

# 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 12, 2012 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 GC §54956.9: Five cases:

1. California State Department of Finance regarding Redevelopment Agency.
2. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch Storm Drain Failure);
3. Pacific Cove Mobile Home Park Pipe Failure and Closure;
4. Consideration of lawsuit against the Department of Finance – Disputed Recognized Obligations of the Successor Agency;
5. Threatened Litigation. Save the Plastic Bag Coalition v. City of Capitola:

### **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)**

1. Negotiator: Jamie Goldstein, City Manager
2. Employee Organizations: Capitola Police Officers Association.

### **LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Brad and Cathy Sutton  
Agency claimed against: City of Capitola

**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. Senior Citizens Legal Services and Seniors Council presentation by Terry Hancock, Directing Attorney for Senior Citizens Legal Services, and Clay Kempf, Executive Director of Seniors Council of Santa Cruz & San Benito Counties.**

**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 23, 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 denying liability claim of Brad and Cathy Sutton in the amount of \$59,000 and forward to the City's liability insurance carrier.  
RECOMMENDED ACTION: Deny liability claim.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of July 5, 2012.  
RECOMMENDED ACTION: Receive Minutes.
- D. Biennial review of the City of Capitola Conflict of Interest Code.  
RECOMMENDED ACTION: Direct staff to conduct a biennial review of the City of Capitola Conflict of Interest Code and list of designated positions.
- E. Consideration of approving an agreement with Susan Westman for the position of General Plan Coordinator; authorize the City Manager to execute the agreement.  
RECOMMENDED ACTION: Approve agreement.
- F. Consideration of approving the second amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560; authorize the City Manager to execute the agreement.  
RECOMMENDED ACTION: Approve agreement.
- G. Consideration of approving a contract with Carolyn Flynn for professional services related to Community Development Block Grant (CDBG) Program administration for an amount not to exceed \$24,050; authorize the City Manager to execute the contract; and implementation of the City's Community Development Grants and assistance with the General Plan Update.  
RECOMMENDED ACTION: Approve contract.

**8. CONSENT CALENDAR (continued)**

- H. 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.

**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 an amendment to Section 17.57.040(D) of the Capitola Municipal Code pertaining to prohibited signs [1st reading].

RECOMMENDED ACTION: Introduce Ordinance.

- B. Consideration of an “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: That the City Council:

1. Review the draft argument in favor of the City’s 0.25% sales tax measure and provide any recommended changes;
2. Determine who will be signing the Signature Statement;
3. Designate one of its members to file the document by 5:00 PM, Tuesday, August 14, 2012.

- C. Consideration of a Resolution re-designating the Santa Cruz County Regional Transportation (RTC) as the Congestion Management Agency (CMA) for Santa Cruz County.

RECOMMENDED ACTION: Adopt Resolution.

- D. Consideration of a Resolution electing to become subject to the Uniform Construction Cost Accounting Act Procedures (alternative bidding procedures), and introducing an Ordinance amending Title 3 Section 16 of the Capitola Municipal Code pertaining to Purchasing and Purchasing contracts [1st reading].

RECOMMENDED ACTION: Adopt Resolution and introduce Ordinance.

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

- E. 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 [1st reading].  
RECOMMENDED ACTION: Council discretion; if the City Council wishes to consider an ordinance that imposes a ban on the use of single use plastic bags, actions to be taken include:
1. Determine the proposed Ordinance is not subject to CEQA;
  2. Pass a first reading of the proposed 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, July 26, 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](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.