

AGENDA COVER

CAPITOLA CITY COUNCIL SPECIAL MEETING

MEETING DATE: WEDNESDAY, SEPTEMBER 23, 2009

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

**CLOSED SESSION
CITY COUNCIL SPECIAL MEETING**

**6:15 P.M.
7:00 P.M.**

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.

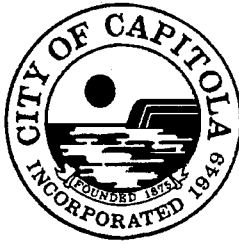
Agenda and Agenda Packet Materials: The City Council/Redevelopment Agency Agenda and the complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

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

Special Meeting of the
CAPITOLA CITY COUNCIL
Wednesday, September 23, 2009 – 7:00 p.m.
City Hall Council Chambers

6:15 P.M. - CLOSED SESSION - CITY MANAGER'S OFFICE CAPITOLA 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 on closed session items only.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9a)
Surf and Sand, LLC vs. City of Capitola

7:00 P.M. – OPEN SESSION

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Graves, Storey, Nicol, Norton, and Mayor Begun

- 1. REPORT ON CLOSED SESSION**
- 2. ORAL COMMUNICATIONS**

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. All speakers must address the entire City 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.

- 3. PUBLIC HEARING**

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.

3. PUBLIC HEARING – Continued

- A. Continued Public Hearing for Project Application #09-011, 750 47th Avenue, to Consider Appeal of a Coastal Permit and Sufficiency of Relocation Impact Report for the Closure of Surf and Sand Mobile Home Park in the MHE (Mobile Home Exclusive) Zoning District and Located in the Coastal Zone. This Project requires a Coastal Permit which is Appealable to the California Coastal Commission after all possible Appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner/Applicant: Surf and Sand, LLC, Filed: 1/20/09
Representative: Mark Alpert - Hart King & Coldren
Presentation: Community Development Department

4. ADJOURNMENT

Adjourn to a Regular Meeting of the City Council to be held on Thursday, September 24, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

If you require special assistance in order to attend the meeting, including needs addressed by ADA, please notify the City at 831-475-7300 at least 3 days prior to meeting.

**This meeting will be televised “live” on
Charter Communications Cable Community Channel 8
and streamed “live” on the City of Capitola Website at
www.ci.capitola.ca.us**