

City of Capitola

City Council Meeting Agenda

Thursday, August 28, 2025 – 4:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session – 3 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). 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.

- i. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)
Property: A portion of the easterly terminus of Escalona Drive, spanning approximately 60 feet wide, bounded by 620 El Salto Drive (APN 036-143-31) to the west and bounded by 722 Escalona Drive (APN 036-141-28) to the east.
City Negotiator: Jamie Goldstein, City Manager
Under Negotiation: Price and Terms of Payment
- ii. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4)
Three Cases
- iii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)
 - 1) Carlos R. Lopez
Claim against the City of Capitola

Regular Meeting of the Capitola City Council – 4 PM

1. Roll Call and Pledge of Allegiance

Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

4. Report on Closed Session

5. Additional Materials

Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence 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.

- A. Item 8D - Correspondence Received
- B. Item 9A - Correspondence Received & Staff Memo with Updated Ordinance
- C. Item 9B - Staff Memo with Updated Attachment & Correspondence Received
- D. Item 9C - Correspondence Received
- E. Item 9D - Correspondence Received
- F. Item 9E - Attachments to Staff Agenda Report & Correspondence Received
- G. Item 9F - Correspondence Received

6. Oral Communications by Members of the Public

*Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. 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. A **maximum of 30 minutes** is set aside for Oral Communications.*

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

All items listed as "Consent Items" 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 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. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on July 24, 2025.
- B. Liability Claim
Recommended Action: Deny a liability claim from Carlos R. Lopez.
- C. California Highway Patrol Cannabis Tax Fund Grant
Recommended Action: Adopt a resolution accepting a California Highway Patrol Cannabis Tax Fund Grant in the amount of \$21,600 and amending the FY 2025-26 General Fund operating budget to increase revenues and expenditures by \$21,600.
- D. ADA Self-Evaluation and Transition Plan
Recommended Action: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025.
- E. Coastal Development Permit Decision Appeal
Recommended Action: Set October 9, 2025, at 6:00 PM as the hearing date and time for the appeal of the Planning Commission's decision to approve Application # 25-0056.
- F. Afterschool Scholarship & Equity Swim Donation

Recommended Action: Accept a donation of \$20,000 for Afterschool Rec Club scholarships and \$16,000 for the Equity Swim Program from the Soquel Union Elementary School District and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.

G. Seven-Year Extension of Library Financing Authority Joint Powers Agreement

Recommended Action: Approve the fifth Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority, and authorize the City Manager to sign the amendment.

H. Bandstand Weathervane Public Art Project

Recommended Action: Approve the Art & Cultural Commission's recommendation to allocate \$10,000 from the Public Art Fund for the Bandstand Weathervane Project, with \$5,000 for an engineer to develop technical specifications and \$5,000 for an artist contract.

I. Establishment of Santa Cruz Mountains Wine Improvement District

Recommended Action: Adopt a resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountains Wine Improvement District (SCMWID) and include the City of Capitola in the SCMWID.

J. Community Center Patio Improvements Contract Award

Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of \$1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution.

K. Managed IT Services Contract Amendment

Recommended Action: Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Exceedio for managed information technology services in the amount of \$62,450, for a total annual contract value of \$147,000 for three years.

L. Coastal Rail Trail Segments 10 & 11

Recommended Action: No action is requested at this time.

9. General Government / Public Hearings

All items listed in "General Government / Public Hearings" 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.

A. First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters

Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of cigarettes and cigars with filters (i.e., "partially inconsumable" tobacco products).

B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26

Recommended Action: 1) Conduct the duly noticed public hearing; 2) Adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget; and 3) Authorize the City Manager to execute a contract with the CVWBIA nonprofit in an amount not to exceed \$90,000.

C. Capitola Mall Update and Amendment to Agreement with Ben Noble Planning

Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's zoning; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and

4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation.

- D. Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan
Recommended Action: 1) Adopt a resolution authorizing the City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan; 2) Authorize the City Manager to execute a professional services agreement with Ecology Action, the City's co-applicant for the project, in the amount of \$305,000; and, 3) Adopt a resolution amending the FY 2025-26 budget to accept the grant revenue and appropriate funds for the project.
- E. Cliff Drive Resiliency Project and Local Coastal Program Update
Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments and provide direction to staff as needed.
- F. Park at Rispin Mansion Project Update
Recommended Action: Provide direction to staff regarding the materials and design for the additional hardscaping approved in May 2025 and the approach to landscaping in areas of the Park at Rispin Mansion outside the current construction scope.
- G. Amend Fiscal Year 2025-26 City Fee Schedule
Recommended Action: Adopt a resolution amending the fee schedule for Fiscal Year (FY) 2025-26.

10. Adjournment

The next regularly scheduled City Council meeting is on September 11, 2025, at 6:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to citycouncil@ci.capitola.ca.us and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 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 and at Capitola City Hall prior to the 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.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

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 by clicking on the Home Page link "Meeting Agendas/Videos." Archived meetings can be viewed from the website at any time.