

December 15, 2009
Capitola, California

CAPITOLA CITY COUNCIL MINUTES OF A SPECIAL MEETING

Mayor Storey called the Special Meeting of the City Council to order at 3:02 p.m. on Tuesday, December 15, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Ron Graves, Dennis Norton, Kirby Nicol, Robert "Bob" Begun, and Mayor Sam Storey

ABSENT: None

STAFF: City Manager Rich Hill, City Attorney John Barisone, Community Development Director Jamie Goldstein, Interim Chief of Police Rick Ehle, Public Works Director Steve Jesberg, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

2. ORAL COMMUNICATIONS

Mayor Storey noted that there is was an addition to the Closed Session agenda, which was added by the Notice and Call dated December 14, 2009, pertaining to Existing Litigation: Surf & Sand, LLC vs. City of Capitola.

City Manager Hill said staff would like to add one other item to the Closed Session agenda: purchase of real property, Space #41 at Pacific Cove Mobile Home Park. He said the matter came to staff's attention after posting the special meeting agenda and that it needs to be disposed of prior to the City Council's next regular meeting on January 14, 2010.

ACTION: Council Member Norton moved to add the item pertaining to Real Property, Space #41 at Pacific Cove Mobile Home Park (426 Capitola Avenue, Capitola, California), for discussion on the Closed Session Agenda. Council Member Graves seconded the motion.

Under discussion of the motion, Council Member Nicol asked what prompted this addition to the Closed Session agenda.

City Manager Hill said there is a price reduction and an offer to sell. Mayor Storey added that there is also a deadline; the city must respond by the end of the week.

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

Mayor Storey asked if anyone from the public or staff wished to address the council. There were no comments.

3. BUSINESS

Assistant to the City Manager Murphy asked if the council would like to take the agenda items individually, or whether staff could provide one report for all items and handle them together.

It was the consensus of the City Council to handle all the items listed under "Business" together. (Note: The action is also recorded individually for each item.)

3. BUSINESS (Continued)

Assistant to the City Manager Murphy summarized the negotiations that had occurred for the various employee contracts and Memoranda of Understanding and the highlights of each. She said the contracts are for a one-year term ending December 31, 2010, for all groups.

There being no questions of staff from the council members, the following action was taken:

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to approve Items 3.A., B., C., D., E., and F., as submitted.

Under discussion, Council Member Graves commented on the "Fiscal Impact" provided on each agenda report. He said if one adds up all the annual fiscal impacts on each report, the amount does not reflect what the Council discussed.

Assistant to the City Manager Murphy reviewed the totals for each contract/MOU, and Council Member Graves determined he had missed the Confidential Group at \$2,095.

Mayor Storey called for the vote. City Clerk Greeninger clarified that by taking this action, the City Council was adopting all of the proposed resolutions. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Storey, on behalf of the City Council, wished to thank the staff for working with the council again this year to enter into new contracts and for being cognizant of the city's continuing budget issues.

A. City Manager's Employment Agreement. [600-10/500-10 A/C: Hill, Rich]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to adopt **Resolution No. 3793, Resolution Authorizing the Mayor to Execute the Seventh Amendment to the City Manager Employment Agreement effective January 1, 2010**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

B. Community Development Director's Employment Agreement. [600-10/500-10 A/C: Goldstein, Jamie]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to approve the First Amendment to the Employment Agreement for the Community Development Director effective January 1, 2010, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

C. Public Works Director's Employment Agreement. [600-10/500-10 A/C: Jesberg, Steven]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to approve the Fourth Amendment to the Employment Agreement for the Public Works Director effective January 1, 2010, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

3. BUSINESS (Continued)

D. Resolution Adopting a Memorandum of Understanding with the Association of Capitola Employees Bargaining Unit for a Term of One Year Expiring December 31, 2010. [600-10]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to adopt **Resolution No. 3794, Resolution Adopting a Memorandum of Understanding with the Association of Capitola Employees Bargaining Unit effective January 1, 2010 through December 31, 2010**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

E. Resolution Adopting a Memorandum of Understanding with the Confidential Employees Bargaining Unit for a Term of One Year Expiring December 31, 2010. [600-10]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to adopt **Resolution No. 3795, Resolution Adopting a Memorandum of Understanding with the Confidential Employees Bargaining Unit effective January 1, 2010 through December 31, 2010**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

F. Resolution Adopting a Memorandum of Understanding with the Mid-Management Employees Bargaining Unit for a Term of One Year Expiring December 31, 2010. [600-10]

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to adopt **Resolution No. 3796, Resolution Adopting a Memorandum of Understanding with the Mid-Management Employees Bargaining Unit effective January 1, 2010 through December 31, 2010**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

4. CLOSED SESSION [520-25]

At 3:10 p.m. Mayor Storey made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

Negotiator: Rich Hill, City Manager

Employee Organizations: Capitola Police Officers' Association and Police Captains

PUBLIC EMPLOYMENT (Government Code §54957)

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Govt. Code §54956.9a)

Surf and Sand, LLC vs. City of Capitola

***ADDED ITEM* CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Govt. Code §54956.8)

Property: 426 Capitola Avenue, Sp. 41, APN 035-141-33, Owner: Jesus Garcia

City Negotiator: Rich Hill, City Manager

Under Negotiation: Purchase of Property by City


Mayor Storey asked if anyone wished to address items on the Closed Session agenda. Seeing no one, the City Council adjourned to its Closed Session in the City Manager's Office at 3:11 p.m.

REPORT ON CLOSED SESSION

At 5:00 p.m., in the City Hall Council Chambers, City Manager Hill made an announcement that no reportable action was taken by the City Council in Closed Session.

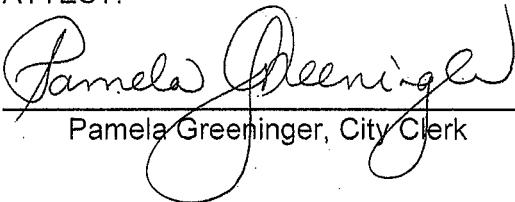
5. ADJOURNMENT

Following the Closed Session, the City Council adjourned at 4:34 p.m. to its next Regular Meeting to be held on Thursday, January 14, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Sam Storey, Mayor

ATTEST:



Pamela Greeninger, City Clerk, MMC

MINUTES WERE UNANIMOUSLY APPROVED AS SUBMITTED BY THE CITY COUNCIL ON 1/14/2010