



TENTATIVE AGENDA

Regular Meetings of the CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY

Thursday, June 26, 2008

6:00 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 – EXISTING LITIGATION (Govt. Code §54956.9a)

Save the Habitat vs. City of Capitola (Rispin Mansion Project)

Soquel Union Elementary School District vs. City of Capitola

Surf & Sand LLC vs. City of Capitola (Surf & Sand Mobile Home Park)

Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)

CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code §54957.6)

Bargaining Units: Police Captains & Capitola Police Officers Association

Negotiator: Rich Hill, City Manager

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: John C. Kinstler Jr.

6:55 P.M. – CAPITOLA REDEVELOPMENT AGENCY

A. ROLL CALL

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

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 RDA Minutes – Special Joint Budget Study Sessions of the City Council and Redevelopment Agency of May 1, 14, and 28, 2008.

C. RDA CONSENT CALENDAR - Continued

2. Approval of RDA Check Register Report.
3. Adopt Resolution Repealing the Redevelopment Agency's Conflict of Interest Code Resolution No. 2006-14.

D. PUBLIC HEARINGS

The Capitola Redevelopment Agency and City Council will convene jointly during the Regular City Council Meeting, under Items 4.B. and 4.C. for the following items:

1. Joint Public Hearing on Adoption of the Proposed 2008-2009 Fiscal Year Budgets for the City of Capitola General Fund, the Capitola Redevelopment Agency, and the Five-Year Capital Improvement Program. Presentation: City Manager and Finance Director. Staff recommendation: 1) adopt City Council Resolution Adopting the 2008-2009 Fiscal Year City and Capital Improvement Program (CIP) Budgets; 2) adopt Redevelopment Agency Resolution Adopting the 2008-2009 Fiscal Year Budget, and 3) adopt Redevelopment Agency Resolution Making a Determination regarding the Planning and Administrative Expenditures of the Low and Moderate Income Housing Fund for Fiscal Year 2008-2009.
2. Joint Public Hearing on Amendment to Conservation and Public Access Easement and Adoption of a Historic Facade Easement for the Rispin Mansion Property located at 2000 Wharf Road (APNs 035-371-01 & -02). Presentation: Community Development Department.

E. REGULAR BUSINESS - None**F. ADJOURNMENT**

Adjourn to the Joint Public Hearing of the Capitola Redevelopment Agency and the City Council, Public Hearing Item 4.A. on the City Council's June 26, 2008 Agenda, and then to the Redevelopment Agency's next Regular Meeting to be held on Thursday, July 10, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

REGULAR MEETING OF THE CITY COUNCIL
(Immediately following the Redevelopment Agency Meeting)

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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/Committee Reports

Council Members/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council consideration. Council Members/Committee Representatives may present oral updates from standing committees at this time.

E. Committee 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.

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."

3. CONSENT CALENDAR - Continued

- A. Approve 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.
- B. Approve City Council Minutes – Special Joint Budget Study Sessions of the City Council and Redevelopment Agency of May 1, 14, and 28, 2008, and the Special Meeting of June 4, 2008.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of June 19, 2008.
- D. City Treasurer’s Report for the Month Ended May, 31, 2008.
- E. Receive 2008 Conflict of Interest Code Biennial Notice and direct staff to review the City’s Conflict of Interest Code and submit the required notice to the Council no later than October 1, 2008.
- F. Approve Contracts for Building Department Plan Check Services with CSG Consultants, Inc., Interwest Consulting Group, and Bureau Veritas in an aggregate amount not to exceed \$20,000.
- G. Approve Contract with Coastal Watershed Council for Urban Watch and First Flush Water Quality Monitoring in Soquel Creek and Lagoon.
- H. Approve the Final Parcel Map and Condominium Plan for a 55-Unit Condominium Development at 1066 41st Avenue, Application No. 06-032, Capitola Beach Villas, LLC, Developer, and Approve a Subdivision Agreement with Capitola Beach Villas, LLC.
- I. Approve Phase 2 of the Art & Cultural Commission Sea Wall Tile Public Art Project.
- J. Adopt Resolution Repealing Resolution Nos. 3621, 3601 and 3291 and Approving a New Hourly/Seasonal and Reserve Police Officers and Annuitant Officer Employee Pay Schedule.
- K. Deny Claim of John C. Kinstler Jr. for an undetermined amount and forward to the City’s Liability Insurance Carrier.

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 becomes “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 the Appeal of a Planning Commission Approval of Project Application #08-018, 1820 41st Avenue (APNs 034-131-22, 034-131-24), Conditional Use-Permit with Off-Site Sale of Alcohol and Limited Consumption of Alcohol on Premises for a Retail Business Establishment (BEVMO) in the CC (Community Commercial) Zoning District.

**JOINT PUBLIC HEARINGS OF THE
CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY**

- B. Joint Public Hearing on Adoption of the Proposed 2008-2009 Fiscal Year Budgets for the City of Capitola General Fund, the Capitola Redevelopment Agency, and the Five-Year Capital Improvement Program. Presentation: City Manager and Finance Director. Staff recommendation: 1) adopt City Council Resolution Adopting the 2008-2009 Fiscal Year City and Capital Improvement Program (CIP) Budgets; 2) adopt Redevelopment Agency Resolution Adopting the 2008-2009 Fiscal Year Budget, and 3) adopt Redevelopment Agency Resolution Making a Determination regarding the Planning and Administrative Expenditures of the Low and Moderate Income Housing Fund for Fiscal Year 2008-2009.
- C. Joint Public Hearing on Amendment to the Conservation and Public Access Easement and Adoption of a Historic Facade Easement for the Rispin Mansion Property located at 2000 Wharf Road (APNs 035-371-01 & 02). Presentation: Community Development Dept.

5. OTHER BUSINESS

- A. 2008 General Municipal Election. Staff recommendation: 1) adopt Resolution Ordering an Election and Requesting Consolidation at the November 4, 2008, General Election; 2) adopt Resolution Authorizing Certain Council Members to File Written Arguments For or Against City Measures; and 3) Approve Timeline for Filing Arguments/Rebuttals for City Measures.
- B. Adoption of Resolution Approving the Memorandum of Understanding for the Capitola Police Officers' Association. Staff recommendation: adopt resolution.
- C. Consideration of Contract Change Order No. 1 for the 2007-08 Street Resurfacing Project for Soil Stabilization on McCormick Court. Staff recommendation: approve contract change order with Granite Construction.
- D. Approve Contract with Anthony "Bud" Carney for Interim Community Development Director Services for an amount not to exceed \$50,000. Staff recommendation: approve contract.
- E. Ordinance Amending Section 16 of Ordinance No. 880 by Extending the Termination Date of an Existing Transactions and Use Tax of the City of Capitola. [1st Reading] Staff recommendation: adopt ordinance.

AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED

6. ORAL COMMUNICATIONS

7. ADJOURNMENT

Adjourn to the next Regular Meeting of the Capitola City Council to be held on Thursday, July 10, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.