

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
JANUARY 10, 2013 - 7:00 PM**

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

CALL TO ORDER

Mayor Harlan called the meeting to order at 5:30 PM and announced the items to be discussed in Closed Session, as follows:

City Attorney Barisone announced that an item regarding a Public Employee Discipline/Dismissal/Release (pursuant to Government Code Section 54954.5) was added to tonight's City Council Closed Session Agenda; therefore, a vote is required by the City Council to add this item. The City Council made the requisite Brown Act findings to add this item to the agenda as a late item.

There was a motion made by Council Member Termini, seconded by Council Member Storey, to add a Public Employee Discipline/Dismissal/Release item to tonight's Closed Session Agenda. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9

1. County of Santa Cruz regarding the Noble Gulch pipe failure;
2. Save the Plastic Bag Coalition;
3. County of Santa Cruz — Property Tax Administrative Fee Dispute.

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

1. Lexington Insurance Company vs City of Capitola, et al. [United States District Court, Northern District of California, Case No. 5:12-cv-03428-LHK];
2. Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case No. CV 172804];
3. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 172324];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkadee Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173926];
7. California Capital Insurance Company vs City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173552];

8. Trustees of the John T. Kawahara and Barbara J. Kawahara Revocable Trust vs City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV175216];
9. Schroedel et al. vs the City of Capitola, et al. the Santa Cruz Superior Court Case No. CV 175684.
10. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173228].

CONFERENCE WITH REAL PROPERTY NEGOTIATOR Govt. Code § 54956.8

Property: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)

City Negotiator: City Manager

Negotiating Parties: City and Soquel Creek Water District

Under Negotiation: Real Property Lease/Sale

Mayor Harlan 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

PRESENT: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan

ABSENT: None

2. PRESENTATIONS

A Certificate of Appreciation to Edward Newman for his service on the Planning Commission presented by Mayor Harlan. [120-40]

Mr. Newman received the Certificate of Appreciation and thanked the City Council.

3. REPORT ON CLOSED SESSION

City Attorney Barisone announced that no reportable action was taken during the special and regular closed sessions. [520-25]

4. ADDITIONS AND DELETIONS TO AGENDA (None provided)

5. PUBLIC COMMENTS

Anna Marie Gotti, local resident, provided an update of the recent Women's Self Defense Class offered by the City. Also, she announced a course offered by the City entitled, "Girls and their Women Allies".

Tiffany Wise-West, City's Commission on the Environment (COE) member, stated some of the values of the COE.

Karen Lacey, Community Television of Santa Cruz County member, stated some concerns regarding health and environmental issues.

Sheryl Guidera, Kaleidoscope Owner, requested the City Council allow her to use her remaining plastic bags.

Marilyn Garrett, spoke against microwave radiation.

Sandy Erickson, local resident, stated concerns regarding the cost to obtain a recent building permit for installing a wheelchair-accessible shower.

6. COUNCIL/STAFF ANNOUNCEMENTS

City Manager Goldstein commented on a recent community meeting with a Target representative. He stated that Target has agreed to turn off the Target light on the south-west corner of the building.

Council Member Norton requested that staff look into gun registration requirements in light of the recent tragedy in the Newtown, Connecticut, school shooting.

Council Member Termini stated that the 41st Avenue Public Art Project will begin construction in the next few months.

Council Member Bottorff reported that he attended the recent Santa Cruz Local Agency Formation Commission and the Association of Monterey Bay Area Governments' meetings.

Council Member Storey agreed with Council Member Norton's comments regarding gun registration requirements. He requested that staff discuss with the superintendent of schools preparedness/readiness if a similar shooting incident were to occur in the area, also to coordinate with the City's Police Department to look at ways to prevent a similar situation.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

Note: Appointments were made under General Government/Public Hearings Item 9.A.

8. CONSENT CALENDAR

- A. Consideration of approving the City Council Minutes of the August 23, 2012, Special City Council Meeting, and the September 13, 2012; Regular City Council Meeting.
- B. Adoption of Ordinance No. 977 adding Section 8.07 (Single-use Plastic and Paper Carryout Bag Reduction) of the Capitola Municipal Code pertaining to the reduction of single-use plastic and paper carryout bags [2nd Reading]; adoption of Resolution No. 3949 setting the fee for paper carryout bags at \$0.25. [930-30]
- C. Adoption of Ordinance No. 978 amending the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones to be established by issuing a Coastal Permit [2nd Reading]; adoption of Resolution No. 3950 authorizing submittal of amendments to the Local Coastal Program. [470-30/740-30]
- D. Consideration of accepting grants in the amount of \$1,500 from PG&E for the Women's Defense Class. [330-10/390-25]
- E. Consideration of a Budget Calendar for Fiscal Year 2013/2014. [330-05]
- F. Adoption of Resolution No. 3951 authorizing the City Manager to execute the Agreements with the State Board of Equalization for implementation of a local transaction and use tax (Measure O); consideration of amending the City's Fiscal Year 2012/2013 Budget to reflect the increased sales tax revenue and administrative fees. [560-10/500-10 A/C: California State Board of Equalization]

- G. Authorization for the City Manager to recruit for the position of Community Development Director. [600-10/650-05]

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to approve the Consent Calendar with the exception of Item 8.A. The motion was passed unanimously.

Motion made by Council Member Termini and seconded by Council Member Storey to approve the City Council Minutes of the August 23, 2012, Special City Council Meeting, and the September 13, 2012, Regular City Council Meeting (Item 8.A.). The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: Council Member Bottorff.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Presentation regarding Community Choice Aggregation. [580-40]

ACTION Motion made by Council Member Norton and seconded by Council Member Storey to approve Capitola's participation in a regional feasibility study on a possible Community Choice Aggregation program in partnership with the City and County of Santa Cruz and other local governments at no cost to Capitola; and to direct staff to participate in a multi-jurisdictional technical advisory committee.

- B. Review representation on City Council representation on various County/Multi-County Boards, Commissions, and Committees and City Council appointments and reappointments of public members to City Internal Advisory Bodies and to the Oversight Board for the Capitola Successor Agency. [110-10]

ACTION There was Council consensus to approve the following appointments:

Architectural & Site Review Committee
 Art & Cultural Commission
 Commission on the Environment
 Finance Advisory Committee
 Parking & Traffic Commission
 Advisory Council on the Area on Aging
 Community Television of Santa Cruz County
 Community Action Board of Santa Cruz County

Motion made by Council Member Termini and seconded by Council Member Norton to re-appoint the following to the Architectural & Site Review Committee: (1) Derek Van Alstine (Architect); (2) Frank Phanton (Architect - Alternate); (3) Susan Suddjian (Landscape Architect); (4) Carolyn Swift (Historian). The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

Motion made by Council Member Termini and seconded by Council Member Norton to re-appoint the following to the Art & Cultural Commission: (1) Joyce Murphy - At Large Member; (2) Jenny Shelton - At Large Member; (3) Michael Termini - Council Representative; (4) Planning Commission Representative¹. The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

¹ The Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve.

Council Member Termini stated that currently the Commission on the Environment (COE) is a standing committee and is subject to the Brown Act. He suggested that the City Council determine if the COE should continue as a City Committee or transition to a non-City Blue Ribbon Environmental Task Force with a one-year sunset clause. This committee could be comprised of members from the public that are not appointed by the City Council.

Motion made by Council Member Termini and seconded by Council Member Norton to appoint Madeline Marlatt as the Youth Member to the Commission on the Environment; to re-appoint Elisabeth Russell and Tiffany West-Wise as the At Large Members; appoint a Planning Commission Representative²; agendize to the January 24, 2013, City Council meeting, a discussion regarding the Commission on the Environment becoming a non-City Blue Ribbon Environmental Task Force. The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

Motion made by Council Member Termini and seconded by Council Member Bottorff to appoint the following to the Finance Advisory Committee: (1) Council Member Sam Storey to fill the Mayoral appointment; (2) Gary Snelson – Council Member Bottorff’s appointment; (3) Nathan Cross – Council Member Norton’s appointment; (4) Will O’Sullivan – Vice Mayor/Council Member appointment; (5) Christine McBroom - Business Representative. The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

Motion made by Council Member Termini and seconded by Council Member Storey to appoint the following to the Parking & Traffic Commission: (1) Nels Westman – Council Member Termini’s appointment; (2) Margaret Kinstler -Village Resident; (3) Carin Hanna - Village Business Owner; (4) Gary Wetsel - Village Business Owner; (5) Linda Hanson – Council Member Norton’s appointment; (6) Vicki Muse – Mayor Harlan’s appointment; (7) Molly Ording – Council Member Storey’s appointment; John Martorella – Council Member Bottorff’s appointment. The Village Resident will be agendized for the January 24, 2013 City Council meeting. The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Harlan requested that the appointment to the Advisory Council of the Area on Aging be agendized to the January 24, 2013 City Council meeting to allow additional time to interview the applicants.

Mayor Termini noted that Sandra Williams resigned from the Advisory Council of the Area on Aging and is not re-applying (City Clerk Sneddon confirmed and made the correction that Ms. Williams is not re-applying).

Motion made by Mayor Harlan and seconded by Council Member Termini to re-appoint Doree Steinmann as the City’s Representative to the Community Television of Santa Cruz County. The motion carried with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

² The Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve

Council Member Storey stated that, due to a conflict of interest, he will recuse himself from participating on the appointments to the Community Action Board of Santa Cruz County because his wife works for the Board.

Motion made by Council Member Termini and seconded by Mayor Harlan to appoint Cynthia Finley as the City's Representative and George Winslow as the Alternate to the Community Action Board of Santa Cruz County. The motion carried with the following vote: **AYES: Council Members Norton, Termini, Bottorff, and Mayor Harlan. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Council Member Storey.**

Mayor Harlan stated that at the December 13, 2012 Council Member Bottorff was appointed to the Santa Cruz Metropolitan Transit District; however, this appointment is rescinded because Ron Graves' term as the City's Representative does not expire until 2014.

Mayor Harlan appointed Council Member Termini to continue serving as the City's Representative on the Oversight Board to the City's Successor Agency; Ryan Bane to continue serving on the Board as a member representing the employees of the former redevelopment agency.

C. Discussion regarding updating the City's Zoning Ordinance. [730-85]

Nels Westman, local resident, reviewed some considerations that will dramatically impact the character of the Village. He suggested that the public be provided more time for public hearings and responses to both the Planning Commission and the City Council.

Margaret Kinstler, local resident, stated that the City's small-beach-community needs to be preserved. She suggested allowing for public hearings and input on this matter.

Sandy Erickson, local resident, stated concerns about the proposed Zoning Ordinance; specifically residential parking issues and residential garages being converted into bedrooms.

Molly Ordering, local resident, stated that she would like to see the charm and historical features remain in the City. She attended several of the General Plan Advisory Committee meetings and did not hear public comments regarding allowing larger-scale structures in the City.

Jacques Bertrands, local resident, stated the importance of maintaining the character of the City.

City Treasurer DeWitt stated the importance of preserving the City's character and the importance of preserving the environment.

The City Council provided direction to staff regarding updating the City's Zoning Ordinance.

D. Consideration of appointing standby City Council members. [420-20]

ACTION

There was Council consensus for Council Member Bottorff to appoint Troy (TJ) Welch for his standby Council Member.

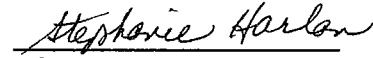
10. COUNCIL/STAFF COMMUNICATIONS

General Plan Coordinator Westman requested that appointments for the General Plan Advisory Committee be agendaized to the January 24, 2013, City Council meeting.

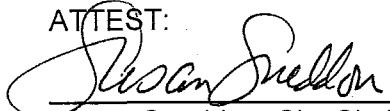
City Manager Goldstein noted that, in addition to the Budget Calendar for Fiscal Year 2013/2014 adopted tonight, there will be a Special Council Budget meeting to be held on Thursday, February 21, 2013.

11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS (None provided)**12. ADJOURNMENT**

Mayor Harlan adjourned the meeting at 10:00 PM to the next Regular Meeting of the City Council on Thursday, January 24, 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 FEBRUARY 14, 2013