



## AGENDA

Special Meeting of the  
**CAPITOLA CITY COUNCIL**  
Thursday, February 18, 2010 – 6:00 p.m.  
**City Hall Council Chambers**

### **5:00 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

### **6:00 P.M. – OPEN SESSION**

#### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

- 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. Public Hearing for Project Application #09-110, 750 47<sup>th</sup> Avenue, to Consider a Tentative Map and Coastal Permit for the Subdivision of the Surf and Sand Mobile Home Park in the MHE (Mobile Home Exclusive) Zoning District and Located in the Coastal Zone. If Approved, Coastal Permit for this Project is Appealable to the California Coastal Commission after all possible City Appeals are Exhausted.

Environmental Determination: Categorical Exemption

Property Owner: Surf and Sand, LLC, filed: 9/22/09

Representative: Mark D. Alpert – Hart King & Coldren

Presentation: Community Development Department

4. ADJOURNMENT

Adjourn to a Regular Meeting of the City Council to be held on Thursday, February 25, 2010, 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](http://www.ci.capitola.ca.us)**