

December 4, 2008
Capitola, California

CAPITOLA CITY COUNCIL

MINUTES OF A SPECIAL MEETING

Mayor Nicol called the Special Meeting of the City Council to order at 6:06 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Sam Storey, Robert "Bob" Begun, Ron Graves, Michael Termini, and Mayor Kirby Nicol; City Treasurer Tony Gualtieri

ABSENT: None

STAFF: City Manager Rich Hill, City Attorney John G. Barisone, Finance Director Lauren Lai, Community Development Director Jamie Goldstein, Public Works Director Steve Jesberg, Chief of Police Rick Ehle, Assistant to the City Manager Lisa Murphy, and City Clerk Pamela Greeninger

2. ORAL COMMUNICATIONS

A) Toni Castro, CEO of the Capitola-Soquel Chamber of Commerce, wished to thank Council Member Termini for his service on the City Council during the past four years. She also invited everyone to attend the community caroling event to be held on Friday, December 12, at the Bandstand.

B) Lin Banks, a member of the City's 60th Birthday Committee, said there would be a number of events planned next year for the City's 60th Birthday. She announced that on Sunday, January 11, the date of Capitola's incorporation, there would be a 60th Birthday Party at Capitola Mall with birthday cake from Gayle's Bakery and fun for everyone. She said interested persons could view all the events and get more information about fundraising efforts at the 60th Birthday website: www.Happybirthdaycapitola.com. Mrs. Banks also thanked Council Member Termini for his tireless love of Capitola. [160-10]

C) Doree Steinmann thanked the Council for considering her for reappointment to the Community Television Board of Directors.

D) Stephanie Harlan said she was pleased to welcome the newly elected council member and city treasurer, but said it was also sad to say goodbye to outgoing City Treasurer Tony Gualtieri and Council Member Mike Termini. She said it had been a pleasure working with them and hoped they would stay involved in the community.

E) Council Member Termini announced that the Library JPA would be meeting on Monday, December 8, and that he is currently Chair of the Board. The library director, Anne Turner, has informally asked him to chair that meeting; however, he will technically not be on the Council at that time. Council Member Termini asked if it would be the will of the Council for him to chair the next Library JPA Meeting. [230-10]

ACTION: Council Member Storey directed that Michael Termini chair the Library Joint Powers Authority meeting to be held on Monday, December 8, 2008. Council Member Norton seconded the motion. The motion carried unanimously.

3. BUSINESS

- A. **November 4, 2008 - General Municipal Election Results [560-10]
Resolution Confirming and Approving the Canvass of Returns and Result of the General Municipal Election Held in Capitola on the 4th day of November 2008.**
 - **Election of Two Members of the City Council**
 - **Election of One City Treasurer**
 - **Voter determination regarding Measure D: Adoption of Ordinance No. 935, Ordinance of the People of the City of Capitola Amending Section 16 of Ordinance No 880 Pertaining to the City of Capitola Transactions and Use Tax Administered by the State Board of Equalization**

City Clerk Greeninger reported on the results of the City's General Municipal Election held November 4, 2008, stating that County Clerk Gail Pellerin finalized the canvass of the consolidated Presidential General Election held November 4, 2008, and issued the Statement of Vote on Tuesday, December 2, 2008. She said the number of votes cast in the City of Capitola at the election were 5,428, with a voter turnout of 87.07%.

City Clerk Greeninger announced the city's 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 D, extension of the city's one quarter of one percent sales tax to December 31, 2017. City Clerk Greeninger stated there were four candidates for the two council member seats and then named the candidates for Member of City Council and the total number of votes each candidate received as follows:

<u>Name of Candidate</u>	<u>Total Number of Votes</u>	
Dennis R. Norton	2,183	28.37%
Kirby Nicol	2,114	27.48%
Michael Termini	2,071	26.92%
Ellen A. Jennings	1,285	16.70%

She then stated there was one candidate for City Treasurer, Jacques Bertrand, and the total number of votes he received was 3,323 (97.85%).

City Clerk Greeninger advised that the two candidates for Member of City Council receiving the highest number of votes were Dennis R. Norton and Kirby Nicol, and the candidate for City Treasurer, Jacques Bertrand, were thereby elected Members of the City Council and City Treasurer, respectively. The proposed resolution authorizes the City Clerk to sign and deliver Certificates of Election to each of those individuals elected to office and to administer the Oath of Office prescribed in the Constitution of the State of California, which would be done later in the meeting.

City Clerk Greeninger then provided the results for the city measure as follows:

<u>MEASURE</u>	<u>YES</u>	<u>NO</u>
	3,317	1,721
MEASURE "D"	65.84%	34.16%

City Clerk Greeninger advised that City Council adoption of the proposed resolution would confirm approval by the electorate of Measure D, which amends Section 16 of Ordinance No. 880, pertaining to the City's Transactions and Use Tax Administered by the State Board of Equalization, by extending the termination to December 31, 2017, rather than June 30, 2010.

3. A. BUSINESS (Continued)

Following the report on results of the election, City Clerk Greeninger advised the recommended action is, by motion and roll call vote, to adopt the final draft Resolution Confirming and Approving the Canvass of Returns and Result of the General Municipal Election held in Capitola on the 4th day of November, 2008; thereby Adopting Ordinance No. 935, An Ordinance of the People of the City of Capitola Amending Section 16 of Ordinance No. 880, as recommended.

ACTION: Council Member Graves moved, seconded by Council Member Termini, to adopt **Resolution No. 3729, Resolution Confirming and Approving the Canvass of Returns and Result of the General Municipal Election held in Capitola on the 4th day of November, 2008;** thereby adopting **Ordinance No. 935, An Ordinance of the People of the City of Capitola Amending Section 16 of Ordinance No. 880 Pertaining to the City of Capitola Transactions and Use Tax Administered by the State Board of Equalization.** The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

B. Recognition of and Comments from Outgoing Council Member and Outgoing City Treasurer [120-40]

At this time Mayor Nicol recognized Tony Gualtieri and presented him with a framed photograph of Capitola for his service to the City as City Treasurer from January 25, 2007, until December 4, 2008. Mr. Gualtieri was appointed to fill the unexpired term of the elected city treasurer vacated by Bob Begun, who was elected to the City Council at the election held in November of 2006.

Mr. Gualtieri thanked the Mayor for the recognition and commented on the very dedicated members of the finance department, including Finance Director Lauren Lai, Linda Benko, who prepares all the checks, and Lisa Saldana, who prepares the monthly Treasurer's Report. He also commented on various community projects that have given Capitola its unique identity: the Bandstand project, which was put together by Council Members Nicol and Termini, and the Sea Wall Tile project, an idea brought forth by Dennis Norton. He also wished to recognize his wife, Kathryn, who has served as the Historian on the Architectural and Site Review Committee.

Mr. Gualtieri then expressed interest in seeing that there is a good library in Capitola and announced that he and Kathryn would like to stir residential interest in creating a residents' committee for the library to consider such things as location, what it should have in it, how big it should be, where the funding will come from, etc. He would like to invite Mike Termini, who has done a lot of work with the Library JPA Board, as well as Gayle Ortiz, who also served on that board during her tenure on the City Council, to join them. In closing, Mr. Gualtieri said they are both going to continue to be involved in their community.

Mayor Nicol then recognized outgoing Council Member Michael Termini and gave him an opportunity to say a few words before making the formal presentations.

Council Member Termini commented on each of his fellow council members and how they have enriched his experience on the City Council during the past four years. He also wished to thank city staff for their assistance, the over 2,000 voters who voted for him at the election, and to his family, friends and loved ones. Council Member Termini said it has been a privilege to serve his community as a member of the City Council, and he is at the city's service always.

Mayor Nicol and members of the council commented on their experience working with outgoing Council Member Termini.

3. B. BUSINESS (Continued)

Following council member comments, Mayor Nicol recognized Council Member Termini's service to the City of Capitola from November 23, 2004, to December 4, 2008, and presented him with a framed photograph of himself that had been in the City Hall foyer. He noted that this was a copy of the photograph that was stolen earlier this year. He also gave him the other two photographs that were displayed after the original one was found missing.

Council Member Begun presented Council Member Termini with a Certificate of Special Recognition from Congressman Sam Farr.

Council Member Graves presented a California Senate Recognition Certificate from Joe Simitian.

Council Member Storey read and presented a Proclamation Recognizing Council Member Termini for his Service on the Capitola City Council from Supervisor Ellen Pirie on behalf of the Santa Cruz County Board of Supervisors.

Council Member Termini thanked everyone, and said, "I will be back."

C. Oath of Office Ceremony ~ Seating of Newly Elected Officials [520-50]

City Clerk Greeninger asked the newly elected Council Members and the City Treasurer to step forward. She congratulated them on their election and then administered the Oath of Office to Dennis Norton, Kirby Nicol, and Jacques Bertrand and presented each with a framed Certificate of Election. They then signed their Oath of Office forms and took their seats on the Diaz.

D. Comments from Newly Elected Officials

Newly elected City Treasurer Jacques Bertrand complimented former City Treasurer Tony Gualtieri on his service to the city. He also thanked Capitola voters for their confidence in voting for him. His only regret was that his wife could not be at the meeting tonight to see him take office. Mayor Nicol offered his congratulations to Mr. Bertrand.

Council Member Norton commented on the number of homes in Capitola and his experience walking the neighborhoods during the campaign. He thanked all the people who voted for him. Council Member Norton talked about the difficult times the city would be going through, along with the rest of the nation. He has made a commitment to be a team player on the council, and he looks forward to serving on the City Council again.

Mayor Nicol personally welcomed Dennis Norton back to the City Council and said he looks forward to working with him.

E. Reorganization of the City Council ~ Election of Mayor and Vice Mayor [120-37]

Mayor Nicol advised it was now time for the council to select its Mayor and Vice Mayor and entertained nominations from the council.

ACTION: Council Member Graves moved, seconded by Council Member Norton, to nominate Council Member Begun as Mayor. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Norton, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

ACTION: Council Member Norton then moved, seconded by Council Member Graves, to nominate Council Member Storey as Vice Mayor. The motion carried on the following vote: AYES: Council Members Storey, Begun, Graves, Norton, and Mayor Nicol. NOES: None. ABSENT: None. ABSTAIN: None.

3. E. BUSINESS (Continued)

Newly elected Mayor Begun thanked everyone for selecting him to serve as Mayor for the upcoming year. He said the Council has a lot of work to do and will need to work together as a team to meet the challenges ahead.

Mayor Nicol then handed the gavel to newly selected Mayor Begun, who then presided over the remainder of the meeting.

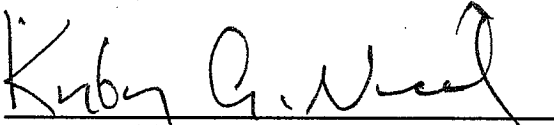
F. **Presentation of Gavel to Mayor Kirby Nicol [120-40]**

Mayor Begun thanked Kirby Nicol for serving as Capitola's Mayor for the past year. On behalf of the City Council he presented him with a Gavel Plaque expressing the City's gratitude for his service as Mayor from December 13, 2007, to December 4, 2008.


Outgoing Mayor Nicol commented on why he selected Capitola as his home and said it is the finest community in the world. He feels privileged to have an opportunity to serve his community and thanked everyone for their vote.

4. **ADJOURNMENT**

Mayor Begun adjourned the City Council's Special Meeting at 7:04 p.m. to its next Regular Meeting to be held on Thursday, December 11, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

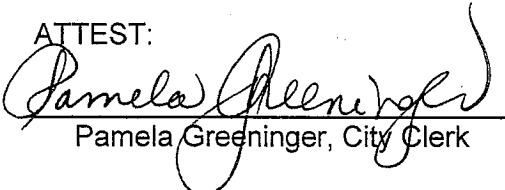


Kirby A. Nicol, Mayor



Robert A. Begun, Mayor

ATTEST:



Pamela Greeninger, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED BY THE CITY COUNCIL ON 1/8/09