

September 25, 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 he and City Council Members/Redevelopment Agency Directors Storey and Termini were present, and Directors Begun and Graves were absent. He made an announcement regarding the items to be discussed in Closed Session, as follows:

#### **PUBLIC EMPLOYEE EVALUATION** (Govt. Code §54957)

Title: City Manager Position

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

Property: 504 Beulah Drive [APN 035-141-33]  
 City Negotiator: Public Works Director  
 Under Negotiation: Sale of City Property

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

#### **CONFERENCE WITH LABOR NEGOTIATORS** (Govt. Code §54957.6)

Bargaining Unit: Police Captains  
 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 6:03 p.m. to the closed session.

### REGULAR MEETING OF THE REDEVELOPMENT AGENCY

*(See Capitola Redevelopment Agency Minutes)*

### REGULAR MEETING OF THE CITY COUNCIL

Mayor Nicol called the Regular Meeting of the City Council to order at 7:03 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

#### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

**PRESENT:** Council Members Sam Storey, Michael Termini and Mayor Kirby Nicol; City Treasurer Tony Gualtieri

**ABSENT:** Council Members Robert “Bob” Begun and Ron Graves

**STAFF:** City Manager Rich Hill, City Attorney John G. Barisone, Finance Director Lauren Lai, Interim Community Development Director Anthony “Bud” Carney, Public Works Director Steve Jesberg, Police Captain Tom Held, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

#### \*\*\* PRESENTATIONS \*\*\*

#### **Presentation by Community Service Officer Chad Keane regarding the Capitola Animal Services Unit [400-10]**

Police Captain Tom Held provided historical information regarding the City’s Animal Services Unit, which has been in existence for over 30 years. Captain Held introduced the city’s Community Service Officer, Chad Keane, who has been with the police department for 13 months and has done an outstanding job, particularly with the Animal Services Unit.

## PRESENTATIONS (Continued)

Community Service Officer Keane provided the council with a verbal report on the city's Animal Services Unit. He discussed the number of calls that were handled during the past year and said that the majority of cases were successfully processed and the animals returned to their owners. Officer Keane also provided statistics on total staffing hours and costs involved in providing animal services to Capitola residents. He said the cost represents a significant savings from the anticipated rate that would have been charged if the city continued to participate in the JPA. Officer Keane responded to questions of council members regarding the procedure followed to contain animals and whether staff had the proper tools to deal with the mountain lions recently sighted in Capitola.

Mayor Nicol thanked Community Service Officer Keane for his dedicated work and an informative report.

**1. REPORT ON CLOSED SESSION [520-25]**

City Attorney Barisone said the items discussed in Closed Session were those listed on the posted Agenda. Only three council members were present for the Closed Session, Council Members Storey and Termini, and Mayor Nicol. Council Members Begun and Graves were absent. Also present were City Manager Hill, Public Works Director Steve Jesberg and Interim Community Development Director Carney. City Attorney John Barisone reported on the items discussed as follows:

1) ~~\*Public Employee Evaluation of the City Manager~~—The City Council received a status report on the recruitment of the Community Development Director from City Manager Hill and took no reportable action. \* *Correction made by Council Member Begun and approved by Council.*

2) Real Property Negotiations - 504 Beulah Drive - The City Council briefly discussed the ongoing negotiations for the potential disposition of the city's property located at 504 Beulah Drive. No reportable action was taken in Closed Session on this matter; however, the city council asked the City Attorney to again state that the appraisal for the property remains available at City Hall for public review and that the appraised value set forth in the appraisal for the property is \$475,000.

3) The City Council received a brief status report on the ongoing implementation of the judgment in the Soquel Union Elementary School District vs. City of Capitola matter. Council Member Storey and City Manager Hill provided information to the City Council on that matter. No reportable action was taken.

4) Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates) - City Attorney Barisone provided a status report to the Council on the ongoing appeal of the decision in favor of the City of Capitola in this matter. No reportable action was taken.

5) The city council had a discussion with City Manager Hill on the negotiations with the Police Captains' bargaining unit. No reportable action was taken in Closed Session. City Attorney Barisone said that matter is listed on the council's open session agenda for adoption of a resolution ratifying a new MOU for the Police Captains.

6) Save the Habitat vs. City of Capitola (Rispin Mansion Project) - Council Member Termini recused himself on this matter due to a conflict of interest. There was not a quorum to discuss this matter in Closed Session; however, Interim Community Development Director Carney provided a status report and responded to questions from Council Member Storey and Mayor Nicol. No reportable action was taken.

**2. ORAL COMMUNICATIONS****A. Additions and Deletions to Agenda**

Mayor Nicol announced that the City Council is in receipt of a number of additional written communications regarding Public Hearing Item 4.A., as well as a letter from John Patterson, Executive Director of Community Television of Santa Cruz County, regarding Item 5.A., which will be included in the record for those items.

## 2. ORAL COMMUNICATIONS (Continued)

B. Public Comments

1) Lin Banks, resident of Capitola for 29 years and a member of the Capitola Begonia Festival Committee for 9 years, wished to thank the City Council, the Art & Cultural Commission, and all the people who continue to come out to support the Capitola Begonia Festival. She commented on the 56<sup>th</sup> Annual Begonia Festival held Labor Day weekend and the various “fun, free, family events” that make up the festival. Mrs. Banks discussed the acquisition of a popcorn machine for the “Movies at the Beach” events with a grant from the Art & Cultural Commission, and she apologized if there was any misunderstanding regarding that item. Mayor Nicol thanked Mrs. Banks for her comments and said the city appreciates the Begonia Festival Committee and all those who are involved in the festival. He said events like this contribute to community enrichment, and the city appreciates the efforts of all the committee members.

2) Nels Westman, Riverview Drive, introduced himself and said it was a pleasure to be at tonight’s meeting representing the Capitola Village Resident’s Association. He said attending City Council meetings is part of the committee’s attempt to stay informed on matters at City Hall.

C. Staff Comments

City Clerk Greeninger reminded everyone that the deadline to register to vote in the November 4<sup>th</sup> Election is October 6, 2008. She said it was particularly important to re-register if a voter has moved. Registration cards are available at City Hall, and an application is also available online.

D. City Council/Treasurer Comments/Committee Reports

Council Member Termini commented on the rubberized asphalt being used on Highway 1 that reduces the road noise, and he asked the Public Works Director if the city is pursuing that type of product for street projects in Capitola. Public Works Director Jesberg said he has been looking into rubberized asphalt for 41<sup>st</sup> Avenue.

Council Member Termini announced that in addition to being broadcast live on Charter Communications Community Channel 8, City Council and Planning Commission meetings are also available “live” on the web. He said there is an archive of past meetings that can be viewed online from the City of Capitola website at [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us).

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

Mayor Nicol asked if council members had any questions regarding the Check Register Reports. There were no questions prior to the following action being taken:

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to approve the Check Register Reports dated September 4 and 12, 2008, including checks numbered 56783 through 56830 in the amount of \$95,578.43, and checks numbered 56831 through 56925 in the amount of \$83,483.91, respectively; and payroll disbursements for the September 12, 2008, payroll in the amount of \$191,799.89, for a Grand Total of \$370,862.23, as submitted. The motion carried on the following vote: AYES: Council Member Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

3. **CONSENT CALENDAR**

Mayor Nicol read the titles of items on the Consent Calendar for the public’s information. He then asked if there were any items members of the public or the council wished to pull for separate discussion. None of the items were pulled.

## 3. CONSENT CALENDAR (Continued)

**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, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and 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 – None**

- C. Receive Planning Commission Action Minutes for the Regular Meeting of September 18, 2008. [740-50]**

**ACTION:** The City Council unanimously approved the Planning Commission Action Minutes for the Regular Meeting of September 18, 2008, as submitted.

- D. Receipt of Treasure's Report for the Month Ended August 31, 2008 (Unaudited). [380-30]**

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to accept the Treasurer's Report for the Month Ended August 31, 2008, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

- E. Approve Special Event Permit for the Women on Waves Surf Contest to be held at Capitola Beach on Saturday, November 22, 2008, from 7:00 a.m. to 5:00 p.m. [1050-70]**

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to approve the Special Event Permit for the Women on Waves Surf Contest to be held at Capitola Beach on Saturday, November 22, 2008, from 7:00 a.m. to 5:00 p.m., as requested. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

- F. Accept Donation of a Picnic Table from Friends of Noble Gulch Park. [1040-50/1040-20]**

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to accept the donation of a picnic table from Friends of Noble Gulch Park for installation within Noble Gulch Park as requested. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

## 4. PUBLIC HEARINGS

- A. Public Hearing regarding Charter Communications Cable Television Service Complaints. Presentation: Assistant to the City Manager. [565-20]**

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

Mayor Nicol opened the public hearing at 7:56 p.m.

## 4. A. PUBLIC HEARINGS (Continued)

The following individuals expressed their dissatisfaction with the cable television and/or Internet service they have received from Charter Communications:

Tish Eastman, Sea Pines Court, discussed a missed appointment and the negative service technician.

Adam Samuels, Depot Hill resident, commented on the quality and cost of service.

Sybil Sokol, 300 Plum Street, Brookvale Terrace Mobile Home Park resident, is concerned about the elimination of channels and is interested in the TV Guide Channel.

Anne Bishop, 4425 Clares Street, expressed concerns about the service and inability of 5 different service technicians to fix the problems, and she said there are several channels she can't receive.

Ellen Jennings, Riverview Avenue resident and candidate for Capitola City Council, commented on the concerns of the people and urged the council to take action.

Karen Colson, Capitola Knolls resident on Callas Lane, expressed concerns about the cost for basic cable service from Charter (\$49), when Comcast is \$14.95.

Diane Sleeter, 300 Plum Street, Brookvale Terrace resident, commented on her experience with bad cable and Internet service with Charter. She has changed to satellite service and is very happy with it.

Bob Lyons, 900 Capitola Avenue resident, was upset about service technicians not showing up on time after he had taken off from work, as well as issues relating to payments on his account.

Kathleen Carroll, Lincoln Avenue resident, discussed a situation where she returned a modem but did not get a receipt and has been paying for a modem she has not had for four years.

Sue Becker, 47<sup>th</sup> Avenue resident, said the channel she watches on cable television is KQED. She does not need all the other channels and would like a basic service that is not so expensive.

Nathan Cross, Gilroy Drive resident, commented on his experience with Charter and said he is a soon-to-be dish customer. He encouraged the council to investigate the issues with Charter. He feels we live in a premiere community, and the residents should have premiere services.

Melody Newcomb, 44<sup>th</sup> Avenue resident, expressed concern about not having another choice for cable service.

Michael Perreth, 38<sup>th</sup> & Brommer Street resident, said he lives right on border of Comcast and Charter cable services, but he had to change to Charter. His biggest issue is the price for basic cable service.

Tegan Speiser, 300 Plum Street, on behalf of Brookvale Terrace Mobile Home Park, commented on a letter sent to the city earlier this year regarding cable service in the mobile home park. She informed the Council that Charter did come to the park to review and analyze the system in the park, and Charter determined the signal strength was weak in several areas and made recommendations to install amplifiers to address that issue. Further analysis of the cable equipment revealed that the infrastructure supporting the high tech data is very old and needs to be upgraded in order to make a difference in the quality of service.

Jerry Bowles, 300 Plum Street, resident of Brookvale Terrace Mobile Home Park and Charter subscriber since 1974, expressed concerns about the cable going out. He believes the city does need to pursue issues relating to the cable service.

Frank Borges, Crystal Street resident and Capitola resident since 1950, said Charter lacks customer relations. He explained his experience in calling their 800-phone number on three separate occasions. He discovered Charter representatives are located in other states and had no knowledge of his concerns.

## 4. A. PUBLIC HEARINGS (Continued)

At 8:37 p.m. representatives from Charter Communications addressed Council.

Kristi Balzer, Charter Communications Government Affairs Manager for California-Nevada, provided her phone number (805-783-4945) and invited Capitola Charter customers to contact her. She then introduced her customer relations team: George Jostlin, Director of Government Affairs & Public Relations–Sierra Nevada; Dan Rumrill, Operations Manager, Gilroy System; John Carlson, Technical Operations Manager, Gilroy System; and Ed Farmer, Western Division Headend Manager, Sierra Nevada. Ms. Balzer informed the Council that Charter has been working with City Manager Hill and Assistant to the City Manager Murphy since May to address customer concerns and are striving for the highest customer service. She then responded to comments of council members pertaining to completion of infrastructure improvements, reduced number of subscribers, increased monthly fee, and limited basic cable service for a reduced fee.

Dan Rumrill, Operations Manager, informed the Council that he, too, is a resident of Capitola and Charter subscriber. He said he manages calls on a daily basis and provided his business phone number (408-846-3750). He encouraged Capitola residents to contact him directly regarding their Charter service concerns. He also provided his email address: [danrom@chartercommunications.com](mailto:danrom@chartercommunications.com). Mr. Rumrill stated that during February and March of this year Charter did a complete system check in Capitola. He said they are working at fixing the high-speed Internet connection and cable television picture quality.

Council Member Termini commented on the franchise agreement requirement for a connection between Charter and Community Television. He said the council has been told, since the approval of the franchise agreement, that there are insurmountable technical difficulties to meet that requirement. Mr. Rumrill said he has communicated with Comcast, and they are not interested in sharing their fiber with Charter. Council Member Termini expressed his concerns and said he believes there must be a way to make that connection.

George Jostlin, Director of Government Affairs & Public Relations, said he would take on communications with his colleagues at the government relations' side of this matter with Comcast to see if they can come up with a resolution that is satisfactory to all parties. He said that this management team is committed to making the correction necessary within the community. Mr. Jostlin also responded to concerns addressed by the public at the meeting tonight. He said it appears a lot of the issues that were brought up tonight are in an MDU (multiple dwelling unit); i.e., apartment building, condo facility, or some type of homeowner association environment. He discussed the difficulties Charter has experienced with those types of facilities.

There was further discussion by Council Members and response from Charter Communications representatives pertaining to: the cable system performance review; having an Opinion Survey from Capitola customers only, rather than the entire network; providing credits to customers for late service calls; overcharging a customer for a modem that was returned; the condition and customer service of Charter's local office, etc. Mr. Jostlin commented on the local office and informed the Council that it has been remodeled. He encouraged the council and residents to stop by the office.

Council Member Termini asked the City Attorney if the Council decided to assess damages pursuant to the franchise, what the next step would be if conditions are not remedied. City Attorney Barisone responded the City would need to provide another notice. He also said there are provisions for revoking the franchise. Council Member Termini said he would be in favor of assessing the damages due in this process and felt the Council should take the most extreme measures possible tonight.

## 4. A. PUBLIC HEARINGS (Continued)

At 9:13 p.m., Mayor Nicol asked if there were any further comments from the public on this matter. Seeing none, the public hearing was closed.

Council Member Storey said he would like to continue the public hearing for 30 days and have staff review and report back to the Council on the existing performance review analysis that has been completed. He would also like to see more specifics about the customer service complaints received in this calendar year and more detailed reporting about what the response and follow-up has been. Council Member Storey would also like a report back on Charter's follow-up to the particular complaints the Council heard tonight from residents. Council Member Storey said he would like to give Charter an opportunity to work on these issues and to come back to the Council for review.

Mayor Nicol said he would support that type of motion.

Council discussion was followed by this action:

**ACTION:** Council Member Storey moved to continue this Public Hearing for 30 days. During that period of time the city council would like to see: 1) the Charter performance review that has already been conducted, 2) more details on the customer service complaints; i.e., more specific information about the follow-up to those complaints, including the number of missed complaints and whether credits have been provided to subscribers as specified in the ordinance, and 3) a report back on the follow-up to the specific issues that were raised at the public hearing tonight. At that point the City Council would consider whether or not there has been sufficient progress in compliance and, if not, would then consider a fine.

Mayor Nicol asked the representatives from Charter Communications if they thought they could turn around some of the negative public opinion in 30 days. Following their affirmative response, Mayor Nicol then seconded the motion with the following additional provision: he requested that all the Charter subscribers who spoke tonight return on October 23 for the continued public hearing to revisit this item to see if there is any change. Council Member Storey accepted Mayor Nicol's amendment to the motion.

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

## 5. OTHER BUSINESS

**A. Ordinance Adding Chapter 13.06 to the Capitola Municipal Code Pertaining to State Video Service Franchisees and Implementing the California Digital Infrastructure and Video Competition Act of 2006. (DIVCA) [2<sup>nd</sup> Reading] [565-70]**

Assistant to the City Manager Murphy said that typically an ordinance's second reading is placed on the consent calendar for adoption. She said AT&T and Charter Communications were not available for the public hearing and first reading of the ordinance and had asked to have an opportunity to address this item at the second reading. Assistant to the City Manager Murphy announced that she received an email from the AT&T representative today advising that they would not be attending tonight's meeting, as AT&T had no further comments. She said AT&T looks forward to working with the city in the future.

Council Member Termini asked if there was any attempt by AT&T to correct the mechanism by which they provide PEG services.

## 5. A. OTHER BUSINESS (Continued)

George Jostlin, Director of Government Affairs & Public Relations for Charter Communications, said Susie Evans from their office reviewed the city's DIVCA Ordinance and offered comments on behalf of Charter Communications. Mr. Jostlin said Ms. Evans's comments stand as far as Charter's position on the ordinance is concerned.

There being no further council discussion, the following action was taken:

**ACTION:** Council Member Storey moved, seconded by Council Member Termini, to adopt **Ordinance No. 934, Ordinance Adding Chapter 13.06 to the Capitola Municipal Code Pertaining to State Video Service Franchisees and Implementing the California Digital Infrastructure and Video Competition Act (DIVCA) of 2006**, as submitted. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

B. **City Year-End Fiscal Report for 2007-2008. [330-05: FY 2007-08]**

Finance Director Lai summarized the City's 2007-08 Year-End Fiscal Report pursuant to the written agenda report. She was pleased to report that the General Fund, Fund Balance, at the end of June 30, 2008, was approximately \$400,000. In closing, she said it is staff's recommendation not to make any budget appropriations at this time.

Council discussion was followed by this action:

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to accept the City Year-End Fiscal Report for 2007-2008. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

C. **Financial System Purchase. [300-30/500-10 A/C: New World Systems]**

Finance Director Lai summarized the written agenda report and recommended action. She said this has been an exciting process and that staff is looking forward to bringing services online and moving toward more efficiency. She expressed her appreciation to all the financial system team members, including Council Member Termini.

Council Member Termini said New World Systems stood high above all the vendors and he agrees with staff's recommendation.

City Manager Hill commented on the process of reviewing proposals for the city's new financial system. He congratulated Finance Director Lai and her entire team who for doing a great job reviewing the proposals, putting together the contracts, etc.

Council discussion was followed by this action:

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to approve a contract with New World Systems for the new Financial System, to approve the purchase with IBM for Blade Center Server Hardware, and to approve the purchase with Compucom for Associated Software. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

D. **Report on Grants for Staff Time in Connection with Special Event Applications. [1050-70]**

City Manager Hill suggested postponing this item because it was requested by Council Member Graves who is absent.

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to continue this item to the next meeting. The motion carried unanimously.



## 5. OTHER BUSINESS (Continued)

**E. Status Report Regarding the Environmentally Acceptable Packaging Materials Ordinance. [930-30]**

Assistant to the City Manager Murphy summarized the written agenda report and responded to questions of council members. She announced that a list of acceptable packaging vendors and other information pertaining to the city's ordinance is on the city's website.

Council Member Termini said the Council needs to agendize the review of the city's polystyrene ordinance in order to completely ban polystyrene and to also consider including recyclables as acceptable packaging.

Council Member Storey asked if staff knew how many restaurants were still using polystyrene. Assistant to the City Manager Murphy said there were 2 restaurants still using polystyrene of the 25 restaurants she visited. She also commented on the difficulty ice cream and frozen yogurt businesses are having in finding an alternative product that keeps their products cold.

Council Member Storey asked if there was a time limit for the one exemption that is still using polystyrene, if there will be follow-up, and if the economic exemption status is considered permanent. Assistant to the City Manager Murphy said there is a one-year exemption, and the business would need to reapply. Council Member Storey concurred with Council Member Termini that the city council should review the ordinance to ban polystyrene completely.

Mayor Nicol believes the city needs to recognize the value of recycled products and provide an exemption for those products in the ordinance. He suggested bringing the ordinance to the council for re-visitation some time in early spring.

Council discussion was followed by this action:

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to receive the Status Report regarding the Environmentally Acceptable Packaging Materials Ordinance. The motion carried on the following vote: AYES: Council Members Storey, Termini and Mayor Nicol. NOES: None. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

**F. Resolution Approving a Memorandum of Understanding (MOU) with the Police Captains for the Period July 1, 2008, through June 30, 2011. [600-10]**

Assistant to the City Manager Murphy summarized the written agenda report detailing the agreed upon changes to the Police Captain's MOU.

Council discussion was followed by this action:

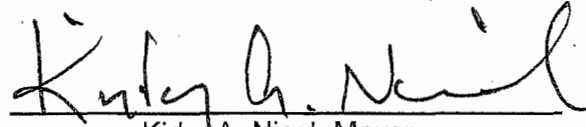
**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to adopt **Resolution No. 3721, Resolution Approving a Memorandum of Understanding with the Police Captains for the period July 1, 2008 to June 30, 2011**, as submitted. The motion carried on the following vote: AYES: Council Members Storey and Termini. NOES: Mayor Nicol. ABSENT: Council Members Begun and Graves. ABSTAIN: None.

## 6. COUNCIL/STAFF COMMUNICATIONS

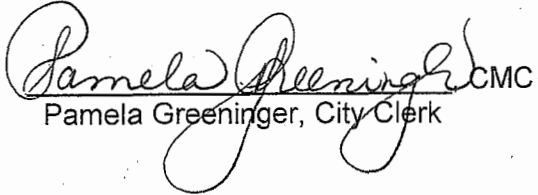
Mayor Nicol announced that there is a football game at Soquel High School tomorrow night, and he encouraged everyone to attend and support their local high school football team.

**7. ADJOURNMENT**

The Capitola City Council adjourned at 9:48 p.m. to its next Regular Meeting to be held on Thursday, October 9, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

  
Kirby A. Nicol, Mayor

ATTEST:

  
Pamela Greeninger, City Clerk

**MINUTES WERE APPROVED AS CORRECTED (\*SEE PAGE 11213) BY THE CITY COUNCIL ON 10/9/08  
WITH COUNCIL MEMBERS BEGUN AND GRAVES ABSTAINING**