

December 18, 2008  
 Capitola, California

## CAPITOLA CITY COUNCIL

### MINUTES OF A SPECIAL MEETING

Mayor Begun called the Special Meeting of the City Council to order at 4:51 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California. Mayor Begun announced that pursuant to the Notice and Call of the Special Meeting of the Capitola City Council dated December 16, 2008, and Government Code Sections 54957 and 54957.6, the City Council would meet in Open Session on one item and would then adjourn to a Closed Session with its labor negotiator in the City Manager's office on the following matters:

1. Conference with Labor Negotiator (Govt. Code §54957.6)  
     Negotiator: Rich Hill, City Manager  
     Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers' Association, Confidential Employees, Mid-Management Group, Building Official, Chief of Police, City Manager, Community Development Director, Finance Director, and Public Works Director
2. Public Employee Performance Evaluation (Govt. Code §54957)  
     Title: City Manager

### ROLL CALL AND PLEDGE OF ALLEGIANCE

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

**ABSENT:** None

**STAFF:** City Manager Richard Hill and City Clerk Pamela Greeninger

### OPEN SESSION

#### 1. Board, Commission, and Committee Appointments. [110-10]

##### A. Capitola Finance Advisory Committee Business Representative. [330-40]

City Clerk Greeninger announced that following the City Council's appointment of Debbie Johnson as the Business Representative to the Finance Advisory Committee, a letter was received from the Capitola-Soquel Chamber of Commerce.

Toni Castro, CEO of the Capitola-Soquel Chamber of Commerce, said the chamber was given the privilege of appointing the Business Representative to the City's Finance Advisory Committee and has been doing so for many years. She expressed concern that the Chamber's recommendation, Lou Tuosto, was not reappointed. Ms. Castro said she would like to clarify the guidelines for appointment; she is interested in knowing whether it is required for an appointee to be a city resident. She went on to discuss her concerns about the recruitment process and asked for direction regarding the Chamber's appointment. Ms. Castro also commented that there is a big learning curve for new members on the Finance Advisory Committee.

Mayor Begun stated that his understanding of the city's resolution is that the Chamber recommends someone, and the City Council makes the business representative appointment. He suggested this matter be placed on a future agenda for discussion. Mayor Begun also recommended the resolution state that appointment preference is given to Capitola residents.

Ms. Castro reiterated the need for clear direction regarding the recruitment process for the business representative and the Chamber's recommendation for that seat on the committee.

1. A. Capitola Finance Advisory Committee Business Representative (Continued)

A motion was made by Council Member Nicol to ratify the council's appointment of Debbie Johnson as the Business Representative to the Finance Advisory Committee made on December 11, 2008. There was no second to the motion.

City Manager Hill informed the council that if the City Council takes no action, the composition of the Finance Advisory Committee would remain the same as approved on December 11.

**ACTION:** After considerable Council discussion, staff was directed to review the appointment process for the Business Representative on the Finance Advisory Committee and bring this matter back to the Council early next year.

B. **Capitola Commission on the Environment. [430-05]**

City Clerk Greeninger responded to questions from council members regarding appointments to the Commission on the Environment.

**ACTION:** Council Member Norton moved, seconded by Council Member Storey, to appoint Ken Nemire as an At-Large Member and to reappoint Dana Michelosen as an At-Large Member on the Commission on the Environment.

Under discussion of the motion, Council Member Nicol commented that Mr. Nemire was his previous appointee. He noted that both Ken Nemire and his daughter were on the same city commission, and that he had concerns about having two people from the same family on a commission. Council Member Nicol explained that he did not reappoint him, because he was interested in having broader community representation on the commission.

After Council discussion, the motion to appoint Ken Nemire as an At-Large Member and to reappoint Dana Michelosen as an At-Large Member carried with Council Member Nicol voting no.

Mayor Begun announced that he would continue his appointment to the Commission on the Environment and directed staff to seek applications.

C. **Council Member Representatives to the Santa Cruz County Regional Transportation Commission [770-05] and the Santa Cruz Metropolitan Transit District [1170-30].**

Mayor Begun introduced this item for discussion.

Council Member Storey asked who the alternate is to the METRO. City Clerk Greeninger said there is no alternate to that board.

Council Member Nicol distributed a paper showing the membership on the METRO and the Santa Cruz County Regional Transportation Commission (RTC) Boards for 2008. He explained that 7 members serve on both boards. Council Member Nicol went on to say that if you look at the history of Capitola representation on both METRO & RTC, in more instances than not a council member served on both boards. Council Member Nicol said that when this issue was raised at the last meeting, he told the Council he would step aside and let another council member represent the city on the METRO board if it were the council's wish for him to do so. At the direction of council, he tendered his written resignation to the METRO board in writing following the December 11, 2008, meeting.

Council Member Storey said he raised this issue and discussed his concerns. He commented on the ethics training he received when first elected to the City Council and his concerns about the potential conflict of interest having the same council member serving on both boards, noting that the RTC is a funding source of the METRO.

## 1. C. Council Member Representatives on SCCRTC and METRO (Continued)

Council Member Nicol suggested Council Member Storey bring those concerns to the attention of the METRO and the RTC.

Council Members Norton and Graves also commented on their experiences serving on the METRO and RTC boards.

After Council discussion of this item, Mayor Begun said he would like to withdraw from serving as the city's representative on the METRO and stated that he wished to remain the City's Alternate on the Santa Cruz County Regional Transportation Commission.

Council discussion was followed by this action:

**ACTION:** Council Member Storey moved, seconded by Council Member Norton, to appoint Council Member Graves as the city's representative to the Santa Cruz Metropolitan Transit District board. The motion carried with Council Member Graves abstaining.

At 5:32 p.m. Mayor Begun announced that the City Council would adjourn to a Closed Session in the City Manager's Office, and then to its next Regular Meeting to be held on January 8, 2009.

#### CLOSED SESSION

1. **Conference with Labor Negotiator (Govt. Code §54957.6)**

Negotiator: Rich Hill, City Manager  
 Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, Building Official, Chief of Police, City Manager, Community Development Director, Finance Director, & Public Works Director

2. **Public Employee Performance Evaluation (Govt. Code §54957)**

Title: City Manager

#### REPORT ON CLOSED SESSION [520-25]

At the conclusion of the Closed Session, City Manager Hill announced that the City Council received information pertaining to labor negotiations in light of budget issues and provided direction to its negotiator.

#### ADJOURNMENT

The City Council adjourned at approximately 7:30 p.m. to its next Regular Meeting to be held on Thursday, January 8, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

*Robert A. Begun*

Robert A. Begun, Mayor

ATTEST:

*Pamela Greninger* CMC  
 Pamela Greninger, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED BY THE CITY COUNCIL ON 1/8/09