

**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, OCTOBER 24, 2013**

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

**CALL TO ORDER**

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

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Lisa Murphy, Administrative Services Director  
Employee Organizations: Capitola Police Captains

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

City Council’s Performance Evaluation of the City Manager.

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

1. Schroedel et al. v. the City of Capitola  
[Santa Cruz Superior Court Case No. CV 175684]
2. Rae Ellen Leonard vs. the City of Capitola et al.  
[United States District, Case No. C13-3714]

The City Council recessed at 6:35 PM to 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, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

**2. PRESENTATIONS**

- A. Proclamation declaring October 20 – 26, 2013, as “Freedom from Workplace Bullies Week.” [120-40]
- B. Wi-Fi presentation by Citizens Against Wireless Radiation. [430-05]

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

City Attorney Barisone stated that the City Council received a status report from Administration Services Director Murphy, City’s labor negotiator, regarding labor negotiations with the Capitola Police Captains; there was no reportable action. In addition. Council discussed the City Manager’s performance evaluation; there was no reportable action. Mr. Barisone stated the City Council did not discuss the existing litigation regarding Schroedel et al. v. the City of Capitola. Council received a report from the City Manager and City Attorney regarding the Rae Ellen Leonard vs. the City of Capitola et al.; there was no reportable action.

## 12451 CAPITOLA CITY COUNCIL MINUTES – Thursday, October 24, 2013

The following local residents stated they are opposed wireless radiation:

Marilyn Garrett  
Judy Moore  
Catherine Herndon

Peter Pethoe, Santa Cruz resident, announced a correction on the October 10, 2013, City Council minutes. He also commented on options to avoid the use of wireless radiation.

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

Casey Beyer, Silicon Valley Turkey Trot representative, stated that the Turkey Trot is an event to raise funds to assist in providing affordable housing resources, as well as funding the Second Harvest Food Bank Santa Cruz County.

Jeff Rangel, Brocade Director of Corporate Affairs for Silicon Valley Turkey Trot, provided information regarding the Mayor's Cup at the Turkey Trot fundraiser.

Donna Mosiah, Second Harvest Food Bank Boardmember, thanked the Turkey Trot organizers for supporting the local food bank.

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

City Clerk Sneddon announced various vacancies on City committees.

Council Member Norton asked the public for input regarding future long-term uses of the Lower Pacific Cove property after the proposed parking structure is constructed on the Upper Pacific Cove property.

Council Member Termini announced that the Capitola Village Children's Halloween Parade is to be held on Sunday, October 27, 2013, at 2 p.m.

Mayor Harlan reported on the status of the Central Coast Veterans Cemetery Capital Campaign to raise funds for a Veterans Cemetery on the Fort Ord property. In addition, she provided an Assembly Bill 1229 update regarding inclusionary zoning regulations.

8. **BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS** (None provided)
9. **CONSENT CALENDAR**

- A. Consider approving the City Council Minutes of the October 10, 2013, Regular City Council Meeting.
- B. Approval of City Check Register Reports dated September 20, 2013; September 27, 2013; October 4, 2013; and October 11, 2013. [300-10]
- C. Adoption of **Ordinance No. 986** amending Chapter 13.02 of the Capitola Municipal Code pertaining to Water Conservation Plumbing Fixture Retrofit Requirements [2nd Reading]. [570-10/1160-10]
- D. Adoption of **Resolution No. 3967** repealing Resolution No. 3424 and re-establishing the City's Commission on the Environment (COE). [430-05]
- E. Consider awarding a contract with Bear Electrical Solutions in an amount not to exceed \$25,000 per year for traffic signal maintenance. [490-70/500-10 A/C: Bear Electrical Solutions]

**CAPITOLA CITY COUNCIL MINUTES – Thursday, October 24, 2013 12452**

- F. Receive Annual Donations and Contributions Report. [330-70]
- G. Consider approving the Memorandum of Understanding (MOU) with the Police Captains with the negotiated changes in benefits for July 1, 2013, through June 30, 2018. [600-10]

**ACTION** Motion made by Council Member Termini, seconded by Council Member Storey, to approve the following Consent Calendar items: 9.A.; 9.C.; 9.D.; 9.E., 9.F. and 9.G., noting the recommended correction to the Minutes of the October 10, 2013, meeting (Item 9.A.). The motion was passed unanimously.

**ACTION** Motion made by Council Member Storey, seconded by Council Member Bottorff, to approve the Item 9.B. The motion carried on the following vote: **AYES:** Council Member Storey, Termini, Bottorff, and Mayor Harlan. **NOES:** Council Member Norton<sup>1</sup>. **ABSENT:** None. **ABSTAIN:** None.

There was Council consensus that the City Council receives a briefing regarding the General Plan Update scope of work and budget at the next possible meeting date.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Consider an Ordinance amending Section 10.36.055(b) of the Capitola Municipal Code pertaining to parking meter rates accepting the Coastal Commission's modifications [1st Reading]. [470-30/740-30]

**ACTION** Motion made by Council Member Termini, seconded by Council Member Storey, to continue this item to the November 14, 2013, City Council meeting. The motion was passed unanimously.

- B. Consider the approval a contract with JFS, Inc., DBA Capitola Boat and Bait for the Wharf Lease and Mooring Concession Agreement. [280-25/500-10 A/C: JFS, Inc.]

Frank Ealy, Capitola Boat and Bait business owner, commented on the Capitola Boat and Bait operation schedule.

**ACTION** Motion made by Council Member Norton, seconded by Council Member Termini, directing staff to agendize on a future Council meeting a long-term Wharf Lease and Mooring Concession Agreement with JFS, Inc., DBA Capitola Boat and Bait that includes the authority for the City Manager to waive rents for up to four months each year based on the then-current fishing conditions. The motion was passed unanimously.

- C. Consider an Ordinance repealing Sections 17.57.020(B)(4), 17.57.060(F), and 17.57.040(D) pertaining to the Use of Sidewalk Signs in the Central Village Zoning District of the Capitola Municipal Code. [1st Reading]; and provide direction on code enforcement protocols within the Central Village. [730-85/720-50/100-10]

Peter Pethoe, Santa Cruz resident, stated that there are various types of advertising for businesses.

Karl Heiman, Mr. Toots Coffeehouse business owner, commented on the benefits of sidewalk signs, and suggested a complaint based system.

---

<sup>1</sup> Council Member Norton noted that he is favor of the approval of the Check Register Report with the exception of Check No. 74302 payable to the Santa Cruz Regional 911.

## 12453 CAPITOLA CITY COUNCIL MINUTES – Thursday, October 24, 2013

Michael Lavigne, Real Estate Broker, stated that the City should provide regulations that encourage business in the Central Village Zoning District.

Kimber De Martin, Soquel sign shop owner (Sign Authority), stated that she is available for signage questions.

**ACTION** Motion made by Council Member Storey, seconded by Council Member Termini, to retain the existing Ordinance (Ordinance No. 973 adopted on July 12, 2012), and deny the 1<sup>st</sup> reading of the draft Ordinance repealing Sections 17.57.020(B)(4), 17.57.060(F), and 17.57.040(D) pertaining to the use of sidewalk signs in the Central Village Zoning District; to direct staff to do complaint-based enforcement of sidewalk signs in the Central Village Zoning District; to reduce the Sidewalk Sign Permit Application fee (\$127.05) by fifty percent; staff to obtain proof of liability insurance for sidewalk signs, and for City Council to review Ordinance No. 973 on an annual basis. The motion was passed unanimously.

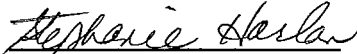
- D. Consider a Resolution approving the submission of an application to the Santa Cruz County Regional Transportation Commission (SCCRTC) for funding under the State Transportation Improvement Program, Regional Surface Transportation Program, and the Monterey Bay Sanctuary Scenic Trail Network. [770-05]

Nels Westman, 507 Riverview Drive, suggested that any SCCRTC grant funds should be used to repair City streets.


**ACTION** Motion made by Council Member Storey, seconded by Council Member Termini, to adopt Resolution No.3968 approving the submission of an application to the Santa Cruz County Regional Transportation Commission for funding under the State Transportation Improvement Program, Regional Surface Transportation Program, and the Monterey Bay Sanctuary Scenic Trail Network. The City Council directed Public Works to prepare applications for the following projects (listed in priority order): (1) Upper Pacific Cove Parking Lot Trail and Depot Hill Park Improvements; (2) Capitola Avenue/Bay Avenue Intersection Improvements. The motion carried with the following vote: AYES: Council Members Norton, Storey, Bottorff, and Termini. NOES: Mayor Harlan. ABSENT: None. ABSTAIN: None.

### 11. ADJOURNMENT

Mayor Harlan adjourned the meeting at 9:28 PM to the next Regular Meeting of the City Council on Thursday, November 14, 2013, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

  
Stephanie Harlan, Mayor

ATTEST:

 CMC  
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON NOVEMBER 14, 2013