



## AGENDA COVER

### CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, MAY 27, 2010

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

**CLOSED SESSION**  
**REDEVELOPMENT AGENCY MEETING**  
**REGULAR COUNCIL MEETING**

**6:00 P.M.**

**6:55 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 27, 2010

#### **6:00 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 LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

#### **6:55 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 – The Special Joint Budget Study Session of the Redevelopment Agency/City Council of May 12, 2010, and the Regular Meeting of May 13, 2010.
2. Approval of RDA Check Register Report

**C. CONSENT CALENDAR - Continued**

3. Receive Treasurer's Report for the Quarter Ended March 31, 2010 (Unaudited).

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

1. Contract Approval with Slatter Construction for Boarding Up All Openings on the Rispin Mansion. Staff Recommendation: approve a contract with Slatter Construction in the amount of \$12,000 for the boarding up of all doors, windows, and other openings on the Rispin Mansion.

**F. ADJOURNMENT**

Adjourn to a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held on Wednesday, June 2, 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 \* \* \***

Mayor's Proclamation Designating the Week of  
May 31 through June 6, 2010 "Traffic Safety Week"

**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.*

## 2. ORAL COMMUNICATIONS - Continued

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 – The Special Joint Budget Study Session of the City Council/Redevelopment Agency of May 12, 2010, and the Regular Meeting of May 13, 2010

C. Approve Request from the Capitola Begonia Festival Committee for a Special Event Permit including Encroachment Permit, Entertainment Permit, Public Address System Permit, and Sign Permit to hang a Banner for the 58<sup>th</sup> Annual Capitola Begonia Festival to be held from Friday, September 3 through Monday, September 6, 2010; Authorize the Capitola Police Department to issue Permits; and Provide a City Grant to the Begonia Festival Committee in the Amount of \$6,208.

## 3. CONSENT CALENDAR - Continued

- D. Approve Request from the Capitola-Soquel Chamber of Commerce for a Special Event Permit for the 5<sup>th</sup> Annual Vintage Motorcycle Show "Bikes on the Bay" with DJ Music to be held on Sunday, June 27, 2010, from 9:00 a.m. to 4:00 p.m. at the Capitola Mall; and Approve Grant for Permit Fees in the Amount of \$119.
- E. Approve Request from the Capitola-Soquel Chamber of Commerce for a Special Event Permit, Encroachment Permit and Entertainment Permit for the 28<sup>th</sup> Annual Art & Wine Festival in Capitola Village and Live Music in Esplanade Park on Saturday and Sunday, September 11 and 12, 2010; and Approve Grant for Permits and Police and Public Works Department Fees in the Amount of \$2,368.00.
- F. Adopt Resolution of Intention to Levy Business Improvement Assessments for FY 2010-2011, which Receives the Capitola Village and Wharf Business Improvement Area Annual Report and the Proposed FY 2010-2011 Budget, Sets a Public Hearing to Receive Oral or Written Protests on the Levy of Assessments for FY 2010-2011 for Thursday, June 10, 2010, after the Hour of 7 p.m., and Directs required Noticing of the Public Hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area.
- G. Approve Request from the Capitola Art & Cultural Commission for a Special Event Permit for the 2010 Movies at the Beach on Friday, August 27 and Friday, September 10, 2010, at the Main Beach Near Esplanade Park; and Authorize the Capitola Police Department to Issue the Permit.
- H. Approve Special Event Permit, including Entertainment Permit, Encroachment Permit, Banner Permit and Bandstand Rental for the 30<sup>th</sup> Celebration of Capitola Junior Guards to be held on Friday, July 9, 2010, from 10:00 am to 8:00 pm, at Capitola Beach and Bandstand, and Provide Grant in the Amount of \$806.
- I. Adopt Resolution Amending the FY 2009-2010 Budget Allocating \$25,000 of General Fund Undesignated Fund Balance to Public Works Contract Services for Beulah House Demolition; and Award a Contract to Chris Wortman Excavation in the Amount of \$18,188 for the Demolition of the Beulah House Including Rough Grading, Storm Water Protection Measures, and Hazardous Materials Disposal.

### 3. CONSENT CALENDAR – Continued

- J. Accept the 2010 Cape Seal Program Project as Completed at a Final Cost of \$35,000 and Authorize the Release of the Contract Retention of \$3,500 in 35 Days Following the Recordation of the Notice of Completion.
- K. Adopt Resolution Amending the FY 2009-2010 Budget Allocating \$17,000 of Designated Parking Funds to Public Works Contract Services for a Traffic Impact Analysis for Circulation and Congestion Relief Related to the Proposed Pacific Cove Parking Structure; and Award a Contract to RBF Consulting in the Amount of \$16,886 for the Analysis.
- L. Approve Eighth Amendment to Employment Agreement for the City Manager.
- M. Adopt Resolution Amending the FY 2009-2010 Budget by Transferring \$112,300 from Fund Balance to the City Attorney Contract Services Budget, and Increasing the City Attorney Department Budget by \$112,300 to Fund Current Litigation and Anticipated Future Litigation.
- N. Receive City Treasurer's Report for the Month Ended April 30, 2010 (Unaudited).

### 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. Continued 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. Report on 2009 Monitoring of Soquel Creek by the Coastal Watershed Council and Award of Two Contracts for 2010. Staff recommendation: accept a report on 2009 Urban Watch-First Flush Storm Drain Monitoring Program by the Coastal Watershed Council presented by staff of the Council; and award a two year contract to the Coastal Watershed Council in the amount of \$19,885 annually for continuation of the Urban Watch-First Flush Storm Drain Monitoring Program for 2010 and 2011 as required in our Storm Water Management Plan; and award a contract to Coastal Watershed Council in the amount of \$14,590 for Storm Water Education and Outreach Services as required in our Storm Water Management Plan.
- B. Long Term Options for the Pacific Cove Mobile Home Park. Staff recommendation: set a date for a Special City Council Meeting to consider long term options for the Pacific Cove Mobile Home Park.
- C. 38<sup>th</sup> Avenue Reconstruction Project – Consideration of Parking Removal and Bike Lane Installation. Staff recommendation: authorize the removal of 19 parking spaces along the eastern side of 38<sup>th</sup> Avenue between Brommer Street and Capitola Road to allow for the installation of bike lanes along this street segment.
- D. Consideration of an Ordinance Adding Chapter 1.40 to the Capitola Municipal Code Pertaining to Limitations on Campaign Contributions. [1<sup>st</sup> Reading] Staff recommendation: adopt ordinance.

*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 Wednesday, June 2, 2010, at 6:00 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.