

# City of Capitola Agenda

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



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, JUNE 9, 2016**

**7:00 PM**

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

**CLOSED SESSION - 6:00  
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)]**

(Two cases)

1. Friends of Monterey Park v. the City of Capitola  
[Santa Cruz Superior Court Case No. CV 16CV01091]
2. GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola  
[United States District Court Case No 16-CV-02495-PSG]

### **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

### **LIABILITY CLAIMS [Govt. Code §54956.95]**

Claimant: Sandra Wallace

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

**2. PRESENTATIONS**

- A. Presentation of the 2016 Herb Ross Community Achievement Award for the Capitola Police Officer of the Year

**3. REPORT ON CLOSED SESSION**

**4. ADDITIONAL MATERIALS**

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

- A. Item 10.C. Liability Claim Statement from Sandra Wallace
- B. Item 10.E. Public Communications regarding Rispin Mansion Park Project
- C. Item 11.A. Historical Museum Articles
- D. Item 11.C. Public Communications regarding 519 Oak Drive Appeal

**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. Consider Appointments to the Historical Museum Board and the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito County  
RECOMMENDED ACTION: Accept the recommendation of the Capitola Historical Museum Board (Board) to reappoint four Board members, and accept the Board's recommendation to fill a vacancy; confirm appointment to the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito County.

**9. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS**

**10. 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 26, 2016, Regular City Council Minutes  
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of June 2, 2016  
RECOMMENDED ACTION: Receive Minutes.
- C. Deny Liability Claim of Sandra Wallace in the Amount of \$3,468.49  
RECOMMENDED ACTION: Deny liability claim.
- D. Contract Amendment with Strelow Consulting for the Monterey Avenue Skate Park Application  
RECOMMENDED ACTION: Authorize the City Manager to sign a Contract Amendment in the amount of \$4,800 with Strelow Consulting.
- E. Approve the Plans, Specifications, and Construction Estimate and Authorize Advertising for Bids for the Following Projects: Rispin Mansion Park Project and the 2016 Street Rehabilitation Project on Portions of Park Avenue, Kennedy Drive, and Monterey Avenue  
RECOMMENDED ACTION: Approve the plans, specifications, estimate of costs and authorize advertising for bids.

# CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

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- F. Consider the Adoption of a Resolution Setting the Fiscal Year 2016-2017 Appropriation Limit

RECOMMENDED ACTION: Adopt a Resolution setting the Fiscal Year 2016-2017 Appropriation Limit as required by Article XIII B of the California Constitution.

- G. Consider accepting the City's Investment Policy

RECOMMENDED ACTION: Confirm the City's Administrative Policy Number III-1, Investment Policy, or provide direction to staff regarding any recommended changes.

## 11. GENERAL GOVERNMENT / PUBLIC HEARINGS

*General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

- A. Presentation by Frank Perry, Capitola Museum Curator, regarding the History of the Capitola Wharf

RECOMMENDED ACTION: Receive Presentation.

- B. Zoning Code Update Progress Report

RECOMMENDED ACTION: Accept staff presentation and provide direction on future review of draft zoning code.

- C. Appeal of Community Development Department's Determinations Regarding 519 Oak Drive

RECOMMENDED ACTION: Uphold the Community Development Director's decision.

## 12. 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.

# CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

June 9, 2016

**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.