinance, as well as the Labor Code provisions. Council Member Begun said he agrees with Council Member Storey's suggestion.

ACTION: After discussion of this matter, the city attorney was directed to return with a report on the city's ability to institute a general smoking ban in Capitola.

[460-70]

3) Mayor Nicol said he sadly wished to report that two community members have died recently, Bill Rees and Edna Messini. He intends to adjourn tonight's meeting in their memories.

E. Committee Appointments – NoneF. Approval of Check Register Report [300-10]

City Manager Hill responded to questions from Council Member Begun pertaining to Check Numbers 54787 and 54788, advising those were police department expenditures and that "Tng" was an abbreviation for "training."

2. F. Approval of Check Register Report (Continued)

Council Member Storey commented on the Open Space Fund that has \$256 in it. He wonders if it is worth carrying a reserve for that amount of money. City Manager Hill discussed the establishment of the fund for the accumulation of dollars for the possible purchase of Jade Street Park. Council Member Storey asked if there was a plan to add funds. City Treasurer Gualtieri said money from the sale of city property was put in this fund to be used for future purchase of public properties. Council Member Storey suggested the Finance Advisory Committee discuss the fund.

After Council discussion regarding Council Member Storey's comments on the Open Space Fund, Mayor Nicol directed that the Finance Advisory Committee review that fund and return to council with a recommendation.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Begun, to approve the Check Register Reports dated February 22 and February 29, 2008, including checks numbered 54696 through 54730, in the amount of \$15,102.24, checks numbered 54731 through 54799 in the amount of \$177,521.14, and payroll disbursements for the February 29, 2008, payroll in the amount of \$87,853.00, for a total amount of \$280,476.38, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

3. **CONSENT CALENDAR**

Mayor Nicol asked if there were any items members of the council or public wished to pull for separate discussion. Council Member Begun pulled Item 3.I. He also wished to make a correction to the Minutes of February 28, 2008. (*See comments under Item 3.B. below.*)

Mayor Nicol advised Item 3.I. would be discussed at the end of the meeting following Other Business Item 5.D. (*See discussion and action on Page 11040.*)

CONSENT CALENDAR ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the Consent Calendar as recommended. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

A. Approve Reading by Title of all Ordinances and Resolutions and declare that said Titles which appear on the Public Agenda shall be determined to have been read by Title and Further Reading Waived.

ACTION: The City Council unanimously approved the reading by title of all Ordinances and Resolutions and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

B. Approve City Council Minutes – Regular and Special Joint Meeting with the Planning Commission of February 14, 2008, and the Regular Meeting of February 28, 2008.

Council Member Begun recommended that the Minutes of February 28, 2008, on Page 11029, the first sentence at the top of the page, be corrected to read as follows: "Council Member Begun expressed his concern regarding the additional cost of up to \$200,000 of placing the measure on the June ballot, rather than the November ballot."

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the Minutes of the Regular and Special Joint Meeting with the Planning Commission of February 14, 2008, and the Regular Meeting of February 28, 2008, as corrected. The motion carried unanimously.

3. CONSENT CALENDAR (Continued)

- C. **Receive Planning Commission Action Minutes for the Regular Meeting of March 6, 2008. [740-50]**

ACTION: The City Council unanimously received the Planning Commission Action Minutes for March 6, 2008, as submitted.

- D. **Approve Request from the Santa Cruz County Child Abuse Prevention Council for Suspension of Facility Use Fees at Jade Street Community Center for a Public Awareness Campaign Event on April 6, 2008. [210-70]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the request by the Santa Cruz County Child Abuse Prevention Council to suspend the facility use fee for the Jade Street Community Center for a public awareness event to be held on Sunday, April 6, 2008, from 11 a.m. to 3 p.m. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

- E. **Approve Special Event Permit Request by the Capitola Art & Cultural Commission for the 2008 Twilight Concert Series at the Bandstand in Esplanade Park on 11 Wednesday Evenings from June 18 to August 27, 2008, and the Hanging of a Banner prior to each Concert. [1010-10/720-50]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the recommended action as follows:

- 1) Approved the Special Event Permit for the 2008 Twilight Concert Series at the Bandstand in Esplanade Park on 11 Wednesday Evenings from June 18 to August 27, 2008, and authorized the Police Department to issue the permit; and
- 2) Authorized the Public Works Department to hang the event banner on the Monday preceding each concert.

The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

- F. **Approve Resolution Amending the FY2007/08 General Fund Budget to Accept Donation from the Capitola Public Safety and Community Service Foundation and Grant Funds from the Motor Vehicle Emissions Reduction Program Totaling \$15,800 for the Purchase of a Chrysler General Electric Motorcar (GEM) for the Capitola Police Department Volunteers in Policing Program and Authorizing Expenditures of \$15,800 in FY2007/08. [370-40 Purchasing/330-10]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to adopt Resolution No. 3684, Resolution Amending the FY2007/08 General Fund Budget to Accept Donation from the Capitola Public Safety and Community Service Foundation and Grant Funds from the Motor Vehicle Emissions Reduction Program Totaling \$15,800 for the Purchase of a Chrysler General Electric Motorcar (GEM) for the Capitola Police Department Volunteers in Policing Program and Authorizing Expenditures of \$15,800 in FY2007/08, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

- G. **Award Contract to SoftResources, LLC, for Financial System Consulting Services in an amount not to exceed \$30,000. [500-10 A/C: SoftResources]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to award the contract for Financial System Consulting Services to SoftResources, LLC, in an amount not to exceed \$30,000. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- H. **Approve the Purchase of 2 Vehicles for the Public Works Parks Division from North Bay Ford in Santa Cruz, California (a 2009 Utility Truck in the amount of \$26,605.41, and a 2009 F450 Dump Truck in the amount of \$42,161.74), and approve surplus of the 1991 Utility Vehicle and the 1969 International Dump Truck. [370-40 Purchasing/370-10 Surplus/330-10 Budget Amend]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the recommended action as follows:

- 1) Approved the purchase of a 2009 Utility Truck at the price of \$26,605.41, and a 2009 F450 Dump Truck at the price of \$42,161.74, both including tax, from North Bay Ford in Santa Cruz for the Public Works Department; and
- 2) Approved the surplus of the 1991 Utility Vehicle and the 1969 International Dump Truck.

The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

- I. **Adopt Resolution Amending the FY2007/08 Operating Budget to Transfer \$16,000 from the Workers Compensation Fund to the General Fund and to Increase the Public Works Parks Division Contract Services Expenditures for Seasonal Labor by \$16,000.**

This item was pulled for separate discussion. (See pages 11040 and 11041 for discussion and action.)

4. PUBLIC HEARINGS

- A. **Public Hearing to Consider Regulating Surf Schools at Capitola Beach. Presentation: Police Department. [1020-20]**

Chief of Police Ehle summarized the written agenda report and staff's recommended action to pass an ordinance establishing regulations for surf schools. He and Community Service Officer Eric Mitchell responded to questions of council members pertaining to enforcement of New Brighton Middle School, UCSC and church groups, and the wave break areas depicted on the map, and concerns that more clarification in the ordinance is needed.

Mayor Nicol opened the public hearing at 8:15 p.m.

Cliff Hodges, Adventure Out Surf School, said all groups met and came to a consensus about the rules for Capitola. He expressed concern that the rules have changed, in that the proposed ordinance does not limit the number of schools. Mr. Hodges said the agreement made at the meetings with staff was to limit schools to 4 schools. He explained the reasons for doing so and requested that the city limit the number of surf schools at Capitola Beach to four.

T.J. Welch thanked the council for addressing this issue. He commented on the surf schools that participated in the discussions. Mr. Welch said he supports the schools and agrees with limiting the number of permitted surf schools in Capitola. He also said the city needs to continue to address non-profit/school groups as they tend to come out without a sufficient number of instructors. He commented on Hooper's Beach and said it is isolated and the surf doesn't break often there.

Brad Handzel, Capitola surfer, is concerned about the safety of surfers. He echoed what T.J. Welch said about specific surf schools being allowed to conduct surfing lessons and commented on the surf schools that participated in the meetings with staff. He said there is a risk involved in surfing, and it is important to insure public safety in the water.

4. A. PUBLIC HEARINGS (Continued)

Ed Guzman, Club Ed, said he has taught surfing for 17 years, and he appreciated the ability to participate in the discussions with the city staff on this matter. He commented on the section of the proposed ordinance pertaining to equipment (9.30.020 E.) and explained that a soft top board is actually a hard board. He requested that the wording be changed to allow hard boards with the discretion of the instructor in small numbers, not having more than 1 or 2 people with an instructor in such situations. Mr. Guzman informed the council that all of his instructors have been Live Scanned for the City of Santa Cruz, and he wondered if his people would need to do it again for Capitola. Chief of Police Ehle said he would accept it from another jurisdiction. Mr. Guzman also commented on a permit fee for surf schools and talked about a gentlemen's agreement with respect to the fee and said he would appreciate consideration regarding the fee. He agrees with limiting the number of surf schools to four schools. Mr. Guzman then responded to questions of council members pertaining to his comments on equipment.

Mayor Nicol closed the public hearing at 8:38 p.m.

Council Member Begun asked if anyone in the audience objected to the city limiting the permits to four. No one objected.

Council Member Termini said he was prepared to make a motion and would propose to limit the number of permits to 4 schools and to bring the ordinance back in a year to see how it works.

ACTION: Council Member Termini moved, to pass the proposed ordinance adding Chapter 9.30 to the Capitola Municipal Code Pertaining to Regulation of Surf Schools with the provision that the number of permits be limited to a total of four (4) surf schools, with direction to bring the ordinance back in a year for review. Council Member Begun seconded the motion.

Under discussion of the motion, there was considerable discussion about regulating non-profit groups and the provisions included in the draft ordinance to do so. Council Member Termini clarified that his motion speaks to 4 surf schools total on Capitola Beach, whether they be for profit or non-profit.

City Manager Hill said there is an assumption that permits would be limited to one year, but he does not see provisions in the ordinance to that effect. City Attorney Barisone said the Police Department could establish a policy for the administration of surf school permits and that can be done administratively. They would need to establish an annual date for submission of applications for permits and allow time for review and award of permits.

City Manager Hill said the city attorney recommended the word "annual" be added to the first sentence of Section 9.30.030 A. to address his concerns about a one-year permit.

After considerable council discussion regarding the motion, Council Members Termini and Begun amended the original motion to include the following recommended changes to the ordinance:

- Section 9.30.020 E. – That the last sentence be changed to remove the words "Soft top" and to provide for the use of "hard boards" with leashes for intermediate and advanced lessons at the instructor's discretion, provided the student to instructor ratio is not more than two students per instructor.
- That the ordinance includes language that the permits are annual permits.

4. A. PUBLIC HEARINGS (Continued)

The motion carried to pass the proposed ordinance to a second reading with the recommended changes on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

5. OTHER BUSINESS

A. Report on Santa Cruz Consolidated Emergency Communications Center Narrow Banding by Mike McDougall, General Manager. [420-30]

Mike McDougall, General Manager of the Santa Cruz Consolidated Emergency Communications Center, provided the City Council with a report regarding the important challenge facing our area for adherence to Federal Communications Commission's (FCC) narrow-banding mandate. Using a PowerPoint Presentation Mr. McDougall provided background information about the 9-1-1 Center, the Task Team involved in the narrow-banding project, funding the project, Capitola's share of the cost, and various funding alternatives. He then introduced his assistant, Scotty Douglas, who was also available for questions.

Mr. McDougall discussed the next steps necessary to be taken, including determination of a funding approach, potential JPA agreement amendment, etc. He then provided council members with a copy of the Narrow-banding Task Team Project Report dated January 10, 2008. Following his presentation, Mr. McDougall responded to questions of council members.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Storey, to receive the report. The motion carried unanimously.

B. Work Plans to Achieve the Seven City Goals for 2008. [120-10]

City Manager Hill summarized the written agenda report and responded to questions of council members.

Mayor Nicol reported that he received a letter from the Department of the Navy informing him they do not have a ship to send to Capitola this year; therefore, that goal can be removed from the list.

Council Member Begun referred to Attachment 5, the Citywide Shuttle Service, and suggested deleting the words "one year" from the first sentence, since the trial would be for the summer season only.

ACTION: Council Member Termini moved, seconded by Council Member Storey, to accept the Project Work Plans developed to achieve the following City Goals for 2008, with recommended correction to the Citywide Shuttle Program. The motion carried unanimously.

1. Rispin Project Resolution
2. Resolve Jade Street Park Matter to Preserve a City Presence
3. Pacific Cove Mobile Home Park Long-Term Plan
4. Voter Survey
5. Citywide Shuttle Service
6. Sidewalk Maintenance & Improvement Program

5. OTHER BUSINESS (Continued)

C. Discussion regarding Council Member Protocol while serving on County/Multi-County Boards, Commissions, and Committees. [120-37]

Mayor Nicol introduced this item stating that Council Member Begun placed this item on the agenda for council discussion. Council Member Begun is interested in knowing whether council members who serve as the city's representative on other boards and commissions should obtain viewpoints from other council members before voting on important issues before those boards. Council Member Termini said it should be left to the discretion of the council member to bring important issues forward and get the feeling of the council as they come up on the individual boards and commissions. He said perhaps council members should be cautioned each year when appointed to these boards that they have a responsibility to the citizens of Capitola to operate in their best interests.

Council Member Storey commented that if a council member became aware of an issue before another board, the matter could be brought forward.

City Manager Hill discussed the system currently in place on the agenda, which allows for Committee Reports by council members on committees they serve.

There was further discussion regarding closed session matters before other boards, commissions and committees.

Council Member Begun thanked the council for this discussion.

D. Consideration of an Official City Flag for the City of Capitola. [130-10]

Council Member Begun expressed his interest in having the City Council approve an official flag for the city. He said staff researched what other cities have done for their flags and advised most agencies used their city logo.

Council Member Termini commented on the current city flag, which is the city seal on a white flag. After discussion and viewing the current flag, the following action was taken:

ACTION: Council Member Termini moved to take this matter to the Art & Cultural Commission and have them come back to the city council with a proposal for an official city flag. Council Member Begun seconded the motion.

Under discussion of the motion, Council Member Storey asked if the council could just approve a motion to adopt the current city logo flag. Council Member Termini said the council could do that; however, his motion contemplates there being a possible public art project of the Art & Cultural Commission, where there would be a call to artists to design a flag for Capitola.

The motion carried on the following vote: AYES: Council Members Storey, Begun, and Termini. NOES: Mayor Nicol. ABSENT: Council Member Graves. ABSTAIN: None.

AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED

3. CONSENT CALENDAR (*Items pulled for separate discussion.*)

I. Adopt Resolution Amending the FY2007/08 Operating Budget to Transfer \$16,000 from the Workers Compensation Fund to the General Fund and to Increase the Public Works Parks Division Contract Services Expenditures for Seasonal Labor by \$16,000. [330-10]

3. I. CONSENT CALENDAR *(Items pulled for separate discussion.)*

Council Member Begun said he doesn't understand why money is being taken from the Worker's Compensation Fund to fund a temporary employee in the absence of an employee.

City Manager Hill explained the reason for this recommendation and then responded to further questions from council members.

Council discussion was followed by this action:

ACTION: Council Member Begun moved, seconded by Council Member Termini, to adopt **Resolution No. 3685, Resolution Amending the FY2007/08 Operating Budget to Transfer \$16,000 from the Workers Compensation Fund to the General Fund, and to Increase the Public Works Parks Division Contract Services Expenditures for Seasonal Labor by \$16,000**, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None.

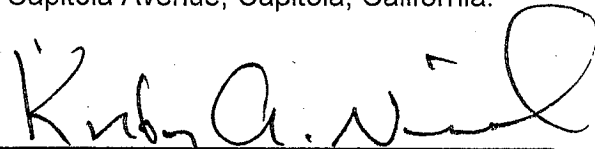
6. **ORAL COMMUNICATIONS**

Council Member Termini said the new GEM car is great. He said the city might want to consider a flatbed truck for public works.

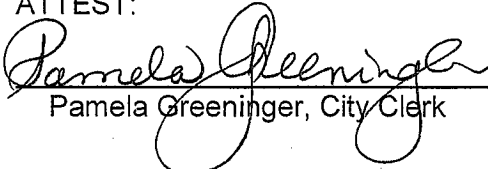
7. **ADJOURNMENT**

Mayor Nicol announced that Capitola has lost two prominent community members, Bill Rees and Edna Messini. He spoke of his friendship with Bill Rees, who died on March 2, 2008, at the age 52. He discussed the electrical work Bill has done for the city and volunteer work he performed for the Wharf to Wharf Race and said Bill will be missed. Mayor Nicol then commented on the life of Edna Messini, who died on February 29, 2008. He said she was active in the community for many years and will be remembered for her service on the Capitola Begonia Festival Committee and her efforts to make Capitola the Begonia Capital of the World. [120-10]

At 10:20 p.m. Mayor Nicol adjourned the Capitola City Council Meeting in Memory of Bill Rees and of Edna Messini to its next Regular Meeting to be held on Thursday, March 27, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.


Kirby A. Nicol, Mayor

ATTEST:

 CMC
Pamela Greeninger, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED BY THE CITY COUNCIL ON 3/27/08 WITH COUNCIL MEMBER GRAVES ABSTAINING