



TENTATIVE AGENDA

Regular Meetings of the **CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY**

Thursday, April 23, 2009

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 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 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 LEGAL COUNSEL – ANTICIPATED LITIGATION (Govt. Code §54956.9)

City of Capitola v. County of Santa Cruz (Property tax administration fee litigation)

PERFORMANCE EVALUATION (Govt. Code §54957)

Title: City Attorney

6:55 P.M. - CAPITOLA REDEVELOPMENT AGENCY

A. ROLL CALL

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

*** * * PRESENTATION * * ***

Oath of Office Ceremony
Redevelopment Agency Treasurer
Debora L. Johnson

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 Closed Session Meeting of the City Council/Redevelopment Agency of April 3, 2009
2. Approval of RDA Check Register Report
3. Adopt Resolution Amending the Redevelopment Agency 2008-2009 FY Expenditure Budget by \$144,616 for Payment to the Education Revenue Augmentation Fund (ERAF) as Mandated by the State.

D. PUBLIC HEARINGS – None

E. REGULAR BUSINESS - None

F. ADJOURNMENT

Adjourn to a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held at 6:00 p.m. on Wednesday, May 6, 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 * * ***

2008 Capitola Police Officer of the Year Award
to Officer Jason Grogan

2008 Capitola Police Department
Civilian Employee of the Year Award
to Community Service Officer Tony Mendoza

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.

- 1) Appointments to the Capitola Traffic and Parking Commission.
Staff recommendation: City Council appointments.

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 – Minutes of the Regular Meeting of the City Council of March 26, 2009, and the Special Joint Closed Session of the City Council/Redevelopment Agency of April 3, 2009.

3. CONSENT CALENDAR - Continued

- C. Adopt Resolution Amending the FY2008-2009 Operating Budget to Transfer \$150,000 from the Capital Projects Fund to the Compensated Absences Fund.
- D. Approve Submittal of the 38th Avenue Reconstruction Project for Grant Funding through the Santa Cruz County Regional Transportation Commission for Economic Stimulus (American Reinvestment and Recovery Act - ARRA) and Regional Surface Transportation Program (RSTP) Funds.
- E. Authorize the City Manager to Send a Letter of Support to the California Coastal Conservancy for the Santa Cruz County Regional Transportation Commission's Funding Request for the Monterey Bay Sanctuary Scenic Trail Network Master Plan and Environmental Review Project.
- F. Accept the Esplanade Restroom Remodel Project as Complete at a Final Cost of \$225,174.62 and Authorize the Release of the Contract Retention of \$22,517.46 in 35 days following the Recordation of the Notice of Completion.
- G. Adopt Ordinance Amending Section 17.27.060 of the Capitola Municipal Code Pertaining to Conditional Uses in the Community Commercial (CC) Zoning District to Allow Mixed Use Residential Development. [2nd Reading]
- H. Adopt Ordinance Adding Chapter 18.03 to the Capitola Municipal Code Pertaining to Residential Density Bonus. [2nd Reading]
- I. Adopt Ordinance Amending Sections 8.36.020, 8.36.030, 8.36.040, 8.36.050, and 8.36.070 of the Capitola Municipal Code Pertaining to the Use of Polystyrene Foam and Biodegradable and Compostable Disposable Food Service Ware [2nd Reading].
- J. Approve Temporary Lifting of the City's Hiring Freeze and Authorize the Police Department to hire a Part-Time Parking Enforcement Officer at a Starting Salary of \$18.18 an hour, not to exceed 900 Hours Per Year.
- K. Adopt Resolution Amending the FY2008/09 General Fund and Supplemental Law Enforcement Services Fund (SLESF) Budgets by \$10,000 to Reflect Total State Grant of \$100,000.

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 to Consider Appeal of Project Application #08-058, 107 Stockton Avenue, Coastal Permit and Architectural and Site Review for a Remodel and Second Story Addition to an Existing Commercial Building, including the Addition of a Residential Unit, a Request for an Exception to the Height Requirement, and a Variance to the Interior Parking Dimension in the CV (Central Village) Zoning District. (APN 035-173-01) Property Owner: Patrick Kearns. Applicant/Representative: Dennis Norton. Presentation: Community Development Department.

- B. Public Hearing to Consider Project Application #08-053, 1911 42nd Avenue, Planned Development Rezoning and Tentative Map for a Ten Lot Subdivision, as well as a Conditional Use Permit and Architectural and Site Review for Construction of Ten Single-Family Homes in the RM-M (Multiple Family Residence: Medium) Zoning District. (APN 034-201-033) Property Owner/Applicant: Mark DeMattei. Representative: Tom Thacher, Thacher & Thompson Architects. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Capitola Parking Implementation Plan. Staff recommendation: approve the City of Capitola Parking Implementation Plan.

- B. Public Art Donation of Tiki Statue #2. Staff recommendation: approve the Art & Cultural Commission’s recommendation to accept the Public Art Donation of a Tiki statue from Ronald Lorenzo to be installed in Esplanade Park at the same location as the first Tiki and authorize execution of the Public Art/Sculpture Agreement.

- C. Adopt Resolution for Installation of Stop Signs at the Intersection of Monterey Avenue and Bay Avenue.

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

6. COUNCIL/STAFF COMMUNICATIONS

7. ADJOURNMENT

Adjourn to a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held at 6:00 p.m. on Wednesday, May 6, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.