

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, NOVEMBER 12, 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)

(Two cases)

1. Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]
2. Water Rock Construction, Inc. v. City of Capitola
[Arbitration Claim]

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation per Govt. Code §54956.9(d)(4)

One potential case

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. PRESENTATIONS

A. Introduction of New Police Officer Jackie Yeung

RECOMMENDED ACTION: None.

B. Proclamation in the Observance of November 13, 2015, as World Pancreatic Cancer Day

RECOMMENDED ACTION: None.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. Item 10.A. Public Communication regarding Surf School Regulations

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

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. Approval of the October 22, 2015, Regular City Council Minutes, and the October 26, 2015, Special City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of November 5, 2015
RECOMMENDED ACTION: Receive Minutes.
- C. Consider a Resolution Establishing Days for Closure of City Offices during the 2016 Calendar Year
RECOMMENDED ACTION: Adopt the proposed Resolution establishing days for closure of City Offices during the 2016 Calendar Year.
- D. Suspend Village Parking Meter and Pay Station Operation for Holiday Season
RECOMMENDED ACTION: Authorize suspending parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A(1) from November 26, 2015, through December 25, 2015.
- E. Consider a Resolution Approving a New Hourly and Seasonal Pay Schedule
RECOMMENDED ACTION: Adopt a Resolution repealing Resolution No. 3978 and approving a New Hourly/Seasonal Pay Schedule.
- F. Award a Contract to Moffatt & Nichol for a Condition Assessment for Capitola Wharf
RECOMMENDED ACTION: Take the following actions:
 - 1. Approve a contract with Moffatt & Nichol in the amount of \$31,900 for inspections and engineering services for Capitola Wharf; and
 - 2. Approve a budget amendment by increasing the Wharf Fund expenditure by \$32,000 for engineering using \$32,000 from fund balance in the Wharf Fund.

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. Accept Report and the Consideration of an Ordinance Amending Capitola Municipal Code Section 9.30.020 (B) Regarding Surf School Regulations
RECOMMENDED ACTION: Accept report on the status of an Uncodified Ordinance to the Capitola Municipal Code (CMC) Section 9.30.020 (b), Surf School Regulations, that allowed five permitted surf schools to operate in the City for the 2015 calendar year, and consider options outlined below:

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
November 12, 2015

Options:

1. Allow the Uncodified Ordinance amendment to expire and return to allowing four permitted surf schools; or
 2. Introduce an Ordinance to amend section 9.30.020 to permit five surf schools; and approve the amended Surf Permits Administrative Policy I-34.
- B. Receive Lifeguard Seasonal Report
RECOMMENDED ACTION: Accept report and provide direction.
- C. Consider the Capitola Avenue Storm Drain Repair Project
RECOMMENDED ACTION: Take the following actions:
1. Find that due to the threatened occurrence of flooding that poses a danger, requiring immediate action to prevent or mitigate the loss of property this purchase will be made under the emergency procurement clause. Staff solicited bids from three contractors but due to time constraints of the threatened property damage staff was not able to advertise in the newspaper; and
 2. Consider the bids received for storm drain replacement on Capitola Avenue and award a contract to the lowest bidder; and
 3. Approve a budget amendment transferring necessary funds within the Capital Improvement Program.
- D. Zoning Code Update: Review Issues and Options Report
RECOMMENDED ACTION: Accept staff presentation and provide direction on each of the zoning issues.
- E. Consider the 2016 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee
RECOMMENDED ACTION: Approve the 2016 City meeting schedules and direct staff to post this information at City Hall, the Capitola Branch Library, on the City's website, and distribute to department heads, newspapers, and various groups that regularly submit items to the City.

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

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

November 12, 2015

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.