



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, JUNE 23, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION

5:30 P.M.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

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
Derek Johnson,
Community Development Director
Steven Jesberg, Public Works 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, June 23, 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 #CV 171269]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9:
One Case – City of Capitola vs. Pacific Gas & Electric Company (PG&E)
SmartMeter Moratorium Ordinance Violation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)

Title: City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Maxine Dee Viola, et al.

Claimant: Mark Cameron, et al.

Claimant: Randall Howard, et al.

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

*** * * PRESENTATIONS * * ***

Presentation of Capitola Green Building Award to
Curtis and Susan Tossy
for building their home located at 607 Sunset Drive
pursuant to the City's Green Building Program
with a total of 64 Points

Introduction of Newly Promoted Police Sergeant Andy Dally,
and Newly Appointed Police Officers
Kraig Evans and Daniel Weagle

Introduction of Capitola Police Department Chaplains

Kathi Howard, Trevor Lee, Richard Rice, Dick Tennesen and Roger Welsh

Introduction of Capitola Police Department Explorers

Brantley Sandretti, Tyler Osborne, and Nathan Keane

Introduction of Capitola Police Department Volunteers in Policing

Robert Anderson, Linda Banks, Michael Banks, Kris Banuelos,
Gayle Brock, Konnie Bugge, Cathy Card, Diana Cunningham,
Dave Dominguez, Don Enos, Lewis Feinman, Jamie Ginsbach, Mary Hay,
Kimberly Hogan, Kathy Kelly, Bill Marun, James Schofield, & Gail Wingert

Presentation of Mayor's Proclamations

to Parking Enforcement Officers Ben Irao and Oscar Valdez
for their Fundraising Efforts and Participation in the
Special Olympics Law Enforcement Torch Run in Capitola

Presentation by Bill McCabe, Youth Services Director of the
Santa Cruz Community Counseling Center

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.

- 1) Consideration of the Art and Cultural Commission's recommendation to appoint Sterling Nathan Cross to fill the At-Large Member vacancy on the Commission with a term ending December 31, 2011. Staff recommendation: City Council appointment.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated June 3 and June 10, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Report dated June 10, 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 Meetings of the City Council/Redevelopment Agency of May 26 and June 9, 2011, and the Special Joint Budget Study Session of June 2, 2011.
- C. Adopt Ordinance Amending the Title of Section 2.18.120 and Adding Subsection E. to Section 2.18.120 of the Capitola Municipal Code pertaining to Mobile Home Park Rent Stabilization. [2nd Reading]
- 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. Deny liability claims and forward to the City’s liability insurance carrier.
 - 1) Maxine Dee Viola, et al. - \$790,000
 - 2) Mark Cameron, et al. - an undetermined amount
 - 3) Randall Howard, et al. - \$14,443.90
- F. City/RDA: Authorize the City Manager to execute a three year agreement for professional auditing services with Rogers, Anderson, Malody & Scott, LLP, Certified Public Accountants, to conduct the 2011/12 through 2013/14 fiscal year audits for both the City of Capitola in the amount of \$25,160 and the Redevelopment Agency in the amount of \$5,800.
- G. Approve plans, specifications, and engineer’s estimate for the Cherry Avenue Street Rehabilitation Project and authorize advertising for bids.

3. CONSENT CALENDAR – Continued

- H. Adopt Resolution approving the new classification and job description for Administrative Services Director and approve an Employment Agreement with Lisa Murphy for the position effective July 10, 2011.
- I. Approve the First Amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560 for Fiscal Year 2011/2012.
- J. RDA: Approve a sole source contract with Carolyn Flynn for an amount not to exceed \$15,000 for FY 2011-2012 for professional services related to Redevelopment Agency Affordable Housing Programs and Economic Development Projects.
- K. City: Approve a sole source contract with Carolyn Flynn for an amount not to exceed \$20,336 for FY 2011-2012 for assistance with the City's Economic Development, Environmental Sustainability and Flood Relief grants and overall administration of the City's Community Development Block Grant (CDBG) Program.
- L. City: Receive City Treasurer's Report for the month ended May 31, 2011 (Unaudited).

4. PUBLIC HEARINGS - None

5. OTHER BUSINESS

- A. Coastal Watershed Council Report on 2010 storm water activities. Staff recommendation: receive oral report and award a contract to Coastal Watershed Council in the amount of \$15,000 for Storm Water Education and Outreach Services in 2011.
- B. Ordinance adding Section 9.12.080 to the Capitola Municipal Code pertaining to Noise [1st Reading]. Staff recommendation: adopt ordinance and approve a Notice of Exemption from CEQA.
- C. Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code pertaining to Bicycle Licenses [1st Reading]. Staff recommendation: adopt ordinance.

5. OTHER BUSINESS - Continued

- D. Proposed Administrative Policy: Fund Balance Policy. Staff recommendation: approve policy. (Continued from meeting of June 9, 2011.)
- E. SmartMeter Ordinance Moratorium Implementation. Staff recommendation: Council direction.

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, July 14, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.