



AGENDA COVER

CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, SEPTEMBER 10, 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

City Staff Members

Rich Hill, City Manager
John G. Barisone, City Attorney
Pamela Greeninger, City Clerk
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.

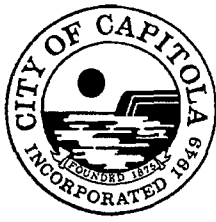
Agenda and Agenda Packet Materials: The City Council/Redevelopment Agency Agenda and the complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

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, September 10, 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/Agency Negotiator: Rich Hill, City Manager/Executive Director
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)

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, City Manager, Community Development Director, and
Public Works Director

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 August 13, 2009, and the Special Joint Closed Session Meetings of the City Council/Redevelopment Agency of August 18 and September 1, 2009.
2. Approval of RDA Check Register Report.
3. Receive RDA Treasurer's Report for the Quarter Ended June 30, 2009.

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

1. Approval of a Contract with the Housing Authority of the County of Santa Cruz for Professional Services Related to the Administration of Various RDA Housing Programs for FY 2009-2010. Staff recommendation: Approve Contract with the Housing Authority of the County of Santa Cruz for an Amount not to exceed \$35,000. *(Continued from August 13, 2009 meeting.)*
2. Update regarding Potential Impact of State Revenue Transfers on the Redevelopment Agency's Fiscal Year 2009-2010 Budget. Staff recommendation: receive report.

F. ADJOURNMENT

Adjourn to the next Regular Meeting of the Capitola Redevelopment Agency to be held on Thursday, September 24, 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 Nicol's Appointment to the Commission on the Environment. Staff recommendation: City Council ratification of Council Member Nicol's At-Large 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.
- B. Approve City Council Minutes – Regular Meeting of August 13, 2009, and the Special Joint Closed Session Meeting of the City Council/Redevelopment Agency of August 18 & September 1, 2009.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of September 3, 2009.
- D. Adopt Resolution Accepting a Three-Year State Office of Traffic Safety (OTS) Grant in the Amount of \$478,654 to Administer the "Avoid the Nine" Campaign and Amending the FY2009/2010 General Fund Operating Budget by Decreasing Both Revenues and Expenditures by \$26,000 to reflect the Difference in the Estimated versus Actual Grant Amount.
- E. Approve a Revision to Administrative Policy No. III-2 Pertaining to Employee & Public Official Expense Reimbursement and Travel Regulation regarding Meal Reimbursement.
- F. Accept Notice of Completion for the Bay Avenue Sidewalk Project as Complete at a Final Cost of \$154,074.59 and Authorize the Director of Public Works to Release All or a Portion of the Contract Retention of \$15,407.46 in 35 days following the Recordation of the Notice of Completion and Submittal of Securities from the Contractor.

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 Amending the City's Fee Schedule Resolution No. 3756 to Correct the General Plan Maintenance Fee under Planning Department Fees. Presentation: City Manager's Department.

5. OTHER BUSINESS

- A. Consideration of Bids to be Received on September 9, 2009, and Award Contract for the 2009 Street Overlay Project on Hill Street, Pine Street, Plum Street, and a Portion of Rosedale Avenue. Staff recommendation: accept report on bids received for construction of the 2009 Street Overlay Project and award a contract to the lowest bidder.
- B. Receipt and Acceptance of a Three-Year U.S. Department of Justice C.O.P.S. Hiring Recovery Program (CHRP) Grant in the amount of \$291,217 (\$93,049 for FY 2009/10, \$97,298 for FY 2010/11, and \$100,870 for FY 2011/12). Staff recommendation: adopt Resolution Authorizing the Police Department to Accept a 3-Year U.S. Department of Justice C.O.P.S. Hiring Recovery Program (CHRP) Grant in the Amount of \$291,217, to Hire an Additional Police Officer, and to Amend the Police Department's FY2009/10 Budget to Reflect Additional Revenues and Expenditures of \$93,049.
- C. Employment Agreement for Police Chief. Staff recommendation: approve Employment Agreement with Michael Card for the Position of Police Chief effective January 4, 2010.

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 regarding Surf and Sand Mobile Home Park to be held on Wednesday, September 23, 2009, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.