

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



REVISED

**CAPITOLA CITY COUNCIL
REGULAR MEETING**

TUESDAY, NOVEMBER 24, 2015

7:00 PM

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

**CLOSED SESSION - 6:30 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 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

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

All correspondences received prior to 5:00 p.m. on the Monday preceding this Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Monday 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 9.B. Revised Draft Resolution regarding City's Fee Schedule

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 / 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. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

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 November 12, 2015, Regular City Council Minutes
RECOMMENDED ACTION: Approve minutes.

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- B. Approval of City Check Register Reports Dated October 2, October 9, October 16, October 23, and October 30, 2015
RECOMMENDATION: Approve Check Register Reports.
- C. Quarterly Financial Reports - First Quarter Budget and Fourth Quarter Sales Tax Report
RECOMMENDED ACTION: Receive the First Quarter Fiscal Year 2015/2016 Budget Report and Fourth Quarter Fiscal Year 2014/2015 Sales Tax Report.
- D. Consider a Resolution Repealing Resolution No. 3463 Amending the Art and Cultural Commission Bylaws Regarding Membership
RECOMMENDED ACTION: Consider a Resolution repealing Resolution No. 3463 amending the Bylaws of the Art and Cultural Commission to Reflect the Number of Members in Capitola Municipal Code Section 2.56.010.
- E. Consider authorizing the Rosedale Avenue, Bay Avenue, Alma Court Area Paving Project
RECOMMENDED ACTION: Consider authorizing the expenditure of \$85,000 from the Capital Improvement Program for pavement restoration along Rosedale Avenue, Bay Avenue, Alma Court in conjunction with the Santa Cruz County Sanitation District's Noble Gulch Sewer Project; and authorizing the Director of Public Works to negotiate and sign an agreement with the Santa Cruz County Sanitation District to manage the construction contract.

9. 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. 1575 38th Avenue - Application for a Tentative Map, Conditional Use Permit, Variance, and Design Permit for an 11-unit Residential Subdivision
RECOMMENDED ACTION: Adopt the Resolution approving the Tentative Map, Conditional Use Permit, Variance, and Design Permit for Application #15-160.
- B. Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2015/16; and a Resolution repealing Resolution No. 3964 and Amending the City's Fee Schedule to reflect updated Fees
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2015/16 and adopt the proposed resolution repealing Resolution No. 3964, and updating the existing fee and approve administrative adjustments.
- C. Consider Approving the Peery Park Vegetation Restoration Project
RECOMMENDED ACTION: Approve a project plan for the removal of non-native vegetation from Peery Park as recommended by the Commission on the Environment.
- D. Consider Adoption of the Housing Element Update
RECOMMENDED ACTION: Approve the Addendum to the General Plan Update Environmental Impact Report and adopt the proposed Housing Element Update.

10. ADJOURNMENT

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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.

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.