

AGENDA COVER

CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, AUGUST 13, 2009

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION
REDEVELOPMENT AGENCY MEETING
REGULAR COUNCIL MEETING

5:30 P.M.

6:40 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.

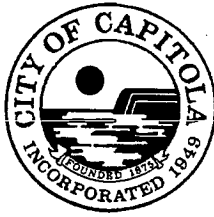
Agenda and Agenda Packet Materials: The City Council/Redevelopment Agency Agenda and the complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

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, August 13, 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: The Rispin 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: 4140 Jade Street, APN 034-641-08
City Negotiator: Rich Hill, City Manager
Owner: John and Karen Huffman
Under Negotiation: Purchase of Property by City

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

Surf and Sand, LLC vs. City of Capitola
Save the Habitat vs. City of Capitola (Rispin Mansion Project)

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Brian Glass

PERFORMANCE EVALUATION (Govt. Code §54957)

Title: City Manager

6:40 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.

CAPITOLA 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 Meeting of July 23, 2009
2. Approval of RDA Check Register Report

D. PUBLIC HEARINGS – None**E. REGULAR BUSINESS**

1. Approval of Contracts for FY 2009-2010 for Administration of RDA Housing Programs. Staff recommendation: Approve the following Contracts for FY 2009-2010 for Professional Services Related to the Administration of Various RDA Housing Programs: 1) Housing Authority of the County of Santa Cruz for an Amount not to Exceed \$40,000; 2) Community Action Board of Santa Cruz County, Inc. (CAB, Inc.) for an amount not to exceed \$95,000; and 3) Goldfarb and Lipman for an amount not to exceed \$20,000.
2. Adopt Agency Resolution Amending the FY 2009-2010 Budget Transferring \$103,400 from the RDA Operating Fund Balance to the RDA Professional Services Budget for Costs Associated with Maintenance of the Rispin Mansion Property.

F. ADJOURNMENT

Adjourn to the next Regular Meeting of the Capitola Redevelopment Agency to be held on Thursday, September 10, 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

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) Council Member Storey's Appointment to the Commission on the Environment. Staff recommendation: City Council ratification of Appointment of Karl Forest as At-Large Council Member Appointee for a term ending December 2010.

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 – Regular Meeting of July 23, 2009.
- C. Adopt Resolution Repealing Resolution No. 3437 and Defining the Composition and Purpose of the Capitola Finance Advisory Committee.
- D. Adopt Resolution Amending the FY 2009-2010 General Fund Budget Increasing the Intergovernmental Revenues by \$55,200 for a Total of \$218,000 for Office of Traffic Safety (OTS) Grants.
- E. Deny Claim of Brian Glass in the amount of \$950 and Forward the Claim to the City's Liability Insurance Carrier.
- F. Approve Special Event Permit and Hanging of a Banner for the 2009 Women on Waves Surf Festival to be held on Saturday and Sunday, October 3 and October 4, 2009, at the Main Beach and Provide a City Grant in the Amount of \$833.
- G. Approve Plans and Specifications for the 2009 Street Overlay Project on Hill Street, Pine Street, Plum Street, and a portion of Rosedale Avenue and Authorize the Public Works Department to Advertise the Project for Bidding, Setting the Bid Date for September 9, 2009.
- H. Approve Contract with Strategic Construction Management to Provide Labor Compliance Monitoring and Independent Assurance Testing on the 41st Avenue Street Rehabilitation Project in an amount not to exceed \$25,000.

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.

4. PUBLIC HEARINGS - Continued

- A. Public Hearing to Consider Project Application #08-054, Fairfield Marriott Hotel, 1255 41st Avenue, Capitola, for a Coastal Permit, Conditional Use Permit, and Architectural and Site Review to Demolish an Existing Church Facility and Construct a three-story, 84-unit Hotel and Associated Facilities in the CC (Community Commercial) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission. Environmental Determination: Initial Study and Mitigated Negative Declaration; Property Owner: Aspromonte Inns, LLC, filed: 10/2/08; APN 034-611-01; Representative: Robert D. Corbett, Architect, AIA. Presentation: Community Development Department.
- B. Public Hearing to Review the Draft 2007-2014 Housing Element. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Approval of Contracts for Administration of Housing Related Programs during FY 2009-2010. Staff recommendation: Approve the following Contracts Between the City of Capitola and: 1) Housing Authority of the County of Santa Cruz for the Administration of the City's Housing Rehabilitation Program and First Time Homebuyer Program in an Amount not to Exceed \$28,300; and 2) Goldfarb and Lipman for the Provision of Housing Related Legal Services in an Amount not to Exceed \$10,000.
- B. Approval of Capitola Village Taxi Zone. Staff recommendation: Approve designating the Three (3) Loading Zone Parking Stalls in front of 210 Esplanade a Taxi Zone from 8:00 p.m. to 2:00 a.m.
- C. Consideration of Opposition to SB 211 - the Santa Cruz County Parks District Bill. Staff recommendation: direct staff to prepare a letter in opposition to SB 211.

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

6. COUNCIL/STAFF COMMUNICATIONS**7. ADJOURNMENT**

Adjourn to a Special Meeting of the City Council to be held on Thursday, August 27, 2009, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.