

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, JULY 26, 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 REAL PROPERTY NEGOTIATOR (Govt. Code §54956.8)

Property: Pacific Cove Property, 426 Capitola Avenue [APN 035-141-33]
Agency/City Negotiator: Steven Jesberg, Public Works Director
Negotiating parties: Bill and Joyce Budisch (520 Pilgrim Drive)
Under Negotiation: Resolution of property line encroachment

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; Association of Capitola Employees; and Capitola Police Captains.

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

A. Presentation by the Police Chief regarding Nixle, a new Community Information Service designed to deliver important and timely information to residents; and the City of Capitola Police Department Facebook site.

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

A. Appointment to Capitola Historical Museum Board.

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 Regular Meeting of May 24, 2012.
RECOMMENDED ACTION: Approve Minutes.

8. CONSENT CALENDAR (continued)

- B. Consideration of a Resolution to accept grant revenue of \$1,000 for the 2012 Target National Night Out, and authorize budget expenditures of \$1,000 for Fiscal Year 2012-2013.
RECOMMENDED ACTION: Adopt Resolution.
- C. Approval of City Check Register Reports dated June 22, 2012, June 29, 2012, July 6, 2012, and July 13, 2012.
RECOMMENDED ACTION: Approve the City Check Register Reports.
- D. Consideration of an amendment to Title 3 Section 16 of the Capitola Municipal Code pertaining to Purchasing and Purchasing Contracts [2nd Reading], and amending related Financial Management Policies.
RECOMMENDED ACTION:
1. Adopt an Ordinance amending Title 3 Section 16 of the Capitola Municipal Code to pertaining to Alternative Bidding Procedures; and
2. Approve amending the related Council Financial Management Policies to be consistent with the Alternative Bidding Procedures:
a. Purchasing and Procurement Policy
b. Credit Card Purchasing Program Policy
- E. Consideration of an Ordinance amending Section 17.57.040(D) of the Municipal Code pertaining to Prohibited Signs and adding Sections 17.57.020(B)(4) and 17.57.060(F) pertaining to the Use of Sidewalk Signs in the Central Village Zoning District [2nd Reading]; adopt a Resolution authorizing submittal of an Local Coastal Plan Amendment.
RECOMMENDED ACTION: Adopt Ordinance and Resolution.
- F. Continued from the July 12, 2012 City Council Meeting:
Consideration of approving the list of contractors for removal of coaches from the Pacific Cove Mobile Home Park.
RECOMMENDED ACTION Take the following actions:
1. Approve a list of qualified contractors in response to the request for statements of interest from contractors for removal of coaches from the soon to be closed Pacific Cove Mobile Home Park; and
2. Authorize the City Manager to enter into contracts with the low bidder from the qualified contractors list for all phases of the coach removal work.
- G. Consideration of a Resolution accepting a Homeland Security Grant in the amount of \$5,842, and amending the Fiscal Year 2012-2013 General Fund Operating Budget by increasing both revenues and expenditures by \$5,842.
RECOMMENDED ACTION: Adopt Resolution.
- H. Consideration of the proposed revised language of the “Argument in Favor” of a Permanent Quarter Cent Sales Tax Measure to be printed in the ballot for the November 6, 2012 Election.
RECOMMENDED ACTION: Approve revised argument.

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 options for future uses on the former Pacific Cove Mobile Home Park Site.
RECOMMENDED ACTION: Identify a preferred short-term option for uses on the Pacific Cove/City Hall property and direct staff to develop plans and financing options.
- B. Consideration of approving a contract for the sale of a portion of City property located at 426 Capitola Avenue to 520 Pilgrim Avenue to correct building encroachment, and authorize the City Manager to execute the contract.
RECOMMENDED ACTION: Approve sale of property and authorize the City Manager to execute the contract.
- C. Continued from the June 28, 2012 City Council meeting:
 Consideration of a Visitor Service Fee (Transient Occupancy Tax – TOT) Measure for the November 6, 2012 General Municipal Election.
RECOMMENDED ACTION: Council discretion to either:
 1. Retain the current Visitor Service Fee (TOT) tax at 10%, or
 2. Direct staff to prepare a Resolution to increase the TOT consistent with measures considered by other local jurisdictions.

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

10. COUNCIL/STAFF COMMUNICATIONSA. 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, August 9, 2012, 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. 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.