

# City of Capitola Agenda

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



## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, APRIL 25, 2013

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

### CLOSED SESSION – 5:30 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 REAL PROPERTY NEGOTIATORS (Govt. Code § 54956.8)**

Property: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)  
City Negotiator: Public Works Director  
Negotiating Parties: City and Soquel Creek Water District  
Under Negotiation: Real Property Lease/Sale

#### **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].
2. City of Capitola et al. v. Lexington Insurance Company [United States District Court, Northern District of California, Case No. 5:12-CV-03428-LHK].

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**(Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9)**

Two potential cases:

1. Surf and Sand Mobile Home Park
2. DeWitt Code Enforcement

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

City Council's Performance Evaluation of the City Attorney

**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. PRESENTATIONS**

- A. Introduction of Richard Grunow, the new Community Development Director.
- B. Certificate of appreciation to Karen Nevis who served on the Art and Cultural Commission.
- C. Presentation from the Capitola Public Safety Foundation to the Police Department to support the Police Canine Program, and contribution to the Baker and Butler Fund.

**3. REPORT ON CLOSED SESSION**

**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. COUNCIL/STAFF ANNOUNCEMENTS**

**7. BOARDS, COMMISSIONS AND COMMITTEES 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.*

- A. Consideration of approving the City Council Minutes of the Regular Meetings of March 28, 2013, and April 11, 2013; and the Special Closed Session of April 11, 2013.

**RECOMMENDED ACTION:**

Approve Minutes.

## CAPITOLA CITY COUNCIL – Thursday, April 25, 2013

- B. Approval of City Check Register Reports dated March 22, 2013; March 29, 2013; April 5, 2013; and April 12, 2013.  
RECOMMENDED ACTION:  
Approve the City Check Register Reports.
- C. Approval of the 2012 Capitola Art & Cultural Commission Annual Report.  
RECOMMENDED ACTION:  
Receive report.
- D. Consideration of a Resolution designating the period of time a vehicle may be parked within Zone A (Village Area), Zone A1 (Cliff Drive Area), and Zone B (Pacific Cove Parking Lot).  
RECOMMENDED ACTION:  
Adopt Resolution.
- E. Consideration of authorizing the Police Department to complete a radio system upgrade utilizing the State Supplemental Law Enforcement Services Fund (SLESF), and increase budget expenditures in the amount of \$39,700 for Fiscal Year 2012/2013.  
RECOMMENDED ACTION:  
Approve equipment purchase.

### 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. Presentation by the Santa Cruz Water Department and the Soquel Creek Water District regarding the proposed Regional Seawater Desalination Project.  
RECOMMENDED ACTION:  
Receive presentation.
- B. Approval of plans, specifications, and the engineer's estimate for the construction of the 2013 Capitola Slurry Seal Project utilizing Measure 0 funds; and authorization to advertise for bids.  
RECOMMENDED ACTION:  
Approve plans, specification and estimate; authorize advertising for bids.
- C. Consideration of an Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations [1st Reading]; and approve assets limit when calculating income eligibility.  
RECOMMENDED ACTION:  
Introduce Ordinance and approve assets limit when calculating income eligibility.

### 10. COUNCIL/STAFF COMMUNICATIONS

### 11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS

*City Council Members/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council consideration. Council Members/Committee Representatives may present oral updates from standing committees at this time.*

## CAPITOLA CITY COUNCIL – Thursday, April 25, 2013

### 12. ADDITIONAL MATERIALS

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

### 13. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, May 9, 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.

**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.