



AGENDA COVER

CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: *TUESDAY, NOVEMBER 24, 2009*

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION
REDEVELOPMENT AGENCY MEETING
REGULAR COUNCIL MEETING

5:15 P.M.

6:45 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**
Tuesday, November 24, 2009

**5:15 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: 2091 Wharf Road, APN 034-241-05
City Negotiator: Rich Hill, City Manager
Owner: Joseph K. and Debbie A. Genge
Under Negotiation: Purchase of Property by City

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code §54956.8)

Properties:

426 Capitola Avenue, Sp. 41, APN 035-141-33, Owner: Jesus Garcia
426 Capitola Avenue, Sp. 64, APN 035-141-33, Owner: Edward Maghakian, Jr.
426 Capitola Avenue, Sp. 66, APN 035-141-33, Owner: Tracy Conklin
426 Capitola Avenue, Sp. 67, APN 035-141-33, Owner: Christine Sigel
426 Capitola Avenue, Sp. 82, APN 035-141-33, Owner: Cathy Sutton

City Negotiator: Rich Hill, City Manager
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
Vieira Enterprises vs. City of Capitola (Cabrillo Mobile Estates)
Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates)

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Rich Hill, City Manager
Employee Organizations: Association of Capitola Employees, Confidential Employees,
Mid-Management Group, City Manager, Community Development Director, and
Public Works Director

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Surf and Sand, LLC, c/o Ronald Reed

6:45 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 – Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of November 4, 2009
2. Approval of RDA Check Register Report

D. 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) Director Comments; 4) Close public portion of the Hearing; 5) Director discussion; and 6) Decision.

1. Continued Public Hearing to Consider Adoption of an Agency Resolution Approving and Adopting the 2010-2014 Implementation Plan and 2004-2014 Housing Strategy Update for the Capitola Redevelopment Project. Staff recommendation: Adopt Agency Resolution. Presentation: Community Development Department.

E. REGULAR BUSINESS**JOINT MEETING OF THE CITY COUNCIL/
REDEVELOPMENT AGENCY**

1. Approval of the City's Five-Year Capital Improvement Program (CIP) for FY 2009/2010 through FY 2013/2014 and Adoption of Resolutions Incorporating the CIP into the City and Redevelopment Agency Budgets. Staff recommendation: adopt City Council and Agency Resolutions. *[Note: This joint meeting will take place under Other Business Item 5.A. on the City Council's Agenda.]*

E. REGULAR BUSINESS - Continued

- 2. Library Siting Studies and Evaluation. Staff recommendation: Appoint Two Agency Directors to Serve on a Library Ad Hoc Committee, and Approve the Preparation and Solicitation of a Request for Qualifications from Architect Firms to Prepare a Siting Analysis and Preplanning Information for a Proposed 7,000 Square Foot Library on One of Two Wharf Road Sites.

F. ADJOURNMENT

Adjourn to the next Regular Meeting of the Capitola Redevelopment Agency to be held on Thursday, December 10, 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 Appreciation to
Pamela Greeninger, City Clerk, and
Cary Oyama, Maintenance Worker,
for Thirty Years of Service to the City of Capitola

2-1-1 Telephone Information and Referral System
Presented by Mary Lou Goeke, Executive Director
of United Way of Santa Cruz County

1. REPORT ON CLOSED SESSION

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda

2. ORAL COMMUNICATIONS - Continued

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.

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 – Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of November 4, 2009.
- C. Adopt Resolution Establishing Days for Closure of City Offices during the 2010 Calendar Year.

3. CONSENT CALENDAR - Continued

- D. Receive the 2010 City Meeting Schedules for the City Council/Redevelopment Agency and the Planning Commission/Architectural and Site Review Committee and Direct Staff to Distribute the Schedules Accordingly.
- E. Approve the Proposed Administrative Policy Pertaining to Distribution of Tickets and Passes to Public Officials.
- F. Receive City Treasurer's Report for the Month Ended October 31, 2009 (Unaudited).
- G. Deny Claim of Surf and Sand, LLC, c/o Ronald A. Reed, in the Amount of \$33,930 and Forward the Claim to the City's Liability Insurance Carrier.
- H. Adopt Resolution to Apply for Energy Efficiency and Conservation Block Grant (EECBG) Funding through the California Energy Commission to Retrofit Street Lights with Energy Saving Fixtures.
- I. Adopt Resolution Amending Resolution No. 3700 which Set the FY 2008-09 Appropriations Limit and Resolution No. 3754 which Set the FY 2009-10 Appropriations Limit Pursuant to Article XIII B of the California Constitution, as Recommended by the City's Auditors, Teaman, Ramirez and Smith.

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 an Ordinance to Amend the City's Municipal Code to Ban Smoking on the Esplanade, Stockton Bridge, the Capitola Wharf, and on Certain Publicly Owned Property. [1st Reading] Presentation: Community Development Department.

5. OTHER BUSINESS

* * * * *

**JOINT MEETING OF THE CITY COUNCIL/
REDEVELOPMENT AGENCY**

- A. Approval of the City's Five-Year Capital Improvement Program (CIP) for FY 2009/2010 through FY 2013/2014 and Adoption of Resolutions Incorporating the CIP into the City and Redevelopment Agency Budgets. Staff recommendation: Adopt City Council and Agency Resolutions.

* * * * *

- B. Consideration of City Council Letter of Support for the Santa Cruz County Board of Supervisors' Appointment of Patricia Spence to the Metropolitan Transit District (METRO) Board of Directors. 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 the next Regular Meeting of the City Council to be held on Thursday, December 10, 2009, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Happy Thanksgiving!