

# City of Capitola Agenda

Mayor: Ed Bottorff  
Vice Mayor: Stephanie Harlan  
Council Members: Jacques Bertrand  
Dennis Norton  
Michael Termini  
Treasurer: Christine McBroom



**REVISED**

## **CAPITOLA CITY COUNCIL SPECIAL MEETING**

**THURSDAY, AUGUST 11, 2016**

**6:00 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 LEGAL COUNSEL - EXISTING LITIGATION**

**[Gov't Code § 54956.9(d)(1)]**

Friends of Monterey Park v. the City of Capitola  
[Santa Cruz Superior Court Case No. CV 16CV01091]

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**[Gov't Code § 54956.8]**

Property: City Owned Property along Soquel Creek  
APN' s 035-121043 and 035-121-44  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: Varies  
Under Negotiation: Sale of City Property

## **SPECIAL MEETING OF THE CAPITOLA CITY COUNCIL - 6:00 PM**

*All correspondences received prior to 5:00 p.m. on the Tuesday preceding a City Council Special Meeting will be distributed to the City Council to review prior to the meeting. Information submitted after 5 p.m. on that Tuesday may not have time to reach the City Council, nor be read by them prior to consideration of an item.*

*All matters listed on the Special Meeting of the City Council Agenda shall be considered as Public Hearings.*

### **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Dennis Norton, Stephanie Harlan, Jacques Bertrand, Michael Termini and Mayor Ed Bottorff

### **2. REPORT ON CLOSED SESSION**

### **3. ADDITIONAL MATERIALS**

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

A. Item 7.A. Communications from the Public regarding the Polar Express Train

B. Item 7.B. City of Capitola Memo regarding Argument for the November 8, 2016, Capitola Ballot Measure

### **4. ADDITIONS AND DELETIONS TO THE 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. 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. Santa Cruz County Regional Transportation Request for the Polar Express Train to Travel Through Capitola

**RECOMMENDED ACTION:** Provide direction to the City's Santa Cruz County Regional Transportation Commission representative regarding the City's position on the Polar Express passenger rail service traveling through Capitola.

CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA  
August 11, 2016

- B. Approve Argument for the Capitola Ballot Measure Regarding Extending the Sunset Date on an Existing One-Quarter Cent (0.25%) Transaction and Use ( “Sales” ) and Identify Signers of Said Argument for the November 8, 2016, Election

RECOMMENDED ACTION: Approve the proposed language for the argument in favor of the measure and identify signers for the argument, and rebuttal.

- C. Zoning Code Update

RECOMMENDED ACTION: Accept the staff presentation, discuss the proposed draft Zoning Code update, identify desired Code revisions, and continue the public hearing to the August 18, 2016 meeting.

## 8. 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 at [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.