

April 24, 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 6:04 p.m. in the City Hall Council Chambers, Mayor/Chairperson Nicol noted that all City Council Members/Redevelopment Agency Directors were present, and he made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9a)

Save the Habitat vs. City of Capitola (Rispin Mansion Project)
 Soquel Union Elementary School District vs. City of Capitola
 Surf & Sand LLC vs. City of Capitola (Surf & Sand Mobile Home Park)

CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code §54957.6)

Bargaining Unit: Police Captains & Capitola Police Officers Association
 Negotiator: Rich Hill, City Manager

Mayor/Chairperson Nicol asked if anyone wished to address items on the Closed Session agenda. Seeing no one, the council/agency recessed at 6:05 p.m. to the closed session.

At 7:06 p.m. Mayor/Chairperson Nicol welcomed everyone to the Regular Meetings of the Capitola Redevelopment Agency and the City Council of April 24, 2008. He announced that the meetings are being broadcast live on Charter Communications Cable Channel 8 and are being recorded for rebroadcast at 12 noon on Saturday, April 26, 2008, by Community Television of Santa Cruz County.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

(See Redevelopment Agency Minutes)

REGULAR MEETING OF THE CITY COUNCIL

Mayor Nicol called the April 24, 2008, Regular Meeting of the City Council to order at 7:14 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, Ron Graves, Michael Termini, and Mayor Kirby Nicol
ABSENT: City Treasurer Tony Gualtieri
STAFF: City Manager Rich Hill, City Attorney John G. Barisone, Community Development Director Juliana Rebagliati, Finance Director Lauren Lai, Public Works Director Steve Jesberg, Police Captain Todd Mayer, Assistant to the City Manager Lisa Murphy, Housing and Redevelopment Project Manager David Foster, and City Clerk Pamela Greeninger

*** PRESENTATIONS ***

Parking Enforcement Presentation by Capitola Parking Enforcement Officer Ben Irao

Captain Todd Mayer introduced the Police Department's most senior Parking Enforcement Officer Ben Irao, who has worked for the city for the past 23 years. Captain Mayer said Officer Irao not only enforces parking, but he is also a training officer and an ambassador of good will to everyone who comes to the Village. Captain Mayer commented on the article written by Officer Irao that appeared in the Mid County Post last week.

PRESENTATIONS (Continued)

Officer Irao thanked the council for the opportunity to provide information about the Capitola Parking Enforcement Officer Team. He said the team is comprised of 4 officers with a collective field experience of 70 years. He introduced Officer Oscar Valdez (19 years), Bert Morales (just under 10 years), and the city's new Parking Enforcement Officer, Barry Wallace (retired Santa Cruz City Police Officer). He said the officers' primary duty is to enforce parking 12 hours a day, 7 days a week, although Officer Valdez also serves as the city's resident wheelchair repair technician. Officer Irao commented on how the team works to provide parking enforcement coverage throughout the week.

Mayor Nicol thanked Officer Irao for his report on the service their team provides to the City.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone reported on the items discussed in closed session as listed on the first page of the City Council's Agenda. He said all members of the Council were present, as were the city attorney and the city manager. Assistant to the City Manager Lisa Murphy was present for the labor negotiations matter. He also noted that Council Member Termini recused himself for conflict of interest reasons relative to the Save the Habitat matter. City Attorney Barisone reported on the matters discussed in Closed Session as follows:

- Pending Litigation concerning Save the Habitat vs. City of Capitola (Rispin Mansion Project) – The city council received an update from the city attorney on this matter and the motion that is coming up on May 15, 2008. No reportable action was taken.
- Ongoing Administration of a Court Judgment in the Soquel Union Elementary School District vs. City of Capitola matter. Council Members Storey and Termini reported on this item. The council took no reportable action.
- Surf & Sand, LLC vs. City of Capitola (Surf & Sand Mobile Home Park) – The city attorney reported briefly to the city council on this litigation. No reportable action was taken.
- Labor Negotiations - City Manager Hill and Assistant to the City Manager Murphy provided status reports to the council regarding ongoing labor negotiations with the Capitola Police Officers Association and the Police Captains. No reportable action was taken.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

1) Mayor Nicol noted that the City Council is in receipt of a Memo from Chief of Police Ehle dated April 21, 2008, pertaining to Item 5.G. regarding the Hill Street Centerline Stripe Request.

2) Public Works Director Jesberg asked that Item 3.F. pertaining to the Tree Hazard Abatement at 106 Saxon Avenue be removed from the agenda. He informed the Council that the property owner has indicated a willingness to cooperate with the City, and at this time the abatement is not necessary.

ACTION: It was the consensus of the Council to remove Item 3.F. from the Consent Calendar.

3) Mayor Nicol commented on an item that was scheduled for a future council meeting regarding the light brown apple moth (LBAM). He asked the city attorney for an update on recent developments pertaining to LBAM spraying.

2. A. 3) ORAL COMMUNICATIONS (Continued)

City Attorney Barisone reported that he, along with several council members from the City of Santa Cruz, met with Judge Burdick requesting that the scheduled spraying for the light brown apple moth be postponed until a full EIR has been prepared. He reported that the court agreed with the City and County of Santa Cruz and issued an order requiring the Secretary of the Department of Food & Agriculture to withdraw the Notice of Exemption that authorized spraying without an environmental impact report. As a result of this action, there will be no spraying in June of 2008, as the state had originally scheduled. He also understands that Governor Schwarzenegger has issued a press release and has postponed any spraying in the state until August of this year. The Secretary of the State Department of Food & Agriculture also issued a press release saying the department will vigorously appeal this matter. City Attorney Barisone said the state has undertaken an EIR process for the light brown apple moth spraying operation, which they envision taking four years.

Council Member Storey said at the last meeting the council made a decision to have a public hearing on this matter. In light of this information he questioned if this matter should be deferred, or if the council should go ahead with an item on a May agenda. Council Member Termini said he feels it is important to agendaize this matter in order to hear from Capitola citizens. City Manager Hill clarified that the council's direction is to set a public hearing for discussion of this matter.

Mayor Nicol confirmed that staff would schedule a hearing, and he asked the city attorney to keep the council timely-informed of new developments on the legal side of this matter as the city's hearing approaches.

B. Public Comments

1) Frederick Coquelin, President of the Homeowner's Association of Cabrillo Mobile Home Estates, wished to commend the Capitola Police Department and to thank the Police Officers involved in dealing with a situation that required several visits to their park. He also thanked the City Council for funding the Police Department.

2) Amy McKenna, Capitola resident, spoke regarding the eucalyptus trees on Park Avenue. She said it is nice having the trees there. She also commented on the benefits of the trees, including a windbreaker from the ocean. Ms. McKenna believes the trees should not be taken down.

3) Paul Pelkey said he agrees with the previous speaker that the eucalyptus trees on Park Avenue should not be removed.

C. Staff Comments

1) Captain Todd Mayer announced that the Police Department's Tip Line is in service again. He said that number is: 831-475-2791. Captain Mayer said the driving force behind this was Mayor Nicol, who encouraged the Police Department to make the Tip Line available again. He also thanked Information Systems Specialist Larry Laurent and Detective Jason Grogan for their participation in this project. Mayor Nicol said someone on the Mayor's Blog brought the Tip Line to his attention, and he thanked Captain Mayer for his efforts.

D. City Council/Treasurer Comments/Committee Reports

1) Council Member Termini commented on the following items:

a) He said that after representatives of the City and Soquel Union Elementary School District met with a facilitator, they have come up with a date of Wednesday, June 25, 2008, at 5 p.m., at the Jade Street Community Center for the Joint Meeting with the school district. He said it would be a public meeting and that members of the public would have an opportunity to speak after the joint meeting discussions of the school district and the city were completed. The public will have an opportunity to comment after the joint meeting.

2. D. 1) ORAL COMMUNICATIONS (Continued)

b) Council Member Termini said the Capitola Art & Cultural Commission still has tiles for sale for the Seawall Tile Art Project. The tiles are available for purchase from the Capitola-Soquel Chamber of Commerce for \$35 each.

c) Council Member Termini commented on an incident that occurred at New Brighton Middle School, which prompted the opening of every single locker. He was pleased to report they found nothing.

d) He also commented on the beach warning signs and said he has received requests from several citizens that the signs be a bright color so they are more visible.

e) Council Member Termini announced that his appointment to the Planning Commission, Eric Marlatt, has informed him that he can no longer serve on the commission. Council Member Termini said he regrets that Eric must resign; however, he would like to appointment his replacement, former Planning Commissioner Debbie Hale. City Clerk Greeninger said that for most committees a vacancy would need to be noticed for 10 days prior to making an appointment. However, since this is an individual council member appointment to the Planning Commission, she was not sure. Mayor Nicol asked the City Attorney to review the Municipal Code and to inform the council of the process. (See Item 2.E. below.)
[740-50]

f) Council Member Termini also commented on a letter he received from Brookvale Terrace Mobile Home Park residents expressing concern about Charter cable television service.

2) Council Member Storey also commented on the letter from residents of Brookvale Terrace Mobile Home Park about the cable service. Assistant to the City Manager Murphy said she forwarded the letter to Charter and asked for a response to their concerns. She also reported on a customer service survey Charter is performing, and she is in the process of setting up a meeting with the city manager and representatives of Charter to discuss various matters. Council Member Storey asked if the council could receive a report back on that meeting. City Manager Hill responded to questions of Council Member Termini about franchise requirements.

3) Council Member Storey commented on Propositions 98 and 99, which will be on the June 3, 2008 ballot. He said one of the propositions would severely restrict the city's ability in zoning matters and, for the most part, would eliminate the city's mobile home park rent control ordinance. He asked if the council could have a presentation at a future meeting on those propositions for the purpose of the councils' consideration of taking a position. City Attorney Barisone suggested requesting Deanna Sessums from the League of California Cities be invited to speak to the council on that matter.

ACTION: It was the consensus of the City Council directing staff to contact Deanna Sessums at the League of California Cities and to schedule this matter for a future meeting.

4) Mayor Nicol said he wished to publicly recognize and commend the Public Works Department's parks and landscaping crew. He commented on the exceptional condition of Noble Gulch, Monterey and Jade Street Parks and the great job the crewmembers are doing there. He asked the Public Works Director to share the City Council's appreciation for those employees who are doing that work.

5) Mayor Nicol proclaimed May of 2008 National Historic Preservation Month and read the Mayor's Proclamation.

2. ORAL COMMUNICATIONS (Continued)

E. Committee Appointments

City Attorney Barisone reported that Municipal Code Section 2.12.030 addresses filling a vacancy on the Planning Commission. It provides that the council member who made the appointment may appoint the replacement. It also states if the appropriate council member fails to make an appointment within 14 days of notification of the vacancy, the mayor shall make an appointment.

ACTION: Council Member Termini appointed Debbie Hale to replace Eric Marlatt as his appointment to the Planning Commission. He noted that she would not be able to attend the May 1st meeting, but would assume her duties at the May 15, 2008, meeting.

Council Member Graves asked that a resolution of appreciation to Eric Marlatt be brought back for council approval as he has served the City for many years. Council Member Termini said Eric and his family live in the community, he was a former employee of the city, and he served the city well for many years as a Planning Commissioner.

[740-50/ 110-10]

F. Approval of Check Register Report [300-10]

ACTION: Council Member Storey moved, seconded by Council Member Termini, to approve the Check Register Reports dated April 4 and April 11, 2008, including checks numbered 55086 through 55150, in the amount of \$198,059.21, checks numbered 55151 through 55211 in the amount of \$50,404.07, and payroll disbursements for the April 11, 2008, payroll in the amount of \$181,839.17, for a total amount of \$430,302.45, as submitted.

Under discussion, Council Member Graves received responses from staff pertaining to checks for life insurance benefits and for replacement trees. Council Member Graves also noticed there were several traffic citations being dismissed, and he wondered if they were in conjunction with the Sanitation District Project in the Village. Police Captain Mayer said he does not have a precise answer to that question, but that he would check into it.

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

3. **CONSENT CALENDAR**

Mayor Nicol read the titles of items listed on the Consent Calendar and asked if there were any items members of the council or the public wished to pull for separate discussion. Council Member Graves commented on Items 3.H. & 3.L. (*See discussion under those items.*)

Mayor Nicol asked to pull Items 3.J. and L. Mayor Nicol then advised that Items 3.J. and L. would be discussed at the end of the meeting following Other Business Item 5.E. (*See discussion and action beginning on Page 11076.*)

CONSENT CALENDAR ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the Consent Calendar as recommended, with the exception of Items 3.J. and 3.L., which have been pulled for separate discussion. The motion carried on the following vote: AYES: Council Members Storey, Begun, *Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Graves. ABSTAIN: None. [*Note: *Council Member Termini abstained only from Item 3.A., the Minutes of the Special Meeting of April 9, 2008, as he had recused himself from participating in the item of business for that meeting.*]

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.

3. CONSENT CALENDAR (Continued)

B. Approve City Council Minutes – Special Meeting of April 9, 2008.

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the Minutes of the Special Meeting of April 9, 2008, as submitted. The motion carried with Council Member Termini abstaining.

C. Receive Planning Commission Action Minutes for the Regular Meeting of April 17, 2008. [740-50]

ACTION: The City Council unanimously received the Planning Commission Action Minutes for April 17, 2008, as submitted.

D. Receive City Treasurer's Report for the Month ended March 31, 2008. [380-30]

ACTION: The City Council unanimously received the City Treasurer's Report for the month ended March 31, 2008, as submitted.

E. Accept FY 2007/2008 Midyear Fiscal Report for the Capitola Village & Wharf Business Improvement Area (CVWBIA) and Adopt Resolution Amending the FY 2007/2008 CVWBIA Budget to Decrease Revenue by \$3,100 and Increase Expenditures by \$5,150. [140-05]

ACTION: Council Member Termini moved, seconded by Council Member Storey, to accept the FY2007/2008 Midyear Fiscal Report for the Capitola Village and Wharf Business Improvement Area (CVWBIA), and adopted **Resolution No. 3692, Resolution Amending the FY 2007/08 Capitola Village and Wharf Business Improvement Area (CVWBIA) Budget to Decrease Revenue by \$3,100 and Increase Expenditures by \$2,050**, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

F. Adopt Resolution Declaring the Large Elm Tree located at 106 Saxon Avenue to be a Public Nuisance and Setting a Public Hearing for May 8, 2008 on this matter. [1030-60]

NOTE: This item was removed from the Consent Calendar Agenda by Public Works Director Jesberg under Oral Communications Item 2.A.2) where he informed the City Council that the property owner has indicated a willingness to cooperate with the City regarding the removal of the tree at 106 Saxon Avenue, and at this time the abatement is not necessary.

ACTION: It was the consensus of the Council to remove Item 3.F. from the Consent Calendar.

G. Authorize Advertisement of Request for Proposals (RFP) for the City's Financial System. [300-30]

ACTION: Council Member Termini moved, seconded by Council Member Storey, to authorize staff to advertise the Request for Proposals (RFP) for the City's Financial System, as submitted. The motion carried unanimously.

H. Approve Contract with R.L. Hastings & Associates, LLC, for the Administration of the HOME Program Grant for the Bay Avenue Senior Apartments Project for an amount not to exceed \$25,000. [700-10/500-10 A/C: Hastings, R.L. & Associates, LLC]

Prior to action being taken on the Consent Calendar, Council Member Graves commented that the amount of the contract does not bother him; however, he could not find a valid reason why staff cannot do this in-house.

3. H. CONSENT CALENDAR (Continued)

Housing and Redevelopment Planner David Foster addressed Council Member Graves' comments advising this is a Federal program that requires a great deal of monitoring and reporting on the various aspects of the project. He explained the need for someone to monitor the project on a daily basis and have knowledge of required reports for the project. Council Member Graves thanked Mr. Foster for his explanation and said he could support the recommended action.

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the proposed Contract with R.L. Hastings & Associates, LLC, for the Administration of the HOME Program Grant for the Bay Avenue Senior Apartments Project for an amount not to exceed \$25,000. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

- I. **Set Public Hearing on May 8, 2008, for Appeal of Project Application #07-052 for 1816 Wharf Road - Coastal Permit and Architectural and Site Review for the Construction of a New Two-Story Single Family Residence with a request for variances to the Front Yard and Riparian Habitat Setbacks and Parking, in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District. (APN 035-111-17) filed 08/06/07 *2. Property Owner/Applicant: Neils & Joanne Kisling. Representative: Frank Phanton. [730-10]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve recommended action setting a Public Hearing on Thursday, May 8, 2008, for the Appeal of Project Application #07-052 1816 Wharf Road - Coastal Permit and Architectural and Site Review for the Construction of a New Two-Story Single Family Residence with a request for variances to the Front Yard and Riparian Habitat Setbacks and Parking, in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District. (APN 035-111-17) The motion carried unanimously.

- J. **Approve the Plans, Specifications and Engineer's Estimate for the Soquel Creek Wetland Project and Authorize the Department of Public Works to Advertise for Bids. [430-50]**

This item was pulled for separate discussion. (See Pages 11076 and 11077 for discussion and action.)

- K. **Accept the City's Annual Report on the General Plan, 2005-2007. [740-40]**

ACTION: The City Council unanimously accepted the City's Annual Report on the General Plan, 2005-2007, as submitted.

- L. **Authorize the Mayor to Sign and Send a Letter Supporting Assemblywoman Karnette's Resolution asking the US Congress to Oppose any Increase in Truck Sizes or Weights. [590-10]**

This item was pulled for separate discussion. (See Page 11077 for discussion and action.)

4. PUBLIC HEARINGS – None

5. OTHER BUSINESS

- A. **Franchise Agreement for Refuse, Recycling, and Yard Waste Services with GreenWaste Recovery, Inc., with an effective date of September 1, 2008, and expiration date of December 31, 2018. [565-25/500-10 A/C: GreenWaste Recovery, Inc.]**

5. A. OTHER BUSINESS (Continued)

Mayor Nicol introduced this item.

Assistant to the City Manager Murphy summarized the written agenda report and reviewed the various new provisions and modifications to the current agreement. She noted that there was an error on page 21 of the proposed agreement pertaining to Paragraph 4.1 H., Community Events, with respect to number of containers which should be “one equivalent 30 cubic yard roll off collection container...,” and the number of major community events should be “four (4)” as opposed to “a major...” as stated in the agreement.

Assistant to the City Manager Murphy said Frank Weigel, Chief Operating Officer of GreenWaste Recovery, and Jim Moresco, General Manager for our area, were in the audience to respond to questions from the council.

Following the verbal staff report, Assistant to the City Manager Murphy, City Manager Hill and Jim Moresco responded to numerous questions of council members regarding the proposed franchise agreement.

Mayor Nicol asked if anyone from the public wished to address this item.

Paul Pelkey expressed concern that other people in his neighborhood are putting their garbage in his mother’s garbage can when it is put out for collection.

Frederick Coquelin, President of Cabrillo Mobilehome Estates Homeowners’ Association, said currently there is no green waste recycling container at Cabrillo Mobilehome Estates, and he is concerned that a 69-space mobile home park is not recycling its yard waste. Council Member Graves said this was part of the reduction of services award that was made by the council last year. Assistant to the City Manager Murphy also responded that some mobile home parks do not want the yard waste trucks going through their development and have made other arrangements.

There was considerable Council discussion and deliberation prior to the following action being taken:

ACTION: Council Member Begun moved, seconded by Council Member Termini, to:

1) Approve the proposed Franchise Agreement with modifications to Section 4.6 E. to specify that, “The Franchisee may decline to collect any manually dumped containers which weigh in excess of 100 pounds...” (opposed to the carts provided by franchisee) and to Section 4.1 H, Community Events, to leave “one” equivalent (removing “four”) in the first sentence, and replacing the word “a” with “four (4)” prior to “major community events” in the last sentence, and authorized the City Manager to execute the franchise agreement on behalf of the City; and

2) Adopted **Resolution No. 3693, Resolution Granting an Exclusive Refuse, Recycling, and Yard Waste Services Franchise Agreement to GreenWaste Recovery, Inc., Effective September 1, 2008, through December 31, 2018**, as submitted.

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

Assistant to the City Manager Murphy explained her positive relationship with GreenWaste and wished to comment on the exceptional customer service Jim Moresco has provided the city over the years. She discussed the various garbage services she requests and said he is always responsive to the city’s needs.

5. OTHER BUSINESS (Continued)

B. Citywide Weekend Shuttle Program for Summer 2008. [770-20/330-10/500-10 A/C: Santa Cruz Metropolitan Transit District]

Public Works Director Steve Jesberg shared an overhead projection of the proposed Citywide Weekend Shuttle Route Map and summarized the written agenda report. Following his report, he responded to questions of council members.

Mayor Nicol asked if members of the public had comments about this item.

Paul Pelkey expressed concern about potential violent behavior that could occur on the bus and suggested a specific log be kept.

Dennis Norton thanked the Mayor for bringing this forward saying it is a fabulous idea. He discussed a similar system on the East Coast that was initiated for tourists but was utilized by the entire community.

Mayor Nicol expanded on the staff report and explained that this idea came out of the Economic Development Committee. He thinks the system will be especially attractive to seniors in our community, and he supports this pilot program.

After considerable council discussion, the following action was taken:

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

- 1) Adopted **Resolution No. 3694, Resolution Amending the FY 2007/08 Budget by Reducing the Contingency Reserve Fund by \$7,000 and Increasing the Appropriations and Expenditures for Public Works Streets Contract Services for Shuttle Operations by \$7,000**, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.
- 2) Approved the proposed Indemnification/Hold Harmless Agreement with Santa Cruz Metropolitan Transit District for the use of District bus stops along the Citywide Shuttle Route.

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

C. Resolution Amending the City's Fee Schedule Resolution No. 3650 to Add an Annual Surf School Permit Fee of \$52. [390-40 Fees/1020-20 Surf Schools]

Captain Todd Mayer summarized the written agenda report and responded to questions of council members regarding the proposed \$52 annual Surf School Permit Fee.

Limited Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Storey, to adopt **Resolution No. 3695, Resolution Amending the City's Fee Schedule Resolution No. 3650 by Adding an Annual Surf School Permit Fee**, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

D. *[NOTE: This item number was inadvertently skipped. There was no item listed.]*

5. OTHER BUSINESS (Continued)

E. Membership on the Capitola Commission on the Environment. [430-05]

City Clerk Greeninger summarized the written agenda report and options available to the council regarding membership on the commission. She said staff recommends the Mayor's Appointee be changed to an At-Large member.

Council Member Termini said one more member would help the committee achieve a quorum.

Council Member Graves said it would have been helpful to know who was absent on the nights when a quorum wasn't reached.

Council discussion was followed by this action:

ACTION: Council Member Graves moved, seconded by Council Member Storey, to adopt **Resolution No. 3696, Resolution Amending Section 3 of Resolution No. 3610 regarding Membership on the Capitola Commission on the Environment**, as submitted; thereby changing the "Appointee of the Mayor" to an "At large Appointee" and adding an additional "At large Appointee" resulting in a 9-member commission, and with further direction to staff to keep track of the commission's attendance and report back to the council in six months. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

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Prior to taking up the next item, City Attorney Barisone asked for a two-minute time out to determine a conflict of interest issue. At 9:39 p.m. the City council took a short break and reconvened at 9:41 p.m.

F. Discussion of Santa Cruz County Regional Transportation Commission's Schedule for Acquisition of the Union Pacific Railroad Line. [770-05]

Mayor Nicol provided a status report of the Santa Cruz County Regional Transportation Commission's interest in purchasing the railway. He discussed the current use of the railway and said that whoever purchases the railway would need to allow current use of the tracks for a number of years. He said the main reason for purchasing the rail line would be to put it in the public sector

Council Member Begun said he asked that this matter be agendaized to see if the Council would be willing to ask the Santa Cruz County Regional Transportation Commission to put a question on the November ballot to get public input on this matter.

Council Members Termini, Graves and Storey expressed their interest in preserving the corridor and acquiring the rail property for future public use.

Mayor Nicol asked if anyone from the public wished to address the council on this item.

Dave Wright, Aptos resident and member of Friends of the Rail Trail, showed pictures of the rail trail contained in a 2007 calendar he submitted to the council. Mr. Wright expressed his strong support for purchasing the rail corridor.

Dennis Norton, Capitola resident, noted this rail corridor connects 27 state and local parks. He expressed his support for the rail trail and said he hopes the council does give the Mayor direction to vote for the purchase.

Council Member Begun asked Mr. Norton if there should be a public vote on this matter. Mr. Norton said he did not think it was necessary.

5. F. OTHER BUSINESS (Continued)

Paul Pelkey, Capitola resident, said he believes the people should vote on it.

Jacques Bertrand, Capitola resident, offered his support for the purchase of the rail corridor; however, if it were going to encumber the city and take money away from the city's general fund, then he thinks a vote would be appropriate.

ACTION: After considerable Council discussion and comments from the public, the consensus of the City Council was in support of the Santa Cruz County Regional Transportation Commission's acquisition of the Union Pacific Rail Line.

G. Request to Add Centerline Stripe on Hill Street East of Capitola Avenue. [940-60]

Public Works Director Steve Jesberg discussed the request for the addition of a centerline stripe on Hill Street. He summarized the written agenda report and staff's recommendation to deny the request. He also commented on the memo from the Police Department distributed to the Council tonight and responded to questions of council members.

Paul Pelkey asked for and received clarification regarding precisely where on Hill Street the requested centerline stripe would be.

Frederick Coquelin, President of Cabrillo Mobilehome Estates Homeowners' Association, addressed this matter, saying the elimination of parking on one side of the street might be worth considering. Council Member Termini commented that if parking were eliminated, the cars would go even faster.

Council Member Graves said this issue was raised during the council member candidate forums during 2006 and that he believes the council should do something to show people where the center of the street actually is.

After considerable Council discussion and comments from the public, the following action was taken:

ACTION: Council Member Graves moved to direct the Public Works Department to put some sort of center-street delineation on Hill Street between Rosedale Extension and Capitola Avenue. Council Member Termini seconded the motion.

Under discussion Council Member Begun clarified that the motion does not imply that a white stripe will be put down the center of the road. He then asked for a comment from the public works director to the motion. Public Works Director Jesberg reiterated his concerns and said he cannot support the motion. Council Member Graves clarified they are only interested in that section of Hill Street from Rosedale Extension to Capitola Avenue.

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

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

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

J. Approve the Plans, Specifications and Engineer's Estimate for the Soquel Creek Wetland Project and Authorize the Department of Public Works to Advertise for Bids. [430-50]

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

Mayor Nicol commented on the cost of this project and asked for staff explanation on this item. Public Works Director Jesberg said \$150,000 has been spent on engineering and permitting thus far. Mayor Nicol asked how much it would cost to run the pump each year. Public Works Director Jesberg said it would be about \$1,000.

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the plans, specifications and engineer's estimate for the Soquel Creek Wetland Project and authorized the Department of Public Works to advertise for bids. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, and Termini. NOES: Mayor Nicol. ABSENT: None. ABSTAIN: None.

L. Authorize the Mayor to Sign and Send Letter Supporting Assemblywoman Karnette's Resolution asking the US Congress to Oppose any Increase in Truck Sizes or Weights. [590-10]

Prior to action on the Consent Calendar, Council Member Graves said he could support a letter; however, he could not do so tonight as he doesn't believe enough environmental information was provided in the staff report.

Mayor Nicol said he pulled this item, as he would like to know if this is authorizing or directing the mayor to sign the proposed letter. Mayor Nicol said he personally feels uncomfortable signing this letter.

Council Member Termini said he brought this item forward for council support and explained why. Mayor Nicol asked how far the council wants to go down the road of taking positions on issues outside its jurisdiction.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Storey, to authorize the Mayor to sign and send the proposed letter supporting Assemblywoman Karnette's Resolution asking the U.S. Congress to oppose an increase in truck sizes or weights as recommended. The motion carried on the following vote: AYES: Council Members Storey, Begun, and Termini. NOES: Council Member Graves and Mayor Nicol. ABSENT: None. ABSTAIN: None. Mayor Nicol said he would respect the wishes of the Council and sign the proposed letter.

6. ORAL COMMUNICATIONS

1) Council Member Graves commented on a letter he received from a Village resident about the ordinance the council recently adopted pertaining to trash cans in public view.

2) Nancy Brewer, resident of Surf & Sand Mobile Home Park, submitted a petition containing 8 pages of signatures to "Save Jade Street Park." She expressed concern about the two plots she has at Community Gardens.

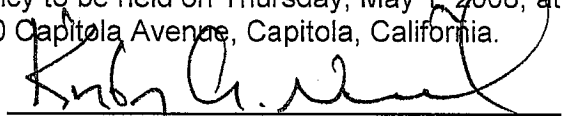
3) Paul Pelkey commented on salt-water intrusion, and he also said highways are built to accommodate vehicles of a certain weight.

7. ADJOURNMENT

The Capitola City Council adjourned at 10:53 p.m. to a Joint Budget Study Session of the City Council and the Redevelopment Agency to be held on Thursday, May 1, 2008, at 6:00 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ATTEST:


Pamela Greeninger, City Clerk



Kirby A. Nicol, Mayor