



**AGENDA COVER**  
Regular Joint Meeting of the  
**CAPITOLA CITY COUNCIL/  
REDEVELOPMENT AGENCY**  
MEETING DATE: THURSDAY, AUGUST 11, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

<b>CLOSED SESSION</b>	<b>5:30 P.M.</b>
<b>JOINT CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING</b>	<b>7:00 P.M.</b>

*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*  
*Derek Johnson,*  
*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](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/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](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.

**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, August 11, 2011

### 5:30 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)

Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park) [Superior Court of the State of California for County of Santa Cruz, Case #CV 167716]

Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park) [U.S. District Court N.D., Case No. C09-05542 RS (Judge Richard Seeborg)]

Los Altos/El Granada Investors vs. City of Capitola, et al. (Castle Mobile Estates) [U.S. District Court N.D., Case No. CV 04-05138 JF (Judge Jeremy Fogel)]

Veronica Shepardson, et al. (residents of Surf & Sand Mobile Home Park) vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 171269]

Bill Newman, et al. (residents of Surf & Sand Mobile Home Park) vs. Surf and Sand, LLC, Ronald Reed, et al. [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:  
One Case – Alice Hanratty vs. City of Capitola (Pacific Cove Mobile Home Park flood claim)

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:  
One Case – Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:  
One Case – City's Joinder in Town of Fairfax California Public Utility Petition regarding SmartMeter Opt Out Regulations

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code §54957)

Title: City Manager

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

Claimant: Howard & Dottie DeMera  
Agency claimed against: City of Capitola

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

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members/Directors Harlan, Termini, Nicol, Storey,  
and Mayor/Chairperson Norton

**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

*Council Members/RDA Directors/Committee Representatives may present oral updates from standing committees at this time. Committee appointments may also be made by the City Council/Redevelopment Agency at this time.*

F. Approval of Check Register Reports

1) City: Approval of City Check Register Reports dated July 22 and July 29, 2011.

2) RDA: Approval of Redevelopment Agency Check Register Reports dated July 8 and July 29, 2011.

### 3. CONSENT CALENDAR

*All matters listed under “Consent Calendar” are considered by the City Council/Redevelopment Agency to be routine and 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 Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following “Other Business.”*

- 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 of the Regular Joint Meeting of the City Council/Redevelopment Agency of July 28, 2011.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of August 4, 2011.
- D. Accept update report on the Rispin Property Hazard Abatement Project and, by 4/5 vote approval, make the determination that all hazards at the Rispin Property have not been eliminated and there is need to continue action.
- E. Adopt Ordinance repealing Chapter 3.34 of the Capitola Municipal Code pertaining to the Mobile Home Park Administrative Service Fee [2<sup>nd</sup> Reading].
- F. Deny liability claim of Howard and Dottie DeMera in the amount of \$23,638.08 and forward to the City’s liability insurance carrier.
- G. Award Contract for the Cherry Avenue Street Rehabilitation Project to Earthworks Paving Contractors, Inc., of Capitola, in the amount of \$79,407.
- H. Receive City Treasurer’s Report for Month Ended June 30, 2011 (Unaudited).

### 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.*

#### 4. PUBLIC HEARINGS - Continued

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 to consider adoption of an Ordinance Repealing Capitola Municipal Code Chapter 2.18 pertaining to Mobile Home Park Rent Stabilization. [1st Reading] Presentation: City Manager.
- B. City/RDA: Joint City Council/Redevelopment Agency Public Hearing to Consider adoption of an Urgency Ordinance and necessary City/Agency Resolutions determining the City will comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Capitola. Presentation: Community Development Department.

#### 5. OTHER BUSINESS

- A. Consider adoption of an Ordinance Amending Sections 12.52.010 and 12.52.030 of the Municipal Code pertaining to Skateboarding Regulations [1<sup>st</sup> Reading]. Staff recommendation: adopt ordinance.
- B. Transfer of Cable Franchise Agreement. (Continued from July 14, 2011 meeting.) Staff recommendation: adopt Resolution Consenting to and Approving of the Assignment of the Cable Franchise Agreement and System with Charter Communications Properties, LLC, to CCO SoCal I, LLC.
- C. Consider adoption of an Ordinance Amending Section 13.04.010 of the Municipal Code pertaining to Discharge to Sanitary Sewer and Adding a new Section 13.04.060 to the Municipal Code pertaining to Greywater Use [1<sup>st</sup> Reading]. Staff recommendation: adopt ordinance.

**5. OTHER BUSINESS – Continued**

- D. RDA: Legal Services for Redevelopment Agency Housing Programs. Staff recommendation: approve contract with Goldfarb and Lipman, LLP, for legal services related to Redevelopment Agency Housing Programs and miscellaneous Redevelopment legal services for FY2011-2012 in an amount not to exceed \$15,000.
- E. Consider response to the 2010-2011 Santa Cruz County Grand Jury Report, Back to the Future: Regional Gridlock and Local Planning Paralysis. Staff recommendation: authorize staff to submit response on behalf of the City of Capitola.

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

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

Adjourn to the next Regular Joint Meeting of the City Council/ Redevelopment Agency to be held on Thursday, August 25, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.