



AGENDA COVER

CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, MAY 14, 2009

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

**CLOSED SESSION
REDEVELOPMENT AGENCY MEETING
REGULAR COUNCIL MEETING**

6:00 P.M.

6:55 P.M.

Immediately following RDA Meeting

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
Chuck Comstock, Interim Finance Director
Steven Jesberg, Public Works Director
Richard Ehle, Interim 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, May 14, 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 REAL PROPERTY NEGOTIATOR (Govt. Code §54956.8)

Property: Pacific Cove Property, 426 Capitola Avenue
APN 035-141-33
Agency/City Negotiator: Steven Jesberg, Public Works Director
Negotiating parties: Bill and Joyce Budisch (520 Pilgrim Drive)
Under Negotiation: Resolution of property line encroachment

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

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

PERFORMANCE EVALUATION (Govt. Code §54957)

Title: City Manager

6:55 P.M. - 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.

REDEVELOPMENT AGENCY (Continued)

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 April 9 and April 23, 2009, and the Adjourned Closed Session Meeting of April 24, 2009
2. Approval of RDA Check Register Report

D. PUBLIC HEARINGS – None

E. REGULAR BUSINESS

1. Request from the Santa Cruz County Conference and Visitors Council for Funding in the Amount of \$5,000 for a Conversion Study and a Visitor Intercept Survey. Staff recommendation: provide direction.

F. ADJOURNMENT

Adjourn to a Special Joint Budget Study Session of the Capitola City Council/Redevelopment Agency to be held on Thursday, May 21, 2009, at 6:00 p.m., 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 * * ***

Report on Services to County Residents with Disabilities
By Doug Patrick, Santa Cruz County
Commission on Disabilities

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 and schedule the first meeting of the Commission on Wednesday, June 10, 2009, at 6:30 p.m. in the Community Room.

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.

3. CONSENT CALENDAR - Continued

- B. Approve City Council Minutes – The Special Joint Meeting of the Capitola City Council and Planning Commission of March 4, 2009, the Regular Meeting of April 9, 2009, and the Adjourned Closed Session Meeting of April 24, 2009.
- C. Receive the Planning Commission Action Minutes for the Regular Meeting of May 7, 2009.
- D. Approve the 4th Amendment to the Wharf Lease and Mooring Concession Agreement with JFS, Inc.
- E. Receive the City Treasurer's Report for the Month Ended March 31, 2009 (Unaudited).
- F. Receive Status Report on the City's New Financial System.
- G. Adopt Resolution Directing the City Manager to Execute the First Amendment to the Agreement with Atchison, Barisone, Condotti & Kovacevich for City Attorney Services.
- H. Approve the Revised Administrative Policy for Usage of the Capitola Bandstand Located in Esplanade Park.
- I. Adopt Resolution Authorizing the Public Works Director to Submit a Transportation Development Act Claim for \$25,000 to the Santa Cruz County Regional Transportation Commission to Fund the Bay Avenue Sidewalk Project.
- J. Declare Police Department Patrol Unit 9922, a 1999 Ford Crown Victoria, ID #2FAFP71W3XX190301, Surplus Property and Approve Donation of the Vehicle to Central Fire Protection District for Training Purposes.
- K. Approve Designation of Loading Zone Parking Stalls in Front of 211 and 213 Monterey Avenue.

3. CONSENT CALENDAR - Continued

- L. Adopt Resolution of Intention to Levy Business Improvement Assessments for FY 2009-2010, which Receives the Capitola Village and Wharf Business Improvement Area Annual Report and the Proposed FY 2009-2010 Budget, Sets a Public Hearing to Receive Oral or Written Protests on the Levy of Assessments for FY 2009-2010 for Thursday, May 28, 2009, after the Hour of 7 p.m., and Directs required Noticing of the Public Hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area.
- M. Accept Actuarial Valuation from Bickmore Risk Services (BRS) for Other Post-Employment Benefits (OPEB) and Adopt Pay-As-We-Go Prospective for Initial 3 years to Meet Requirements of Governmental Accounting Standards Board (GASB) Statement 45 "Reporting for Other Post-Employment Benefits (OPEB)."
- N. Approve Application for an Economic Development Administration (EDA) Grant in the Amount of \$40,000 for the Analysis of Parking Structure Options and City Hall Re-Siting Considerations.

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 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.

4. PUBLIC HEARINGS – Continued

- B. Public Hearing to Consider Appeal of the Planning Commission Denial of Project Application #08-024, 612 Capitola Avenue, for a Coastal Permit, Architectural and Site Review, and Variance to Front and Rear Yard Setbacks, for the Construction of a New Two-Story Single-Family Residence in the CN (Neighborhood Commercial) Zoning District. (APN: 035-302-09) Property Owner: Joe Martina. Representative: Richard Emigh. Presentation: Community Development Department.
- C. Public Hearing regarding Possible Activities to be Funded with 2009 Community Development Block Grant (CDBG) Funds. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Capitola Parking Implementation Plan (Continued from 4-23-09). Staff recommendation: approve the City of Capitola Parking Implementation Plan.
- B. Installation of Stops Signs at the Intersection of Monterey Avenue and Bay Avenue (Continued from 4-23-09). Staff recommendation: adopt resolution.
- C. Set Date for U.S. Coast Guard Ship Visit to Capitola. Staff recommendation: provide direction to staff.

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 Capitola City Council/Redevelopment Agency to be held on Thursday, May 21, 2009, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.