

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 JANUARY 10, 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 LEGAL COUNSEL – ANTICIPATED 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. Save the Plastic Bag Coalition;
3. County of Santa Cruz — Property Tax Administrative Fee Dispute.

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

1. Lexington Insurance Company vs City of Capitola, et al. [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. 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. 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 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. the 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: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)
 City Negotiator: City Manager
 Negotiating Parties: City and Soquel Creek Water District
 Under Negotiation: Real Property Lease/Sale

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 Edward Newman for his service on the Planning Commission.
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.A.** for City Council Representation on City and County/Multi-County Boards, Commissions, and Committees; and City Council appointments/reappointments of public members to various City Advisory 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. Consideration of approving the City Council Minutes of the August 23, 2012 Special City Council Meeting, and the September 13, 2012 Regular City Council Meeting.
RECOMMENDED ACTION:
Approve Minutes.
- B. Consideration of an Ordinance adding Section 8.07 (Single-use Plastic and Paper Carryout Bag Reduction) of the Capitola Municipal Code pertaining to the reduction of single-use plastic and paper carryout bags [2nd Reading]; and the consideration of a Resolution setting the fee for paper carryout bags at \$0.25.
RECOMMENDED ACTION:
Adopt Ordinance and Resolution.
- C. Consideration of a request to amend the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones to be established by issuing a Coastal Permit [2nd Reading]; and adopt a Resolution authorizing submittal of amendments to the Local Coastal Program.
RECOMMENDED ACTION:
Adopt Ordinance and Resolution.
- D. Consideration of accepting grants fund in the amount of \$1,500 from PG&E for the Women's Defense Class.
RECOMMENDED ACTION:
Accept grant.
- E. Consideration of Budget Calendar for Fiscal Year 2013/2014.
RECOMMENDED ACTION:
Approve Budget Calendar.
- F. Consideration of a Resolution authorizing the City Manager to execute the Agreements with the State Board of Equalization for implementation of a local transaction and use tax (Measure O); and consideration of amending the City's Fiscal Year 2012/2013 Budget to reflect the increased sales tax revenue and administrative fees.
RECOMMENDED ACTION:
Adopt Resolution and amend the City's Fiscal Year 2012/2013 Budget.
- G. Authorize the City Manager to recruit for the position of Community Development Director.
RECOMMENDED ACTION:
Authorize the City Manager to initiate the recruitment process.

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. Presentation regarding Community Choice Aggregation.
RECOMMENDED ACTION:
Receive presentation.

- B. Review representation on City Council representation on various County/Multi-County Boards, Commissions, and Committees; and City Council appointments and reappointments of public members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency.
RECOMMENDED ACTION:
Council determination regarding appointments.

- C. Discussion regarding updating the City’s Zoning Ordinance.
RECOMMENDED ACTION:
Discuss and provide direction.

- D. Consideration of appointing a standby City Council members.
RECOMMENDED ACTION:
That Council Member Bottorff nominate from 1 to 3 persons to serve as their standby City Council Members pursuant to Municipal Code Section 2.04.165, and that Council Members review their appointment(s) and make any changes at this time.
 - 1. City Council approval of nominations of standby City Council Members; and
 - 2. Direct staff to inform nominees of their appointment and schedule the necessary oath of office of standby City Council Members at a regular meeting of the City Council.

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 Regular Meeting of the City Council on Thursday, January 24, 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.