

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, OCTOBER 23, 2014
CLOSED SESSION – 6:30 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Storey called the meeting to order at 6:30 PM. He announced the items to be discussed in Closed Session, as follows:

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

Theresa Kloepfer, GAL for Kaitlin Kloepfer vs. the City of Capitola et al.
[Santa Cruz County Superior Court, Case No. CV179725]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code §54956.9(b)
One potential case: Water Rock claim

Mayor Storey noted that there was no one in the audience; therefore, the City Council recessed at 6:15 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 Stephanie Harlan, Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey.

City Treasure McBroom was not present.

2. PRESENTATIONS

A. Presentation regarding the Government Finance Officers Association Excellence Award [GFOA Award]. [120-40]

Jesse Takahashi, President of the Government Finance Officers, presented the GFOA Award.

B. Monte Foundation 20th Anniversary Fireworks Proclamation. [120-40]

Mayor Storey presented a proclamation to Marc Monte for the Monte Foundation's many contributions to the community.

C. Legislative update provided by Assemblymember Mark Stone. [580-40]

3. REPORT ON CLOSED SESSION

City Attorney Condotti reported on the two items on the agenda under Closed Session; there was no reportable action.

4. ADDITIONAL MATERIALS

Mayor Storey stated that additional material was provided regarding Item 9.C.

5. ADDITIONS AND DELETIONS TO AGENDA

None provided

12544 CAPITOLA CITY COUNCIL ACTION MINUTES –October 23, 2014

6. PUBLIC COMMENTS

Gary Richard Arnold spoke about California forward's involvement in unethical political practices and involvement in unfair government decisions.

Council Member Harlan stated that the new Children's Museum of Discovery at the Capitola Mall will open on November 15, 2014.

Council Member Norton stated that voters received a brochure in the mail with false information regarding law enforcement supporting various candidates.

Council Member Termini stated that the annual Capitola Halloween Parade will be held on October 26th. He also stated that the Art and Cultural Commission is working on a free Santa Cruz County Symphony family concert at New Brighton Middle School and a Bach On the Beach event.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Manager Goldstein stated that he will be in attendance at the October 24, 2014, Santa Cruz Metropolitan Transit District Board (Board) meeting when the Board will receive a status update regarding efforts to relocate the transit center at the Capitola Mall.

8. CONSENT CALENDAR

A. Consider approving the October 9, 2014, Regular City Council Meeting Minutes.

B. Approval of City Check Register Reports dated September 19, 2014; September 26, 2014; October 3, 2014; and October 10, 2014. [300-10]

Council Member Norton requested that ***Item 8.B.*** regarding the approval of the City Check Register Reports be pulled for discussion.

Council Member Norton requested staff to provide additional information on various City payments.

ACTION Motion made by Council Member Harlan, seconded by Council Member Norton, to approve *Item 8.B.* with the exception of the two payments to Santa Cruz Regional 9-1-1. The motion was passed unanimously.

ACTION Motion made by Council Member Harlan, seconded by Council Member Bottorff, to approve the two payments to Santa Cruz Regional 9-1-1 listed in *Item 8.B.* The motion carried with the following vote: AYES: Council Members Termini, Bottorff, Harlan, and Mayor Storey. NOES: Council Member Norton. ABSENT: None. ABSTAIN: None.

ACTION Motion made by Council Member Harlan, seconded by Council Member Bottorff, to approve *Item 8.A.* The motion was passed unanimously.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Consider awarding a contract to MG Creations Skatepark Construction in the amount not to exceed \$50,000 to design and build the skate park portion of McGregor Park; and review the conceptual design for the skate park design. [1040-20]

Michael Greenwald, MG Creations Skatepark Construction, provided comments regarding the design of the proposed skate park.

CAPITOLA CITY COUNCIL ACTION MINUTES –October 23, 2014 12545

The following Capitola residents stated that they do not support having the proposed skate park on the McGregor property:

- Trisha Proctor
- Marie Martorella

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to award a contract to MG Creations Skatepark Construction in the amount not to exceed \$50,000 to design and build the skate park portion of McGregor Park; to amend the contract to include the provision that Phase 2 of the project shall not proceed until the final skate park design is approved by the City Council and that additional public input be obtained, and the City is not obligated to proceed with the construction if the skate park design is not approved by City Council. The motion carried unanimously.

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

Michael Greenwald, MG Creations Skatepark Construction, recommended that riders should be able to use scooters and bicycles at the skate park.

Assistant City Attorney Condotti, stated that the immunity the City is seeking is regarding hazardous recreational activities related to skateboarding and is not related to other recreational activities in the skate park. He will research this subject further.

There was City Council consensus to further discuss the skate park safety requirements at the next reading of the proposed Ordinance. In addition, the City Council asked staff to receive further input on whether or not to allow scooters and bicycles.

Marie Martorella, Capitola resident, commented on safety gear requirements and the flow of the riders at the proposed skate park.

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to introduce an Ordinance regarding safety requirements for the McGregor Skate Park. The motion carried unanimously.

C. Presentation regarding a potential Santa Cruz Regional Public Libraries funding measure. [230-10]

Council Member Termini stated that he is the City's representative on the Santa Cruz County Library Joint Powers Board, and is requesting direction from the City Council regarding the potential Santa Cruz Regional Public Libraries Funding Measure.

Barbara Gorson, City's Library Ad Hoc Committee member, stated the urgency in getting the funding measure on the June 2015 ballot. In addition, she stated that the proposed facilities Measure and the distribution of funds should be tied to the Library Facilities Master Plan.

Teresa Landers, Director of Santa Cruz Public Libraries, provided comments regarding the potential Santa Cruz Regional Public Libraries Funding Measure.

Gail Ortiz, City's Library Ad Hoc Committee member, stated that the proposed Libraries Funding Measure is to provide funding for all the Santa Cruz libraries, and the Capitola is just one of the branches.

12546 CAPITOLA CITY COUNCIL ACTION MINUTES –October 23, 2014

- D. Introduction of an Ordinance amending Chapter 17.10 of the City Municipal Code (Green Building Ordinance) [1st Reading]. [570-10/750-10]

ACTION Motion made by Council Member Norton, seconded by Council Member Harlan, to approve the first reading of the Ordinance amending Chapter 17.10 of the City Municipal Code (Green Building Ordinance). The motion carried unanimously.

10. ADJOURNMENT

At 9:20 PM Mayor Storey adjourned the meeting in honor of Bob Lee, former Santa Cruz County District Attorney, to the to the next Regular Meeting of the City Council on Thursday, November 13, 2014 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Sam Storey, Mayor

ATTEST:



Liz Nichols, Deputy City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON NOVEMBER 13, 2014