

City of Capitola Agenda

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



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

TUESDAY, NOVEMBER 25, 2014

**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 Govt. Code §54956.9(b)
One potential case: Water Rock Corporation claim

CONFERENCE WITH LEGAL COUNSEL – INITIATION LITIGATION

Initiation of litigation pursuant to Govt. Code §54956.9(c)
One potential case: Unpaid and Overdue Share Loan

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, Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey

2. PRESENTATIONS

A. Proclamation honoring Cary Oyama, Maintenance Worker II, on his 35 years of service to the City of Capitola.

B. Proclamation honoring Lisa Murphy, Administrative Services Director, on her 13 years of service to the City of Capitola.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. 10.A.
DETAILS:
Emails from Steingrube.

B. 10.F.
DETAILS:
Additional Material.

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.

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8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Interim appointment to the Historical Museum Board of Directors.

RECOMMENDED ACTION:

Make appointment.

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 approving the November 13, 2014, Regular City Council Meeting Minutes.

RECOMMENDED ACTION:

Approve Minutes.

- B. Approval of City Check Register Reports dated October 17, 2014; October 24, 2014; October 31, 2014; November 7, 2014; and November 14, 2014.

RECOMMENDED ACTION:

Approve the City Check Register Reports.

- C. Receive the First Quarter Budget Report and Fourth Quarter Sales Tax Report.

RECOMMENDED ACTION:

Receive the Reports.

- D. Receive Annual Donations and Contributions Report.

RECOMMENDED ACTION:

Receive Report.

- E. Consider denying a liability claim of Water Rock Construction in the amount of \$674,260.

RECOMMENDED ACTION:

Deny Liability Claim.

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 a Resolution approving the McGregor Park skate park design; and approve a budget adjustment to recognize the project reimbursement revenue and related expenditures.

RECOMMENDED ACTION:

Adopt Resolution and approve budget adjustment.

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- B. Introduction of an Ordinance regarding safety requirements for the McGregor Skate Park [1st Reading].
RECOMMENDED ACTION:
Introduce Ordinance.
- C. Receive report on the Park Avenue Sidewalk Project, and authorize the Public Works Director to amend the contract with Harris and Associates as necessary to complete the design and environmental review at an estimated cost of \$50,000.
RECOMMENDED ACTION:
Receive Report, and authorize the Public Works Director to amend the contract.
- D. Consider the approval of the plans, specifications, and estimate for the Stockton Avenue and Esplanade Intersection Improvements; authorize the Public Works Department to obtain a Coastal Development Permit and advertise for construction bids; and approve a budget adjustment to reflect a \$17,000 contribution towards the project expenditures.
RECOMMENDED ACTION:
(1) Approve the plans, specifications, and estimate for the Stockton Avenue and Esplanade Intersection Improvements; (2) authorize the Public Works Department to obtain a Coastal Development Permit and advertise for construction bids; and (3) approve a budget adjustment.
- E. Consider awarding a contract to Michael Arnone and Associates for the development of a public park plan for the Rispin property in the amount not to exceed \$32,870.
RECOMMENDED ACTION:
Award Contract.
- F. Consider approving the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement, and authorize the City Manager to sign the Agreement.
RECOMMENDED ACTION:
Approve agreement, and authorize the City Manager to sign the Agreement.

11. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, December 11, 2014, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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 Capitola 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.

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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, on the Monday prior to the Thursday 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.