

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, FEBRUARY 23, 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 Govt. Code §54956.9:
Three cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park;
2) Pacific Cove Mobile Home Park Flooding and Closure;
3) Save the Plastic Bag Coalition.

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: Janice Jimenez
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

3. REPORT ON CLOSED SESSION

4. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. 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.

C. Staff Comments

D. 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.

E. Committee Appointments

1. Receive the Mayor's appointment of Derek VanAlstine to the Architectural and Site Review Committee.

F. Approval of Check Register Reports

1. Approval of City Check Register Reports dated February 3 and February 10, 2012.

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

5. 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. Deny liability claim of Janice Jimenez for an undetermined amount, and forward to the City's liability insurance carrier.
RECOMMENDED ACTION: Deny Liability Claim.
- B. Consideration of approval of the City Council/Redevelopment Agency Minutes of the Joint Regular Meeting of January 26, 2012.
RECOMMENDED ACTION: Approve Minutes.
- C. Receive City Treasurer's Report for Month ended January 31, 2012 (Unaudited).
RECOMMENDED ACTION: Receive Report.
- D. Consideration of a Resolution accepting a Homeland Security Grant in the amount of \$9,910, and amending the Fiscal Year 2011/2012 General Fund Operating Budget by increasing both Revenues and Expenditures by \$9,910.
RECOMMENDED ACTION: Adopt Resolution.
- E. Consideration of approving a letter from the Mayor to the California Public Utilities Commission opposing the SmartMeter opt out one-time and monthly fees.
RECOMMENDATION: Authorize Mayor to send letter.

6. 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/Public Hearing item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Discussion regarding funding the Community Grants.
RECOMMENDED ACTION: Discuss and provide direction.

6. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- B. Presentation regarding the Finance Advisory Committee’s Long-Term City Revenue/Expenditure Projections Analysis (continued from the January 26, 2012 City Council meeting).

RECOMMENDED ACTION:

1. Continue to closely evaluate and implement cost saving opportunities during the upcoming Memorandum of Understanding (MOU) negotiations with the employee groups and future budgeting cycles.
2. Prepare a “benchmark study” using existing in-house resources to assess the City’s fiscal accountability and answer the question: “is the City wisely using the resources it already has?”
3. Develop user fee cost recovery policy, analyze key revenues and make recommendations *for changes, as appropriate, as part of the 2012-13 Budget process.*

- C. Presentation by City financial management recommendations.

RECOMMENDED ACTION: Approve the financial management improvements recommended in the report and direct staff to return with follow up actions where necessary for formal implementation.

- D. Discussion regarding an Ordinance to reduce single-use plastic and paper carryout bags.

RECOMMENDED ACTION: Discuss and provide direction.

- E. 809/815/819 Bay Avenue – Project Application #10-038

Presentation regarding the temporary relocation of the recycling facilities for Nob Hill Center and consider an Amendment to a Master Use Permit to permanently locate the facilities at the proposed site in the CC (Community Commercial) Zoning District; APN: 035-021-43. Property Owner: Bay Creek Properties / Filed: 5/18/10.

RECOMMENDED ACTION: Approve Amendment to the Master Use Permit.

- F. 835 Bay Avenue – Project Application #12-001

Requests for a Conditional Use Permit to install a model manufactured home in conjunction with an existing manufactured home sales business (Ideal Homes) in the CC (Community Commercial) Zoning District. Environmental Determination: Categorical Exemption Property Owner: Redtree Properties, owner/filed: 1/3/12; Representative: Richard Emigh (APN: 035-011-03, 035-381-01)

RECOMMENDED ACTION: Deny application.

- G. 101 Grand Avenue – Project Application #11-120

Request for a 50-year extension to the amortization period for a legal nonconforming multi-unit residential use in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District. Environmental Determination: Categorical Exemption Property Owner: Papken S. Der-Torossian (APN: 036-114-12); Representative: Dennis Norton.

RECOMMENDED ACTION: Grant extension.

7. COUNCIL/STAFF COMMUNICATIONS

8. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, March 8, 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.