

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

July 28, 2011  
Capitola, California

**MINUTES OF A REGULAR JOINT MEETING**

**5:30 P.M - CLOSED SESSION - CITY MANAGER'S OFFICE**

At 5:33 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all Council Members/Redevelopment Agency Directors were present, with the exception of Council Member/Director Termini. He made an announcement regarding the items to be discussed in Closed Session, as follows:

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

- Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park)  
[Superior Court of the State of California for County of Santa Cruz, Case #CV 167716]
- Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park)  
[U.S. District Court N.D., Case No. C09-05542 RS (Judge Richard Seeborg)]
- Los Altos/El Granada Investors vs. City of Capitola, et al. (Castle Mobile Estates)  
U.S. District Court N.D., Case No. CV 04-05138 JF (Judge Jeremy Fogel)]
- Veronica Shepardson, et al. (residents of Surf & Sand Mobile Home Park) vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 171269]

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

- Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:  
One Case – Alice Hanratty vs. City of Capitola (Pacific Cove Mobile Home Park flood claim)
- Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:  
One Case.

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)**

Title: City Manager

Mayor/Chairperson Norton noted there was no one in the audience; therefore, the Council/Redevelopment Agency recessed at 5:34 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 7:11 p.m. on Thursday, July 28, 2011, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

- PRESENT:** Council Members/Directors Stephanie Harlan, Kirby Nicol, Sam Storey, and Mayor/Chairperson Dennis Norton
- ABSENT:** Council Member/Director Michael Termini; City Treasurer Jacques Bertrand and Redevelopment Agency Treasurer Debbie Johnson
- STAFF:** City Manager/Executive Director Jamie Goldstein, Deputy City Attorney/Deputy RDA General Counsel Celestial Cassman, Chief of Police Michael Card, Public Works Director Steve Jesberg, and City Clerk/Secretary Pamela Greeninger

**\*\*\* PRESENTATIONS \*\*\*****Presentation by Celia Goeckermann,  
Executive Director of the Parents Center [330-30]**

Celia Goeckermann thanked the city council for trusting the City's money to help the Parents Center serve members of the Capitola community. Using a PowerPoint Presentation, she discussed the agency's background and said they have been serving families for over 34 years. Their organization specializes in the treatment and prevention of child abuse, including adult counseling, children's counseling, individual and family counseling and parenting classes. They also have an after-hours parental support hotline. Ms. Goeckermann said the success rate of their clients receiving three months of counseling shows 96% improvement.

Council Member Storey asked for the after-hours hotline phone number, which is: 426-7322.

Mayor Norton thanked Ms. Goeckermann for her presentation and for the service Parents Center provides to Capitola.

**Presentation by Bruce Arthur, President of the  
Capitola Public Safety & Community Service Foundation  
Reporting on the Foundation's Activities and Accomplishments [485-10]**

Bruce Arthur thanked the council for the opportunity to report on the Capitola Public Safety & Community Service Foundation. He announced that the Foundation is assisting the Police Department with the annual National Night Out, which will be held next Tuesday evening at Jade Street Park. He discussed the activities being planned for the entire family and encouraged everyone to attend.

Using a PowerPoint Presentation, Mr. Arthur provided background information on the origin of the Foundation as an independent, non-profit, charitable corporation founded in 2005, and he discussed the various local groups benefitting from donations from the Foundation.

The Foundation has helped fund several programs within the Capitola Police Department, including the canine program, emergency lights and siren for the police's Harley motorcycle, and uniforms for the Volunteers in Police Services (VIPS).

In addition, the Foundation administers the Capitola Junior Lifeguard scholarship program and, after the March floods, administered the Disaster Relief Fund Program. They also support the Capitola Begonia Festival, Advocacy, Inc., the Santa Cruz SPCA, the Core, and the Capitola Soquel Chamber of Commerce.

Mr. Arthur then discussed the Foundation's participation in the Capitola Rod & Custom Car Show, the Annual Golf Tournament (he noted the 6<sup>th</sup> Annual tournament would be held next week, and openings are still available), and then announced a new raffle fundraising effort for a week's stay in Costa Rica. The raffle tickets are \$100 each. The prize includes a week's stay at a 2-bedroom condominium, transfers from the airport to the condo, plus \$2,000 for transportation. He announced that the drawing will take place at the City Council meeting to be held on September 8, 2011. Other money prizes will also be awarded. He encouraged everyone to participate and support the Foundation's raffle.

Mr. Arthur also announced that the Foundation Board approved the donation of funds to help purchase lockers for the remodeled Police Department; since the anticipated money from the insurance company did not materialize.

## PRESENTATIONS – Continued

Mr. Arthur then asked Police Officer Chris Thompson to come forward. Mr. Arthur said it was Chris, who, at that time was a local businessman, brought forth the idea of the Foundation and used his own funds to front the initial start-up of the Foundation. A few years later Chris enrolled in the Police Academy, and the city luckily was able to hire him following his graduation. On behalf of the Foundation Board, Mr. Arthur presented a check in the amount of \$5,000 to Chris for all he has done for the Foundation.

Mayor Norton thanked Bruce Arthur for his presentation and said the Foundation has done quite a lot in its 6 years of service.

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

Deputy City Attorney Cassman reported that the City Council/Redevelopment Agency Directors met in Closed Session commencing at 5:33 p.m. in the City Manager's Office. All members were present, with the exception of Council Member/Director Termini, as were Deputy City Attorney Adair Paterno and City Manager Jamie Goldstein.

The City Council received an update from legal counsel regarding the two existing litigation matters between the City and Surf and Sand LLC (Surf & Sand Mobile Home Park). No reportable action was taken.

The City Council received a status report regarding existing litigation between the City and Los Altos/El Granada Investors pertaining to Castle Mobile Home Estates. Judge Fogel signed the Dismissal Order today, conditioned upon eminent close of escrow on Castle Mobile Home Estates by August 31, 2011.

With respect to existing litigation case Veronica Shepardson vs. City of Capitola, the Council received a status update, discussed the case, and took no reportable action.

The Council then met with its legal counsel regarding two cases of significant exposure to litigation. With respect to the first matter, Alice Hanratty vs. City of Capitola, the City Council authorized the City Manager to settle all flood and relocation claims and purchase of unit at space #46 located at Pacific Cove Mobile Home Park for \$20,000. Deputy City Attorney Cassman reported that the City Manager received assurance from the claimant that the settlement agreement would be executed.

The City Council received an update from legal counsel on potential litigation resulting from the pipe failure at Pacific Cove Mobile Home Park. No reportable action was taken.

The last item discussed in closed session was regarding the Public Employee Performance Evaluation of the City Manager. No reportable action was taken.

**2. ORAL COMMUNICATIONS****A. Additions and Deletions to Agenda**

Item 3.F. was removed from the Consent Calendar.

**B. Public Comments**

1) Jeff Nordahl, property owner in Capitola, addressed the City Council on the matter of SmartMeters. He discussed an email he sent to the council this week requesting that they consider participating jointly with other cities in a CPUC Protest filing with *pro bono* legal representation. Mr. Nordahl believes residents should have a choice as to whether or not they want to have a SmartMeter installed. He said the attorney would be happy to talk to staff or to the city's attorney.

**[565-30]**

## 2. B. ORAL COMMUNICATIONS (Continued)

2) An unidentified man from the city of Santa Cruz commented on an incident that occurred at a local skate shop, where the owner kicked him out of the shop when he asked if they knew about the incident in Capitola, where a woman was hit and killed by a skateboarder. He said this was a tragic incident, and he is concerned about skateboarders disregarding the safety of others.

3) Diane Nichol shared a video-clip from her laptop of a woman measuring the radio frequency radiation from a SmartMeter. She discussed research that has and is being done regarding the effects of SmartMeters. Ms. Nichol said she has looked at the Public Utilities Code and read an excerpt regarding the duty of municipal corporations to supervise and regulate the relationship between the public utilities and the general public in matters affecting the health, convenience, and safety of the general public.

4) Marilyn Garrett addressed the SmartMeter issue and provided copies of a flyer regarding an Emergency Santa Cruz Townhall Forum to be held at Loudon Nelson Community Center, 301 Center Street, Santa Cruz, on Wednesday, August 3, at 7 p.m. Ms. Garrett said SmartMeters are being installed in Capitola. She provided a phone number that residents can call to opt out. That number is the PG&E delay line at 877-743-7378. She also encouraged residents to declare a "SmartMeter Free Zone" in their neighborhoods.  
**[565-30]**

5) Sandy Erickson, Cabrillo Street resident, commented on the following matters:

- The article in the Capitola Currents Newsletter about a proposed art project on 41<sup>st</sup> Avenue. She said we need a sidewalk on Park Avenue before we need an art project for \$200,000 on 41<sup>st</sup> Avenue. She discussed the dangerous situation that exists along Park Avenue for pedestrians, especially the safety of students.
- She also expressed safety concerns regarding the two open trenches on Capitola Road, and the city's potential liability. She commented on the double-lighted crosswalk on Capitola Road, saying it was a good idea, but she is not sure it works the way it was intended.
- Ms. Erickson expressed her concerns regarding the lack of enforcement on skateboarding. She urged the Council to immediately ban all skateboards and bicycles on the sidewalks in the Village.
- She also expressed her concern about the money that is being spent on the Rispin Mansion when there is nothing there to protect.

C. Staff Comments

1) City Manager Goldstein said he has been working with the Finance Advisory Committee in looking at the long-term revenue/expenditure picture for the City. The committee will be taking a hard look at those projections and will be preparing recommendations for the city council. He thanked the committee for their efforts.

Finance Advisory Committee Chair Bob Begun stated that he would like to publicly congratulate the members of the Finance Advisory Committee, especially Gary Wetsel, for the outstanding job done in preparing the report for council. Mr. Begun said the committee looks forward to receiving an informal response from the council regarding the preliminary report.  
**[330-40]**

## 2. C. ORAL COMMUNICATIONS (Continued)

2) City Manager Goldstein reported the city's claim for flood damages was denied by the insurance company. As a result, he asked that Item 3.F. be removed from Consent, delaying purchase of a new pressure washer. In addition, he noted Item 3.D., pertaining to Community Tree and Forest Management Funds, is authorizing an appropriation only, and that staff plans to time significant expenditures after the December cash low point. [370-40]

City Manager Goldstein also stated staff may also bring an item to council seeking authorization to make short-term inter-fund loans between city accounts and to submit an application for a TRAN (Tax Revenue Anticipation Note). He said he believes it would be prudent to plan on receiving no assistance for the flood damage and move forward.

3) Public Works Director Jesberg reported that the contractor for the Capitola Road Project did not show up on site this week as promised, and he is working with the attorney's office to determine what the city's contract options are in order to proceed as quickly as possible.

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

1) Mayor Norton said the council received a report from the Finance Advisory Committee, but the Council does not have a response at this time. Council Member Storey said he has not had a chance to read the entire report from the Finance Advisory Committee. Council Member Nicol said he would defer comment on the Finance Advisory Committee report, since he serves on that committee.

2) Council Member Storey asked that the city attorney be directed to investigate the possibility of the city's joining the litigation regarding SmartMeters brought forth by Jeff Nordahl. [565-30]

3) Mayor Norton commented on the renovated council chambers.

E. Committee Appointments – NoneF. Approval of Check Register Reports

1) **City: Approval of City Check Register Reports dated July 8 and July 15, 2011. [300-10]**

**ACTION:** Council Member Harlan moved, seconded by Council Member Storey, to approve the Check Register Reports dated July 8 and July 15, 2011, including checks numbered 66808 through 66855 in the amount of \$241,534.14, checks numbered 66856 through 66955 in the amount of \$124,223.60, respectively; and payroll disbursements for the July 15, 2011, payroll in the amount of \$132,828.83, for a Grand Total of \$498,586.57, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None. (Note: Mayor Norton abstained from voting on Check #66841 in the amount of \$146,120.80 to Santa Cruz Regional 911.)

2) **RDA: Approval of Redevelopment Agency Check Register Report - 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 Harlan pulled Item 3.E., and Council Member Storey pulled Item 3.D.

Mayor/Chairperson Norton advised Items 3.D. and E. would be discussed at the end of the meeting following Other Business Item 5.D. (*See discussion and action on Page 12038.*)

He also noted that, pursuant to City Manager Goldstein's comments under Oral Communications, Item 3.F. pertaining to the purchase of a new pressure washer, trailer and accessories, was removed from the agenda. (*See discussion under Oral Communications Item 2.C.2) on Page 12033.*)

**CONSENT CALENDAR ACTION:** Council Member/Director Harlan moved, seconded by Council Member/Director Nicol, to approve the Consent Calendar as recommended, with the exception of Items 3.D. and 3.E., and the removal of Item 3.F. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: Council Member/Director Termini. 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 Meetings of the City Council/Redevelopment Agency of June 23 and July 14, 2011.**

**ACTION:** Council Member/Director Harlan moved, seconded by Council Member/Director Nicol, to approve the Minutes of the Regular Joint City Council Meetings of June 23 and July 14, 2011, as submitted. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: Council Member/Director Termini. ABSTAIN: None.

- C. Accept update report on the Rispin Property Hazard Abatement Project and, by 4/5 vote approval, make the determination that all hazards at the Rispin Property have not been eliminated and there is need to continue action. [275-60]**

**ACTION:** Council Member Harlan moved, seconded by Council Member Nicol, to accept the update report on the Rispin Property Hazard Abatement Project and made the determination that all hazards at the Rispin Property, as detailed in the March 1, 2011, Notice of Summary Abatement Order to Abate Dangerous Buildings and Grounds, have not been eliminated, and there is a need to continue action. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

- D. Adopt Resolution amending the FY2011-2012 Budget appropriating \$25,000 in the Community Tree and Forest Management account for expenses for tree removal and replacement along Monterey Avenue and Lawn Way and for the development and implementation of tree replacement at City Hall.**

This item was pulled for separate discussion. (*See discussion and action on Page 12038.*)

## 3. CONSENT CALENDAR (Continued)

- E. **Adopt a Resolution approving the new classification and job description for Administrative Records Analyst in the Police Department; approve filling the position; approve hiring a 20-hour per week Records Clerk; and adopt a Resolution amending the FY 2011-12 Budget to reflect the personnel changes.**

This item was pulled for separate discussion. (*See discussion and action on Page 12039.*)

- F. **Approve the purchase of a new pressure washer, trailer, and accessories for the Public Works Department at a cost of \$19,611.72. [370-40]**

This item was removed from the consent agenda pursuant to comments made by City Manager Goldstein under Oral Communications Item 2.C.2).

## 4. PUBLIC HEARINGS - None

## 5. OTHER BUSINESS

- A. **Report from Police Department regarding Skateboarding and Bicycling in Capitola Village. Staff recommendation: receive report. [485-10]**

Chief of Police Card and Police Officer Chris Thompson jointly presented a report to the City Council regarding skateboarding and bicycling in Capitola Village, as directed by the Council following the tragic death of a woman by a skateboarder on Wharf Road. Chief of Police Card reviewed the four sections in the City's Municipal Code pertaining to skateboard regulations, as well as a map of the no skateboarding zone pursuant to Section 12.52.010 of the Municipal Code. He discussed the police department's outreach program at New Brighton Middle School and the Junior Lifeguard Program, teaching the students and Junior Guards about the city's skateboarding regulations. Following their presentation, Chief of Police Card and Officer Thompson responded to questions of council members.

Council members expressed individual concerns about skateboarding in Capitola, including discussion of several incidents involving skateboarders, including the death of Maryann Slettehaugh. There was interest in expanding the no skateboarding area to include the roadways and sidewalks beginning at the top of the hills leading into the Village (Wharf Road, Cliff Drive and Monterey Avenue). Council Member Nicol suggested banning skateboarding south of the railroad tracks in Capitola. It was noted that skateboards do not have breaks, and if a skateboarder comes down a hill at 30 mph, he/she cannot stop. There was discussion about the city's responsibility to eliminate this known dangerous activity, as well as the impact on the police force if the area is expanded.

At 8:41 p.m., Mayor Norton asked if anyone from the public would like to address the council on this item. The following people spoke:

Ted Mendoza, a businessman whose office is situated at the David Lyng building in Capitola Village, said he has witnessed bicyclists and skateboarders going so fast they could not stop at the intersection adjacent to his office, so they cut through the David Lyng parking lot. He said pedestrians need to be protected, the skateboarding laws must be enforced, and he hopes the city takes action to increase pedestrian safety in the Village.

Bob Edgren, Capitola resident, asked if it would be practical to paint something on the street saying, "No skateboarding."

## 5. A. OTHER BUSINESS (Continued)

Bruce Arthur, Capitola resident, said he has been working at the beach rental trailer in Esplanade Park this summer. He has witnessed skateboarders using the park as a skate park. Mr. Arthur said the skaters know they are not supposed to skate there, because as soon as they see a parking enforcement officer or police officer, they stop skateboarding. He, too, is concerned about safety and encouraged the council to look into an alternative for skating, such as a skate park.

Daniel Wooten, [www.Patch.com](http://www.Patch.com), commented that in San Francisco they are having a debate regarding proposed speed limits for bicyclists. He suggested the council may want to consider speed limits on bicycles and periodic patrols at the bottom of hills, just as is done with cars, where riders are cited for running stop signs, etc.

Sandy Erickson, Cabrillo Street resident, suggested that the "no skateboarding zone" be expanded to include Monterey Avenue from New Brighton Middle School, as well as on Hill Street. She doesn't think the city owes skateboarders a skate park. She also recommended a hefty fine be imposed for not adhering to the law.

Joan Wagner said she walks and also rides her bike through Capitola Village. She believes skateboarders need options for transportation. She suggested having a speed limit, raised crosswalks at the bottom of the hills coming into the Village, and signage, especially for visitors. Ms. Wagner said a skate park is a good idea where skateboarders could participate in a healthy activity, rather than playing with computers and video games.

Kathy Howard, Capitola resident, said she questions the constitutionality of restricting skateboards and also expressed concerns about bicyclists. She believes parents need to educate their children on the rules.

Mayor Norton closed the matter to the public at 9:01 p.m.

Chief of Police Card and Officer Thompson responded to comments of the public and questions of council members. There was discussion regarding the definition of a skateboarder. Police Officer Thompson said the vehicle code defines a skateboarder as a pedestrian.

Council Member Storey noted California Vehicle Code §21967 gives local jurisdictions the ability to regulate and prohibit skateboards on sidewalks and roadways. That section gives the city the constitutional and regulatory authority to prohibit skateboarding activity on either sidewalks and/or roadways.

Considerable Council discussion was followed by this action:

**ACTION:** Council Member Storey moved to: 1) direct the Police Department to enforce the city's skateboarding ordinance as it stands now (Capitola Municipal Code Chapter 12.52) and to continue its education efforts to emphasize enforcement of the City's skateboarding regulations; 2) direct staff to redraft the skateboard regulation ordinance to prohibit skateboarding, as proposed by Council Member Nicol, south of the railroad tracks going into the Village, as well as the back side of Monterey Avenue going down toward Bay Avenue and Pacific Cove Parking lot; and 3) directed staff to come back with an analysis of other area in our community where there are intersections at hills and pedestrian walkways the city council could consider expanding into prohibited locations.

Council Member Harlan seconded the motion. She also



## 5. A. OTHER BUSINESS (Continued)

There was additional council discussion regarding the ambiguity of the ordinance and the need to make the ordinance clear and to include geographic areas where skateboarding is prohibited. Council Member Storey would like staff to survey other dangerous locations and intersections for skateboarders and pedestrians and to report back to council.

Mayor Norton asked for a friendly amendment to the motion to include direction to staff to review possible locations for a skateboard park in Capitola. Council Member Storey said he would be happy to add that amendment to his motion. Council Member Harlan agreed.

There was further discussion about adding prohibition of skateboarding starting at the railroad tracks in the revised ordinance language. Council Member Storey clarified that the no skateboarding zone would begin at the top of Wharf Road, not from where the railroad trestle crosses the street.

Council Member Storey commented on the need for additional signage. Council Member Harlan would like to direct public works to install new signs as soon as possible; especially at the top of Monterey Avenue, Cliff Drive, and Wharf Road.

Mayor Norton clarified that the motion includes returning to the Council at the next meeting with a signage plan that could be implemented immediately. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

**B. Post Operations Police Report regarding the July 4, 2011, Public Safety Operations for Capitola Beach and the Fireworks. Staff recommendation: receive report. [485-10]**

Chief of Police Card summarized the written agenda report and recapped the operations for Capitola Beach on the 4<sup>th</sup> of July.

Council members commented it was one of the calmest July 4<sup>th</sup> holidays they remember in Capitola. Several members expressed concerns regarding the orange fencing that was erected around the beach.

Mayor Norton informed the council that he plans to take this issue to the Mayor's Select Committee. He is interested in working cooperatively with other jurisdictions in planning community fireworks to bring back the celebration of Independence Day.

**ACTION:** It was the consensus of the City Council to receive the Post Operations Police Report regarding the July 4, 2011, Public Safety Operations for Capitola Beach and the Fireworks, as submitted.

**C. Ordinance repealing Chapter 3.34 of the Capitola Municipal Code pertaining to the Mobile Home Park Administrative Service Fee [1<sup>st</sup> reading]. Staff recommendation: adopt ordinance. [750-25/390-40]**

City Manager Goldstein summarized the written agenda report regarding the repeal of the city's Mobile Home Park Administrative Service Fee ordinance, and responded to questions of council members.

**ACTION:** Council Member Nicol moved, seconded by Council Member Storey, to pass the proposed Ordinance Repealing Chapter 3.34 of the Capitola Municipal Code (Ordinance No. 857) Pertaining to Mobile Home Park Administrative Service Fee to a second reading, as submitted.

## 5. C. OTHER BUSINESS (Continued)

Under discussion of the motion, Council Member Harlan said this was an excellent idea brought to the city by residents of the mobile home parks, and she thanked them for their participation in the program.

Mayor Norton said he is uncomfortable with not refunding the fees that were paid this year, but he intends to go along with the motion.

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

**D. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference in San Francisco, California, from September 21 to 23, 2011. Staff recommendation: designate a Voting Delegate and Alternate to the Annual League Conference. [150-50]**

Mayor Norton asked if any Council Members would be attending the conference. Council Member Harlan said she would be happy to serve as the city's voting delegate as she plans to attend the conference. She mentioned there is a council meeting on Thursday night, so she may not attend the entire conference. No one else was planning to attend the conference.

**ACTION:** It was the consensus of the City Council to designate Council Member Harlan as the City's Voting Delegate for the 2011 League of California Cities Annual Conference to be held in San Francisco from September 21 to 23, 2011.

AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED

3. CONSENT CALENDAR (*Items pulled for separate discussion.*)

**D. Adopt Resolution amending the FY2011-2012 Budget appropriating \$25,000 in the Community Tree and Forest Management account for expenses for tree removal and replacement along Monterey Avenue and Lawn Way and for the development and implementation of tree replacement at City Hall. [1030-60/330-10]**

Public Works Director Jesberg provided a brief report and responded to questions of council members.

Council Member Storey said he pulled this item as he believes the work would benefit Soquel Creek Water District and wonders if they had been contacted to participate in the project, since the trees keep breaking their main. He expressed concern about undertaking this project under the city's current budget situation. In addition, Council Member Storey is concerned about replacing the pines at City Hall with palm trees.

Council discussion was followed by this action:

**ACTION:** Council Member Nicol moved, seconded by Council Member Harlan, to adopt Resolution No. 3881, Resolution Amending the 2011/2012 Budget to Appropriate \$25,000 of the Community Tree and Forest Account for Tree Improvement Projects on Monterey Avenue Lawn Way and at City Hall, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, and Mayor Norton. NOES: Council Member Storey. ABSENT: Council Member Termini. ABSTAIN: None.

3. CONSENT CALENDAR (*Items pulled for separate discussion - continued.*)

- E. Adopt a Resolution approving the new classification and job description for Administrative Records Analyst in the Police Department; approve filling the position; approve hiring a 20-hour per week Records Clerk; and adopt a Resolution amending the FY 2011-12 Budget to reflect the personnel changes. [600-10/330-10]

Council Member Harlan said she was not aware of the need for a part-time Records Clerk in addition to the new position. She expressed her concerns about adding another position at this time and said the city needs to be cautious about hiring people.

Council discussion was followed by this action:

**ACTION:** Council Member Storey moved, seconded by Council Member Nicol, to approve the recommended action, as follows:

1. Adopted Resolution No. 3882, Resolution Approving a New Classification and Job Description for the Position of Administrative Records Analyst and Amending the Memorandum of Understanding Between Laborers International of North America- Association of Capitola Employees Bargaining Unit and the City of Capitola to Add the Administrative Records Analyst Position and Related Salary Effective July 28, 2011;
2. Approved filing the new position with a Finance Department employee and reducing the Finance Department by one (1) Full Time Equivalent (FTE);
3. Approved hiring a 20-hour week Records Clerk; and
4. Adopted Resolution No. 3883, Resolution Amending the FY 2011/2012 Budget by Reducing the Finance Department Salaries and Benefits Budget by \$25,000 and Increasing Police Department Salaries Budget by \$25,000 for Personnel Related Expenses, as submitted.

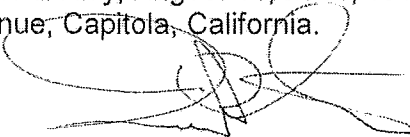
The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

## 6. COUNCIL/RDA DIRECTORS/STAFF COMMUNICATIONS

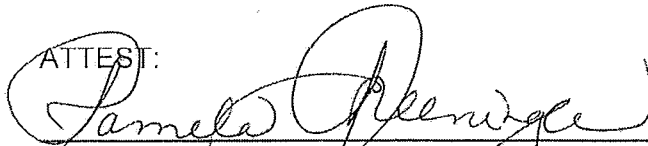
Mayor Norton reminded everyone that the speed limit in Capitola is 25 miles per hour and to Shop Capitola.

## 7. ADJOURNMENT

The City Council/Redevelopment Agency Meeting was adjourned at 10:00 p.m. to its next Regular Joint Meeting to be held on Thursday, August 11, 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:

  
Pamela Greeninger, City Clerk  
Redevelopment Agency Secretary

MINUTES WERE UNANIMOUSLY APPROVED ON 8/11/2011, WITH COUNCIL MEMBER/DIRECTOR TERMINI ABSTAINING SINCE HE WAS ABSENT