

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MAY 23, 2013**

**CLOSED SESSION – 5:45 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Harlan called the meeting to order at 5:45 p.m. She announced the items to be discussed in Closed Session, as follows:

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

Schroedel et al. v. the City of Capitola, the Santa Cruz Superior Court Case No. CV 175684.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
[Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9]**

Surf and Sand Mobile Home Park

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Lisa Murphy, Administrative Services Director

Employee Organizations:

- (1) Capitola Police Officers Association; (2) Capitola Police Captains; (3) Association of Capitola Employees; (4) Confidential Employees; (5) Mid-Management Group;
- (6) Department Head Group

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

City Council’s Performance Evaluation of the City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Dominique Townsend

Agency claimed against: City of Capitola

Mayor Harlan noted that there was no one in the audience; therefore, the City Council recessed at 5:47 p.m. 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, Ed Bottorff, Michael Termini, Sam Storey, and Mayor Stephanie Harlan.

City Treasurer Kym DeWitt was present.

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2. PRESENTATIONS

- A. Proclamation designating the Month of May 2013 “Clean Air Month.” [120-40]

Proclamation received by Mike Gilroy, Deputy Air Pollution Control Officer, Monterey Bay Unified Air Pollution Control District.

- B. Proclamation designating May 18th through May 24th as “National Safe Boating Week.” [120-40]

Proclamation received by Lynda Dossett, Flotilla Commander of U.S. Coast Guard Auxiliary Flotilla 6-10 Capitola.

3. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone stated that the City Council received status reports regarding the following closed session items: (1) City Council met with the City Attorney Barisone and Assistant City Attorney Paterno regarding existing litigation in relation to Schroedel et al. v. the City of Capitola; there was no reportable action; (2) City Council met with the City Attorney Barisone, Assistant City Attorney Paterno, and City Manager Goldstein, regarding anticipated litigation related to Surf and Sand Mobile Home Park; there was no reportable action; (3) City Council met with the City Manager Goldstein and the City’s labor negotiation, Administrative Services Director Murphy, regarding the Capitola Police Officers Association, Capitola Police Captains, Association of Capitola Employees, Confidential Employees, Mid-Management Group, and the Department Head Group; there was no reportable action; (4) City Council received a report on the tort claim filed by Dominique Townsend; there was no reportable action (this item is agendaized for the regular meeting this evening). Due to time constraints the City Council’s performance evaluation of the City Attorney was not discussed.

4. ADDITIONS AND DELETIONS TO AGENDA (none provided)

5. PUBLIC COMMENTS

Laurie Hill, Capitola Begonia Festival representative, provided an update on the 2013 Capitola Begonia Festival.

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

Sandy Erickson, local resident, inquired about the amount of Police Department overtime, and various concerns related to the City’s proposed Fiscal Year 2013/2014 Budget. She also stated concerns regarding an unleashed dog in her neighborhood.

6. COUNCIL/STAFF ANNOUNCEMENTS

City Clerk Sneddon announced that the American Red Cross will be holding a blood drive on June 5, 2013, at the Community Center.

Council Member Norton requested that staff agendaize an item for a future City Council meeting regarding water and sewer hook-up fees for secondary units in Capitola.

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Council Member Termini stated that the 2013 Art & Wine Festival kick-off event and fundraiser was held last week; the Rod & Custom Class Car Show will be held on June 8-9; the Art & Cultural Commission is working on an “art app” for smart phones that will provide the location of various art exhibits and historical building sites in the City.

Police Chief Escalante stated that there will be a Memorial Day Ceremony in front of City Hall on May 27th. He also reported the results of the City’s Gun Give-Back Program.

Mayor Harlan stated that the Santa Cruz County Sanitation District approved the design and construction of the Soquel Pump Station Project.

- 7. **BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS** (none provided)
- 8. **CONSENT CALENDAR**

Council Member Norton requested that Item 8.B. be pulled from the Consent Calendar.

ACTION **Motion made by Council Member Storey, seconded by Council Member Termini, to approve Items 8.A, 8.C., 8.D., 8.E., and 8.F. on the Consent Calendar. The motion carried unanimously with the exception of Mayor Harlan abstaining from Item No. 8.A.**

- A. Consideration of approving the City Council Minutes of the Regular Meeting May 9, 2013.
- B. Approval of City Check Register Reports dated April 19, 2013; April 25, 2013; May 3, 2013; and May 10, 2013. [300-10]
- C. Confirmation of the City Investment Policy, Administrative Policy Number III-1. [100-10/350-10]
- D. Consider approving the third amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560; and authorize the City Manager to execute the agreement. [570-05/500-10 A/C: Atchison, Barisone, Condotti & Kovacevich]
- E. Deny liability claim of Dominique Townsend in the amount of \$172.17 and forward to the City’s liability insurance carrier. [Claims Binder]
- F. Adoption of Resolution No. 3955 approving the City of Capitola Local Hazard Mitigation Plan. [420-20]

The City Council took separate action on the following Consent Calendar item (Item 8.B.):

- B. Approval of City Check Register Reports dated April 19, 2013; April 25, 2013; May 3, 2013; and May 10, 2013. [300-10]

ACTION **Motion made by Council Member Norton, seconded by Council Member Storey, to approve Items 8.B. The motion carried unanimously.**

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9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Consider approving the Esplanade Kiosk Public Art Project; approving an agreement with Kim Chavez in an amount not to exceed \$15,000; and approving Administrative Policy V-12, Use of Display Cases on the Village Esplanade Kiosk. [1010-10/500-10 A/C: Chavez, Kim]

ACTION Motion made by Council Member Norton, seconded by Council Member Termini, to approve the Esplanade Kiosk Public Art Project; approving an agreement with Kim Chavez in an amount not to exceed \$15,000; and approving Administrative Policy V-12, Use of Display Cases on the Village Esplanade Kiosk. The motion was approved unanimously.

- B. Consideration of authorizing the sale of a portion City-owned property located at McGregor Drive (APN 036-341-02) to the Soquel Creek Water District. [250-10/1160-10/500-10 A/C: Soquel Creek Water District]

Public Works Director Jesberg presented this item. He stated that this property sale involves a small portion of a large parcel; the sale does not impact potential future development in the large parcel. He reviewed the terms and conditions of the property sale including Water Demand Offset Credits.

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to authorizing the sale of a portion City-owned property located at McGregor Drive (APN 036-341-02) to the Soquel Creek Water District. The motion was approved unanimously.

- C. Consideration of a Resolution granting consent to Santa Cruz County to form a second Tourism Marketing District. [1180-10]

Maggie Ivy, Santa Cruz County Conference and Visitor's Council CEO, was available for questions and comments.

Sandy Erickson, local resident, requested additional information regarding forming a second Tourism Marketing District.

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to adopt Resolution No. 3956 granting consent to Santa Cruz County to form a second Tourism Marketing District. The motion was approved unanimously.

- D. Consider a framework for review of the Parking Meter Programs. [470-30]

Public Works Director Jesberg stated that at the April 25, 2013, City Council meeting, Council Member Bottorff requested that the Traffic and Parking Commission (Commission) explore, analyze and recommend pay station expansion, as well as make recommendations for parking time periods and rate increases/decreases in various areas including the lower Pacific Cove property. In January 2013, the City adopted an Ordinance

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amendment (Ordinance No. 978) pertaining to parking meter rates and zones, and to allow the City to issue itself a Coastal Permit when the City Council changes parking hours, meter/pay station rates, add or eliminate meters/pay stations or change areas where meters/pay stations are installed. Unfortunately, this Ordinance amendment will not be heard by the Local Coast Commission until August 2013. He presented a framework showing the Commission's timing to provide parking rate recommendations to the City Council. He recommended that in order to have the Lower Pacific Cove Parking Lot in a meter zone a second Ordinance be introduced at the June 13, 2013, City Council meeting that will include amended meter rates and zones. In addition, pursuant to the State Vehicle Code, the City must set meter zones and rates by Ordinance. Due to the timing of the Coastal Commission's consideration of Ordinance No. 978 adopted in January 2013, any rate changes and other area changes should be deferred until September 2013, and will require both a Coastal Development Permit and Ordinance revision.

Nels Westman, Traffic and Parking Commission (Commission) Chair, stated that the Commission can meet in June 2013 to provide recommendation at a July 2013, City Council meeting regarding the proposed 3-hour parking limit in the Village.

The following local residents opposed parking meters on Cherry Avenue:

Linda Wadley
Sandy Erickson

Motion by Council Member Norton to remove all parking meters in the City. The motion dies due to a lack of a second motion.

ACTION **Motion made by Council Member Termini, seconded by Council Member Norton, to approve the framework for the review of the Parking Meter Programs, and for the Traffic and Parking Commission to make a recommendation to the City Council regarding expanding the 2-hour parking limit. The motion was passed unanimously.**

E. Consider sending a letter in opposition of Assembly Bill 5, Ammiano "Homeless Bill of Rights." [580-40]

ACTION **Motion made by Council Member Termini, seconded by Council Member Storey, to approve sending a letter in opposition of Assembly Bill 5, Ammiano "Homeless Bill of Rights." The motion was passed unanimously.**

10. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS

Mayor Harlan encouraged the public to visit the Capitola Historical Museum to see a collection of photographs and artifacts related to the City's history.

City Treasurer DeWitt stated that at the May 28th City Financial Advisory Committee there was a discussion regarding allocating the \$1.145 million in settlement funds; she recommended using the settlement funds to pay off the Santa Cruz County Bank loan.

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Finance Director Hannah announced that the next Financial Advisory Committee will be held on Tuesday, May 28th at 6 p.m.


City Manager Goldstein provided a report regarding the revised schedule for removing the remaining mobilehome coaches from the former Pacific Cove Mobile Home Park.

Council Member Norton, as representative on the Santa Cruz County Regional Transportation Commission, provided an update on the completion dates for the Highway 1 Soquel/Morrissey Auxiliary Lanes Project, the La Fonda Bridge Demolition & Reconstruction Project, and the next phase of the Highway 1 – 41st Avenue/Soquel Auxiliary Lane Project to be initiated in 2017 or 2018.

11. ADJOURNMENT

Mayor Harlan adjourned the meeting at 9:00 p.m. to the Special Budget Study Session of the City Council and the Successor Agency to be held on Thursday, May 30, 2013, at 6:00 p.m., 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 JUNE 13, 2013