

# City of Capitola Agenda



Mayor: Michael Termini  
Vice Mayor: Stephanie Harlan  
Council Members: Kirby Nicol  
Dennis Norton  
Sam Storey  
Treasurer Jacques Bertrand

**CAPITOLA CITY COUNCIL  
REGULAR MEETING  
THURSDAY, AUGUST 9, 2012  
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 GC §54956.9: Three cases:

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch Storm Drain Failure);
2. Pacific Cove Mobile Home Park Pipe Failure and Closure;
3. Consideration of lawsuit against the Department of Finance – Disputed Recognized Obligations of the Successor Agency.

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

1. 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];
2. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
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].

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Capitola Police Officers Association; and the Association of Capitola Employees.

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM****1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Stephanie Harlan, Dennis Norton, Kirby Nicol, Sam Storey, and Mayor Michael Termini

**2. PRESENTATIONS**

Proclamation honoring Patti Wakefield for 22 Years of Service

**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. COMMITTEE APPOINTMENTS**

**ALL MATTERS LISTED ON THE REGULAR MEETING OF THE CAPITOLA CITY COUNCIL AGENDA SHALL BE CONSIDERED AS PUBLIC HEARINGS.**

**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 and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.*

- A. Approve City Council Minutes of the May 31, 2012 Special Joint Study Session of the Capitola City Council and the Successor Agency to the former Redevelopment Agency.  
RECOMMENDED ACTION: Approve Minutes.
- B. Consideration of awarding a contract to Graham Contractors of San Jose for the construction of the 2012 Capitola Slurry Seal Program in the amount of \$91,674.48, and authorizing the City Manager to sign the contract on behalf of the City.  
RECOMMENDED ACTION: Approve contract and authorize the City Manager to execute the contract.
- C. Consideration of approving the Memorandum of Understanding with the Capitola Police Officers bargaining unit.  
RECOMMENDED ACTION: Approve the Memorandum of Understanding.

## 8. CONSENT CALENDAR (continued)

- D. Consideration of approving an Early Retirement Contract with Patricia Wakefield and authorize the City Manager to execute the contract.  
RECOMMENDED ACTION:  
1. That City Council direct the City Manager to execute the proposed Early Retirement Agreement with Patricia Wakefield on behalf of the City;  
2. Amend the FY12/13 Budget by transferring \$39,000 from the City Managers Salary & Benefits budget to the Compensated Absences Fund, and  
3. Authorize the City Manager to fill the vacant position up to 75% time.
- E. Consideration of approving a request to proceed with recruitment for a vacancy on the City's Commission on the Environment.  
RECOMMENDED ACTION: Approve request.
- F. Receive Planning Commission Action Minutes for the Regular Meeting of August 2, 2012.  
RECOMMENDED ACTION: Receive Minutes.
- G. Consideration of Resolutions of the City Council of the City of Capitola authorizing submittal to the California Coastal Commission for the certification of an amendment to the Local Coastal Program pertaining to single room occupancy parking requirement and emergency shelters.  
RECOMMENDED ACTION: Adopt Resolutions.

## 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. Consideration of a Resolution placing a Visitor Service Fee (Transient Occupancy Tax – TOT) Measure on the November 6, 2012 Presidential General Election ballot to increase the TOT from 10% to a higher figure; authorizing certain Council Members to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure; and approve timeline for filing Arguments/Rebuttals for the City Measure.  
RECOMMENDED ACTION: Council discretion to:
1. Adopt a Resolution amending the submission to the qualified electors of the City of Capitola by adding a question of a certain measure relating to Visitor Services Fee (Transient Occupancy Tax) at the Consolidated General Presidential Election on Tuesday, November 6, 2012, as called by Resolution No. 3912; and
  2. Adopt a Resolution authorizing certain Council Members, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure; and
  3. Provide direction to the City Manager regarding whether a Resolution of Intent regarding the use of revenue should be prepared; and
  4. Approve the revised timeline for filing arguments/rebuttals for the City Measure for submitting the impartial analysis, arguments for and against, and rebuttals to the arguments.

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- B. Discussion regarding Lower Pacific Cove Parking Lot Project financing and project description.

RECOMMENDED ACTION:

1. Approve the preliminary project description for the Lower Pacific Cove Parking Lot Project;
2. Authorize the release of a request for proposals for engineering and design services;
3. Authorize staff to initiate environmental review of the proposed project;
4. Approve a Resolution authorizing the advance of funds to pay \$75,000 in preliminary project costs prior to receiving debt funding.

- C. Consideration of a Resolution adopting the Fiscal Year 2012/2013 through the Fiscal Year 2016/2017 City of Capitola Capital Improvement Program, and directing the finance department to enter the Fiscal Year 2012/2013 funding into the current fiscal year budget.

RECOMMENDED ACTION: Adopt Resolution amending the Fiscal Year 2012/2013 budget.

- D. Consideration of an amendment to Section 12.56.090 (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [1st Reading].

RECOMMENDED ACTION: Introduce Ordinance.

AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED

## 10. COUNCIL/STAFF COMMUNICATIONS

A. Staff CommentsB. 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. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, September 13, at 7:00 p.m., 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.