



# **AGENDA**

**Regular Joint Meeting of the  
CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY  
and the Special Meeting of the  
CAPITOLA FINANCING AUTHORITY  
Thursday, January 13, 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)]

Vieira Enterprises, Inc. vs. City of Capitola (Cabrillo Mobile Estates)

## **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 Mobilehome 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.

**6:50 SPECIAL MEETING OF THE  
CAPITOLA FINANCING AUTHORITY**

**1. ROLL CALL**

Board Members Harlan, Termini, Nicol, Storey, and Chair Norton

**2. ORAL COMMUNICATIONS**

**3. CONSENT CALENDAR**

*All matters listed under "Consent Calendar" are considered by the 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 Directors vote on the action unless members of the public or the Agency request specific items to be discussed for separate review.*

A. Minute Approval – Approve Minutes of the Special Meeting of the Capitola Financing Authority held on January 28, 2010.

B. Accept Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2010.

**4. ADJOURNMENT**

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**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 \* \* \***

Proclamation for National Blood Donor Month – January 2011  
to Donor Recruitment Account Manager Patti Childress  
of the American Red Cross

Recognition of Ron Burke for his service on the  
Capitola Planning Commission from December 2006 to December 2010

Presentation by Catherine Patterson-Valdez, Program Director  
from Community Bridges – Lift Line Program

Presentation by Lisa Berkowitz, Program Director  
from Community Bridges - Meals on Wheels

**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 Harlan appointments to the Finance Advisory Committee, the Commission on the Environment, and the Traffic & Parking Commission. Council Member Termini to confirm his appointment to the Traffic & Parking Commission.
- 2) Reconsideration of the City Council's nomination of Council Member Harlan to the Local Agency Formation Commission (LAFCO)
- 3) RDA: Appointments/reappointments to the Redevelopment Agency Library Ad hoc Committee. Staff recommendation: Director appointments/reappointments.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports for December 3, 10, 17, and 23, 2010
- 2) RDA: Approval of Redevelopment Agency Check Register Reports dated December 3, 10, and 23, 2010

**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. Approve City Council Minutes of the Regular Meeting of November 23, 2010, the Special Closed Session Meetings of November 29 and December 20, 2010, and the Special Meeting of December 8, 2010.
- C. RDA: Approve Minutes of the Regular Meeting of the Capitola Redevelopment Agency of December 9, 2010.
- D. Receive City Treasurer's Report for the month ended November 30, 2010 (Unaudited).
- E. Receive California Public Employees' Retirement System Annual Actuarial Valuation Reports as of June 30, 2009.
- F. Adopt Resolution Approving a Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola for 2011.
- G. Receive and file First Quarter 2010-2011 Sales Tax and Transient Occupancy Tax Status Report (Unaudited) for the City of Capitola.
- H. City/RDA: Accept Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2010.

**4. PUBLIC HEARINGS – None**

**5. OTHER BUSINESS**

- A. Request from JFS, Inc., operators of Capitola Boat and Bait, to exercise their option to extend the Wharf Lease and Mooring Concession Agreement for one year, and for rent relief for the months of January, February and March 2011. Staff recommendation: approve extension of Wharf Lease to December 31, 2011, and Council direction regarding request for rent waiver.
- B. City Council conceptual review of Public Art Project on 41<sup>st</sup> Avenue. Staff recommendation: receive report and provide direction.
- C. Budgeting Principals and Budget Calendar for Fiscal Year 2011-12. Staff recommendation: approve FY 2011-12 Budget Calendar.
- D. Appointment/Reappointment of Standby City Council Members. Staff recommendation: City Council determination.
- E. Paper reduction for City Council/Redevelopment Agency Meeting Agenda Packets. Staff recommendation: Council direction.
- F. City/RDA: City Council/Redevelopment Agency Minutes. Staff recommendation: approve implementation of Action Minute format as the City's formal record of City Council/Redevelopment Agency Minutes.
- G. RDA: Resolution Amending Section 3.02 of the Redevelopment Agency Bylaws Pertaining to Regular Meeting Time. Staff recommendation: adopt Agency Resolution.
- H. Grant for Electric Vehicle Charging Station Installation. Staff recommendation: approve recommended action accepting grant from Coulomb Technologies, Inc., authorizing the City Manager to execute agreements, approve installation of charging stations in Pacific Cove Parking Lot, and approve Notice of Exemption from CEQA for the installation of the charging stations.

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

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

**7. ADJOURNMENT**

Adjourn to the next Joint Regular Meeting of the City Council/Redevelopment Agency to be held on Thursday, January 27, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.