

December 9, 2010
Capitola, California

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

**12:00 NOON - CLOSED SESSION - CITY MANAGER'S OFFICE
CAPITOLA REDEVELOPMENT AGENCY & CITY COUNCIL**

At 12:00 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all City Council Members/Redevelopment Agency Directors were present. He made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9
One Case: Macquarie Capitola Villas Inc.

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

Surf and Sand, LLC vs. City of Capitola (Surf & Sand Mobile Home Park)
Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates)
Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Eileen Cholden
Agency claimed against: City of Capitola

Mayor/Chairperson Norton noted there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 12:01 p.m. to the Closed Session in the City Manager's Office.

The City Council/Redevelopment Agency met in closed session from approximately 12:02 p.m. until 3:50 p.m.

CAPITOLA REDEVELOPMENT AGENCY *(See Redevelopment Agency Minutes)*

REGULAR MEETING OF THE CITY COUNCIL

Mayor Norton called the Regular Meeting of the City Council to order at 7:12 p.m. on Thursday, December 9, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Stephanie Harlan, Michael Termini, Kirby Nicol, Sam Storey, and Mayor Dennis Norton

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, Chief of Police Michael Card, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

* * * PRESENTATIONS * * *

**Certificate of Appreciation to Jim Turcotte, Mechanic
for Thirty Years of Service to the City of Capitola
November 17, 1980, to November 17, 2010 [120-40]**

Mayor Norton presented a Certificate of Appreciation to Jim Turcotte for his Thirty Years of Service to the City in the capacities of Public Works Department Streets Maintenance Worker, Senior Maintenance Worker, Streets Division Supervisor, Streets & Facilities Maintenance Supervisor and Mechanic.

Public Works Director Jesberg provided additional information regarding Jim's service to the city. He said Jim actually started in the summer of 1979 as a seasonal parks employee under the Youth Employment Service Program; he was as an hourly, seasonal employee in the parks division of Public Works. After showing excellent work habits, he was hired again the following summer and then hired full time in November of 1980. From 1980 until 1992 Jim worked in various positions in the Public Works Department in both the Parks and Streets Divisions. From 1992 to 1995 Jim was the supervisor for the Streets Division, which required him to be active in the day to day work details that included all aspects of a Streets Department, from paving and patching to beach maintenance and wharf repairs. Jim always took on any assignment with the same level of dedication and effort and saw work through to completion. From 1995 to the present, Jim has worked as the City's Mechanic, servicing all motorized equipment. Jim also takes on special projects for the City such as manufacturing and rebuilding the handrails in the Esplanade Park and stepping up and helping out during emergency situations in whatever capacity needed. In 1991 Jim received public acknowledgement for saving a diamond ring that had fallen into a storm drain in the Village. Jim was honored as Maintenance Division Employee of the year in 1989 and again in 1996. Public Works Director Jesberg congratulated and thanked Jim for his 30 years of service to the City and said Jim has been and remains a valuable asset to the Public Works Department.

Jim Turcotte thanked the City Council for this recognition.

Certificates of Appreciation to Outgoing Advisory Committee Members:

**Linda Hanson for service on the Finance Advisory Committee
from December 2008 to December 2010 [330-40/120-40]**

Mayor Norton said Linda Hanson was his appointee to the Finance Advisory Committee. As a practicing CPA, Linda was a valuable member on the Finance Advisory Committee, and he thanked her for her two years of service.

Linda thanked the mayor for the recognition and said she loves Capitola and was happy to serve. Mayor Norton noted that Linda also serves on the Traffic & Parking Commission.

**Darcy Horton for service on the Capitola Historical Museum Board
from August 2006 to December 2010 [240-40/120-40]**

Mayor Norton announced that Darcy Horton was unable to attend tonight's meeting to receive recognition for her 4½ years of service on the Museum Board. He said her certificate would be delivered to her.

**Dana Michelosen for service on the Commission on the Environment
from June 2008 to December 2010 [430-05/120-40]**

Mayor Norton said he has worked with Dana on the Capitola Commission on the Environment. He appreciates her participation on the commission and thanked her for her service.

Dana Michelosen thanked the mayor for his recognition, and he said she really enjoyed serving on that commission.

**Jeanne Roddy for service on the Traffic & Parking Commission
from May 2009 to December 2010 [470-60/120-40]**

Mayor Norton announced that Jeanne Roddy was unable to attend tonight's meeting to receive her recognition as the Pacific Cove Mobile Home Park Resident representative on the Traffic & Parking Commission. He said her certificate would be delivered to her.

Mayor Norton advised that Certificates of Appreciation were also being delivered to other committee members who have stepped down from service and were not able to attend tonight's meeting, including:

- Susan Westman, Council Member Graves' appointee to the Finance Advisory Committee from January 2007 to December 2010
- Melissa Van Ness, Council Member Begun's Appointee to the Commission on the Environment from February 2009 through December 2010
- Nels Westman for service as Council Member Graves' Appointee on the Traffic & Parking Commission from May 2009 and December 2010

Mayor Norton stated that he would also like to recognize two commission members not continuing due to being elected to the City Council, Planning Commissioners Stephanie Harlan and Michael Termini. He then presented certificates of appreciation to Michael Termini for service as Council Member Storey's appointee on the Planning Commission from December 2008 through December 2010, and to Stephanie Harlan for service as Council Member Graves' appointee on the Planning Commission from December 2006 through December 2010.

Council Member Harlan said she really enjoyed serving on the Planning Commission with a great group of people sharing that work.

Mayor Norton announced that the presentations for the Community Bridges Lift Line and Meals on Wheels Programs are being rescheduled due to the illness of one of the presenters.

**Presentation by Catherine Patterson-Valdez, Program Director
from Community Bridges – Lift Line Program [330-30]**

**Presentation by Lisa Berkowitz, Program Director
from Community Bridges - Meals on Wheels [330-30]**

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone announced that the City Council/Redevelopment Agency Directors met in Closed Session from approximately 12:00 noon until 4:00 p.m. In addition to all five council members/directors being present, City Manager Goldstein, City Attorney Barisone and Deputy City Attorney George Kovacevich were present. Also, for part of the discussion during closed session, Henry Heater, the attorney who represents the city on two of the three pending mobilehome lawsuits was present telephonically.

1. REPORT ON CLOSED SESSION (Continued)

The items discussed in closed session were those items listed on the posted Agenda and the Addendum posted on December 6, 2010.

Conference with Legal Counsel (Existing Litigation)

City Attorney Barisone reported that the City Council heard from him, Deputy City Attorney Kovacevich and City Manager Goldstein regarding the pending Mobile Home Park litigation pertaining to Surf and Sand, LLC v City of Capitola, which includes two lawsuits, one pending in federal court and one in state court; and Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates). After receiving a status report, the council gave instructions regarding ongoing defense of the lawsuits.

The City Council discussed potential litigation concerning Macquarie Capitola Villas Inc. (Capitola Beach Villas). Staff answered questions regarding potential litigation in that matter. No reportable action was taken in closed session.

The City Council discussed the Tort claim of Eileen Cholden, which is on the City Council's regular meeting Consent Calendar agenda for denial. No reportable action was taken in closed session.

City Attorney Barisone reported that there was no discussion regarding Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates).

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda – None
- B. Public Comments

1) Marilyn Garrett addressed the city council regarding protests held in Santa Rosa regarding installation of SmartMeters and provided copies of a press release in that regard. She also commented on the health effects caused by microwave radiation claimed by many individuals.

2) Greg Gomon, owner of the Frame Studio on 41st Avenue, addressed the council regarding the Capitola Road Traffic Calming Project. He distributed copies of the staff report for the meeting of October 14, 2010, where the council directed changes to the project, as well as photographs of the project and of an accident that recently occurred. Mr. Gomon said there have been numerous accidents in that location. He expressed concerns that the approved changes need to be done now, and that the Council should give public works a priority to work on this project. Mr. Gomon would like the new council to reinforce what the previous council did.

Public Works Director Jesberg provided an update on the project and informed the council that the plans need to be redesigned, and he responded to comments from council members regarding the dangerous situation existing there.

- C. Staff Comments – None

- D. City Council/Treasurer Comments/Committee Reports

1) City Treasurer Bertrand said both Susan Westman and Linda Hanson have been valuable members of the Finance Advisory Committee, and he was pleased to see them being recognized for their service at tonight's meeting. City Treasurer Bertrand also congratulated and welcomed the new members of the city council and said he looks forward to working with them.

2. ORAL COMMUNICATIONS (Continued)

2) Council Member Storey questioned an accident involving a pedestrian that occurred on Kennedy Drive.

Chief of Police Card reported on the incident and responded to questions of council members. There was discussion regarding lighting in the area of the 900 block of Kennedy where the accident occurred.

Council Member Storey suggested staff look into additional lighting at that location.

E. Committee Appointments

Note: Appointments were made under Other Business Item 5.B. for City Council Representation on City and County/Multi-County Boards, Commissions, and Committees, and City Council appointments/reappointments of public members to various City Advisory Bodies. (See pages 11833 through 11837.)

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

Mayor Norton asked if council members had questions regarding the check register report. There were none.

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to approve the Check Register Report dated November 19, 2010, including checks numbered 64838 through 64904 in the amount of \$105,512.32, and payroll disbursements for the November 19, 2010, payroll in the amount of \$176,237.23, for a Grand Total of \$281,749.55, as submitted. The motion carried on the following vote: AYES: Council Members Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: Council Member Harlan.

3. **CONSENT CALENDAR**

Mayor Norton asked if there were any items on the Consent Calendar that members of the public or the city council wished to pull for separate discussion. Council Member Nicol pulled Item 3.C.

Council Member Harlan commented on Item 3.E. saying that the state added a \$3 surcharge to parking fines; therefore, the city needed to raise its fines so that the revenues from the parking penalties remain the same.

Mayor Norton advised Item 3.C. would be discussed at the end of the meeting following Other Business Item 5.B. (*See discussion and action on Page 11838.*)

CONSENT CALENDAR ACTION: Council Member Harlan moved, seconded by Council Member Termini, to approve the Consent Calendar as recommended, with the exception of Item 3.C. which was pulled for separate discussion. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. 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.

B. Approve City Council Minutes – None

3. CONSENT CALENDAR (Continued)

- C. Adopt Resolution Setting an Interest Rate for Tenant Security Deposits for 2011 at 0.06% Consistent with the County of Santa Cruz. [750-10]**

This item was pulled for separate discussion. (*See discussion and action on page 11838.*)

- D. Adopt Ordinance Amending Section 15.04.010 Pertaining to Adoption of Model Codes to become effective January 1, 2011. [2nd Reading] [570-10]**

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to adopt **Ordinance No. 951, Ordinance Amending Section 15.04.010 of the Capitola Municipal Code Pertaining to Adoption of Model Codes**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- E. Adopt Resolution Repealing Resolution No. 3744 and Revising the City's Parking Penalties to Reflect State Mandated Surcharges for Certain Parking Violations. [470-40]**

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to adopt **Resolution No. 3848, Resolution Repealing Resolution No. 3744 and Revising the City's Parking Penalties to Reflect State Mandated Surcharges for Certain Parking Violations**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- F. Deny Claim of Eileen Cholden and Forward the Claim to the City's Liability Insurance Carrier. [Claims Binder]**

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to deny the claim of Eileen Cholden and forward it to the City's liability insurance carrier. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS – None**5. OTHER BUSINESS**

- A. Reconsideration of an Agreement between Macquarie Capitola Villas Inc. and the City of Capitola for Rental of Capitola Beach Villas, located at 1066 41st Avenue, for an interim period of six years. [730-10: 1066 41st Avenue]**

Community Development Director Johnson provided a brief summary of the background of this project and proposed agreement which had been previously denied by the City Council. He went through the key points of the agreement and summarized changes of the revised agreement which were made by Macquarie based on resident and council member comments at previous hearings. Based on staff's review of the revised agreement, Community Development Director Johnson said staff would recommend approval of recommended action.

Community Development Director Johnson and City Attorney John Barisone responded to questions of council members pertaining to the agreement.

Robert Barnes, representing Macquarie Capitola Villas Inc., commented on the revised agreement and thanked the council for reconsidering it. He responded to questions of council members.

5. A. OTHER BUSINESS (Continued)

Mayor Norton opened this matter to the public for comment at 7:49 p.m.

Carol Lezin, Commercial realtor in Capitola, said she worked with the original developer and the current owner of the project. She supports the proposed agreement and believes it is in the best interest of the community to have those units leased and occupied.

Greg Gomon, 41st Avenue Framing, expressed concerns about the agreement in the event the owner sells the project. City Attorney Barisone said the agreement will be recorded and binding to all successors. Mr. Gomon also commented on the resale value of the units after being rented.

Patti Boe, real estate agent, informed the council that her office is located across the street from the development and that she has met with other businesses in the area around the building. The businesses all urge the City Council to approve the proposed agreement to approve renting the building.

Council discussion was followed by this action:

ACTION: Council Member Nicol moved the staff recommendation with the addition of Gladys and Bain Avenues included in the parking restriction language, and direction to staff to bring this matter back for evaluation in one year. Council Member Harlan pointed out that Gladys Avenue and Bain Avenue are already included in the parking areas. Council Member Termini seconded the motion, thereby taking the following actions:

1. Directed the City Manager and the Community Development Director to execute an Agreement with Macquarie Capitola Villas Inc., to allow rental of the Capitola Beach Villas, located at 1066 41st Avenue, for a period of time not to exceed six years, on behalf of the City;
2. Approved the Notice of Exemption pursuant to CEQA § 15301, as submitted; and
3. Added a condition directing staff to bring this matter back to the City Council in one year for evaluation.

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

B. City Council representation on City and County/Multi-County Boards, Commissions, and Committees, and City Council appointments/reappointments of public members to various City Advisory Bodies. [110-10]

CITY BOARDS, COMMISSIONS AND COMMITTEES

Mayor Norton said he would be taking the lead on this item. He asked if anyone from the public wished to discuss this item before the council began its discussion and made its appointments. No one spoke.

ARCHITECTURAL AND SITE REVIEW COMMITTEE [740-15]

The City Council unanimously reappointed the current Architect, Landscape Architect, and Historian members as follows: Frank Phanton, Architect; Susan Suddjian, Landscape Architect; and Carolyn Swift, Historian, for terms ending December 31, 2012.

ART AND CULTURAL COMMISSION [1010-60] (Michael Termini)

The City Council unanimously reappointed At Large Members Joyce Murphy and Jenny Shelton for two-year terms expiring December 31, 2012, and appointed Council Member Termini to serve as the Council Member representative on the Art & Cultural Commission.

The appointment of a Planning Commission representative was continued to the City Council's January 27, 2011, meeting.

COMMISSION ON THE ENVIRONMENT [430-05] (Dennis Norton)

The City Council took the following actions regarding appointments to the Commission on the Environment:

- Mayor Norton will continue to serve as the Council Representative on this commission.
- Council Member Harlan continued her appointment to the next meeting
- Council Member Termini appointed Nathan Cross
- Council Member Nicol reappointed Greg Tedesco
- Council Member Storey reappointed Karl Forest

Council Member Termini recommended appointment of Tiffany Wise West to fill the At Large Member vacancy.

The City Council reappointed Youth Member Kate Sylvan and Ex-Officio Members Steven Peters and John Ricker.

The appointment of a Planning Commission representative was continued to the City Council's meeting on January 27, 2011.

FINANCE ADVISORY COMMITTEE [330-40] (Kirby Nicol and Michael Termini)

After considerable Council discussion, the following appointments were made to the Finance Advisory Committee:

- Council Member Nicol will serve on behalf of Mayor Norton
- Council Member Harlan would serve for the Vice Mayor *
- Council Member Termini appointed TJ Welch **
- Mayor Norton appointed Bob Begun
- Council Member Storey reappointed Gary Wetsel
- The City Council reappointed Christine Buechting to serve as Business Representative

*Note: * This was changed later in the meeting when Council Member Harlan decided she could not serve on this committee. (See page 11837 for revised appointments.) **Vice Mayor Termini will serve; therefore, he cannot appoint TJ Welch. Council Member Harlan said she would like to continue her appointment to the Council's next meeting.*

HISTORICAL MUSEUM BOARD [240-40]

It was the consensus of the City Council to appoint David Shoaf to the Historical Museum Board to fill the unexpired term ending in June 2012.

PLANNING COMMISSION [740-50]

- Council Member Harlan appointed Ron Graves
- Council Member Nicol reappointed Ed Newman
- Council Member Termini appointed Velandia Rigsby-Smith (aka Linda Smith)
- Council Member Storey appointed Mick Routh, and
- Mayor Norton reappointed Gayle Ortiz

TRAFFIC & PARKING COMMISSION [470-60]

- Council Member Harlan continued her appointment to January 13, 2011
- Council Member Nicol reappointed Anne Nicol
- Council Member Termini tentatively appointed Nels Westman
- Council Member Storey reappointed Molly Ording, and
- Mayor Norton reappointed Linda Hanson

Traffic & Parking Commission (continued)

In addition, the City Council reappointed Margaret Kinstler and Ed Bottorff as Village Resident representatives, and Carin Hanna and Gary Wetsel as Village Business Owner representatives.

The City Council received a message from Jeanne Roddy, who is stepping down from the commission, and appointed Peter Roddy to fill the Pacific Cove Mobile Home Park Resident representative seat on the commission.

The City Council continued its appointment of a Planning Commission representative to its meeting of January 27, 2011, pending recommendation by the Planning Commission.

WHARF WORKING GROUP [280-10] (Dennis Norton and Michael Termini)

Mayor Norton and Council Member Termini volunteered to serve on the Wharf Working Group.

COUNTY AND MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES

Mayor Norton announced that the council would now review its representation on the various County and Multi-County Boards, Commissions and Committees. After Council discussion on each board, the following appointments/nominations were made:

ADVISORY COUNCIL OF THE AREA AGENCY ON AGING (SENIORS COUNCIL OF SANTA CRUZ & SAN BENITO COUNTIES) [150-70] (Sandra Williams; Council Member Harlan, Alternate)

The City Council unanimously reappointed Sandra Williams to continue to serve as the city's representative to the Advisory Council of the Area Agency on Aging; with Council Member Harlan serving as Alternate.

AMBAG & AMBAG SANCTUARY SCENIC TRAIL COMMITTEE – [150-10] (Council Member Harlan; Dennis Norton, Alternate)

Council Member Harlan commented on the trail committee, saying that committee has not met for some time.

It was the consensus of the City Council to appoint Council Member Harlan to serve as the city's representative to AMBAG and the Sanctuary Scenic Trail Committee, with Mayor Norton serving as Alternate.

COMMUNITY ACTION BOARD OF SANTA CRUZ COUNTY – [150-40] (George Winslow; Bob Begun, Alternate)

It was the consensus of the City Council to reappoint George Winslow to continue to serve as the city's representative on the Community Action Board of Santa Cruz County, with Bob Begun serving as Alternate.

COMMUNITY TELEVISION OF SANTA CRUZ COUNTY – [160-25] (Doree Steinman; Term Expires November 2012) No action was necessary at this time.**CRIMINAL JUSTICE COUNCIL OF SANTA CRUZ COUNTY – [150-70] (Kirby Nicol and Michael Termini)**

Council Member Harlan proposed that the Criminal Justice Council be eliminated since this committee has not met in years.

Criminal Justice Council (Continued)

City Manager Goldstein said he and the police chief met with other law enforcement agencies and communities recently regarding interest in resurrecting the committee. He would recommend appointing two council members in the event it does meet.

Council Member Nicol said he has served for 6 years and it has never met. He would welcome the opportunity to continue to serve. Council Member Termini said he would also serve.

CULTURAL COUNCIL OF SANTA CRUZ COUNTY – [1000-05] (Sam Storey)

Council Member Storey was reappointed to continue to serve on the Cultural Council of Santa Cruz County.

HAZARDOUS MATERIALS ADVISORY COMMISSION – [430-50] (Gene Bensen; Term Expires 4/1/2011) No action was necessary.**LAFCO (Santa Cruz Local Agency Formation Commission) – [140-55]**

Mayor Norton asked if the city manager or community development director could provide an update on what might be coming up on LAFCO in the future. City Manager Goldstein said he is not up-to-date on LAFCO matters and would be happy to get a briefing from LAFCO staff and provide an update to Council.

The City Council nominated Council Member Harlan for appointment by the City Selection Committee when the seat becomes available in May.

LIBRARY FINANCING AUTHORITY – [230-10] (Sam Storey; Michael Termini, Alternate)

It was the consensus of the City Council to appoint Council Member Storey to serve as the city's representative to the Library Financing Authority, with Council Member Termini serving as Alternate.

LIBRARY JOINT POWERS BOARD – [230-10] (Sam Storey)

It was the consensus of the City Council to reappoint Council Member Storey to serve as the city's representative on the Library Joint Powers Board.

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT – [430-50] (Sam Storey)

The City Council unanimously nominated Council Member Storey to be considered for appointment by the City Selection Committee.

SANTA CRUZ COUNTY SANCTUARY INTER-AGENCY TASK FORCE - [430-80] (Stephanie Harlan)

It was the consensus of the City Council that Council Member Harlan continue to serve as the city's representative should the task force meet again in the future.

SANTA CRUZ COUNTY CHILDREN'S NETWORK - [140-70] (Sam Storey)

It was the consensus of the City Council that Council Member Storey continue to serve as the city's representative on the Children's Network.

SANTA CRUZ CONFERENCE & VISITORS COUNCIL – [150-70] (Sam Storey; Term Expires April 2012) No action was necessary on this board.**SANTA CRUZ COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT, ZONE 5 – [900-10] (Kirby Nicol; Dennis Norton, Alternate)**

It was the consensus of the City Council that Council Member Nicol continue to serve as the city's representative on the Santa Cruz County Flood Control & Water Conservation District, Zone 5 Board, with Mayor Norton serving as Alternate.

SANTA CRUZ COUNTY INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE – [930-55] (Council Member Harlan; Lisa Murphy, Alternate)

Council Member Harlan said she would be interested in serving on this task force. It was the consensus of the City Council to appoint Council Member Harlan to serve as the city's representative on the Santa Cruz County Integrated Waste Management Local Task Force, with Assistant to the City Manager Lisa Murphy serving as Alternate.

** After volunteering to serve on this committee, Council Member Harlan said she would like to give the **Finance Advisory Committee** position back to Vice Mayor Termini. Mayor Norton said they would address that request after all other appointments were made. (See below.)*

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION - [770-05] (Kirby Nicol; Norton, Alternate)

Council Member Nicol said he would like to continue to serve on the RTC. Mayor Norton said he would also like to serve. Council Member Nicol said the commission has elected him to serve as vice chair.

Council Member Storey commented that with Council Member Nicol serving as vice chair and subsequently chair in the future, the city would be assured of a strong voice on the commission. Council Member Storey expressed interest in preserving that prominent position on the commission.

After considerable discussion, it was the consensus of the City Council to reappoint Council Member Nicol as the city's representative on the Santa Cruz County Regional Transportation Commission Board, with Mayor Norton serving as Alternate.

Mayor Norton requested that this appointment be reviewed by the council next October.

SANTA CRUZ COUNTY SANITATION DISTRICT – [1130-10] (Stephanie Harlan; Sam Storey, Alternate)

It was the consensus of the City Council to appoint Council Member Harlan as the city's representative to the Santa Cruz County Sanitation District Board, with Council Member Storey serving as Alternate.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT – [1170-30] (Ron Graves)

Former Council Member Ron Graves addressed the City Council saying he has offered his services to be the city's representative on the METRO Board.

After discussion, it was the consensus of the City Council to appoint Ron Graves to complete his term ending December 31, 2010, and to continue to serve as the city's representative on the Santa Cruz Metropolitan Transit District for the new term commencing in January of 2011, with Mayor Norton serving as Alternate.

*** FINANCE ADVISORY COMMITTEE [330-40] (Kirby Nicol and Michael Termini)**

Mayor Norton announced that the Council would now discuss Council Member Harlan's request to reconsider appointments to the Finance Advisory Committee; she does not want to serve on this committee based on the number of other committees she has volunteered to serve.

Vice Mayor Termini will serve on this committee. Council Member Termini then retracted his appointment of TJ Welch.

Council Member Harlan said she would interview applicants and make an appointment at the first meeting in January.

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

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

C. Adopt Resolution Setting Interest Rate for Tenant Security Deposits for 2011 at 0.06% Consistent with the County of Santa Cruz. [750-10]

Council Member Nicol pulled this because he received a number of emails about this rate and expressed concerns about it being burdensome to property owners. He recommended that the rate be set at zero percent (0%)..

Council discussion was followed by this action:

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Resolution No. 3849, Resolution Setting Interest Rate for Tenant Security Deposits for 2011 at Zero Percent (0.00%) in the City of Capitola.** The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

City Manager Goldstein said he brought this matter up at the City Selection Committee this week, and it is on everyone's radar.

6. **COUNCIL/STAFF COMMUNICATIONS**


Council Member Harlan would like to look at the idea of approving the check register before the checks go out, as was done in the past.

Mayor Norton would like staff to look at scheduling of closed sessions. Council Member Termini suggested that closed sessions could be done on another day or evening besides the regular council meeting day.

Mayor Norton commented on people driving too fast in Capitola. If everyone in our community would drive 25 mph, Capitola would be a much safer place. He discussed the Pace Car Program and said there are stickers available at City Hall that residents can put on their cars.

7. **ADJOURNMENT**

The City Council adjourned at 9:08 p.m. to its next Regular Meeting to be held on Thursday, January 13, 2011, in the City Hall Council Chambers, 420 Capitola Avenue,



Dennis Norton, Mayor

ATTEST:



Pamela Greeninger, City Clerk MMC