

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, JANUARY 9, 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 – EXISTING LITIGATION (Govt. Code §54956.9)

1. Schroedel et al. v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 175684]

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. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

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

A. 9.A.

DETAILS:

Emails received regarding the consideration of an Urgency Ordinance prohibiting commercial marijuana cultivation and processing.

4. ADDITIONS AND DELETIONS TO AGENDA

5. 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.

6. 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.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Mayor and Vice Mayor's appointments to the City's Finance Advisory Commission.

RECOMMENDED ACTION:

Council determination regarding appointments.

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.

CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, January 9, 2014

- A. Consider approving the City Council Minutes of the Special Joint Meeting of the City Council and the Planning Commission held on November 21, 2013; the Special Closed Session held on December 12, 2013; and Regular City Council Meeting held on December 12, 2013.
RECOMMENDED ACTION:
Approve Minutes.
- B. Approval of City Check Register Reports dated November 22, 2013; December 6, 2013; December 13, 2013; and December 20, 2013.
RECOMMENDED ACTION:
Approve the City Check Register Reports.
- C. Consider an Ordinance amending Chapter 15.04 of the Capitola Municipal Code pertaining to Building and Fire Model Codes to become effective January 1, 2014 [2nd Reading].
RECOMMENDED ACTION:
Adopt Ordinance.
- D. Consider an Ordinance amending Chapter 2.44 of the Capitola Municipal Code pertaining to the Personnel System [2nd Reading].
RECOMMENDED ACTION:
Adopt Ordinance.
- E. Consideration of Budget Calendar for Fiscal Year 2014/2015.
RECOMMENDED ACTION:
Approve Budget Calendar.
- F. Consider a contract with Gene Bregman and Associates in an amount not to exceed \$10,000 for a public opinion poll.
RECOMMENDED ACTION:
Approve contract.
- G. Consider an Administrative Policy to amend the Board, Commission and Committee Guide Procedures.
RECOMMENDED ACTION:
Approve the Administrative Policy.
- H. Designate the Mayor and Vice Mayor to act as liaisons with the Soquel Unified Elementary School District Board of Trustees.
RECOMMENDED ACTION:
Accept designations.
- I. Consider approving a lease agreement with MRA, Inc., dba Capitola Beach Company, and authorize the City Manager to execute the agreement commencing on October 1, 2014, for a term of five years.
RECOMMENDED ACTION:
Approve lease agreement.

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.

CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, January 9, 2014

- A. Consider an Urgency Ordinance prohibiting commercial marijuana cultivation.
RECOMMENDED ACTION:
Adopt Urgency Ordinance.
- B. Consider allocating funding to Esplanade Sidewalk Project.
RECOMMENDED ACTION:
Authorize allocating funds.
- C. Consider the adoption of a Green Energy Incentive Program.
RECOMMENDED ACTION:
Adopt Program and direct staff to amend the City's fee schedule.
- D. Consider a contract with the Animal Services Authority for Shelter and Adoption Services.
RECOMMENDED ACTION:
Approve contract.
- E. Consider an Ordinance amending Chapters 2.08 and 2.16 of the Capitola Municipal Code regarding the City Manager and the Planning Department [1st Reading].
RECOMMENDED ACTION:
Introduce Ordinance.

10. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, January 23, 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.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete agenda packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

Agenda Document Review: The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. 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.

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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 replayed at 12:00 Noon on the Saturday following the meetings 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.ci.capitola.ca.us by clicking on the Home Page link "**View Capitola Meeting Live On-Line.**" Archived meetings can be viewed from the website at anytime.