

**CITY OF CAPITOLA  
CITY COUNCIL/REDEVELOPMENT AGENCY**

November 22, 2011  
Capitola, California

**MINUTES OF A REGULAR JOINT MEETING**

**6:00 P.M - CLOSED SESSION - CITY MANAGER'S OFFICE**

At 6:00 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all Council Members/Redevelopment Agency Directors were present. Mayor/Chairperson Norton made an announcement regarding the items to be discussed in Closed Session, as follows:

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

Bill Newman, et al. (residents of Surf & Sand Mobile Home Park) vs. Surf and Sand, LLC, Ronald Reed, et al. (Surf and Sand, LLC; Ronald Reed, Cross-Complainants vs. City of Capitola) [Superior Court County of Santa Cruz, Unlimited Jurisdiction, Case No. CV 171783]

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:

- Two Cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park  
2) Pacific Cove Mobile Home Park Flooding and Closure

No one from the public was present for the announcement regarding the Closed Session; therefore, the City Council/Redevelopment Agency recessed at 6:01 p.m. to the Closed Session in the City Manager's Office.

**7:00 P.M. – OPEN SESSION**

**REGULAR JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY**

Mayor/Chairperson Norton called the Regular Joint Meeting of the Capitola City Council/Redevelopment Agency to order at 7:03 p.m. on Tuesday, November 22, 2011, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

**PRESENT:** Council Members/Directors Stephanie Harlan, Michael Termini, Kirby Nicol, Sam Storey, and Mayor/Chairperson Dennis Norton

**ABSENT:** None

**OTHERS:** City Treasurer Jacques Bertrand

**STAFF:** City Manager/Executive Director Jamie Goldstein, City Attorney/RDA General Counsel John G. Barisone, Interim Community Development Director/Deputy Executive Director Susan Westman, Chief of Police Michael Card, Public Works Director Steve Jesberg, Administrative Services Director Lisa Murphy, and City Clerk/Secretary Pamela Greeninger

Following the Pledge of Allegiance, Mayor Norton led a moment of silence in memory of former City Council Member and City Treasurer Robert "Bob" Begun who died last weekend. Mayor Norton commented on Mr. Begun's service and contributions to community, saying Bob was the most community-connected person he knew. Each council member offered their personal comments about Bob, as did City Treasurer Bertrand.

Council Member Harlan expressed her condolences to Doree Steinmann and then read written comments from Assemblymember Bill Monning.

Mayor Norton thanked Doree for coming to the meeting tonight.

## \* \* \* PRESENTATIONS \* \* \*

**Mayor's Proclamation Designating November 2011  
"Pancreatic Cancer Awareness Month" [120-40]**

Vice Mayor Termini read and presented the Mayor's Proclamation Designating November of 2011 "**Pancreatic Cancer Awareness Month**" to Jennifer Flaniken, Capitola resident and Volunteer for the Bay Area Pancreatic Cancer Action Network. Ms. Flaniken thanked the mayor for his proclamation and discussed the increasing incidents of pancreatic cancer. Diane Borrison, a pancreatic cancer survivor, also thanked the city for the proclamation and the opportunity to address the Council on this important issue. She gave pancreatic cancer awareness bracelets to the council members.

Mayor Norton then announced that he has another Proclamation, which was not on the agenda, to present to Heartland Hospice. Jackie Calhoun, Manager of Business Development for Heartland Hospice, came forward to receive the proclamation.

**Mayor's Proclamation Recognizing Heartland Hospice  
And Proclaiming December 3, 2011  
"Heartland Hospice Day" [120-40]**

Mayor Norton read the Mayor's Proclamation and encouraged Capitola residents to join him at the Capitola Bandstand on Saturday, December 3, from 3:30 to 5:30 p.m. for the first "*Light Up a Life*" Memorial Celebration.

Ms. Calhoun thanked the Mayor for his proclamation and provided additional information regarding the event. She said they would definitely have a "*Light Up a Life*" bag for Bob Begun.

**1. REPORT ON CLOSED SESSION [520-25]**

City Attorney Barisone stated that the council discussed three items in Closed Session, and he reported on those items as follows:

The Council received a status report from staff on the existing litigation pertaining to the Cross-Complaint in Newman vs. Surf and Sand, LLC. He said the City has filed a motion to have the Cross-Complaint dismissed, and that motion will be heard by the Superior Court on December 12, 2011. No reportable action was taken.

The Council also discussed the multiple tort claims that have been filed against the city for damage resulting from the March storm drain failure. The staff provided a status report on that potential litigation, and the Council took no reportable action in closed session.

The Council again discussed the claims arising from the flood at Pacific Cove Mobile Home Park and the threatened litigation against the city over the potential closure of the park. No reportable action was taken.

**2. ORAL COMMUNICATIONS**

A. Additions and Deletions to Agenda - None

B. Public Comments

1) The following people addressed the City Council pertaining to their ongoing concerns about SmartMeters:

Terry commented on the article in the Connection magazine about SmartMeters

Angela Flynn expressed concerns

Marilyn Garrett spoke and submitted written material to council

## 2. B. ORAL COMMUNICATIONS – Public Comments (Continued)

2) Carin Hanna invited council members and resident to the various events being planned in Capitola Village to kick off the holiday season: Surfing Santa will arrive on Saturday, November 26, at noon on Capitola Beach; the Village Tree Lighting will take place on Friday, December 2, at 5:30 p.m., with the Shoreline Middle School Band playing holiday music. On that night Capitola is participating in the 1<sup>st</sup> Night Friday Art show and many shops will be open. On Saturday, December 3, Heartland Hospice will have its "Light up a Life" Memorial Celebration from 3:30-5:30 at the Bandstand. On Friday, December 9, the Community Caroling event will take place in the Village. The Soquel High Jazz singers will be leading the caroling, and refreshments will be provided by Shadowbrook Restaurant.

3) A woman commented on the General Plan Advisory Committee workshop she attended November 12 and 13. (She did not sign in and I could not hear her name.) She feels the city would be shooting itself in the foot if it doesn't pursue a hotel in the Village. She would really like to see people come to Capitola, and a hotel would be a great addition in the Village. Mayor Norton encouraged her to submit her comments in writing to staff.

C. Staff Comments

City Manager Goldstein announced that Su Sneddon, City Clerk from the City of Calistoga, has been selected to replace Pam Greeninger who will be retiring at the end of this year. Su will start work in mid-December to train with Pam before she leaves.

D. City Council/RDA Director/Treasurer Comments/Committee Reports

1) Council Member Nicol provided a report on the Santa Cruz County Regional Transportation Commission, including sanction for the Rail Trail corridor, funding future projects, consideration of a ½ cent tax increase to fund for various infrastructure maintenance projects throughout the county, and release of an RFP for call boxes.

Council Member Harlan asked about a December 1 meeting of the Santa Cruz County Regional Transportation Commission. Council Member Nicol responded. Council Member Harlan would be interested in having a representative from the RTC come to the City to provide an update and respond to questions of council members. She also believes that whatever goes before the RTC Board should be available to the city. In addition, she commented on HOV lanes being proposed for Highway 1.

Council Member Nicol pointed out that no one knows what an HOV lane is, and he explained that it is actually a diamond lane for carpooling. Auxiliary lanes are on-off ramps.

3) Council Member Termini said there was a great crowd for the General Plan Advisory Committee meeting where the Village and a hotel in the Village were discussed. He said the consultants did an excellent job and there was a lot of good discussion. He also announced that the Art & Cultural Commission received over 90 submissions for the art project on 41<sup>st</sup> Avenue.

4) Council Member Harlan reported on the League of California Cities Conference she attended in San Francisco and read information provided at the season where they discussed, "When flat is the new 'up'," and discussed innovative ways the City of Alhambra attracted new businesses and to get businesses to be more business friendly.

5) Council Member Harlan also reported on the AMBAG meeting of November 9, stating that the board is continuing its outreach for a new executive director. They also put together a work plan and are issuing a monthly newsletter.

**E. Committee Appointments****1) Council Member Harlan's appointment to the Finance Advisory Committee. [330-40]**

Council Member Harlan stated that she wished to thank TJ Welch for serving as her appointee on the Finance Advisory Committee for the past year. She then announced that she is appointing Will O'Sullivan to serve as her appointee, effective immediately.

**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to approve Council Member Harlan's appointment of Will O'Sullivan to the Finance Advisory Committee. The motion carried unanimously.

**F. Approval of Check Register Reports****1) City: Approval of City Check Register Reports dated October 21, October 28, November 4, and November 10, 2011. [300-10]**

Council Member Nicol had questions regarding the following checks: #67926 regarding tests and travel for state licensing board (for pre-test training and travel for Building Official Mark Wheeler); #67951 for beach shuttle service; #67977 regarding advice concerning labor matters; #67987 to Belfor in the amount of \$205,659 (replacement check) and #67995 to the City of Scotts Valley for DUI Enforcement (Chief of Police Card said the City of Capitola receives the grant and disburses funds to other jurisdictions that participate in the program).

Council discussion was followed by this action:

**ACTION:** Council Member Storey moved, seconded by Council Member Termini, to approve the Check Register Reports dated October 21 and 28, and November 4 and 10, 2011, including checks numbered 67858 through 67932 in the amount of \$372,919.02, checks numbered 67933 through 67982 in the amount of \$193,443.62, checks numbered 67983 through 68053 in the amount of \$384,072.86, and checks numbered 68054 through 68108 in the amount of \$76,670.24, respectively; and payroll disbursements for the October 21, 2011, payroll in the amount of \$164,806.00, and the November 4, 2011, payroll in the amount of \$163,660.95, for a Grand Total of \$1,355,462.69, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**2) RDA: Approval of Redevelopment Agency Check Register Reports dated October 21 and November 4, 2011. [760-25]**

Director Nicol questioned the payment of \$834.50 to Goldfarb & Lipman for legal services. Executive Director Goldstein said their firm was used to assist the City with matters involving the State's efforts to end Redevelopment Agencies. Their offices worked with Community Development Director Johnson in preparing documents, including an ordinance, resolutions, and agreements pertaining to continuing the Redevelopment Agency in Capitola.

Chairperson Norton questioned the status of the library. Executive Director Goldstein said that due to the unknown state of the RDA, all work is being held off until there is a decision from the court.

Director discussion was followed by this action:

**ACTION:** Director Harlan moved, seconded by Director Termini, to approve the Check Register Reports dated October 21 and November 4, 2011, including checks numbered 3004 through 3008 in the amount of \$7,053.62 and checks numbered 3009 through 3011 in the amount of \$16,128.68, respectively; for a Grand Total of \$23,182.30, as submitted. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

### 3. CONSENT CALENDAR

Mayor/Chairperson Norton asked if there were any items on the Consent Calendar that members of the public or the City Council/Redevelopment Agency Directors wished to pull for separate discussion. Council Member/Director commented on Item 3.F. pertaining to the City Treasurer's Report for the month ended October 31, 2011. Mayor/Chairperson Norton commented on Item 3.I. pertaining to days of closure of City Hall. (*See comments under those items.*)

**CONSENT CALENDAR ACTION:** Council Member/Director Termini moved, seconded by Council Member/Director Nicol, to approve the Consent Calendar, as recommended. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**A. Approve Reading by Title of all Ordinances and Resolutions and declare that said Titles which appear on the Public Agenda shall be determined to have been read by Title and Further Reading Waived.**

**ACTION:** The City Council/Redevelopment Agency Directors unanimously approved the reading by title of all Ordinances and Resolutions and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

**B. City/RDA: Approve Minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of October 13 and 27, 2011.**

**ACTION:** Council Member/Director Termini moved, seconded by Council Member/Director Nicol, to approve the Minutes of the Regular Joint Meetings of the City Council/Redevelopment Agency of October 13 and 27, 2011, as submitted. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**C. Receive Planning Commission Action Minutes for the Regular Meeting of November 3, 2011. [740-50]**

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to receive the Planning Commission Action Minutes for the Regular Meeting of November 3, 2011, as submitted. The motion carried on the following vote: AYES: Council Member Harlan, Termini, Nicol, Storey and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**D. Receive City Treasurer's Report for Month ended September 30, 2011 (Unaudited). [380-30]**

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to accept the City Treasurer's Report for the Month ended September 30, 2011 (Unaudited), as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**E. RDA: Receive RDA Quarterly Treasurer's Report for the Quarter ended September 30, 2011 (Unaudited). [760-25]**

**ACTION:** Director Termini moved, seconded by Director Nicol, to accept the RDA Quarterly Treasurer's Report for the Quarter ended September 30, 2011 (Unaudited), as submitted. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey, and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**F. Receive City Treasurer's Report for Month ended October 31, 2011 (Unaudited). [380-30]**

Prior to action being taken on the Consent Calendar, Council Member Storey commented on this item. He referred to the General Fund Summary Balance Sheet on page 70 of the packet (page 3 of the Agenda Report), saying there is a liabilities line item, entitled, "Due to Other Funds," in the amount of \$1,254,900.

## 3. F. CONSENT CALENDAR (Continued)

Council Member Storey requested a breakdown of that total. City Manager Goldstein said he would be happy to provide that information off agenda.

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to accept the City Treasurer's Report for the Month ended October 31, 2011 (Unaudited), as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**G. Consider Capitola Soquel Chamber of Commerce request to suspend parking meter enforcement and increase the parking time limit from 2 to 3 hours in Capitola Village from Thursday, November 24 through Sunday, December 25, 2011. Staff recommendation: approve request. [470-30]**

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to approve the request from the Capitola Soquel Chamber of Commerce to suspend parking meter enforcement and increase the parking time limit from 2 to 3 hours in Capitola Village from Thursday, November 24 through Sunday, December 25, 2011, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**H. Receive and Approve the 2012 Meeting Schedules for the City Council/Redevelopment Agency and for the Planning Commission/ Architectural and Site Review Committee. [520-40]**

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to receive the 2012 City Meeting Schedules as an informational item and direct staff to post this information at City Hall, the Capitola Branch Library, on the City's website, and distribute to department heads, newspapers, and various groups that regularly submit items to the City. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**I. Adopt Resolution Establishing Days for Closure of City Offices during the 2012 Calendar Year. [630-10]**

Prior to action being taken on the Consent Calendar, Mayor Norton asked why we have the Columbus Day holiday.

City Manager Goldstein said former City Council's approved employee MOUs, which specify Columbus Day in the holiday schedule. He said this is something that could be brought up during negotiations.

Council discussion was followed by this action:

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to adopt **Resolution No. 3896, Resolution Establishing Days for Closure of City Offices during the 2012 Calendar Year**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**J. Adopt Resolution approving a revised Job Description for the position of Records Manager. [600-10]**

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to adopt **Resolution No. 3897, Resolution Approving a Revised Job Description for the Position of Records Manager**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

#### 4. PUBLIC HEARINGS

**A. Public Hearing to consider adoption of an Ordinance Adding Chapter 17.70 to the Capitola Municipal Code providing a Procedure for Reasonable Accommodation in the City's Land Use and Zoning and Building Regulations [1<sup>st</sup> Reading]. Presentation: Community Development Department. [730-85 Zoning/740-30 LCP]**  
Housing and Redevelopment Project Manager Foster summarized the written staff report utilizing a PowerPoint Presentation. Following his presentation, he responded to questions of council members.

Mayor Norton opened the public hearing at 8:20 p.m. Seeing no one, the public hearing was closed.

There was no additional council discussion prior to the following action being taken:  
**ACTION:** Council Member Nicol moved, seconded by Council Member Termini, to pass the proposed Ordinance Adding Chapter 17.70 to the Capitola Municipal Code providing a Procedure for Reasonable Accommodation in the City's Land Use and Zoning and Building Regulations to a second reading, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

**B. Public Hearing to Consider an Ordinance Amending the Capitola Municipal Code to allow Sandwich Board Signs [1<sup>st</sup> Reading]. Presentation: Community Development Department. [720-50]**

Interim Community Development Director Westman summarized the written agenda report pertaining to the proposed ordinance that would allow sandwich board signs for a one-year period, which would begin upon approval by the Coastal Commission. She informed the council that the Planning Commission considered the proposed ordinance but recommended that the City Council continue this matter for review by the General Plan Advisory Committee. The Planning Commission expressed concerns that such signs would pose a hazard and be a visual blight, among other things. She then responded to questions of council members pertaining to what benefits approving of the ordinance would have on businesses, whether they would be stationary, and clarification regarding size.

Mayor Norton opened the public hearing at 8:31 p.m.

The following people spoke in **opposition** to the proposed ordinance, citing concerns about ADA compliance, inability to effectively enforce illegal signs, eyesores, pedestrian hazards, and potential liability:

Gayle Ortiz, Planning Commissioner, Capitola resident and business owner

Matt Arthur, Capitola resident and business owner in the Village

A woman (unable to hear her name; also spoke under Oral Communications) expressed concern about restricting pedestrians with signs on the sidewalk. She believes sidewalks should be kept pedestrian friendly.

Terry Campion said the sidewalks are already cluttered. As a business owner, he does not believe in cluttering the Village. He said a compromise might work.

The following people spoke in **favor** of the proposed ordinance and giving businesses the ability to have an opportunity to try sandwich board signs before completion of the General Plan:

Gary Wetsel, President of the Capitola Village and Wharf Business Improvement Area, Capitola resident and business owner

Michael Levine, real estate broker located in the Trestle building

Justyna Zimkowski, owner of Vanity by the Sea, located in the Mercantile

## 4. B. PUBLIC HEARINGS

Carin Hanna, owner of the Craft Gallery, offered her support for the proposed ordinance allowing sandwich board signs for a trial period. She suggested a committee be formed to review and tighten up the guidelines.

Molly Ording, Monterey Avenue resident, suggested a compromise: that being an easel, such as the one in front of Mr. Toot's. She suggested designing one that is unique for the Village.

Ed Bottorff, Capitola resident, agreed with Molly Ording's suggested compromise for an easel, rather than a sandwich board sign.

Mayor Norton closed the public hearing at 9:07 p.m.

There was considerable Council discussion regarding the proposed ordinance to allow sandwich board signs.

Council Member Termini said he would be in favor of sandwich board signs if they were allowed in all commercial areas and not allowed on the public sidewalks. He commented on an email he received from Mr. Houskins, who suggested a standardized sign. Perhaps the Village should have a master sign program like large shopping area. Council Member Termini also would like to hear from the Chief of Police, Public Works and Planning Departments that enforcement will take place.

Council Member Harlan is sympathetic with the businesses in the Village; however, she cannot support sandwich board signs on the sidewalks, as enforcement would be difficult.

Council Member Storey is not opposed to more signage; however, he is concerned about pedestrian access. He would support the Capitola Village and Wharf Business Improvement Area working with the Planning Commission and the Art & Cultural Commission in developing a unified theme sign program. He does not support the ordinance as written.

Council Member Nicol shares the sentiments of his colleagues, and he does not want Capitola to look like Venice Beach. Perhaps the Capitola Village and Wharf Business Improvement Area and/or the Art & Cultural Commission could come back with a themed sign program that might work.

Mayor Norton is concerned about the potential proliferation of signs and suggested having the Art & Cultural Commission consider this.

Interim Community Development Director Westman said the current Municipal Code allows for a business to have a blade sign/projecting sign. She suggested that staff could look at other sign options within the current ordinance.

Considerable Council discussion was followed by this action:

**ACTION:** Council Member Termini moved, seconded by Council Member Nicol, to direct staff to return with this ordinance, taking into account council comments to look at restrictions that would include signs not on public sidewalks, signs in good repair, a standard design, and have that brought back to the council for further review. The ordinance should encompass all commercial districts, not just the Village.

Mayor Norton suggested a friendly amendment to the motion to include having the Art & Cultural Commission look into a master sign design. Council Member Termini said that would be the next step once a sign ordinance is brought back.



## 4. B. PUBLIC HEARINGS (Continued)

Interim Community Development Director Westman said staff would like the flexibility of trying to work out the sign issue, so far as the zoning ordinance is concerned. She also suggested that once the Council has come up with some concrete ideas that have merit and approval, then the signage matter could go to the Art & Cultural Commission.

Interim Community Development Director Westman asked for clarification from the Council regarding her understanding of the Council's direction, which is that staff will work with the merchants to try and come up with a sign program that is going to help them identify certain features or business activities where they could use a sandwich board or a temporary sign. Her understanding is that the council would like staff to sit down with the merchants and come up with creative ideas.

Council Member Termini said staff is to review standard sandwich board signs, off the public sidewalk and in all commercial areas.

Mayor Norton said staff should set a time limit, and he also believes there should be a maximum number of sign permits allowed. He suggested setting a limit of, say, 20 sandwich board signs in the first year. Mayor Norton asked if the council could set a cap on the number of sandwich board signs. City Attorney Barisone said he believes the council could set a limit during the trial period, as long as there was not any preference given. Mayor Norton said it could be first come, first served.

The motion carried with Council Member Harlan voting no.

Following the vote on the motion, Interim Community Development Director Westman informed the Council that she wants to get direction from the council about sign enforcement. She wants to make sure the Council is comfortable with the planning staff going out and being proactive in enforcing all illegal signs. Mayor Norton said he does not want to put any more work on the Planning staff. Council Member Termini commented on using the planning staff for enforcement and wondered if the police could take this on.

Mayor Norton asked if the city has policing power and whether we have the ability to remove illegal signs. City Attorney Barisone believes the city's code allows it, although he would need to confirm that after looking at the code.

\* \* \*

At 9:34 p.m., Mayor Norton announced that he would be moving Other Business Item 5.A. pertaining to next steps for a Skate Park for discussion at this time.

## 5. OTHER BUSINESS

**A. Report on next steps for a Skate Park at Monterey Park. Staff recommendation: accept report and project work plan. [1040-20]**

Utilizing a PowerPoint Presentation, Public Works Director Jesberg summarized the project work plan for a Skate Park at Monterey Park, as detailed in the written agenda report. He informed the Council that it is very important to determine the size of the skate park. He showed aerial views of a 4,000 and a 9,000 square-foot skate park.

He passed out copies of a written proposal from Dreamworks Skateparks that was received late yesterday. He commented on the proposal and responded to questions of council members.

## 5. A. OTHER BUSINESS (Continued)

Mayor Norton opened the public hearing at 9:49 p.m.

The following people spoke in support of a 9,000 square foot skate park at Monterey Park:

Tory Delfavero, Capitola resident  
 Dave Friel  
 Emily Martin, Capitola resident  
 Terry Campion, skateboard shop owner in Capitola

Tory Delfavero, Capitola resident, said the proponents of the skate park have formed a group and is having its first fundraiser at the Santa Cruz Board Room on Saturday, November 26, where they will have a raffle and sell T-shirts. She said Jimbo Philips, a famous local skateboard artist, has donated his time and designed T-shirts for the fundraiser.

Council discussion was followed by this action:  
**ACTION:** Council Member Termini moved, seconded by Council Member Storey, to accept the staff's report on the Skate Park Project Work Plan, which identifies the steps to construct a skate park at Monterey Park and approved designing a 9,000 square-foot skate park.

Under discussion of the motion, Council Member Nicol expressed concern that a larger park would be a destination park rather than a neighborhood park as was previously discussed. He wants a safe place for the younger local children.

There was discussion among the council members and staff pertaining to Council Member Nicol's concerns about a destination park.

Mayor Norton asked that the agenda report and the council's decision be forwarded to the school district.

The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

\* \* \*

At 10:15 p.m., Mayor Norton announced that the City Council would now consider Public Hearing Item 4.C.

4. C. **Public Hearing on CDBG-funded Green Economy and Job Creation Final Report. Presentation: Community Development Department. [700-10]**

Interim Community Development Director Westman provided a brief verbal report and said the City Council's action tonight is to accept the report.

Mayor Norton opened the public hearing at 10:17 p.m. Seeing no one, the public portion of the hearing was closed.

Council Member Nicol supports the concept in principal; however, he cannot support strategy 6, and he is concerned about strategy 13. He explained his concerns. Council Member Storey concurred with Council Member Nicol concerns.

Interim Community Development Director Westman explained that the council is not adopting these strategies tonight and that some of these strategies will come back as part of the General Plan update.

## 4. C. PUBLIC HEARINGS (Continued)

Council discussion was followed by this action:

**ACTION:** Council Member Storey moved, seconded by Council Member Harlan, to accept the "The Capitola Green Economy: Job Creation and a Sustainable Future" report dated October 31, 2011, prepared by Strategic Economics, which was funded by a grant from the Community Development Block Grant (CDBG) Program of the State of California Department of Housing and Community Development, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

## 5. OTHER BUSINESS

**A. Report on next steps for a Skate Park at Monterey Park. Staff recommendation: accept report and project work plan. [1040-20]**

*This item was reordered after Public Hearing Item 4.B. (See discussion and action on Pages 12112 and 12113.)*

**B. Report from Police Department on Domestic Violence. Staff recommendation: receive report. [480-05]**

Using a PowerPoint Presentation, Chief of Police Card reported on the Police Department's review of the information regarding cases of domestic violence provided by Laura Segura, Executive Director of Women's Crisis Support, presented at the City Council's October 27 meeting. Following his presentation, Chief of Police Card responded to questions of council members.

Council Member Storey commented on a presentation he attended at Dominican Hospital of the Annual United Way Community Assessment Project. He said Capitola should have some awareness regarding their report; particularly as they relate to public safety. He said the police chief of Scotts Valley presented figures contained in the report regarding public safety that listed a 102% increase in violent crimes. Council Member Storey said the report is online at the United Way website at [www.UnitedWay.org](http://www.UnitedWay.org).

City Treasurer Bertrand asked if there were any suggestions on public education and getting the word out to residents in Capitola. Chief of Police Card said information could be included on the city scroll.

**ACTION:** Council Member Storey moved, seconded by Council Member Harlan, to receive the Police Department's report regarding domestic violence crime statistics, as submitted. The motion carried unanimously.

**C. RDA: Resignation of Capitola Redevelopment Agency Treasurer. Staff recommendation: accept resignation and appoint the City Manager to serve as Interim RDA Treasurer, until such time as a Finance Director is appointed. [760-10]**

Executive Director Goldstein summarized the written agenda report and stated that staff is recommending that we go back to a previous practice to appoint the Finance Director as Redevelopment Agency Treasurer.

Director Storey wondered if the City Treasurer could be appointed. There was discussion and response from Executive Director Goldstein regarding that question. He stated that the overall recommendation provided by Interim Finance Director Stanton is to have the finance director serve in that capacity.

## 5. C. OTHER BUSINESS (Continued)

There was considerable discussion prior to the following action being taken:

**ACTION:** Director Harlan moved, seconded by Director Termini, to accept the resignation of Redevelopment Agency Treasurer Debbie Johnson, effective November 1, 2011, and to appoint City Manager/Executive Director Jamie Goldstein to serve as the Interim Redevelopment Agency Treasurer. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey, and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None. [Note: The Directors did not approve the recommendation to establish the practice used by many other Redevelopment Agencies to appoint the City's Finance Director as RDA Treasurer. That matter will be considered at a future meeting.]

Council Member Nicol asked if there would be a Finance Advisory Committee meeting next week. City Manager Goldstein said there would be a meeting on Tuesday, November 29, and he was working on the agenda packet.

## 6. COUNCIL/RDA DIRECTORS/STAFF COMMUNICATIONS

A) Chief of Police Card announced that he would be tendering his resignation effective March 30, 2012.

B) Council Member Harlan reported that she attended a League of California Cities webinar on the 2011 Legislative Briefing. Materials are available at City Hall if council members are interested in seeing them. The briefing painted a pretty bleak picture of the future economy in California.

C) Council Member Nicol commented on the new buzz word in government "trigger cutting."

## 7. ADJOURNMENT

At 11:00 p.m. the City Council/Redevelopment Agency Meeting was adjourned in Memory of former City Treasurer/Council Member Robert "Bob" Begun to its next Regular Joint Meeting to be held on Thursday, December 8, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Dennis R. Norton, Mayor  
Redevelopment Agency Chairperson

ATTEST:

  
\_\_\_\_\_, MMC  
Pamela Greeninger, City Clerk  
Redevelopment Agency Secretary

MINUTES WERE UNANIMOUSLY APPROVED BY THE CITY COUNCIL/RDA DIRECTORS ON 1/12/12