

City of Capitola Agenda

Elected Officials

Michael Termini, Mayor
Stephanie Harlan, Vice Mayor
Kirby Nicol, Council Member
Dennis Norton, Council Member
Sam Storey, Council Member
Jacques Bertrand, Treasurer



CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY

REGULAR JOINT MEETING

THURSDAY, JANUARY 12, 2012

CLOSED SESSION – 5:00 PM

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 – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9:
Two cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park
2) Pacific Cove Mobile Home Park Flooding and Closure

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9)
Kevin Calvert, D.D. S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 172804]

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)
Negotiator: Jamie Goldstein, City Manager
Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group

LIABILITY CLAIMS (Govt. Code §54956.95)
Claimant: Allstate Insurance, subrogee of Nazar Turkish Imports
Claimant: Allied Interstate, subrogee of Capitola Associates, LLC
Claimant: Brian Alexander
Agency claimed against: City of Capitola

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)
Title: City Manager

**REGULAR JOINT MEETING OF THE
CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY – 6:00 PM**

ROLL CALL AND PLEDGE OF ALLEGIANCE: Council Members/Directors Dennis Norton, Stephanie Harlan, Kirby Nicol, Sam Storey, and Mayor/Chairperson Michael Termini

PRESENTATIONS: Introduction of City Clerk Susan Sneddon

1. REPORT ON CLOSED SESSION

2. PUBLIC HEARING

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.

- A. Continued Public Hearing on Project Application #11-114, 426 Capitola Avenue, APN 035-141-33, to consider an application regarding a Coastal Development Permit, Relocation Impact Report (RIR), and Relocation Plan for the closure of Pacific Cove Mobile Home Park. The Capitola Planning Commission, at its meeting held December 1, 2011, determined the project is exempt from CEQA, and approved a Coastal Development for Closure of Park subject to findings and conditions, and determined the Relocation Impact Report is sufficient with conditions and measures to mitigate the adverse impacts on the change of use. Environmental Determination: Categorical Exemption. Property Owner: City of Capitola, Owner/filed 10/27/11.
PRESENTATION: Community Development Department.

3. 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: Nomination by the Mayor of one Council Member to serve on the Capitola Public Safety and Community Service Foundation.

F. Approval of Check Register Reports

1. City: Approval of City Check Register Reports dated December 2, 9, 16 and 23, 2011.
2. RDA: Approval of Redevelopment Agency Check Register Report dated December 2, 16 and 23, 2011.

4. CONSENT CALENDAR

All matters listed under "Consent Calendar" 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 City Council/ Redevelopment Agency 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 November 22, 2011, and December 8, 2011.
RECOMMENDED ACTION: Approve Minutes.
- C. Deny liability claims and forward to the City's liability insurance carrier:
1. Allstate Insurance, subrogee of Nazar Turkish Imports: \$26,582;
2. Allied Interstate, subrogee of Capitola Associates, LLC: undetermined amount;
3. Brian Alexander: undetermined amount.
RECOMMENDED ACTION: Deny Liability Claims.
- D. City/RDA: Receive the Comprehensive Annual Financial Report for the City of Capitola for June 30, 2011.
RECOMMENDED ACTION: Receive Report.
- E. City/RDA: Receive Annual Capitola Redevelopment Agency Fiscal Year 2010/2011 Reports.
RECOMMENDED ACTION: Receive Report.
- F. Receive City Treasurer's Report for Month ended November 30, 2011 (Unaudited).
RECOMMENDED ACTION: Receive Report.

4. CONSENT CALENDAR CONTINUED

- G. Consideration of a Resolution amending the Fiscal Year 2011/2012 General Fund and Supplemental Law Enforcement Services Fund (SLESF) Budgets by \$100,000 to reflect a Total State Grant of \$100,000.

RECOMMENDED ACTION: Adopt Resolution.

- H. Consideration of an Employment Agreement for the Finance Director, and authorize the City Manager to execute the agreement.

RECOMMENDED ACTION: Approve Agreement.

5. OTHER BUSINESS

- A. Consideration of a Resolution electing the City of Capitola to serve as both the Successor Agency and Successor Housing Agency to the former Redevelopment Agency, and directing staff to file the appropriate notification of these elections in accordance with the Dissolution Act.

RECOMMENDED ACTION: Adopt Resolution.

- B. Consideration of Budget Calendar for Fiscal Year 2012/2013.

RECOMMENDED ACTION: Approve Budget Calendar.

- C. Consideration of the approval of the 5th Amendment with JFS, Inc., DBA Capitola Boat and Bait for the Wharf Lease and Mooring Concession Agreement.

RECOMMENDED ACTION: (1) Approve extension of Wharf Lease to December 31, 2012; and (2) Council direction regarding the request from JFS, Inc., to waive rent except utility bills for the months of January, February, and March 2012.

- D. Designation of two Council Members to sit on the February 3, 2012 interview panel for the recruitment of the Police Chief.

RECOMMENDED ACTION: Designate two Council Members.

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, January 26, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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.

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.