

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



**CAPITOLA CITY COUNCIL
REGULAR MEETING**

THURSDAY, AUGUST 13, 2015

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

**CLOSED SESSION - 6:00 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.

REAL PROPERTY NEGOTIATOR

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

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Donna Ealy

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

CAPITOLA CITY COUNCIL AGENDA
August 13, 2015

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

2. PRESENTATIONS

- A. Introduction of Maura Herlihy, the City's New Account Technician
- B. Proclamation Recognizing Police Administrative Assistant Lorrie Wilson and Police Volunteer David Dominguez for their Assistance in Distributing Bicycle Helmets

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

- A. Agenda Item 9.A. Public Communication
- B. Agenda Item 9.D. Revised Staff Report

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. 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 APPROVING THE JULY 23, 2015, REGULAR CITY COUNCIL MINUTES.
RECOMMENDED ACTION: Approve the subject minutes as submitted.
- B. APPROVAL OF CITY CHECK REGISTER REPORTS DATED JULY 17, 2015; JULY 24, 2015; AND JULY 31, 2015.
RECOMMENDED ACTION: Approve the attached Check Register Reports for July 17, July 24 and July 31, 2015.
- C. CONSIDER A RESOLUTION APPROVING THE FINAL MAP FOR THE SURF AND SAND MOBILE HOME PARK SUBDIVISION TRACT NO. 1556, APPLICATION NO. 12-144.
RECOMMENDED ACTION: Consider a Resolution approving the final map for the Surf and Sand Mobile Home Park subdivision, Tract No. 1566.
- D. CONSIDER AUTHORIZING A CITY COUNCIL RESPONSE TO THE 2015 SANTA CRUZ COUNTY GRAND JURY FINAL REPORT
RECOMMENDED ACTION: Approve City Council responses to the 2014-2015 Santa Cruz County Grand Jury Final Reports in regards to retirement costs, homeless shelters and organic waste.

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. RECEIVE REPORT REGARDING THE MCGREGOR PARK CONSTRUCTION PROJECT
RECOMMENDED ACTION: Accept report and take the following action:
 - 1. Authorize an amendment to MG Creations Construction contract for the skatepark by adding \$34,600 for pouring concrete on the floor of the skate park.
 - 2. Authorize an amendment to Earthworks contract to increase the contract not to exceed \$90,000 for remediation of arsenic and lead on the site, and decrease the contract by \$14,040 by removing bid item no. 24 which was to pave the floor of the skatepark, for a net increase to the contract of \$75,960.
 - 3. Approve a budget amendment within the Capital Improvement Program funding transferring \$110,560 to the McGregor Park Project and taking it from the Utility Undergrounding project.
- B. RECEIVE REPORT ON THE 2015/2016 CAPITAL IMPROVEMENT PROGRAM
RECOMMENDED ACTION: Accept report and provide direction.
- C. CONSIDER AN EXTENSION APPLICATION AT 411 BEVERLY AVENUE FOR A NON-CONFORMING MULTI-FAMILY HOME IN THE R-1 ZONE: 407 A/B + 411 BEVERLY AVENUE; #15-106; APN: 035-093-41
RECOMMENDED ACTION: Approve a 50-year extension of the amortization period to allow a multi-family residential use at 407 A and B and 411 Beverly Avenue to continue as a nonconforming use in the R-1 Zoning District.

- D. RECEIVE STATUS REPORT ON THE ZONING CODE UPDATE SPECIFIC TO THE ISSUES AND OPTIONS REPORT REVIEW, DIRECT STAFF ON FUTURE AGENDA TOPICS, AND SET SPECIAL MEETING SCHEDULE.

RECOMMENDED ACTION: Receive status report on the Zoning Code Update, direct staff on future agenda topics, and set special meeting schedule.

10. 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.

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.