



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, MAY 26, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION

5:30 P.M.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

Elected Officials

*Dennis Norton, Mayor
Michael Termini, Vice Mayor
Stephanie Harlan, Council Member
Kirby Nicol, Council Member
Sam Storey, Council Member

Jacques Bertrand, City Treasurer*

City Staff Members

*Jamie Goldstein, City Manager
John G. Barisone, City Attorney
Pamela Greeninger, City Clerk
Mike Card, Chief of Police
Derek Johnson,
Community Development Director
Steven Jesberg, Public Works Director*

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

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

Agenda Document Review: The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council/Redevelopment Agency meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website at www.ci.capitola.ca.us by clicking on the Home Page link "View Capitola Meeting Live On-Line." Archived meetings can be viewed from the website at anytime.

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



AGENDA

Regular Joint Meeting of the CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY Thursday, May 26, 2011

5:30 P.M - CLOSED SESSION - CITY MANAGER'S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council/Redevelopment Agency Directors on closed session items only.

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

Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park) [Superior Court of the State of California for County of Santa Cruz, Case #CV 167716]

Surf and Sand, LLC vs. City of Capitola, et al. (Surf & Sand Mobile Home Park) [U.S. District Court N.D., Case No. C09-05542 RS (Judge Richard Seeborg)]

Los Altos/El Granada Investors vs. City of Capitola, et al. (Castle Mobile Estates) [U.S. District Court N.D., Case No. CV 04-05138 JF (Judge Jeremy Fogel)]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: One Case: Vieira Enterprises, Inc. vs. City of Capitola (Cabrillo Mobile Estates)

The City is in receipt of a December 30, 2010, Fair Return rent increase application for Cabrillo Mobile Home Park, which claims that if it is not granted in its entirety, the City will be liable for the unconstitutional taking of Mr. Vieira's property and further claims that the City's past enforcement of its rent control ordinance has already functioned to effect such a taking.

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9: One Case.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: City Manager and City Attorney

LIABILITY CLAIMS (Govt. Code §54956.95)

Claimant: Veronica Shepardson

Claimant: Tracey Conklin

Claimant: Jeanne Roddy

Claimant: Barbara & Mark Vasko

Claimant: Kathleen S. Sullivan

Claimant: Sidney C. Jackson

Claimant: Larry, Amber & Natalie Machado

Claimant: Larry Machado, Carol Lerno, Marlene Cooper, Nancy Petersen

Claimant: William & Lee Ann Gilbert

Claimant: Alan & Donna Fontaine

Agency claimed against: City of Capitola

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*** * * PRESENTATIONS * * ***

Recognition of Public Works Department Employees
for their Exemplary Service during the March Floods:

Ed Morrison, Eddie Ray Garcia,
Albert De La Torre, Frank DeFalco, Lance Elliot, Matt Kotila,
David Nakamoto, Cary Oyama, Mark Sessions, and Chris Tryde

Presentation by Paul Michel, Superintendent
of the Monterey Bay National Marine Sanctuary

Presentation by Erich Friedrich, Transportation Planner
for Santa Cruz METRO, regarding Service Reductions

1. REPORT ON CLOSED SESSION

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Staff Comments

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

E. Committee Appointments

Council Members/RDA Directors/Committee Representatives may present oral updates from standing committees at this time. Committee appointments may also be made by the City Council/Redevelopment Agency at this time.

- 1) Appointment of Alternates to the General Plan Advisory Committee (GPAC). Staff recommendation: Council Members Harlan and Nicol to make appointments.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated May 6 and May 13, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Reports dated May 6 and May 13, 2011.

3. CONSENT CALENDAR

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

- A. Approve Reading by Title of all Ordinances and Resolutions and declare that said Titles which appear on the Public Agenda shall be determined to have been read by Title and Further Reading Waived.
- B. City/RDA: Approve City Council/Redevelopment Agency Minutes – None
- C. Award contract to Overland Pacific & Cutler to prepare a Relocation Impact Report and Relocation Plan for Pacific Cove Mobile Home Park in an amount not to exceed \$20,000.
- D. Accept update report on the Rispin Property Hazard Abatement Project, adopt proposed resolution amending the FY 2010/11 Budget and, by 4/5 vote approval, make the determination that all hazards at the Rispin Property have not been eliminated and there is need to continue action.
- E. Confirmation of the City's Investment Policy, Administrative Policy Number III-1.

3. CONSENT CALENDAR - Continued

- F. Deny the following liability claims and direct staff to forward the claims to the City's liability insurance carrier:
- 1) Veronica Shepardson, et al: an undetermined amount
 - 2) Tracey Conklin: an undetermined amount
 - 3) Jeanne Roddy: \$9,500
 - 4) Barbara & Mark Vasko: an undetermined amount
 - 5) Kathleen S. Sullivan: an undetermined amount
 - 6) Sidney C. Jackson: \$880
 - 7) Larry Machado, et al: \$35,277
 - 8) Larry Machado, et al: \$10,000
 - 9) William & Lee Ann Gilbert: \$50,000
 - 10) Alan & Donna Fontaine: \$12,000
- G. Approve increase in Public Works Department crew allocation of Personal Holiday time by eight hours per person for their exemplary service to the City during the March floods.
- H. Adopt Resolution of Intention to Levy Business Improvement Assessments for FY 2011-2012, which receives the Capitola Village and Wharf Business Improvement Area Annual Report and the proposed FY 2011-2012 Budget, sets a public hearing to receive oral or written protests on the levy of assessments for FY 2011-2012 for Thursday, June 9, 2011, after the hour of 7 p.m., and directs required noticing of the public hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area.
- I. Approve request by the Capitola Junior Lifeguard Parents Club for a Special Event Permit, Entertainment Permit, Encroachment Permit, and Bandstand Rental for the 2nd Annual Tola Fest Celebration for the Capitola Junior Guards on Friday, July 8, 2011, from 10:00 am to 8:00 pm, at Capitola Beach and the Bandstand, and request for a Grant for all Permit Fees and Bandstand Rental, in the amount of \$772.00.
- J. Approve request by Chris Harmount for a Minor Special Event Permit, Entertainment Permit, and Encroachment Permit for a Block Party on Jewel Street between 45th Avenue and 47th Avenue, on Monday, July 4, 2011, from 3 to 7 p.m., and request for a grant for liability insurance and permit fees in the amount of \$172.00.

3. CONSENT CALENDAR - Continued

- K. Adopt Resolution authorizing the City Manager to execute an amendment to the Standard Agreement with the HOME Investment Partnership Program for the Bay Avenue Senior Apartments Project to increase the grant to an amount not to exceed \$3,200,000.

4. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is followed for each Public Hearing listed: 1) Staff Explanation; 2) Public Discussion; 3) Council Comments; 4) Close public portion of the Hearing; 5) City Council discussion; and 6) Decision.

NOTE: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes "final." Please be advised that in most instances the decision become "final" upon the City Council's announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

- A. Public Hearing on Project Application #11-028, 201 Esplanade, to consider appeal of Planning Commission denial for an amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District [APN 035-211-05]. Property Owner: J. Xavier Sanchez. Representative: Amjad Al Asud. Presentation: Community Development Department.

5. OTHER BUSINESS

- A. Ordinance amending various sections of the Capitola Municipal Code pertaining to Municipal Code Enforcement [1st Reading]. Staff recommendation: adopt ordinance.

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

6. COUNCIL/RDA DIRECTOR/STAFF COMMUNICATIONS

7. ADJOURNMENT

Adjourn to a Special Joint Budget Study Session of the City Council/ Redevelopment Agency to be held on **Thursday**, June 2, 2011, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: FINANCE DEPARTMENT
 DATE: May 18, 2011
 SUBJECT: APPROVAL OF CITY CHECK REGISTER REPORTS

Recommended Action: By motion and roll call vote, that the City Council approve the attached Check Register Reports for May 6 and May 13, 2011.

DISCUSSION

The attached Check Registers for:

Date	Starting Check #	Ending Check #	Total Checks	Amount
5/6/11	66209	66261	53	\$51,246.05
5/13/11	66262	66322	61	\$99,073.48
5/6/11 Payroll				\$177,142.76
Total				\$327,462.29

The check register of 4/29/11 ended with check #66208.

Wires issued, and a brief description of the expenditure:

Date	Issued to:	Dept.	Purpose	Amount
5/13/11	PERS Payment	CM	CALPERS - Payroll Contr. for 5/6/11 payroll	\$45,422.05

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

Check	Issued to:	Dept.	Purpose	Amount
66212	Atchison, Barisone & Condotti	CM	Mar2011 Legal Services	\$11,130.00
66266	Atchison, Barisone & Condotti	CM	Mar2011 Addt'l Legal Services	\$10,996.91
66290	New World Systems	IT	Annual Maint Contract, Finance System	\$12,780.00
66294	Phil Allegri Electric Inc.	PW	Temp Power, PD	\$11,374.09

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

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

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

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

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

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

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

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

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

- Triple flip delay of Sales Tax from monthly to December and April (~\$500,000/2x year)
- Worker's Compensation premiums are paid annually in July (\$473,220)
- Self Insurance/Liability is an annual payment due in July (\$52,270)
- Police Communication JPA annual payment (\$459,500), paid quarterly

As of 5/18/11 the total cash available is \$3,796,689.52. The General Operating Fund has a cash balance of \$1,164,743.29. Internal Service Funds (#2210 through #2214) were created for City budget purposes and are reclassified for financial reporting into the General Fund. The Compensated Absences Fund (#2216) has a positive cash balance of \$139,996.01. The Capital Improvement Projects has a positive cash balance of \$1,419,936.70. By Council direction the Emergency Reserves Fund (#1020) may not participate in cash loans. The Emergency Reserves Fund has a fund balance of \$627,083.

For cash flow purposes these funds are available to the General Fund. A consolidation of these cash balances results in a cash position of \$3,796,689.52.

The following table shows the funds that are consolidated:

CASH POSITION - CITY OF CAPITOLA 5/18/11

	<u>Net Balance</u>
General Fund	1,164,743
Worker's Comp. Ins. Fund	56,529
Self Insurance Liability Fund	255,304
Stores Fund	14,268
Information Technology Fund	157,213
Equipment Replacement	307,538
Compensated Absences Fund	139,996
Contingency Reserve Fund	-
Public Employee Retirement - PERS	280,905
Open Space Fund	256
Capital Improvement Projects	1,419,937
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	3,796,690

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

To resolve this cash flow issue, in July of this fiscal year a \$1,247,152 loan from Contingency Reserve was transferred to the General Fund. The Contingency Reserve was established to “provide a prudent level of financial resources to protect against temporary revenue shortfalls or unanticipated operating costs, and/or to meet short-term cash flow requirements.”

Although it is anticipated the Contingency Reserve loan will be sufficient to provide operational cash in the General Fund, in some fiscal years the General Fund may borrow additional funds from Internal Service Funds, particularly in November and December prior to the receipt of Property Tax revenue.

It is anticipated the Contingency Reserve loan to General Fund will be repaid by June 30, 2011.

ATTACHMENTS

Check Registers for May 6 and May 13, 2011.

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

**Reviewed and Forwarded
by City Manager:**

Checks dated 5/6/11 numbered 66209 to 66261 for a total of \$51,246.05 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 5/6/11 the unaudited cash balance is \$3,907,959

CASH POSITION - CITY OF CAPITOLA 5/6/11

	<u>Net Balance</u>
General Fund	1,393,170
Worker's Comp. Ins. Fund	56,529
Self Insurance Liability Fund	255,304
Stores Fund	14,675
Information Technology Fund	172,520
Equipment Replacement	307,538
Compensated Absences Fund	139,996
Contingency Reserve Fund	-
Public Employee Retirement - PERS	147,290
Open Space Fund	256
Capital Improvement Projects	1,420,682
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>3,907,959</u></u>

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It is anticipated the Contingency Reserve loan to General Fund will be repaid by June 30, 2011.



 Jamie Goldstein, City Manager

5/06/11

 Date

 Jacques J.J. Bertrand, City Treasurer

 Date

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66209	05/06/2011 Invoice CV-322211	Open	Date 02/22/2011	Description Update BIA Brochure, BIA Funded Fund 1321	57 DESIGN INC.	\$100.00
66210	05/06/2011 Invoice 24762	Open	Date 04/20/2011	Description Windshield Ford F350	ABSOLUTE AUTO GLASS INC.	\$295.00
66211	05/06/2011 Invoice 311185 311371	Open	Date 04/26/2011 04/28/2011	Description Landscape Supplies, Cortez Park Fines	APTOS LANDSCAPE SUPPLY, INC.	\$142.90
66212	05/06/2011 Invoice 1040-001Mar11	Open	Date 03/31/2011	Description Mar 2011 Legal Services	ATCHISON, BARISONE, & CONDOTTI	\$11,130.00
66213	05/06/2011 Invoice 239877 240426	Open	Date 04/21/2011 04/28/2011	Description Filler cap Tank vent	B & B SMALL ENGINE REPAIR	\$19.90
66214	05/06/2011 Invoice 2011-00000688	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	BEYERS, FRED, C	\$33.00
66215	05/06/2011 Invoice 2947665 2947766	Open	Date 04/11/2011 04/12/2011	Description Wood-Wharf Wood-Wharf Fund 1311, Wharf	BIG CREEK LUMBER	\$117.50
66216	05/06/2011 Invoice 2011-00000687	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	BUMGARNER, ERIC, D	\$54.00
66217	05/06/2011 Invoice 1509	Open	Date 04/20/2011	Description Banners, Shop Capitola	CADILLAC DESIGNS	\$333.56
66218	05/06/2011 Invoice 16522	Open	Date 04/08/2011	Description Signs - electric vehicle	CAL TRAFFIC	\$144.14
66219	05/06/2011 Invoice CLEA-May2011	Open	Date 04/19/2011	Description Long Term Disability Ins-PD	CALIFORNIA LAW ENFORCEMENT AS	\$331.50
66220	05/06/2011 Invoice POA5-6-11	Open	Date 05/04/2011	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOCI.	\$683.98

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66221	05/06/2011 Invoice 8211	Open	Date 03/31/2011	Description March Cleaning Services, all sites Fund 1311, Wharf = \$145	CLEAN BUILDING MAINTENANCE	\$3,542.00
66222	05/06/2011 Invoice 11140	Open	Date 04/13/2011	Description Office Furniture, Morrison Fund 2210, Stores	CUBE SOLUTIONS	\$628.53
66223	05/06/2011 Invoice 9377433	Open	Date 04/23/2011	Description Copier Contract, PD	DE LAGE LANDEN FINANCIAL SERVIC	\$337.16
66224	05/06/2011 Invoice ABB7199-2011	Open	Date 05/02/2011	Description Manufactured Home Registration Renewal	DEPARTMENT OF HOUSING AND COM	\$32.00
66225	05/06/2011 Invoice 306016	Open	Date 04/20/2011	Description Wharf ramp Fund 1311, Wharf	DOGHERRA'S INC.	\$385.00
66226	05/06/2011 Invoice 3109198	Open	Date 04/20/2011	Description Landscape Supplies	EWING IRRIGATION	\$41.94
66227	05/06/2011 Invoice 7-462-84314	Open	Date 04/25/2011	Description Shipping, City hall Fund 1313, GenPlan=\$41.59 Fund 1372, HousingTrust=\$32.04	FEDERAL EXPRESS	\$122.52
66228	05/06/2011 Invoice 2197592 CM232771	Open	Date 04/26/2011 04/26/2011	Description Acorn valves - Aqua green Return Drum Assy	FERGUSON ENTERPRISES, INC.	\$305.76
66229	05/06/2011 Invoice 17420	Open	Date 04/12/2011	Description Ben Irao Shirts and pants	GALLI UNIFORM COMPANY	\$372.32
66230	05/06/2011 Invoice 631134 631862	Open	Date 04/09/2011 04/09/2011	Description Riverview pathway - flood Granitepatch	GRANITE ROCK COMPANY	\$715.31
66231	05/06/2011 Invoice 56288	Open	Date 04/13/2011	Description Pump Lawn Way well - flood	GREEN LINE	\$1,069.00
66232	05/06/2011 Invoice 04/18-04/22/11	Open	Date 05/02/2011	Description FY 10/11 In-House Mechanic	HOWARD, CHARLIE	\$720.00

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66233	05/06/2011	Open			ICMA RETIREMENT TRUST 457	\$6,054.01
	Invoice		Date	Description		Amount
	ICMA5-6-11		05/04/2011	Retirement Plan Contribution, Employee F		\$6,054.01
66234	05/06/2011	Open			JIM CLARK BACKFLOW	\$650.68
	Invoice		Date	Description		Amount
	4711		04/07/2011	Annual Backflow testing		\$650.68
66235	05/06/2011	Open			LAMBERT & SON MOVING	\$2,996.00
	Invoice		Date	Description		Amount
	20110328		03/28/2011	Storage Expense, Flood		\$2,996.00
66236	05/06/2011	Open			LLOYD'S TIRE SERVICE INC.	\$25.00
	Invoice		Date	Description		Amount
	206735		04/12/2011	PD 041 tire repair		\$25.00
66237	05/06/2011	Open			MARTIN, BRIAN, K.	\$455.17
	Invoice		Date	Description		Amount
	4/2011		05/02/2011	April 2011 Grant Management, PD Fund 1300, SLESF		\$455.17
66238	05/06/2011	Open			MID-COUNTY AUTO SUPPLY	\$807.96
	Invoice		Date	Description		Amount
	258383		04/13/2011	PD Mazda parts		\$14.09
	258400		04/13/2011	PD F-350 parts		\$82.98
	258513		04/14/2011	PD871 parts		\$74.26
	258592		04/14/2011	PD871 parts		\$39.23
	258543		04/14/2011	auto parts		\$34.79
	257864		04/08/2011	auto parts		\$97.11
	258129		04/11/2011	PD072		\$11.48
	259587		04/22/2011	Auto Parts		\$11.29
	259393		04/21/2011	Auto Parts		\$118.67
	258943		04/18/2011	Auto Parts		\$15.87
	258863		04/18/2011	Auto Parts		\$45.56
	259087		04/19/2011	Auto Parts		\$148.29
	258666		04/15/2011	Auto Parts		\$43.54
	259056		04/19/2011	Auto Parts		\$64.46
	259052		04/19/2011	Auto Parts		\$6.34

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66239	05/06/2011	Open			ORCHARD SUPPLY HARDWARE	\$978.01
	Invoice		Date	Description		Amount
	6005-106604		04/13/2011	Rake		\$17.47
	6014-1215005		04/14/2011	Drill & Saws 4-pac		\$491.61
	6014-4765843		04/18/2011	Rope-Fund 1311, Wharf		\$43.68
	6005-9287904		04/19/2011	More Rope-Fund 1311, Wharf		\$52.40
	6007-30910		04/22/2011	Rivets		\$26.83
	6005-108921		04/25/2011	Sign supplies		\$39.28
	6011-9879201		04/27/2011	Misc. safety		\$106.43
	6009-3521516		04/27/2011	Floating dock materials-Fund 1311, Wharf		\$73.96
	6013-1232077		04/22/2011	Parts-mower trailer		\$18.64
	6013-2271902		04/21/2011	Sweeper parts-Fund 1310, Gas Tax		\$23.47
	6011-4797622		04/20/2011	PD 871 F-350		\$17.90
	6005-103204		03/28/2011	Spotlight, Flood Response		\$40.41
	3302011		03/30/2011	Signs - flood		\$7.16
	4052011		04/05/2011	Pipe - flood		\$18.77
66240	05/06/2011	Open			PALACE ART & OFFICE SUPPLIES	\$185.84
	Invoice		Date	Description		Amount
	901293		04/15/2011	paper-PD		\$46.87
	8614837		04/19/2011	Office supplies		\$10.91
	901551		04/19/2011	Office supplies-PD		\$21.74
	C899814		04/13/2011	Return Office Supplies, PD		(\$316.44)
	901329		04/18/2011	Office Supplies, City Hall		\$234.34
	901318		04/18/2011	Office Supplies, City Hall		\$12.86
	901701		04/19/2011	Office Supplies, City hall		\$10.75
	902114		04/21/2011	Office Supplies, City Hall		\$51.44
	902115		04/21/2011	Office Supplies, City Hall		\$9.35
	902073		04/21/2011	Office Supplies, City Hall		\$17.25
	C-899189-1		04/27/2011	Return Office Supplies-PD		(\$20.46)
	902268		04/22/2011	Office Supplies, City Hall		\$7.94
	C-902268		04/27/2011	Return Office Supplies, City Hall		(\$7.94)
	902482		04/25/2011	Office Supplies		\$4.36
	902240		04/22/2011	Binders, General Plan Docs-Fund 1313 Fund 2210, Stores=\$335.99		\$102.87
66241	05/06/2011	Open			PAPE MACHINERY	\$1,831.72
	Invoice		Date	Description		Amount
	1750136		04/28/2011	Parts-John Deere loader		\$1,831.72
66242	05/06/2011	Open			PERFORMANCE PAINTING CO.	\$1,240.00
	Invoice		Date	Description		Amount
	34964		04/30/2011	Wharf painting-Fund 1311, Wharf		\$1,240.00
66243	05/06/2011	Open			PITNEY BOWES INC.	\$2,019.99
	Invoice		Date	Description		Amount
	13879911-Apr11		04/19/2011	Postage Refill, City Hall Fund 2210, Stores		\$2,019.99
66244	05/06/2011	Open			ProBUILD COMPANY LLC	\$2,218.84
	Invoice		Date	Description		Amount
	5503169		03/26/2011	Sandbags - flood response		\$67.69
	5176625		04/11/2011	Bait shop doors-Fund 1311, Wharf		\$2,151.15

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66245	05/06/2011 Invoice 2011-00000689	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	QUARTARARO, ROD, V.	\$33.00 \$33.00
66246	05/06/2011 Invoice 2011-00000690	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	REED, DANIEL, H.	\$99.00 \$99.00
66247	05/06/2011 Invoice RI-108685 RI-108686	Open	Date 04/12/2011 04/12/2011	Description Traffic Signal Maintenance Traffic Signal Maintenance Fund 1310, Gas Tax	REPUBLIC ITS INC.	\$1,699.41 Amount \$698.24 \$1,001.17
66248	05/06/2011 Invoice 2011-00000686	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	RODGERS, PETER, A	\$88.00 \$88.00
66249	05/06/2011 Invoice 7719-548983	Open	Date 04/13/2011	Description Electrical supplies	ROYAL WHOLESALE ELECTRIC	\$33.87 Amount \$33.87
66250	05/06/2011 Invoice 4292011A 4292011B	Open	Date 04/29/2011 04/29/2011	Description Wharf House repairs Siding repairs Fund 1311, Wharf	SMITH, BRET	\$2,661.27 Amount \$731.63 \$1,929.64
66251	05/06/2011 Invoice 297451	Open	Date 04/26/2011	Description Landscape Supplies	SOQUEL NURSERY GROWERS, INC.	\$148.83 Amount \$148.83
66252	05/06/2011 Invoice 40713	Open	Date 04/11/2011	Description Flashlight - Ryan	SUMMIT UNIFORM CORP	\$162.78 Amount \$162.78
66253	05/06/2011 Invoice Staples-4-11	Open	Date 04/26/2011	Description Reimb Museum Display expense	SWIFT, CAROLYN	\$119.99 Amount \$119.99
66254	05/06/2011 Invoice 5361432-7	Open	Date 05/01/2011	Description Employee Life & Disability Ins, May 2011	THE HARTFORD -PRIORITY ACCOUNT	\$1,868.01 Amount \$1,868.01
66255	05/06/2011 Invoice 2011-00000691	Open	Date 05/02/2011	Description Sports Officials April 23 to April 30 2011	THILL, WENDY	\$80.00 Amount \$80.00
66256	05/06/2011 Invoice CNIN004235	Open	Date 03/31/2011	Description Copier Exp-Fund 2210, Stores	TRI-COUNTY BUSINESS SYSTEMS INC	\$1,048.03 Amount \$1,048.03

City of Capitola
City Checks Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66257	05/06/2011	Open			UNION BANK OF CALIFORNIA	\$387.12
	Invoice		Date	Description		Amount
	PARS5-6-11		05/04/2011	PARS Contribution, employee funded		\$387.12
66258	05/06/2011	Open			WESTERN ALLIED MECHANICAL INC.	\$435.00
	Invoice		Date	Description		Amount
	58845		04/28/2011	HVAC-Library		\$435.00
66259	05/06/2011	Open			WHEELER, MARK, S	\$150.00
	Invoice		Date	Description		Amount
	20110426		04/26/2011	Building Code Course, Wheeler		\$150.00
66260	05/06/2011	Open			WILEY, PRICE & RADULOVICH, LLP	\$611.50
	Invoice		Date	Description		Amount
	20008		03/31/2011	Legal Services, March 2011		\$611.50
66261	05/06/2011	Open			Farmer, Janice	\$500.00
	Invoice		Date	Description		Amount
	2011-00000685		05/02/2011	Tree Permit #11-047 Deposit Refund		\$500.00
Check Totals:				Count	53	Total \$51,246.05

Checks dated 5/13/11 numbered 66262 to 66322 for a total of \$99,073.48 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 5/13/11 the unaudited cash balance is \$3,821,026

CASH POSITION - CITY OF CAPITOLA 5/13/11

	<u>Net Balance</u>
General Fund	1,182,268
Worker's Comp. Ins. Fund	56,529
Self Insurance Liability Fund	255,304
Stores Fund	14,268
Information Technology Fund	157,213
Equipment Replacement	307,538
Compensated Absences Fund	139,996
Contingency Reserve Fund	-
Public Employee Retirement - PERS	287,717
Open Space Fund	256
Capital Improvement Projects	1,419,937
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>3,821,026</u></u>

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

To resolve this cash flow issue, in July of this fiscal year a \$1,247,152 loan from Contingency Reserve was transferred to the General Fund. The Contingency Reserve was established to "provide a prudent level of financial resources to protect against temporary revenue shortfalls or unanticipated operating costs, and/or to meet short-term cash flow requirements."

Although it is anticipated the Contingency Reserve loan will be sufficient to provide operational cash in the General Fund, in some fiscal years the General Fund may borrow additional funds from Internal Service Funds, particularly in November and December prior to the receipt of Property Tax revenue.

It is anticipated the Contingency Reserve loan to General Fund will be repaid by June 30, 2011.



 Jamie Goldstein, City Manager

5/13/11

 Date

 Jacques J.J. Bertrand, City Treasurer

 Date

City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66262	05/13/2011 Invoice 04/2011	Open	Date 04/11/2011	Description Post Storm Clean-Up	A-1 Sweeping Service	\$1,960.00
66263	05/13/2011 Invoice DWR09-034798	Open	Date 05/02/2011	Description Apr2011 Health Ins, Employee Funded	AFLAC	\$681.04
66264	05/13/2011 Invoice 0411805A	Open	Date 04/30/2011	Description 2010-2011 CDBG PTA Grant Application Fund 1313, Gen Plan Update	APPLIED DEVELOPMENT ECONOMICS	\$1,062.50
66265	05/13/2011 Invoice 2290442	Open	Date 04/13/2011	Description Telephone Service, All Sites Fund 2211, IT=\$283.13	AT&T/CALNET 2	\$1,889.42
66266	05/13/2011 Invoice 1040E-Mar11	Open	Date 05/06/2011	Description Legal Services, March 2011	ATCHISON, BARISONE, & CONDOTTI	\$10,996.91
66267	05/13/2011 Invoice 240800	Open	Date 05/02/2011	Description Large chain saw - Stihl MS440	B & B SMALL ENGINE REPAIR	\$562.56
66268	05/13/2011 Invoice 522011A 522011B	Open	Date 05/02/2011 05/02/2011	Description Roof repair-NB Gym Roof repair-City Hall	BARBIC ROOFING-MATT ROSSO	\$1,210.00
66269	05/13/2011 Invoice 1827135	Open	Date 04/21/2011	Description Museum Display Expense	BAY PHOTO LAB	\$10.11
66270	05/13/2011 Invoice 02-1840	Open	Date 05/09/2011	Description Rispin Mansion Hazard Elimination Project Fund 1200, CIP	BIOTIC RESOURCES GROUP	\$745.00
66271	05/13/2011 Invoice 17813	Open	Date 05/11/2011	Description Recreation Brochure Production & Distribu	CASEY PRINTING	\$4,958.30
66272	05/13/2011 Invoice 47239735	Open	Date 04/28/2011	Description Apr & May Internet Services Fund 2211, IT	COVAD COMMUNICATIONS	\$1,287.72
66273	05/13/2011 Invoice 2989-112	Open	Date 04/24/2011	Description Quarterly Internet services-Rec	CRUZIO THE INTERNET STORE INC.	\$65.70

City of Capitola
City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66274	05/13/2011 Invoice 4481	Open	Date 04/15/2011	Description Misc Supplies-PD	CVS PHARMACY INC.	\$67.26
66275	05/13/2011 Invoice 291758	Open	Date 04/18/2011	Description Mar2011 Legal Services, El Granada	ENDEMAN, LINCOLN, TUREK & HEATE	\$5,888.90
66276	05/13/2011 Invoice May 2011	Open	Date 04/27/2011	Description Evidence storage-PD	EXTRA SPACE STORAGE OF SC INC	\$262.00
66277	05/13/2011 Invoice 166566	Open	Date 04/29/2011	Description Arrangement, Foster	FERRARI FLORIST & GIFTS	\$55.79
66278	05/13/2011 Invoice CBF-4-2011-2C CBF-4-2011-2D CBF-4-2011-2E CBF-4-2011-2F	Open	Date 04/30/2011 04/30/2011 04/30/2011 04/30/2011	Description 41st Avenue/Capitola Mall Re-Visioning Pl. 41st Avenue/Capitola Mall Re-Visioning Pl. Green Economy/Carbon Emissions Invent Green Economy/Carbon Emissions Invent	FLYNN, CAROLYN	\$700.00
66279	05/13/2011 Invoice 17432 17433 17437 17359 17356 17355 17436 17360 17354 17460	Open	Date 04/15/2011 04/15/2011 04/18/2011 03/23/2011 03/23/2011 03/23/2011 04/18/2011 03/23/2011 03/23/2011 04/26/2011	Description M. Gonzalez phone case Danner Goretex boots Mike Banks Uniform Items Chaplain uniform-Walsh Chaplain uniform-Howard Chaplain uniform-Rice Uniform Expense, Valdez Chaplain uniform-Tennesen Chaplain uniform-Lee Uniform Purchase, Minium	GALLI UNIFORM COMPANY	\$2,704.67
66280	05/13/2011 Invoice 04/25-04/29/11	Open	Date 05/02/2011	Description FY 10/11 In-House Mechanic	HOWARD, CHARLIE	\$710.00
66281	05/13/2011 Invoice April 2011	Open	Date 05/02/2011	Description Insurance for wedding at CommCtr	HUB INTERNATIONAL OF CA INSURAN	\$100.21
66282	05/13/2011 Invoice April 2011	Open	Date 04/18/2011	Description Uniform cleaning-PD	KING'S CLEANERS	\$704.75

City of Capitola
City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66283	05/13/2011	Open			MARCHESE, HELEN	\$360.54
	Invoice		Date	Description		Amount
	PettyCash-May11C		05/06/2011	Replenish Petty Cash Expenditures		\$360.54
66284	05/13/2011	Open			MID-COUNTY AUTO SUPPLY	\$123.20
	Invoice		Date	Description		Amount
	260280		04/29/2011	Auto Parts		\$25.61
	260266		04/29/2011	Auto Parts		\$69.08
	259824		04/25/2011	Auto Parts		\$23.93
	259927		04/26/2011	Auto Parts		\$4.58
66285	05/13/2011	Open			MISSION LINEN SUPPLY	\$717.10
	Invoice		Date	Description		Amount
	Apr2011		05/02/2011	Mat and Uniform Cleaning, April 2011, all s		\$717.10
66286	05/13/2011	Open			MONTEREY BAY SYSTEMS	\$594.22
	Invoice		Date	Description		Amount
	103743		04/19/2011	Q4 Copier maint contract		\$509.59
	103823		04/19/2011	Q3 Copier Usage Fee		\$84.63
				Fund 2210, Stores = \$406.87		
66287	05/13/2011	Open			MONTEREY MOTORCYCLES	\$341.93
	Invoice		Date	Description		Amount
	62091		04/28/2011	Repair Order 6001, Tire & Rear Brakes		\$341.93
66288	05/13/2011	Open			MONTGOMERY, DOUGLAS , H	\$249.60
	Invoice		Date	Description		Amount
	Apr4		05/10/2011	Instructor payment, Rec		\$249.60
66289	05/13/2011	Open			NELLA OIL COMPANY	\$5,568.09
	Invoice		Date	Description		Amount
	11-598727		04/22/2011	516 Gal Gas, 100 Gal Diesel		\$2,708.87
	11-600550		04/28/2011	503 Gal Gas, 140 Gal Diesel		\$2,859.22
66290	05/13/2011	Open			NEW WORLD SYSTEMS	\$12,780.00
	Invoice		Date	Description		Amount
	9117		04/15/2011	Maint Contract, Fin Sys, May11-Apr12		\$12,780.00
				Fund 2211, IT		
66291	05/13/2011	Open			ORCHARD SUPPLY HARDWARE	\$100.26
	Invoice		Date	Description		Amount
	6011-4799665		04/29/2011	John Deere loader paint project		\$6.11
	20110208		02/08/2011	Rec - Field Paint		\$16.37
	6005-4790412		05/03/2011	Field Sports Supplies		\$27.55
	6001-3033005		05/01/2011	Work pants, Lifeguards		\$50.23

City of Capitola
City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66292	05/13/2011	Open			PALACE ART & OFFICE SUPPLIES	\$331.54
	Invoice		Date	Description		Amount
	902393		04/25/2011	Office supplies-PD		\$53.06
	902208		04/22/2011	Paper-PD		\$46.87
	903430		04/29/2011	Paper-PD		\$46.87
	C-902561		04/29/2011	Returned Office Supplies		(\$3.49)
	902561		04/26/2011	Office Supplies		\$3.49
	8616960		04/25/2011	Misc Supplies, Museum		\$184.74
	903046		04/28/2011	Gen Plan Materials		\$4.87
	C903046		05/03/2011	Return Gen Plan Materials		(\$4.87)
	13956		04/29/2011	Keyboard Platform, PD		\$143.30
	C-13956		05/09/2011	Returned office supplies,PD		(\$143.30)
66293	05/13/2011	Open			PAPE MACHINERY	\$52.44
	Invoice		Date	Description		Amount
	1755720		05/03/2011	Bolts		\$52.44
66294	05/13/2011	Open			PHIL ALLEGRI ELECTRIC, INC.	\$11,374.09
	Invoice		Date	Description		Amount
	15948		05/04/2011	Temp power, conduit installation, wire & sp		\$11,374.09
66295	05/13/2011	Open			PHOENIX GROUP INFORMATION SYST	\$810.67
	Invoice		Date	Description		Amount
	32011070		04/18/2011	March 2011 Citation services		\$810.67
66296	05/13/2011	Open			PRAXAIR DISTRIBUTION INC.	\$56.19
	Invoice		Date	Description		Amount
	39421747		04/20/2011	Gases, Corp Yard		\$56.19
66297	05/13/2011	Open			RED SHIFT INTERNET SERVICES	\$230.22
	Invoice		Date	Description		Amount
	1438925		04/01/2011	Apr2011 Internet Access		\$49.94
	1438924		04/01/2011	Apr2011 Internet Access, City hall		\$65.17
	1444809		05/01/2011	May Internet Services		\$65.17
	1444810		05/01/2011	May 2011 Internet Access, PD		\$49.94
				Fund 2211, IT=\$130.34		
66298	05/13/2011	Open			ROSEMAN, LEWIS	\$2,947.24
	Invoice		Date	Description		Amount
	4152011		04/15/2011	April 2011 Parking meter service, coin coll		\$2,947.24
66299	05/13/2011	Open			SCC CONFERENCE & VISITORS COUN	\$9,985.19
	Invoice		Date	Description		Amount
	Q3 FY10/11		05/06/2011	CVC TOT, Jan-Mar 2011		\$9,985.19
66300	05/13/2011	Open			SCC INFORMATION SERVICES	\$854.99
	Invoice		Date	Description		Amount
	CY2011Q1Radio		04/18/2011	Jan-Mar2011 Radio Shop Billing		\$854.99
66301	05/13/2011	Open			SCC SHERIFF-CORRECTIONS	\$478.04
	Invoice		Date	Description		Amount
	March 2011		04/13/2011	Booking fees for March 2011		\$478.04

City of Capitola
City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66302	05/13/2011 Invoice Mar-Apr2011	Open	Date 04/25/2011	Description WATER BILLS FOR STREET MEDIANS	SANTA CRUZ MUNICIPAL UTILITIES	\$576.20
66303	05/13/2011 Invoice 313132	Open	Date 04/30/2011	Description Advertising, Jr Guard Instructors-Rec	SANTA CRUZ SENTINEL	\$128.54
66304	05/13/2011 Invoice 1948	Open	Date 05/01/2011	Description On-Call IT Coverage-Fund 2211, IT	SERVICESYS, LLC	\$825.00
66305	05/13/2011 Invoice NB-Jul20	Open	Date 04/28/2011	Description Use of New Brighton School for July CDD ' Fund 1313, Gen Plan	SOQUEL UNION ELEMENTARY SCHOC	\$141.00
66306	05/13/2011 Invoice 40861 40797 40798 40796	Open	Date 04/20/2011 04/15/2011 04/15/2011 04/15/2011	Description Body Armor-Farotte Body Armor-Evans Name tag Evans Uniforms, Kraig Evans-PD	SUMMIT UNIFORM CORP	\$2,459.22
66307	05/13/2011 Invoice 1377550	Open	Date 04/26/2011	Description Roundup	TARGET SPECIALTY PRODUCTS	\$202.57
66308	05/13/2011 Invoice AnnLic	Open	Date 05/05/2011	Description 10/11 GIS Annual License & Maintenance	The URBAN EXPLORER, Inc.	\$3,500.00
66309	05/13/2011 Invoice 13837	Open	Date 05/04/2011	Description May 2011 Admin Fee	TLC ADMINISTRATORS, INC.	\$175.00
66310	05/13/2011 Invoice May2011	Open	Date 05/01/2011	Description Dental & Vision Ins, May2011 Employee Funded	TLC ADMINISTRATORS, INC.	\$1,942.56
66311	05/13/2011 Invoice 954791171 954791181	Open	Date 04/23/2011 04/30/2011	Description Shipping-PD Shipping-PD	UNITED PARCEL SERVICE	\$44.39
66312	05/13/2011 Invoice 35700	Open	Date 05/10/2011	Description Oscar Valdez	WHEELCHAIRS OF SAN MATEO & TEC	\$1,586.35

City of Capitola
City Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
66313	05/13/2011	Open			ZUMAR INDUSTRIES INC.	\$1,386.39	
	Invoice		Date	Description		Amount	
	129764		04/18/2011	Street signs-Fund 1310, Gas Tax		\$1,338.15	
	129791		04/20/2011	Signs-Museum Parking		\$48.24	
66314	05/13/2011	Open			Arneson, Rani	\$69.00	
	Invoice		Date	Description		Amount	
	2000855-002		05/10/2011	Refund, Rec		\$69.00	
66315	05/13/2011	Open			Barrow, Michael	\$149.00	
	Invoice		Date	Description		Amount	
	2000849-002		05/02/2011	Refunds - Rec		\$149.00	
66316	05/13/2011	Open			Barwick, Angie	\$52.00	
	Invoice		Date	Description		Amount	
	2000859-002		05/10/2011	Refund, Rec		\$52.00	
66317	05/13/2011	Open			Batteries Plus	\$664.87	
	Invoice		Date	Description		Amount	
	204233		04/26/2011	Batteries for Irao		\$664.87	
66318	05/13/2011	Open			Hansen, Jane	\$47.00	
	Invoice		Date	Description		Amount	
	2000842-002		05/05/2011	Refunds 5/5/11 Capitola Recreation		\$47.00	
66319	05/13/2011	Open			LaForce, Scott	\$38.00	
	Invoice		Date	Description		Amount	
	2000831-002		05/05/2011	Refunds 5/5/11 Capitola Recreation		\$38.00	
66320	05/13/2011	Open			Melgares, Christina	\$173.00	
	Invoice		Date	Description		Amount	
	2000836-002		05/05/2011	Refunds 5/5/11 Capitola Recreation		\$173.00	
66321	05/13/2011	Open			Soenen, Jill	\$186.00	
	Invoice		Date	Description		Amount	
	2000861-002		05/10/2011	Refunds, Rec		\$186.00	
66322	05/13/2011	Open			Winans, Thomas	\$149.00	
	Invoice		Date	Description		Amount	
	2000847-002		05/02/2011	Refunds - Rec		\$149.00	
Check Totals:				Count	61	Total	\$99,073.48



CAPITOLA REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: FINANCE DEPARTMENT

DATE: May 18, 2011

SUBJECT: APPROVAL OF RDA CHECK REGISTER REPORTS

Recommended Action: By motion and roll call vote, that the RDA Board approve the Check Register Reports dated May 6 and May 13, 2011 as submitted.

DISCUSSION

The attached Check Registers for the referenced date:

Date	Starting Check #	Ending Check #	Total Checks	Amount
5/6/11	2942	2943	2	\$150,075.00
5/13/11	2944	2950	7	\$20,218.97

The prior RDA check register report of April 29, 2011 ended with check number 2941.

The following checks were issued for more than \$10,000.00:

Check	Issued to:	Dept.	Purpose	Amount
2942	SCC Auditor Controller	CM	2010/11 SERAF Payment	\$144,616.00
2946	Goldfarb & Lipman LLP	CM	Legal Services, Castle MHP	\$14,660.72

As of 5/18/11 the unaudited cash balance in the RDA account is \$3,553,176.18 allocated as follows:

RDA Operating Fund	\$2,653,594.31
RDA Low/Mod Housing Fund	\$899,581.87

ATTACHMENTS

Check Register Reports dated:
May 6 and May 13, 2011

Report Prepared By: Linda Benko
AP Clerk

Reviewed and Forwarded
By Executive Director:

City of Capitola
RDA Check Register

Check Issued 5/6/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount		
2942	05/06/2011 Invoice 10-11SERAF	Open	Date 05/03/2011	Description Capitola RDA 2010-11 SERAF Payment	Payee Name SCC AUDITOR-CONTROLLER	Amount \$144,616.00		
2943	05/06/2011 Invoice 9671	Open	Date 04/29/2011	Description Q4 FY10/11 Cultural Tourism	Payee Name SCC CONF. & VISITORS COUNCIL	Amount \$5,459.00		
Check Totals:					Count	2	Total	\$150,075.00

The above listed checks have been printed and released under the RDA Executive Director's approval. Included are checks numbered 2942 through 2943 for \$150,075.00 dated 5/6/11.

These checks has been reviewed and authorized for distribution.

The unaudited cash balance in the RDA account as of 5/6/11 is \$3,573,395.15

RDA Operating Fund	\$2,658,352.56
Low/Mod Housing Fund	\$915,042.59


 Jamie Goldstein, City Manager

5/6/11
Date


 Debbie Johnson, Treasurer – RDA

5/9/11
Date

RDA Checks Issued 5/13/2011

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
2944	05/10/2011	Open			BEST BEST & KRIEGER LLP	\$12.43
	Invoice		Date	Description		Amount
	651761		05/05/2011	Apr2011 Redevelopment prof services		\$12.43
2945	05/10/2011	Open			FLYNN, CAROLYN	\$2,150.00
	Invoice		Date	Description		Amount
	CBF-4-2011-1H		04/30/2011	Affordable Housing Plan Assist/RDA LowM		\$800.00
	CBF-4-2011-1I		04/30/2011	Grant Writing and Economic Development		\$1,350.00
2946	05/10/2011	Open			GOLDFARB & LIPMAN, LLP	\$14,660.72
	Invoice		Date	Description		Amount
	101149-a		04/20/2011	Legal Services - Castle Mobile Home Estat		\$5,016.00
	101266-b		04/21/2011	Legal Services - Castle MHP		\$9,644.72
2947	05/10/2011	Open			KOSTELEK, DANIEL	\$1,840.00
	Invoice		Date	Description		Amount
	Rispin 2		05/01/2011	Rispin Mansion Building Inspections		\$1,840.00
2948	05/10/2011	Open			MARCHESE, HELEN	\$69.82
	Invoice		Date	Description		Amount
	PettyCash-May11		05/10/2011	Replenish Petty Cash for RDA Expenditure		\$69.82
2949	05/10/2011	Open			SCC AUDITOR-CONTROLLER	\$136.00
	Invoice		Date	Description		Amount
	SERAF#2		05/10/2011	2010/11 RDA SERAF shift		\$136.00
2950	05/10/2011	Open			WILLIAMS TREE SERVICE, INC.	\$1,350.00
	Invoice		Date	Description		Amount
	6122		05/02/2011	Top Eucalyptus tree at Rispin		\$1,350.00
Check Totals:				Count	7	Total \$20,218.97

The above listed checks have been printed and released under the RDA Executive Director's approval. Included are checks numbered 2944 through 2950 for \$20,218.97.

These checks has been reviewed and authorized for distribution.

The unaudited cash balance in the RDA account as of 5/13/11 is \$3,553,176.18

RDA Operating Fund	\$2,653,594.31
Low/Mod Housing Fund	\$899,581.87


 Jamie Goldstein, City Manager

5/13/11
 Date


 Debbie Johnson, Treasurer - RDA

5/13/11
 Date



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: CITY MANAGER'S DEPARTMENT

DATE: MAY 6, 2011

SUBJECT: CONSIDER A CONTRACT WITH OVERLAND PACIFIC & CUTLER IN AN AMOUNT NOT TO EXCEED \$20,000 FOR REPORTS REQUIRED FOR CONSIDERATION OF PACIFIC COVE MOBILE HOME PARK CLOSURE

Recommended Action: By motion and roll call vote, that the City Council authorize the City Manager to enter into a contract with Overland Pacific & Cutler in an amount not to exceed \$20,000 for the preparation of a Relocation Impact Report (RIR), Relocation Plan (RP), and associated documents for the Pacific Cove Mobile Home Park.

BACKGROUND

In March of this year the storm drain that conveys Nobile Gulch Creek failed at the top of the Pacific Cove Mobile Home Park resulting in significant flooding. At a City Council meeting on April 28, 2011, Council directed staff to prepare the documents necessary to consider the closure of the City-owned mobile home Park.

DISCUSSION

On May 5th staff released a Request for Proposals for relocation services to prepare documents necessary to consider park closure. Four proposals were received. Based on staff's review of the four proposals, and consultation with the firms' previous clients, staff is recommending Overland Pacific & Cutler (OPC) as the most qualified firm to prepare necessary documentation.

OPC has been identified by staff as the most qualified firm based on their extensive experience with mobile home park closures and previous experience with Pacific Cove MHP. City purchasing policy requires selection based on experience rather than cost alone for the preparation of technical planning documentation.

Firm	Bid
Autotemp	\$26,500
Del Richardson & Assoc.	\$26,300
Overland Pacific & Cutler, Inc.	\$20,000
Thomas J. Zia & Assoc.	\$19,500

SCOPE OF WORK

The proposed contract with OPC includes the following project phases.

Task	Amount
Prepare Relocation Impact Report	\$15,000
Prepare Relocation Plan	\$2,000
Prepare Replacement Housing Plan	\$1,200
Public Hearing Attendance (3 meetings)	<u>\$1,800</u>
Total	\$20,000

The proposed contract does not include the costs necessary to hire sub consultants which may be required to complete the RIR. Specifically, an appraisal report and estimates of moving expenses may be necessary, and would be obtained from specialists in those fields. Those costs are not included in this scope of work as a final determination of what information will be required in those contracts will be determined in consultation with OPC.

FISCAL IMPACT

Costs associated with this contract are included in the proposed FY 11-12 budget through expenditures in the City's flood-response. Those expenditures will be funded from the Emergency/Contingency Reserves.

ATTACHMENTS

OPC Proposal

Report Prepared By: Jamie Goldstein
City Manager

**Reviewed and Forwarded
By City Manager:**



7901 Oakport Street, Suite 4800
Oakland, CA 94621
510.638.3081 ph | 510.638.0750 fax

May 16, 2011 (**Revised May 19, 2011**)

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

**Proposal Sent Via Email:
jgoldstein@ci.capitola.ca.us**

RE: Proposal to Provide Relocation Consulting Services for the
Pacific Cove Mobile Home Park in the City of Capitola

Dear Mr. Goldstein:

Overland, Pacific & Cutler (OPC) understands the City of Capitola is seeking a consultant to prepare the documentation necessary to consider the closure, or cessation of use, of the Pacific Cove Mobile Home Park and to provide expert testimony at public hearings. We are pleased to submit this proposal to provide the requested Relocation Consulting Services.

Since 1980, OPC has specialized in providing relocation services to government agencies. Local, regional, state and federal agencies call upon OPC to provide on-call and project based real estate services for their most challenging assignments. We have comprehensive real estate experience in almost all California communities. After reading your RFP, we have selected a knowledgeable team that is familiar with the City of Capitola and we are prepared to mobilize upon receipt of a Notice to Proceed.

OPC's in-house services include Relocation Assistance, Program Management, Property and Right of Way Acquisition, Appraisal, Appraisal Review, Utility Coordination and Property Management. This full spectrum of real estate services allows us to understand the integrated details of your project.

We know the importance of the timely delivery of relocation services to meet project schedules. Our success is based upon experience, professionalism, innovative approaches to solutions and our responsiveness to clients.

I want to thank you for your time in reviewing our submittal. Once you review our history of performance and our standing in the relocation community, I am confident that you will agree that OPC represents the logical choice to help you achieve your project delivery objectives.

Overland, Pacific & Cutler's Oakland office will oversee the City of Capitola's project. If you have any questions regarding our submittal or need any additional information, please do not hesitate to contact me at 510.638.3081.

Sincerely,

Overland, Pacific & Cutler, Inc.

A handwritten signature in black ink that reads "Chad Wakefield".

Chad Wakefield
Project Manager

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Printed on Recycled Paper 

About Our Company

Overland, Pacific & Cutler, Inc. (OPC) provides professional services for clients with projects involving relocation assistance, program management, land acquisition, real estate appraisal, appraisal review, property management and utility coordination. OPC was established in 1980 to provide these services for redevelopment, public works, housing, community development, transportation, school districts, energy and utilities. The firm's Principals created a company dedicated to providing our professional services with integrity and excellence.

Our people place emphasis on the **planning and implementation** of relocation assistance and land acquisition for public and private projects. Our specialized teams have a reputation for treating the communities and individuals that are affected by the projects with courtesy and respect. We are committed to providing outstanding client service, professional and knowledgeable real estate personnel and efficient business process.

At OPC, our people are full-time employees with excellent benefits. Our employees have diverse ethnic backgrounds and multilingual capabilities. OPC's staff is made up of approximately 95 acquisition, appraisal, relocation and management professionals; **more than 25% of our people can conduct business in English/Spanish, with a total of 14 languages represented.**

Our firm provides all disciplines associated with expert relocation assistance, as well as the acquisition of land and right of way and related services. We pride ourselves in our integrated start-to-finish service, which includes project cost studies and estimates, project planning and management, appraisal and appraisal review, site selection and acquisition, right of way acquisitions and negotiations, title and escrow, relocation plan preparation, relocation assistance, utility coordination, property management, goodwill analysis, fixture and equipment appraisal, eminent domain support and expert witness testimony. Our broad range of services can be contracted individually or as a complete package. We also provide specialty in-house staffing for local public agencies.

OPC has experience in program management, working with the requirements of municipal, state and federally funded projects. All services are performed in accordance with the regulations and standards of the acquiring agency and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the URA regulations that became effective in February 2005. Our personnel have a working knowledge of Title 49 Code of Federal Regulations (CFR) Part 24, State of California eminent domain law, as well as Caltrans Right of Way Manual Acquisition guidelines.

The **significant advantage** that OPC provides is a deep resource of highly educated, experienced and devoted full time staff. Our professionals consist of licensed real estate brokers, designated Senior Right of Way (SR/WA) professionals and designated Right of Way Relocation Assistance Certified (R/W-RAC) professionals. We take industry leadership very seriously. Senior professionals from our organization routinely make presentations about the changing dynamics of our profession and participate in all major industry associations including ULI, APWA, CASH, CRA, WTS, ACEC and CALED. OPC is actively involved in the advancement of the right of way profession on local and international levels through our memberships in the IRWA.

Company Snapshot

- Privately Owned Corporation founded in 1980
- Successful projects across the Country
- Multidisciplinary Staff of approximately 95 employees
- 25% Bi-Lingual Staff
- Start-to-finish service
- Experienced, dedicated project team

About Our Company, Continued



OPC has provided real estate related services to hundreds of clients throughout the United States. Our firm has successfully acquired more than 20,000 parcels and has been involved with thousands of projects. Because each acquisition and project may be unique in type and property description, OPC takes great pride in planning its acquisition process accordingly. OPC provides comprehensive relocation assistance services to public and private sector clients. The firm has handled more than 50,000 residential, commercial and industrial relocation cases connected with a broad array of projects and currently averages over 2,000 relocation cases per year. Since all of our work ultimately involves the public, we are keenly sensitive to the human and political aspects of the work we undertake. We believe strongly in thorough planning, budget analysis and above all, communication and building trust.

We know the importance of the timely delivery of needed real estate or right of way to meet project schedules, and do so in a manner that maintains full eligibility for funding participation from other sources. OPC's objective is to provide our clients with exceptional service and innovative solutions while delivering projects in a cost effective manner. Clients across the nation have learned to benefit from the strength of our experience and the commitment of our people.

Experience with Similar Projects

OPC has carried out numerous mobile home park closures throughout California over its 30 year history. Our experience encompasses the entire process from the planning stage through the appraisal and acquisition of the units and relocating the occupants.

Most recently, OPC successfully completed work on the closure of the Forest Home Park Mobile in South San Francisco for Mid Peninsula Housing Coalition, led by our Bay Area manager, Chad Wakefield.

The relocation of mobile home occupants is complex. Although, the regulatory approaches necessary to lawfully close a park are similar, the social and political implications and the availability of safe, decent and sanitary replacement housing, varies greatly on each park.

A common issue we encounter, and thus are prepared for, is that mobile home occupants are often tenants in terms of renting the pad for their unit, however, they often are owners of the unit. Their status as a home owner brings issues related to sentimental attachment to the home. Working through these issues requires a great deal of empathy and care on the part of the relocation agent that goes beyond the regulations.

Other common issues are the difficulty in relocating older, particularly single-wide, units to a new park due to the age and/or condition of the unit. Not only is the physical acceptance of the unit problematic, but assisting the owner making the transition from their current home, which they may have occupied for several decades, to a new home, takes a great deal of care and understanding during the evaluation process of the unit and the explanation and implementation of the relocation program.

One of OPC's hallmarks and great strengths is preparing closure analysis reports, conducting outreach with the occupants and ultimately carrying out the closure in a humane, efficient and fair manner, which ultimately leads to a successful and un-litigated project. The occupants that we work with have been happy with our treatment of them, the respect that we show them in the process and the attention we pay to recognizing and taking care of their needs. This in turn is very beneficial to our agency clients in resolving the political and social issues attached to mobile home park closures.

The following projects represent a sample of the thousands of Uniform Act acquisition and relocation projects completed by OPC, focused on mobile home park closures. The projects stated demonstrate the firm's capacity to successfully complete mobile home park closures, coach acquisition, relocation assistance and related activities for various projects.

Mobile Home Park Projects

Mid-Peninsula Housing Coalition Forest Homes Mobile Home Park

This project was for public closure of a mobile home park by an affordable housing developer. OPC was responsible for the preparation of a Relocation Plan, an Impact Conversion Report and Project Management. The project consisted of 12 residential tenant relocations.

BRIDGE Housing Corporation Meadow Brook

OPC was responsible for preparing a Relocation Impact Report which included the requirements necessary for the closure of mobile home parks. This project resulted in the displacement of approximately 65 units, for the purpose of developing affordable housing.

City of Union City Arroyo Trailer Park

The most recent project involved the preparation of a Relocation Plan and the relocation of 33 mobile-home occupants and 5 businesses in Union City. Most of the occupants were low-income elderly and several had language and disability issues. OPC worked with Mid-Peninsula Housing Corp. to complete construction of affordable replacement housing for the mobile home occupants.

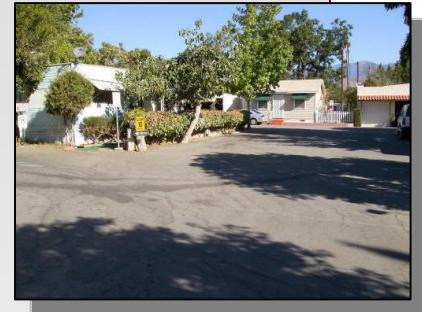
Alameda County Community Development Agency Elpin Mobile Home Park

OPC was responsible for a Mobile home park closure involving 10 owner occupants and 8 tenant occupants, as well as the relocation plan preparation.



City of San Diego
De Anza Harbor Mobile Home Park

De Anza Harbor Resort was a residential mobile home park located on city-owned, dedicated public parkland. The state legislation authorizing residential use on the property expired in November of 2003. The City of San Diego retained OPC to prepare a Relocation Impact Report in accordance with California Government Code 65800 et. seq., California Civil Code, Chapter 2.5, Section 798.56 and CA Government Code Title 1, Chapter 16, Section 7260-7277, to address the potential impacts of displacing 513 existing occupants.



Centex Homes, San Diego
Coastal Trailer Villa

Centex Homes retained OPC to prepare a Relocation Impact Report in accordance with California Government Code 65800 et. seq. and California Civil Code, Chapter 2.5, Section 798.56, for this proposed private mobile home park closure. The closure resulted in the relocation of 90 households in the park residing in trailers, RVs and park models. The occupancy consisted of both short term and long term tenancy.

City of Vista
Sycamore Creek Mobile Home Park & Relocation Plan

Overland, Pacific & Cutler was selected by the City of Vista to provide services in association with the closure of the Sycamore Creek Mobile Home Park, an approximate 13 acre site with 115 mobile home spaces. OPC successfully delivered the expedited preparation of a Relocation Plan and Park Conversion Impact Report and also provided acquisition and relocation services for 14 mobile home owners.



PDM La Mesa
La Mesa Terrace Mobile Home Park

The Owner of the La Mesa Terrace Mobile Home Park was considering a development project that would encompass the Park and require its closure, which consisted of 25 coaches and one apartment. In anticipation of the potential development of the Park site and the consequent need to prepare for the closure of the Park, the Owner contracted with OPC to prepare a Relocation Impact Report in accordance with California Government Code 65800 et. seq. and California Civil Code, Chapter 2.5, Section 798.56, for this proposed private mobile home park closure.

**City of Newport Beach
Marinapark Mobile Home Park**

The City of Newport Beach retained OPC to prepare a Relocation Impact Report in accordance with California Government Code 65800 et. seq. and California Civil Code, Chapter 2.5, Section 798.56, for this proposed mobile home park closure. The closure resulted in the relocation of 57 households. This park was being closed by a public agency, but they determined that the private closure requirements were applicable. OPC was also retained to provide advisory services to park occupants during the course of the one year closure period.



**Marion, Ltd., Orange
Val Verde Estates**

OPC was retained to prepare a Relocation Impact Report in accordance with California Government Code 65800 et. seq. and California Civil Code, Chapter 2.5, Section 798.56, for this private mobile home park closure. The Val Verde Estates Mobile Home Park is a 54 unit park that is being considered for a higher and better use. OPC was involved in the community meetings, interviews of all occupants and research related to availability of replacement site resources for preparation of the Report.

**City of Garden Grove Redevelopment Agency
Oasis Mobile Home Park and Other Various Projects**

Overland, Pacific & Cutler has provided complete relocation services for several large projects throughout the City totaling over 250 residential and commercial cases. These projects have been successfully completed on very tight schedules. One such project included the displacement of a 130 unit mobile home park (Oasis Mobile Home Park) project with many elderly residents. OPC also provided interim property management services until demolition of necessary properties.



**Brown Associates, Costa Mesa
Snug Harbor and El Nido**

Overland, Pacific & Cutler completed a Relocation Impact Report in accordance with California Government Code 65800 et. seq. and Civil Code, Chapter 2.5, Section 798.56 for this private mobile home park closure. This project consisted of the closure of 2 mobile home parks of approximately 100 units for the purpose of developing a medical office building.

**The Cathedral City Redevelopment Agency
Desert Hills Mobile Home Park and
Tramview Mobile Home Park**

For the Desert Hills Mobile Home Park Project, Overland, Pacific & Cutler relocated 101 mobile home residents for the City's Auto Center expansion and an affordable housing project. OPC completed the Relocation Plan and provided acquisition services and interim property management services. Bilingual services were also provided.

For the Tramview Mobile Home Park Project, OPC prepared a Relocation Plan and provided relocation, acquisition, appraisal and title clearance for 35 mobile home residents at the mobile home park.



**City of Cathedral City
Civic Center Expansion**

OPC relocated over 175 mobile home residents for the City's Civic Center Expansion Project. The Sun Town Mobile Home Park was comprised of mainly elderly residents requiring special care and consideration of their needs. OPC completed the Relocation Plan and provided interim property management services.

**The La Quinta Redevelopment Agency
Vista Dunes Mobile Home Park**

OPC relocated 93 mobile home residents for the City's affordable housing project. OPC completed the Relocation Plan and provided acquisition services. A majority of the residents were Hispanic and bilingual services were provided.



**City of Rancho Mirage Redevelopment Agency
Blue Heaven Mobile Home Park**

The City required the displacement of 23 mobile home units for the conversion of an affordable housing project. OPC prepared the Relocation Impact Report in accordance with California Government Code 65800 et. seq. and Civil Code, Chapter 2.5., Section 798.56 and provided all relocation assistance services to the displaced occupants.

City of Moorpark Redevelopment Agency High Street Project

The City had plans to expand their Civic Center. This project required the acquisition of 3 parcels which were displacing 31 residential households; 28 of which were occupants of a mobile home park with a majority of Spanish-speaking residents. OPC was responsible for preparing a Relocation Impact Report which included the requirements necessary for the closure of mobile home parks in accordance with California Government Code 65800 et. seq. and Civil Code, Chapter 2.5. Section 798.56. OPC provided the necessary relocation assistance services for displaced occupants, as well as property management services.

City of Glendora South Hills Estates

Overland, Pacific & Cutler completed a Relocation Plan and Relocation Impact Report in accordance with California Government Code 65800 et. seq. and Civil Code, Chapter 2.5. Section 798.56 for this proposed private mobile home park closure. This project entailed the closure of one mobile home park consisting of 39 units and one permanent structure with both a residential and business use. The proposed project was to develop the site into 86 units of affordable senior housing.

City of Monterey Park Redevelopment Agency The Granada

To help clear the way for the construction of a 7-acre mixed-use retail/housing project, OPC prepared a Relocation Plan and Conversion Impact Report for the project developer and the Redevelopment Agency. The site required the displacement of 18 very-low to extremely-low income families within a trailer court and the relocation of 7 professional and retail businesses from adjacent lands within the project area. The Agency is now able to boast of the success of their project and reports that every resident was able to upgrade their housing situation – 3 families were even able to upgrade to conventional homeownership through OPC's efforts.

City of Long Beach RDA / LA Metro Transportation Authority Park and Ride Joint Use Development

The City of Long Beach and the MTA joined together to develop a joint use development which included a Park & Ride Station and Shopping Center. This project required the closure of the Willow Trailer Park which had 120 mobile home units. OPC prepared a Relocation Plan, provided interim property management services and successfully relocated all occupants.



Work Plan

The first steps necessary to assess the requirements of the present occupants and their needs, and satisfying regulatory requirements, will be to prepare a Relocation Impact Report per the requirements of California Mobile Home Residency Law, City of Capitola Municipal Code.

This report will be prepared concurrently with the 7620 Relocation Plan per the requirements of California Relocation Assistance Guidelines. If OPC identifies that federal funds may eventually be utilized in a future project to be developed on the park site, we would also incorporate the Federal Uniform Relocation Act and possibly the HUD Handbook 1378, as well as Section 104 (d) of the Housing and Community Development Act.

With Capitola being within a California Coastal Zone, once the impacts to low income households are known, a Replacement Housing Plan consistent with the Mello Act will be prepared to determine the extent of available affordable units and the feasibility of developing any needed replacement housing for the displaced occupants.

A detailed scope of work for the preparation of these reports and plans and the noticing and outreach efforts necessary to ensure a successful planning process are described below.

Staffing

OPC proposes to utilize the following staff for this project. All of OPC’s projects have a Principal in Charge (PIC). The PIC for this project is Barry McDaniel. Mr. McDaniel’s experience with the Pacific Grove Mobile Home Park dates back to 2001 when he worked with the City of Capitola on the previous park closure analysis. Mr. McDaniel’s team for this project consists of Chad Wakefield, Vince McCaw and Linh Inokuchi. Chad Wakefield, OPC’s Bay Area Branch Manager, will be the primary staff person in preparing the Relocation Impact Report, Relocation Plan and Replacement Housing Plan. Mr. Wakefield will partner with Vince McCaw, a highly experienced Senior Project Manager with a specialty in Mobile Park Closures in Coastal Zones, on the preparation of these reports and plans. Linh Inokuchi, a Senior Consultant, who has carried out the occupant outreach and relocation of hundreds of mobile home park occupants will lead the occupant outreach on this project including conducting on-site interviews for the reports and plans. A table of the major tasks and staffing is shown below.

Major Task	Staff Assigned
Principal In Charge	Barry McDaniel
Project Management	Chad Wakefield
Relocation Impact Report	Chad Wakefield and Vince McCaw
Relocation Plan	Chad Wakefield and Vince McCaw
Replacement Housing Plan	Chad Wakefield
Occupant Outreach	Linh Inokuchi

Project Management/Consulting

OPC will provide Project Management services including: coordination with Agency staff/consultant to discuss the progress of individual cases and the project schedule, representation of the Agency in meetings with citizen groups, Project Area Committee's, and/or the Agency Board/City Council and general consulting relative to the project. These services include regular status report updates to be provided to the Agency as often as OPC is directed by the Agency. Chad Wakefield, OPC's project manager, will report to the PIC to ensure a high quality and technically accurate project is delivered to the City.

Relocation Impact Report and Relocation Plan Preparation

A conscientiously prepared Relocation Plan and Closure Impact Report are valuable tools in the budgeting and acquisition/relocation process and are required by California State Relocation Law and Guidelines and the State of California's Mobile Home Park Closure Law. A well-mapped plan can help the team phase the project so that an adequate supply of housing is available. The active steps in the Relocation Plan/Impact Report preparation process are:

- Personally interview all potentially affected occupants to determine relocation needs including: household information such as the number, ages and gender of all occupants, income of the household, distance to employment and utilized neighborhood services, special needs of the household, current rents, etc.
- Research the marketplace for available residential replacement housing.
- Establish residential rent schedules for calculating Replacement Housing payments.
- Calculate total potential project costs.
- Analyze survey results and incorporate research data into a written Plan.
- Prepare a detailed description of the relocation advisory services program, procedures for locating and referring eligible persons to comparable replacement housing, a plan for any last resort housing which may be required, the relocation payments to be made, a cost estimate for carrying out the plan and identification of the source of the necessary funds.
- Present Relocation Plan/Impact Report to client and make the document available for public inspection (30 day review period).
- Provide general notice of the availability of the Plan/Report to Project occupants, and others, as needed for comment.
- Make any needed revisions brought up during the public inspection period.
- As needed, attend all required meetings (i.e., with tenants or the Agency) associated with the preparation or adoption of the Plan.

Replacement Housing Plan

Capitola's presence in a coastal zone and the potential for displacement of low income households in that zone, necessitate an analysis of the replacement housing that may be required as a result of the closure of this park. The active steps needed to memorialize this analysis are:

- Describe the displaced households and their housing needs on a bedroom for bedroom basis to determine the number and type of replacement of low income housing units needed.
- Research all available affordable housing units within a three mile radius of the site including housing in the City of Capitola.
- Assess the feasibility or infeasibility of developing replacement housing on the site or within three miles of the site.
- Provide general notice of the availability of the Plan/Report to Project occupants, and others, as needed for comment.
- Make any needed revisions brought up during the public inspection period.
- As needed, attend all required meetings (i.e., with tenants or the Agency) associated with the preparation or adoption of the Plan.

Relocation Implementation Services

As the project goes forward, OPC proposes to provide these services under a revised proposal. Consultant will comply with all applicable federal and state laws, rules and regulations relating to relocation assistance and the Agency's adopted relocation assistance policies and procedures. The scope of relocation implementation services includes, but is not limited to, the following activities necessary for the effective relocation of *residential* occupants:

- Conduct personal, on-site interviews of prospective displacees to ascertain relocation housing needs and special requirements.
- Inform displaced persons of available relocation assistance services and benefits, and explain relocation process.
- Provide displacees with on-going advisory assistance to minimize their hardship, including referrals to and coordination with community service resources, public housing and other public services, as necessary.
- Prepare and distribute Informational Statements, Notices of Displacement, 90-Day Notices to Vacate, and other notices, as may be required.
- Provide written referrals to replacement housing and physically assist displacees in locating replacement housing, including transporting individuals to view replacement sites, if necessary.
- Prepare replacement housing/down payment assistance entitlement reports for displaced households.
- Determine eligibility for and proposed amount of relocation benefits, including moving payments, rental/down payment assistance, and replacement housing payments.
- Inspect replacement dwellings to determine if they meet "decent, safe and sanitary" requirements.

- Prepare all applicable benefit claim forms, secure claimant's signatures on claim forms, and submit claim forms to Agency for processing and payment.
- Monitor the move to replacement site, as necessary.
- Deliver benefit checks and other appropriate payments to claimants.
- Maintain necessary case documentation and provide Agency with periodic standard status reports.

Acquisition Services

Assuming that some, if not most, of the coaches are owned by someone other than the current property owner, the Agency will be required to appraise and make offers on the coaches. The owners of the coaches will have the choice of moving the coaches and being paid under the relocation program or selling their coaches to the Agency. Although the Agency has not included acquisition services as part of this RFP, please be advised OPC is experienced in mobile home acquisition and is capable and ready to assist the Agency with this activity when the time is appropriate under a revised proposal.

Timeline

OPC will be able to provide the Relocation Impact Report, Relocation Plan and Replacement Housing Plan within 60 days from the date of the notice to proceed for the City's review. The preparation of these reports will focus heavily on the outreach to the occupants to ensure that their needs inform the plans and reports. A timeline for the preparation and delivery of these reports are shown below. This timeline accounts for a 30-day mandatory public review and comment period for the project residents to review and comment on the Plan before the final version, which incorporates any public comment and response, can be adopted by the Agency Board or City Council.

Task	June 11'	July 11'	Aug 11'	Sept 11'	Oct 11' *
Meet With City of Capitola Staff to Kickoff Project					
Conduct Resident Meeting					
Conduct Occupant Interviews					
Analyze Results of Interviews					
Analyze Replacement Housing Resources					
Prepare Reports and Plans					
Deliver Draft Plans to City for Review					
Revise Plans					
Notify Occupants of Reports and Plans Availability					
Start 30 Day Comment Period					
Finalize Reports and Plans Per Public Comment					
Present Reports and Plans City Council					

* Upon approval report and plans, City could commence the closure and relocation process including the 180 Notice of Closure

Budget

OPC proposes to complete the requested services for the following NOT TO EXCEED fees:

Cost Category	Fee
Prepare Relocation Impact Report	\$15,000
Prepare Relocation Plan	\$2,000
Prepare Replacement Housing Plan	\$1,200
Public Hearing Attendance (3)	\$1,800
Total Estimate	\$20,000

Additional Meeting Cost Per Meeting	\$600
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OPC considers local travel/mileage, photocopying, first class postage, telephone, facsimile and wireless communication charges a normal part of doing business and are included in the stated hourly rates. Out-of-pocket expenses including pre-approved travel and lodging, outside exhibit preparation, requested overnight courier or registered and/or certified mail (return receipt requested) charges and specialty reproduction (unless otherwise specified) are in addition to the contract amount and will be charged at cost plus ten percent (+10%) for administration, coordination and handling. **Subcontracted services, other than those listed above, usually are invoiced at cost plus ten percent (+10%), however, for this project, OPC will not charge this administrative fee.**

In the event OPC is required to perform any act in relation to litigation arising out of any project with the Client (for example, expert consulting, responding to a complaint, or proceeding with discovery and trial), such services are not part of this contract, nor are they part of our normal fees, however, **if required, these types of services will be invoiced at our regular hourly rates.**

In the event this contract extends twelve (12) months beyond the initial date of execution, the hourly rates and any remaining amount in the contract shall be adjusted upwardly by five percent (5%) per annum, compounded annually, on the anniversary date of this contract.

Written communication services in other languages would be an additional cost and would be billed separately based on quoted hourly rates by independent translation services. Verbal communication in Spanish, if necessary, will be included at no additional charge.

OPC may submit monthly invoices for the professional and trade services rendered based on the hourly rate schedule provided above. Substantial changes in the required scope of work may result in the revision of the proposed fees.

In consideration of the services performed by OPC, the client shall promptly pay the uncontested amount due within no more than thirty (30) days after receipt of invoice. Upon completion of services, the remaining balance of the project balance shall become immediately due and payable.

References

Agency	Mid-Peninsula Housing Coalition
Name	Alok Lathi
Title	Project Manager
Contact #	650.356.2928
Project	Forest Homes Mobile Park, El Camino Real, South San Francisco
Summary of Services	Permanent relocation of 13 mobile home occupants. Park was mix of owner and tenant occupied mobile homes. OPC prepared the closure impact report, relocation plan, coordinated the appraisal process, acquired the mobile homes, and relocated all occupants. Additionally OPC played a critical role in assisting Mid Pen secure their land entitlements from the City of South San Francisco.

Agency	City of Vista
Name	Ms. Kathy Baker
Title	Project Manager
Contact #	760.639.6186
Project	Sycamore Creek
Summary of Services	Overland, Pacific & Cutler, Inc. was selected by the City of Vista to provide services in association with the closure of the Sycamore Creek Mobile Home Park, an approximate 13 acre site with 115 mobile home spaces. OPC successfully delivered the expedited preparation of a Relocation Plan and Park Conversion Impact Report and also provided acquisition and relocation services for 14 mobile home owners.

Agency	Archstone Smith
Name	Rafael Muniz
Title	Vice President, West Region
Contact #	714.689.7000
Project	Mission Valley Village MH Park
Summary of Services	Overland, Pacific & Cutler, Inc. prepared a cost analysis for the potential private closure of an existing senior mobile home park.

Agency	City of Capitola
Name	David Foster
Title	Project Manager
Contact #	831.475.7300
Project	Silvercrest
Summary of Services	OPC served as the developer's, First Community Housing, relocation consultant on the rehabilitation of the Silvercrest housing project in Capitola. Mr. Foster oversaw the project for the City. OPC provided relocation planning and implementation services for the temporary relocation of over 60 senior households.

Resumes

Resumes appear on the following pages.

Barry McDaniel
Chief Executive Officer
Overland, Pacific & Cutler, Inc.

Professional Credentials

Initial Year in Industry: 1980
Initial Year with OPC: 1986

Education:

Masters of Business Administration
California State University, Dominguez
Hills

Bachelors of Science in Urban Systems
Engineering, Arizona State University

Experienced in the interpretation and
application of local, state and federal
relocation assistance rules and programs;
such as URA, 104(d) and HOME, FAA,
FTC and other special regulations.

Provided relocation-training instruction to
staff of various agencies and within the
firm of OPC.

IRWA Courses:

- 501 – Relocation Assistance
- 502 – Business Relocation
- 503 – Mobile Home Relocation
- 505 – Advanced Relocation Assistance
(Residential)
- 700 – Introduction to Property Management

Overview

Mr. McDaniel has over three decades of experience with relocation consulting, project planning and engineering and construction management. Since 1982, Mr. McDaniel has directed large scale relocation programs including program development, budgeting, relocation planning, relocation case implementation, property management, housing inspections, staff and client training, and quality control. These relocation activities were undertaken while employed with a public agency and while consulting to over 150 public agencies, including airport authorities, housing authorities, school districts, transportation agencies, redevelopment and economic development agencies, and other special districts.

As a Principal and Chief Executive Officer of OPC, Mr. McDaniel is responsible for setting company goals and objectives, communicating and building trust with clients and staff, planning and anticipating the needs of the Firm to better serve clients, tracking and reviewing feedback, selecting and retaining the most highly qualified staff in the industry, and fostering an atmosphere of success. The success of OPC is not only derived from its management, but from the ethics and standards of its founding principals.

Mr. McDaniel has extensive experience in coordinating with public agency management and regulatory agencies overseeing relocation activities. Mr. McDaniel’s duties have included acting as Project Director for inter-disciplinary teams of acquisition/relocation consultants for projects involving both large numbers of residential and business displacements. These projects have involved a variety of funding sources that required compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and state and local public agency relocation assistance law and guidelines.

Project Examples

Housing Developers/Authorities & Non-Profit Agencies

Mr. McDaniel served as the project director for two very large relocation programs for the Housing Authority of the City of Los Angeles (HACLA). The projects involved the temporary and/or permanent relocation for Pico Aliso Project (577 households) and the Normont Terrace Project (400 households). In addition, he provided program direction for two large rehabilitation projects for the Housing Authority of the County of Los Angeles (HACOLA) involving the temporary relocation of 250 households. Other housing related experience involved Mercy Housing of California, South County Housing, National Housing Ministries, Acacia Housing Advisors, American Senior Living, Archstone Communities, Bridge Housing, Glide Economic Development and John Stewart Co. where many of the projects were funded by HOME and/or CDBG, triggering 104(d) requirements.



Barry McDaniel
Chief Executive Officer
Overland, Pacific & Cutler, Inc.
(Continued)

Professional Affiliations:

- Member, California Association of School Business Officials (CASBO)
- Member, California Association of School Business Administrators (CASBA)
- Member, California Redevelopment Association (CRA)
- Member, California Association for Local Economic Development (CALED)
- Member Long Beach City College Foundation Board of Governors
- Former President, Board of Governors – Long Beach Marathon
- Former Chairman, City of Signal Hill Planning Commission
- Former President, Board of Directors - Long Beach Port Ambassadors

Cost Studies

Mr. McDaniel has worked for public agencies, developers and non-profit authorities to develop preliminary and detailed costs analyses for projects. These studies have allowed clients to more fully understand the acquisition and relocation phase of their projects and to budget accordingly during the implementation phase. Assignments have included cost studies for the cities of Garden Grove, Corona, Long Beach, Torrance, Carson, Culver City, Arcadia, Riverside, Glendale, and Santa Cruz, MTA, ACTA, ports of Long Beach and Los Angeles, State of California Parks and Recreation, Housing Authority of The City of Los Angeles, Los Angeles, Long Beach, Oakland, Lynwood and South Pasadena unified school districts, and private sector clients including LAACO, JPI, Mercy Charities Housing, South County Housing and the Related Companies. These studies have involved thousands of parcels of land encompassing costing for appraisal (real property, fixtures & equipment, goodwill), acquisition and relocation, environmental remediation and demolition.

Redevelopment & Economic Development

Mr. McDaniel’s experience in redevelopment and economic development has encompassed work for many of the major redevelopment agencies in California and every type of project undertaken by an agency, including new and rehabilitated retail, industrial and housing developments. Samples of projects where Mr. McDaniel provided project direction, management and/or field assistance have involved the City of Los Angeles-Staples Arena relocation program (100 residential and 40 businesses), City of Garden Grove-Harbor Corridor Entertainment Projects – (300 business and residential cases) and numerous projects for redevelopment agencies in Riverside, Torrance, Rancho Mirage, Lancaster, Cerritos, Morgan Hill, Emeryville, Colton, Signal Hill, Montclair, Long Beach, Glendale, Santa Cruz, Corona, Arcadia, Carson, Redlands, Fontana, Watsonville, Norco, El Monte, Huntington Beach and Westminster.

School Districts

School District related management has involved work with the Hemet, Long Beach, Lynwood, Oakland and South Pasadena unified school districts. Examples of projects included the Long Beach Unified School District’s Broadway Golden School Project and eight school sites for the Lynwood School District. Mr. McDaniel served as program director for the LBUSD’s acquisition and relocation program for over 100 residential households and businesses; in addition, the program included property management, utility relocation, environmental testing and remediation, and demolition and site preparation. Mr. McDaniel was personally involved in several large, complex, multi-million dollar business relocation cases. Mr. McDaniel served in the capacity of the relocation project director for the Lynwood School District for eight separate school projects involving the relocation of 154 residential and business occupants.



Chad Wakefield

Project Manager

Overland, Pacific & Cutler, Inc.

Professional Credentials

Initial Year in Industry: 2000

Initial Year with OPC: 2009

Education:

Masters, Urban and Regional Planning
University of Colorado - Denver
Bachelor of Science, City Planning
New Mexico State University

License:

Real Estate License, California
DRE # 01869528

California Dept. of Real Estate Courses:

Real Estate Principles
Real Estate Practice
Real Estate Appraisal

IRWA Courses:

200 – Principles of Negotiations

Professional Affiliations:

Member, National Association of Housing and
Redevelopment Officials (NAHRO)
Member, International Right-of-Way
Association (IRWA)
Member, Central Valley Chapter of US Green
Building Council
Member, California Redevelopment
Association (CRA)
Member, California Association for Local
Economic Development (CALED)

Overview

As a Project Manager, Mr. Wakefield is successful at programming, managing and developing multiple facets of real estate projects. He is skilled with acquisition negotiations, land entitlement negotiations and market analysis. A strong leader, Mr. Wakefield is a skilled team builder and resource manager. He leads the operations in OPC's Oakland based Bay Area office. Mr. Wakefield is responsible for managing work flow, business development and project management. He oversees and directly carries out property acquisition, relocation assistance and advises clients on project scheduling and development. Mr. Wakefield also produces and manages the delivery of specialized studies and plans including replacement housing plans and business disruption settlement agreements.

Project Examples

TAMC – Commuter Rail Extension – Providing acquisition and relocation services for the commuter rail extension from Salinas to Gilroy including relationship development and management in preparation for the acquisition of over 20 parcels. Coordinating with the various members of the engineering design and right-of-way engineering team. Conducting title review, securing rights of entry for environmental testing and preliminary relocation analysis.

County of San Benito – Hospital Road Bridge – Providing appraisal management services including scheduling and managing the delivery of the real property and appraisal review functions and coordination of right-of-way engineering updates.

City of Belmont – Real Estate Acquisition – Providing real estate acquisition planning and acquisition services to the City of Belmont for multiple, concurrent projects including property assemblage, acquisition and the management of relocation assistance.

City of San Carlos – Brittan Ave Interchange – Project Manager for the close out of 9 parcel conveyances to Cal Trans.

Moffatt & Nichol Engineering – Fruitvale Bridge Replacement – Prepared a right of way cost analysis for the replacement of the Fruitvale Bridge. Study included the partial take of property and improvements.

Cumming Corp. – Santa Clara County Court House Relocation – Prepared a cost for the assemblage of new parcels and relocation of business tenants for a new Santa Clara County Courthouse.

Chad Wakefield Project Manager

Overland, Pacific & Cutler, Inc.
(Continued)

Richmond Community Redevelopment Agency – Macdonald Retail Corridor – Providing business disruption analysis and settlement preparation to local retail businesses as a result of corridor improvements.

Mercy Housing – Arlington Hotel – Project Manager for the relocation of business tenants including a night club, liquor store and pharmacy. Services included the transference of licenses, identification of new business locations and re-establishment in those locations. No loss of good will claims were made.

Contra Costa County – Bethel Island Bridge Replacement – Project Manager for the completion of 1 power boat sales and service business relocation in Bethel Island, CA.

Dublin Housing Authority – Arroyo Vista – Project Manager for the permanent relocation of 150 public housing units including the implementation of the DHA's settlement agreement.

Burbank Housing Development – Multiple Projects – Project Manager for multiple permanent relocations and relocation and replacement plans in Sonoma County, CA.

Chelsea Investment Corporation – Oakridge – Project Manager for the temporary and permanent relocation of 40 households in Oakdale, CA and development of the relocation plan.

Various Housing Authorities and Developers – Prepare and manage the delivery of residential and commercial relocation plans and replacement housing plans for the Pacific Housing Advisors, Bridge Housing, Burbank Housing, Related Companies of California, Chelsea Investment Corporation and the City of Mountain View.

Past Experience

Project Manager - Fresno Redevelopment Agency – Managed the RDA's housing and downtown mixed use development programs including site selection and land assemblage, due diligence and feasibility, finance negotiations and underwriting, grant writing and brownfields remediation.

Land Planning Manager - K. Hovnanian Homes – Negotiated for land acquisitions, managed entitlements and due diligence and carried out excess property disposition.

Acquisition & Development Manager - American Property Development - Negotiated for land acquisitions, managed entitlements and due diligence, performed market analysis and site selection analysis and site development.

Vince McCaw, SR/WA

Senior Project Manager

Overland, Pacific & Cutler, Inc.

Professional Credentials

Initial Year in Industry: 1999
Initial Year With OPC: 1999

Education:

BA in Public Administration, San Diego State University

IRWA Courses:

- 103 – Ethics and the Right of Way Profession
- 200 – Principals of Real Estate Negotiation
- 202 – Interpersonal Relations in Real Estate
- 215 – Pipeline ROW Agent’s Development Program
- 400 – Principles of Real Estate Appraisal
- 501 – Relocation Assistance
- 502 – Business Relocation
- 503 – Mobile Home Relocation
- 504 – Computing Replacement Housing Payments
- 505 – Advanced Residential Relocation Assistance
- 700 – Introduction to Property Management
- 800 – Principles of Real Estate Law
- 801 – United States Land Titles
- 900 – Principles of Real Estate Engineering

In-House Courses & Training:

Uniform Act Revisions
Advanced Rental Finance – Bond & Tax Credit, Community Development Training Program, LISC

License:

Real Estate License, California

Overview

Mr. McCaw has over 15 years of real estate rehabilitation and development experience and has been involved in the right of way industry since 1999. Having worked several years in the construction field and in the development of affordable housing has given Mr. McCaw an insight into the process and issues that many of our clients face.

As a Senior Project Manager for Overland, Pacific & Cutler, Inc., he provides real estate related services for both small and large scale public and private projects; including redevelopment, utilities, transportation, school construction, housing development, and mobilehome park conversions. He has extensive working knowledge of state and federal regulations pertaining to acquisition and relocation assistance for public projects and oversees staff and projects for the San Diego regional office.

Mr. McCaw has experience in coordinating with private and public agency management and oversees projects, maintaining project schedules, budgets and staff requirements. He is responsible for preparing cost studies, replacement housing needs analyses, relocation plans, replacement housing plans and relocation impact reports. In addition, he facilitates the coordination and oversight of sub-consulting firms such as real estate appraisal, fixture and equipment appraisal, title, escrow, environmental and demolition.

Projects have involved various funding sources and require compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as well as state and local laws and guidelines. Areas of expertise include project management, relocation cost studies, relocation plans and relocation impact reports. Additionally, Mr. McCaw is proficient in requirements of mobile home park closure, both private and public.

Mr. McCaw is the Vice President and Relocation Committee chair of IRWA, Chapter 11. He speaks at public meetings, citizen participation groups and seminars and has conducted training to various agencies and individuals.

Project Examples

Redevelopment & Community Development

Mr. McCaw has worked with numerous Agencies to assist with their redevelopment and community development projects. Services provided for the Agencies included preparation of cost studies, relocation plans, project management, and as well as acquisition and relocation services.



Vince McCaw
Senior Project Manager
Overland, Pacific & Cutler, Inc.
(Continued)

Professional Affiliations:

Senior Member (SR/WA), International Right of Way Association (IRWA)
Ch. 11 Vice-President
Ch. 11 Secretary (2008)
Ch. 11 Treasurer (2009-2010)
Ch. 11 Relocation Committee Chair
American Public Works Association
San Diego Housing Consortium
San Diego Regional Partners in Homeownership
Member, California Redevelopment Association (CRA)
Member, California Association for Local Economic Development (CALED)

Some of the notable projects include: Centre City Development Corporation – Ballpark Project, Ballpark Lofts Project, Park to Bay Project, Tailgate Park Project – Project Manager and relocation case implementation for projects that displaced over 130 business and residential occupants.

Community Development Commission of National City – Harbor District Redevelopment Project, Q Street Project, Downtown Redevelopment Project, Pacific View Estates – Project Manager and relocation case implementation for various redevelopment projects, involving the successful relocation of 35 residential households and over 20 business occupants.

City of Chula Vista – Police Station Redevelopment Project – Project Management and relocation services for 15 businesses, to facilitate development of new police station.

City of El Cajon – Linda Way In-fill Housing, Public Safety Facility – Project management and relocation services for projects, involving the successful relocation of 12 business occupants and 15 residential households.

San Diego Redevelopment Agency – OPC was selected to provide management, coordination and business relocation services for the City Heights Urban Village Town Homes and Office Project. OPC was retained to coordinate the appraisal of real estate, fixtures and equipment, as well as the loss of goodwill analysis. Along with these management tasks, OPC was retained to relocate 23 businesses.

Additional projects include – City Heights Square, Veteran’s Village and La Entrada – involved the successful relocation of 5 business occupants and 15 residential households.

Housing Developers & Non-Profit Organizations

Mr. McCaw has worked with numerous developers of affordable housing within the County of San Diego and has provided cost studies, general planning, project management, preparation of relocation plans and relocation services. Affordable housing projects typically involve various funding sources, and Mr. McCaw explains the issues pertaining to the funding sources, as it relates to relocation compliance. His background in construction and affordable housing development provides insight into the issues that developers may face.

Some of the notable projects include: Community Housing Works – Winona, Maplewood, Solutions Family Center, Delta Village – Project Manager and relocation case implementation for various projects during substantial rehabilitation of affordable housing projects. Over 90 residential units were relocated, either permanently or temporarily. One project involved the temporary relocation of an 80-unit property with a 100% Somalia population.

Vince McCaw
Senior Project Manager
Overland, Pacific & Cutler, Inc.
(Continued)

Southern California Housing Development Corporation – Various Projects – Project Manager and relocation case implementation for over 100 residential units that were permanently or temporarily displaced as a result of the acquisition and rehabilitation of various properties that were converted from market rate housing to affordable housing.

Other clients include: Alpha Project for the Homeless (Oxford Terrace), The Association for Community Housing Solutions (Pine Hollow), Interfaith Community Services (Raymond's Refuge, Veteran's Transitional Housing), Townspeople (51st Street), San Diego Youth & Community Services (35th Street), Wasatch Advantage Group (Spring Villas), National CORE (San Marcos Senior), Chelsea Investment Corp (12th Street).

School/College Districts

Mr. McCaw has worked with various School and College Districts on numerous projects, which required services consisting of site feasibility analyses, cost studies, relocation plans, acquisition and relocation services, as well as property management services. Services were provided for the following Districts: San Diego City Schools (Cherokee Point, Herbert Ibarra, Adams Franklin, Lincoln High School, Florence Griffith-Joyner, Luther Burbank, Mary Lanyon Fay, 52nd Street), Escondido Union School District (Elementary School, Central Elementary Expansion), San Diego Community College District (Educational Cultural Complex, Cesar Chavez, District Service Center, Mesa College), Grossmont Union High School District.

Mobilehome Park Closures

Mr. McCaw has assisted with mobilehome park closures for both private entities and public agencies. He is knowledgeable with the Mobilehome Residency Law and the requirements pertaining to closure or cessation of use. Mr. McCaw has provided costs studies, prepared relocation impact reports, relocation plans and relocation services for various projects, which included: City of Vista (Sycamore Creek Mobile Home Park), A.P.T.S. (La Mesa Gardens), Bradley Land Group (La Mesa Terrace), Archstone (Mission Valley Village Mobile Home Park)

Transportation

San Diego Metropolitan Transit Development Board – Mission Valley East Project – Project Manager and relocation case implementation for approximately 20 industrial and business uses for this San Diego East County trolley expansion project.

County of San Diego – Mission Road – Project Manager for a road widening project, which required the acquisition of numerous easements. The project was conducted in phases and involved both acquisition of property as well as relocation of existing businesses and residential occupants.

Linh Inokuchi

Senior Consultant

Overland, Pacific & Cutler, Inc.

Professional Credentials

Initial Year in Industry: 2001

Initial Year with OPC: 2006

Education:

Bachelor of Arts in Asian American Studies
University of California, Santa Barbara

License:

Real Estate Sales License, California

IRWA Courses:

104 – Standards of Practice for the Right of Way

209 – Negotiating Effectively with a Diverse Clientele

National Highway Institute Courses:

141045 – Real Estate Acquisition Under the Uniform Act: An Overview

In-House Courses:

Advanced Residential Relocation
Basic Business Relocation
Advanced Business Relocation
Utility Coordination

Professional Affiliations:

Member, California Redevelopment Association (CRA)
Member, California Association for Local Economic Development (CALED)

Overview

Ms. Inokuchi provides relocation advisory assistance and relocation financial assistance to displaced persons as a result of acquisition of real property for public use. She provides written informational statements outlining benefits, assistance and grievance procedures and other advisory services to displaced persons in order to minimize hardships. Ms. Inokuchi has experience in real estate acquisition, analyzing real estate appraisals, reviewing property title reports and preparing project budgets. Ms. Inokuchi has also assisted in the negotiation of eminent domain related projects. She is Bilingual in English and Chinese. Ms. Inokuchi is also knowledgeable in Title 25 Regulations.

Project Experience

City of Belmont – Firehouse Square, Belmont, CA – Acquisition Consultant assisting in the project planning.

Santa Clara Valley Transportation Authority - Bus Rapid Transit, San Jose, CA – Consultant assisting in the project planning.

San Francisco Redevelopment Agency – Hunters Point Shipyard Artist Relocation, San Francisco, CA – This project involves permanent and temporary displacement of up to 158 artists.

Transportation Agency For Monterey County – Commuter Rail Extension, Monterey County, CA – Consultant assisting in the project planning.

Redwood Children’s Services – Washington Court, Ukiah, CA – This project involves the permanent displacement of 3 residential households.

San Mateo Housing Authority – El Camino Village, Colma, CA and Midway Village, Daly City, CA - Preliminary planning and meeting for a project which involves voluntary permanent displacement of up to 180 residential households with Section 8 vouchers.

Tenderloin Neighborhood Development Corporation – Klimm Apartments, San Francisco, CA – Relocated 4 residential over-income households; 3 were Cantonese-speaking tenants. Civic Center Residence, San Francisco, CA – Relocated 12 residential over-income households.

Turk and Eddy Preservation Properties, San Francisco, CA - This project involves temporary displacement of 82 residential households with HUD funding. Relocation consultant who also manages the project Trust Account and monthly stipend payments for eligible residential households.

Linh Inokuchi
Senior Consultant

Overland, Pacific & Cutler, Inc.
(Continued)

Trammell Crow Residential – Main Street Mobile Home Park, Milpitas, CA – Relocated 34 mobile home and recreational vehicle owners.

MidPen Housing Corporation – Forest Homes Mobile Home Park Project, South San Francisco, CA – This project involves the permanent displacement of 9 mobile home owners and 2 mobile home renters. Relocation consultant who also manages the project Trust Account and monthly stipend payments for eligible residential households.

Housing Services Affiliate of the Bernal Heights Neighborhood Center – Stinson Project, San Francisco, CA – Relocated 3 residential households.

Church Project, San Francisco, CA – Relocation Consultant assisting in the permanent displacement of 2 non-profit businesses and 1 childcare facility.

City of Stockton Redevelopment Agency – Block 52 Project – Relocated 2 Cantonese-speaking homeowners.

Community Development Commission of Mendocino County – Carlson Apartments, Willits, CA – Relocated 4 residential households with Section 8 vouchers.

The Related Companies of California - Martin Luther King – Marcus Garvey Square Cooperative Apartments Project, San Francisco, CA - This project involves temporary displacement of 211 residential households.

The Redevelopment Agency of the County of Alameda – Fong/Wilbeam Project, Castro Valley, CA - This project involves permanent displacement of 2 residential households.

Margaret Ecker Nanda, Attorney at Law – Red Arrow Mobile Home Park Project, South San Francisco, CA - Relocation Consultant who assisted with permanent displacement of 13 mobile home and recreational vehicle owners.

Dublin Housing Authority – Arroyo Vista Apartments – Relocation Consultant assisting in the permanent displacement of 150 residential households, majority with Section 8 vouchers.

Mercy Housing, Inc. – Magnolia Village Apartments, Americus, GA – Relocation Consultant assisted with processing claims and payments and maintaining documentation in the relocation files.

City of Mountain View - Future West Dana / Mariposa Park, Mountain View, CA – Permanent displacement of 3 residential households.

City of Alameda Housing Authority – Esperanza Apartments, Alameda, CA – This project involves voluntary permanent displacement of 37 residential households with Section 8 vouchers.

Linh Inokuchi
Senior Consultant

Overland, Pacific & Cutler, Inc.
(Continued)

City of Berkeley Housing Authority – Scattered Sites, Berkeley, CA – Preliminary planning and meeting for a project which involves displacement of up to 61 residential households with Section 8 vouchers.

Chelsea Investment Corporation – Oakridge Apartments, Oakdale, CA - This project involves temporary onsite displacement of 37 residential households.

AF Evans Company, Inc. and Tenderloin Neighborhood Development Corporation – Shih Yu-Lang YMCA Hotel, San Francisco, CA – Assisted in the permanent displacement of 20 residential households.

City of Fairfield Redevelopment Agency – North Pace Project – Assisted in the permanent displacement of 58 residential households, many with Section 8 vouchers.

Bridge Housing, Inc. – Meadowbrook Mobile Home Park Project, Colma, CA – Relocated 45 mobile home and recreational vehicle owners.



Item #: **3.D.**

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: DEPARTMENT OF PUBLIC WORKS
DATE: MAY 20, 2011
SUBJECT: RISPIN PROPERTY HAZARD ABATEMENT UPDATE NO. 5

Recommended Action: By motion and roll call vote, take the following actions:

1. Accept this update report on the Rispin Property Hazard Abatement Project, and
 2. By 4/5 approval, make the determination that all hazards at the Rispin Property as detailed in the March 1, 2011, Notice of Summary Abatement Order to Abate Dangerous Buildings and Grounds have not been eliminated and that there is a need to continue action.
-

BACKGROUND

On March 10, 2011 the City Council adopted Resolution No. 3859 declaring that an emergency condition exists as a result of the receipt of an Order to Abate a Hazardous Condition at the Rispin Mansion Property. Pursuant to Public Contracting Code Section 22050 the City Council must review this action at each subsequent regularly scheduled meeting and by 4/5 vote authorize work to continue under the emergency declaration.

DISCUSSION

Project status:

The final selection and permit approval for the roofing replacement has been delayed due to difficulties in locating appropriate replacement roof tiles. The project manager and contractor are diligently working to locate appropriate tiles and it is anticipated the building permit for the roof will be submitted in the next week.

FISCAL IMPACT

Contracts in the amount of \$650,000 have been issued. As of May 6, 2011, there has been \$42,175.26 in invoices paid.

ATTACHMENTS - None

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

**Reviewed and Forwarded
By City Manager:**



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: FINANCE DEPARTMENT
DATE: MAY 16, 2011
SUBJECT: CONFIRMATION OF CITY'S INVESTMENT POLICY

Recommended Action: Motion to confirm the City's Investment Policy (Administrative Policy Number III-1; Revised August 9, 2001), or provide direction to staff regarding any recommended changes.

BACKGROUND:

California Government Code §53630 et seq contains State requirements for the deposit of City funds. Section 53635 requires that all money belonging to, or in the custody of, a local agency be deposited in certain allowable instruments. The current Investment Policy was approved by the City Council on August 9, 2001, by adoption of Resolution No. 3149 Affirming the City's Investment Policy, and was incorporated into the City's Administrative Policies. A copy of the Investment Policy, which was confirmed by the City Council on May 13, 2010, is attached.

DISCUSSION

The California Government Code requires cities to review its Investment Policy on an annual basis. The purpose of this item is to provide the City Council with an opportunity to review its policy and either reaffirm its Investment Policy or provide direction to staff for recommended changes. The City's current investment policy and investment portfolio comply with all applicable state law requirements.

FISCAL IMPACT

None

ATTACHMENTS

Administrative Policy III-1: Investment Policy (Confirmed 5/13/10)

Report Prepared By: Lonnie Wagner
Accountant II

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



ADMINISTRATIVE POLICY

Number: III-1

Issued: May 9, 1996

Revised: August 9, 2001

Confirmed: May 13, 2010

Jurisdiction: City Council

INVESTMENT POLICY

The policy for the investment of public funds shall at all times conform, by law, to Section 53601, et seq., of the California Government Code. In order of importance, the investment policy shall:

1. Provide for the safety of the funds
2. Assure the liquidity of the funds
3. Acquire earnings of the funds

This investment policy, or any modification thereof, shall be formulated by the City Treasurer and approved by the City Council and copies made available upon request.

The Treasurer's investment portfolio contains pooled investments of funds by both the City and of benefit assessment districts within the City. The earnings from pooled investments are shared proportionately with each investor.

City investment funds shall only be invested in the following permitted investments:

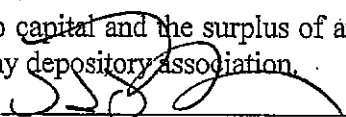
1. State of California Local Agency Investment Fund
2. U.S. Treasury T-Bills
3. Negotiable Certificates of Deposit
4. Guaranteed Investment Contracts (GIC) of AAA quality, for a term not to exceed fifteen (15) months*

The following limitations shall apply to permitted investments:

T-Bills: Total dollar investment not to exceed 60% of total portfolio at time of investment.

Certificates of Deposit:

- A. Total dollar investment not to exceed 20% of total portfolio at time of investment.
- B. Maturity date of securities shall not be more than 365 days from date of purchase.
- C. Issuer must be one of top 20 national or state chartered banks, one of top 20 state or federal savings associations, or one of top 10 state licensed foreign banks as compiled by American Banker from Merrill Lynch.
- D. CD's may be purchased only from the issuer, a federal or state chartered bank, a federal or state association, or a brokerage firm designated as a primary dealer by the Federal Reserve Bank.
- E. The deposit shall not exceed the total of the paid-up capital and the surplus of any depository bank, nor shall the deposit exceed the net worth of any depository association.


 Jacques Bertrand, City Treasurer

[City Council Resolution No. 2788, 5/9/96; Amended 3/22/01 by Resolution No. 3120 and 8/9/01 by Resolution No. 3149; Confirmed: 6/12/03; 6/10/04; 6/9/05; 5/25/06; 5/24/07; 6/12/08; 5/28/09; 5/13/10]



Item #: 3.F.

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: CITY MANAGER'S DEPARTMENT
DATE: MAY 16, 2011
SUBJECT: LIABILITY CLAIMS

RECOMMENDED ACTION: Deny liability claims and forward to the City's liability insurance carrier.

DISCUSSION

The following claimants have filed liability claims against the City of Capitola:

1. Veronica Shepardson, et al: an undetermined amount
2. Tracey Conklin: an undetermined amount
3. Jeanne Roddy: \$9,500
4. Barbara & Mark Vasko: an undetermined amount
5. Kathleen S. Sullivan: an undetermined amount
6. Sidney C. Jackson: \$880
7. Larry Machado, et al: \$35,277
8. Larry Machado, et al: \$10,000
9. William & Lee Ann Gilbert: \$50,000
10. Alan & Donna Fontaine: \$12,000

ATTACHMENTS: None

Report Prepared By: Liz Nichols
Executive Assistant to the City Manager

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



Item #: **3.G.**

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: DEPARTMENT OF PUBLIC WORKS

DATE: MAY 6, 2011

SUBJECT: INCREASE IN PUBLIC WORKS CREW ALLOCATION OF PERSONAL HOLIDAY
BY EIGHT HOURS PER PERSON

Recommended Action: By motion and roll call vote, that the City Council approve increasing the Personal Holiday allocation for Public Works crew members by eight hours per employee in recognition of their outstanding response to the March floods.

BACKGROUND

On March 24th and 26th of this year the City of Capitola was besieged by heavy rainfall resulting in major flooding of the Pacific Cove Mobile Home Park and Capitola Village. Both flood events required significant cleanup efforts to remove mud and other materials from City streets, the mobile home park, and debris from flood damaged buildings.

DISCUSSION

The Public Works Department streets and parks crews, under the direction of Maintenance Supervisor Eddie Ray Garcia, responded to these incidents with professionalism and sacrifice to make sure they met the needs of the businesses and residents of the City. Their diligence included working long hours to get roads reopened as quickly as possible, and repeatedly removing debris as it was placed on the street.

In recognition of their outstanding response and service it is recommended that each member of the crew receive an eight hour allocation of personal holiday for their use in calendar year 2011. This allocation will expire at the end of 2011 if unused. The following employees are recommended to receive this allocation:

Eddie Ray Garcia, Matt Kotila, Cary Oyama, Mark Sessions, Lance Elliot, David Nakamoto, Chris Tryde, Albert De La Torre, and Frank DeFalco.

FISCAL IMPACT

Personal Holiday time cannot be converted to cash, as such there is no direct cost to the city for this action. The indirect cost of the time off is approximately \$2,000.

ATTACHMENTS - None

Report Prepared By: Steven Jesberg
Public Works Director

**Reviewed and Forwarded
By City Manager:**



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: Finance Department
DATE: May 20, 2011
SUBJECT: CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA (CVWBIA)
FISCAL YEAR 2011/12 ASSESSMENTS

RECOMMENDED ACTION: By motion and roll call vote, that the City Council adopt the proposed Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2011/2012, which receives the Annual Report and Proposed FY 2011-12 Budget prepared by the Capitola Village and Wharf Business Improvement Area, sets a public hearing to receive oral or written protests on the levy of the assessments for FY 2011-12 for Thursday, June 9, 2011, at 7:00 p.m., directs the City Clerk to give required notice in the newspaper, and directs the Capitola Village and Wharf Business Improvement Area to give required notice to each proposed affected business.

BACKGROUND

In June 2005, the City of Capitola adopted Ordinance No. 889, which added Chapter 5.10 to the Capitola Municipal Code establishing the Capitola Village and Wharf Business Improvement Area (CVWBIA), which was established to generate revenue for the exclusive purpose of promoting business in the Capitola Village and Wharf Business Improvement Area. The governing State law requires certain annual actions and public hearing to continue this assessment district.

DISCUSSION

In accordance with State law, the CVWBIA is required to submit an annual plan for each year in which assessments are to be levied in the CVWBIA. The Annual Report, Exhibit A to the proposed resolution, was prepared by the CVWBIA and fulfills the requirement for FY 2011/2012 and is submitted for Council review. The Annual Report, which must be, and is, on file in the City Clerk's office, may be modified by the Council and then approved. For FY 2011-12, the CVWBIA Annual Report proposes no change in the assessment area, however has included 2 new membership categories. The Specialty category is for businesses that make appointments for services and is \$120 per year. The Seasonal Food Service is for a food service business that is closed for the months of November through March and is \$280 per year.

The annual report also outlines the CVWBIA's 2011-2012 planned activities and proposed budget. Activities for FY 2011-12 include:

- Enhancing Village Directories with updated photos and wide-spread distribution,
- Increasing website presence,
- Encouraging volunteers for village activities,
- Continuing holiday activities, and
- Advertising in print, television and radio.

The action to be taken by the City Council at this time is to adopt the proposed resolution. In addition to providing notification of the City's intent to levy business improvement assessments for Fiscal Year 2011/2012, the resolution receives the Annual Report and Proposed Budget of the CVWBIA, sets the date for a Public Hearing to be held on Thursday, June 9, 2011, and, pursuant to Streets & Highways Code Section 36523 (a) and (b), the resolution sets forth noticing requirements and directs the City Clerk to publish the Resolution of Intention in the Santa Cruz Sentinel Newspaper once, at least seven days before the public hearing, and directs the CVWBIA to give notice of the public hearing by mailing a completed copy of the Resolution of Intention to each business owner in the area within 7 days of the Council's adoption of the resolution.

A representative of the Capitola Village and Wharf Business Improvement Area will be in attendance at the meeting in the event council members have questions; however, the CVWBIA's presentation will be made at the Public Hearing on June 9, 2011.

The Capitola Village and Wharf Business Improvement Area has prepared a Notice of Public Hearing (Attachment 2) that will be sent to each business in the area, along with a certified copy of the Council's resolution.

FISCAL IMPACT

There is no fiscal impact to the City. CVWBIA billing and accounts payable costs incurred by the City are reimbursed by the CVWBIA.

ATTACHMENTS

1. Draft Resolution (Includes Exhibit A, Annual Report and Proposed FY2011-12 Budget)
2. Draft Notice to be sent by CVWBIA

Report Prepared By: Lisa Saldana, Supervising Accountant

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

RESOLUTION NO.

**RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF CAPITOLA TO LEVY
BUSINESS IMPROVEMENT ASSESSMENTS
FOR FISCAL YEAR 2011/2012**

WHEREAS, the Capitola Village and Wharf Business Improvement Area (“CVWBIA”) has prepared a report to the City of Capitola for fiscal year 2011/2012 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

1. The Annual Report and Proposed Fiscal Year 2011/12 Budget of the CVWBIA pertaining to business improvement assessments, as presented in Exhibit “A” attached hereto, is received.

2. The City Council intends to levy and collect assessments within the CVWBIA for Fiscal Year 2011/2012.

3. The proposed activities authorized by Capitola Municipal Code Chapter 5.10 are described in the afore-referenced CVWBIA annual report. These activities include a variety of promotional activities, including Village maintenance and beautification programs, and extended holiday parking programs. A number of promotional information media announcements and publications will also be financed from these funds, including regional magazine advertising, broadcast advertising and website advertising.

4. The Business Improvement Area is bounded per the map of the CVWBIA reproduced as Exhibit “A” to Capitola Municipal Code §5.10.020 and included in the Municipal Code. The CVWBIA boundaries are not being altered.

5. The Annual Report of the CVWBIA is presented in Exhibit “A” attached hereto. The proposed assessments will be calculated under the formula for assessment found in Capitola City Council Resolution No. 3546 adopted May 25, 2006. This formula is based on the classification of benefited businesses and the businesses’ number of full-time equivalent employees. Assessments will not be increased; however, two new categories, Specialty and Seasonal Food Service, have been added.

6. The Capitola City Council will hold a public hearing in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, at the hour of 7:00 p.m., on Thursday, June 9, 2011, to receive any oral or written protests or endorsements to the regularity or sufficiency of the proposed business improvement assessments. If written protests complying with Streets and Highways Code §36524 and §36525 are received from the owners of businesses which will pay fifty percent or more of the assessments, assessments will not be levied, the procedure will be terminated and will not be reconsidered until one full year has elapsed.

7. The City Clerk is directed to give notice of the public hearing to consider the levy of business improvement assessments for fiscal year 2011-2012 by publishing this Resolution of Intention in a newspaper of general circulation in the City once, at least seven days prior to the public hearing.

8. The CVWBIA Advisory Committee is directed to give notice of the public hearing to each business owner in the area by mailing a copy of the Council's Resolution of Intention to each business.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 26th day of May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

EXHIBIT A

Annual Report & Proposed FY2011-12 Budget CVWBIA Assessment Basis CVWBIA Business Addresses and Assessment Method

Activities

With the goal of increasing tourism and promoting the Capitola Village and Wharf areas, the Capitola Village and Wharf Business Improvement Area ("CVWBIA" or "District") serves primarily as a marketing agent advocating the Village and Wharf businesses. The primary activities of the CVWBIA therefore relate to achieving the objective of marketing the Capitola Village and Wharf Area. Informational brochures for visitors, an attractive and active website linked to Village and Wharf merchants, a Village map identifying locations of Village and Wharf merchants, newsletters, advertising programs, holiday events and Village betterment projects are key focuses of the District. Promotion of the Village and Wharf will be funded by this District. These goals and objectives can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Increase the number of year round visits to the businesses within the District, emphasizing the period of October through May of each year.
- Increase the numbers of people who stay, shop, and dine in the Village and on the Wharf of Capitola including not only Santa Cruz County residents but also California residents from the following counties at all times of the year:

Monterey	San Mateo
Santa Clara	Sonoma
San Benito	Marin
Fresno	Contra Costa
Merced	San Joaquin
Stanislaus	Sacramento
Alameda	San Francisco, bay area

- Improve the ease of access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via the Internet and printed brochure/directories.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf, by working in partnership with the Capitola-Soquel Chamber of Commerce.
- Improve and enhance the appearance of the Village and Wharf in concert with the City of Capitola. Enhance the ability of the CVWBIA to serve as a liaison between individual business owners, local governments, and private agencies, including the City of Capitola.

As the CVWBIA begins its seventh year, we will continue the successful programs developed during the prior years of the CVWBIA. New programs will be put in place.

The CVWBIA will continue and expand successful programs from the current and prior years which included the following:

1. **Village Directories.** Over 75,000 directories were printed and distributed in FY 2010-11.
2. **Directory Distribution.** The CVWBIA has contracted with Certified Folder Display Service for distribution of 45,000 brochures in the San Jose, Santa Clara Area and 20,000 brochures in Santa Cruz. This is the company with exclusive rights to lobby racks in all the hotels, resorts, motels and visitor centers.
3. **Website Presence.** We maintain a very attractive website for ease of use and connectivity to local businesses. The CVWBIA has a strong Internet presence with multiple domain names, which can be used for different projects. The primary domain names are www.capitolavillage.com and www.exploreacapitola.com. The website has a complete directory of all businesses in the boundaries of the CVWBIA with pictures and links to their individual websites. There is a history of Capitola written by Carolyn Swift, Capitola Museum Coordinator. There is a schedule of events for the year with contact information. The walking tour of Capitola Village is also on the site. Articles with colorful descriptions of Village businesses and activities have been added. There are two ways for the CVWBIA to capture email addresses for future correspondence with visitors to the web site. Email address information is captured via the contest to win a vacation in Capitola Village and visitors are asked to sign up at merchants' shops throughout the Village and Wharf.
4. **Volunteers.** The CVWBIA members participate with the Capitola/Soquel Chamber of Commerce and volunteer at the various events they put on in the Village.
5. **Holiday Activities.** The CVWBIA works with the Chamber and the City on the Christmas Holiday decorations. The CVWBIA hosts a Tree Lighting Ceremony, Community Caroling, and provides Holiday music throughout the Village. The CVWBIA also provides lights for threes throughout the Village as well for houses on Depot Hill that participate in the Holiday decorations.
6. **Advertising.** The CVWBIA placed advertisements in travel magazines that have paid off at many different levels. In addition to the visibility of our ad and URL, the Sunset Magazine named Capitola one of the 20 Best Beach Communities on the west coast. The CVWBIA will continue co-op with the Santa Cruz County Conference and Visitors Council advertising in print, on television and radio which highlights Capitola.

Highlights of FY2010-11 activities:

1. **The CVWBIA extended its marketing campaign.** We will be continuing to improve our SEO (search engine optimization) for the capitolavillage.com website. We are using Google analytics to each page on our site to track the traffic and demographics of our visitors to the website.
2. **Expanded our of the gift certificate program.** We provided more overnight stays and other "shopping sprees" in Capitola Village as part of the gift certificate program.
3. **Advertising** We coop with the Santa Cruz County Conference and Visitors Council to provide advertising that features the Capitola Village. This included a radio and TV campaign. In addition we advertised in the Sacramento Magazine.

4. **Holiday music.** This year again we provided outdoor holiday music throughout the Village
5. **Communications.** We expanded the number of Newsletters that went out to members. We also increase the number of Newsletters that went to Capitola Visitors. The merchant newsletters also provided regular updates to the Village Flooding in March of this year.
6. **Website.** Last year we completely revamped our website to be more user-friendly and collect important marketing data. The website is now showing improvements from the changes we made last year. We also have individual web pages for each CVWBIA member.
7. **New Membership Categories** This year we added two new categories to more clearly match merchant businesses with services and seasonal business.
 - a. **Specialty** – A business which makes appointments for services, i.e. Health and Beauty Services, photography studio, lessons such as music or surfing, would be assessed at the same rate as the “office” category which is \$120.00 per year. No gift certificates can be given in lieu of the cash assessment.
 - b. **Seasonal Food Service** – A food service business to be considered seasonal must be closed for the months of November through March. The assessment is \$280.00 per year. The gift certificate amount in lieu of cash assessment is \$45.00.
8. **Village Map & Directory** In the current year we developed the design and logistics for creating and deploying a poster containing a map of the Village and noting the locations of all merchants throughout the Village. We expect this poster to be deployed this summer.
9. **Social Networking** During the past year we created a Facebook and Twitter account for the Capitola Village.

**Capitola Village & Wharf Business Improvement Area
Assessment Basis**

The method of assessment breaks down the businesses within the proposed boundary map into seven categories:

1. Retail / Service businesses
2. Restaurant/Bar/Take-out food and beverage businesses
3. Office and Professional businesses
4. Hotel / Motel / Inn businesses
5. Short-term Rental businesses
6. Specialty
7. Seasonal Foods

These five business categories are further broken down by number of employees for the first two categories, a flat fee for the third and fifth categories, and a per unit fee for the Lodging/Motel/Inn businesses. Registered non-profits are exempt from assessment.

The following table represents the proposed method of collection and fee determination for the proposed CVWBIA.

Business Category	Number of Full-Time Equivalent Employees *		
	0 – 5 employees	6 – 10 employees	More than 10 employees
Retail / service	\$420.	\$840.	\$1260.
Restaurant / Bar / Take-out	\$480.	\$960.	\$1440.
Office / Professional	\$120.		
Hotel / Motel	\$360 per unit		
Short-term Rental **	\$180		
Specialty	\$120		
Seasonal Food Service	\$280		

Footnote* “Full-time employee” is considered one who works 2000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation.

Footnote** “Short-term rental” businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

See In-Lieu Payments/Trades Program on the next page.

In-Lieu Payments/Trades – The City Manager is authorized to approve “in lieu” assessment payments in the form of Gift Certificates from CVWBIA retail, food or lodging business members whereby these businesses tender retail, restaurant and lodging gift certificates for use by the CVWBIA in connection with its promotional activities. The amount of “in lieu” assessment payments will be fixed per category, with exceptions that may be authorized by the City Manager. The amounts of the gift certificates for each category and payment levels are as follows:

<i>Business Category</i>	<i>Assessment</i>	<i>Cash</i>	<i>In-lieu/Trade</i>
Retail / service:	\$420.	\$345	\$75
	\$840	\$690	\$150
Restaurant / Bar / Take-out	\$480	\$405	\$75
	\$960	\$810	\$150
	\$1,440	\$1,215	\$225
Office / Professional	\$120	\$120	\$0
Short-term Rental	\$180	\$180	\$0
Hotel/Motel	\$360 per unit	50%	50%
Specialty	\$120	\$120	\$0
Seasonal Food Service	\$280	\$235	\$45

Associate Membership – CVWBIA is authorized to accept “associate membership” financial contributions from businesses outside the CVWBIA which might wish to participate in the CVWBIA’s promotional activities but which are not subject to the CVWBIA assessments.

New Business Assessment – Assessment will be prorated by the quarter in which a business opens. “In Lieu” payments will be accepted.

Business Closing - A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that the business will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year’s assessment in full.

Delinquencies – This year we adopted a clear policy relative to delinquent dues. In addition to referring merchants with delinquent dues to a collection agency after 6 months delinquent, the delinquent members will be eliminated from the following listings if dues not paid by specified date:

<u>Listing</u>	<u>Dues must be paid in full by</u>
Web listing	April 30, 2012
Village Listing	April 30, 2012
Village Brochure	April 30, 2012

**Capitola Village & Wharf Business Improvement Area
Estimated Actual for FY 2010-11 and Proposed Budget for FY 2011-12**

	FY 09/10 Actual	FY 10/11 Adopted	FY10/11 Mid-Year	FY 11/12 Proposed
Beginning Fund Balance	\$ 14,500	\$ 7,400	\$ 7,400	\$ 1,000
Revenues				
BIA Assessment Revenues- Cash	56,700	61,600	55,800	58,200
BIA Assessment Revenues- Trade	13,300	11,000	12,600	12,000
Interest Revenue	200		100	100
Total Revenues	70,200	72,600	68,500	70,300
Total Source of Funds	\$ 84,700	\$ 80,000	\$ 75,900	\$ 71,300
(Beg. Fund Bal & Revenues)				
Expenditures				
Advertising	\$ 62,700	\$ 65,500	\$ 62,300	\$ 58,600
Maintenance - City Public Works	3,000	3,000	3,000	3,000
Billing/Collection - City Accounting	4,200	4,200	4,200	4,200
Capitola Soquel Chamber Of Commerce	3,000	3,000	3,000	3,000
Supplies	1,200	500	700	1,000
Collection Expense	200	500	500	500
Website	-	1,000	900	1,000
Administrative Assistant	3,000	500	300	300
Total Use of Funds	77,300	78,200	74,900	71,600
Ending fund Balance at June 30th	\$ 7,400	\$ 1,800	\$ 1,000	\$ (300)

The following tables provide detail for selected items of the proposed FY 11/12 Budget:

Revenues	Proposed FY 11/12
Food	18,360
Hotels	17,280
Office	2,520
Retail	23,940
Short Term Rentals	8,100
Subtotal	\$ 70,200

Advertising	Proposed FY 11/12
Gift Cert.-Contest *Trade	12,000
Sacramento Magazine	2,500
Holiday	4,000
CVC Partnership	17,000
TV/Radio	8,000
CDS Distribution	6,100
Directories Printing	4,000
Consulting-Marketing & Internet	4,000
Printing Explore	1,000
Subtotal	\$ 58,600

**Capitola Village & Wharf Business Improvement Area
Budget Discussion**

Revenues:

The proposed revenue is derived from the CVWBIA business listings and proposed assessment rates. The allocation of cash and in-lieu revenue is based upon FY 20010-11 actual.

Expenditures:

Summary: The proposed expenditures include advertising and related services of \$62,300, City Public Works maintenance for beautification of \$3,000, City Accounting Staff of \$4,200 for billing and accounts payable services, \$3,000 for the partnership with the Chamber of Commerce, \$1,000 for website services and maintenance and the \$1,800 balance will be used for administration and office expense.

Advertising is the CVWBIA's principal expenditure.

- Members may satisfy a portion of their annual fee with **gift certificates (\$12,000)**. These certificates are used to promote specific businesses in the Village through donations to various activities in the Village and promotional incentives to potential visitors to Capitola.
- The CVWBIA advertises regularly (\$22,500) in **tourist magazines** such as VIA and Sunset Magazine. In addition we advertised in Explore which is a hard covered promotional book which is placed in several hundred hotel rooms throughout the area.
- **TV & Radio Advertising (\$10,000)**. While these are a more expensive advertising media we attempt to take advantage of special opportunities with spots that emphasize the Capitola Village.
- **Local directories** We spend over \$10,000 printing and distributing directories of all members plus special event in the Village. These are very attractive and useful brochures which are available at all local merchants and in distribution centers throughout the area.

The CVWBIA will begin FY 2011-12 with an estimated fund balance of \$8,200.

**Capitola Village & Wharf Business Improvement Area
Business Address and Assessment Method**

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY11/12 Est. Size</u>	<u>FY11/12 Est. Amt Due</u>
209B Esplanade	Bay Bar & Grill	F	1 - 5	\$480
316 Capitola Ave	Bella Roma Café	F	0 - 5	\$480
110 Monterey	Bluewater Steakhouse	F	6 - 10	\$960
201 Monterey #C	Cafe Angelina	F	0 - 5	\$480
104 Stockton Ave	Café Violette	F	0 - 5	\$480
105 Stockton Ave	Capitola Coffee Roasters	F	0 - 5	\$480
115 San Jose Ave, Ste. #6	Caruso's Tuscan Cuisine	F	0 - 5	\$480
115 San Jose Ave, Ste. #7	CAVA Wine Bar	F	0 - 5	\$480
123 Monterey	El Toro Bravo	F	0 - 5	\$480
211 Esplanade	Fog Bank Bar & Grill	F	0 - 5	\$480
200 Monterey #3	Geisha Japanese Restaurant & Tea House	F	0 - 5	\$480
231 Esplanade #101	Margaritaville	F	> 10	\$1,440
201 Esplanade	Mr. Kebab & Falafel	F	0 - 5	\$480
231 Esplanade #100	Mr. Toots Coffee & Tea	F	0 - 5	\$480
207 Esplanade	My Thai Beach	F	0 - 5	\$480
215 Esplanade	Paradise Beach Grille	F	> 10	\$1,440
209A Esplanade	Pizza My Heart	F	6 - 10	\$960
115 San Jose Ave, Ste. #1	Seaside Coffee	F	0 - 5	\$480
1750 Wharf Rd	Shadowbrook Restaurant	F	> 10	\$1,440
200 Monterey #1	Souza's Ice Cream & Candy	F	0 - 5	\$480
231 Esplanade #102	Stockton Bridge Grille	F	6 - 10	\$960
427 Capitola Ave	Taqueria Agave	F	0 - 5	\$480
200 Monterey #2	Taqueria Baja	F	0 - 5	\$480
210 Monterey #1	Thai Basil	F	0 - 5	\$480

**Capitola Village & Wharf Business Improvement Area
Business Addresses and Assessment Area**

Business Address	Business Name	TYPE	FY11/12 Est. Size	FY11/12 Est. Amt Due
1400 Wharf Rd	Wharf House Restaurant	F	0 - 5	\$480
203 Esplanade	Zelda's	F	> 10	\$1,440
107 San Jose Ave, Ste. #8	Surfing Dog	F-Seasonal	0-5	\$120
210 Esplanade	Capitola Hotel	H	7 (8?)	\$2,520
5000 Cliff Dr	Harbor Lights Motel	H	10	\$3,600
250 Monterey	Inn at Depot Hill	H	12	\$4,320
1500 Wharf Rd	Venetian Hotel	H	19	\$6,840
312E Capitola Ave	57 Design Inc.	O		\$120
331 Capitola Ave. #B	A Great Beach Rental.com	O		\$120
331F Capitola Ave	Advanced Ingredients	O		\$120
425 Capitola Ave.	Amazing, Flawless Skin Care: Year Round Brown	O		\$120
312D Capitola Ave	Beach House Rentals	O		\$120
301 Capitola Ave	David Lyng & Associates	O		\$120
425 Capitola Ave. #4	Equilibrium Designer Massage	O		\$120
201 Monterey #G	Fuse Architects	O		\$120
415 Capitola Ave	James B. Colip Insurance	O		\$120
201 Monterey #H	Jim Reding/Landmark	O		\$120
425 Capitola Ave. #3	Kathy Macdonald Association	O		\$120
314 Capitola Ave	Katz & Lapidés	O		\$120
409 Capitola Ave. #A	Liz De Puydt Photography	O		\$120
331 Capitola Ave. #B	Michael Lavigne Real Estate	O		\$120
115 San Jose Ave, Ste. #10	Nails on the Beach	O		\$120
331Capitola Ave Ste K	Newman & Marcus,LLP	O		\$120
413 Capitola Ave	Richard Emigh, Land Use	O		\$120
201 Monterey #E	Run Rhino Inc.	O		\$120

**Capitola Village & Wharf Business Improvement Area
Business Addresses and Assessment Method**

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY11/12 Est. Size</u>	<u>FY11/12 Est. Amt Due</u>
331 Capitola Ave. #D	Suess Insurance Agency	O		\$120
Esplanade Park	Tiki Cab, LLC	O- Specialty		\$120
425 Capitola Ave. #2	Webster & Associates	O		\$120
111 Capitola Ave	Alchemology	R	0-5	\$420
103 Stockton Ave	Armida Winery	R	0 - 5	\$420
208A Monterey	Avalon Visions	R	0 - 5	\$420
110 Capitola Ave	Avije Fashion Gallery	R	0 - 5	\$420
110-B Stockton Ave	Baby Shoppe Santa Cruz	R	0 - 5	\$420
312 Capitola Ave	The Basics Botique	R	0 - 5	\$420
417 Capitola Ave	Betsy's Summerhouse Antiques	R	0 - 5	\$420
217 Capitola Ave	Big Kahuna Hawaiian Shirts	R	0 - 5	\$420
421-B Capitola Ave	Buck's World	R	0 - 5	\$420
131 Monterey	Capitola Beach Co.	R	0 - 5	\$420
208 San Jose Ave	Stand Up Paddle Capitola	R	0 - 5	\$420
1400 Wharf Rd	Capitola Boat & Bait	R	0 - 5	\$420
215 Capitola Ave	Capitola Dreams Swimwear	R	0 - 5	\$420
109 Capitola Ave	Capitola Seashells	R	0 - 5	\$420
115 San Jose Ave, Ste. #5	Carousel Taffy	R	0 - 5	\$420
205 Capitola Ave	Chocolate Bar	R	0 - 5	\$420
126 San Jose Av	Craft Gallery	R	0 - 5	\$420
207 Capitola Ave	Craft Gallery Annex	R	0 - 5	\$420
127 Monterey	Cruz'n	R	0 - 5	\$420
220 Capitola Ave	Dietle James	R	0 - 5	\$420
107 Stockton Ave.	Dogmatic	R	0 - 5	\$420
114 Stockton Av	Euphoria Rio Mix	R	0 - 5	\$420
110 Capitola Ave., #2	Free to Ride	R	0 - 5	\$420

**Capitola Village & Wharf Business Improvement Area
Business Address and Assessment Method**

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY11/12 Est. Size</u>	<u>FY11/12 Est. Amt Due</u>
212 Capitola Ave	Gaia Earth Treasures	R	0 - 5	\$420
219 Capitola Ave	Hot Feet	R	0 - 5	\$420
210 Capitola Ave	Hour Place	R	0 - 5	\$420
115 San Jose Ave, Ste. #11	In the Raw	R	0 - 5	\$420
201 Monterey #B	Kickback	R	0 - 5	\$420
118 Stockton Ave.	La Vita Company	R	0-5	\$420
120 Stockton Ave.	Latta	R	0 - 5	\$420
115 San Jose Ave, Ste. #2	Nazar Turkish Imports	R	0 - 5	\$420
112 Capitola Ave.	Nubia Swimwear	R	0 - 5	\$420
204 Capitola Ave	Oceania	R	0 - 5	\$420
110 Capitola Ave #1	Om Gallery	R	0 - 5	\$420
321 Capitola Ave	Pacific Gallery	R	0 - 5	\$420
115 San Jose Ave, Ste. #4	Panache Bath & Body Shop	R	0 - 5	\$420
115 San Jose Ave.	Parking at the Mercantile	R	0-5	\$420
120 Monterey Ave.	Parking at the Theater	R	0-5	\$420
312A Capitola Ave	PhDiamonds	R	0 - 5	\$420
107 Capitola Ave	Phoebe's	R	0 - 5	\$420
300 Capitola Ave	Quality Market	R	0 - 5	\$420
116 San Jose Av	Rainbow City Limit	R	0 - 5	\$420
115 Capitola Ave	Script Craft/Capitola Reef	R	0 - 5	\$420
112 Stockton Av	Sea Level T's	R	0 - 5	\$420
216 Capitola Ave.	Slap Happy	R	0 - 5	\$420
202 Capitola Ave	Sunglass Hut #5276	R	0 - 5	\$420
214 Capitola Ave	Super Silver	R	0 - 5	\$420
117 Capitola Ave	Surf Shack	R	0 - 5	\$420

**Capitola Village & Wharf Business Improvement Area
Business Address and Assessment Method**

Business Address	Business Name	TYPE	FY11/12 Est. Size	FY11/12 Est. Amt Due
503 Capitola Ave	Suzi's	R	0 - 5	\$420
120 San Jose Ave	Sweet Asylum	R	0 - 5	\$420
312C Capitola Ave	The Basics Boutique	R	0 - 5	\$420
121 San Jose Ave	Thomas Kinkade Gallery	R	0 - 5	\$420
115 San Jose Ave, Ste. #12	Vanity by the Sea	R	0 - 5	\$420
201 Capitola Ave	Village Mouse	R	0 - 5	\$420
201 Monterey #A	Village Sea Glass	R	0 - 5	\$420
122 Capitola Ave	Yvonne	R	0 - 5	\$420
222 San Jose Av	Avonne Stone Jacobs, Judy Jacobs	SR	1	\$180
1500 Wharf Rd. #1	Bob & Carol Coe	SR	1	\$180
303 Cherry Way	Cal & Carla Cornwell	SR	1	\$180
109 San Jose Avenue	Capitola Associates, LLC	SR	1	\$180
305 Riverview Ave.	Capitola Pelican House	SR	1	\$180
307 Capitola Ave #B	Capitola Suites/BF Partnership	SR	1	\$180
207 & 215 San Jose Ave, A & B	Clare St. Laurent	SR	4	\$720
1500 Wharf Rd #5	Colleen Merle Lund	SR	1	\$180
5005 Cliff Dr #6	Connie Eshleman	SR	1	\$180
109 Monterey #8	David Johnson	SR	1	\$180
116 Esplanade #A-B	Dorean Moore	SR	2	\$360
310 Riverview Ave	Eleanor Glover	SR	1	\$180
1500 Wharf Rd #14	Erline Mello	SR	1	\$180
1500 Wharf Rd #8	Everett Eslinger	SR	1	\$180
318 Capitola Ave #2	Fred & Sharon Andres	SR	1	\$180
217 Monterey #A	Greg & Maxine Sivaslian	SR	1	\$180
1445 Wharf Rd	Greg McBride	SR	1	\$180

**Capitola Village & Wharf Business Improvement Area
Business Address and Assessment Method**

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY11/12 Est. Size</u>	<u>FY11/12 Est. Amt Due</u>
1500 Wharf Rd. #16	Jacqui Rice and Judi Thomas	SR	1	\$180
206 Monterey	Jay & Pamela Chesavage	SR	1	\$180
5005 Cliff Dr #3	Jean Ladoucour	SR	1	\$180
301 Cherry Way	Jeff & Kathie Gaylord	SR	1	\$180
225 San Jose Av	Joseph & Lisa Sabini	SR	1	\$180
1500 Wharf Rd. #20	Leonard Tyson	SR	1	\$180
109 Cherry Way #A-B	Lois Cox & Jim Wittkop	SR	1	\$180
1500 Wharf Rd. #6 1/2	Mary Russell, Sylvia Nurre, Rosemary & John Schaffer	SR	1	\$180
206 Stockton Av	Meredith Howard	SR	1	\$180
4985 Cliff Drive	Michael Hutto	SR	1	\$180
407 Riverview Ave	Michael Pirnik	SR	1	\$180
318 Capitola Ave #5	Mike & Karen McCormick "A Beach Condo"	SR	1	\$180
208 Monterey C	Pat & Frank Castagnola	SR	1	\$180
327 Riverview Ave A	Paulo Franca	SR	1	\$180
1500 Wharf Rd #11	Robert Chestnut "Venetian Condo"	SR	1	\$180
109 Monterey #4	Sharon Dougan	SR	1	\$180
317 Riverview Ave B	Steve & Linda Woodside	SR	1	\$180
5005 Cliff Dr #4, 314 Riverview Ave	Sue Norris	SR	2	\$360
318 Riverview Ave	Tammie Jann	SR	1	\$180
4960 Cliff Dr. #2	Tim & Stacy Hopkins	SR	1	\$180
1500 Wharf Rd #7	Viola M Carr	SR	1	\$180
1500 Wharf Rd #3,4	Watson Family Limited Partnership (Mike Newell)	SR	2	\$360

Business Category	Assessment Method	Total Estimate	
F=FOOD	Per Employee Category: 0-5; 6-10; >10 Employees	F	\$18,360
H =HOTEL/MOTEL	Per Unit or Room	H	\$17,280
O=OFFICE	Per Business	O	\$2,520
R=RETAIL/SERVICE	Per Employee Category: 0-5; 6-10; >10 Employees	R	\$23,940
SR =SHORT TERM RENTALS	Per Unit or Room	SR	\$8,100
X=EXEMPT	No Assessment	X	
		Total	\$70,200

R:\Agenda Staff Reports\2011 Agenda Reports\5-26-11\CVWBIA FY11-12 Annual Report-Budget_Resolution Exhibit A.doc

NOTICE OF PUBLIC HEARING

**ANNUAL RENEWAL OF THE CAPITOLA VILLAGE AND
WHARF BUSINESS IMPROVEMENT AREA**

Hearing Body: Capitola City Council
Hearing Date: Thursday, June 9, 2011
Hearing Time: 7:00 PM
Hearing Place: City Hall Council Chambers
420 Capitola Avenue, Capitola

The Capitola City Council hereby notifies you of a Public Hearing regarding the Annual Renewal of the Capitola Village and Wharf Business Improvement Area for FY2011-12. The renewal plan does not include a request for increase in assessments nor does it propose a change in the CVWBIA boundaries. The report states the amount of "in lieu" assessment payments to be accepted from CVWBIA retail, food or lodging business members whereby these businesses tender retail, restaurant and lodging gift certificates for use by the CVWBIA in connection with its promotional activities.

For a copy of the budget or details of the Annual Renewal, contact the Capitola Village and Wharf Business Improvement Area Board of Directors at 831-465-8444 or by email at capitolavillage@aol.com.

The Capitola City Council will hold the public hearing in the City Hall Council Chambers after the hour of 7:00 p.m. on Thursday, June 9, 2011, and will receive any oral or written protests or endorsements to the regularity or sufficiency of the proposed business improvement assessments. If written protests complying with Streets and Highways Code §36524 and §36525 are received from the owners of businesses which will pay fifty percent or more of the assessments, assessments will not be levied, the procedure will be terminated and will not be reconsidered until one full year has elapsed.

If you have any questions concerning the foregoing, please contact the Capitola Village and Wharf Business Improvement Area Board of Directors at 831-465-8444 or City Manager Jamie Goldstein at 831-475-7300.



CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: POLICE DEPARTMENT

DATE: MAY 18, 2011

SUBJECT: REQUEST BY THE CAPITOLA JUNIOR LIFEGUARD PARENTS CLUB FOR A SPECIAL EVENT PERMIT, ENTERTAINMENT PERMIT, ENCROACHMENT PERMIT, AND BANDSTAND RENTAL FOR THE 2ND ANNUAL TOLA FEST FOR THE CAPITOLA JUNIOR GUARDS ON FRIDAY, JULY 8, 2011, FROM 10:00 AM TO 8:00 PM, AT CAPITOLA BEACH AND THE BANDSTAND, AND REQUEST FOR A GRANT FOR ALL PERMIT FEES AND BANDSTAND RENTAL, IN THE AMOUNT OF \$772.00

Recommended Action: By motion and roll call vote, that the City Council:

1. Approve the Special Event Permit, including Entertainment Permit, Encroachment Permit, and Bandstand Rental for the 2nd Annual Tola Fest Celebration for the Capitola Junior Guards to be held on Friday, July 8, 2011, from 10:00 am to 8:00 pm, at Capitola Beach and the Bandstand, as submitted; and
 2. Provide the Capitola Junior Lifeguard Parents Club with a Grant for the Permit Fees and Bandstand Rental in the amount of \$772.00
-

BACKGROUND

The Capitola Junior Lifeguard Parents Club is a non-profit organization supporting and benefiting the Capitola Junior Lifeguard Program by raising funds for travel costs, competitions and scholarships for Capitola Junior Guard students. Over the past nine years, the scholarship fund has granted over \$160,000 in scholarships to more than 100 students for college and higher education. They have also joined forces with the Capitola Public Safety and Community Service Foundation and have given \$3,000 to families in need of financial assistance so their children could enroll in the Junior Guard Program. The funding comes from donations provided by both parents and local businesses. The Capitola Junior Guard Program is run by the City's Recreation Department.

DISCUSSION

The Capitola Junior Lifeguard Parents Club is planning the 2nd Annual Tola Fest Celebration for the Capitola Junior Guards at the Capitola Beach and Bandstand on Friday, July 8, 2011, from 10:00 am to 8:00 pm. There will be a guard competition on the beach, a DJ at the bandstand, and a barbeque immediately following the competition.

The Capitola Junior Lifeguard Parents Club is requesting a grant of fees in the amount of \$772.00 for the Special Event Fee, Bandstand Rental Fee, Encroachment Permit and Entertainment Permit.

FISCAL IMPACT

The fiscal impact to the City would be minimal. The costs for the city permits and application fees are listed below.

SEP Application Fee	\$ 54.00
Encroachment Permit	\$ 56.00
Entertainment Permit	\$ 31.00
Entertainment Application	\$ 31.00
<u>Bandstand Rental Fee</u>	<u>\$600.00</u>
Total	\$772.00

ATTACHMENTS

1. Letter from Denise White, Event Chair, Capitola Junior Lifeguard Parent's Club
2. Special Event Application
3. Event Map

Report Prepared By: Tom Held, Captain of Police

Approved by: Mike Card, Chief of Police

**Reviewed and Forwarded
By City Manager:**



May 10 2011

City of Capitola
Special Event Coordinator
420 Capitola Avenue
Capitola, California 95010
831 475 7300

Dear City Manager,

The Capitola Junior Guard Parents Club is planning the 2nd Annual Tola Fest, Junior Guard Alumni/Adult competition. Last year we as a community celebrated 30 years of the Capitola Junior Guards one of the most successful children's program in our community. We were so successful that we would be planning a 2nd Annual Alumni Competition and BBQ on July 8, 2011. This event would follow the Little/Junior Guard Competition that is scheduled for, July 6th and 7th.

Several years ago, a scholarship fund was created in order to help Junior Guards who want to attend college or trade school. Over the past nine years, this scholarship fund has granted over \$160,000 in scholarships to more than 100 students (Capitola Junior Guards). All of the recipients of these funds have added value to the local community as a result of this program. This funding has come from donations provided by both parents and local businesses. This year the proceeds of the event would go directly to that foundation. We have also joined forces with the Capitola Foundation and have given \$3,000.00 to families who needed financial assistance so their children can enroll in the program.

We would like to have the city come on board with our celebration and cover the cost of special permits.

- \$ 54.00, Special Event Application Fee
- \$ 300.00 Bandstand Use Fee (All day)
- \$ 31.00 Live entertainment Permit Application \$ 31

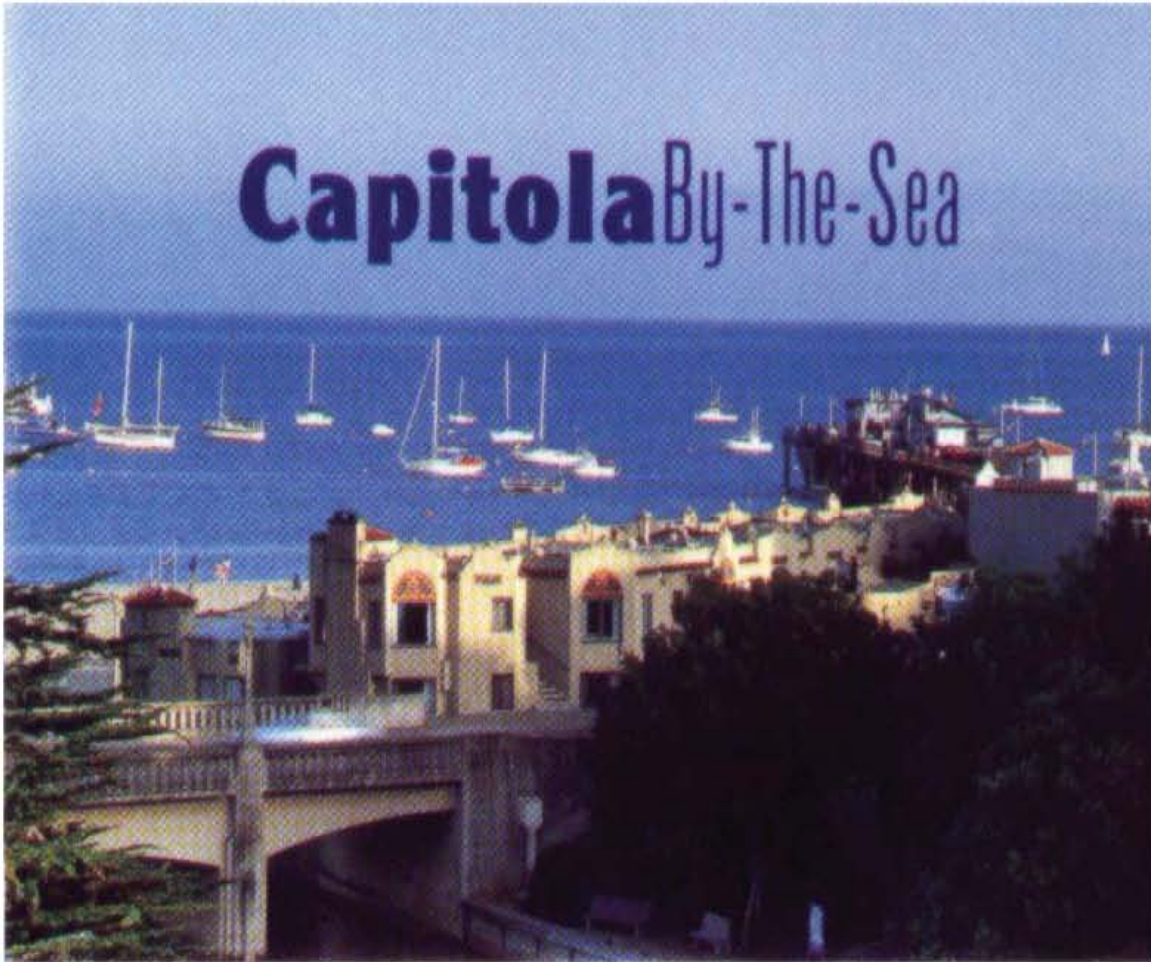
Thank you in advance for your time and consideration, we all know it takes a great community of working together to make events successful. I look forward to hear from you and your staff.

Best Regards,

Denise White

Event Chair

**GENERAL SPECIAL EVENT
PERMIT
APPLICATION**



CITY OF CAPITOLA

SPONSORING ORGANIZATION AND APPLICANT INFORMATION

- Event Name: 2nd Annual Tola Fest , Alumni Competition
- Event Description: Junior Guard Alumni Competition and BBQ
- Event Purpose: 2nd Annual Alumni Celebration and BBQ, to raise money for the scholarship foundation
- Sponsor: Capitola Junior Guards and Capitola Jr Guards Parents Club
- Sponsor's Address: P. O. Box 203

Capitola	CA	street	95010
city	state		zip code
- Sponsoring Organization's Phone: (408) 656 8694
- FAX Number: (831) 515-1157 E-Mail Address: dwhitehavens@msn.com
- Contact Person's Name: Denise White
- Business Phone: (831) 515-1107 Cellular Phone: (831) 656 8694
- FAX Number: () E-Mail Address: same as above

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

EVENT INFORMATION

- Type of event: Run Festival Parade Sale Motion Picture Block Party
- Other (specify) Capitola Junior Guard Alumni , Parents and others competiton
- Event Location: Bandstand and Beach
- Event Dates: July 8 2011 Anticipated Attendance: 250
- Web Site Information: www.capitolarecreation.com E-Mail Address: www.teamtola.com
- Will the public be invited? Yes No

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

- Date: 07/08/2011 Time: 10:00 AM/PM to 10:00 AM/PM
- Date: 07/08/2011 Time: 10:00 AM/PM to 10:00 AM/PM
- Date: 07/08/2011 Time: 10:00 AM/PM to 10:00 AM/PM
- Has this event taken place before? Yes No Any changes to this event? Yes No
- If yes, what changes? _____
- If yes, please attach a copy of your last permit for this event, if available.
- Will this event be promoted, advertised or marketed in any manner? Yes No
- Will there be live media coverage during your event? Yes No
- If yes, please explain: Last Year the Sentinel came and interviewed the contestants.

-
- Are admission, entry or vendor participant fees required? Yes No
 - If yes, explain: Public admission fees: \$ _____ per person
 Participant entry fees: \$ _____ per person
 Vendor fees: \$ _____ per booth
 Number of vendors: _____
 How many vendors are for profit? _____
 How many vendors are nonprofit? _____
 - \$ _____ Total estimated gross receipts, including tickets, product and sponsorship sales from this event. Explain how this amount was computed. Indicate amount per item.
 \$ _____ Admission fees
 \$ _____ Product fees
 \$ _____ Sponsorship
 \$ _____ Participant entry fees
 \$ _____ Other (Please specify): _____
 - \$ _____ Total estimated expenses for this event.
 \$ _____ Advertising
 \$ _____ Wages, salaries
 \$ _____ City services (police, fire, street closures)
 \$ _____ Insurance
 \$ _____ Business license fee
 \$ _____ Other (Please specify): _____
 - Is the organization a “tax exempt, nonprofit” organization? Yes No
 - \$ _____ Projected amount of revenue the Sponsoring Organization(s) will receive as a result of this event.
 - Specify the organization(s) to receive funding: _____

-
- City sponsorship requested? Yes No If yes, please describe:
 The City runs the program that we are supporting

OVERALL EVENT DESCRIPTION

- Will a staging/setup/assembly location be required? Yes No
- If yes, begin day/date: July 8 2011 Start time: 9:00 AM/ PM
- Location: Bandstand park area/ beach
- Description of the scope of the setup/assembly work (Attach additional pages and drawings as needed): The early part of the day the event will take place on the beach though we will have a sound system for announcers and DJ ,
The afternoon evening event there will be tables and pop up tents

- If yes, dismantle day date: July 8 2011 Completion time: 8:00 AM/PM

- List the street(s) requiring closure as a result of this event. Include street names, day, date and time of closing and the time of reopening: _____

none

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

- List street(s) requiring the posting of “No Parking” signs. Indicate days, dates, and times needed and an explanation of necessity for “No Parking” zone: _____

none

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

OVERALL EVENT DESCRIPTION (continued)

- Attach a diagram (please try to make diagram reasonably to scale), showing the overall layout and setup locations. Using the letters below, indicate the site for these on your diagram.

- A Alcoholic and nonalcoholic concession
- B First-aid facilities
- C Tables and chairs
- D Fencing, barriers and/or barricades
- E Generator locations and/or sources of electricity
- F Canopies or tent locations
- G Booths, exhibits, displays or enclosures
- H Scaffolding, bleachers, platforms, stages, grandstands, related structures
- I Vehicles and/or trailers
- J Trash containers or dumpsters
- K Non-food vendor locations
- L Food concession and/or food preparation areas
- M Portable toilet locations

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

- Please describe how food will be served at the event: _____
In chaffing dishes and served by the event coordinators and volunteers _____
- Will food be cooked in the event area? Yes No
- If yes, specify method: Gas Electric Charcoal Other (specify):
Gas BBQ _____
- Does the event involve the sale or use of alcoholic beverages? Yes No
- If yes, please describe: _____
- If alcohol is to be sold, how will the alcohol sales be regulated? _____

Please attach a copy of your ABC license.

- Will there be items or services sold at the event? Yes No
- If yes, please describe: _____

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

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

- Does this event involve a moving route of any kind along streets or sidewalks?
 Yes No
- If yes, highlight your proposed route on the enclosed map, indicating the directions of travel, and provide a written narrative to explain your route and its impact.

- ---

- Does this event involve a fixed venue site? Yes No
- If yes, highlight the site on the enclosed map, showing all the streets impacted by the event.

SAFETY - SECURITY

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

city state zip code
- Security Director's name: _____
- Security Director's phone number: (__) _____
- Security company's state license number: _____
- Security company's business license number: _____
- Security company's insurance carrier: _____ City or privately secured?
- On-site contact person (security supervisor): _____
- Any searches prior to entering? Yes No
- Bottle and can check? Yes No
- Metal detectors? Yes No
- How many security guards at each entrance? _____

Parking Lot Patrol (Private Security):

- Security company: _____
- Contact person (security supervisor): _____
- Number of security guards patrolling the parking lot: _____

Lighting:

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

Medical:

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

INSURANCE REQUIREMENTS

INSURANCE

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

HOLD HARMLESS

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

Applicant Signature: _____

ADVANCED CANCELLATION NOTICE REQUIRED

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

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

Name of Applicant (print): Denise White

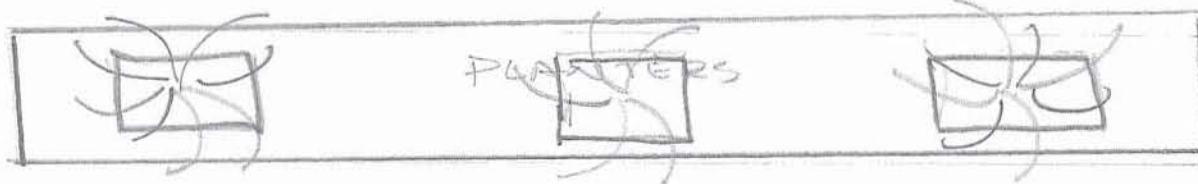
Title: 2nd Annual Alumni Competition Co- Chair

Signature of Applicant: _____ Date: May 10, 2011

Submit to Capitola PD

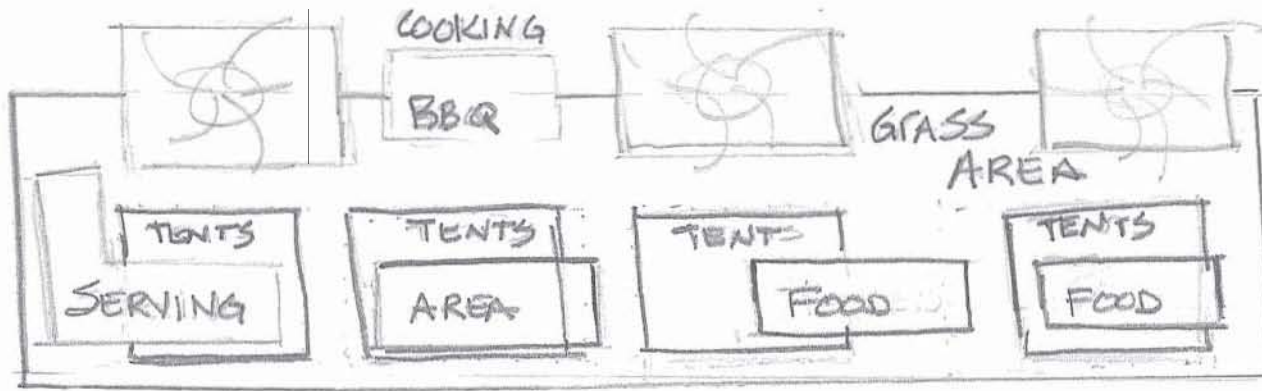
SHOWERS

-M- BATHROOMS W-



WALK-WAY

JUNIOR GUARD BBQ - JULY 9 2010



TABLES FOR DINNING IF NEEDED

BENCHES

BENCHES

BENCHES

BENCHES

SEA WALL

SEA WALL

BEACH

BEACH

BEACH

RAMPS STAND



Item #: **3.J.**

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: POLICE DEPARTMENT

DATE: MAY 18, 2011

SUBJECT: REQUEST BY CHRIS HARMOUNT FOR A MINOR SPECIAL EVENT PERMIT, ENTERTAINMENT PERMIT, AND ENCROACHMENT PERMIT FOR A BLOCK PARTY ON JEWEL STREET, BETWEEN 45TH AVENUE AND 47TH AVENUE, ON MONDAY, JULY 4TH, 2011, FROM 3:00 PM TO 7:00 PM, AND A REQUEST FOR A GRANT FOR THE LIABILITY INSURANCE PREMIUM AND ALL PERMIT FEES

Recommended Action: By motion and roll call vote, that the City Council:

1. Approve the Minor Special Event Permit, including Entertainment and Encroachment Permits for the Jewel Street Block Party to be held on Monday, July 4, 2011, from 3:00 pm to 7:00 pm, as submitted;
2. Provide applicant, Chris Harmount, with a Grant for the Liability Insurance Premium per Administrative Policy I -10; and
3. Provide applicant, Chris Harmount, with a Grant for the Permit Fees in the amount of \$172.00.

BACKGROUND

Generally, Minor Special Event Applications do not require City Council approval. Due to the request for a grant of application and permit fees, Council approval is being sought.

Block parties are found to be a positive social event that encourages communication, cooperation and friendly personal interactions among neighbors. It is the policy of the City of Capitola to encourage safe block parties. Administrative Policy I-10, Block Party Grant Program, was created to help facilitate this and to also offset costs associated with obtaining liability insurance.

DISCUSSION

Chris Harmount is organizing a block party in his neighborhood, the 4500 and 4600 blocks of Jewel Street. The block party is scheduled for Monday, July 4, 2011, from 3:00 pm to 7:00 pm. To ensure safety, he is requesting street closures at 45th Avenue and Jewel Street, and 47th Avenue and Jewel Street. There will be amplified music during the event and a potluck provided by the attendees.

Chris Harmount is requesting a grant for the Liability Insurance Premium, not to exceed \$400.00 as outlined in Administrative Policy I-10: Block Party Grant Program (Attachment 3). He is also requesting a waiver of fees in the amount of \$172.

FISCAL IMPACT

The fiscal impact to the City would be minimal. According to Administrative Policy I-10, the City has made available funds to help offset the costs of special event insurance premium and City permits for block parties. The costs for the city permits and application fees are listed below.

SEP Application Fee	\$ 54.00
Encroachment Permit	\$ 56.00
Entertainment Application	\$ 31.00
Entertainment Permit	<u>\$ 31.00</u>
Total	\$172.00

ATTACHMENTS

1. Letter from Chris Harmount
2. Special Event Application
3. Administrative Policy I-10, Block Party Grant Program

Report Prepared By: Tom Held, Captain of Police

Approved by: Mike Card, Chief of Police

**Reviewed and Forwarded
By City Manager:**

Thursday, May 12, 2011

Capitola Police Department

City of Capitola

420 Capitola Avenue,

Capitola , CA 95010

RE: Waiver of Fees

I am writing to request a waiver of fees for a Minor Special Event (block party) planned for June 12th, 2011. We are requesting to block Jewel st. between 45th-47th From 3:00pm to 7:00pm.

The neighbors have been notified about the event.

We are requesting a waiver of the following fees:

Permit Application \$54.00

Live Entertainment Application \$31.00

Live Entertainment Permit \$31.00

Encroachment Permit \$56.00

We would also like to request a waiver of the Special Event Liability Insurance, to be covered by the Capitola Recreation Policy with the City of Capitola waiving the cost.



Chris Harmount

4525 Jewel st

Capitola Ca,95010

831-345-3545

SPONSORING ORGANIZATION AND EVENT INFORMATION

- Type of Event: BLOCK PARTY
- Sponsor: CHRIS HARMOUNA
- Sponsor's Address: 4525 JEWEL ST.
street
- CAPITOLA CA 95010
city state zip code
- Sponsoring Organization's Phone: (831) 345-3545 E-Mail Address: 904MEDIC@GMAIL.COM
- Contact Person's Name: CHRIS HARMOUNA
- Phone: (831) 345-3545 E-Mail Address: 904MEDIC@GMAIL.COM
- Event Location: JEWEL ST BETWEEN 45TH 47TH
- July 4, 2011
- Event Date(s): ~~June 12th~~ Event Times: 15:00 to 19:00.
- Anticipated Attendance: 20-30
- Event open to the public? Yes No?
- Estimated number of persons in attendance: 20-30
- Is a fee being charged? Yes No If yes, how much? _____
- Will food be served? Yes No (See County Health Dept. requirements) potluck style
- Will alcoholic beverages be served? Yes No
- Will there be amplified sound? Yes No
- Will security personnel be present? Yes No (Attach how many and their job duties)
- Will you need Police Officers for this event? Yes No
- Will you need to close streets for your event? Yes No
- Will any tents, booths or structures be erected? Yes No
- Will your event impact parking or traffic in the area? ~~Yes~~ No
- If yes, attach description of parking and/or traffic impact stating which lots or streets, and what provisions will be made to accommodate others in the area.
- Have notices been provided to residential/business owners or tenants? Yes No
- City Sponsorship? Yes No If yes, please describe: Asking for
Fee waiver & insurance

INSURANCE

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

HOLD HARMLESS

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

Applicant Signature:

ADVANCED CANCELLATION NOTICE REQUIRED

If this event is cancelled, notify the Special Events Coordinator at (831) 475-4242. I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief, that I have read, understand and agree to abide by the rules and regulations governing the special event under Capitola Municipal Code, and that I understand that this applications is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. I agree to comply with all permit conditions and with all other requirements of the City, County, state and federal governments and any other applicable entity that may pertain to the use of the event premises and the conduct of the event. I agree to abide by these rules and further certify that I, on behalf of the organization, am also authorized to commit that organization and, therefore, agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Capitola.

Name of Applicant (print): CHRIS HARMOUNT
Title: RESIDENT

Submit to Capitola PD



ADMINISTRATIVE POLICY

Number: I-10
Issued: June 28, 2002
July 25, 2002
Jurisdiction: City Council

BLOCK PARTY GRANT PROGRAM**I. PURPOSE**

The purpose of this policy is to provide a limited source of funding for special event liability insurance to enable block parties to be held within the City limits, when such parties request temporary closure of a public street. A block party is found to be a positive social event that encourages communication, cooperation and friendly personal interactions among neighbors.

II. POLICY

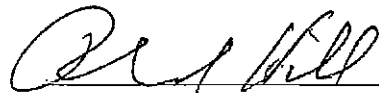
It is the policy of the City Council of the City of Capitola to encourage safe block parties by making available on a first come first served basis funding to offset the costs of special event insurance and City permits for block parties.

III. PROCEDURE

To qualify for a grant to assist with paying the premium for liability insurance or City permits for a block party the following criteria must be met.

1. The applicant must be a resident of the City of Capitola and live on the street on which the party is being held.
2. In order to receive a grant, the applicant must have an approved special event permit.
3. As part of the application for the special event permit, the applicant must request a grant for the special event insurance premium and/or City permits.
4. The grant request for the special event insurance premium shall not be more than \$400.00, which amount shall be indexed to the San Francisco/Oakland CPI, using the month that will allow the new amount to be effective by July 1 of each year.
5. City Council has appropriated funds for the liability insurance premium grant program as part of the annual budget process. Such funds shall not exceed \$2,500 indexed to inflation.
6. The grants for the liability insurance premium are awarded on a first come, first served basis and money remains in the Council appropriation.

This policy is approved and authorized by:


Richard Hill
City Manager



Item #: 3.K.

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 20, 2011

SUBJECT: COUNCIL ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE STANDARD AGREEMENT WITH THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR THE BAY AVENUE SENIOR APARTMENTS PROJECT

Recommended Action: By motion and roll call vote that the City Council adopt the proposed Resolution authorizing the City Manager to execute an amendment to the Standard Agreement with the HOME Investment Partnership Program (HOME) for the Bay Avenue Senior Apartments Project for an amount not to exceed Three Million Two Hundred Thousand Dollars (\$3,200,000).

BACKGROUND

On July 27, 2006 the City Council adopted a resolution authorizing the submittal of an application to the federal HOME program of the State Department of Housing and Community Development for grant funds of \$2,000,000 to assist in the acquisition, rehabilitation and new construction of the 109-unit Bay Avenue Senior Apartments Project located at 750 Bay Avenue. That grant was awarded on January 16, 2007 and a Standard Agreement for the funds was executed on September 26, 2007. Of these grant funds \$100,000 was allocated to project administrative costs and activity delivery costs. A total of \$1.9 million of the grant was provided as a loan to the project developer, First Community Housing. These funds have been recently augmented with this proposal for an additional \$1,200,000 in HOME funds bringing the total HOME award to \$3,200,000. In order to receive this additional amount of HOME funds a new resolution from the authorizing agency is required.

Finalization of the construction contract and conversion to permanent financing of the project is underway. In order to recover potential additional costs related to required rent level revisions, the HOME program has agreed to swap costs for rent subsidies covering original tenants between CalHFA and HOME.

The proposed resolution to allow for the acceptance of this increased HOME grant amount will be delivered to Council members under separate cover.

FISCAL IMPACT

Approval of the proposed resolution would allow the City to amend its Standard Agreement to accept an additional \$1,200,000 in HOME funds. These funds would flow through the City to the project's to pay the last drawdown for the contraction contractor last invoice for retention. This transaction will have no impact on the City's General Fund.

ATTACHMENT

City Council Resolution authorizing execution of an amendment to the City's HOME Program Standard Agreement **(NOTE: This resolution will be provided next week.)**

Report Prepared By: David Foster
Housing and Redevelopment Project Manager

Approved by: _____
Derek Johnson
Community Development Director

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



Item #: **4.A.**

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 17, 2011

SUBJECT: **201 ESPLANADE APPLICATION #11-028 APN: 035-211-05**
PUBLIC HEARING ON APPEAL OF A PLANNING COMMISSION DENIAL FOR AN
AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW A TAKE-OUT
WINDOW AT AN EXISTING RESTAURANT (MR. KEBAB) IN THE CV (CENTRAL
VILLAGE) ZONING DISTRICT
ENVIRONMENTAL DETERMINATION: CATEGORICAL EXEMPTION
PROPERTY OWNER: J. XAVIER SANCHEZ, FILED 3/16/11
REPRESENTATIVE: AMJAD AL ASUD

Recommended Action: It is recommended that the City Council consider the following options and, by motion and roll call vote, approve one of the three options:

- Option 1) Uphold the Planning Commission denial of application #11-028 for an amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) at 201 Esplanade; or
- Option 2) Uphold the appeal and approve application #11-028 as proposed, subject to the findings and conditions of approval (attachment 4), including a condition that the applicant enter into a development agreement with the city to provide funding for Esplanade and beach clean-up efforts; or
- Option 3) Uphold the appeal and approve application #11-028 with an alternate location for the take-out window, subject to the findings and conditions of approval (attachment 4), including a condition that the applicant enter into a development agreement with the city to provide funding for Esplanade and beach clean-up efforts.

BACKGROUND

On April 7, 2011, the Planning Commission considered an application to amend a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) at 201 Esplanade. The Commission denied the proposal on a 3-1 vote, expressing concerns with take-out windows along the Esplanade, specifically the encroachment onto the public sidewalk.

A timely appeal of the Planning Commission's denial was received on April 18, 2011 from the applicant (Attachment 1). The appeal letter, Planning Commission reports and corresponding minutes from the hearing are attached for your information as Attachments 1 through 3.

PROJECT DESCRIPTION

Mr. Kebab restaurant is requesting the addition of a take-out window. Located in the CV Zoning District, Chapter 17.21.060 requires that "Restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use" secure a Conditional Use Permit.

The take-out window is proposed along the north elevation of the building, facing the Esplanade, and would be accessed from the sidewalk. The sidewalk is approximately 11'-9" in width along that portion of the Esplanade, with a tree well and public trash can approximately 7' from the building face. To address a line of people, the applicant is proposing to place a moveable barrier made of stanchions and ropes, similar to those found at a movie theatre. The line barrier is proposed 3' off of the building face in the public right of way, leaving approximately 4' of width for the public to pass, meeting ADA minimum requirements.

The take-out window will be open from 11:00am to 5:00pm, and will cater to people who need a quick meal but don't want to sit inside the restaurant. It is anticipated that most orders will take 3-5 minutes to serve. Larger orders that would require a longer wait time will be picked up inside the restaurant. A menu list for the take-out window has been provided by the applicant.

DISCUSSION

While a take-out window may be appropriate for the village, there is some concern with the location of the proposed window. With the window being accessed from the sidewalk, there is potential for a line of customers to narrow the flow of pedestrian traffic through that area, especially during the busy summer months. The sidewalk is fairly wide along the frontage of the restaurant (11'-9"), but a tree well and public trash narrow the space adjacent to the proposed window location to approximately 7'. There are two options for queuing, one being along the Esplanade frontage between the window and the main entrance, the other being along the eastern side of the building, between the restaurant and Zelda's deck area. Similar to the Planning Commission, staff does not support moveable stanchions and ropes to delineate the queuing area.

Staff has discussed other potential locations for the window with the applicant, specifically the adjacent window on the east elevation. While this location would eliminate the line from the main public sidewalk, it would establish it along a narrow walkway between the restaurant building and the existing trash enclosure and Zelda's deck area. This walkway is approximately 4'-10" where it meets the main sidewalk and narrows to 3'-4" as it rounds the building toward the beach, so it is much more narrow than the main sidewalk. But while the walkway does provide public access to the beach, the volume of pedestrians is significantly less than the main sidewalk. The applicant has indicated that he prefers the proposed window along the Esplanade due to visibility and convenience, but is agreeable to queuing the line on the east side of the building.

FISCAL IMPACT

Approval of the take-out window has the potential to cause an increase in trash on the beach and in the Esplanade area. This increase in trash pick-up may have an impact on the Public Works staff that maintains the surrounding area. Should the City Council decide to approve the proposed take-out window, staff recommends the applicant be required to enter into a development agreement with the city to provide annual funding for additional Esplanade and beach clean-up efforts. The development agreement would provide \$2,000 per year towards trash and Esplanade cleanup, proportional to the amount of clean up associated with the proposed take out window. This amount is based on an assumption that the take-out window would increase trash removal by approximately 1%. This type of development agreement would be recommended for any future take-out windows proposed for businesses in the village area.

ATTACHMENTS

1. Appeal letter dated April 18, 2011 from applicant Amjad Al Asud
2. April 7, 2011 Planning Commission Staff Report
3. April 7, 2011 Planning Commission Minutes
4. Conditions and Findings
5. Appeal packet provided by the applicant

Report Prepared By: Ryan Bane
Senior Planner

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

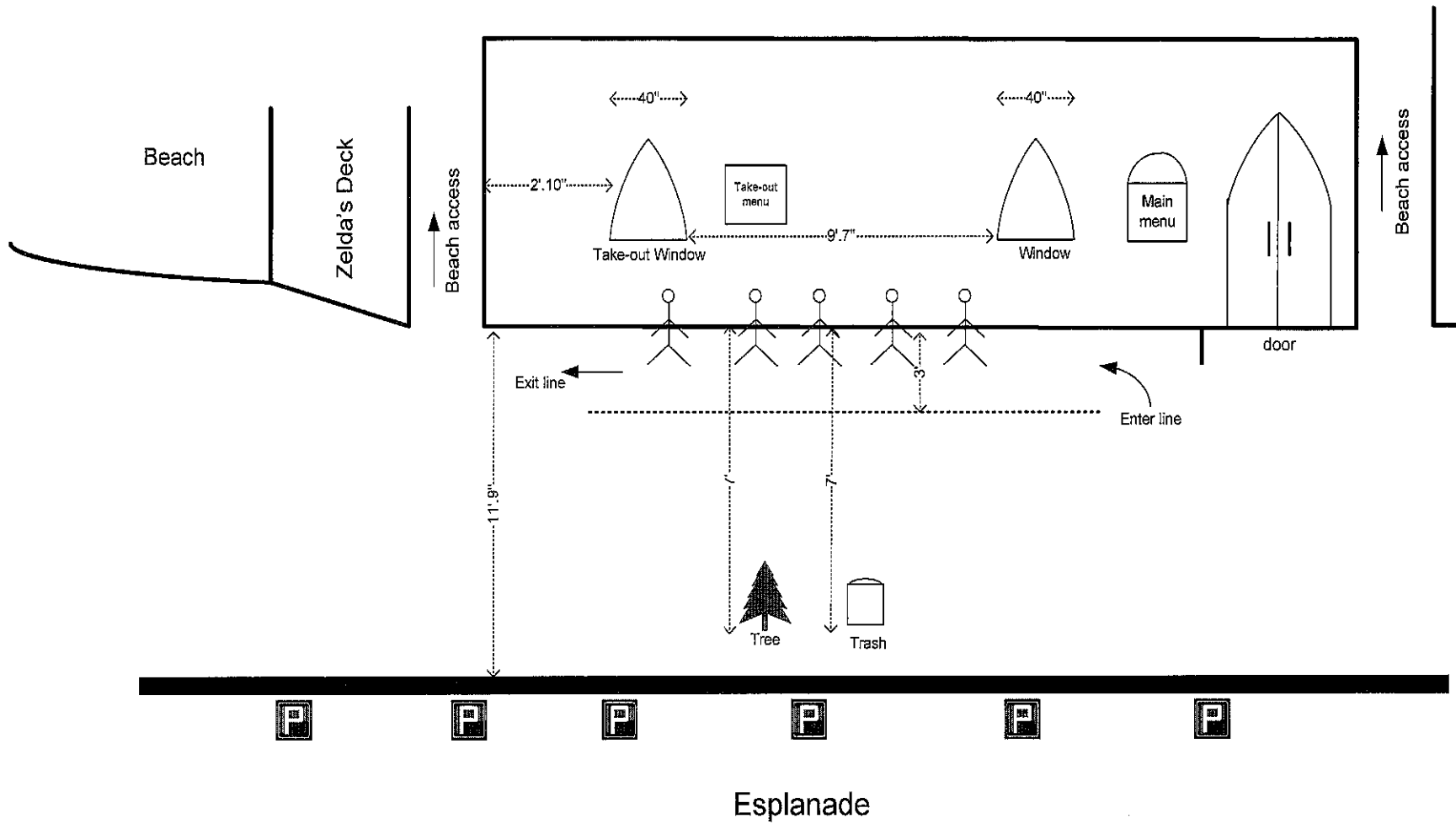
We are appealing the city of Capitola Planning Commission's decision to reject our request for a take-out window permit at "Mr Kebab and Falafel" restaurant. We feel the decision was unfair to us due to the following reasons:

- 1. We feel that the planning Commission did not thoroughly evaluate our request and did not give us equal opportunity and fair chance. The Planning Commission's reasoning for rejecting our request was that a line forming by the take-out window blocks the sidewalk.**
 - a. Lines form at businesses in Capitola village all the time. Pizza My Heart and Zelda's deck are two examples.
 - b. Previous restaurants operated a take-out window, at the same location, in the past. It did not cause any problems.
 - c. There are no laws or city ordinances against opening a take-out window in the village.
 - d. Our neighboring businesses have no objections to us opening a take-out window.
 - e. We can devise several ways of controlling the line size. We can use pagers or text messages to inform customers when their orders are ready. This way they don't have to wait by the window.
- 2. Compared to other businesses, that operate take-out windows in the village, we have plenty of space on the side walk. The sidewalk is 11 feet and 9 inches wide; the widest sidewalk adjacent to a business in the village.**
 - a. More than 5 feet wide of the sidewalk, adjacent to our restaurant, is on our property. If a line forms it will be on our property.
 - b. Compared to the sidewalk by Pizza My Heart, who operates a take-out window, the width of our sidewalk exceeds Pizza My Heart's sidewalk by more than 4 feet.
 - c. The side of our restaurant facing the sidewalk is more than 35 feet long. If a line forms it will not exceed the length of our building. It will not extend in front of neighboring businesses.
 - d. The side of Pizza My Heart's building facing the sidewalk is much shorter (about 1/3 of ours). The way their customer line forms, it is almost always in front of their neighboring businesses.
 - e. Compared to the Hot Dog shop across the street, we have a lot more space to accommodate customers.
 - f. Alternatively, we can have our customer line form around the corner, on the eastern side of our building, on our property and not on the sidewalk.
- 3. Our business is not viable without a take-out window.**
 - a. Zelda's deck surrounds our restaurant and chokes it, blocks our ocean view and leaves us with limited outside seating.

- b. Many customers want our food and ask to be seated on the deck. When we tell them the deck does not belong to us, they decide to go to Zelda's for the deck seating.
- c. We need the take-out business to become profitable and survive as business.

4. Take window by the beach is good for Capitola and its visitors.

- a. Our business is about serving good wholesome food. We don't even serve any alcoholic beverages.
- b. Many people want to enjoy their meal outside by the beach. They may not be dressed for a dine-in meal. They don't want to bother change clothes, clean their feet and wear shoes.
- c. Many families with kids would rather get take-out food for their family and keep their eyes on their kids than drag everybody off the beach to dine at a restaurant.
- d. Many people have limited time (the parking meters have a 2 hour limit). They would rather enjoy a quick take-out meal by the beach than spend most of their time inside a restaurant.





STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: MARCH 29, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **201 ESPLANADE** #11-028 APN: 035-211-05
Amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: J. Xavier Sanchez, filed 3/16/11
Representative: Amjad Al Asud

APPLICANT'S PROPOSAL

The applicant is requesting an amendment to an existing restaurant (*Mr. Kebab*) use permit to allow a take-out window at 201 Esplanade in the CV (Central Village) Zoning District. The use is consistent with the General Plan, Local Coastal Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

Mr. Kebab restaurant is currently undergoing interior tenant improvements, and is requesting the addition of a take-out window. Located in the CV Zoning District, Chapter 17.21.060 requires that "Restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use" secure a Conditional Use Permit.

The take-out window is proposed along the north elevation of the building, facing the Esplanade, and would be accessed from the sidewalk. The sidewalk is approximately 11'-9" in width along that portion of the Esplanade, with a tree well and public trash can approximately 7' from the building face. To address a line of people, the applicant is proposing to place a moveable barrier made of stanchions and ropes, similar to those found at a movie theatre. The line barrier is proposed 3' off of the building face, leaving approximately 4' of width for the public to pass, meeting ADA minimum requirements.

The take-out window will be open from 11:00am to 5:00pm, and will cater to people who need a quick meal but don't want to sit inside the restaurant. It is anticipated that most orders will take 3-5 minutes to serve. Larger orders that would require a longer wait time will be picked up inside the restaurant. A menu list for the take-out window has been provided by the applicant.

RECOMMENDATION

While a take-out window may be appropriate for the village, there is some concern with the location of the proposed window. With the window being accessed from the sidewalk, there is potential for a line of customers to narrow the flow of pedestrian traffic through that area, especially during the busy summer months. Staff has discussed other potential locations for the window with the applicant, specifically the adjacent window on the east elevation. However, the applicant prefers the proposed window due to visibility and convenience. It is recommended that the Planning Commission carefully consider the proposal, and discuss if there are other potential locations for the take-out window. If the Commission chooses to approve application #11-028, it is recommended that the approval be subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of an amendment to a Conditional Use Permit to allow a take-out window as part of an existing restaurant use (*Mr. Kebabs*) at 201 Esplanade.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Take-out window hours will be limited to 11:00 a.m. – 8:00 p.m. daily.
5. A detailed design of the take-out window shall be submitted for building permit approval. The design of the window shall integrate with the architecture of the existing building and include a counter that meets California accessibility and building codes.
6. The moveable barrier to control the line-up of customers shall not extend further than 3' from the wall of the building.
7. Per the sign ordinance, one menu box with a maximum of three square feet is allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
8. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
9. Prior to operation of the take-out window, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

Previous Conditions from Application CUP/97-44:

10. Outdoor seating shall be limited to a maximum of four (4) 24-inch square tables, with two (2) chairs at each table for a total of eight (8) chairs. Total indoor and outdoor seating shall not exceed fifty (50) seats.
11. Tables and chairs shall be placed in a way which maintains a minimum 36" access aisle.
12. Tables and chairs shall not encroach on any public property.

13. Tables and chairs shall be quasi-public, and members of the public who are not patrons of the subject restaurant shall not be prohibited from using the tables and chairs.
14. No alcoholic beverages shall be permitted to be taken off-site.
15. The outdoor area shall be maintained in a clean and orderly manner
16. Tables and chairs shall not block any require fire exits.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed addition of a take-out window is an allowable use in the CV Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of Zoning District. Conditions of approval have been included to ensure that the take-out window is consistent with the Zoning Ordinance and General Plan.

- B. **The application will maintain the character and integrity of the neighborhood.**

Planning Department Staff and the Planning Commission have reviewed the project and determined that the take-out window conforms with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of Capitola Village. Conditions of approval have been included to carry out these objectives.

- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

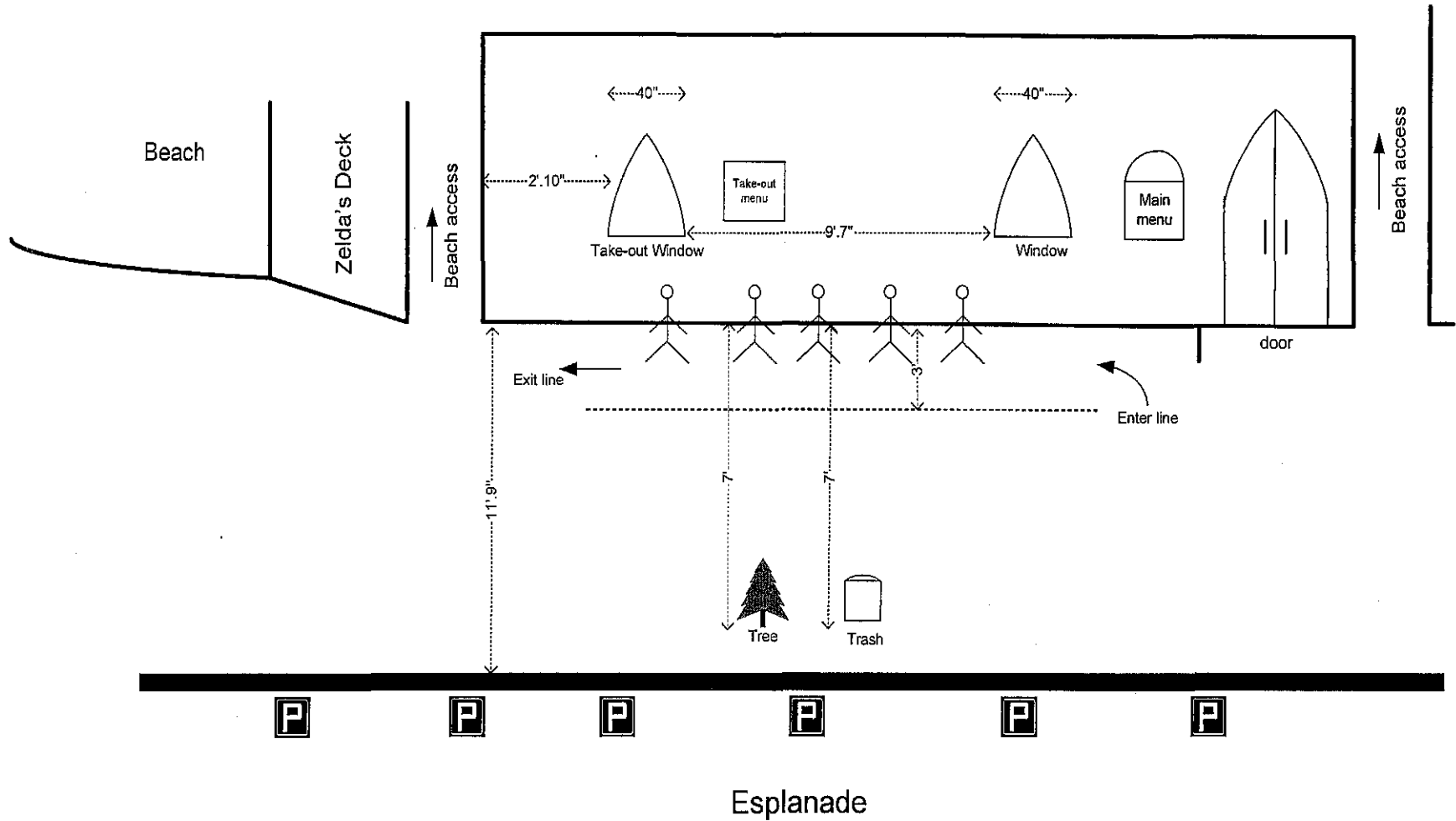
The proposed project involves the addition of a take-out window to an existing restaurant use. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description

Attachment C – Menu items to be served at the take-out window



- The take out window will cater to people who need a quick meal but don't want to sit inside a building, either because they are not dressed for dining in or they want to enjoy the nice weather outdoors.
- We will be serving beverages, appetizers and quick serve meals. A list of the menu items is provided at the end of this document.
- The take-out window is in an ideal location, close to the beach within easy reach of beach goers and passersby.
- The average order will take 3-5 minutes to serve, as we will use items that are ready to serve or require little time to assemble a meal. Large orders that would require a longer wait time will be picked up inside the restaurant.
- The take-out window will be open from 11:00 am to 5:00 pm.
- We anticipate the line, at the window, to be no 5-10 people, if it forms. There will be a menu on the wall so that customers know what they want to order by the time they get to the window. Another menu will also be placed at the take-out window.

Hummus

Baba Ghanough

Tabbouleh

Falafel Balls

Dolmas (stuffed grape leaves)

Pita Chips

Chicken Kebab

Beef Kebab

Lamb Kebab

Meat stuffed pita

Cheese stuffed pita

French Fries

Onion Rings

Chicken Wings

Chicken strips

Fish & Chip

Beef Burger

Veggie burger

Gyros wrap

Kebab wrap

Veggie wrap

Falafel wrap

Greek Salad

Caesar salad

Lentil Soup

Baklava

Fountain soda (coke, diet coke, sprite, root beer, orange soda, lemonade)

A variety of bottled drinks

Iced Tea , Hot Tea, Coffee

D. 201 ESPLANADE

#11-028

APN: 035-211-05

Amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: J. Xavier Sanchez, filed 3/16/11

Representative: Amjad Al Asud

Senior Planner Bane presented the staff report.

Commissioner Graves clarified that the hours of the take-out window will be 11:00 a.m. – 8:00 p.m.

Commissioner Smith clarified that the location of the proposed take-out window is along the Esplanade, not the side of the building.

The public hearing was opened.

Amjad Alasad, applicant, spoke in support of the application. Mr. Alasad stated that the proposed location of the take-out window has more visibility and more convenient access than a take-out window on the side of the building.

Jill Ealy, representative from an adjacent business, stated her concerns about the potential of a line of customers interfering with Zelda's deck entrance. Ms. Ealy was interested in seeking City approval for a take-out window at Zelda's.

Kate Arrieta commented that Mr. Kebab's business has added more chairs at the rear of the business than what was originally approved.

The public hearing was closed.

Commissioner Smith stated that the sidewalk is not wide enough to accommodate a line at the proposed take-out window. She was concerned that approving this application would set a precedent for take-out windows along the Esplanade, and the encroachment onto the sidewalk.

Commissioner Graves stated that take-out windows have historically been permitted in the Village. The proposed ropes for the line delineation for the take-out window are not compatible with the beach area. He suggested the Commission review the permit after one summer season. He commented that staff should enforce the approved number of tables and chairs under the existing permit.

Chairperson Ortiz was supportive of a take-out window on the side of the building but not along the Esplanade. The proposed ropes for the line delineation are not appropriate in the beach area.

A MOTION WAS MADE BY COMMISSIONER SMITH AND SECONDED BY CHAIRPERSON ORTIZ TO DENY PROJECT APPLICATION #11-028.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS NEWMAN, SMITH AND CHAIRPERSON ORTIZ. NOES: COMMISSIONER GRAVES. ABSENT: COMMISSIONER ROUTH. ABSTAIN: NONE.

201 ESPLANADE - APPLICATION #11-028

CONDITIONS

1. The project approval consists of an amendment to a Conditional Use Permit to allow a take-out window as part of an existing restaurant use (*Mr. Kebabs*) at 201 Esplanade.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Take-out window hours will be limited to 11:00 a.m. – 8:00 p.m. daily.
5. A detailed design of the take-out window shall be submitted for building permit approval. The design of the window shall integrate with the architecture of the existing building and include a counter that meets California accessibility and building codes.
6. Per the sign ordinance, one menu box with a maximum of three square feet is allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
7. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
8. Prior to operation of the take-out window, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
9. Prior to building permit issuance for the take-out window, the applicant shall enter into a development agreement with the city to provide annual funding for additional Esplanade and beach clean-up efforts proportionate to the estimated amount of trash and clean-up required for the approved take-out window.

Previous Conditions from Application CUP/97-44:

10. Outdoor seating shall be limited to a maximum of four (4) 24-inch square tables, with two (2) chairs at each table for a total of eight (8) chairs. Total indoor and outdoor seating shall not exceed fifty (50) seats.
11. Tables and chairs shall be placed in a way which maintains a minimum 36" access aisle.
12. Tables and chairs shall not encroach on any public property.
13. Tables and chairs shall be quasi-public, and members of the public who are not patrons of the subject restaurant shall not be prohibited from using the tables and chairs.
14. No alcoholic beverages shall be permitted to be taken off-site.
15. The outdoor area shall be maintained in a clean and orderly manner

16. Tables and chairs shall not block any require fire exits.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

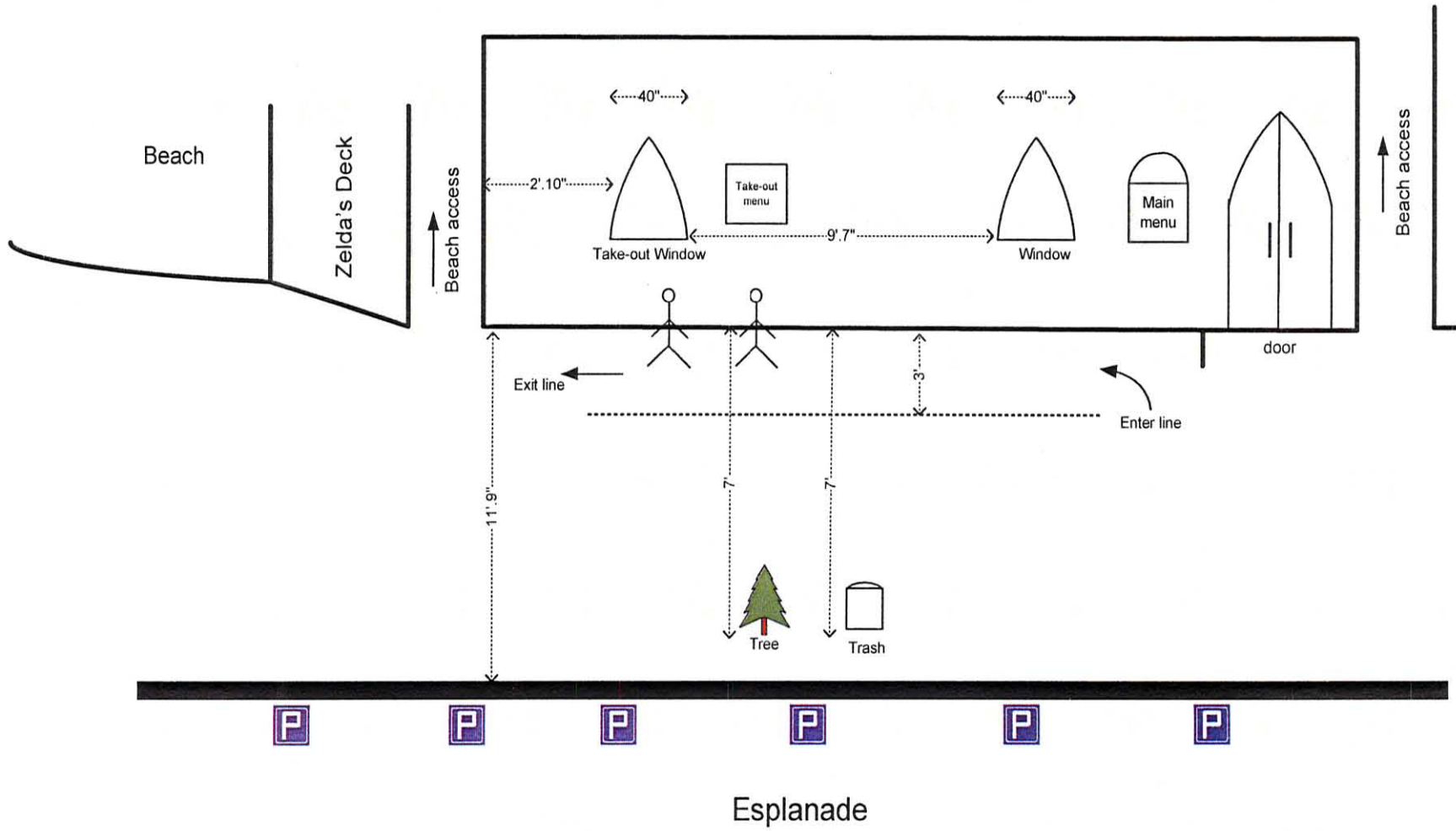
Planning Staff and the Planning Commission have reviewed the application and determined that the proposed addition of a take-out window is an allowable use in the CV Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of Zoning District. Conditions of approval have been included to ensure that the take-out window is consistent with the Zoning Ordinance and General Plan.

- B. **The application will maintain the character and integrity of the neighborhood.**

Planning Department Staff and the Planning Commission have reviewed the project and determined that the take-out window conforms with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of Capitola Village. Conditions of approval have been included to carry out these objectives.

- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves the addition of a take-out window to an existing restaurant use. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.



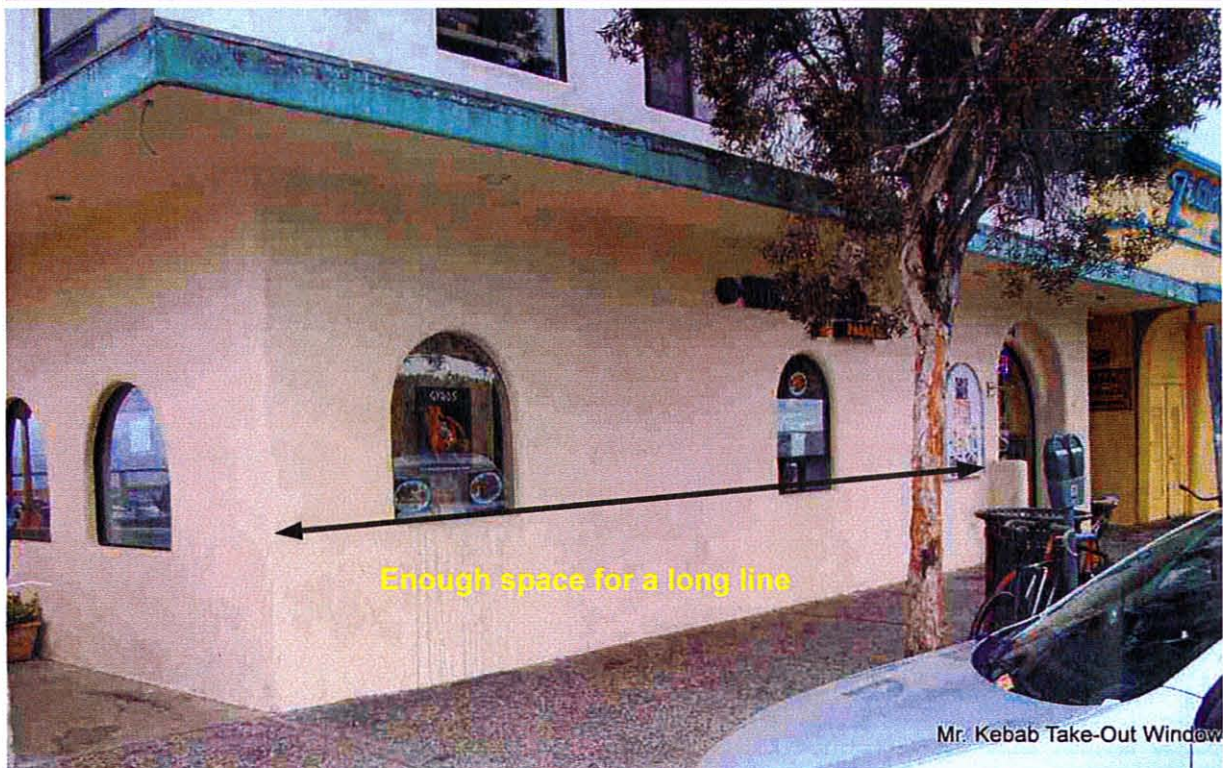
We are appealing the city of Capitola Planning Commission's decision to reject our request for a take-out window permit at "Mr Kebab and Falafel" restaurant. We feel the decision was unfair to us due to the following reasons:

- 1. We feel that the planning Commission did not thoroughly evaluate our request and did not give us equal opportunity and fair chance. The Planning Commission's reasoning for rejecting our request was that a line forming by the take-out window blocks the sidewalk.**
 - Lines form at businesses in Capitola village all the time. Pizza My Heart and Zelda's deck are two examples.
 - Previous restaurants operated a take-out window, at the same location, in the past. It did not cause any problems.
 - There are no laws or city ordinances against opening a take-out window in the village.
 - Our neighboring businesses have no objections to us opening a take-out window.
 - We can devise several ways of controlling the line size. We can use pagers or text messages to inform customers when their orders are ready. This way they don't have to wait by the window.
 - If necessary, the trash can, on the sidewalk, can be relocated to make more space on the sidewalk.
- 2. Compared to other businesses, that operate take-out windows in the village, we have plenty of space on the side walk. The sidewalk is 11 feet and 9 inches wide; the widest sidewalk adjacent to a business in the village.**
 - The side of our restaurant facing the sidewalk is more than 40 feet long. If a line forms it will not exceed the length of our building. It will not extend in front of neighboring businesses.

Long building front. Can accommodate long line without blocking neighbours



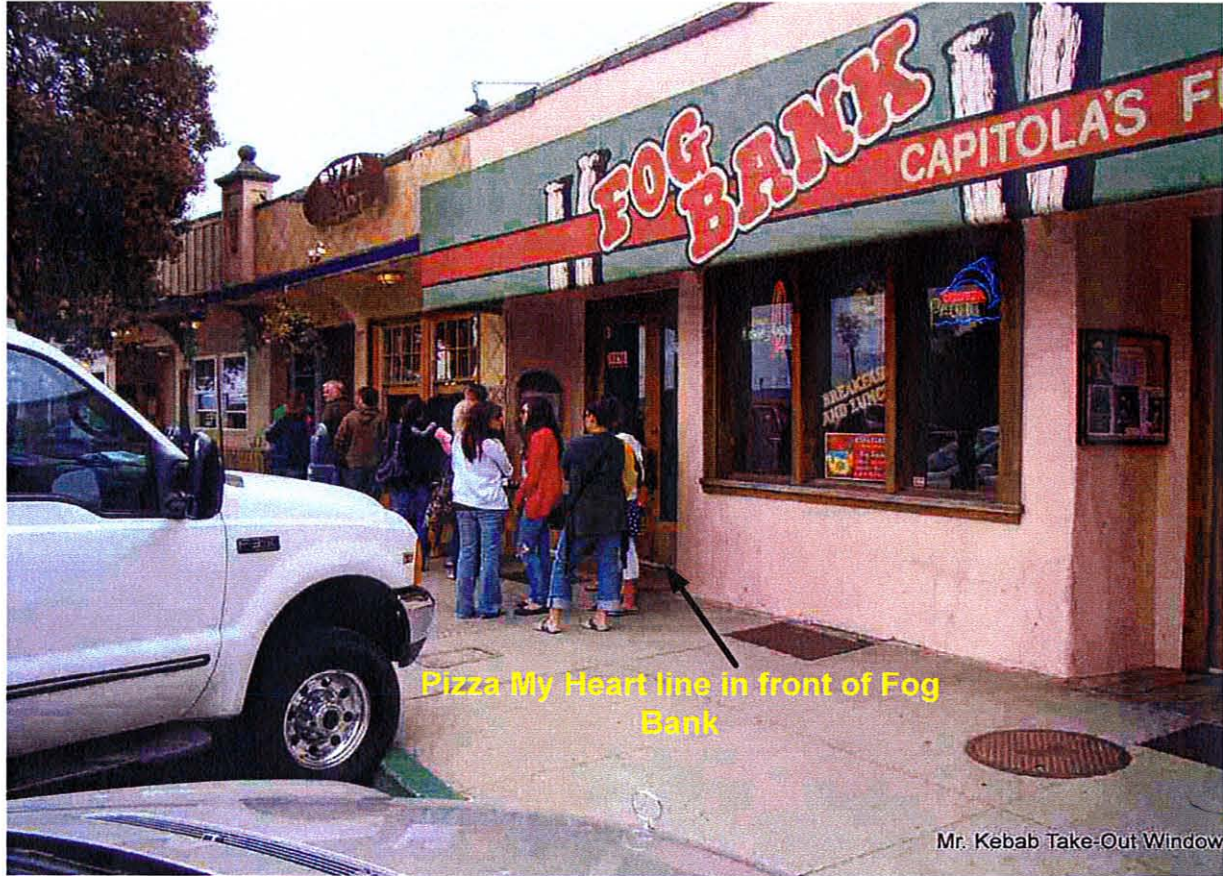
Mr. Kebab Take-Out Window



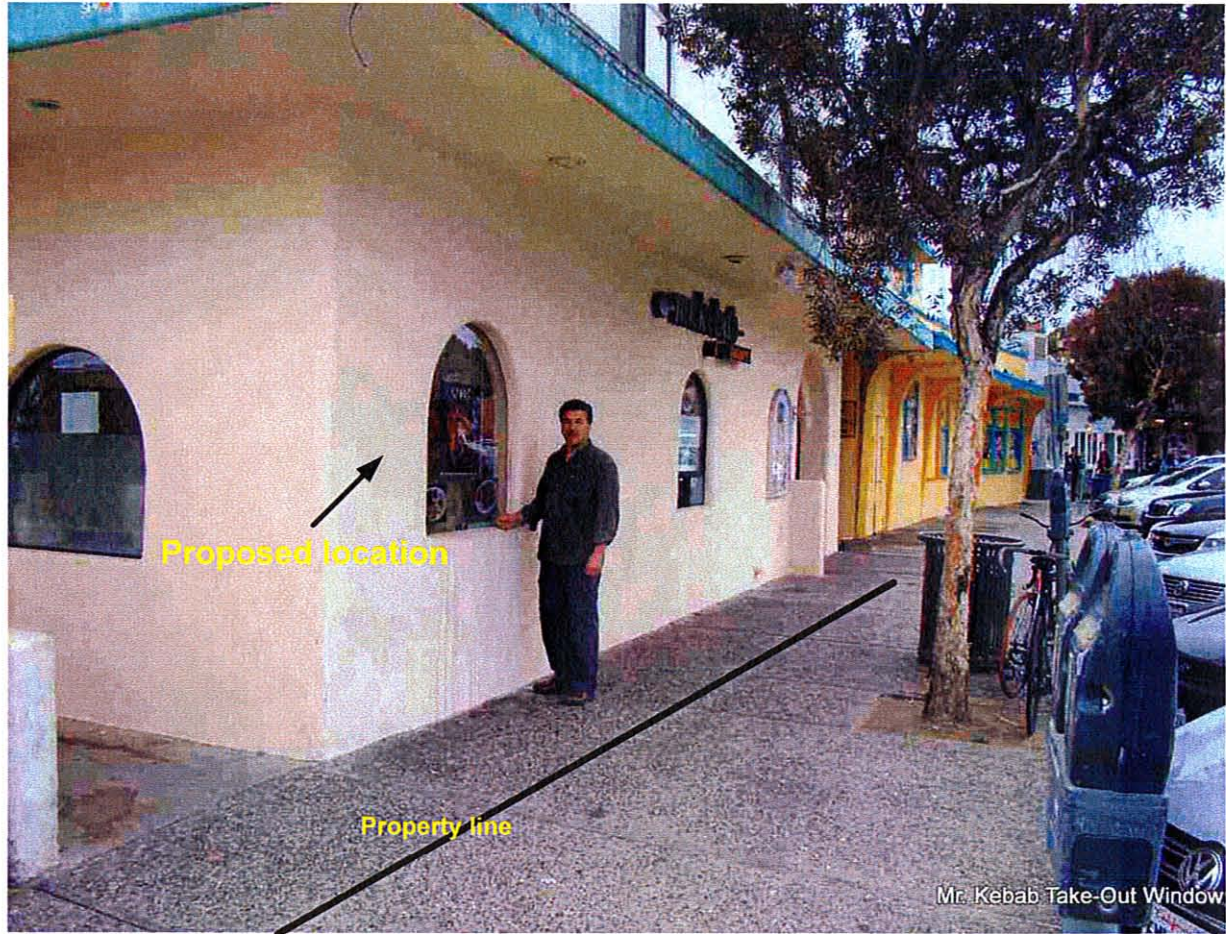
Enough space for a long line

Mr. Kebab Take-Out Window

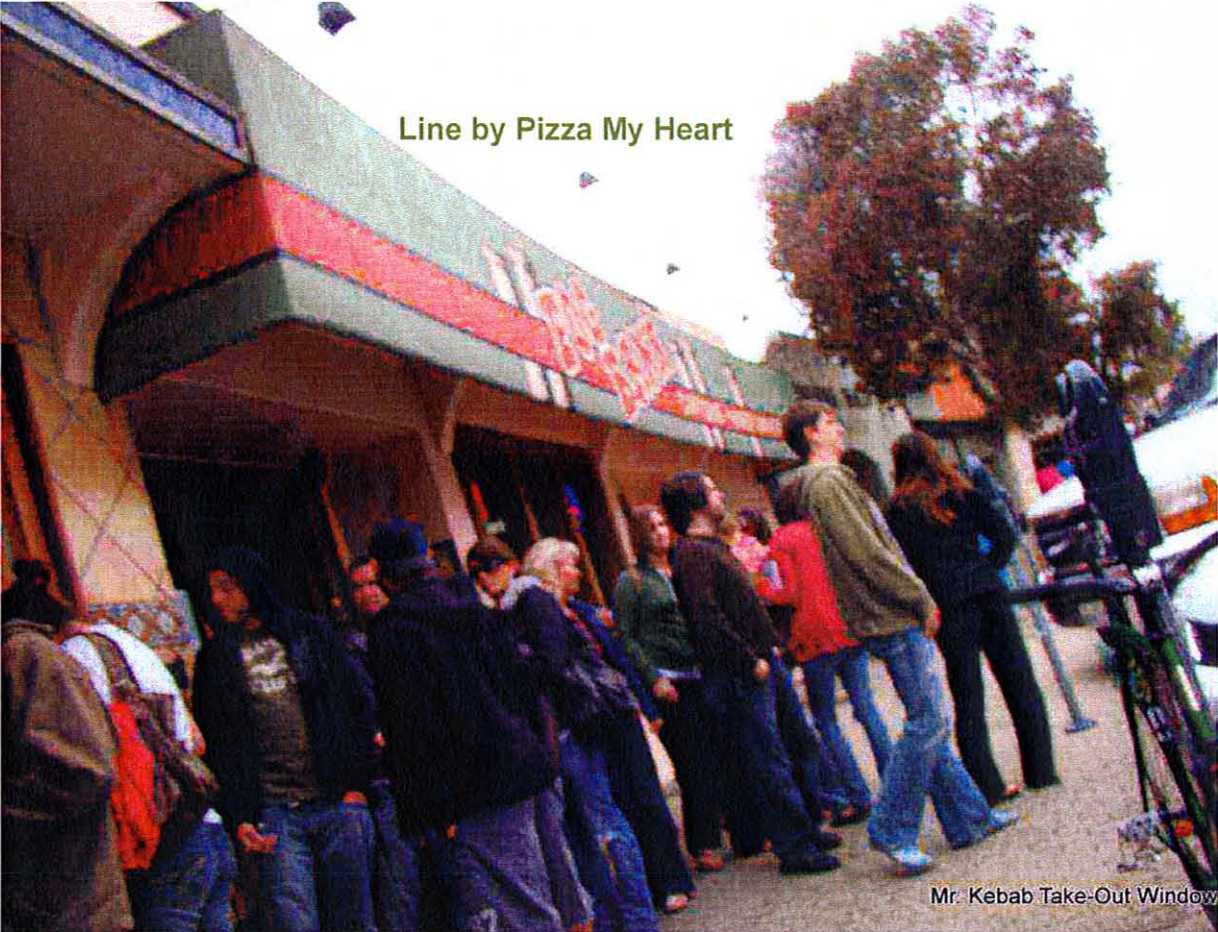
- The side of Pizza My Heart's building facing the sidewalk is much shorter (about 1/3 of ours). The way their customer line forms, it is almost always in front of their neighboring businesses.



- More than 5 feet wide of the sidewalk, adjacent to our restaurant, is on our property. If a line forms it will be on our property.



- Compared to the sidewalk by Pizza My Heart, who operates a take-out window, the width of our sidewalk exceeds Pizza My Heart's sidewalk by more than 4 feet.



Line by Pizza My Heart

Mr. Kebab Take-Out Window



- Compared to the Hot Dog shop across the street, we have a lot more space to accommodate customers.



Hot Dog Take Out

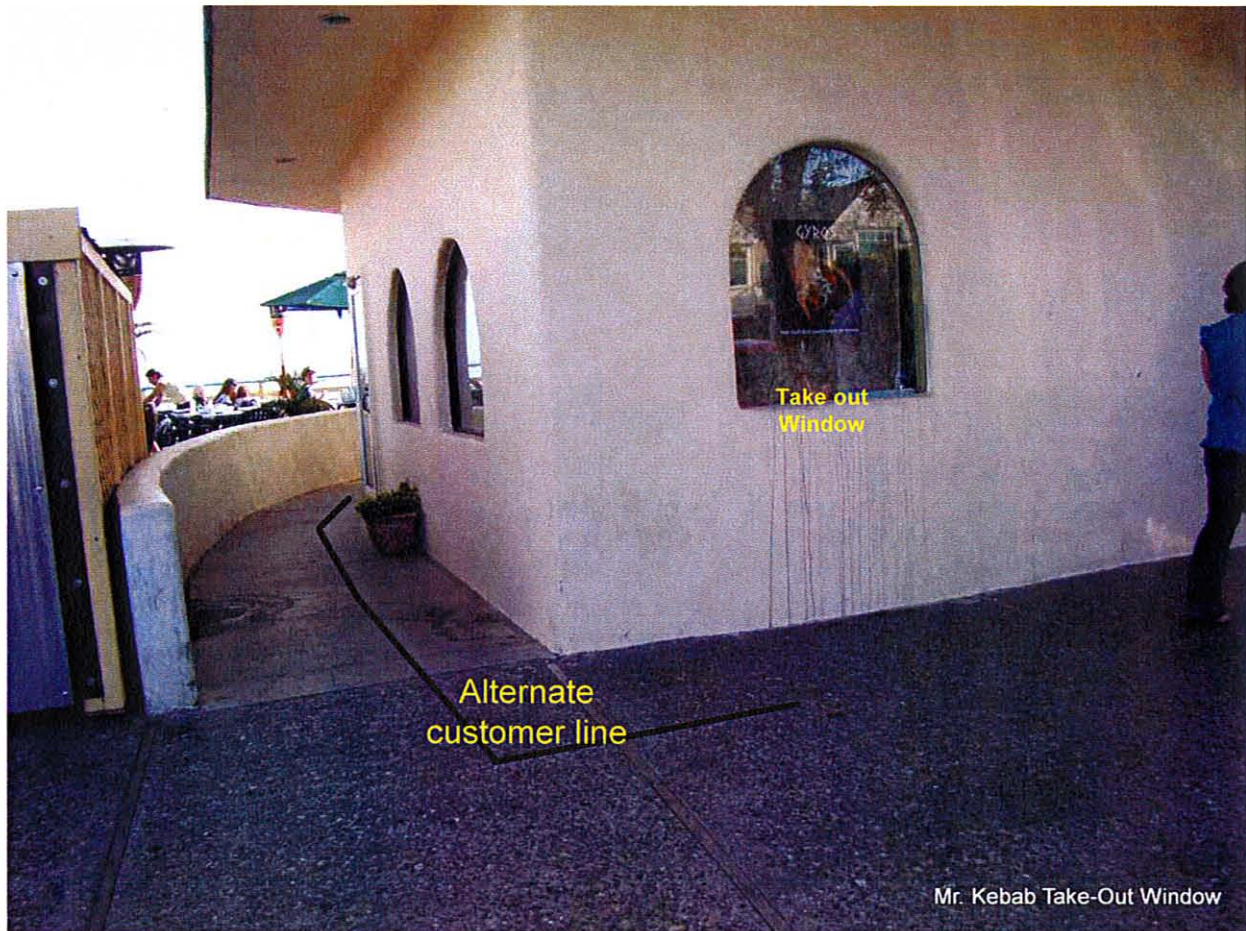
Mr. Kebab Take-Out Window



Mr. Kebab Take-Out Window



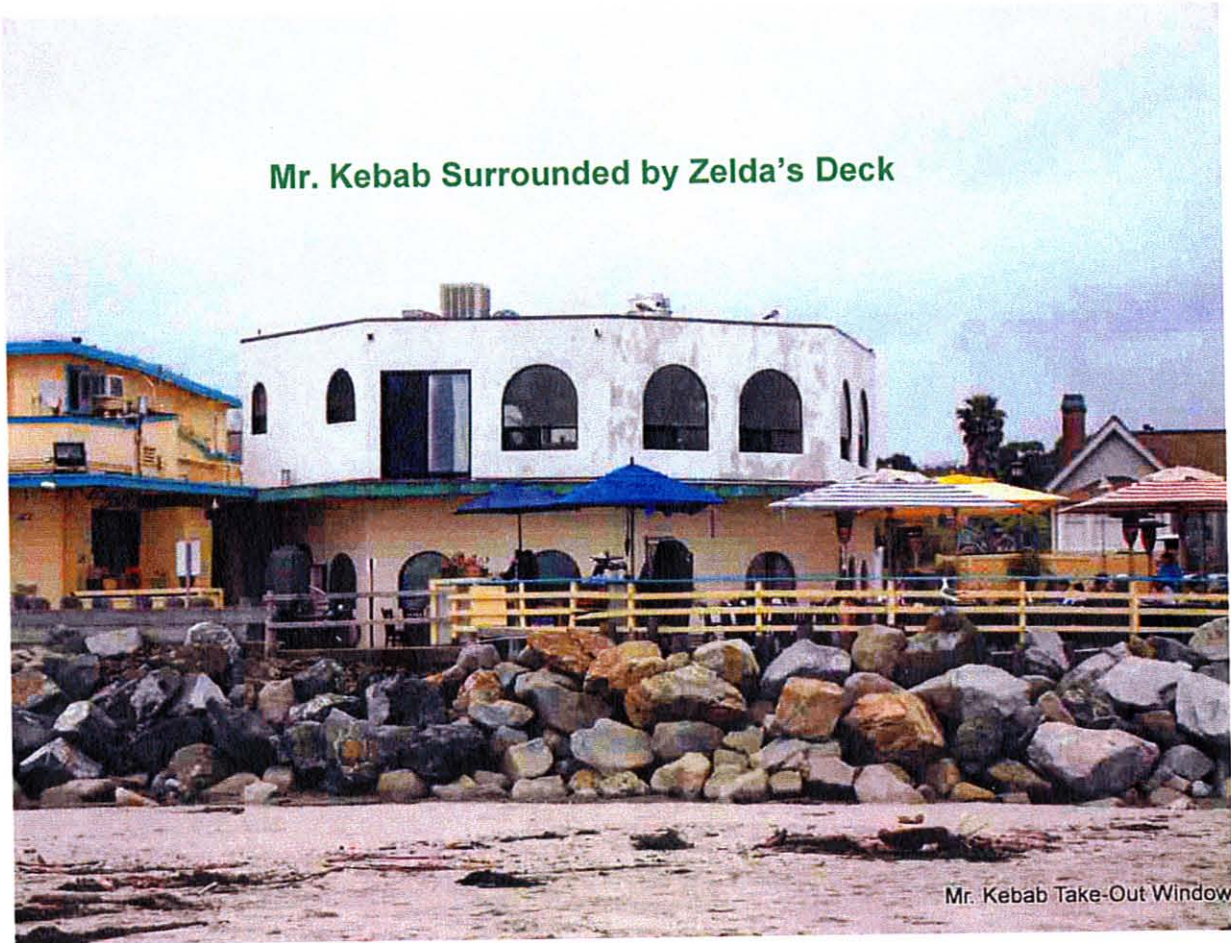
- Alternatively, we can have customers line up around the corner, on the eastern side of our building, on our property and not on the sidewalk.



3. Our business is not viable without a take-out window.

- Several restaurants have come and gone at Mr. Kebab location. We believe that not having a take-out window prevents the restaurant from capitalizing on its proximity to the beach and diminishes its chances of succeeding as a business.
- Zelda's deck surrounds our restaurant and engulfs it. The deck blocks our ocean view and leaves us with very limited outside seating.

Mr. Kebab Surrounded by Zelda's Deck

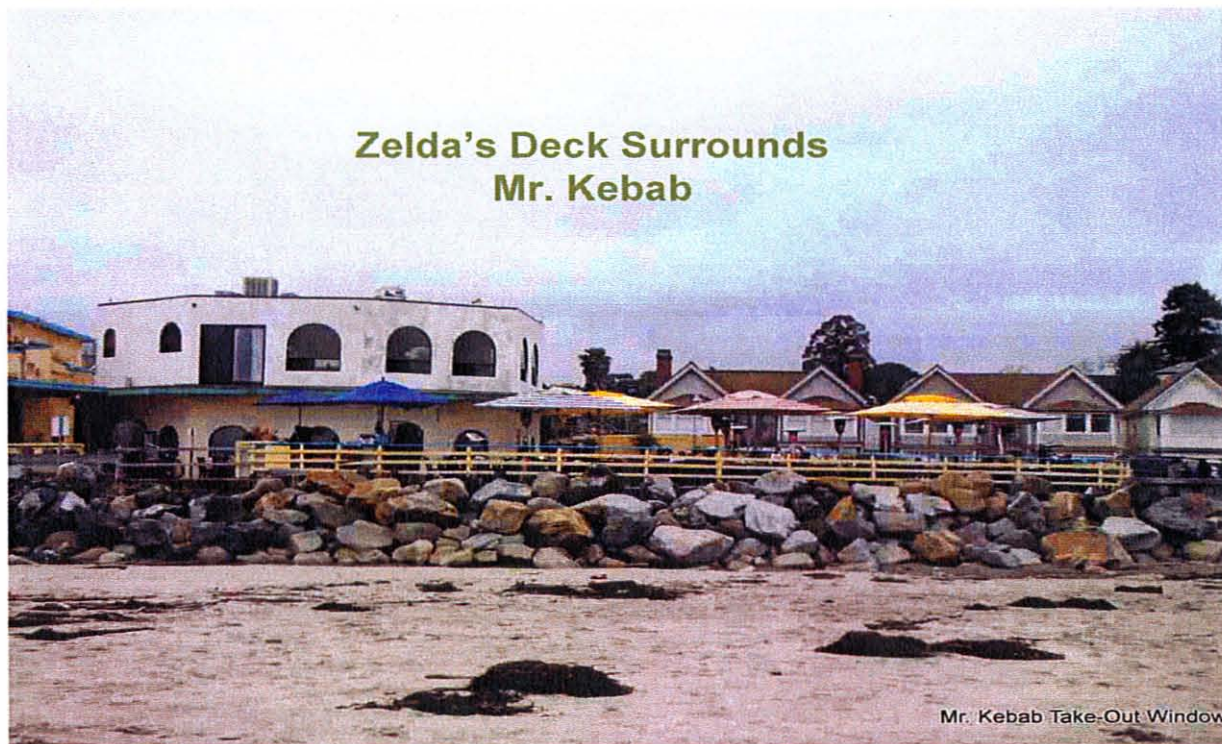


Mr. Kebab Take-Out Window

Surrounded by Zelda's Deck



Zelda's Deck Surrounds
Mr. Kebab

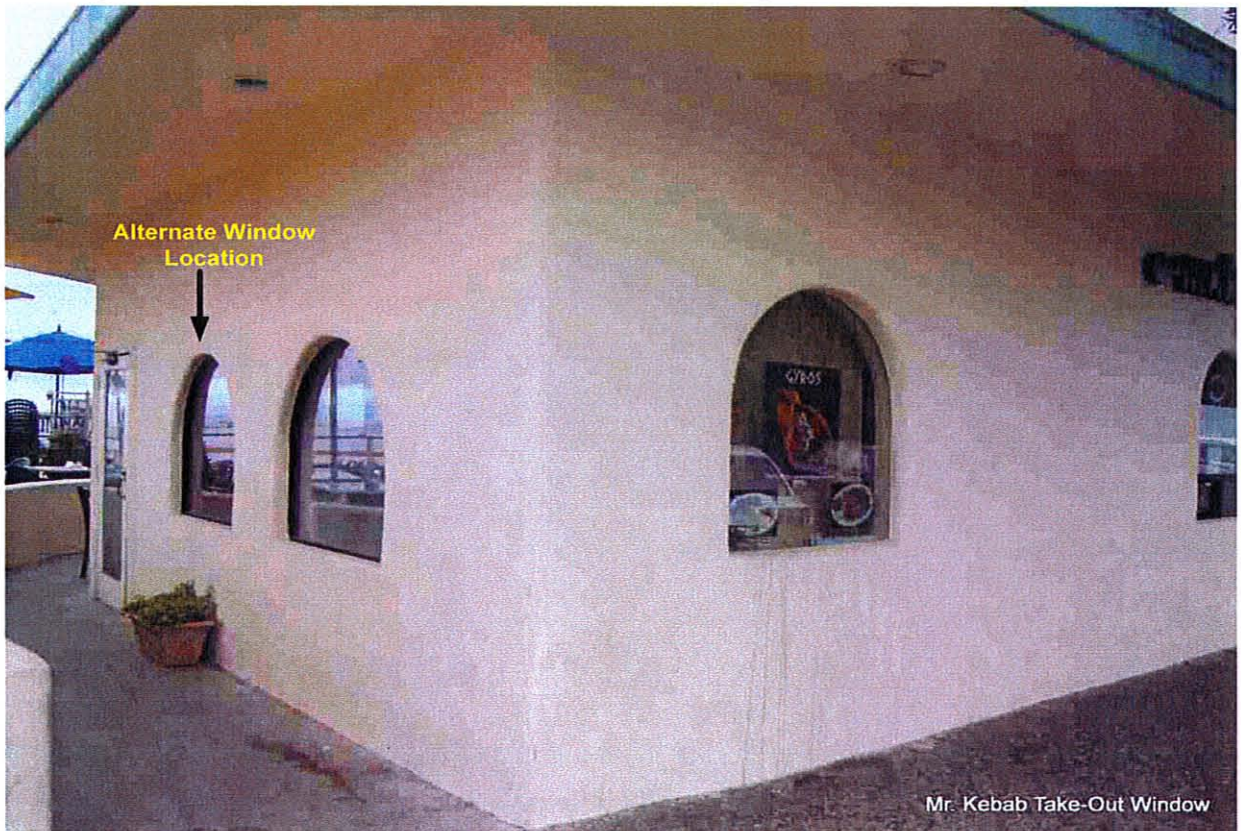


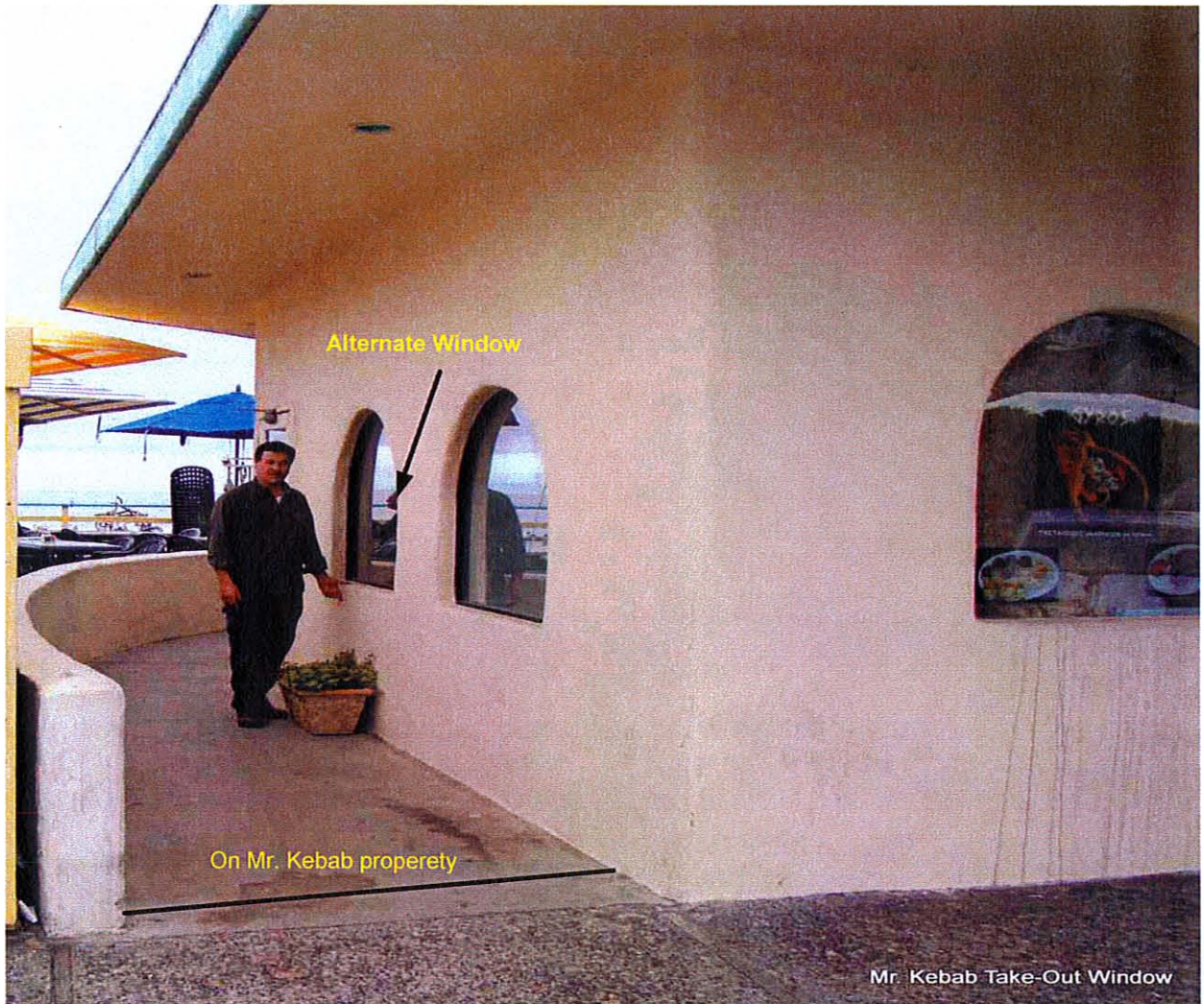
- Many customers want our food and ask to be seated on the deck. When we tell them the deck does not belong to us, they decide to go to Zelda's for the deck seating. Outdoor seating is a bigger factor than food for deciding where to eat.
- We need the take-out business to become profitable and survive as a business.

4. Take-out window by the beach is great for Capitola and its visitors.

- Our business is about serving good wholesome food. We don't even serve any alcoholic beverages.
- Many people want to enjoy their meal outside, by the beach. They may not be dressed for a dine-in meal. They don't want to bother change clothes, clean their feet and wear shoes.
- Many families with kids would rather get take-out food for their family and keep their eyes on their kids than drag everybody off the beach to dine at a restaurant.
- Many people have limited time (the parking meters have a 2 hour limit). They would rather enjoy a quick take-out meal by the beach than spend most of their time inside a restaurant.

5. If there is a valid reason for not opening the take out window on the front side of the building, we can open one on the east side of the building.



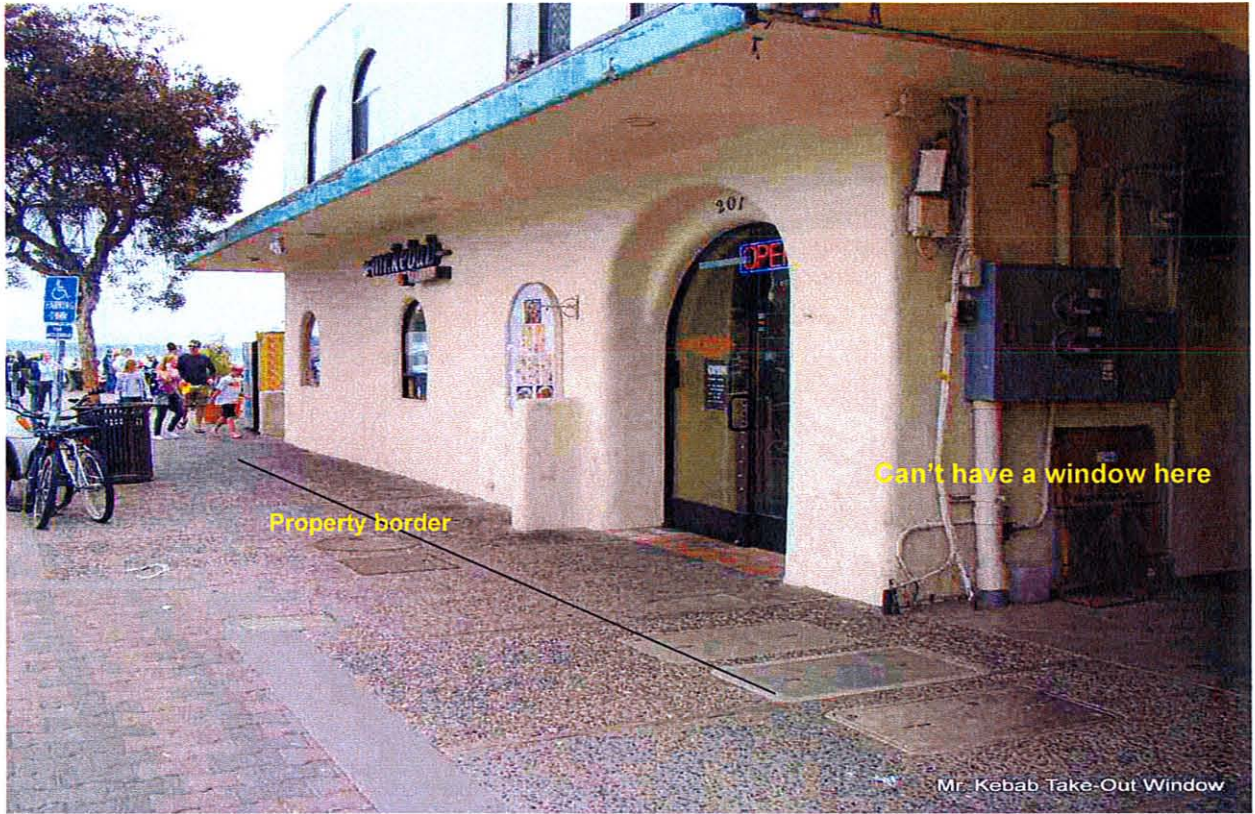


- We prefer to have the take-out window on the front side of the building, facing Esplanade, because the view of the east side of the building is obstructed by Zelda's trash room.



Take Out





- West side of the building is not suitable for a take-out window.



Item #: **5.A.**

CITY COUNCIL AGENDA REPORT

MEETING OF MAY 26, 2011

FROM: OFFICE OF THE CITY CLERK

DATE: MAY 18, 2011

SUBJECT: ORDINANCE AMENDING VARIOUS SECTIONS OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO MUNICIPAL CODE ENFORCEMENT [1ST READING]

Recommended Action: By motion and roll call vote, pass the proposed Ordinance Amending Sections 3.32.140, 5.24.090, 5.40.050, 8.06.050, 8.24.290, 8.24.310, 8.38.130, 8.60.020, 8.60.040, 8.64.060, 8.68.020, 9.12.070, 12.56.070, and 17.54.010 of the Capitola Municipal Code pertaining to Municipal Code Enforcement to a second reading, as submitted.

BACKGROUND

On April 10, 2003, the City Council adopted Ordinance No. 852 which repealed Chapters 1.08 and 9.56 of the Capitola Municipal Code and added Title 4 to the Municipal Code pertaining to Municipal Code Enforcement (Attachment 4). However, those changes did not include revising the references to the deleted code sections from other areas of the code.

DISCUSSION

Staff has conducted a thorough review of the Capitola Municipal Code to locate all sections of the code that referred to Chapter 1.08 or Chapter 9.56, which were repealed by Ordinance No. 852. A copy of the current Capitola Municipal Code sections containing references those chapters is attached as Attachment 2.

The City Attorney's office and the city's codifier, Quality Code Publishing, have reviewed these proposed ordinance amendments and recommend replacing all references to Chapter 1.08 and Chapter 9.56, and any sections thereof, with the following reference: "Section 1.01.090 and Title 4 of this code." A copy of Section 1.01.090 is attached, as is a draft ordinance making the necessary amendments to the code for the City Council's consideration and adoption.

ATTACHMENTS

1. Draft Ordinance
2. Current Municipal Code Sections to be Amended
3. Municipal Code Section 1.01.090
4. Ordinance No. 852

Report Prepared By: Pamela Greeninger, MMC
City Clerk

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING SECTIONS 3.32.140, 5.24.090, 5.40.050, 8.06.050, 8.24.290, 8.24.310, 8.38.130, 8.60.020, 8.60.040, 8.64.060, 8.68.020, 9.12.070, 12.56.070, AND 17.54.010 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO MUNICIPAL CODE ENFORCEMENT

WHEREAS, it has come to staff’s attention that numerous sections of the Capitola Municipal Code refer to Chapter 1.08 and Chapter 9.56 and sections thereof, with respect to violation and penalty provisions; and

WHEREAS, Ordinance No. 852, adopted on the 10th day of April, 2003, repealed Chapters 1.08 and 9.56 and all citations in the Municipal Code to those chapters must be amended to reflect the current violation and penalty provisions of Section 1.01.090 and Title 4 of the code.

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

Section 1. Section 3.32.140 of the Capitola Municipal Code is hereby amended to read as follows:

“3.32.140 Violations.

Any person violating any of the provisions of this chapter shall be punishable in the manner provided in ~~Chapter 1.08~~ Section 1.01.090 and Title 4 of this code.

Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the fee administrator, or who renders a false or fraudulent return or claim, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is punishable as aforesaid.”

Section 2. Section 5.24.090 of the Capitola Municipal Code is hereby amended to read as follows:

“5.24.090 Violations.

The operation of any business or entertainment activity contrary to the provisions of this chapter shall constitute a nuisance subject to abatement as provided in ~~Chapter 9.56~~ Title 4 of this code. Operating a business contrary to the business’s entertainment permit, or violations of this chapter are also criminal acts subject to penalties provided in ~~Section 1.08.010~~ Section 1.01.090 and Title 4 of this code.”

Section 3. Section 5.40.050 of the Capitola Municipal Code is hereby amended to read as follows:

“5.40.050 Violations—Penalties.

Any person violating any provision of this chapter shall be subject to penalty as provided in ~~Chapter 1.08~~ Section 1.01.090 and Title 4 of this code.”

Section 4. Section 8.06.050 of the Capitola Municipal Code is hereby amended to read as follows:

“8.06.050 Unauthorized collection prohibited.

During the twenty-four-hour period beginning at six p.m. preceding the day designated for collection of recyclable waste material, no person other than the pertinent authorized recycling contractor shall remove recyclable waste material which has been placed at a designated recycling collection location. Each unauthorized collection from one or more designated recycling collection locations during the twenty-four-hour period shall constitute a separate and distinct offense punishable as provided in ~~Chapter 1.08~~ Section 1.01.090 and Title 4 of this code.”

Section 5. Section 8.24.290 of the Capitola Municipal Code is hereby amended to read as follows:

“8.24.290 Violation—Penalty.

Any person who violates any of the provisions of this chapter may be prosecuted as provided in ~~Section 1.08.040~~ Section 1.01.090 and Title 4 of this code.”

Section 6. Section 8.24.310 of the Capitola Municipal Code is hereby amended to read as follows:

“8.24.310 Civil enforcement—Nuisance.

Violations of this chapter may also be redressed in the manner set forth in ~~Chapter 9.56~~ Section 1.01.090 and Title 4 of this code. In addition to being subject to prosecution, any person who violates any of the provisions of this chapter may be made the subject to a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.”

Section 7. Subsection C. of Section 8.38.130 of the Capitola Municipal Code is hereby amended to read as follows:

“8.38.130 Violations and penalties.

C. Any person, business or owner, proprietor, manager or operator of any establishment or facility subject to this chapter who violates any provision of this chapter shall be guilty of an infraction, punishable in accordance with ~~Chapter 1.08~~ Section 1.01.090 and Title 4 of this code.”

Section 8. Section 8.60.020 of the Capitola Municipal Code is hereby amended to read as follows:

“8.60.020 Graffiti prohibited.

Writing, spraying, scratching or otherwise affixing graffiti is prohibited and is subject to penalties as provided in Municipal Code Section ~~1.08.040~~ 1.01.090 and Title 4 of this code. If a minor is personally unable to pay any fine levied for violating this chapter, the parent or legal guardian of the minor shall be liable for payment of the fine. A court may waive payment of the fine by the parent or legal guardian upon a finding of good cause.”

Section 9. The reference to Chapter 9.56 in the last sentence of Section 8.64.040 of the Capitola Municipal Code is hereby amended to read as follows:

“8.60.040 Abatement.

Nothing in this section shall preclude the city from abating graffiti pursuant to ~~Chapter 9.56~~ Section 1.01.090 and Title 4 of this code of this code.”

Section 10. Section 8.64.060 of the Capitola Municipal Code is hereby amended to read as follows:

“8.64.060 Prohibition.

It is a violation, punishable as provided in Section ~~4.08.010~~ 1.01.090 and Title 4 of this code, for any person to violate the orders or directives authorized by this chapter.”

Section 11. Section 8.68.020 of the Capitola Municipal Code is hereby amended to read as follows:

“8.68.020 Penalty.

Any person violating Section 8.68.010 is punishable as provided in Section ~~4.08.010~~ 1.01.090 and Title 4 of this code.”

Section 12. Section 9.12.070 of the Capitola Municipal Code is hereby amended to read as follows:

“9.12.070 Enforcement of permit conditions.

The city council, after three days notice to the permit holder, may revoke or amend the conditions of any permit it determines has been violated. If a Capitola police officer determines that the conditions of a permit are being violated, he or she may immediately order the cessation of all amplification for a specified time, not longer than the next meeting available for the city council to review the permit. Disobedience of the officer’s order shall be punishable as provided in Section ~~4.08.010~~ 1.01.090 and Title 4 of this code.”

Section 13. Section 12.56.070 of the Capitola Municipal Code is hereby amended to read as follows:

“12.56.070 All permits revocable/hold harmless agreements.

Permits issued under this chapter shall include a statement that by accepting such a permit, the permittee and his or her successor agrees to hold the city, its officers, agents and employees, free and harmless from any liability for injuries to persons or property resulting from the construction or maintenance of such private improvement, and also agrees that the removal of the structure, when so ordered by the city, shall be at the permittee’s expense. Such permit shall also provide that upon failure of the permittee to remove such improvement within a reasonable time after notice from the city manager or his or her designee, the same may be abated and removed by the city and the cost thereof made a lien upon the property (see ~~Chapter 9.56~~ Section 1.01.090 and Title 4 of this code). As a condition of granting any such permit, the city may require execution and recordation of an agreement between the city and the permittee property owner regarding the requirements of this section. However, failure to obtain or record such an agreement shall not free any applicant, owner, or successor from the requirements of this section.”

Section 14. Section 17.54.010 of the Capitola Municipal Code is hereby amended to read as follows:

“17.54.010 Defined.

The term “fence” as used in this chapter, includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants. ~~(For restrictions on plants that impair vehicular line of sight, see Section 9.56.030(7)).~~”

Section 15. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the 26th day of May, 2011, and was passed and adopted by the City Council of the City of Capitola on the 9th day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

CURRENT CAPITOLA MUNICIPAL CODE SECTIONS

3.32.140 Violations.

Any person violating any of the provisions of this chapter shall be punishable in the manner provided in Chapter 1.08 of this code.

Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the fee administrator, or who renders a false or fraudulent return or claim, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is punishable as aforesaid. (Ord. 513 (part), 1982)

5.24.090 Violations.

The operation of any business or entertainment activity contrary to the provisions of this chapter shall constitute a nuisance subject to abatement as provided in Chapter 9.56 of this code. Operating a business contrary to the business's entertainment permit, or violations of this chapter are also criminal acts subject to penalties provided in Section 1.08.010. (Ord. 699 (part), 1990)

5.40.050 Violations—Penalties.

Any person violating any provision of this chapter shall be subject to penalty as provided in Chapter 1.08 of this code. (Ord. 839 § 2 (part), 2003)

8.06.050 Unauthorized collection prohibited.

During the twenty-four-hour period beginning at six p.m. preceding the day designated for collection of recyclable waste material, no person other than the pertinent authorized recycling contractor shall remove recyclable waste material which has been placed at a designated recycling collection location. Each unauthorized collection from one or more designated recycling collection locations during the twenty-four-hour period shall constitute a separate and distinct offense punishable as provided in Chapter 1.08. (Ord. 704 (part), 1990)

8.24.290 Violation—Penalty.

Any person who violates any of the provisions of this chapter may be prosecuted as provided in Section 1.08.010. (Ord. 688 § 2 (part), 1990)

8.24.310 Civil enforcement—Nuisance.

Violations of this chapter may also be redressed in the manner set forth in Chapter 9.56. In addition to being subject to prosecution, any person who violates any of the provisions of this chapter may be made the subject to a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery. (Ord. 688 § 2 (part), 1990)

8.38.130 Violations and penalties.

C. Any person, business or owner, proprietor, manager or operator of any establishment or facility subject to this chapter who violates any provision of this chapter shall be guilty of an infraction, punishable in accordance with Chapter 1.08 of this code. (Ord. 771 (part), 1994)

8.60.020 Graffiti prohibited.

Writing, spraying, scratching or otherwise affixing graffiti is prohibited and is subject to penalties as provided in Municipal Code Section 1.08.010. If a minor is personally unable to pay any fine levied for violating this chapter, the parent or legal guardian of the minor shall be liable for payment of the fine. A court may waive payment of the fine by the parent or legal guardian upon a finding of good cause. (Ord. 694 (part), 1990)

8.60.040 Abatement.

The greatest disincentive to graffiti is its prompt eradication. The best way of minimizing the blight created by graffiti is quick removal of the graffiti.

For those reasons the city manager is authorized to develop procedures whereby public works personnel, or persons under contract with the city, may enter onto private property and remove or paint over the graffiti. Such a program should endeavor to notify affected property owners and allow them to promptly eradicate the graffiti. However, if the property owner(s) cannot be promptly contacted within twenty-four hours of the first attempted notification or cannot or will not immediately eradicate the graffiti, city agents may do so. The city council recognizes that the paint used in such eradication efforts will not precisely match the existing paint. However, the eradication will not damage private property more than the damage that has already resulted from the graffiti. The eradication authorized by this section shall not, without property owner permission, extend to areas not readily visible to the general public. Nothing in this section shall preclude the city from abating graffiti pursuant to Chapter 9.56 of this code. (Ord. 726 § 1, 1992; Ord. 694 (part), 1990)

8.64.060 Prohibition.

It is a violation, punishable as provided in Section 1.08.010, for any person to violate the orders or directives authorized by this chapter. (Ord. 821 (part), 2001)

8.68.020 Penalty.

Any person violating Section 8.68.010 is punishable as provided in Section 1.08.010. (Ord. 822 (part), 2001)

9.12.070 Enforcement of permit conditions.

The city council, after three days notice to the permit holder, may revoke or amend the conditions of any permit it determines has been violated. If a Capitola police officer determines that the conditions of a permit are being violated, he or she may immediately order the cessation of all amplification for a specified time, not longer than the next meeting available for the city council to review the permit. Disobedience of the officer's order shall be punishable as provided in Section 1.08.010. (Ord. 745 § 1 (part), 1992; Ord. 370 § 4, 1973)

12.56.070 All permits revocable/hold harmless agreements.

Permits issued under this chapter shall include a statement that by accepting such a permit, the permittee and his or her successor agrees to hold the city, its officers, agents and employees, free and harmless from any liability for injuries to persons or property resulting from the construction or maintenance of such private improvement, and also agrees that the removal of the structure, when so ordered by the city, shall be at the permittee's expense. Such permit shall also provide that upon failure of the permittee to remove such improvement within a reasonable time after notice from the city manager or his or her designee, the same may be abated and removed by the city and the cost thereof made a lien upon the property (see Chapter 9.56 of this code). As a condition of granting any such permit, the city may require execution and recordation of an agreement between the city and the permittee property owner regarding the requirements of this section. However, failure to obtain or record such an agreement shall not free any applicant, owner, or successor from the requirements of this section. (Ord. 796 (part), 1997)

17.54.010 Defined.

The term "fence" as used in this chapter, includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants. (For restrictions on plants that impair vehicular line of sight, see Section 9.56.030(7)). (Ord. 711 § 1, 1991: Ord. 112 § 1, 1957: Ord. 64 § 4A, 1951)

CAPITOLA MUNICIPAL CODE

1.01.090 General penalty provision.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of an infraction, except as follows:

1. Where the violation is made a misdemeanor by ordinance;

2. This section is not intended to supersede or modify the provisions of subsection (a) of Vehicle Code Section 40200 or any succeeding state statute. Vehicle Code Section 40200 (a) presently reads as follows:

Any violation of any regulation governing the standing or parking of a vehicle under this code, under any federal statute or regulation, or under any ordinance enacted by local authorities is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

The council may, by resolution or ordinance, set the amount of any such civil penalties.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city is punishable by a fine not to exceed two hundred fifty dollars.

D. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued, or permitted by any such person, and shall be punishable accordingly. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by the city, abated as such, and each day that condition continues shall be regarded as a new and separate offense. (Ord. 876 § 2, 2004)

COPY

ORDINANCE NO. 852

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA REPEALING CHAPTERS 1.08 AND 9.56 OF THE CAPITOLA MUNICIPAL CODE AND ADDING TITLE 4 TO THE CAPITOLA MUNICIPAL CODE PERTAINING TO MUNICIPAL CODE ENFORCEMENT

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

Section 1. Chapters 1.08 and 9.56 of the Capitola Municipal Code are hereby repealed.

Section 2. Title 4 is hereby added to the Capitola Municipal Code to read as follows:

Title 4

GENERAL MUNICIPAL CODE ENFORCEMENT

Chapters:

- 4.01 Definitions
4.02 Code Enforcement Authority and Powers
4.03 Notice
4.04 Judicial Remedies
4.06 Administrative Remedies
4.08 Mediation and Facilitation
4.10 Issuance and Recordation of Notices of Violation
4.14 Administrative Citations
4.16 Summary Abatement
4.18 Administrative Abatement
4.20 Administrative Enforcement Appeals
4.22 Administrative Enforcement Hearing Procedures
4.24 Recovery of Civil Penalties and Abatement Costs
4.26 Reinspection Fees

CHAPTER 4.01

DEFINITIONS

4.01.010 — Definitions

Section 4.01.010 Definitions. As used in this Title, the following shall have the following meanings.

- (1) Abatement means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a nuisance, including but not limited to demolition, removal, repair, boarding and securing or replacement of property.

- (2) Administrative Enforcement Order means an order issued by an Enforcement Hearing Officer after a hearing requiring a Responsible Person to correct violations, abate a public nuisance, pay civil penalties and administrative costs or take any other action as authorized or required by this Code and applicable state codes. The Enforcement Order may also include an order authorizing the City to abate a public nuisance or assess a Nuisance Abatement Lien.
- (3) Abatement Notice means a notice issued by a Director, which requires a Responsible Person to abate a public nuisance.
- (4) Code Enforcement Performance Bond means a bond posted by a Responsible Person to ensure compliance with the Capitola Municipal Code, applicable state codes, a judicial decree or Administrative Enforcement Order.
- (5) Enforcement Hearing Officer means any person appointed by the City Manager to preside over administrative enforcement hearings.
- (6) Enforcement Official means any person authorized to enforce violations of the Capitola Municipal Code or applicable state codes.
- (7) Financial Institution means any person that holds a recorded mortgage or deed of trust on a property.
- (8) Imminent Life Safety Hazard means any condition, which creates a present and immediate danger to life, property, health or public safety.
- (9) Legal Interest means any interest that is represented by a document such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the County Recorder.
- (10) Notice and Order means a document used in abatement and civil penalties actions which provides notice of Capitola Municipal Code or applicable state code violations and orders a Responsible Person to take certain steps to correct the violations.
- (11) Notice of Compliance means a document sent by an Enforcement Official representing that a property complies with the requirements listed in a Notice of Violation and that the Responsible Person or property owner has paid all fines, penalties and administrative costs of enforcement.
- (12) Notice of Violation means a written notice prepared by an Enforcement Official which informs a Responsible Person of code violations, requires compliance and contains specific information as required by the Capitola Municipal Code.
- (13) Nuisance Abatement Lien means a lien recorded to collect outstanding civil penalties and administrative costs imposed as part of a cost recovery, administrative or judicial code enforcement action.

- (14) Person means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business trust, organization or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.
- (15) Property Owner means the record owner of real property based on the County Assessor's records.
- (16) Public Nuisance means the maintenance or use of property in the City in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or real property that has been the situs for nuisance activity including, but not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking alcoholic beverages in public, harassment of passers by, illegal gambling, prostitution, sale of stolen goods, acts of violence, public urination or defecation, acts of vandalism, acts of lewd conduct, unreasonable loud noise, loitering or excessive littering; or the maintenance or use of property in the City in a manner that violates, or real property that has been the situs of a violation of, any provision of this code or any other City, state or federal law or regulation.
- (17) Responsible Person means a person who an Enforcement Official determines is responsible for causing or maintaining a public nuisance or a violation of the Capitola Municipal Code or applicable state codes. The term "Responsible Person" includes but is not limited to a property owner, tenant, and person with a Legal Interest in real property or person in possession of real property.
- (18) Written includes printed, typewritten, mimeographed, multigraphed, photocopied, facsimile and any other item of writing as listed in California Evidence Code Section 250.

CHAPTER 4.02

CODE ENFORCEMENT AUTHORITY AND POWERS

- 4.02.010 — Declaration of Purpose
 4.02.020 — General Enforcement Authority
 4.02.030 — Notice of Violation
 4.02.040 — Authority to Inspect
 4.02.050 — Power to Arrest

Section 4.02.010 — Declaration of Purpose. The City Council finds that the enforcement of the Municipal Code and applicable state codes throughout the City is an important public service. Code enforcement is vital to protection of the public's health, safety and quality of life. The Council recognizes that enforcement depends upon clear and precise regulations that can be effectively applied in administrative enforcement hearings and judicial proceedings. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain code compliance. Administrative remedies are designed to provide fair and efficient methods of enforcing the provisions of the Municipal Code without the required expense and consumption of time that judicial actions may require. Failure to comply with an administrative code enforcement action may require the City Attorney to file a judicial action to compel compliance.

Section 4.02.020 — General Enforcement Authority. All City Enforcement Officials designated in Capitola Municipal Code Section 1.12.020 shall have the authority and powers necessary to gain compliance with the provisions of the Capitola Municipal Code and applicable state codes for which they are responsible. These powers include the power to issue Notices of Violation and field citations, inspect public and private property with a search warrant or with the permission of the owner/occupant and use whatever judicial and administrative remedies are available under the Municipal Code or applicable state codes.

Section 4.02.021 — Authority to Issue Notice to Appear and Release Citations.

- (a) Pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, certain officers and employees of the City of Capitola are authorized to issue written notice to appear and release citations for misdemeanors or infraction violations of City ordinances, which such officers or employees have the duty to enforce.
- (b) The following officers and employees of the City of Capitola are hereby designated and authorized to issue said citations:

Building Department:

- (1) Building Official and his or her designated subordinates

Finance Department:

- (1) Finance Director and his or her designated subordinates

Planning Department:

- (1) Community Development Director and his or her designated subordinates

Public Works Department:

- (1) Public Works Director and his or her designated subordinates

Police Department:

- (1) Chief of Police
- (2) All sworn personnel
- (3) Community Service Officers

Section 4.02.030 — Notice of Violation. Chapter 4.10 provides the procedure for issuance and recordation of Notices of Violation where other sections of this code or applicable state codes do not provide an alternative procedure.

Section 4.02.040 — Authority to Inspect. City Enforcement Officials are authorized to enter upon any property or premises to ascertain whether the provisions of the Capitola Municipal Code or applicable state codes are being obeyed, and to make any examinations, inspections and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be conducted in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Enforcement Official may seek an administrative inspection warrant pursuant to the applicable procedures provided for in the California Code of Civil Procedure.

Section 4.02.050 — Power to Arrest. City Enforcement Officials are authorized to arrest without a warrant any person whenever the Enforcement Official has reasonable cause to believe that the person has committed a violation of the Municipal Code or applicable state codes in his or her presence. Pursuant to Penal Code Section 836.5 the Enforcement Official can only arrest a person by issuing a misdemeanor field citation or by effecting a citizen's arrest with the assistance of a peace officer. Custodial arrests may only be effected by sworn peace officers.

CHAPTER 4.03
NOTICE

4.03.010 — Service of Notices.

4.03.020 — Proof of Service of Notices.

4.03.030 — Constructive Notice of Recorded Documents.

Section 4.03.010 — Service of Notices.

- (1) Whenever a notice is required to be given under the Capitola Municipal Code for enforcement purposes, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:
 - (a) Personal service; or
 - (b) Certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.
 - (c) Posting the notice conspicuously on or in front of the property. The form of the posted notice shall be approved by the City Manager.
- (2) Service by certified or regular mail in the manner described above shall be effective on the date of mailing.
- (3) The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Code.
- (4) The notice requirements in this section do not apply to initial Notices of Violation, which may be sent by regular mail. Service of a Notice of Violation by regular mail is effective on the date of mailing.

Section 4.03.020 — Proof of Service of Notices. Proof of service of notice may be made by the certificate of any officer or employee of this City or by affidavit of any person over the age of eighteen years. The proof of service shall show that service was done in conformity with this Code or other provisions of law applicable to the subject matter concerned.

Section 4.03.030 — Constructive Notice of Recorded Documents. Whenever a document is recorded with the County Recorder as authorized or required by the Capitola Municipal Code or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

CHAPTER 4.04
JUDICIAL REMEDIES

- 4.04.010 — Criminal Violations— Misdemeanors and Infractions.
 4.04.020 — Civil Violations— Injunctions and Civil Penalties.
 4.04.030 — Code Enforcement Performance Bond.
 4.04.040 — Judicial Abatement.
 4.04.050 — Treble Damages for Subsequent Abatement Judgments.

Section 4.04.010 — Criminal Violations-- Misdemeanors and Infractions. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of the Capitola Municipal Code. Except as elsewhere stated in this Code, a violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute an infraction. Notwithstanding any other provision of this Code, any violation of this Code, which constitutes a misdemeanor under this Code, may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the County Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: upon a first conviction, by a fine of not exceeding one hundred dollars (\$100); for a second conviction within a period of one year, by a fine of not exceeding two hundred dollars (\$200); for each additional violation of the same ordinance within a period of one year, by a fine of not exceeding five hundred dollars (\$500). Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

Section 4.04.020 — Civil Violations-- Injunctions and Civil Penalties.

- (1) In addition to any other remedy provided by this Code, any provision of this Code may be enforced by injunction issued by the Superior Court upon a suit brought by the City of Capitola.
- (2) As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of two thousand five hundred dollars (\$2,500) per violation of the Municipal Code for each day during which any person commits, continues, allows or maintains a violation of any provision of this Code.

Section 4.04.030 — Code Enforcement Performance Bond. As part of any enforcement action taken by the City, the City has the authority to require a Responsible Person to post a performance bond to ensure compliance with the Capitola Municipal Code, applicable state codes or any judicial action.

Section 4.04.040 — Judicial Abatement. Pursuant to California Penal Code Section 372, and California Code of Civil Procedure Section 731 the City has the authority to judicially abate public nuisances by filing criminal or civil nuisance actions.

Section 4.04.050 — Treble Damages for Subsequent Abatement Judgments. Pursuant to California Government Code Section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two-year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code Section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include costs incurred abating conditions pursuant to Section 17980 of the California Health and Safety Code.

CHAPTER 4.06

ADMINISTRATIVE REMEDIES

4.06.010 — Administrative Remedies.

4.06.020 — Declaration of Purpose.

4.06.030 — Authority.

Section 4.06.010 — Administrative Remedies. Chapters 4.06 through 4.26 establish optional administrative enforcement remedies available to the City for violations of the Municipal Code and applicable state codes. The general remedies include Mediation, Facilitation, Issuance and Recordation of Notices of Violation, Administrative Civil Penalties, Administrative Citations, Summary Abatement, and Administrative Abatement. Chapters 4.20 and 4.22 govern the procedures for appeals and hearings relating to these administrative remedies.

Section 4.06.020 — Declaration of Purpose. The City Council finds that there is a need for a variety of administrative remedies that do not require the City to file court actions to initiate enforcement of violations of the Capitola Municipal Code and applicable state codes. The procedures established by these administrative remedies are in addition to any other legal remedy established by law, which may be pursued to address Municipal Code and applicable state code violations.

Section 4.06.030 — Authority. Whenever the City, through one of its Department Heads or Enforcement Officials, determines that a violation of the Capitola Municipal Code or applicable state code exists, the City may pursue any of the administrative remedies outlined in Chapters 4.06 through 4.26 of this Code.

CHAPTER 4.08

MEDIATION AND FACILITATION

4.08.010 — Declaration of Purpose.

4.08.020 — Definitions.

4.08.030 — Procedures.

4.08.040 — Confidentiality.

4.08.050 — Enforcement.

Section 4.08.010 — Declaration of Purpose. The City Council finds there is a need for mediation and other forms of alternative dispute resolution as a means to gain compliance with provisions of the Capitola Municipal Code and applicable state codes. The Council further declares that public policy facilitation can be an effective technique to avoid disputes by developing consensus amongst stakeholders on controversial issues. Both mediation and facilitation can often resolve disputes in a more efficient, effective and constructive manner without the necessity of more formal administrative action or litigation. The Council further finds that mediation and facilitation can foster better relations among and with the citizenry of Capitola and enhance the reputation of the City.

Section 4.08.020 — Definitions. For purposes of this Chapter, the following definitions shall apply:

- (1) “Enforcement Case” means any complaint or case on file with the City that involves alleged violations of the Capitola Municipal Code or applicable provisions of state law.
- (2) “Disputing Party” means any person responsible for alleged violations, interested or involved citizens who may have complained to the City about the alleged violations, crime victims and appropriate representatives from the City.
- (3) “Facilitation” means a process whereby a neutral third party conducts one or a series of meetings or sessions between and amongst relevant stakeholders to a particular dispute or controversial issue or policy with the purpose of improving communication and developing consensus about possible solutions.
- (4) “Mediation” means a meeting between or among disputing parties to clarify their differences and design their own mutually acceptable agreement, with the assistance of a mediator.
- (5) “Mediator” means a neutral third party who has received at least twenty-five (25) hours of mediation training from a reputable mediation program recognized by the City of Capitola.
- (6) “Referring Agency” means the City Council, a permanent City board or commission, City Enforcement Official, the City Manager, the City Attorney or one of their designees.
- (7) “Stakeholder” means any person or organization or association that is directly affected by a particular issue, policy or enforcement case.

Section 4.08.030 — Procedures. The Referring Agency may refer enforcement cases and other types of disputes and controversies to a neutral third party to schedule and coordinate a mediation or facilitation as may be appropriate.

Section 4.08.040 — Confidentiality. All documents and results related to mediations and facilitations held pursuant to this ordinance shall be kept confidential and shall be inadmissible as evidence in any subsequent administrative or judicial proceeding. The provisions of California Evidence Code Sections 1152 and 1152.5 and other laws pertaining to confidentiality and disclosure shall apply to mediations and facilitations held pursuant to this Chapter.

Section 4.08.050 — Enforcement. When a disputing party fails to participate in a mediation or facilitation or to comply with the terms of an agreement reached pursuant to mediation or facilitation, any other disputing party may pursue all or any of the administrative or legal actions or remedies provided by law.

CHAPTER 4.10

ISSUANCE AND RECORDATION OF NOTICES OF VIOLATION

- 4.10.010 — Issuance and Recordation of Notices of Violation.
 4.10.020 — Declaration of Purpose.
 4.10.030 — Procedures for Issuance of a Notice of Violation.

- 4.10.040 — Procedures for Recordation.
- 4.10.050 — Service of Notice of Violation.
- 4.10.060 — Procedures to Appeal Recordation.
- 4.10.070 — Appeal Hearing.
- 4.10.080 — Notice of Compliance-- Procedures.
- 4.10.090 — Prohibition Against Issuance of Municipal Permits.
- 4.10.100 — Cancellation of Recorded Notice of Violation.

Section 4.10.010 — Issuance and Recordation of Notices of Violation. This Chapter shall govern the procedures relating to the issuance and recordation of administrative Notices of Violation.

Section 4.10.020 — Declaration of Purpose. The City Council finds that there is a need for alternative methods of enforcement for violations of the Municipal Code and applicable state codes, which are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of Notices of Violation. The procedures established in this chapter shall be in addition to criminal, civil or any other remedy established by law, which may be pursued to address violations of the Capitola Municipal Code or applicable state codes.

Section 4.10.030 — Procedures for Issuance of a Notice of Violation. Whenever an Enforcement Official determines that a violation of the Capitola Municipal Code or applicable state code pertaining to real property exists, the Enforcement Official may issue a Notice of Violation to a Responsible Person. A Notice of Violation shall include sufficient information to provide reasonable notice of activities or conditions constituting violation of the Municipal code or applicable state code, and actions necessary to correct the violations. The Notice of Violation shall include the following information:

1. The name of the property's record owner;
2. Street address;
3. The code sections in violation;
4. A description of the property's condition, which violates the applicable codes;
5. A list of necessary corrections to bring the property into compliance;
6. A deadline or specific date to correct the violations listed in the Notice of Violation;
7. Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline including, but not limited to: criminal prosecution, civil injunction, administrative abatement, civil penalties, revocation of permits, recordation of the Notice of Violation and withholding of future municipal permits;
8. A brief description of the procedure to appeal the Notice of Violation including time limitations.

Section 4.10.040 — Procedures for Recordation.

- (1) Once an Enforcement Official has issued a Notice of Violation to a Responsible Person and the property remains in violation after the deadline established in the Notice of Violation, the Enforcement Official may record a Notice of Violation with the Recorder's Office of Santa Cruz County.

- (2) Before recordation, the Enforcement Official shall provide to the Responsible Person a letter of intent to record a Notice of Violation unless a written appeal is filed pursuant to the procedures outlined in this Chapter. The letter shall be served pursuant to any of the methods of service set forth in Chapter 4.03 of this Code. The Enforcement Official may also send a courtesy copy of the letter to any financial institution with a legal interest in the real property.
- (3) If a written appeal is not filed pursuant to the procedures set forth in this Chapter, the Enforcement Official may record the Notice of Violation if the violation has not been corrected.
- (4) The recorded Notice of Violation shall include the name of the property owner, the property's assessor's parcel number, the parcel's legal description, and a copy of the Notice of Violation.

Section 4.10.050 — Service of Notice of Violation. A copy of the recorded Notice of Violation shall be served on the Responsible Person and property owner pursuant to any of the methods of service set forth in Chapter 4.03 of this Code.

Section 4.10.060 — Procedures to Appeal Recordation.

- (1) An appeal of a departmental letter of intent to record the Notice of Violation shall follow the procedures set forth in Chapter 4.20 of this Code.
- (2) Upon receipt of the written appeal, the Enforcement Official shall schedule a hearing pursuant to the procedures set forth in Chapter 4.22 of this Code. The purpose of the hearing is for the Responsible Person or property owner to show cause why a Notice of Violation should not be recorded.
- (3) The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative appeal hearing and shall not affect the validity of the recorded Notice of Violation.

Section 4.10.070 — Appeal Hearing.

- (1) The appeal shall follow the hearing procedures as set forth in Chapter 4.22 of this Code.
- (2) At the appeal hearing, the Hearing Officer shall only consider evidence that is consistent with the applicable rules and procedures for administrative enforcement hearings and that is relevant to the following issues:
 - (a) Whether the conditions listed in the Notice of Violation violate the Capitola Municipal Code or applicable state codes; and
 - (b) Whether the Enforcement Official afforded the Responsible Person with due process by adhering to the notification procedures specified in this Code.
- (3) If the Hearing Officer affirms the Enforcement Official's decision, the Enforcement Official may proceed to record the Notice of Violation.

- (4) If the Hearing Officer determines that recordation is improper, the Hearing Officer shall reverse the Enforcement Official's decision to record the Notice of Violation.

Section 4.10.080 — Notice of Compliance-- Procedures.

- (1) After a Notice of Violation has been recorded, and after the violations listed on the Notice of Violation have been corrected, the Responsible Person or property owner may file with the Enforcement Official a written request for a reinspection of the property to determine compliance with the Municipal Code and applicable state codes listed in the recorded Notice of Violation, and for the issuance of a Notice of Compliance on a form provided by the City.
- (2) Once the Enforcement Official receives this request, the Enforcement Official shall reinspect the property to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.
- (3) The Enforcement Official shall serve a Notice of Compliance to the Responsible Person or property owner in the manner provided in Chapter 4.03 of this Code if the Enforcement Official determines that:
- (a) All violations listed in the recorded Notice of Violation have been corrected; and
 - (b) All necessary permits have been issued and finalized; and
 - (c) All penalties assessed against the property or Responsible Person have been paid; and
 - (d) The party requesting the Notice of Compliance has paid an administrative fee to reimburse the City for all administrative costs.
- (4) Administrative fees may include costs incurred in the investigation, inspection, reinspection, title search, appeal hearing and any other processing costs associated with the violations specified on the Notice of Violation.
- (5) If the Enforcement Official denies a request to issue a Notice of Compliance, the Enforcement Official shall serve the Responsible Person or property owner with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Chapter 4.03 of this Code.
- (6) The Enforcement Official's decision denying a request to issue a Notice of Compliance shall be final and non-appealable.

Section 4.10.090 — Prohibition Against Issuance of Municipal Permits. Subject to the exception set forth herein, the City of Capitola shall withhold permits for any alteration, repair or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure: (i) if a request to appeal the recordation of a Notice of Violation has not been timely filed; or (ii) after a Hearing Officer on appeal affirms the Enforcement Official's decision to record a Notice of Violation. The City may thereafter withhold permits until a Notice of Compliance has been issued by the Enforcement Official. The City may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

Section 4.10.100 — Cancellation of Recorded Notice of Violation. The Enforcement Official, property owner or Responsible Person shall record the Notice of Compliance with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

CHAPTER 4.14
ADMINISTRATIVE CITATIONS

- 4.14.010 — Declaration of Purpose.
- 4.14.020 — Authority.
- 4.14.030 — Procedures.
- 4.14.040 — Contents of Notice of Administrative Citation.
- 4.14.050 — Appeal of Administrative Citation.
- 4.14.060 — Administrative Enforcement Order.
- 4.14.070 — Penalties Assessed.
- 4.14.080 — Failure to Pay Penalties.
- 4.14.090 — Allocation of Administrative Penalties.

Section 4.14.010 — Declaration of Purpose. The City Council finds that there is a need for an alternative method of enforcement for violations of the Capitola Municipal Code and applicable state codes. The City Council further finds that an appropriate method of enforcement for violations is an administrative citation program as authorized by California Government Code section 53069.4. The procedures established in this Chapter shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of the Capitola Municipal Code or applicable state codes.

Section 4.14.020 — Authority.

- (1) Any person violating any provision of the Capitola Municipal Code or applicable state code may be issued an administrative citation by an Enforcement Official as provided in this Chapter.
- (2) Each and every day a violation of the Capitola Municipal Code or applicable state code exists constitutes a separate and distinct offense for which an administrative citation may issue.
- (3) A civil penalty shall be assessed by means of an administrative citation issued by the Enforcement Official and shall be payable directly to the City Finance Department.
- (4) Civil penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.
- (5) The administrative citation process set forth in this chapter does not apply to continuing violations of this code that pertain to building, plumbing, electrical, or other similar structural or zoning issues, unless a reasonable opportunity to correct or otherwise remedy the violation is first given to the violator. Ten (10) days shall be deemed to be a reasonable period in the case of most such continuing violations; however, a longer period, in no case to

exceed thirty (30) days, shall be allowed at the discretion of the Enforcement Official. Nothing in this section shall prevent the city from utilizing the administrative citation process for building, plumbing, electrical, or other similar structural or zoning violations, which are transient and non-continuing in nature, or create an immediate danger to health or safety.

Section 4.14.030 — Procedures.

- (1) Upon discovering any violation of the Capitola Municipal Code or applicable state codes, an Enforcement Official may issue an administrative citation to a Responsible Person in the manner prescribed in this Chapter. The administrative citation shall be issued on a form approved by the City Manager.
- (2) In the case of a business, the Enforcement Official shall attempt to locate the business owner and issue the business owner an administrative citation. If the Enforcement Official can only locate the manager of the business or the person in apparent charge of the business, the administrative citation may be issued to such person, who may sign or receive the administrative citation as agent for the Responsible Person or owner of the business. A copy of the administrative citation shall also be mailed to the business owner or Responsible Person in the manner prescribed by Chapter 4.03.
- (3) Once the Responsible Person is located, the Enforcement Official shall attempt to obtain the signature of that person on the administrative citation. If the Responsible Person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
- (4) If the Enforcement Official is unable to locate the Responsible Person for the violation, then the administrative citation shall be mailed to the Responsible Person in the manner prescribed in Chapter 4.03.
- (5) If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the Responsible Person in the manner prescribed by Chapter 4.03.
- (6) The administrative citation shall also contain the signature of the Enforcement Official.
- (7) The administrative citation shall be mailed to the Responsible Person in the manner prescribed by Chapter 4.03. Provided that an administrative citation is properly issued to a Responsible Person, the failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter.

Section 4.14.040 — Contents of Notice of Administrative Citation.

- (1) The administrative citation shall refer to the date and location of the violations and the approximate time the violations were observed.

- (2) The administrative citation shall refer to the code sections violated and describe how the sections are violated.
- (3) The administrative citation shall describe the action required to correct the violations.
- (4) The administrative citation shall require the Responsible Person to immediately correct the violations and shall explain the consequences of failure to correct the violations.
- (5) The administrative citation shall state the amount of penalty imposed for the violations.
- (6) The administrative citation shall explain how the penalty shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty.
- (7) The administrative citation shall provide notice of the right to appeal.
- (8) The citation shall contain the signature of the Enforcement Official and the signature of the Responsible Person if that person can be located, as outlined in subsection 14.14.030(3).

Section 4.14.050 — Appeal of Administrative Citation. An appeal of an administrative citation shall follow the procedures set forth in Chapter 4.20.

Section 4.14.060 — Administrative Enforcement Order. The appeal hearing shall follow the enforcement hearing procedures set forth in Chapter 4.22. As part of the Administrative Enforcement Order made pursuant to an Administrative Enforcement Appeal, the Enforcement Hearing Officer may reduce, waive or conditionally reduce the penalties or late fees assessed by the citation. The Enforcement Hearing Officer may also impose conditions and deadlines to correct the violations or require payment of any outstanding penalties. The Enforcement Hearing Officer may assess reasonable administrative costs.

Section 4.14.070 — Penalties Assessed.

- (1) The penalties assessed for each administrative citation issued for the same violation shall not exceed the following amounts:
 - (a) First violation, One Hundred Dollars (\$100);
 - (b) Second violation within a one year period, Two Hundred Dollars (\$200);
 - (c) Third or Subsequent violation within a one year period, Five Hundred Dollars (\$500).
- (2) If the Responsible Person fails to correct the violation, subsequent administrative citations may be issued for the same violation. The amount of the penalty shall increase at a rate specified in this Chapter.
- (3) Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.
- (4) All penalties assessed shall be payable to the City Finance Department.

Section 4.14.080 — Failure to Pay Penalties. The failure of any person to pay the civil penalties assessed by an administrative citation within the time specified on the citation may result in the Enforcement Official referring the matter to the City Finance Director to file a claim with the Small Claims Court. Alternatively, the Enforcement Official may pursue any other legal remedy to collect the administrative fines.

Section 4.14.090 — Allocation of Administrative Civil Penalties. Administrative civil penalties collected pursuant to this Chapter shall be deposited in the Code Enforcement Civil Penalties Fund established pursuant to Chapter 4.28.

CHAPTER 4.16 SUMMARY ABATEMENT

4.16.010 — Declaration of Purpose.

4.16.020 — Summary Abatement.

4.16.030 — Authority.

4.16.040 — Procedures.

Section 4.16.010 — Declaration of Purpose. The City Council finds that its purpose in adopting this Chapter and Chapter 4.18 is to establish a procedure for the summary abatement of public nuisances and code violations. The procedures established herein are in addition to any other legal remedy, criminal or civil, established by law, which may be pursued to address Capitola Municipal Code or applicable state code violations.

Section 4.16.020 — Summary Abatement. This Chapter governs the procedures relating to summary abatement of public nuisances.

Section 4.16.030 — Authority. Whenever an Enforcement Official determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Enforcement Official may exercise the following powers without prior notice to the Responsible Person:

- (1) Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed; or
- (2) Post the premises as unsafe, substandard or dangerous; or
- (3) Board, fence or secure the building or site; or
- (4) Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public; or
- (5) Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
- (6) Take any other action as appropriate under the circumstances.

Section 4.16.040 — Procedures.

- (1) An Enforcement Official shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the summary abatement process shall be assessed and recovered against the Responsible Person or property owner through the procedures outlined in Chapter 4.18.040.
- (2) The Enforcement Official may also pursue any administrative or judicial remedy to abate any remaining public nuisance.

CHAPTER 4.18
ADMINISTRATIVE ABATEMENT

4.18.010 — Declaration of Purpose.

4.18.020 — Authority.

4.18.030 — General Procedures and Appeals.

4.18.040.— Abatement of a Public Nuisance by the City.

Section 4.18.010 — Declaration of Purpose. The City Council finds that its purpose in adopting this Chapter and Chapter 4.16 is to establish a procedure for the abatement of public nuisances and code violations. The procedures established in these sections are in addition to any other legal remedy, criminal or civil, established by law, which may be pursued to address Capitola Municipal Code or applicable state code violations.

Section 4.18.020 — Authority. Any condition caused, maintained or permitted to exist in violation of any provisions of the Capitola Municipal Code or applicable state codes, which constitutes a public nuisance but which does not constitute an imminent life safety hazard may be abated by the City pursuant to the procedures set forth in this Chapter.

Section 4.18.030 — General Procedures and Appeals.

- (1) Abatement Notice.
 - (a) Whenever an Enforcement Official determines that public or private property or any portion of public or private property is a public nuisance as generally defined in Chapter 4.01 or as declared in a specific section of the Capitola Municipal Code or applicable state codes, an Abatement Notice may be issued to the Responsible Person or property owner to abate the public nuisance.
 - (b) The Abatement Notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to the Capitola Municipal Code or applicable state code violations, which render the property a public nuisance.
 - (c) The Abatement Notice shall describe the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action and shall establish deadlines by which each action must occur.

- (d) The Abatement Notice shall explain the consequences should the Responsible Person fail to comply with the terms of the notice.
 - (e) The Abatement Notice shall identify all applicable hearing and appeal rights.
- (2) Service of Abatement Notice. The Abatement Notice shall be served by any one of the methods of service listed in Chapter 4.03 of this Code.
- (3) Time Frame For Compliance.
- (a) The Enforcement Official shall establish a reasonable time frame for compliance based on the nature and severity of the nuisance. The time frame shall normally be ten (10) days for a nuisance that does not involve an imminent threat to public health and safety.
- (4) Right to Appeal.
- (a) The Responsible Person may appeal the Abatement Notice within ten (10) calendar days from the date of service of the abatement Notice by filing a written request to appeal to an Enforcement Official.
 - (b) Upon receiving a written request to appeal an Abatement Notice, an Enforcement Official shall follow the procedures set forth in Chapter 4.20 and request the Enforcement Hearing Officer to schedule a hearing to hear any objections why abatement should not be ordered and effected.
 - (c) Abatement shall not proceed until the Enforcement Hearing Officer issues an order after an appeal by the Responsible Person or an appeal has not been timely filed, unless the Enforcement Hearing Officer concludes that an imminent threat to the public's health and safety exists.
 - (d) If the Enforcement Hearing Officer issues an order confirming the existence of a public nuisance, the City may immediately abate the public nuisance pursuant to the procedures set forth in Section 4.18.040 of this Chapter. The Hearing Officer's decision is the final administrative decision and shall become effective upon the date of issuance by the Enforcement Hearing Officer.

Section 4.18.040 — Abatement of a Public Nuisance by the City.

- (1) Once an Enforcement Official follows the procedures set forth in Section 4.18.030 of this Chapter and obtains authorization to abate a public nuisance, the public nuisance may be abated by City personnel or by a private contractor.
- (2) City personnel or a private contractor can enter upon private property in a reasonable manner to abate the public nuisance as specified in the Abatement Notice or Abatement Order. Interference with the City's abatement of the public nuisance by a property owner or responsible person shall constitute a misdemeanor.
- (3) When abatement is completed, a report describing the work performed and the Enforcement Official shall prepare an itemized account of the total abatement costs. The report shall contain the names and addresses of the Responsible Persons or property owners of each parcel, the tax assessor's parcel number and a legal description of the property.

- (4) The Enforcement Official shall request the Hearing Officer to schedule a confirmation of costs hearing pursuant to Chapter 4.24, unless waived in writing by all Responsible Persons.
- (5) All administrative and actual costs incurred by the City in abating the public nuisance may be assessed and recovered against the Responsible Person pursuant to the provisions set forth in Chapter 4.24.

CHAPTER 4.20
ADMINISTRATIVE ENFORCEMENT APPEALS

4.20.010 — Appeal Procedures.

4.20.020 — Appeal Hearing.

4.20.030 — Failure to Attend an Administrative Enforcement Hearing.

Section 4.20.010 — Appeal Procedures.

- (1) A person served with one of the following documents, orders or notices may file an appeal within ten (10) calendar days from the date of service:
 - (a) Any Administrative Abatement Notice.
 - (b) An Administrative Citation issued pursuant to Chapter 4.14 of the Capitola Municipal Code.
 - (c) A letter from an Enforcement Official indicating an intent to record a Notice of Violation pursuant to Chapter 4.10 of the Capitola Municipal Code.
- (2) The appeal shall be made in writing and filed with the Enforcement Official.
- (3) The appeal shall be accompanied by an appeal fee in an amount established by resolution of the City Council.
- (4) After receiving the written notice of appeal, the Enforcement Official and Appellant shall cooperate with one another in selecting an Administrative Hearing Officer.
- (5) The City Manager may promulgate and implement procedures for recruiting a pool of qualified individuals to serve as Administrative Hearing Officers. Said procedures may also delineate the process by which the Enforcement Official and Appellant select the Administrative Hearing Officer from the pool. After the Administrative Hearing Officer is selected, the Enforcement Official shall request an Administrative Enforcement Hearing Officer to schedule a date, time, and place for the hearing.
- (6) Written notice of the date, time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing on the person appealing the notice by any one of the methods listed in Chapter 4.03 of the Capitola Municipal Code.

Section 4.20.020 — Appeal Hearing. The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedures set forth in Chapter 4.22.

Section 4.20.030 — Failure to Attend an Administrative Enforcement Hearing. Failure to attend the administrative enforcement hearing by the appellant shall constitute a waiver of his or her rights to an administrative enforcement hearing and administrative adjudication of the notice or any portion of the notice.

CHAPTER 4.22
ADMINISTRATIVE ENFORCEMENT HEARING PROCEDURES

- 4.22.010 — Administrative Enforcement Hearing Procedures.
- 4.22.020 — Declaration of Purpose.
- 4.22.030 — Procedures for Notification of Enforcement Hearing.
- 4.22.040 — Qualifications of Enforcement Hearing Officer.
- 4.22.050 — Selection of Enforcement Hearing Officer.
- 4.22.060 — Disqualification of Enforcement Hearing Officer.
- 4.22.070 — Powers of Enforcement Hearing Officer.
- 4.22.080 — Procedures at Administrative Enforcement Hearing.
- 4.22.090 — Failure to Obey Subpoena.
- 4.22.100 — Failure to Attend Administrative Enforcement Hearing.
- 4.22.110 — Administrative Enforcement Order.
- 4.22.120 — Judicial Review.
- 4.22.130 — Failure to Comply with Administrative Enforcement Order.

Section 4.22.010 — Administrative Enforcement Hearing Procedures. This Chapter establishes the procedures for conducting administrative enforcement hearings.

Section 4.22.020 — Declaration of Purpose.

- (1) The City Council finds that there is a need to establish a uniform procedure for administrative enforcement hearings conducted pursuant to the Capitola Municipal Code. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes: adequate notice, an opportunity to participate in the administrative hearing and selection of the Enforcement Hearing Officer and an adequate explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action.
- (2) The City Manager is authorized to develop policies and procedures relating to the qualifications, selection and compensation of hearing officers, hearing officer powers, hearing procedures, scope of the hearing, subpoena powers and other matters relating to administrative enforcement hearings.

Section 4.22.030 — Procedures for Notification of Enforcement Hearing.

- (1) Where an administrative enforcement remedy or proceeding authorized by this Title provides for an enforcement hearing, the Enforcement Official may request a Hearing Officer to schedule a day, time and place for the hearing.

- (2) Written notice of the time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the Responsible Person or property owner.
- (3) The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the City Manager.
- (4) The notice of hearing shall be served by any of the methods of service listed in Chapter 4.03.

Section 4.22.040 — Qualifications of Enforcement Hearing Officer. The City Manager shall promulgate rules and procedures as are necessary to establish a pool of qualified persons who are capable of acting as Hearing Officers.

Section 4.22.050 — Selection of Enforcement Hearing Officer. Enforcement Hearing Officers presiding at administrative enforcement hearings shall be compensated by the City Manager. The City Manager shall develop policies and procedures relating to the employment and compensation of Enforcement Hearing Officers.

Section 4.22.060 — Disqualification of Enforcement Hearing Officer. Any person designated to serve as an Enforcement Hearing Officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law.

Section 4.22.070 — Powers of Enforcement Hearing Officer.

- (1) The Enforcement Hearing Officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the Hearing Officer independently determines that due process has not been adequately afforded.
- (2) The Enforcement Hearing Officer, at the request of any party to the hearing, may subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary by the Enforcement Hearing Officer to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena. The City Manager shall develop policies and procedures relating to the issuance of subpoenas in administrative enforcement hearings, including the form of the subpoena and related costs.
- (3) The Enforcement Hearing Officer shall retain jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance, ensuring compliance with an Administrative Enforcement Order, modifying an Administrative Enforcement Order, or where extraordinary circumstances exist, granting a new hearing.
- (4) The Enforcement Hearing Officer has the authority to require a Responsible Person to post a Code Enforcement Performance Bond to ensure compliance with an Administrative Enforcement Order.

Section 4.22.080 — Procedures at Administrative Enforcement Hearing.

- (1) Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply.
- (2) The City bears the burden of proof at an administrative enforcement hearing or a nuisance abatement hearing to establish the existence of a violation of the Capitola Municipal Code or applicable state code, or to establish the existence of a public nuisance.
- (3) The standard of proof to be used by the Enforcement Hearing Officer in deciding the issues at an administrative hearing is a preponderance of the evidence standard.
- (4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

Section 4.22.090 — Failure to Obey Subpoena. It is unlawful for any person to refuse to obey a subpoena issued by an Enforcement Hearing Officer. Failure to obey a subpoena constitutes contempt and may be prosecuted as an infraction or a misdemeanor.

Section 4.22.100 — Failure to Attend Administrative Enforcement Hearing. Any party whose property or actions are the subject of an administrative enforcement hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and to an adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided.

Section 4.22.110 — Administrative Enforcement Order.

- (1) The decision of the Enforcement Hearing Officer shall be entitled "Administrative Enforcement Order" and shall be issued in accordance with the rules and procedures promulgated by the City Manager.
- (2) The Administrative Enforcement Order shall be served on all parties by any one of the methods listed in Chapter 4.03 of the Capitola Municipal Code.
- (3) The Administrative Enforcement Order shall become final on the date of service of the order.

Section 4.22.120 — Judicial Review. Judicial review of an Administrative Enforcement Order may be sought pursuant to a writ of administrative mandamus. Once an Administrative Enforcement Order becomes final as provided in this Chapter, the time in which judicial review of the order must be sought shall be governed by California Code of Civil Procedure Section 1094.6, except as otherwise specifically provided elsewhere in this Code.

Section 4.22.130 — Failure to Comply with Administrative Enforcement Order. It is unlawful for a party to an administrative enforcement hearing who has been served with a copy of the final Administrative Enforcement Order pursuant to Section 4.22.110 of the Capitola Municipal Code to fail to comply with the order. Failure to comply with a final Administrative Enforcement Order may be prosecuted as an infraction or a misdemeanor.

CHAPTER 4.24
RECOVERY OF CIVIL PENALTIES AND ABATEMENT COSTS

- 4.24.010 — Declaration of Purpose.
- 4.24.020 — Procedures for Recovering Costs.
- 4.24.030 — Recovery of Civil Penalties.
- 4.24.040 — Confirmation of Costs Hearing.
- 4.24.050 — Recovery of Costs as a Personal Obligation.
- 4.24.060 — Recovery of Costs by Special Assessment.
- 4.24.070 — Repayment to Code Enforcement Civil Penalties Fund.

Section 4.24.010 — Declaration of Purpose. The City Council finds that, in addition to the filing of civil collection actions by the City Attorney, the use of nuisance abatement liens collected as personal obligations against property owners, and the use of special assessments on real property will assist in the collection of penalties, abatement costs, administrative costs, reinspection fees and late fees assessed pursuant to administrative citations, administrative hearings, judicial orders and other appropriate code enforcement actions. The City Council further finds that collection of penalties, costs and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The City has the authority to make the expense of enforcement actions and abatement of any nuisance a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with California Government Code Section 38773.1; or in the alternative, the City has the authority to make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel, in accordance with California Government Code Section 38773.5. The procedures established in this Chapter shall be used to complement existing administrative or judicial remedies, which may be pursued to address violations of the Capitola Municipal Code or applicable state codes.

Section 4.24.020 — Procedures for Recovering Costs. This Chapter governs the procedures for recovery of all administrative and actual costs incurred by the City in the recovery of civil penalties, in the abatement of a public nuisance, and for recordation and recovery of costs of enforcing nuisance abatement liens pursuant to the procedures and authority found in the California Government Code. The provisions of Government Code Section 38771 through 38773.5 and any amendments to those sections are hereby incorporated by reference and made a part of this Chapter.

Section 4.24.030 — Recovery of Civil Penalties.

- (1) The Enforcement Official may collect all civil penalties and related administrative costs by the use of all appropriate legal means, including referral to the Finance Director or City Attorney.

Section 4.24.040 — Confirmation of Costs Hearing.

- (1) After the City has abated a public nuisance, the Enforcement Official shall request the City Manager to schedule a cost confirmation hearing before the City Council. A cost confirmation hearing is also appropriate if the City incurred abatement preparation costs before a Responsible Person or property owner voluntarily abated the public nuisance.

- (2) A notice of the date, time and place of the cost confirmation hearing shall be served on the Responsible Person or property owner at least ten (10) calendar days prior to the scheduled hearing by any one of the methods set forth in Chapter 4.03.
- (3) A copy of the report describing the work performed and an itemized account of the total abatement costs prepared pursuant to this Chapter shall also be served on the Responsible Person or property owner at least ten (10) calendar days prior to the scheduled hearing by any one of the methods set forth in Chapter 4.03.
- (4) The City Council at the cost confirmation hearing shall limit the scope of review to the Enforcement Official's report describing the work performed and the itemized account of costs together with any objections to its accuracy. The City Council may make such revisions, corrections or modification in the report or the account as may be just and reasonable.
- (5) The City Council may issue an order, which assesses the costs as either a personal obligation against the Responsible Person or property owner or a special assessment against the real property abated by the City.
- (6) At the cost confirmation hearing, the City Council shall not consider evidence regarding the merits of a previous abatement hearing and shall not review a decision ordering administrative or summary abatement, or imposition of penalties.
- (7) The City Council's order confirming or modifying the amount of costs incurred by the City in performing the abatement shall be final.

Section 4.24.050 — Recovery of Costs as a Personal Obligation. If the City Council orders that abatement costs be charged as a personal obligation of the Responsible Person, the Enforcement Official shall collect the obligation by use of all appropriate legal means. This may include the recordation of a nuisance abatement lien against the real property on which a nuisance is maintained. An Enforcement Official may assess a nuisance abatement lien pursuant to Government Code section 38773.1 by following the procedures set forth in this Chapter including the requirements set forth below:

- (1) Once a final administrative decision or judicial order establishes the amount of penalties, abatement costs, administrative fees and costs assessed against a Responsible Person for code violations, the Enforcement Official may record a nuisance abatement lien against the real property on which the nuisance is maintained.
- (2) Before recordation, the Enforcement Official shall provide to the Responsible Person or property owner a written "Notice of Intent to Record Nuisance Abatement Lien" informing such person that a nuisance abatement lien will be recorded unless the City receives full payment for the outstanding amount of civil penalties, costs and fees within the time period prescribed in the notice. Such notice shall be served in the same manner as a summons in a civil action in accordance with California Code of Civil Procedure, commencing at section 415.10 et seq. Payment shall be due a minimum of ten (10) calendar days from the date of the mailing.

- (3) If the property owner cannot be found after a diligent search, the notice can be posted on the property for a period of ten (10) calendar days and the notice must be published in a general circulation newspaper once at least ten (10) calendar days prior to recordation of the nuisance abatement lien.
- (4) A nuisance abatement lien shall be recorded in the Santa Cruz County Recorder's Office and from the date of recording shall have the force, effect and priority of a judgment lien.
- (5) The nuisance abatement lien shall include the name of the agency on whose behalf the lien is imposed, the name of the property owner, Responsible Party and any financial institution with a legal interest in the property, the property's assessor's parcel number, the property's legal description, the total amount of civil penalties, costs and fees due, including a breakdown of penalty assessments and reimbursement for the City's administrative costs and a copy of any administrative or judicial order which awarded the civil penalties, costs and fees.
- (6) Once payment in full is received for the outstanding civil penalties and costs or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Enforcement Official shall either record a Notice of Cancellation or provide the property owner or financial institution with the Notice of Cancellation so they can record this notice with the Santa Cruz County Recorder's office. The Notice of Cancellation shall include the same information as provided for in the original nuisance abatement lien as described in Chapter 4.24. Such Notice of Cancellation shall cancel the nuisance abatement lien.
- (7) A copy of the recorded nuisance abatement lien shall be served upon the Responsible Person or property owner by one of the methods of service set forth in Chapter 4.03 of this Code.
- (8) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding civil penalties.
- (9) A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. If unable to collect the nuisance abatement lien, the Enforcement Official may refer the case to the City Attorney to file a court action to recover the costs.
- (10) The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

Section 4.24.060 — Recovery of Costs by Special Assessment.

- (1) Once a final administrative decision or judicial order establishes that the amount of penalties, abatement costs, administrative fees and costs be charged against the property as a special assessment, the Enforcement Official shall prepare a notice of special assessment.
- (2) The Enforcement Official shall deliver the notice of special assessment to the County Auditor who shall place it on the County Assessment Roll pursuant to Government Code Section 38773.5.

- (3) The notice of special assessment shall include a copy of the Hearing Officer's cost confirmation order and shall summarize the abatement action. The Enforcement Official may record a copy of this special assessment notice to inform any subsequent purchasers or owners of the abatement action, costs and assessment.
- (4) The Enforcement Official shall record a cancellation of special assessment notice with the Santa Cruz County Recorder when either: (i) the Responsible Person or property owner pays in full the abatement costs; or (ii) the Santa Cruz County Auditor or Tax Collector posts a lien on the property pursuant to Government Code Section 38773.5.
- (5) Pursuant to the provisions of Government Code section 38773.5 the Santa Cruz County Tax Collector may collect the amount of a special assessment at the same time and in the same manner as ordinary property taxes and impose the same penalties and procedures, including the sale of the property, in case of delinquency, as provided for with ordinary property tax collection. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the special assessment.

Section 4.24.070 — Repayment to Code Enforcement Civil Penalties Fund. All monies recovered by payment of the charge or assessment or from the sale or transfer of the property shall be remitted to the City Finance Director who shall credit the appropriate amount to the Code Enforcement Civil Penalties Fund provided for in Chapter 4.28 or, alternatively use the monies to reimburse the Department responsible for the subject code enforcement action where appropriate.

CHAPTER 4.26 REINSPECTION FEES

- 4.26.010 — Reinspection Fees.
- 4.26.020 — Declaration of Purpose.
- 4.26.030 — Authorization.
- 4.26.040 — Assessment of Reinspection Fees.
- 4.26.050 — Notification of Assessment of Reinspection Fees.
- 4.26.060 — Failure to Pay Reinspection Fee.
- 4.26.070 — Collection of Reinspection Fee.
- 4.26.080 — Payment to Code Enforcement Civil Penalties Fund.

Section 4.26.010 — Reinspection Fees. This Chapter governs the general procedures for recovering reinspection fees assessed by the City unless other provisions of this Code establish a specific reinspection fee procedure for a particular type of reinspection.

Section 4.26.020 — Declaration of Purpose.

- (1) The City Council finds there is a need to recover costs incurred by Enforcement Officials and other City personnel who spend considerable time inspecting and reinspecting properties throughout the City of Capitola in an effort to ensure compliance with the Capitola Municipal Code or applicable state codes.

- (2) The City Council further finds that the assessment of a reinspection fee is an appropriate method to recover costs incurred for additional inspections made by Enforcement Officials and other City personnel. The assessment and collection of reinspection fees shall not preclude the imposition of any administrative or judicial penalties or fines for violations of the Capitola Municipal Code or applicable state codes.

Section 4.26.030 — Authorization.

- (1) Whenever an Enforcement Official reinspects a property to determine compliance with provisions of the Capitola Municipal Code and applicable state codes, which have been listed in a Notice of Violation, the Enforcement Official may assess a reinspection fee against the Responsible Person or property owner.
- (2) Reinspection fees may be assessed for each inspection of the property after the issuance of a Notice of Violation.

Section 4.26.040 — Assessment of Reinspection Fees. A reinspection fee schedule shall be established and revised as necessary by the City Council to reflect current actual costs. The reinspection fee schedule shall be filed in, and available for public review at, the City Clerk's office.

Section 4.26.050 — Notice of Assessment of Reinspection Fees.

- (1) Where the assessment of reinspection fees is authorized under this Chapter, the appropriate City Enforcement Official shall provide the Responsible Person with a written notice assessing reinspection fees. The written assessment shall contain the following information:
 - (a) the amount of fees charged;
 - (b) the corresponding dates when reinspection took place;
 - (c) a deadline by which the reinspection fee must be paid; and
 - (d) an explanation that additional late fees may be charge for late payment of the reinspection fee.
- (2) Service of notice of the reinspection fee assessment shall be provided to the Responsible Person or property owner by any of the means outlined in Chapter 4.03 of this Code.
- (3) Reinspection fees may be assessed as part of any judicial or administrative enforcement action as provided for in this Chapter.
- (4) The failure of any Responsible Person or property owner to receive notice of the reinspection fee assessment shall not affect the validity of any fees imposed under this Chapter.

Section 4.26.060 — Failure to Pay Reinspection Fee. The failure of any person to pay a reinspection fee by the deadline specified in the written notice of assessment of reinspection fee shall result in the assessment of an additional late fee. The amount of the late fee shall be established by the City Council.

Section 4.26.070 — Collection of Reinspection Fee. The Enforcement Official shall collect the assessed reinspection and late fees by the use of all appropriate legal means, including but not limited to referral to the City Finance Department or City Attorney for collection or recordation of a nuisance abatement lien pursuant to Chapter 4.24.

Section 4.26.080 — Payment to Code Enforcement Civil Penalties Fund. All monies recovered by payment of late payment fees shall be remitted to the City Finance Director who shall credit the appropriate amount to reimburse the Department responsible for the subject code enforcement action where appropriate.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after final adoption.

This ordinance was introduced on the 27th day of March, 2003, and was passed and adopted by the City Council of the City of Capitola on the 10th day of April, 2003, by the following vote:

- AYES: Council Members Ortiz, Harlan, Arthur and Mayor Gualtieri
- NOES: Council Member Norton
- ABSENT: None
- ABSTAIN: None

APPROVED: Tony Gualtieri
Tony Gualtieri, Mayor

ATTEST:

Pamela Greeninger, CMC
Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 852 passed and adopted by the City Council on the 10th day of April, 2003.

Pamela Greeninger
Pamela Greeninger, CMC, City Clerk