



## AGENDA COVER

### CAPITOLA CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING DATE: THURSDAY, OCTOBER 28, 2010

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

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

**5:15 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*

*Jamie Goldstein, City Manager*  
*John G. Barisone, City Attorney*  
*Pamela Greeninger, City Clerk*  
*Mike Card, Chief of Police*  
*Derek Johnson,*  
*Community Development Director*  
*Steven Jesberg, Public Works 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, October 28, 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 LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Confidential Employees, Mid-Management Group, Community Development Director, and Public Works Director

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

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9.  
One Case: Macquarie Capitola Villas Inc.

#### **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)

Save the Habitat vs. City of Capitola – Superior Court Case #CV 149983 (Rispin Mansion Project, Stipulated Judgment)

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

Claimant: Catherine A. Robinson

Agency claimed against: City of Capitola

#### **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 Regular Meeting of the Redevelopment Agency of October 14, 2010
2. Approval of RDA Check Register Report
3. Receive RDA Treasurer's Report for the Quarter Ended September 30, 2010 (Unaudited).

**D. PUBLIC HEARINGS** – None

**E. REGULAR BUSINESS** – None

**F. ADJOURNMENT**

Adjourn to the next Regular Meeting of the Capitola Redevelopment Agency to be held on **Wednesday**, November 10, 2010, 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 November 2010  
"Pancreatic Cancer Awareness Month"

Presentation by Lynda Francis, Executive Director  
of California Grey Bears

Presentation by Kathleen Johnson,  
Executive Director of Advocacy, Inc.

**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 – The Special Closed Session Meeting of October 6, 2010.

**3. CONSENT CALENDAR – Continued**

- C. Set a Special Meeting date of Wednesday, December 8, 2010, at 6:00 p.m., for the results of the General Municipal Election to be held on Tuesday, November 2, 2010.
- D. Receive City Treasurer's Report for the month ended September 30, 2010 (Unaudited).
- E. Provide consent to the proposed amendments to the AMBAG By-Laws as approved by the AMBAG Board, and direct the City Clerk to forward the record of the Council's action to AMBAG.
- F. Set Public Hearing on Wednesday, November 10, 2010, for an appeal of the Planning Commission's approval of Project Application #10-072 granting Conditional Use and Sign Permits for the Capitola Target Store to be Located at 1825 41<sup>st</sup> Avenue. APN 034-261-51. Property Owner: Target Corporation. Representative: Target Corporation c/o John Dewes.
- G. Deny claim of Catherine A. Robinson and forward to the City's liability insurance carrier.

**4. PUBLIC HEARINGS - None**

**5. OTHER BUSINESS**

- A. Continued Consideration of an Agreement for Rental of Capitola Beach Villas, located at 1066 41<sup>st</sup> Avenue, for an interim period of six years. Staff recommendation: authorize staff to execute an agreement with Macquarie Capitola Villas Inc., and approve the Notice of Exemption pursuant to CEQA Section 15301.
- B. Consider establishment of Building Inspector I and II Classifications, authorize recruitment of Building Inspector I, approve Amendment to the FY2010/11 Community Development Department Budget in the amount of \$30,000, and review other organizational changes. Staff recommendation: adopt resolution.
- C. Review of proposed Central Fire Protection District amendments to the 2010 California Fire Code. Staff recommendation: Council direction.

5. OTHER BUSINESS - Continued

- D. Reaffirm support of City Council Resolution No. 3806 Supporting the California State Parks Initiative (Proposition 21). Staff recommendation: Council discretion.

*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 **Wednesday**, November 10, 2010, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.