

# City of Capitola Agenda

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



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, JUNE 27, 2013**

**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.*

### **CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Lisa Murphy, Administrative Services Director  
Employee Organizations:  
Capitola Police Officers Association and the Capitola Police Captains

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)**

City Council's Performance Evaluation of the City Manager

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

Claimant: David Curry  
Agency claimed against: City of Capitola

**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 Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

**2. REPORT ON CLOSED SESSION**

**3. ADDITIONS AND DELETIONS TO AGENDA**

**4. 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.*

**5. 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.*

**6. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

**7. 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 City Council Minutes of the May 30, 2013, and the June 6, 2013, Special Budget Sessions.  
RECOMMENDED ACTION:  
Approve Minutes.

B. Approval of City Check Register Reports dated May 17, 2013; May 24, 2013; May 31, 2013; June 7, 2013; and June 14, 2013.  
RECOMMENDED ACTION:  
Approve the City Check Register Reports.

C. Consider approving a consultant services agreement with Rincon Consultants, Inc., in an amount not to exceed \$142,295 to prepare an Environmental Impact Report for the proposed Monarch Cove Hotel Project funded through a developer deposit.  
RECOMMENDED ACTION:  
Approve Agreement.

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- D. Consider denying liability claim of David Curry in the amount of \$49.52 and forward to the City's liability insurance carrier.  
RECOMMENDED ACTION:  
Deny Liability Claim.
- E. Consider approving an Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority.  
RECOMMENDED ACTION:  
Approve Amendment.
- F. Consider an Ordinance adding Chapter 10.38 of the Capitola Municipal Code specifying parking meter rates and zones [2nd Reading].  
RECOMMENDED ACTION:  
Adopt Ordinance.
- G. Consider an agreement with New World Software Systems for Payroll/Human Resources software.  
RECOMMENDED ACTION:  
Approve Agreement.

### 8. 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 to Levy the Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2013/2014.  
RECOMMENDED ACTION:  
Adopt Resolution.
- B. Appeal of the Planning Commission denial of a Planned Development Rezoning, Conditional Use Permit, and Design Permit for a three-story, 23-unit residential senior housing project located at 1575 38th Avenue.  
RECOMMENDED ACTION:  
(1) Adopt the Mitigated Negative Declaration and approve the proposed project; (2) Pass the first reading of the proposed Ordinance amending the City's Zoning Map; and (3) Adopt Resolution.
- C. Report on opportunities for experimental closing the Esplanade.  
RECOMMENDED ACTION:  
Receive report and provide direction.
- D. Presentation providing an update on the new City of Capitola website.  
RECOMMENDED ACTION:  
Receive presentation.

### 9. ADDITIONAL MATERIALS

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

- A. 7.C.  
DETAILS:  
Communication from the Public.

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- B. 7.E.  
DETAILS:  
Communication from the Public.
- C. 8.B.  
DETAILS:  
Revised draft Resolution and Mitigated Negative Declaration.
- D. 8.B.  
DETAILS:  
Communications from the Public.
- E. 8.C.  
DETAILS:  
Communication from the Public.

### 10. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, July 11, 2013, 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](http://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.

**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.

## **CAPITOLA CITY COUNCIL REGULAR MEETING - June 27, 2013**

**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](http://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.