



## TENTATIVE AGENDA

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

Thursday, June 25, 2009

#### **6:15 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: The Rispin 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 vs. City of Capitola  
Soquel Union Elementary School District vs. City of Capitola  
Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)

#### **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.*

##### **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 Meeting of May 28, 2009
2. Approval of RDA Check Register Report

CAPITOLA REDEVELOPMENT AGENCY – Continued

**D. PUBLIC HEARINGS** – None

**E. REGULAR BUSINESS** – None

**F. ADJOURNMENT**

Adjourn to the next Regular Meeting of the Capitola Redevelopment Agency to be held on Thursday, July 9, 2009, 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 Graves, Storey, Nicol, Norton, and Mayor Begun

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

Certificates of Commendation by Interim Chief of Police Rick Ehle to Capitola Police Officers Guillermo Vazquez, Andrew Dally and Barry Duggan for Heroic Action

**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

## 2. ORAL COMMUNICATIONS - Continued

### 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) Appointment/Reappointment of Three (3) Members to the Capitola Historical Museum Board of Trustees.

### 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 Meeting of May 28, 2009.
- C. Adopt Resolution Accepting a State Office of Alcoholic Beverage Control (ABC) Grant in the Amount of \$12,500 and Amending the 2009/2010 Fiscal Year General Fund Operating Budget Increasing both Revenues and Expenditures by \$12,500.
- D. Approve Request by the Capitola Junior Lifeguard Parents' Club for a Minor Special Event Permit, Entertainment Permit, and Encroachment Permit for a Post Competition "Beach Bash" on Friday, July 10, 2009, from 4:00 to 7:00 p.m., on Capitola Beach and Bandstand, and Provide a Grant for all Permit Fees and Bandstand Rental in the amount of \$291.00.

### 3. CONSENT CALENDAR – Continued

- E. Approve Special Event Permit for a Block Party on Gilroy Drive between Beverly Drive and Center Street, on Saturday, July 18, 2009, from 3:30 to 7:30 p.m., and Provide a Grant for the Permit Fees in the amount of \$141.00.

### 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 an Ordinance Adding Chapter 17.20 to Title 17 of the Capitola Municipal Code Pertaining to an Affordable Housing Overlay (AHO) District and to Amend the City Zoning and General Plan Maps to Apply the Affordable Housing Overlay to One or More of the Following Assessor’s Parcel Numbers:

034-124-20 and/or 034-124-21 (Capitola Gardens Site)  
 036-151-15 (600 Park Avenue Site)  
 036-341-02 (City-Owned McGregor Drive Site)  
 036-011-28 (822 Bay Avenue, Capitola Inn Site)

Presentation: Community Development Department

**(NOTE: The public hearing was closed at the special June 18, 2009 City Council meeting. Due to a tie vote of the City Council, per Capitola Municipal Code Section 2.04.180, the Mayor exercised his prerogative to continue Council deliberation and action to the regular June 25, 2009 City Council meeting at which the full City Council is expected to be in attendance.)**

### 5. OTHER BUSINESS

- A. Report on the Status of the 200 Kennedy Drive Project. Staff recommendation: receive report.

5. OTHER BUSINESS (Continued)

- B. Art & Cultural Commission Graphic Traffic Box Public Art Project. Staff recommendation: approve the Art & Cultural Commission Graphic Traffic Box Public Art Project and Professional Services Agreement between the City and Artist Bruce Harman.
- C. Designation of Voting Delegate and Alternates for the 2009 League of California Cities Annual Conference to be held in San Jose from September 16 - 18, 2009. Staff recommendation: Council direction.

*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 Thursday, July 9, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.