

June 10, 2010
 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 6:02 p.m. in the City Hall Council Chambers, Mayor/Chairperson Storey noted that he and Council Members/Redevelopment Agency Directors Nicol and Begun were present. City Manager/Executive Director Hill noted that Council Member/Director Graves would be arriving for the Regular Meeting and that Council Member/Director Norton would be absent. Mayor/Chairperson Storey made an announcement regarding the items to be discussed in Closed Session, as follows:

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

Surf and Sand, LLC vs. City of Capitola
 Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)
 Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates)
 Julie Talbert vs. City of Capitola
 City of Capitola vs. Soquel Union Elementary School District
 C. Lee Horstman vs. City of Capitola Police Department

Mayor/Chairperson Storey noted there was no one in the audience; therefore, the City Council/ Redevelopment Agency recessed at 6:03 p.m. to the Closed Session in the City Manager's Office. *[Note: Council Member/Director Graves arrived at the Closed Session at 6:15 p.m.]*

CAPITOLA REDEVELOPMENT AGENCY (See Redevelopment Agency Minutes)

REGULAR MEETING OF THE CITY COUNCIL

Mayor Storey called the Regular Meeting of the Capitola City Council to order at 7:11 p.m. on Thursday, June 10, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Ron Graves, Kirby Nicol, Robert "Bob" Begun, and Mayor Sam Storey
ABSENT: Council Member Dennis Norton *[NOTE: Council Member Norton arrived at 8:40 p.m. during discussion of the last item on the agenda.]*
OTHERS: City Treasurer Jacques Bertrand
STAFF: City Manager Rich Hill, City Attorney John G. Barisone, Community Development Director Jamie Goldstein, Chief of Police Michael Card, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

***** PRESENTATIONS *****

**Presentation to Matthew Bray in Recognition of his quick actions
 by Calling 911 which saved his Mother's Life,
 and an Update on Santa Cruz Regional 911 Operations
 by Scotty Douglass, General Manager
 of Santa Cruz Regional 911 [420-30/120-40 Mayor's Proclamation]**

PRESENTATIONS (Continued)

Mayor Storey announced that we have a special recognition for an heroic deed by a young Capitola resident, Matthew Bray. He invited Scotty Douglass, General Manager of Santa Cruz Regional 9-1-1 to explain the incident. Mr. Douglass said that the dispatcher, Tammy Spath, who actually took the call from Matthew, was present to discuss the call.

Tammy Spath spoke to Matthew, saying she was impressed with the way he knew his address, he knew exactly what was wrong, and he was able to answer each of her questions so they could send the best help possible. Tammy emphasized how calm Matthew remained during his 9-1-1 call, and she said it was honor to meet him.

Chief of Police Card said the Capitola Police Department has a commendation for Matthew, recognizing his efforts. He noted that Matthew kept a cool head during this situation when many people in a similar situation wouldn't. Chief of Police Card then read and presented Matthew Bray with a Capitola Police Department "Citizen's Distinguished Service Commendation" for performing in an exemplarily manner that assisted his family, Netcom and the Capitola Police Department, during a 9-1-1 call.

Mayor Storey said that he, too, would like to recognize Matthew. He asked Matthew and his family to come forward. He then asked Matthew his age. Matthew replied that he is 8-1/2 years old. Matthew's brother, Devon, said he is 5-1/2.

Mayor Storey then commented that it was an heroic thing that Matthew did by remaining calm and knowing the right number to call, 9-1-1, and being able to speak calmly and clearly to the dispatcher with the facts of the situation. He said the way Matthew handled an emergency in his family is a really good example for all of us, especially for all the young people in our community. Mayor Storey then read and presented a Mayor's Proclamation in Recognition to Capitola Resident Matthew Bray for Dialing 911 on Occasion of a Family Medical Emergency which saved his Mother's Life.

Mayor Storey said it was an honor to hear these stories about commendable children in our community.

After the presentations to Matthew Bray, Scotty Douglass provided an update on Santa Cruz Regional 9-1-1 operations. He informed the Council of the new name for their organization, "Santa Cruz Regional 9-1-1," which replaces "Santa Cruz Consolidated Emergency Communications Center." Using a PowerPoint Presentation he provided a report on the 9-1-1 organization. *(A copy of the presentation is on file with minutes for this meeting.)* Following his presentation, Mr. Douglass responded to several questions of council members regarding whether they measure the time from when the phone first rings to when a call is answered, the future of text and video 9-1-1 calls, and narrow-banding. He also responded to a question from Council Member Graves about whether the center receives members of the public to view the facility and operations. Mr. Douglass said information about Tours is available on their website at www.scr911.org. In addition, they offer "911 Citizen's Academy" classes for people interested in learning more about the 9-1-1 organization. The next class has not yet been scheduled, but information can be obtained on the website or by calling 471-1006.

Mayor Storey thanked Mr. Douglass for his informative presentation and encouraged the public to consider availing themselves of a tour to the facility or attending a Citizen's Academy. He also thanked him for bringing the incident of Matthew Bray's 9-1-1 call to their attention.

Mayor Storey then announced that he would be issuing a Mayor's Proclamation regarding the *Special Olympics Law Enforcement Torch Run*, which will be held from June 18 through June 25, 2010. He read the proclamation and announced that several members of the Capitola Police Department, and staff from the City of Capitola and the Santa Cruz Regional 9-1-1 Operations, will be carrying the torch to Capitola City Hall next Friday, June 18, sometime between 11 am and 12 noon. There will be a short ceremony on the lawn to commend and recognize the participants at that time.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone announced that the City Council/Redevelopment Agency convened in Closed Session on those items listed on the posted agenda. He reported on items of existing litigation as follows:

Surf and Sand, LLC vs. City of Capitola - The Council received a report from the City Attorney pertaining to a lawsuit filed with the city on June 2, 2010, in the County of Santa Cruz Superior Court. This is the lawsuit in which Surf & Sand, LLC, is challenging the city's denial of a current subdivision application. The suit is comprised of a Petition for Writ of Mandate and a cause of action for Declaratory Relief, asking the court to issue an order reversing the City Council's decision to deny the subdivision application. City Attorney Barisone said he reported to the council that the lawsuit had been filed, and after discussion the City Council assigned his law firm, Atchison, Barisone, Condotti & Kovacevich, to defend the lawsuit on behalf of the City of Capitola.

Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates) - City Attorney Barisone said there were no developments to report on this case; therefore, there was no discussion in closed session.

Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates) - The Council received a status report from City Attorney Barisone and Community Development Director Goldstein regarding this matter, which is pending in the 9th Circuit Court of Appeals. The Council received the report and gave instructions regarding the ongoing defense of the lawsuit but took no reportable action in Closed Session.

Julie Talbert vs. City of Capitola – City Attorney John Barisone said this lawsuit challenges the city's use of red-light cameras to issue tickets for running red lights. He provided a status report on that matter in Closed Session. No reportable action was taken.

City of Capitola vs. Soquel Union Elementary School District - City Attorney Barisone reported that this is the CEQA lawsuit filed by the City in connection with the Soquel Union Elementary School District's referral of the Opal Cliffs Public Works Plan concerning Jade Street Park at the California Coastal Commission. City Attorney Barisone reported that after the lawsuit was filed, two of the council members, Mayor Storey and Council Member Norton, met informally with two members of the Soquel Union Elementary School District Board expressing their concern and hope this matter could be resolved short of litigation. City Attorney Barisone then stated that an email message was received today from Superintendent Kathleen Howard, who reported that the District Board is amenable to proceeding to mediation in an effort to resolve this matter amicably before litigation proceeds. In response to that communication, the City Council agreed to pursue mediation and provided the City Attorney with instructions to contact the attorney for the school district and to proceed with the process of selecting a mediator.

1. REPORT ON CLOSED SESSION (Continued)

C. Lee Horstman vs. City of Capitola Police Department – City Attorney Barisone reported that this lawsuit relates to a ticket received by Mr. Horstman for running a red light; he challenged that ticket in the Traffic Division of the Santa Cruz County Superior Court. The court confirmed that the ticket was validly issued, and Mr. Horstman has now appealed that decision to the Appellate Division of the Superior Court.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – NoneB. Public Comments

An unidentified woman wanted to submit some papers, but did not want to come up to the podium. She gave the papers to Assistant to the City Manager Murphy, who was sitting in the audience.

C. Staff Comments

1) City Clerk Greeninger announced that the city is recruiting for two of its committees. There are four terms expiring on the Historical Museum Board. Requests for reappointment by current members and new applications may be submitted to the City Clerk's Office by Wednesday, June 23. Applicants will be interviewed by the Museum Board at its meeting on July 1st. There is also a vacancy on the Finance Advisory Committee due to the resignation of Maureen O'Malley-Moore. The vacancy is for Mayor Storey's appointment to the committee. The application deadline is Wednesday, June 30, 2010. It is anticipated appointments will be made at the Council's meeting on July 8. Applications are available at Capitola City Hall, the Capitola Branch Library and on the City's website.

3) Chief of Police Card announced that this weekend is the Rod & Custom Car Show in Capitola Village. He wanted to make the community aware of this event and street closures in the Village for the event. Council Member Begun asked about the Rod & Custom Car Show. Chief of Police Card said it was a fundraising event for the Capitola Public Safety & Community Service Foundation, with the purpose of the event being to raise funds for various community services.

4) Community Development Director Goldstein announced that the Santa Cruz County Sanitation District will begin its sewer project on Park Avenue next week and there would be street closures during the project.

D. City Council/Treasurer Comments/Committee Reports

1) Council Member Nicol acknowledged receipt of a letter from Suzi Rossi expressing concerns about the 750 Bay Avenue senior housing complex. She had harsh criticism of the project, and Council Member Nicol wonders how much validity there is to those concerns.

Community Development Director Goldstein said his staff has received a copy of Ms. Rossi's letter, and First Community Housing has also been contacted. He said an update on the project is scheduled for the next council meeting when Housing and Redevelopment Project Manager Foster and representatives from First Community Housing would be available to respond to questions.

2. D. 1) ORAL COMMUNICATIONS (Continued)

Mayor Storey requested that staff request First Community Housing be prepared to address the concerns expressed in Ms. Rossi's letter at that meeting. Mayor Storey said he would also be interested in whether the design elements of the planning process were followed.

City Manager Hill said some of the items contained in the letter are currently in process and that staff is working with the owners and contractors.

Council Member Nicol recommended that residents of the complex be informed of the meeting when this matter will be discussed.

2) City Treasurer Bertrand said the Finance Advisory Committee received a presentation from the Recreation Department at its meeting held on Tuesday. He said the committee was impressed with the number of courses offered. The program development is exemplary. He said the purpose of the meeting was not only to receive information, but to try to improve the efficiency of the current pricing; because the general fund does support a small portion of the program. City Treasurer Bertrand said the comments of the committee will be taken back to the staff, and the city manager will work with staff on those comments.

City Treasurer Bertrand announced that the Finance Advisory Committee's July meeting was cancelled; the next regular meeting of the committee will be held in August on Tuesday, August 10, 2010, at 6:30 p.m. in the City Hall Community Room.

E. Committee Appointments - None

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

ACTION: Council Member Begun moved, seconded by Council Member Nicol, to approve the Check Register Reports dated May 21 and 28, 2010, including checks numbered 63089 through 63180 in the amount of \$93,466.26, and checks numbered 63181 through 63236 in the amount of \$58,866.83, respectively; and payroll disbursements for the May 21, 2010, payroll in the amount of \$213,986.41, for a Grand Total of \$366,319.50, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

3. **CONSENT CALENDAR**

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. He noted for the record that the Subject on the Agenda Report for Item 3.D. had been corrected.

CONSENT CALENDAR ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the Consent Calendar as recommended.

Under discussion of the motion, Mayor Storey said he had a question pertaining to Item 3.E. regarding the proposed Ordinance pertaining to Campaign Finance. *[NOTE: This matter was discussed prior to voting on the Consent Calendar. A separate motion and second were made on Item 3.E. at the time of discussion. See comments under that item.]*

The motion to approve the Consent Calendar as recommended, with the exception of Item 3.E., carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- 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 – The Special Joint Budget Study Session of the City Council/Redevelopment Agency of May 20, 2010.**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the City Council Minutes of the Special Joint Budget Study Session of the City Council/Redevelopment Agency of May 20, 2010, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- C. Receive Planning Commission Action Minutes for the Regular Meeting of June 3, 2010. [740-50]**

ACTION: The City Council unanimously received the Planning Commission Action Minutes for the Regular Meeting of June 3, 2010, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- D. Adopt Ordinance Changing Title 17 of the Capitola Municipal Code related to the Parking Requirements and Allowed Uses in the CC (Community Commercial) Zoning District, and the Addition of Definitions for “Floor Area Available for Dining” and “Restaurant” [2nd Reading]. [730-85 Zoning Amendments General/ 740-30 LCP Amendment]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to adopt Ordinance No. 947, Ordinance Amending Sections 17.27.040, 17.27.060, and 17.27.120 Pertaining to Allowed Uses and Parking in the CC (Community Commercial) Zoning District, Renumbering Section 17.03.247, Freeway, to 17.03.248, and Adding Sections 17.03.247 and 17.03.535 to Define “Floor Area, Available for Dining” and “Restaurant,” as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- E. Adopt Ordinance Adding Chapter 1.40 to the Capitola Municipal Code Pertaining to Limitations on Campaign Contributions. [2nd Reading]. [560-10/570-20]**

After the motion and second were made on approval of the Consent Calendar, Mayor Storey raised a question regarding the proposed Ordinance on Campaign Finance, stating that he believes the \$250 figure in Subsection B should also be changed to \$200, as it was in Subsection A.

Council discussion was followed by this action:

ACTION: Council Member Graves moved, seconded by Council Member Nicol, to pass the proposed Ordinance Adding Chapter 1.40 to the Capitola Municipal Code Pertaining to Campaign Finance to a second reading, changing the amount included in Subsection B of Section 1.40.020 to two hundred dollars (\$200.00), as was done in Subsection A. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- F. **Adopt Resolution Repealing Resolution No. 2968 pertaining to Maximum Contributions to Candidates for Elective Offices. [560-10/570-20]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to adopt **Resolution No. 3819, Resolution Repealing Resolution No. 2968 Pertaining to Maximum Contributions to Candidates for Elective City Offices**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- G. **Adopt Resolution Setting the 2010-2011 Appropriation Limit as Required by Article XIII B of the California Constitution. [330-05 FY2010-2011]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to adopt **Resolution No. 3820, Resolution Setting the 2010-2011 Fiscal Year Appropriations Limit Pursuant to Article XIII B of the California Constitution**, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- H. **Direct the City Manager to Execute Retirement Agreements between the City of Capitola and Darrell Harrison, Police Sergeant, and Sharon Presco, Records Manager. [620-10/Personnel Files/500-10 A/C: Harrison, Darrell; Presco, Sharon]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the proposed Retirement Agreements between the City of Capitola and Darrell Harrison, Police Sergeant, and Sharon Presco, Records Manager, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- I. **Approve Employment Agreement with Derek Johnson for the Position of Community Development Director, effective July 11, 2010. [600-10/500-10 A/C: Johnson, Derek]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the proposed Employment Agreement with Derek Johnson for the Position of Community Development Director, effective July 11, 2010, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- J. **Approve a One-Year Contract with Atchison, Barisone, Condotti & Kovacevich for City Attorney Services in the amount of \$133,560 for Fiscal Year 2010/2011. [570-05/500-10 A/C: Atchison, Barisone, Condotti & Kovacevich]**

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve a one-year contract with Atchison, Barisone, Condotti & Kovacevich for City Attorney Services in the amount of \$133, 560 for Fiscal Year 2010/2011, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

- K. **Approve Contract with Applied Development Economics for As-Needed Grant Services Relating to the Community Development Block Grant (CDBG) Economic Development Program and Other Economic Development Grant Opportunities. [700-10/500-10 A/C: Applied Development Economics]**

3. K. CONSENT CALENDAR (Continued)

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the contract with Applied Development Economics for As-Needed Grant Services relating to the Community Development Block Grant (CDBG) Economic Development Program and other Economic Development Grant Opportunities, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

L. Declare Police Department Patrol Unit 002, a 2000 Ford Crown Victoria (VIN #2FAFP71W2YX202584) and an Unmarked Police Vehicle, a 1982 Toyota Pickup Truck (VIN #JT4RN485D0058995) as Surplus Property and Allow for the Disposal of Such Equipment. [370-10]

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to declare the following vehicles surplus property and approved the disposal of such equipment, as submitted:

1. Police Department Patrol Unit 002: 2000 Ford Crown Victoria, Vehicle Identification Number 2FAFP71W2YX202584; and
2. Unmarked Police Vehicle: 1982 Toyota Pickup Truck, Vehicle Identification Number JT4RN485D0058995.

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

4. PUBLIC HEARINGS

A. Public Hearing to Consider the Levy of Capitola Village & Wharf Business Improvement Area Assessments for Fiscal Year 2010/2011. Presentation: CVWBIA Executive Directors. [140-05]

City Manager Hill provided a brief introduction and announced that if anyone present wished to protest the assessments, they should state their business address and the amount of their assessment.

Gary Wetsel, President of the Capitola Village and Wharf Business Improvement Area, utilizing a PowerPoint Presentation (*a copy of the presentation is on file with the record on this item*) provided an annual report regarding their organization to the City Council and responded to questions of council members.

At 8:23 p.m., following Mr. Wetsel's presentation, Mayor Storey opened the public hearing. Seeing no one, the public portion of the hearing was closed.

City Manager Hill verified that there were no written protests submitted to the city.

Council discussion was followed by this action:

ACTION: Council Member Nicol moved, seconded by Council Member Begun, to adopt **Resolution No. 3821, Resolution Confirming the FY 2010/2011 Capitola Village and Wharf Business Improvement Area Assessments and Adopting the Annual Plan and Fiscal Year 2010/2011 CVWBIA Budget**, and Levying Business Improvement Assessments for FY2010/2011, as submitted. The motion carried on the following vote: AYES: Council Members Graves, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: Council Member Norton. ABSTAIN: None.

5. OTHER BUSINESS**A. Discussion of Capitola Branch Library Hours and Use of Library Volunteers. [230-10]**

City Manager Hill said Council Member Begun requested this item be placed on the agenda for discussion.

Council Member Begun said his goal is to restore the Capitola Library to 40 hours per week, 6 days a week, from the present 20 hours 3 days a week. He believes in order to do this, in the present economic environment, the use of volunteers is necessary. Council Member Begun then raised a number of questions he would like Mayor Storey, the city's representative on the Library JPA Board, to take to the Library JPA Board in order to obtain answers. *(Note: Council Member Begun submitted a paper copy of his questions, which is on file with this item for the record.)* He mentioned an experiment at the La Selva Beach Library to use more volunteers, and he wondered if a similar experiment would be useful at the Capitola Library.

Mayor Storey said at the last library board meeting the director presented an extensive report regarding use of volunteers. He summarized that report and said he would be happy to make copies available to the council or members of the public.

Mayor Storey then commented on the Grand Jury Report, which addresses the library system and which recommends that the Capitola Branch Library, as well as other libraries, be closed. He believes the conclusion of the Grand Jury was not accurate as it relates to Capitola library.

Council Member Norton arrived at the meeting at 8:40 p.m.

There was additional council discussion regarding what effect the Grand Jury Report would have on the Library JPA Board with respect to library closures. Interest was expressed in having the Capitola City Council respond to the report as it relates to the closure of Capitola Branch Library.

ACTION: Mayor Storey will bring Council Member Begun's questions to the attention of the Library JPA Board for response.

6. COUNCIL/STAFF COMMUNICATIONS

Council Member Graves suggested that staff budget funds to purchase frames for proclamations such as the one that was presented to Matthew Bray this evening.

7. ADJOURNMENT

The City Council adjourned at 8:50 p.m. to its next Regular Meeting to be held on Thursday, June 24, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ATTEST  MMC
Pamela Greeninger, City Clerk


Sam Storey, Mayor

MINUTES WERE APPROVED AS SUBMITTED BY THE CITY COUNCIL ON 6/24/2010, WITH COUNCIL MEMBER NORTON ABSTAINING SINCE HE WAS ABSENT FOR MOST OF THE MEETING