

# 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**

**THURSDAY, JUNE 12, 2014**

**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.*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Govt. Code §54957)  
City Council's Performance Evaluation of the City Attorney

**CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION** [Govt. Code §54956.9(A)]  
Rae Ellen Leonard vs. the City of Capitola et al. [United States District, Case #C13-3714]

**CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION** (Govt. Code §54956.9)  
One case to be discussed.

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

*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. Introduction of Senior Accountant, Danielle Grindy.

**3. REPORT ON CLOSED SESSION**

**4. ADDITIONAL MATERIALS**

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

A. 10.C.

DETAILS:

Communications received.

**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. Consider an Appointment to the Community Action Board of Santa Cruz County, Inc.

RECOMMENDED ACTION:

Confirm 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.*

## CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, June 12, 2014

- A. Consider approving the May 21, 2014, Special Budget Session Minutes; and the May 22, 2014, City Council Regular Meeting Minutes.  
RECOMMENDED ACTION:  
Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of June 5, 2014.  
RECOMMENDED ACTION:  
Receive minutes.
- C. Consider an Ordinance amending Chapter 8.07 of the Capitola Municipal Code (reduction of single-use plastic and paper carryout bags) to change the thickness requirement of plastic reusable bags [2nd Reading].  
RECOMMENDED ACTION:  
Adopt Ordinance.
- D. Receive the Third Quarter Budget Report and Second Quarter Sales Tax Report.  
RECOMMENDED ACTION:  
Receive Reports.
- E. Consider adopting a Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2014-2015, which receives the Capitola Village and Wharf Business Improvement Area Annual Report and the proposed Fiscal Year 2014-2015 Budget; sets a public hearing to receive oral or written protests on the levy of assessments for Fiscal Year 2014-2015 for Thursday, June 26, 2014; and directs required noticing of the public hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area.  
RECOMMENDED ACTION:  
Adopt Resolution, receive annual report, and set public hearing for June 26, 2014.
- F. Consider a Resolution setting the 2014-2015 Fiscal Year Appropriation Limit pursuant to Article XIII B of the California Constitution.  
RECOMMENDED ACTION:  
Adopt Resolution.

### 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 adopting a Resolution approving the proposed 2014/2015 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets.  
RECOMMENDED ACTION:  
Adopt Resolution.
- B. Consider appointing Anthony Condotti as City Attorney effective April 1, 2015; and consider approving the fourth amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560.  
RECOMMENDED ACTION:  
Approve Agreement.

## CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, June 12, 2014

- C. Review Open Streets in the Village held on May 4, 2014.  
RECOMMENDED ACTION:  
Discuss and provide direction.
  
- D. Consider applying for the World Surfing Reserves status for Capitola, and submitting a letter of inquiry.  
RECOMMENDED ACTION:  
Discuss and provide direction.
  
- E. Designation of Voting Delegate for the League of California Cities Annual Conference in Los Angeles, California, from September 3 to 5, 2014.  
RECOMMENDED ACTION:  
Confirm the designation of Voting Delegates.

### 11. ADJOURNMENT

Adjourn to the next Special Budget Study Session of the City Council on Thursday, June 19, 2014, at 6:00 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.

**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, 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](http://www.cityofcapitola.org) by clicking on the Home Page link “**Meeting Video**”. Archived meetings can be viewed from the website at anytime.