

# City of Capitola Agenda

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

Treasurer: Peter Wilk



## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 14, 2018

7:00 PM

CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

## CLOSED SESSION – 5:30 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 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; and (6) Department Heads

### **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

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION [Govt. Code § 54957(b)]**

City Council’s Performance Evaluation of the City Attorney

June 14, 2018

## 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. 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 / 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.*

**7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

A. Historical Museum Board Appointments

RECOMMENDED ACTION: Make appointments as recommended by the Historical Museum Board.

**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 May 24, 2018, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

- B. Consider the City's Investment Policy  
RECOMMENDED ACTION: Confirm the City's Administrative Policy Number III-1, Investment Policy.
- C. Consider the Adoption of a Resolution Setting the Fiscal Year 2018/2019 Appropriation Limit  
RECOMMENDED ACTION: Adopt the resolution.
- D. Consider Brommer Street Complete Street Project Regional Transportation Improvement Program Funding Award and Award of an Engineering Design Contract  
RECOMMENDED ACTION: Accept a Regional Transportation Improvement Program award from the Santa Cruz County Regional Transportation Commission in the amount of \$470,000 for the Brommer Street Complete Street Project and award an engineering design contract to Kimley-Horn in the amount of \$85,400.
- E. Consider Updated Capitola Village and Wharf Business Improvement Area Contract  
RECOMMENDED ACTION: Authorize the City Manager to enter into an updated agreement with the Capitola Village and Wharf Business Improvement Area.

**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. Receive Report on Construction Bids Received for Capitola Branch Library Project  
RECOMMENDED ACTION: Receive report and provide direction to staff.
- B. Receive Report on Status of Measure F Projects on the Beach Jetty, Flume and Wharf and Consider a Contract Amendment for Moffatt and Nichol for These Projects  
RECOMMENDED ACTION: Approve a contract amendment to Moffatt and Nichol's contract in the amount of \$524,500 for engineering services for the permitting, engineering, and conceptual design of the Wharf, Flume, and Jetty Improvement Projects.
- C. Consider Capitola Beach Festival Special Event Permit  
RECOMMENDED ACTION: Review the Capitola Beach Festival Committee's request for a Special Event Permit, including an Encroachment Permit, Amplified Sound Permit, and Banner Permit for the proposed Capitola Beach Festival and provide direction.
- D. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2018/2019  
RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2018-2019 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.
- E. Introduce an Ordinance Amending Chapter 5.24 of the Capitola Municipal Code Pertaining to Entertainment Permits  
RECOMMENDED ACTION: Approve the first reading of an ordinance amending Municipal Code Chapter 5.24.

## 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.

**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.