

City of Capitola Agenda

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

Treasurer: Peter Wilk



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 23, 2017

7:00 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 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

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Robert Rust
Agency claimed against: City of Capitola

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 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, Michael Termini, Jacques Bertrand, Ed Bottorff, and Mayor Stephanie Harlan

2. PRESENTATIONS

A. Proclamation in Honor of the Conflict Resolution Center's 30th Anniversary

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. Item 8.H. Revised Side Letter Between City of Capitola and Mid-Management Employees

B. Item 9.A. Public Communication regarding the Capitola Library Design

C. Item 9.C. Public Communication regarding the 835 Bay Avenue Extension

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 March 9, 2017, Regular City Council Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of March 2, 2017
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Register Reports Dated February 3, February 10, February 17 and February 24, 2017
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of Robert Rust
RECOMMENDED ACTION: Deny liability claim.
- E. General Fund Cash Transfer
RECOMMENDED ACTION: Approve a transfer between the General Fund and the Gas Tax Fund.
- F. Second Reading of an Ordinance Amending Chapter 9.61 of the Capitola Municipal Code Regarding Marijuana Sales, Processing and Cultivation
RECOMMENDED ACTION: Adopt ordinance.
- G. Approval of Bike Lane Improvements for Highway 1 Interchanges
RECOMMENDED ACTION: Approve the plans, specifications, and estimate for the Highway 1 Interchanges Bike Lane Improvements and authorize the Public Works Department to advertise for construction bids.
- H. Approve Job Description for Public Works Civil Engineer/Project Manager
RECOMMENDED ACTION: Approve the public works civil engineer/project manager job description and add the position to the mid-management unit.
- I. Approval of Beach Captain Salary Adjustment
RECOMMENDED ACTION: Repeal Resolution No. 4068 and approve a new resolution with the recommended salary adjustment to the Beach Lifeguard Captain position.

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. Approval of Library Schematic Design and Authorization for Staff to Initiate Environmental and Permit Approvals
RECOMMENDED ACTION: Approve the schematic design of the Capitola Branch Library by Noll and Tam Architects and authorize staff to initiate permitting.
- B. Discuss Public Art Funding Budget for New Library
RECOMMENDED ACTION: Give direction on the budget for public art funding for the Capitola Branch Library.
- C. 835 BAY AVE. #17-003 APNs: 035-011-03, 035-381-01
Extension request for a Conditional Use Permit for the temporary display of a model manufactured home and temporary sign for Ideal Homes and extension of temporary storage of vehicles for the Toyota dealership in the CC (Community Commercial) Zoning District. Environmental Determination: Categorical Exemption Property Owner: Redtree Properties Representative: Richard Emigh, filed: 1/9/17
RECOMMENDED ACTION: Approve the requested permit extension for two additional years.

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 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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
March 23, 2017

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 Video.**" Archived meetings can be viewed from the website at anytime.