

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 9, 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:
Two cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park
2) Pacific Cove Mobile Home Park Flooding and Closure

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9)
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]

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: American Alternative Insurance Corporation, subrogee of Central Fire Protection District of Santa Cruz County
Claimant: Paula Bradley
Agency claimed against: City of Capitola

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Cal. Govt. Code Section 54956.9(c): 1 potential case

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. Introduction of the new Finance Director, Tori Hannah.
- B. Presentation of Certificate of Appreciation to Debbie Hale for her service on the Capitola Art & Cultural Commission from March 2006 through December 2011.
- C. Mayor's Proclamation proclaiming the month of February as "Teen Dating Violence Awareness Month".
- D. Presentation by Rita Flores, Assistant Agency Director, of the Family Service Agency of the Central Coast.

3. REPORT ON CLOSED SESSION**4. ORAL COMMUNICATIONS**A. Additions and Deletions to AgendaB. 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 CommentsD. 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 AppointmentsF. Approval of Check Register Reports

- 1. Approval of City Check Register Reports dated January 20, and 27, 2012.
RECOMMENDED ACTION: Approve City Check Register.

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 claims and forward to the City's liability insurance carrier:
 1. American Alternative Insurance Corporation, subrogee of Central Fire Protection District of Santa Cruz County: \$184,982.40;
 2. Paula Bradley: Undetermined amount.

RECOMMENDED ACTION: Deny Liability Claims
- B. Consideration of approving the minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of January 12, 2012.
RECOMMENDED ACTION: Approve Minutes.
- C. Consideration of a adopting a Resolution approving the Final Map for the Pearson Court Subdivision.
RECOMMENDED ACTION: Adopt Resolution.
- D. Receive Planning Commission Action Minutes for the Regular Meeting of February 2, 2012.
RECOMMENDED ACTION: Receive Minutes.
- E. Consideration of approving the Special Event Permits Administrative Policy and the modifications to the Block Party Permit and Grant Program Administrative Policy.
RECOMMENDED ACTION: Approve Policy and Modification.

6. GENERAL GOVERNMENT

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) Close public comment; 5) Decision.

- A. Consideration of an amendment to the Capitola Municipal Code to allow sandwich board signs.
RECOMMENDED ACTION: Discuss and provide direction.
- B. Consideration of adopting an Urgency Ordinance banning the installation of the PG&E SmartMeters in the City.
RECOMMENDATION: Adopt Urgency Ordinance.
- C. Consideration of approving the Notice of Completion for the Rispin Property Abatement Project.
RECOMMENDATION ACTION: Approve the Notice of Completion.

- D. Review Community Grant Application process.
RECOMMENDED ACTION:
1. Determine if the City Council would like to consider revising the funding methodology for Community Grants in the future; and
 2. Determine whether or not to allow a new agency or organization to apply for the existing community grant program for FY12-13.
- E. Public Hearing regarding possible activities to be funded with 2012 Community Development Block Grant (CDBG) Funds.
RECOMMENDED ACTION:
1. Hold the required public hearing for the purpose of considering input and recommendations regarding uses and activities to be included in any 2012 CDBG applications submitted by the City; and
 2. Direct staff to return with an application for a housing rehabilitation program grant under the General CDBG Allocation.
- F. Consideration of adopting a Resolution approving a contract with Gumbiner & Eskridge LLP in an amount not to exceed \$20,000 for legal services, and authorizing the City Manager to execute a contract.
RECOMMENDED ACTION:
- 1) Authorize the City Manager to execute the Professional Services Agreement with Gumbiner & Eskridge, LLP in an amount not to exceed \$20,000 for legal services related to insurance claims and the storm drain pipe failure in Pacific Cove Mobile Home Park; and
 - 2) Adopt a Resolution amending the Fiscal Year 2011-2012 General Fund Budget by transferring \$20,000 from the Emergency Reserve Fund to City Attorney Contract Services Account to fund the Legal Services contract.
- G. Consideration of adopting Preliminary Administrative Budget for the Capitola Housing Successor.
RECOMMENDED ACTION: Adopt Preliminary Administrative Budget.
- H. Consideration of authorizing the City Manager to issue a Request for Proposals (RFP) for Website Design Services to redesign the City Website, and direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration.
RECOMMENDED ACTION:
1. Direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration; and
 2. Direct the Finance Director to record these changes into the City's accounting records in accordance with appropriate accounting practices to amend the Fiscal Year 2011-2012 Information Technology Budget allocating \$30,000 for services related to the City's website design.

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

7. COUNCIL DIRECTOR/STAFF COMMUNICATIONS**8. ADJOURNMENT**

Adjourn to the Special Meeting of the City Council to be held on Thursday, February 16, 2012, at 6:00 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 meet jointly 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.