

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
DECEMBER 13, 2012 - 7:00 PM**

**CLOSED SESSION – 5:30 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:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to Government Code §549569.9 (b)

1. Santa Cruz County regarding the Noble Gulch pipe failure;
2. Save the Plastic Bag Coalition.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code §54956.9 (a)

1. City of Capitola vs. Lexington Insurance Company, United States District Court, Northern District of California, Case # 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 #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 #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 #CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade 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 #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 #CV173926];
7. California Capital Insurance Company [Superior Court of the State of California for the County of Santa Cruz, Case #CV173552];
8. Trustees of the John T. Kawahara and Barbara J. Kawahara Revocable Trust [Superior Court of the State of California for the County of Santa Cruz, Case #CV175216];
9. Schroedel et al. vs. the City of Capitola, the Santa Cruz Superior Court Case No. CV 175684.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR Govt. Code § 54956.8

Property: 420 Capitola Ave., Capitola; APN 035-141-35
 Agency Negotiator: City Manager
 Negotiating Parties: City of Capitola and On Air LLC
 Under Negotiation: Property Negotiations

Mayor Harlan noted that there was no one in the audience; therefore, the City Council recessed at 5:35 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

Proclamation honoring the City's former Police Canine Damien. [120-40]

Officer Blankenship received a proclamation recognizing Police Canine Damein for her dedication and service to the citizens of Capitola.

Christine McBroom, Capitola Finance Advisory Committee Chair, provided a recommendation from the Finance Advisory Committee. The recommendation is to increase the City's Emergency Fund from the current 5% of operating expenses to 10%, as well as the contingency reserves from the current 10% to 15%. She presented a graphic projection regarding the City's cash reserves.

3. REPORT ON CLOSED SESSION

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

4. ADDITIONS AND DELETIONS TO AGENDA

City Manager Goldstein stated that the City's Accounting Supervisor Lisa Saldana has accepted a position as the Finance Manager for the City of Seaside.

The City received an application from Sandy Erickson to be considered a seat on the City's Financial Advisory Committee. The appointments will be discussed later in the meeting.

City Clerk Sneddon stated that correspondence was received from the County of Santa Cruz that the Board of Supervisors adopted a resolution setting the 2013 tenant security deposit at 0.02%. This is an action item later in the meeting.

Mayor Harlan requested a continuation of various internal appointments to City committees and commissions to the January 3, 2013, City Council meeting to allow additional time for interviews.

Council Member Norton requested that staff provide the City Council with a description of the various City internal committees' and commissions' duties.

5. PUBLIC COMMENTS

Carin Hanna, local resident, thanked the City Council for allowing free parking during the holiday.

Marilyn Garrett, local resident, spoke against wireless radiation.

Maggie Ivy, Santa Cruz County Conference and Visitor's Council CEO/Executive Vice President, stated in order to celebrate the holidays and encourage locals and visitors alike to capture great holiday memories in California's favorite beachside destination, the Santa Cruz County Conference & Visitors Council is

asking the public to upload their best "Holidays in Santa Cruz" pictures to an online photo contest.

6. COUNCIL/STAFF ANNOUNCEMENTS

Mayor Harlan provided an update from a Monterey Bay Unified Air Pollution Control Board meeting where it approved an outlaw burning of yard waste in San Lorenzo Valley. She stated that the Capitola Police Department has a prescription drug collection program. There is a Paint Care Program where the public can take unused paint to Kelly-Moore Paint stores in Santa Cruz and Watsonville, or to the Sherwin-Williams store in Santa Cruz to be disposed of properly. She stated that Save-Our-Shores have reported that up to 80% of customers are bringing in their own reusable bags to shop. The County of Santa Cruz is going to celebrate their one-year anniversary of the elimination of the single-use plastic ordinance. As part of an April Earth Day celebration, free reusable bags will be given out.

Tim Goncharoff, Santa Cruz County Integrated Waste Management Programs Coordinator, stated that the County has been selected as the recipient of the 2012 Governor's Environmental and Economic Leadership Award (GEELA) for waste reduction.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

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

8. CONSENT CALENDAR

Council Member Storey requested that Item 8.E. be removed from the Consent Calendar for discussion.

Council Member Bottorff requested that Item 8.G. be removed from the Consent Calendar for discussion.

- A. Approval of the City Check Register Reports dated November 16, November 21, and November 30, 2012. [300-10]
- B. Approval of Planning Commission Action Minutes for the Regular Meeting of December 6, 2012. [740-50]
- C. Adoption of a Resolution No. 3945 setting the interest rate for Tenant Security Deposits for 2013 at zero percent (0%). [750-10]
- D. Adoption of a Resolution No. 3946 supporting the termination of the Southern Sea Otter Translocation Program. [400-10]
- E. Authorization for the City Manager to recruit for the position of Community Development Director. [600-10/650-05]
- F. Authorization for the City Manager to recruit for the position of Supervising Accountant. [600-10/650-05]
- G. Approval of a budget amendment pertaining to the City's participation in LED retrofit of streetlights with Pacific Gas and Electric Company. [330-30/940-55]

ACTION Motion made by Council Member Termini, seconded by Council Member Norton, to approve Items 8.A., 8.B. 8.C., 8.D, 8.F. on the Consent Calendar. The vote was unanimous.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

Mayor Harlan requested that Item 9.A. be discussed at the end of tonight's meeting.

- B. Consider an Ordinance adding Section 8.07 of the Capitola Municipal Code regarding the reduction of single-use plastic and paper carryout bags; approve a Resolution adopting a Negative Declaration and make California Environmental Quality Act findings [1st Reading]. [930-30]
Laura Kasa, Save-Our-Shores Executive Director, stated that she has seen an increase in the use of reusable bags with no increase in the use of paper bags and presented reasons to support the proposed Ordinance.

Tim Goncharoff, Santa Cruz County Integrated Waste Management Programs Coordinator, stated that the County has received an excellent response to the County's new ordinance to reduce single-use plastic and paper carryout bags.

The following provided support for the City's proposed ordinance for the reduction of single-use plastic and paper carryout bags.

- Nathan Weaver, Oceans Advocate for Environment California
- Aerial Hunter, student at the University of California, Santa Cruz
- Jim Littlefield, Santa Cruz Chapter of the Surf Rider Foundation
- Scott Paulson, local resident
- Martel Anderson, Capitola resident
- Rachel Kippen, Save-Our-Shores Program Coordinator
- Marilyn Garrett, local resident
- Matt Kuhn, Co-Chair of Santa Cruz Chapter of the Surf Rider Foundation

Richard Wieckowicz, Aptos resident, provided a handout to Council and stated that banning plastic bags would cause more environmental damage.

ACTION Motion made by Council Member Norton, seconded by Council Member Storey, to introduce an Ordinance adding Section 8.07 of the Capitola Municipal Code regarding the reduction of single-use plastic and paper carryout bags [1st Reading]; approval of Resolution No. 3947 adopting a Negative Declaration related to the reduction of single-use plastic and paper carryout bag. The motion carried unanimously with the following vote: **AYES:** Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

ACTION Motion made by Council Member Norton, seconded by Council Member Bottorff, to provide direction to staff to draft a Resolution for the January 10, 2013 City Council meeting setting the fee for paper carryout bags at \$0.25. The motion carried with the following vote: **AYES:** Council Members Norton, Bottorff, and Mayor Harlan. **NOES:** Council Members Storey and Termini. **ABSENT:** None. **ABSTAIN:** None.

- C. Report on Measure O - Permanent City sales tax increase of one-quarter of one percent. [560-10]

ACTION City Council received the report.

- D. Consideration of the approval of a Franchise Agreement Extension for four additional years with Greenwaste Recovery for refuse, recycling and yard waste services and rates for 2013. [565-25/930-45/500-10 A/C: Greenwaste Recovery]

ACTION Motion made by Council Member Termini, seconded by Council Member Norton approving the Franchise Agreement Extension for four additional years with Greenwaste Recovery for refuse, recycling and yard waste services and rates for 2013; adopting Resolution No. 3948 approving a Rate Schedule for Residential & Commercial Garbage Collection and Recycling. The motion carried with the following vote: AYES: Council Members Norton, Bottorf, Termini, and Mayor Harlan. NOES: Council Member Storey. ABSENT: None. ABSTAIN: None.

- E. Adoption of the City of Capitola’s Local Hazards Mitigation Plan. [420-20]

ACTION Motion made by Council Member Storey, seconded by Council Member Termini, dopt the City of Capitola’s Local Hazards Mitigation Plan. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Bottorf, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

- F. Request to amend 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. The Planning Commission held a public hearing on November 1, 2012 and unanimously recommended approval. Environmental Determination: Categorical Exemption. [1st Reading] [470-30/740-30]

ACTION Motion made by Council Member Norton, seconded by Council Member Storey, to introduce an Ordinance to amend 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. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Bottorf, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

8. CONSENT CALENDAR (continued)

The City Council took separate action on the following action items (Item 8.E. and Item 8.G.) on the Consent Calendar.

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

This item was continued to the January 10, 2013, City Council meeting.

- G. Consideration of approving a budget amendment pertaining to the City’s participation in LED retrofit of streetlights with Pacific Gas and Electric Company. [330-10/940-55/500-10 A/C: PG&E]

ACTION **Motion made by Council Member Termini seconded by Council Member Storey. to approve a budget amendment pertaining to the City’s participation in LED retrofit of streetlights with Pacific Gas and Electric Company. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Bottorf, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.**

9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

A. Review City Council representation on City and County/Multi-County Boards, Commissions, and Committees as well as City Council appointments and reappointments of public members to various City Advisory Bodies. [110-10]

Mayor Harlan requested that staff advertise/re-advertise for the City’s representative for the Advisory Council of the Area Agency on Aging, Community Television of Santa Cruz County Board, and the Community Action Board of Santa Cruz County.

ACTION **Motion made by Council Member Termini, seconded by Council Member Norton, to appoint the representatives listed below. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Termini, Bottorff, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.**

Association of Monterey Bay Area Governments

Council Member Bottorff – Representative
 Council Member Norton - Alternate

Criminal Justice Council of Santa Cruz County

City Manager Goldstein and Council Member Termini - Representative
 (one member must be a Council Member and the other may be the City Manager)

Cultural Council of Santa Cruz

Council Member Norton – Representative

Local Agency Formation Commission

Council Member Bottorff – Representative
 Council Member Norton – Alternate

Library Financing Authority

Council Member Termini – Representative
 Council Member Storey – Alternate

Library Joint Powers Board

Council Member Termini – Representative.

Monterey Bay Unified Air Pollution Control District

Council Member Storey to be recommended to the City Selection Committee for an appointment

Santa Cruz County Children’s Network

Council Member Storey – Representative

Santa Cruz County Conference & Visitors Council

Council Member Storey to be recommended to the City Selection Committee for an appointment

Santa Cruz County Flood Control & Water Conservation District, Zone 5

Council Member Norton – Representative
 Council Member Bottorff - Alternate

Santa Cruz County Integrated Waste Management Local Task Force

Administrative Services Director Murphy – Representative
 Mayor Harlan - Alternate

Santa Cruz County Regional Transportation Commission

Council Member Norton – Representative
 Council Member Termini – Alternate

Santa Cruz County Sanctuary Inter-Agency Task Force

Mayor Harlan – Representative

Santa Cruz County Sanitation District

Mayor Harlan – Representative
 Council Member Storey – Alternate

Santa Cruz Regional 911 Board

City Manager Goldstein will continue to be the City's Representative.

Santa Cruz Metropolitan Transit District

Council Member Bottorff – Representative

Capitola Public Safety & Community Service Foundation

Council Member Termini – Representative

Motion made by Council Member Termini, seconded by Council Member Norton, continue the remaining appointments to the January 10, 2013, City Council meeting. The motion carried unanimously with the following vote: AYES: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

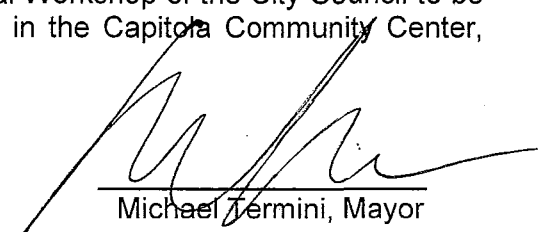
10. COUNCIL/STAFF COMMUNICATIONS (None provided)

11. ADJOURNMENT

Mayor Harlan adjourned at 10:20 p.m. to the Special Workshop of the City Council to be held on Thursday, January 3, 2013, at 6:00 p.m., in the Capitola Community Center, 4400 Jade Street, Capitola, California.

ATTEST:

 Susan Sneddon, City Clerk


 Michael Termini, Mayor