



AGENDA COVER

**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, NOVEMBER 13, 2008

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION
REDEVELOPMENT AGENCY MEETING
REGULAR COUNCIL MEETING

6:30 P.M.

6:55 P.M.

Immediately following RDA Meeting

Elected Officials

Kirby Nicol, Mayor
Bob Begun, Vice Mayor
Ronald Graves, Council Member
Sam Storey, Council Member
Michael Termini, Council Member

Tony Gualtieri, City Treasurer

Rich Hill, City Manager
John G. Barisone, City Attorney
Pamela Greeninger, City Clerk
Lauren Lai, Finance Director
Steven Jesberg, Public Works Director
Richard Ehle, Chief of Police
Jamie Goldstein,
Community Development Director

Notice regarding City Council Meetings: The City Council meets regularly on the 2nd and 4th Thursday of each month immediately following the Redevelopment Agency Meeting, at approximately 7:00 p.m., in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Notice regarding Redevelopment Agency Meetings: Redevelopment Agency meetings are held on the 2nd and 4th Thursday of each month commencing between 6 p.m. and 7 p.m. The exact time of commencement will be determined by the Executive Director (based upon his/her estimate of time required) and shall be set forth in the notice of meeting posted at the place of meeting in accordance with Govt. Code §54954.2(a). Exceptions are the 2nd meeting in November is held on the 4th Tuesday, and in December when there is only one regular meeting on the 2nd Thursday of the month.

Agenda and Agenda Packet Materials: The City Council/Redevelopment Agency 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/Redevelopment Agency 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 can also be viewed from the City's website: www.ci.capitola.ca.us.



TENTATIVE AGENDA

Regular Meetings of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
Thursday, November 13, 2008

6:30 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 REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)

Property: Rispin Mansion Property, 2000 & 2005 Wharf Road
APN 035-371-01 & 02
Agency/City Negotiator: Rich Hill, City Manager
Negotiating parties: Rispin Partners LLC, City of Capitola, and City of Capitola
Redevelopment Agency
Under Negotiation: Lease and Development Agreement

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)

6:55 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 – Regular/Joint Meeting of October 9, 2008, and the Regular Meeting of October 23, 2008
2. Approval of RDA Check Register Report

D. PUBLIC HEARINGS - None

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

Adjourn to a Regular Meeting of the Capitola Redevelopment Agency to be held on **Tuesday**, November 25, 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

***** PRESENTATIONS *****

**Introduction of Community Development Director
Benjamin "Jamie" Goldstein**

**Introduction of Kurt Edwards, Sports Coordinator
for the Capitola Recreation Department**

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

- o Presentations will be limited to THREE MINUTES per speaker*
- o Individuals may not speak more than once during Oral Communications*
- o 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/Joint Meeting of October 9, 2008, and the Regular Meeting of October 23, 2008.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of November 6, 2008.
- D. Receive and Approve the 2009 Meeting Schedules for City Council/ Redevelopment Agency and Planning Commission/Architectural and Site Review Committee.
- E. Adopt Resolution Establishing Days for Closure of City Offices during the 2009 Calendar Year.
- F. Approve the Purchase of a Rescue Van from the Aptos/La Selva Fire Protection District in the amount of One Dollar (\$1.00).
- G. Accept Report of Damage to Pilings on the Capitola Wharf and Authorize the Public Works Department to proceed with Preparation of Plans for a Piling Replacement Project in Spring of 2009 under the existing Contract with Moffatt & Nichol.
- H. Receive Report on Municipal Code Section 10.36.070 Pertaining to the Use of Streets for the Storage of Vehicles, and Section 10.36.180 Pertaining to the Parking of Vehicles Six Feet or Greater in Height (Ordinance No. 931).

3. CONSENT CALENDAR – Continued

- I. Receive Departmental Quarterly Financial Report – 1st Quarter ending September 30, 2008.
- J. Receive City Treasurer's Report for the Month Ended September 2008 (Unaudited).
- K. Approve and Publish the Fiscal Year 2007-2008 Annual "Cities Financial Transactions Report to the State Controller's Office."
- L. Adopt Resolution Adopting a Revised Conflict of Interest Code for the City of Capitola.

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. Continued Public Hearing regarding Charter Communications Compliance with Cable Television Ordinance No. 816 and the March 28, 2001, Franchise Agreement, and to Discuss Remedies for Violation. Presentation: Assistant to the City Manager.

5. OTHER BUSINESS

- A. Bicycle Transportation Account (BTA) Grant Application. Staff recommendation: adopt resolution authorizing staff to submit a Bicycle Transportation Account (BTA) Grant Application for purchase and installation of video detection systems at eight signalized intersections and agree to provide funds in the amount of \$38,000 to be used as the local match for the BTA Grant.
- B. Request from the Capitola Village & Wharf Business Improvement Area (BIA) to Broadcast Holiday Music throughout Capitola Village during the Holiday Season from 12 Noon to 9:30 p.m. daily. Staff recommendation: approve request.

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

6. COUNCIL/STAFF COMMUNICATIONS

7. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on **Tuesday**, November 25, 2008, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.