

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, NOVEMBER 13, 2014
CLOSED SESSION – 6:15 PM
CITY MANAGER'S OFFICE**

CALL TO ORDER

Mayor Storey called the meeting to order at 6:15 PM. He announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)

Property: APN 035-141-33, Capitola, CA (City of Capitola, Owner)
City Negotiator: City Manager
Negotiating Parties: Verizon Wireless
Under Negotiation: Real Property Lease - Verizon cell tower license

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

One potential case: Water Rock Corporation claim

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

City Council's Performance Evaluation of the City Manager.

Steven Michelson, Water Rock Corporation CEO, contested the City's denial of their claim regarding the Lower Pacific Cove Parking Lot Project.

Mayor Storey recessed the meeting at 6:25 p.m. to the Closed Session in the City Manager's Office.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey. Council Member Stephanie Harlan was absent.

City Treasurer McBroom was present.

2. PRESENTATIONS

- A. Proclamation honoring Museum Board Member Thomas "Tom" McGranahan. [120-40/240-40]

Mayor Storey presented the proclamation to Tom McGranahan. In addition, Linda Smith and other Historical Museum Boardmembers presented Mr. McGranahan an appreciation gift.

- B. Pancreatic Cancer Awareness Month Proclamation. [120-40]

Mayor Storey presented the proclamation to the following: (1) Jennifer Flaniken, Volunteer for the Silicon Valley Affiliate of the Pancreatic Cancer Action Network; and (2) Diane Borrison, Volunteer Advocacy Coordinator of the Silicon Valley Affiliate and Pancreatic Cancer Survivor.

- C. Proclamation supporting the Mayors' challenge to end Veteran homelessness. [120-40]

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Mayor Storey presented the proclamation to the following: (1) Ingrid Trejo, Site Director of the Veterans Resource Center; and (2) Jack Tracey Supportive Services for Veteran Families Program Manager.

3. REPORT ON CLOSED SESSION

City Attorney Barisone stated that City Council received a status report from City Manager Goldstein regarding real property negotiations with Verizon Wireless, regarding property located at 420 Capitola Avenue, Capitola; there was no reportable action. The City Council then received a status report regarding the following anticipated litigation: Water Rock Corporation claim; the Council received a brief report from the City Attorney; there was no reportable action. Mr. Barisone stated that the Council discussed the performance evaluation of the City Manager; there was no reportable action.

4. ADDITIONAL MATERIALS

Additional material was received from Gayle Ortiz regarding Item 8.J. related to authorizing execution of the State Standard Agreement for Housing Related Parks Program Grant for Rispin Park.

5. ADDITIONS AND DELETIONS TO AGENDA

City Manager Goldstein stated that Item 8.H. regarding the Water Rock Corporation claim will be continued to the November 25, 2014, City Council meeting.

ACTION **Motion made by Council Member Norton, seconded by Council Member Bottorff, to approve continuing Item 8.H. regarding the Water Rock Corporation claim to the November 25, 2014, City Council meeting. The motion carried with the following vote: AYES: Council Members Norton, Termini, Bottorff, and Mayor Storey. NOES: None. ABSENT: Council Member Harlan.**

6. PUBLIC COMMENTS

Casey Beyer, Silicon Valley Turkey Trot representative, announced the Silicon Valley Turkey Trot 2014 will be on Thanksgiving morning; the event is to raise funds for local organizations to assist in providing affordable housing resources, as well as funding the Second Harvest Food Bank Santa Cruz County.

Steve Bennett, Santa Cruz County Food Bank Community Relations Director, encouraged community to attend.

The following local residents stated their opposition to the installation of a Verizon Wireless cell tower in the Upper Pacific Cove Parking Lot:

- Marilyn Garrett
- Bonnie Johanson
- Karen Nevis

Bruce Holloway, Boulder Creek resident, stated that Council Member Termini (Triad Electric CEO) violated the government code related to "Conflicts of Interest in Contracts"; he provided copies of purchase orders for work done by Triad Electric. Mr. Holloway stated that Council Member Termini violated Government Code Section 1090 et seq. because his company provided electrical products to upgrade the Santa Cruz City Public Library electrical system.

Gerry Jensen, local resident, complimented City staff for the building permit process that he experienced.

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Mike Taylor, Allterra Solar, requested that the City investigate the HERO Program aimed at helping property owners cut back on pollution, water use, and energy use.

Danielle Comacho, HERO Program Contractor, provided support for the HERO Program.

Helen Bryce, local resident, thanked the City Council for the McGregor Park Project, and that she supports the skate park being at McGregor Park.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Mayor Storey stated he will adjourn tonight's meeting in memory of Jim Redding, a long time resident of the City.

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

Council Member Norton thanked Council Member Termini for his company volunteering many hours to the Santa Cruz City Public Library Committee. In addition, he stated that the Santa Cruz Children's Discovery Museum opens Saturday, November 15th.

Council Member Bottorff stated that the month of November is Men's Awareness Month, designed to help address health issues for men.

8. CONSENT CALENDAR

Council Member Norton requested that Item 8.E. regarding the 2015 City Hall Closure Schedule, and Item 8.J. regarding authorizing execution of State Standard Agreement for Housing Related Parks Program Grant for Rispin Park be pulled from the Consent Calendar for discussion.

Mayor Storey stated that that Item 8.E. and Item 8.J. will be discussed after Item 9.C.

- A. Consider approving the October 23, 2014, Regular City Council Meeting Minutes.
- B. Receive the November 6, 2014, Regular Planning Commission Action Minutes. [740-50]
- C. Adoption of Ordinance No. 996 amending Chapter 17.10 of the City Municipal Code (Green Building Ordinance) [2nd Reading]. [570-10/750-10]
- D. Receive and approve the 2015 Meeting Schedules for City Council/Successor Agency, Planning Commission/Architectural and Site Review Committee. [520-40]
- E. Consider a Resolution approving the 2015 City Hall Closure Schedule. [630-10]
- F. Consider a request from the Capitola-Soquel Chamber of Commerce to offer free three-hour parking in Village Parking Zone A(1), November 26, 2014, through December 25, 2014; and approval of Resolution No. 4006 establishing temporary three-hour parking in Village Parking Zone A (1) November 26, 2014, through December 25, 2014. [470-30]
- G. Consider a request from the Heritage Lane Home Owner's Association for the Mayor to send a letter to the USPS to request a Zip Code change from 95062 to 95010. [740-40]
- H. Consider a liability claim of Water Rock Corporation in the amount of \$674,260. [Claims Binder]
- I. Consider approving a Notice of Completion for the Lower Pacific Cove Parking Lot Project. [265-10; 500-10 A/C: Water Rock Corporation]

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- J. Consider a Resolution authorizing the execution of State Standard Agreement for Housing Related Parks Program Grant for Rispin Park. [275-45]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve Items 8.A., 8.B., 8.C., 8.D., 8.F., 8.G., and 8.I. on the Consent Calendar. The motion carried with the following vote: **AYES:** Council Members Norton, Termini, Bottorff, and Mayor Storey. **NOES:** None. **ABSENT:** Council Member Harlan.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider approving the Wharf Road Mural Extension Public Art Project; and authorize the City Manager to enter into a professional services agreement with the artist, John Ton, for an amount not to exceed \$12,000. [1010-10/500-10 A/C: Ton, John]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve the Wharf Road Mural Extension Public Art Project; and authorize the City Manager to enter into a professional services agreement with the artist, John Ton, for an amount not to exceed \$12,000. The motion carried with the following vote: **AYES:** Council Members Norton, Termini, Bottorff, and Mayor Storey. **NOES:** None. **ABSENT:** Council Member Harlan.

- B. Receive Report regarding options to relocate the Capitola Mall Transit Center. [1170-10]

Ron Graves, City representative on the Santa Cruz Metropolitan Transit District Board (Metro), encouraged the City Council to be unanimous in their recommendation to Metro.

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to support the proposed new location for Capitola Mall Transit Center, and to direct staff to continue to work with Macerich to pursue options to help finance the overall Capitola Mall Redevelopment Project and/or modify the project scope to meet budget constraints. The motion carried with the following vote: **AYES:** Council Members Norton, Termini, Bottorff, and Mayor Storey. **NOES:** None. **ABSENT:** Council Member Harlan.

Council Member Norton suggested seeking County Supervisor John Leopold's support on the Council's recommendation.

- C. Consider a professional services agreement with Kimley-Horn and Associates to prepare the City's 2015-2023 Housing Element Update, in an amount not to exceed \$41,036. [740-40/500-10 A/C: Kimley-Horn and Associates]

ACTION Motion made by Council Member Norton, seconded by Council Member Bottorff, to approve the professional services agreement with Kimley-Horn and Associates to prepare the City's 2015-2023 Housing Element Update, in an amount not to exceed \$41,036. The motion carried with the following vote: **AYES:** Council Members Norton, Termini, Bottorff, and Mayor Storey. **NOES:** None. **ABSENT:** Council Member Harlan.

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The following Consent Calendar items were pulled for further discussion:
Item 8.E. and Item 8.J.

- 8.E. Consider a Resolution approving the 2015 City Hall Closure Schedule. [630-10]
Council Member Norton stated that he is opposed to calling the October 12th holiday "Columbus Day."

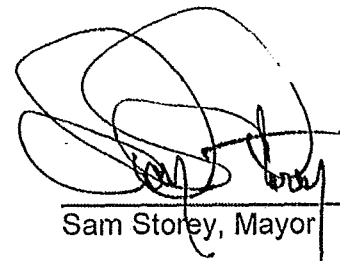
ACTION Motion made by Council Member Bottorff, seconded by Council Member Termini, to approve Resolution No. 4005 approving the 2015 City Hall Closure Schedule. The motion carried with the following vote: AYES: Council Members Norton, Termini, Bottorff, and Mayor Storey. NOES: None. ABSENT: Council Member Harlan.

- 8.J. Consider a Resolution authorizing the execution of State Standard Agreement for Housing Related Parks Program Grant for Rispin Park. [275-45]

ACTION Motion made by Council Member Bottorff, seconded by Council Member Termini, to approve Resolution No. 4007 authorizing the execution of the State Standard Agreement for Housing Related Parks Program Grant for Rispin Park. The motion carried with the following vote: AYES: Council Members Norton, Termini, Bottorff, and Mayor Storey. NOES: None. ABSENT: Council Member Harlan.

10. ADJOURNMENT

At 9:05 PM Mayor Storey adjourned the meeting in honor of Jim Redding, a long time resident of the City, to the next Regular Meeting of the City Council on Tuesday, November 25, 2014, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Sam Storey, Mayor

ATTEST:



Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON NOVEMBER 25, 2014