



TENTATIVE AGENDA

Regular Meetings of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
Thursday, October 9, 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 REAL PROPERTY NEGOTIATORS (Govt. Code §54956.8)

Property: 504 Beulah Drive [APN 035-141-33]
City Negotiator: Public Works Director
Under Negotiation: Sale of City Property

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

6:50 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 – Regular Meetings of September 11 and September 25, 2008
2. Approval of RDA Check Register Report.
3. Receive Annual Statement of Indebtedness for Fiscal Year 2008-2009.

D. 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.

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

*The Capitola Redevelopment Agency and City Council will meet jointly at
this time to consider the following item:*

1. Joint Public Hearing on Amendment to the Public Access and Conservation Easement for the Rispin Mansion Property located at 2000 Wharf Road (APNs 035-371-01 and -02). Presentation: Community Development Department

E. REGULAR BUSINESS – None

F. ADJOURNMENT

Adjourn to a Regular Meeting of the Capitola Redevelopment Agency to be held on Thursday, October 23, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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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

*** * * PRESENTATIONS * * ***

Presentations to the following Capitola Businesses receiving the “Responsible Alcohol Merchant Awards” from the Santa Cruz County Alcohol and Drug Program – Friday Night Live Partnership and Proclamations by Mayor Kirby Nicol:

AJ’s Fuel Market of Capitola, 836 Bay Avenue
Circle K Capitola 76, 2195 41st Avenue
Grady’s Market, 509 Bay Avenue
Longs Drug Store, 809 Bay Avenue
Longs Drug Store, 1750 41st Avenue
New Leaf Community Market, 1210 41st Avenue
Rite Aid, 1475 41st Avenue
Trader Joe’s, 3555 Clares Street

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.”

- 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 – Regular Meetings of September 11 and September 25, 2008.
- C. Planning Commission Action Minutes - None
- D. Approve Work Plan for the City’s 60th Birthday Celebration.
- E. Approve Employment Agreement with Benjamin “Jamie” Goldstein for the Position of Community Development Director.
- F. Accept Report on the Art & Cultural Commission “Sea Wall Tile” Public Art Project.

4. PUBLIC HEARINGS

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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.

4. PUBLIC HEARINGS - Continued

- A. Public Hearing on Changes to the Conditions of Approval Required by the Superior Court of the State of California for the County of Santa Cruz on 9/15/08 (Case #CV 149983), for the Rispin Mansion Restoration and Hotel: Project Application #08-014, for a Conditional Use Permit, Architectural and Site Review, and Coastal Permit for the Proposed 25-Room Hotel at Rispin Mansion Project located at 2000 and 2005 Wharf Road in the AR/VS/PD “Automatic Review/Visitor Serving/Planned Development” Zoning District. [APNs 035-371-01 and -02 (Rispin) and APN 034-541-34 (Clares Street/Wharf Road). Presentation: Community Development Department

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

The Capitola Redevelopment Agency and City Council will convene jointly during the Regular Redevelopment Agency Meeting, under Item D.1., for the following item: (There will be no discussion on this item at this time.)

- B. Joint Public Hearing on Amendment to the Public Access and Conservation Easement for the Rispin Mansion Property located at 2000 Wharf Road (APNs 035-371-01 and -02). Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Report on Grants for Staff Time in Connection with Special Event Applications. Staff recommendation: receive report. *(Continued from the City Council Meeting of September 25, 2008)*
- B. Donation of a Wooden Tiki Statue by Capitola Residents. Staff recommendation: Council approval of Art & Cultural Commission’s recommendation to accept the Public Art Donation of the Tiki Statue and authorize execution of a Sculpture Donation Agreement.

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

6. ORAL COMMUNICATIONS

7. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, October 23, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.