

City of Capitola Agenda

Mayor: Jacques Bertrand
Vice Mayor: Kristen Petersen
Council Members: Ed Bottorff
Yvette Brooks
Sam Storey



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, DECEMBER 19, 2019

6:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 5:15 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 on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Confidential Employees; (4) Mid-Management Group; and (5) Department Heads

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).
(One potential case)

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 6 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Sam Storey, Kristen Petersen, Yvette Brooks, Ed Bottorff, and Mayor Jacques Bertrand

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council 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.

6. CITY COUNCIL / STAFF COMMENTS

City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.

7. REORGANIZATION

1. City Council Reorganization for the Selection of Mayor and Vice Mayor
RECOMMENDED ACTION: City Council consideration of a new Mayor and Mayor Pro Tempore.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Appoint Art and Cultural Commission Members
RECOMMENDED ACTION: Reappoint Mary Beth Cahalen, Laurie Hill, and James Wallace as at-large members for terms expiring in December 2021 as recommended by the Art and Cultural Commission.
- B. Appointment of Youth Member to Art and Cultural Commission
RECOMMENDED ACTION: Appoint Ayden MacKenzie to a one-year term as a youth member as recommended by the Art and Cultural Commission.

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- C. Consider Council Financial Advisory Commission Membership
RECOMMENDATION: Determine if the new mayor and vice mayor wish to serve on the Finance Advisory Committee, and provide direction on related appointments and recruitment.

9. CONSENT CALENDAR

All items listed in the "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 request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Consider the November 26, 2019, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive the Planning Commission Action Minutes for the Regular Meeting of December 5, 2019
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated November 1, November 8, November 15, November 22, and November 29, 2019
RECOMMENDED ACTION: Approve check registers.
- D. Consider a Resolution Authorizing an Increase in the Residential and Commercial Garbage Collection Rates
RECOMMENDED ACTION: Adopt a Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola, resulting in a 3.03 percent rate increase pursuant to the franchise agreement with GreenWaste Recovery, effective January 1, 2020.
- E. Adopt a Resolution Setting the Interest Rate for Tenants' Security Deposits for 2020 at Zero Percent (0.00%)
RECOMMENDED ACTION: Adopt Resolution.
- F. Adopt an Ordinance Amending Capitola Municipal Code Chapter 12.64 Sidewalk Vending Prohibitions
RECOMMENDED ACTION: Approve the second reading of an ordinance to amend Chapter 12.64 to allow sidewalk vending consistent with Senate Bill 946, by title only, waiving further reading.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Consider an Appeal of the Planning Commission's Denial of a Tree Removal Permit for a Coastal Redwood at 1600 49th Avenue
RECOMMENDED ACTION: Deny the appeal of the tree removal and support approval of pruning measures established in the arborist report.

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- B. Report on Emergency Declaration from December 3, 2019
RECOMMENDED ACTION: Receive a report on a Proclamation of Existence of a Local Emergency made by the City Director of Emergency Services on December 3, 2019, in response damages to the Grand Avenue Pathway following heavy rains, and authorize associated expenditures from Measure F funding.
- C. Receive Update Report on the Construction of the Capitola Branch Library
RECOMMENDED ACTION: Receive report.
- D. Receive Audit Report for Fiscal Year 2018-19
RECOMMENDED ACTION: Receive report.
- E. Support a Consolidated Coastal Development Permit Process for Pure Water Soquel
RECOMMENDED ACTION: Authorize a Consolidated Coastal Development Permit application for California Coastal Commission review of a major public works facility, in lieu of a local Coastal Development Permit.

11. ADJOURNMENT

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: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. 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 meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast 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.cityofcapitola.org by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.