



## AGENDA COVER

**CAPITOLA CITY COUNCIL/  
REDEVELOPMENT AGENCY/  
CAPITOLA FINANCING AUTHORITY  
MEETING DATE: THURSDAY, JANUARY 22, 2009**

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

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| <b>CLOSED SESSION</b>                       | <b>5:30 P.M.</b>                         |
| <b>CAPITOLA FINANCING AUTHORITY MEETING</b> | <b>6:50 P.M.</b>                         |
| <b>REDEVELOPMENT AGENCY MEETING</b>         | <b>6:55 P.M.</b>                         |
| <b>REGULAR COUNCIL MEETING</b>              | <i>Immediately following RDA Meeting</i> |

### *Elected Officials*

*Robert "Bob" Begun, Mayor  
Sam Storey, Vice Mayor  
Kirby Nicol, Council Member  
Ron Graves, Council Member  
Dennis Norton, Council Member  
  
Jacques Bertrand, 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 2<sup>nd</sup> meeting in November is held on the 4<sup>th</sup> Tuesday, and in December when there is only one regular meeting on the 2<sup>nd</sup> 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](http://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](http://www.ci.capitola.ca.us)



**TENTATIVE AGENDA**  
Regular Meetings of the  
**CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY**  
and Special Meeting of the  
**CAPITOLA FINANCING AUTHORITY**  
Thursday, January 22, 2009

**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 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/RDA Executive Director

Negotiating parties: Rispin Partners LLC, City of Capitola, and City of Capitola  
Redevelopment Agency

Under Negotiation: Lease and Development Agreement

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

Property: McGregor Property, APN 36-341-02 (City of Capitola,  
Owner)

City Negotiator: City Manager for Lessor

Negotiating Parties: Patti Boe

Under Negotiation: Lease/Purchase Negotiation

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9a)**

Surf and Sand, LLC v. City of Capitola  
Soquel Union Elementary School District vs. City of Capitola

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

Negotiator: Rich Hill, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police  
Captains, Capitola Police Officers Association, Confidential Employees, Mid-  
Management Group, Building Official, Chief of Police, City Manager, Finance  
Director, Community Development Director, and Public Works Director

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)**

Title: City Manager

**6:50 P.M. - SPECIAL MEETING OF THE  
CAPITOLA FINANCING AUTHORITY**

**1. ROLL CALL**

Board Members Graves, Storey, Nicol, Norton, and Chairperson Begun

**2. ORAL COMMUNICATIONS**

**3. 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.*

A. Accept Comprehensive Annual Financial Report for Fiscal Year Ended 6/30/08.

**4. ADJOURNMENT**

**REGULAR MEETING OF THE CAPITOLA REDEVELOPMENT AGENCY****A. ROLL CALL**

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

**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 – None
2. Approval of RDA Check Register Report
3. Accept Comprehensive Annual Financial Report for Fiscal Year Ended 6/30/08.

**D. PUBLIC HEARINGS – None****E. REGULAR BUSINESS - None****F. ADJOURNMENT**

Adjourn to a Regular Meeting of the Capitola Redevelopment Agency to be held on Wednesday, February 11, 2009, 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 Graves, Storey, Nicol, Norton, and Mayor Begun

**\* \* \* PRESENTATIONS \* \* \***

Oath of Office Ceremony for Standby City Council Member  
Michael Termini

Certificates of Appreciation to Outgoing  
Board, Commission and Committee Members:

Jennifer Clark Colfer, Landscape Architect, and Kathryn Gualtieri, Historian,  
Architectural and Site Review Committee

Erin Bernall and Maureen O'Malley-Moore  
Commission on the Environment

Lou Tuosto, Finance Advisory Committee

Debbie Hale and Dennis Norton, Planning Commission

**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.*

- 1) Confirm Planning Commission Reappointment of Ron Burke 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. 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 – None
- C. Receive Planning Commission Action Minutes for the Regular Meeting of January 15, 2009.
- D. Approve Plans, Specifications, and Construction Budget and Authorize Public Works Department to Advertise for Bids for the Bay Avenue Sidewalk Project.
- E. Approve Contract Change Order Number 3 in the Amount of \$9,173.86 for the Esplanade Restroom Remodel Project.
- F. Accept Comprehensive Annual Financial Report for Fiscal Year Ended 6/30/08.
- G. Adopt Resolution Amending City Budget for Fiscal Year 2008-2009.

**3. CONSENT CALENDAR - Continued**

- H. Authorize the City Manager to Recruit for the Position of Finance Director.

**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 regarding Coastal Development Permit Application #09-002 Increasing the Parking Meter Rate in Meter Zone A (Village) and Zone B (Pacific Cove Parking Lot), Increasing the Area in Zone B, and Adopting an Ordinance Amending Section 10.36.055 of the Capitola Municipal Code Pertaining to Parking Meter Zones/Rates. [1st Reading] Presentation: Public Works Director.
- B. Public Hearing to Consider Amendment to the City's Fee Schedule Resolution to Increase the Village Parking Permit Fee for Residents and Merchants from \$25 per year to \$50 per year. Presentation: Police Department.

**5. OTHER BUSINESS**

- A. Discussion of Long Term Parking Projects. Staff recommendation: deliberate over possible long term parking projects and provide direction to staff.
- B. Reestablish the Village Master Plan Advisory Committee as the Village Area Parking Commission. Staff recommendation: eliminate or revise the Village Master Plan Advisory Committee and establish the Village Area Parking Commission.

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

**6. COUNCIL/STAFF COMMUNICATIONS**

**7. ADJOURNMENT**

Adjourn to a Special Goal Setting Session of the City Council to be held on **Wednesday**, January 28, 2009, at 6:00 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.