



**TENTATIVE AGENDA**  
Regular Meetings of the  
**CAPITOLA CITY COUNCIL/  
REDEVELOPMENT AGENCY**  
Thursday, June 14, 2007

**5:30 P.M. - CLOSED SESSION - CITY MANAGER'S OFFICE  
CAPITOLA REDEVELOPMENT AGENCY & CITY COUNCIL**

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/Redevelopment Agency Directors on closed session items only.

**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant Exposure to litigation pursuant to Govt. Code Section 54956.9(b): One Case

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code §54956.8)**

Property: City Hall Parking Lot Lease, APN 035-141-33

Agency Negotiator: Rich Hill

Negotiating Parties: City of Capitola and Metro PCS

Under Negotiation: Lease Terms

**LIABILITY CLAIMS (Pursuant to Govt. Code §54956.95)**

Claimant: Paul Crowley

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Bargaining Units City Manager

Negotiators: City Council

**6:45 P.M. – CAPITOLA REDEVELOPMENT AGENCY**

**A. ROLL CALL**

Directors Begun, Nicol, Graves, Storey, and Chairperson Termini

**B. ORAL COMMUNICATIONS**

*Oral Communications allows time for members of the Public to address the Redevelopment Agency on any item not on the Agenda. Presentations will be limited to three minutes per speaker. All speakers must address the entire RDA Board 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.*

**C. CONSENT CALENDAR**

*All matters listed under "Consent Calendar" are considered by the Agency to be routine and 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 Directors vote on the action unless members of the public or the Agency request specific items to be discussed for separate review.*

1. Approval of Minutes – Special Joint Budget Study Session Meeting of May 3, 2007, the Special Joint Meeting of the City Council and the Redevelopment Agency of May 9, 2007, and the Regular Meeting of the Redevelopment Agency of May 10, 2007.

**C. CONSENT CALENDAR** (continued)

2. Approval of Check Register
3. Adopt Agency Resolution Making a Determination Regarding the Planning and Administrative Expenditures of the Low & Moderate Income Housing Fund for Fiscal Year 2007-08.

**D. PUBLIC HEARINGS**

***The Capitola Redevelopment Agency and City Council will convene jointly during the Regular City Council Meeting for the following item:***

1. Continued Joint Public Hearing on the Proposed 2007-2008 FY City, Redevelopment Agency and Five-Year Capital Improvement Program Budgets. Presentation: City Manager and Finance Director. Staff recommendation: 1) adopt Resolution adopting the 2007-2008 Fiscal Year City and Capitola Improvement Program (CIP) Budget and 2) adopt Redevelopment Agency Resolution adopting the 2007-2008 Fiscal Year Budget.

**E. REGULAR BUSINESS**

1. Rispin Status Report. Staff recommendation: receive report.
2. Assignment of Rispin Lease and Development Agreement to Rispin, LLC. Staff recommendation: approve Consent to Assignment and Assumption Agreement and authorize Executive Director to execute.

**F. ADJOURNMENT**

The Capitola Redevelopment Agency to adjourn to a Regular Meeting of the Redevelopment Agency to be held on Thursday, June 28, 2007, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, CA.

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**7:00 P.M. – REGULAR MEETING OF THE CITY COUNCIL**

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Begun, Nicol, Graves, Storey, and Mayor Termini

**\* \* \* PRESENTATION \* \* \***

Certificate of Appreciation to Scharlene Fulmer for Service as the Capitola Representative on the Advisory Council of the Area Agency on Aging

**1. REPORT ON CLOSED SESSION**

**2. ORAL COMMUNICATIONS**

A. Additions and Deletions to Agenda

B. Public Comments

*A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time*

- *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 Council 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.**

C. Staff Comments

D. City Council/Treasurer Comments

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

E. Committee Reports/Appointments

*Council Members/Committee Representatives may present oral updates from standing committees at this time. Committee appointments may also be made by the City Council at this time.*

- 1) Appointment of Youth Member to the Commission on the Environment.

F. Approval of Check Register Report

**3. CONSENT CALENDAR**

*All matters listed under "Consent Calendar" are considered by the City Council to be routine and 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 Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following "Other Business."*

- A. Waive Reading of all Ordinances and Resolutions on the Agenda.  
Staff recommendation: Approve the reading by title of all Ordinances and Resolutions and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

**3. CONSENT CALENDAR** (continued)

- B. Approval of Minutes – Special Joint Budget Study Session Meeting of May 3, 2007, the Special Joint Meeting of the City Council and the Redevelopment Agency of May 9, 2007, and the Regular Meeting of the City Council of May 10, 2007.
- C. Receipt of Planning Commission Action Minutes for the Regular Meeting of June 7, 2007.
- D. Deny Claim of Paul Crowley in an amount in excess of \$10,000 and forward to the City's Liability Insurance Company.
- E. Report on PERS Election Results and Adoption of Ordinance Authorizing an Amendment to the Contract between the City Council of the City of Capitola and the Board of Administration of the California Public Employee Retirement System (PERS). (2<sup>nd</sup> Reading)
- F. Adopt Resolution to Establish CalPERS Employer Paid Member Contribution (EPMC) for the City of Capitola Miscellaneous Employees at 8% and Tax Deferred Reporting.
- G. Accept Report on City Business License Compliance Audit Conducted May 2006 through April 2007.
- H. Award Contract to Harris & Associates in the Amount of \$25,000 for Consulting Services for Citywide Streetlight Acquisition.
- I. Adopt Proposed Resolution Transferring \$2,000 from the City Manager's Unanticipated Events Account to Community Development Department Contracts Account for Technical Assistance on the Village Parking Study.
- J. Appoint Members to Capitola Village and Wharf Business Improvement Area Advisory Committee.
- K. Confirmation of City Council Resolution No. 3629 Pertaining to the Rispin Development Project, Application #07-023, adopted May 9, 2007.

#### 4. PUBLIC HEARINGS

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is followed for each Public Hearing listed: 1) Staff Explanation; 2) Public Discussion; 3) Council Comments; 4) Close public portion of the Hearing; 5) City Council discussion; and 6) Decision.*

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.

- A. Public Hearing on 2007/2008 Fiscal Year Capitola Village and Wharf Business Improvement Area Assessments. Presentation: Finance Director and CVWBIA Executive Directors. Staff recommendation: adopt resolution.
- B. Public Hearing to Consider a Capitola Surf and Bandstand Webcam Provided by Surfline, Inc., at No Cost to the City. Presentation: Finance Director. Staff recommendation: approve contract.

#### JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY

- C. Continued Joint Public Hearing on the Proposed 2007-2008 FY City, Redevelopment Agency and Five-year Capital Improvement Program Budgets. Presentation: City Manager and Finance Director. Staff recommendation: 1) adopt Resolution adopting the 2007-2008 Fiscal Year City and Capital Improvement Program (CIP) Budget and 2) adopt Redevelopment Agency Resolution adopting the 2007-2008 Fiscal Year Budget.

#### 5. OTHER BUSINESS

- A. Acceptance of a U.S. Office of Homeland Security-Commercial Equipment Direct Assistance Program (CEDAP) Grant Consisting of a Stedi-Eye Stabilized Night Vision Capable Binocular with a Value of \$13,000. Staff recommendation: adopt resolution.
- B. Ordinance Amending Section 2.04.140 of the Capitola Municipal Code Pertaining to the Placement of Items on the City Council Meeting Agenda. (1<sup>st</sup> Reading) Staff recommendation: adopt ordinance.

**5. OTHER BUSINESS** (continued)

- C. Commission on the Environment Recommendation for Amendments to the Municipal Code Regulating the Noise Level, Hours of Operation, and Methods of Use for Leaf Blowers, Mechanical Sweeping Devices and Parking Lot Vacuum Machines. Staff recommendation: Council direction.

**6. ORAL COMMUNICATIONS****7. ADJOURNMENT**

Adjourn to a Regular Meeting of the Capitola City Council to be held on Thursday, June 28, 2007, beginning at 7:00 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.