

City of Capitola Agenda

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



REVISED
CAPITOLA CITY COUNCIL
REGULAR MEETING

THURSDAY, JUNE 27, 2019

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 6:30 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 LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov’t. Code § 54956.9(d)(2).
(One potential case)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9 (d)(1)]

(one case)

City of Capitola v. Water Rock Construction, Inc.
Santa Clara Superior Court Case No. 16CV295795

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 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. PRESENTATIONS

Presentations are limited to eight minutes.

- A. Recognition of Outgoing Board Historical Museum Members
- B. Proclamation Honoring Roberta Bristol on Her 95th Birthday

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

- A. Item 10.A – Two public comment emails
- B. Item 10.B – One email protesting the proposed fees
- C. Item 10.C – Staff memo with two additional attachments
- D. Item 10.D – Staff memo with revised policy
- E. Item 10.E -- Staff memo with corrected salary schedule

5. ADDITIONS AND DELETIONS TO AGENDA

6. 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.

7. 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.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Historical Museum Board Appointments

RECOMMENDED ACTION: Appoint Emmy Mitchell-Lynn to a three-year term on the Capitola Historical Museum Board as recommended by its trustees and reappoint Niels Kisling and Gordon van Zuidan for three-year terms.

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. Approval of City Check Registers Dated May 3, May 10, May 17, May 24, and May 31, 2019

RECOMMENDED ACTION: Approve check registers.

B. Consider a Funding Agreement with the Capitola Chamber of Commerce

RECOMMENDED ACTION: Authorize the City Manager to enter into a Funding Agreement with the Capitola Soquel Chamber of Commerce.

C. Schedule an Appeal of Selection Committee's Decision to Not Issue a Cannabis License to Embarc Capitola, LLC

RECOMMENDED ACTION: Schedule the appeal for the regular meeting of July 25, 2019.

D. Consider an Agreement between the City of Capitola, the County of Santa Cruz and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District Regarding Repairs and Maintenance of Various Storm Drain Systems

RECOMMENDED ACTION: Approve the proposed agreement between the City of Capitola, County of Santa Cruz, and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District regarding drainage facilities.

E. Consider Authorizing the City Manager to Sign a Letter Regarding Traffic Studies for a Proposed Medical Office Building on Soquel Avenue

RECOMMENDED ACTION: Authorize and direct the City Manager to sign a letter regarding the traffic studies underway for the proposed medical office building at 5940 Soquel Avenue in the County of Santa Cruz.

F. Consider Awarding a Contract to Anderson Pacific for the Park Avenue Sidewalk Project

RECOMMENDED ACTION: Award a contract to Anderson Pacific Engineering Construction, Inc., in the amount of \$907,600 for construction of the Park Avenue

Sidewalk Project.

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. Introduce an Ordinance Amending Title 5, Business Taxes, Licenses and Regulations, and Title 8, Health and Safety, of the Capitola Municipal Code Pertaining to Prohibiting Sales of Flavored Tobacco Products
RECOMMENDED ACTION: Approve the first reading of an Ordinance adding Municipal Code Chapter 5.38 Tobacco Retailer License Required, and amending 8.38.120 and relocating 8.38.130 Regulating the Sale of Tobacco Products.

- B. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2019/2020
RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2019/2020 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.

- C. Continue Discussion of the Revised Zoning Code for Coastal Commission Certification - City Attorney Review
RECOMMENDED ACTION: Accept staff presentation and continue the discussion to the meeting of August 22, 2019.

- D. Consider an Administrative Policy on Social Media Use by City Council and Advisory Body Members
RECOMMENDED ACTION: Approve draft policy I-18 Elected and Appointed Officials' Use of Social Media Policy and revoke current administrative policy V-8 Councilmember Online Forums/Web Logs ("Blogs").

- E. Consider the 2019/2020 Salary Schedule
RECOMMENDED ACTION: Approve the Resolution authorizing the Fiscal Year 2019/2020 annual salary adjustment consistent with existing employee labor agreements.

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 CITY COUNCIL REGULAR MEETING AGENDA
June 27, 2019

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.