

City of Capitola Agenda

Mayor: Stephanie Harlan
Vice Mayor: Sam Storey
Council Members: Ed Bottorff
Dennis Norton
Michael Termini
Treasurer: Kym DeWitt



CAPITOLA CITY COUNCIL REGULAR MEETING JANUARY 10, 2013

CLOSED SESSION – 6:00 PM 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 on closed session items only.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §549569.9

1. County of Santa Cruz regarding the Noble Gulch pipe failure;
2. Save the Plastic Bag Coalition;
3. County of Santa Cruz — Property Tax Administrative Fee Dispute.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9)

1. Lexington Insurance Company vs City of Capitola, et al. [United States District Court, Northern District of California, Case No. 5:12-cv-03428-LHK];
2. Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case No. CV 172804];
3. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 172324];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173926];

7. California Capital Insurance Company vs City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV173552];
8. Trustees of the John T. Kawahara and Barbara J. Kawahara Revocable Trust vs City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV175216];
9. Schroedel et al. vs the City of Capitola, et al. the Santa Cruz Superior Court Case No. CV 175684.
10. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 173228].

CONFERENCE WITH REAL PROPERTY NEGOTIATOR Govt. Code § 54956.8

Property: McGregor Drive, APN 036-341-02 (City of Capitola, Owner)
 City Negotiator: City Manager
 Negotiating Parties: City and Soquel Creek Water District
 Under Negotiation: Real Property Lease/Sale

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
 Council Members Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini, and Mayor Stephanie Harlan
2. **PRESENTATIONS**
 - A. Certificate of Appreciation to Edward Newman for his service on the Planning Commission.
3. **REPORT ON CLOSED SESSION**
4. **ADDITIONS AND DELETIONS TO AGENDA**
5. **PUBLIC COMMENTS**

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. 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.
6. **COUNCIL/STAFF ANNOUNCEMENTS**
7. **BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**
 Note: Appointments will be made under General Government/Public Hearings **Item 9.A.** for City Council Representation on City and County/Multi-County Boards, Commissions, and Committees; and City Council appointments/reappointments of public members to various City Advisory Committees.

8. CONSENT CALENDAR

All items listed in the "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 request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Consideration of approving the City Council Minutes of the August 23, 2012 Special City Council Meeting, and the September 13, 2012 Regular City Council Meeting.
RECOMMENDED ACTION:
Approve Minutes.
- B. Consideration of an Ordinance adding Section 8.07 (Single-use Plastic and Paper Carryout Bag Reduction) of the Capitola Municipal Code pertaining to the reduction of single-use plastic and paper carryout bags [2nd Reading]; and the consideration of a Resolution setting the fee for paper carryout bags at \$0.25.
RECOMMENDED ACTION:
Adopt Ordinance and Resolution.
- C. Consideration of a request to amend the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones to be established by issuing a Coastal Permit [2nd Reading]; and adopt a Resolution authorizing submittal of amendments to the Local Coastal Program.
RECOMMENDED ACTION:
Adopt Ordinance and Resolution.
- D. Consideration of accepting grants fund in the amount of \$1,500 from PG&E for the Women's Defense Class.
RECOMMENDED ACTION:
Accept grant.
- E. Consideration of Budget Calendar for Fiscal Year 2013/2014.
RECOMMENDED ACTION:
Approve Budget Calendar.
- F. Consideration of a Resolution authorizing the City Manager to execute the Agreements with the State Board of Equalization for implementation of a local transaction and use tax (Measure O); and consideration of amending the City's Fiscal Year 2012/2013 Budget to reflect the increased sales tax revenue and administrative fees.
RECOMMENDED ACTION:
Adopt Resolution and amend the City's Fiscal Year 2012/2013 Budget.
- G. Authorize the City Manager to recruit for the position of Community Development Director.
RECOMMENDED ACTION:
Authorize the City Manager to initiate the recruitment process.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Presentation regarding Community Choice Aggregation.
RECOMMENDED ACTION:
Receive presentation.
- B. Review representation on City Council representation on various County/Multi-County Boards, Commissions, and Committees; and City Council appointments and reappointments of public members to City Internal Advisory Bodies, and to the Oversight Board for the Capitola Successor Agency.
RECOMMENDED ACTION:
Council determination regarding appointments.
- C. Discussion regarding updating the City's Zoning Ordinance.
RECOMMENDED ACTION:
Discuss and provide direction.
- D. Consideration of appointing a standby City Council members.
RECOMMENDED ACTION:
That Council Member Bottorff nominate from 1 to 3 persons to serve as their standby City Council Members pursuant to Municipal Code Section 2.04.165, and that Council Members review their appointment(s) and make any changes at this time.
1. City Council approval of nominations of standby City Council Members; and
 2. Direct staff to inform nominees of their appointment and schedule the necessary oath of office of standby City Council Members at a regular meeting of the City Council.

10. COUNCIL/STAFF COMMUNICATIONS**11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS**

City 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.

12. ADDITIONAL MATERIALS

Additional information submitted to the City Council after distribution of the agenda packet.

13. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, January 24, 2013 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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.

Notice regarding City Council: The Capitola City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete agenda packet are available on the Internet at the City's website: 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 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 by clicking on the Home Page link "View Capitola Meeting Live On-Line." Archived meetings can be viewed from the website at anytime.

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City of Capitola
Certificate of Appreciation

to

EDWARD NEWMAN

for Service as Council Member Nicol's Appointee on the

Capitola Planning Commission
from December 2004 through December 2012

Stephanie Harlan

Stephanie Harlan, Mayor

Signed and sealed this 10th day of January 2013

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF AUGUST 23, 2012
SPECIAL CITY COUNCIL MEETING, AND THE SEPTEMBER 13, 2012 REGULAR
CITY COUNCIL MEETING

RECOMMENDED ACTION: Approve the subject minutes as submitted.

DISCUSSION: Attached for City Council review and approval are the minutes to the subject meeting.

ATTACHMENTS

1. August 23, 2012 Special City Council Meeting Minutes;
2. September 13, 2012 Regular City Council Meeting.

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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**CITY OF CAPITOLA
CITY COUNCIL**

**August 23, 2012
Capitola, California**

**MINUTES OF A SPECIAL CLOSED SESSION
5:00 P.M. – CLOSED SESSION – CITY MANAGER’S OFFICE**

CALL TO ORDER

Council Member Nicol called the meeting to order at 5:00 p.m. Council Members present: Council Member Stephanie Harlan, Council Member Dennis Norton, Council Member Kirby Nicol, Council Member Sam Storey, and Mayor Michael Termini via teleconference. Mayor Termini made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of GC §54956.9: Five potential cases:

1. Pacific Cove Mobile Home Park Closure and Relocation Plan

Council Member Nicol noted that there was no one in the audience; therefore, the City Council recessed at 5:01 p.m. to the Closed Session in the City Manager’s Office.

RECONVENE TO OPEN SESSION TO REPORT FROM CLOSED SESSION [520-25]

Following the Closed Session **Council Member Nicol** stated that there was no reportable action.

ADJOURNMENT

At 5:45 p.m. **Council Member Nicol** adjourned the Special Closed Session City Council Meeting to the next Regular Meeting of the City Council to be held on Thursday, September 13, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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**CITY OF CAPITOLA
CITY COUNCIL**

**September 13, 2012
Capitola, California**

**MINUTES OF A REGULAR MEETING
6:00 P.M. – CLOSED SESSION – CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Termini called the meeting to order at 6:00 p.m. on Thursday, September 13, 2012, in the City Hall Council Chambers. Council Members present: Council Member Stephanie Harlan, Council Member Dennis Norton, Council Member Kirby Nicol, Council Member Sam Storey, and Mayor Michael Termini. Mayor Termini made an announcement regarding the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of GC §54956.9: Three cases:

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch pipe failure);
2. Negotiations with Santa Cruz County regarding the Noble Gulch pipe failure;
3. Pacific Cove Mobile Home Park closure.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Govt. Code §54956.9)

1. Kevin Calvert, D.D.S. and Pamela Calvert vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172804];
2. Katie Saldana vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173926];
7. California Capital Insurance Company [Superior Court of the State of California for the County of Santa Cruz, Case #CV173552].

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Brad and Cathy Sutton

Claimant: Larry Machado

Agency claimed against: City of Capitola

Mayor Termini noted that there was no one in the audience; therefore, the City Council recessed at 6:05 p.m. to the Closed Session in the City Manager’s Office.

7:00 P.M. – OPEN SESSION

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

CALL TO ORDER

Mayor Termini called the Regular Meeting of the Capitola City Council to order at 7:01 p.m. on Thursday, September 13, 2012, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members Stephanie Harlan, Dennis Norton, Kirby Nicol, Sam Storey, and Mayor Michael Termini

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand

STAFF: City Manager Jamie Goldstein, City Attorney John Barisone, General Plan Coordinator, Susan Westman, Public Works Director Steve Jesberg, Administrative Services Director Lisa Murphy, Police Chief Rudy Escalante, and City Clerk Susan Sneddon

2. PRESENTATIONS

A. Proclamation celebrating the anniversary of the Ocean Conservation in the Central Coast.

Mayor Termini read the proclamation celebrating the anniversary of the Ocean Conservation in the Central Coast.

B. Proclamation honoring September 23, 2012, as “National Plug-In Day” to heighten awareness of plug-in electric vehicles.

Mayor Termini read the proclamation honoring September 23, 2012, as “National Plug-In Day”.

Sharon Sarris, Monterey Bay Electric Vehicle Alliance Outreach Team Leader, received the proclamation.

Beverly DesChaux, President of the Electric Auto Association, announced the September 23, 2012, National Plug-in Day event to be held at Staff of Life Natural Food Market, 1266 Soquel Avenue, Santa Cruz, from 12:00 (Noon) to 3:00 p.m.

3. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone stated that the items that the City Council discussed in closed session are the items listed on the September 13, 2012, Closed Session Agenda. The City Council received status reports from the City Attorney and the City Manager on all the litigation that the City is involved in arising out of the March 2011 pipe failure and subsequent water damage to properties at City Hall and the Capitola Village. These included the following: (1) City’s insurance coverage case against Lexington Insurance Company; (2) negotiations with Santa Cruz County regarding the Noble Gulch pipe failure; (3) Pacific Cove Mobile Home Park closure; (4) Kevin Calvert, D.D.S. and Pamela Calvert; (5) Katie Saldana; (6) Foremost Insurance Company; (7) Truck Insurance; (8) David Ross, Carousel Taffy Morro Bay, Inc.,

CAPITOLA CITY COUNCIL – SEPTEMBER 13, 2012

3. REPORT ON CLOSED SESSION (continued)

Village Mouse dba; (9) American Alternative Insurance Corporation and Central Fire Protection District of Santa Cruz County; and (10) California Capital Insurance Company. City Attorney Barisone stated that the City Council discussed the following tort claims: (1) Brad and Cathy Sutton; and (2) Larry Machado. The City Council took no reportable action.

4. ADDITIONS AND DELETIONS TO AGENDA

Council Member Storey requested that Item No. 7.A. regarding his appointment to the City's Finance Advisory Committee be continued and that the application period be reopened.

5. PUBLIC COMMENTS

Natalie Oliver, 504 Pilgrim Drive, stated concerns regarding the proposed parking at the former Pacific Cove Mobile Home Park.

The following local residents stated concerns about the distracting light from the Target sign.

- **John Silva**
- **Matt Jaspersen**

Peter Pethoe, Santa Cruz Hostel, stated concerns regarding fining those who do not have bicycle licenses.

Police Chief Escalante introduced the following outstanding Police Department Employees of the Year for 2011: (1) Senior Police Officer Pedro Zamora; and (2) and Lorrie Wilson, Administrative Assistant.

6. COUNCIL/STAFF ANNOUNCEMENTS

Mayor Termini announced that there is a vacancy for a four-year appointment to the Community Television of Santa Cruz County Board of Directors.

Council Member Harlan provided an update regarding the recent annual Association of Monterey Bay Area Governments (AMBAG) meeting. She stated that October is "Ride Share Month" sponsored by AMBAG. As the City's voting delegate to the League of California Cities Annual Conference, she reported the results on the League's September 7, 2012, business meeting.

Council Member Norton thanked the City's Public Works and Police Departments for helping to make the Annual Begonia Festival and the Annual Capitola Art and Wine Festival successful events.

Council Member Nicol thanked the City's Public Works Department for the slurry project on Depot Hill and the Jewel Box neighborhood. He discussed the 31-mile Iowa Pacific rail line from Pajaro Junction to Davenport.

Council Member Storey reported that the Santa Cruz County Public Library has increased the hours of some of the branch libraries effective the week of September 10; updated hours may be found on the Santa Cruz County Public Library's website. He requested that the City Manager report at the next Council meeting the results of the recent Target community meeting.

6. COUNCIL/STAFF ANNOUNCEMENTS (continued)

Mayor Termini thanked the Public Works and Police Departments for their assistance with the recent Capitola Art and Wine Festival. He requested that the City Council be emailed web links of any Planning Commission items that are placed on City Council agendas for further action so they may be reviewed prior to a Council meeting. He asked the Police Chief to investigate the number of abandoned vehicles in the Jewel Box neighborhoods. (**Police Chief Escalante** stated that the officers will continue to investigate this issue and aggressively pursue abandoned vehicles that they find).

7. COMMITTEE APPOINTMENTS

- A. Council Member Storey's appointment to the Finance Advisory Committee.

As stated under *Item No. 4 (Additions and Deletions to the Agenda)* this item will be continued to a future City Council meeting because the application process is to be reopened pursuant to Council Member Storey's request.

8. CONSENT CALENDAR

- A. Consideration of approving the City Council Minutes of the Regular City Council Meeting of June 14, 2012 and June 28, 2012, and the June 21, 2012, City Council Special Closed Session Minutes.
- B. Deny liability claims and forward to the City's liability insurance carrier: (1) Brad and Cathy Sutton in the amount of \$59,000; and (2) Larry Machado in the amount of \$100,000.
- C. Receive Planning Commission Action Minutes for the Regular Meeting of September 6, 2012.
- D. Approval of City Check Register Reports dated July 20, 2012; July 27, 2012; August 3, 2012; August 10, 2012; August 17, 2012; August 24, 2012; and August 31, 2012.
- E. Adoption of *Ordinance No. 974* amending Section 12.56.090 (Right-of-way Obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [2nd Reading].
- F. Adoption of *Resolution No. 3934* amending the City's Bail Schedule to add new fines pursuant to adoption of City Council Ordinances.

Council Member Norton requested clarification from staff on specific items related to the City's Check Register Reports (*Item No. 8.D.*). Clarification was provided by staff.

ACTION: Motion by Council Member Nicol, seconded by Council Member Storey, to approve the Consent Calendar. The motion was unanimously carried.

CAPITOLA CITY COUNCIL – SEPTEMBER 13, 2012

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. **Consideration of an Ordinance adding Section 9.34.010 of the Capitola Municipal Code prohibiting urination and/or defecation in public [1st Reading].**

Police Chief Escalante introduced this item. He stated that as part of the Police Department's continuous review of programs and processes, it was identified that the City has no language authorizing the local enforcement of public urination/defecation. Currently, the Police Department relies on the Health & Safety Code for enforcement for these misdemeanors. These violations are prosecuted by the County District Attorney's Office and are commonly reduced to infractions requiring a police officer to go through an extensive process. With the adoption of the proposed Ordinance the police officers will be able to write a municipal code citation.

Mayor Termini opened the public hearing.

There was no public comment.

Mayor Termini closed the public hearing.

ACTION: Motion by Council Member Norton, seconded by Council Member Harlan, to introduce a proposed Ordinance adding Section 9.34.010 of the Capitola Municipal Code prohibiting urination and/or defecation in public. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

- B. **Consideration of authorizing a City Council response to the 2011-2012 Santa Cruz County Grand Jury Final Report: "Known Soil Contamination and Building Permit Applications."**

Public Works Director Jesberg reviewed the City's response to the 2011-2012 Santa Cruz County Grand Jury Final Report, entitled, "Known Soil Contamination and Building Permit Applications." He stated that additional language will be added to the City's building permit application to notify applicants if they are concerned about contaminated soil to contact Santa Cruz County Environmental Health.

City Council discussion ensued regarding this item.

Mayor Termini opened the public hearing.

There was no public comment.

Mayor Termini closed the public hearing.

ACTION: Motion by Council Member Nicol, seconded by Council Member Storey to authorize a City Council response to the 2011-2012 Santa Cruz County Grand Jury Final Report: "Known Soil Contamination and Building Permit Applications." The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

10. COUNCIL/STAFF COMMUNICATIONS

A. Staff Comments (None)

B. City Council/Treasurer Comments/Committee Reports (None)

11. ADJOURNMENT

Mayor Termini adjourned at 8:00 p.m. to the next Regular Meeting of the City Council to be held on Thursday, September 27, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: CITY MANAGERS DEPARTMENT

SUBJECT: CONSIDERATION OF AN ORDINANCE ADDING SECTION 8.07 (SINGLE-USE PLASTIC AND PAPER CARRYOUT BAG REDUCTION) TO REDUCE SINGLE-USE PLASTIC AND PAPER CARRYOUT BAGS [2ND READING]; ADOPT A RESOLUTION SETTING THE FEE FOR PAPER CARRYOUT BAGS

RECOMMENDED ACTION: That the City Council: 1) Adopt the proposed Ordinance adding Section 8.07 to the Capitola Municipal Code relating to the Reduction of Single-Use Plastic and Paper Carryout Bags; and 2) Adopt the proposed Resolution setting the fee for each single-use paper carryout bag at \$0.25 per paper bag.

DISCUSSION: The City Council approved the first reading of this draft Ordinance adding Section 8.07 at the Council meeting held on December 13, 2012. Section 8.07 is being added to reduce the use of single-use plastic and paper carryout bags in Capitola. In addition, at the first reading, the City Council authorized setting the fee for each paper carryout bag at \$0.25 cents per paper bag.

The proposed fee Resolution and the Ordinance is before the City Council for its second reading and final adoption. If adopted, the Ordinance will take effect in three months. Staff will notify all affected business by advertising in the newspaper, letters to each business and to the Chamber of Commerce.

FISCAL IMPACT: None, the fee is to be retained by the retailers.

ATTACHMENTS

1. December 13, 2012 City Council meeting minute excerpt;
2. Draft Resolution;
3. Draft Ordinance.

Report Prepared By: Lisa G. Murphy
Administrative Services Director

Reviewed and Forwarded
By City Manager: 

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CITY OF CAPITOLA
CITY COUNCIL

December 13, 2012
Capitola, California

MINUTE EXCERPT

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

9. GENERAL GOVERNMENT

- B. Consideration of an Ordinance adding Section 8.07 of the Capitola Municipal Code regarding the reduction of single-use plastic and paper carryout bags; approving a Resolution adopting a Negative Declaration and make California Environmental Quality Act findings [1st Reading].**

Administrative Service Director Murphy stated that in July 2012, Council directed staff to begin the environmental review on this proposed Ordinance. She stated that the purpose is to reduce the use of single-use plastic and paper carryout bags because plastic is not biodegradable and it is toxic to the environment. She stated that this proposed Ordinance is to encourage the use of reusable bags. She stated that staff is proposing a fee on the paper bag used in grocery stores and retail businesses upon check out. She stated that the California Grocers Association is requesting a uniform approach for the plastic bag ban and a paper bag fee. She stated that staff is requesting direction from Council on setting a fee for paper carryout bags.

Mayor Harlan opened the public hearing.

Laura Kasa, Save Our Shores Executive Director, stated the benefits of the City's proposed Reduction of Single-Use Plastic and Paper Carryout Bag Ordinance.

Tim Goncharoff, County of Santa Cruz Resource Planner, provided an update on the positive results of the County's Single-Use Plastic and Paper Carryout Bag Ordinance.

The following spoke in support the proposed Ordinance:

Nathan Weaver, Oceans Advocate for Environment California;
Carolyn Rudolph, Charlie Hong Kong Restaurant;
Arial Hunter, University of Santa Cruz student;
Jim Littlefield, Santa Cruz Chapter of the Surf Rider Foundation;
Scott Olson, local resident;
Martel Anderson, Capitola resident;
Rachel Kippen, Save Our Shores Program Coordinator;
Marilyn Garrett, local resident.

9. GENERAL GOVERNMENT (continued)

The following spoke against the proposed Ordinance:

Richard Wieckowicz, Aptos resident.

Mayor Harlan closed the public hearing.

Council Member Norton stated that the fee that the City sets for paper carryout bags should be consistent with the amount stated in the County's Single-Use Plastic and Paper Carryout Bag Ordinance

Council Member Storey suggested that in the future the Council should consider reducing single-use plastic and paper carryout bags in restaurants. He suggested that the fee be set at \$0.10.

Council Member Termini stated his reasoning for opposing a fee for paper carryout bags.

Council Member Bottorff stated he supports a minimum fee of \$0.25 for paper carryout bags.

Mayor Harlan stated she supports a fee of \$0.10 for paper carryout bags to be consistent with the City of Santa Cruz and the County of Santa Cruz.

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to adopt Resolution No. 3947 adopting a Negative Declaration and make California Environmental Quality Act (CEQA) findings relating to the adoption of an Ordinance for the Reduction of Single-Use Plastic and Paper Carryout Bags; and to pass the first reading of the proposed Ordinance adding Chapter 8.07 to the Capitola Municipal Code relating to the Reduction of Single-Use Plastic and Paper Carryout bags. The motion carried with the following vote: AYES: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

ACTION: Motion by Council Member Norton, seconded by Council Member Bottorff to provide staff direction to include a \$0.25 fee for paper carryout bags. The motion carried with the following vote: AYES: Council Members Norton, Bottorff, and Mayor Harlan. NOES: Council Members Storey and Termini. ABSENT: None. ABSTAIN: None.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
SETTING A FEE FOR EACH SINGLE USE PAPER CARRY OUT BAG AS PROVIDED
IN CAPITOLA MUNICIPAL CODE SECTION 8.07**

WHEREAS, the City Council of the City of Capitola approved a ban on single use plastic bags and a fee on single use paper bags; and

WHEREAS, that single use carry plastic and paper carryout bag reduction ordinance is codified in Chapter 8.07 of the Capitola Municipal Code; and

WHEREAS, the City Council of the City of Capitola held a duly noticed public hearing on January 10, 2013 to set the fee at 25 Cents per paper bag distributed at the point of sale which is to be retained by the retail establishment as required in Section 8.07.030(D); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby resolve that the fee for each single-use paper carry out bags provided to customers at the point of sale shall be 25 Cents.

BE IT FURTHER RESOLVED that the fee will go into effect upon effectiveness of Capitola Municipal Code Chapter 8.07.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10th day of January, 2013, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ENACTING A NEW CHAPTER 8.07 OF THE CAPITOLA MUNICIPAL CODE
RELATED TO THE REDUCTION OF SINGLE-USE
PLASTIC AND PAPER CARRYOUT BAGS**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Chapter 8.07 is hereby added to the Capitola Municipal Code to read as follows:

**“CHAPTER 8.07”
SINGLE-USE PLASTIC AND PAPER CARRYOUT BAG REDUCTION**

Sections:

8.07.010 Purpose and Findings

8.07.020 Definitions

8.07.030 Ban on Plastic Carryout Bags and Store Charge for Single-Use Paper Carryout Bags

8.07.040 Implementation

8.07.050 Exemptions Allowing Single Use Bags

8.07.060 Enforcement

8.07.070 Violations

8.07.080 Severability

8.07.090 Effective Date

8.07.100 No Conflict With Federal or State Law

8.07.110 Preemption

8.07.010 Purpose and Findings.

A. It is the intent of the City of Capitola, in enacting Chapter 8.07 to eliminate the common use of plastic single-use carryout bags, encourage the use of reusable bags by consumers and retailers, and to reduce the consumption of single-use bags in general.

B. Whereas the City of Capitola has an obligation to protect the environment, the economy, and public health. The City of Capitola has a 75 percent waste reduction goal, which is to be reached by waste reduction, reuse, recycling, and composting. The City of Capitola makes the following findings:

1. The Department of Resources Recycling and Recovery (CalRecycle) estimates that Californians use nearly 20 billion single-use plastic bags per year and discard over 100 hundred plastic bags per second. Further the Environmental Protection Agency estimates that only 5 percent of the plastic bags in California and nationwide are currently recycled.

Item #: 8.B. Attach 3.pdf

ORDINANCE NO. ____

2. According to Save Our Shores, a Santa Cruz based marine conservation non-profit that conducts beach, river, and inland cleanups in the coastal regions of Santa Cruz, San Mateo, and Monterey Counties, from June 2007 to May 2011, over 400 cleanups were conducted where volunteers removed a total of 26,000 plastic bags. Unchecked, this material would have likely entered the marine environment of the Monterey Bay National Marine Sanctuary.

3. Plastic bags returned to supermarkets may be recycled into plastic lumber; however, a very low percentage of bags are actually returned. Recycling bags into lumber does not reduce the impact of making new plastic carryout bags. The CalRecycle 2009 Statewide Recycling Rate for Plastic Carryout Bags report indicates that of the 52,765 tons of regulated bags purchased statewide, only 1,520 tons were collected for recycling, a recycling rate of about 3%.

4. The City of Capitola currently has a plastic bag recycling component to the residential curbside recycling program.

5. Improperly prepared plastic bags create equipment problems at the Material Recovery Facility. Loose bags wrap around the bearings and shafts of the material separator. The equipment must be stopped and the bags removed before they cause permanent damage. This results in slower production times for the sorting crew, as well as increased processing and repair costs.

6. Compostable plastic carryout bags, as currently manufactured, do not solve the problems of wildlife damage, litter, or resource use addressed by this ordinance. Compostable carryout bags are designed to remain intact until placed in a professional compost facility, so they do not degrade quickly as litter or in a marine environment. Producing compostable bags consumes nearly as much fossil fuel as noncompostable bags. Mixing compostable bags with regular plastic bags prevents recycling or composting either of them. Therefore, there is no exemption in this ordinance for compostable carryout bags.

7. Reusable bags are readily available from numerous sources and vendors. Many grocery and other retail establishments throughout the City of Capitola already offer reusable bags for sale at a price as low as 1.00 dollar.

8. Even though paper bags are recycled at a much higher rate within the City of Capitola than plastic bags, the purpose of this ordinance is to reduce all single-use bags. For this reason, a charge on paper bags is indicated as an incentive to reduce their use and encourage reusable bags.

9. Paper bags that contain a minimum of 40 percent post consumer recycled content have fewer negative impacts than virgin paper bags. Paper shopping bags with 40% post consumer recycled content are easily available, and such bags are in wide use by Capitola merchants.

ORDINANCE NO. ____

10. State law currently prohibits local jurisdictions from placing fees on single-use checkout plastic bags. Therefore, several California Cities have adopted or are pursuing a ban as the most effective remaining means to eliminate the impacts these plastic bags cause. State law does not prohibit jurisdictions from placing fees on paper bags.

8.07.020 Definitions.

A. For the purposes of this Chapter, the following definitions apply:

1. "Carryout bags" means bags provided by retailers to customers at the point of sale to hold customers' purchases. "Carryout bags" do not include bags used to contain loose items prior to checkout, such as meat, produce, and bulk goods, and does not include prepackaged products.

2. "Single-use plastic bag" or "single-use plastic carryout bag" means a single-use carryout bag of any size that is made from plastic and provided at the point of sale to customers by a retail establishment. Single-use plastic bags include both compostable and non-compostable carryout bags.

3. "Single-use paper bag" means a checkout bag provided by a retail establishment at the point of sale that is made from paper and is not a reusable bag.

4. "Recyclable" means material that can be sorted, cleansed, and reconstituted using the City's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise destroying solid waste.

5. "Reusable bag" means any bag with handles that is specifically designed and manufactured for multiple reuse, and meets the following requirements: 1) is either made of cloth or other washable woven fabric, or made of durable material including plastic that is at least 2.25 mils thick; 2) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 3) has a minimum volume of 15 liters; 4) is washable; and 5) does not contain lead, cadmium, or any other heavy metal in toxic amounts.

6. "Retail establishment" or "retail store" means all sales outlets, stores, shops, restaurants, vehicles, or other places of business located within the City of Capitola, which operate primarily to sell or convey goods, directly to the ultimate consumer.

7. Restaurants, means an establishment whose principal business is the sale of prepared food for consumption either on or off premises, are not covered under this ordinance.

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ORDINANCE NO. ____

8. "Exempted uses" means those point-of-purchase or delivery sales, which have received a special exemption through the City Manager or the Managers designee, that allows the use of single-use bags.

8.07.030 Ban on plastic bags and store charge for single-use paper carryout bags.

A. No retail establishment shall provide plastic carryout bags to customers at the point of sale, except as permitted in this chapter.

B. No City of Capitola contractors, special events promoters, or their vendors, while performing under contract or permit shall provide plastic carry-out bags to customers at the point of sale.

C. Single-use paper carryout bags provided to customers shall contain a minimum of 40 percent post consumer recycled paper fiber, and be recyclable in the City of Capitola's curbside recycling program.

D. Retail establishments shall charge, during the first year of implementation of this ordinance, a fee that will be established by the City Council at the time of adoption of this ordinance, for each single-use paper carry out bag provided to customers at the point of sale. The City Council shall review the charge amount one year from the date of adoption to judge its effectiveness and at anytime thereafter as the City Council deems necessary. Notice of such fee shall be displayed in Retail establishments at a prominent location.

E. The charge imposed pursuant to this section shall not be applied to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children, the State Department of Social Services Food Stamp program, or other government subsidized purchase programs for low-income residents.

F. The ban on single-use plastic bags and the charge on single-use paper bags shall not apply to restaurants, or to bags that are integral to the packaging of the product, or bags without handles provided to the Customer (i) to transport produce, bulk food, pharmacy products or meat from a department within a Retail Store to the point of sale, or (ii) to segregate food merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Single Use Paper Bag.

G. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

H. Retail establishments shall indicate on the customer transaction receipt the number of carryout bags provided, and the total amount charged for those bags.

ORDINANCE NO. ____

8.07.040 Implementation.

A. Sixty days before this ordinance takes effect, the City of Capitola shall post, mail or deliver a copy of it to retail establishments within the city limits of the City of Capitola.

B. The City of Capitola will distribute to each store a reproducible placard designed to inform shoppers of the City of Capitola policy for carryout bags.

C. The City of Capitola Finance Department shall provide a copy of this ordinance to every new retail establishment that applies for a business license in the City of Capitola.

8.07.050 Exemptions allowing single use bags.

A. The City Manager, or the manager's designee, may exempt a retail establishment from the requirement set forth in Section 8.07.030 of this chapter for a one-year period upon the retail establishment showing, in writing, that this chapter would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the City Manager or the manager's designee's decision shall be final.

B. An exemption application shall include all information necessary for the City Manager or the manager's designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption.

C. The City Manager or managers' designee may approve the exemption application in whole or in part, with or without conditions.

8.07.060 Enforcement. Enforcement of this ordinance shall be as follows:

A. The City Manager, or designee, shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation of this chapter. The City Manager, or designee, is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.

B. A person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.

C. The City of Capitola may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.

D. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

E. The City Manager or designee may inspect any retail establishment's premises to verify compliance with this ordinance.

Item #: 8.B. Attach 3.pdf

ORDINANCE NO. ____

8.07.070 Violations. Violations of this ordinance shall be enforced as follows:

A. Violation of this chapter is hereby declared to be a public nuisance. Any violation described in the preceding paragraph shall be subject to abatement by the City of Capitola, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by injunction, upon a showing of violation.

B. Upon a first violation by a retail establishment, the City Manager, or designee, shall mail a written warning to the retail establishment. The warning shall recite the violation, and advise that future violations may result in fines.

C. Upon a second or subsequent violation by a retail establishment, the following penalties will apply:

1. A fine not exceeding one hundred dollars (\$100) for the first violation that occurs 30 days or more after the first warning.

2. A fine not exceeding two hundred dollars (\$200) for the second violation that occurs 60 days or more after the first warning.

3. A fine not exceeding five hundred dollars (\$500) for the third violation that occurs 90 days or more after the first warning.

4. A fine not exceeding five hundred dollars (\$500) for every 30 day period not in compliance, that occurs 90 days or more after the first warning.

D. Special events promoters and their vendors who violate this ordinance in connection with commercial or non-commercial special events shall be assessed fines as follows:

1. A fine not exceeding two hundred dollars (\$200) for an event of 1 to 200 persons.

2. A fine not exceeding four hundred dollars (\$400) for an event of 201 to 400 persons.

3. A fine not exceeding six hundred dollars (\$600) for an event of 401 to 600 persons.

4. A fine not exceeding one thousand dollars (\$1,000) for an event of 601 or more persons.

E. Remedies and fines under this section are cumulative.

ORDINANCE NO. ____

8.07.080 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City of Capitola hereby declares that it would have passed this title, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional.

8.07.090 Effective date.

This ordinance shall become effective three (3) months after the date of final passage by the City of Capitola City Council.

8.07.100 No conflict with Federal or State law.

Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any Federal or State law.

8.07.110 Preemption.

The provisions of this chapter shall be null and void if State or Federal legislation, or administrative regulation, takes effect with the same or substantially similar provisions as contained in this chapter. The City Council shall determine whether or not identical or substantially similar statewide legislation has been enacted or regulations issued.”

Section 2. This ordinance shall be in force and take effect thirty (30) days after final adoption.

This ordinance was introduced on the 13th day of December, 2012, and was passed and adopted by the City Council of the City of Capitola on the 10th day of January, 2013, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONSIDERATION OF A REQUEST TO AMEND THE CAPITOLA MUNICIPAL CODE SECTION 10.36.055 "PARKING METER ZONES/RATES" AND SECTION 17.46.090 TO AUTHORIZE RATES AND ZONES TO BE ESTABLISHED BY ISSUING A COASTAL PERMIT [2ND READING]; AND ADOPT A RESOLUTION AUTHORIZING SUBMITTAL OF AMENDMENTS TO THE LOCAL COASTAL PROGRAM

RECOMMENDED ACTION: Adopt the proposed Ordinance amending the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones and Section 17.46.090 to establish zones and rates by issuing a Coastal Permit [2nd Reading]; and adopt a Resolution authorizing submittal of amendments to the Local Coastal Program.

BACKGROUND: The draft Ordinance amending the Capitola Municipal Code Section 10.36.055 and Section 17.46.090 is presented for a second reading. The City Council approved the first reading of this Ordinance at the Council meeting held on December 13, 2012.

The proposed Ordinance is before the City Council for its second reading and final adoption.

FISCAL IMPACT: None

ATTACHMENTS

1. December 13, 2012 City Council meeting minute excerpt;
2. Draft Ordinance;
3. Resolution authorizing submittal to the California Coastal Commission.

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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CITY OF CAPITOLA
CITY COUNCIL

December 13, 2012
Capitola, California

MINUTE EXCERPT

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

9. GENERAL GOVERNMENT

- F. Request to amend the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones to be established by issuing a Coastal Permit. The Planning Commission held a public hearing on November 1, 2012 and unanimously recommended approval. Environmental Determination: Categorical Exemption. [1st Reading]

General Plan Coordinator Westman stated that this item is to change the City's process in establishing parking rates or zones. This amendment would allow the City to make future changes without requiring an amendment to the Local Coastal Plan when parking rates or zones are changed. The amendment to the Capitola Municipal Code will allow changes for parking rates and zones to go directly to the City Council rather than coming first to the Planning Commission.

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, introducing an Ordinance amending the Capitola Municipal Code Section 10.36.055 "Parking Meter Zones/Rates" to authorize rates and zones to be established by issuing a Coastal Permit. In addition, to adopt Resolution No. 3947 adopting a Negative Declaration and make California Environmental Quality Act (CEQA) findings relating to the adoption of an Ordinance for the Reduction of Single-Use Plastic and Paper Carryout Bags; and to pass the first reading of the proposed Ordinance adding Chapter 8.07 to the Capitola Municipal Code relating to the Reduction of Single-Use Plastic and Paper Carryout bags. The motion carried with the following vote: AYES: Council Members Norton, Storey, Bottorff, Termini, and Mayor Harlan. NOES: None. ABSENT: None. ABSTAIN: None.

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ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF CAPITOLA
AMENDING SECTION 10.36.055 B OF THE CAPITOLA
MUNICIPAL CODE PERTAINING TO PARKING METER RATES AND ZONES AND
AMENDING SECTION 17.46.090 COASTAL PERMIT APPROVAL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Section 10.36.055 is hereby amended to read as follows:

10.36.055 Parking meter zones/rates.

A. ~~The following parking meter zones are hereby established in the city of Capitola: Parking meter zones shall be established by the City Council. Rates in the Coastal Zone will be established and/or modified by the City Council issuing a Coastal Development Permit.~~

~~1. Parking Meter Zone A(1). The area labeled as Zone A(1) on the map attached hereto as Exhibit "A" found on file in the office of the city clerk, shall constitute parking meter Zone A(1). The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters equipment in conformance with the zones and rates established by the City Council. The director shall maintain on file a map showing parking meter zones established by the City Council. in all public parking spaces located in zone A(1) and to place appropriate signage in zone A(1) relative to said metered parking. Parking meters will operate in zone A(1) each day of the week from the hours of eight a.m. to eight p.m. The city council, by resolution or minute order, may designate days when said parking meters equipment will not operate.~~

~~Parking meter zone A(1) includes parking spaces along both sides of the following streets located in and surrounding the Capitola Village:~~

- ~~a. Capitola Avenue from Monterey Avenue to Beulah Drive;~~
- ~~b. Monterey Avenue from Esplanade to the Union Pacific Railway;~~
- ~~c. Esplanade along its entire length from Stockton Avenue to Monterey Avenue;~~
- ~~d. San Jose Avenue from Capitola Avenue to Esplanade;~~
- ~~e. Stockton Avenue from Capitola Avenue to Cliff Drive;~~
- ~~f. Wharf Road from Stockton Avenue to the Capitola Municipal Wharf;~~

~~2. Parking Meter Zone A(2). The area labeled as Zone A(2) on the map attached hereto as Exhibit "A" found on file in the office of the city clerk, shall constitute parking meter zone A(2). The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters in all public parking spaces located in zone A(2) and to place appropriate signage in zone A(2) relative to said metered parking. Parking meters will operate in zone A(2) each day of the week from the hours of eight a.m. to eight p.m. The city council, by resolution or minute order, may designate days when said parking meters will not operate.~~

~~Parking meter zone A(2) includes parking spaces along both sides of the following street:~~

- ~~a. Cliff Drive from Stockton Avenue to the city limits;~~

~~3. Parking Meter Zone B. The city-owned parking lot adjacent to, and directly to the north and east of Capitola City Hall, portion of APN 35-141-33 located at 426 Capitola Avenue, which encompasses the area known as Pacific Cove Parking Lot, as depicted on the map attached hereto as Exhibit "B" found on file in the office of the city clerk, shall constitute parking meter zone B. The city public works director, acting in the director's capacity as superintendent of streets, is hereby authorized to install parking meters in all public parking spaces located in zone B and to~~

Item #: 8.C. Attach 2.pdf

~~place appropriate signage in zone B relative to said metered parking. Parking meters will operate in zone B each day of the week from the hours of eight a.m. to eight p.m. The city council by resolution or minute order may designate days when said parking meters will not operate.~~

B. ~~The following parking meter rates are hereby established in the city of Capitola:~~

~~Zone A(1) (Village Area)..... \$1.50 per hour~~

~~Zone A(2) (Cliff Drive Area)..... \$1.00 per hour~~

~~Zone B (Pacific Cove Parking Lot)..... \$0.50 per hour~~

~~Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption or upon approval of Coastal Development Permit No.09-002, which ever occurs last.~~

Parking meter zones and rates shall be established by City Council resolution. Parking meter fees will be shown in the City's fee schedule.

Parking meter rates and zones in effect at the time of this ordinance amendment will remain in effect until modified by the City Council and;

Section 2. Section 17.46.090 is hereby amended to read as follows:

Section 17.46.090 Coastal permit approval.

A. Approving Authority. Action on a coastal permit shall be taken by the planning commission or city council on appeal or concurrent with other required permit applications- except Coastal Permits related to parking equipment rates, hours or zones on public property shall be considered only by the City Council.

This ordinance was introduced on the 13th day of December, 2012, and was passed and adopted by the City Council of the City of Capitola on the 10th day of January 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Stephanie Harlan, Mayor

ATTEST:

_____,
Susan Sneddon, City Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING
THE CITY MANAGER TO SUBMIT LOCAL COASTAL PROGRAM AMENDMENT TO THE
CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION**

WHEREAS, the City's Local Coastal Program (LCP) was certified by the California Coastal Commission in June of 1981, and updated in October of 2001, December 9, 2004, January 13, 2005, and November 9, 2006; and

WHEREAS, the Capitola Planning Commission conducted a duly noticed public hearing on November 1, 2012, and made recommendations to the City Council who held a noticed public hearing on December 13, 2012 to consider the recommended amendments to the municipal code which would require an LCP Amendment for those properties located within the Coastal Zone; and

WHEREAS, at its meeting of December 13, 2012, the City Council passed the proposed ordinance to a second reading, and on January 10, 2013. On January 10, 2013 the City pass for a second reading an ordinance of the City of Capitola amending Section 10.36.055 B of the Capitola Municipal Code pertaining to parking meter rates and zones and amending Section 17.46.090 Coastal Permit Approval; and

WHEREAS, the City Council reviewed and found this Local Coastal Program amendments exempt from CEQA; and

WHEREAS, the City of Capitola intends to carry out this amendment to its LCP in a manner fully consistent with the California Coastal Act; and

WHEREAS, this LCP Amendment is consistent with the Local Coastal Land Use Plan and the Coastal Act; and

WHEREAS, This LCP Amendment, as drafted, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Program and will take effect upon certification by the Coastal Commission and final acceptance by City Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Capitola that the Local Coastal Program Amendments as presented in Exhibit "1 ", attached hereto and made a part hereof, are hereby adopted in full conformance with the City of Capitola General Plan, the City of Capitola Local Coastal Program, and the provisions of the California Coastal Act and is authorized for submittal to the Coastal Commission for certification.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit to the said amendment to the Coastal Commission LCP Amendment to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10th day of January, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: POLICE DEPARTMENT

SUBJECT: ACCEPT PACIFIC GAS & ELECTRIC GRANT REVENUE OF \$1,500 FOR INSTRUCTOR COSTS FOR WOMEN'S SELF DEFENSE CLASSES AND AUTHORIZE BUDGET EXPENDITURES OF \$1,500 FOR FY 2012-2013

RECOMMENDED ACTION: Approve a Fiscal Year 2012/2013 General Fund budget amendment to accept Pacific Gas & Electric grant revenue of \$1,500 and increase expenditures by \$1,500.

BACKGROUND: Each year, Pacific Gas & Electric offers grants to local law enforcement agencies to support their commitment to community investment programs. The Police Department, in partnership with the City's Parks and Recreation Department, will offer both residents and non-residents self-defense classes. Classes are designed to teach and increase awareness of one's surroundings and using body language to communicate that a person is not an easy target. Additionally, classes will empower women to feel stronger in difficult situations and give them tools to function through situations that might be presented by an attacker.

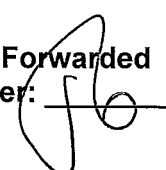
DISCUSSION: The Police Department relies on grant opportunities from private sector organizations to support community investment programs. The Department applied for and was granted \$1,500 from Pacific Gas & Electric for instructor costs to provide self-defense classes for women. Each class has three sessions and will be offered in the fall and the spring.

FISCAL IMPACT: Amend the FY 2012-2013 General Fund Budget to accept \$1,500 in grant revenue and increase expenditures by \$1,500.

ATTACHMENTS

1. Budget Adjustment

Prepared by: Rudy Escalante
Chief of Police

Reviewed and Forwarded
By City Manager: 

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City of Capitola Budget Adjustment Form



Date 11/27/2012

Requesting Department Police

Administrative Council

Item #
Council Date: 12/13/2012
Council Approval

Revenues		
Account #	Account Description	Increase/Decrease
1000-20-20-000-3700.001	Other Revenue - Safety Donations	\$1,500
Total		\$1,500

Expenditures		
Account #	Account Description	Increase/Decrease
1000-20-20-000-4305.900	CS-Gen/ Admin Contracts - Genera	\$1,500
Total		\$1,500

Net Impact -

Purpose: To accept PG&E Grant Revenue for Instructor Costs
for Women's Self Defense Classes

Department Head Approval _____

Finance Department Approval _____

City Manager Approval _____

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: BUDGET CALENDAR FOR THE 2013-2014 FISCAL YEAR

RECOMMENDED ACTION: Approve the proposed Budget Calendar for FY 2013-14.

BACKGROUND: The Capitola Municipal Code, Section 3.20.010 Budget Procedure – Timing & Preparation, requires the City to prepare and disseminate a budget calendar on or before March 1 of any fiscal year. The attached calendar provides dates for budget study sessions, hearings, meetings, and other significant budget events.

DISCUSSION: Staff has prepared the attached draft Budget Calendar for FY 2013-14. The budget cycle begins with a Special Joint City Council/Successor Agency Meeting on February 21. This meeting will focus on receiving the mid-year budget update and establishing FY 2013-14 Budget Principles. The budgeting principles will service to guide staff's preparation of the Proposed Budget.

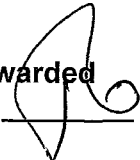
Pursuant to this calendar, the Proposed Budget will be distributed on Friday, May 10, and the presentation of the City and Successor Agency Budgets is scheduled for a Special Meeting on Wednesday, May 22. This is a tentative schedule that may be changed as necessary by the City Manager and/or Council. Some meetings may be cancelled if they become unnecessary based on prior sessions.

FISCAL IMPACT: None

ATTACHMENTS

1. Budget Calendar – 2013/2014 Fiscal Year

Report Prepared By: Tori Hannah
Finance Director

Reviewed and Forwarded
by City Manager: 

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BUDGET CALENDAR - 2013/2014 FISCAL YEAR

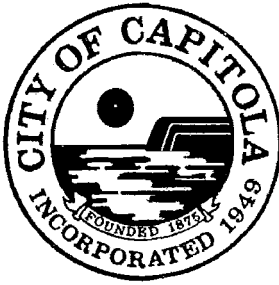
DRAFT

The City Manager and/or the City Council may change this tentative schedule. NOTE: Some meetings may be cancelled if they become unnecessary based on prior sessions.

Meeting Date 2013	Week/Day	Nature of Meeting	Description
January 24	4 th Thursday	Regular Council/RDA Mtg	Council to determine whether or not to receive new community grant applications for FY13/14
February 21		*Special Joint Council/SA Mtg.	Establish Budgeting Principles / Mid-Year Presentation
Due date: February 26	Tuesday	N/A	Community Grant Application Deadline
March 19	3 rd Tuesday	Finance Advisory Committee Mtg	Finance Advisory Committee to discuss elements of the budget
April 4	1 st Thursday	Planning Commission	Planning Commission Review of the Capital Improvement Program (CIP)
May 10	2 nd Friday	N/A	Proposed Budget Distribution
May 21	3 rd Tuesday	Finance Advisory Committee Mtg	Finance Advisory Committee to discuss proposed budget and draft presentation with recommendations to Council
May 22	4 th Wednesday	*Special Joint Council/RDA Mtg	Presentation of City, RDA & CIP Budgets
May 23	4 th Thursday	Regular Council/ RDA Mtg	
May 30th	5 th Thursday	*Special Joint Council/RDA Mtg	<ul style="list-style-type: none"> - City Manager Report regarding Community Grant Applications - Community Grant Presentations - Finance Advisory Committee Presentation - Council Deliberation
June 6th	1 st Thursday	*Special Joint Council/RDA Mtg	Council and RDA Budget Deliberations
June 13	2 nd Thursday	Regular Council/RDA Mtg	Reports from Finance: Appropriations Limit Resolution and Investment Policy
June 20	3 rd Thursday	*Special Joint Council/RDA Mtg	Final Council and RDA Budget Deliberations <i>(If necessary)</i>
June 27	4 th Thursday	Regular Council/RDA Mtg	Final Adoption of the City and RDA Budgets and Pertinent Resolutions

NOTE: ***Special** Meetings will begin at 6:00 p.m. Meetings are held in the City Hall Council Chambers and will be televised "Live" on Charter Communications Cable Channel 8.

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: AGREEMENTS BETWEEN THE CITY OF CAPITOLA AND THE STATE BOARD OF EQUALIZATION FOR STATE ADMINISTRATION OF CITY OF CAPITOLA TRANSACTIONS AND USE TAXES

RECOMMENDED ACTION: Adopt the proposed Resolution authorizing the City Manager to execute agreements with the State Board of Equalization for the administration of the City of Capitola Transactions and Use Tax (Measure O).

BACKGROUND: The City Council submitted a Measure (Measure O) to Capitola voters at the General Municipal Election held on November 6, 2012. This Measure was approved and passed by a majority vote to increase the City's sale tax rate by an additional ¼ cent. The complete text of the Measure is attached for reference.

DISCUSSION: At the December 5, 2012 City Council meeting Resolution No. 3944 was adopted approving the results of the November 6, 2012 Election. The Measure passed by 50.75% of voters favoring the Measure. Also at the December 5th Council meeting, Ordinance No. 976, imposing a permanent retail transactions and use tax to be administered by the State Board of Equalization was approved.

The State Board has provided the City with instructions for implementing the additional ¼ cent Transactions and Use Tax. These instructions include adopting a Resolution authorizing the City's official to execute the attached required agreements.

FISCAL IMPACT: The fiscal impact of the additional transaction action and use tax is anticipated to generate approximately \$1.1 million in annual revenues. The State's preparatory and administrative costs will be paid from these revenues. Currently, the State Board of Equalization is not able to provide an estimate of preparatory costs; however over the past three years the amounts have ranged from \$16,000 (Eureka) to \$137,000 (Los Angeles). These costs are based on the number of new sales tax jurisdictions and size of the geographical area. The preparatory cost associated with the City's 2004 ¼ Transactions and Use Tax Measure was \$7,000. The Fiscal Year 2012/2013 Budget will be amended as part of the Mid-Year Budget process to receive one-quarter of this amount, along with the related administrative costs.

ATTACHMENTS

1. Draft Resolution;
2. Agreement for Preparation to Administer and Operate the City's Transaction and Use Tax;
3. Agreement for State Administration of City Transactions and Use Tax;
4. Voter Pamphlet for Measure O – November 6, 2012 Election.

Report Prepared By: Tori Hannah, Finance Director

Reviewed and Forwarded
By City Manager: 

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS
WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION
OF A LOCAL TRANSACTIONS AND USE TAX**

WHEREAS, on December 5, 2012, the City Council approved Ordinance No. 976 amending the Capitola Municipal Code and providing for a local transactions and use tax; and

WHEREAS, the State Board of Equalization (Board) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Board will be responsible to administer and collect the transactions and use tax for the City; and

WHEREAS, the Board requires that the City enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes; and

WHEREAS, the Board requires that the City Council authorize the agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the "Preparatory Agreement" attached hereto as Exhibit A, and the "Administration Agreement" attached hereto as Exhibit B, are hereby approved and the City Manager is hereby authorized to execute each agreement on behalf of the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10th day of January, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Stephanie Harlan, Mayor

_____, CMC
Susan Sneddon, City Clerk

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**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Capitola, hereinafter called *City*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.
2. City agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.
3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.
4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.
5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.
6. The amount to be paid by City for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

Item #: 8.F. Attach 2.pdf

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

STATE BOARD OF EQUALIZATION
P. O. BOX 942879
SACRAMENTO, CALIFORNIA 94279-0073
ATTENTION: EXECUTIVE DIRECTOR

Communications and notices to be sent to City shall be addressed to:

City of Capitola
Tori Hannah, Finance Director
420 Capitola Ave.
Capitola, CA 95010

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Board has received all payments due from City under the terms of this agreement.

CITY OF CAPITOLA

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

Jamie Goldstein
(Typed Name)

City Manager
(Title)

(Rev. 11/02)

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Capitola has adopted, and the voters of the City of Capitola (hereafter called "City" or "District") have approved by the required majority vote, the City of Capitola Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 976, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Board and City agree that the Board shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Board.

G. Records of the Board.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the City to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Board's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

H. Annexation. City agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III

ALLOCATION OF TAX

A. Allocation. In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion

of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

ARTICLE IV COMPENSATION

The City agrees to pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the City.

ARTICLE V MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879
Sacramento, California 94279-0073
Attention: Executive Director

Communications and notices to be sent to the City shall be addressed to:

City of Capitola
Tori Hannah, Finance Director
420 Capitola Ave.
Capitola, CA 95010

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on _____. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Board written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by City to Board to prepare to administer the City Ordinance.

2. City will pay to Board and allow Board to retain Board's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and

developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Board shall bill City on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. City shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

CITY OF

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

Jamie Goldstein

(Typed Name)

City Manager

(Title)

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VOTER'S PAMPHLET

MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

CITY OF CAPITOLA

O

Shall a City of Capitola permanent sales tax increase of one quarter of one percent be adopted to pay for disaster recovery and to maintain general services including public safety and street improvements?

FULL TEXT OF BALLOT MEASURE O

AN ORDINANCE OF THE CITY OF CAPITOLA IMPOSING A PERMANENT RETAIL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE PEOPLE OF THE CITY OF CAPITOLA, CALIFORNIA, DO ORDAIN AS FOLLOWS:

Section 1. TITLE. This ordinance shall be known as the City of Capitola Permanent Retail Transaction and Use Tax Ordinance. The City of Capitola hereinafter shall be called "City". This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being set forth as below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a permanent retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of equalization in a manner that adapts itself fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transaction and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the City at the rate of one quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance. This tax is in addition to, and not in lieu of, the one quarter of one

percent (0.25%) temporary retail transactions and use tax imposed pursuant to Chapter 3.10 of the Capitola Municipal Code.

Section 6. PLACE OF SALE. For the purpose of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State of has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one quarter of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales and use tax regardless of the place to which delivery is made. This tax is in addition to, and not in lieu of, the one quarter of one percent (0.25%) temporary excise tax imposed pursuant to Chapter 3.10 of the Capitola Municipal Code.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provision of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made where:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or,

b. impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactors' permit shall not be required by this ordinance.

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempt from the consumption of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such an address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale price of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of like for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transaction tax under any state-administered transaction and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For purposes of subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which the party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through a representative, agent, canvasser, solicitor, subsidiary, or person the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following" vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 23 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected hereby.

Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 16. CODIFICATION. Upon adoption of this ordinance pursuant to the voter approval, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this ordinance in the Capitola Municipal Code.

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

ARGUMENT IN FAVOR OF MEASURE O

The 2011 March floods depleted the city's Emergency Reserves Fund to a dangerously low level. Although the floods were officially declared a disaster, due to state & federal fiscal difficulties, Capitola received NO emergency reimbursement for flood disaster expenses.

In addition, Capitola has been hard-hit by the prolonged economic downturn. This, combined with the floods, means that Capitola is facing unprecedented fiscal challenges. In response, over the last 5 years Capitola City staffing has been significantly reduced by eight full-time employees. During this period, maintenance to the City's streets, storm drains and other infrastructure has also had to be decreased. At least \$450,000 annually is needed to keep local streets in a stable condition. Yet only 1/3 of this has been available to spend annually on streets and infrastructure maintenance during the last three years.

Of even greater concern are delays in preventive pavement maintenance. If preventive maintenance is delayed, our roads will deteriorate to the point where repair costs will increase dramatically, by a factor of 50 times.

Added to all of this, elimination of the Redevelopment Agency has meant that funds to manage congestion along 41st Avenue are not available.

Help keep our town of Capitola intact. If this Measure passes, the City can;

- Improve local roads at the level necessary;
- Maintain City fiscal stability to provide essential services;
- Maintain police services;
- Restore emergency reserves;
- Assist in relocating Pacific Cove Mobilehome Park residents displaced by the flood.

This measure has broad community support because;

- Visitors and nonresidents will pay 83% of the tax;
- The impact is only 25 cents for every \$100 of taxable expenditures;
- Proceeds are reinvested in Capitola, and not sent to the State or Federal government.

Please vote YES on this measure. Let's keep Capitola the very best place to live!

s/ Michael Termini
Mayor, City of Capitola

s/ Stephanie Harlan
Vice Mayor, City of Capitola

s/ Dennis Norton
Council Member, City of Capitola

s/ Kirby Nicol
Council Member, City of Capitola

s/ Sam Storey
Council Member, City of Capitola

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

ARGUMENT AGAINST MEASURE O

Don't be fooled again! Capitola Council members want you to think someone else is going to pay 83% of the additional ¼% sales tax they want to add. You will pay 100% of the tax on every taxable item you buy in Capitola. The Council acts as if the last five years has not changed our financial reality. Everyone, especially those of us on fixed incomes will be affected by this unnecessary tax increase.

Sixty-five percent of the city budget is in salaries and benefits. These costs have risen 37% in the last 10 years and revenue is only up by 17%. Unless these costs are addressed, there will never be enough money for roads and infrastructure maintenance. To date, personnel cuts are made only through attrition and furloughs. The Council's current spending priorities are misguided. The cost of hiring consultants and lawyers last year was almost 4 times the funding for street maintenance.

This is the third time the Council has promised that a sales tax increase will fix the problem. The temporary ¼% sales tax enacted in 2004 was extended in 2008. The current proposal will double it to ½% for the next 5 years and make the temporary ¼% permanent. If Governor Brown's tax increase passes in November, you will pay nearly 10% extra for everything. The highest in the county! The Council lacks the courage to set priorities and make tough decisions. It's far easier for them to raise your taxes!

We know from their track record we will have nothing to show for giving the City more of our money. Give Target and 300 new jobs a chance to improve Capitola's economy.

Please Vote NO!

s/ Glenn Hanna
Former Capitola City Treasurer

s/ John Dufresne
Capitola Resident

s/ Willem Evers
Capitola Resident

s/ Lawrence Borger
Capitola Resident

s/ Sandra Erickson
Capitola Resident



CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: AUTHORIZATION TO RECRUIT FOR THE COMMUNITY DEVELOPMENT DIRECTOR POSITION

RECOMMENDED ACTION: Authorize the City Manager to recruit for the position of Community Development Director.

BACKGROUND: The City Council considered this item at its meeting on December 13, 2012. At that time Council Member Storey requested staff provide additional information regarding the position, including salary and benefits.

DISCUSSION: The Community Development Director (Director) is an executive level position responsible for the Community Development and Building Department. The Director supervises a staff of 3.67 full-time equivalent employees. In Fiscal Year 2010/2011 the Associate Planner was laid off, and in Fiscal Year 2011/2012 the Housing & Redevelopment Agency Project Manager position was not filled when it became vacant. The Director position has been vacant since October of 2011, and has been filled by a part time contract person. With the loss of one full-time planner and no full-time Director, the Department has not had an opportunity to do much more than maintain a basic service level.

In general, the Director implements policies established by the Council. The Director is responsible for development services including housing, current planning, zoning administration, advanced planning, implementation of CEQA, the City's General Plan and Local Coastal Plan. The Director staffs the Planning Commission, Architectural and Site Review Committee, and the Commission on the Environment.

In 2013, one of the new Directors assignments will be to complete the General Plan/Local Coastal Plan documents. Once the documents are completed, the new General Plan/Local Coastal Plan and new zoning regulations will need to go through an approval process with the City Council and the Coastal Commission. In addition, in the fall of 2013 the City will start preparing a new Housing Element.

The annual salary range for the Community Development Director is \$110,000 to \$132,000. The total cost including benefits for the top step is \$160,000. The timeline to recruit and hire a new Director would start mid-January with a start date mid-April. The total cost for Fiscal Year 2012/2013 would be \$34,000 for two-and-a-half months. There is funding in the Community Development Department Budget available in the Contract Services Budget from the Building Division in the amount of \$30,000 plus an additional \$10,000 from unexpended benefits budget due to the Director vacancy. The City has included in the projected Fiscal Year 2013/2014 Budget a full-time Director.

FISCAL IMPACT: Cost will be covered within the Fiscal Year 2012/2013 Community Development and Building Department budget.

Report Prepared By: Lisa Murphy, Administrative Services Director

**Reviewed and Forwarded
By City Manager:** 

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: CITY MANAGER'S DEPARTMENT
SUBJECT: COMMUNITY CHOICE AGGREGATION

RECOMMENDED ACTION: That the City Council:

1. Approve Capitola's participation in a regional feasibility study on a possible Community Choice Aggregation program in partnership with the City and County of Santa Cruz and other local governments at no cost to Capitola;
2. Direct staff to participate in a multi-jurisdictional technical advisory committee.

BACKGROUND: Enabled by California legislation (AB117), Community Choice Aggregation (CCA) allows local governments to purchase and generate power to sell to residential and business customers. Energy transmission, distribution, repair and customer service remain the responsibility of PG&E.

The County of Marin established Marin Clean Energy, the first CCA in the US, in 2008. Marin Clean Energy currently provides power to more than 80% of that County's residents at a similar cost to PG&E, but with 50% of the power coming from renewable sources. In 2010 PG&E's energy mix included 15.9% of its power from renewable sources.

DISCUSSION: There are numerous economic and environmental benefits to pursuing CCA in the Santa Cruz/Capitola region. The first step in researching a local CCA is to conduct an in-depth feasibility analysis. The study will articulate the essential information necessary to consider CCA for the region by researching:

- Procurement of electricity;
- Local supply/resource analysis for renewable generation;
- Rate/price modeling and PG&E rate parity analysis;
- Jobs and economic development projections;
- Greenhouse gas reduction projections;
- Start-up costs, short-term financing needs, estimated payback period.

FISCAL IMPACT: There will be no impact on Capitola's General Fund. It is anticipated that the funding to conduct a regional feasibility study will come from the private sector and the State.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager: 

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: CITY CLERK'S OFFICE

SUBJECT: CITY COUNCIL REPRESENTATION ON VARIOUS COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS, AND COMMITTEES; AND APPOINTMENTS/ REAPPOINTMENTS OF PUBLIC MEMBERS TO VARIOUS BOARDS, COMMITTEES AND COMMISSIONS; AND APPOINTMENT TO THE OVERSIGHT BOARD FOR THE CAPITOLA SUCCESSOR AGENCY

RECOMMENED ACTION: City Council to review the materials provided and take the appropriate actions.

BACKGROUND/DISCUSSION: Each year in December it is customary for the City Council to review its list of City Boards, Commissions and Committees (Advisory Bodies), as well as appointments to other County and Multi-County Boards, Commissions and Committees. This is particularly important following a Municipal Election when Council Members have changed. The newly elected Council Members, along with continuing Council Members, would need to fill vacancies created by outgoing Council Members. This is also the time when Council Members may step down from representing the City on certain Advisory Bodies and request appointment of another Council Member Representative.

At the December 13, 2012 City Council meeting appointments were made to various County/Multi-County Boards with the exception of appointments to the Advisory Council of the Area Agency on Aging, the Community Television of Santa Cruz County Board of Directors, and the Community Action Board of Santa Cruz County. Attached is the "Draft 2013 County/Multi-County Boards Capitola Representatives List"; see the highlighted area that require appointments [Attachment 1]. In addition, internal City appointments were made to the City's Planning Commission and the Wharf Working Group at the December 13, 2012 City Council meeting.

Attached is the "Draft 2013 Capitola Board, Commission & Committee Appointment List" [Attachment 2]. These documents contain information regarding membership, meeting schedules/locations, staff representatives, etc. Also attached are the current rosters for each Commission/Committee, in addition to applications received [Attachment 3]. It is important to note that individual Council member appointments can be made without having received an application from the person they wish to appoint.

Since it has been several years since the City Council has conducted a comprehensive review of the City's internal advisory bodies, the Council may choose to discuss these committees.

CITY BOARDS, COMMISSIONS AND COMMITTEES REQUIRING ACTION

There are several terms expiring on the City's Advisory Bodies, which require either reappointment, if the current member desires to continue to serve, or appointment of a new member by the City Council. The Mayor and the City Council will consider and determine the Representative(s) on the following:

ARCHITECTURAL & SITE REVIEW COMMITTEE

The Architectural and Site Review Committee is established in the City's Zoning Regulations the Committee and consist of an architect, landscape architect, building official, community development director, public works director, and historian [Capitola Municipal Code 17.63.010 — Attachment 4]. This committee will be revised as part of the City adopting a new zoning ordinance. The Committee's duties are outlined in section 17.63.030 which include the review of various development projects and making a recommendation to the Planning Commission. All incumbents have requested to re-apply. No new applications were received.

ART & CULTURAL COMMISSION

The Art & Cultural Commission is composed of nine members. The purpose of the commission is to advise the City Council on how to allocate funds for the support and encouragement of existing programs such as the Twilight Concerts, Art at the Beach, Children's Art Projects at local events, and art displays in public facilities. In addition, the Commission initiates public art projects utilizing the Public Art Fund [Capitola Municipal Code 2.56 — Attachment 5]. Currently, the Commission meets the 2nd and 4th Wednesday of each month. The Art & Cultural Commission considered the following incumbents' requests for reappointment at its meeting of November 13, 2012, and took action to unanimously recommend reappointment:

- Joyce Murphy (At Large Member)
- Jenny Shelton (At Large Member)
- Linda Smith (Planning Commission Representative)*

No new applications were received.

*Note that Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve.

COMMISSION ON THE ENVIRONMENT

The Commission on the Environment (COE) was established by the City in 2005 [Resolution 3424 — Attachment 6]. The purpose of the COE is to provide advice and recommendations to the City Council on policy matters relating to the sustenance and benefit of the City of Capitola environmental assets, but limited to topics that are not under the jurisdictions of existing committees or commissions. The Commission will also, from time to time, consider any such matters referred to it by the City Council or the City Manager. Most recently the COE put on a workshop regarding Climate Action Planning and developed a best management practices handout for construction sites. Currently, the COE meets a minimum for four times per year as needed. Only two new applications were received to fill the three vacancies [Attachment 3].

FINANCE ADVISORY COMMITTEE

The Finance Advisory Committee (FAC) was established by the City in 2000 [Resolution No. 3770 — Attachment 7]. The purpose of the FAC is to provide financial and budget alternatives to the City Council; financial and budget advice to the City Manager; to conduct financial studies on the request of the City Council or City Manager; and to review the budget and financial reports of Capitola. The FAC works closely with the Finance Director to develop recommendations on projects or policies identified by the City Council and/or the City Manager. The overall fiscal well being of the City is the guiding principle of the Advisory Committee. Correspondence was received from the Capitola/Soquel Chamber of Commerce recommending that Christine McBroom is re-appointed as the FAC Business Representative. Currently, the FAC meets the third Tuesday of every other month. Three new applications were received [Attachment 3].

HISTORICAL MUSEUM BOARD – No action is needed at this time.

LIBRARY AD HOC COMMITTEE

The City's Library Ad-Hoc Committee was formed in 2010, to help select a site and design for a Capitola Branch Library. Since the dissolution of the Redevelopment Agency (RDA), the Library Project has been put on hold and the Library Ad-Hoc Committee has not met. The project may be re-initiated in the next year, as funding from the (former) RDA becomes available. No new applications were received.

TRAFFIC & PARKING COMMISSION

The Traffic and Parking Commission was formed in 2009 [Resolution No. 3740 — Attachment 8]. The purpose of the Traffic and Parking Commission is to develop short, medium, and long-term plans for City Council consideration that address traffic and parking demands in the Village by considering citywide traffic and parking improvements developed in various studies and reports provided to the City Council. The commission shall act as an advisor to the City Council on implementation of the plans and other duties requested by the Council. Currently, the Commission meets the second Wednesday of every other month. One new application was received [Attachment 3].

COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES REQUIRING ACTION

ADVISORY COUNCIL OF THE AREA AGENCY ON AGING (SENIORS COUNCIL OF SANTA CRUZ & SAN BENITO COUNTIES)

The Area Agency on Aging provides planning and advocacy for seniors and contracts with other local non-profit organizations to provide a variety of services under the guidelines of the Older Americans Act and Older Californians Act.

COMMUNITY TELEVISION OF SANTA CRUZ COUNTY

This Committee is responsible for review of the Charter Communications cable system performance and quality of service in order to make recommendations to the Council.

COMMUNITY ACTION BOARD OF SANTA CRUZ COUNTY

The mission of the Community Action Board is to advocate for, coordinate, and administer community programs to combat poverty and the causes of poverty in Santa Cruz County.

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

An appointment was made at the December 13, 2012 Council meeting to the Santa Cruz Metropolitan Transit District Board, however the City's Representative Ron Graves term does not expired until December 31, 2014. Staff recommends rescinding the appointment of Council Member Bottorff to the Board.

OVERSIGHT BOARD OF THE SUCCESSOR AGENCY

The Oversight Board was formed in 2012. The purpose of the Board is to supervise the activities of the City's Successor Agency. The Board has a fiduciary responsibility to holders of the Responsible Obligations and the taxing entities that benefit from distributions of property tax and other revenue. The Oversight Board consists of the following 7 members pursuant to ABx1 26 – 34179. Two of the following members are to be appointed by the Mayor: (1) One member appointed by the mayor for the city that formed the redevelopment agency; (2) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

The Mayor of Capitola has the authority to serve herself or appoint a representative. The Mayor also appoints one member representing the employees of the former redevelopment agency; this member is often referred to as the "union" appointment because the employee appointed is to come from the largest recognized employee organization. In Capitola, Ryan Bane is a member of a recognized employee group and fills the requirements and was appointed to serve this position in 2012. Mr. Bane is available to continue serving as the "union" representative.

ATTACHMENTS:

1. Draft 2013 County/Multi-County Boards Capitola Representatives List;
2. Draft 2013 Capitola Board, Commission & Committee Appointment List;
3. Rosters and Applications;
4. Architectural & site review committee— Municipal Code 17.63;
5. Art & Cultural Commission — Municipal Code 2.56;
6. Commission on the Environment — Resolution No. 3424;
7. Finance Advisory Committee — Resolution No. 3770;
8. Traffic & Parking Commission — Resolution No. 3740.

Report Prepared By: Susan Sneddon, CMC
City Clerk

**Reviewed and Forwarded
By City Manager:** 

**DRAFT 2013 COUNTY/MULTI-COUNTY BOARDS
CAPITOLA REPRESENTATIVES LIST**

Name of Board – Meeting Information	Capitola Representative(s)
<p>Advisory Council of the Area Agency on Aging - Seniors Council of Santa Cruz & San Benito Counties <i>(Meets: 2nd Wednesday of each month except for August and December, from 10:00 a.m. to 12:00 Noon at 234 Santa Cruz Avenue, Aptos)</i></p>	<ul style="list-style-type: none"> • _____ (Rep) • Stephanie Harlan (Alternate)
<p>Association of Monterey Bay Area Governments (AMBAG) ▲ <i>(Meets: 2nd Wednesday of each month at 7:00 p.m. at various locations)</i></p>	<ul style="list-style-type: none"> • Ed Bottorff • Dennis Norton (Alternate)
<p>Community Television of Santa Cruz County Board of Directors <i>(Meets: 4th Thursday of the month, 6 times per year, at 6 or 6:30 p.m. at Community Television Offices, 816 Pacific Avenue, Santa Cruz)</i></p>	<ul style="list-style-type: none"> • _____ (Rep) <i>(Term expires 11/2016)</i>
<p>Community Action Board of Santa Cruz County <i>(Meets: 3rd Wednesday of each month at 6:15 p.m.)</i></p>	<ul style="list-style-type: none"> • _____ (Rep) • _____ <i>(Alternate)</i>
<p>Criminal Justice Council of Santa Cruz County <i>(Meets: Quarterly, starting February 7, 2013 at 3:00 p.m. at 2701 Cabrillo College Drive, Aptos)</i></p>	<ul style="list-style-type: none"> • Jamie Goldstein • Michael Termini
<p>Cultural Council of Santa Cruz County <i>(Meets: 3rd Thursday of every other month from 3:30 to 5:00 p.m. at various locations)</i></p>	<ul style="list-style-type: none"> • Dennis Norton
<p>Hazardous Materials Advisory Commission <i>(Meets: 3rd Thursday of odd months at 7 p.m. at various locations)</i></p>	<ul style="list-style-type: none"> • Gene Benson <i>(Term expires 4/1/2015)</i>
<p>LAFCO (Local Agency Formation Commission) ▲ <i>(Meets: 1st Wednesday of each month except for July, at 9:30 a.m. in the County Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz)</i></p>	<ul style="list-style-type: none"> • Dennis Norton ♦ Ed Bottorff <i>(Appointed Alternate by the City Selection Committee on 1/31/11, effective 5/2/2011. Term expires 5/31/2014)</i>
<p>League of California Cities <i>(Meets: Monterey Bay Division meets on the 1st Monday of every other month at 7 p.m. at various locations. Dinner meetings)</i></p>	<p>Open to All Council Members</p>
<p>Library Financing Authority <i>(Meets twice yearly in January and June Main Library)</i></p>	<ul style="list-style-type: none"> • Michael Termini ♦ • Sam Storey (Alternate)
<p>Library Joint Powers Board ▲ <i>(Meets: 1st Monday of each month at 7:30 p.m. at the Main Library Community Room)</i></p>	<ul style="list-style-type: none"> • Michael Termini ♦
<p>Monterey Bay Unified Air Pollution Control District ▲ <i>(Meets: 3rd Wednesday of each month at 1:30 p.m. at the District Office: 24580 Silver Cloud Ct., Monterey)</i></p>	<ul style="list-style-type: none"> • Sam Storey ♦ <i>(Appointed by City Selection Committee on / / Term expires / /)</i>

Name of Board/Commission/Committee	Capitola Representative(s)
Santa Cruz County Children's Network <i>(Meets: Quarterly on the 1st Wednesday at Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz)</i>	<ul style="list-style-type: none"> • Sam Storey
Santa Cruz County Conference & Visitors Council <i>(Meets: Last Wednesday at 3:00 p.m. every other month except for November when meeting is TBD, at Goodwill Industries, 350 Encinal Street, Santa Cruz)</i>	<ul style="list-style-type: none"> • Sam Storey <i>(Appointed / / by City Selection Committee. Generally a 2-year term.)</i>
Santa Cruz County Flood Control & Water Conservation District, Zone 5 <i>(Meets: Quarterly on the 4th Tuesday at 10 a.m. in the County Board of Supervisors Chambers, 701 Ocean Street)</i>	<ul style="list-style-type: none"> • Dennis Norton ♦ • Ed Bottorff <i>(Alternate)</i>
Santa Cruz County Integrated Waste Management Local Task Force <i>(Meets: 1st Thursday at 3:00 p.m. every other month at various locations or 701 Ocean Street)</i>	<ul style="list-style-type: none"> • Lisa Murphy • Stephanie Harlan <i>(Alternate)</i>
Santa Cruz County Regional Transportation Commission (SCRTC) ▲ ■ <i>(Meets: 1st Thursday of each month except for July, at 9 a.m. at various locations)</i>	<ul style="list-style-type: none"> • Dennis Norton ♦ • Michael Termini <i>(Alternate)</i>
Santa Cruz County Sanctuary Inter-Agency Task Force <i>(Meets: As needed)</i>	<ul style="list-style-type: none"> • Stephanie Harlan
Santa Cruz County Sanitation District ▲ <i>(Meets: 1st & 3rd Thursday of each month at 4:45 p.m. at the East Cliff Pumping Station on Lode St., Santa Cruz)</i>	<ul style="list-style-type: none"> • Stephanie Harlan ♦ • Sam Storey <i>(Alternate)</i>
Santa Cruz County Workforce Investment Board	<i>(The City Manager generally serves on this Board.)</i>
Santa Cruz Metropolitan Transit District Board ▲ ■ <i>(Meets: 3rd Friday of each month at 8:15 a.m. at Santa Cruz City Hall Council Chambers, 809 Center Street and other locations)</i>	<ul style="list-style-type: none"> • Ron Graves <i>(Rep)</i> <i>(Term expires 12/31/2014)</i>
Santa Cruz Regional 911 Board ▲	<ul style="list-style-type: none"> • Jamie Goldstein
The Capitola Public Safety & Community Service Foundation <i>(Meets: each month)</i>	<ul style="list-style-type: none"> • Mike Termini <i>(Appointed at the 12/13/12 City Council meeting.)</i>

▲ = Members are required to File Statements of Economic Interest, Form 700

■ = Members are required to complete AB 1234 Ethics Training

♦ = Council Member appointment required

**DRAFT 2013 CAPITOLA BOARD, COMMISSION & COMMITTEE
APPOINTMENT LIST**

NAME OF BOARD/COMMISSION/ COMMITTEE – MEETING INFORMATION	INCUMBENTS/NEW APPLICANTS	APPOINTEE
<p>Architectural and Site Review Committee ▲ ■</p> <p><u>Staff:</u> Ryan Bane, Senior Planner Steve Jesberg, Public Works Director Mark Wheeler, Building Official</p> <p><i>Meets: 2nd & 4th Wednesday of each month at 3:30 p.m. in the City Hall Council Chambers</i></p> <p>Mayoral Appointment</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Derek Van Alstine (Architect) Frank Phanton (Architect - Alternate) Susan Suddjian (Landscape Architect) Carolyn Swift (Historian)</p>	<p>_____ (Architect) _____ (Architect - Alternate) _____ (Landscape Architect) _____ (Historian)</p>
<p>Art & Cultural Commission ▲</p> <p><u>Staff:</u> Kelly Barreto, Admin Assistant Lisa Murphy, Admin Svcs Director</p> <p><i>Meets: 2nd Tuesday of each month at 6:30 p.m. in the City Hall Council Chambers</i></p> <p>Council Appointment</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Joyce Murphy (At Large Member) Jenny Shelton (At Large Member) Michael Termini (Council Rep) Linda Smith (Planning Commission Rep)</p>	<p>_____ (At Large Member) _____ (At Large Member) _____ (Council Rep) _____ (Planning Comm Rep)*</p> <p><i>*(The Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve.)</i></p>

NAME OF BOARD/COMMISSION/ COMMITTEE – MEETING INFORMATION	INCUMBENTS/NEW APPLICANTS	APPOINTEE
<p>Commission on the Environment. <u>Staff:</u> Susan Westman, General Plan Coord</p> <p><u>Meets:</u> A minimum of 4 times a year as needed on the 4th Tuesday of a month at 6:00 p.m. in the City Hall Council Chambers</p> <p>Council Appointment</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Elisabeth Russell (At Large Member) Tiffany West-Wise (At Large Member)** Vacant (Youth Member) Kristin Sullivan (Harlan Appt) Vacant (Termini Appt) Vacant (Storey Appt) Vacant (Bottorff Appt)</p> <p><i>** (Tiffany West-Wise would like to continue to serve, but will be in Hawaii from February-June 2013 and would need to attend the meetings through Skype until her return.)</i></p> <p>Ron Graves (Planning Comm Rep)</p> <p>New applications received:</p> <p>Madeline Marlatt (Youth Member) Elizabeth Lin (Youth Member)</p>	<p>_____ (At Large Member) _____ (At Large Member) _____ (Youth Member) _____ (Harlan Appt) _____ (Termini Appt) _____ (Storey Appt) _____ (Bottorff Appt) _____ (Council Member)</p> <p>_____ (Planning Comm Rep)*</p> <p><i>*(The Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve.)</i></p>
<p>Finance Advisory Committee <u>Staff:</u> Tori Hannah, Finance Director</p> <p><u>Meets:</u> 3rd Tuesday of every other month at 6:30 p.m. in the City Hall Council Chambers</p> <p>(1) Mayor or Vice Mayor will serve and (1) Council Appointment.</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Nathan Cross (Norton Appt) Will O'Sullivan (Harlan Appt) Vacant (Storey Appt) Christine McBroom (Business Rep.)</p> <p>New applications received:</p> <p>Jacques Bertrand Gary Snelson Sandy Erickson</p>	<p>_____ (Council Member) _____ (Council Member) _____ (Council Member) _____ (Business Rep.) _____ (Vice Mayor or Council Member) <u>S. Harlan</u> (Mayor)</p>

NAME OF BOARD/COMMISSION/ COMMITTEE – MEETING INFORMATION	INCUMBENTS/NEW APPLICANTS	APPOINTEE
<p>Traffic & Parking Commission</p> <p><u>Staff:</u> Steve Jesberg, Public Works Director</p> <p><u>Meets:</u> 2nd Wednesday of every other month at 6:30 p.m. in the City Hall Council Chambers</p> <p>Council Appointment</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Margaret Kinstler Carin Hanna Gary Wetsel Linda Hanson Vicki Muse Molly Ording Nels Westman Vacant Vacant</p> <p>Mick Routh (Planning Commission Rep)</p> <p>New application received: John Martorella (Village Resident)</p>	<p>_____ (Village Resident) _____ (Village Business Owner) _____ (Village Business Owner) _____ (Norton Appt) _____ (Harlan Appt) _____ (Storey Appt) _____ (Termini Appt) _____ (Village Resident) _____ (Bottorff Appt)</p> <p>_____ (Planning Comm Rep)*</p> <p><i>*(The Planning Commission will select its representative at its next regular meeting to be held January 17, 2013. Until that time, the incumbent will continue to serve.)</i></p>

COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS, AND COMMITTEES

NAME OF BOARD/COMMISSION/ COMMITTEE – MEETING INFORMATION	INCUMBENTS/NEW APPLICANTS	APPOINTEE
<p>Advisory Council of the Area on Aging</p> <p><i>Meets: 2nd Wednesday of each month from 10:00 a.m. to 12:00 Noon. Meetings are held at 234 Santa Cruz Avenue, Aptos.</i></p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Sandra Williams (Representative) Council Member Harlan (Alternate)</p> <p>New applications received:</p> <p>Philip Pabich Melody Newcombe</p>	<p>_____ Sandra Williams (Rep) _____ Council Member (Alternate)</p>
<p>Community Television of Santa Cruz County</p> <p><i>Meets: 4th Thursday of the month, 6 times per year, at 6 or 6:30 p.m. at Community Television Offices, 816 Pacific Avenue, Santa Cruz.</i></p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Doree Steinmann (Representative)</p>	<p>_____ (Representative)</p>
<p>Community Action Board of Santa Cruz County</p> <p><i>Meets: 3rd Wednesday of each month at 6:00 p.m. Meetings are held at 501 Soquel Avenue, Suite E, Santa Cruz.</i></p>	<p>The following incumbents with terms expiring re-applied:</p> <p>George Winslow (Representative) Vacant (Alternate)</p> <p>New applications received:</p> <p>Cynthia Finley George Winslow (Alternate)</p>	<p>_____ (Alternate) _____ (Council Member or appoint)</p>

NAME OF BOARD/COMMISSION/ COMMITTEE – MEETING INFORMATION	APPOINTMENTS MADE AT THE DECEMBER 13, 2-12 CITY COUNCIL MEETING <u>NO ACTION NEEDED</u>	
<p>Planning Commission ▲ ■ <u>Staff:</u> Susan Westman, General Plan Coord</p> <p><i>Meets: 1st Thursday of each month at 7:00 p.m. in the City Hall Council Chambers</i></p> <p>Council Appointment</p>	<p>The following incumbents with terms expiring re-applied:</p> <p>Ron Graves (Harlan Appt) Mick Routh (Storey Appt) Linda Smith (Termini Appt) Gayle Ortiz</p> <p>New applications received: TJ Welch (Bottorff Appt)</p>	<p>Ron Graves (Harlan Appt) Mick Routh (Storey Appt) Linda Smith (Termini Appt) Gayle Ortiz (Norton Appt)</p> <p>TJ Welch (Bottorff Appt)</p>
<p>Wharf Working Group <u>Staff:</u> Steve Jesberg, Public Works Director</p> <p><i>Meets: As needed on the 4th Tuesday of a month at 12 p.m. in the Wharf House Restaurant</i></p>	<p>Dennis Norton (Council Rep) Michael Termini (Council Rep) Jamie Goldstein (City Manager) John and Sally Ealy (Capitola Boat & Bait) Willie Case (Wharf House Restaurant)</p>	<p>Dennis Norton (Council Rep) Michael Termini (Council Rep) Jamie Goldstein (City Manager) John and Sally Ealy (Capitola Boat & Bait) Willie Case (Wharf House Restaurant)</p>

▲ = Members are required to File Statements of Economic Interest, Form 700

■ = Members are required to complete AB 1234 Ethics Training

UPDATED: 12/21 ss

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CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

CAPITOLA ARCHITECTURAL & SITE REVIEW COMMITTEE CURRENT MEMBERS

<u>PROFESSIONAL MEMBERS</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Van Alstine, Derek [Architect]	(W) 716 Soquel Avenue, Ste A (W) Santa Cruz, CA 95062 (W) 426-8400 (Cell) 818-0740 Email: derek@vanalstine.com	2/23/12	12/12*
Phanton, Frank [Alternate Architect]	150 Felker Street, Suite G Santa Cruz, CA 95060 (W) 475-5841 Email: frank@envirotects.com	6/14/12	12/12*
Suddjian, Susan M. [Landscape Architect]	801 Monterey Avenue Capitola, CA 95010 (W) 479-9603 (C) 713-8647 Email: caeli@att.net	12/11/08 12/09/10	12/12*
Swift, Carolyn [Historian]	208 Halton Lane Watsonville, CA 95076 (H) 662-8106 Email: cswift@ci.capitola.ca.us	12/11/08 12/09/10	12/12*

STAFF MEMBERS:

Mark Wheeler, Building Official mwheeler@ci.capitola.ca.us

Steve Jesberg, Public Works Director sjesberg@ci.capitola.ca.us

Ryan Bane, Senior Planner rbane@ci.capitola.ca.us

* NOTE: Pursuant to Ordinance No. 767 (Municipal Code Section 17.63.020 B), terms expire one month after the certification of any regular election of council members.

[Revised: 11/12 md]



CITY OF CAPITOLA
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300
 FAX (831) 479-8879

CAPITOLA ART & CULTURAL COMMISSION CURRENT MEMBERS

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Termini, Michael [City Council Representative]	503 Oak Drive Capitola, CA 95010 (W) 476-6206 Email: michael@triadelectric.com	7/27/03	
		12/09/04	
		1/18/07	
		12/11/08 (Plan Com Rep)	
		12/09/10	12/12
Smith, Linda [Planning Com Representative]	1587 Prospect Avenue Capitola, CA 95010 (H) 475-6494 (C) 818-3049 Email: capitolalinda2@gmail.com	1/20/11	12/12
Nevis, Karen [Artist]	4320 Clares Street, #G Capitola, CA 95010 (H) 479-0787 Email: karen@karennevis.com	7/24/03	
		1/12/06	
		12/13/07	
		12/10/09	
		12/08/11	12/13
Johnson, Roy [Arts Professional]	3600 Capitola Rd. Santa Cruz, CA 95062 (H) 588-6619 (W) 464-0567 Email: roy@johnsonartstudio.com	3/10/05	
		1/12/06	
		12/13/07	
		12/10/09	
		12/08/11	12/13
Cross, Nathan [At Large Member]	620 Gilroy Drive Capitola, CA 95010 (H) 462-4137 (C) 212-9388 Email: 4xcross@gmail.com	6/23/11	
		12/08/11	12/13
Hogan, Kim [At Large Member]	4160 Jade Street Space 103 Capitola, CA 95010 (C) 566-3655 (W) 831-476-4407 Email: kim@scbuild.com	12/08/11	12/13
Murphy, Joyce [At Large Member]	540 Riverview Drive Capitola, CA 95010 (H) 475-2950 (W) 476-3855 Email: pacificgallery@sbcglobal.net	1/18/07	
		12/11/08	
		12/09/10	12/12

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Shelton, Jenny [At Large Member]	725 Capitola Avenue #F Soquel, CA 95073 (C) 247-9489 Email: jenny@sheltondesign.com	4/22/10 12/09/10	12/12
Wallace, James [At Large Member]	608 Gilroy Drive Capitola, CA 95010 (H) 476-1396 (W) 419-3507 Email: jocamo49@yahoo.com	12/13/07 12/10/09 12/08/11	12/13

STAFF REPRESENTATIVE:

Kelly Barreto (831) 475-7300, Ext. 297
Email: kbarreto@ci.capitola.ca.us

Lisa Murphy, Administrative Services Director
(831) 475-7300, Ext. 236
Email: lmurphy@ci.capitola.ca.us

[Revised: 11/12 md]



City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Phone (831) 475-7300
 FAX (831) 479-8879

**CAPITOLA
 COMMISSION ON THE ENVIRONMENT
 CURRENT MEMBERS**

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Norton, Dennis [City Council Representative]	712 Capitola Avenue #C Capitola, CA 95010 (H) 476-2616 Email: Dnortondesigns@msn.com	12/08/05 <i>(Vice Chair 2006)</i> 12/11/08 12/09/10	12/12
Graves, Ron [Planning Com Representative]	420 Riverview Avenue Capitola, CA 95010 (H) 475-3567 Email: fishsweetheart@netzero.com	1/20/11	12/12
Forest, Karl [Storey's Appointee]	516 Oak Drive Capitola, CA 95010 (H) 462-3549 (W) 331-3219 Email: karlforest1@gmail.com	8/13/09 12/09/10	12/12
Sullivan, Kristin [Harlan's Appointee]	508 Oak Drive Capitola, CA 95010 (H) 477-0571 (W) 408-864-8625 Email: sully@cruzio.com	2/10/05 <i>(At Large)</i> 1/18/07 <i>(Chair 2006)</i> 12/11/08 <i>(Graves Appt)</i> 12/09/10	12/12
Tedesco, Greg [Nicol's Appointee]	212 Magellan Street Capitola, CA 95010 (H) 476-2974 Email: glted@sbcglobal.net	9/10/09 12/09/10	12/12
VACANT [Termini's Appointee]	Capitola, CA 95010 (C) Email:		12/12
Russell, Elisabeth [At Large Member]	601 Monterey Ave Capitola, CA 95010 (H) 476-5160 (C) 588-1694 Email: ebertrandrussell@hotmail.com	3/12/09 12/09/10	12/12

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Wise-West, Tiffany [At-Large Member]	4795 Opal Street Capitola, CA 95010 (C) 345-1328 Email: twise99@yahoo.com	12/09/10	12/12
VACANT [Youth Member]	Capitola, CA 95010 (H) (C) Email:		12/12
Peters, Steven [Ex-Officio Member]	County of Santa Cruz Environmental Health Service 701 Ocean Street, Room 312 Santa Cruz, CA 95060 (W) 454-5010 (FAX) 454-3128 Email: env032@co.santa-cruz.ca.us	4/5/05 1/18/07 12/11/08 12/09/10	12/12
Ricker, John [Ex-Officio Member]	County of Santa Cruz Environmental Health Service 701 Ocean Street, Room 312 Santa Cruz, CA 95060 (W) 454-2750 (FAX) 454-3128 Email: John.Ricker@co.santa-cruz.ca.us	4/5/05 1/18/07 12/11/08 12/09/10	12/12

STAFF REPRESENTATIVE:

Susan Westman, General Plan Coordinator
(831) 475-7300, Ext. 216
Email: djohnson@ci.capitola.ca.us

HISTORY OF THE COMMISSION ON THE ENVIRONMENT:

January 13, 2005 *The Capitola Commission on the Environment was established by Resolution No. 3424*

February 8, 2007 *Resolution No. 3610 Amended Section 3 of Resolution No. 3424 regarding Membership on the Commission.(to allow another Council Member to serve on behalf of the Mayor; add a Youth Member; add Ex-Officio Members)*

April 24, 2008 *Resolution No. 3696 Amended Section 3 of Resolution No. 3610 regarding Membership on the Commission.(removed "Appointee of the Mayor" and added two (2) At Large Members)*

October 8, 2009 *Resolution No. 3779 Amended Section 3 of Resolution No. 3696 regarding Youth Member on the Commission (does not require Capitola residence)*

The Mayor's seat is up each time the mayor changes. Terms for other council appointments are for 2 years and expire following a general municipal election of council members.

[Revised: 11/12 md]



RECEIVED

NOV 19 2012

CITY OF CAPITOLA

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
**Capitola Commission on the Environment
Youth Member**

PLEASE TYPE OR PRINT

NAME OF APPLICANT: Madeline Marlatt

RESIDENCE ADDRESS: 2150 Franceseo Cir. Capitola, CA, 95010

MAILING ADDRESS: N/A
(If Different)

EMAIL ADDRESS: maddiemarlatt@rocketmail.com

TELEPHONE NO.: (HOME) (831) 476-3208 (CELL) (831) 247-8237

SCHOOL: Soquel High School

EMPLOYMENT: N/A

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

See additional page.

DATE: Nov. 16, 2012

Madeline Marlatt
(Signature of Applicant)

Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

I have lived and grown up in the City of Capitola for fifteen years. I appreciate the clean ocean water while I am swimming and surfing. Trash on the beach and graffitied walls do not appeal to me, or other citizens living in Capitola.

My experience as a short term intern with the Soquel Creek water district in 2011, helped me become more aware of environmental issues. I am eager to help the city maintain it's beauty. I am happy to volunteer as a youth member for the Commission on the Environment.



November 19, 2012

City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Subject: Reference Letter for Maddie Marlatt

To Whom it May Concern,

I am writing a letter of recommendation for Maddie Marlatt who is interested in becoming a representative on Capitola's Commission on the Environment. I've known Ms. Marlatt for over 3 years and I feel she would be an ideal candidate as the Youth Member. Qualities that support Ms. Marlatt's capabilities include:

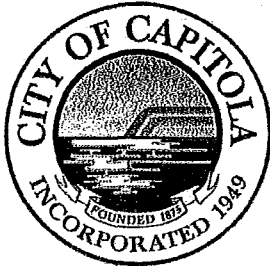
- She is exceptionally bright, smart, and driven. As a sophomore at Soquel High School, she is part of the Humanities academy and balances school, sports, and other extracurricular activities.
- She is truly a "local girl". As a student of the local public schools (Main Street, New Brighton, and Soquel High School) and a lifelong resident of Capitola, she knows her community and what is important to her peers and the younger generation.
- She has demonstrated her interest in the environment and volunteering. As an eighth grader, she volunteered at Soquel Creek Water District to help make a video on the environmental issues related to the proposed scwd² desalination project. Ms. Marlatt was very technically knowledgeable with the video editing program and spent time to learn and understand the material she was covering.

I believe that Maddie Marlatt would be a great asset to Capitola's Commission on the Environment and would be apt to representing the younger generation's viewpoints and perspectives. If you have any questions, please don't hesitate to contact me at 475-8501x153.

Sincerely,

Melanie Mow Schumacher, PE
scwd² Public Outreach Coordinator

scwd² Desalination Program • City of Santa Cruz and Soquel Creek Water District
5180 Soquel Drive, Soquel, CA 95073 • Tel: (831) 475-8500 • website:www.scwd2desal.org



CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
**Capitola Commission on the Environment
Youth Member**

PLEASE TYPE OR PRINT

NAME OF APPLICANT: Elizabeth Lin

RESIDENCE ADDRESS: 425 Washington St. Apt #8 Santa Cruz, CA 95060

MAILING ADDRESS:
(If Different)

EMAIL ADDRESS: elin6@ucsc.edu

TELEPHONE NO.: (HOME) _____ (CELL) 909-348-3238

SCHOOL: University of California Santa Cruz

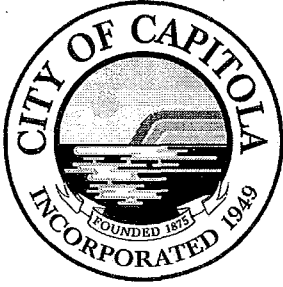
EMPLOYMENT: Sustainability Office: Zero Waste Team Assosicate

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE *(Use additional page if necessary)*

My interest in serving on the Capitola Commission on the Environment stems from my lifelong curiosity about electricity, power generation, waste reduction, and all other aspects involving sustainability. I possess a skill set that makes me versatile, and will enable me to make significant contributions. Also, I believe my passion, self-starter attitude and superiorly motivated personality will allow me thrive in any given working dynamics. I believe I will be a wonderful asset to the Commission, if given the opportunity to apply my skills and to demonstrate my abilities.

DATE: 12/12/12 Elizabeth Lin
(Signature of Applicant)

**Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010**



City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Phone (831) 475-7300
 FAX (831) 479-8879

CAPITOLA FINANCE ADVISORY COMMITTEE CURRENT MEMBERS

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Termini, Michael [Mayor]	503 Oak Drive Capitola, CA 95010 (C) 476-6206 Email: michael@triadelectric.com	12/09/04 (Mayor) 1/18/07 12/09/10 12/08/11	12/12
Nicol, Kirby [Council Member Representative]	(W) 476-2100 Email: Kirby@wharftowharf.com	12/09/04 (Mayor) 1/18/07 12/11/08 12/10/09 12/09/10 12/08/11	12/12
DeWitt, Kym [City Treasurer]	126 Cabrillo Street Capitola, CA 95010 (C) 419-5712 Email: treasurer@kymdewitt.com	(Elected) 12/05/12	12/16
Cross, Nathan [Norton's Appointee]	620 Gilroy Drive Capitola, CA 95010 (H) 462-4137 (C) 212-9388 Email: 4xross@gmail.com	12/08/11	12/12
Will O'Sullivan [Harlan's Appointee]	201 Cortez Street Capitola, CA 95010 (H) 476-3231 (W) 423-2003x105 Email: will.osullivan@scccc.org	11/22/11	12/12
VACANT [Storey's Appointee]	Capitola, CA 95010 (H) (C) Email:		12/12
McBroom, Christine [Business Representative]	618 Oak Drive Capitola, CA 95010 (W) 476-1606 (C) 247-7285 Email: christine.mcbroom@edwardjones.com	7/23/09 12/09/10	12/12

Staff: Tori Hannah, Finance Director
 (831) 475-7300, Ext. 224

Revised 12/12 md



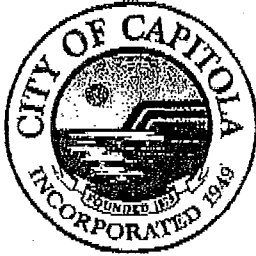
CAPITOLA
FINANCE ADVISORY COMMITTEE
PROPOSED 2013 CALENDAR

January 15 th , 2013- 6pm	March 19 th , 2013- 6pm	May 21 st , 2013- 6pm
Agenda: Review of Budget Principals - Provide a Summary of Recommendations to the City Council	Agenda: Mid Year Report - Beginning Budget Discussions	Agenda: Discuss Proposed Budget and Draft Presentation with recommendations to City Council
Present to City Council on January 24th	No presentation to City Council	Present to City Council on May 23rd

July 16 th , 2013- 6pm	September 17 th , 2013- 6pm	November 19 th , 2013- 6pm
Agenda: TBD	Agenda: Discuss and Review Quarterly Report	Agenda: TBD
Present to City Council on July 25th	No Presentation or Presentation Topic to TBD	Present to City Council on December 12th

DRAFT

Item #: 9.B. Attach 3.pdf



NOV 2 2012
CITY OF CAPITOLA
CITY CLERK

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
Capitola Finance Advisory Committee

Category: Business Representative Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT: Christine McBroom

RESIDENCE ADDRESS: 627 Gilroy Dr
Capitola, Ca 95010

MAILING ADDRESS: _____
(If Different)

EMAIL ADDRESS: Christine.McBroom@edwardjones.com

TELEPHONE NO.: (H) 831-247 7285 (C) _____ (M) 831-476-1604

EMPLOYMENT: Financial Advisor @ Edward Jones

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

Been on FAC for 2 yrs currently the Chairperson of the committee

DATE: 11/2/12

Christine McBroom
(Signature of Applicant)

Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

Christine McBroom – FAC Recommendation



Capitola, CA 95010
Phone: (831) 475-6522
Fax: (831) 475-6530

capitola soquel
CHAMBER OF COMMERCE

November 5, 2012

City of Capitola
Jamie Goldstein
420 Capitola Avenue
Capitola, Ca. 95010

Dear Jamie:

Christine Buechting now known as Christine Mc Broom has served on the City of Capitola's Finance Committee and is now the Chairperson. Christine's term is now up and she would like to remain on the committee representing the Business Community.

The Capitola-Soquel Chamber of Commerce at it's October 25th 2012 Board of Directors Meeting unanimously recommends Christine's appointment to the City Finance Committee.

The Chamber appreciates the opportunity to make this recommendation and look forward to Christine's appointment to the City Finance Committee.

Sincerely,

Toni Castro
Chief Executive Officer



NOV 27 2012
CITY OF CAPITOLA
CITY CLERK

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
Capitola Finance Advisory Committee

Category: Business Representative Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT: Jacques Bestrand

RESIDENCE ADDRESS: 601 Montevoy Ave.
Capitola

MAILING ADDRESS: S/A


EMAIL ADDRESS: jacques.bestrand@capitolocal.gov

TELEPHONE NO.: (H) 831.247.8154

EMPLOYMENT: Quantum Clean

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

NO ATTACHED

DATE: 11/26/12 
(Signature of Applicant)

Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

APPLICATION FOR SERVICE ON THE CAPITOLA FINANCE ADVISORY COMMITTEE

Applicant: Jacques Bertrand
Residence Address: 601 Monterey Avenue
eMail Address: Jacques.bertrand@sbcglobal.net
Telephone No: 831-247-6199
Employment: Quantum Clean
Experience:

I have been on the FAC for several years (since, I believe, 2007) and its chair for three years during that period. For the last four years, I have sat on the FAC as Capitola's City Treasurer. In addition to working on Capitola's financial and budget issues during this time, I have experience doing the same as a school board trustee and academic training in budget preparation as a Masters of Public Policy graduate.

I enjoy working on the City's financial issues. I have contributed too many of the recommendations that the City Council has successfully adopted including the PERS bond issue, recommendation for longer term budgets and the balancing of the competing interests for city services, including Capitola's commitment to Community Services.

I would consider it an honor to continue my service to Capitola in this capacity.

Jacques Bertrand





AUG 17 2012
CITY OF CAPITOLA
CITY CLERK

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
Capitola Finance Advisory Committee
Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT: SANDRA (SANDY) ERICKSON

RESIDENCE ADDRESS: 117 CABRILLO ST
CAPITOLA

MAILING ADDRESS:
(If Different)

EMAIL ADDRESS: SERICKSON06@yahoo.com

TELEPHONE NO.: (H) 475-3369 (C) 5660891 (W)

EMPLOYMENT: KAISER SAN JOSE MEDICAL CENTER

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

I AM VERY INTERESTED IN THE FINANCIAL HEALTH OF CAPITOLA AND THE ABILITY OF THE CITY TO PROVIDE SERVICES i.e. POLICE & ROADS, & SIDE WALKS.

I HAVE MANAGED A DEPT WITH MULTIMILLION DOLLAR BUDGETS & BENEFITS FOR OVER 30 YRS AND THINK I HAVE MUCH TO CONTRIBUTE.

DATE: 8/17/2012

Dandra Erickson
(Signature of Applicant)

Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

A vacancy notice with an application form can also be obtained on the Web (for printing) by clicking on current vacancies at: <http://www.ci.capitola.ca.us/capacity.nsf/Cty/CnclComm.html>



JUL 24 2012
CITY OF CAPITOLA
CITY CLERK

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
Capitola Finance Advisory Committee
Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT: GARY B. SNELSON

RESIDENCE ADDRESS: 1605 38TH AVE
CAPITOLA CA 95010

MAILING ADDRESS: _____
(If Different)

EMAIL ADDRESS: PapaGary@Baymoon.com
~~gsnelson@cruzio.com~~

TELEPHONE NO.: (H) (831) 476-8218 (C) (909) 223-9164 (W) N/A

EMPLOYMENT: RETIRED

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

I HAVE ATTACHED A SHORT BIO AND RESUME. INTEGRITY IN FINANCIAL MATTERS HAS ALWAYS BEEN A PRIORITY. I AM 71 YEARS OLD AND I HAVE NEVER BEEN AUDITED BY THE IRS, AND HAVE NEVER MADE A LATE PAYMENT ON ANYTHINS. I AM JUST INTERESTED IN CAPITOLA AND SEE THIS AS AN OPPORTUNITY TO GET INVOLVED IN KEEPING THE CITY SPECIAL.

DATE: July 21, 2012

[Signature]
(Signature of Applicant)

Mail or Deliver Application to:
Capitola City Hall, Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

A vacancy notice with an application form can also be obtained on the Web (for printing) by clicking on current vacancies at: <http://www.ci.capitola.ca.us/capacity.nsf/Cty/CnciComm.html>

Biography - Gary B. Snelson

Personal:

I was born and raised in Southern California, I graduated from Van Nuys High School, and a received a degree in Public Management from Pepperdine University.

I have two children and five grandchildren.

Professional:

I joined the Los Angeles County Sheriff's Department in 1962, and retired in 1996 as a Captain.

The majority of my career was spent supervising and managing in administrative assignments including:

As a Lieutenant (14 years):

- Personnel Bureau
 - Recruitment and hiring, promotional testing, classification studies
- Fiscal Services Bureau
 - Grant management, coordination of Excess Federal Property Program
- Field Operations Headquarters
 - 1984 Olympics Security Planning
- Temple Station
 - Patrol Watch Commander, Training Lieutenant, Operations Lieutenant

As a Captain (11 years):

- Emergency Operations Bureau
 - Major event & disaster planning, maintaining the County EOC
- Office of Professional & Ethical Standards
 - Evidence, property, and timekeeping audits, drug testing of Deputies
- Communications & Fleet Management Bureau
 - Dispatching, 911 system, radio system, vehicle maintenance
- Data Systems Bureau
 - Maintainance of criminal justice computer systems, departmental computer network

WORK EXPERIENCE:**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** 1962-1996

Twenty five years of my career were spent in middle management, in a wide variety of areas of specialization. I have included a few highlights of my career as a Lieutenant and Captain. The most lasting memory of my early career as a Deputy was the eleven days I spent in a patrol car on the streets of Los Angeles during the Watts Riot in 1965.

The Sheriff's Department has a annual budget of \$1.15 billion, There are 14,500 total personnel, 8,700 of which are Deputy Sheriffs. The Department provides law enforcement services to 2.7 million residents in the unincorporated areas of the County, and in 22 incorporated cities that contract with the Department for police services. There are seven custody facilities housing, more than 20,000 prisoners. The three largest facilities have a combined 3.2 million square feet of floor space.

CAPTAIN, DATA SYSTEMS BUREAU 1994-1996

Managed a staff of 275 in: (1) maintaining the Departments data network, (2) maintaining the County's various criminal justice system computers, (3) maintaining the jail management computer system, (4) developing a computerized personnel performance index which allows tracking performance, complaints, and discipline of personnel.

CAPTAIN, COMMUNICATIONS & FLEET MANAGEMENT BUREAU 1992-1994

Managed a staff of 300 in: (1) dispatching patrol units to calls for service at all of the stations, (2) serving as the 9-1-1 and Emergency Broadcast System center for the County, (3) maintaining the Department's fleet of more than 2800 vehicles, and its radio system with more than 4500 mobile radios, (4) conducting law enforcement vehicle testing, and analysis for purchase. For a year of this time I was assigned to headquarters and oversaw the overall activities of both my own bureau and the Crime Lab.

CAPTAIN, OFFICE OF PROFESSIONAL AND ETHICAL STANDARDS 1991-1992

Managed a staff of a Lieutenant and eight Sergeants charged with: (1) conducting random drug testing of Deputy Sheriffs, (2) inspecting the evidence and property handling procedures and records at the patrol stations, and at headquarters, (3) conducting audits of timekeeping records and procedures at all units of the Department.

CAPTAIN, EMERGENCY OPERATIONS BUREAU 1984-1991

Chaired the Plans and Programs Committee of the County's Emergency Preparedness Commission for three years, (2) Was field commander of more than 400 Deputies assigned to crowd and traffic control at Pasadena's Rose Parade for six years, (3) Was operations commander for the County's major elections; responsible for more than 250 Deputies involved in the transportation and security of ballots from every precinct in L.A. County, and resolution of problems at precincts.

Managed a Staff of 30, including two Lieutenants and fourteen Sergeants in: (1) fulfilling the Sheriff's role as Director of Emergency Operations for the County of Los Angeles, and planning and designing a new County Emergency Operations Center, (2) maintaining the County's Emergency Operations Center, including the development of training and exercises for assigned staff members, (3) coordinating the County's Disaster Communications Service, (4) designing and managing an inspection process to ensure the emergency preparedness of all stations and custody facilities; coordinating disaster preparedness plans with Federal, state, and local governments and the private sector.

LIEUTENANT, TEMPLE STATION (PATROL) 1981-1984

Watch Commander. Managed the Station's program for in-service training and the formal orientation and training of newly-assigned personnel. Managed the Station's burglary, violent crime, and gang suppression teams.

LIEUTENANT, OLYMPICS SECURITY PLANNING UNIT 1980-1981

Managed the Department's preliminary planning activities relating to security for the 1984 Olympics. Chaired interagency planning meetings with representatives of all cities with Olympic venues. Coordinated the efforts of eleven task forces on various aspects of Olympic security. Maintained liaison with staff of the Olympic Organizing Committee.

LIEUTENANT, FISCAL SERVICES BUREAU 1978-1980
Managed grant management, facility construction, evidence and recovered property, acquisition of excess Federal property, and administration of the fixed assets and supplies budget. Managed a classification and pay study for Deputy Sheriff personnel; developed criteria for compensation and allocation of positions.

LIEUTENANT, GRANT MANAGEMENT SECTION 1975-1977
Directed the search for state and Federal grant funds. Oversaw the development and monitoring of grant-funded programs. Represented the Department on the County's justice system task forces and planning committees

LIEUTENANT, RECRUITMENT AND TESTING UNIT 1971-1972
Managed the development and administration of Departmental promotional examinations, and the recruiting and examination of applicants for deputy sheriff. Developed the Department's law enforcement intern program. Chaired a task force on Deputy Sheriff salaries and classification.

EDUCATION:

Bachelor of Science in Public Management, Pepperdine University, 1973



City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300
 FAX (831) 479-8879

CAPITOLA TRAFFIC & PARKING COMMISSION CURRENT MEMBERS

<u>NAME</u>	<u>ADDRESS, EMAIL & PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Margaret Kinstler [Village Resident]	325 Riverview Avenue Capitola, CA 95010 (H) 476-1340 (C) 566-3294 Email: mmkinstler@aol.com	5/14/09 12/09/10	12/12
Vacant [Village Resident]	Capitola, CA 95010 (C) Email:		
Carin Hanna [Village Business Owner]	650 37 th Avenue Santa Cruz, CA 95062 (H) 475-4724 (C) 251-6230 (W) 475-4466 Email: carinhanna@aol.com	5/14/09 12/09/10	12/12
Gary Wetsel [Village Business Owner]	304 Grand Avenue Capitola, CA 95010 (H) 476-8050 (C) 510 693-9300 (W) 476-4984 Email: gary@mauisunrise.net	5/14/09 12/09/10	12/12
Linda Hanson [Norton's Appointee]	327C Riverview Avenue Capitola, CA 95010 (H) 464-3484 (C) 415 235-1918 (W) 650 854-7236 Email: llhsf@sbcglobal.net	5/14/09 12/09/10	12/12
Vicki Muse [Harlan's Appointee]	608 Gilroy Drive Capitola, CA 95010 (H) 476-1396 (C) 419-3567 Email: vicki_muse@yahoo.com	5/28/09 (<i>Begun's Appt</i>) 1/13/11	12/12

Item #: 9.B. Attach 3.pdf

TRAFFIC & PARKING COMMISSION

<u>NAME</u>	<u>ADDRESS, EMAIL & PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Anne Nicol [Nicol's Appointee]	1555 49 th Avenue Capitola, CA 95010 (H) 475-0117 Email: annenicol@sbcglobal.net	5/14/09 12/09/10	12/12
Molly Ording [Storey's Appointee]	218 Monterey Avenue Capitola, CA 95010 (H) 475-7284 (C) 227-3373 Email: mollyording@yahoo.com	5/14/09 12/09/10	12/12
Nels Westman [Termini's Appointee]	507 Riverview Drive Capitola, CA 95010 (H) 462-4362 (C) 566-9370 Email: nels@bestwestman.com	5/14/09 12/09/10	12/12
Mick Routh [Planning Commission Rep]	4590 Crystal Street Capitola, CA 95010 (H) 476-5402 (C) 297-2206 Email: qwakwak@sbcglobal.net	1/20/11	12/12

STAFF REPRESENTATIVE

Steven Jesberg, Public Works Director
(831) 475-7300, Ext. 217
Email: sjesberg@ci.capitola.ca.us

* *Resolution No. 3740, adopted 2/26/09, Created the Capitola Traffic and Parking Commission and Defined its Membership and Charge*

[Revised: 11/12 md]



NOV 21 2012
 CITY OF CAPITOLA
 CITY CLERK

CITY OF CAPITOLA
 420 Capitola Avenue
 Capitola, CA 95010
 (831) 475-7300
 FAX (831) 479-8879

APPLICATION FOR SERVICE ON THE
CAPITOLA TRAFFIC AND PARKING COMMISSION

At-Large Council Member Appointee Village Business Owner
 Village Resident

PLEASE TYPE OR PRINT

NAME OF APPLICANT: John Martorella

RESIDENCE ADDRESS: 505 Riverview Dr.
 Capitola, Ca. 95010

MAILING ADDRESS:
 (If Different)

EMAIL ADDRESS: jmarto@pacbell.net

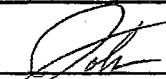
TELEPHONE NO.: (H) 831-475-8051 (C) 831-359-9685 (W)

EMPLOYMENT: City Of Watsonville Fire Department

DESCRIBE YOUR QUALIFICATIONS AND INTEREST IN SERVING ON THE TRAFFIC AND PARKING COMMISSION: *(Use additional page if necessary)*

Hello, I have been a city of Capitola resident since 1989 and have seen a lot of changes in our city over the last few years. As we all know, traffic and parking have always been an issue and I believe in offering solutions and recommendations based on collaborative team work as well as to support the goals and direction of the T & P Commission. I will bring a positive attitude to the table and look forward to contributing to the city that my family and I live in.

DATE: November 19th, 2012


 (Signature of Applicant)

Mail or Deliver Application to:
 Capitola City Hall, Attn: City Clerk
 420 Capitola Avenue, Capitola, CA 95010

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Chapter 17.63 ARCHITECTURAL AND SITE REVIEW**17.63.010 Purpose.**

The intent of architectural and site review is to secure the general purposes of this title and the general plan and to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, encouraging the utilization of solar energy, and encouraging the most appropriate development and use of land in harmony with the neighborhood. In fulfilling its intent, architectural and site approval may result in the placement of reasonable conditions which exceed the basic development standards listed elsewhere in this title, on the design permit which accompanies the architectural and site review process. (Ord. 873 § 21 (part), 2004)

17.63.020 Architectural and site review committee.

A. The architectural and site review committee shall consist of six members as follows:

1. Architect;
2. Landscape architect;
3. Building official;
4. Community development director or designated planning staff;
5. Public works director;
6. Historian.

B. The architect, historian, and landscape architect members of the architectural and site review committee shall be appointed by the mayor; however, a majority of the city council may remove the architect, historian, or landscape architect. At the first meeting of the city council following the effective date of the ordinance codified or amended in this section, the mayor should appoint the architect, historian, and landscape architect members, whose terms will expire one month after the certification of any regular election of city council members. The mayor, at his or her discretion, may appoint an alternate architect, alternate historian, and alternate landscape architect member to serve in the absence of the regular architect or landscape architect. A majority of the city council may remove the alternate architect, alternate historian, and alternate landscape architect. The terms of the alternate architect, alternate historian, and alternate landscape architect will expire at the same time as the terms of the regular architect and landscape architect. (Ord. 873 § 21 (part), 2004)

17.63.030 Required when.

A design permit for architectural and site review is required for the following structures, uses or significant building changes:

Item #: 9.B. Attach 4.pdf

- A. Any use or structure requiring architectural and site review in the applicable district regulations;
- B. Any use requiring a conditional use permit or variance;
- C. Any use requiring architectural and site review by a condition of a previous permit;
- D. Any use of factory-built or modular built housing in a district;
- E. The establishment of solar energy systems as provided in Sections 17.81.120 and 17.81.130;
- F. Any dish-type antenna which is larger than twenty-four inches in diameter, except the following:
 - 1. Those located in a rear or side yard which are: (a) not visible either from the public right-of-way upon which the property fronts; or (b) not visible from the ground level of the adjacent properties,
 - 2. Those located upon flat roofs which: (a) do not exceed twenty-four inches in height above the roof and have no dimension which exceeds twenty-four inches,
 - 3. Those located on sloping roofs where: (a) no part of which exceeds the height of the highest part of the roof, and (b) no dimension of which exceeds twenty-four inches,
 - 4. Those entirely prohibited by Section 17.81.140. (Ord. 873 § 21 (part), 2004)

17.63.035 Exemptions from design permit requirement.

- A. First-floor additions at the rear of a home which are not visible to the general public; do not exceed four hundred square feet; do not exceed fifteen feet in height (eight feet maximum plate height); and which utilize matching or compatible building materials.
- B. A single accessory structure of less than eighty square feet, less than nine feet in height, with no electrical or plumbing fixtures. (Ord. 882 § 3, 2005)

17.63.040 Application.

Application for architectural and site review shall be filed with the community development department, which shall prescribe the form of application and data to be filed with the application. The application shall be signed by the property owner. Except where such information is obviously of no use to the community development department staff or planning commission, such applications should include an evaluation of whether the proposed project:

- A. Makes maximum use of solar energy potential;

- B. Totally or partially blocks sunlight to the south roof and wall of adjacent buildings;
- C. Utilizes most appropriate placement of solar energy systems;
- D. All plans for development or any other type of building and planning for four or more residential units or for any commercial use shall be designed or produced by a licensed architect or civil engineer. All such building or architectural design drawings shall be stamped and signed by a licensed architect or civil engineer. (Ord. 873 § 21 (part), 2004)

17.63.050 Maps and drawings.

Maps and drawings shall be submitted to indicate the following:

- A. A topographic map and site development plans or a staged development master plan showing:
 - 1. The siting of all structures on subject property and on adjoining properties to show that privacy, light and air are preserved, so as not to be detrimental to the orderly and harmonious development of the city,
 - 2. Landscaping and/or fencing of yards and setback areas and use of landscaping and/or walls or fencing for screening purposes,
 - 3. Design of ingress and egress so as not to interfere with normal traffic flow on abutting streets,
 - 4. Off-street parking and loading facilities,
 - 5. Disposition of drainage on the site and in the sidewalk-exempt easement areas,
 - 6. Designation of areas to be computed as usable open space, including balconies, roof decks, patios and other spaces or areas at grade, as appropriate,
 - 7. Designation of location of existing fire hydrants;
- B. Drawings to scale of the exterior elevations and/or perspective drawings of the buildings or structures under consideration;
- C. Preliminary floor plans, to scale, of the buildings under consideration;
- D. Calculation and identification on the plans of all areas included in the FAR. (Ord. 873 § 21 (part), 2004)

17.63.055 Visualization requirements.

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The city of Capitola shall have the authority to require an applicant to carry out certain visualization techniques in order to assist with city and public review of a proposed project. Projects subject to the visualization requirements includes those designated pursuant to visualization guidelines adopted by resolution of the city council. Projects proposed for major development sites, or within or adjacent to defined vista points or visually sensitive areas, or which request a height variance, or for which the city determines that carrying out visualization will assist with the development review process, shall carry out visualization techniques for the proposed development in accordance with guidelines adopted by resolution of the city council. (Ord. 873 § 21 (part), 2004)

17.63.060 Fee.

An application fee for architecture and site review, culminating in approval or denial of a design permit, shall be established by the city council resolution. (Ord. 873 § 21 (part), 2004)

17.63.070 Design permit approval.

Design permits identified in Section 17.63.030 of this chapter shall be considered at a public hearing as outlined in Section 17.63.080; following review and consideration by the architectural and site review committee as determined necessary by the community development director/zoning administrator.

A. The community development director/ zoning administrator shall be authorized to approve or deny design permit applications for:

1. First-floor additions up to four hundred square feet (although certain single-family residential additions of this type are exempt under Section 17.15.030(C)(1);
2. Minor repairs, changes and improvements to existing structures which use similar, compatible or upgraded quality building materials, on structures which are not historic resources;
3. Additional accessory structures beyond the single eighty square-foot or less in size accessory structure which is exempt as per Section 17.15.030(C)(2).

B. The planning commission shall be authorized to approve or deny design permit applications for:

1. All new residential dwelling unit construction;
2. Upper floor additions;
3. Additions of more than four hundred square feet;
4. Design permits accompanied by a request for conditional use permit, variance, or minor land division;

5. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision. (Ord. 882 § 1 (part), 2005; Ord. 873 § 21 (part), 2004)

17.63.080 Hearing and notice.

Design permit applications for architectural and site review may be heard by the architecture and site review committee without the notice required by other provisions of this title. The city planner shall arrange with the applicant a time and place of meeting between the applicant and the committee.

A. Consideration of design permits for architectural and site review by the community development director/zoning administrator, shall be carried out at a duly noticed public hearing for which neighboring properties (both owner and occupant) within one hundred feet of the subject property are notified, ten days in advance of the hearing, by mail and by posting the site with the time and date of the meeting.

B. Consideration of design permits for architectural and site review by the planning commission, shall be carried out at a duly noticed public hearing for which neighboring properties (both owner and occupant) within three hundred feet are notified by mail and the site is posted with the time and date of the meeting. (Ord. 873 § 21 (part), 2004)

17.63.090 Considerations in review of applications.

The considerations of the architectural and site review committee, community development department, and/or planning commission shall include, but not be limited to, the following:

A. Considerations relating to traffic circulation, safety and congestion;

B. Considerations relating to outdoor advertising:

1. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development;

C. Considerations relating to landscaping:

1. The location, height and materials of walls, fences, hedges, trees and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development,

2. The planting of groundcover or other landscape surfacing to prevent dust and erosion,

3. The prevention of unnecessary destruction of existing healthy trees,

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4. Usable open space shall be reviewed both with respect to area and quality of landscape development;

D. Considerations relating to site layout:

1. The orientation and location of buildings, decks or balconies, and open spaces in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the buildings with adjacent development such that privacy of adjacent properties is maintained;

E. Considerations relating to drainage:

1. The effect of the site development plan on the adequacy of the storm and surface water drainage to both the site and adjacent property,

2. Connection to existing drainage systems,

3. Incorporation of permeable driveway materials and other means of retaining stormwater runoff on site and reducing non-point source pollution through use of grassy swales and other water quality enhancement measures;

F. Considerations relating to architectural character:

1. The suitability of the building for its purpose,

2. The appropriate use of materials to insure compatibility with the intent of the title;

G. Considerations relating to fire prevention:

1. Sufficient and suitable access to all areas for emergency vehicles,

2. Proper location and spacing of fire hydrants;

H. Considerations relating to excavation and grading;

I. Consideration relating to landscape maintenance:

1. The proper maintenance of landscape planting to encourage healthy growth and the replacement of dead plants until all plants are established,

2. The committee may require a one thousand dollar performance bond for a period of one year beginning from the date of final inspection;

J. Protection of historic features and vistas;

K. Considerations related to encouraging utilization and protection of solar energy, including:

1. The orientation of the lot,
2. Height of proposed building,
3. Distance between proposed building and south wall of adjacent structure(s),
4. Extent to which adjacent building(s) will have solar access to south roof and/or wall,
5. Extent to which adjacent south facing wall(s), roof top(s), and solar collector(s) are shaded by the proposed structure(s);

L. Consideration of design guidelines for special commercial or residential areas contained in the general plan, coastal plan, area plans or other approved design policies;

M. Review of floodplain areas as designated on the flood boundary map in accord with the standards of Chapter 17.50 and with this title;

N. The committee will require enclosed garbage areas of an adequate size to provide for garbage and recycling storage and collection for the project, unless an exception is made for individual containers in small residential projects. (Ord. 873 § 21 (part), 2004)

17.63.100 Conditions.

The community development director/zoning administrator or planning commission shall consider all recommendations of the architectural and site review committee. The granting of a design permit for architectural and site approval by the community development director, zoning administrator or planning commission may include such conditions as deemed reasonable and necessary to carry out the intent of this chapter, the zoning ordinance and the general plan. (Ord. 873 § 21 (part), 2004)

17.63.110 Findings and decision.

Upon a finding by the community development director, zoning administrator or planning commission that the application subject to conditions imposed will:

- A. Secure the general purposes of this title and the general plan;
- B. Maintain the character and integrity of the neighborhood; the design permit for architectural and site approval, shall be granted subject to such conditions as deemed necessary; otherwise, it shall be continued or denied. (Ord. 873 § 21 (part), 2004)

17.63.120 Notification of approval.

Upon grant of a design permit for architectural and site approval, the community development director/zoning administrator shall prepare and deliver to the applicant a formal notice stating the fact of the grant and any conditions attached thereto. Such notice shall not be delivered until the period for appeal has expired. (Ord. 873 § 21 (part), 2004)

17.63.130 Time limitations on approval.

A. In any case where an approved design permit has not been activated by the issuance of a building permit or otherwise used, within two years after the date of granting thereof (or within such other period of time which may be prescribed in the permit), or within any extension granted pursuant to Section 17.82.160, then without further action, the permit will expire. Such termination will take effect without further city action if a timely request for extension of time has not been made or is denied. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privileges.

B. For purposes of this section, "used" has the definition set forth in Section 17.60.090(B). (Ord. 873 § 21 (part), 2004)

17.63.140 Transfer of approval upon change in use.

A design permit for architectural and site approval may transfer to subsequent tenant(s) of the site/structure if the use for which the approval was granted is changed, however the community development director shall not approve transfer the approval to a new use if he or she finds that the changed use does not meet the requirements of this section. If the director does not reissue the approval, a new application must be filed. (Ord. 873 § 21 (part), 2004)

17.63.150 Conformance to approval and site supervision.

The city planner shall perform site supervision as part of the building permit procedure for developments for which architectural and site approval has been granted, and the city planner shall follow through to ensure that all provisions and conditions of the architectural and site approval are complied with. (Ord. 873 § 21 (part), 2004)

17.63.160 Appeal to city council.

A determination of the community development director/zoning administrator with respect to a design permit for architectural and site review may be appealed to the planning commission. A determination of the planning commission with respect to a design permit for an architectural and site review is appealable to the city council. The appeal shall be in writing and shall give reasons for the appeal and specifically state where the findings or procedures were in error. If the appeal is by the applicant, there shall be no fee for filing such appeal. If the appeal is by others from an approval by the community development director/zoning administrator or planning commission, the fee for filing such appeal shall be set by city council resolution. In the absence of such a request being filed with the planning commission or city council within ten working days after determination by the community development director/zoning administrator or planning commission, such determination is final. (Ord. 873 § 21 (part), 2004)

17.63.170 Hearing on appeal.

In any appeal before the city council in an architectural and site review matter, consideration by the council shall be limited to the evidence and matters presented at the original hearing before the planning commission; provided, that the city council may, by motion duly passed, elect in its discretion to grant a hearing de novo. (Ord. 873 § 21 (part), 2004)

17.63.180 Revocation.

A. The planning commission may, after holding a public hearing, revoke or amend a design permit for architectural and site approval for either of the following reasons:

1. That the approval of the permit was based upon false information submitted by the applicant;

2. That the permit is being exercised contrary to the terms or conditions of approval, or in violation of this title.

B. The violation of any of the conditions imposed by the community development director/zoning administrator or planning commission in connection with the granting of a design permit for any architectural and site approval shall constitute a violation of this title, and shall be subject to the same penalties as any other violation of this title. (Ord. 873 § 21 (part), 2004)

17.63.190 Council review.

Notwithstanding any other provision of this chapter, the actions of the planning commission are subject to review by the city council at its discretion. (Ord. 873 § 21 (part), 2004)

17.63.200 Amendments.

A property owner may petition to amend a design permit for architectural and site approval by filing a new application. (Ord. 873 § 21 (part), 2004)

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Chapter 2.56 ART AND CULTURAL COMMISSION**2.56.010 Created.**

The city shall continue to have an art and cultural commission. The art and cultural commission shall consist of seven members as follows:

- A. One city council member;
- B. One planning commissioner;
- C. One artist or arts organization representative member;
- D. One arts professional member;
- E. Five at-large members. (Ord. 944 § 1, 2010; Ord. 851 § 1 (part), 2003)

2.56.020 Appointment.

The council member and planning commissioner appointees shall be selected by a majority vote of their respective boards. The artist or arts organization representative, arts professional, and the at-large appointees shall be appointed to the art and cultural commission by a majority vote of the city council. (Ord. 851 § 1 (part), 2003)

2.56.030 Terms of office.

The art and cultural commissioners shall serve two-year terms. With the addition of two at-large member positions in 2010, one will expire on December 31, 2010, and one will expire on December 31, 2011, in order that there are two at-large member positions expiring in 2010, and three at-large member positions expiring in 2011. (Ord. 944 § 1, 2010; Ord. 851 § 1 (part), 2003)

2.56.040 Officers, meetings, and procedures.

A. Chairperson and Vice Chairperson. As soon as practicable, following the first day of January of each year, the art and cultural commission shall select one of its members as chairperson and one of its members as vice-chairperson. The chairperson and vice chairperson shall serve a term of one year, or until a successor is elected.

B. Committees. The art and cultural commission shall designate specific committees as follows: public art, volunteers, fundraising, marketing, and any other committee as necessary. Committees shall be composed of no fewer than two and no more than three commissioners. The committees may also include nonvoting volunteer members as deemed necessary by the art and cultural commission. The committees shall report to the art and cultural commission on no less than a quarterly basis.

C. Artist Selection Panels. The art and cultural commission may establish an artist selection panel, as defined in the art and cultural master plan, to select works of art for recommendation to the city council.

D. Meetings. The art and cultural commission shall hold a regular meeting at least once each month.

Item #: 9.B. Attach 5.pdf

E. Procedures. Procedures for the conduct of the business of the art and cultural commission, not specified in the ordinance establishing the art and cultural commission's authority, shall be set forth in bylaws, forms, applications, rules, and regulations adopted by the art and cultural commission for the conduct of its business subject to approval of the city council. All meetings of the art and cultural commission shall be open to the

public and are subject to Title 5, Division 2, Part 1, Chapter 9 of the California Government Code or successor legislation. The decisions of the art and cultural commission shall be transmitted to the city manager and to such other body or bodies which have jurisdiction to review projects under consideration. If more than one board or commission has jurisdiction over a matter decided by the art and cultural commission, the first to consider it shall refer it to the others. (Ord. 851 § 1 (part), 2003)

2.56.050 Duties.

The art and cultural commission shall have the following duties and responsibilities:

A. Advise the city council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift, or otherwise, of works of art;

B. Subject to city council approval, initiate, sponsor, or direct special programs which will enhance the cultural climate of the city;

C. Establish close liaison with other commissions and civic organizations in order to foster public interest in the arts;

D. Advise the city council concerning the interpretation and implementation of the city's established policies and practices, including the art and cultural master plan, as they relate to the art and cultural commission's objectives;

E. In February of each year, prepare for city council review an assessment of the art and cultural commission's goals, plans and objectives from the prior fiscal year and recommend for council approval the art and cultural commission's goals, plans, and objectives for the next fiscal year;

F. Perform such other functions and duties as may be directed by the city council. (Ord. 851 § 1 (part), 2003)

2.56.060 Definitions.

"Work of art" means, for the purposes of this chapter, any work of visual art, including, but not limited to, drawing, painting, mural, fresco, sculpture, mosaic, decoration, inscription, stained glass, monument, calligraphy, photography, graphic art, crafts, mixed media, electronic art, media art, an artistic or aesthetic element of the project architecture or landscape architecture if created by an artist or artist team, or any other element recommended by the art and cultural commission. The term "work of art" may also include functional elements of capital improvement projects, such as benches, gates, lighting, and landscaping if such elements are designed by a professional artist. (Ord. 851 § 1 (part), 2003)

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RESOLUTION NO. 3424

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING THE CAPITOLA COMMISSION ON THE ENVIRONMENT**

WHEREAS, the City of Capitola benefits substantially from numerous and significant environmental influences, some of which include Soquel Creek, the ocean and Capitola Beach, and associated riparian and special habitat areas; and

WHEREAS, protection and enhancement of these environmental influences maintains and increases a quality of life in the City of Capitola that is beneficial to all; and

WHEREAS, the City Council of the City of Capitola desires to receive advice and recommendations on matters of an environmental concern from a special commission comprised of individuals living within the City; and

WHEREAS, it is the desire of the City Council to establish such a commission and to provide for its regular time and place of meeting and staff.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA as follows:

- Section 1. The commission shall be called the City of Capitola Commission on the Environment (COE) and is hereby established.
- Section 2. The purpose of the COE is to provide advice and recommendations to the City Council on policy matters relating to the sustenance and benefit of the City of Capitola environmental assets, but limited to topics that are not under the jurisdictions of existing committees or commissions. The Commission will also, from time to time, consider any such matters referred to it by the City Council or the City Manager.
- Section 3. The COE shall be comprised of the following members: The Mayor, an appointee of the Mayor, an appointee of every other Council Member, and an appointee of the Planning Commission.
- Section 4. The regular meetings of the COE will be held at a minimum, four times per year, with meeting dates and times to be determined by the commission.
- Section 5. The City will provide staff support to the COE as assigned by the City Manager. The assigned staff will be primarily responsible for ensuring support, to include preparation of agendas and minutes, compilation of material for discussion at commission meetings and follow-up as necessary.

6666

RESOLUTION NO. 3424

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 13th day of January, 2005, by the following vote:

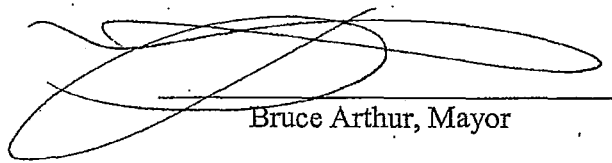
AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur

NOES: None

ABSENT: None


ABSTAIN: None

DISQUALIFIED: None



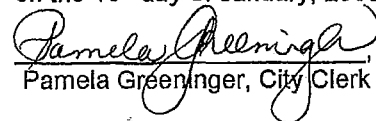
Bruce Arthur, Mayor

ATTEST:



Pamela Greeninger, City Clerk, CMC

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3424 passed and adopted by the Capitola City Council on the 13th day of January, 2005.



Pamela Greeninger, City Clerk, CMC

7400

COPY

RESOLUTION NO. 3770

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING RESOLUTION NO. 3437
AND DEFINING THE COMPOSITION AND PURPOSE OF THE
CAPITOLA FINANCE ADVISORY COMMITTEE**

WHEREAS, Resolution No. 3437 was adopted on February 24, 2005, repealing Resolution No. 3423 to include a provision under Section 2.a. that, "Any staff member serving in the capacity of a Finance Advisory Committee member would be an ex-officio member and not a voting member of the committee;" and

WHEREAS, the Capitola Finance Advisory Committee continues to be a vital part of the City of Capitola financial oversight process; and

WHEREAS, the City Council of the City of Capitola desires to clearly articulate the qualifications and the manner of appointment for eligible candidates for the business community representative on the Finance Advisory Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows:

- Section 1. Resolution No. 3437 is hereby repealed in its entirety.
- Section 2. The composition and purpose of the Finance Advisory Committee is hereby defined below:
- a. The Finance Advisory Committee shall be comprised of the following representation:

The Mayor and Vice Mayor shall serve on this committee. When either or both the Mayor and Vice Mayor do not want to serve on this committee, other member(s) of the City Council shall be appointed by the Mayor, with the concurrence of the City Council.

The Capitola City Treasurer.

The Capitola Redevelopment Agency Treasurer.

Four additional members, serving at the pleasure of the City Council for a term of one year or shorter ending in December of each year, as follows:

Three Capitola Residents, each appointed by the remaining Capitola City Council Members not on the committee.

One Capitola Businessperson and/or Capitola Resident representing the business community appointed by the Capitola City Council with consideration given to a recommendation from the Capitola Soquel Chamber of Commerce.

Any staff member serving in the capacity of a Finance Advisory Committee member would be an ex-officio member and not a voting member of the committee.

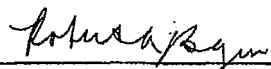
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RESOLUTION NO. 3770

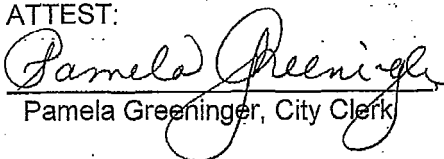
- b. The purpose of the Finance Advisory Committee is:
 - 1. To provide financial and budget alternatives to the City Council
 - 2. To provide financial and budget advice to the City Manager
 - 3. To conduct financial studies on the request of the City Council or City Manager
 - 4. To review the budget and financial reports of the City and Redevelopment Agency
- c. The regular meetings of the Finance Advisory Committee will be held a minimum of four times per year, with meeting dates and times to be determined by the committee.
- d. The City will provide staff support to the Finance Advisory Committee with the Finance Director to be primarily responsible for ensuring this support, to include preparation of agendas and minutes, compilation of material for discussion at committee meetings and follow-up as necessary.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 13th day of August, 2009, by the following vote:

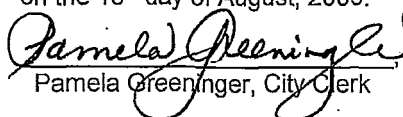
AYES: Council Members Graves, Storey, Nicol, Norton, and Mayor Begun
 NOES: None
 ABSENT: None
 ABSTAIN: None
 DISQUALIFIED: None



 Robert A. Begun, Mayor

ATTEST:

 _____ MMC
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3770 passed and adopted by the Capitola City Council on the 13th day of August, 2009.


 _____ MMC
 Pamela Greeninger, City Clerk

7311

COPY

RESOLUTION NO. 3740

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
CREATING A CAPITOLA TRAFFIC AND PARKING COMMISSION
AND DEFINING ITS MEMBERSHIP AND CHARGE**

WHEREAS, on December 11, 2008, the City Council of the City of Capitola conducted at Public Hearing on the Capitola Village Comprehensive Parking Analysis and received a report from the Blue Ribbon Parking Committee summarizing the committee's work and recommendations pertaining to parking related fees and issues; and

WHEREAS, at its December 11, 2008, meeting, the City Council directed that there be a parking commission established; and

WHEREAS, on January 22, 2009, the City Council considered various options for establishing a parking commission and took action directing staff to create an eleven (11) member commission to study parking and traffic circulation in the City of Capitola; and

WHEREAS, it is the desire the City Council to receive advice and recommendations from a commission comprised of individuals living in various areas within the city.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows:

- A. The Capitola Traffic and Parking Commission is hereby created.
- B. The purpose of the Capitola Traffic and Parking Commission is to develop short, medium, and long-term plans for City Council consideration that address traffic and parking demands in the Village by considering citywide traffic and parking improvements developed in various studies and reports provided to the City Council. Once these plans are in place, the commission shall act as an advisor to the City Council on implementation of the plans and other duties requested by the Council.
- C. The Commission shall be comprised of the following members:

At-large Appointee of each Council Member	(5)
Planning Commissioner	(1)
Pacific Cove Mobile Home Park Resident	(1)
Village Resident	(2)
Village Business Owner	(2)

All appointments shall be made by consensus of the City Council.
- D. The City will provide staff support to the Commission, with the City Manager responsible for assigning staff based on workload and relevancy to the committee projects. Staff will be primarily responsible for preparation of agendas and minutes, compilation of material for discussion at Commission meetings.
- E. The Commission shall meet at a minimum quarterly, on a calendar set by the Commission annually.

7312

RESOLUTION NO. 3740

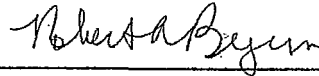
I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 26th day of February, 2009, by the following vote:

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

NOES: None

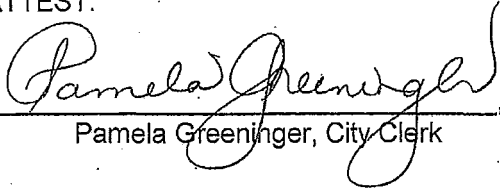
ABSENT: None

ABSTAIN: None



Robert A. Begun, Mayor

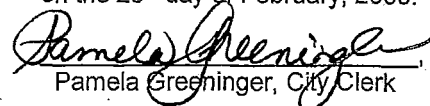
ATTEST:



CMC

Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3740 passed and adopted by the Capitola City Council on the 26th day of February, 2009.



CMC

Pamela Greeninger, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: DISCUSSION ON ZONING ORDINANCE

RECOMMENDED ACTION: Receive report.

BACKGROUND: The City of Capitola started a process almost two years ago to update the City's General Plan/Local Coastal Plan. In addition to a new General Plan/Local Coastal Plan the City is also updating its Zoning Ordinance to be consistent with the new General Plan/Local Coastal Plan. State law requires that General Plans/Local Coastal Plans be consistent with zoning.

In addition to the changes being considered for consistency, there are sections of the current zoning regulations which are either difficult to understand, internally inconsistent, or the regulation is difficult to enforce. The purpose of this discussion is to start informing the City Council about some of the Zoning Ordinance modifications which are being considered. The items listed here only represent a small portion of the changes which will be proposed. Because of the size and complexity of the modifications, our goal is to introduce some of the new concepts being considered.

It should be stressed that all of the concepts discussed in this staff report are preliminary at this point. The purpose of this meeting is to brief the City Council about the current changes that are being contemplated. Before any possible change is finalized, it will undergo environmental review then public hearings with both the Planning Commission and City Council.

DISCUSSION: The General Plan/Local Coastal Plan Update process has included working with the General Plan Advisory Committee on a new Land Use Map and Designations for the new General Plan/Local Coastal Plan. There are several areas in the new General Plan/Local Coastal Plan which will require modifications to the City's current zoning standards to implement the General Plan/Local Coastal Plan.

Capitola is basically a built-out City. The majority of applications received by the Planning Department involve are remodel and/or addition to single family residential structures. The majority of these projects are routinely approved by the Planning Commission. Staff has been working with the consultant to develop a process in which more of the routine applications for additions/remodels of existing residential structures could be approved at a staff level. The purpose is to simplify the process which will save both time and money for the applicant and the City.

The new zoning regulations will not only include general development standards for single-family homes but will have specific guidelines for individual neighborhoods. Having the same requirements for a neighborhood such as Cliffwood Heights, which has an average lot size of 7,000 square feet; and Riverview Terrace, which has an average lot size of 2,800 square feet, has not produced the best results for either neighborhood.

The overall goal is not to completely change the size or height of homes but to be finer grained in the approach to each neighborhood. An example is that currently the City's zoning regulations require that second-stories be set back 5% more than the first floor. This is an important

Item #: 9.C. Staff Report.pdf

1-10-13 AGENDA REPORT: CITY'S ZONING ORDINANCE. DISCUSSION

consideration where there is a three foot side yard setback. It is not such an important issue when there is a 7 or 8 foot side yards setback as in Cliffwood Heights. This requirement produces what is referred to as a "wedding cake" design. Again, a wedding cake design may desirable in small lot neighborhoods but not necessarily the best design to have on a larger lot.

A number of professional architect and designers have been lobbying for a slightly higher height limit in the R-1 District to increase design options. Currently the height limit is 25 feet and a change to 28 feet is being reviewed to see what impact this would have on designs.

For a number of years, the City has had great difficulty dealing with the section of the Zoning Ordinance regarding non-conforming structures. The Ordinance uses dollar value to determine how much of a non-conforming building needs to remain before the building is required to be brought into conformance with the City's zoning regulations. Determining these values and monitoring the construction sites has been an uneven process and has created considerable confusion.

The current Architectural and Site Review process is not working well for either the City or applicants. Staff is working with the consultant to develop modifications to this review process which will continue to have a professional architect review board look at new construction of larger residential and commercial projects but not require every sign, single family remodel project or other small modifications go to the Architectural and Site Review Committee.

In the Central Village District there are changes being considered which would make it easier and more economical for redevelopment to take place. One change being considered is to modify the height limit to allow for three-story construction. There are a number of buildings in the Village which exceed the current height limit. Some of these are three-story and some are two-story. These buildings were built before the height restrictions were imposed. As many of the taller buildings are often mentioned as the buildings people like in the Village it makes sense to again allow that type of construction. A good example of this is the Superintendent's Building on the corner of Monterey Avenue and Capitola Avenue. The City's current Local Coastal Plan includes policies to protect the residential uses in the Village. This was the reasoning which allowed the City to implement the Residential Village Parking Permit Program. If the City changes the height limit to allow for three-stories, it will need to modify the current zoning regulations regarding uses on the second and third floors of buildings

The new General Plan/Local Coastal Plan will include policies supporting the development of a hotel on the old Theater Property on Monterey Avenue. The zoning regulations would need to be modified to allow for construction which is taller than other parts of the Village but is still 10 to 12 feet below the bluff top.

The City has used a variety of methods to determine parking requirements for businesses. The method which has been most successful is using square footage measurements rather than counting seats. Counting seats has been a particular problem in the Village take out establishments. Staff is sent down to count seats and as soon as we leave the additional seats are added back. These types of "cat and mouse" games do not serve the City or businesses very well.

The Village is the one part of Capitola where the Coastal Commission plays a major part in what can be developed or redeveloped. All of the Village commercial area is within the Coastal Zone and much of it is in the appealable zone. The City cannot make changes to the Village zoning requirements without receiving approval from the Coastal Commission.

The Neighborhood Commercial Zoning District along Capitola Avenue and the Commercial Residential Zoning District along Capitola Road are being combined into one Mixed Use Neighborhood District. Both of these areas are a mixture of residential and commercial activities. Most of the lots in these two areas are small and parking requirements limits their development potential. The new General Plan includes the concept of allowing small visitor serving uses such as

1-10-13 AGENDA REPORT: CITY'S ZONING ORDINANCE. DISCUSSION

bed and breakfast or boutique hotels if lots could be combined.

Staff is working with the consultants on a new sign ordinance. The purpose of the new Ordinance is to make it easier for staff to approve replacement signs on existing buildings and to conform to state law. The goal is not to change the size of signs currently allowed. The new Village Design Guidelines and the new 41st Avenue Design Guidelines will deal with those specific areas. We will continue to not allow internally illuminated signs in the Village. The 41st Avenue Design Guideline will include special provisions which will allow for additional signage at the auto mall which is appropriate for that type of use.

The City currently has one parcel zoned for Professional Office. The Professional Office Zoning District will be eliminated. At this time we are not anticipating significant changes to the Industrial Park District. Modifications will be made to the Secondary Dwelling Ordinance to eliminate a floor area ratio loophole which is being used by applications to be able to build a larger than normal home.

The City will continue to have a Green Building Ordinance which exceeds the state requirements. Minor modification to the Archeological/Paleontological District will be made to reduce the requirements to have a report prepared if there is going to be no change in soils conditions. The Transient Rental Ordinance will be amended to eliminate the requirement to have a use permit issued annually.

FISCAL IMPACT: None

ATTACHMENTS: None

Report Prepared By: Susan Westman
General Plan Coordinator

Reviewed and Forwarded
by City Manager: 

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CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 10, 2013

FROM: CITY CLERK'S OFFICE

SUBJECT: COUNCIL MEMBER APPOINTMENT OF STANDBY CITY COUNCIL MEMBERS

RECOMMENDED ACTION: That Council Member Bottorff nominate from 1 to 3 persons to serve as the standby City Council Members pursuant to Municipal Code Section 2.04.165, and that Council Members Harlan, Norton, Storey, and Termini review their appointment(s) and make any changes at this time.

1. City Council approval of nominations of standby City Council Members; and
2. Direct staff to inform nominees of their appointment and schedule the necessary Oath of Office of Standby City Council Members at a regular meeting of the City Council.

BACKGROUND: Following all General Municipal Elections this matter is brought to the City Council so that newly elected Council Members can appoint their standby City Council members and to provide an opportunity for ongoing Council Members to review their appointment(s) and make changes.

DISCUSSION: Attached is the current roster of standby City Council Members. Current council members should review the contact information for their appointment(s) to make sure it is up-to-date if they plan to keep their appointment.

To become effective, nominations must be approved by the City Council. Council Members will make their nominations at the meeting. The Council will approve the nominations and direct staff to invite all newly appointed standby Council Members to a City Council meeting where the City Clerk will administer the Oath of Office at the beginning of the meeting.

Government Code Section 8640 stipulates: *"Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed...shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause."*

FISCAL IMPACT – None

ATTACHMENTS

1. Municipal Code Section 2.04.165
2. Standby City Council Member Roster
3. Former Standby City Council Member Roster

Report Prepared By: Susan Sneddon, City Clerk

Reviewed and Forwarded
By City Manager: 

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2.04.165 Appointment of standby city council members.

Government Code Sections 8635 and following provide that the city council shall have the authority to appoint up to three standby city council members per council position. Such standby members would serve as city council persons in the event that a council member is “unavailable” in an “emergency” as those words are defined in the California Emergency Services Act. Each council member may nominate from one to three persons to serve as his or her standby members. In making that nomination, the council member shall follow the criteria of Government Code Section 8639 which reads as follows:

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

The duties of such standby council members shall be as set forth in Government Code Section

8641. To become effective the nomination must be approved by the city council, and the nominee must take the oath of office. Terms of office and method of removal shall be as provided in Government Code Section 8640. (Ord. 782, 1995)

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CITY OF CAPITOLA
Standby City Council Members
 (Capitola Municipal Code Section 2.04.165)

COUNCIL MEMBER ED BOTTORFF'S APPOINTMENT:

Name	Address	Phone No.	Email

COUNCIL MEMBER HARLAN'S APPOINTMENT:

Name	Address	Phone No.	Email
Ron Graves Appointed 1/13/11	420 Riverview Avenue Capitola, CA	475-3567	fishsweetheart@netzero.net

COUNCIL MEMBER DENNIS NORTON'S APPOINTMENT:

Name	Address	Phone No.	Email
Mark Sullivan Appointed 1/13/11	508 Oak Drive Capitola, CA 95010	477-0571	msullivanlegal@gmail.com

COUNCIL MEMBER SAM STOREY'S APPOINTMENT:

Name	Address	Phone No.	Email
Maureen O'Malley-Moore Appointed 1/25/07	606 Burlingame Avenue Capitola, CA 95010	465-0764 (Home) 295-3062 (Cell)	Maureen@OMalleyclan.com

COUNCIL MEMBER MICHAEL TERMINI'S APPOINTMENT:

Name	Address	Phone No.	Email
Michael Banks Appointed 1/13/11	708 Rosedale Avenue Capitola, CA 95010	462-3197 (Home) 419-0573 (Cell)	CapitolaMike@gmail.com

Draft: 1/10/13

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CITY OF CAPITOLA
Standby City Council Members
 (Capitola Municipal Code Section 2.04.165)

COUNCIL MEMBER STEPHANIE HARLAN'S APPOINTMENT:

Name	Address	Phone No.	Email
Ron Graves Appointed 1/13/11	420 Riverview Avenue Capitola, CA 95010	475-3567	fishsweetheart@netzero.net

COUNCIL MEMBER KIRBY NICOL'S APPOINTMENT:

Name	Address	Phone No.	Email
Michael Routh Appointed 12/9/04	4590 Crystal Street Capitola, CA 95010	476-5402	gwakwak@sbcglobal.net

COUNCIL MEMBER DENNIS NORTON'S APPOINTMENT:

Name	Address	Phone No.	Email
Mark Sullivan Appointed 1/13/11	508 Oak Drive Capitola, CA 95010	477-0571	msullivanlegal@gmail.com

COUNCIL MEMBER SAM STOREY'S APPOINTMENT:

Name	Address	Phone No.	Email
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COUNCIL MEMBER MICHAEL TERMINI'S APPOINTMENT:

Name	Address	Phone No.	Email
Michael Banks Appointed 1/13/11	708 Rosedale Avenue Capitola, CA 95010	462-3197 (Home) 419-0573 (Cell)	CapitolaMike@gmail.com

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