

City of Capitola Agenda

Mayor: Michael Termini
Vice Mayor: Stephanie Harlan
Council Members: Kirby Nicol
Dennis Norton
Sam Storey
Treasurer: Jacques Bertrand



CAPITOLA CITY COUNCIL SPECIAL MEETING DECEMBER 5, 2012 - 6:00 PM

SPECIAL MEETING OF THE CAPITOLA CITY COUNCIL – 6:00 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 Stephanie Harlan, Dennis Norton, Kirby Nicol, Sam Storey, and Mayor Michael Termini

2. ADDITIONS AND DELETIONS TO AGENDA

3. 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.

4. COUNCIL/STAFF ANNOUNCEMENTS

5. 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. November 6, 2012 - General Municipal Election Results
Consideration of a Resolution confirming and approving the canvass of returns and result of the General Municipal Election held in Capitola on the 6th day of November 2012.

RECOMMENDED ACTION:

Adopt Resolution.

- B. County of Santa Cruz Supervisor Ellen Pirie to present proclamations to outgoing Council Member Kirby Nicol and City Treasurer Jacque Bertrand.
- C. Recognition of and comments from outgoing Council Member Kirby Nicol.
- D. Recognition of and comments from outgoing City Treasurer Jacques Bertrand.
- E. Welcoming new Council Members, Oath of Office Ceremony, and seating of newly elected officials.
- F. Comments from newly elected Council Members Dennis Norton and Ed Bottorff; and newly elected City Treasurer Kym DeWitt.
- G. Reorganization of City Council ~ Appointment of Mayor and Vice Mayor.
RECOMMENDED ACTION:
That City Council considers a new Mayor and Mayor Pro Tempore.
- H. Presentation of gift to Mayor Michael Termini.

6. COUNCIL/STAFF COMMUNICATIONS

- A. Staff Comments
- B. City Council/Treasurer Comments

City Council Members/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council consideration.

7. ADDITIONAL MATERIALS

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

8. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, December 13, 2012 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. 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 by clicking on the Home Page link "View Capitola Meeting Live On-Line." Archived meetings can be viewed from the website at anytime.

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CITY COUNCIL AGENDA REPORT

SPECIAL MEETING OF DECEMBER 5, 2012

FROM: CITY CLERK'S OFFICE

SUBJECT: NOVEMBER 6, 2012 - GENERAL MUNICIPAL ELECTION RESULTS

RECOMMENDED ACTION: Adopt the proposed Resolution confirming and approving the Canvass of Returns and Result of the General Municipal Election held in Capitola on the 6th day of November 2012; thereby adopting Ordinance No. 976 – An Ordinance of the People of the City of Capitola Imposing a Permanent City of Capitola Retail Transactions and Use Tax to be Administered by the State Board of Equalization.

DISCUSSION: The City's General Municipal Election was held on November 6, 2012, consolidated with the Presidential General Election. The purpose of the election was to elect two Members of the City Council and one City Treasurer for full terms of four years, and for the voters to decide upon one City Measure, Measure O, imposing a one quarter of one percent (0.25%) transaction and use tax to be administered by the State Board of Equalization.

County Clerk Gail Pellerin will be certifying the election by 5 p.m. on Tuesday, December 4, 2012; therefore, the final counts are not included in the draft Resolution attached to this report. Once the City receives the Statement of Vote from the County Clerk, a final draft Resolution with all the blanks filled in will be distributed prior to the meeting.

In addition to confirming the election of two Council Members and a City Treasurer, adoption of the Resolution also confirms approval by the electorate of Measure O, imposing a Permanent City of Capitola Retail Transactions and Use Tax to be administered by the State Board of Equalization

ATTACHMENTS:

1. Preliminary Draft Resolution

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager 

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PRELIMINARY RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA, CALIFORNIA, CONFIRMING AND APPROVING THE CANVASS OF RETURNS AND RESULT OF THE GENERAL MUNICIPAL ELECTION HELD IN CAPITOLA ON THE 6TH DAY OF NOVEMBER, 2012

WHEREAS, the City Council of the City of Capitola, by Resolution No. 3912, duly passed and adopted on the 22nd day of March, 2012, called a General Municipal Election to be held in the City of Capitola on November 6, 2012, as required by law for the object and purpose of electing two (2) Members of the Capitola City Council for the full term of four (4) years, a City Treasurer for the full term of four (4) years, and submitting to the qualified electors of the City one measure, as hereinafter specified; and

WHEREAS, the General Municipal Election was held on Tuesday, November 6, 2012, in accordance with law, and the votes then were received and canvassed and the returns ascertained, determined and declared in all respects by the County Clerk as authorized and directed by Resolution No. 3912, and the County Clerk has duly filed with this City Council a "Certification of the Votes Cast" in the election as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA, CALIFORNIA, AS FOLLOWS:

1. The County Clerk's Certification of the Votes Cast, set forth in Exhibit "___", attached hereto and incorporated by this reference, be entered upon the minutes of this Council as a statement of the results of the General Municipal Election.
2. The whole number of votes cast in the City of Capitola at the General Municipal Election were _____ votes (____%).
3. Votes were cast for the candidates for the office of Member of the City Council for full terms of four (4) years as follows:

<u>Name of Candidate</u>	<u>Total Number of Votes</u>
Jacques Bertrand	_____
Edward Bottorff	_____
Dennis Norton	_____

4. Votes were cast for the one candidate for the office of City Treasurer for a full term of four (4) years as follows:

<u>Name of Candidate</u>	<u>Total Number of Votes</u>
Kym DeWitt	_____

5. The two (2) candidates receiving the highest number of votes for Member of the City Council were:

Item #: 5.A. Attach 1.pdf

and the candidate receiving the highest number of votes for City Treasurer was:

Kym DeWitt

and they were thereby elected Members of the City Council and City Treasurer, respectively, and shall hold office for a full term of four (4) years; and the City Clerk is hereby authorized to sign and deliver to _____, _____, and Kym DeWitt Certificates of Election, and to administer to each the Oath of Office prescribed in the Constitution of the State of California.

6. At said General Municipal Election, the following measure was submitted to the electors of said City and the number of votes given for and against the measure (including absentee votes) was as follows:

<u>MEASURE</u>	<u>YES</u>	<u>NO</u>
MEASURE "O":	_____%	_____%

Shall a City of Capitola permanent sales tax increase of one-quarter of one percent be adopted to pay for disaster recovery and to maintain general services including public safety and street improvements?

The City Council does declare and determine that as a result of said election, a majority of the qualified voters voting on Measure O relating to the City imposing a permanent City of Capitola retail transactions and use tax to be administered by the State Board of Equalization. The sales tax proposed by Measure "O" shall be deemed adopted immediately upon adoption of this Resolution by the City Council, and shall take effect ten (10) days thereafter, i.e. on December 15, 2012.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 5th day of December, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

SPECIAL MEETING OF DECEMBER 5, 2012

FROM: CITY CLERK'S OFFICE

SUBJECT: CITY COUNCIL CONSIDERATION OF REORGANIZATION SELECTION OF
MAYOR AND VICE MAYOR

RECOMMENDED ACTION: That City Council considers a new Mayor and Mayor Pro Tempore.

BACKGROUND: Pursuant to Capitola Municipal Code Section 2.04.150, "At a regular meeting which falls approximately one year after the last general municipal election, the city council shall consider choosing a new mayor and a new mayor pro tempore. Any city council member is eligible for either of those two positions. Government Code Section 36802 reads as follows: "The mayor shall preside at the meetings of the council. If he or she is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor pro tempore has all of the powers and duties of the mayor".

DISCUSSION: This matter is before the City Council to determine if it is the desire of the Council to reorganize at this time. If so, a new Mayor should be selected. The newly selected Mayor will then preside over the remainder of the meeting and call for nominations for Vice Mayor. A new Vice Mayor should be selected.

FISCAL IMPACT: None

ATTACHMENTS: None

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager 

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