

July 31, 2008

Capitola, California

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

Mayor Nicol called the Special Meeting of the City Council of Thursday, July 31, 2008, to order at 5:05 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, pursuant to the Notice and Call of a Special Meeting of the Capitola City Council dated June 2, 2008. He announced the Council would be meeting in Closed Session regarding Labor Negotiations with the Police Captains, and following the Closed Session, the Council would meet in the Council Chambers for an item of open session business.

Mayor Nicol then announced that another item pertaining to ongoing litigation with the Soquel Union Elementary School District and the City of Capitola regarding Jade Street Park has been brought to his attention. He, with the permission of the City Council, would like to add this item to the Closed Session agenda. Council Member Graves asked what the immediacy is. Mayor Nicol said Council Member Termini would be gone tomorrow morning and would not be available to discuss this matter.

City Manager Hill said the council would need to make two findings: 1) that the matter came up after posting of the notice, and 2) that it needs to be considered prior to the next regular meeting of the city council to be held August 14, 2008. He explained that the information came up about 10:30 a.m. this morning and that it deals with the school district, the lease, and the Jade Street Park property. He said Council Member Termini will be leaving for a month's vacation tomorrow morning, and he has been closely involved in relationships with the school district. By adding this matter to the Closed Session agenda tonight, staff will have an opportunity to provide Council Member Termini with an update before he leaves. Council Member Storey will be returning, and if this effort results in any further information staff needs to provide to council, that can be accomplished. Council Member Graves asked if action would be taken. City Manager Hill said no action would be taken, with the exception of perhaps direction to the city's real property negotiator.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Begun, to add an item to the Closed Session agenda pertaining to Existing Litigation between the Soquel Union Elementary School District vs. City of Capitola, with the findings that it was brought to the city's attention after posting the Notice & Call for the Special Meeting and needs to be dealt with prior to the Council's next regular meeting to be held on August 14, 2008. The motion carried on the following vote: AYES: Council Members Begun, Termini, and Mayor Nicol. NOES: Council Member Graves. ABSENT: Council Member Storey. ABSTAIN: None.

Following the vote, Council Member Graves said it requires a 4/5 vote to add an item to the agenda. City Manager Hill said he spoke to Celestial Cassman in the city attorney's office, and he was told it requires a 2/3 vote. City Clerk Greeninger said she thought it was a 4/5 vote.

Mayor Nicol asked if anyone from the public wished to address the council on matters to be discussed in Closed Session. Seeing no one, the City Council adjourned to its Closed Session in the City Manager's Office at 5:10 p.m.

CLOSED SESSION**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Bargaining Unit: Police Captains
Negotiator: Rich Hill, City Manager

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

Soquel Union Elementary School District vs. City of Capitola

OPEN SESSION

Mayor Nicol called the open session meeting of the Capitola City Council to order at 5:50 p.m., and asked the City Clerk to call the roll.

ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Robert "Bob" Begun, Ron Graves, Michael Termini, and Mayor Kirby Nicol

ABSENT: Council Member Sam Storey

STAFF: City Manager Rich Hill and City Clerk Pamela Greeninger

REPORT ON CLOSED SESSION [520-25]

City Manager Hill reported on the two matters discussed in Closed Session as follows:

- 1) Conference with Labor Negotiator regarding the Police Captain's Bargaining Unit: The city council discussed the Police Captain MOU and provided direction to its labor negotiator, City Manager Rich Hill.
- 2) City Manager Hill reported that the second item discussed in Closed Session was an item which was added to the Closed Session agenda in open session prior to the Council convening in closed session regarding Existing Litigation pertaining to Soquel Union Elementary School District vs. City of Capitola. The council received a report on that matter and gave instructions to its property negotiator, City Manager Hill.

In light of the discussions held in Closed Session, Council Member Graves stated that he would like to add an item to the Open Session Agenda pertaining to the Soquel Union Elementary School District's Jade Street Park Property.

ACTION: Council Member Graves moved to place the second item of discussion in Closed Session on the Open Session Agenda pertaining to Jade Street Park. The motion was seconded by Council Member Termini with the findings that it was brought to the city's attention after posting the Notice & Call for a Special Meeting and needs to be dealt with prior to the Council's next regular meeting to be held on August 14, 2008. The motion carried on the following vote: AYES: Council Members Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.

1. Resolution Approving a Memorandum of Understanding with the Police Captains for the Period July 1, 2008, through June 30, 2011. [600-10]

There was no discussion or action taken on this item.

2. *ADDED ITEM* - Discussion regarding Soquel Union Elementary School District's Jade Street Park Property. [1150-05]

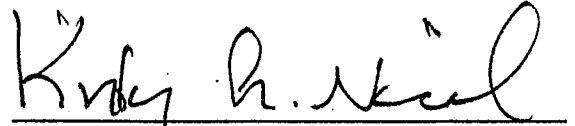
Council Member Graves stated that in light of the discussion in Closed Session and in order to give a clear indication of the City Council to members of the school district board, he made the following motion:

ACTION: Council Member Graves moved to direct the City Manager to enter into negotiations with the Soquel Union Elementary School District for the possible purchase of part of Jade Street Park.

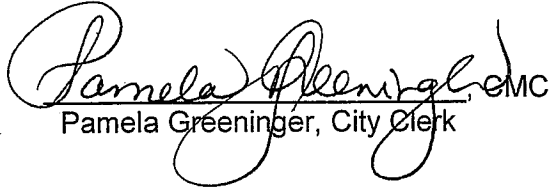
Council Member Begun asked if the makers of the motion would consider a friendly amendment, "for the possible purchase of all or a portion of Jade Street Park." Council Members Graves and Termini amended their motion and second as recommended. The motion carried on the following vote: AYES: Council Members Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.

ADJOURNMENT

The Capitola City Council adjourned at 5:55 p.m. to its next Regular Meeting to be held on Thursday, August 14, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.


Kirby A. Nicol, Mayor

ATTEST:


Pamela Greeninger, City Clerk

MINUTES WERE APPROVED BY THE CITY COUNCIL ON 8/14/08 WITH COUNCIL MEMBER STOREY ABSTAINING