



## AGENDA COVER

### CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, MAY 13, 2010

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*

*Sam Storey, Mayor*  
*Dennis Norton, Vice Mayor*  
*Robert "Bob" Begun, Council Member*  
*Ron Graves, Council Member*  
*Kirby Nicol, Council Member*  
  
*Jacques Bertrand, City Treasurer*

#### *City Staff Members*

*Rich Hill, City Manager*  
*John G. Barisone, City Attorney*  
*Pamela Greeninger, City Clerk*  
*Mike Card, Chief of Police*  
*Steven Jesberg, Public Works Director*  
*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 2<sup>nd</sup> meeting in November is held on the 4<sup>th</sup> Tuesday, and in December when there is only one regular meeting on the 2<sup>nd</sup> 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](http://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](http://www.ci.capitola.ca.us).



## TENTATIVE AGENDA

Regular Meetings of the  
**CAPITOLA CITY COUNCIL/  
REDEVELOPMENT AGENCY**  
Thursday, May 13, 2010

### **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 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)

Julie Talbert vs. City of Capitola

#### **CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Rich Hill, City Manager/Jamie Goldstein, Community Development Director

Employee Organizations: Capitola Police Captains and Capitola Police Officers Association

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: One Case

#### **LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Patricia Wakefield

#### **PERSONNEL EVALUATION/CONTRACT NEGOTIATIONS (Govt. Code §54957/54957.6)**

Title: City Manager

**6:45 P.M. - CAPITOLA REDEVELOPMENT AGENCY****A. ROLL CALL**

Directors Graves, Norton, Nicol, Begun and Chairperson Storey

**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 – Regular Meeting of April 22, 2010
2. Approval of RDA Check Register Report

**D. PUBLIC HEARINGS - None****E. REGULAR BUSINESS****JOINT MEETING OF THE CITY COUNCIL/  
REDEVELOPMENT AGENCY**

1. Ad Hoc Library Committee Site Recommendation Report. Staff recommendation: receive the Ad Hoc Library Committee Site Recommendation Report; and approve the report recommendation of the existing library site as the site on which to plan for the future library.

**F. ADJOURNMENT**

Adjourn to a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held on Thursday, May 20, 2010, at 6:00 p.m. 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, Norton, Nicol, Begun and Mayor Storey

**\*\*\* PRESENTATIONS \*\*\***

2009 Capitola Police Officer of the Year Award  
to Officer Marquis Booth

2009 Capitola Police Department  
Civilian Employee of the Year Award  
to Community Service Officer Chad Keane

Update on the Commission on the Environment  
by Kristin Jensen Sullivan, Chair

**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.*

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 April 22, 2010
- C. Receive Planning Commission Action Minutes for the Regular Meeting of May 6, 2010.
- D. Receive City Treasurer's Report for the Month Ended March 31, 2010 (Unaudited).
- E. Deny Claim of Patricia Wakefield in the amount of \$1,253.05 and forward the Claim to the City's Liability Insurance Carrier.
- F. Approve an Agreement with Hope Services in an amount not to exceed \$12,600 for Cleaning of the Beach and Esplanade Sidewalk from June 7, 2010 through September 17, 2010, and Authorize the Director of Public Works to Sign the Agreement on behalf of the City.
- G. Adopt Ordinance Amending the Capitola Municipal Code to Amend Section 17.27.060 to Allow Self Storage Facilities as a Conditional use in the CC (Community Commercial) Zoning District and to Amend Section 17.60.030 to Add Considerations for Approval of a Self Storage Facility Use. [2<sup>nd</sup> Reading]
- H. Confirmation of the City's Investment Policy, Administrative Policy Number III-1.

### 3. CONSENT CALENDAR - Continued

- I. Consider Resolutions Adopting Findings for the Denial of a Coastal Permit and a Tentative Map for the Subdivision of the Surf and Sand Mobile Home Park in the MHE (Mobile Home Exclusive) Zoning District, Project Application #09-110, 750 47th Avenue, Pursuant to City Council Action on April 7, 2010.
- J. Amend Contract with Harris and Associates for Pavement Management Program Work to Add to the Scope of Work an Update to the City's Pavement Management Program in the Amount of \$12,840 and for the Design of the Cherry Street Road Improvement Project in the Amount of \$12,900.
- K. Ratify the Award of a Contract by the City Manager to Graham Contractors in the Amount of \$35,000 for Construction of the 2010 Cape Seal Program on Derby Avenue, Preakness Avenue, Trotter Street, and 42<sup>nd</sup> Avenue.
- L. Approve Capitola Police Officers Association Side Letter Agreement.
- M. Adopt Resolution Authorizing Participation in the Housing Authority of Santa Cruz County's Application to the State of California Debt Allocation Committee for an Allocation of Mortgage Credit Certificates.
- N. Award a Contract to Watry Design Inc. in an Amount Not to Exceed \$40,000 for Completion of a Capitola Village Parking Structure Planning Project Funded by an Economic Development Administration Grant.

### 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 become "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 on Application #10-008 to Consider Proposed Changes to Title 17 of the Capitola Municipal Code related to the Parking Requirements and Allowed Uses in the CC (Community Commercial) Zoning District, and the Addition of Definitions for “Floor Area Available for Dining” and “Restaurant.” If approved, the Proposed Changes require an Amendment to the City’s Certified Local Coastal Plan, which must be reviewed by the California Coastal Commission. Environmental Determination: Categorical Exemption. Applicant: City of Capitola. [Ordinance 1<sup>st</sup> Reading] Presentation: Community Development Department.

**5. OTHER BUSINESS**

- A. Ad Hoc Library Committee Site Recommendation Report.  
*[This item will be heard under Regular Business Item E.1. on the Redevelopment Agency Agenda]*
- B. Opposition to the Resumption of Commercial Whaling. 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 a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held on Thursday, May 20, 2010, at 6:00 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.