

# 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, JUNE 28, 2018**

**7:00 PM**

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

**CLOSED SESSION – 6:15 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: Dania Torres Wong

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; (6) Department Heads; and (7) City Manager

### **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION**

**[Govt. Code § 54956.9 (d)(1)]**

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

### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**[Govt. Code § 54956.9(d)(4)]**

1 potential case

**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 Sergeant

B. Community Action Board Update

**3. REPORT ON CLOSED SESSION**

**4. ADDITIONAL MATERIALS**

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

A. Item 10.D – One public comment

B. Item 10.E – Strike-through versions of the proposed memoranda of understanding

**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. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

A. Review Regional Transportation Commission Bicycle Advisory Committee Appointment

RECOMMENDED ACTION: Recommend to the RTC Board that it approve appointment of Capitola's representative to the Bicycle Advisory Committee.

**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 May 30, 2018, Joint Budget Workshop Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Consider the June 14, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- C. Planning Commission Action Minutes  
RECOMMENDED ACTION: Receive minutes.
- D. Approval of City Check Registers Dated May 4, May 11, May 18, and May 25, 2018  
RECOMMENDED ACTION: Approve check registers.
- E. Schedule Appeal of the Planning Commission Denial of Application 17-019, 4015 Capitola Road  
RECOMMENDED ACTION: Schedule the appeal hearing for the regular City Council meeting of October 25, 2018.
- F. Approval of Project Plans, Specifications, and Construction Estimate and Authorization of Advertising for Bids for 38th Avenue Sidewalk  
RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the 38<sup>th</sup> Avenue Sidewalk project; authorize the Department of Public Works to advertise for construction bids; and authorize the Public Works Director to award a contract to the lowest responsive bidder in an amount not to exceed the construction estimate.
- G. Consider a Resolution Calling the Election for November 6, 2018  
RECOMMENDED ACTION: Adopt a Resolution ordering an election, requesting Santa Cruz County Elections to conduct the election, and requesting consolidation of the Presidential General Election in the City of Capitola on Tuesday, November 6, 2018.
- H. Second Reading of an Ordinance Amending Chapter 5.24 of the Capitola Municipal Code Pertaining to Entertainment Permits  
RECOMMENDED ACTION: Adopt an ordinance amending Municipal Code Chapter 5.24.

**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.*

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
June 28, 2018

- A. Consider the Fiscal Year 2018/2019 Budget and Capital Improvement Program for the City of Capitola  
RECOMMENDED ACTION: Approve the Resolution adopting the Fiscal Year 2018/19 City Budget and Capital Improvement Program.
- B. Review Options for Potential Ballot Measures for November 2018 General Election  
RECOMMENDED ACTION: Provide direction to staff regarding items for potential placement on the November 2018 General Election ballot.
- C. Update on the Capitola Branch Library Project Construction Bids  
RECOMMENDED ACTION: Receive report.
- D. Introduce 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 and Adopt a Resolution to Authorize Criminal History Information for Licensing Purposes  
RECOMMENDED ACTION:
1. Direct staff on the maximum number of Cannabis Licenses to be permitted within the Regional Commercial Zoning district;
  2. Approve first reading of 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; and
  3. Adopt a resolution approving an application for authorization to access State- and Federal-level summary criminal history information for licensing purposes.
- E. Consider Approval of Memoranda of Understanding with Labor Groups and Adopt Salary Schedule for FY 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. Association of Capitola Employees (ACE);
    - b. Mid-Management Employees’ Bargaining Unit;
    - c. Confidential Employees’ Bargaining Unit;
  2. Approve changes to the Management Compensation Plan.
  3. Approve changes to City Manager Employee Contract.
  4. Adopt a Resolution approving the new salary schedule.
- F. Consider Fee Schedule for Fiscal Year 2018/19  
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2018/2019 and adopt the proposed Resolution repealing Resolution No. 4077 and adopting the new fee schedule.

**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

## CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA June 28, 2018

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](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.