

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, JANUARY 12, 2017

7:00 PM

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

**CLOSED SESSION - 5:45 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 REAL PROPERTY NEGOTIATOR [Govt. Code § 54956.8]

Property: 2091 Wharf Road, APN 034-241-05, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Joseph K. and Debbie A. Genge
Under Negotiation: Terms for potential purchase of property by City

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to [Govt. Code § 54956.9(d)(4)]:

(One potential case)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Govt. Code § 54956.9(d)(1)]

1. City of Capitola v. Water Rock Construction, Inc.
Santa Clara Superior Court Case No. 16CV295795
2. City of Capitola v. D'Angelo
Santa Cruz County Superior Court Case No. CV 181659

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. Presentation of Awards Recognizing Lifesaving Efforts

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. Item 8.A. Public Communication regarding Appointments to the Planning Commission

B. Item 9.A. Correction to City Council Draft Minutes for December 8, 2016

C. Item 9.C. Revision to Budget Calendar 2017/2018 Fiscal Year

D. Item 9.D. 41st Avenue Adaptive System Plans

E. Item 10.B. Verizon Wireless Communication regarding Introduction of an Ordinance

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 City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Re-Appointments, and Nominations of Members to City Internal Advisory Bodies
RECOMMENDED ACTION: Provide appointments.

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 December 8, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of December 1, 2016
RECOMMENDED ACTION: Receive Minutes.
- C. Approve the Budget Calendar for the 2017/18 Fiscal Year
RECOMMENDED ACTION: Approve Budget Calendar for Fiscal Year 2017/18.
- D. 41st Avenue Adaptive Signal Control Project to Bid
RECOMMENDED ACTION: Approve the plans, specifications, and estimate for the 41st Avenue Adaptive Signal Control project and authorize advertising the project for bidding.

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. Appeal of a Planning Commission Approval of a Design Permit, Coastal Development Permit and Variance for a New Two-story, Single-family Residence at 105 Sacramento Avenue
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.

- B. Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications
RECOMMENDED ACTION: Adopt the Addendum to the General Plan Update Environmental Impact Report and introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities to update regulations, development standards, and permit procedures in compliance with state and federal law.

- C. Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2017 (Continued from the December 8, 2016, City Council Meeting)
RECOMMENDED ACTION: Adopt Resolution.

- D. Council Consideration of Standby City Council Members
RECOMMENDED ACTION: Council discretion to determine if standby council members remain necessary given improved technology that allows remote contact during emergencies. If Council decides to continue the process, Member Petersen may nominate from one to three people to serve as her standby city council member pursuant to Municipal Code Section 2.04.165, and Council Members Bertrand, Bottorff, Termini, and Mayor Harlan will review their appointments and make any changes desired.

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 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
January 12, 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.