

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
THURSDAY, AUGUST 14, 2014**

**CLOSED SESSION – 6:00 PM
CITY MANAGER’S OFFICE**

Mayor Storey called the meeting to order at 6:00 PM. He announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION [Govt. Code§54956.(9A)]

Rae Ellen Leonard vs. the City of Capitola et al. [United States District, Case #C13-3714]

CONFERENCE WITH REAL PROPERTY NEGOTIATOR [Govt. Code§54956.8]

Property: New Brighton Middle School Gymnasium (City of Capitola, Owner)

City Negotiator: City Manager

Negotiating Parties: City of Capitola; Soquel Union Elementary School District

Under Negotiation: Real Property Sale

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code§54957.6]

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: (1) Capitola Police Captains; and (2) Department Head Group.

LIABILITY CLAIMS [Govt. Code§54956.95]

Claimant: Anthony Lopez Ortiz

Agency claimed against: City of Capitola

Mayor Storey noted that there was no one in the audience; therefore, the City Council recessed at 6:05 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

2. PRESENTATIONS

A. Presentation of a proclamation for September's Childhood Cancer Awareness Month. [120-40] (Presentation received)

B. Presentation regarding a donation received from Ozzi Dog Park Inc. [400-10/500-10]

(Presentation continued to the September 11, 2014, City Council Meeting)

3. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone stated that the City Council discussed the four items listed on the Closed Session Agenda. Mr. Barisone reported Rae Ellen Leonard vs. the City of Capitola et al. case has been settled subject to the confirmation by the District Court; the City Council and the Successor Agency have agreed to pay \$59,000 and \$88,500, respectively. City Manager Goldstein provided an update regarding real property negotiations for the New Brighton Middle School Gymnasium. In addition, Mr. Goldstein reported on labor negotiations with the Capitola Police Captains and the Department Head Group. Mr. Barisone stated that the Council received a report regarding the Anthony Lopez Ortiz tort claim, which is on the Council’s regular meeting Consent Calendar this evening.

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4. **ADDITIONAL MATERIALS** (none provided)
5. **ADDITIONS AND DELETIONS TO AGENDA**
6. **PUBLIC COMMENTS**

Brian Peoples, Aptos High School Rail-to-Trail Club representative, spoke on the benefits of the proposed Santa Cruz County Rail and Trail plan.

Sandy Erickson, 117 Cabrillo Street, stated her disappointment in the Council approving a City measure at a Special City Council meeting held on July 31, 2014. She also commented on the need for a sidewalk along Park Avenue.

7. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

City Treasurer McBroom noted that in the Check Register (***Item 8.C.***) a \$200,000 payment was made for a retaining (flood) wall resulting in the City's Emergency Fund being reduced from \$784,000 to \$584,000.

Council Member Termini stated that he attended the Criminal Justice Council of Santa Cruz County meeting; issues regarding elementary school student absences were discussed.

Council Member Norton commented on the City's Personalized Brick Program in the Village. He requested a Safe Routes to School Study timeline be provided to the Council.

Council Member Harlan stated that the City's Art and Wine Festival, Begonia Festival, and the Historical Museum are in need of volunteers.

Mayor Storey stated that he received a letter from participants that attended the recent Rod and Custom Class Car Show; the letter stated appreciation for Police Chief Escalante's assistance in taking care of some of their personal items they left behind on the sidewalk.

8. **CONSENT CALENDAR**

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

- A. Consider approving the July 24, 2014, Regular City Council Meeting Minutes, and the July 31, 2014, Special City Council Meeting Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of August 7, 2014. [740-50]
- C. Approval of City Check Register Reports dated July 18, 2014; July 25, 2014; and August 1, 2014. [300-10]
- D. Adoption of ***Resolution No. 3998*** amending the City's Bail Schedule to add new fines. [390-20]
- E. Consider denying liability claim of Anthony Lopez Ortiz in the amount of \$200 and forward to the City's liability insurance carrier. [Claims Binder]
- F. Receive the Third Quarter Sales Tax Report. [390-70]
- G. Consider an agreement with Carolyn Flynn for professional services related to Affordable Housing Programs, grant writing, and grant management. 500-10 A/C: Flynn, Carolyn]

ACTION **Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve Items 8.A., 8.B., 8.D., 8.E., 8.F., and 8.G. The motion carried unanimously.**

ACTION Motion made by Council Member Norton, seconded by Council Member Harlan, to approve Item 8.C. regarding the approval of City Check Register Reports with the exception of the payment to Santa Cruz Regional 911 which he opposes. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Bottorff, Termini, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Presentation by Santa Cruz Regional 9-1-1 General Manager Dennis Kidd regarding the budget, cost allocation, and services. [420-30]

Presentation was provided.

B. Consider an agreement with Soquel Union Elementary School District related to the transfer of title to the New Brighton Middle School Gym, the City's recreation fees and the Jade Street Community Center. [235-10/330-10/500-10 A/C: Soquel Union Elementary School District]

Jacques Bertrand, 601 Monterey Avenue, stated that he supports the proposed agreement between the City and the School District.

Council Member Norton stated a substitute motion to approve a Resolution authorizing the reconveyance of real property and the execution of Grant Deed to transfer title of the New Brighton Middle School Gymnasium to the School District with the condition that the August 8, 2014, letter from the School District Superintendent (Attachment 3 to the staff report) be accepted by the School District Board of Trustees confirming that the March 26, 1982, Community Center Lease between the School District and the City allows the City to remain in possession of the Community Center through the end of the term of the Lease, which is March 25, 2032. Motion failed for lack on a second motion.

ACTION Motion made by Council Member Bottorff, seconded by Council Member Termini, to adopt Resolution No. 3999 authorizing the City Manager to execute an agreement with the Soquel Union Elementary School District (School District) to transfer the title of the New Brighton Middle School Gymnasium (Gymnasium) to the School District, and make a one-time payment of \$65,000 for Gymnasium property maintenance. The motion carried with the following roll call vote: AYES: Council Members Harlan, Norton, Bottorff, Termini, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to accept and file a letter from the School District which clarifies that the City of Capitola (City) may continue to use the Community Center until 2032; and request that the School District Board of Trustees accept the August 8, 2014, letter from Henry Castaniada (School District Superintendent) to the City, confirming that the March 26, 1982, Community Center Lease (Lease) between the School District and the City allows the City to remain in possession of the Community Center through the end of the term of the Lease, which is March 25, 2032. The motion carried with the following roll call vote: AYES: Council Members Harlan, Norton, Bottorff, Termini, and Mayor Storey. NOES: None. ABSENT: None. ABSTAIN: None.

C. Consider a Resolution establishing Department Heads' and Chief of Police's Compensation and Benefits Plan effective August 15, 2014. [600-10]

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Sandy Erickson, 117 Cabrillo Street, asked about the employees' accrual of vacation time.

ACTION Motion made by Council Member Norton, seconded by Council Member Termini, to adopt Resolution No. 4000 establishing the Department Heads' and Chief of Police's Compensation and Benefits Plan effective August 15, 2014. The motion carried unanimously.

D. Consider a loan agreement and approve a budget amendment to fund the Successor Agency's share of the settlement regarding the Leonard litigation. [330-10/500-10/780-40 A/C: City/Successor Agency]

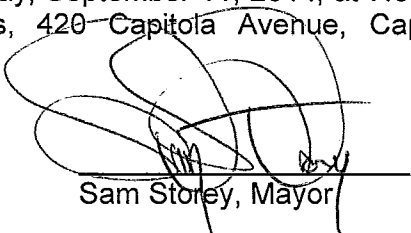
David Meeks, Soquel resident, requested the reasoning for the closure of the Nob Hill/Peery Park restrooms.

Sandy Erickson, 117 Cabrillo Street, suggested providing a public notice regarding the closure of the Nob Hill/Peery Park restrooms.

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to a loan agreement and approve a budget amendment to fund the Successor Agency's share of the settlement regarding the Leonard litigation; and for staff to communicate with Santa Cruz County requesting that the Nob Hill/Peery Park restrooms be brought up to ADA compliance. The motion carried unanimously.

10. ADJOURNMENT

Mayor Storey adjourned the meeting at 8:58 PM to the next Regular Meeting of the City Council on Thursday, September 11, 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 SEPTEMBER 11, 2014