

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 DECEMBER 13, 2012 - 7:00 PM

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 LEGAL COUNSEL – ANTICIPATED LITIGATION

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

1. Santa Cruz County regarding the Noble Gulch pipe failure;
2. Save the Plastic Bag Coalition.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Govt. Code §54956.9)

1. City of Capitola vs. Lexington Insurance Company, United States District Court, Northern District of California, Case # 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 #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 #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 #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 #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 #CV173926];
7. California Capital Insurance Company [Superior Court of the State of California for the County of Santa Cruz, Case #CV173552];

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR Govt. Code § 54956.8

Property: 420 Capitola Ave., Capitola; APN 035-141-35
 Agency Negotiator: City Manager
 Negotiating Parties: City of Capitola and On Air LLC
 Under Negotiation: Property Negotiations

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

Proclamation honoring the City’s former Police Canine Damien.

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. Approval of City Check Register Reports dated November 16, November 21, and November 30, 2012.
RECOMMENDED ACTION:
Approve the City Check Register Reports.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of December 6, 2012.
RECOMMENDED ACTION:
Receive Minutes.
- C. Consideration of a Resolution setting the interest rate for Tenant Security Deposits for 2013 at zero percent (0%).
RECOMMENDED ACTION:
Adopt Resolution.
- D. Consideration of a Resolution supporting the termination of the Southern Sea Otter Translocation Program.
RECOMMENDED ACTION:
No staff recommendation. Council discretion to consider adopting a Resolution supporting the termination of the Southern Sea Otter Translocation Program.
- E. Authorize the City Manager to recruit for the position of Community Development Director.
RECOMMENDED ACTION:
Authorize the City Manager to initiate the recruitment process.
- F. Consideration of authorizing the City Manager to recruit for the position of Supervising Accountant.
RECOMMENDED ACTION:
Authorize the City Manager to initiate the recruitment process.
- G. Consideration of approving a budget amendment pertaining to the City’s participation in LED retrofit of streetlights with Pacific Gas and Electric Company.
RECOMMENDED ACTION:
Approve budget amendment.

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. Review City Council representation on City and County/Multi-County Boards, Commissions, and Committees; and City Council appointments and reappointments of public members to various City Advisory Bodies
RECOMMENDED ACTION:
Council determination regarding appointments.
- B. Consideration of an Ordinance adding Section 8.07 of the Capitola Municipal Code regarding the reduction of single-use plastic and paper carryout bags; approving a Resolution adopting a Negative Declaration and make California Environmental Quality Act findings [1st Reading].

RECOMMENDED ACTION:

1. Approve the attached Resolution adopting a Negative Declaration and make California Environmental Quality Act (CEQA) findings relating to the adoption of an Ordinance for the Reduction of Single-Use Plastic and Paper Carryout Bags;
2. Pass the first reading of the proposed Ordinance adding Chapter 8.07 to the Capitola Municipal Code relating to the Reduction of Single-Use Plastic and Paper Carryout bags; and
3. Provide direction on a fee for paper carryout bags.

- C. Report on Measure O - Permanent City sales tax increase of one-quarter of one percent.

RECOMMENDED ACTION:

1. Prepare revisions to the City's Financial Management Policies to increase the Contingency Reserve funding level from 10% to 15%, and Emergency Reserve funding target from 5% to 10%;
2. Incorporate the budget changes outlined in this staff report into the mid-year budget process;
3. Prepare/approve amendments to the 5-Year Capital Improvement Program to prioritize near-term street maintenance projects.

- D. Consideration of the approval of Franchise Agreement Extension for four additional years with Greenwaste Recovery for refuse, recycling and yard waste services and rates for 2013.

RECOMMENDED ACTION:

1. Approve a Franchise Agreement Extension for four additional years with Greenwaste Recovery Inc. for Refuse, Recycling & Yard Waste Services, expiring December 31, 2022; and
2. Adopt the proposed Resolution Approving a Rate Schedule for Residential & Commercial Garbage Collection and Recycling in Capitola Effective January 1, 2013, superseding Resolution No. 3899, as authorized in the Franchise Agreement dated April 24, 2008.

- E. Adoption of the City of Capitola's Local Hazards Mitigation Plan

RECOMMENDED ACTION:

Adopt Local Hazards Mitigation Plan.

- F. 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. The Planning Commission held a public hearing on November 1, 2012 and unanimously recommended approval. Environmental Determination: Categorical Exemption. [1st Reading]

RECOMMENDED ACTION:

Introduce Ordinance.

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 10, 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.