

# City of Capitola Agenda

Mayor: Michael Termini  
Vice Mayor: Jacques Bertrand  
Council Members: Ed Bottorff  
Stephanie Harlan  
Kristen Petersen  
  
Treasurer: Peter Wilk



**REVISED**  
**CAPITOLA CITY COUNCIL**  
**REGULAR MEETING**

**THURSDAY, JULY 26, 2018**

**7:00 PM**

**CITY COUNCIL CHAMBERS**  
**420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**CLOSED SESSION – 6 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: Dania Torres Wong

Employee Organizations: (1) Capitola Police Captains, (2) Capitola Police Officers Association

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**[Govt. Code § 54956.9(d)(4)]**

1 potential case

**LIABILITY CLAIMS [Gov't Code § 54956.95]**

Claimant: Carol Camnitz

Agency claimed against: City of Capitola

## 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 Kristen Petersen, Jacques Bertrand, Ed Bottorff, Stephanie Harlan, and Mayor Michael Termini

**2. PRESENTATIONS**

- A. Introduce New Parking Enforcement Officer
- B. Introduce New Assistant Planner

**3. REPORT ON CLOSED SESSION**

**4. ADDITIONAL MATERIALS**

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

- A. Item 9.A – Corrected attachment and two public comments
- B. Item 9.C – Revised language for the resolution and two public comments
- C. Item 9.D – Revised language for the resolution

**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 / CITY TREASURER / STAFF COMMENTS**

*City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.*

**8. 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 June 28, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Liability Claim of Carol Camnitz  
RECOMMENDED ACTION: Reject liability claim.
- C. Consider Approval of Memoranda of Understanding with Police Captains and Adopt Amended Salary Schedule for Fiscal Year 2018/19  
RECOMMENDED ACTION:
  - 1. Authorize the City Manager to execute the successor agreements to existing Memoranda of Understanding (MOU) with negotiated changes from July 1, 2018, through June 30, 2020, for the following:
    - a. Police Captains
  - 2. Adopt a Resolution approving the updated salary schedule.
- D. Consider a New City Attorney Contract  
RECOMMENDED ACTION: Consider the updated agreement for City Attorney Services with Atchison, Barisone, & Condotti in the amount of \$133,560 for Fiscal Year 2018/19 and authorize the City Manager to execute the agreement.
- E. Second Reading of an Ordinance Adding Chapter 5.36 of the Capitola Municipal Code Pertaining to Cannabis Retail Licenses and Amending Chapter 17.24 of the Regional Commercial Zoning District Pertaining to Conditional Land Uses to Authorize Commercial Retail Cannabis Uses in the Regional Commercial Zoning District  
RECOMMENDED ACTION: Adopt an Ordinance adding Chapter 5.36 "Retail Cannabis Licenses" and amending Municipal Code Chapter 17.24 to authorize retail cannabis as a conditionally permitted use in the Regional Commercial zone.
- F. Award 2018 Slurry Seal Project Contract  
RECOMMENDED ACTION: Award a contract to Graham Contractors, Inc., in the amount of \$322,991 for the construction of the 2018 Slurry Seal project. Further authorize the Public Works Director to issue change orders for paving repairs at the Community Center Parking Lot at a cost not to exceed \$60,000 and to restripe 41<sup>st</sup> Avenue at a cost not to exceed \$30,000.

## 9. 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 Options on Awarding a Construction Contract for the Capitola Branch Library  
RECOMMENDED ACTION: Either:  
1. Award a contract to Otto Construction to build the Capitola Branch Library, or  
2. Reject all bids and authorize staff to amend the Project Manager contract with Bogard Construction to include the preparation of documents necessary to bid the project as a design-build project.
- B. Report on Citizen Initiative Petition Qualification  
RECOMMENDED ACTION: Receive report on the certification of a petition to amend Title 8 of the Capitola Municipal Code pertaining to Health and Safety as related to the Santa Cruz Branch Line Rail Corridor and order a report pursuant to Elections Code Section 9212 for presentation at the August 9 City Council meeting.
- C. Consider a Resolution Placing a Special Transient Occupancy Tax Measure on the November 6, 2018, Election Ballot  
RECOMMENDED ACTION: Adopt a resolution placing a measure on the November ballot to approve a special 2 percent increase to the Transient Occupancy Tax that would in part fund youth programs and support local businesses.
- D. Consider a Resolution Placing a Local Cannabis Tax Measure on the November 6, 2018, Election Ballot  
RECOMMENDED ACTION: Adopt a resolution placing a measure on the November ballot to approve a not-to-exceed 7 percent Cannabis Business Tax.
- E. Consider a Resolution Placing a Measure on the November 6, 2018, Ballot Asking Voters to Change the Treasurer from an Elected to an Appointed Position  
RECOMMENDED ACTION: Only with unanimous Council support, adopt the resolution.
- F. Introduce an Ordinance Adding Chapter 1.50 of the Capitola Municipal Code Pertaining to Electronic Filing of Campaign Statements  
RECOMMENDED ACTION: Approve the first reading of an ordinance adding Municipal Code Chapter 1.50.

## 10. 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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
July 26, 2018

**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](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, 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](http://www.cityofcapitola.org) by clicking on the Home Page link "Meeting Video." Archived meetings can be viewed from the website at anytime.