

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



REVISED

**CAPITOLA CITY COUNCIL
REGULAR MEETING**

THURSDAY, DECEMBER 10, 2015

7:00 PM

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

**CLOSED SESSION - 6:15 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 City Council's Open Session Meeting.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Govt. Code §54956.9)
(One case)

Water Rock Construction, Inc. v. City of Capitola
[Arbitration Claim]

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 LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager
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

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

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

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

A. Item 8.A. Recommendation of Appointments to the Art and Cultural Commission

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 REORGANIZATION

A. City Council Reorganization for the Selection of Mayor and Vice Mayor

RECOMMENDED ACTION: City Council consideration for a new Mayor and Mayor Pro Tempore.

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, Reappointments, and Nominations of Members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency

RECOMMENDED ACTION: To make appointments to the various County/Multi-County Boards, Commissions, and Committees; and City Council appointments, reappointments, and nominations of members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency.

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 November 24, 2015, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of December 3, 2015
RECOMMENDED ACTION: Receive Minutes.
- C. Approval of City Check Register Reports Dated November 6, November 13, November 20, November 27, 2015
RECOMMENDED ACTION: Approve Check Register Reports.
- D. Consider a Resolution Authorizing an Increase in the Residential and Commercial Garbage Collection and Recycling Rates
RECOMMENDED ACTION: Adopt the proposed Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola effective January 1, 2016, superseding Resolution No. 4010, as authorized in the Franchise Agreement dated April 24, 2008, and amended on December 13, 2012.
- E. Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2016 at Zero Percent (0%), as was Set for 2015
RECOMMENDED ACTION: Adopt a Resolution setting the interest rate for tenant's security deposits for 2016 at zero percent (0%), as was set for 2015.
- F. Consider a Resolution Urging the State to Provide New Funding for Public Transportation Infrastructure
RECOMMENDATION: Adopt a Resolution of support urging the State of California to provide new funding for transportation and directing the Mayor to write letters in support of funding to the Governor and State Representatives.
- G. Receive Annual Donations and Contributions Report
RECOMMENDED ACTION: Receive the Annual Donations and Contributions Report.
- H. Consider a Side Agreement Extending Time to Commence Construction of Capitola Branch Library with the County of Santa Cruz
RECOMMENDED ACTION: Authorize the City Manager to execute a Side Agreement extending time to commence construction of Capitola Branch Library with the County of Santa Cruz to extend the time limit to begin construction by one year.

10. 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. Consider an Amendment to the Santa Cruz Libraries Facilities Financing Authority Joint Powers Agreement
RECOMMENDED ACTION: Approve the First Amendment to the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement and authorize the City Manager to sign the Amendment upon approval by the other member entities, and County approval of the City-County library contract extension.
- B. Consider Amendments to the Library Service and Library Financing Joint Powers Agreements
RECOMMENDED ACTION:
1. Approve the Fourth Amendment to the Joint Powers Agreement Between the City of Santa Cruz and the County of Santa Cruz and the Cities of Capitola and Scotts Valley, relating to library services; and
 2. Direct the City Clerk to advertise the opportunity to serve on the regional Library Advisory Commission; and
 3. Approve the Second Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority.
- C. Establishment of the City of Capitola Library Advisory Committee
RECOMMENDED ACTION: Approve a Resolution establishing the City of Capitola Library Advisory Committee, dissolve the Capitola Library Ad Hoc Committee, and direct the City Clerk to advertise the opportunity to serve on the City of Capitola Library Advisory Committee.

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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

December 10, 2015

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 by clicking on the Home Page link "**Meeting Video**". Archived meetings can be viewed from the website at anytime.