

**CAPITOLA CITY COUNCIL AGENDA
SPECIAL CLOSED SESSION AND REGULAR MEETING ACTION MINUTES
OCTOBER 11, 2012**

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

CALL TO ORDER

Mayor Termini called the Special Closed Session to order at 6:00 PM. Mayor Termini announced items to be addressed in both the October 11, 2013 Special City Council Closed Session and the Regular City Council Closed Session.

ROLL CALL

PRESENT: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini.
ABSENT: None

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9
One case – Save the Plastic Bag Coalition

ADJOURNMENT

The City Council adjourned the October 11, 2013 Special Closed Session to the Regular Closed Session at 6:20 PM in the City Manager’s Office.

**REGULAR CLOSED SESSION
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Termini called the Regular Closed Session to order at 6:20 PM and announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant Government Code §54956.9 (b)

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch pipe failure);
2. Santa Cruz County regarding the Noble Gulch pipe failure;
3. Pacific Cove Mobile Home Park closure.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR Govt. Code § 54956.8

- A. Property: City of Capitola Gym, 250 Washburn Avenue, Capitola; APN 036-101-37; (City of Capitola, Owner)
City Negotiator: City Manager
Negotiating Parties: City of Capitola and the Soquel Union Elementary School District
Under Negotiation: Real Property Lease/Sale

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code §54956.9 (a)

1. Kevin Calvert, D.D.S. and Pamela Calvert vs. the City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 172804];
2. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
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].

Mayor Termini noted that there was no one in the audience; therefore, the City Council recessed at 6:05 p.m. in the City Manager's Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

CALL TO ORDER

Mayor Termini called the Regular Meeting of the Capitola City Council to order at 7:05 p.m.

1. ROLL CALL

PRESENT: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini
 ABSENT: None

2. PRESENTATIONS

- A. Proclamation celebrating the Community Foundation Santa Cruz County 30th anniversary was presented. [120-40]

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 (None provided)

5. PUBLIC COMMENTS

Elizabeth Russell, Capitola Commission on the Environment (COE) representative, stated that COE has started a lecture series on sustainability.

Marilyn Garrett, local resident, spoke against wireless radiation.

Ed Bottorff, Capitola resident, thanked the City Council for placing Measure O on the November 2012, ballot.

Sandy Erickson, 117 Cabrillo Street, stated that someone has been stealing political signs. She requested a copy of the City's cash management program.

6. COUNCIL/STAFF ANNOUNCEMENTS

Council Member Harlan provided a brief report from a recent Association of Monterey Bay Area Governments' meeting. She announced a Chamber Mixer on October 18, 2012, at 5:00 p.m.

Council Member Norton stated there is an illegal political sign on City property.

Mayor Termini stated that the lights in the Jade Street parking lot are never lit at night, and a portion of Kennedy Drive does not have a posted speed limit (Public Works Director Jesberg stated that he will look into the lights, and his staff will be placing speed limit signs on Kennedy Drive).

Mayor Termini requested the City Manager provide a report to Council on the inclusion of Council Members into the State retirement program.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS (None provided)

ALL MATTERS LISTED ON THE REGULAR MEETING OF THE CAPITOLA CITY COUNCIL AGENDA SHALL BE CONSIDERED AS PUBLIC HEARINGS.

8. CONSENT CALENDAR

Council Member Norton requested that staff bring to a future Council meeting a discussion regarding changing the Village parking hours from two hours to three hours year round.

- A. Consideration of approving the City Council Minutes of the Regular Meeting of July 12, 2012.
- B. Approve a request from the Capitola Soquel Chamber of Commerce to offer free village parking and to increase the parking limit from 2 hours to 3 hours in Capitola Village from November 22, 2012, through December 25, 2012. [470-30]
- C. Declare all City-owned mobilehome coaches in the former Pacific Cove Mobile Home Park as surplus property; allow for the disposal of the coaches; and authorize the City Manager to sell or dispose of the coaches in conformance with the City's Surplus Property Administrative Policy. [260-10/370-10]
- D. Receive Planning Commission Action Minutes for the Regular Meeting of October 4, 2012. [740-50]

ACTION

Motion made by Council Member Nicol, and seconded by Council Member Harlan, to approve the Consent Calendar. The vote was unanimous.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Conceptual review to amend Section 16.68 of the Capitola Municipal Code pertaining to Condominium and Community Apartment Conversions. [730-85]

Council Member Norton stated that, due to a conflict of interest, he will recuse himself from participating on Item No. 9.A; he has done work for an owner of one of the apartment buildings at this location. He left the dias.

Charles Eadie, applicant's representative, commented on various issues that the applicants are experiencing and made suggestions to simplify the process.

Nels Westman, Capitola resident, stated concerns regarding the current condition of the foundation at the Crest Apartment. He suggested a geological overlay district to stop intensification.

Papken Der-Torossian, Crest Apartment Owner, stated that he will go along with any decision the Council makes.

Doug Dodds, Antigua co-owner, provided comments in support of converting existing tenant-in-common into condominiums.

There was City Council consensus to not pursue an Ordinance amendment pertaining to Condominium and Community Apartment Conversions at this time, but to consider the amendment at part of the General Plan Update.

Council Member Norton returned to the dias.

- B. Consideration of approving a sole source contract with Bowman & Williams Consulting Civil Engineers for consulting services related to the Pacific Cove parking lot design in the amount not to exceed \$62,468.30 and authorize the City Manager to execute the agreement. [265-10/500-10 A/C: Bowman & Williams Consulting]

ACTION Motion made by Council Member Nicol, and seconded by Council Member Storey, to approve a sole source contract with Bowman & Williams Consulting Civil Engineers for consulting services related to the Pacific Cove parking lot design in the amount not to exceed \$62,468.30 and authorize the City Manager to execute the agreement. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

- C. Consideration of a Resolution rescinding Resolution No. 3839 and adopting a revised Conflict of Interest Code for the City of Capitola to become effective January 1, 2013. [570-20]

ACTION Motion made by Council Member Storey, and seconded by Council Member Harlan, to rescind Resolution No. 3839 and adopting Resolution No. 3936. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

10. COUNCIL/STAFF COMMUNICATIONS (None provided)

11. **ADJOURNMENT**

Mayor Termini adjourned at 8:45 p.m. to the next Regular Meeting of the City Council to be held on Thursday, October 25, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Michael Termini, Mayor

ATTEST:
 CMC
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON FEBRUARY 14, 2013