

City of Capitola Agenda

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



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MAY 9, 2013

**CITY HALL COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**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. There will be a report of any final decisions in City Council Chambers during the City Council's Open Session Meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

[Significant exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9]
Surf and Sand Mobile Home Park

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code § 54957.6)

Negotiator: Lisa Murphy, Administrative Services Director
Employee Organizations: Capitola Police Officers Association and
Capitola Police Captains

PUBLIC EMPLOYEE PERFORMAMCE EVALUATION (Govt. Code §54957)

City Council's Performance Evaluation of the City Attorney

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

2. PRESENTATIONS

- A. Introduction of Senior Accountant, Kyle Solberg.
- B. Proclamation recognizing Childhood Cancer Awareness Week from May 5 through May 11, 2013.
- C. Proclamation designating May 15, 2013, as “Paint the Town Purple” to promote public awareness for the American Cancer Society’s Relay For Life upcoming events.

3. REPORT ON CLOSED SESSION

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

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

6. COUNCIL/STAFF ANNOUNCEMENTS

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

8. CONSENT CALENDAR

All items listed in the “Consent Calendar” will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

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

- A. Consideration of approving the City Council Minutes of the April 25, 2013, Regular Meeting.
RECOMMENDED ACTION:
Approve Minutes.
- B. Receive Planning Commission Action Minutes of the May 2, 2013, Regular Meeting.
RECOMMENDED ACTION:
Receive Minutes.

CAPITOLA CITY COUNCIL – Thursday, May 9, 2013

- C. Consideration of an Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations [2nd Reading].

RECOMMENDED ACTION:

Adopt Ordinance.

- D. Receive the California Public Employees Retirement System Annual Actuarial Valuation Reports as of June 30, 2011.

RECOMMENDED ACTION:

Receive report.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

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

- A. Consideration of approving the General Special Event Permit for AIDS/Lifecycle event on June 3, 2013, sponsored by the San Francisco AIDS Foundation.

RECOMMENDED ACTION:

Approval of Permit.

- B. Discussion regarding the benches at Peery Park, and the public restrooms at Nob Hill.

RECOMMENDED ACTION:

Discuss and provide direction.

- C. Consideration of approving the implementation of the Patient Protection and Affordable Health Care Act.

RECOMMENDED ACTION:

Approve setting Safe Harbor Measurement Periods; authorize a permanent Recreation Assistant Position at 0.75 Full-Time Equivalent and remove the Hourly Recreation Position.

10. COUNCIL/STAFF COMMUNICATIONS

11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS

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

12. ADDITIONAL MATERIALS

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

- A. 9.B.

DETAILS:

Emails from the public.

13. ADJOURNMENT

Adjourn to the Special Budget Study Session of the City Council and the Successor Agency to be held on Wednesday, May 22, 2013 at 6:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

CAPITOLA CITY COUNCIL – Thursday, May 9, 2013

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 of Capitola

Mayor's Proclamation

In Recognition of
Childhood Cancer Awareness Week
May 5 through May 11, 2013

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 15,000 of our nation's young people each and every year; and

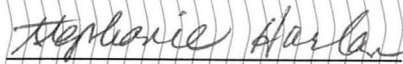
WHEREAS, founded twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to Northern California children undergoing cancer treatment at Kaiser Permanente Santa Clara Medical Center, Lucile Packard Children's Hospital at Stanford, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids Program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, I, Stephanie Harlan, Mayor for the City of Capitola, on behalf of the entire City Council, do hereby recognize Childhood Cancer Awareness Week from May 5 through May 11, 2013.


Stephanie Harlan, Mayor
Signed and sealed this 9th day of May 2013



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City of Capitola Mayor's Proclamation

American Cancer Society's Relay For Life Paint the Town Purple

WHEREAS, Cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in premature death; and

WHEREAS, Cancer is predicted to strike one out of every three Americans sometime in our lifetime; and

WHEREAS, An estimated 171,330 new cases of cancer will be diagnosed in California in 2013; and

WHEREAS, The American Cancer Society is the nation's largest and most respected voluntary health organization since 1913 and has funded research which has contributed to every known method for detecting cancer and techniques for treating cancer: thereby increasing cancer survival rates from 10% to more than 65%; and

WHEREAS, The American Cancer Society is a voluntary, community-based coalition of local citizens dedicated to eliminating cancer as a major health problem; and

WHEREAS, the color purple is the signature color of the American Cancer Society's Relay For Life events signifying the passion that cancer survivors, their families and loved ones feel for the eradication of this disease; and

WHEREAS, Relay For Life financially benefits the American Cancer Society's research and patient support programs, including local programs such as Look Good Feel Better, Man to Man, and Road to Recovery; and

WHEREAS, the American Cancer Society's Relay For Life brings the community together to celebrate cancer survivors, remember those lost to the disease, and provide means to fight back against it.

NOW, THEREFORE, I, Stephanie Harlan, Mayor of the City of Capitola, do hereby proclaim May 15, 2013, as "Paint the Town Purple" Day in the City of Capitola, and encourage everyone to show support for Relay for Life and the American Cancer Society by displaying purple decorations and to wear purple in support of the war against cancer, and in celebration of life and victory over this disease.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of May, in the year 2013.

Stephanie Harlan

Stephanie Harlan, Mayor
Signed and sealed this 9th day of May 2013



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CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE APRIL 25, 2013,
REGULAR MEETING

RECOMMENDED ACTION: Approve the subject minutes as submitted.

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

ATTACHMENTS:

1. April 25, 2013, Regular City Council Minutes

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: _____

A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the City Manager.

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**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
THURSDAY, APRIL 25, 2013 - 7:00 PM**

**CLOSED SESSION – 5:30 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Harlan called the meeting to order at 5:30 p.m. and announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code § 54956.8)

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

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

1. Schroedel et al. v. the City of Capitola [Santa Cruz Superior Court, Case No. CV 175684].
2. City of Capitola et al. v. Lexington Insurance Company [United States District Court, Northern District of California, Case No. 5:12-CV-03428-LHK].

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Significant Exposure to litigation pursuant to subdivision (b) of Govt. Code §54956.9)**

Two potential cases:

1. Surf and Sand Mobile Home Park
2. DeWitt Code Enforcement

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Govt. Code §54957)

City Council’s Performance Evaluation of the City Attorney

Mayor Harlan noted that there was no one in the audience; therefore, the City Council recessed at 5:35 p.m. to the City Manager’s Office.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini and Mayor Stephanie Harlan

2. PRESENTATIONS

- A. Introduction of Richard Grunow, the new Community Development Director. [600-10]
City Clerk Sneddon provided the oath of office to Mr.Grunow.

- B. Certificate of appreciation to Karen Nevis who served on the Art and Cultural Commission. [120-40]

Certification received.

- C. Presentation from the Capitola Public Safety Foundation to the Police Department to support the Police Canine Program, and contribution to the Baker and Butler Fund. [485-10/480-53]

Bruce Arthur, Capitola Safety Foundation President, presented a check in the amount of \$3,500 to Police Chief Escalante for the Police Canine Program; the funds will help cover some of the costs associated with the post mandated canine training. In addition, he presented a check to Police Chief Escalante in the amount of \$3,000 as a contribution to the Butch Baker and Elizabeth Butler Scholarship Fund.

3. REPORT ON CLOSED SESSION

City Attorney Barisone stated that the City Manager provided an update regarding the McGregor Drive property negotiations with the Soquel Creek Water District; no reportable action was taken. The Council received a status report from Assistant City Attorney Paterno regarding existing litigation related to Schroedel et al. v. the City of Capitola; no reportable action was taken. Mr. Barisone stated that the City will receive \$1,350,000 as the result of the settlement agreement with Lexington Insurance Company in relation to the March 2011 pipe failure claim. The Council received a status report regarding the potential litigation in relation to the following: (1) Surf and Sand Mobile Home Park; and (2) the DeWitt Code Enforcement; no reportable action was taken. The City Attorney's performance evaluation was not discussed due to time constraints.

4. ADDITIONS AND DELETIONS TO AGENDA (none provided)

5. PUBLIC COMMENTS

Margaret Kinsler, Capitola Village Residents' Association (CVRA) representative, provided an update regarding the CVRA.

Marilyn Garrett, local resident, stated she opposes wireless technology.

The following local residents spoke against the pending monthly rent increase at Capitola Gardens:

Ruth Seidel
Janice Ahle
Rebecca Harris
Phung-Tran
Mary Anderson
Tim Noonan
Goran Klepic

Sandy Erickson, local resident, requested that curbs in front of all the entrances to Cortez Park be painted red because vehicles block the entrance.

6. COUNCIL/STAFF ANNOUNCEMENTS

Council Member Norton stated that the monthly public beach cleanup at Capitola Beach and Soquel Creek will be on Saturday, May 18th starting at 10 a.m.

Council Member Termini stated that he attended the Santa Cruz County Chapter of the American Red Cross Heroes Breakfast on May 15, 2013.

Mayor Harlan stated that the Monterey Bay National Marine Sanctuary Symposium will be held on April 27th (9 a.m. to 3:30 p.m.) at the Monterey Bay's California State University Center.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS (none provided)**8. CONSENT CALENDAR**

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to approve the Consent Calendar. The vote was unanimous.

- A. Consideration of approving the City Council Minutes of the Regular Meetings of March 28, 2013, and April 11, 2013; and the Special Closed Session of April 11, 2013.
- B. Approval of City Check Register Reports dated March 22, 2013; March 29, 2013; April 5, 2013; and April 12, 2013. [300-10]
- C. Approval of the 2012 Capitola Art & Cultural Commission Annual Report. [1010-60]
- D. Consideration of a Resolution designating the period of time a vehicle may be parked within Zone A (Village Area), Zone A1 (Cliff Drive Area), and Zone B (Pacific Cove Parking Lot). [470-30/470-40]
- E. Consideration of authorizing the Police Department to complete a radio system upgrade utilizing the State Supplemental Law Enforcement Services Fund (SLESF), and increase budget expenditures in the amount of \$39,700 for Fiscal Year 2012/2013. [330-05/330-10/370-40]

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. Presentation by the Santa Cruz Water Department and the Soquel Creek Water District regarding the proposed Regional Seawater Desalination Project. [1160-10]

Bill Kocker (Santa Cruz Water Department Director) and Taj Dufour (Soquel Creek Water District General Manager) presented the proposed Regional Seawater Desalination Project.

Bruce Daniels, Soquel Creek Water District Board Vice President, stated the necessity for the proposed Regional Seawater Desalination Project. He also stated that there will be a free workshop regarding how to re-use grey water at your residential property on May 18-19.

- B. Approval of plans, specifications, and the engineer's estimate for the construction of the 2013 Capitola Slurry Seal Project utilizing Measure 0 funds; and authorization to advertise for bids. [940-60]

ACTION Motion made by Council Member Termini, seconded by Council Member Storey, to approve the plans, specifications, and the engineer's estimate for the construction of the 2013 Capitola Slurry Seal Project utilizing Measure 0 funds; and authorization to advertise for bids. The vote was unanimous.

- C. Consideration of an Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations [1st Reading]; and approve assets limit when calculating income eligibility. [750-10]

ACTION **Motion made by Council Member Norton, seconded by Council Member Termini, to approve the first reading of an Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations; and to approve the total assets of a household to be less than one and one-half times the annual household income limit for that unit. The vote was unanimous.**

10. COUNCIL/STAFF COMMUNICATIONS

City Manager Goldstein stated that the California State Department of Finance has rejected the City's appeal of the Due Diligence Review (DDR) findings. The DDR sought to claw back \$50,000 of payments. The City will have to pay this amount.

Council Member Norton requested that the benches be re-installed at Peery Park (City Manager Goldstein stated that a report regarding Peery Park will be provided at the next City Council meeting).

Police Chief Escalante stated that the Police Department will be conducting a drug take-back-day on Saturday, April 27th, from 10 a.m. to 2 p.m.

Council Member Bottorff requested that the City Council direct the City's Traffic and Parking Commission to explore, analyze and recommend pay station expansion for the following streets: Cherry Avenue; San Jose Avenue; Park Place; Stockton Avenue; portion of Capitola Avenue from the trestle to Monterey Avenue. He also requested that the City Council direct the Traffic and Parking Commission to research and make recommendations for the parking time period and rate increases and decreases in the following areas: Village, Cliff Drive and upper and lower Pacific Cove property. He stated that the purpose is to generate revenue and to open space for residents.

11. CITY COUNCIL/TREASURER COMMENTS/COMMITTEE REPORTS (none provided)

12. ADJOURNMENT

Mayor Harlan adjourned the meeting at 9:30 p.m. to the next Special Meeting of the City Council on Thursday, May 9, 2013, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



**ACTION SUMMARY MINUTES
CAPITOLA PLANNING COMMISSION
THURSDAY, MAY 2, 2013
7 P.M. CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Items 3A, 3B and 3C were pulled from the Consent Agenda for individual discussion.

B. Public Comments

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. April 4, 2013, Regular Meeting Minutes

ACTION Approved 5-0

4. CONSENT CALENDAR

A. 120 MONTEREY AVENUE #13-032 APN: 035-261-08

Design Permit to construct an interpretive three-panel kiosk in Esplanade Park and integrated design concept to rehabilitate existing interpretive signs along Soquel Creek.
Environmental Determination: Categorical Exemption
Owner: City of Capitola, filed: 3/12/13

ACTION Approved 5-0

B. 4980 CAPITOLA ROAD #13-045 APN: 034-041-07

Design Permit to convert an existing office use into a duplex in the CR Commercial/Residential) Zoning District.
Environmental Determination: Categorical Exemption
Owner: Mark Murphy
Applicant: Thomas Branagan, filed: 4/5/13

ACTION Continued 5-0

C. 100 OAKLAND AVENUE #13-036 APN: 036-133-09

Coastal Permit and Design Permit to remodel an existing single family dwelling unit on a multi-unit property in the R-1 (Single-Family Residence) Zoning District.
Environmental Determination: Categorical Exemption
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Owner: James Castellanos, filed: 3/19/13
Representative: Dennis Norton

ACTION Approved 5-0

5. PUBLIC HEARINGS

A. 3555 CLARES STREET #PP & #R #13-044 APN: 034-261-59

Conditional Use Permit to expand an existing coffee house and establish a wine bar with the sale and dispensing of alcohol in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Owner: Brown Ranch Marketplace

Applicant: Aaron Anderson, filed: 4/2/13

ACTION Approved 5-0

B. 305 FANMAR WAY #13-026 APN: 035-161-14

Coastal Permit and Design Permit to remodel an existing multi-story single-family house, including a first and second story addition in the RM-LM (Multi-Family Residence - Low Medium) Zoning District.

Environmental Determination: Categorical Exemption

This project requires a Coastal Permit which is not appealable to the California Coastal Commission.

Owner: Peter Wilk, filed: 2/19/13

Representative: Derek Van Alstine

ACTION Continued 5-0

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourned at 7:26 p.m. to the next Planning Commission meeting Thursday, June 6, 2013, at 7 p.m., in the Capitola Community Center, 4400 Jade Street, Room B, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING SECTION 18.02.070 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO AFFORDABLE (INCLUSIONARY) HOUSING REGULATIONS [2nd READING]

RECOMMENDED ACTION: Adopt the proposed Ordinance amending Section 18.02.070 of the Capitola Municipal Code pertaining to Affordable (Inclusionary) Housing Regulations [2nd Reading].

BACKGROUND: The draft Ordinance amending Section 18.02.070 presented for a second reading.

DISCUSSION: The City Council approved the first reading of this Ordinance at the Council meeting held on April 25, 2013. Note that Section 18.02.070 (D) of the draft Ordinance has been modified from "total assets of a household shall be less than three times the annual household income limit for that unit", to state "total assets of a household shall be less than one and one-half times the annual household income limit for that unit".

The proposed Ordinance is before the City Council for its second reading and final adoption. If adopted, the Ordinance will take effect in thirty (30) days.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Ordinance

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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ORDINANCE NO. 982

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 18.02.070
OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO
AFFORDABLE (INCLUSIONARY) HOUSING REGULATIONS**

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

Section 1. Section 18.02.070 of the Capitola Municipal Code is hereby amended to read as follows:

18.02.070 Eligibility for affordable housing units.

A. Only households which qualify as very low, low, median or moderate income households, and who meet the asset limit, shall be eligible to purchase affordable units developed or funded in compliance with, or pursuant to, this chapter. ~~Gross monthly income does not include the value of a household's fixed, non-liquid assets such as automobiles, appliances, clothing or jewelry. However, persons who receive tax advantages associated with the ownership of other real property or securities shall not be eligible to receive affordable housing benefits conferred upon very low, low or moderate income households pursuant to this chapter.~~

B. To be eligible to purchase affordable units created pursuant to this chapter, the total assets of a household shall be less than one and one-half times the annual household income limit for that unit. Assets to be used to purchase the affordable unit are excluded from the asset calculation.

BC. Income eligibility to purchase affordable units created pursuant to this chapter shall be determined at the time of sale of the affordable unit by the city or the city's designee.

D. Applicants may appeal the city's income and asset eligibility determinations within thirty days of the date of their income eligibility letter. Appeals of the city's income and asset eligibility determinations shall first be made to a committee comprised of the City Manager, Mayor, Community Development Director, and City Attorney. Appeals shall be in the form of a letter addressed to the City Manager, and should document the reason the applicant believes an exception should be made. Appeals may be granted by the committee upon on a finding, based upon documentary evidence produced by the appellant which clearly demonstrates that the subject household's future earning capacity will be significantly impaired in the immediately foreseeable future. The committee's decision may be appealed as set forth in section 18.02.150.

CE. The purchaser of an affordable ownership unit shall occupy the unit as his or her primary place of residence. If the unit ceases to function as a primary residence, it shall be sold according to the requirements of this chapter. (Ord. 922 § 1, 2007; Ord. 891 § 5, 2005; Ord. 879 § 3, 2004)

Item #: 8.C. Attach 1.pdf

ORDINANCE NO. 982

Section 2. This ordinance shall take effect and be in full force on the 8th day of June, 2013.

This ordinance was introduced on the 25th day of April 2013, and was passed and adopted by the City Council of the City of Capitola on the 9th day of May, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

DRAFT



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: FINANCE DEPARTMENT

SUBJECT: CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM ANNUAL ACTUARIAL VALUATION REPORTS AS OF JUNE 30, 2011

RECOMMENDED ACTION: Receive the California Public Employees Retirement System Annual Actuarial Valuation Reports as of June 30, 2011.

BACKGROUND: On an annual basis, the City receives actuarial reports from the California Public Employee's Retirement System (CalPERS or PERS) that confirm the current year employer contribution rates, establish rates for the next fiscal year, and projects rates for the next year.

DISCUSSION: The PERS contribution rates fluctuate for many reasons, including investment gains and losses and unexpected changes to payroll. Additionally, CalPERS recently adopted updated actuarial assumptions, resulting in an increase in rates for most employers.

The City's contribution for Tier I and Tier II "Classic" employees is capped pursuant to existing MOU'S. The City's contribution rate for Tier I employees remains unchanged at 28.291% for Safety and 16.488% for Miscellaneous. The City's contribution rate for Tier II employees also remains unchanged at 23.291% and 11.488%, respectively. The Fiscal Year 2013/2014 employee contribution rates will increase to 10.021% and 15.021% for Safety employees and 9.091% and 14.091% for Miscellaneous employees. This represents an increase of approximately 1.57% points for Safety employees and .82% points for Miscellaneous employees. This cost increase decreases employee take-home pay.

Assembly Bill 340, the California Public Employees' Pension Reform Act (PEPRA), applies to new employees who were not previously members of the PERS reciprocal system. The City's contribution rates for employees covered under PEPRA are 11.25% for Safety and 6.25% for the Miscellaneous group. The employee contributions are set at an equivalent amount.

The estimated Fiscal Year 2013/2014 retirement savings due to the implementation of the Classic Tier II and PEPRA legislation is \$12,800 for four Tier II employees and \$7,500 for one PEPRA employee. It is anticipated that the City will hire three additional Miscellaneous employees in Fiscal Year 2013/2014. Depending on their plan designation, the City could save between \$9,700 - \$14,500, as compared to the Classic Tier I Plan.

Item #: 8.D. Staff Report.pdf

5-9-13 AGENDA REPORT:
CALPERS ANNUAL ACTUARIAL VALUATION REPORTS AS OF JUNE 30, 2011

Employee Contribution	Classic – Tier I		Classic – Tier II		PEPRA	
	Safety	Misc	Safety	Misc	Safety	Misc
FY05/06	0.0%	0.0%				
FY06/07	0.0%	0.0%				
FY07/08	1.623%	0.152%				
Dec 30. - July 2008	1.623%	3.594%				
FY08/09	1.849%	3.576%				
FY09/10	1.688%	3.663%				
FY10/11	2.332%	4.128%				
FY11/12	7.801%	7.511%				
FY12/13	8.449%	8.267%	13.449%	13.267%	11.25%	6.25 %
FY13/14	10.021%	9.091%	15.021%	14.091%	11.25%	6.25%

Employer Contribution (Classic)	2013-14 PERS Rates	Cap Revised	Tier I Employee Contribution	Tier II Employee Contribution
Safety				
Employer	26.149%	16.955%		
Employee	9.000%	9.000%		
EPMC (a)	2.353%	1.526%		
EPMC (b)	0.810%	0.810%		
Total	38.312%	28.291%	10.021%	15.021%
Miscellaneous				
Employer	15.684%	8.409%		
Employee	8.000%	7.000%		
EPMC (a)	1.255%	0.589%		
EPMC (b)	0.640%	0.490%		
Total	25.579%	16.488%	9.091%	14.091%

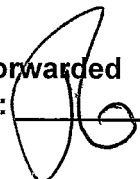
Based on the most recent actuary report, it is projected that Classic employee PERS Safety and Miscellaneous rates for Fiscal Year 2014/2015 will increase by 1.85% points and 1.016% points, respectively. The actual rates will be provided in next year's Actuarial Valuation Reports.

FISCAL IMPACT: All increases related to PERS rates will be assumed by employees. It is estimated that combined retirement reform efforts could save the City on average \$32,600 in Fiscal Year 2013/2014.

ATTACHMENTS: (The following attachments are available at City Hall)

1. CalPERS Safety Plan of the City of Capitola Actuarial Valuation Report as of June 30, 2011
2. CalPERS Miscellaneous Plan of the City of Capitola Actuarial Valuation Report as of June 30, 2011
3. CalPERS Benefit and Contribution Rates for New Safety Members, Effective January 1, 2013
4. CalPERS Benefit and Contribution Rates for New Miscellaneous Members, Effective January 1, 2013

Report Prepared By: Kyle R. Solberg, Senior Accountant
Tori Hannah, Finance Director

Reviewed and Forwarded
By City Manager: 



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: POLICE DEPARTMENT

SUBJECT: REQUEST FROM THE SAN FRANCISCO AIDS FOUNDATION AND LOS ANGELES GAY AND LESBIAN CENTER FOR APPROVAL OF A SPECIAL EVENT PERMIT FOR THE AIDS/LIFECYCLE EVENT TO TRAVEL THROUGH CAPITOLA ON MONDAY, JUNE 3, 2013

RECOMMENDED ACTION: Approve the Special Event Permit and Encroachment Permit for the AIDS/Lifecycle Event to travel through Capitola on Monday, June 3, 2013.

BACKGROUND: The AIDS/Lifecycle Event is promoted by the San Francisco AIDS Foundation and the Los Angeles Gay and Lesbian Center. The event raises money and awareness for HIV and AIDS for the sponsoring organizations. This is the 11th year for AIDS/Lifecycle and the 19th year for the event overall.

The event is a seven day bicycle ride from San Francisco to Los Angeles, for a total of 543.1 miles. The second stage of the event is from Santa Cruz to King City, and is scheduled to travel through Capitola on Monday, June 3, 2013, between 6:30 a.m. and 10:00 a.m.

DISCUSSION: Due to construction by the Soquel Creek Water District along Soquel Drive in Soquel and Aptos, the County informed the organizers on April 8, 2013, that they could not approve the same route as in previous years. Organizers scrambled to develop an alternate route that was safe for the participants as well as the public. The only realistic way around the construction and to maintain consistency was to reroute the participants through Capitola.

Staff determined the following was the safest route. The participants will enter Capitola from Opal Cliff Drive on to Cliff Drive. They will travel down Cliff Drive to Stockton Avenue, across the bridge and turn right onto Capitola Avenue. They will travel to Monterey Avenue where they will make a left turn, riding up Monterey Avenue to Park Avenue. At Park Avenue, they will turn right and ride to McGregor Drive where they will turn right and exit the City limits.

Event organizers anticipate 2200 riders at this year's event with no scheduled stops in Capitola during this portion of the event. Participants are required to obey all traffic signs during their rides and there will be event motorcycle traffic coordinators along the route. Organizers will mark the route with arrows on existing informational signs. The signs will be removed after the last participant clears the location.

The Special Event Permits for the County and City of Santa Cruz have already been approved. AIDS/Lifecycle will secure liability insurance for this event in compliance with the City's standard coverage requirements.

The Special Event Permit also serves as an Encroachment Permit, with the following conditions:

- Encroachment Permit has been applied for;
- A certificate of insurance indemnifying the City of Capitola has been requested;
- Hours of operation have been clearly established;
- The Fire Marshal will review and approve the event;
- Abide by all California Vehicle Codes and Capitola Municipal Codes.

Item #: 9.A. Staff Report.pdf

5-9-13 AGENDA REPORT: AIDS/Lifecycle

2

FISCAL IMPACT: The fiscal impact of this event to the City of Capitola will be offset by the applicant. Event staff will place and remove signage and will clean up after the event.

The fees are as follows: Special Event Permit \$56 and Encroachment Permit \$59; total permit fees = \$115. The cost for personnel is as follows: One police officer at \$77.00/hour at 4 hours, total \$308.

Fees:	\$115
Personnel:	<u>\$308</u>
Total:	\$423

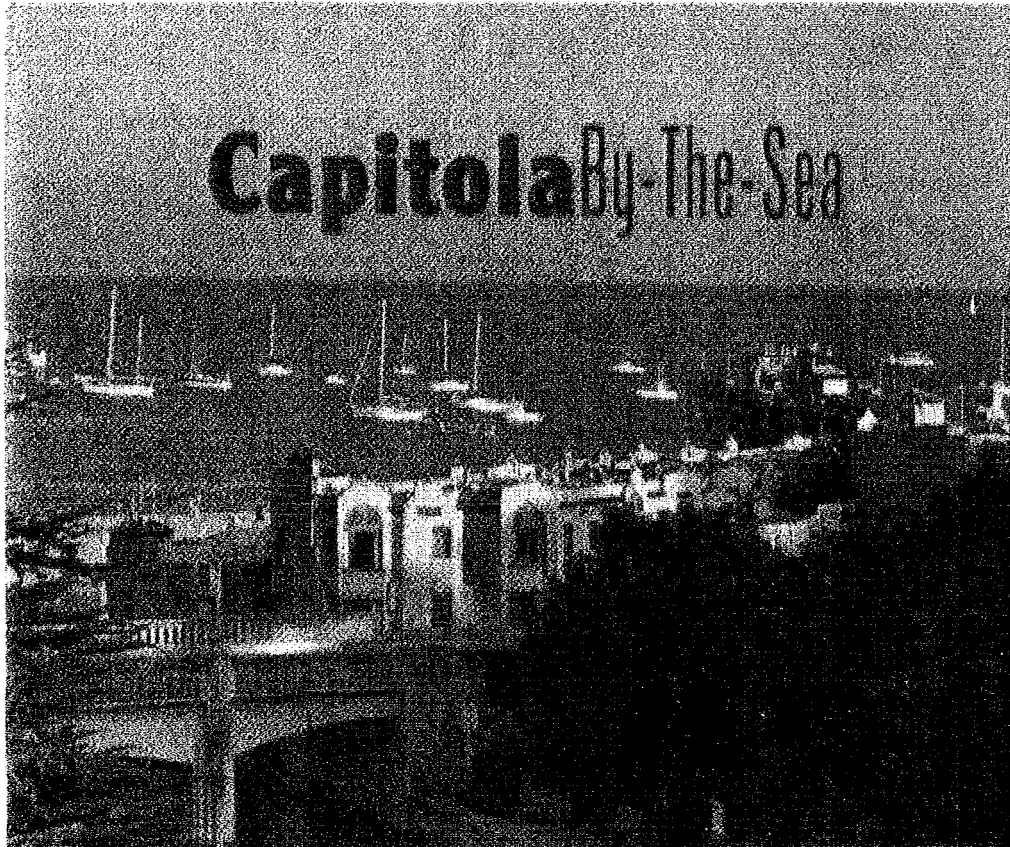
ATTACHMENTS

1. Special Event Permit Application
2. AIDS/Lifecycle Event Narrative

Report Prepared By: Chief Rudy Escalante

**Reviewed and Forwarded
By City Manager:** 

**GENERAL SPECIAL EVENT
PERMIT
APPLICATION**



CITY OF CAPITOLA

①

SPONSORING ORGANIZATION AND APPLICANT INFORMATION

- Event Name: AIDS/LifeCycle
- Event Description: 7 day fundraising bicycle ride
- Event Purpose: to raise money for the HIV services of San Francisco AIDS Foundation & the LA Gay & Lesbian Center
- Sponsor: San Francisco AIDS Foundation & the LA Gay & Lesbian Center
- Sponsor's Address: 1035 Market Street, #400

<u>San Francisco</u>	<u>CA</u>	<u>street</u>	<u>94123</u>
<small>city</small>	<small>state</small>		<small>zip code</small>
- Sponsoring Organization's Phone: (415) 581-7086
- FAX Number: (415) 581-7079 E-Mail Address: bkoeneke@aidslifecycle.org
- Contact Person's Name: Beth Koeneke
- Business Phone: (415) 581-7086 Cellular Phone: (415) 939-5486
- FAX Number: (415) 581-7079 E-Mail Address: bkoeneke@aidslifecycle.org

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) bicycle ride (not a race)
- Event Location: See event narrative/route cues on separate document
- Event Dates: Monday, June 3, 2013 Anticipated Attendance: 2,200
- Web Site Information: www.aidslifecycle.org E-Mail Address: bkoeneke@aidslifecycle.org
- Will the public be invited? Yes No

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

- Date: 06/03/2013 Time: 06:30 AM/PM to 06:30 AM/PM
- Date: 06/03/2013 Time: 06:30 AM/PM to 06:30 AM/PM
- Date: 06/03/2013 Time: 06:30 AM/PM to 06:30 AM/PM
- Has this event taken place before? Yes No Any changes to this event? Yes No
- If yes, what changes? We are being asked by DPW Santa Cruz Co to change our route due to construction on Soquel
- 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: Our media team works with local media outlets to get us
coverage.

2

Sometimes we have local media join us at rest stops. there is no ALC rest stop in Capitola.

- Are admission, entry or vendor participant fees required? Yes No
- If yes, explain: Public admission fees: \$ _____ per person
 Participant entry fees: \$ 85.00 per person
 Vendor fees: \$ n/a per booth
 Number of vendors: n/a
 How many vendors are for profit? n/a
 How many vendors are nonprofit? n/a
- \$ 12,800,000 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
 \$ 0 Product fees
 \$ 300,000 Sponsorship
 \$ 150,000 Participant entry fees
 \$ 12,350,000 Other (Please specify): fundraising/donations to participants
- \$ 5,181,000 Total estimated expenses for this event.
 \$ 1,210,000 Advertising
 \$ 1,530,000 Wages, salaries
 \$ 16,000 City services (police, fire, street closures)
 \$ 75,000 Insurance
 \$ 0 Business license fee
 \$ 2,350,000 Other (Please specify): expenses to logistically produce a 7 day ride
- Is the organization a "tax exempt, nonprofit" organization? Yes No
- \$ 7,619,000 Projected amount of revenue the Sponsoring Organization(s) will receive as a result of this event.
- Specify the organization(s) to receive funding: San Francisco AIDS Foundation and LA Gay & Lesbian Center

A

- City sponsorship requested? Yes No If yes, please describe:
While we understand the impact to your community, we would like to request that the financial impact for us to come through your village on our end be minimized.

OVERALL EVENT DESCRIPTION

- Will a staging/setup/assembly location be required? Yes No
- If yes, begin day/date: 6/2/2013 Start time: 10:00 AM/ PM
- Location: route marking on the roadways
- Description of the scope of the setup/assembly work (Attach additional pages and drawings as needed): we will mark our route through your community with arrows on existing informational signs

3

Item #: 9.A. Attach 1.pdf

- If yes, dismantle day date: 6/3/2013 Completion time: 11:00 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: _____

n/a. We are not asking for streets to be closed. Our cyclists ride at their own pace and follow all traffic rules. This is not a race.

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: _____
we are not asking for any no parking signs at this time.

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

4

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

- Please describe how food will be served at the event: there will be no food served in your jurisdiction

- 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: _____

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

5

OVERALL EVENT DESCRIPTION (continued)

B

Portable and/or permanent toilet facilities:

- Number of portable toilets: 0 _____ (Recommended: 1 for every 250 people)
- Number of ADA-accessible toilets: 0 _____ (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: 0 _____
- Number of dumpsters with lids: 0 _____ (Recommended 1 per 400 people)
- Number of recycling containers: 0 _____ (Voluntary)
- Describe the plan for cleanup and removal of waste and garbage during and after the event:

ALC is transiting through the City of Capitola. We will not have garbage/waste in your area.

C

(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.

6

ALC is transiting through the City of Capitola. We will not need parking/shuttles in your area.

②

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

We will work within what Capitola requires. Most of our jurisdictions do not require this.

- 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.

Please see the attached route cues & map. We have a few options.

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

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

①

(E)

SAFETY - SECURITY

- Is there a professional security organization to handle security for this event? No Yes
- If yes, please name security company: n/a
- If no, do you wish to contract police services from the Capitola Police Dept.? Yes No (See fee schedule)
- 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: n/a
- 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

(E)

Medical:

- Indicate what arrangements have been made for providing first-aid staffing:
We have a medical team located at our first rest stop (Manresa SB) and 2 roving ambulances

8

ENTERTAINMENT – ATTRACTION – RELATED EVENT ACTIVITIES

- Is there any musical entertainment or amplified sound related to your event?
 Yes No
- If yes, what kind: _____

- Contact person's name: _____ Phone number: (____) _____
- Contact person's address: _____
 street

 city state zip code
- Number of stages: _____ Number of bands: _____
- Type of music: _____ Sound amplification? Yes No
- If yes, start time: _____ AM/ PM Finish time: _____ AM/ PM
- Have you applied for a sound permit? Yes No (Refer to city ordinance 9.12.040)
- Will sound checks be conducted prior to the event? Yes No
- If yes, do you wish to have the city provide the checks? Yes No
- Describe sound equipment that will be used: _____

- Will fireworks, rockets or other pyrotechnics be used? Yes No
- If yes, name and phone number of pyrotechnic company: _____
 _____ (____) _____
- Describe (indicate dates, times and locations for launching and fallout areas):

- Has a permit been issued? Yes No
- Will there be any type of open flames used? Yes No
- If yes, please describe: _____
- Will any signs, banners, decorations or special lighting be used? Yes No
- If yes, please describe: We will place route arrows directing the cyclists on already existing informational signage
 (Refer to city ordinance chapter 17.57)

6

9

INSURANCE REQUIREMENTS

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: *[Handwritten Signature]*, CFO

ADVANCED CANCELLATION NOTICE REQUIRED

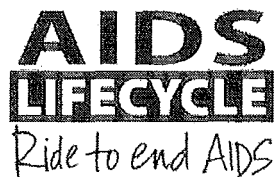
If this event is cancelled, notify the Special Events Coordinator at (831) 475-4242.

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): Beth Kalaelie
Title: Logistics Director
Signature of Applicant: *[Handwritten Signature]* Date: 4/10/13

Submit to Capitola PD

10



Event Narrative
AIDS/LifeCycle
City of Capitola
Monday, June 3, 2013

We would like to request permission to ride through the City of Capitola on Monday, June 3, 2013. There will be about 2,200 cyclists riding at their own pace (this is not a race) from approximately 6:30AM until about 10AM. See our timeline below for more detailed information.

AIDS/LifeCycle is a 7-day fundraising bicycle ride from San Francisco to Los Angeles. The ride will take place from June 2, 2013 through June 8, 2013. We are expecting approximately 2,200 riders and 550 volunteer roadies to participate this year. The event benefits the San Francisco AIDS Foundation and the LA Gay & Lesbian Center in Los Angeles which runs the Jeffrey Goodman Clinic. Both agencies are 501C3 CA nonprofit organizations raising monies for the purpose of caring for persons with HIV and AIDS and AIDS related issues.

AIDS/LifeCycle is completely self-sufficient and requests only the use of roads. AIDS/LifeCycle will also furnish a certificate of insurance naming the City of Capitola as additional insured. Attached is a sample of our insurance certificate that gives details regarding our coverage levels.

Due to Soquel Water District construction on Soquel Drive in Soquel and Aptos, ALC will not be able to use Soquel Drive on June 3, 2013. We have been asked to reroute our ride that keeps our cyclists off Soquel Drive from Main Street in Soquel to no earlier than Rio Del Mar in Aptos. We have come up with a few routes that will work for ALC and our cyclists. Please see the attached routes A, B, C along with maps. All of these routes go through the City of Capitola.

Below are expanded answers to questions on the City of Capitola's General Special Permit Application:

A. Event Information

City Sponsorship Requested:

We answered YES. We are asking to transit through your city at minimal cost to our organization. We will of course meet any safety & security measures the city requires, however, if we can ask for a sponsorship to help defray the cost we would like to do so.

B. Overall Event Description

ALC is transiting through the City of Capitola. Please see the attached 3 routes and maps we propose. We have put toilets and dumpsters at a zero since we will not be placing a rest stop in your city.

C. Parking Plan – Shuttle Plan

ALC is transiting through the City of Capitola and will not need parking areas or shuttles.

We have the following support vehicles that travel along with our cyclists at various intervals:

- Sweep Vehicles that assist cyclists between rest stops – 20 total, throughout the 4+ hours
- Motorcycle Safety Team – assists cyclists at difficult intersections.

D. Describe Notification Plan

Item #: 9.A. Attach 2.pdf

Please let us know what the City of Capitola requires. In one jurisdiction we place a notification in a local newspaper, but that is all we have been required to do on the 545 mile route we have. We will comply with all needed requirements.

E. Safety & Security

ALC does not have a professional security team in place on the route, just in our overnight campsites. We have a few things on the route that assist with safety. We have a 30 person motorcycle safety team that assists cyclists at difficult areas and intersections. They do not direct traffic, just assist our cyclists.

ALC also has a 20 vehicle sweep team. They are in passenger cars with the ability to transport bicycles if the cyclist needs assistance due to a bike maintenance issues, or if they cannot complete that day's route. They pick up the cyclist and their bike in safe spot, and transfer them to the next rest stop.

ALC also has 4 other official event vehicles (all passenger cars) on the route:

Caboose follows the last group of cyclists so that our command center always knows where the back of the pack is and so that the back of the pack stays on a timeframe to complete that day's route. They park in a safe area and then pull forward to always keep a watch on the slow riders.

Rest Stop Closure: 3 vehicles travels the cyclists' route keeping track of how many cyclists are between each stop, and then closing down each stop in order to keep the cyclists moving. They are additional eyes and ears on the route for the command center. Our command center is located at Harvey West park on June 3 until 9AM, and then is located in King City after 9AM.

All vehicles have cell phones and walkie talkies.

F. Medical

We have a 3 medical team members located at Rest Stop 1 – Manresa SB. We have 2 American Medical Response ambulance rigs (one BLS, one ALS) that rove the route providing medical coverage on the route. We notify all hospitals on the route a few weeks before we come through and again a few days before. We also notify all county EMS offices a few weeks before we travel through.

G. Will any signs, banners, decorations or special lighting be used.

ALC uses 16" round arrows and 2'X3' rectangle signage to mark our route the day before we come through (Sunday, June 2, 2013). It will be removed no later than 2PM on Monday, June 3, 2013. The arrows provide direction for the cyclists, the 2'X3' signage provides informational signage: Caution Cyclists on the Road, Caution No Shoulder, Please Ride Single File etc,

Event Timeline:

Sunday, June 2, 2013

- Route marking will be placed by a 4 person, 2 vehicle team

Monday, June 3, 2013

- 5:00AM: ALC Road Manager drives route to make sure signage is still up, and alert the ALC command center on any issues that would affect our riders.
- 6:30AM: Capitola should see ALC's first cyclists.
- Approximately 10AM: Capitola should see ALC's caboose and the last group of cyclists depart your jurisdiction
- 2PM: All route marking will be removed.

We can provide references if needed. We pride ourselves on the safe cycling experience we provide. We have gone through your area for 20 years (this will be our 20th!) and our main goal is be to welcomed back the next year!

If you should have any questions or concerns regarding our event or its impact on your lovely city, please call Beth Koeneke at 415-581-7086.

Thank you!



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: POLICE DEPARTMENT
DEPARTMENT OF PUBLIC WORKS

SUBJECT: DISCUSSION ON PEERY PARK FACILITIES

RECOMMENDED ACTION: Take the following actions:

1. Permanently remove the picnic tables from Peery Park; and
2. Continue to have the restrooms open during park hours from 6 a.m. to sunset

BACKGROUND: In 2004 the City Council began addressing vandalism problems at Peery Park by authorizing a temporary closure of the restrooms. The restrooms remained closed for approximately two years and were reopened based on repeated requests of citizens who travel through the Park.

In approximately 2008 Public Works crews removed the wooden picnic table tops and seats because they had been vandalized with carvings and other graffiti. The City immediately received multiple comments from people who walk through the park and surrounding neighbors in favor of not replacing the table tops because it discouraged loitering and additional public nuisance activity in the park. At this time, the steel frames remain at the park with the table and seat tops removed.

DISCUSSION: Although designated a park, Peery Park, is essentially a pathway that provides pedestrian access connections between the Riverview neighborhood, the local shopping center, and most importantly the western side of the City via the pedestrian bridge and pathway through the Rispin property. A good portion of the property is designated as riparian forest and with extensive tree canopy and thick, well established vegetation. The only improvements besides pathways in the Park have been the picnic tables. The restrooms are provided at the adjacent County Sanitation Pump Station and are maintained by the City per an agreement with the County.


Over the years the Police Department has responded to numerous calls to the Park for drinking and other problems. While the police calls for service records are only maintained for 18 months, the Police Department does feel that the removal of the picnic tables has significantly reduce the issues of drinking and loitering in the Park. Enforcement of these problems in the Park has been difficult due to the multiple pathways leading out of the Park and concealment of the area by the extensive vegetation.

FISCAL IMPACT: Operation and maintenance of the restrooms costs approximately \$5,000 per year. While not tracked, Public Works maintenance costs of the Park are minimal when compared with other parks with more public improvements such as playgrounds, playing fields, etc.

ATTACHMENTS: None

Report Prepared By: Rudy Escalante
Chief of Police

Steven Jesberg
Public Works Director

Reviewed and Forwarded
By City Manager: 

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CITY COUNCIL AGENDA REPORT

MEETING OF MAY 9, 2013

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: IMPLEMENTATION OF THE PATIENT PROTECTION AND AFFORDABLE HEALTH CARE ACT

RECOMMENDED ACTION: Receive a report regarding the City's implementation of the Patient Protection and Affordable Health Care Act and approve:

1. The Patient Protection and Affordable Health Care Act, "Safe Harbor" Measurement Period at nine months, Administrative Period at two months and Stability Period at nine months; and
2. A permanent Recreation Assistant Position at 0.75 full-time equivalent and remove the hourly Recreation Position.

BACKGROUND: On March 23, 2010, President Obama signed the Patient Protection and Affordable Health Care Act (Affordable Care Act) into law. Beginning in 2014, the law requires all employers with 50 or more full-time equivalent employees to offer their full-time employees health care that is affordable, and has minimum essential coverage or be subject to tax penalties as high as \$3,000 per employee.

DISCUSSION: Many provisions of the Affordable Care Act become effective in 2014. These include provisions for shared responsibility for employers regarding health coverage for full-time equivalent employees.

While employers will not begin to incur a penalty for noncompliance until January 2014, the determination of which employers are subject to the penalty will be based on the number of employees employed by the employer in 2013. Even if an employer knows that an employee has insurance through another means, the employer will need to offer that employee insurance and then follow the administrative procedures set forth in the law to report that the employee was offered insurance but chose to decline. Finally, the insurance that employers provide to their employees must meet certain standards - it must be "affordable and comprehensive" as defined by the law.

A full-time employee as defined by the Internal Revenue Service (IRS), are those employees who work at least 30 hours per week. IRS guidelines allow employers to set a "look back/stability period" also called the Safe Harbor method of up to 12 months to determine whether a seasonal or variable employee is a "full-time employee," and must be offered health insurance. The City will use a nine month look back Measurement Period (1/1/2013 – 9/30/13), an Administrative Period of three months (10/1/2013 – 12/31/2013) to determine who is eligible on January 1, 2014. The Stability Period will be the nine months following (1/1/2014 – 9/30/2014). In 2014 the same measurement periods will be used for all new employees beginning on their date of hire. These measurement periods protect employers from being required to offer health care to seasonal and variable employees who typically work more than 30 hours/week in a season.

Item #: 9.C. Staff Report.pdf

5-9-13 AGENDA REPORT

SUBJECT: PATIENT PROTECTION AND AFFORDABLE HEALTH CARE ACT

An analysis of all on-going employees was conducted to determine if any currently non-benefited employees would be eligible under the Affordable Care Act to be offered the City's health care plan. Staff determined there is currently one employee in the Recreation Division who is paid hourly, non-benefitted, and regularly works 30 or more hours/week. The employee has worked for the City for six years and also is enrolled in PERS through the City. Under the same circumstances for 2013, according to the Affordable Care Act, the City would be required on 1/1/2014 to offer the employee the ability to enroll in the City's health plan. However, without a Flex Plan contribution, the City's insurance would not meet the requirement of "affordability" under the Affordable Care Act therefore the employee could go to the Health Care Exchange to purchase health care and the City would pay a penalty of \$3,000.

Due to the employee's unusual circumstances, staff recommends this employee become a permanent benefited employee working $\frac{3}{4}$ time (30 hours/week). The position is a Recreation Assistant which currently costs the City \$39,600 year. The position would now cost \$42,400/year for an increased cost to the City of \$2,800/year. The other option is to immediately reduce this position to below an average of 30 hours/week and hire another variable employee to work the other hours.

The Affordable Care Act requires employers to track each employee's status every month and keep that information as part of employee tax records. This enables the IRS to determine the amount of an organizations Shared Responsibility.

FISCAL IMPACT: The position is a Recreation Assistant which currently costs the City \$39,600 year. The position would now cost \$42,400 for an increase cost to the City of \$2,800/year.

ATTACHMENT: None

Report Prepared By: Lisa G. Murphy
Administrative Services Director

**Reviewed and Forwarded
by City Manager:** 

Sneddon, Su

From: Ron Skelton [ronskelton@cruzio.com]
Sent: Monday, May 06, 2013 5:50 PM
To: City Council
Subject: [?? Probable Spam] Public Hearing May 9th

MAY 07 2013
CITY OF CAPITOLA
CITY CLERK

Thank you for placing the Peery Park Items on the agenda and regret that I am unable to attend in person

For the record I offer the following comments

Tabletop and bench seats

I think the important principal at stake here is that acts of vandalism should not be allowed to dictate use of our very limited park amenities. To the extent necessary surveillance leading to a couple of well publicized arrests would likely be a sufficient deterrent.

Toilet Block

Many times over more than 5 years I have asked for the "odoriferous effluvium" (Winston Churchill didn't want to use a popular term) to be dealt with. We should not accept that insufficient action by those responsible to correct this perennial problem will force closure. As a visitor-serving gateway to Capitola this site especially deserves hygienic toilets; others are few and far apart. At the very least there should be weekly maintenance and periodic air quality tests.

Sincerely

Ron Skelton

Sneddon, Su

From: Helen Morgan [pennyspike@sbcglobal.net]
Sent: Tuesday, May 07, 2013 10:06 AM
To: City Council
Subject: replacement of tables and benches

MAY 07 2013
CITY OF CAPITOLA
CITY CLERK

Peery Park has been a much safer place since removing these items...I do not think replacing them would be an improvement

Helen Morgan
Center Street
Capitola

Sneddon, Su

From: Mary Healy [msmith4755@sbcglobal.net]
Sent: Thursday, May 09, 2013 4:28 PM
To: City Council
Cc: chief of police
Subject: Peery Park

The main thing the Peery-Rispin area needs is the removal of the Wharf Road wall which blocks the lovely view, gives cover to drug dealers, and provides white space for gang taggers. Please just tear down this blight so those of us who live west of the creek can enjoy seeing the trees and the restored Rispin mansion. Most if not all of the cyclone fencing should also be removed.

The metal table and bench supports should also come out. Peery Park is a beautiful pass-through area for walkers and those on bicycles. Only unemployed nontaxpayers are interested in lingering there and I am not interested in accommodating them.

Please leave the bathrooms locked because we do not need them. Citizen taxpayers can use the bathrooms in the stores if shopping, use bathrooms in the library if reading, or go home and use their own bathrooms.

Thank you. I cannot attend the hearing due to recent surgery.

Mary Healy
2192 Francesco Circle
Capitola

MAY 09 2013
CITY OF CAPITOLA
CITY CLERK

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