

# City of Capitola Agenda

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



## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, DECEMBER 13, 2018

6:00 PM

CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

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

**2. ADDITIONAL MATERIALS**

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

**3. ADDITIONS AND DELETIONS TO AGENDA**

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**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. 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 November 20, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Receive Audit Report for Fiscal Year 2017-18  
RECOMMENDED ACTION: Receive report.
- C. 38th Avenue Sidewalk Project Notice of Completion  
RECOMMENDED ACTION: Approve the Notice of Completion and Contract Change Order No. 2 for the 38<sup>th</sup> Avenue sidewalk project by Earthworks Paving Contractors with a final cost of \$144,420 and direct the Public Work Department to record the Notice of Completion.
- D. Adopt a Resolution Setting the Interest Rate for Tenants' Security Deposits for 2019 at Zero Percent (0.00%)  
RECOMMENDED ACTION: Adopt Resolution.
- E. Consider a Resolution Approving a New Hourly and Seasonal Pay Schedule  
RECOMMENDED ACTION: Adopt a Resolution Repealing Resolution No. 4095 and Approving a New Hourly/Seasonal Pay Schedule.
- F. Consider a Resolution Authorizing an Increase in the Residential and Commercial Garbage Collection  
RECOMMENDED ACTION: Adopt the proposed Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola effective January 1, 2019.

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**7. 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.*

- A. Consider a Resolution Confirming and Approving the Canvass of Returns and Results of the General Municipal Election  
RECOMMENDED ACTION: Adopt the Resolution confirming election results and thereby:  
1. Adopt a Cannabis Tax ordinance  
2. Adopt an ordinance amending the Transient Occupancy Tax rate  
3. Adopt an ordinance making the treasurer an appointed position  
4. Adopt an ordinance adding Chapter 8.72 "Greenway Capitola Corridor" to Title 8 "Health and Safety."
- B. Recognition of Outgoing Council Members  
RECOMMENDED ACTION: Thank retiring Council Member Stephanie Harlan and Mayor Michael Termini.
- C. Oath of Office Ceremony for Newly Elected and Re-elected Council Members and Seating of Newly Elected Officials  
RECOMMENDED ACTION: Administer the oath of office and receive comments from new Council Members.
- D. City Council Reorganization for the Selection of Mayor and Vice Mayor  
RECOMMENDED ACTION: City Council members nominate and elect a new mayor and mayor pro tempore (vice mayor).
- E. Review Initial Council Appointments  
RECOMMENDED ACTION: Appoint representatives to boards with early January meetings:  
1. Capitola Planning Commission  
2. Santa Cruz County Sanitation District Board  
3. Association of Monterey Bay Area Governments
- F. Consider the 2019 Meeting Schedule for the City Council/Successor Agency  
RECOMMENDED ACTION: Determine the summer meeting dates and consider if the Council wishes to change the 7:00 p.m. City Council open session meeting start time, then adopt a resolution setting the 2019 meeting schedule.

**8. 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.

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**Notice regarding City Council:** The City Council generally 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 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.

**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.