

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, SEPTEMBER 12, 2013**

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

CALL TO ORDER

Mayor Harlan called the meeting to order at 6:00 p.m. and announced the items to be discussed in Closed Session, as follows:

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

Property: Adjacent to Grace Avenue and 49th Avenue, (City of Capitola, Owner)

City Negotiator: Public Works Director

Negotiating Parties: City of Capitola; Richard & Donna Matthews; and Fred & Nancy Dejarlais

Under Negotiation: Real Property Sale

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Lisa Murphy, Administrative Services Director

Employee Organizations: Capitola Police Captains

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

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

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: CSAA Insurance Group

Agency claimed against: City of Capitola

The City Council recessed at 6:02 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 Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan. Dennis Norton was absent.

2. PRESENTATIONS

A. Proclamation celebrating Santa Cruz Community Counseling Center’s 40th anniversary. [120-40]

Carolyn Coleman, Santa Cruz Community Counseling Center Executive Director, received the proclamation.

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3. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone stated that the City Council received a status report on existing litigation from Attorney Vincent Hurley regarding Rae Ellen Leonard vs. the City of Capitola et al.; there was no reportable action. The 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. Mr. Barisone stated that the Council discussed the tort claim from CSAA Insurance Group; there was no reportable action (this item is agendaized for the regular meeting this evening). The Council received a report from Public Works Director Jesberg, City property negotiator, regarding a real property sale for property adjacent to Grace Avenue and 49th Avenue, Capitola (Negotiating parties: City of Capitola; Richard & Donna Matthews; and Fred & Nancy Dejarlais). Mr. Barisone announced that the City Manager is authorized to execute a Quit Claim Deed on the property.

4. ADDITIONAL MATERIALS (none provided)

5. ADDITIONS AND DELETIONS TO AGENDA

City Manager Goldstein stated that since Council Member Norton cannot attend tonight's meeting he requested that Item 10.D. be continued to the next City Council meeting.

ACTION **Motion made by Council Member Termini, seconded by Council Member Storey, to continue Item 10.D. regarding the introduction of an Ordinance pertaining to meter rates to the September 26, 2013, City Council Meeting. The motion was passed unanimously.**

6. PUBLIC COMMENTS

Laurie Hill and Cynthia Rybicki, Capitola Begonia Festival representatives, stated that the 2013 Capitola Begonia Festival was a success. Ms. Hill provided a thank you plaque to the City for their support.

Bob Cadwalader and Joel Campos, 2nd Harvest Food Bank volunteers, asked for City Council's support regarding a California's Food Stamp Program called "CalFresh."

Nels Westman, 507 Riverview Drive, thanked the City Council for the completion of the recent slurry seal project.

Marilyn Garrett, local resident, stated she opposes wireless radiation.

Jodie Wells, Mariposa Wellness Center Program Director, asked for City Council's support for the "CalFresh" Program.

Nathan Cross, 620 Gilroy Drive, stated concerns regarding the recent slurry seal project.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini provided an update from a recent Santa Cruz County Regional Transportation meeting; he stated that the La Fonda Bridge is now open to traffic, and the auxiliary lanes at Morrissey Blvd and Soquel Avenue will be completed the end of October 2013. He reminded the community that the Capitola Art & Wine Festival will be held on September 14th and 15th.

Council Member Bottorff provided an update from a recent Association of Monterey Bay Area Governments Board of Directors meeting; specifically the 2014 Metropolitan Transportation Plan/Sustainable Communities Strategies scenarios. He also provided a follow-up from the recent Soquel Creek Water District (District) meetings. He stated that he and other Council Members attended a District meeting in June 2013. At the meeting he and others suggested that ADU water hookup fees be reduced. He is disappointed that at the September 3, 2013, District meeting the Board voted to not amend the District's Individual Metering Policy (leaving the ADU water hookup fees unchanged).

Community Development Grunow announced that the Draft General Plan Update is available on the City's website.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS [1010-60]

- A. Consideration of the Art and Cultural Commission's (Commission) recommendation to appoint David Kraemer to fill the At-Large Member vacancy on the Commission with a term ending December 31, 2013; and to appoint Kim Hogan as the Artist Representative to the Commission.

ACTION Motion made by Council Member Storey, seconded by Council Member Bottorff, to appoint David Kraemer to fill the At-Large Member vacancy on the Art & Cultural Commission with a term ending December 31, 2013; and to appoint Kim Hogan to fill the Artist Representative Commission vacancy with a term ending December 31, 2013. The motion carried unanimously.

9. CONSENT CALENDAR

- A. Consider approving the City Council Minutes of the August 8, 2013, Regular City Council Meeting.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of September 5, 2013. [740-50]
- C. Consider denying liability claim of CSAA Insurance Group in the amount of \$22,068.94 and forward to the City's liability insurance carrier. [Claims Binder]
- D. Adopt Resolution No. 3963 amending the City's Bail Schedule to add new fines. [390-20]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve the following Consent Calendar items: 9.A.; 9.B.; 9.C.; and 9.D. The motion was passed unanimously.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider appointing a City Treasurer to fill a vacancy for the remaining term of the former Treasurer ending in December 2016. [120-20]

Glenn Hanna, former City Treasurer, commented on the process of appointing a City Treasurer.

Carin Hanna, local business owner, suggested that in 2016 a community member be appointed to the City Treasurer position.

There was Council consensus to continue discussions in the future regarding a ballot measure to change the City Treasurer from elected to appointive. In addition, to request that the City's Financial Advisory Committee study the position and provide a recommendation to the City Council.

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ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to appoint Christine McBroom to the City Treasurer position filling a vacancy expiring in December 2016. The motion was passed unanimously.

B. Report regarding the 2013 Slurry Seal Program. [940-60]

Public Works Director Jesberg presented this item and stated that the Slurry Seal Project met the specifications outlined in the scope of work. He stated that the City received both positive and negative comments regarding this project from residents. The negative comments centered on the quality of the slurry seal application, mainly in the Riverview neighborhood.

Nathan Cross, 620 Gilroy Drive, provided a sample of fragments from a road surface that recently received a slurry seal. He stated that the slurry seal did not sufficiently set and as the weather warms up the seal can easily get torn.

ACTION Motion made by Council Member Termini, seconded by Mayor Harlan, to accept the 2013 Slurry Seal Project, constructed by Graham Contractors, Inc., as complete at a final cost of \$86,558.10, and authorize the Director of Public Works to release the contract retention of \$8,655.81 in 35 days following the recordation of the attached Notice of Completion; and to contact the bonding company if repairs are needed. The motion carried with the following vote: AYES: Council Members Bottorff, Termini, and Mayor Harlan. NOES: Council Member Storey. ABSENT: Council Member Norton. ABSTAIN: None.

C. Consider a Resolution adopting the proposed City Fee Schedule for Fiscal Year 2013/2014. [390-40]

ACTION Motion made by Council Member Storey, seconded by Council Member Bottorff, to adopt Resolution No. 3964 approving the proposed City Fee Schedule for Fiscal Year 2013/2014. The motion was passed unanimously.

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

There was Council consensus to continue this item to the September 26, 2013, City Council meeting.

11. ADJOURNMENT

Mayor Harlan adjourned the meeting at 8:45 PM to the next Regular Meeting of the City Council on Thursday, September 26, 2013, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.


Stephanie Harlan, Mayor

ATTEST:


Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON SEPTEMBER 26, 2013