

# 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, MARCH 22, 2012

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### **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 Govt. Code §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;

#### **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 #CV173228]
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]

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

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group.

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

Claimant: Jeff & Kate McCarthy-Lewis

Claimant: Michael J. O'Leary

Agency claimed against: City of Capitola

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**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. Proclamation to Frank Phanton for his service on the Capitola Architectural & Site Review Committee from February 2003 through February 2012.
- B. Proclamation to Police Chief Mike Card for 35 years of service.
- C. Presentation from Veronica Elsea, Pedestrian Safety Work Group Chair, regarding Pedestrian Safety Work Group.

**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****8. CHECK REGISTER**

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

**9. 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 Special Meeting of February 16, 2012.

**RECOMMENDED ACTION:** Approve Minutes.

## 9. CONSENT CALENDAR (continued)

- B. Receive City Treasurer's Report for Month ended February 29, 2012 (Unaudited).  
RECOMMENDED ACTION: Receive Report.
- C. Consideration of approving a request from the Capitola Public Safety and Community Service Foundation for a Special Event Permit for the 7th Annual Capitola Rod & Custom Classic Car Show in Capitola Village on Saturday and Sunday, June 9 and 10, 2012.  
RECOMMENDED ACTION: Approve Special Event Permit.
- D. Consideration of approving a Special Event Permit for the Mermaid Triathlon and Duathlon to be held on Saturday, October 6, 2012, in various areas of Capitola.  
RECOMMENDED ACTION: Approve Special Event Permit.
- E. Deny liability claims and forward to the City's liability insurance carrier:  
1. Jeff and Kate McCarthy-Lewis, in the amount of \$1,437.54;  
2. Michael J. O'Leary, in the amount of \$48,265.11.  
RECOMMENDED ACTION: Deny Liability Claims.

## 10. 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 approving the proposed 41<sup>st</sup> Avenue Public Art Project; approving a contract with Troy Corliss in the amount not to exceed \$200,000, and authorize the City Manager to execute a contract.  
RECOMMENDED ACTION: Approve the Public Art Project.
- B. Consideration of a Zoning Code Amendment to Title 17 of the Capitola Municipal Code to modify the parking standards for single room occupancy, and amending the Industrial Zone regulations to allow an emergency shelter.  
RECOMMENDED ACTION: Introduce Ordinance.
- C. Receive update regarding the financial management recommendations, and consideration of an amendment to the Title 3 Section 20.050 of the Capitola Municipal Code pertaining to budget transfers and budget amendments.  
RECOMMENDED ACTION: Receive update, approve the financial management recommendations, and introduce Ordinance.
- D. Consideration of Permanent Quarter Cent Sales Tax Measure for November 6, 2012 Election and Resolution Ordering Election and Requesting Consolidation with the Presidential General Election.  
RECOMMENDED ACTION: Adopt Resolution.

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

- E. Consideration of authorizing the City Manager to issue a Request for Proposal (RFP) to develop a hotel on the McGregor Property.  
RECOMMENDED ACTION: Direct the City Manager to accept and review proposals and provide a recommendation to the City Council for consideration.

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

## 11. COUNCIL/STAFF COMMUNICATIONS

- A. Staff Comments  
 B. 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. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, April 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](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.