



**AGENDA COVER**  
Regular Joint Meeting of the  
**CAPITOLA CITY COUNCIL/  
REDEVELOPMENT AGENCY**  
MEETING DATE: THURSDAY, NOVEMBER 10, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

**CLOSED SESSION  
REGULAR JOINT MEETING**

**6:00 P.M.  
7:00 P.M.**

*Elected Officials*

*Dennis Norton, Mayor  
Michael Termini, Vice Mayor  
Stephanie Harlan, Council Member  
Kirby Nicol, Council Member  
Sam Storey, 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  
Susan Westman, Interim  
Community Development Director  
Steven Jesberg, Public Works Director  
Lisa Murphy,  
Administrative Services Director*

**Notice regarding City Council/Redevelopment Agency Meetings:** The Capitola City Council and Redevelopment Agency meet jointly on the 2nd and 4th Thursday of each month at 7:00 p.m., in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**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 are streamed "Live" on the City's website at [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us) by clicking on the Home Page link "View Capitola Meeting Live On-Line." Archived meetings can be viewed from the website at anytime.

**It is the intent of the City Council to adjourn by 11:30 p.m.**



# AGENDA

## Regular Joint Meeting of the CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY Thursday, November 10, 2011

### **6:00 P.M. - CLOSED SESSION - CITY MANAGER'S OFFICE**

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)**

Bill Newman, et al. (residents of Surf & Sand Mobile Home Park) vs. Surf and Sand, LLC, Ronald Reed, et al. (Surf and Sand, LLC; Ronald Reed, Cross-Complainants vs. City of Capitola) [Superior Court County of Santa Cruz, Unlimited Jurisdiction, Case No. CV 171783]

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

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:  
Two cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park  
2) Pacific Cove Mobile Home Park Flooding and Closure

### **7:00 P.M. - REGULAR JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY**

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

Council Members/Directors Harlan, Termini, Nicol, Storey,  
and Mayor/Chairperson Norton

#### **\* \* \* PRESENTATIONS \* \* \***

Presentation of Certificate of Appreciation to Debbie Johnson  
for her Service as Redevelopment Agency Treasurer  
from April 23, 2009 through October 31, 2011

Presentation by Rita Flores, Assistant Agency Director  
of the Family Service Agency of the Central Coast

## 1. REPORT ON CLOSED SESSION

## 2. ORAL COMMUNICATIONS

### A. Additions and Deletions to Agenda

### B. Public Comments

*Oral Communications allows time for members of the Public to address the City Council/Redevelopment Agency on any item not on the Agenda. 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 legislative body 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. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.*

### C. Staff Comments

### D. City Council/RDA Director/Treasurer Comments/Committee Reports

*City Council Members/Redevelopment Agency Directors/City Treasurer may comment on matters of a general nature or identify issues for staff response or future council/RDA consideration. Council Members/RDA Directors/Committee Representatives may present oral updates from standing committees at this time.*

### E. Committee Appointments

- 1) Council Member Harlan's appointment to the Finance Advisory Committee.

### F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated October 21 and October 28, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Report dated October 21, 2011.

## 3. CONSENT CALENDAR

*All matters listed under "Consent Calendar" 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 City Council/Redevelopment Agency request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following "Other Business."*

### 3. CONSENT CALENDAR - Continued

- 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. City/RDA: Approve Minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of October 13, 2011.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of November 3, 2011.
- D. Receive City Treasurer's Report for Month ended September 30, 2011 (Unaudited).
- E. RDA: Receive Quarterly Redevelopment Agency Treasurer's Report for Quarter ended September 30, 2011 (Unaudited).
- F. 115 San Jose Avenue – Project Application #11-100: Set Public Hearing for Tuesday, November 22, 2011, for Appeal of Planning Commission denial of a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District (APN: 035-221-27). Environmental Determination: Categorical Exemption. Property Owner: Peter Dwares, Owner/filed: 9/15/11.
- G. Consider Capitola Soquel Chamber of Commerce request to suspend parking meter enforcement and increase the parking time limit from 2 to 3 hours in Capitola Village from Thursday, November 24 through Sunday, December 25, 2011. Staff recommendation: approve request.

### 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**

- A. Public Hearing to review the Temporary Relocation of the Recycling Facilities for Nob Hill Center located at 809/815/819 Bay Avenue (Project Application #10-038) and consider Amendment to Master Use Permit for the site located in the CC (Community Commercial) Zoning District; APN: 035-021-43. Property Owner: Bay Creek Properties / Filed: 5/18/10. Presentation: Community Development Department.
- B. Public Hearing on CDBG-funded Green Economy and Job Creation Final Report. Presentation: Community Development Department.

#### **5. OTHER BUSINESS**

- A. Report from Police Department on Domestic Violence. Staff recommendation: receive report.
- B. Final Report on the Rispin Property Hazard Abatement Project. Staff recommendation: accept Final Report.
- C. RDA: Resignation of Capitola Redevelopment Agency Treasurer. Staff recommendation: accept resignation and appoint the City Manager to serve as Interim RDA Treasurer, until such time as a Finance Director is appointed.

*AT THIS POINT, ITEMS REMOVED FROM CONSENT CALENDAR WILL BE CONSIDERED*

#### **6. COUNCIL/RDA DIRECTOR/STAFF COMMUNICATIONS**

#### **7. ADJOURNMENT**

Adjourn to the next Regular Joint Meeting of the City Council/ Redevelopment Agency to be held on **Tuesday**, November 22, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.