



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, DECEMBER 8, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION
REGULAR JOINT MEETING

6:00 P.M.
7:00 P.M.

Elected Officials

Dennis Norton, Mayor
Michael Termini, Vice Mayor
Stephanie Harlan, Council Member
Kirby Nicol, Council Member
Sam Storey, Council Member

Jacques Bertrand, City Treasurer

City Staff Members

Jamie Goldstein, City Manager
John G. Barisone, City Attorney
Pamela Greeninger, City Clerk
Mike Card, Chief of Police
Susan Westman, Interim
Community Development Director
Steven Jesberg, Public Works Director
Lisa Murphy,
Administrative Services Director

Notice regarding City Council/Redevelopment Agency Meetings: The Capitola City Council and Redevelopment Agency meet jointly on the 2nd and 4th Thursday of each month at 7:00 p.m., in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council/Redevelopment Agency 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/Redevelopment Agency 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.

It is the intent of the City Council to adjourn by 11:30 p.m.



AGENDA

Regular Joint Meeting of the CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY Thursday, December 8, 2011

6:00 P.M. - CLOSED SESSION - 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/Redevelopment Agency Directors on closed session items only.

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

Bill Newman, et al. (residents of Surf & Sand Mobile Home Park) vs. Surf and Sand, LLC, Ronald Reed, et al. (Surf and Sand, LLC; Ronald Reed, Cross-Complainants vs. City of Capitola) [Superior Court County of Santa Cruz, Unlimited Jurisdiction, Case No. CV 171783]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)

Title: City Manager

7:00 P.M. - REGULAR JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members/Directors Stephanie Harlan, Michael Termini, Kirby Nicol, Sam Storey, and Mayor/Chairperson Dennis Norton

*** * * PRESENTATIONS * * ***

Presentation of Mayor's Proclamations
to Retiring Employees

Ed Morrison, Maintenance Superintendent
37 Years of Service

Pamela Greeninger, City Clerk
32 Years of Service

1. REPORT ON CLOSED SESSION**2. 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/Redevelopment Agency 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/RDA Director/Treasurer Comments/Committee Reports**

City Council Members/Redevelopment Agency Directors/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council/RDA consideration. Council Members/RDA Directors/Committee Representatives may present oral updates from standing committees at this time.

E. Committee Appointments

- 1) City Council Appointments/Reappointments to the Art and Cultural Commission. Staff recommendation: Appointment/Reappointment of (1) Arts Professional Member, (1) Artist or Arts Organization Representative, and (3) At Large Members.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Report dated November 18, 2011.
- 2) RDA: None.

3. CONSENT CALENDAR

All matters listed under "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/Redevelopment Agency request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following "Other Business."

3. CONSENT CALENDAR - Continued

- A. Approve Reading by Title of all Ordinances and Resolutions and declare that said Titles which appear on the Public Agenda shall be determined to have been read by Title and Further Reading Waived.
- B. City/RDA: Approve Minutes – None.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of December 1, 2011.
- D. Adopt Resolution Setting the Interest Rate for Tenant Security Deposits for 2012 at Zero Percent (0.00%).
- E. Approve Addendum No. 2 to the Professional Services Agreement with R.L. Hastings and Associates, LLC, in an amount not to exceed \$25,000 for Tenant Relocation Services for the Bay Avenue Senior Apartments Project.
- F. Adopt Resolution Approving a Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola Effective January 1, 2012, superceding Resolution No. 3850.
- G. Adopt Ordinance Adding Chapter 17.70 to the Capitola Municipal Code providing a Procedure for Reasonable Accommodation in the City's Land Use and Zoning and Building Regulations [2nd Reading], and Adopt Resolution Authorizing submittal of the Amendments to the Local Coastal Program contained in the new Chapter 17.70 to the California Coastal Commission for Certification.
- H. Declaration of three pieces of property currently stored at the Corporation Yard, including a 2000 Johnson Street Sweeper, 2001 Mower trailer, and 2001 Toro riding mower, as surplus property, and direct the Public Works Department to sell or dispose of the property.
- I. Approve Contract with Bob Murray and Associates for Chief of Police Recruitment, and Adopt Resolution Amending the FY2011-12 General Fund Budget by \$19,500 to fund an Executive Recruiter Contract.

4. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is followed for each Public Hearing listed: 1) Staff Explanation; 2) Public Discussion; 3) Council Comments; 4) Close public portion of the Hearing; 5) City Council discussion; and 6) Decision.

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.

- A. Public Hearing on Project Application #11-114, 426 Capitola Avenue, APN 035-141-33, to consider an application regarding a Coastal Development Permit, Relocation Impact Report (RIR), and Relocation Plan for the closure of Pacific Cove Mobile Home Park. Environmental Determination: Categorical Exemption. Property Owner: City of Capitola, Owner/filed 10/27/11. Presentation: Community Development Department.
[NOTE: This item to be continued to a Special Meeting of the City Council on Thursday, December 15, 2011, at 7:00 p.m.]
- B. Public Hearing to consider the 41st Avenue/Capitola Mall Re-Visioning Plan dated October 26, 2011, prepared by The Planning Center|DC&E (formerly Design Community & Environment), which was funded by Community Development Block Grant (CDBG) Funds. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. City Council Consideration of Reorganization - Selection of a New Mayor and Vice Mayor. Staff recommendation: City Council determination.
- B. Presentation to Outgoing Mayor Dennis Norton
- C. Comments from Outgoing Mayor Norton
- D. Comments from New Mayor

5. OTHER BUSINESS - Continued

- E. Review of Council Member Representation on City and County/ Multi-County Boards, Commissions, and Committees. Staff recommendation: Council determination regarding representation on the Finance Advisory Committee, and review of representation on County/Multi-County Boards, Commissions and Committees.

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

6. COUNCIL/RDA DIRECTOR/STAFF COMMUNICATIONS**7. ADJOURNMENT**

The City Council to adjourn to a Special Meeting pertaining to Pacific Cove Mobile Home Park Closure to be held on Thursday, December 15, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, and then to the next Regular Joint Meeting of the City Council/Redevelopment Agency to be held on Thursday, January 12, 2012, at 7:00 p.m.

Happy Holidays 