

**CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, JUNE 12, 2014**

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

**CALL TO ORDER**

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

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)**

City Council's Performance Evaluation of the City Attorney

**CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**

**[Government Code §54956.9(A)]**

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

**CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION (Govt. Code §54956.9)**

One case to be discussed.

Mayor Storey noted that there was no one in the audience; therefore, the City Council recessed at 6:02 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. Introduction of Senior Accountant, Danielle Grindy.

**3. REPORT ON CLOSED SESSION [520-25]**

City Attorney John Barisone stated that the City Council received a status report regarding Rae Ellen Leonard vs. the City of Capitola et al.; instruction regarding ongoing defense was received; there was no reportable action. The Council received a status report from Assistant City Attorney Susan Barisone and City Manager Goldstein regarding potential litigation; instruction regarding pursuing this matter was provided. Mr. Barisone reported that the City Council's performance evaluation of the City Attorney was not found to be necessary.

**4. ADDITIONAL MATERIALS**

Mayor Storey reported on the additional material provided after the posting of the agenda.

**5. ADDITIONS AND DELETIONS TO AGENDA (none provided)**

6. PUBLIC COMMENTS

Adam Samuels, Depot Hill resident, commented about the City's transportation plan for the Capitola Junior Guards Program. He stated concerns regarding the City's traffic study in the draft Environment Impact Report. In addition, he stated concerns regarding a conditional use permit related to the Monarch Cove Inn. He noted that there were no summary notes from a General Plan Advisory Committee meeting.

Cathlin Atchison, Depot Hill resident, stated concerns regarding a conditional use permit related to the Monarch Cove Inn.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Harlan stated that she received a letter from Michaela Olavarri, recipient of the 2013 Capitola-Soquel Chamber of Commerce Community Spirit Award regarding Ms. Olavarri seeking sponsors for her participation in Team in Training event. In addition, she stated that she met with representatives from the Santa Cruz County Tobacco Education Coalition; the City will be working with the City Attorney regarding concerns regarding to eCigarettes (Vaps) retailers within the City limits.

Council Member Norton stated that if Capitola were to have a "Citizen of the Month" award it would be awarded to Ann Wilson, Main Street School fourth grade teacher, for her efforts in saving a pelican on the beach.

Council Member Bottorff, stated that at the June 11<sup>th</sup> Association of Monterey Bay Area Governments (AMBAG) meeting the 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy, and the Regional Housing Needs Allocation Plan (RHNA) were approved.

Council Member Termini stated that there was a good turnout for the June 7<sup>th</sup>-8<sup>th</sup> Capitola Rod & Custom Classic Car event, and the June 11<sup>th</sup> Twilight Concert in the Village.

Council Member Harlan stated that the 2014/2015 Santa Cruz County Sanitation District Budget was approved earlier today.

Mayor Storey stated that the 2014 Law Enforcement Torch Run Special Olympics event will be on June 18<sup>th</sup>; the Mayor's proclamations will be read in front the Police Station at 11:45 a.m.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Consider an Appointment to the Community Action Board of Santa Cruz County, Inc. [150-40]

Mayor Storey stated that, due to a conflict of interest, he will recuse himself from participating on this item regarding an appointment to the Community Action Board of Santa Cruz County, Inc. (CAB) because his wife works for CAB.

**ACTION**

**Motion made by Council Member Harlan, seconded by Council Member Termini, to approve continuing this item to a future City Council meeting. The motion carried with the following vote: AYES: Council Members Bottorff, Norton, Termini, and Harlan. NOES: None. ABSENT: None. ABSTAIN: and Mayor Storey.**

**9. CONSENT CALENDAR**

- A. Consider approving the May 21, 2014, Special Budget Session Minutes; and the May 22, 2014, City Council Regular Meeting Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of June 5, 2014. [740-50]
- C. Adoption **Ordinance No. 995** amending Chapter 8.07 of the Capitola Municipal Code (reduction of single-use plastic and paper carryout bags) to change the thickness requirement of plastic reusable bags [2nd Reading]. [930-30]
- D. Receive the Third Quarter Budget Report and Second Quarter Sales Tax Report. [330-70/390-70]
- E. Adoption of **Resolution No. 3991**: A Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2014-2015, which receives the Capitola Village and Wharf Business Improvement Area Annual Report and the proposed Fiscal Year 2014-2015 Budget; sets a public hearing to receive oral or written protests on the levy of assessments for Fiscal Year 2014-2015 for Thursday, June 26, 2014; and directs required noticing of the public hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area. [140-05]
- F. Adoption of **Resolution No. 3992** setting the 2014-2015 Fiscal Year Appropriation Limit pursuant to Article XIII B of the California Constitution. [330-05]

**ACTION**

**Motion made by Council Member Termini, seconded by Council Member Harlan, to approve Items 9.A., 9.B., 9.C., 9.D., 9.E., and 9.F. on the Consent Calendar. The motion carried unanimously.**

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Consider adopting a Resolution approving the proposed 2014/2015 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets. [330-05/780-30]

**ACTION**

**Motion made by Council Member Bottorff, seconded by Council Member Termini, to adopt Resolution No. 3993 approving the proposed 2014/2015 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets. The motion carried unanimously.**

- B. Consider appointing Anthony Condotti as City Attorney effective April 1, 2015; and consider approving the fourth amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560. [570-05/500-10 A/C: Atchison, Barisone and Condotti]

**ACTION**

**Motion made by Council Member Norton, seconded by Council Member Termini, to appoint Anthony Condotti as City Attorney effective April 1, 2015; and approve the fourth amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560. The motion carried unanimously.**

- C. Review Open Streets in the Village held on May 4, 2014. [1050-70]  
Saskia Lucas, Open Streets of Santa Cruz County Founder/Director, presented an overview of the May 4<sup>th</sup> Open Streets event in the Village.  
Carin Hanna, local business owner, provided input regarding summary of the event.

Jacques Bertrand, local resident, provided support for the event, and suggested that it be modified next year.

There was Council consensus to provide an Open Streets event next year with improvements; Council directed staff to look into the feasibility of closing the Esplanade for the Begonia Festival, and to agendize a future Council discussion regarding a 2015 Open Streets event after staff has met with the Capitola Village and Wharf Business Improvement Area members.

- D. Consider applying for the World Surfing Reserves status for Capitola, and submitting a letter of inquiry. [140-70]

TJ Welch, local resident and surfer, stated his reasoning why he is skeptical about the City receiving the World Surfing Reserves status.

**ACTION** Motion made by Council Member Termini, seconded by Council Member Harlan, to continue this item regarding the City applying for the World Surfing Reserves status; the City Council directed Council Member Harlan to investigate this item further and report back to the City Council. The motion carried unanimously.

- E. Designation of Voting Delegate for the League of California Cities Annual Conference in Los Angeles, California, from September 3 to 5, 2014. [150-50]

**ACTION** Motion made by Council Member Norton, seconded by Council Member Termini, to designated Council Member Harlan as the Voting Delegate for the League of California Cities Annual Conference in Los Angeles, California, from September 3 to 5, 2014. The motion carried unanimously.

**ACTION** Motion made by Council Member Termini, seconded by Council Member Harlan, to designated Council Member Bottorff as the Alternate Voting Delegate for the League of California Cities Annual Conference in Los Angeles, California, from September 3 to 5, 2014. The motion carried unanimously.

11. **ADJOURNMENT**

Mayor Storey adjourned the meeting at 8:38 p.m. to the next Regular Meeting of the City Council to be held on Thursday, June 26, 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

**MINUTES WERE UNANIMOUSLY APPROVED ON JUNE 26, 2014**