

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

July 14, 2011
Capitola, California

MINUTES OF A REGULAR JOINT MEETING

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

At 5:35 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all Council Members/Redevelopment Agency Directors were present. 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)

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9:
One Case

LIABILITY CLAIMS (Government Code §54956.95)

Claimant: Maxine Dee Viola, et al.

Claimant: Vern Ballantyne

Claimant: Victoria Brett

Claimant: Jim Castellanos

Claimant: Blane Warhurst, et al.

Claimant: Suzanne Silverberg, et al.

Agency claimed against: City of Capitola

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: City Manager

Mayor/Chairperson Norton noted that there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 5:36 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 7:07 p.m. on Thursday, July 14, 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 *[Note: Council Member/Director Termini left the meeting at 9:20 p.m. and was absent for Items 5.B. to 5.E.]*

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand and Redevelopment Agency Treasurer Debbie Johnson

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

Mayor Norton announced that he wished to take a moment tonight to recognize Maryann Slettehaugh, a special member of our community who passed away last week after a skateboarding incident. People will remember Maryann walking in our community during the past 30 years with her sun hat on, a smile and a friendly hello. Maryann could be seen in the Village and enjoying the beach in front of the Capitola Venetian with many of her friends. Mayor Norton expressed his sympathy to Maryann's family, who were in attendance at the meeting. He told them that this community does care about the safety of its streets and its pedestrians and would be addressing this matter later tonight and at a future meeting. Mayor Norton added as a community Capitola will miss and remember Maryann. **[120-10]**

***** PRESENTATIONS *****

**Presentation by Michelle Williams, Executive Director
of the Cultural Council of Santa Cruz County [330-30]**

Michelle Williams thanked the City Council for its continued support of the Cultural Council and congratulated the city on its prospective art project for 41st Avenue. She submitted a copy of the Cultural Council's 2010-2011 Annual Report Executive Summary to council members. Utilizing a PowerPoint Presentation, Michelle discussed the various programs of the Cultural Council, including the Open Studios Art Tour, a Grants Program that funds 41 arts organizations and projects, Arts education for schools, and County SPECTRA Art Exhibits. She discussed the new school art program: Mariposa's Art. In closing, she again thanked the council for its support.

Mayor Norton and the council members thanked Michelle for her presentation.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone reported on the items discussed in closed session as follows:

1) City Manager Goldstein and City Attorney Barisone provided a status report update on the settlement of Surf and Sand Mobile Home Park litigation. Following Council discussion, the Council provided direction to staff regarding the ongoing settlement in that matter. No reportable action was taken.

2) The Council received a status report regarding ongoing settlement in the matter of Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates). City Attorney Barisone reported that the sale of Castle to the non-profit, Millennium Housing, is scheduled to close on August 3, 2011. No reportable action was taken.

3) City Attorney Barisone announced that the council/agency did not discuss the Veronica Shepardson, et al. case, nor did they discuss the Liability Claims listed on the Closed Session Agenda. He said those claims are on the open session agenda for denial.

4) The City Council received an update on an item of anticipated litigation between the City and Alice Hanratty. The Council provided directions to City Manager Goldstein in that matter. No reportable action was taken.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Mayor Norton announced that Item 5.A. pertaining to the 2-1-1 Program is reordered for discussion prior to the public hearings. (See Page 12022.)

B. Public Comments

1) Nancy Brewer, Surf and Sand Mobile Home Park, read a prepared statement about the amount of rent she will be charged for her space beginning in September. She expressed concern that the rent will be too high for her daughter to continue paying after she is gone.

2) Charlotte Achen, the granddaughter of Maryann Slettehaugh who was run down by a skateboarder in Capitola Village, commented on the incident and the need to enforce the city's no skateboarding laws. She encouraged the council to post "No Skateboarding" signs and to come up with creative ways to inform the public of the no skateboarding zone. [485-10]

3) Marilyn Garrett, Aptos resident, brought to the Council's attention an article in today's Good Times publication regarding the health hazards of SmartMeters. She also provided copies of two other documents; i.e., "Community Alert: Cancer Meters Threaten Santa Cruz County" and "Time to remove WiFi from Our Schools" for council members to read. She urged the council to do whatever is possible to stop the installation of SmartMeters. [565-30]

4) Diane Nicol played a video from her computer about evidence pertaining to health hazards resulting from microelectronic radiation and SmartMeters. She urged the council to consult with their attorneys and not let PG&E scare them. She commented on the provisions of the California Public Utilities Code and said she does not believe PG&E wants a lawsuit, because she thinks they are afraid about what would be revealed in a lawsuit. [565-30]

C. Staff Comments

1) City Manager Goldstein reported on the following items:

- The Council Chambers has recently been renovated, and final work is still being done to complete the project. He acknowledged the excellent assistance of the city's Information Systems Specialist, Larry Laurent, in working with the contractor on the technology aspect of the project.
- He reported that staff and Mayor Norton met with Mike Dayton, Acting Secretary of the California Emergency Management Agency, and that Mr. Dayton is working with the City with respect to the denial of its claim for reimbursement of flood-related expenses. City Manager Goldstein announced that Mr. Dayton has filed an appeal on the denial.

2) Community Development Director Johnson commented on the following items:

- He reminded the council and members of the community that there would be a General Plan Advisory Committee workshop next Wednesday, July 20, at 5 p.m. in the Multi-Use Room at New Brighton Middle School.
- He announced that the City's application for grant funding in the amount of \$250,000 for a Local Housing Mitigation Plan is likely to be awarded.
- This morning the Building Official issued a temporary certificate of occupancy to the Fairfield Marriott on 41st Avenue, and they are looking to open in the next week, in time for the Wharf to Wharf Race.

2. C. ORAL COMMUNICATIONS (Continued)

- Community Development Director Johnson also stated that, as previously mentioned by City Attorney Barisone, the Castle Mobile Home Estates sale should close on August 3.
- He provided an update on the city's Mobile Home Park Rental Assistance Program. He advised there were 19 applicants from Cabrillo Mobile Estates, who are now receiving assistance from the city. He said the city has also marketed the program to Surf and Sand Mobile Home Park and will soon be sending packets to residents of Castle Mobile Estates.

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

1) Council Member Harlan encouraged residents to attend General Plan Advisory Committee meeting. She said this is a very exciting process, and the city encourages public participation.

2) Council Member Harlan reported on the AMBAG meeting held last night at the Marina Airport, including discussions pertaining to changing the structure of AMBAG. The Interim Executive Director was directed to look into this and report back. She also discussed implementation of the Strategic Growth Council, which was approved by SB 732. (A paper copy of the information regarding the Strategic Growth Council was submitted to the City Clerk and is on file.) [150-10]

3) Council Member Storey commented on the fatality that occurred in the community. He would like to see an analysis of educational efforts in bringing attention to the city's regulation regarding no skateboarding. Council Member Nicol echoed Council Member Storey's concerns and would be interested in having a report on this.

Chief of Police Card recognizes and empathizes with all the parties involved in the tragic skateboarding incident. The Police Department is continuing its investigation of the incident. Chief of Police Card has also been in contact with the District Attorney, who has expressed interest in hearing about the City's final investigation and has assigned a senior attorney to look at this matter.

Police Officer Chris Thompson will work on a POP (Problem Oriented Policing project) on the matter, which will be brought back to Council for potential solutions or alternatives Council may want to consider.

ACTION: It was the consensus of the City Council to add the Police Department's report on skateboarding to the next agenda for July 28, 2011.

4) Council Member Nicol asked for an update on the Capitola Road Street Calming Project from the Public Works Director. Public Works Director Jesberg reported that he spoke with the contractor about the project and the contractor informed him that they are waiting for delivery of the wireless controller that needs to be installed. He said the contractor has promised to be on site on July 25 and will complete the project that week. [940-40]

5) Council Member Nicol commented on the ramifications pertaining to the city's Redevelopment Agency, resulting from the adoption of the State's budget. City Manager Goldstein said staff is working on an analysis, which will be brought back at the August 11 meeting.

2. D. ORAL COMMUNICATIONS (Continued)

6) Mayor Norton asked Lisa Murphy to come forward. He presented her with a Mayor's Certificate of Appreciation to her sons: Will, Jake and Tyler raised \$300 for the city's flood relief fund by having bake sales at their schools. He asked her to thank the boys for their efforts. [120-40]

7) Mayor Norton announced that he issued a Mayor's Proclamation recognizing the Santa Cruz County Board of Realtors on its 100th Anniversary. [120-40]

8) Mayor Norton expressed his interest in discussing a change in the parking meter time limit in the Village from 2 hours to 3 hours at a meeting sometime in the next three months. [470-40]

9) Mayor Norton announced that tonight's meeting is being dedicated to Maryann Slettehaugh.

E. Committee Appointments – NoneF. Approval of Check Register Reports1) City: Approval of City Check Register Reports dated June 17, June 24, and July 1, 2011. [300-10]

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to approve the Check Register Reports dated June 17, June 24, and July 1, 2011, including checks numbered 66568 through 66631 in the amount of \$129,742.00, checks numbered 66632 through 66726 in the amount of \$249,516.09, and checks numbered 66727 through 66807 in the amount of \$744,198.92, respectively; and payroll disbursements for the June 17, 2011, payroll in the amount of \$208,630.68 and payroll disbursements for the July 1, 2011, payroll in the amount of \$207,271.05, for a Grand Total of \$1,539,358.74, 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 Report dated June 24, 2011. [760-25]

ACTION: Director Harlan moved, seconded by Director Termini, to approve the Check Register Report dated June 24, 2011, including checks numbered 2964 through 2974 in the amount of \$448,578.70, 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 Storey pulled Item 3.J. pertaining to the Charter Communications assignment. It was decided to reorder that item following action on the Consent Calendar.

Mayor/Chairperson Norton advised Item 3.J. would be discussed immediately following action on the remainder of the Consent Calendar. (*See discussion and action on Page12022.*)

CONSENT CALENDAR ACTION: Council Member/Director Nicol moved, seconded by Council Member/Director Termini, to approve the Consent Calendar as recommended, with the exception of 3.J. 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.

3. CONSENT CALENDAR (Continued)

- 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 Special City Council Meeting of June 15, 2011, and the Special Joint Budget Study Session of the City Council/Redevelopment Agency of June 15, 2011.**

ACTION: Council Member/Director Nicol moved, seconded by Council Member/Director Termini, to approve the Minutes of the Special City Council Meeting of June 15, 2011, and the Special Joint Budget Study Session of the City Council/Redevelopment Agency of June 15, 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.

- C. **Receive Planning Commission Action Minutes for the Regular Meeting of July 7, 2011. [740-50]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to receive the Planning Commission Action Minutes for the Regular Meeting of July 7, 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.

- D. **Deny liability claims and forward to the City's liability insurance carrier. [Claims Binder]**
- 1) Vern Ballantyne: \$160,000
 - 2) Victoria Brett: \$8,423.37
 - 3) Jim Castellanos: \$10,000
 - 4) Blane Warhurst, et al.: \$27,515.47
 - 5) Suzanne Silverberg, et al.: \$40,533.43

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to deny claims of the above-listed claimants and to forward the claims to the City's liability insurance carrier, 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. **Receive Quarterly Sales Tax and Transient Occupancy Tax Status Report for the Third Quarter of FY 2010-2011 (Unaudited). [390-70]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to receive and file the Third Quarter of FY 2010-2011 Sales Tax and Transient Occupancy Tax Status Report (Unaudited) for the City of Capitola, 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.

- F. **Authorize the City Manager to enter into a contract with Desmond, Marcello & Amster in an amount not to exceed \$18,000 for preparation of appraisals for consideration of the Pacific Cove Mobile Home Park Closure. [260-10/500-10 A/C: Desmond, Marcello & Amster]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to authorize the City Manager to enter into a contract with Desmond, Marcello & Amster (DM&A) in an amount not to exceed \$18,000 for the preparation of appraisals for consideration of the Pacific Cove Mobile Home Park closure, 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.

3. CONSENT CALENDAR (Continued)

- G. Adopt Resolution accepting a Homeland Security Grant in the amount of \$14,733 and Amending the FY2011-12 General Fund Operating Budget by Increasing both Revenues and Expenditures by \$14,733. [330-10]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Resolution No. 3877, Resolution Amending the General Fund FY2011-12 Operating Budget to Accept Homeland Security Grant Program Funds in the amount of \$14,733 and Authorizing Budget Expenditures of \$14,733 for the Purchase of Mobile Radios**, 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. Adopt Ordinance Adding Section 9.12.080 to the Capitola Municipal Code pertaining to Noise [2nd Reading]. [485-40]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Ordinance No. 957, Ordinance Adding Section 9.12.080 to the Capitola Municipal Code Pertaining to Noise**, 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.

- I. Adopt Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code pertaining to Bicycle Licenses [2nd Reading]. [390-40]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Ordinance No. 958, Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code Pertaining to Bicycle Licenses**, 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 Consenting to and Approving of the Assignment of the Cable Franchise Agreement and System with Charter Communications Properties, LLC, to CCO SoCal I, LLC.**

This item was pulled for separate discussion. (*See discussion and action following Consent Calendar Item 3.K. on Pages 12022 and 12023.*)

- K. Adopt Resolution approving a Memorandum of Understanding with the Police Captain for the period of July 1, 2011 to June 30, 2012. [600-10]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Resolution No. 3878, Resolution Approving a Memorandum of Understanding with the Police Captains for the Period July 1, 2011 through June 30, 2012**, 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.

Following action on the Consent Calendar, the City Council then discussed Item 3.J. and took separate action on that item:

- J. Adopt Resolution Consenting to and Approving of the Assignment of the Cable Franchise Agreement and System with Charter Communications Properties, LLC, to CCO SoCal I, LLC. [565-20/500-10 A/C: CCO SoCal I, LLC.]**

Council Member Storey pulled this item for discussion, as he wondered if the council could use this opportunity to address issues raised about the cable service Charter Communications provides. He has experienced a number of issues and has heard complaints from other residents about their cable service with Charter. In addition, there are residents who would just like to have basic cable.

3. J. CONSENT CALENDAR (Continued)

Administrative Services Director Murphy said this item relates to transferring the franchise. She said Charter is in compliance with their agreement, which will terminate in 2014.

There was interest on behalf of the Council to hear from Charter regarding this item.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Storey, to continue this item to the first meeting in August. The motion carried unanimously.

At this time, Mayor Norton said the City Council would discuss Other Business Item 5.A., which was reordered.

5. OTHER BUSINESS

A. Funding for the 2-1-1 Health and Human Service Information and Referral System with United Way. Staff recommendation: Council direction. [420-30]

Administrative Services Director Murphy summarized the agenda report and advised this item was brought back at the request of a council member.

Council Member Harlan discussed her reasons for wanting the Council to consider funding this program. Mayor Norton stated that the 2-1-1 service was listed as a new program, although it has been funded previously.

Council Member Storey asked about the other source of funding from Recreation that Ms. Murphy referred to in the amount of \$7,000. Administrative Services Director Murphy stated that after the agenda report was submitted for this item, the Recreation Department received a donation of approximately \$7,000, which would offset revenue, since it would go to the general fund. He asked if it were an unrestricted donation. City Manager Goldstein said the donation was from the Wharf to Wharf Race committee, specifically for the Junior Lifeguard Program.

Council Member Termini commented on the \$7,000 donation to Jr. Guards and asked how much of the \$7,000 the City planned to give them. City Manager Goldstein said he did not have that detail broken out; however, each year the city generally funds the overall recreation program by about \$10,000.

Mary Lou Goeke, Executive Director of United Way of Santa Cruz County, thanked the Council for its support of \$2,000 last year for the initial 2-1-1 Program. She provided an information sheet, which shows the number of calls and people served through this program from August 2010 through April 2011. She commented on the positive feedback they received for their assistance during four disasters that occurred earlier this year, including the floods in Capitola.

Mayor Norton asked if anyone from the public wished to address this item.

Bruce Arthur, Capitola resident, said he did not wish to address the 2-1-1 Program; however, he did want to express his concerns about what he just heard said about the donation of \$7,000 from an organization to the Junior Guard program that was being passed to the general fund.

Council Member Nicol objected to this procedure of considering another community grant after the council agonized over this funding in its budget deliberations last month.

5. A. OTHER BUSINESS (Reordered item continued)

Council Member Harlan reiterated her reasons for asking to have this item brought to the council for consideration.

Council Member Termini commented on the Junior Guard donation and felt if this donation came to the city specifically earmarked for Jr. Guards, it should go to that program. Mayor Norton agreed.

Considerable Council discussion was followed by this action:

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to authorize the expenditure of \$2,000 to the United Way 211 Health and Human Service Information and Referral System for FY2011-12 with the same agreement that the Council approved with the other community groups; i.e., that half of the money (\$1,000) will be allocated now at the discretion of staff, with the other half (\$1,000) being allocated after at least \$500,000 is received by the city for disaster relief. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Storey, and Mayor Norton. NOES: Council Member Nicol. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS

A. Public Hearing to Consider a Resolution Amending the City's Fee Schedule to Increase Various City Fees by the Consumer Price Index or by Actual Cost of Service and Adding New Fees to be effective July 15, 2011. Presentation: City Manager's Department. [390-40]

Administrative Services Director Murphy summarized the written agenda report and responded to questions of council members. She pointed out that the Council received a "Revised Resolution" and discussed the revisions. Administrative Services Director Murphy and Community Development Director Johnson responded to questions of council members pertaining to the Electric Vehicle Charging Permits and recreation fees.

Mayor Norton opened the public hearing at 8:25 p.m. No one from the public spoke.

There was council discussion regarding the \$25 business license refund fee, bingo permit fee, government access fee for the city scroll, and whether staff intends to keep the Mobile Home Park Administrative Service fee on the books. Council Member Nicol said he would like to see a copy of Resolution No. 3285, which is referred to in the draft resolution pertaining to the CPI. Mayor Norton asked if, since the city is trying to encourage residents to go green, the new fees for electric charging stations could be waived for the first year.

Considerable Council discussion was followed by this action:

ACTION: Council Member Termini moved to approve the recommended action to adopt the "Revised Draft" resolution with the following changes: that the Electric Charging Station fee be removed for the first year, and that there be no charge for the Business License Overpayment Refund Fee. Council Member Harlan seconded the motion. The City Council adopted **Resolution No. 3879, Resolution Repealing Resolution No. 3823 and Amending the City's Fee Schedule to Increase Various City Fees by the Consumer Price Index or by Actual Cost of the Service and Adding New Fees for Greywater System Permits and Electric Vehicle Charging Permits to Become Effective July 15, 2011**, with proposed changes. The motion carried on the following vote: AYES: Council Members Harlan, Termini, and Mayor Norton. NOES: Council Member Nicol and Storey. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS (Continued)

B. Public Hearing to Consider Rispin Mansion Future Use Planning Report and Continued Property Hazard Abatement. Presentation: Community Development and Public Works Departments. [275-10 Future Use Planning Report/275-60 Hazard Abatement]

Community Development Director Johnson announced that tonight's report is a joint report between the Community Development and Public Works Departments.

Utilizing a PowerPoint Presentation, Community Development Director Johnson reported on the public meetings that were held to discuss potential uses of the Rispin property. He said there was a split among the participants between passive and active recreation use and regarding the wall along Wharf Road. Significant constraints were identified for skate park use. Community Development Director Johnson reviewed staff's future planning recommendations and responded to questions of council members.

Public Works Director Jesberg reported on the hazard abatement work being done at the Rispin property, including the work that has been completed and the work to be completed with funding in the 2010-11 budget. He also reviewed work identified by staff that is currently unfunded, including fountain rehab, driveway, landscape restoration, and Rispin/Peery Park lighting. Staff will be looking for grants in the amount of \$180,000.

Mayor Norton opened the public hearing at 8:53 p.m.

Guy Caputo, Wharf Road resident, said he is not clear exactly how much the City has spent on this project, and he would be interested in knowing how much the city intends to spend on this project; how much it will cost.

Ernie Tavella, speaking on behalf of a group of residents who reside near the Rispin property, said they want to strongly encourage a passive use for the Rispin.

Mary Healy, Francesco Court resident, said she supports passive use of the property and is interested in lighting the property. She asked if the lighting could be extended to Peery Park.

Mayor Norton closed the public hearing at 8:58 p.m.

ACTION: Council Member Termini moved, seconded by Council Member Harlan, to approve the recommended actions.

There was considerable council discussion regarding the money being spent on the property, the best use for the property, making the property safe, lighting the property and Peery Park, and opening the property to the public. Council members discussed the skate park use and interest in looking at alternative sites for that use.

Shirley Manis, Francesco Circle resident, said she supports the recommended action, and she also suggested that a skate park venue could be placed on the top of Capitola Mall. Users of the facility would enter through the Mall, and there would be security.

After discussion of the motion, Council Member Termini and Council Member Harlan confirmed the motion to approve the recommended actions, as follows:

4. B. PUBLIC HEARINGS (Continued)

1. Accepted the Rispin Property Initial Process Results report from RRM Design Group dated May 18, 2011;
2. 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; and
3. Authorized the Public Works and Community Development Departments to continue both hazard abatement and future use planning by hiring necessary consultants to prepare detailed park design plans, lighting plans, and environmental review, as submitted.

The motion carried with Council Member Nicol voting no.

The City Council/Agency Directors took a short break at 9:20 p.m.

5. OTHER BUSINESS

A. **Funding for the 2-1-1 Health and Human Service Information and Referral System with United Way.**

This matter was discussed and action taken following Consent Calendar Item 3.K. (See Page 12023.)

The City Council/Agency Directors reconvened at 9:30 p.m. Mayor Norton noted that Council Member Termini was not present and will not return as he is going on vacation.

B. **Community Room and City Hall Annex Transition Plan. Staff recommendation: receive report. [200-05]**

Administrative Services Director Murphy summarized the written agenda report and responded to questions of council members regarding lighting, seating, etc. Public Works Director Jesberg also discussed plans to replace chairs with movable seating in the Chambers. City Manager Goldstein noted that the staff tables are not bolted down.

Council Member Nicol said he would like to see the flags behind the Dias.

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to receive the report. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

C. **Financing Plan for Parking Structure on the Pacific Cove Parking Lot. Staff recommendation: receive report and provide direction to staff. [265-10]**

City Manager Goldstein provided a staff report utilizing a PowerPoint Presentation. Following his report, City Manager Goldstein responded to questions of council members.

Mayor Norton opened this item to the public at 10:07 p.m.

Nels Westman, Riverview Drive, said he is encouraged to see this item on the agenda. He applauded the council and encouraged them to continue to move forward.

There was considerable council discussion and a motion by Council Member Nicol, seconded by Council Member Storey, to approve the staff recommendation with the proviso that the studies look equally at the possibility of providing surface parking at Pacific Cove Mobile Home Park once it is closed. This motion failed on a 2-2 vote.

5. C. OTHER BUSINESS (Continued)

Additional Council discussion resulted in the following action being taken:

ACTION: Council Member Harlan moved, seconded by Mayor Norton, to approve the recommended action to receive the draft Financing Plan and to authorize the allocation of the \$50,000 included in the FY2011/12 Budget for parking structure planning. The motion carried on the following vote: AYES: Council Members Harlan, Storey, and Mayor Norton. NOES: Council Member Nicol. ABSENT: Council Member Termini. ABSTAIN: None.

D. Resolution establishing a Four-Hour Parking Limit on 40th Avenue between Clares Street and Deanes Lane. Staff recommendation: adopt resolution. [470-40]

Public Works Director Jesberg summarized the agenda report and responded to questions of council members.

Limited discussion was following by this action:

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to adopt **Resolution No. 3880, Resolution Establishing a Four-Hour Parking Zone on 40th Avenue between Clares Street and Deane's Lane**, 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.

E. TsunamiReady Program. Staff recommendation: accept tsunami hazard zone signs from California Emergency Management Agency as part of statewide TsunamiReady Program, authorize installation of signs, and authorize staff to work with the state agency to develop a brochure regarding the hazards of tsunamis. [420-20]

Public Works Director Jesberg said he has been working with the county office of emergency services on a TsunamiReady Program. Utilizing a PowerPoint Presentation. He explained tsunamis, their causes, sources and potential impacts to Capitola. He discussed the TsunamiReady Program developed by the National Weather Service and displayed an evacuation map for Capitola and the Tsunami Ready signage plan map. Following his presentation, Public Works Director Jesberg responded to questions of council members.

Mayor Norton believes a siren in the Village might be advantageous, particularly if an earthquake happened at night.

At 10:36 p.m., Mayor Norton he asked if anyone from the public wished to address this item. No one spoke.

Council Member Storey expressed his support of the plan and asked if it is connected with an emergency evacuation plan. He also asked if there were a plan to assist seniors and disabled in the event of a Tsunami.

Chief of Police Card responded and explained the process. He did say it would be helpful if residents with disabilities or needing assistance in an emergency would provide their contact information.

It was suggested that this would be a good article for the City's newsletter, and to also remind residents to be earthquake ready.

5. E. OTHER BUSINESS (Continued)

Council discussion was followed by this action:

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

1. Accepted the tsunami hazard zone signs from the California Emergency Management Agency as part of the Statewide TsunamiReady Program;
2. Authorized the Department of Public Works to install the signs on various streets and pedestrian pathways leading to the Village; and
3. Authorized the Director of Public Works to continue to work with the California Emergency Management Agency to develop an information brochure regarding the hazards of tsunamis, as submitted.

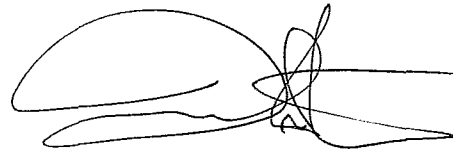
The motion carried unanimously.

6. **COUNCIL/RDA DIRECTORS/STAFF COMMUNICATIONS**

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

7. **ADJOURNMENT**

The City Council/Redevelopment Agency Meeting was adjourned at 10:43 p.m. in memory of Maryann Slettehaugh to its next Regular Joint Meeting to be held on Thursday, July 28, 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 ON 7/28/2011