

July 9, 2009  
 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, Vice Mayor/Vice Chairperson Storey noted that all City Council Members/Redevelopment Agency Directors were present, with the exception of Mayor/Redevelopment Agency Chairperson Begun who was absent. Vice Mayor/Vice Chairperson Storey made an announcement regarding the items to be discussed in Closed Session, as follows:

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

Property: Rispin Mansion Property, 2000 & 2005 Wharf Road  
 APN 035-371-01 & 02  
 Agency/City Negotiator: Rich Hill, City Manager/RDA Executive Director  
 Negotiating parties: The Rispin LLC, City of Capitola, and City of Capitola  
 Redevelopment Agency  
 Under Negotiation: Lease and Development Agreement

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9a)**  
 Surf and Sand, LLC vs. City of Capitola

Vice Mayor/Vice Chairperson Storey asked if anyone wished to address items on the Closed Session agenda.

The City Council/Redevelopment Agency recessed at 6:02 p.m. to the Closed Session.

**CAPITOLA REDEVELOPMENT AGENCY (See Redevelopment Agency Minutes)**

**REGULAR MEETING OF THE CITY COUNCIL**

Vice Mayor Storey called the Regular Meeting of the City Council to order at 7:20 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

**PRESENT:** Council Members Ron Graves, Kirby Nicol, Dennis Norton, and Vice Mayor Sam Storey  
**ABSENT:** Mayor Robert "Bob" Begun  
**OTHERS:** City Treasurer Jacques Bertrand  
**STAFF:** City Manager Rich Hill, City Attorney John G. Barisone, Community Development Director Jamie Goldstein, Public Works Director Steve Jesberg, Chief of Police Rick Ehle, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

**\*\*\* PRESENTATIONS \*\*\***

**Presentation of Master Municipal Clerk Designation  
 from the International Institute of Municipal Clerks  
 to City Clerk Pamela Greeninger [120-40]**

Vice Mayor Storey provided background information regarding City Clerk Pam Greeninger's service to the city for nearly 30 years, since November of 1979. He said it was his distinct honor to acknowledge and recognize her. Pam Greeninger has achieved her Master Municipal Clerk designation from the International Institute of Municipal Clerks by fulfilling their stringent requirements for continuing education hours and by submitting an Action Plan for Lifelong Learning.

## PRESENTATIONS (Continued)

Vice Mayor Storey commented that there are over 10,000 IIMC members worldwide, and of those members only 767 municipal clerks share that honor, and of those 71 are California City Clerks. Vice Mayor Storey went on to say that Pam is a committed volunteer at local events, including the Art & Wine Festival, and she participates in the Wharf to Wharf Race. Vice Mayor Storey then asked Pam to come forward, and he presented her with a very elegant plaque from the International Institute of Municipal Clerks conferring the Designation of Master Municipal Clerk (MMC) upon Pamela Greeninger in fulfillment of IIMC requirements.

City Clerk Greeninger thanked Vice Mayor Storey for his presentation and said she is delighted to have achieved this professional goal, which she has been working toward for many years. She said she could not have achieved it without the support of the city council over the years, her fellow city clerks and County Clerk, Gail Pellerin, who was in the audience. She acknowledged friends and family in the audience and thanked them for being here to recognize her achievement.

Council Member Graves commented on Pam's husband, Stewart, who was in the audience. He pointed out that Pam's job takes her away from time with him, and he wished to recognize both Pam and Stewart for being such good stewards for the city. He said it has been a pleasure working with Pam for more years than he wished to remember.

**Presentation of Certificates of Appreciation to Members of the  
Capitola Village Master Plan Advisory Committee for their Service [740-20]**

Vice Mayor Storey provided information regarding the city's Village Master Plan Advisory Committee, which was formed in 1995 and charged with assisting the City to develop a Village Master Plan. He commented on various accomplishments of the committee during that time, stating that the committee oversaw the completion of the Capitola Village Circulation, Parking, and Streetscape Plan, which was the groundwork for the streetscape improvements completed in 2001 along Capitola Avenue, completed the Capitola Village Master Plan, which was an in-depth review of parking in the Village, and spearheaded the move of the shuttle parking lot from McGregor Drive to the Crossroads, resulting in an immediate 40% increase in shuttle use the next year. In addition, the committee provided guidance and input to staff and the council on many matters relating to the Village, such as trash, smoking, feeding the birds, safety, policing, parking, special events, etc.

Vice Mayor Storey said the City cannot function without the participation of its residents through volunteerism, and Capitola is fortunate to have a very large and committed group of volunteers who work on committees, such as the Village Master Plan Advisory Committee.

Vice Mayor Storey said it was his honor tonight to recognize many of those volunteers. He then called each of the committee members forward and presented them with a Certificate of Appreciation for their service on the Village Master Plan Advisory Committee. The following members were present and received their certificates:

Dori Arthur, Council Member Harlan's At-Large Member from 1/11/96 to 1/21/04, and Upper Village Property Owner Representative from 1/22/04 to 6/30/09

Matt Arthur, 7/14/05 to 6/30/09, Council Members Arthur, Termini, and Norton's Resident At-Large Member

Margaret Dixon, Mayor Begun's At-Large Member from 9/13/07 to 6/30/09

Peter Hubback – Original Member, Central Village Property Owner Representative from 2/9/95 to 6/30/09

Molly Ording, Central Village Property Owner Representative from 2/23/06 to 6/30/09

Boris Seibert, Council Member Storey's At-Large Member from 1/18/07 to 6/30/09

Julie Thiebaut, Central Village Resident Representative from 6/9/05 to 6/30/09

## PRESENTATIONS (Continued)

The following members were not in attendance, but were called and recognized for their service by Vice Mayor Storey:

Cathy Bentley, Village Association Representative from 1/22/04 to 6/8/05, and Chamber of Commerce Representative from 6/9/05 to 6/30/09

Joan Culver, At-Large Member from 6/9/05 to 6/30/09

Carin Hanna – Original Member, Capitola Village Association Representative from 2/09/95 to 6/8/05, and Capitola Village and Wharf Business Improvement Area Representative from 6/9/05 to 6/30/09

Margaret Kinstler, Central Village Resident Representative from 1/10/08 to 6/30/09

Betty Leipelt – Zelda's Restaurant, Council Member Begun's At-Large Member and the Restaurant Industry Representative from 3/8/07 to 6/30/09

Joyce Murphy, Art & Cultural Commission Representative from 3/8/07 to 6/30/09

Ed Newman, Planning Commission Representative from 1/25/07 to 12/31/08

Anne Nicol, Council Member Nicol's At-Large Member from 1/13/05 to 6/30/09

Mara Palandrani, Upper Village Resident Representative, 2/28/08 to 6/30/09

James Wallace, Upper Village Business Representative from 1/18/07 to 6/30/09

Sandra Wallace, At-Large Member from 9/25/97 to 6/30/09

Vice Mayor Storey asked if any of the members wished to address the council.

Peter Hubback, who served as Chair of this committee for many years, said it has been an honor for him to serve on this committee. He said it was a very spirited committee, and he believes it has done a lot of good for the community.

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

City Attorney John Barisone said the items discussed in closed session were those items listed on the posted agenda. He reported that the council met with its City Attorney and the City Manager at approximately 6 p.m. Mayor Begun was absent.

The City Council received a status report from the City Attorney with regard to Existing Litigation pertaining to the Surf & Sand Mobile Home Park. No reportable action was taken.

With regard to the Rispin Mansion real property negotiations, City Attorney Barisone reported that the City Council received an update from City Manager Hill pertaining to the Lease and Development Agreement. He commented on the construction start date of July 1, 2009, which has not commenced due to the fire. City Manager Hill said the city received a letter from the developer, Barry Swenson Builder, which states they consider the fire an act of god or force Majeure. In their letter the developer presented 2 options: 1) that the city causes the building to be secured so that they can access the interior and get a better determination of the damage resulting from the fire, after which time they should be able to give a firm estimate of the time delay from the fire, or 2) to agree to 90 days from July 1, 2009, which would be September 29, 2009. The council voted to direct the city attorney to write a letter to the developer noting the default in the agreement, noting their invocation of the force Majeure clause and noting that they now have 90 days to cure the default, until September 29, 2009, to start construction. If construction is not undertaken within the 90-day period, the default has not been cured, and the agreement is terminated as of September 29, 2009. In addition, the City Council directed the City Attorney to clarify in the letter that all expenses incurred in undertaking construction prior to September 29, 2009, will be borne by the developer, which includes securing the property to the extent necessary to undertake construction or to conduct investigations necessary to undertake construction.

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

City Manager Hill recommended removing Item 5.C. regarding the General Plan Update from the agenda.

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to remove Item 5.C. from the agenda.

Prior to the vote on this matter, Paul Pelkey commented that the council is using a stall technique. He said the city cannot afford additional positions and needs to utilize people on staff in order to get the job done.

The motion to remove Item 5.C. from the agenda carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

**B. Public Comments**

1) Amy McKenna, Wesley Street resident, commented that she read about the people who are retiring from the city. She observed that Captain Todd Mayer of the Police Department has served the city for 30 years. She found Captain Mayer never failed to be efficient, thorough, hardworking, and he lacked any prejudice. Most of all, he was understanding and compassionate. Ms. McKenna offered her thanks and good wishes to him for a well-deserved retirement.

2) Molly Ording said she was present to congratulate Pam, but, secondly, she represents the Capitola Village Residents' Association and would report back to their association on action taken by the Council.

3) Paul Pelkey said he wished to take his 5<sup>th</sup> Amendment right. He spoke about his father who died at a young age serving our country, but he did not have a chance to meet his dad. Mr. Pelkey believes veterans should be taken care of and honored.

**C. Staff Comments – None****D. City Council/Treasurer Comments/Committee Reports**

1) City Treasurer Bertrand reported on the Finance Advisory Committee meeting of June 30, 2009. The committee has a proposal for council consideration regarding the Business Representative on the committee, which will be brought to the council. Also, the committee has requested that the City Manager provide reports to the Finance Advisory Committee pertaining to all memberships of the City and any of its employees in all organizations paid for by the City and provide a budget for Pacific Cove Mobile Home Park.

2) Council Member Graves commented regarding the Rispin project, saying he believes it is important for staff to prepare a plan in the event of the worst case scenario; if after 90 days, there is no project. He suggested that if the city receives a response back from the developer regarding the letter the City Attorney was directed to send, that the response should be agendaized for discussion.

3) Council Member Norton wished to thank the community and the Police Department for a very orderly 4<sup>th</sup> of July.

Council Member Norton also commented on the Capitola Cares Event to pick up trash on the beach on Sunday afternoon, July 5. He said the biggest problem is cigarette butts. He would like to see the city work toward no smoking on the Esplanade.

## 2. D. ORAL COMMUNICATIONS (Continued)

4) City Treasurer Bertrand commented on a 3-year program undertaken by the Friends of Nobel Gulch Park to eradicate ivy and install native plants in the park.

5) Council Member Norton said a local group, composed of Gayle Ortiz, Gary Wetsel, Assistant to the City Manager Murphy and himself, has been working toward achieving one of the city council's goals, which is to encourage our residents to buy local whenever possible. Council Member Norton displayed the life preserver, which can be purchased by businesses and decals that are being sent to Capitola businesses to display in their windows. Council Member Norton encouraged people to buy local whenever possible. He announced that the proposed program signage will be going to the Planning Commission for approval.

Assistant to the City Manager Murphy said letters will be going out to all the businesses in Capitola, and decals are available at City Hall.

Council Member Graves discussed negative comments he received regarding the proposed decal, saying the orange life ring represents a dire emergency. He also wondered if there was any thought to having a contest to come up with a logo. Council Member Norton responded to Council Member Graves' comments.

E. Committee Appointments - None

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

Council Member Norton said he had a question on check #60255 to Devco Oil Inc. He asked if the city receives a discount on gas purchased. His calculation of the price per gallon was \$3.39, which is more than the market value. Public Works Director Steve Jesberg said he would check into the contract and report back to council.

Council discussion was followed by this action:

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to approve the Check Register Report dated June 19 and June 26, 2009, including checks numbered 60150 through 60225 in the amount of \$80,698.75, and checks numbered 60226 through 60342 in the amount of \$208,734.69, respectively; and payroll disbursements for the June 19, 2009, payroll in the amount of \$198,938.56 for a Grand Total of \$488,372.00, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

3. **CONSENT CALENDAR**

Vice Mayor Storey asked if there were any items on the Consent Calendar that members of the council or the public wished to pull for separate discussion. No items were pulled.

**CONSENT CALENDAR ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to approve the Consent Calendar as recommended. Council Member Graves commented on Item 3.E. (*See comments under that item.*) The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. 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.

## 3. CONSENT CALENDAR (Continued)

B. **Approve City Council Minutes – Regular Meeting of June 11, 2009.**

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to approve the Minutes of the Regular Meeting of June 11, 2009, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

C. **Receive Planning Commission Action Minutes for the Regular Meeting of July 2, 2009. [740-50]**

**ACTION:** The City Council unanimously approved the Planning Commission Action Minutes for the Regular Meeting of July 2, 2009, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

D. **Receive the City Treasurer's Report for the Month Ended May 31, 2009 (Unaudited). [380-30]**

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to accept the City Treasurer's Report for the Month Ended May 31, 2009 (Unaudited), as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

E. **Adopt Resolution Accepting a Homeland Security Grant in the Amount of \$8,947 and Amending the FY 2008-2009 General Fund Operating Budget Increasing both Revenues and Expenditures by \$8,947. [330-10]**

As part of Council Member Graves' motion, he commented that at least the Homeland Security Grant does not have large apron strings attached.

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to adopt **Resolution No. 3763 Amending the General Fund FY2008-009 Operating Budget to Accept Homeland Security Grant Program Funds in the Amount of \$8,947 and Authorizing Budget Expenditures of \$8,947**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

F. **Adopt Resolution Authorizing the City Attorney to Cooperate with the League of California Cities, the California Redevelopment Association, and other Cities and Counties in Litigation Challenging the Constitutionality of any Seizure by the State Government of the City's Street Maintenance and Redevelopment Funds. [330-05]**

**ACTION:** Council Member Graves moved, seconded by Council Member Nicol, to adopt **Resolution No. 3764, Resolution Authorizing the City Attorney to Cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in Litigation Challenging the Constitutionality of any Seizure by State Government of the City's Street Maintenance and Redevelopment Funds**, submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

## 4. PUBLIC HEARINGS - None

## 5. OTHER BUSINESS

A. **Charter Communications Restructuring. [565-20]**

Assistant to the City Manager Murphy summarized the written agenda report and responded to questions of council members. She informed the council that there would be a meeting of the Cable Television Committee on July 20, and that Charter's new representative, Janet Spatz, would be meeting with the committee. Her office is located in San Luis Obispo.

## 5. A. OTHER BUSINESS (Continued)

Council Member Graves asked if the meeting would be an open meeting where the public could attend. He expressed interest in meeting with her. There was interest on behalf of the council to invite her to a council meeting.

Paul Pelkey commented on Charter and billing problems his mother experienced. He would be interested in seeing how they are going to restructure.

Council discussion was followed by this action:

**ACTION:** Council Member Graves moved, seconded by Council Member Norton, to adopt **Resolution No. 3765, Resolution Authorizing Consent to Charter Restructuring**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Norton, and Vice Mayor Storey. NOES: None. ABSENT: Mayor Begun. ABSTAIN: None.

**B. Report on Acceptance of California Coastal Commission Approval of Amendments to the Capitola Local Coastal Program related to the City's Village Valet Parking Program, Beach Shuttle, and McGregor Drive Parking Lot. Staff recommendation: adopt Resolution Accepting Coastal Commission Modifications, and adopt Ordinance Rescinding Ordinance No. 910 and Amending/Adding Various Sections of Capitola Municipal Code Title 17 Accordingly [2<sup>nd</sup> Reading]. [740-30 Local Coastal Program/250-10 McGregor Property/470-40 Parking/740-40 General Plan/730-85 Zoning]**

Community Development Director Goldstein summarized the written agenda report and said the recommended action is to conduct the second reading of ordinance and adopt the proposed resolution accepting the Coastal Commission action for amendments to update the city's Local Coastal Program.

Council discussion was followed by this action:

**ACTION:** Council Member Norton moved, seconded by Council Member Nicol, to approve the following actions:

1. Adopted **Resolution No. 3766, Resolution Accepting the Coastal Commission Action for Amendments to Update the City of Capitola Local Coastal Program, which also Amends Policy 43 of the Circulation Element of the City of Capitola General Plan to be consistent with the Coastal Commission Modification of Land Use Plan Policy II-2, and Updates the Capitola Village and McGregor Property Parking Regulations Resolution of the City Council of the City of Capitola, including Modifications, on City of Capitola Local Coastal Program Major Amendment No. 1-07 (Capitola Village Parking), and Authorizes and Directs the City Manager to Transmit to the Executive Director of the California Coastal Commission for Final Certification the Amendments and Acceptance of Modifications 1 through 3 to the City of Capitola Land Use Plan and Coastal Implementation Plan, as submitted, and**
2. Adopted **Ordinance No. 941, Ordinance Rescinding Ordinance No. 910 and Amending the Capitola Municipal Code Title 17 Pertaining to Zoning to Amend Chapter 17.21, C-V Central Village District by Amending Section 17.21.120, Parking, and Adding Section 17.21.160, Valet Parking; Amending Chapter 17.46 CZ Coastal Zone Combining District, Section 17.46.090 Coastal Permit Approval, and Amending Chapter 17.42 PF Public Facilities District, Section 17.42.010 Applicability, and Adding a New Section 17.51.220, Shuttle Program Parking, to Chapter 17.51 Parking and Loading, as Approved by the California Coastal Commission, as submitted.**

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

## 5. OTHER BUSINESS (Continued)

**C. General Plan Update: Work Plan and Authorization to Issue Request for Proposals. [740-40]**

Pursuant to action taken under Oral Communication Item 2.A., this item was removed from the agenda.

**D. 41<sup>st</sup> Avenue Street Rehabilitation Project. [940-40/500-10 A/C: Granite Construction/500-10 A/C: Pacific Crest Engineering, Inc.]**

Public Works Director Jesberg summarized the written agenda report and informed the council that 3 bids were received as follows:

Granite Construction Company	\$256,259.70
Don Chapin Company	\$294,813.16
Granite Rock Co.	\$305,178.65

Public Works Director Jesberg also discussed additional work that he would like to negotiate with the contractor. He said he would be returning to the Council for approval of two additional contracts for this job to meet FHWA requirements, since this project utilizes federal stimulus monies. One contract is for independent assurance, someone to come out and audit the materials testing company to make sure they are doing it correctly, and the other contract is for labor compliance.

Council Member Nicol commented on the discrepancy in bids being less than the engineer's estimate.

Council Member Graves said there is a 3-week period for construction, and he wondered when that would be. Public Works Director Jesberg said he believes the project will begin in mid-August and be completed by the beginning of September.

City Treasurer Bertrand asked if affected properties would be notified. Public Works Director Jesberg said the businesses would be notified once a construction schedule is set.

**ACTION:** Council Member Nicol moved, seconded by Council Member Graves, to approve the following actions:

1. Awarded a contract to Granite Construction Company in the amount of \$256,259.70 for the construction of the Pavement Rehabilitation Project on 41<sup>st</sup> Avenue between Capitola Road and Clares Street,
2. Authorized the Director of Public Works to negotiate contract change orders with Granite Construction to increase the amount of pavement rehabilitation completed on this project within the defined project limits up to the construction budget of \$516,000, and
3. Awarded a contract to Pacific Crest Engineering, Inc., in the amount of \$18,900 for materials testing services on this project, required by the guidelines for federally funded projects, as submitted.

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

**E. Assembly Bill 761 regarding Mobile Home Rent Control Legislation. [750-25]**

City Manager Hill said the bill would allow Mobile Home Park owners to increase the rent up to 100% of the current rent upon the sale, assignment, transfer or termination of an interest in a mobile home or a mobile home tenancy in a mobile home park. He said it has not become law as yet, and that Council Member Storey asked to place this matter on the agenda for discussion.



## 5. E. OTHER BUSINESS (Continued)

Frederick Coquelin, President of Cabrillo Mobile Estates HOA, commented that the bill is an attack by mobile home park owners. He said it was encouraging to see that almost every mobile home park homeowners' association in the Santa Cruz area wrote to the State Assembly members stating their disapproval of the bill; however, the bill passed the Assembly and is before the Senate. He encouraged the Council to contact Senator Simitian and encourage him to vote against this bill.

Mr. Coquelin also commented on the Administrative Fee mobile home owners pay to the City. He said at the beginning of the year the City notifies the mobile home owners that they can pay the fee in two payments; however, they do not get a second reminder notice. He commented that they city might get a better response if it sent a second notice to the mobile home owners in the mail.

Vice Mayor Storey said he asked that this be put on the agenda. He said that the bill, if passed, would usurp our local control and that the City should take a position of opposition while the bill is still in the Senate.

Vice Mayor Storey said he would like a motion by the council directing staff to write a letter in opposition to this bill that would go to the judiciary committee members who are considering it and also to State Senator Joe Simitian.

Council discussion was followed by this action:

**ACTION:** Council Member Norton moved, seconded by Council Graves, to approve Vice Mayor Storey's recommendation directing staff to write a letter in opposition to Assembly Bill 761 that would go to the judiciary committee members who are considering it and also to State Senator Joe Simitian. The motion carried unanimously.

## 6. COUNCIL/STAFF COMMUNICATIONS

A. Council Member Graves said he has received complaints about double-parked cabs in the Village. He wonders if we could provide one space in the loading zone in front of the Dwares building (Mercantile) as a cab space. Council Member Norton suggested allowing cabs to park in the green zones near the Polar Bear building. Council Member Graves said the complaints are more related to noise.

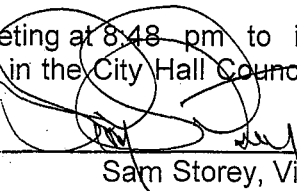
B. Council Member Norton said the speed limit in Capitola is 25 miles per hour, with the exception of 41<sup>st</sup> Avenue. If everyone who lives in Capitola drives 25 mph, then everyone who visits Capitola will have to drive 25 mph.

Council Member Norton also encouraged everyone to "SHOP CAPITOLA."

## 7. ADJOURNMENT

Vice Mayor Storey adjourned the City Council's meeting at 8:48 pm to its next Regular Meeting to be held at on Thursday, July 23, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California

ATTEST:  MMC  
Pamela Greeninger, City Clerk

  
Sam Storey, Vice Mayor

MINUTES APPROVED BY THE CITY COUNCIL ON JULY 23, 2009 WITH MAYOR BEGUN ABSTAINING