



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, JUNE 9, 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 9, 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)]

Eileen Cholden vs. City of Capitola, Brent Joseph Massa, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 171124]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

Titles: City Manager and City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Mark & Janet Cameron

Claimant: Michael J. Pirnik

Claimant: Kevin Calvert

Claimant: Veronica Shepardson

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.

- 1) Council Member Nicol nomination of Alternate Jewel Box Neighborhood Representative to the General Plan Advisory Committee (GPAC), and City Council appointment.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated May 20 and May 27, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Report dated May 27, 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 May 12, 2011, and the Special Joint Budget Study Session of May 25, 2011.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of June 2, 2011.
- D. Adopt Resolution Setting the 2011-2012 Appropriation Limit as required by Article XIII B of the California Constitution.
- E. Accept update report on the Rispin Property Hazard Abatement Project, adopt proposed resolution amending the FY 2010/11 Budget 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.
- F. Adopt Ordinance Amending Sections 3.32.140, 5.24.090, 5.40.050, 8.06.050, 8.24.290, 8.24.310, 8.38.130, 8.60.020, 8.60.040, 8.64.060, 8.68.020, 9.12.070, 12.56.070, and 17.54.010 of the Capitola Municipal Code pertaining to Municipal Code Enforcement [2nd Reading]. Staff recommendation: adopt ordinance.
- G. Deny the following liability claims and direct staff to forward the claims to the City’s liability insurance carrier:
 - 1) Mark & Janet Cameron: \$6,859.15
 - 2) Michael J. Pirnik: \$11,687.42
 - 3) Kevin Calvert: \$99,708.00
- H. Receive City Treasurer’s Report for the month ended April 30, 2011 (Unaudited).
- I. Approve proposed Administrative Policy: Fund Balance Policy.

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 to consider the Levy of Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2011/2012. Staff recommendation: adopt resolution. Presentation: Capitola Village and Wharf Business Improvement Area Executive Directors.
- B. City/RDA: Joint Public Hearing to conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) Hearing required by Section 147 (f) of the Internal Revenue Code to consider adoption of resolutions authorizing issuance of Mobile Home Park Revenue and Subordination Bonds by the Independent Cities Finance Authority to be used to make a loan to the borrower, Millennium Housing Corporation, a Non Profit housing provider, to acquire Castle Mobile Estates Park, and to approve agreements, affordability restrictions, promissory note, and deed of trust, and to consider an Ordinance Amending Section 2.18.120 of the Capitola Municipal Code pertaining to Mobile Home Rent Stabilization [1st reading]. Presentation: Community Development Department.
- C. Public Hearing to consider application to State of California 2008 Disaster Recovery Initiative Allocation of the State CDBG Program for \$250,000 for development of the City’s local Hazard Mitigation Plan and the Safety Element of the General Plan Update. Staff recommendation: adopt resolution. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Monterey Avenue Public Art Project. Staff recommendation: approve Tile Art Project and agreement with Roy Segura in an amount not to exceed \$10,000 from the Public Art Fund.
- B. Proposal for July 4, 2011, Police Department Public Safety Operation for Capitola Beach. Staff recommendation: consider options for Capitola Beach public safety during operations on July 4, 2011, and provide direction to staff.

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

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

Adjourn to a Special Joint Budget Study Session of the City Council/Redevelopment Agency to be held on **Wednesday**, June 15, 2011, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.