

City of Capitola Agenda



Mayor: Michael Termini
Vice Mayor: Stephanie Harlan
Council Members: Kirby Nicol
Dennis Norton
Sam Storey
Treasurer: Jacques Bertrand

CAPITOLA CITY COUNCIL REGULAR MEETING THURSDAY, MARCH 8, 2012

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 §54956.9:

Three cases:

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch Storm Drain Failure);
2. Pacific Cove Mobile Home Park Flooding and Closure;
3. Larson vs. City of Capitola.

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

1. 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 #CV 172804]
2. Katie Saldana vs. 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 #CV173228]
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]

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

2. PRESENTATIONS

A. Senior Citizens Legal Services and Seniors Council presentation by Terry Hancock, Directing Attorney for Senior Citizens Legal Services, and Clay Kempf, Executive Director of Seniors Council of Santa Cruz & San Benito Counties.

B. Presentation by George Dondero and Kim Schultz of the Santa Cruz County Regional Transportation Commission.

3. REPORT ON CLOSED SESSION**4. ORAL COMMUNICATIONS**

A. Additions and Deletions to Agenda

B. Public Comments

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

C. Staff Comments

D. City Council/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.

E. Committee Appointments

F. Check Register

ALL MATTERS LISTED ON THE REGULAR MEETING OF THE CAPITOLA CITY COUNCIL AGENDA SHALL BE CONSIDERED AS PUBLIC HEARINGS.

5. 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 and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Approve City Council Minutes of the Regular Meeting of February 9, 2012.
RECOMMENDED ACTION: Approve Minutes.
- B. Consideration of approving the Notice of Completion for the Cherry Avenue Project.
RECOMMENDED ACTION: Approve the Notice of Completion.
- C. Consideration of an Employment Agreement for the Police Chief, Rudy Escalante, and authorize the City Manager to execute the agreement.
RECOMMENDED ACTION: Approve Agreement.
- D. Receive Planning Commission Action Minutes for the Regular Meeting of March 1, 2012.
RECOMMENDED ACTION: Receive Minutes.

6. 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. Discussion regarding funding the remaining \$137,000 for the Fiscal Year 2011/2012 Community Grants, and determine funding methodology for Fiscal Year 2012/2013 Community Grant Program.
RECOMMENDED ACTION: Discuss and provide direction.
- B. Presentation of the 2012 Capitola Voter Survey conducted by Fairbank, Maslin, Maulin, Metz & Associates, and consideration of a possible 2012 Revenue Ballot Initiative
RECOMMENDED ACTION: Discuss and provide direction.
- C. Receive report on damages sustained to the Capitola Wharf, and consideration of taking action to award contracts necessary to facilitate repairs as recommended by the Director of Public Works.
RECOMMENDED ACTION: Receive report and consideration of awarding contracts.

6. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- D. Request for approval of a Special Event Permit for the Capitola Half Marathon to be held on Sunday, May 20, 2012, in Capitola Village.
RECOMMENDED ACTION: Approve Special Event Permit.

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

7. COUNCIL/STAFF COMMUNICATIONS

8. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, March 22, 2012, at 7:00 p.m., 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.

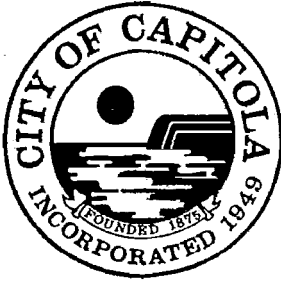
Agenda and Agenda Packet Materials: The City Council Agenda and the complete agenda packet are available on the Internet at the City’s website: www.ci.capitola.ca.us. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

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.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: FINANCE DEPARTMENT

SUBJECT: APPROVAL OF CITY CHECK REGISTER REPORT

RECOMMENDED ACTION: By motion that the City Council approve the attached Check Register Reports for February 17 and February 24, 2012.

DISCUSSION: The attached Check Registers for:

Date	Starting Check #	Ending Check #	Total Checks	Amount
2/17/12	68899	68941	43	\$129,735.37
2/24/12	68942	69004	63	\$58,947.37
2/24/12 Payroll				\$170,217.91

The check register of February 10, 2012 ended with check #68898.

Following is a list of checks issued for more than \$10,000.00, and a brief description of the expenditure:

Check	Issued to:	Dept.	Purpose	Amount
68911	Design, Community & Environment	CDD	Dec General Plan Update Services	\$26,834.90
68912	Earthworks Paving	PW	Cherry Ave Rehab work	\$75,734.04

On March 28, 2002, Council adopted Ordinance 838, which amended the City Municipal Code as follows:

"3.28.010 Auditing. All claims for salaries and wages of officers and employees and payroll-related withholdings, assessments, and attachments against the treasury of the City and all other claims for payment may be audited and allowed by the City Manager or his/her designee prior to payment thereof."

"3.28.050 Approval. All claims against the City treasury are to be allowed for payment by the City Manager or his/her designee and are to be presented to the City Council as an informational item as part of their regularly scheduled meetings after their issuance for ratification."

RESOLUTION NO. 2683 On September 22, 1994, Resolution No. 2683 was passed and adopted by the City Council. This resolution includes the following text:

Be it hereby resolved by the City Council of the City of Capitola that the City Manager is authorized, as cash shortages arise, to make temporary cash loans between and among the General Fund and all other City funds except the Redevelopment Agency; Special Assessment District funds; and The Village and Beach Parking Fund; and

Be it further resolved that such inter-fund loans shall be repaid by the borrowing fund to the lending fund as soon as, in the opinion of the City Manager, it is fiscally prudent to do so; and

Be it further resolved that the City Manager shall report to the City Council at its next regularly scheduled meeting, the amounts of such Interfund loans actually made; the funds from which and to which such Interfund loans were made; and the anticipated date the loans will be repaid.

The bank statement reconciliation has not been completed for the month. Bank reconciliation is completed and reported in conjunction with the monthly Treasurer's report. All checks on these registers have been deducted from the corresponding fund's cash balance. Interfund loans are not recorded on the financial records on a regular basis, except at year-end for financial reporting purposes.

There are several significant timing issues that create cash flow shortages:

- Triple flip delay of Sales Tax from monthly to December and April (~\$500,000/2x year)
- Annual Worker's Compensation premium was prepaid in January (\$467,344)
- Annual Self Insurance/Liability Premium was prepaid in January (\$65,338)

As of 2/29/12 the total cash available is \$1,895,982. The General Operating Fund has a cash balance of \$607,557. Internal Service Funds (#2210 through #2214) were created for City budget purposes and are reclassified for financial reporting into the General Fund. The Compensated Absences Fund (#2216) has a positive cash balance of \$82,995. The Capital Improvement Projects has a positive cash balance of \$619,347. By Council direction the Emergency Reserves Fund (#1020) may not participate in cash loans; the Emergency Reserves Fund has a fund balance of \$151,804.

For cash flow purposes these funds are available to the General Fund. A consolidation of these cash balances results in a cash position of \$1,895,982.

The following table shows the funds that are consolidated:

CASH POSITION - CITY OF CAPITOLA 2/29/12

	<u>Net Balance</u>
General Fund	607,557
Worker's Comp. Ins. Fund	58,210
Self Insurance Liability Fund	197,719
Stores Fund	6,947
Information Technology Fund	16,166
Equipment Replacement	10,065
Compensated Absences Fund	82,995
Contingency Reserve Fund	-
Public Employee Retirement - PERS	296,719
Open Space Fund	256
Capital Improvement Projects	619,347
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>1,895,982</u></u>

The Emergency Reserve Fund balance is \$151,804.17 and is not included above.

On a fiscal year basis the City's annual budget balances expenditures and revenue in the General Fund. Due to the timing of revenue receipts, during most of the fiscal year General Fund expenditures will outpace revenue.

To resolve this cash flow issue, loans in the amount of \$939,895.66 were made from the following funds to the general fund:

Loans Between funds:	
Contingency Reserve	\$464,895.66
Equipment Replacement	\$325,000.00
Information Technology	\$150,000.00
Total Loans	<u>\$939,895.66</u>

It is anticipated that these loans to General Fund will be repaid by June 30, 2012.

ATTACHMENTS:

1. Check Register for February 17, 2012
2. Check Register for February 24, 2012

**Report Prepared By: Linda Benko
AP Clerk**

**Reviewed and Forwarded
by City Manager:** 

ATTACHMENT 1

Checks dated 2/17/12 numbered 68899 to 68941 for a total of \$129,735.37 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 2/17/12 the unaudited cash balance is \$1,575,922

CASH POSITION - CITY OF CAPITOLA 2/17/12

	<u>Net Balance</u>
General Fund	294,183
Worker's Comp. Ins. Fund	58,210
Self Insurance Liability Fund	197,719
Stores Fund	7,509
Information Technology Fund	22,120
Equipment Replacement	10,065
Compensated Absences Fund	82,995
Contingency Reserve Fund	-
Public Employee Retirement - PERS	283,518
Open Space Fund	256
Capital Improvement Projects	619,347
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>1,575,922</u></u>

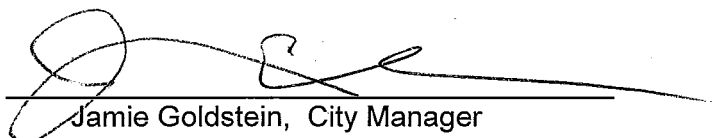
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 Jamie Goldstein, City Manager

2/17/12

 Date



 Jacques J.J. Bertrand, City Treasurer

2.22.12

 Date

City Checks Issued 2/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68899	02/17/2012	Open	Date		QUALITY HOMES	\$41.00
	Licensee Type		02/16/2012	Description		Amount
	Business			Business License Overpayment		\$41.00
68900	02/17/2012	Open			ARROWHEAD SCIENTIFIC, INC.	\$67.46
	Invoice		Date	Description		Amount
	53545		01/19/2012	Evidence Supplies, PD		\$67.46
68901	02/17/2012	Open			AT&T	\$20.74
	Invoice		Date	Description		Amount
	Feb2012		02/01/2012	Feb 2012 Telephone Service		\$7.82
	674-Feb12		02/01/2012	Feb 2012 Telephone Service		\$12.92
68902	02/17/2012	Open			BAY PHOTO LAB	\$737.73
	Invoice		Date	Description		Amount
	2301867		01/23/2012	Museum Display Expense		\$32.48
	2301037		01/23/2012	Museum Display Expense		\$705.25
68903	02/17/2012	Open			BOBBY'S PIT STOP INC.	\$309.30
	Invoice		Date	Description		Amount
	RO-0327004		01/31/2012	Smog 1999 F250		\$40.75
	RO-0326980		01/30/2012	Smog, 2006 Crown Vic/PD061		\$40.75
	RO-0326950		01/26/2012	Smog, 1997 F350 Flatbed		\$56.55
	RO-0326944		01/25/2012	Smog, 2006 Chev Impala		\$40.75
	RO-0326939		01/25/2012	Smog, 1983 Toyota Pickup		\$49.00
	RO-0326923		01/24/2012	Smog, 2004 Tahoe		\$40.75
	326911		01/23/2012	Smog, 2000 F150		\$40.75
68904	02/17/2012	Open			CALE AMERICA	\$630.00
	Invoice		Date	Description		Amount
	125682		01/31/2012	January 2012 meter fee		\$630.00
				Fund 1316, Parking Reserve		
68905	02/17/2012	Open			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$3,000.00
	Invoice		Date	Description		Amount
	116		12/15/2011	BIA event promotion		\$3,000.00
				Fund 1321, BIA		
68906	02/17/2012	Open			CASEY PRINTING	\$4,943.06
	Invoice		Date	Description		Amount
	20498011		01/26/2012	Early Spring Rec Brochures Printing		\$4,943.06
68907	02/17/2012	Open			CDW GOVERNMENT INC.	\$1,901.40
	Invoice		Date	Description		Amount
	D801012		01/23/2012	Data Backup Equipment		\$1,901.40
				Fund 2211, Info Technology		
68908	02/17/2012	Open			CHANTICLEER VET HOSPITAL	\$328.70
	Invoice		Date	Description		Amount
	14977-Jan 2012		02/02/2012	Animal Control Exp, Jan 2012		\$328.70
68909	02/17/2012	Open			COLEY HEATH INVESTIGATIONS	\$1,000.00
	Invoice		Date	Description		Amount
	14		02/06/2012	POST Compliant Background Check		\$1,000.00

City Checks Issued 2/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68910	02/17/2012 Invoice XFMRN57T9	Open	Date 01/13/2012	Description Server for CPD Records Management Sys Fund 2211, Info Technology	DELL COMPUTERS	\$4,248.00
68911	02/17/2012 Invoice 11746	Open	Date 12/31/2011	Description Professional Services, Dec2011 Fund 1313, Gen Plan Update	DESIGN, COMMUNITY & ENVIRONMEN	\$26,834.90
68912	02/17/2012 Invoice Billing 1	Open	Date 02/03/2012	Description Cherry Ave. Rehab work Fund 1200, CIP	EARTHWORKS PAVING CONTRACTOR:	\$75,734.04
68913	02/17/2012 Invoice 7 7a	Open	Date 02/01/2012 02/01/2012	Description BIA Communications Manager Advertising, BIA Fund 1321, BIA	FERRASCI-HARP, AMY	\$900.00
68914	02/17/2012 Invoice 4288-75271A	Open	Date 01/25/2012	Description Soccer goal	FOLD A GOAL	\$767.72
68915	02/17/2012 Invoice 185	Open	Date 01/20/2012	Description Uniform Expense, PD (Leland)	GALLI UNIFORM COMPANY	\$23.71
68916	02/17/2012 Invoice 2012-02	Open	Date 02/09/2012	Description Reimburse Travel Exp, Conf Attendance	GOLDSTEIN, JAMIE	\$213.42
68917	02/17/2012 Invoice 009	Open	Date 01/23/2012	Description Rispin Hazard Elim. Proj. Nov11-Jan12 Fund 1200, CIP	KERKO, BRYAN, T.	\$1,812.50
68918	02/17/2012 Invoice A153295 A153352	Open	Date 01/25/2012 01/26/2012	Description bench stain & curb paint Peery/Rispin bridge paint	KING'S PAINT AND PAPER, INC.	\$423.02
68919	02/17/2012 Invoice 221716	Open	Date 01/20/2012	Description auto parts	LLOYD'S TIRE SERVICE INC.	\$79.50
68920	02/17/2012 Invoice 2012-00000574	Open	Date 02/14/2012	Description Winter Instr.Payment	LUCAS, SAMANTHA	\$132.02
68921	02/17/2012 Invoice 2012-00000571	Open	Date 02/14/2012	Description Winter Instr.Payment	MAC LAUGHLIN, DAWN	\$386.10

City Checks Issued 2/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68922	02/17/2012	Open			MELLO, BRUCE, G.	\$346.45
	Invoice		Date	Description		Amount
	2012-00000573		02/14/2012	Winter Instr.Payment		\$346.45
68923	02/17/2012	Open			MID-COUNTY AUTO SUPPLY	\$543.89
	Invoice		Date	Description		Amount
	291042		01/30/2012	auto parts, PD Vehicles		\$108.74
	291123		01/31/2012	Computer Battery, PD 081		\$269.73
	290706		01/27/2012	auto parts-PD061		\$93.01
	290708		01/27/2012	auto parts-Shop F-150		\$6.49
	290735		01/27/2012	auto parts-PD061		\$40.00
	290363		01/24/2012	auto parts-PW F-150		\$13.12
	290281		01/24/2012	auto parts-PD041		\$12.80
68924	02/17/2012	Open			MISSION LINEN SUPPLY	\$915.58
	Invoice		Date	Description		Amount
	Jan2012		02/01/2012	Jan 2012 Mat and Coverall Cleaning		\$915.58
68925	02/17/2012	Open			NORTH BAY FORD	\$88.03
	Invoice		Date	Description		Amount
	225898		01/31/2012	auto parts, PD 071		\$88.03
68926	02/17/2012	Open			ORCHARD SUPPLY HARDWARE	\$127.64
	Invoice		Date	Description		Amount
	6011-6097206		01/30/2012	auto parts-PD061		\$9.18
	6010-6090271		01/25/2012	Shop Supplies		\$26.63
	6007-3526271		02/02/2012	Tie cables for evidence.		\$15.50
	6013-7822864		01/24/2012	Pitch forks/TNEG		\$43.28
	6013-3473180		01/26/2012	Sand/Peery/Rispin bridge		\$10.80
	6007-3526968		01/26/2012	Primer- Peery/Rispin bridge		\$6.04
	6007-2437194		01/27/2012	Sand		\$16.21
68927	02/17/2012	Open			PALACE ART & OFFICE SUPPLIES	\$77.97
	Invoice		Date	Description		Amount
	8725954		01/27/2012	Office supplies-PD		\$77.97
68928	02/17/2012	Open			PFX PET SUPPLY, LLC	\$28.84
	Invoice		Date	Description		Amount
	CD11785221		01/25/2012	K-9 food-PD		\$28.84
68929	02/17/2012	Open			PK SAFETY SUPPLY	\$271.29
	Invoice		Date	Description		Amount
	151165		01/19/2012	Safety supplies		\$271.29
68930	02/17/2012	Open			PRAXAIR DISTRIBUTION INC.	\$59.68
	Invoice		Date	Description		Amount
	41804640		01/20/2012	Gases, Corp Yd		\$59.68

City Checks Issued 2/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
68931	02/17/2012	Open			RED SHIFT INTERNET SERVICES	\$115.11	
	Invoice		Date	Description		Amount	
	1495723		02/01/2012	Feb2012 Internet Access		\$65.17	
	1495724		02/01/2012	Feb 2012 Internet Access, PD		\$49.94	
68932	02/17/2012	Open			SCC DEPT OF PUBLIC WORKS	\$193.50	
	Invoice		Date	Description		Amount	
	23852		01/31/2012	landfill charges, Jan 2012		\$193.50	
68933	02/17/2012	Open			SANTA CRUZ DANCE & PERFORMING /	\$1,766.70	
	Invoice		Date	Description		Amount	
	2012-00000572		02/14/2012	Winter Instr.Payment-later		\$1,766.70	
68934	02/17/2012	Open			SENTINEL PRINTERS, INC.	\$349.37	
	Invoice		Date	Description		Amount	
	293046		01/18/2012	Business Cards, Termini, Deiter, Sneddon		\$349.37	
				Fund 2210, Stores			
68935	02/17/2012	Open			STAPLES	\$8.34	
	Invoice		Date	Description		Amount	
	2214112001		01/20/2012	Misc Computer Supplies		\$8.34	
				Fund 2211, Info Technology			
68936	02/17/2012	Open			SUMMIT UNIFORM CORP	\$117.99	
	Invoice		Date	Description		Amount	
	44670		01/19/2012	Uniform Expense, Blankenship-PD		\$117.99	
68937	02/17/2012	Open			SWIFT, CAROLYN	\$21.98	
	Invoice		Date	Description		Amount	
	1912Val		02/09/2012	Reimburse Museum Display Purchase		\$21.98	
68938	02/17/2012	Open			THILL, WENDY	\$80.00	
	Invoice		Date	Description		Amount	
	2012-00000567		02/13/2012	Volleyball Officials Feb 2012		\$40.00	
	2012-00000569		02/13/2012	Volleyball Officials Feb 2012		\$40.00	
68939	02/17/2012	Open			WATSONVILLE BLUEPRINT	\$31.39	
	Invoice		Date	Description		Amount	
	32721		02/09/2012	Scan plans for bldg dept		\$31.39	
68940	02/17/2012	Open			Meeks, Alayne	\$48.60	
	Invoice		Date	Description		Amount	
	2001236-002		02/14/2012	Class refund		\$48.60	
68941	02/17/2012	Open			Russell, Sandy	\$8.70	
	Invoice		Date	Description		Amount	
	2001238.002		02/14/2012	Refund for senior discount		\$8.70	
Check Totals:				Count	43	Total	\$129,735.37

Checks dated 2/24/12 numbered 68942 to 69004 for a total of \$58,947.37 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 2/24/12 the unaudited cash balance is \$1,847,300

CASH POSITION - CITY OF CAPITOLA 2/24/12

	<u>Net Balance</u>
General Fund	558,875
Worker's Comp. Ins. Fund	58,210
Self Insurance Liability Fund	197,719
Stores Fund	6,947
Information Technology Fund	16,166
Equipment Replacement	10,065
Compensated Absences Fund	82,995
Contingency Reserve Fund	-
Public Employee Retirement - PERS	296,719
Open Space Fund	256
Capital Improvement Projects	619,347
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>1,847,300</u></u>


The Emergency Reserve Fund balance is \$151,804.17 and is not included above.

On a fiscal year basis the City's annual budget balances expenditures and revenue in the General Fund. Due to the timing of revenue receipts, during most of the fiscal year General Fund expenditures will outpace revenue.

To resolve this cash flow issue, loans in the amount of \$939,895.66 were made from the following funds to the general fund:

Loans Between funds:	
Contingency Reserve	\$464,895.66
Equipment Replacement	\$325,000.00
Information Technology	<u>\$150,000.00</u>
Total Loans	\$939,895.66

It is anticipated that these loans to the General Fund will be repaid by June 30, 2012.



 Jamie Goldstein, City Manager

2/24/12

 Date



 Jacques J.J. Bertrand, City Treasurer

2.29.12

 Date

City of Capitola
City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68942	02/24/2012 Invoice 185893	Open	Date 01/31/2012	Description Credit Checks, New Hires, PD	ADVANTAGE CREDIT INC.	\$20.00
68943	02/24/2012 Invoice 2963183	Open	Date 01/26/2012	Description Telephone and Internet Access Fund 2211, IT=\$326.04; balance=Gen Fund	AT&T/CALNET 2	\$2,038.35
68944	02/24/2012 Invoice 257977	Open	Date 02/08/2012	Description Edger blades	B & B SMALL ENGINE REPAIR	\$16.72
68945	02/24/2012 Invoice 2876	Open	Date 02/18/2012	Description Feb12 Landscape Fee, Pac Cove MHP	BACK TO EDEN LANDSCAPING INC.	\$575.00
68946	02/24/2012 Invoice 3220-Jan-Feb12	Open	Date 02/06/2012	Description City Credit Card Charges, Jan-Feb2012 Fund 1000, Gen Fund=\$2245.04 Fund 2210, Stores=\$64.83 Fund 2211, IT=\$2046.49	BANK OF AMERICA	\$4,356.36
68947	02/24/2012 Invoice 2306295 2305005 2305007 2306291 2305001 2315261 2309799 2309803 2306946 2307634	Open	Date 01/26/2012 01/25/2012 01/25/2012 01/26/2012 01/25/2012 02/02/2012 01/30/2012 01/30/2012 01/26/2012 01/27/2012	Description Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense Museum Display Expense	BAY PHOTO LAB	\$1,217.67
68948	02/24/2012 Invoice RO-0327019 RO-0327026 RO-0327040 RO-0327035 RO-0327052 RO-0327099	Open	Date 02/01/2012 02/01/2012 02/02/2012 02/02/2012 02/03/2012 02/07/2012	Description 1990 F-150 smog inspection 1999 F-250 4x4 smog inspection 2006 F-250 super duty smog inspection 2002 F-150 CSO-2 smog inspection 1986 F-350 van smog inspection 2002 Chev Impala smog inspection	BOBBY'S PIT STOP INC.	\$244.50
68949	02/24/2012 Invoice BK-Feb12	Open	Date 02/22/2012	Description Paul Private Lessons 2/22/12	BRESLIN-KESSLER, PAUL	\$795.00
68950	02/24/2012 Invoice 891553	Open	Date 02/07/2012	Description Jan. 2012 fingerprint appts	CA DEPARTMENT OF JUSTICE	\$96.00

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68951	02/24/2012 Invoice 2032	Open	Date 02/13/2012	Description pay station instruction decals-design, set u Fund 1316, Parking Reserve	CADILLAC DESIGNS	\$736.80
68952	02/24/2012 Invoice CLEA-Mar12	Open	Date 02/16/2012	Description Mar12 Long Term Disability Plan PD	CALIF. LAW ENFORCEMENT ASSOC.	\$448.50
68953	02/24/2012 Invoice POA2-24-12	Open	Date 02/22/2012	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOC.	\$796.08
68954	02/24/2012 Invoice 14340-2011	Open	Date 02/02/2012	Description Final payment for 2011-Animal Control Exp	CHANTICLEER VET HOSPITAL	\$715.22
68955	02/24/2012 Invoice 0198562-Mar12	Open	Date 02/11/2012	Description Feb-Mar2012 Internet Access Fund 2211, IT	Charter Communications	\$129.99
68956	02/24/2012 Invoice 128263	Open	Date 02/09/2012	Description auto parts	CHEVROLET OF WATSONVILLE	\$130.03
68957	02/24/2012 Invoice 9309	Open	Date 01/31/2012	Description Jan2012 Cleaning Service	CLEAN BUILDING MAINTENANCE	\$3,542.00
68958	02/24/2012 Invoice 1135884	Open	Date 02/07/2012	Description Cleaning supplies Fund 1311, Wharf Fund=\$145; balance= general fund	CLEAN SOURCE	\$1,223.00
68959	02/24/2012 Invoice 1124	Open	Date 01/31/2012	Description Soquel Creek Monitoring -Water Quality	COASTAL WATERSHED COUNCIL	\$1,659.50
68960	02/24/2012 Invoice 61155571 61157097	Open	Date 01/18/2012 01/19/2012	Description 10 ea Windows 7 Professional Windows Server 2008 Fund 2211, IT	COMPUCOM	\$2,188.12
68961	02/24/2012 Invoice 060094-Jan12	Open	Date 01/31/2012	Description Jan 2012 Drinking Water, all sites	CRYSTAL SPRINGS WATER CO.	\$192.97
68962	02/24/2012 Invoice 2012-00000565	Open	Date 01/31/2012	Description Crown Vic Display Mount, 5 each Fund 2211, IT	DATA 911	\$534.00

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68963	02/24/2012 Invoice C44791	Open	Date 02/08/2012	Description certificate renewal-civil engineer	DEPARTMENT OF CONSUMER AFFAIR	\$125.00 \$125.00
68964	02/24/2012 Invoice 021712	Open	Date 02/17/2012	Description Wharf Entry Gate Repair Fund 1311, Wharf Fund	FABRICATION EFFECTS, INC.	\$368.80 \$368.80
68965	02/24/2012 Invoice 507989	Open	Date 02/15/2012	Description Alarm Community Center	FIRST ALARM	\$195.00 \$195.00
68966	02/24/2012 Invoice 12-696822 12-696821	Open	Date 02/03/2012 02/03/2012	Description 125 Gal Diesel 427 Gal Ethanol	FLYERS ENERGY, LLC	\$2,154.12 \$500.29 \$1,653.83
68967	02/24/2012 Invoice 202	Open	Date 01/25/2012	Description Uniform Exp, Parking Enf.	GALLI UNIFORM COMPANY	\$62.68 \$62.68
68968	02/24/2012 Invoice 103962 103961 103657 103660	Open	Date 02/09/2012 02/09/2012 01/10/2012 01/10/2012	Description Jan2012 Legal Services Jan 2012 Legal Services, Housing Issues Dec2012 Legal Fees, Housing Issues Dec2012 Legal Services, Housing Issues	GOLDFARB & LIPMAN, LLP	\$4,139.50 \$180.50 \$570.00 \$3,124.00 \$265.00
68969	02/24/2012 Invoice Feb-2 Feb-3	Open	Date 02/20/2012 02/20/2012	Description Mechanic, 2/6/12 to 2/10/12 Mechanic, 2/13/12-02/17/12	HOWARD, CHARLIE	\$1,380.00 \$710.00 \$670.00
68970	02/24/2012 Invoice ICMA2-24-12	Open	Date 02/22/2012	Description Retirement plan contribution, employee fur	ICMA RETIREMENT TRUST 457	\$4,815.58 \$4,815.58
68971	02/24/2012 Invoice 2812	Open	Date 02/08/2012	Description Backflow testing	JIM CLARK BACKFLOW	\$160.58 \$160.58
68972	02/24/2012 Invoice 28060008	Open	Date 01/31/2012	Description Code books with flash drive-PD	MATTHEW BENDER & CO., INC.	\$279.52 \$279.52
68973	02/24/2012 Invoice 47765623	Open	Date 01/28/2012	Description Internet Access Fund 2211, IT	MEGAPATH COVAD COMMUNICATION	\$643.86 \$643.86

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68974	02/24/2012	Open			MID-COUNTY AUTO SUPPLY	\$418.13
	Invoice		Date	Description		Amount
	290546		01/25/2012	auto parts-PW F-350		\$17.56
	292217		02/09/2012	auto parts, PD Ford Van		\$7.78
	292235		02/09/2012	auto parts, Shop Pick Up		\$3.79
	292293		02/10/2012	auto parts, PD Chevy Impala		\$20.43
	292344		02/10/2012	auto parts, PD Ford Van		\$13.45
	291904		02/07/2012	auto parts, Comm Ctr GEM vehicle		\$87.65
	291496		02/03/2012	auto parts, Comm Ctr GEM vehicle		\$11.65
	291487		02/03/2012	auto parts, Comm Ctr GEM vehicle		\$26.24
	291788		02/06/2012	auto parts, PD 2006 Impala		\$32.86
	291381		02/02/2012	auto parts, Comm Ctr GEM vehicle		\$130.93
	291398		02/02/2012	auto parts, PD Ford Van		\$6.98
	291452		02/02/2012	auto parts, Comm Ctr GEM vehicle		\$58.81
68975	02/24/2012	Open			MOBILE MINI LLC	\$203.67
	Invoice		Date	Description		Amount
	955251412		01/27/2012	Storage-PD		\$203.67
68976	02/24/2012	Open			Montano Plumbing, Inc.	\$4,421.12
	Invoice		Date	Description		Amount
	22880		02/19/2012	Emergency Gas Pipe Relocation Fund 1311, Wharf Fund		\$4,421.12
68977	02/24/2012	Open			MONTEREY REGIONAL WATER POLLUTIONAG	\$380.00
	Invoice		Date	Description		Amount
	07969		02/03/2012	Annual storm water TV campaign		\$380.00
68978	02/24/2012	Open			MUNISERVICES, LLC	\$3,150.06
	Invoice		Date	Description		Amount
	27240		01/31/2012	Q3 CY2011 Sales & Use tax service		\$2,010.21
	26855		01/30/2012	Q3 CY2011 Sales Tax Reporting Systems		\$1,139.85
68979	02/24/2012	Open			ORCHARD SUPPLY HARDWARE	\$187.26
	Invoice		Date	Description		Amount
	6013-6094104		02/01/2012	Misc. Supplies		\$47.28
	6007-3039075		02/06/2012	Clippers		\$3.78
	6012-3324647		02/06/2012	Painting supplies		\$33.70
	6011-4799015		02/07/2012	Pumice stone		\$6.50
	6011-4799062		02/07/2012	Pumice stone		\$6.50
	6005-3695170		02/07/2012	Cable		\$6.48
	6011-4799284		02/08/2012	Misc. hardware-Fund 1311, Wharf fund		\$67.03
	6009-3527084		02/08/2012	Misc. bolts		\$15.99

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68980	02/24/2012	Open			PALACE ART & OFFICE SUPPLIES	\$853.93
	Invoice		Date	Description		Amount
	8728202		02/01/2012	Office Supplies, Museum		\$10.81
	8728216		02/01/2012	Office Supplies, Museum		\$5.20
	942823		02/01/2012	Paper-PD		\$46.44
	943135		02/02/2012	Office Supplies, City Hall		\$10.80
	943133		02/02/2012	Office Supplies, City Hall		\$32.41
	8728591		02/02/2012	Office Supplies, City Hall		\$8.54
	942028		02/01/2012	Office Supplies, City Hall		\$54.11
	942708		02/01/2012	Office Supplies, City Hall		\$231.77
	943614		02/06/2012	Office Supplies, City Hall		\$37.18
	943605		02/06/2012	Office Supplies, City Hall		\$23.39
	943602		02/06/2012	Office Supplies, City Hall		\$5.83
	943433		02/06/2012	Office Supplies, City Hall		\$34.76
	8728044		02/01/2012	Printer cartridges-Corp Yd		\$41.67
	943272		02/07/2012	Office Supplies, City hall		\$18.35
	943859		02/07/2012	Office Supplies, City Hall		\$31.07
	944034		02/08/2012	Office Supplies, City Hall		\$8.45
	944186		02/09/2012	office supplies-PD		\$206.71
	944193		02/09/2012	Paper-PD		\$46.44
				Fund 2210, Stores=\$496.66; balance is general fund		
68981	02/24/2012	Open			PITNEY BOWES INC.	\$19.32
	Invoice		Date	Description		Amount
	Refill Fee-Rec		02/05/2012	Postage refill fee, Rec		\$19.32
68982	02/24/2012	Open			PK SAFETY SUPPLY	\$54.86
	Invoice		Date	Description		Amount
	151863		01/30/2012	Gloves		\$54.86
68983	02/24/2012	Open			PRINTING SYSTEMS, INC.	\$43.17
	Invoice		Date	Description		Amount
	67368		12/01/2011	Forms 1099		\$43.17
68984	02/24/2012	Open			REPUBLIC ITS INC.	\$698.24
	Invoice		Date	Description		Amount
	RR-125938		02/12/2012	FY 11/12 Traffic Signal Maintenance		\$698.24
				Fund 1310, Gas Tax		
68985	02/24/2012	Open			SAFE KIDS	\$50.00
	Invoice		Date	Description		Amount
	626829-2012		02/14/2012	Recertification, Hernandez		\$50.00
68986	02/24/2012	Open			SCC INFORMATION SERVICES	\$1,307.77
	Invoice		Date	Description		Amount
	SCAN-Feb 2012		01/30/2012	Open query-PD		\$502.78
	R224-Q2 FY11/12		02/01/2012	Q4 CY2011 Radio Shop Invoice		\$804.99
68987	02/24/2012	Open			SCC OFFICE OF EDUCATION	\$90.00
	Invoice		Date	Description		Amount
	11425		02/01/2012	Fingerprint Appts x 3		\$90.00

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
68988	02/24/2012 Invoice 293117	Open	Date 01/30/2012	Description business cards-Jesberg	SENTINEL PRINTERS, INC.	\$107.42
68989	02/24/2012 Invoice 303338	Open	Date 02/07/2012	Description Plants	SOQUEL NURSERY GROWERS, INC.	\$38.98
68990	02/24/2012 Invoice 4095	Open	Date 01/04/2012	Description Hats, PW	SPORT ABOUT	\$280.80
68991	02/24/2012 Invoice 974855313-122	Open	Date 01/26/2012	Description Monthly Cell Phones	SPRINT	\$2,705.11
68992	02/24/2012 Invoice 47932048 47932596 QVT7531 67102	Open	Date 02/17/2012 02/09/2012 02/08/2012 02/18/2012	Description Museum Display Item Museum Display Exp Museum Display Expense Reimb Museum Display Exp	SWIFT, CAROLYN	\$265.48
68993	02/24/2012 Invoice Coscto	Open	Date 02/08/2012	Description Reimb Museum Display Exp	SWIFT, STEVE	\$87.50
68994	02/24/2012 Invoice 5777042-2	Open	Date 02/17/2012	Description Life & Long Term Disability Ins, Mar2012	THE HARTFORD -PRIORITY ACCOUNT	\$1,686.03
68995	02/24/2012 Invoice PARS-2-24-12	Open	Date 02/22/2012	Description PARS contribution, employee funded	UNION BANK OF CALIFORNIA	\$269.07
68996	02/24/2012 Invoice 196345359 196580989	Open	Date 02/02/2012 02/06/2012	Description Feb 2012 Copier Lease Payment, IR2525 C4540 Copier Lease, PD	US BANCORP EQUIPMENT FINANCE,	\$544.56
68997	02/24/2012 Invoice T9061	Open	Date 02/01/2012	Description K-9 training, Jan 2012	WITMER-TYSON IMPORTS INC.	\$500.00
68998	02/24/2012 Invoice 2012-00000578	Open	Date 02/22/2012	Description Tree Deposit Refund #11-026	Brookshier, Joe & Tracey	\$500.00
68999	02/24/2012 Invoice 14129982	Open	Date 02/12/2012	Description Refund cite 14129982	Gamero, Suzette	\$10.00

City Checks Issued 2/24/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
69000	02/24/2012 Invoice 2012-00000577	Open	Date 02/21/2012	Description Tree Deposit Refund #11-018	Kesterson, Suzanne	\$500.00 \$500.00
69001	02/24/2012 Invoice 2012-00000579	Open	Date 02/22/2012	Description Class Refund	MacDonald, Moira	\$84.00 \$84.00
69002	02/24/2012 Invoice 19726tx	Open	Date 01/31/2012	Description sales tax on Inv 19726	DATA 911	\$40.84 \$40.84
69003	02/24/2012 Invoice 20120224	Open	Date 02/23/2012	Description PERS Pymt in advance of IDR	GROGAN, JASON	\$1,654.11 \$1,654.11
69004	02/24/2012 Invoice 20120224	Open	Date 02/23/2012	Description PERS Pymts in advance of IDR	Van Den Heuvel, Dana	\$1,815.49 \$1,815.49
Check Totals:				Count	63	Total \$58,947.37



Item #: 5.A.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE FEBRUARY 9, 2012 CAPITOLA CITY COUNCIL MEETING
MINUTES


RECOMMENDED ACTION: By motion that the City Council approve the subject minutes as submitted.

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

ATTACHMENTS

1. February 9, 2012 Minutes

Report Prepared By: Susan Sneddon, CMC
City Clerk

**Reviewed and Forwarded
By City Manager:** 

NOT OFFICIAL UNTIL APPROVED BY COUNCIL

**CITY OF CAPITOLA
CITY COUNCIL**

February 9, 2012
Capitola, California

MINUTES OF A REGULAR MEETING**5:30 P.M. – CLOSED SESSION – CITY MANAGER’S OFFICE****CALL TO ORDER**

At 5:30 p.m. in the City Hall Council Chambers, Mayor Termini noted that all Council Members were present. 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 Govt. Code §54956.9:
Two cases: 1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park
2) Pacific Cove Mobile Home Park Flooding and Closure

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

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 #CV 172804]

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager
Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: American Alternative Insurance Corporation, subrogee of Central Fire Protection District of Santa Cruz County
Claimant: Paula Bradley
Agency claimed against: City of Capitola

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Cal. Govt. Code Section 54956.9(c): 1 potential case

Mayor Termini noted that there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 5:35 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 7:10 p.m. on Thursday, February 9, 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, Interim Community Development Director Susan Westman, Public Works Director Steve Jesberg, Finance Director Tori Hannah, and City Clerk Susan Sneddon

2. PRESENTATIONS:

A. Introduction of the new Finance Director, Tori Hannah.

City Manager Goldstein welcomed Tori Hannah, the new Finance Director.

Finance Director Hannah stated that she is looking forward to working for the City.

B. Presentation of Certificate of Appreciation to Debbie Hale for her service on the Capitola Art & Cultural Commission from March 2006 through December 2011.

Debbie Hale was not present to receive the Certificate of Appreciation.

C. Mayor's Proclamation proclaiming the month of February as "Teen Dating Violence Awareness Month"

Mayor Termini read the proclamation and presented it to Samantha Abeling, Leanne Hahn, Holly Cross, and Amanda from the Women's Crisis Support.

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

Assistant Agency Director Flores, Family Service Agency of the Central Coast (Agency), provided an overview of the services that they provide.

3. REPORT ON CLOSED SESSION

City Attorney Barisone stated that Council discussed the items listed on the Closed Session Agenda. City Council had conference with their legal counsel regarding two cases: (1) Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park; and (2) Pacific Cove Mobile Home Park Flooding and Closure. The City Council had conference with legal counsel regarding existing litigation, entitled Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola. The Council also discussed the Paula Bradley tort claim. **City Attorney Barisone** stated that the Central Fire Protection District of Santa Cruz County tort claim was not discussed. No reportable action was taken. Also the City Council had conference with the City Manager as the City's labor negotiator concerning upcoming labor negotiations with the Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and the Department Head Group. He stated that the City Council provided the City Manager with preliminary direction regarding the upcoming negotiations but took no reportable action in closed session.

4. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda (None provided)

B. Public Comments (None provided)

C. Staff Comments

City Manager Goldstein stated that the City's Building and Zoning counter hours will be increased so the public can obtain building permits Monday through Friday. He also stated that Housing/Redevelopment Planner Foster has accepted the position as Executive Director with the Habitat for Humanity for Santa Cruz County.

Housing/Redevelopment Planner Foster thanked the City Council for the opportunity to work for the City for the past six years.

D. City Council/Treasurer Comments/Committee Reports

Treasurer Bertrand encouraged the Pacific Cove Mobilehome Park residents to locate new residences; he stated that a friend recently found a mobilehome in Capitola.

Council Member Storey announced that he has been appointed as the Chair of the Santa Cruz Library Financing Authority and Joint Powers Board.

Council Member Kirby, City's representative to the Criminal Justice Council of Santa Cruz County, stated that the Criminal Justice Council recently met and discussed ways to prevent overcrowding of jails through education.

3. ORAL COMMUNICATIONS (continued)

Council Member Harlan, City's representative to the Association of Monterey Bay Area Governments (AMBAG), stated that she recently attended an AMAG meeting, and Interim Executive Director Diane Eidam recommended that each jurisdiction prepare an article to be highlighted in the AMAG newsletter each year.

Council Member Harlan, City's representative to Monterey Bay Sanctuary Advisory Council, reported the following from the recent MBSAC meeting: (1) Leadership in Energy Efficiency Award was presented to San Benito County Fairgrounds for retrofitting the fairgrounds with more efficient lighting with an annual savings of \$109,000; (2) a presentation was made by representatives from the California Division of the Federal Highway Administration regarding the Metropolitan Planning Organization; and (3) a letter was sent to Washington DC requesting continued funding surface transportation projects; (5) a \$400,000 contract amendment to fund EcologyAction has been awarded in order to complete the direct installation program implementing energy efficiency in the hospitality industry. She provided a brief report regarding the draft Electric Vehicle Infrastructure Report for the Monterey Bay Area.

Council Member Norton requested an update from Administrative Services Director Murphy on the proposed Plastic Bag Ordinance.

Administrative Services Director Murphy reported that Santa Cruz County amended the County's Plastic Bag Ordinance to exclude restaurants from the provisions of the plastic bag ban.

Mayor Termini complimented staff on City funds well spent for the consulting services provided by Bob Murray and Associates in the hiring of the new Police Chief.

E. Committee Appointments (None)F. Approval of Check Register Reports1. **Approval of City Check Register Reports dated January 20, and 27, 2012.**
[300-10]

ACTION: Motion by Council Member Storey, seconded by Council Member Harlan, to approve the Check Register Reports dated January 20, and 27, 2012, as submitted. The motion was unanimously carried. (Note: Council Member Norton abstained from voting on Check #68646 in the amount of \$104,372 to Santa Cruz Regional 911.)

5. CONSENT CALENDAR

Mayor Termini asked if there were any items on the Consent Calendar that members of the public or the City Council wished to pull for separate discussion.

Council Member Harlan said she would like to pull **Item 5.D.** regarding the Planning Commission Action Minutes for the Regular Meeting of February 2, 2012.

Council Member Nicol said he would abstain from **Items 5.E.** because he is the Executive Director of the Wharf-to-Wharf Race (non-profit), and voting on this item would result in a conflict of interest.

- A. Deny liability claims of the following and forward to the City's liability insurance carrier: (1) American Alternative Insurance Corporation, subrogee of Central Fire Protection District of Santa Cruz County: \$184,982.40; and (2) Paula Bradley: Undetermined amount. [Claims Binder]**

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to deny the liability claims and forward to the City's liability insurance carrier. 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 approving the minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of January 12, 2012. [170-10]**

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to approve the minutes of the Regular Joint Meeting of the City Council/Redevelopment Agency of January 12, 2012. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

- C. Consideration of adopting a Resolution approving the Final Map for the Pearson Court Subdivision. [730-10]**

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to adopt Resolution No. 3903 approving the Final Map for the Pearson Court Subdivision. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

- D. Receive Planning Commission Action Minutes for the Regular Meeting of February 2, 2012. [740-50]**

This item was pulled for separate discussion. (See discussion and action following Consent Calendar Item 5.D. on Page 12159)

5. CONSENT CALENDAR (continued)

- E. Consideration of approving the Special Event Permits Administrative Policy and the modifications to the Block Party Permit and Grant Program Administrative Policy. [1050-70]

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to approve the Special Event Permits Administrative Policy and the modifications to the Block Party Permit and Grant Program Administrative Policy. The motion carried on the following vote: AYES: Council Members Harlan, Norton, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: Council Member Nicol.

The following action on the Consent Calendar, the City Council then discussed Item 5.D. and took separate action on that item:

- D. Receive Planning Commission Action Minutes for the Regular Meeting of February 2, 2012. [740-50]

Council Member Harlan asked if anyone else had appealed the permit to install a wall sign and a monument sign at 4510 Capitola Road (Commercial/Residential Zoning District) (**Mayor Termini** stated that he appealed the sign permit).

Motion by Council Member Harlan, seconded by Council Member Storey, to receive the Planning Commission Action Minutes of February 2, 2012, as submitted. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

6. GENERAL GOVERNMENT

- A. Consideration of an amendment to the Capitola Municipal Code to allow sandwich board signs. [720-50/570-10]

Interim Community Development Director Westman provided a brief history of this item; staff was directed to come back to the City Council with a revised Ordinance. She stated that staff has met with village merchants, who have been working on developing ideas for sandwich board signs. She stated that this item is a presentation from the village merchants with purposed ideas. She stated that in the future staff will need direction from the City Council regarding modifying a new draft sign ordinance.

Mayor Termini requested the representative from the Capitola Village and Wharf Business Improvement Area present their proposal.

Carl Hyman, local business owner, stated that he has worked with village business owners to come up with the proposed sandwich board sign design. He reviewed specifics about the proposed signage and presented a prototype sandwich board sign.

6. GENERAL GOVERNMENT (continued)

Council discussion ensued regarding the proposed sandwich board sign design.

Mayor Termini opened this item for public comment.

Gary Wetsel, Paradise Beach Grille, clarified some of the sandwich board sign design specifics. He stated that the design process has included input from residents, business owners, and the City Council.

Michael Lavigne, Michael Lavigne Real Estate Services, provided his support for the proposed sandwich board sign design.

Ed Bottorff, Capitola resident, provided his support for the proposed sandwich board sign design, stating that the signs should be placed in the same location where the previous parking meters were located.

Peter Latour, Santa Cruz Hostel, suggested that the proposed sandwich board signage be more decorative and be placed high enough to be viewed above vehicles.

Mayor Termini closed this item for public comment.

Council Member Norton made a motion with the following proposed sandwich board sign criteria: (a) allow free-standing signs in the commercial part of the Central Village Zoning District for a one-year trial period; (2) do not allow banners or temporary outside signs if the proposed sandwich board signs are approved; (3) obtain the cost of a sign permit from the City that would include code enforcement costs; (4) allow the height of the proposed signage to be thirty inches and a width of twenty-inches; (5) require ADA compliance; (6) allow for two-way sidewalk pedestrian traffic; (6) allow a minimum distance between signs to be forty feet.

Mayor Termini seconded the motion with an amendment to include that the proposed signs be placed at least twenty-four inches from the curb and to keep the sidewalk clear for two-way pedestrian traffic.

Council Member Nicol stated the following point of order: the Mayor should provide a second to a motion only in the absence of a second from another council member.

Mayor Termini withdrew his motion.

Council Member Storey asked about the standard “look and feel” format required for the proposed design standard.

Council Member Norton suggested that staff provide the City Council with a standardized design that would allow for some variations.

6. GENERAL GOVERNMENT (continued)

Mayor Termini stated that businesses should be able to use the top oval section of the sign for their own design, and the remaining portion of the sign should be a standard design.

Interim Community Development Director Westman stated that staff will return to Council with recommendations on the sign ordinance.

Mayor Termini requested that staff provide the City Council with the number of businesses that would be affected by the proposed sign ordinance and for staff to provide a recommendation on consistency of text used on the signs.

ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, for staff to come back to the City Council with a proposed amendment to the Capitola Municipal Code to allow sandwich board signs. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Termini stated concerns regarding businesses (i.e., various 41st Avenue businesses) being affected by the proposed amended Sandwich Board Sign Ordinance.

Interim Community Development Director Westman responded that staff will be coming back to the City Council in the future with direction to address the egregious problem of businesses placing flags and large banners in storefronts, and staff will return to the City Council with the Planning Commission's recommendation.

B. Consideration of adopting an Urgency Ordinance banning the installation of the PG&E SmartMeters in the City. [565-30]

Public Works Director Jesberg stated that in March 2011 City Council adopted an Urgency Ordinance which expired in December 2011 banning the installation of the PG&E SmartMeters. He stated that on February 1, 2012, the California Public Utilities Commission approved a PG&E opt-out program, and he reviewed the costs to customers to opt-out of the SmartMeter, and instead use the analog meter. He stated that the County of Santa Cruz, which had adopted a similar moratorium ordinance in 2011, recently approved another moratorium ordinance for the unincorporated area. He stated that staff recommends Council receive public input and provide direction to staff.

Mayor Termini opened this item for public comment.

Karen Nevis, Capitola resident, urged the City Council to continue the SmartMeter moratorium.

6. GENERAL GOVERNMENT (continued)

Hunter Stern, Business Representative for International Brotherhood of Electrical Workers (IBEW) Local Union 1245, thanked the City Council for allowing the expression of concerns regarding SmartMeters and the passing of the moratorium at a time the California Public Utilities Commission (CPUC) needed to hear from the community. He stated that Local Union 1245 supports the reinstallation of the analog meters; however, there are ongoing financial concerns due to a lack of PG&E funding for the reading of analog meters.

Mayor Termini closed this item for public comment.

Council Member Storey stated that PG&E customers should have the option to choose between a SmartMeter and an analog meter without the imposition of the SmartMeter opt-out fee.

Council Member Nicol stated the installation of SmartMeters was not a PG&E initiative; it is a national framework. He said there is nothing that the City can do except to make a political statement against CPUC.

Council Member Harlan stated that she is in favor of adopting an urgency ordinance banning the installation of SmartMeters to allow additional time for further studies related to the physical impact of SmartMeters.

Council Member Norton suggested that staff draft a letter from the City Council to the CPUC opposing the SmartMeter opt-out one-time and monthly fees.

Mayor Termini stated extending the moratorium would be merely symbolic. He agrees with drafting a letter to the CPUC opposing the opt-out fees subject to approval by City Council.

Council Member Storey requested that there be a continuing effort to oppose the SmartMeter opt-out fees.

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, for staff to draft a letter from the Mayor to the California Public Utilities Commission opposing the SmartMeter opt-out one-time and monthly fees, and to keep the Council apprised of continuing efforts to oppose these charges. The motion carried on the following vote: AYES: Council Members Norton, Storey, and Mayor Termini. NOES: Council Member Harlan and Council Member Nicol. ABSENT: None. ABSTAIN: None.

C. Consideration to approve the Notice of Completion for the Rispin Property Abatement Project. [275-60]

Public Works Director Jesberg provided a brief history of this item and reported on the work completed. He reviewed the remaining unfunded elements to be completed with an estimated cost of \$550,000; the total

6. GENERAL GOVERNMENT (continued)

project cost to get a public park open at this site is \$1.2 million, and the fund for the remaining work will either come from the Enforceable Obligations Payment Schedule (EOPS) future grant programs or General Fund appropriations.

Mayor Termini opened this item for public comment.

Peter Latour, Santa Cruz Hostel, proposed that the Rispin Property be used as a hostel.

Mayor Termini closed this item for public comment.

Council Member Norton suggested that the public have access to the Rispin property.

Mayor Termini asked City Attorney Barisone if the City would increase their liability by removing the chain-link fence to give the public access to the property.

City Attorney Barisone replied that the liability would not increase more than when it was previously open to the public to the extent that there are trip hazards or other dangerous conditions that existed prior to the fence. He stated that physical barriers would need to be removed to be ADA compliant, if removal is easily accomplished without undo difficulty or expense.

Council discussion ensued regarding opening the Rispin property to the public.

ACTION: Motion by Council Member Nicol, seconded by Council Member Storey, to approve the Notice of Completion for the Rispin Property Abatement Project. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None

D. Review Community Grant Application process. [330-30]

Council Member Storey announced that he would recuse himself from voting on this item because he is the Community Bridges CEO (non-profit organization) and voting on this item would be a conflict of interest.

Administrative Services Director Murphy provided a brief history of this item. She stated that Council may consider revising the funding methodology for the community grants and determine whether or not to allow a new agency or organization to apply for the existing Community Grant Program for Fiscal Year 2012/2013. She stated that currently the City's Community Grant Program provides \$275,000 in funding to 35 agencies/organizations.

Mayor Termini opened this item to the public.

Willis Sullivan, Human Care Alliance representative, stated his concern regarding the timing of the Council looking into revising the community grant funding since the applications are due at the end of the month.

City Treasurer Bertrand stated that he understands that the City's budget is impacted by lack of revenue; however, this is a timing issue, and the City should proceed with the community grants this fiscal year and reevaluate the program for the next cycle.

Cynthia Druley, CASA Executive Director, stated that the Human Care Alliance is trying to coordinate so that different jurisdictions understand the plight of the non-profit community. She provided support for the continued Community Grant Program.

Emily Glanville, Save Our Shores Program Manager, reported on some of the Save Our Shores projects; she provided her support for continuing the City's Community Grant Program.

Kathleen Johnson, Advocacy Inc., stated her concerns in limiting funds to the non-profits; in order for some non-profit agencies to be eligible for state and federal funding, agencies are required to receive grant funds from local jurisdictions.

Brook Johnson, Second Harvest Food Bank, provided a brief description of some of the Second Harvest Food Bank services and encouraged the Council to continue the community grants.

Clay Kempf, Seniors Council Executive Director, stated that there are insufficient resources to address all the needs throughout the County and encouraged Council to continue the community grants.

Randy Chelsey, Vista Center for the Blind and Visually Impaired, encouraged Council to continue the community grants.

Mayor Termini closed this item to the public.

Council Member Harlan stated that the City has had a long history with the Community Grant Program. She suggested adding a two-or three-year contract with the non-profits and consider reducing the number of agencies provided grants.

Council Member Norton stated that it is too late to limit the community grants this fiscal year; a review of the funding program should occur prior to the next fiscal year.

Council Member Nicol stated that he supports the non-profits as social service providers because they are not encumbered by a lot of "red tape"; they ensure that the causes they serve and the people who are the beneficiaries receive the

6. GENERAL GOVERNMENT (continued)

services they need. He suggested restricting the City's grant amounts to match available City funds.

Council Member Nicol made a motion to continue the City's Community Grant Program for Fiscal Year 2011/2012, and for Council to review the program in preparation of a similar program in Fiscal Year 2012/2013. He stated that the program should provide social services to those who need it, particularly in the City. **Motion failed for lack of a second.**

Council Member Harlan stated that in the past the City has met the needs of the residents. She suggested disbursing grant funds based on the number of clients that the agency serves.

Council Member Nicol suggested reviewing the list of non-profit agencies to pick out those services that are higher priorities and see if there is redundancy in funding.

Mayor Termini stated that funding to the non-profit agencies are not entitlements; we have the "flawed" viewpoint that we are doing charity. He stated that approximately thirty grantees provide services for the City that the City otherwise would have to pay for (i.e., Advocacy Inc. and Save Our Shores).

ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, to allow applicants to apply for the community grants this fiscal year, and for staff to bring this item back to the City Council after the February 16, 2012 Special City Council Budget Session in order to discuss the community grant process. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

Council Member Harlan suggested that the City Council have an informal study session, whereby the public could participate.

Mayor Termini stated that the Council needs to make a determination whether to fund the remaining portion of Fiscal Year 2011/2012 grant requests. The staff report for this item states that the Council withheld payment of 50% of the awarded amount to the grantees, pending the reimbursement of a minimum of \$500,000 from the City's insurance provider or the state for damages relating to the failed storm drain pipe in the Pacific Cove Mobile Home Park (The City has been denied coverage by both the insurance provider and the state).

City Attorney Barisone recommend that the Council discuss the issue regarding fully funding the community grants this fiscal year; however, he recommended that any action should be taken at a future Council meeting.

6. GENERAL GOVERNMENT (continued)

Council Member Norton suggested that staff bring this item back to the City Council to find some means of funding the remaining \$137,000 (50% of the Community Grant funding).

Mayor Termini requested that staff agendaize for the next regular City Council meeting the consideration for funding the remaining \$137,000 (50% of the Community Grant funding) and for staff to provide a report regarding the status of the reimbursement for damages relating to the failed storm drain pipe in the Pacific Cove Mobile Home Park.

E. Public Hearing regarding possible activities to be funded with 2012 Community Development Block Grant (CDBG) Funds. [700-10]

Interim Community Development Director Westman stated that this item is requesting Council direction for staff to return to a future Council meeting with an application for a Housing Rehabilitation Program Grant under the Community Development CDBG Allocation in January 2013. She stated that members of the public are encouraged to submit written comments regarding the City's CDBG activities, either on those activities proposed by staff or proposed by the writer of the comments.

ACTION: Motion by Council Member Harlan, seconded by Council Member Nicol, to approve the staff recommendation, thereby confirming that the City Council conducted the required Public Hearing regarding uses and activities to be included in any 2012 Community Development Block Grant (CDBG) applications submitted by the City and directed staff to return with recommendations regarding the City's upcoming CDBG applications. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

F. Consideration of adopting a Resolution approving a contract with Gumbiner & Eskridge LLP in an amount not to exceed \$20,000 for legal services and authorizing the City Manager to execute a contract. [500-10 A/C: Gumbiner & Eskridge LLP]

City Manager Goldstein reported that Lexington Insurance Company, the City's additional property protection insurance, does not cover damages that the City sustained during the pipe failure in March 2011. He stated that staff is recommending retaining the firm of Gumbiner & Eskridge, LLP for legal assistance to recover funds from Lexington.

ACTION: Motion by Council Member Norton, seconded by Council Member Harlan to adopt Resolution No. 3910 approving a contract with Gumbiner & Eskridge LLP in an amount not to exceed \$20,000 for legal services, and authorizing the City Manager to execute a contract. . The motion carried unanimously on the following vote: AYES: Council Members Harlan,

6. GENERAL GOVERNMENT (continued)

Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

G. Consideration of adopting Preliminary Administrative Budget for the Capitola Housing Successor. [790-30]

Interim Community Development Director Westman introduced this item. She stated that when the redevelopment agencies were dissolved, there were two separate agencies created to take their place: (1) Successor Agency which deals with general RDA activities; and (2) Capitola Housing Successor. She stated that the Successor Agency has an Oversight Board that will make decisions for the Successor Agency. She stated that the City Council is the Board that makes decisions for the Capitola Housing Successor which receives no funding. She stated that the Council is being requested to adopt a preliminary budget, which becomes part of the process in attempting to receive administrative fees for work the City will be doing.

ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, to adopt the Preliminary Administrative Budget for the Capitola Housing Successor. The motion carried unanimously on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

H. Consideration of authorizing the City Manager to issue a Request for Proposals (RFP) for Website Design Services to redesign the City Website and direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration. [160-80]

Information System Specialist Laurent provided a brief history of this item. He stated that the current City's website was designed in 2002. He reviewed some features that a redesigned website would provide. He stated that the current City website does not meet the communication needs of citizens, businesses and others interacting with the City; in addition it is difficult to access necessary information.

City Manager Goldstein stated that the redesign of the City's website was included as one of Fiscal Year 2011/2012 adopted goals. He stated that the cost associated with the website redesign was inadvertently left out of the Equipment Replacement Reserve. He stated if there remains additional concern from the Council, then the request for proposals could be sent out and the selected contract could be brought back to Council for approval along with a budget revision.

City Council discussion ensued regarding this item.

Mayor Termini opened this item to the public.

6. GENERAL GOVERNMENT (continued)

Peter Latour, Santa Cruz Hostel, provided support for the City to move forward with the redesign of the City's website.

Mayor Termini closed this item to the public.

Motion by **Council Member Nicol**, seconded by **Mayor Termini**, for staff to issue a request for proposals for Website Design Services to redesign the City Website, and direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration. **The motion failed with the following 2 to 3 vote:** AYES: Council Member Nicol and Mayor Termini. NOES: Council Members Norton, Council Member Harlan, and Storey. ABSENT: None. ABSTAIN: None.

ACTION: Motion by Council Member Norton, seconded by Council Member Harlan, to include the discussion of redesigning the City's Website in the Fiscal Year 2012/2013 budget deliberations scheduled for June 2012. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.

- I. Consideration of authorizing the City Manager to issue a Request for Proposals (RFP) for Website Design Services to redesign the City Website and direct the City Manager to accept and review proposals and provide a recommendation to the City Council for its consideration. [160-80]

7. COUNCIL DIRECTOR/STAFF COMMUNICATIONS (None provided).

8. ADJOURNMENT

At 10:26 p.m. **Mayor Termini** adjourned the Regular City Council Meeting to the Special Meeting of the City Council to be held on Thursday, February 16, 2012, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Item #: 5.B.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: CHERRY AVENUE STREET REHABILITATION PROJECT
NOTICE OF COMPLETION

RECOMMENDED ACTION: Accept the Cherry Avenue Street Rehabilitation Project, constructed by Earthwork Paving, as complete at a final cost of \$85,641 and authorize the Director of Public Works to release the contract retention of \$8,564 in 35 days following the recordation of the attached Notice of Completion.

BACKGROUND: Earthworks Paving has completed all work on the Cherry Avenue Street Rehabilitation Project. This project resurfaced Cherry Avenue from Fanmar Avenue to Park Place. This contract was awarded by Council in August 2011 with construction originally anticipated in the fall of 2011. At the City's request the work was delayed until 2012 and the contractor agreed to material costs adjustments.


DISCUSSION: The final contract cost was \$85,640.93 which is \$6,233.93 higher than the original bid amount of \$79,407. The increase was due to a \$4 per ton increase (3%) in the cost of asphalt, repair of three shallow sewer laterals damaged during construction, and minor variations in quantities from the estimated amounts.

FISCAL IMPACT: The construction budget in the CIP was \$100,000. The final cost was \$85,640.93, leaving \$14,359.07 in funding which will be applied to future CIP projects.

ATTACHMENTS:

1. Notice of Completion
2. Project cost summary

Report Prepared By: Steven Jesberg
Public Works Director

Reviewed and Forwarded
By City Manager: 

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Capitola
Public Works Department
Attn: Steven Jesberg
420 Capitola Avenue
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA.
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: Cherry Avenue Street Rehabilitation

PROJECT DESCRIPTION: Pavement Overlay

to be constructed on property more particularly described as follows:

DESCRIPTION: City of Capitola Streets: Cherry Avenue

ADDRESS: N/A

APN: N/A

The work of the improvement was completed by:

CONTRACTOR: Earthworks Paving Contractor

ADDRESS: 310A Kennedy Drive, Capitola, CA 95010

The work of the improvements was actually completed on the 22th day of February 2012, and accepted by the City Council of said City on the 8th day of March 2012.

Signature of City Official: _____

The undersigned certifies that he is an officer of the City of Capitola, that he has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of his own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that he believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Steven E. Jesberg
Director of Public Works

Signed: _____

Date: _____



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: CHIEF OF POLICE EMPLOYMENT AGREEMENT WITH RUDY ESCALANTE

RECOMMENDED ACTION: By motion, authorize the City Manager to execute an Employment Agreement with Rudy Escalante for the position of Chief of Police, effective April 1, 2012 conditioned upon successful completion of background.

BACKGROUND

In November of 2011, Chief Card announced his retirement effective March 30, 2012. To assist with the recruitment process, the Council retained the services of Bob Murray and Associates. The recruitment was conducted and the City received over 30 well qualified applications. The list was narrowed to six candidates who were interviewed by three different panels composed of the following: community members, staff, City Council Members, a retired City Manager and Sheriff, a current Police Chief, and a member of the Police Officers Association.

Upon the conclusion of that process, the City Manager selected Rudy Escalante to be the City's next Police Chief. Mr. Escalante has an extensive law enforcement background with a combination of over 27 years of service with the Cities of Santa Cruz and Watsonville. He began his career in 1985 as a Patrol Officer with the City of Santa Cruz, worked his way up to a Sergeant then as a Lieutenant. In 2009 he went on to become the Deputy Police Chief with the City of Watsonville.

DISCUSSION:

As Department Heads are exempt from the City's Personnel Policies, Employment Standards and Conditions are set forth in the proposed contract, including:


1. Salary begins at \$140,000/year.
2. Salary Increase: after 1 year, Consumer Price Index.
3. Sick leave consistent with safety employee groups:
 - a. 12 days/year.
4. Vacation accrual consistent with miscellaneous employee groups:
 - a. Rate begins at 17 days/year.
 - b. Soft cap of 360 hours.
5. No voluntary cash out of vacation time.
6. 10 days of administrative leave per year.
7. Flexible Spending Credit consistent with safety employee groups.
8. PERS cap consistent with safety employee groups.

FISCAL IMPACT: Funding for the Chief of Police position is included in the Fiscal Year 2011/12 adopted budget.

ATTACHMENTS:

1. Employment Agreement, Chief of Police

Report Prepared By: Lisa Murphy
Administrative Services Director

**Reviewed and Forwarded
By City Manager:** 

**EMPLOYMENT AGREEMENT
POLICE CHIEF**

THIS AGREEMENT entered into on the date last below executed, by and between the CITY OF CAPITOLA, a municipal corporation (hereinafter referred to as "CITY") and RUDOLPH ESCALANTE, an individual (hereinafter referred to as "EMPLOYEE").

WHEREAS, the CITY desires to employ the services of EMPLOYEE as Police Chief for the CITY; and

WHEREAS, EMPLOYEE desires to serve as the Police Chief for the CITY with his first pay period beginning April 1, 2012; and

WHEREAS, the CITY and EMPLOYEE desire to agree in writing to the terms and condition of EMPLOYEE's employment as Police Chief; and

WHEREAS, EMPLOYEE and CITY agree and acknowledge that EMPLOYEE's employment as Police Chief is his sole and exclusive employment with CITY; and that their employment relationship is governed solely and exclusively by this Agreement.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

1. Duties

(a) EMPLOYEE shall perform the duties set forth in Exhibit A and other related legally permissible duties and functions as may be assigned from time to time by the City Manager.

(b) EMPLOYEE shall perform their duties to the best of their ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the CITY and applicable state codes.

(c) EMPLOYEE shall not engage in any activity, which is or may become a conflict of interest, prohibited by contract, or which may create an incompatibility of office as defined under California Law. EMPLOYEE shall comply fully with their reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission (FPPC) and CITY.

(d) EMPLOYEE agrees to remain in the exclusive employ of the CITY during the term of this Agreement. EMPLOYEE shall dedicate his full energies and qualifications to his employment as Police Chief, and shall not engage in any other employment except as may be specifically approved in writing in advance by the City Manager.

2. Term.

The term of the Agreement shall be from the date last below executed until terminated by either party in accordance with the provisions set forth in Paragraph 5 or until terminated by the event of retirement, death or permanent disability of EMPLOYEE.

3. Resignation and Termination.

(a) EMPLOYEE may resign at any time and agrees to give CITY at least 30 days' advance written notice of the effective date of his resignation.

(b) The City Manager may at any time terminate EMPLOYEE upon 30 days' advance written notice.

(c) The parties recognize and affirm that: (1) EMPLOYEE is an "at will" EMPLOYEE whose employment may be terminated by the City Manager, with or without cause, and (2) there is no expressed or implied promise made to EMPLOYEE for any form of continued employment. This Agreement is the sole and exclusive basis for an employment relationship between EMPLOYEE and CITY and its terms supersede any and all rules, regulations, guidelines, or other express or implied terms that would otherwise be applicable to employment by the CITY, including but not limited to any CITY personnel rules.

(d) In recognition of EMPLOYEE's professional status and integrity, EMPLOYEE and the City Manager shall make every effort to prepare a joint public statement when termination is confirmed. This employment relationship is based on the mutual respect between the parties and a desire to maintain the highest degree of professionalism. In communicating with third parties about the parties' employment relationship and the circumstances under which it may have been severed, the parties shall (1) protect and advance their mutual respect and professionalism, and (2) refrain from making statements that would negatively impact either party.

(e) The EMPLOYEE may choose to resign their office instead of being terminated if agreed to by the City Manager. In such an event, the public announcement as provided for in Paragraph 3(d) above will note EMPLOYEE has resigned.

4. Severance Pay.

If EMPLOYEE is terminated by the City Manager while still willing and able to perform the duties of Police Chief, CITY agrees to pay EMPLOYEE a cash payment equal to six (6) months salary and the CITY's cost of six (6) months Flex Plan benefits. Additionally, EMPLOYEE shall receive payment for all vacation leave accrued to the date of separation. Said cash payments may be paid, at the option of the EMPLOYEE, in (1) lump sum upon date of termination; (2) lump sum on January 1 of the calendar year following termination; or (3) other payment schedule mutually agreed upon by EMPLOYEE and City Manager. Such payment will release CITY from any further obligations arising out of the employment.

Provided, however, if EMPLOYEE is terminated because of conviction of any criminal offense involving moral turpitude, or discharged "for cause" following administrative due process proceedings, then CITY shall have no obligation to continue the employment of EMPLOYEE or to pay the severance (except accrued vacation leave) set forth in this paragraph.

5. Salary.

(a) City agrees that EMPLOYEE's initial pay will be \$11,667 per month, as salary for his services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding.

(b) Beginning the first pay period following April 1, 2013, and upon achieving a "satisfactory" or better rating on EMPLOYEE's annual performance review, EMPLOYEE shall be granted a salary increase at a percentage equal to the San Francisco-Oakland All Consumer Price Index (CPI) "Annual Average" for 2012.

(b) With the exception of the salary increases outlined above, pay increases for this position are not automatic and are at the discretion of the City Council upon recommendation by the City Manager.

6. Vehicle Use.

Employee is entitled to use a spare Captain's vehicle, if one is available, for commuting to and from work within Santa Cruz County and for business purposes.

7. Uniforms.

CITY will purchase the initial uniform for EMPLOYEE, at a cost not to exceed \$2,500. City will pay for reasonable cleaning of the uniform at a cost not to exceed \$250/year.

8. FLSA.

This employment is covered by appropriate sections of the Fair Labor Standards Act of 1935, and is specifically subject to Rule No. 54.118 (salaried executive employees are not paid at a higher rate for what might otherwise be labeled "overtime", correspondingly, their salary is not reduced "for any week in which he performs any work without regard to the number of days or hours worked." Accordingly, bi-weekly time sheets will not result in adjustments to the compensation for the period, but merely for yearly evaluation of whether the position is, after factoring in administrative leave, over or under staffed. However, time off for sick leave purposes shall be reported and reflected in the accumulated sick leave calculations.

9. Administrative Leave Accrual.

As an exempt employee, the Police Chief is entitled to 10 days per calendar year of administrative leave. Administrative leave is non-cumulative. There is no right to cash out accumulated administrative leave at any time, including at termination of employment.

10. Legal Defense.

Except as provided in Government Code Section 995.2, CITY shall provide a defense including but not limited to legal counsel in: a) any civil action or proceeding described in Government Code Section 995; b) any administrative action or proceeding described in Section 995.6; or any criminal action or proceeding described in Government Code Section 995.8.

"Proceeding" as used in this section is applicable to situations where a claim or action is threatened, but not filed, if a reasonable, prudent person would consult or retain counsel in response to the possibility of actual civil, administrative, or criminal action. If CITY pays for a defense, but a court or tribunal issues a final ruling that would, under Section 995.2, preclude City payments for defense, EMPLOYEE shall immediately reimburse CITY, and if he fails to do so, CITY may offset any such amounts against compensation otherwise due EMPLOYEE under this contract.

11. Vacation

Vacation shall accrue at the rate identified based on the table below. For purposes of vacation accrual only, EMPLOYEE will be deemed to have completed his fourth year of employment with the City upon date of hire, placing him at the annual accrual rate of 17 vacation days per year. Furthermore, upon employment Employee shall be credited with eighty hours of vacation. However, if EMPLOYEE voluntarily resigns prior to April 1, 2014, EMPLOYEE agrees to refund 80 hours of vacation time to the City, or the cash equivalent value.

Vacation Accrual Rate

Vacation accrues on a prorated basis, based upon a 30-day month. The rates of accrual are as follows:

<u>Years of Employment</u>	<u>Vacation Days</u>
1 and 2	12
3 and 4	14
5 through 9	17
10 through 19	22
20 and higher	27

- a) Upon termination, Employee shall be paid for all accumulated vacation to his separation date, at a rate equal to 100% of his then current hourly pay rate.
- b) Vacation Cap. EMPLOYEE shall be paid in cash at a rate equal to 100% of EMPLOYEE's current hourly pay rate for all hours in excess of 360 on the last pay period of April of any year.

12. Sick Leave Accrual.

Sick leave shall accrue at the rate of 12 days per calendar year to be accumulated at the rate of 4 hours for every 2 weeks with no more than 8 hours accumulated in each month. In addition, EMPLOYEE upon his first day of work shall be credited with 40 hours of sick leave. There is no right to cash out accumulated sick leave at any time, including at termination of employment.

13. Flexible Spending Arrangement Contributions

The City makes a flexible spending arrangement ("Flex Plan") contribution on behalf of each qualified employee for medical, dental & vision coverage. The contribution, for full-time regular employees is:

Employee Only	\$650 per month
Employee +1	\$799 per month
Employee + 2 or more	\$999 per month

Employees who can verify to the City's satisfaction that: they have equivalent health coverage for medical (including dental & vision) provided through their spouse, which will remain in effect until the next enrollment date; or who purchase a CalPERS Health Plan and dental and vision coverage, but do not use their entire monthly contribution, may use the remaining funds to purchase benefits other than medical (including dental & vision) coverage or take this amount in cash. (If a cash payment is taken, it is not included in the employee's compensation for the CalPERS retirement plan.)

The City reserves the option of adding additional programs to the cafeteria plan, as they may become available.

14. PERS

The City participates in the Public Employees Retirement System (PERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. Currently, the City pays a portion of the employee share of the retirement contributions, consistent with the amount paid for other sworn employees, and has the 3% at 50 plan for sworn employees. Employee agrees to a cap on the amount that the City will pay to PERS. That cap will be 28.291% of PERS-able salary.

The "Single Highest Year" option, PERS Credit for Unused Sick Leave option and PERS Credit for Military Service option continue to be existing features of the Plan benefit provided employees. The provisions of Resolution 2821, regarding employer paid member contributions and the reporting thereof, also apply to the Police Chief.

15. Bereavement Leave

Leave of absence with pay because of death in the immediate family of an employee shall be granted for a period not to exceed three days. Entitlement to leave of absence under this section shall be in addition to any other entitlement for sick leave, or any other leave. For purposes of this section, "immediate family" means mother, step-mother, father, step-father, husband, wife, son, step-son, daughter, step-daughter, brother, sister, foster parent, foster child, brother-in-law, registered domestic partner, sister-in-law, mother-in-law, father-in-law and grandparents, or as required by law.

16. Accruals after Date of Separation

An employee's separation date is the last date actually worked, except that an employee who, as of the last day worked, has not used all of his/her yearly allotment of vacation may extend the separation date by the number of days necessary to reach the full yearly allotment. "Yearly allotment" means the amount of vacation that the employee was entitled to accrue in his/her last year of employment. Unless otherwise provided by state law, none of the following accrue after the date of separation: sick leave, vacation, personal holidays, holiday pay, administrative leave, Flex Plan contributions as described in Section 13, or payment of the insurance premiums.

17. Mileage Reimbursement

Employees required to use their personal vehicles while on City business will be reimbursed at the rate set by the Internal Revenue Service.

18. Personal Holidays

All regular positions are entitled to three (3) personal holidays per calendar year. Unused Personal Holidays are not cumulative. Employee will be credited with 2.5 days of personal holidays upon hire.

19. Insurance.

CITY, at its expense, will provide the same long term life insurance and disability insurance (paid by the CITY) as is generally available to all regular city employees.

20. Amendment.

This agreement may be amended, modified, or changed by the parties provided that said amendment, modification or change is in writing and approved by both parties.

21. Notice.

All notices required herein shall be sent first class mail to the parties as follows:

To CITY: City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

To EMPLOYEE: *TO BE PROVIDED BY EMPLOYEE*

Notices shall be deemed effectively served upon deposit in the United States mail.

22. Authority to Work in the United States.

EMPLOYEE represents, under penalty of perjury, that he is authorized to work in the United States. In accordance with Section 274A (8 USC 1324) of the Immigration Reform and Control Act of 1986 before this Agreement can become effective, EMPLOYEE must provide documentary evidence to CITY consistent with the Act, that he is legally entitled to work in the United States, and must execute the verification required by that Act.

23. Entire Agreement.

This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied on by any party hereto. This Agreement may only be amended by written instrument signed by EMPLOYEE and the CITY.

24. Severability.

If any provision of this Agreement is invalid or unenforceable, it shall be considered deleted herefrom and the remainder of the provision and of this Agreement shall be unaffected and shall continue in full force and effect.

25. Headings and Captions.

The headings and captions appearing in this Agreement are inserted only as a matter of convenience and in no way limit or affect the substantive terms of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year written above.

CITY OF CAPITOLA

Date _____

City Manager

EMPLOYEE

Date 2-28-12


Rudolph Escalante

EXHIBIT A

CHIEF OF POLICE

DEFINITION

Under administrative direction of the City Manager, plans, organizes, directs and administers the public safety and law enforcement activities for the community; performs other work as required.

DISTINGUISHING CHARACTERISTICS

This is a department head classification responsible for providing overall administration in the wide range of activities that are involved in protecting life and property. This classification is required to make certain that all department activities are in accordance with City Manager directives and established City Council policy. Due to the visibility of the department within the community, there is also a public relations element that is important to the functioning of this classification.

EXAMPLE OF DUTIES

Establishes and maintains cooperative relationships with other agencies, public, City Council and City Manager.

Plans, organizes and coordinates the work of the Police Department.

Prepares budget estimates and controls budget expenditures.

Recommends purchase of equipment and supplies.

Formulates rules, procedures and policies for the efficient operation of the department.

Coordinates law enforcement activities with other City departments and law enforcement agencies.

Directs the development and implementation of departmental in-service training programs.

Interviews employment prospects and recommends the selection of new personnel.

Enforces discipline and training regulations.

Evaluates employee work performance and recommends promotions in accordance with established procedures.

Directs investigations of citizen complaints.

Meets with the public and deals with various officials and citizens in furthering the public relations program of the department.

Recommends and administers, as needed, intra-departmental disciplinary action in accordance with City and departmental procedures.

Develops sound and lawful department strategies to address needs for public safety.

Represents the Police Department in meetings with the City Manager, other State or local agencies and citizens.

Reviews department operations to insure and enforce compliance with laws, policies and department budget.

Prepares a variety of correspondence.

Reviews criminal investigations.

Makes public presentations to various community clubs and organizations.

Utilizes the department computers for entering and retrieving information as necessary.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Modern principles, practices and techniques of police administration, organization and management.
- Laws, ordinances, regulations and court decisions affecting public safety and law enforcement.
- Use and care of firearms.
- Principles of supervision.

Ability to:

- Plan, organize and coordinate the work of the Police Department.
- Formulate, implement and administer department policy.
- Develop, coordinate and administer departmental budget functions.
- Speak and write clearly and effectively.
- Establish and maintain cooperative and effective relationships with other law enforcement agencies, public officials and the general public.
- Implement procedures and policies of the City Manager and Council.

EDUCATION AND EXPERIENCE

Any combination of training and experience which is likely to provide the required knowledge and abilities would be acceptable for employment. A typical background would be:

Education

Equivalent to graduation from a four-year college or university with a degree in Administration of Justice or comparable field of study.

Experience

Five years of increasingly responsible municipal law enforcement experience, including at least three years at the command level.

SPECIAL REQUIREMENTS

Possession of a valid California Motor Vehicle Operator's license.

Possession of Advanced and Management P.O.S.T. certificates.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION ACTION MINUTES OF MARCH 1, 2012

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Mick Routh, Linda Smith and
Chairperson Ron Graves

Absent: Gayle Ortiz

Staff: Interim Community Development Director Susan Westman
Senior Planner Ryan Bane
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - NONE

B. Public Comments

Peter Pethoe suggested the Rispin Mansion property to become a hostel.

C. Commission Comments - NONE

D. Staff Comments - NONE

3. APPROVAL OF MINUTES

A. February 2, 2011 Regular Planning Commission Meeting

APPROVED 4-0

4. CONSENT CALENDAR

A. 426 CAPITOLA AVENUE

#12-008

APN: 035-141-33

Emergency Coastal Permit for work and repair related to flooding in Pacific Cove Mobile Home Park in the MHE (Mobile Home Exclusive) Zoning District. This project requires a Coastal Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

APPROVED 4-0

B. 2150 FRANCESCO CIRCLE #12-007 APN: 034-542-04

Design Permit for a second floor addition to an existing two-story single-family residence in the PD (Planned Development) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Eric and Monica Marlatt, filed 1/23/12

APPROVED 4-0

C. 723 EL SALTO DRIVE #08-041 APN: 036-143-35

Request for a one-year extension to a previously approved Coastal Permit and two-lot subdivision, including Architectural and Site Review to demolish an existing carport and construct a new carport in the VS/R-1 (Visitor Serving/Single-Family Residence) Zoning District. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Doug Dodds, filed: 1/31/12

APPROVED 4-0

5. PUBLIC HEARINGS

A. 115 SAN JOSE AVENUE #11-100 APN: 035-221-27

Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CN (Neighborhood Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Peter Dwares, owner/filed: 9/15/11
Representative: Dennis Norton Design

Public Hearing Item #5.A will be continued to the April 5, 2012 Planning Commission meeting.

B. 101 GRAND AVENUE #1-17-12/12-006 APN: 036-114-12

Emergency Coastal Permit for a slope stabilization system to be installed due to a landslide in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Papken Der-Torossian, filed 1/10/12
Representative: Dennis Norton Design

APPROVED 4-0

C. Sign Ordinance 12-017

Consideration of an amendment to the City of Capitola Sign Ordinance Section 17.57 to allow for freestanding sidewalk signs on the public sidewalks in the Central Village Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: City of Capitola, filed 2/10/12

Public Hearing Item #5.C will be continued to the April 5, 2012 Planning Commission meeting.

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourned to a Regular Meeting of the Planning Commission to be held on Thursday, April 5, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Item #: 6.A.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: COMMUNITY GRANT PROGRAM FUNDING FOR FISCAL YEAR 2011/2012 AND
FISCAL YEAR 2012/2013

RECOMMENDED ACTION:

1. Determine if the remaining \$137,000 of funding for the Fiscal Year 2011/2012 Community Grants should be allocated and if so from what fund, and
2. Determine funding methodology for Fiscal Year 2012/2013 Community Grant Program.

BACKGROUND: Staff prepared a report on February 9, 2012 (Attachment 1) requesting a determination as to whether or not the City Council would like to consider revising the funding methodology for the Community Grant Program. The Council directed staff to postpone the discussion until July since the Community Grant Program funding process for Fiscal Year 2012/2013 had already begun. In addition, at the February 23, 2012 Council meeting staff has been directed to agendize a Council discussion regarding funding the remaining 50% to the Community Grant Program funds (\$137,000) which was withheld until the City received reimbursement for damages from the storm drain pipe failure (Attachment 2). The Council voted to postpone the decision and expand the discussion to include funding for Fiscal Year 2012/2013 at the March 8, 2012 Council meeting.

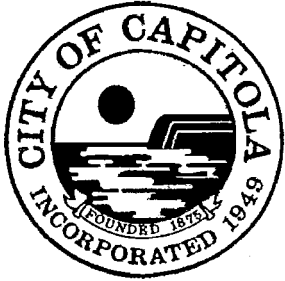
FISCAL IMPACT: To fully fund the Community Grant program, an additional \$137,000 would need to be allocated from one of the funds as identified in the attached staff report. Historically, funding for the Community Grant Program has been \$275,000.

ATTCHMENTS:

1. February 9, 2012 Staff Report
2. February 23, 2012 Staff Report

Report Prepared By: Lisa G. Murphy
Administrative Services Director

Reviewed and Forwarded
By City Manager:



CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 9, 2012

FROM: CITY MANAGER'S DEPARTMENT
SUBJECT: COMMUNITY GRANT PROGRAM FY12-13

RECOMMENDED ACTION:

- 1) Determine if the City Council would like to consider revising the funding methodology for Community Grants in the future, and
- 2) Determine whether or not to allow a new agency or organization to apply for the existing community grant program for FY12-13.

BACKGROUND:

The City of Capitola Community Grant program provides funding for 35 agencies/organizations. The total amount of the current community grant program is \$275,000, although only half that amount was appropriated this fiscal year due to the City's fiscal position and significant flood related expenses.

In recent years the City Council has discussed revising the Community Grants funding methodology. Several local cities and the County have undertaken a comprehensive review of their programs to devise a methodology to be reflective of community and council goals, to decrease administrative expenses, and to discourage the applicants from relying on the cities as a permanent source of funding. The County and the City of Watsonville have been working to revise their programs but have not implemented any revisions. City of Santa Cruz has revised their program effective this fiscal year. City of Scotts Valley has not considered revising their program.

DISCUSSION:

Staff has researched several community foundation programs throughout the immediate area. That research, coupled with the work already completed by the County and the City of Santa Cruz, may help establish a conceptual framework by which the City Council can begin to develop a new methodology for awarding grants and evaluating outcomes.

Allocating limited resources is an important, but not the sole function of the community grants program. The Council could identify and prioritize funding goals through a process of evaluating community needs and then awarding community grants to those organizations that propose projects to fulfill those goals over a multi-year term.

The outcome would be to develop a funding methodology to be potentially more reflective of the community and City Council goals. Staff, if so directed, could work with a subcommittee composed of Council and community members to develop a proposal which the Council could adopt and attempt to implement for FY12-13.

If the Council chooses not to implement a new program in FY12-13, the Council will still need to make a determination as to whether or not to allow a new agency or organization to apply for a community grant for FY12-13. The opportunity to determine the actual amount of grant funding will be during budget deliberations.

The current funding for the FY11-12 Community Grant program was awarded to the applicants for a total amount of \$275,000. The Council withheld payment of 50% of the awarded amount of funding to the grantees pending the reimbursement of a minimum of \$500,000 from the City's insurance provider or the State for damages relating to the failed storm drain pipe in the Pacific Cove Mobile Home Park. The City has been denied coverage from the insurance provider, and will most likely not receive any assistance from the State or any other source.

FISCAL IMPACT: Unknown

ATTACHMENT: None

**Report Prepared By: Lisa G. Murphy
Administrative Services Director**

**Reviewed and Forwarded
By City Manager: _____**



CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 23, 2012

FROM: CITY MANAGER'S DEPARTMENT
SUBJECT: COMMUNITY GRANT PROGRAM FUNDING FOR FY11-12

RECOMMENDED ACTION: Determine if the remaining \$137,000 of funding for the FY11-12 Community Grants should be allocated.

BACKGROUND: In prior fiscal years, \$275,000 was allocated to grantees in the City's Community Grant program. This year the City withheld 50% of that allocation pending the reimbursement of at least \$500,000 for damages relating to the failed storm drain pipe in the Pacific Cove Mobile Home Park (Park). To date, no reimbursements have been received. The City's insurance provider has denied coverage, and state and Federal reimbursements will not occur. The City has retained the law firm of Gumbiner & Eskridge in an attempt to recover funds from the City's insurance carrier.

DISCUSSION: During the FY11-12 budget deliberations, City Council allocated \$337,000 to the City's reserve funds, which were under funded by approximately \$1.6 million due to the City's disaster response. The funding for the reserve funds came from \$200,000 (CIP) and 50% of the Community Grant funding (\$137,000).

If City Council would like to fund the remaining \$137,000 to the Community Grants there are several options as listed below, none of which are from the current fiscal year general fund revenue, as there are no available funds.

1. Reserve Fund: this would bring the combined Emergency & Contingency Reserve year end fund balance down to \$380,000. This is utilizing one-time funding for an ongoing expense and would bring the Reserve Fund deficit to \$1.4 million.
2. Equipment Reserve Fund: There is an estimated fund balance of \$300,000 in the Equipment Reserve. This is also a one-time funding source. The primary impact would be to the deferred replacement of old police and public works vehicles, resulting in increased repair costs.

In either case, the City Council needs to be aware the City may be faced with additional unanticipated expenditures in the coming months. The dissolution of the Redevelopment Agency has both one-time and on-going impacts that are impossible to predict today, and could result in significant impacts to future City budgets.

FISCAL IMPACT: To fully fund the Community Grant program, an additional \$137,000 would need to be allocated from one of the identified funds. Staff does not recommend funding the remaining amount until the City receives reimbursement from the City's insurance company for damages incurred from the disaster in March 2011.

Report Prepared By: Lisa G. Murphy
Administrative Services Director

**Reviewed and Forwarded
By City Manager:** _____



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: DEPARTMENT OF PUBLIC WORKS
SUBJECT: 2012 CAPITOLA VOTER SURVEY RESULTS

RECOMMENDED ACTION By motion take the following actions:

1. Receive the results of the 2012 Capitola Voter Survey conducted by Fairbank, Maslin, Maullin, Metz & Associates; and
2. Provide direction to staff on whether or not to begin the process of including a measure for a permanent 0.25% Transactions and Use Tax to be administered by the State Board of Equalization as part of a Resolution requesting consolidation with the County and ordering the City's November 6, 2012 General Municipal Election.

BACKGROUND: The City Council authorized the firm of Fairbank, Maslin, Maullin, Metz & Associates (FM3) to conduct a survey of 350 Capitola voters. The survey was conducted in February 2012 and the resulting tabulated information is attached. The final polling results included 300 Capitola registered voters. FM3 exhausted the City's voter list and felt that attempting to get the final 50 interviews would result in delays and may become intrusive to residents. The decrease in 50 interviews changes the margin of error from 5.2% to 5.6%. The reduction in the number of interviews resulted in a \$1,950 (8%) decrease in the contract cost for the survey work.

DISCUSSION: The results of the polling done by FM3 show that 92% of the residents rate the quality of life in Capitola as excellent or good. 65% of the respondents indicated the services provided by the City were excellent or good. These results are consistent with prior polling results done in 2004 and 2008.

Voter support was 61% for a 0.25% sales tax to help repair damage and rebuild the City after last year's flooding. This support was reduced to 59% when considerations of Governor Brown's proposed ballot measures were taken into account. Support for a 2% increase in the transient occupancy tax was 55%. This support increased by approximately 7%, to 62%, when the respondent was asked if their opinion would change if the increase was regional.

The following projects and programs received the most support for use of additional tax revenue:

Long term financial stability	78%
Repairing local streets	70%
Flood control improvements	66%

The projects and programs receiving the least amount of support were:

Relocating the Police Department out of the floodplain	36%
Improving local parks	30%
Rispin Park improvements	28%


Based on the survey results, voters believe the biggest problems facing the City are traffic congestion, providing affordable housing, and water quality in Soquel Creek. Voters indicated that they believe that crime, the condition of City parks, and the condition of sidewalks are being addressed adequately by the City.

FISCAL IMPACT: Approval of a 0.25% sales tax would increase revenues by approximately \$900,000 annually. The existing 0.25% sales tax increase, approved in 2008 will expire in 2017.

ATTACHMENT

1. Survey Results

Report Prepared By: Steven Jesberg
Public Works Director

**Reviewed and Forwarded
By City Manager:** 

CAPITOLA VOTER SURVEY 220-3346 WFT N=300

Time Began _____

Time Ended _____

Minutes _____

Hello, I'm _____ from F-M-3, a public opinion research company. I am not trying to sell you anything and will not ask for a contribution of any kind. We are conducting an opinion survey about issues that interest people living in Capitola, and we are only interested in your opinions. May I speak to _____? **YOU MUST SPEAK TO THE VOTER LISTED. VERIFY THAT THE VOTER LIVES AT THE ADDRESS LISTED, OTHERWISE TERMINATE.**

- A. Before we begin, could you please tell me if I have reached you on a cell phone? **(IF YES, ASK: Are you in a place where it is safe to talk on the cell phone?)**

Yes, cell and in safe place----- 30%

Yes, cell not in safe place ----- **TERMINATE**

No, not on cell ----- 70%

(DON'T READ) DK/NA/REFUSED ----- TERMINATE

1. Next, in November there will be a general election for President, U.S. Senate, Congress and other state and local offices and ballot measures. I know it is a long way off, but how likely are you to actually vote in this election? Will you definitely vote, probably vote, are the chances 50-50 that you will vote, will you probably not vote, or will you definitely not vote?

Definitely vote----- 91%

Probably vote -----8%

50-50-----0%

Probably not vote ----- **TERMINATE**Definitely not vote ----- **TERMINATE****(DON'T KNOW/NA) ----- TERMINATE**

2. **(T)** Overall, how would you rate the quality of life in Capitola today? Would you say it is...?

Excellent----- 47%

Good -----45%

Just fair, or -----6%

Poor -----1%

(DON'T KNOW/NA) -----0%

NEXT I WOULD LIKE TO ASK YOU ABOUT A MEASURE THAT MAY APPEAR ON THE BALLOT IN THIS YEAR’S NOVEMBER ELECTION IN THE CITY OF CAPITOLA.

3. Suppose there was a ballot measure asking voters in the City of Capitola to approve a one-quarter cent sales tax to help the City repair damage and rebuild after last year’s flooding. The measure would provide a new and stable source of revenue for essential City services and infrastructure, including street and road repair, full police department staffing and maintenance and enhancement of local parks. The measure would also reestablish the City’s “rainy day” revenue fund which was spent on flood damage repairs.

If such a measure was on the ballot and the election were today, do you think you would vote “Yes” in favor or “No” to oppose it? **(IF YES/NO ASK:)** "Is that definitely [YES/NO] or just probably?" **(IF UNDECIDED, ASK:)** “What are you leaning towards, voting YES, or voting NO?”

Definitely yes ----- 44%
 Probably yes ----- 17%
 Undecided, lean yes -----5%
 Undecided, lean no -----4%
 Probably no -----5%
 Definitely no ----- 20%
(DON'T READ) DK/NA-----4%

LET ME PROVIDE YOU WITH MORE INFORMATION ABOUT THIS ISSUE.

4. As you may know, voters approved Measure D in 2008. Measure D extended Capitola’s existing temporary one-quarter cent sales tax for an additional nine years, until 2017. The new measure I just asked you about would be in addition to the existing temporary sales tax. If approved by voters, this new measure would bring Capitola’s total local sales tax to one-half cent until the year 2017 when Measure D expires. Then the local sales tax would again be a quarter cent. Now that you have heard more about it, let me ask you again about the new one-quarter cent sales tax measure to help the City repair damage and rebuild from recent flooding and provide a new stable source of revenue for City services and infrastructure improvements.

If there were an election today, would you vote “Yes” in favor of this measure or “No” to oppose it? **(IF YES/NO ASK:)** "Is that definitely [YES/NO] or just probably?" **(IF UNDECIDED, ASK:)** “What are you leaning towards, voting YES, or voting NO?”

Definitely yes ----- 42%
 Probably yes ----- 17%
 Undecided, lean yes -----6%
 Undecided, lean no -----6%
 Probably no -----6%
 Definitely no ----- 21%
(DON'T READ) DK/NA-----3%

5. Next, Governor Brown will place a measure on the November ballot increasing the state sales tax by one-half cent and raising the state income tax rate on incomes of 250 thousand dollars or more for individuals and 500 thousand dollars or more for families. These state tax increases would expire in five years. Capitola’s new one-quarter cent sales tax measure would be on the same ballot as the Governor’s state tax increase measure. Hearing this, do you think you would vote “Yes” in favor of Capitola’s local sales tax increase or “No” to oppose it? **(IF YES/NO ASK:)** "Is that definitely [YES/NO] or just probably?" **(IF UNDECIDED, ASK:)** “What are you leaning towards, voting YES, or voting NO?”

Definitely yes ----- 40%
 Probably yes ----- 19%
 Undecided, lean yes -----8%
 Undecided, lean no -----4%
 Probably no -----9%
 Definitely no ----- 19%
(DON'T READ) DK/NA-----2%

NOW I WOULD LIKE TO ASK YOU ABOUT A SLIGHTLY DIFFERENT ISSUE

6. Next, the City of Capitola is also considering an increase in the Transient Occupancy Tax, or T-O-T, which is paid by guests on local hotel bills. Would you support or oppose increasing Capitola’s Transient Occupancy Tax from 10 to 12 percent? **(IF SUPPORT/OPPOSE, ASK:)** “Is that strongly **SUPPORT/OPPOSE** or just somewhat?”

Strongly support **(SKIP TO Q8)** ----- 31%
 Somewhat support **(SKIP TO Q8)**----- 24%
 Somewhat oppose **(ASK Q7)** ----- 10%
 Strongly oppose **(ASK Q7)**----- 24%
(DON'T READ) DK/NA (ASK Q7)--- 11%

(IF “OPPOSE” OR “DON’T KNOW” ON Q6, ASK Q7)

7. What if you knew that neighboring cities are also considering an increase in their Transient Occupancy Tax, or T-O-T, which is paid by guests on local hotel bills. If other cities raised their local Transient Occupancy Tax from 10 to 12 percent, would you support or oppose increasing Capitola’s Transient Occupancy Tax by the same amount to match this tax in surrounding cities? **(IF SUPPORT/OPPOSE, ASK:)** “Is that strongly **SUPPORT/OPPOSE** or just somewhat?”

Strongly support-----7%
 Somewhat support ----- 15%
 Somewhat oppose----- 17%
 Strongly oppose ----- 47%
(DON'T READ) DK/NA----- 15%

(RESUME ASKING ALL RESPONDENTS)

NOW I WOULD LIKE TO ASK YOU ABOUT ISSUES FACING THE CITY OF CAPITOLA.

8. I'm going to mention some issues various people say might be problems for residents of Capitola. After you hear each one, please tell me whether you personally consider it to be a problem for people living in Capitola or not. **(IF A PROBLEM, ASK: Do you consider this to be an extremely, very, or not too serious of a problem?) (RANDOMIZE)**

<u>EXT. SER PROB</u>	<u>VERY SER PROB</u>	<u>NOT TOO SER PROB</u>	<u>NO, NOT A PROB</u>	<u>(DON'T READ) DK/NA</u>
------------------------------	------------------------------	---------------------------------	-------------------------------	-----------------------------------

(ALWAYS ASK "a" FIRST)

a. (T) The condition of the local economy----- 14% -----44%----- 29% ----- 10% ----- 3%

(SPLIT SAMPLE A ONLY) (ROTATE)

[]b. (T) The adequacy of funding for City services----- 13% -----27%----- 25% ----- 17% ---- 17%

[]c. (T) The condition of local streets ----- 14% -----27%----- 42% ----- 17% ---- 0%

[]d. Crime in general ----- 8% -----17%----- 48% ----- 26% ---- 1%

[]e. Traffic congestion ----- 24% -----27%----- 40% ----- 8% ---- 1%

[]f. (T) The condition of Capitola parks and recreation facilities ----- 7% -----14%----- 46% ----- 29% ---- 4%

[]g. (T) The amount people have to pay in local taxes ----- 15% -----23%----- 41% ----- 16% ---- 4%

(SPLIT SAMPLE B) (ROTATE)

[]h. The time it takes for police to respond to service calls----- 6% -----11%----- 20% ----- 48% ---- 15%

[]i. (T) The condition of local sidewalks ----- 6% -----20%----- 39% ----- 31% ---- 4%

[]j. (T) Waste and inefficiency in City government ----- 14% -----27%----- 29% ----- 14% ---- 16%

[]k. Inadequate flood control and storm water protection measures ----- 18% -----31%----- 27% ----- 13% ---- 11%

[]l. (T) The availability of affordable housing----- 25% -----36%----- 19% ----- 12% ---- 7%

[]m. (T) Traffic congestion along 41st Avenue----- 28% -----34%----- 24% ----- 14% ---- 1%

[]n. (T) Water quality in Soquel Creek ----- 23% -----30%----- 20% ----- 19% ---- 9%

[]o. The availability of parks and open space----- 4% -----14%----- 33% ----- 48% ---- 1%

(RESUME ASKING ALL RESPONDENTS)

9. (T) Overall, how would you rate the job being done by the City of Capitola in providing services and taking care of the needs of local residents? Would you say the City is doing an...?

Excellent-----	14%
Good -----	51%
Just fair -----	28%
Poor, or -----	5%
Very poor job -----	1%
(DON'T KNOW/NA) -----	2%

10. Next, let me ask you specifically, how would you rate the job being done by City officials in **(READ ITEM)**? Would you say City officials are doing an excellent, good, just fair or poor job?

	<u>EXCELLENT</u>	<u>GOOD</u>	<u>JUST FAIR</u>	<u>POOR</u>	<u>(DON'T READ) DK</u>
(RANDOMIZE)					
[]a. Managing the City's budget and finances -----	8%	34%	29%	11%	18%
[]b. Planning for the future in an era of reduced city revenues -----	7%	36%	27%	10%	19%
[]c. Negotiating fair and affordable pay and benefits for local public employees-----	6%	31%	23%	7%	33%

11. Next, I am going to mention some of the programs and services provided by the City of Capitola. After you hear each one, please tell me whether you are generally satisfied or dissatisfied with the quality of that service in the City of Capitola. **(IF SATISFIED/DISSATISFIED, ASK: Is that very SATISFIED/DISSATISFIED or just somewhat?) (RANDOMIZE)**

	<u>VERY SATIS.</u>	<u>SMWT SATIS.</u>	<u>SMWT DISSAT.</u>	<u>VERY DISSAT.</u>	<u>(DON'T KNOW/NA)</u>
(SPLIT SAMPLE A ONLY)					
[]a. (T) Maintaining local parks -----	40%	51%	2%	1%	5%
[]b. (T) Providing street lighting -----	37%	48%	9%	4%	3%
[]c. (T) Enforcing parking laws -----	37%	45%	9%	2%	9%
[]d. (T) Maintaining public streets -----	26%	47%	20%	6%	0%
[]e. Providing affordable recreation programs for people of all ages-----	34%	46%	7%	2%	11%
[]f. (T) Providing police protection-----	59%	33%	6%	3%	0%
[]g. Managing storm water pollution programs -----	16%	39%	17%	10%	18%

(SPLIT SAMPLE B ONLY)					
[]h. (T) Street sweeping -----	53%	38%	5%	3%	1%
[]i. (T) Having an adequate number of parks -----	61%	24%	9%	4%	2%
[]j. (T) Maintaining public sidewalks-----	34%	43%	14%	6%	3%
[]k. (T) Keeping beaches clean -----	55%	31%	8%	3%	3%
[]l. (T) Ensuring the availability of affordable housing in the city-----	15%	26%	25%	17%	17%
[]m. (T) Enforcing traffic laws -----	47%	36%	11%	6%	0%

NOW I'D LIKE TO ASK YOU ABOUT YOUR EXPERIENCES WITH THE CITY OF CAPITOLA AND ITS EMPLOYEES.

12. (T) Have you had any direct contact, either in person or by telephone, with Capitola City government in the past year?

Yes -----(ASK Q13)--40%
 No -----(SKIP TO Q14)--59%
 (DON'T READ) DK/NA ---- (SKIP TO Q14)--1%

(IF "YES" ON Q12, ASK Q13)

13. (T) With which City department did you have contact? (DO NOT READ LIST, ACCEPT MULTIPLE RESPONSES)

Capitola History Museum -----7%
 City Attorney -----4%
 City Council ----- 30%
 City Clerk ----- 17%
 City Manager ----- 12%
 Recreation-----6%
 Planning/permitting/building----- 30%
 Police ----- 31%
 Public Works ----- 18%
 Parking----- 10%
 Other (SPECIFY) -----7%
 (DON'T READ) DK/NA -----0%

(RESUME ASKING ALL RESPONDENTS)

14. Next, I'm going to mention some places or sources where people might get information about Capitola's City government. After I read each one, please tell me whether you ever use that source to get information about Capitola City government. (IF YES, ASK: Do you find it a very useful, somewhat useful, or not useful source of information about City government?) (RANDOMIZE)

	<u>YES,</u> <u>VERY</u> <u>USEFUL</u>	<u>YES,</u> <u>SMWT</u> <u>USEFUL</u>	<u>YES,</u> <u>NOT</u> <u>USEFUL</u>	<u>NO,</u> <u>DO NOT</u> <u>USE</u>	<u>(DON'T</u> <u>KNOW/NA)</u>
[] a. (T) City newsletters -----	27%	30%	5%	33%	5%
[] b. (T) The Santa Cruz Sentinel -----	30%	36%	6%	26%	1%
[] c. (T) The Capitola Times-----	29%	34%	7%	27%	3%
[] d. (T) The Mid-County Post -----	22%	27%	3%	44%	4%
[] e. (T) The City's website-----	23%	19%	5%	50%	3%
[] f. (T) Community meetings with City officials-----	20%	19%	7%	49%	5%

NEXT, I WOULD LIKE TO RETURN TO OUR DISCUSSION OF THE BALLOT MEASURE TO AUTHORIZE A ONE-QUARTER CENT SALES TAX TO FUND ESSENTIAL CITY SERVICES AND INFRASTRUCTURE IMPROVEMENTS.

15. I am going to mention various ways in which the funds generated by this ballot measure could be spent. After I read each item, please tell me how important it is for you personally that money from this tax be spent on that item: Is it extremely important, very important, somewhat important, or not too important? (RANDOMIZE)

	<u>EXT.</u> <u>IMP.</u>	<u>VERY</u> <u>IMP.</u>	<u>SMWT</u> <u>IMP.</u>	<u>NOT TOO</u> <u>IMP.</u>	<u>(DK/NA)</u>
(SPLIT SAMPLE A ONLY)					
[]a. Repairing and maintaining local streets and roads -----	22%	48%	22%	6%	2%
[]b. Maintaining the long-term financial stability of the City-----	35%	43%	14%	5%	3%
[]c. Improving flood control -----	33%	33%	21%	11%	2%
[]d. Restoring the police department to full staffing -----	31%	23%	25%	20%	2%
[]e. Building a permanent structure for the City library -----	17%	34%	24%	25%	1%
[]f. Creating and maintaining parks -----	16%	40%	30%	13%	1%
[]g. Repairing infrastructure damage from last year's flood-----	30%	36%	21%	11%	2%
[]h. Increasing the number of parking spaces around the City-----	14%	28%	31%	26%	0%
[]i. Relocating residents of the Pacific Cove Mobile Home Park, which was badly damaged by last year's flood -----	32%	29%	22%	13%	5%
(SPLIT SAMPLE B ONLY)					
[]j. Providing a stable source of revenue to maintain and improve essential City services -----	29%	35%	23%	11%	1%
[]k. Improving storm water management -----	29%	35%	22%	11%	2%
[]l. Rebuilding the police station and relocating it outside of the floodplain-----	18%	19%	25%	36%	3%
[]m. Improving local parks-----	15%	23%	35%	24%	3%
[]n. Restoring the City's financial reserves -----	25%	33%	28%	9%	5%
[]o. Converting the Rispian Mansion into a public park -----	17%	11%	24%	41%	6%
[]p. Repairing local sidewalks -----	16%	24%	36%	22%	2%
[]q. Expanding and modernizing City library facilities -----	14%	31%	29%	24%	2%

(RESUME ASKING ALL RESPONDENTS)

16. First, I am going to read you some statements from people who support the measure. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to vote Yes on this measure. If you do not believe the statement or if it has no effect on your thinking one way or the other, please tell me that too. **(RANDOMIZE)**

	<u>VERY CONV.</u>	<u>SMWT CONV.</u>	<u>NOT CONV.</u>	<u>DON'T BELIEVE</u>	<u>NO EFF.</u>	<u>(DK/NA)</u>
[]a. (ACCOUNTABILITY) This measure will be subject to strict accountability provisions, including annual independent financial audits, local control over how money is spent and public review of all expenditures. These requirements will ensure that funds are spent as promised to voters.	38%	32%	15%	8%	7%	1%
[]b. (PUBLIC SAFETY) This measure will enable Capitola to fully staff the local police department and re-locate the police headquarters outside of the flood plain—ensuring that the department can carryout its duties and respond effectively to keep our community safe.	30%	33%	22%	7%	7%	1%
[]c. (REBUILD RESERVES/CLOSE DEFICIT) Capitola has prided itself on being fiscally conservative and consistently balancing the City budget. However, last year’s flooding, the recession and a reduction in sales tax revenue have depleted emergency reserves and created a structural deficit of two-point-eight million dollars. This measure will help close the structural deficit and maintain essential City services that contribute to Capitola’s favorable quality of life.	39%	33%	14%	4%	7%	2%

VERY CONV. SMWT CONV. NOT CONV. DON'T BELIEVE NO EFF. (DK/NA)

(Q16 CONT.)

[]d. **(FLOOD RECOVERY)** Last year’s flood devastated Capitola, causing severe damage to the Village, the City’s police station, the Pacific Grove Mobile Home Park and many other local homes and businesses. This measure will provide the funding necessary to recover from the disaster and make important repairs to the City’s infrastructure. -----42%----- 32% ----- 16% -----5% -----5% ----- 0%

17. Now that you have heard more about it, let me ask you again about the ballot measure to approve a one-quarter cent sales tax to help the City repair damage from last year’s flooding and provide a stable source of revenue for essential City services and infrastructure improvements, including street and road repair, police protection and maintaining local parks. If there were an election today, do you think you would vote “Yes” in favor of this measure or “No” to oppose it? **(IF YES/NO, ASK:** “Is that definitely or just probably?”) **(IF UNDECIDED, ASK:)** “Do you lean toward voting yes or no?”

Definitely yes ----- 44%
 Probably yes ----- 19%
 Undecided, lean yes -----8%
 Undecided, lean no -----3%
 Probably no -----5%
 Definitely no ----- 19%
(DON’T READ) DK/NA -----2%

18. Next, I am going to provide you some statements from people who oppose the measure we have been discussing. After hearing each statement, please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to vote No on this measure. If you do not believe the statement or if it has not effect on your thinking one way or the other, please tell me that too. **(RANDOMIZE)**

VERY CONV. SMWT CONV. NOT CONV. DON'T BELIEVE NO EFF. (DK/NA)

[]a. **(TAXES)** Taxes are too high already. Capitola already has a quarter-cent sales tax to fund City services and the state will be increasing the sales tax this year too. Enough is enough. No new taxes. -----31%----- 20% ----- 30% -----5% ----- 12% ----- 1%

	<u>VERY CONV.</u>	<u>SMWT CONV.</u>	<u>NOT CONV.</u>	<u>DON'T BELIEVE</u>	<u>NO EFF.</u>	<u>(DK/NA)</u>
[]b. (WASTE) The City needs to cut waste and inefficiency. There are plenty of places to save money in the budget without raising taxes.-----	23%	27%	27%	8%	12%	2%
[]c. (PUBLIC EMPLOYEE SALARIES) Money from this measure will ultimately go to higher salaries and pensions for City bureaucrats. The City should scale back high cost employee pensions and benefits instead of raising taxes. -----	30%	22%	24%	10%	13%	0%
[]d. (ECONOMY) We are facing the worst economy in a generation and many families are struggling just to make ends meet. It is not the right time to raise taxes.-----	32%	23%	29%	4%	11%	1%

19. Now that you have heard from both sides about this ballot measure, let me ask you one more time. If there were an election today, would you vote “Yes” in favor or “No” to oppose the ballot measure authorizing a one-quarter cent sales tax to help the City repair damage from last year’s flooding and provide a stable source of revenue for essential City services and infrastructure improvements, including street and road repair, police protection and maintaining local parks. **(IF YES/NO, ASK: “Is that definitely or just probably?”)** **(IF UNDECIDED, ASK:)** “Do you lean toward voting yes or no?”)

Definitely yes -----	42%
Probably yes -----	15%
Undecided, lean yes -----	8%
Undecided, lean no -----	3%
Probably no -----	8%
Definitely no -----	21%
(DON'T READ) DK/NA -----	2%

HERE ARE MY LAST QUESTIONS, AND THEY ARE FOR STATISTICAL PURPOSES ONLY.

20. **(T)** How long have you lived in the City of Capitola?

Less than two years -----	4%
Between two and five years -----	15%
Between five and ten years -----	23%
Between ten and twenty years-----	25%
More than twenty years -----	34%
(DON'T READ) DK/NA-----	1%

21. (T) Do you own or rent your home or apartment?

Own ----- 68%
 Rent ----- 30%
 (DON'T READ) DK/NA -----2%

22. (T) Are there children under the age of 18 living at home with you?

Yes ----- 23%
 No ----- 77%
 (REFUSED/NA)-----0%

23. What is your current employment status? Are you... (READ LIST)

Employed full-time or more----- 44%
 Employed part-time ----- 12%
 A homemaker who does not work
 outside the home -----2%
 Retired----- 33%
 A student -----1%
 Unemployed -----5%
 (DON'T READ) Refused -----2%

24. (T) In what year were you born?

1994-1988 (18-24) -----4%
 1987-1983 (25-29) -----6%
 1982-1978 (30-34) -----4%
 1977-1973 (35-39) ----- 10%
 1972-1968 (40-44) ----- 11%
 1967-1963 (45-49) -----5%
 1962-1958 (50-54) -----7%
 1957-1953 (55-59) ----- 10%
 1952-1948 (60-64) ----- 16%
 1947-1938 (65-74) ----- 13%
 1937 or earlier (75 & over) ----- 11%
 (DON'T READ) DK/Refused -----3%

25. (T) I don't need to know the exact amount but I'm going to read you some categories for household income. Would you please stop me when I have read the category indicating the total combined income for all the people in your household before taxes in 2011?

\$30,000 and under ----- 17%
 \$30,001 - \$50,000----- 18%
 \$50,001 - \$75,000----- 17%
 \$75,001 - \$100,000 ----- 11%
 \$100,001 - \$150,000----- 10%
 More than \$150,000 -----6%
 (DON'T READ) DK/NA----- 21%

THANK AND TERMINATE

Gender: Male----- 44%
 Female ----- 56%

Party Registration: Democrat ----- 56%
 Republican ----- 18%
 Decline-to-State ----- 15%
 Other ----- 11%

Name _____ Page # _____
 Address _____ Voter ID # _____
 City _____ Precinct _____
 Zip _____ Interviewer _____

FLAGS

P06----- 44%
 G06 ----- 70%
 F08 ----- 73%
 P08 ----- 48%
 G08 ----- 91%
 M09----- 49%
 P10----- 53%
 G10 ----- 82%
 Blank ----- 3%

VOTE BY MAIL

1 ----- 15%
 2 ----- 8%
 3+ ----- 36%
 BLANK ----- 41%

PERMANENT ABSENTEE

Yes ----- 44%
 No ----- 56%

HOUSEHOLD PARTY TYPE

Dem 1 -----	38%
Dem 2+-----	11%
Rep 1 -----	7%
Rep 2+-----	6%
Ind 1+-----	17%
Mix-----	21%



Item #: 6.C.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: DEPARTMENT OF PUBLIC WORKS
SUBJECT: CAPITOLA WHARF DAMAGE REPORT

RECOMMENDED ACTION:

1. Receive a report from the Public Works Department on damages sustained to the Capitola Wharf during February high surf events; and
2. Award contracts to facilitate repairs as presented by the Director of Public Works; and
3. Approve a budget amendment as presented by the Director of Public Works.

BACKGROUND: During the month of February the Capitola Wharf suffered two incidents of damage cause by high surf.

On February 7, 2012 a steel pile that holds the summer floating docks in place was broken. A diver is scheduled to inspect this pile and neighboring piles on March 5, 2012. This inspection will determine how best to replace the broken steel pile, and any other piles. At a minimum the broken pile will need to be replaced prior to setting out the floating docks later this spring.

On February 16, 2012 the gas mainline broke and the wharf was temporarily closed. The following day PG&E, staff, and a local plumbing contractor met on the wharf and determined the existing main was unrepairable and needed replacement. The plumber was able to construct a temporary plastic pipe and the wharf was reopened by the evening of February 17th. Unfortunately this temporary mainline cannot be left exposed to the elements and a permanent steel line must be constructed within the next 30 days. City staff is developing options and cost estimates for this work which will be reported at the March 8th City Council meeting.

DISCUSSION: Due to the need to repair the damages in a short timeframe, it is anticipated the City Council may be asked to declare an emergency, award sole source contracts to recommended contractors, and waive the standard bidding procedures. These recommendations will be detailed as part of the Public Works Director's report at the City Council meeting.

FISCAL IMPACT: The Wharf Fund had \$40,000 budgeted in contract services for repair and maintenance work. The temporary gas line construction cost \$4,400. Additional funding beyond the remaining \$35,600 may be necessary. If additional funding is required, staff will include recommendations of where this funding may come from as part of the budget amendment presentation.

ATTACHMENTS: None

Report Prepared By: **Steven Jesberg**
Public Works Director

Reviewed and Forwarded
By City Manager: 



Item #: 6.D.

CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 8, 2012

FROM: POLICE DEPARTMENT

SUBJECT: REQUEST FROM LIFESTYLE ESCAPES FOR APPROVAL OF A SPECIAL EVENT PERMIT FOR THE CAPITOLA HALF MARATHON IN CAPITOLA ON SUNDAY, MAY 20, 2012

RECOMMENDED ACTION: By motion approve the Special Event Permit for the Capitola Half Marathon to be held in Capitola on Sunday, May 20, 2012; including approval of an Encroachment Permit, Amplified Sound Permit, and to hang a banner prior to the event

BACKGROUND:

The Capitola Half Marathon is promoted by the owner of Lifestyle Escapes, Tom Bradley. He is promoting the Surfer's Path Marathon along with the Capitola Half Marathon. The race is scheduled to travel through Capitola on Sunday, May 20, 2012 from 7:00 AM to 9:00 AM.

Both the Marathon and Half Marathon will begin in Santa Cruz at the entrance to the Santa Cruz Municipal Wharf. The participants will leave the wharf and essentially travel the same route as the Wharf to Wharf Race, to Capitola and return the same route to Santa Cruz. The Half Marathon will finish at the Santa Cruz Municipal Wharf and the marathon runners will continue to Wilder Ranch State Park and make a loop back to the wharf.

DISCUSSION:

Event organizers anticipate 1500 participants at this year's event and there will be no vendors or first aid stations in Capitola during the race. Organizers of this event are requesting Public Works to hang banners on Monterey Avenue and Capitola Avenue.

Upon entering Capitola from Opal Cliff Drive, the participants will run down Cliff Drive to Stockton Avenue and turn right onto Esplanade Avenue. The applicant is requesting the course continue on Esplanade to Monterey Avenue, and left onto Capitola Avenue. In order to alleviate parking issues and inconvenience to the Village residents, staff is recommending the course turn left onto San Jose Avenue and then left on Capitola Avenue. This would allow residents to park in the 100 block of Esplanade Avenue and Monterey Avenue before the event, and still be able to leave the area during the event. From Capitola Avenue, the participants will run left onto Stockton Avenue, run across the Stockton Avenue Bridge onto Cliff Drive. They will travel left onto Opal Cliff Drive and return to Santa Cruz.

Cliff Drive, Stockton Avenue, the Esplanade, the 100 block of San Jose Avenue, and the 100 block of Capitola Avenue will be posted as no parking zones 72 hours before the event and local merchants and residents will receive a flyer noticing them of the event, restricted parking, and traffic delays at least 10 days before the event. Monterey Avenue will remain open as well as northbound Capitola Avenue.

On Friday, May 18th from 1:00 pm to 6:00 pm and Saturday, May 19th from 9:00 am to 6:00 pm, event organizers will be hosting an expo and race packet pick up in Esplanade Park. There will be approximately 15, 10' x 10' tents on the upper and lower lawn areas of Esplanade Park and race

packets will be available for pick up at the bandstand. The tents will host exhibitors and some vendors, and there will be amplified music.

The Special Event Permit for the County has already been approved and the City of Santa Cruz and state parks have tentatively agreed on issuing permits for the event.

Lifestyle Escapes will secure liability insurance for this event in compliance with the City’s standard coverage requirements.

The existing trash receptacles and public restrooms will be sufficient for spectators. Race staff will follow the runners to clean up any debris or trash from the event.

The special event permit also serves as a permit for the encroachment permit, as well as a banner request with the following conditions:

- Encroachment permit has been applied for;
- A certificate of insurance indemnifying the City of Capitola has been requested;
- Traffic control for the event will be provided by law enforcement;
- Hours of operation have been clearly established;
- The Fire Marshal will review and approve the event;
- Public Works will hang banner as requested;
- Abide by all Capitola Municipal Codes.

FISCAL IMPACT:

The fiscal impact of this event to the City of Capitola will be offset by the applicant. Public Works will supply barricades for the road closures and hang the banner. Event staff will place and remove additional barricades and traffic cones as needed, post the parking meters and perform all clean up after the event.


The fees are as follows: Special event permit \$54, encroachment permit \$56, amplified sound permit \$28, and banner permit \$36. Total permit fees: \$174. Rental of the bandstand for 1 ½ days is \$900, plus \$1500 deposit. The cost for personnel is as follows: 6 police officers at \$150.00/hour at 3 hours each, \$2700.

Fees:	\$ 174
Bandstand:	\$2,400
Personnel:	<u>\$2,700</u>
Total:	\$5,274

ATTACHMENTS

1. Special Event Permit Application
2. Maps of the event and expo

Report Prepared By: Captain Tom Held

**Reviewed and Forwarded
By City Manager:** 

SPONSORING ORGANIZATION AND APPLICANT INFORMATION

- Event Name: SURFERS PATH MARATHON AND CAPITOLA HALF MARATHON
- Event Description: 26.2 mile AND 13.1 mile RUNS
- Event Purpose: Promote healthy/active lifestyle, the County of Santa Cruz AND the City of Capitola.
- Sponsor: Lifestyle Escapes
- Sponsor's Address: P.O. Box 1563
Capitola CA street 95010
city state zip code
- Sponsoring Organization's Phone: (831) 477-0965
- FAX Number: (831) 477-0964 E-Mail Address: tom@lifestyleescapes.com
- Contact Person's Name: TOM BRADLEY
- Business Phone: (831) 477-0965 Cellular Phone: (831) 251-9283
- FAX Number: (831) 477-0964 E-Mail Address: tom@lifestyleescapes.com

Will you be using a professional Special Event Organizer? If yes, please include all foregoing information about the organizer on a separate sheet of paper and attach to your application.

EVENT INFORMATION

- Type of event: Run Festival Parade Sale Motion Picture Block Party
- Other (specify) _____
- Event Location: SANTA CRUZ to CAPITOLA to SANTA CRUZ
- Event Dates: EXPO: 5/18, 5/19 RUN: 5/20 Anticipated Attendance: 1000
- Web Site Information: lifestyleescapes.com E-Mail Address: tom@lifestyleescapes.com
- Will the public be invited? Yes No

Actual hours open to the public or "advertised" event hours:

- Date: 5/18/12 Time: 1 AM/PM to 6 AM/PM
- Date: 5/19/12 Time: 9 AM/PM to 6 AM/PM
- Date: 5/20/12 Time: 7 AM/PM to 9 AM/PM
- Has this event taken place before? Yes No Any changes to this event? Yes No
- If yes, what changes? _____
- If yes, please attach a copy of your last permit for this event, if available.
- Will this event be promoted, advertised or marketed in any manner? Yes No
- Will there be live media coverage during your event? Yes No
- If yes, please explain: Local media will be invited to cover the event.

• Are admission, entry or vendor participant fees required? Yes No

• If yes, explain: Public admission fees: \$ 0 per person

Participant entry fees: \$ 70/95 per person

Vendor fees: \$ 0 - 200 per booth

Number of vendors: 10-15

How many vendors are for profit? 2

How many vendors are nonprofit? Remaining

• \$ 100k Total estimated gross receipts, including tickets, product and sponsorship sales from this event. Explain how this amount was computed. Indicate amount per item.

\$ _____ Admission fees
\$ _____ Product fees
\$ _____ Sponsorship
\$ _____ Participant entry fees
\$ _____ Other (Please specify): _____

• \$ 70k Total estimated expenses for this event.

\$ _____ Advertising
\$ _____ Wages, salaries
\$ _____ City services (police, fire, street closures)
\$ _____ Insurance
\$ _____ Business license fee
\$ _____ Other (Please specify): _____

• Is the organization a "tax exempt, nonprofit" organization? Yes No

• \$ 30k Projected amount of revenue the Sponsoring Organization(s) will receive as a result of this event.

• Specify the organization(s) to receive funding: Lifestyle ESCAPES

• City sponsorship requested? Yes No If yes, please describe:

OVERALL EVENT DESCRIPTION

• Will a staging/setup/assembly location be required? Yes No

• If yes, begin day/date: _____ Start time: _____ AM / PM

• Location: EXPO LAWN AREAS AND BAND STAND (SEE MAP)

• Description of the scope of the setup/assembly work (Attach additional pages and drawings as needed): Set up of expo tents one hour prior to expo hours. Exhibitors and staff will use load in zone and pay parking.

- If yes, dismantle day date: _____ Completion time: _____ AM/PM
- List the street(s) requiring closure as a result of this event. Include street names, day, date and time of closing and the time of reopening: _____
 SUNDAY MAY 20, 2012: 7:00 am - 9:00 am
 CLIFF DR / STOCKTON AVE (between Opal Cliff & Capitola Ave)
 ESPLANADE
 MONTEREY AVE (between Esplanade & Capitola Ave) OR SAN JOSE AVE.
 CAPITOLA AVE (EASTBOUND LANE)

City of Capitola to conduct street closures as needed (cost to be specified)

- List street(s) requiring the posting of "No Parking" signs. Indicate days, dates, and times needed and an explanation of necessity for "No Parking" zone: _____
 SUNDAY MAY 20, 2012: 7:00 am - 9:00 am
 CLIFF DR
 ESPLANADE
 MONTEREY AVE OR SAN JOSE AVE
 CAPITOLA AVE (EASTBOUND)

NOTE: "No Parking" signs will be posted twenty-four hours in advance of required days, dates and time. Cost for the posting of "No Parking" signs will be specified upon review of the application by City staff.

OVERALL EVENT DESCRIPTION (continued)

- Attach a diagram (please try to make diagram reasonably to scale), showing the overall layout and setup locations. Using the letters below, indicate the site for these on your diagram.
 - A Alcoholic and nonalcoholic concession
 - B First-aid facilities
 - C Tables and chairs
 - D Fencing, barriers and/or barricades
 - E Generator locations and/or sources of electricity
 - F Canopies or tent locations
 - G Booths, exhibits, displays or enclosures
 - H Scaffolding, bleachers, platforms, stages, grandstands, related structures
 - I Vehicles and/or trailers
 - J Trash containers or dumpsters
 - K Non-food vendor locations
 - L Food concession and/or food preparation areas
 - M Portable toilet locations

N Other related event components not covered above (describe separately)

- Please describe how food will be served at the event: N/A

- Will food be cooked in the event area? Yes No

- If yes, specify method: Gas Electric Charcoal Other (specify):

- Does the event involve the sale or use of alcoholic beverages? Yes No

- If yes, please describe: _____

- If alcohol is to be sold, how will the alcohol sales be regulated? _____

Please attach a copy of your ABC license.

- Will there be items or services sold at the event? Yes No

- If yes, please describe: There may be 1-2 vendors selling
runner-specific items at expo.

- Do the vendors have City of Capitola business licenses? Yes No

Currently soliciting exhibitors... some will, others not.

OVERALL EVENT DESCRIPTION (continued)

Portable and/or permanent toilet facilities: *NONE IN CAPITOLA*

- Number of portable toilets: _____ (Recommended: 1 for every 250 people)
- Number of ADA-accessible toilets: _____ (Recommended: 10% of total toilets)

(NOTE: Unless the Applicant can substantiate the availability of both accessible and non-accessible toilet facilities in the immediate area of the site, the above is required. Portable toilet facilities must be in place 24 hours in advance, cleaned and sanitized daily during the event, and must be removed by 8:00 a.m. the next business day following the event. Location sites for portable toilets must be pre-approved prior to installation.)

- Number of trash receptacles: _____
- Number of dumpsters with lids: _____ (Recommended 1 per 400 people)
- Number of recycling containers: _____ (Voluntary)
- Describe the plan for cleanup and removal of waste and garbage during and after the event:

*There are no Aid Stations located in Capitola.
Current city cans should be sufficient for spectators.
Race staff will sweep course behind athletes
to retrieve event related trash.*

(Note: It is the event organizer’s responsibility to dispose of waste and garbage daily throughout the term of the event, unless otherwise contracted with City staff, which will require a fee. Immediately upon conclusion of the event, the venue must be returned to a clean condition. Street sweeping can be arranged with City crews for an additional fee.)

PARKING PLAN – SHUTTLE PLAN – MITIGATION OF IMPACT

- Please provide a detailed description or diagram that indicates the proposed parking plan and/or shuttle plan for the event. Include a description of the parking plan/shuttle plan for the disabled.

The start/finish event parking is located in Santa Cruz. Existing street and city parking will be sufficient for attendees and spectators.

- Describe plan to notify those residents, businesses, churches, etc. that will be impacted by this event.

We will notify all as instructed. Our general protocol includes visiting businesses, churches, etc. personally to review plans and provide information. Additionally, resident and business notifications are distributed three weeks and three days prior to the event.

- Does this event involve a moving route of any kind along streets or sidewalks?

Yes No

- If yes, highlight your proposed route on the enclosed map, indicating the directions of travel, and provide a written narrative to explain your route and its impact.

Attached.

- Does this event involve a fixed venue site? Yes No EXPO

- If yes, highlight the site on the enclosed map, showing all the streets impacted by the event.

Attached.

SAFETY - SECURITY

- Is there a professional security organization to handle security for this event? Yes No

• If yes, please name security company: _____

- If no, do you wish to contract police services from the Capitola Police Dept.? Yes No (See fee schedule)

TRAFFIC CONTROL.

• Security company's address: _____
street

_____ city state zip code

• Security Director's name: _____

• Security Director's phone number: (___) _____

• Security company's state license number: _____

• Security company's business license number: _____

• Security company's insurance carrier: _____ City or privately secured?

• On-site contact person (security supervisor): _____

• Any searches prior to entering? Yes No

• Bottle and can check? Yes No

• Metal detectors? Yes No

• How many security guards at each entrance? _____

Parking Lot Patrol (Private Security):

• Security company: _____

• Contact person (security supervisor): _____

• Number of security guards patrolling the parking lot: _____

Lighting:

- If this is an evening event, please state how the event and surrounding areas will be illuminated to ensure the safety of the participants and spectators.

_____ *N/A* _____

Medical:

- Indicate what arrangements have been made for providing first-aid staffing:

*MEDICAL doctor; team AS PART OF EVENT STAFF. AMIR CONTRACTED.
STAFF COMMUNICATION AT AID STATIONS AND ALONG COURSE, INCLUDING
IN CAPITOLA. FIRE NOTIFIED.*

INSURANCE REOUREMENTS

INSURANCE

Applicant must provide insurance at the following minimal limits: \$1,000,000 (one million) combined single limit. (Two million for the annual Art and Wine Festival). This Certificate of Insurance must name the City as an additional insured throughout the event duration, including setup and breakdown. The Certificate of Insurance, including limits of insurance, must be received by the Special Events Coordinator by _____ to finalize this permit.

HOLD HARMLESS

The Applicant will, at its sole expense, provide the City with evidence of insurance for general liability and Worker's Compensation benefits for accidents or injuries that occur or are sustained in connection with the special event which is the subject of this permit application and contract. The Applicant agrees on behalf of itself and on behalf of its agents and employees that the Applicant will not make a claim against, sue, attach the property of, or prosecute the City or any of the City's agencies, employees, contractors or agents for injury or damages resulting from negligence or other acts, however caused, which might be asserted against the City in connection with actions taken by the City or the City's employees or agents in connection with this Special Event Permit. In addition, Applicant, on behalf of itself and its agents and employees, as well as its successors and assigns, hereby releases, discharges and holds the City harmless from, and indemnifies the City against, all actions, claims or demands Applicant, or Applicant's employees, agents, successors or assigns, or any third person now has or may hereafter have for personal injury or property damage resulting from the actions of the Applicant, the Applicant's employees or agents, or any other person under the control of the Applicant, taken pursuant to this Special Event Permit whether said actions are characterized as negligent or intentional.

Applicant Signature: Thomas D Bradley

ADVANCED CANCELLATION NOTICE REQUIRED

If this event is cancelled, notify the Special Events Coordinator at (831) 475-4242.

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief, that I have read, understand and agree to abide by the rules and regulations governing the special event under Capitola Municipal Code, and that I understand that this applications is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. I agree to comply with all permit conditions and with all other requirements of the City, County, state and federal governments and any other applicable entity that may pertain to the use of the event premises and the conduct of the event. I agree to abide by these rules and further certify that I, on behalf of the organization, am also authorized to commit that organization and, therefore, agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Capitola.

Name of Applicant (print): Thomas D Bradley

Title: Race Director

Signature of Applicant: Thomas D Bradley Date: 9/1/11 (original)
2/28/11 (update)

Submit to Capitola PD

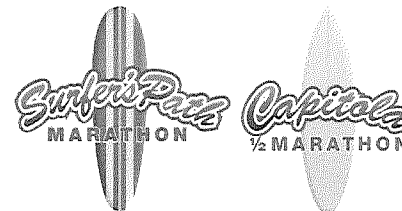
Expo



Expo Hours:

5/18: 1pm - 6pm

5/19: 9am - 6pm



1 of 1

Case Number:

Date:

Location: CAPITOLA VILLAGE

Description:
SANTA CRUZ MARATHON
CAPITOLA HALF MARATHON
ROAD CLOSURES

