

September 9, 2010
 Capitola, California

**CAPITOLA CITY COUNCIL
 MINUTES OF A REGULAR MEETING**

**5:15 P.M. - CLOSED SESSION - CITY MANAGER'S OFFICE
 CAPITOLA REDEVELOPMENT AGENCY & CITY COUNCIL**

At 5:17 p.m. in the City Hall Council Chambers, Mayor/Chairperson Storey announced that a quorum of the City Council Members/Redevelopment Agency Directors was present, so he could call the meeting to order. It was noted that Council Members Begun and Graves were absent at this time. He made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Confidential Employees, Mid-Management Group, Community Development Director, and Public Works Director

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
 One Case

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/EI Granada Investors vs. City of Capitola (Castle Mobile Estates)

Mayor/Chairperson Storey noted there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 5:18 p.m. to the Closed Session in the City Manager's Office.

CAPITOLA REDEVELOPMENT AGENCY (See Redevelopment Agency Minutes)

REGULAR MEETING OF THE CITY COUNCIL

Mayor Storey called the Regular Meeting of the City Council to order at 7:21 p.m. on Thursday, September 9, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand

STAFF: City Manager Jamie Goldstein, City Attorney John G. Barisone, Community Development Director Derek Johnson, Public Works Director Steve Jesberg, Building Official Mark Wheeler, Capitola Police Sergeant Matt Eller, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

***** PRESENTATIONS *******Presentation on Steelhead Monitoring in Soquel Creek
by Don Alley of D.W. Alley & Associates [450-10]**

Mayor Storey introduced Don Alley, the city's consultant for Fish and Wildlife Monitoring of Soquel Creek.

Utilizing a PowerPoint Presentation, Mr. Alley discussed the various aspects/requirements for closing Soquel Creek to create the lagoon during the summer, which is handled by Ed Morrison and the city's Public Works Department crew. Mr. Alley discussed the importance of the lagoon to the juvenile population of steelhead and explained the monitoring program. He commented on the various measurements he takes of the lagoon, as well as of the steelhead population. Mr. Alley shared several photographs of the creek and lagoon provided by Museum Director Carolyn Swift from the pre- and early-1900's and after the flood of 1955.

Council Member Norton thanked Don for all his work with respect to Soquel Creek and the lagoon, and he asked his opinion of the lagoon's present condition. Mr. Alley said he feels the creek and the lagoon are in good shape.

Mayor Storey asked if there were any questions of council members. There being none, Mayor Storey thanked Mr. Alley for his informative presentation.

**Presentation by Ama Delevett, Assistant Program Manager
of Survivors Healing Center [330-30 Community Group Funding]**

Ama Delevett, Assistant Program Manager and therapist for the Survivors Healing Center, discussed the services provided by their organization for survivors of childhood sexual abuse. Utilizing a PowerPoint Presentation, she commented on various types of childhood sexual abuse and the effects it has on its victims.

**Presentation by Merle Smith, Executive Director
of the Santa Cruz AIDS Project [330-30 Community Group Funding]**

Merle Smith, Executive Director of the Santa Cruz AIDS Project, provided a history of the program, which was formed approximately 20 years ago to provide education about AIDS and services to those diagnosed with the disease. She expressed their organization's gratitude to Capitola for its continuing support of their project. Ms. Smith commented on the valuable volunteers who provide services to people diagnosed with HIV AIDS. She explained the process that is followed when someone is diagnosed and discussed their HIV Care Team. She also acknowledged and thanked the students who volunteer to provide and distribute the educational information.

In closing, Ms. Smith provided the council members with flyers regarding the 2010 Surf City AIDS Ride that will be held on October 3, 2010, and encouraged them to participate in this important fundraising event for the Santa Cruz AIDS Project.

Mayor Storey thanked the representatives from both the Survivors Healing Center and the Santa Cruz AIDS Project for their informative presentations.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone advised that the City Council/Redevelopment Agency met in Closed Session at approximately 5:15 p.m. in the City Manager's Office on the items listed on the City Council/Redevelopment Agency's posted agenda. He said all members were present for the Closed Session, as were the city manager and the city attorney. Mr. Barisone reported on the items discussed as follows:

City Attorney Barisone reported that due to time constraints there was no discussion on the existing litigation matters involving Surf & Sand Mobile Home Park, Cabrillo Mobile Home Park, nor Castle Mobile Estates.

He announced that the City Council spent most of their time in Closed Session instructing the city's labor negotiators, City Manager Jamie Goldstein and Assistant to the City Manager Lisa Murphy, in connection with labor negotiations that are commencing with the following employee bargaining units: Employee Association of Capitola Employees (ACE), Confidential Employees, Mid-Management Group, Community Development Director, and Public Works Director. The council gave instructions to its negotiators with regard to those upcoming negotiations, but took no other reportable action in Closed Session.

City Attorney Barisone reported that the council also spent about five minutes discussing a threatened lawsuit and gave the city attorney and the city manager instructions regarding the potential defense of that lawsuit.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

1) City Clerk Greeninger noted that the council was given an additional Agenda Report for Consent Calendar Item 3.B. pertaining to the Minutes of the Special Meeting on August 11, 2010, regarding Pacific Cove Mobile Home Park, in response to a letter received today for the Pacific Cove Mobile Home Park Homeowners Association. If the council wishes to approve the minute change to include additional comments of park resident Sidney Jackson, the motion on the minutes should be to approve those minutes "as corrected."

2) City Manager Goldstein announced that if anyone were in attendance for Item 4.C., regarding the Rispin Mansion, that item will be continued to the next meeting of the City Council to be held September 23, 2010.

B. Public Comments

1) Mayor Storey announced that if anyone were present to comment on SmartMeters, that matter will be included on the next agenda for the Council's meeting of September 23, 2010.

2) Doree Steinman, the City's representative on the Community Television of Santa Cruz County Board, shared exciting news about Community Television's new media mobile classroom and provided a photo of the vehicle. She said staff will be teaching media to middle school and high school students. They will also be doing broadcast journalism and attending local sports events and other events throughout the county. Ms. Steinman announced a Fundraiser to be held on October 1st at Community TV offices located at 816 Pacific Avenue in Santa Cruz.

3) Anne Nichol said she shops in Capitola, and she would like to shop in a SmartMeter-free zone. She read from written documents about emissions from SmartMeters, and she thanked the council for considering an ordinance banning them.

4) Greg Tedesco, Capitola resident, addressed the City Council, stating that once upon a time the elected officials promised to put the Rispin Mansion to bed. Mr. Tedesco's thinks it is time for the Council to vote and to get the permit to take the mansion down. He also added that, hopefully, the City Council will decide to tear out the concrete medians on Capitola Road, as well.

C. Staff Comments – None

2. ORAL COMMUNICATIONS (Continued)

D. City Council/Treasurer Comments/Committee Reports

1) Council Member Begun said the Council received a report regarding the accuracy of SmartMeters. He asked if there is a similar report with respect to radiation. Mayor Storey stated that the city manager has been communicating with PG&E and that this matter will be on the Council's meeting for September 23, 2010. He suggested the city manager be prepared to respond to that inquiry at that time.

2) City Treasurer Bertrand announced the Finance Advisory Committee would be meeting next Tuesday evening, September 14, 2010, at 6:30 p.m.

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

After response from staff to numerous questions from council members regarding the Check Register, the following action was taken:

ACTION: Council Member Nicol moved, seconded by Council Member Graves, to approve the Check Register Reports dated August 6, 13, 20 and 27, 2010, including checks numbered 63887 through 63966 in the amount of \$232,055.37, checks numbered 63967 through 64037 in the amount of \$137,428.42, checks numbered 64038 through 64111 in the amount of \$46,495.12, and checks numbered 64112 through 64189 in the amount of \$294,283.51, respectively; and payroll disbursements for the August 13 and 27, 2010, payrolls in the amount of \$227,196.93 and \$213,634.90, respectively; for a Grand Total of \$1,151,094.25, 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. **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.

Fred Coquelin, President of Cabrillo Mobile Estates, asked to pull Item 3.G. pertaining to the Final Map for the Kennedy Drive Subdivision.

Council Member Nicol commented on Item 3.F. pertaining to the lease of a copier machine. (*See comments under that item.*)

Council Member Graves commented on Item 3.B. regarding Approval of Minutes and noted that he would be abstaining on the Minutes of the Special Meeting of August 11, 2010, pertaining to Pacific Cove Mobile Home Park, as he was disqualified from participating at that meeting due to a conflict of interest.

Mayor Storey advised Item 3.G. would be discussed at the end of the meeting following Other Business Item 5.D. (*See discussion and action on Pages 11765 and 11766.*)

CONSENT CALENDAR ACTION: Council Member Norton moved, seconded by Council Member Nicol, to approve the Consent Calendar as recommended. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. 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 – The Special Closed Session Meetings of August 10 and August 11, 2010, and the Special Meeting of August 11, 2010.

Under Oral Communications Item A. 1), City Clerk Greeninger commented on an additional Agenda Report regarding a letter from the Pacific Cove Mobile Home Park Homeowners Association regarding correction to Minutes of the Special Meeting of August 11, 2010, pertaining to Pacific Cove Mobile Home Park. [170-10]

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to approve the City Council Minutes for the Special Closed Session Meetings of August 10 and August 11, 2010, as submitted, and the Special Meeting of August 11, 2010, as corrected. The motion carried on the following vote: AYES: Council Members *Graves, Norton, *Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: *Council Member Graves abstained from voting on the meeting of August 11, 2010 pertaining to Pacific Cove Mobile Home Park, and Council Member Nicol abstained from voting on the Special Closed Session Minutes of August 10 and 11, 2010, since they did not attend those meetings due to conflict of interests.

C. Receive Planning Commission Action Minutes for the Regular Meeting of September 2, 2010. [740-50]

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to receive the Planning Commission Action Minutes for the Regular Meeting of September 2, 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.

D. Authorize the City Manager to Sign the 2010 Local Agency Biennial Notice for the City of Capitola determining that amendments are necessary, and direct staff to bring back necessary amendments to the City's Conflict of Interest Code for Adoption no later than its Regular Meeting of Tuesday, November 25, 2010. [570-20]

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to approve the recommended action, as follows:

1. Authorized the City Manager to sign the 2010 Local Agency Biennial Notice for the City of Capitola determining that amendments are necessary; and
2. Directed staff to bring back the necessary amendments to the City's Conflict of Interest Code for adoption **no later than** its regular meeting on Tuesday, November 23, 2010.

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

E. Receive City Treasurer's Report for the Month Ended June 30, 2010 (Preliminary, Unaudited). [380-30]

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to accept the City Treasurer's Report for the Month Ended June 30, 2010 (Preliminary, unaudited), 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. Approve a 5-Year Lease Agreement with Tri-County Business Systems for a Copier Lease & Maintenance Agreement in the amount of \$308.61 per month plus tax; \$20,229 over five years. [860-20/500-10 A/C: Tri-County Business Systems]

Prior to action being taken on the Consent Calendar, Council Member Nicol commented on Item 3.F. pertaining to the lease of a copier machine for over \$20,000, when the city could purchase the copier for \$14,000.

3. F. CONSENT CALENDAR (Continued)

Assistant to the City Manager Murphy said the City does not have \$14,000 to purchase the copier outright at this time. She also said if the City were to purchase the machine, they would have to enter into a maintenance agreement for additional costs.

ACTION: Council Member Norton moved, seconded by Council Member Nicol, to approve a five-year lease agreement with Tri-County Business Systems for a copier lease and maintenance agreement in the amount of \$308.61 per month plus tax, for a total of \$20,229.00 over five years, 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.

G. Adopt Resolution Approving the Final Map for a Six-Unit Condominium Sub-division on Kennedy Drive, Tract No. 1562, John J. McCoy Developer.

This item was pulled for separate discussion. (*See discussion and action on Pages 11765 and 11766.*)

4. PUBLIC HEARINGS

A. Public Hearing on Project Application #10-038, 809/815/819 Bay Avenue, to Consider Appeal of a Planning Commission Denial for a Proposed Amendment to a Master Use Permit (Nob Hill Center) to Relocate the Recycling Facilities on the Site located in the CC (Community Commercial) Zoning District; APN 035-021-43; Filed 5/18/10; Property Owner: Bay Creek Properties; Representative: Craig French. Presentation: Community Development Department. [730-10]

Senior Planner Ryan Bane summarized the written agenda report and responded to questions of council members.

The Council then heard from the applicant, Craig French of Redtree Properties, as well as Reggie Owen, representing Nob Hill Foods, and Kevin Tippets of NexCycle.

Mayor Storey opened the hearing to the public at 9:33 p.m.

The following people addressed the council regarding their concerns about the recycling facility: Kate Arrieta, Center Street; Joe, Center Street; Tim Reynolds; Damian Alcaraz, Center Street; Tammy Tahara, Riverview Avenue; and Frederick Coquelin, Cabrillo Mobile Home Park.

Mayor Storey closed the public hearing at 9:41 p.m.

Council discussion was followed by this action:

ACTION: Council Member Begun moved, seconded by Council Member Norton, to continue the consideration of the appeal and to direct staff and the parties involved to work out alternative locations or other measures to mitigate the issues at its current location.

Under discussion of the motion, Council Member Norton clarified that the intent is to find a location for recycling in the general vicinity of its current location. He said we need a recycling facility in this town and in the area it currently exists.

Council Member Nicol believes the proposed location is far superior to the current location. He too would like to have the parties find a way to mitigate the noise concerns. He believes the vagrancy issue could be addressed through our law enforcement team.

4. A. PUBLIC HEARINGS (Continued)

Following council member comments on the motion, Mayor Storey asked to have the matter brought back to the Council within 60 days, and then called for the vote. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

The City Council took a short break at 9:50 p.m. and reconvened at 9:58 p.m.

B. Public Hearing on the Capitola Road Traffic Calming Project to Review Traffic Safety Improvements between 41st Avenue and 42nd Avenue. Presentation: Public Works Department. [940-40]

Public Works Director Jesberg summarized the written agenda report, and he informed the council that the project is about half-way complete. He commented on the medians that exist on Capitola Road and on 41st Avenue. He feels it will be a much safer section of road once the medians are installed.

Capitola Police Sergeant Matt Eller said traffic problems are solved by engineering, education and enforcement. He discussed the various traffics movements occurring at that location and reported that there have been 6 collisions in that area between December 16 and mid-July. Sergeant Eller also discussed the median on 41st Avenue between Clares Street and Gross Road, and he said collisions have been reduced significantly since the median was installed. He said that people do not like change and it may take some time to adjust to it. The change will come with education and signage. He then responded to questions of council members.

Public Works Director Jesberg said his recommendation would be to complete the project, let it operate, and to come back for review. He then responded to questions of council members.

At 10:23 p.m., Mayor Storey opened the public hearing.

The following people expressed their concerns regarding the placement of the medians on Capitola Road:

Greg Tedesco, Magellan Street, discussed his concerns about the new medians and how the cars are now stacking up. He also pointed out that there are 2 left-turn lanes on the other side of 41st Avenue. Mr. Tedesco said, "If it's not broke, don't fix it." People have been making that corridor work for years. He urged the council to remove the medians.

Mick Routh thanked the council for this review of the project, particularly since the project is in process. He expressed concerns regarding the myriad of U-turns this project has created, the impacts to businesses, etc. He suggested creating two left-turn lanes on Capitola Road to southbound 41st Avenue. Mr. Routh then commented on cars exiting the DMV that will not be able to make a left turn, delivery trucks not being able to make U-turns and ingress and egress to the Chevron Station. He feels a lot more problems have been created than existed before, and he would like to see the medians removed. If not removed, he suggested making modifications to address the issues raised.

Sherry Pinkerton, Manager at the Chevron Station, said their business has seen a 20% decline in customers since the new medians have been installed. She also expressed concerns about the traffic and the difficulty for customers entering and exiting the business.

4. B. PUBLIC HEARINGS (Continued)

Stephanie Harlan, resident of 42nd Avenue, discussed her concerns about U-turns. She said public safety is the bottom line, and she supports Mr. Jesberg's suggestion to complete the project and bring it back for review after the project has been completed and in place.

Greg Gomon, owner of the Frame Studio, which has been located on Capitola Road for 10 years, said he has a bird's eye view of the area. He would have striped the area first before installing medians to see if that worked. He said 18-wheeler delivery trucks cannot access Big 5 or Mancini's Sleep World to make deliveries. Mr. Gomon also said that he, too, has experienced a drop in business since the construction has begun.

Frank Borges expressed concerns about vehicles coming out of the driveway at Wells Fargo Bank onto Capitola Road and traversing across and blocking the lanes of traffic. He said that driveway should be blocked off. Mr. Borges also commented on the removal of the island at the corner of 45th Avenue.

Mayor Storey closed the public hearing at 10:46 p.m.

Considerable Council discussion was followed by this action:

ACTION: Council Member Graves moved to direct staff to go back to the engineer and look at the project for the removal of the French curve median and the reconfiguration of the island at the back of Whole Foods as it relates to the size of the keel; to have staff look at a double left-turn movement onto southbound 41st Avenue from Capitola Road; to go ahead with the sidewalk improvements at 42nd Avenue; and to ask the engineer to remove as many U-turns as possible. Council Member Nicol seconded the motion.

Public Works Director Jesberg commented, for clarification, that the intent of removing the curve and redesigning the median is to allow left turn movements onto Capitola Road. Council Member Graves answered it would be to allow two of the four left turn movements, with no cross traffic.

Mayor Storey said he believes one of the major issues related to the design is the stacking in the left-turn. He expressed the importance of a left turn movement from Capitola Road into the driveway to Mancini's Sleep World and Big 5. He would prefer restricting the left turn movement from Capitola Road into the Whole Foods parking lot.

Public Works Director Jesberg clarified that by making this change it would allow the left turn movement from westbound Capitola Road into the Big 5/Mancini Sleep World shopping center.

Council Member Nicol said that would also allow access to the Chevron station without having to make a U-turn at the intersection.

Council Member Graves said he would accept that, but he believes the Council ought to be looking at an eastbound left-turn to Whole Foods. He then explained the difficulty in getting from the Mall to Whole Foods.

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

4. PUBLIC HEARINGS (Continued)

- C. **Public Hearing to Consider Extending Conditional Use Permit and Architectural and Site Review Permit #97-95 and Coastal Development Permit #05-005 for a 25-Room Inn at Rispin Mansion Project located at 2000 and 2005 Wharf Road in the AR/VS/PD (Automatic Review/Visitor Serving/Planned Development) Zoning District. APN(s): Rispin Property 035-371-01 & -02; Clares Street/Wharf Road Property 034-541-34. Presentation: Community Development Department. [730-10]**

Community Development Director Johnson informed the City Council that this item must be continued in order to meet the Coastal Commission noticing requirements for extending a Coastal Development Permit. Staff recommends continuing the hearing to the next Regular Meeting of the City Council on September 23, 2010.

ACTION: Council Member Graves moved, seconded by Council Member Nicol, to continue the Public Hearing to the September 23, 2010, City Council meeting. The motion carried unanimously. Mayor Storey said the basis of the motion is to provide additional noticing.

5. OTHER BUSINESS

- A. **Consider a Community Video Tour Book on the City's Web Page. [160-80 Website]**

Assistant to the City Manager Murphy summarized the written agenda report and responded to questions of council members. City Manager Goldstein brought up a tour book from the City of Napa's website to show to the council.

Mayor Storey questioned if a city could pick and chose the businesses that can advertise on their tour book.

Council Member Nicol asked if the city would approve the video. He also commented that this would be something the Chamber should do.

City Treasurer Bertrand commended the City Manager for bringing this forward. He believes the first step is to improve the city's website in general and then to consider having these people develop a video.

There was a motion by Council Member Nicol, seconded by Mayor Storey, to deny the staff recommendation. The motion failed on the following vote: AYES: Council Members Nicol and Mayor Storey. NOES: Council Member Graves, Norton, and Begun. ABSENT: None. ABSTAIN: None.

Council Member Norton offered a substitute motion to approve the staff recommendation. The motion died due to a lack of a second.

After further discussion, Mayor Storey announced that if there is no motion, the item is rejected. **No action was taken.**

- B. **Reconsideration of the City Council's action taken at the Special Meeting of August 11, 2010, regarding the Long-Term Uses of Pacific Cove Mobile Home Park located at 426 Capitola Avenue (APN 035-141-33). [260-10]**

Council Member Graves recused himself on this item due to a conflict of interest in that he lives within 500 feet of the property. He left the Council Chambers at 11:26 p.m.

5. B. OTHER BUSINESS (Continued)

Mayor Storey announced that there was a request at the last meeting by Council Member Begun to bring this item back for reconsideration. At that time the council did not make a motion for reconsideration; therefore, the first order of business would be whether there is a motion for reconsideration.

ACTION: Council Member Begun moved, seconded by Council Member Norton, to reconsider the City Council's action taken at the Special Meeting of August 11, 2010, regarding the Long-Term Uses of Pacific Cove Mobile Home Park. The motion carried on the following vote: AYES: Council Members Norton, Nicol, and Begun. NOES: Mayor Storey. ABSENT: None. ABSTAIN: None. DISQUALIFIED: Council Member Graves.

Council Member Begun moved to replace the present motion with the following motion: That the Council approves public use only for the future of Pacific Cove Mobile Home Park and directs staff, including the City Attorney, to report back regarding the issues of converting part of the park near Capitola Avenue to parking per the consultant's 2005 report. Council Member Norton said he would second the motion with consideration of an amendment to the motion that the city look into providing alternative housing within the compound of the project area to those coach owners in Pacific Cove Mobile Home Park who are permanent residents, preferably on the site.

City Attorney Barisone said he was not sure he fully understood Council Member Begun's motion. He said there were issues he would prefer discussing in Closed Session.

Mayor Storey said his understanding of the last motion (action taken at the Special Meeting of August 11, 2010) was to direct staff to do an analysis on a variety of approaches and to bring that back to the Council so that they would have better, more complete information about appropriate action to take in moving forward. Mayor Storey said the Council raised a variety of issues that would be involved. It seemed to him that all the council was asking for was for staff to bring information on various approaches so that the Council could understand what costs would be attached, legal implications, etc., and to continue with the plan of 1984 to purchase coaches in the park, but recognizing there are new laws, including the Mello Act that the city would need to respond to, as well as Title 25 and the Subdivision Act.

Mayor Storey expressed concern about the new motion, which seems to be moving forward and drawing conclusions without the city council having the necessary facts.

Council Member Norton said the option to selling the property to the residents was taken out of the motion.

After further council discussion of the proposed motion, Mayor Storey clarified that the subdivision portion of the prior motion is being removed, and everything else would remain the same.

Council Member Nicol said he is not going to support the motion for legal reasons. Mayor Storey agrees and said he believes the council needs to stand by its original motion, particularly as it relates to the Mello Act, etc. At this point Mayor Storey does not want to preclude the analysis of the various approaches and the costs of them.

Mayor Storey opened the matter to the public at 11:40 p.m. Seeing no one, Mayor Storey called for a vote on the motion. The motion **failed** on the following vote: AYES: Council Members Norton and Begun. NOES: Council Member Nicol and Mayor Storey. ABSENT: None. ABSTAIN: None. DISQUALIFIED: Council Member Graves.

No action was taken.

5. OTHER BUSINESS (Continued)

Council Member Graves returned to the meeting at 11:41 p.m.

C. Consider Adoption of a Resolution Designating Three (3) Parking Spaces along Reposa Avenue West of the Intersection with 41st Avenue as a 2-Hour Parking Zone. [470-40]

Public Works Director Jesberg summarized the written agenda report and responded to questions of council members.

Council Member Norton questioned if staff has ever considered a breakdown gate closing the neighborhood off from the commercial area.

Mayor Storey opened the item to the public at 11:45 p.m.

The following people discussed their concerns regarding the proposed 2-hour parking zone:

Robert Nichols, resident of Reposa Avenue, discussed the impact of commercial traffic driving and parking on the street. He suggested installing signs to discourage large trucks. He supports continued permit parking for residents.

Bonnie Ford, 455 Reposa Avenue, does not support the proposed 2-hour parking regulation on Reposa and asked the Council to consider taking no action. Ms. Ford commended Chief Card on the Police Department's efforts to address neighborhood parking during the O'Neill Labor Day Sale.

Council Member Begun said there were more empty spaces on Reposa this weekend. Ms. Ford then submitted statements signed by 11 residents on Reposa Avenue opposing the parking changes on Reposa.

Doris Sakamoto said the 3 spaces currently don't require a permit, and she supports leaving the spaces as they are now. She is not interested in blocking off traffic to their street from 41st Avenue. She discussed trucks they use for their business and the need to be able to turn around.

Esther Saldana said she has lived on Reposa Avenue for 46 years as one of the first residents on the street. She commented on enforcement of those spaces and does not believe they should be designated 2-hour parking.

Charles Ford said the neighbors would be interested in traffic calming on their street for the safety of children. They would like the city to keep it a residential street. Mr. Ford responded to questions of council members regarding his comments.

Mayor Storey closed the public comment portion at 12:09 a.m.

ACTION: Council Member Norton moved to keep the parking situation as it is now (not approving two-hour parking) and to have staff look at alternatives for traffic calming on the street.

Council Member Graves said he would second the motion, with the exception of the second part of the motion regarding direction to staff regarding traffic calming on Reposa. He said that is going to be done as a part of the study once the Fairfield Inn is completed on Brommer Street. He doesn't believe it needs to be addressed twice.

5. C. OTHER BUSINESS (Continued)

Council Member Norton asked where that study is in process. Public Works Director Jesberg said that when the hotel project was approved, the impacts of traffic on Reposa was discussed, and staff recommended that the city wait until the hotel project is completed before studying this issue and coming back to council with recommendations.

Mayor Storey asked why the City cannot look at restricting commercial vehicles on that street now.

Council Member Graves felt the need to look at the situation on Reposa. He is concerned about restricting commercial vehicles, as there are residents on the street who park business vehicles on Reposa. Council Member Graves said he would like to see that the residents do have home occupation permits or be put on notice by the city attorney that they need a home occupation permit in order to park their trucks in that area.

Council Member Norton expressed his interest in protecting this neighborhood by means of slowing traffic and controlling large trucks from using Reposa Avenue. He said the city needs to be sensitive to the residents' concerns based on the new hotel.

Council Member Nicol commented on prior Council discussion, when staff was asked to look at the setback for parking next to the corner.

Public Works Director Jesberg said a memo was sent to the Council in October 2007 in that regard. He stated that the Vehicle Code does not have specific requirements; however, as long as a vehicle is parked behind the crosswalk, it is legal. The police department's recommendation was not to change that requirement.

Mayor Storey seconded the motion for purposes of discussion. He supports the motion and moving forward with looking at ways of making the residential street safer for the residents, and the need to balance commercial and residential properties. He is not interested in moving the problem from one street to another. Mayor Storey noted that there is not a single speed limit sign on the street and that installing a sign might be an easy thing to do.

Council Member Nicol proposed a substitute motion to incorporate everything said by Mayor Storey regarding a study and also moving approval of the staff recommendation to adopt the proposed resolution designating three parking spaces on Reposa Avenue 2-hour parking. Council Member Begun seconded the motion. The motion **failed** on the following vote: AYES: Council Members Nicol and Begun. NOES: Council Members Graves, Norton, and Mayor Storey None. ABSENT: None. ABSTAIN: None.

Mayor Storey then called for a vote on the main motion.

City Clerk Greeninger repeated the motion made by Council Member Norton and seconded by Mayor Storey to keep the parking situation as it is now (not approving two-hour parking) and to have staff look at alternatives for traffic calming on the street in order to make the street safer for the people who live there.

Council Member Graves said he does not want to change the motion but to provide a provision that alternatives be considered once the hotel project is complete, and to incorporate looking at home occupations on Reposa Avenue.

5. C. OTHER BUSINESS (Continued)

Council Member Norton amended his motion to say that when staff determines the time is right to study this situation, staff will do it at that time.

Council Member Begun asked to have a separate vote for each portion of the motion.

The City Council first voted on the portion of Council Member Norton's motion, seconded by Mayor Storey, to keep the parking situation as it is now (not approving the proposed two-hour parking resolution). The motion carried on the following vote: AYES: Council Members Graves, Norton, and Mayor Storey. NOES: Council Members Nicol and Begun. ABSENT: None. ABSTAIN: None.

The City Council then voted on the second portion of Council Member Norton's motion, seconded by Mayor Storey, to direct staff to consider traffic calming ideas to be incorporated on Reposa Avenue at the time staff determines is most efficient and appropriate to do so. The motion carried on the following vote: AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

Council Member Graves asked if he had consensus to ask that staff look into the home occupation permit. Mayor Storey said staff has taken note of that request and will inform Council Member Graves of the result.

D. Review of Proposed Central Fire Protection District Amendments to the 2010 Fire Code. [570-10]

Community Development Director Johnson provided a brief PowerPoint Presentation based on the written agenda report. He said the item is before the council tonight to provide an opportunity for the council to comment on a proposed ordinance of the Fire District pertaining to the 2010 California Fire Code. He then reviewed a chart of the proposed amendments to the fire code and responded to questions of council members.

Fire Chief Jeff Maxwell welcomed the opportunity to say "Good morning." He commended Community Development Director Johnson for his excellent presentation and was available for further questions of council members. He discussed the changes to the fire code and the district's recommendations and encouraged the City of Capitola to be part of a consensus code. Following his comments, Chief Maxwell responded to questions of council members regarding residential sprinkler systems; i.e., retrofitting existing structures, additions to structures, single and duplex residential structures and garages.

Mayor Storey opened this item to public comment at 12:59 a.m.

City Treasurer Bertrand commented that a uniform code has its advantages. He also expressed concerns about the PV (photovoltaic) section. Mr. Bertrand stated that he has concerns about unintended consequences of the proposed standards and that there might be other alternative solutions to address this issue.

Building Official Mark Wheeler commented on the Fire District's proposal pertaining to reduction in solar panels and the fact that the word "townhome" has been stricken from their ordinance. He said solar systems in Capitola are small due to the size of houses in the city. Building Official Wheeler said the city has always adopted the National Code as its base code and that the city automatically has to take in the State Codes. To go over and above the National or State Code is a decision the city council can make.

There was considerable council discussion regarding this item.

5. D. OTHER BUSINESS (Continued)

Fire Chief Maxwell said he is looking forward to working with the city.

Mayor Storey thanked Chief Maxwell for staying so late to discuss this matter.

ACTION: It was the consensus of the City Council directing staff to prepare a letter for the City Manager's signature expressing the Council's concerns pertaining to additional requirements for sprinklering retrofitted buildings, solar panel installation, ambiguity regarding the requirement to sprinkler buildings when there is a change of use and a fire official deems that additional hazards exist, and the potential to require more costly sprinkler systems for townhomes, and to submit the letter to the Central Fire Protection District Board before its meeting to be held on Tuesday, September 14, 2010.

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

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

G. Adopt Resolution Approving the Final Map for a Six-Unit Condominium Subdivision on Kennedy Drive, Tract No. 1562, John J. McCoy Developer. [730-10: 100-200 Kennedy Drive, Project Application #09-132]

Public Works Director Jesberg provided a brief staff report on this item based on his written agenda report, and he responded to questions of council members.

Frederick Coquelin, resident of Cabrillo Mobile Home Park, said his only objection relates to the gate that was put up, but it is not closed. He feels the spirit of the condition was not met.

Bob Dwyer, speaking on behalf of John McCoy, informed the council that Albert Vieira has a lawsuit against Mr. McCoy. There are no stated charges; it is a blank lawsuit. On advice of Mr. McCoy's legal counsel, he was instructed to leave the gate open because Mr. Vieira continues to place barricades on Mr. McCoy's property. They were also told by a mutual neighbor that if the gate were locked, Mr. Vieira would tear it down. Mr. Dwyer said they have tried to comply.

Council Member Norton asked if the lighting issue has been resolved.

Community Development Director Johnson said he and Senior Planner Bane inspected the premises, and extensive light fixture modifications have been made to address the lighting issue. Council Member Norton thought the lighting would be on timers and asked staff to check to make sure that is being done.


ACTION: Council Member Nicol moved, seconded by Council Member Begun, to approve recommended action and adopted **Resolution No. 3830, Resolution Approving the Final Map for a Six-Unit Light Commercial Condominium Subdivision on Kennedy Drive, Tract No. 1562**, as submitted. The motion carried on the following vote: AYES: Council Members Norton, Nicol, and Begun. NOES: Council Member Graves and Mayor Storey. ABSENT: None. ABSTAIN: None.

6. COUNCIL/STAFF COMMUNICATIONS

Council Member Norton commented on Item 4.B. relating to the Capitola Road Project, as he wanted to make sure that the action taken included direction to public works to move forward with the rest of the project. Council members agreed. **[940-40]**

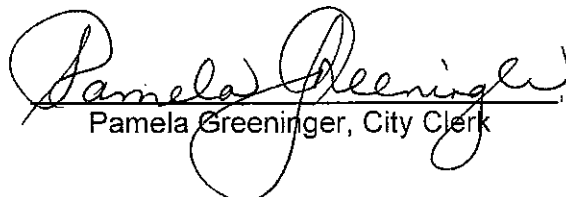
7. **ADJOURNMENT**

The City Council adjourned at 1:24 a.m. on September 10, 2010, to its next Regular Meeting to be held on Thursday, September 23, 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 10/14/2010