

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, SEPTEMBER 10, 2015**

**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 – ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9**

One potential case: Patrick and Julie Barnard, 510 Burlingame, APN: 035-103-13

**LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Marge Hansen

Claimant: John Russell

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

### **2. PRESENTATIONS**

A. Presentation of a proclamation for September's Childhood Cancer Awareness Month

### **3. REPORT ON CLOSED SESSION**

### **4. ADDITIONAL MATERIALS**

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

A. Item 10.B.: Public Communications regarding Smoking Ordinance Amendment

### **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. Review City Council Appointment to the City's Finance Advisory Committee  
RECOMMENDED ACTION: That Council Member Bottorff, with concurrence of the Mayor and City Council, make his appointment to fill a vacancy on the Finance Advisory Committee.

## 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 August 13, 2015, Special and Regular City Council Minutes  
RECOMMENDED ACTION: Approve the subject minutes as submitted.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of September 3, 2015  
RECOMMENDED ACTION: Receive minutes.
- C. Denying Liability Claims and Forward to the City's Liability Insurance Carrier  
RECOMMENDED ACTION: Deny liability claims for an undetermined amount and forward to the City's liability insurance carrier.
- D. Consider an Agreement with Rain Water Solutions for a Rain Barrel Purchasing Program and Offering a Subsidy of \$20 per Barrel to Capitola Residents and Businesses in an Amount Not to Exceed \$3,000  
RECOMMENDED ACTION: Approve agreement and subsidy.

## 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 Public Outreach to Solicit Community Input on the Conception Library Design and a Task Order with Anderson Brule Architects  
RECOMMENDED ACTION: Authorize staff to execute a task order with Anderson Brule Architects under the City's As-Needed Architectural Design Services Contract in an amount not to exceed \$23,300 to begin the public design process for the new Capitola Branch Library, and approve a budget amendment to transfer funds from the Library Trust Fund held by the County into the City's Library Planning Account.
- B. Introduction of an Ordinance Amending Section 8.38.060 of the Capitola Municipal Code Pertaining to Prohibitions of Smoking In Outdoor Public Places  
RECOMMENDED ACTION: Receive report on options to introduce a proposed Ordinance Amendment to the Capitola Municipal Code, Section 8.38.060 (Prohibitions of smoking in outdoor public places) to expand the outdoor public places where smoking is prohibited.
- C. Consider a Resolution Adopting the Countywide Youth Violence Prevention Strategic Plan and Supporting City Participation in the Strategic Plan Implementation (United Way Violence Program)  
RECOMMENDED ACTION: Adopt Resolution.

- D. Consider a Resolution Approving the Final Map for the Surf and Sand Mobile Home Park Subdivision, Tract No. 1566 (Continued from the August 13, 2015, City Council meeting)  
RECOMMENDED ACTION: Adopt Resolution.

## 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](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.