

# 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, JANUARY 24, 2013

### CLOSED SESSION – 5:30 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 Kinkade 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];

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 LEGAL COUNSEL – INITIATION LITIGATION**

**Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §549569.9**

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: Joseph Hughes  
 Claimant: Liberty Mutual; subrogee of Elizabeth Boyens  
 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 Bottorff and Mayor Stephanie Harlan
2. **PRESENTATIONS**  
 A. Presentation by Monica Martinez, Homeless Services Center Executive Director.
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**  
 Note: Appointments will be made under General Government/Public Hearings **Item 9.E.** for City Council Representation on City and County/Multi-County Boards, Commissions, and Committees.

**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. Receive Planning Commission Action Minutes for the Regular Meeting of January 17, 2013.  
RECOMMENDED ACTION:  
Receive Minutes.
  
- B. Approval of City Check Register Reports dated December 7, 2012; December 14, 2012; December 21, 2012; January 4, 2013 and January 11, 2013.  
RECOMMENDED ACTION:  
Approve the City Check Register Reports.
  
- C. Consideration of denying liability claims and forward to the City’s liability insurance carrier:
  - 1. Joseph Hughes for an undetermined amount.
  - 2. Liberty Mutual; subrogee of Elizabeth Boyens in the amount of \$965.54.RECOMMENDED ACTION:  
Deny Liability Claims.
  
- D. Receive the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2012.  
RECOMMENDED ACTION:  
Accept Report.
  
- E. Consideration of authorizing the City Manager to recruit and hire a Maintenance Worker I/II position in the Public Works Department.  
RECOMMENDED ACTION:  
Authorize the City Manager to recruit and hire for the position of Maintenance Worker I/II.

**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. 1575 38th Avenue #12-028 (APN: 034-181-17)  
Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District. Environmental Determination: Mitigated Negative Declaration. Property Owner: Maureen A. Romac, filed 3/2/12. Representative: Steve Thomas.  
RECOMMENDED ACTION:  
On September 6, 2012, the Capitola Planning Commission recommended to the City Council denial of the project.

- B. Community Based Health and Human Services Providers Program Fiscal Year 2013/2014 application acceptance.  
RECOMMENDED ACTION:  
 Determine whether or not to allow a new agency or organization to apply for the existing Community Based Health and Human Services Providers Program for Fiscal Year 2013/2014.
  
- C. Consideration of authorizing the City Manager to enter into a contract with Aha Consulting to update the City's website.  
RECOMMENDED ACTION:  
 Approve contract.
  
- D. Consideration of a recommendation by the Capitola Art & Culture Commission regarding whether or not to accept the proposed public art donation from Troy "TJ" Welch for additional sea wall tiles.  
RECOMMENDED ACTION:  
 Council to make a determination for acceptance.
  
- E. Consideration of appointments to the Advisory Council on the Area on Aging, Traffic and Parking Commission, and the General Plan Advisory Committee; and discussion regarding the Commission on the Environment (COE) organizational structure.  
RECOMMENDED ACTION:  
 Council determination regarding various appointments; Council discretion to determine if the COE should continue as a City Committee, or transition to a non-City Blue Ribbon Environmental Task Force by adopting a Resolution rescinding the COE.

**10. COUNCIL/STAFF COMMUNICATIONS**

- A. Staff Comments
  
- B. 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.*

**11. ADDITIONAL MATERIALS**

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

**12. ADJOURNMENT**

Adjourn to the next Regular Meeting of the City Council on Thursday, February 14, 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](http://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](http://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.