

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, JUNE 28, 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 LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police Captains, and Capitola Police Officers Association.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of GC §54956.9: Two 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].

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)

City Council's Performance Evaluation of City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Tracey Conklin

Claimant: Christopher Flynn

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. Mayor's Proclamation honoring Big Brothers Big Sisters of Santa Cruz County on their 30th anniversary.

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. Consideration of approving the City Council Minutes of the Regular Meeting of May 10, 2012.

RECOMMENDED ACTION: Approve minutes.

B. Consideration of denying liability claims and forward to the City's liability insurance carrier:

1. Tracey Conklin in the amount of \$89,393.15 and forward to the City's liability insurance carrier.

2. Christopher Flynn in the amount of \$48,000 and forward to the City's liability insurance carrier.

RECOMMENDED ACTION: Deny liability claims.

8. CONSENT CALENDAR (continued)

- C. Consideration of approving City Check Register Reports dated May 18, May 25, June 1, June 8, and June 15, 2012.
RECOMMENDED ACTION: Approve the City Check Register Reports.
- D. Consideration of approving the Memorandum of Understanding with the Association of Capitola Employees bargaining unit.
RECOMMENDED ACTION: Approve agreement.
- E. Consideration of approving a contract with the Housing Authority of the County of Santa Cruz for the reuse of housing funds in an amount not to exceed \$40,000.
RECOMMENDED ACTION: Approve contract.
- F. Consideration of the 2012 Slurry Seal Program approval of plans, specifications and estimate and authorization to advertise for bids.
RECOMMENDED ACTION: Approve plans, specification and estimate; authorize advertising for bids.
- G. Consideration of approving the Memorandum of Understanding with the Police Captains bargaining unit.
RECOMMENDED ACTION: Approve agreement.

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. Continued Public Hearing from the May 24, 2012 City Council Meeting:
700 Escalona Drive – Project Application # 12-019
Appeal of Planning Commission decision to deny a Coastal Permit and Design Permit to construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District [APN 036-141-20]. Filed 2/14/12. Property Owner: Lori Perpich & Alberto Munoz. Representative: Derek Van Alstine.
RECOMMENDED ACTION: Approve the application.
- B. Consideration of authorizing the City Manager to enter into an agreement with Community Based Health and Human Service Providers Program funding for Fiscal Year 2012/2013.
RECOMMENDED ACTION: Approve subcommittee recommendations for funding amounts.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- C. Continued from the June 14, 2012 City Council meeting:
Discussion regarding a Visitor Service Fee (Transient Occupancy Tax) Measure for the November 6, 2012 Election.
RECOMMENDED ACTION: Council discretion to either:
1. Retain the current Visitor Service Fee (Transient Occupancy Tax - TOT) tax at 10%, or
 2. Continue the hearing to July 12, 2012 City Council meeting and direct staff to prepare a Resolution to increase the TOT consistent with measures considered by other local jurisdictions.
- D. Consideration of a Resolution to Levy the Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2012/2013.
RECOMMENDED ACTION: Adopt Resolution.
- E. Consideration of the acceptance of the Rispin property title and review Rispin Park proposed development plans.
RECOMMENDED ACTION: Accept title to Rispin property and approve recommended development plan phasing.

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 12, 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.