

City of Capitola Agenda

Mayor: Stephanie Harlan
Vice Mayor: Sam Storey
Council Members: Ed Bottorff
Dennis Norton
Michael Termini
Treasurer: Kym DeWitt



CAPITOLA CITY COUNCIL REGULAR MEETING THURSDAY, FEBRUARY 14, 2013

CLOSED SESSION – 6:00 PM CITY MANAGER’S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only.

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager
Employee Organizations: Capitola Police Officers Association and Capitola Police Captains.

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

1. City of Capitola, et al. vs. Lexington Insurance Company [United States District Court, Northern District of California, Case No. 5:12-cv-03428-LHK];
2. Kevin Calvert, D.D.S. and Pamela Calvert vs. the City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case No. CV 172804];
3. Katie Saldana vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 172324];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkadee Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173926];
7. California Capital Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173552];

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8. Trustees of the John T. Kawahara and Barbara J. Kawahara Revocable Trust vs City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV175216];
9. Schroedel et al. vs. the City of Capitola, et al. [Santa Cruz Superior Court Case No. CV 175684];
10. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173228].

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)

Property: 401 Capitola Ave., Capitola; APN 035-13-111
Agency Negotiator: City Manager
Negotiating Parties: City of Capitola and property owner
Under Negotiation: Property Negotiations

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9

1. County of Santa Cruz regarding the Noble Gulch pipe failure;
2. County of Santa Cruz — Property Tax Administrative Fee Dispute;
3. State of California – California State Department of Finance regarding pro-rated share of interest on City/Redevelopment Agency loans.

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Rae Ellen Leonard
Agency claimed against: City of Capitola.

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

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
Council Members Michael Termini, Dennis Norton, Sam Storey, Ed Botorff and Mayor Stephanie Harlan
2. **PRESENTATIONS**
 - A. Human Care Alliance presentation of Good Neighbor Award to representatives of the Capitola Village Residents Association for a donation received.
3. **REPORT ON CLOSED SESSION**
4. **ADDITIONS AND DELETIONS TO AGENDA**
5. **PUBLIC COMMENTS**

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

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6. COUNCIL/STAFF ANNOUNCEMENTS

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. City Council appointment to the Traffic and Parking Commission.
RECOMMENDED ACTION:
Confirm appointment.

8. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Consideration of approving the City Council Minutes of the Regular Meetings of September 27, 2012; October 25, 2012; November 8, 2012; November 20, 2012; December 13, 2012; and January 10, 2013. In addition, approving the City Council Minutes of the December 5, 2012, and the January 3, 2013, Special Meetings; and the City Council Minutes of the October 11, 2012, Regular Meeting and Special Closed Session.
RECOMMENDED ACTION:
Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of February 7, 2013.
RECOMMENDED ACTION:
Receive Minutes.
- C. Consideration of the Notice of Completion for the Noble Gulch Pipeline Repair Project.
RECOMMENDED ACTION:
Approve the Notice of Completion.
- D. Consideration of denying liability claim of Rae Ellen Leonard for an undetermined amount and forward to the City's liability insurance carrier.
RECOMMENDED ACTION:
Deny Liability Claim.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Discussion and consideration of modifications of the City of Capitola Zoning Ordinance, Chapter 17.39 - Planned Development.
RECOMMENDED ACTION:
Discuss and provide direction.
- B. Receive informational report on gun regulations for the City of Capitola.
RECOMMENDED ACTION:
Accept report and provide direction.

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- C. Consideration of an Ordinance amending Sections 8.38 of the Capitola Municipal Code Pertaining to Smoking Regulations [1st Reading].
RECOMMENDED ACTION:
Introduce Ordinance.
- D. Discussion and consideration of a St. Patrick's Day Special Event.
RECOMMENDED ACTION:
Consider the Special Event Permit for a Parade to be held on Sunday, March 17, 2013; including an Encroachment Permit, Entertainment Permit and Banner Permit.
- E. 835 BAY AVENUE #12-161 (APN: 035-011-03, 035-381-01)
One year review of a temporary Conditional Use Permit to permanently permit a model manufactured home in conjunction with an existing manufactured home sales business (Ideal Homes) in addition to a Sign Permit for a new monument sign in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption.
Property Owner: Redtree Properties, owner/filed: 12/31/12.
Representative: Richard Emigh.
RECOMMENDED ACTION:
Deny a permanent permit and monument sign.

10. COUNCIL/STAFF COMMUNICATIONS

11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS

City Council Members/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council consideration. Council Members/Committee Representatives may present oral updates from standing committees at this time.

12. ADDITIONAL MATERIALS

Additional information submitted to the City Council after distribution of the agenda packet.

13. ADJOURNMENT

Adjourn to the next Special Meeting of the City Council on Thursday, February 21, 2013 at 6:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes "final." Please be advised that in most instances the decision become "final" upon the City Council's announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The Capitola City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete agenda packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

Agenda Document Review: The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

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Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website at www.ci.capitola.ca.us by clicking on the Home Page link "View Capitola Meeting Live On-Line." Archived meetings can be viewed from the website at anytime.