

City of Capitola Agenda

Mayor: Ed Bottorff
Vice Mayor: Stephanie Harlan
Council Members: Jacques Bertrand
Dennis Norton
Michael Termini
Treasurer: Christine McBroom



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MAY 12, 2016

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

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, Stephanie Harlan, Jacques Bertrand, Michael Termini and Mayor Ed Bottorff

2. PRESENTATIONS

- A. Introduction of Thomas Dixon, Maintenance Worker I
RECOMMENDED ACTION: None.

3. ADDITIONAL MATERIALS

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

4. ADDITIONS AND DELETIONS TO AGENDA

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
May 12, 2016

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. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Consider Appointments to the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties, and the Capitola Architectural and Site Review Committee

RECOMMENDED ACTION: Consider Appointments.

8. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

9. 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. Consider the April 28, 2016, Regular City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

- B. Receive Planning Commission Action Minutes for the Regular Meeting of May 5, 2016

RECOMMENDED ACTION: Receive Minutes.

10. 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. Resident-Initiated Community Visioning Process

RECOMMENDED ACTION: Accept presentation and "Vision Capitola" summary report from the project organizers.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
May 12, 2016

- B. Receive Report Regarding the Wharf Financing Plan Options and Consider Authorizing a Contract with Gene Bregman and Associates
RECOMMENDED ACTION: Receive report and authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$13,000 for a public opinion polling on potential funding scenarios including ballot measures, and approve a budget amendment allocating \$13,000 from contract services in the Finance Department.
- C. Consider extending the Wharf House Restaurant Lease
RECOMMENDED ACTION: Approve the lease extension.

11. ADJOURNMENT

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 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 for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. 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 rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast 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.cityofcapitola.org by clicking on the Home Page link “**Meeting Video.**” Archived meetings can be viewed from the website at anytime.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: City Manager Department

SUBJECT: Introduction of Thomas Dixon, Maintenance Worker I

RECOMMENDED ACTION: None.

DISCUSSION: The City has a new Maintenance Worker I, Thomas Dixon. He will be introduced at the May 12, 2016, City Council Meeting.

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

5/6/2016



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: City Manager Department

SUBJECT: Consider Appointments to the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties, and the Capitola Architectural and Site Review Committee

RECOMMENDED ACTION: Consider Appointments.

BACKGROUND/DISCUSSION:

- A. Advisory Council of the Area Agency on Aging – Seniors Council of Santa Cruz and San Benito Counties (Area Agency on Aging)

On February 10, 2016, Al Carlson, City Representative on the Area Agency on Aging, resigned. Council Member Stephanie Harlan is the Alternate Representative and is interested in being appointed as the primary Representative. The required notice regarding the vacancy was posted on February 10, 2016, at City Hall, on the City's website and a press release was issued to local publications with no application deadline (open until filled). The City received one application from Linda Pippin on February 16, 2016 (Attachment).

- B. Architectural and Site Review Committee

There exists a vacancy for the Landscape Architect on the City's Architectural and Site Review Committee (Committee) to complete a term that expires on December 31, 2016. On April 18, 2016, Craig Waltz, Landscape Architect appointee, resigned. He informed staff that he is interested in being appointed as an Alternate Landscape Architect to the Committee. The required notice regarding the vacancy was posted on April 18, 2016, at City Hall, on the City's website and a press release was issued to local publications with no application deadline (open until filled). The City received one application from Megan Bishop on May 4, 2016 (Attachment).

FISCAL IMPACT: None

ATTACHMENTS:

1. Area Agency on Aging Recruitment Notice
2. Linda Pippin Application
3. Architectural and Site Review Committee Roster
4. Architectural and Site Review Committee Recruitment Notice
5. Megan Bishop Application

Report Prepared By: Susan Sneddon
City Clerk

Appointments to the Advisory Council of the Area Agency on Aging & the Arch & Site
Committee
May 12, 2016

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/6/2016



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

APPLICATIONS FOR APPOINTMENT FOR:

**Capitola Alternate Representative on the
 Advisory Council to the Area Agency on Aging of Santa
 Cruz and San Benito Counties**

NOTICE IS HEREBY GIVEN, that the City of Capitola is seeking applications for its alternate representative on the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties.

The Advisory Council usually meets on the third Wednesday of the month from 10 a.m. to 12 noon. Meeting locations vary, but most are in Aptos or Watsonville. Specific questions regarding duties or other information regarding the Area Agency on Aging can be directed to Clay Kempf at 688-0400, Ext. 115.

Upon review of the applications received, the Mayor will make an appointment at a future Regular Meeting of the City Council.

Application Deadline: Ongoing until filled

Applications may be obtained at Capitola City Hall, 420 Capitola Avenue, or by calling (831) 475-7300 and requesting an application be sent to you by calling (831)-475-7300.

I, Susan Sneddon, City Clerk of the City of Capitola, California, hereby certify that the above Notice was posted on February 10, 2016.

Dated: February 10, 2016

Susan Sneddon
 City Clerk

RECEIVED

FEB 16 2016

CITY OF CAPITOLA



CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission
[Artist; Arts Professional; At Large Member]
Please underline category above.
- Architecture & Site Committee
[Architect; Landscape Architect; Historian]
Please underline category above.
- Finance Advisory Committee
[Business Representative; At Large Member]
Please underline category above.
- Traffic & Parking Commission
[Village Resident; Village Business Owner; At Large Member]
Please underline category above.
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee Advisory Council to the Area on Aging

Name: Pippin Linda
Last First

Residential Neighborhood: Santa Cruz / Capitola

Occupation: NON-profit - Dev.

Describe your qualifications and interest in serving on this Board/Commission/Committee:

In addition to my non-profit background in working with frail populations I feel I have an extensive knowledge of the economic issues facing both older men & women and also the challenges facing social service agencies.

(Use additional paper, if necessary)

Please Note: Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

2-10-16
Date

[Signature]
Signature of Applicant

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

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Linda Pippin Application (1457 : Appointments to the Advisory Council of the Area Agency on Aging & the Arch & Site Committee)

LINDA PIPPIN
 1040 38TH AVENUE #39, SANTA CRUZ, CA 95062
 408-931-5268 EMAIL: PIPPIN.LINDA@GMAIL.COM

PROFESSIONAL SUMMARY

SIXTEEN YEARS OF PROGRESSIVE RESPONSIBILITY IN NON-PROFITS. EXPERIENCE INCLUDES; GRANT WRITING, PROGRAM DEVELOPMENT, COMMUNITY ORGANIZING, VOLUNTEER MANAGEMENT, SUPERVISION OF PAID AND UNPAID STAFF, SPECIAL EVENTS, EVALUATION, , ANNUAL APPEALS, MARKETING AND PUBLIC RELATIONS.

EXPERIENCE

CATHOLIC CHARITIES OF SANTA CLARA COUNTY – ANNUAL GIVING MANAGER SAN JOSE, CA 3/2011- PRESENT

- Responsible for all aspects of the Annual Appeal (\$1.3mil annually) employee and United Way Annual Appeals, agency tours and Donor Events and Receptions.
- Work with the Development Director to develop and execute matching gift opportunities and other giving vehicles. Plan and execute all fundraising and cultivation activities and events.
- Prepare prospect briefings, compelling proposals, reports, appeals, and other correspondence and presentations for prospects, donors and Board.
- Work with Communications staff to develop content for website, FB, Twitter, Email blasts, publications, newsletters, invitations, and other communication as it relates to fundraising.
- Research, write and prepare grant applications, corporate sponsorship solicitations, and reports.
- United Way Community Assessment Team.
- Experience with Razors Edge, CTK, Paradigm, AWARDS and results*plus!*™ software and client/volunteer databases.

THE HEALTH TRUST - SAN JOSE, CA 2010-2011 (CONTRACT)

The Health Trust support regional initiatives and programs related to Healthy Aging, Healthy Living and Healthy Communities.

- Maintain existing funding sources, research/approach new funding sources.
- Initiate revenue collaborations with community partners leveraging new and existing resources.
- Update donor information utilizing Paradigm database.

VOICES UNITED - SAN JOSE, CA 2009-2010

VOICES UNITED IS THE SILICON VALLEY RESOURCE ON SUBSTANCE USE AND ADDICTION.

VOLUNTEER COORDINATOR/RESOURCE DEVELOPMENT

- Develop grants (business and foundations) program for agency and maintain existing city-state and federal funding.
- Collaborate with community partners leveraging new and existing resources (\$300,000 3 year Santa Clara County grant secured).
- Increase participation and revenue from existing 5k Run/Walk event.

(SILICON VALLEY AIDS LEADERSHIP CENTER - DEVELOPMENT DIRECTOR -PLEASE ASK)

NEIGHBORHOOD INVOLVEMENT PROGRAM (N.I.P) - MINNEAPOLIS, MN (2004-2009)

N.I.P PROVIDES HEALTH CARE, DENTAL CARE MENTAL HEALTH YOUTH AND SENIORS SERVICES TO LOW-INCOME INDIVIDUALS AND FAMILIES.

DEVELOPMENT DIRECTOR

- Maintain existing funding sources, research/approach new funding sources. (75-100 per- year, \$300,000 to \$500,000 per year-primarily private grants and sponsorships.)
- United Way grants manager. (\$400,000 per year)
- Initiate revenue collaborations with community partners leveraging new and existing resources.
- Provide lead internal/external communication; agency brochures annual report, newsletters,
- Involved in the successful completion of \$1.4M capital campaign.
- Developed and implemented first signature event *Music for Medicine*.
- Experience with CTK, Paradigm and results*plus!*™ software and client/volunteer databases.

SOUTHEAST MINNESOTA AREA AGENCY ON AGING - ROCHESTER, MN (2002-2004)

SENIOR LINKAGE LINE PROVIDES HIGH QUALITY, OBJECTIVE INFORMATION AND ASSISTANCE RELATED TO SENIOR SERVICES AND HOUSING OPTIONS TO HELP ELDERS AND THEIR FAMILIES MAKE INFORMED CHOICES.

SENIOR LINKAGE LINE COORDINATOR

- Certified Minnesota State Insurance Counselor.
- Resolve client complaints using excellent conflict resolution skills.
- High volume call center responsible for accurate and timely information and referral calls.

AIDS RESOURCE CENTER OF WISCONSIN - LA CROSSE, WI (2000-2002)

HOUSING SERVICES FOR HOMELESS INDIVIDUALS AND FAMILIES LIVING WITH HIV/AIDS.

HOUSING CASE MANAGER

- Case management services; including needs assessment, coordination of services, monitoring
- Referrals to additional human service agencies for case load of 30-40 clients statewide.

OLIVIA CRUISES AND RESORTS - SEATTLE, WA (1997-2000)

NATIONAL SPECIALIZED TOUR COMPANY.

MARKETING ASSOCIATE

- Assisted the Director of Marketing in developing marketing strategies and worked with multiple
- Vendors to ensure timely advertising and distribution of marketing materials.

CHICKEN SOUP BRIGADE - SEATTLE, WA (1990-1997)

PROVIDED FOOD, TRANSPORTATION AND CHORE SERVICES FOR PEOPLE LIVING WITH HIV/AIDS.

DIRECTOR OF CLIENT SERVICES

- Manage all aspects of volunteer supported fresh meal/grocery delivery program serving 500 clients a week. 85,000 bags of groceries and 120,000 fresh meals delivered per year.
- Responsible for support services; food, transportation and chore services for county wide residents.

EDUCATION/PROFESSIONAL DEVELOPMENT

Antioch University, BA Social Work/Community Organizing
 Centralia College, AA Liberal Arts
 Non-Profit Development Series – Gill Foundation
 Workshops on grant writing and fundraising.

Seattle, WA
 Centralia, WA
 La Crosse, WI
 WA/WI/MN

PROFESSIONAL ASSOCIATIONS

National Association of Professional Fundraisers, Active Member
 Diversity Council of Rochester, Board Member
 SE MN GLBT Services Center, Board Member
 Ryan White Planning Council Member
 Planning Committee for GMHS 2003 and LGBTI 2004/06
 Seattle Community Center, Founding Board Member
 Social Justice Liaison, Member

San Jose/Minneapolis, MN
 Rochester, MN
 Rochester, MN
 Seattle, WA
 Raleigh, NC
 Seattle, WA
 San Jose, CA

Community Organizing

Planning Committee for GMHS 2003 and LGBTI 2004/06
 Chair, 1st GLBT Pride Weekend
 Co-Chair – Latino Forum, Fundraising within the Catholic Diocese

Raleigh, NC
 La Crosse, WI
 San Jose, CA



City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Phone (831) 475-7300
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CAPITOLA ARCHITECTURAL & SITE REVIEW COMMITTEE CURRENT MEMBERS (2 YEAR TERMS)

NAME	POSITION	ADDRESS & PHONE NUMBER & EMAIL	DATE APPOINTED	TERM EXPIRES
Frank Phanton	Architect	150 Felker Street, Suite G Santa Cruz, CA 95060 (W) 831-475-5841 frank@envirotects.com	2/27/03	Resigned 2/9/2012
			12/9/04	
			12/14/06	
			12/11/08	
	Alternate Architect		6/14/12	12/31/2014
	Architect		1/10/13	
			1/8/15	12/31/16
Carolyn Swift	Historian	208 Halton Lane Watsonville, CA 95076 831-684-1897 carolyn.swift@gmail.com	12/11/08 12/09/10 1/10/13 1/8/15	12/31/2014 12/31/16
VACANCY	Landscape Architect			12/31/16
Daniel Townsend AND Daniel Gomez	Alternate Architects	Fuse Architecture 411 Capitola Avenue Capitola, CA 95010 (W) (831) 479-9295 fuse@fusearchitecture.com	1/8/15	12/31/16

Staff Representatives:

Brian Van Son, Building Official
 831-475-7300 Ext 221
mwheeler@ci.capitola.ca.us

Rich Grunow, Community Development Director
 831-475-7300 Ext 226
rgrunow@ci.capitola.ca.us

Katie Cattan, Senior Planner
 831-475-7300 Ext 256
kcattan@ci.capitola.ca.us

NOTE: Pursuant to Ordinance No. 767 (Municipal Code Section 17.63.020 B), terms expire one month after the certification of any regular election of council members.
 Revised: 4/18/16 ss

Attachment: Architectural and Site Review Committee Roster (1457 : Appointments to the Advisory



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

APPLICATIONS FOR APPOINTMENT TO:
Capitola Architectural & Site Review Committee

NOTICE IS HEREBY GIVEN that there is one (1) vacancy for a Landscape Architect on the Capitola Architectural & Site Review Committee. Appointment will be for a term ending December 2016.

(1) Landscape Architect

Applicants must be 18 years of age or older, and must possess credentials as a landscape architect. The committee meets twice monthly in the Council Chambers at Capitola City Hall on the second and fourth Wednesday of the month at 3:30 p.m. Specific questions regarding the committee can be directed to staff representative Katie Cattan, Senior Planner, at (831) 475-7300, Ext. 256, or by email at kcattan@ci.capitola.ca.us.

Upon review of the applications received, it is anticipated that the Mayor and City Council will make appointments at a Regular Meeting of the City Council.

Application Deadline: Open until filled.

Applications may be obtained at Capitola City Hall, 420 Capitola Avenue, or by calling (831) 475-7300 and requesting an application be sent to you. In addition, a notice with an application form is available on the City's website (for printing) at www.cityofcapitola.org under "What's New" and then "View All News".

I, Susan Sneddon, City Clerk of the City of Capitola, California, hereby certify that the above Notice was posted on April 18, 2016.

Dated: April 18, 2016

Susan Sneddon
 City Clerk

megan blencowe bishop

po box 328, aptos ca 95001 ■ (831) 818-9227 ■ megan@mb-landarch.com ■ www.mb-landarch.com

LICENSURE & EDUCATION

2010, CALIFORNIA LICENSED LANDSCAPE ARCHITECT #5706

Bachelor of Science in Landscape Architecture, 2005 Cal Poly, San Luis Obispo, CA

PROFESSIONAL EXPERIENCE

2015-PRESENT

Owner, Megan Blencowe Landscape Architecture, Aptos CA

Owner and designer specializing in residential and boutique design with a focus on the personal outdoor living space.

2014-2015

Landscape Architect, Stantec Consulting, Sacramento CA

Designer and project manager at an international, multi-disciplinary firm. Projects focused on large park and educational spaces, healthcare campuses, highway and roadway reconfigurations, and corporate campuses.

2005-2014

Project Manager, SSA Landscape Architects Inc., Santa Cruz CA

Designer and project manager at a small firm with a focus on a broad range of projects including large park and educational spaces, office and corporate campuses, city streetscapes, residential and boutique space design.

CORE COMPETENCIES

- Master Planning
- Project Management
- Conceptual Design & Presentation Graphics
- Construction Document Production
- Construction Cost Estimating
- Construction Observation
- Green Design Knowledge
- Agency Coordination & Permitting
- Plant and Horticultural Knowledge
- Landscape & Irrigation Auditing
- Project Proposal Writing & Presentation
- Marketing Graphics
- Contract Negotiation

COMPUTER SKILLS

AutoCAD 2016
 LandFX
 Trimble (Google) SketchUP
 Adobe Suite (InDesign/Illustrator/Photoshop)
 Microsoft Office Suite (Word/Excel/Powerpoint/Office)

MAY 04 2016
 CITY OF CAPITOLA
 CITY CLERK



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: City Manager Department

SUBJECT: Consider the April 28, 2016, Regular City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meetings.

ATTACHMENTS:

1. Draft April 28, 2016, City Council Minutes

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

5/6/2016

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, APRIL 28, 2016**

**CLOSED SESSION – 6:15 PM
CITY MANAGER’S OFFICE**

Mayor Bottorff called the meeting to order at 6:15 PM. He announced the item to be discussed in Closed Session, as follows:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Govt. Code §54956.9)
(Two Cases)**

1. Theresa Kloepfer, GAL for Kaitlin Kloepfer vs. the City of Capitola et al.
[Santa Cruz County Superior Court, Case No. CV179725]
2. Tuka Gafair vs. the City of Capitola et al.
[Santa Cruz County Superior Court, Case No. 16CV00902]

**CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(Govt. Code §54956.9(a))**

People of the State of CA, City of Capitola v. Tomas M. D’Angelo and Rosa Z. D’Angelo, [Santa Cruz Superior Court, Case No. 15CV00384]

Mayor Bottorff noted that there was no one in the audience; therefore, the City Council recessed at 6:15 p.m. to the Closed Session.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Councilmember Dennis Norton: Absent, Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Council Member Michael Termini: Present.

City Treasurer Christine McBroom was present.

2. REPORT ON CLOSED SESSION

City Attorney Condotti stated that the Council discussed the following existing litigation: (1) Theresa Kloepfer, GAL for Kaitlin Kloepfer vs. the City of Capitola et al.; and (2) Tuka Gafair vs. the City of Capitola et al. In addition, the Council discussed pending litigation regarding People of the State of CA, City of Capitola v. Tomas M. D’Angelo and Rosa Z. D’Angelo. There was no reportable action on all items.

Attachment: Draft April 28, 2016, City Council Minutes (1301 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
April 28, 2016

3. **ADDITIONAL MATERIALS** (None provided)
4. **ADDITIONS AND DELETIONS TO AGENDA** (None provided)
5. **PUBLIC COMMENTS** (None provided)
6. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

Council Member Termini stated that today Charter Communications experienced a widespread shut down of Internet and phone service in a major part of the country. In addition, he stated that the Operation Surf event that occurred last week was a success; aslo he encourage the public to get involved with the newly formed Capitola Friends of the Library.

Council Member Bertrand stated that the recent Vision Capitola workshops were well attended. He stated that he attended an Area Agency on Aging of Santa Cruz and San Benito Counties Board of Directors meeting; the Agency is starting an initiative to elevate addressing the needs of seniors in our community. As the City Council representative he attended a breakfast meeting with representatives from the Soquel Union Elementary School District Board of Trustees. Also he is part of an organizing committee for the Central Coast Climate Collaborative.

Council Member Harlan provided information regarding the "Teen Kitchen Project" provided by the Second Harvest Food Bank.

Mayor Bottorff stated that he helped with the April 16th Peery Park Habitat Restoration Project in pulling English Ivy and thanked "Think Tank" students for helping helped with the efforts. He requested that staff develop a City proclamation administrative policy and be brought to a future meeting for approval.

City Treasurer McBroom invited the public to attend the future special City Council Budget Study Sessions meetings if they are comments regarding the City Fiscal Year 2016/20176 Budget.

Public Works Director Jesberg provided an update regarding various Capital Improvement Program projects.

City Clerk Sneddon announced various openings on City boards/commissions/committees.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
April 28, 2016

7. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS

Council Member Harlan stated that as the City’s representative on the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties she attended a recent meeting. She requested that the City’s work plan incorporate addressing senior needs as the senior population is growing steadily.

8. CONSENT CALENDAR

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton

- A. Consider the April 14, 2016, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Registers dated March 4, March 11, March 18 and March 25 2016 [300-10]
RECOMMENDED ACTION: Approve Check Register Reports.
- C. Set Public Hearing Date to Consider an Appeal of the Planning Commission's Decision to Approve the Monterey Avenue Skate Park [1040-20]
RECOMMENDED ACTION: Set a hearing date of June 23, 2016.
- D. Consider an Amendment to Mid-Management Memorandum of Understanding [600-10]
RECOMMENDED ACTION: Consider Approval of Amendment to the Mid-Management Employees Memorandum of Understanding (MOU) in order to change the Fair Labor Standards Act (FSLA) status of the Environmental Projects Manager and Building Official to exempt effective April 1, 2016.
- E. Adoption of **Resolution No. 4047** Authorizing Capitola's Participation in the CalRecycle Payment Program [930-30]
RECOMMENDED ACTION: Approve Resolution.
- F. Approve a Fiscal Year 2015-2016 Budget Amendment to Purchase Two Unmarked Police Vehicles [330-10/370-10/370-40]
RECOMMENDED ACTION: Amend the Fiscal Year 2015-2016 State Supplemental Law Enforcement Services Fund (SLESF) Budget to increase expenditures by \$40,020.

Attachment: Draft April 28, 2016, City Council Minutes (1301 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
April 28, 2016

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Appeal of a Planning Commission Approval of a Design Permit and Variance for a Garage Addition to a Single-family Home Located at 4980 Garnet Street [730-10]
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned. *This item was continued from the April 14, 2016, City Council meeting.*

David Aaron, 4980 Garnet Street (property owner), stated he was available for questions.

Rick Caldarella, local resident, stated concerns regarding approving non-conforming setbacks.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Termini, Council Member
SECONDER: Stephanie Harlan, Vice Mayor
AYES: Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT: Dennis Norton

B. Community Choice Energy Status Report [430-20]
RECOMMENDED ACTION: Receive presentation and authorize the City Manager to designate staff to participate in the upcoming special study sessions and ad-hoc subcommittee deliberations.

Santa Cruz County Supervisor Bruce McPherson provided support for the City's participation in the Community Choice Energy (CCE) programs special study sessions.

Jenny Johnson, Monterey Bay Community Choice Aggregation (CCA) Representative, provided an overview of the CCA method of building demand for electricity across several jurisdictions, creating an economy of scale allowing the purchase of energy from renewable sources at a competitive rate with existing utility providers. PG&E would continue to bill local customers and distribute electricity.

City Manager Goldstein stated that he will investigate the governance of the proposed Regional Community Choice Energy Joint Powers Authority.

RESULT: AUTHORIZED THE CITY MANAGER TO DESIGNATE STAFF TO PARTICIPATE IN THE UPCOMING SPECIAL STUDY SESSION AND AD-HOC SUB-COMMITTEE DELIBERATIONS [UNANIMOUS]
MOVER: Michael Termini, Council Member
SECONDER: Stephanie Harlan, Vice Mayor
AYES: Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT: Dennis Norton

Attachment: Draft April 28, 2016, City Council Minutes (1301 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

April 28, 2016

- C. Consider a Resolution for Widening Kennedy Drive to Allow Four Hour Parking [470-40/940-40]

RECOMMENDED ACTION: Authorize the Public Works Department to issue an encroachment permit for shoulder widening on Kennedy Drive and approve a Resolution designating on-street parking as four-hour parking along Kennedy Drive between Chittenden Lane and Rosedale Avenue.

Adair Paterno, Sante Adairius Rustic Ales owner, presented information regarding her request.

Manuel Vieira, Cabrillo Estates Mobile Home Park owner, stated concerns regarding this item.

Frederick Copeland, Cabrillo Mobile Home Estates resident, stated concerns in creating parking issues if this items is approved by the City Council.

Jim Ray, local resident, stated concerns in allowing four-hour parking on Kennedy Drive.

Mr. Francisco, Cabrillo Mobile Home Estates resident, stated his opposition to this item.

Juan Cachun, Cabrillo Mobile Home Estates resident, suggested issuing permits for overnight parking.

RESULT:	ADOPTED <u>RESOLUTION NO. 4048</u> FOR WIDENING KENNEDY DRIVE TO ALLOW A FOUR-HOUR PARKING ZONE FOR ON-STREET PARKING ALONG KENNEDY DRIVE BETWEEN CHITTENDEN LANE AND ROSEDALE AVENUE; WILL BE IN EFFECT FROM 8 A.M. TO 8 P.M. [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Stephanie Harlan, Vice Mayor
AYES:	Ed Bottorff, Jacques Bertrand, Stephanie Harlan, Michael Termini
ABSENT:	Dennis Norton

10. ADJOURNMENT

The meeting was closed at 8:30 P.M.

Ed Bottorff, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Attachment: Draft April 28, 2016, City Council Minutes (1301 : Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: Community Development

SUBJECT: Receive Planning Commission Action Minutes for the Regular Meeting of May 5, 2016

RECOMMENDED ACTION: Receive Minutes.

ATTACHMENTS:

1. Planning Commission Action Minutes May 5, 2016

Report Prepared By: Linda Fridy
Planning Commission Minutes Clerk

Reviewed and Forwarded by:



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MAY 5, 2016
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

2. ORAL COMMUNICATIONS

None

3. APPROVAL OF MINUTES

A. Planning Commission Minutes of the Regular Meeting of March 3, 2016

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Susan Westman, Commissioner
SECONDER: Gayle Ortiz, Commissioner
AYES: Smith, Ortiz, Newman, Welch, Westman

B. Planning Commission Minutes of the Special Meeting of March 31, 2016

RESULT: ACCEPTED AS AMENDED [UNANIMOUS]
MOVER: Susan Westman, Commissioner
SECONDER: Linda Smith, Commissioner
AYES: Smith, Ortiz, Newman, Welch, Westman

4. CONSENT CALENDAR

A. 4790 Topaz St. #16-044 APN: 034-066-03

Modification to previously approved Design Permit for changes to roof line, exterior siding and window placement of the new residence in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Melissa Burke

Representative: Scott Haggblade, filed: 3/22/16

RESULT: APPROVED [UNANIMOUS]
MOVER: Gayle Ortiz, Commissioner
SECONDER: Susan Westman, Commissioner
AYES: Smith, Ortiz, Newman, Welch, Westman

5. ADJOURNMENT

Attachment: Planning Commission Action Minutes May 5, 2016 (1352 : Planning Commission Action Minutes 5/5/16)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: Community Development

SUBJECT: Resident-Initiated Community Visioning Process

RECOMMENDED ACTION: Accept presentation and "Vision Capitola" summary report from the project organizers.

BACKGROUND: The City Council authorized staff to provide technical and in-kind support for the resident-initiated Vision Capitola project on January 14, 2016. The project was a grassroots community visioning process intended to provide an overview of the community's priorities to help the City better understand community goals and expectations.

DISCUSSION: A group of Capitola citizens organized two community workshops in April 2016, which were held at the Jade Street Community Center. Their goal was to gather as many Capitola residents, business owners, commercial landowners, and other interested parties to answer two questions: 1) "What do you value most about Capitola;" and 2) "What would you like to see happen in the next 5-15 years."

The workshops were very well attended. Approximately 180 people attended the first workshop and 96 attended the second workshop. Oral comments from 121 speakers were recorded during the workshops and 102 comment cards were submitted. In addition, 101 comment forms were received from the Vision Capitola website and three were sent by mail. In total, 617 responses were received regarding what people valued most about Capitola, and 963 comments were submitted about what people would like to see happen in Capitola in the next 5-15 years.

The Vision Capitola sponsors have prepared a summary report (Attachment) outlining common themes and issues heard through the visioning process which will be presented to the City Council for their consideration.

As detailed in the report, many of the General Plan goals and policies were reaffirmed during the process, including maintaining the quaint character of the Village; preserving the high quality of life; maintaining and enhancing public spaces including streets, sidewalks, and parks; addressing traffic and parking problems, and revitalizing the Capitola Mall.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Vision Capitola Summary Report

Resident-Initiated Community Visioning Process
May 12, 2016

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/6/2016



**VISION CAPITOLA
CREATING COMMUNITY**

May 2016

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- Summary Report

Section II

- Top Ten Comments about “What do you value most about Capitola”
- Summary of all comments about “What do you value most about Capitola”

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- Summary of all comments about “What would you like to see happen in the next 5-15 years”

Section IV.

- Top Ten Exit Poll Comments
- Summary of Exit Poll comments
- Detail of Exit Poll Comments
- Transcription of Workshop #2 Speaker Comments
- Goals from the Capitola General Plan which were handed out in both workshops

Section I

VISION CAPITOLA SUMMARY REPORT

To: Capitola City Council

From: Vision Capitola

Date: May 12, 2016

Subject: Summary Report

Background

A group of Capitola citizens organized two workshops in April 2016 that were held at the Jade Street Community Center. The goal was to gather as many residents, business owners, commercial landowners and all other interested parties in Capitola together to answer two questions. 1. "What do you value most about Capitola?" and, 2. What would you like to see happen in the next 5-15 years?"

Participation

- **30** volunteers participated in the organization of the Vision Capitola Project as well as the publicity outreach and distribution of flyers to all Capitola neighborhoods.
- Approximate Workshop attendance was **180** people at Workshop #1 and **96** at Workshop #2. Approximately 40% of the attendees at Workshop #2 had not been able to attend Workshop #1.
- Comments were received from various sources. **101** emailed Comment Forms via our www.visioncapitola.com website. **3** Comment Forms via snail mail. Oral comments from **121** speakers at Workshops #1 & #2. **102** Comment cards handed in at Workshop #1.
- Total number of comments in response to the question "What do you value most about Capitola?" was **617** comments.

- Total number of comments in response to the question “What would you like to see happen in Capitola in the next 5 – 15 years?” was **963** comments.
- While it is difficult to track duplication of participants, we believe over **300** Capitola residents participated in the Vision Capitola Project.

As you can see many people participated. One of the main reasons for the great turnout was a group of twenty five + people who hand carried approximately 5,000 flyers door to door over a two week period of time.

Purpose

Although this report contains a lot of data, our purpose was to present the results as clearly as possible. The details of this report represent a current picture of the deep feelings of belonging and love for Capitola. We hope you will enjoy reading it as much as we enjoyed the process of gathering it. It brought all who worked on the team and all who attended a strong feeling of community.

In addition, we trust the information you find here will help you in your tireless efforts on behalf of Capitola.

Heartfelt thanks go to the Core Team: Nels and Susan Westman, Gayle Ortiz, Rich Didday, Mick Routh, Katharine Parker, Steven Woodside, Jacques Bertrand and Sam Storey.

And to our team walkers and those who helped with the workshops: Ron Burke, David Kraemer, Kim Hogan, Teresa Green, Amie Forest, Karl Forest, Teal Forest, Matt Arthur, Jill Arthur, Will O’Sullivan, Ed Ortega, Niels Kisling, Molly Ording, Laurie Hill, Bruce Arthur, Dory Arthur, Vince Barabba, Lisa Steingrube, Leilani Williams, Keith Cahalen, MaryBeth Cahalen, Helen Bryce, Elizabeth Stearns, Jacques Hespel, and Christine McBroom.

The City of Capitola, especially Community Development Director Rich Grunow, the Capitola City Council and the Capitola Recreation Department

Section II

VISION CAPITOLA

“WHAT DO YOU VALUE MOST ABOUT CAPITOLA?”

TOP TEN LIST

MAY 3, 2016

Friendly, small town feeling and strong neighborhood identity Comments	104
Beautiful ocean and beach	76
A walkable/bikeable community for all including non-driving and handicapped persons	53
Natural beauty	46
Charming Village	40
Safe community, good police	37
Friendly, kind hearted people	36
Village festivals and free entertainment	21
Family oriented beach community	18
Beach town atmosphere	20

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

VISION CAPITOLA

“WHAT DO YOU VALUE MOST ABOUT CAPITOLA?”

SUMMARY OF PUBLIC COMMENTS

MAY 3, 2016

This summary contains 617 comments received from members of the Capitola Community responding to the question, “What do you value most about Capitola.” Comments were received as follows: 121 speakers at Workshop #1 & #2, 102 comment forms turned in at Workshop #1, 101 emails and 3 letters. Comments are listed in descending order according to the number of times they were mentioned.

Friendly, small town feeling and strong neighborhood identity	104 Comments
Beautiful ocean and beach	76
A walkable/bikeable community for all including non-driving and handicapped persons	53
Natural beauty	46
Charming Village	40
Safe community, good police	37
Friendly, kind hearted people	36
Village festivals and free entertainment	21
Family oriented beach community	18
Beach town atmosphere	20
Historic character	16

Lots of locally owned businesses to support	14
Weather	12
Restaurants	11
City parks, open space and recreational opportunities	11
Clean air	8
Convenient to regional shopping	8
Capitola's commitment to the arts and culture	8
The Wharf	9
City's healthy, relaxed lifestyle. Live & let live.	6
Public Works Dept keeping city clean	6
Dog friendliness	6
Diversity: young families, seniors, working folks and wealthy sharing the joy of Capitola living	6
Eclectic mix of old residential and commercial buildings with occasional modern ones	5
Environmental awareness	5
Enjoy the animals and wildlife in this area	5
Community processes	4
Mix of large & small homes in neighborhoods	4
Jade Street Park including tennis courts	5
Library	3
Soquel Creek	3
Clear separation of quaint Village from 41 st Ave commercial corridor	3
Mid-county location	3

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Community commitment to keeping Capitola small and special	2
Proximity to Cabrillo College for classes and farmers market	2
The energy of a popular tourist destination	2
Trees	2
City leaders are accessible	2
Capitola Museum	2
Colorful Venetian Court	
Preservation of historic buildings	
Current scale of Village	
Large Eucalyptus trees in Monterey Park	
Ocean oriented activities	
No big box stores or large hotel chains	
Slow moving Village traffic creates a pedestrian friendly beach ambiance	
Mix of new and long standing businesses	
Accessibility of Fire Dept	
New parking lot	
Curbside recycling	

Section III

VISION CAPITOLA

“WHAT DO YOU WANT TO SEE HAPPEN IN THE NEXT 5 – 15 YEARS?”

TOP TEN LIST

MAY 3, 2016

TOP TEN MAJOR CATEGORIES

1. Capitola Village	220 Comments
2. Traffic & Circulation	188
3. Capitola Mall	90
4. City Infra-structure	68
5. City Parks	64
6. City Services	50
7. Neighborhood Integrity	55
8. Environment	54
9. Parking	27
10. Library	18

TOP TEN COMMENTS

1. Revitalize Mall	39
2. Support Trail WITHOUT trains	32
3. Maintain existing scale and charm of Village. Do not over build	31
4. Increased maintenance of streets and sidewalks	29
5. Improve pedestrian safety citywide including flashing lights at dangerous crosswalks	25
6. Add bike lanes and improve bicycle safety	23
7. Open to smaller Village hotel if compatible with charm and scale of Village	22
8. Reduce auto traffic in Village	20
9. Pursue traffic calming measures citywide	20
10. Increase water sustainability and conservation	15

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

VISION CAPITOLA

“WHAT DO YOU WANT TO SEE HAPPEN IN THE NEXT 5–15 YEARS?”

SUMMARY OF PUBLIC COMMENTS

MAY 3, 2016

This summary contains 963 comments received from members of the Capitola Community responding to the question, “What would you like to see happen in Capitola in the next 5 to 15 years.” Comments were received as follows: 121 speakers at Workshop #1 & #2, 102 comment forms turned in at Workshop #1, 101 emails and 3 letters. Major topics, subtopics and comments are listed in descending order according to the number of times they were mentioned.

CAPITOLA VILLAGE TOTAL COMMENTS - 220

VILLAGE TRAFFIC 68 Comments

Reduce auto traffic in Village	20
Make The Esplanade a pedestrian Mall with shuttle and disabled Parking access and including truck delivery hours	14
No cars in Village	9
Smooth traffic flow through Village	8
More “car free” days near The Esplanade during summer	6
Enhance pedestrian safety	6
More police presence to expedite traffic through Village at rush hour	2
Pedestrian controls at crosswalks to improve pedestrian and motorist safety	
No stop lights in Village	
No large tour buses on Esplanade	

VILLAGE DEVELOPMENT 56 Comments

Maintain existing scale and charm of Village. Do not over build	31
No new development in Village until existing traffic, vehicle noise and parking problems are effectively addressed	9
Residential remodel OK but no new commercial development.	4
Preserve residential mix in Village	3
Relocate restaurants from The Esplanade to the Wharf and replace with benches, family-friendly areas, improved beach access and no auto traffic and pollution.	2
Except for hotel on theater property, no major new development in Village	
No new development on existing Mercantile parking lot.	
Maintain beauty and health of beach environment while allowing smart economic Growth	
Reduce all development close to the beach to help area be greener, more natural and less commercial	
Add youth friendly businesses and activities to Mercantile property	
Better restaurants	
“Nicer infrastructure” in Village	

VILLAGE HOTEL 48 Comments

Open to smaller Village hotel if compatible with charm and scale of Village	22
No Village hotels at all	12
No large hotel	6
Village hotel should have remote parking with valet	5
All hotel parking should be on-site	
Small Depot Inn type lodging OK but no large hotel	

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

VILLAGE PARKING 15 Comments

- Create more parking outside Village 4
- Make Village more pedestrian friendly 3
- Eliminate parking on The Esplanade
- No parking in Village
- Restrict Village parking to residents only
- Merchants and employees should park in city lot
- Consistent enforcement of parking rules
- Village resident parking very difficult even with Permit due lack of spaces
- Need more bike parking
- More Handicapped parking

VILLAGE GENERAL 33 Comments

- More attractive trash cans and more frequent emptying of trash containers 4
- Do not obstruct views 3
- More outdoor dining 3
- City incentives for merchants to improve their businesses 2
- Eliminate smell of garbage on The Esplanade 2
- More frequent power washing of sidewalks 2
- More events to attract local residents to Village 2
- Expanded drop off zones in Village to help families 2
- Explore new central garbage facility (maybe compactor system)
- Expand Esplanade Park

Improve bathrooms in Esplanade Park and maintain well.

Overhaul and maintain showers in Esplanade Park

Consistent enforcement of city laws plus outreach by city to prevent degrading beach and Village with trash, dog poop, cigarettes and rowdy behavior

More police foot patrols

Continue Twilight Concerts

“Village Bucks” type system to promote Village merchants

More viable mix of businesses in Village

Allow dogs on Hooper’s Beach

Put up hanging flowers in Village

Night Art Faire in Village

Create free wagon program to help families transport their stuff from parking lots to beach and back

TRAFFIC & CIRCULATION TOTAL: 188 COMMENTS

AUTO ISSUES 74 Comments

Pursue traffic calming measures citywide	20
Reduce traffic by operating shuttle buses between Mall and Village and parking facilities	12
Reduce “cut through” traffic citywide	7
Improve public safety by increased speed limit enforcement citywide	6
Build roundabout at Bay and Capitola Ave	6
Widen Highway 1 to reduce cross town commuter traffic	5
Improve quality of life of residents by effective enforcement of vehicle and motorcycle sound laws	3

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

No roundabouts	3
Use new technology electronic signs for traffic and parking management	2
Additional auto crossing over Soquel Creek	
Build traffic bypass over Soquel Creek from Rispin and connect to Highway 1	
Build traffic bypass Park Ave through Pac Cove over creek to Capitola Rd.	
Open 40 th Ave to relieve traffic on Gross, Clares and 41 st	
Reduce speed limit on 41 st Ave and on narrow residential streets	
Slow down traffic on Clares between 41 st and Wharf perhaps with medians and speed bumps	
Finish street improvements on Clares	
Traffic light at Bay and Hill as well as Bay and Capitola Ave	
Close Stockton St Bridge to cars	
One-way street plan in Jewel Box to calm traffic	

RAILROAD RIGHT-OF-WAY ISSUES 39 Comments

Support Trail WITHOUT trains	32
Support Rail/Trail WITH trains	5
Use electric trains if rail included	2

PEDESTRIAN ISSUES 38 Comments

Improve pedestrian safety city-wide including flashing lights at dangerous crosswalks	25
Improve pedestrian safety at Bay & Hill and at Bay & Capitola Ave	3
Easier pedestrian access to New Brighton beach	2
Build sidewalks on Park Ave and Hill St	2

Wider, obstruction-free sidewalks	2
Improve safe routes to schools	
Improve pedestrian/school children safety in Bay/Capitola Ave/Plum area. Traffic calming measures in same area	
Widen sidewalk on Wharf going up hill. Add sidewalks in other areas	
Add lights to bridge over creek by Nob Hill	

BIKE ISSUES 23 Comments

Add bike lanes and improve bicycle safety	23
More bike racks	

OTHER 13 Comments

Support safe, clean, healthy, environmentally friendly transportation	9
Oppose bus service cuts	5
Support county-wide efforts to develop alternative to auto	

MALL TOTAL: 90 COMMENTS

Re-vitalize Mall.	39
Create more entertainment opportunities in Mall including good restaurants, live music, night club, adult classes, teen center, farmers markets, concerts and community events	13
Add residential uses above ground floor commercial	12
Add hotel to Mall	7
Better restaurants. More pet friendly uses in Mall. Shuttle between Mall and beach.	4

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Residential use above Mall should be affordable apartments	3
Insure plenty parking for all uses if Mall becomes mixed use	3
More open air Mall areas	2
Zip cars at Mall Transit Center	2
Get an Apple Store	
Encourage better mix of types of stores	
Convert Mall to parking with shuttle buses to Village	
Add drive thru such as In N Out	
Make Capitola Rd corridor between Mall and Village more bike and pedestrian friendly	

CITY INFRA-STRUCTURE TOTAL: 68 COMMENTS

Increased maintenance of streets and sidewalks	29
Underground overhead utilities.	10
Stabilize bluff and save pathway along Depot Hill bluff and Prospect	9
City wide high speed internet (optic cable or next gen technology)	5
City should negotiate with cable provider to offer better services and control cost to consumers	5
Re-pave Fanmar	3
Repair Noble Gulch mouth at Soquel Creek	
Replace Stockton Street Bridge to eliminate supports in creek to prevent flooding	
Require a thorough maintenance inspection and repair/removal of Trestle	
Repave Monterey and Kennedy	

More frequent repainting and re-striping streets

Plant colorful Dwarf Ice Plant on hillside above the railroad tracks between Cliff and Prospect

Repair stairs to Hooper's Beach

PARKS

TOTAL: 64 COMMENTS

RISPIN PARK 26 Comments

- Finish Rispin Park 6
- Develop Rispin Mansion building as a hotel/learning center/museum 5
- Develop Rispin Park as art center with artists' work spaces and galleries in the building and outdoor displays 4
- Upgrade Rispin Park and create entertainment venue 3
- Enhance pedestrian and bike connection between Rispin and Nob Hill Center 3
- Sell Rispin property for development. One time cash and future tax revenues 2
- Develop Mansion as "Historic Play Structure"
- More park amenities (playground, picnic areas, pathways)
- Create youth hotel in mansion or on grounds

JADE STREET PARK 11 Comments

- Regular resurfacing of tennis courts at Jade St 4
- City acquisition of Jade Street Park for park not school 2
- Keep Jade Street Park green
- More tennis courts at Jade Street
- Resurface basketball courts at Jade Street
- Pickleball courts

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

More youth programs and facilities

Re-establish DARE program at New Brighton Middle School

Revisit building new city hall in upper Pacific Cove and remodeling existing to become all police dept.

Move city hall and police to another location

Move city hall to 41st Ave. Build expanded museum, cultural center, community center & mini park but no hotel in its place

Move city hall and build a hotel in its place

Enforce the laws that are on the books

Police focus on apparent increase in thefts and discarded hypodermic needles

Police should deal with homeless and “scary” people in Peery Park and Rispin Park

Increased police enforcement in Jewel Box area of laws regarding illegal RV’s overnight parking/camping and rowdy behavior

More compassion for homeless

Staff person to monitor and enforce city codes (signage, etc.)

Spend less money on Village. It only results in congestion and traffic for residents

Enhance Capitola Museum

Council Members and Planning Commissioners should do ride along with police and public works to improve communication and decision making

Improved handicapped accessibility

Finish public works projects

Improve City website – more user friendly

Streamlined historic structure review process

NEIGHBORHOOD INTEGRITY TOTAL: 55 COMMENTS

Retain mix of house sizes in residential neighborhoods by stopping trend towards large houses on small lots	13
Continue and enforce policy of no vacation rentals in residential neighborhoods	11
Secondary Dwelling Units should be limited to affordable housing only	7
Preserve and protect neighborhoods	6
Develop policies to reverse trend towards second homes and vacation rentals in Capitola such as 10 mortgage subsidies for young families	6
Police should crack down on random fireworks in neighborhoods	2
Reduce vacation rentals citywide	
Homes along busy and noisy streets should be allowed to do vacation rentals because residents do not have quiet enjoyment of their homes	
No high density housing in existing residential neighborhoods	
Limit Secondary Dwelling Units to only largest residential lots and require dedicated off street parking plus owner must live in one of units	
Stop building large new homes which frequently get turned into group homes and boarding houses	
Keep neighborhoods involved in development and remodel approval process	
Identity signage at neighborhood gateways	
Screen RV's from view (even on private property)	
Loosen rental rules	
Prevent people from parking and sleeping in RV's on residential streets overnight	

ENVIRONMENT TOTAL: 54 COMMENTS

Increase water sustainability and conservation	15
--	----

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Make beach, ocean and water cleanliness a priority	11
City promote programs to encourage good environmental stewardship	8
Plan for sea level rise	5
Support efforts to reduce airplane noise	2
Adopt policies to encourage healthy living for all citizens.	2
Require environmentally-friendly private development	2
Increase water storage capacity	
Support plan to divert surplus water from Soquel Creek	
Partner with all communities in Soquel Creek watershed plus organizations such as Trout Unlimited and Sierra Club to rejuvenate the creek habitat	
Promote small retention ponds to recharge aquifer and end emergency drought Restrictions	
Require cisterns on new development to capture rainwater	
Subsidize rain barrel program	
Expand no smoking rules citywide	
Establish a compostable food waste recycling program	
Enforce dog poop laws	

PARKING TOTAL: 27 COMMENTS

Build parking structure in Pacific Cove	6
No parking structure	3
More marked spaces and diagonal parking citywide would increase parking capacity	3
Build parking structure on theater property	
Reduce parking capacity and use prime land for other purposes	

Expand parking capacity so cars can be excluded from Village

Parking lot in Upper Village area for business customers and employees to relieve on street parking pressure on adjacent residential streets

Expand Neighborhood Permit Parking zones to all streets close to Village

Expand Neighborhood Permit Parking specifically to the McCormick area.

Do not reduce parking requirements for new development as it only makes things worse for existing residents

Make left turn movements at 41st & Capitola Rd simultaneous

More all-day auto and bike parking facilities citywide

Make parking regulations more favorable to residents

Need more bike parking

Free parking after 6 PM city-wide

Extra directional signs for parking during special events

Add pedestrian sidewalk exiting Lot #1 towards Monterey

More challenge lines to discourage problematic parking

LIBRARY TOTAL: 18 COMMENTS

Build New Library 14

Purchase real estate next to Library for future parking and expansion

Include coffee shop in new library which would also benefit Rispin Park users

New library should be small and intimate

Expand library parking to accommodate Rispin users

WHARF TOTAL: 16 COMMENTS

Repair Wharf including permanent public bathrooms	7
Build new, larger Wharf to include boat storage/rental/lessons for kayaks, stand up paddle boards, small sailboats	2
Install aquarium	2
Relocate Wharf to be more integrated with The Esplanade	
Encourage sea life viewing from Wharf with open air restaurants and public areas	
Make Wharf pedestrian only but with access for disabled persons	
More businesses on Wharf	
Build a second Wharf with focus on community facilities: meeting rooms, weddings, funerals, celebrations, etc.	

41ST AVE CORRIDOR TOTAL: 15 COMMENTS

Focus commercial development on 41 st Ave	4
Mixed use development on 41 st from Capitola Rd to R/R tracks. Higher density and more diverse business mix on 41 st from Capitola Rd to freeway	2
Zip cars at Mall Transit Center	2
Enhance 41 st Ave corridor	2
Make 41 st Ave corridor more pedestrian friendly	2
Create focus group representing all stake holders to develop strategies to make 41 st Ave corridor better and more economically viable in the future	
Roundabouts on 41 st Ave instead of traffic lights	
Redevelop King's Plaza with retail on ground and high rise housing above	

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

BAY AVENUE TOTAL: 3 COMMENTS

- Improve aesthetics of Bay Ave gateway to Capitola. Possible arch 2
- Enhance Bay Ave corridor

OTHER COMMENTS TOTAL: 95 COMMENTS

QUALITY OF LIFE COMMENTS 29 Comments

- Keep Capitola the same 10
- Balance serving tourism with quality of life for year round residents 6
- Adopt policies to improve lives of residents rather than cater to visitors 5
- More owner occupied homes; fewer second homes 4
- Fewer festivals and special events 2
- Reduce quantity of road signs, particularly on Park Ave
- More public spaces – indoors and out

DEVELOPMENT COMMENTS 28 Comments

- *More affordable housing* 8
- Limit new development in order to address needs of existing residents and taxpayers 4
- All new development needs to be green and aesthetically pleasing, not so urban in design. 3
- No more high density housing 2
- Concentrate high density housing on 41st Ave and Capitola Rd corridors 2
- Be sensitive to surrounding context in addition to FAR and lot coverage rules when approving new development.

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Strengthen historic preservation

Return residential bluff frontage to public open space

Either abolish the Transient Occupancy Zone in the Village area or apply it city-wide. Otherwise it is discriminatory.

Moratorium on public murals that compete with natural beauty. Support art Shows and similar events instead

Let citizens vote on what types of public art is going to be installed

More job opportunities for youth.

Encourage dramatic house colors like Venetian Court

Prohibit medical marijuana dispensaries

Moratorium on liquor stores and banks

“Even out” City’s western boundaries

Lift restrictive e-cig/vaping laws

Start a farmer’s market in lower Pacific Cove parking lot

Consolidate Central and Aptos/LaSelva Fire Districts

Encourage landlords to accept more Section 8 housing vouchers

Provide more affordable vacation housing such as youth hostels

Have reservation system such as Opentable.com for all Capitola restaurants

Section IV

VISION CAPITOLA

WORKSHOP #1 EXIT POLL RESULTS

TOP TEN LIST

MAY 3, 2016

At the conclusion of Workshop #1 each member of the audience was requested to vote for their choice of the top five comments in answer to the question "What would you like to see happen in Capitola in the next 5 – 15 years?". Approximately 180 persons attended the workshop. 102 cards were turned in. The following are the Top Ten choices:

1. Support Trail WITHOUT rail	32 Comments
2. Pursue traffic calming measures citywide	20
3. Reduce auto traffic in Village	19
4. Keep Capitola small, quaint, not over developed	18
5. Increase water sustainability and conservation	16
6. Add bike lanes/improve bicycle safety	14
7. Develop/complete Rispin Park	14
8. Increased maintenance of streets and sidewalks	13
9. Open to smaller Village Hotel if compatible with charm and scale of Village	12
10. Oppose bus service cuts	11

VISION CAPITOLA

WORKSHOP #1 EXIT POLL SUMMARY

MAY 3, 2016

At the conclusion of Workshop #1 each member of the audience was requested to vote for their choice of the top five comments in answer to the question "What would you like to see happen in Capitola in the next 5 – 15 years?". Approximately 180 persons attended the workshop. 102 cards were turned in. This is a summary of the results of that poll in descending order of the number of times mentioned.

TRAFFIC & CIRCULATION TOTAL: 113 COMMENTS

RAIL RIGHT-OF-WAY	35 Comments	
Support Trail WITHOUT trains		32
Support Trail WITH trains		3
AUTO ISSUES	34 Comments	
Reduce/control traffic citywide		20
Reduce Speeding		2
Discourage traffic		1
Reduce traffic by operating shuttle buses btw Mall & Village lots		1
Pursue traffic calming measures citywide		1
Widen Highway 1 to reduce cross-town traffic		1
Reduce cut-through traffic citywide		1
Enforce speed limit enforcement citywide		1

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Enforce motorcycle/auto noise laws=quality of life	1
Safer streets	1
Less motorcycles	1
Improve Eastbound flow during commute time	1
Install stoplights at Nob Hill and Gayle's	1
Diagonal parking on Grace Street	1

PEDESTRIAN ISSUES 19 Comments

Make Capitola more pedestrian friendly	10
Improve pedestrian safety citywide	5
More sidewalks	1
Repair sidewalks	1
Increase walkability	1
Walking paths	1

BIKE ISSUES 14 Comments

Add bike lanes/improve bicycle safety; add Green Lanes	14
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BUS ISSUES 11 Comments

Oppose bus service cuts	11
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GENERAL 1 Comments

Implement shared transportation	1
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Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

VILLAGE

TOTAL: 91 COMMENTS

TRAFFIC

34 Comments

Reduce auto traffic in Village	19
No cars in village	8
More "car free" days near The Esplanade during summer	2
Close Esplanade to cars	1
Pedestrian controls at crosswalks to improve pedestrian and motorist safety	1
Reduce cars in village	1
Limit traffic at commute times	1
Part of Esplanade pedestrian only	1

GENERAL

23 Comments

Maintain Beach	10
Improve bathrooms in Esplanade Park and maintain well	2
Keep the village the same-pure-small atmosphere	2
More ADA access	2
Eliminate smell of garbage on The Esplanade	2
More frequent power washing of sidewalks	1
Easy beach access	1
No more events	1
Keep village clean	1
Bring back merry-go-round	1

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

HOTEL 19

Open to smaller Village Hotel if compatible with charm and scale of Village	12
No Village hotels	4
Hotel in Village	2
Small Depot Inn type lodging ok but no large hotel	1

GENERAL

TOTAL: 50 COMMENTS

Keep Capitola small, quaint, not over developed	18
More ethnic diversity	3
Balance tourism with quality of life for year round residents	3
Limit new development in order to address needs of existing Residents and taxpayers	2
Strengthen historic preservation	2
Moratorium on public murals	2
More family oriented things	2
Create jobs	2
More responsive leaders-wider representation	2
Maintain views	2
Park Ave. to Capitola Ave. bridge	1
All new development needs to be green and aesthetically pleasing, not so urban in design	1

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

Incubator/mentors to work with youth	1
No high rise or large scale development	1
No tall buildings more than 3 stories	1
Support efforts to improve quality of education including New Brighton Middle School improvements	1
Family housing	1
More shopping	1
Permanent parking solutions in all areas for residents only	1
Buy small properties	1
Save money	1
Enforce fireworks ban	1

PARKS

TOTAL: 49 COMMENTS

RISPIN

23 Comments

Develop/complete Rispin	14
Develop Rispin as art center with artist's works space, concerts; gallery in the building and outdoor displays	8
Finish Rispin	1

JADE STREET PARK

9 Comments

6 City acquisition of Jade Street Park

3 Keep Jade Street Park green

MONTEREY PARK

4 Comments

Don't build Skateboard Park in Monterey Park	1
Add bathrooms in Monterey Park	1

Don't add bathrooms in Monterey Park 1

Keep trees in Monterey Park 1

GENERAL 13 Comments

More open space 8

Enhance all city parks 2

More bathrooms in parks 1

Park in Lower Pacific Cove lot 1

Maintain the parks we have 1

ENVIRONMENT TOTAL: 35 COMMENTS

Increase water sustainability and conservation 16

Make beach, ocean and water cleanliness a priority 4

Plan for sea level rise 3

Use recycled water for landscaping 2

Sustainable development 2

Global warming strategy 1

Adopt policies to encourage healthy living for all citizens 1

Control noise pollution 1

Stay green 1

Limit new water hookups 1

Promote small retention ponds to recharge aquifer and end emergency drought restrictions 1

Establish a compostable food waste recycling program 1

Save heritage trees 1

Preserve Soquel Creek 1

INFRASTRUCTURE

TOTAL: 33 COMMENTS

Increased maintenance of streets and sidewalks	13
City should negotiate with cable provider to offer better services and control cost to consumers	7
City-wide high speed Internet (optic cable or next gen technology)	6
Save pathway along Depot Hill	4
Maintain city structures and infrastructures	1
Maintain streets and services before politically large projects	1
Sound wall by Capitola Knolls at freeway	1

NEIGHBORHOOD INTEGRITY

TOTAL: 21 COMMENTS

Retain mix of house sizes in residential neighborhoods by stopping trend towards large houses on small lots	3
Preserve and protect neighborhoods	3
Want high density housing	3
Want low density housing	3
More low income housing	2
Reduce vacation rentals citywide	2
Police should crack down on fireworks in neighborhoods	2
Preserve beach access at Coronado St.	1
No more large apartments	1
Work on parking issues in all neighborhoods	1

WHARF

TOTAL: 13 COMMENTS

Repair wharf including permanent public restrooms	7
Install aquarium (small one like we had before)	6

MALL

TOTAL: 12 COMMENTS

Revitalize the Mall	9
Add hotel to the Mall	2
More family activities	1

CITY SERVICES

TOTAL: 11 COMMENTS

Move police and fire departments	6
Continued safety	3
Move city hall and police to another location	1
Police focus on apparent increase in thefts and discard hypodermic needles	1

LIBRARY

TOTAL: 7 COMMENTS

Build new library	7
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PARKING

TOTAL: 5 COMMENTS

Add parking throughout city	4
Strip more parking throughout city	1

Attachment: Vision Capitola Summary Report (1412 : Resident-Initiated Community Visioning Process)

41ST AVENUE

TOTAL: 1 COMMENT

Get rid of sailboard art 1

SOQUEL CREEK

TOTAL: 1 COMMENT

Clean septic system for Soquel Creek 1

Section V

VISION CAPITOLA

WORKSHOP #1 EXIT POLL DETAIL COMMENTS

MAY 3, 2016

At the conclusion of Workshop #1 each member of the audience was requested to vote for their choice of the top five comments in answer to the question "What would you like to see happen in Capitola in the next 5 – 15 years?". Approximately 180 persons attended the workshop. 102 cards were turned in. For reference these are the detailed comments.

Each paragraph is one person's comments. They were written in sentence fragments hence they are listed in that way here.

Concerns; congestion, parking, speeding, the fire and police, overdevelopment, high density housing-hotel, sell Rispin mansion discourage automobiles

Cars out of Capitola Village as much as possible, emphasize resident quality of life, close Bicycle path no trains

Cars out of Village as much as possible, repair streets, sidewalks, works, emphasize citizens quality-of-life, keep Capitola a true village

Reduce cars in village at Esplanade to allow for more pedestrians, reduce traffic in village and bypass, enhance and encourage pedestrian areas in the city, build viable hotel, open Rispin and mansion area, functional rail and pedestrian trail, alternate cable service

Get traffic out of the village, develop a plan for a hotel mall area?, Build more bypass and Green lanes, develop Rispin Manor area–public access, create more diversity in housing jobs and family access

Parking, traffic, footpath trail, community voice, keep small hotel limits

Preserve the path on Depot Hill, develop a global warming strategy, develop a desalination strategy

Connect railroad to bike and walking path, keep the Depot Hill path

Family, small, respect of community, no room-by-room rental, develop Rispin

Reroute traffic from bike trail on rail site, water conservation, limit traffic in village, limit new water hookups, Park Ave. to Capitola Avenue with a bridge

Bike trail on rail site, water conservation, limit traffic in village, limit new water hookups, put hotel in mall area not village

Water and ocean quality, education, safety, walking path, less cars

Bike and walk safe, safely expand bike lanes, Green lanes to and from all local schools, preserve Jade St. Park, mall revitalization, no trains or train parking St., Park and green areas

Concerns; traffic congestion, keeping a small town charm of Capitola, sustainable development

Keep traffic down; keep murals down

More people of color and other cultures living here

Aquarium on wharf, more bus service in Capitola, unique hotel, less waste on beach on the weekends, Artist at Rispin mansion, alternative to Charter

Short-term family rentals throughout Capitola, parking structure like Santa Monica 3rd Street, butterfly habitat, keep River, Steelhead, beach maintained

Maintain the sense of Capitola as a village, maintain the views from all Capitola, provide facility to display the works of local artists maybe in Rispin mansion, maintain the current homeowner/Renter ratio overall positive impression of Capitola

Biking/walking railroad trail, plan for sea level rise, increase "pluckfaststick" awareness, Use 41st Mall space for youth and start ups, honor, revere, save water

Art proposed to community, Community input before decisions are made at the council level, culture of preservation, taking traffic car/foot seriously, continue gathering residents, Preservation of ocean and village, water consciousness, traffic- do a think tank

Neighborhood homes not to be used commercially as vacation rentals, illegal fireworks in the summer and other noise like motorcycles with no enforcement,

when having events more balanced with needs an input on neighborhoods, keep housing low density

Bike lane, green lanes-no parking in them, less cars in village more often, affordable housing, concerts and arts at Rispin property, no more building- keep our community quaint

Move the police and firefighters, don't block the views, making a place where you can walk or bike, protect the parks, small hotel, bike route, no garbage at the beaches, save the buses

Move police and fire to have a safe place, build a hotel so Santa Cruz and Aptos don't steal our revenue, keep all of Jade St. Park a park, create bike trail or railroad path and tracks, Close Village to cars at least during peak hours

Save the bus, more restrooms, preserve the village, keep Capitola clean, eliminate cut through traffic

Bike paths, clean the beach and the village, more bus routes, bathrooms in village and Parks, fix the Wharf

Traffic congestion, new library, update Capitola Mall, no smoking in town, aquarium on the wharf

Finalize Rispin property use, a good high quality Village hotel, keep bus service, more community events at New Brighton Center

Keep that uniqueness of the Village, do not allow the railroad, eliminate the commuter traffic, keep the town clean and solve the smell problem, find a way to reduce traffic, clean out the septic system on Soquel Creek

Hike and bike trail no rail, compost pick up with trash and recycling, high-speed Internet, keep the city bus route, get rid of the surf boards and sail art on 41st Ave.

Ensure heritage trees and open space are maintained, thoughtful consideration about more public transportation and reduction of traffic, responsive leadership elected officials, keep Jade St. Street unencumbered

Fix up mall, no Village Hotel it's a very small boutique hotel, no bathrooms at Monterey Park-will create homeless traffic on Monterey by the school

Agree with the plans for parks, water and mall, no rail yes to trail, water sustainability, hi- speed Internet, dump Charter

A designated biking, running, walking trail, repair the roads they are a mess, water sustainability, no railroad!! Environmental protection of the coastline

Infrastructure improvements, restrooms at Monterey Park, small aquarium on wharf, keep it as a pure village, let's high density no more two or 2 ½ story homes

A small aquarium on the wharf

Hotel in the village, real to trail, maintain the path on Depot Hill at the cliffs maybe a seawall

No rail service, no skateboard park on Monterey, sound wall along the freeway adjacent to Capitola Knolls, pave streets regularly, no hotels in the village

Bike and walk trail only, well paved streets, develop Rispin mansion, new library, limit cars in village

Hike and bike trail only, no train, water management

Beach access for all at Coronado Street, trail only no railroads, hi speed Internet for all, finish Rispin mansion, reduced cars in village

Wharf aquarium, continued safety, traffic Solutions, Family housing, better Internet and cable

Close the Esplanade to cars, more parking shuttles, Rail trail

Active and shared transportation choices, more shopping, preservation of the neighborhood character, preservation of neighborhood character, preserved beaches and creeks, high-speed municipal Internet access

Preserve neighborhoods, control traffic and parking, provide for public transportation

Complete the Rispin mansion, maintain the main beach, no hotel in the Village, more walking trails

A bike trail on the old railroad

Bus service maintained, u-verse city wide, hi speed Internet citywide, shuttle year around, plan for water, walking and bike trail

Traffic control, Infrastructure maintenance, open space, green space, local trails on railway corridor

Clean the beach, paved streets, sidewalks, ADA accessible, bigger is not better when it comes to homes

Trail not rail, to eliminate cars from village, Open space preservation and more parks, more bike lanes, aquarium on the wharf

Rispin mansion art and music, bikes, no cars

Traffic concerns, water conservation, maintain smallness of village atmosphere, keep Jade St., Park a park

Preservation of oceanfront to prepare for ocean rising, safer pedestrian walkways, more shuttles bringing people from remote parking, limiting traffic through Village at commute times, preserve current open spaces-don't build on them

Bike trail-no train, water sustainability and storage, revitalization of the Capitola Mall and 41st Ave., reduced traffic through village, Green Lanes for bikes and safety, use Rispin Mansion grounds

Rispin Mansion for art and music

Bike and walk trail, flashing crosswalk in village Cliff Drive near entrance to village near Armida and Margaritaville, minimize traffic issues

Trail now must happen, we need the parking structure, we need to development with sustainability in mind, minimize traffic impact, relocate emergency services, close Esplanade to parking

Trail along the rail for bike and walk, no hotel, Rispin mansion development for concerts etc., bike lanes to encourage cycling, take care of the wharf

Traffic in and out of Capitola, retention of cottages zoning for retention of small parcels, open communication, new library, Rispin Mansion

Safety, parking, keep Capitola's charm, hiking and biking trail, don't obstructed ocean-village views

New library, rehabilitate the mall, use of Rispin property

Traffic, raise transient tax, keeping out developers a.k.a. Carpetbaggers, permit parking all locations for residents only, closing up Esplanade to traffic frequently

Capitola Mall with family activities, Rispin mansion as historic play structure, infrastructure and street repairs and wharf, new library, Charter alternative

Wider representation, maintain neighborhoods

Bike and pedestrian trail no train, Green bike lanes, keeping Jade Street park a park, saving water– More small reservoirs, Rispin mansion turned into something great

Keep Capitola quaint, smaller hotel, preserve Depot Hill bluff

Bring back the merry-go-round, remove Zelda's deck-alcohol and replace with a merry-go-round

Infrastructure, safe streets, handicapped accessibility, keep open space, save the bus, improve bike lanes, new library, no parking in village, no cars in village

No hotel! Unless very high end and all parking on site, less traffic especially in the village

Minimize traffic, no cars in village, preserve open spaces and parks, biking walking paths, keep Capitola family friendly, public transport, library

Keep unique character of Capitola Village, save the trees at Monterey Park, protect our citizens quality-of-life, control noise pollution, more bicycle lanes and pass

Do not allow more vehicles and motorcycles in the area-help! Begonia annual festival-like it, we're fortunate to be close to nature do not put garbage into the ocean

Parking, keep good police and fire agencies, keep out the larger hotels and apartments, key open spaces, reroute traffic through the village

Protect neighborhoods from cross county traffic, reform Capitola Mall, protect and enhance the charming character especially in the Village, maintain streets and services before politically large projects, village anchor Hotel

No railroad just bike and hike past, no traffic in village, no more murals, keep the charm and character, don't overdeveloped

Keep Capitola walking friendly, reduce traffic in village, no more development in village, more bike trails less cars, save runoff rainwater for landscaping

More diversity/ethnicity, more room for bikes and sidewalks, water sustainability! Percolation ponds wherever feasible, water storage and careful use, unique European-style hotel in the Village, so much easier for tourists and less traffic, diagonal parking on Grace Street

Keep small town flavor! Diverse population more people of color, low income housing, no tall buildings more than three stories

Keep Jade St. Park a park, traffic concerns, water conservation, keep village atmosphere, new development at mall

No high density housing, don't give in to the state! Keep any hotel development in village in perspective, purple pipe for landscaping, try to limit traffic congestion, walking/traffic safety

Respect and preserve historic structures, enhance walkability including the trestle throughout Capitola, move police department and fire station to safer ground, enhance safety for bikes and pedestrians, reduced traffic in part by preserving parking in lower Pacific Cove

Maintained beach access and clean beaches, maintain parks, bike paths/trails, police public areas for theft and hard drugs, more affordable housing and better jobs the cost of living is too high here!

Keep Capitola, Capitola! Bike rail trail, public trains-need both, don't let bus route close, relocate police and fire departments, keep beach clean

Protect ocean/beach, improve pedestrian/bike routes, East traffic-improve flow, make the Village pedestrian only, incubators/mentors for you work opportunities for our youth

Keep it quaint, improving roads, maintaining the beach, staying green, no hotel-buy up small properties and save money!

Traffic-especially speeding! Parking and striped parking, a stop light at the Nob Hill corner and Gayle's corner

Maintain the beach and wharf, fixing arm roads, control traffic, bike trail-yes! Keep us unique-special-paradise! No big hotels please!

Less traffic, make part of the Esplanade pedestrian only

Traffic control, clean beaches, Rispin development, no train-yes bike trail, maintain wharf

Water sustainability, subdue traffic, Jade St. unencumbered, Rispin as art place, protect wharf

Rail line into hiking paths, traffic management, preserve Jade St. Park, develop the Rispin mansion, revitalize the mall

Traffic-in village and parking in neighborhoods, saving and storing water, keep ocean and beach clean, Rispin Manor developed-like art idea, keeping the character of place-respect of old, no high-rise or large-scale development

Keep Capitola Village feeling, easy beach access-fewer cars, make public use of Rispin property either a park or a hotel, bike – rail trail– no trains, repairs to streets and sidewalks

VISION CAPITOLA

Contemporaneous Notes by Susan Westman

Vision Capitola Second Workshop – Wednesday, April 27, 2016

Gayle thanked everyone who helped put the workshops together.

Nels talked about how the documents were put together.

Gayle indicated that we want to focus on items under Capitola's control.

We now need people to be specific. How do we achieve the goals mentioned in the comments? We want to provide the City Council with ideas to implement.

Bold headings refer to Top Ten list of comments from Workshop #1.

NO TRAIN ON PEDESTRIAN BIKE TRAIL.

This is not an item under the City's control but the RTC. What people in Capitola can do to express their opinion is to talk specifically with Dennis Norton who is the City's representative to the RTC or any other Council Member.

MAINTAIN THE SCALE OF CAPITOLA

Stay involved. Sign up to receive Planning Commission and Council agendas.

INCREASE WATER SUSTAINABILITY AND CONSERVATION.

The majority of these items are controlled by Soquel Creek Water district.

Cisterns in new developments.
Subsidy on rain barrels
More Education and awareness
Education about the aquifers

TRAFFIC AND PARKING

Traffic being one way on Monterey has already been studied so we don't want to spend a lot of time on that idea.

What about the option of making the Stockton Street Bridge a pedestrian bridge?

There should be more police visibility during morning rush hours. More police in the Village during the construction in the Village.

More study about how an additional lane on Highway 1 would reduce cut through traffic.

Encouraging people to park in the parking lots. Signs about how many parking spaces there are available in the village. More direction to visitor about event parking.

San Monica has a large parking structure that allows for regular street closures.

Have jitney busses like Stanford.

Larger area for families to drop off supplies at the beach and more ADA parking.

Look at making the Village pedestrian while accommodating delivery vehicles.

More car free days.

What is the bigger problem? Commuters or Village traffic. These are different problems that require different solutions. It appears that congestion on weekends is the most irritating.

As a person who walked to the Village 99% of the time, it would be helpful if there were two loading zones for people to unload for the beach. It would be fun to have wagons for rent in the parking lots for family to move their stuff to the beach.

Cherry and San Jose Avenue. I hate speed bumps but maybe we need a few for morning commute traffic.

Tour buses on the Esplanade. They should not be there but no one was doing anything to stop them.

Capitola should work with the RTC and use their web site more. Cruz511.org.

Hire police offices direct traffic in the Village.

There was no beach in Capitola in the 1960's We need to balance the needs of the residents and Village merchants. Study of commute traffic showed a lot of

people lived in Capitola. The beach is beautiful. Happy to put up with the traffic.

TRAFFIC CALMING MEASURES CITYWIDE

Crossing the street at Capitola Avenue and Bay you take your life in your hands. Maybe there should be a light. Drunk homeless man caused a real problem at this intersection last week. Live in the senior apartments. Very important that something be done at this intersection.

Gayle – the city is considering to put a roundabout at this intersection. Preliminary studies are underway and there will be lots of community input. No one seems to want to see traffic lights in Capitola. Preliminary community meeting in about 6 months.

The problem is cross county thru traffic. As a recently a resident of Topaz, I have seen afternoon traffic problems. Residential streets should be 34 feet with sidewalk. Topaz is smaller so it is not easy to walk down the street. Would like to see Topaz one way.

47th and Jewel. Traffic during the morning and afternoon has increased significantly. This impacts our quality of life.

Topaz traffic is not the tourist. It is often local residents. We don't have much police visibility on our street. I work from home and see it every day. I have called the police but don't want to be the only one calling.

I remember when Capitola used to have a reputation of being tough on speeders. It is now not know for catching people who speed through town. Park Avenue is 35 and then goes to 25 but no one slows down. Want to see more police presence during commute time.

Traffic is like water and it takes the path of least resistance. The RTC has been studying traffic on the local street. The RTC plans on building auxiliary lanes on the freeway. Hopefully this will make the freeway more appealing and reduce cut through traffic.

Lack of sidewalks on Hill Street is dangerous.

PEDESTRIAN AND BIKE SAFETY

Pedestrian lights should be installed at Bay and Capitola Avenue.

As part of the Library/Rispin plan there should be flashing lights at the crosswalk and improvements to Wharf Road.

Fanmar is not safe on the weekends because of too much cut through traffic. You can't even walk your dog. It is wild up there and there is no room for sidewalks.

City of Palo Alto really enforces speed limits. Capitola should be known for nothing more than 25 miles per hour and that this will be in forced.

Wharf Road has post to shield bike lane. Why are they there?

Public Works Director responded, "There was a series of accidents there. It was a trial to see if this would help to keep people out of the bike lanes. Has actually worked but some bikers don't like it.

Park Avenue needs sidewalk because it is a dangerous place to walk. Bikes come up behind you because you need to walk in the bike lanes. Saturday and Sunday there are bike groups that don't stop at the stop signs. Police were supposed to enforce bike rules and they don't.

Streets that do have sidewalks often have telephone poles, cracks, and bushes growing over the sidewalk. They need to be fixed.

There is a form where you can submit a comment on the City's web site. You can use this for reporting sidewalk problems.

Is there a plan to improve the sidewalks on Capitola Avenue where Pacific Framing is located? This is a very bad stretch of sidewalk.

Upper parking lot behind City Hall has no sidewalks for pedestrians to exit the parking lot. There needs to be some place for pedestrians to go.

Are their published maps of bike trails and sidewalks for Capitola? Reply "There are some on the RTC'S website. Cruz511.org. "

Possibly the Environmental Commission can work on developing maps for Capitola.

The RTC would like to encourage the development of maps that go through jurisdictions. Capitola should work with the RTC.

Live on Oak. People speed up and down. Walkers walk in the street and don't use the sidewalks even though they are available.

Is there still no skateboarding in Capitola Village? Some of the signs have come down.

Crosswalk on 47th and Capitola Road needs improvement.

When someone does a major remodel they have to put in sidewalk. It should be in the City's plan that when streets are paved, they install sidewalks.

I would like the City to be more proactive in keeping the sidewalks repaired and free from cars encroaching on to the sidewalks. My neighbor has had a tree that covers the sidewalk for years and the City has done nothing about requiring them to trim the tree.

There are quite a few neighborhoods in Capitola that are sidewalk exempt. No every place needs sidewalks.

Sidewalks. Have to be careful what we ask for. Sidewalks come out of the pocket of the homeowner. The City does not pay for sidewalks. This could cost each of us a lot of money.

Riverview Avenue. One lane street with two-way traffic. Lots of pedestrians. Hard to pull out because it is hard to see.

Difference between parking lines and challenge lines. Riverview Drive needs to have challenge lanes to eliminate diagonal parking.

I have seen the Police Department SUV's parked in handicapped spaces. This is wrong.

Sidewalk on Wharf Road is really bad. Bridge over the Rispin needs lights. Public restroom at the sewer pump station smell bad.

When the mess on Rosedale is going to be fixed?

The City should put a schedule for street maintenance on the City web site.

Want speed bumps on Fanmar when it is repaved.

41st and 38th needs to be repaved.

HOTEL IN VILLAGE

I think a Village hotel should be a Boutique European style hotel. In scale with the Village.

Hotel was discussed a couple of years ago. Developer needed so many rooms. Nervous to decide how big it should be until there is a traffic plan.

Developer said he needed 75 rooms or economically it will never happen.

European style boutique hotel. Britannia Arms is two stories and apartment across the street is 3 stories. So anything bigger than three stories would be too tall for the Village.

I only want to see a two-story hotel in the village.

I only want to see car parking be under the hotel.

Important for people to say how high they want it. They are coming backing with 72 units and 5 stories.

Fanmar residents are very impacted by parking. They need to have parking on site so they don't impact Fanmar.

What does the Coastal Commission say about the hotel?

I spoke to Coastal Commission and the Coastal Commission wants them to leave part of the bluff visible.

Any hotel is going to impact Fanmar, Depot Hill, and Riverview. It appears that these neighborhoods do not want 60 or 75-room hotel. Anything above 35 rooms would be a large hotel.

How many rooms were in the old historical rooms. Someone responded 150 rooms and someone else said 102 rooms.

Many years ago when Swenson purchased the property they talked to the neighbors on Cliff. We wanted limited number of rooms. Stepped back into the hill and now they are coming back with the same plan they had several years ago. They are going to start trying to wear people down.

Completely agree. I would be thinking no more than 30 rooms. Before a hotel is talked about the City should build a parking structure. Visually a parking structure would not have an impact. There should be a parking structure first.

Solution would be valet parking like they do in San Francisco. Roof top gardens would provide a good view for the residents on Cliff. Parking and traffic are the biggest issues with a hotel.

All comments you hear tonight are all comments that were made at previous hearings. What makes you think the Council is going to listen now.

Ritz Carlton in Half Mom Bay ended up short on parking. We have to make certain the City does not short us.

Don't see the reality of a hotel until the drought is over.

CAPITOLA MALL

Santana Row would work for the mall. This would be a great place for a hotel. This would draw people to Capitola. Perhaps have a shuttle.

Making the corridors between Village and Mall more pedestrian and bike friendly.

REDUCED BUS SERVICE

Has the City looked into a shuttle between the Village and the mall?

Was tried for one year.

There needs to be more vib on 41st Avenue.

When I was a child there was a gaming center in the mall. Important to include a teen center in the new mall.

City of Portland has more a pedestrian friends feel than 41st Avenue. Giant parking lots on 41st make the area pedestrian unfriendly. There should be a village atmosphere with the new mall.

Capitola Road to freeway is not a friend place to walk.

RISPIN

Rispin Gardens are being redone. Library plans are available at City Hall.

Would like to see Rispin developed as a youth hostel.

Look forward to development of Rispin Park. Look forward to improvements to connect the two sides of town. Make the connection more appealing.

LIBRARY

There was a great party in the Village after the flood. That was a great community event. There should be an annual village party.

WHARF

Annual Wharf Festival to raise money for repairing and maintaining the Wharf.

Start to underground electrical line in Capitola.

The important issue in town should be saving the walkway along the Depot Hill bluff.

I would like to see a tuff field at Jade Street with lights.

RV parking overnight on the streets should be restricted.

Prospect bluff needs to be preserved as well as the Depot Hill bluff.

Don't want AirB&B in residential areas.

What type of Video surveillance do you want to see in Capitola? This will be needed in the future.

Goals from the CAPITOLA GENERAL PLAN

Adopted – June 26, 2014

Land Use Goals

- Goal LU-1 Maintain and enhance Capitola's distinctive identity and unique sense of place.
- Goal LU-2 *Preserve historic and cultural resources in Capitola.*
- Goal LU-3 Promote sustainable land use patterns that encourage transportation alternatives and reduce greenhouse gas emissions.
- Goal LU-4 Protect and enhance the special character of residential neighborhoods.
- Goal LU-5 Ensure that new residential development respects the existing scale, density, and character of neighborhoods.
- Goal LU-6 Strengthen Capitola Village as the heart of the community.
- Goal LU-7 Ensure a high quality and distinctive design environment in Capitola Village.
- Goal LU-8 Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.
- Goal LU-9 Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.
- Goal LU-10 Maintain and enhance the Bay Avenue commercial district as a thriving destination with businesses that serve Capitola residents and visitors.

- Goal LU-11 Utilize the City Hall/Village and Beach Parking Lot area for the benefit of the community.
- Goal LU-12 Utilize key public facilities and properties in a manner that enhances the quality of life of Capitola residents.
- Goal LU-13 Provide high-quality public parks that cater to the diverse needs and interest of Capitola residents and visitors.
- Goal LU-14 Support recreational programs and community events that contribute to a high quality-of-life.

Open Space – Goals

- Goal LU-15 Promote sustainability as a foundation for Capitola's way of life.
- Goal LU-16 Reduce greenhouse gas emissions in Capitola as called for by Capitola's Climate Action Plan.
- Goal LU-17 Support atmospheric conditions that are clean and healthful, provide maximum visibility, and meet air quality standards.
- Goal LU-18 Promote increased use of renewable energy sources and alternative fuels.
- Goal LU-19 Promote building techniques that increase energy efficiency and reduce consumption of natural resources.
- Goal LU-20 Protect natural habitat and other biological resources.
- Goal LU-21 Preserve and enhance Capitola's creeks and wetlands.
- Goal LU-22 Provide for a high level of water quality.
- Goal LU-23 Promote water conservation.

Goal LU-24 Promote local food production and distribution systems to encourage healthy eating and minimize transportation impacts associated with food production and distribution.

Goal LU-25 Reduce solid waste originating in Capitola.

Mobility Goals

Goal LU-26 Provide a balanced multi-modal transportation system that enhances mobility in a safe and sustainable manner.

Goal LU-27 Provide for "Complete Streets" that serve all modes of transportation, including vehicles, public transit, bicyclists, and pedestrians.

Goal LU-28 Provide a roadway system that enhances mobility and protects residential neighborhoods.

Goal LU-29 Provide a roadway system that enhances community aesthetics and promotes a high quality of life.

Goal LU-30 Provide for well-designed parking as part of a balanced transportation system.

Goal LU-31 Enhance access to and mobility within Capitola Village.

Goal LU-32 ve and expand public transportation services for residents, workers, and visitors.

Goal LU-33 Provide a complete network of bikeways and bicycle facilities in Capitola.

Goal LU-34 Provide high quality pedestrian facilities that support walking and the enjoyment of the outdoors in Capitola.

Safety Goals

- Goal LU-35 Reduce hazards associated with flooding or inundation.
- Goal LU-36 Minimize loss of life, injury, and property damage due to seismic and geologic hazards.
- Goal LU-37 Protect lives and property from risks associated with urban fires.
- Goal LU-38 Protect the community from the harmful effects of hazardous materials.
- Goal LU-39 Maintain effective emergency response procedures to ensure public safety in the event of natural or man-made disasters.
- Goal LU-40 Maintain a safe environment in Capitola through the enforcement of the law.
- Goal LU-41 Minimize the community's exposure to excessive noise.

Economic Development Goals

- Goal LU-42 Encourage stores, services and unique community character that serve both residents and visitors.
- Goal LU-43 Provide businesses and jobs that create a healthy and stable local economy.
- Goal LU-44 Expand and promote environmentally sustainable jobs and businesses in Capitola.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: Public Works Department

SUBJECT: Receive Report Regarding the Wharf Financing Plan Options and Consider Authorizing a Contract with Gene Bregman and Associates

RECOMMENDED ACTION: Receive report and authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$13,000 for a public opinion polling on potential funding scenarios including ballot measures, and approve a budget amendment allocating \$13,000 from contract services in the Finance Department.

BACKGROUND: Last month City Council received a report from Moffatt and Nichol Engineering regarding the condition of the Capitola Wharf. While the report found the Capitola Wharf is generally in fair to good condition and should remain in service with ongoing maintenance and repairs, the report did outline strategies to strengthen the Wharf and improve its resiliency. The costs for those strategies ranged from \$200,000 to \$4,000,000.

At that same meeting, City Council authorized an addendum to the Moffatt and Nichol contract to study a widening option and directed staff to develop a 10-year Wharf improvement Plan (Wharf Plan), that would incorporate the identified maintenance costs, costs to strategically widening portions of the Wharf to expand public access and improve resiliency, and costs to remodel the structures on the Wharf to improve overall function. Council also directed staff to develop financing options for such a Wharf Plan.

DISCUSSION: While the overall Wharf Plan has not yet been completed, staff anticipates the overall costs for implementation such a plan will be in the \$5-10 million range. Given that cost range, staff is presenting a number of financing plan options for Council consideration and direction, given pending deadlines associated with the November 2016, ballot.

Measure D Extension: Currently the City has a ¼ cent sales tax that is due to expire in 2017. That local tax generates around \$1.1 million/year. As a General Tax, an extension of Measure D must be considered on a ballot that includes the election of City Council members. While an extension of Measure D could be an option to help finance the Wharf Plan, there may also be other City priorities the Council could consider funding with a possible Measure D extension including the library or priorities identified in the Vision Capitola report and adopted General Plan.

Increase TOT: Currently the TOT rate in the City is 10%. Increasing the TOT by 1% would generate an estimated \$130,000/yr. Clearly a change in the TOT rate alone would not be sufficient to fund a 10-year improvement plan for the Wharf. In addition, two years ago a proposed increase in the TOT rate was turned down by voters, making it potentially problematic to put such a measure on the ballot in 2016.

Wharf Financing Plan Options
May 12, 2016

Enterprise District: Many municipal wharfs are operated as enterprise funds, which basically means the revenue generated by operation pays for all maintenance and improvements to the operation. Capitola Wharf does generate revenue through leases with private parties, however the revenue from those leases is not sufficient to finance all the Wharf maintenance needs. As a result, one option to help balance Wharf revenue with expenditures would be to increase the revenue from Wharf operations. However, there are significant challenges to such an approach. The Capitola Wharf is subject to regulation by both the Monterey Bay National Marine Sanctuary and the Coastal Commission, who have indicated that a wharf expansion to create additional leasable space would be difficult to permit. In addition, the community process to locally consider such an expansion would need to be robust, and staff anticipates there would be conflicting perspectives on such an expansion. Lastly, parking at the base of the Wharf is extremely limited, and an expansion of uses on the Wharf could be limited by available parking.

Grant and other Public Agency Funding: While it is likely that grant funding could be an important component of a Wharf Plan, few public resource agencies such as the Coastal Conservancy, will fund on-going maintenance and operation costs or even a series of improvements. Grant programs are generally for specific improvement projects and awards are highly competitive and would require a local funding match. As a result, a pure grant-based strategy to fund the Wharf Plan appears challenging.

To assist the Council on reviewing these, and possibly other financing options, staff recommends that the City complete a formal polling of the residents to measure the interest in extending Measure D to help finance Wharf projects or other needs of the City including those identified through the Vision Capitola community effort. The attached polling contract with Gene Bregman and Associates would complete the survey work in time for the Council to review the results prior to the deadline to place a measure on the November 2016, ballot. Initial polling results would be presented to Council on June 16 during the Special Budget Hearing.

FISCAL IMPACT: Funding for the proposed contract would be obtained from various unexpended contract services in the Finance Department. The attached budget amendment has been prepared and is attached to reflect the change in contract service funding.

ATTACHMENTS:

1. Public Polling Proposal
2. Public Polling Budget Amendment

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

5/6/2016



GENE BREGMAN & ASSOCIATES
Public Opinion & Marketing Research

MEMORANDUM

To: Jamie Goldstein, City Manager
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

From: Gene Bregman
Gene Bregman & Associates

Date: October 9, 2015

Re: Poll

Per your request, this letter summarizes the scope of work for Gene Bregman & Associates (GBA) to conduct public opinion research for the City of Capitola, California.

Upon completion of the survey, a statistical compilation of the cross-tabulated results will be delivered and findings and recommendations will be presented and discussed.

Since a November, 2016 election may be considered, we propose to conduct the survey among those Capitola residents who are likely to vote in that election. Based on our previous research, we believe it will be possible to complete between 150 and 175 interviews.

The poll will achieve the following objectives:

1. Explore the current image of the City of Capitola, voters' attitudes towards the City, and their assessments of the strengths and weaknesses of local government;
2. Determine voter perceptions of the needs of the City and the priorities that voters set for those needs;



*P.O. Box 2799, Aptos, CA 95001
831.685.2700*

www.GeneBregmanAndAssociates.com



3. Determine voter attitudes towards a possible ballot measure for the City to extend the current 1/4 cent sales tax beyond its 2017 expiration date;
4. Evaluate voters' top priorities for money raised in order to determine if these uses are sufficient for voters to support the sales tax extension;
5. Determine the most effective and important reasons for your voters to support a tax measure;
6. Develop a demographic profile of City voters, including how various demographic groups differ in their opinions and attitudes towards a possible ballot measure.

Depending on the length of the interview, the costs can vary, as follows:

150-175 interviews @ 10 minutes per interview	\$10,000.
150-175 interviews @ 12 minutes per interview	\$11,000.
150-175 interviews @ 15 minutes per interview	\$12,000.
150-175 interviews @ 18 minutes per interview	\$13,000.

All of the data obtained by GBA is the exclusive property of the City of Capitola. If requested, GBA will provide an electronic copy of the data to the client. GBA is entitled to retain the original interview forms used in the field and copies of all data and analysis for its own internal use.

In summary, GBA will provide to the City of Capitola:

- Random survey of 150-175 likely November 2016 voters in the City of Capitola;
- Consultation solely with principal of Gene Bregman & Associates;
- Assistance in developing topic areas to be investigated;
- Development of survey questionnaire;
- Scientific sample selection to assure our reaching accurate representations of the population;
- Pre-testing of questionnaire;
- Conduct of field work from our central phone bank;
- Editing, coding, and electronic data processing;
- Full computer printouts of all cross-tabulated data;
- Analyses of survey results, including appropriate graphical presentation;



- In-person presentation of results;
- On-going strategy and consultation.

We look forward to having the opportunity to assist you and the City of Capitola in this most important effort. If you have any questions, or would like to further discuss your polling needs, please do not hesitate to call me at (831)685-2700.

City of Capitola Budget Adjustment Form



Date 5/12/2016

Requesting Department City Manager

Administrative Council [x]

Item #
Council Date 5/12/2016
Council Approval

Table with 3 columns: Account #, Account Description, Increase/Decrease. Row 1: Total -

Table with 3 columns: Account #, Account Description, Increase/Decrease. Rows include: 1000-10-11-000-4305.110 (Contract Services-Voter Survey, \$13,000), 1000-10-17-000-4305.900 (CS- Admin Contracts, (6,400)), 1000-10-17-000-4335.101 (CS-Finance Legal Services, (5,000)), 1000-10-17-000-4335.202 (CS- Sales Tax Audits, (1,600)). Row 1: Total -

Net Impact -

Purpose: Public Opinion Polling

Department Head Approval

Finance Department Approval

City Manager Approval

Attachment: Public Polling Budget Amendment (1169 : Wharf Financing Plan Options)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 12, 2016

FROM: City Manager Department
SUBJECT: Consider extending the Wharf House Restaurant Lease

RECOMMENDED ACTION: Approve the lease extension.

BACKGROUND: The current lease was agreed upon in 2001 between the City and Willie Case, the owner of the Wharf House Restaurant. In 2006, the first amendment to the lease was approved, which extended the lease for five years with a lessee option for an additional five-years. That five year option was exercised by Mr. Case in March of 2011. The first amendment to the lease expires in May 2016.

At the April 14, 2016, City Council meeting, staff was directed to create a second amendment and extend the lease with language to include the potential of the City performing significant work on the Capitola Wharf which would potentially disrupt or close restaurant operations for a period of time.

DISCUSSION: After discussions with the City Attorney, it was determined the best way to address the potential work on the Capitola Wharf was to create a lease with one-year terms, which are automatically renewed unless either party gives a 90-day notice to terminate the lease. The lessee is aware of the potential work on the Wharf as he stated at the April 14, 2016, Council meeting when discussed.

The following items were also changed or added in the second amendment to the lease:

- Lessee acknowledges that the City is evaluating potential work on the Wharf;
- Lessee is now responsible for all grease and oil related blockages to the sewer line between the Wharf House Restaurant and the sewage pump on the Wharf;
- Specific language detailing the one month "rent credit" for a fireworks show;
- Insurance requirements have been updated.

FISCAL IMPACT: The current monthly rent for the Wharf House Restaurant is \$3,683.95. The lease contains language that will adjust the monthly rent base on the Consumers Price Index annually on January 1st.

ATTACHMENTS:

1. Wharf Lease Second Amendment

Report Prepared By: Larry Laurent
Assistant to the City Manager

Wharf House Lease
May 12, 2016

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/6/2016

2nd AMENDMENT TO
WHARF RESTAURANT LEASE
BETWEEN
CITY OF CAPITOLA AND WILLIE CASE

This 2nd Amendment to Wharf Restaurant Lease Between City of Capitola and Willie Case (“2nd Amendment”) is made and entered into as of this _____ day of May, 2016 (“Effective Date”), by and between the City of Capitola (“Lessor”) and Willie Case (“Lessee”) (individually referred to herein as “Party” and collectively as “Parties”).

RECITALS

WHEREAS, Lessor and Lessee entered into that certain Wharf Restaurant Lease Between City of Capitola and Willie Case, date Real Estate Lease dated May 21, 2001 (the “Original Lease”) for the exclusive use of all of the interior, including wall surfaces and windows, of the existing Restaurant Structure located on the Capitola Wharf, excluding the restroom (the “Premises”), which Premises are further depicted on Exhibit A, attached hereto and incorporated by reference.

WHEREAS, the term of the Original Lease commenced on May 21, 2001 and was initially scheduled to expire on May 10, 2006.

WHEREAS, the Original Lease was amended pursuant to that certain 1st Amendment to the Wharf Restaurant Lease Agreement Between City of Capitola & Willie Case, executed by the Parties on May 16, 2006 and June 1, 2006, respectively (“1st Amendment”). (The Original Lease and 1st Amendment are hereinafter collectively referred to as the “Lease”).

WHEREAS, pursuant to such 1st Amendment, the Lease term was extended for five (5) additional years, commencing on May 11, 2006 and ending on May 10, 2011, and Lessee was provided with the option to renew the Lease for five (5) additional years.

WHEREAS, in March 2011, Lessee exercised his option to renew and the Lease is currently scheduled to expire on May 10, 2016.

WHEREAS, Lessor and Lessee desire to extend the term of the Lease and to further amend and modify the Lease as provided herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, terms, conditions, and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the Parties hereby agree as follows:

1. Recitals. All of the above recitals are incorporated herein and made a part hereof, as if fully set forth in the text of this 2nd Amendment.

2. Defined Terms. Unless otherwise provided in this 2nd Amendment, all defined terms used herein shall have the meanings ascribed to them in the Lease.

3. Term; Termination. Section 1, Term, of the Lease is hereby deleted in its entirety and replaced with the following:

Term; Termination.

(a) Initial Term. The initial term of this Lease shall commence on May 21, 2001 and end on May 10, 2017 (“Initial Term”), unless sooner terminated or extended under the terms of this Lease.

(b) For purposes of this Lease, all references to the “Term” shall be construed to include the Initial Term and the Extended Term(s) (as defined below) as the options to extend are exercised, unless the context clearly and unequivocally requires otherwise.

(c) Option to Extend Term.

i. If Lessee fully and faithfully performs all of the terms and conditions of this Lease, Lessee shall have the option, subject to and only with the mutual consent of Lessor, to extend the Initial Term of this Lease for four (4) consecutive additional periods of one (1) year each immediately following the then current Term (the “Extended Term”). Except to the extent otherwise provided in this Lease, at the end of the Initial Term and each successive Extended Term, Lessee will be presumed to have exercised its option to extend and the Term of this Lease will automatically extend for such one (1) year Extended Term (subject to the termination provisions set forth below), unless either Party provides written notice to the other of such Party’s intent not to extend the Lease (“Notice of Non-Extension”) by no later than ninety (90) days before the scheduled expiration of the Initial Term or, if applicable, the Extended Term. If either Party timely delivers such Notice of Non-Extension, the Lease will expire at the end of the Initial Term or then current Extended Term, the option to extend shall terminate and be null and void, and Lessee shall have no other rights to extend the Lease Term. The Extended Term will be subject to all terms, conditions, and covenants set forth in this Lease, except that the monthly base rent for each such Extended Term shall be adjusted in accordance with the provisions of Sections 4(a) and 30(g). Lessee’s option(s) to extend are further subject to the terms and conditions set forth below.

ii. Lessee may not exercise the options granted herein during any time Lessee is in default of any provision of this Lease or in the event that Lessee has been in default in the performance of any of the terms and/or conditions of this Lease on two (2) or more separate occasions during the twelve (12) months prior to exercising an option and has been notified of such defaults by Lessor. If Lessee is in default under this Lease on the date that Lessee exercises an option to extend, then Lessor may elect to (i) allow Lessee to exercise such option notwithstanding the breach or default of Lessee (which acceptance shall not waive or otherwise relieve Lessee of its obligations to

promptly correct such default and fully comply with all terms and conditions of this Lease); or (ii) rescind Lessee's option right, and Lessee's efforts to exercise the option to extend shall be totally ineffective, null and void, the subject Extended Term shall not commence and this Lease shall expire at the end of the Initial Term or applicable Extended Term.

iii. Any option granted to Lessee in this Lease is personal to the original Lessee and cannot be assigned or exercised by anyone other than said original Lessee without Lessor's prior written consent, which may be given or withheld in Lessor's sole and absolute discretion, and only while the original Lessee is in full possession of the Premises and, if requested by Lessor, with Lessee certifying that Lessee has no intention of thereafter assigning or subletting.

(d) Right to Terminate. Lessor may terminate this Lease for any reason by providing Lessee with written notice (delivered in accordance with Section 15, Notice) at least ninety (90) days prior to the effective date of termination, without any liability to Lessee by virtue of such termination.

4. Rent Reduction During Annual Firework Event. Subsection (l) of Section 4, Rental and Payment of Taxes and Assessments, is hereby amended to add the following:

“Each year, Lessor may host the annual Monte Foundation Fireworks show, during which the Capitola Wharf, including, but not limited to, the Premises, must be closed (i.e. the gate that controls public access to the Wharf is shut and padlocked) to public access for several days (“Annual Fireworks Closure”). Lessee receives advanced notice of such Annual Fireworks Closure. If and when such Annual Fireworks Closure occurs, Lessee (as Lessee's sole and exclusive remedy for the entire period of disruption, restricted occupancy, and/or closure and any and all impacts [including, without limitation, any costs incurred, loss of use, lost profits, loss of business, etc.] relating to the Annual Fireworks Closure) shall receive a one-time annual credit equal to one month's fixed base rent (at the then current rate), which, as of May 1, 2016, equals three thousand, six hundred, eighty-three and 00/100 dollars (\$3,683), as full and complete compensation for the Annual Fireworks Closure (“Annual Fireworks Rent Credit”). Such adjustment shall be effectuated by a one-time credit, applied against rent due during the subject Lease year, and computed by the Finance Department. Lessee shall pay the amounts specified in the Lease for rent, without reduction for such Annual Fireworks Closure, until such time as Lessee receives, in writing, a statement of the relevant Annual Fireworks Rent Credit. Thus, for example, if the Annual Fireworks Closure occurred on May 20, 2016, Lessee would receive one Annual Fireworks Rent Credit of \$3,683 for the entire Annual Fireworks Closure, which credit would be calculated by the Finance Department, applied against rent due by Lessee to the Lessor during the May 11, 2016

through May 10, 2017 Lease year, and reflected in a written rent adjustment notice issued by Lessor to Lessee after conclusion of the Annual Fireworks Closure. Lessee will receive no more than one such credit per Lease year. Other than the Annual Fireworks Rent Credit described herein, Lessee will not receive any rent credit, adjustment, reduction, or abatement or any other compensation for any Annual Fireworks Closure.”

5. Condition of Premises. Section 6, Condition of Premises, of the Lease is hereby deleted in its entirety and replaced with the following:

Condition of Premises; Capitola Wharf Rules and Regulations.

Lessee acknowledges and agrees that Lessor has made no representations as to the condition of the Capitola Wharf or Premises or the suitability or safety of the Capitola Wharf or Premises for any purpose whatsoever. Lessee is accessing, occupying and using the Premises in its “AS IS” condition and at Lessee’s own risk. Lessor makes no warranties, expressed or implied to Lessee.

(a) Lessee agrees to accept possession of the Premises in the condition existing as of the date Lessee executes this Lease **and again, as of the date Lessee executes the 2nd Amendment (in May 2016)**, and, subject to the terms and conditions of this Lease. Lessee represents that it has inspected the Premises and agrees to accept them in their present “AS IS, WHERE IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS” condition as of the date Lessee executes the Lease and again **as of the date Lessee executes the 2nd Amendment in May 2016**, with no representation as to the fitness for a particular use, physical condition, zoning, environmental conditions, etc. Lessee acknowledges that no representations, express or implied, with respect to the condition of the Premises or the Capitola Wharf have been made to the Lessee by the Lessor. Lessor does not warrant or guarantee the Premises (or the Capitola Wharf) as being suitable for Lessee’s purposes. Lessee is responsible for determining whether or not the building codes, applicable permits, laws, covenants or restrictions of record, regulations, and ordinances (“Applicable Requirements”), and the zoning, are appropriate for Lessee’s intended use, and acknowledges that past uses of the Premises may no longer be allowed. Correction of any item of non-compliance with an Applicable Requirements shall be the obligation of Lessee at Lessee’s sole cost and expense. Any work required by Lessee to prepare the Premises for its occupancy and use (including, but not limited to, any repairs and/or improvements, structural or otherwise, needed for the Premises to comply with applicable requirements of the Americans with Disabilities Act (ADA)) shall be paid for by Lessee and shall be subject to all of the terms and conditions set forth in this Lease.

(b) Lessee acknowledges that: (a) it has been advised by Lessor to satisfy itself with respect to the condition of the Premises (including, but not limited to the electrical, security, environmental aspects, and compliance with Applicable Requirements and the Americans with Disabilities Act), and their suitability for Lessee’s intended use; (b) Lessee has made such investigation as it deems necessary with

reference to such matters and assumes all responsibility therefore as the same relate to its occupancy and use of the Premises; and (c) neither Lessor, nor Lessor's employees, representatives, or agents have made any oral or written representations or warranties with respect to said matters other than as expressly set forth in this Lease. This Lease is subject to all matters of public record (including, but not limited to, the Capitola Wharf Condition Assessment and Resiliency Study (dated April 6, 2016) and the related public presentation and discussions that occurred during the April 14, 2016 Capitola City Council meeting, at which Lessee was in attendance) and such other matters as are apparent from an inspection of the Premises, including, but not limited to, existing easements, leases, licenses, servitudes and right-of-ways for roads, telephone, and electric power lines and facilities, pipelines, and other purposes whether recorded or not.

(c) Lessee acknowledges and understands that Lessor is in the process of evaluating and assessing the Capitola Wharf and preparing a ten-year improvement plan, which will likely include various Wharf projects during the Term of the Lease. As part of this process, certain Wharf improvement projects, including, but not limited to, pile repair and replacement, have been recommended. Accordingly, Lessee further acknowledges and understands that during the Term of this Lease, Lessor will likely be engaging in and performing various projects on the Capitola Wharf, which may include significant structural changes to the Capitola Wharf and/or Premises that could necessitate closure of the Capitola Wharf (and/or Premises) and/or termination of this Lease. Lessee enters into this Lease with full knowledge of the existing conditions of the Capitola Wharf (including, but not limited to, the need for ongoing repair and improvements) and the understanding that at any point during the Lease Term, the Lessor may substantially change the Capitola Wharf and/or Premises, close the Capitola Wharf and/or Premises, and/or terminate this Lease, without any liability to Lessee by virtue of such actions and/or termination.

(d) Lessee acknowledges and expressly accepts full responsibility and shall incur all costs and expenses for compliance with the requirements of the Americans with Disabilities Act (ADA) and any other local, state or federal law or regulation regarding the accessibility of the Premises by disabled individuals. Lessee agrees to release, indemnify, defend and hold harmless Lessor (and its officials, officers, directors, employees, agents, representatives, independent contractors, successors and assigns) from and against any claim, loss, expense or liability arising from Lessee's failure to fully comply with all such laws or regulations.

(e) This Lease is made subject to the provisions of California Civil Code Section 718, and it is agreed that if at any time the leasing of the Premises herein described shall interfere with the use of the Capitola Wharf for navigation, fishing and/or commerce, then this Lease shall terminate, without any liability to Lessee my virtue of such termination.

(f) Lessor shall not be liable for any damage or injury to the person, business (or any loss of income therefrom), goods, wares, merchandise or other property of Lessee, Lessee's employees, invitees, customers agents, servants, contractors, client,

guests, or any other person in, on, at, or about the Premises, whether such damage or injury is caused by or results from: (a) fire, steam, electricity, water, gas or rain; (b) the breakage, leakage, obstruction or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures or any other cause; or (c) conditions arising in, on, at, or about the Premises or upon other portions of the Capitola Wharf. Lessor shall not be liable for any such damage or injury even though the cause of or the means of repairing such damage or injury are not accessible to Lessee. The provisions of this Section 6 shall not, however, exempt Lessor from liability for Lessor's sole negligence or willful misconduct.

(g) The foregoing acknowledgements, assurances, representations, and understandings by Lessee and Lessee's agreement to accept the Premises in their "AS IS, WHERE IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS" condition as of the date Lessee executes the 2nd Amendment, are material conditions and inducements to Lessor entering into the 2nd Amendment and agreeing to extend the Lease as provided in the 2nd Amendment.

6. Lessee Responsible for Sewer Line. Section 7, Maintenance of Building, is hereby amended as follows:

"Lessee agrees to assume full responsibility for the operation and maintenance of the Premises throughout the Term of this Lease at its sole expense. Lessee agrees to perform all repairs and replacements and construct any improvements necessary to maintain and preserve the Premises in a decent, safe, healthy and sanitary condition in a manner satisfactory to Lessor and in compliance with all applicable laws, regulations and requirements of any governmental entity and insurance company insuring all or any part of the Premises. Lessee agrees that Lessor shall not be required to perform any maintenance, repairs or services or to assume any expense not specifically assumed herein in connection with the Premises and Lessee hereby waives all rights to make repairs or to cause any work to be performed at the expense of Lessor as provided for in Section 1941 *et seq.* of the California Civil Code... Lessor shall maintain electrical wiring and plumbing elements (excluding the sewage line to and from the Premises, the maintenance and repair of which shall be Lessee's responsibility) located within the walls to their level of adequacy as of the effective date of the within lease. In all other respects Lessee shall, at Lessee's own cost and expense, keep the leased premises (including, without limitation structural and nonstructural features, as well as, fixtures, furnishings, systems, facilities, and equipment) in good condition and repair... Lessee shall maintain at its sole cost and expense the walk-in refrigerator, and if necessary, replace it.

Grease and oil generated from and/or used in Lessee's business operations at the Premises can place a significant burden on the sewer line servicing the Premises and have, on occasion, formed blockages in the sewer

pipes. Accordingly, Lessee shall also maintain and repair, at its sole cost and expense, the sewer pipelines from the Premises to the sewage pump station on the Wharf and be responsible for repairing and clearing any clogs caused by Lessee's operations at and/or use of the Premises. Should a blockage be determined by Lessor to be caused by use of the public restrooms, the Lessor will reimburse the Lessee for the direct costs of the repairs, but only to the extent such repair costs are solely and directly caused by the use of the public restrooms.

Excepting such normal maintenance and repair work as is required hereunder..."

7. Indemnification and Insurance. Section 12, Indemnification and Liability Insurance, is hereby deleted in its entirety and replaced with the following:

Indemnification and Liability Insurance.

(a) Lessor shall not be liable to Lessee for any damage to Lessee or Lessee's property from any cause which is not the result of Lessor's sole negligence or willful misconduct. Lessee agrees to indemnify, release, defend (with counsel reasonably satisfactory to Lessor), and hold harmless Lessor, and its officials, officers, employees, representatives, agents, successors and assigns (collectively "Indemnified Parties" and individually "Indemnified Party"), from and against any and all losses, claims, demands, actions, penalties, fines, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and investigation costs), liabilities, and/or damages, of any kind or nature, whether for any injury or damage to person or property, or any other damage, as a result of, or arising out of this Lease, Lessee's occupancy and/or use of the Premises, any breach or default of Lessee's obligations to be performed under the terms of this Lease, any activity, work, or other thing done, permitted, or suffered by Lessee in, on or about the Premises (including, but not limited to, claims arising from the Lessee's use of any facilities on the Premises), and/or arising from any reason or cause whatsoever in connection with the use or occupancy of the Premises by Lessee (and/or any officer, representative, agent, employee, servant, contractor, client, guest, customer, or invitee of Lessee) during the Term and such longer period of time thereafter as Lessee or any third party continues to occupy or be in possession of the Premises or any facility thereon (the "Indemnity Period"). This indemnification by Lessee shall not include indemnity for the sole negligence or intentional misconduct of Lessor. In any case, action, or proceeding brought against Lessor (and/or another Indemnified Party) by reason of any such claim, Lessee shall defend the same at Lessee's expense by counsel reasonably satisfactory to Lessor. Lessee shall not settle any claim relating to, involving, or affecting the Lessor without the Lessor's prior written consent. Lessee, as a material part of the consideration to Lessor, hereby assumes all risk of damage to property or injury to persons in, upon, or about the Premises from any cause other than the sole negligence or intentional misconduct of Lessor, and Lessee hereby waives all claims in respect thereof against Lessor. Lessee's obligations under this Article shall survive the expiration or earlier termination of this Lease.

(b) Lessee shall maintain the insurance required in Attachment 1 (attached hereto and incorporated herein). Upon execution of this Lease and the 2nd Amendment, and, in any event, before Lessee enters the Premises (or any portion thereof), Lessee shall, at its sole cost and expense, procure and maintain in full force and effect, so long as may be necessary to fully protect Lessor and, in any event, at least through the end of the Lease Term, Worker's Compensation Insurance in accordance with the laws of the state in which the Premises is located; Employers' Liability Insurance; "All Risk" Property Insurance; Commercial General Liability Insurance on an occurrence basis only, insuring Lessor and Lessee against any liability arising out of the use, occupancy or maintenance of the Premises and all areas appurtenant thereto, including completed operations, contractual liability, and Lessor's Protective Liability Insurance; Comprehensive Automobile Liability Insurance on an "Any Auto" basis covering any and all owned, non-owned and hired automobiles used in connection with the Premises and such other coverage and in the minimum limits as specified in Attachment 1. Lessor may require reasonable increases in the minimum limits for the Commercial General Liability and Automobile Liability coverages. If Lessee's existing coverage does not meet the requirements set forth herein, Lessee agrees to amend, supplement or endorse the existing coverage to do so at no additional cost to Lessor. Compliance in full with the insurance requirements stated in this Lease is understood to be a condition precedent to Lessor's obligations under this Lease.

(c) All insurance required to be carried by Lessee pursuant to this Section 12 and Attachment 1 (excluding Workers' Compensation) shall be subject to the Lessor's reasonable approval and shall: (a) be endorsed to (i) name the Lessor, its City Council members, boards, commissions, officers, officials, employees, agents, and volunteers as additional insureds in accordance with the requirements in Attachment 1 of this Lease, and (ii) state that the insurance provided by the Lessee shall apply as primary insurance without qualification and that any other insurance maintained by Lessor shall be in excess only and shall not be called upon to contribute with the insurance of Lessee; (b) be carried with a company(ies) duly licensed to do business in the State of California and bearing a rating of "A" or better; and (c) contain a waiver by the insurer of any right to subrogation against the Lessor, its City Council members, boards, commissions, officers, officials, employees, agents, and volunteers. The Commercial General Liability, Automobile Liability and Employer's Liability coverages required may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess and/or umbrella liability policies.

(d) A certificate of the insurance (ACORD form 25S), satisfactory to Lessor, evidencing that the coverage required under this Lease is in place, stating policy numbers, dates of expiration and limits of liability thereunder, containing the provisions specified herein, and further providing that such policies shall not be subject to cancellation, lapse or change except after at least thirty (30) days' prior written notice to the Lessor, shall be delivered to Lessor on or before the effective date of the 2nd Amendment, and thereafter upon renewal of such policies prior to the expiration of the term of such coverage.

(e) If Lessee fails to procure, maintain or show evidence of insurance as required by this Lease, Lessor shall have the right, but not the obligation, to procure and maintain the required insurance for the benefit of Lessee and Lessor. The premiums paid by Lessor shall be treated as additional rent due from Lessee, to be paid on the first day of the month following the date on which the premiums were paid.

8. Rules and Regulations. Section 18, Rules and Regulations, of the Lease is hereby deleted in its entirety and replaced with the following:

Rules and Regulations; Compliance with Laws.

(a) Lessee acknowledges and understands that the Premises is located on property of Lessor primarily devoted to commerce and navigation, namely the Capitola Wharf, which is under exclusive control of Lessor. By executing this Lease, Lessee agrees to abide by all laws, ordinances, directives, rules and regulations promulgated by the City Council of the City of Capitola now existing or hereafter made for the government, management, maintenance, operation and/or improvement of the Capitola Wharf, including, but not limited to, such directives as to the usage of the Capitola Wharf as may be determined or promulgated by the officers, department heads, or duly authorized representatives of Lessor in their official or departmental capacity. Lessee further agrees that such laws, ordinances, directives, rules, regulations and/or conditions as may be imposed by Lessor through its City Council, administrative officers, department heads and/or duly authorized representatives, shall be subject to immediate compliance by Lessee without question or qualification as to the validity or reasonableness thereof.

(b) Lessee shall not use, or permit the Premises or any part thereof to be used, for any purpose other than the purpose for which the Premises are hereby leased. No use shall be made or permitted to be made of the Premises, nor acts done, which will increase the existing rate of insurance upon the Premises, or cause a cancellation of any insurance policy covering the Premises or any part thereof. Nor shall Lessee sell or permit to be kept, used, stored or sold in or about the Premises any article which may be prohibited by any policy of fire insurance obtained by the Lessor. Lessee shall, at its sole cost and expense, comply with any and all requirements regarding the use of the Premises by any company that issues a policy of fire, casualty or public liability insurance to the Lessor. Lessee shall not cause or permit the Premises or any adjoining portion of the Capitola Wharf to be used for any illegal purposes or in any way that constitutes waste or a nuisance, or that unreasonably annoys, disturbs or interferes with owners and/or occupants of, or causes damage to the balance of the Capitola Wharf, neighboring premises, properties, or improvements. Lessee shall not use the Premises for any purpose that is prohibited by any law, statute, ordinance, permit or governmental rule or regulation now in force, or that may be enacted or promulgated in the future. Lessee shall, at its own cost and expense, comply promptly with all laws, statutes, ordinances, rules, regulations, orders, permits, and requirements of any duly constituted governmental or public authority now in force, or that may be enacted or promulgated in the future, and

with the requirements of any board of fire underwriters or other similar body now or hereafter constituted relating in any way to the operation of Lessee's business at the Premises and/or the use of the Premises, Lessee's operations on the Premises, the storage of personal property and equipment, including, in particular, but not limited to, all the terms and conditions of any City of Capitola conditional use permits, and/or any other permits, authorizations, and/or licenses pertaining to the Premises, INCLUDING, BUT NOT LIMITED TO, ALL LOCAL COUNTY, STATE AND FEDERAL LAWS RULES AND REGULATIONS CONCERNING THE SAFETY, AND/OR THE USE, STORAGE AND DISCARDING OF HAZARDOUS SUBSTANCES AND OTHERWISE RELATED TO ENVIRONMENTAL PROTECTION (collectively "laws").

9. **Right of Entry For Alteration, Modifications and Repairs.** Section 20, Right of Entry For Alteration, Modifications and Repairs, of the Lease is hereby deleted in its entirety and replaced with the following:

Right of Entry For Alteration, Modifications and Repairs.

(a) It is agreed that Licensor has reserved and shall at all times have the right to alter, repair, improve, and/or add to the Premises and/or the Capitola Wharf (including, but not limited to, the structure), including, without limitation, areas that may support the Premises (either directly or indirectly), as well as areas that may affect (in any way) the use and/or occupation of the Premises and/or any other portions of the Capitola Wharf used in operation of Lessee's business. It is further agreed that, for the purpose of making alterations, repairs, improvements, and/or additions to said Premises and/or Capitola Wharf, or any part thereof, whether supporting the Premises or affecting the use and occupation of said Premises, Lessor shall have the right of entry upon said Premises and/or Capitola Wharf to erect scaffolding and all other necessary or convenient structures about and upon the Premises and/or Capitola Wharf, and, further, that Lessor shall have the right, on Lessor's finding it necessary to do so, to remove all or such portions of any such structure or building subject to the Lease herein, as may be required to make repairs, alterations, improvements and/or additions to the Capitola Wharf and/or the Premises.

(b) Lessor, its agents, contractors, employees and assigns may enter the Premises at all reasonable times to:

- i. Examine the Premises and any buildings, structures, and/or improvements thereon;
- ii. Perform any obligation of, or exercise any right or remedy of, Lessor under this Lease;
- iii. Maintain, make repairs, alterations, improvements and/or additions to the Premises, or to other portions of the Capitola Wharf as Lessor deems necessary;

- iv. Perform work necessary to comply with laws, ordinances, rules or regulations of any public authority or of any insurance underwriter;
- v. Perform work that Lessor deems necessary to prevent waste or deterioration in connection with the Capitola Wharf; and
- iv. Perform work that Lessor deems necessary to prevent waste or deterioration in connection with the Premises should Lessee fail to commence to make, and diligently pursue to completion, in a reasonable time as defined by Lessor, Lessee's required repairs after written demand therefore by Lessor.

(c) Lessee hereby waives any claims for damage and/or injury against Lessor (including, but not limited to, those arising from loss of business) by reason of Lessor's entry onto, use of, modification to, and/or removal of all or any portion of the Premises and/or any structure or building on the Capitola Wharf (including, but not limited to, any structure or building leased pursuant to the terms of this Lease) for the purpose of making repairs, alterations, improvements, and/or additions to the Premises, the Capitola Wharf, and/or to any other area. As Lessee's sole and exclusive remedy, Lessee's rents upon said Premises shall be subject to abatement during such period that Lessee shall be unable to use or occupy the entire Premises and on a prorated basis in the event only a portion of the Premises is not subject to use and occupation during said alterations, repairs, improvements, and/or additions.

(d) Lessor agrees to give Lessee reasonable notice of intention to make repairs, except in situations involving immediate peril and hazard to the Capitola Wharf, when such entry shall be made summarily by Lessor. Lessor shall be the sole and exclusive judge as to what constitutes immediate peril and hazard to the Capitola Wharf.

10. Destruction of Premises. Section 21, Destruction of Premises, is hereby amended as follows:

Destruction of Premises.

(a) In the event of a partial destruction of the Capitola Wharf structure of which the demised Premises are a part, excluding any building thereon, during the said Term of this Lease, from any cause, Lessor shall forthwith repair the same provided Lessor determines that such repairs are covered by insurance proceeds from policies then in place and can be made within thirty (30) calendar days under the laws and regulations of State, Federal, County, and/or Municipal authorities, but said partial destruction shall in no way annul or void this Lease, except that Lessee shall be entitled (as Lessee's sole and exclusive remedy) to a proportionate reduction of rent while such repairs are being made, such proportionate reduction to be based upon the extent to which the making of such repairs shall interfere with the business carried on by Lessee on the said premises. If Lessor determines that such repairs are not covered by insurance proceeds and/or cannot be made within thirty (30) days, Lessor may, at its sole and absolute option (without any obligation to do so), make same within a within a reasonable time, this Lease continuing

in full force and effect and the rent to be proportionately abated as aforesaid in this paragraph provided. In the event that Lessor does not so elect to make such repairs which Lessor determines are not covered by insurance proceeds and/or cannot be made within thirty (30) days, or such repairs cannot be made under applicable laws and regulations of State, Federal, County, and/or Municipal authorities, this Lease may be terminated at the option of either party.

(b) The provisions of Section 1932, Subdivision 2, and Section 1933, Subdivision 4, of the Civil Code of the State of California (and any successor statutes) are inapplicable with respect to any destruction of the Premises, such sections providing that a lease terminates upon the destruction of the leased premises unless otherwise agreed between the parties to the contrary. In respect to any ~~partial~~ destruction of the Premises (including, but not limited to, any partial destruction which Lessor is obligated to repair or may elect to repair under the terms of this Section, the provisions of Section 1932, Subdivision 2, and Section 1933, Subdivision 4, of the Civil Code of the State of California (and any successor statutes) are waived by Lessee.

(c) Lessee shall immediately notify Lessor in writing upon the occurrence of any damage or destruction that may occur on or to the Premises. In the event of a destruction of or damage to the Premises or a building which is a part of the leased Premises, to the extent of less than fifty percent (50%) of the replacement cost thereof, during the said Term, from any cause, Lessee shall to the extent of applicable insurance proceeds, forthwith repair, restore and rebuild the same, but said partial destruction and/or damage shall in no way annul or void this Lease, except as hereinafter provided. Lessee, at Lessee's sole cost and expense, shall commence such repair and restoration work as soon as is reasonable under the circumstances and continue thereafter diligently and without interruption thereof to complete said repair and restoration work. The repairs required hereby shall be such as to restore the Premises and/or building to substantially the same condition as immediately preceding said partial destruction and/or damage.

(d) In the event that the Premises and/or building on the demised Premises be destroyed or damaged to the extent of more than fifty percent (50%) of the replacement cost thereof, Lessor may elect to terminate this Lease.

...

(f) If a qualified expert's written report made after May 11, 2016 reasonably concludes that the condition of the pilings is such that the immediate cost of rendering the Capitola Wharf safe for the uses contemplated by this agreement is in excess of \$300,000, and Lessor makes and institutes a decision not to make such repairs (with adequate notice to Lessee and public hearing on the report), then Lessor may terminate this Lease upon ninety (90) days written notice to Lessee, from date of formal City Council action being entered. "Immediate cost", as used in this sub-paragraph, means the amounts a qualified expert reasonably opines must be spent in 18 months

Attachment: Wharf Lease Second Amendment (1414 : Wharf House Lease)

following the issuance of his/her report in order for the Wharf to be safe for the uses contemplated by this Lease.

(g) Unless this Lease has been terminated pursuant to the provisions hereof, Lessee's obligation to make payments of rent and to perform all its covenants and conditions shall not be affected by any damage or destruction of the Premises by any cause whatsoever (other than the sole negligence or willful misconduct of Lessor), and Lessee hereby waives the provisions of any statute or law now or hereafter in effect contrary to such obligations of Lessee as herein set forth, or which relieves Lessee therefrom. Lessee expressly waives any right it may have, in law or equity, to offset any cost incurred by Lessee for repairs or restoration to the Premises against Lessee's obligations to pay rent and other amounts under this Lease.

(h) Notwithstanding any other provision of this Lease, upon any event of damage or destruction to the Premises, Lessee shall at its sole cost and expense promptly take such actions and undertake and complete such work as is necessary to assure the safe condition of the Premises pending the ultimate disposition.

11. Section Headings. The section headings contained in this 2nd Amendment are for convenience only and shall in no manner be construed as part of this 2nd Amendment.

12. Not Retroactive. Except as expressly stated otherwise in this 2nd Amendment, this 2nd Amendment shall be deemed to be effective as of May 11, 2016 and shall not be construed to be retroactive and shall have no effect on the terms and conditions of the Lease prior to May 11, 2016.

13. Ratification of Lease. Except as modified in this 2nd Amendment, all of the terms, conditions, covenants, provisions, representations and warranties contained in the Lease shall remain in full force and effect and are hereby ratified, confirmed, reaffirmed and republished in all respects and the Lease is deemed modified to reflect the changes set forth in this 2nd Amendment. If the provisions of this 2nd Amendment and the provisions of the Lease, previously amended shall conflict, then the provisions of this 2nd Amendment shall control.

14. Counterparts. This 2nd Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

15. Authority. The individuals executing this 2nd Amendment on behalf of the Parties hereby warrant that they have the requisite authority to execute this 2nd Amendment on behalf of the respective Parties and that the respective Parties have agreed to be and are bound hereby.

IN WITNESS WHEREOF, the Parties have executed, delivered and intend this 2nd Amendment as of the date set forth above.

By: Willie Case

Date: _____

CITY OF CAPITOLA

By: Jamie Goldstein, City Manager

Date: _____

Approved as to Form:

Anthony Condotti, City Attorney

Date: _____

Attachment: Wharf Lease Second Amendment (1414 : Wharf House Lease)

**ATTACHMENT 1
INSURANCE**

INSURANCE LIABILITY LIMITS:

- 1. Workers' Compensation & Employer Liability

Workers' Compensation Limits - Statutory as required by applicable State Law

Employers Liability Limits

\$1,000,000 Each Accident
\$1,000,000 Disease - Policy Limit
\$1,000,000 Disease - Each Employee

The insurer shall agree to waive all rights of subrogation against Lessor, its City Council members, boards, commissions, officers, officials, employees, agents and volunteers arising from Lessee’s occupancy and/or use of the Premises.

- 2. “All Risk” Property Insurance against loss or damage to the Premises and any Lessee improvements or betterments resulting from fire, windstorm, hail, lightning, vandalism, malicious mischief, and such other perils ordinarily included in extended coverage casualty insurance policies. Such insurance shall be maintained in an amount not less than one hundred percent (100%) of the full replacement value of the Premises and any Lessee improvements and betterments. Such property insurance shall name the Lessor as a loss payee as its interest may appear.

- 3. Commercial General Liability (Occurrence Form Only) Limits

\$3,000,000 Each Occurrence /\$3,000,000 Aggregate
\$3,000,000 Personal Injury Liability
\$3,000,000 Aggregate for Products-Completed Operations

Including products, completed operations, contractual liability, broad form property damage to include injury to or destruction of Lessor’s property, coverage for explosion, collapse and underground damages, and limited pollution liability endorsement.

- 4. Automobile Liability Limits

\$2,000,000 Combined Single Limit Each Occurrence Bodily Injury and Property Damage
Including Owned, Non-owned, and Hired Vehicles

Attachment: Wharf Lease Second Amendment (1414 : Wharf House Lease)

The policy shall be endorsed to include Motor Carrier Act endorsement – Hazardous Materials Cleanup (MCS-90).

5. Environmental Impairment Liability/Pollution Liability Insurance Limits

\$2,000,000 Per Occurrence/\$2,000,000 in the aggregate

Covering losses caused by pollution conditions that arise from the operations of the Lessee to apply to bodily injury, property damage, including loss of use of damaged property or of property that has been physically injured, cleanup costs, and defense.

Endorsed to name Lessor, its City Council members, boards, commissions, officers, officials, employees, agents and volunteers as additional insureds

The additional insured endorsement required under the Lease shall be written utilizing standard ISO form CG 20 10 04 13 in combination with ISO form CG 20 37 04 13, or the equivalent, as determined by Lessor, and the endorsement required under the Lease for primary and non-contributory coverage shall be written utilizing standard ISO form CG 20 01 04 13. There shall be no modification or change from the standard ISO form language.