



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, MAY 26, 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, May 26, 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)]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: One Case: Vieira Enterprises, Inc. vs. City of Capitola (Cabrillo Mobile Estates)

The City is in receipt of a December 30, 2010, Fair Return rent increase application for Cabrillo Mobile Home Park, which claims that if it is not granted in its entirety, the City will be liable for the unconstitutional taking of Mr. Vieira's property and further claims that the City's past enforcement of its rent control ordinance has already functioned to effect such a taking.

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9: One Case.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: City Manager and City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Veronica Shepardson

Claimant: Tracey Conklin

Claimant: Jeanne Roddy

Claimant: Barbara & Mark Vasko

Claimant: Kathleen S. Sullivan

Claimant: Sidney C. Jackson

Claimant: Larry, Amber & Natalie Machado

Claimant: Larry Machado, Carol Lerno, Marlene Cooper, Nancy Petersen

Claimant: William & Lee Ann Gilbert

Claimant: Alan & Donna Fontaine

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 * * ***

Recognition of Public Works Department Employees
for their Exemplary Service during the March Floods:

Ed Morrison, Eddie Ray Garcia,
Albert De La Torre, Frank DeFalco, Lance Elliot, Matt Kotila,
David Nakamoto, Cary Oyama, Mark Sessions, and Chris Tryde

Presentation by Paul Michel, Superintendent
of the Monterey Bay National Marine Sanctuary

Presentation by Erich Friedrich, Transportation Planner
for Santa Cruz METRO, regarding Service Reductions

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) Appointment of Alternates to the General Plan Advisory Committee (GPAC). Staff recommendation: Council Members Harlan and Nicol to make appointments.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated May 6 and May 13, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Reports dated May 6 and May 13, 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 City Council/Redevelopment Agency Minutes – None
- C. Award contract to Overland Pacific & Cutler to prepare a Relocation Impact Report and Relocation Plan for Pacific Cove Mobile Home Park in an amount not to exceed \$20,000.
- D. 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.
- E. Confirmation of the City's Investment Policy, Administrative Policy Number III-1.

3. CONSENT CALENDAR - Continued

- F. Deny the following liability claims and direct staff to forward the claims to the City's liability insurance carrier:
- 1) Veronica Shepardson, et al: an undetermined amount
 - 2) Tracey Conklin: an undetermined amount
 - 3) Jeanne Roddy: \$9,500
 - 4) Barbara & Mark Vasko: an undetermined amount
 - 5) Kathleen S. Sullivan: an undetermined amount
 - 6) Sidney C. Jackson: \$880
 - 7) Larry Machado, et al: \$35,277
 - 8) Larry Machado, et al: \$10,000
 - 9) William & Lee Ann Gilbert: \$50,000
 - 10) Alan & Donna Fontaine: \$12,000
- G. Approve increase in Public Works Department crew allocation of Personal Holiday time by eight hours per person for their exemplary service to the City during the March floods.
- H. Adopt Resolution of Intention to Levy Business Improvement Assessments for FY 2011-2012, which receives the Capitola Village and Wharf Business Improvement Area Annual Report and the proposed FY 2011-2012 Budget, sets a public hearing to receive oral or written protests on the levy of assessments for FY 2011-2012 for Thursday, June 9, 2011, after the hour of 7 p.m., and directs required noticing of the public hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area.
- I. Approve request by the Capitola Junior Lifeguard Parents Club for a Special Event Permit, Entertainment Permit, Encroachment Permit, and Bandstand Rental for the 2nd Annual Tola Fest Celebration for the Capitola Junior Guards on Friday, July 8, 2011, from 10:00 am to 8:00 pm, at Capitola Beach and the Bandstand, and request for a Grant for all Permit Fees and Bandstand Rental, in the amount of \$772.00.
- J. Approve request by Chris Harmount for a Minor Special Event Permit, Entertainment Permit, and Encroachment Permit for a Block Party on Jewel Street between 45th Avenue and 47th Avenue, on Monday, July 4, 2011, from 3 to 7 p.m., and request for a grant for liability insurance and permit fees in the amount of \$172.00.

3. CONSENT CALENDAR - Continued

- K. Adopt Resolution authorizing the City Manager to execute an amendment to the Standard Agreement with the HOME Investment Partnership Program for the Bay Avenue Senior Apartments Project to increase the grant to an amount not to exceed \$3,200,000.

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 #11-028, 201 Esplanade, to consider appeal of Planning Commission denial for an amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District [APN 035-211-05]. Property Owner: J. Xavier Sanchez. Representative: Amjad Al Asud. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Ordinance amending various sections of the Capitola Municipal Code pertaining to Municipal Code Enforcement [1st Reading]. Staff recommendation: adopt ordinance.

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 **Thursday**, June 2, 2011, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.