

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, DECEMBER 8, 2016 - 6:00 PM**

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Councilmember Dennis Norton: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was present.

2. PRESENTATIONS

A. Introduction of New City Receptionist Jackie Aluffi

Ms. Aluffi was introduced.

B. Oath of Office Ceremony for Newly Appointed City Clerk Linda Fridy [600-25]

City Clerk Sneddon provided Ms. Fridy her oath of office.

C. Proclamation Honoring City Treasurer Christine McBroom [120-40]

Ms. McBroom receive the proclamation.

3. ADDITIONAL MATERIALS

City Clerk Fridy stated that one additional material for Item 8.A Confirming and Approving the Canvass of Returns and Result of the General Municipal Election was received and distributed.

4. ADDITIONS AND DELETIONS TO AGENDA (None provided)

5. PUBLIC COMMENTS

Marylin Garrett, local resident, spoke against wireless radiation.

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Harlan spoke about environmental concerns with sanitation blockage especially kitchen grease and solids.

Council Member Norton provided an update on the Polar Express Train.

City Clerk Fridy announced various openings on City boards/commissions/committees.

7. CONSENT CALENDAR

A. Consider the November 22, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.

B. Approval of City Check Register Reports Dated November 4, November 10, November 18, and November 23, 2016 [300-10]
RECOMMENDED ACTION: Approve Check Registers.

- C. Adoption of **Resolution No. 4066** Authorizing an Increase in the Residential and Commercial Garbage Collection [930-45]
RECOMMENDED ACTION: Adopt the proposed Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola effective January 1, 2017, superseding Resolution No. 4039, as authorized in the Franchise Agreement dated April 24, 2008, and amended on December 13, 2012.
- D. Receive the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2016, and the Housing Successor Independent Financial Audit and Annual Progress Report [310-20]
RECOMMENDED ACTION: Receive Reports.
- E. Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2017 at Zero Percent (0.00%), as was Set for 2016 [750-10]
RECOMMENDED ACTION: Adopt Resolution.
- F. Appeal of Design Permit and Variance for a New Home at 105 Sacramento Avenue [730-10]
RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of January 12, 2016, to consider two appeals of Application #16-133.
- G. Consider a Resolution Approving Lifeguard Staff Job Classifications [1050-10]
RECOMMENDED ACTION: Adopt Resolution approving new job classifications for Beach Captain, and amending the job titles and descriptions for the Beach Lieutenant/Junior Guard Coordinator and Beach Lifeguard/Junior Guard Instructor positions.
- H. Approve the Third Amendment to the City Manager Employment Agreement [500-10
A/C: Goldstein Jamie]
RECOMMENDED ACTION: Approve Amendment.
- I. Adoption of **Resolution No. 4068** Approving a New Hourly and Seasonal Pay Schedule [600-10]
RECOMMENDED ACTION: Adopt a Resolution Repealing Resolution No. 4034 and Approving a New Hourly/Seasonal Pay Schedule.

Council Member Bertrand requested that **Item 7.E** be pulled for discussion.

Council Member Norton requested that **Item 7.F** be pulled for discussion.

Mayor Bottorff requested that **Item 7.G** be pulled for discussion.

Council Member Harlan requested that **Item 7.H** be pulled for discussion.

RESULT:	ADOPTED <u>ITEMS 7.A, 7.B, 7.C, 7.D, AND 7.I</u> [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Dennis Norton, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

THE FOLLOWING CONSENT CALENDAR ITEMS WERE VOTED ON SEPARATELY:

- F. Appeal of Design Permit and Variance for a home at 105 Sacramento Avenue [730-10]
RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of January 12, 2017, to consider two appeals of Application #16-133.

Council Member Norton supported the process by which the project was approved and asked if Council has the right to deny hearing an appeal.

City Attorney Condotti noted the City's municipal code states that the Council may refuse to hear an appeal by a person whom the Council determines does not have a significant interest in the matter, but in land use matters, any citizen of Capitola or any property owner likely to be affected by the decision shall be deemed to have a significant interest. Therefore, his opinion is that the appellant has standing to appeal the decision.

RESULT:	SET THE DATE OF THE CITY COUNCIL PUBLIC HEARING REGARDING AN APPEAL OF DESIGN PERMIT AND VARIANCE FOR A NEW HOME AT 105 SACRAMENTO AVENUE TO THE JANUARY 12, 2017, CITY COUNCIL MEETING [UNANIMOUS]
MOVER:	Dennis Norton, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

- E. Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2017 at Zero Percent (0.00%), as was Set for 2016 [750-10]

RECOMMENDED ACTION: Adopt Resolution.

Council Member Bertrand requested that staff research options for the 2017 interest rate for tenant's security deposit and to continue to the January 12, 2017, City Council meeting.

RESULT:	CONTINUED TO THE JANUARY 12, 2017, CITY COUNCIL MEETING
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Stephanie Harlan, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

- G. Consider a Resolution Approving Lifeguard Staff Job Classifications [1050-10]
RECOMMENDED ACTION: Adopt Resolution approving new job classifications for Beach Captain, and amending the job titles and descriptions for the Beach Lieutenant/Junior Guard Coordinator and Beach Lifeguard/Junior Guard Instructor positions.

Finance Director Mark Welch clarified the profit and loss for Junior Guard Program when factoring in general staff and administration.

Mayor Bottorff stated that the Junior Guard Program has been cost neutral over the past 10 years.

RESULT:	ADOPT RESOLUTION NO. 4067 APPROVING LIFEGUARD STAFF JOB CLASSIFICATIONS [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

- H. Approve the Third Amendment to the City Manager Employment Agreement [500-10 A/C: Goldstein Jamie]

RECOMMENDED ACTION: Approve Amendment.

Council Member Harlan requested voting separately on this item. She stated her preference that this item be handled during the 2017/2018 Budget Hearings.

RESULT:	APPROVAL OF THE THIRD AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT WITH THE FOLLOWING ROLL CALL VOTE:
MOVER:	Michael Termini
SECONDER:	Dennis Norton
AYES:	Norton, Termini, Bottorff
NOES:	Bertrand, Harlan

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider a Resolution Confirming and Approving the Canvass of Returns and Result of the General Municipal Election and the adoption of an Ordinance Amending Section 16 of Ordinance No. 880, as amended by Ordinance No. 935, pertaining to the City's Transactions and Use Tax administered by the State Board of Equalization (Measure F). [560-10]

RECOMMENDED ACTION: Adopt the Resolution confirming and approving the Canvass of Returns and Result of the General Municipal Election held on November 8, 2016; thereby adopting Ordinance No. 1008 – An Ordinance of the People of the City of Capitola extending the sunset date on an existing one-quarter cent (0.25%) Transaction and Use ("Sales") Tax to maintain fiscal stability and protect essential City facilities and services.

Sam Storey, City Council candidate, provided congratulations to Kristen Petersen and Ed Bottorff on their election to the City Council. In addition, he thanked everyone for their support during his candidacy and said he would not seek a recount.

RESULT:	ADOPTED <u>RESOLUTION NO. 4069</u> CONFIRMING AND APPROVING THE CANVASS OF RETURNS AND RESULT OF THE GENERAL MUNICIPAL ELECTION AND ADOPTION OF <u>ORDINANCE NO. 1008</u> AMENDING SECTION 16 OF ORDINANCE NO. 880, AS AMENDED BY ORDINANCE NO. 935, PERTAINING TO THE CITY'S TRANSACTIONS AND USE TAX ADMINISTERED BY THE STATE BOARD OF EQUALIZATION (MEASURE F) [UNANIMOUS]
MOVER:	Stephanie Harlan, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

- B. Oath of Office Ceremony for Newly Elected, Re-elected Council Members, and City Treasurer, and Seating of Newly Elected Officials [520-50]

RECOMMENDED ACTION: City Clerk to administer the oath of office.

City Clerk Fridy administered the Oath of Office to City Treasurer Peter Wilk.

City Treasurer Wilk thanked the community for its support and said he looks forward to working with the City.

Mayor Bottorff presented a gift to Former Council Member Dennis Norton and thanked him for years of service to the City.

Former Council Member Norton provided comments and thanked the City Council and the community for his 16 years on the City Council.

City Clerk Fridy administered the Oath of Office to Council Members Kristen Petersen and Ed Bottorff.

Council Member Petersen thanked all the City voters for their participation in the election.

Council Member Bottorff thanked the community for participation in the election process. In addition, he commented on the passage of recent ballot measures.

- C. City Council Reorganization for the Selection of Mayor and Vice Mayor [120-37]
RECOMMENDED ACTION: City Council consideration for a new Mayor and Vice Mayor.

RESULT:	APPROVED STEPHANIE HARLAN AS MAYOR [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Petersen, Bottorff, Bertrand, Harlan, Termini

RESULT:	APPROVED MICHAEL TERMINI AS VICE MAYOR [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Stephanie Harlan, Mayor
AYES:	Petersen, Bottorff, Bertrand, Harlan, Termini

Mayor Harlan presented Former Mayor Ed Bottorff with a gift and thanked him for his efficient handling of the City Council meetings and for representing the City in various matters. Former Mayor Ed Bottorff reviewed the year's accomplishments.

- D. Consider the 2017 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee [520-40]

RECOMMENDED ACTION: Approve the 2017 City meeting schedules

RESULT:	ADOPTED THE 2017 MEETING SCHEDULES FOR THE CITY COUNCIL/SUCCESSOR AGENCY AND THE PLANNING COMMISSION/ARCHITECTURAL AND SITE REVIEW COMMITTEE [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Petersen, Bottorff, Bertrand, Harlan, Termini

9. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Review City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Re-Appointments, and Nominations of Members to City Internal Advisory Bodies [110-10]
RECOMMENDED ACTION: Provide appointments.

Former City Clerk Sneddon stated that the following two appointments need to be made prior to the January 12, 2017, City Council meeting due to scheduling:

1. Association of Monterey Bay Area Governments (AMBAG): Appointment for City Representative and an Alternate Representative; and
2. Ad Hoc Library Design Advisory Committee: Appointment of the At-Large member.

Council Member Bottorff suggested the AMBAG position was an excellent opportunity for newly elected Council Member Petersen and offered to serve as alternate.

RESULT:	APPOINTMENT OF COUNCIL MEMBER PETERSEN AS THE CITY REPRESENTATIVE AND COUNCIL MEMBER BOTTORFF AS THE CITY'S ALTERNATE REPRESENTATIVE ON ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)
MOVER:	Ed Bottorff, Council Member
SECONDER:	Michael Termini, Council Member
AYES:	Petersen, Bottorff, Bertrand, Harlan, Termini


Council Member Termini and Mayor Harlan spoke in support of the nomination of Bob White to the Library Ad Hoc Design Committee, saying the City is fortunate to have a resident with extensive experience in library design.

RESULT:	APPOINTMENT OF BOB WHITE AS THE AT-LARGE MEMBER ON THE LIBRARY AD HOC DESIGN COMMITTEE; [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Petersen, Bottorff, Bertrand, Harlan, Termini

Mayor Harlan thanked Former City Clerk Susan Sneddon for her five years of service to the City and wished her well in her retirement.

10. ADJOURNMENT

The meeting was closed at 7:08 PM


Stephanie Harlan, Mayor

ATTEST:


Linda Fridy, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON JANUARY 12, 2017