

City of Capitola Agenda

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



~REVISED~

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 28, 2013

CITY HALL COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

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. v. Lexington Insurance Company [United States District Court, Northern District of California, Case No. 5:12-CV-03428-LHK].
2. Schroedel et al. v. the City of Capitola [Santa Cruz Superior Court, Case No. CV 175684].

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

Property: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)
City Negotiator: Public Works Director
Negotiating Parties: City and Soquel Creek Water District
Under Negotiation: Real Property Lease/Sale

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

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 Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

2. PRESENTATIONS

A. Certificate of appreciation to Greg Tedesco who served on the Commission on the Environment.

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.

6. COUNCIL/STAFF ANNOUNCEMENTS

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Consideration of an appointment to the Advisory Council on the Area on Aging.

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/Successor Agency Special Joint Meeting Minutes of February 21, 2013.

RECOMMENDED ACTION:

Approve Minutes.

B. Approval of City Check Register Reports dated February 22, 2013; March 1, 2013; March 8, 2013; and March 15, 2013.

RECOMMENDED ACTION:

Approve the City Check Register Reports.

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

- C. Consideration of an Employment Agreement for the Community Development Director, and authorize the City Manager to execute the agreement.
RECOMMENDED ACTION:
Approve Agreement.
- D. Consideration of approving the purchase of one marked command police vehicle in the amount not to exceed \$38,000; and request to surplus two unmarked police vehicles.
RECOMMENDED ACTION:
Approve the vehicle purchase, and authorize staff to surplus two unmarked police vehicles.
- E. Receive the Single Audit Report on Federal Awards for the year ended June 30, 2012, and the Independent Accountant's Report on the Agreed-Upon Procedures applied to the Appropriation Limit Worksheets.
RECOMMENDED ACTION:
Receive reports.

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.

Note: Items 9.A. and 9.B. will be considered simultaneously.

- A. 426 CAPITOLA AVENUE #13-019 APN: 035-141-33
Appeal of the Planning Commission Certification of a Negative Declaration and approval of a Coastal Development Permit, Architectural and Site Review and a Conditional Use Permit for a temporary parking lot in the MHE (Mobile Home Exclusive) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission.
Environmental Determination: Negative Declaration
Property Owner: City of Capitola, filed: 1/30/13
RECOMMENDED ACTION:
Deny the appeal.
- B. Receive report regarding the Lower Pacific Cove Parking Lot Project; approve project scope and estimate; adopt a Resolution to submit an application for project funding to IBank; authorize staff to refinance existing debt with Santa Cruz County Bank, and authorize advertising for bids.
RECOMMENDED ACTION:
Receive report; approve project scope and estimate; adopt Resolution; authorize the refinancing and advertising for bids.
- C. Consideration of a Coastal Plan and Ordinance Amendment to the Capitola Municipal Code Chapter 17.39 amending Sections 17.39.020, 17.39.030, 17.39.040, 17.39.050, 17.39.060 and 17.39.080 of the Capitola Municipal Code and adding Section 17.39.110 to the Capitola Municipal Code pertaining to Planned Development District Regulations. The Planning Commission considered this amendment at the March 7, 2013 meeting and unanimously recommended approval.
RECOMMENDED ACTION:
Introduce Ordinance.

10. COUNCIL/STAFF COMMUNICATIONS

CAPITOLA CITY COUNCIL – Thursday, March 28, 2013

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.

- A. 9.B.
DETAILS:
Communications from the Public.

13. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, April 11, 2013 at 7:00 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.

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.