

# City of Capitola Agenda

Mayor: Stephanie Harlan  
Vice Mayor: Michael Termini  
Council Members: Jacques Bertrand  
Ed Bottorff  
Kristen Petersen  
  
Treasurer: Peter Wilk



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, JANUARY 26, 2017**

**7:00 PM**

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

**CLOSED SESSION - 6:15 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 Open Session Meeting.*

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR [Govt. Code § 54956.8]**

Property: 4400 Jade Street, APN 034-551-02, Capitola, CA  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: Soquel Union Elementary School District  
Under Negotiation: Terms of Joint Use Agreement

### **LIABILITY CLAIMS [Govt. Code § 54956.95]**

Claimant: Sandra Jones  
Agency claimed against: City of Capitola

## **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 Kristen Petersen, Michael Termini, Jacques Bertrand, Ed Bottorff, and Mayor Stephanie Harlan

### **2. PRESENTATIONS**

A. Oath of Office Ceremony for Standby City Council Member Marilyn Warter

### **3. REPORT ON CLOSED SESSION**

### **4. ADDITIONAL MATERIALS**

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

A. Item 10.A. 105 Sacramento Avenue Applicant's Withdrawal

B. Item 10.B.1. Formatting Correction

C. Item 10.B.3. Revision

D. Item 10.D. Public Communication regarding Zoning Code Update

### **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. Appointment of Representatives to Open City and County Boards and Commissions  
RECOMMENDED ACTION: Make appointments.

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- B. Appointment to New County Ad-Hoc Homelessness Governance Study Committee  
RECOMMENDED ACTION: Appoint a Council Member to the County's ad-hoc committee.

**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 the January 12, 2017, Regular City Council Minutes  
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Register Reports Dated December 2, December 9, December 16 and December 23, 2016  
RECOMMENDED ACTION: Approve Check Registers.
- C. Deny Liability Claim of Sandra Jones for an Undetermined Amount  
RECOMMENDED ACTION: Deny liability claim.
- D. Consider Approving an Amended and Restated Joint Exercise of Powers Agreement and a Joint Community Facilities Agreement for the Libraries Facilities Financing Authority  
RECOMMENDED ACTION: Approve an Amended and Restated Joint Exercise of Power Agreement for the Libraries Facilities Financing Authority and a Joint Community Facilities Agreement.
- E. Approve First Amendment to Contract with Bogard Construction for Library Project Management Services  
RECOMMENDED ACTION: Approve the first contract amendment with Bogard Construction for project management services for the Capitola Library Project, adding \$210,000 of services to the contract. Further, approve a budget amendment increasing the approved expenditures in the Library Project Fund by \$210,000.
- F. Authorize Entering into a License Agreement with Parkmobile, LLC, for the Development of Trial Village Employee Parking Permit Program  
RECOMMENDED ACTION: As recommended by the Traffic and Parking Commission, authorize the City Manager to enter into a License Agreement with Parkmobile, LLC, to develop a trial Village Employee Parking Program for the lower Beach and Village Parking Lot.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

*All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

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- A. Appeal of a Planning Commission Approval of a Design Permit, Coastal Development Permit and Variance for a New Two-story, Single-family Residence at 105 Sacramento Avenue (Continued)  
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.
- B. Consider Report on the Library Project and Provide Direction on Budget Options  
RECOMMENDED ACTION: Receive update on library design and public outreach process, consider report on estimated project costs, and provide direction on project scope and budget.
- C. Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications (Continued)  
RECOMMENDED ACTION: That the City Council take the following actions:
1. Adopt the Addendum to the General Plan Update Environmental Impact Report;
  2. Introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities;
  3. Adopt the attached Resolution directing the City Manager to submit an Amendment to the City of Capitola Local Coastal Program to the California Coastal Commission for certification.
- D. Zoning Code Update Status Report  
RECOMMENDED ACTION: Receive the staff presentation and provide direction on any additional zoning topics that should be discussed in upcoming hearings.

## 11. ADJOURNMENT

**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 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, prior to the 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.

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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 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.