

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
TUESDAY, NOVEMBER 25, 2014**

**CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Govt. Code §54956.9(b)**

One potential case: Water Rock Corporation claim

**CONFERENCE WITH LEGAL COUNSEL – INITIATION LITIGATION
Initiation of litigation pursuant to Govt. Code §54956.9(c)**

One potential case: Unpaid and Overdue Share Loan

Deputy City Attorney Condotti stated that the City received a communication regarding the anticipated litigation item stated above. The communication was in reference to Government Code §54956.9(c) regarding publicly announcing closed session items prior to entering closed session.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey

2. PRESENTATIONS

A. Proclamation honoring Cary Oyama, Maintenance Worker II, on his 35 years of service to the City of Capitola. [120-40]

Proclamation received.

B. Proclamation honoring Lisa Murphy, Administrative Services Director, on her 13 years of service to the City of Capitola. [120-40]

Proclamation received.

3. REPORT ON CLOSED SESSION

Deputy City Attorney Condotti stated that the City Council received a status report regarding the Water Rock Corporation tort claim; there was no reportable action; this item is listed on the Council’s regular meeting Consent Calendar this evening. Mr. Condotti stated that the Council received a report regarding initiation of litigation regarding an unpaid and overdue share loan; there was no reportable action.

4. ADDITIONAL MATERIALS

Mayor Storey stated that the City Council was provided additional material regarding to Item 10.A. and Item 10.F.

5. ADDITIONS AND DELETIONS TO AGENDA

None provided.

6. PUBLIC COMMENTS

Steve Piercy, New Brighton School Bike Club Volunteer Coordinator, thanked the Capitola Public Safety Foundation for providing bicycle helmets to kids.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Clerk Sneddon stated that the City is seeking Capitola representatives to various City committees and commissions.

Council Member Norton stated that the Santa Cruz Children's Discovery Museum opened on Saturday, November 15th, and was a huge success.

Council Member Termini stated that the City's Holiday Tree Lighting and Open House will be on Saturday, December 6th. He also stated that the art displayed in the Council Chambers is from a recent Community Center art class.

Council Member Harlan stated that the County is seeking applicants to fill an "at-large" member vacancy on the Santa Cruz County Integrated Waste Management Local Task Force.

Council Member Bottorff stated that the Surfing Santa event will occur on Saturday, November 29th.

Mayor Storey thanked Council Member Termini for his company donating time and equipment to install holiday lights at Depot Hill.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Interim appointment to the Historical Museum Board of Directors. [240-40]

ACTION Motion made by Council Member Norton, seconded by Council Member Harlan, to (1) approve Gordan van Zuiden's leave of absence from the Historical Museum Board for one year; and (2) temporarily appoint Carolyn Swift as a Historical Museum Board Member for a term of one year. The motion carried unanimously.

9. CONSENT CALENDAR

- A. Consider approving the November 13, 2014, Regular City Council Meeting Minutes.
- B. Approval of City Check Register Reports dated October 17, 2014; October 24, 2014; October 31, 2014; November 7, 2014; and November 14, 2014. [300-10]
- C. Receive the First Quarter Budget Report and Fourth Quarter Sales Tax Report. [330-70/390-70]
- D. Receive Annual Donations and Contributions Report. [330-70]
- E. Consider denying a liability claim of Water Rock Construction in the amount of \$674,260. [Claims Binder]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve Consent Calendar Items 9.A., 9.B., 9.C., 9.D., and 9.E. The motion was passed unanimously.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider a Resolution approving the McGregor Park skate park design; and approve a budget adjustment to recognize the project reimbursement revenue and related expenditures. [1040-20/330-10]

The following local residents opposed a skate park at McGregor Park; they requested that the Council postpone the vote on this item until January 2015, to allow time to prepare a proposal for a skate park at Monterey Park:

- Marie Martorella
- Trisha Proctor

- Scott Harway
- Antoinette Costa

Helen Bryce, local resident, stated that she supports a skate park at McGregor Park.

Kathy Howard, local resident, stated that the age limit for the skate park should be increased, and that public bathrooms should be available.

ACTION

Motion made by Council Member Harlan, seconded by Council Member Norton, to adopt Resolution No. 4008 approving the McGregor Park Skate Park Design; and approve a budget adjustment to recognize the project reimbursement revenue and related expenditures for a total of \$100,000. The motion carried with the following vote: AYES: Council Members Harlan, Norton, and Termini. NOES: Council Member Bottorff and Mayor Storey. ABSENT: None.

ACTION

Motion made by Council Member Harlan, seconded by Council Member Bottorff, directing staff to agendize in January 2015, a discussion regarding a skate park at Monterey Park. The motion was passed unanimously.

- B. Introduction of an Ordinance regarding safety requirements for the McGregor Skate Park [1st Reading]. [1040-20]

Ryan Ouse, Aptos resident, stated that scooters should not be permitted at the skate park.

ACTION

Motion made by Council Member Termini, seconded by Council Member Norton, to approve the introduction of an Ordinance regarding safety requirements for the McGregor Skate Park. The motion was passed unanimously.

- C. Receive report on the Park Avenue Sidewalk Project, and authorize the Public Works Director to amend the contract with Harris and Associates as necessary to complete the design and environmental review at an estimated cost of \$50,000. [940-40/500-10 Harris and Associates]

Terry Thomas, local resident, asked about federal funding for this project; he asked about various specifics of the design.

Steve Piercy, New Brighton School Bike Club Volunteer Coordinator, provided support for the proposed sidewalk on Park Avenue, and suggested that the City consider connecting the sidewalk with the proposed rail trail.

ACTION

Motion made by Council Member Termini, seconded by Council Member Norton, to receive the report on the Park Avenue Sidewalk Project, and authorize the Public Works Director to amend the contract with Harris and Associates as necessary to complete the design and environmental review at an estimated cost of \$50,000; and to schedule community outreach. The motion was passed unanimously.

- D. Consider the approval of the plans, specifications, and estimate for the Stockton Avenue and Esplanade Intersection Improvements; authorize the Public Works Department to obtain a Coastal Development Permit and advertise for construction bids; and approve a budget adjustment to reflect a \$17,000 contribution towards the project expenditures. [330-10/490-60/740-30/940-40]

Steve Piercy, New Brighton School Bike Club Volunteer Coordinator, commented on the need for a bike lane at the Stockton Avenue and Esplanade intersection.

ACTION

Motion made by Council Member Norton, seconded by Council Member Harlan, to provide the following action: (1) Approve the plans, specifications, and estimate for the Stockton Avenue and Esplanade Intersection Improvements; (2) authorize the Public Works Department to obtain a Coastal Development Permit and advertise for construction bids; and (3) approve a budget adjustment. The motion was passed unanimously.

- E. Consider awarding a contract to Michael Arnone and Associates for the development of a public park plan for the Rispin property in the amount not to exceed \$32,870. 275-20/500-10 A/C: Michael Arnone and Associates]

Peter Pethoe, Santa Cruz Hostel, suggested a hostel on the Rispin property.

ACTION

Motion made by Council Member Harlan, seconded by Council Member Bottorff, to award a contract to Michael Arnone and Associates for the development of a public park plan for the Rispin property in the amount not to exceed \$32,870. The motion was passed unanimously.

- F. Consider approving the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement, and authorize the City Manager to sign the Agreement. [230-10/500-10 A/C: Santa Cruz County Library JPA]

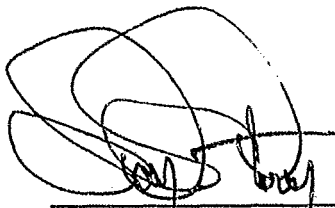
Bruce Holloway, Boulder Creek resident, commented on the County's library service area.

ACTION

Motion made by Council Member Termini, seconded by Council Member Norton, to approve the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement, and authorize the City Manager to sign the Agreement. The motion was passed unanimously.

11. ADJOURNMENT

At 9:40 PM Mayor Storey adjourned the meeting to the next Regular Meeting of the City Council to be held on Thursday, December 11, 2014, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Sam Storey, Mayor

ATTEST:



Susan Sneddon, City Clerk