

**CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, MAY 9, 2013**

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

**CALL TO ORDER**

Vice Mayor Storey called the meeting to order at 6:00 p.m. and stated that Mayor Harlan was absent. He announced the items to be discussed in Closed Session, as follows:

**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: Capitola Police Officers Association and  
Capitola Police Captains

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

City Council’s Performance Evaluation of the City Attorney

Vice Mayor Storey noted that there was no one in the audience; therefore, the City Council recessed at 6:05 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, and Vice Mayor Sam Storey. Mayor Stephanie Harlan was absent.

City Treasurer Kym DeWitt was absent.

**2. PRESENTATIONS**

A. Introduction of Senior Accountant, Kyle Solberg.

B. Proclamation recognizing Childhood Cancer Awareness Week from May 5 through May 11, 2013. [120-40]

Proclamation was read by Vice Mayor Storey, and the City Clerk will mail the proclamation to the KCC Family House and Wellness Center.

C. Proclamation designating May 15, 2013, as “Paint the Town Purple” to promote public awareness for the American Cancer Society’s Relay For Life upcoming events. [120-40]

Proclamation was read by Vice Mayor Storey and received by Linda Fridy, a Relay for Life representative.

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

Assistant City Attorney Paterno stated that the Council discussion anticipated litigation regarding the Surf and Sand Mobile Home Park; no reportable action was taken. Council discussed a conference with the labor negotiator regarding the Capitola Police Officers Association and the Capitola Police Captains; no reportable action was taken. The Council discussed the City Attorney's performance evaluation; no reportable action was taken.

## 4. ADDITIONS AND DELETIONS TO AGENDA (none provided)

## 5. PUBLIC COMMENTS

Goran, Soquel resident, thanked the Capitola Police Departments for their service to the community.

Marilyn Garrett, local resident, spoke against wireless radiation and the use of pesticides.

Brian MacKenzie, Capitola Village Residents Association (CVRA), stated that the CVRA will hold its next Neighbors' Night Dinner on May 22<sup>nd</sup> at Britannia Arms.

Paul Pelkey, local resident, spoke against violence.

## 6. COUNCIL/STAFF ANNOUNCEMENTS

City Clerk Sneddon announced that the American Red Cross will be holding a blood drive on June 5<sup>th</sup> at the Community Center.

Police Chief Escalante stated that on May 11<sup>th</sup> the Capitola Police Department will conduct a voluntary gun take back at Shore Life Church between 10 a.m. and 2 p.m.

Council Member Termini stated that on May 16<sup>th</sup> the Capitola Art & Wine Festival Kick-off Party will be held at Bargetto Winery in Soquel. He stated that Detective Leo Moreno of the Capitola Police Department is helping to organize the Special Olympics Law Enforcement Torch Run; the run will be coming through Capitola on June 19<sup>th</sup>. He also stated that the Santa Cruz Public Libraries has a new smart phone app so that the public can easily access the library system to request/reserve books. He requested information about the City's proposed parking meters to be purchased for the upper Pacific Cove Parking lot.

Public Works Director Jesberg provided an update regarding the purchasing of pay stations and parking meters for the City.

Council Member Termini asked Finance Director Hannah about CalPERS prepayment options.

Finance Director Hannah replied that alternate uses of the settlement funds, which will include the CalPERS prepayment option, will take place at the May 22<sup>nd</sup> City Council Budget Study Session.

Council Member Norton stated that the Santa Cruz County Regional Transportation (SCCRTC) has submitted for a \$21 million grant application to fund the development of 15 miles of bicycle and pedestrian trails from Davenport to the Santa Cruz Wharf.

## 7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS (none provided)

**8. CONSENT CALENDAR**

**ACTION** Motion made by Council Member Termini, seconded by Vice Mayor Storey, to approve the Consent Calendar with the correction to the April 25, 2013, City Council minutes regarding the Lexington Insurance Company Settlement Agreement. The vote was unanimous.

- A. Consideration of approving the City Council Minutes of the April 25, 2013, Regular Meeting.
- B. Receive Planning Commission Action Minutes of the May 2, 2013, Regular Meeting. [740-50]
- C. Consideration of an Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations [2nd Reading]. [750-10] (**Ordinance No. 982**)
- D. Receive the California Public Employees Retirement System Annual Actuarial Valuation Reports as of June 30, 2011. [630-10]

**9. GENERAL GOVERNMENT/PUBLIC HEARINGS**

- A. Consideration of approving the General Special Event Permit for the AIDS/Lifecycle event on June 3, 2013, sponsored by the San Francisco AIDS Foundation. [1050-70]

**ACTION** Motion made by Council Member Norton, seconded by Council Member Termini, to approve the General Special Event Permit for the AIDS/Lifecycle event on June 3, 2013, sponsored by the San Francisco AIDS Foundation. The vote was unanimous.

- B. Discussion regarding the benches at Peery Park and the public restrooms at Nob Hill. [1040-20]

**ACTION** Motion made by Council Member Termini, seconded by Vice Mayor Storey, to permanently remove the picnic tables from Peery Park; and to continue to have the restrooms next to Nob Hill open during park hours from 6 a.m. to sunset. The motion carried with the following vote: **AYES: Council Members Bottorff, Termini, and Vice Mayor Storey. NOES: Council Member Norton. ABSENT: Mayor Harlan. ABSTAIN: None.**

- C. Consideration of approving the implementation of the Patient Protection and Affordable Health Care Act. [630-10]

Administrative Service Director Murphy stated that beginning in 2014 President Obama's Patient Protection and Affordable Care Act goes into effect with the intent to improve the health care delivery system. The law requires all employers with 50 or more full-time employees to offer affordable health care. Staff has determined that there is one employee in the Recreation Division who fits this category; therefore, staff recommends this employee become a permanent, benefited employee and receive health care benefits.

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**ACTION** Motion made by Council Member Bottorff, seconded by Council Member Termini, to approve the implementation of the Patient Protection and Affordable Health Care Act; change an hourly Recreation position to a permanent 0.75 full-time position; provide affordable health care insurance for this position. The motion carried with the following vote: **AYES:** Council Members Norton, Bottorff, Termini, and Vice Mayor Storey. **NOES:** None. **ABSENT:** Mayor Harlan. **ABSTAIN:** None.


**10. COUNCIL/STAFF COMMUNICATIONS**

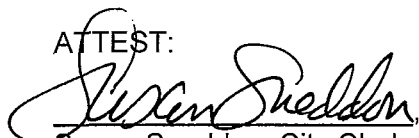
Community Development Director Grunow stated that the City received a request for a conditional use permit, a coastal development permit, and a design permit from Monarch Cove Hotel to add an additional 32 rooms. A request for approval to issue a contract for a consultant to prepare the Environmental Impact Report is tentatively scheduled for the June 27<sup>th</sup> City Council Meeting.

**11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS**

**12. ADJOURNMENT**

Vice Mayor Storey adjourned the meeting at 8:20 p.m. to the Special Budget Study Session of the City Council and the Successor Agency to be held on Wednesday, May 22, 2013, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

  
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Sam Storey, Vice Mayor

ATTEST:  
 CMC  
Susan Sneddon, City Clerk

**MINUTES WERE UNANIMOUSLY APPROVED ON MAY 23, 2013**