

**CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, AUGUST 8, 2013 - 7:00 PM**

**CLOSED SESSION – 6:15 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Harlan called the meeting to order at 6:15 p.m. 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 Officers Association, Capitola Police Captains, and Police Chief

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

1. City Council’s Performance Evaluation of the City Manager

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

1. Monterey Bay Confederation of Clubs, Steve Verhagen v. City of Santa Cruz, et al. [United States District Court, Northern District of California, Case No. 13-01231 PSG]

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Scott McCann
Agency claimed against: City of Capitola

Mayor Harlan noted that there was no one in the audience; therefore, the City Council recessed at 6:18 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. PRESENTATION

- A. Presentation of a Certificate of Appreciation to Sandra Williams for her service as the City of Capitola's representative on the Advisory Council to the Area Agency on Aging of the Santa Cruz and San Benito Counties from November 2007 through December 2012. [120-40]

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3. REPORT ON CLOSED SESSION [520-25]

Assistant City Attorney Condotti stated that the City Council discussed the Capitola Police Officers Association, Capitola Police Captains, and the Police Chief's labor negotiations; there was no reportable action. Council discussed the City Manager's performance evaluation; there was no reportable action. Mr. Condotti stated that Council discussed the Monterey Bay Confederation of Clubs, Steve Verhagen v. City of Santa Cruz, et al. existing litigation; there was no reportable action. He also stated that the Council discussed the tort claim from Scott McCann; there was no reportable action (this item is agendaized for the regular meeting this evening).

4. ADDITIONAL MATERIALS (none provided)

5. ADDITIONS AND DELETIONS TO AGENDA (none provided)

6. PUBLIC COMMENTS

Todd Guild, 1901A Courtyard Drive, stated concerns regarding a heritage redwood tree located adjacent to his property that might be affecting the structural integrity of his residence. He noted that the City had denied cutting down the tree on three occasions. He suggested that the City amend the municipal code to include a structural engineer to evaluate and report findings to the City regarding trees.

Peter Pethoe, Santa Cruz Hostel, suggested a hostel on the Rispin property.

Susan Wallace, Aptos resident, stated she opposes Wi-Fi due to radiation health effects.

Marilyn Garrett, Aptos resident, stated she opposes Wi-Fi.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the kiosk in the Esplanade was unveiled on August 7th; the August 6th National Night Out was a great event. He suggested that a larger US flag be installed at the Capitola pier.

Mayor Harlan announced that Ecology Action will be hosting free electric vehicle workshops. She stated that at a recent Santa Cruz County Sanitation District (SCSD) meeting she received information regarding a school program teaching children about living a earth-friendly life; the children are provided a book entitled "Journey for the Planet". She also stated that the SCSD reported on the purchase of signage for County sanitation trucks to encourage the public to not dispose grease down the drain.

City Manager Goldstein stated the Lower Pacific Cove Parking Lot Project needs to be rebid; therefore, the October 13th event to close the Esplanade to vehicle traffic is cancelled because the event was contingent upon completion of the Lower Pacific Cove Parking Lot.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS (none provided)

9. CONSENT CALENDAR

Mayor Harlan requested that Item 9.E, regarding the Memorandum of Understanding with the Police Officers Association be pulled from the Consent.

- A. Consider approving the City Council Minutes of the July 25, 2013, Regular City Council Meeting.

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- B. Receive Planning Commission Action Minutes for the Regular Meeting of August 1, 2013. [740-50]
- C. Consider denying liability claim of Scott McCann in the amount of \$2,229.00 and forward to the City's liability insurance carrier. [Claims Binder]
- D. Consider approving a Contract Amendment for the Police Chief. [600-10/500-10 A/C: Escalante, Rudy]
- E. Consider approving the Memorandum of Understanding (MOU) with the Police Officers Association. [600-10]
- F. Consider authorizing the Finance Department to issue a request for proposals (RFP) for banking services. [320-10]

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

THE FOLLOWING CONSENT CALENDAR ITEM WAS PULLED FOR SEPARATE DISCUSSION:

- 9.E. Consider approving the Memorandum of Understanding (MOU) with the Police Officers Association.

ACTION **Motion made by Council Member Storey, seconded by Council Member Termini, to approve the Memorandum of Understanding with the Police Officers Association. The motion was passed unanimously.**

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Request for a Coastal Development Permit and a Vesting Tentative Map to allow the Surf and Sand Mobile Home Park to convert to an owner-occupied park. [730-10/740-30]

Kim Tschantz, Cypress Environmental & Land Use Planning, stated that this item is regarding the conversion of the Surf and Sand Mobile Home Park (MHP) from space rentals to an owner-occupied park, and requires approval of a Subdivision Permit and a Coastal Development Permit.

Council Members shared concerns regarding infrastructure improvements being required prior to the conversion of the MHP.

Mark Alpert, Attorney (Hart, King & Coldren), provided a summary of the project. He stated that the proposed subdivision will not affect the current leases.

Robert Dewitt, Civil Engineer representing the applicant, provide an overview of the project regarding infrastructure.

Council Member Norton requested that all encroachments on the Union Pacific Railroad right-of-way corridor be removed as a condition of approval.

Sandy Williams, Surf and Sand Homeowners Association President, provided comments regarding the poor condition of the MHP's infrastructure.

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Veronica Shepardson, local resident, stated her support in subdividing the property.

Mark Alpert, Attorney, confirmed that all infrastructure improvements will be completed prior to sell of the lots. He stated that the DRE (Department of Real Estate) process requires that all information be disclosed to residents before they purchase the lots.

Michele Newbee, local resident, stated concerns regarding the poor appearance of the MHP.

ACTION

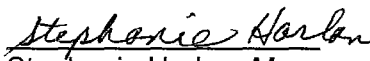
Motion made by Council Member Termini, seconded by Council Member Norton, to find the proposed project exempt from CEQA pursuant to CEQA Guidelines 15301; adopt Resolution No. 3962 for approval of the Vesting Tentative Map to subdivide APN 34-551-01 into 73 lots and 4 common owned lots; and approve the Coastal Development Permit for the conversion of Surf and Sand Mobile Home Park (MHP) from a rental MHP on a single parcel to an owner occupied MHP with each dwelling on a separate parcel; approval that the finding that the Mello Act does not apply to this project and is subject to the recommended conditions of approval with the addition of following conditions: (Condition No. 2) Nothing contained herein shall affect the validity of any existing lease between the applicant and any tenant who elects not to purchase their lot, nor shall this action be deemed to modify or otherwise affect the validity of any settlement agreement between City and applicant; (Condition No. 5) to include that prior to recordation of the Final Map staff will review the Convents, Conditions and Restrictions (CC&Rs) to ensure compliance with applicable laws and regulations; (Condition No. 8) Prior to listing any individual lot for sale with physical encroachments within the rail right-of-way, said encroachments shall be removed. The motion carried on the following vote: AYES: Council Member Norton, Council Member Storey, Council Member Termini, and Council Member Bottorff. NOES: Mayor Harlan. ABSENT: None. ABSTAIN: None.

11. COUNCIL COMMENTS

Council Member Termini asked the Assistant City Attorney Condotti to report back to Council regarding the State's smoking laws for rental unit (i.e. condominium and apartments).

11. ADJOURNMENT

Mayor Harlan adjourned the meeting at 9:15 PM to the next Regular Meeting of the City Council on Thursday, September 12, 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 SEPTEMBER 12, 2013