



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, JULY 28, 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
Lisa Murphy,
Administrative Services 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, July 28, 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)]

Veronica Shepardson, et al. (residents of Surf & Sand Mobile Home Park) vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case No. CV 171269]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case – Alice Hanratty vs. City of Capitola (Pacific Cove Mobile Home Park flood claim)

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)

Title: City Manager

**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 * * ***

Presentation by Celia Goeckermann,
Executive Director of the Parents Center

Presentation by Bruce Arthur, President of the
Capitola Public Safety & Community Service Foundation
Reporting on the Foundation's Activities and Accomplishments

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.

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated July 8 and July 15, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Report - NONE

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 Minutes of the Regular Joint Meetings of the City Council/Redevelopment Agency of June 23 and July 14, 2011.
- C. Accept update report on the Rispin Property Hazard Abatement Project 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.
- D. Adopt Resolution amending the FY2011-2012 Budget appropriating \$25,000 in the Community Tree and Forest Management account for expenses for tree removal and replacement along Monterey Avenue and Lawn Way and for the development and implementation of tree replacement at City Hall.
- E. Adopt a Resolution approving the new classification and job description for Administrative Records Analyst in the Police Department; approve filling the position; approve hiring a 20-hour per week Records Clerk; and adopt a Resolution amending the FY 2011-12 Budget to reflect the personnel changes.
- F. Approve the purchase of a new pressure washer, trailer, and accessories for the Public Works Department at a cost of \$19,611.72.

4. PUBLIC HEARINGS – None**5. OTHER BUSINESS**

- A. Report from Police Department regarding Skateboarding and Bicycling in Capitola Village. Staff recommendation: receive report.
- B. Post Operations Police Report regarding the July 4, 2011, Public Safety Operations for Capitola Beach and the Fireworks. Staff recommendation: receive report.
- C. Ordinance repealing Chapter 3.34 of the Capitola Municipal Code pertaining to the Mobile Home Park Administrative Service Fee [1st reading]. Staff recommendation: adopt ordinance.
- D. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference in San Francisco, California, from September 21 to 23, 2011. Staff recommendation: designate a Voting Delegate and Alternate to the Annual League Conference.

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

6. COUNCIL/RDA DIRECTOR/STAFF COMMUNICATIONS**7. ADJOURNMENT**

Adjourn to the next Regular Joint Meeting of the City Council/Redevelopment Agency to be held on Thursday, August 11, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: FINANCE DEPARTMENT
 DATE: July 20, 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 July 8 and July 15, 2011.

DISCUSSION

The attached Check Registers for:

Date	Starting Check #	Ending Check #	Total Checks	Amount
7/8/11	66808	66855	48	\$241,534.14
7/15/11	66856	66955	100	\$124,223.60
7/15/11 Payroll				\$132,828.83
Total				\$498,586.57

The check register of 7/1/11 ended with check #66807.

Wires issued, and a brief description of the expenditure:

Date	Issued to:	Dept.	Purpose	Amount
7/ /11	PERS Payment	CM	CALPERS – Payroll Contr for 7/15/11 payroll	\$54,130.65

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
66808	Atchison, Barisone & Condotti	CM	May2011 Contract Legal Services	\$11,130.00
66809	Biggs Cardoso Assoc.	PW	Rispin Hazard Elim Proj (CIP Funded)	\$15,545.87
66814	Cresco Equipment Rentals	PW	Tractor Rental for beach grading	\$11,441.46
66841	Santa Cruz Regional 911	PD	Fy11/12 first 1/3 annual payment	\$146,120.80
66844	TLC Administrators	CM	Monthly Dental&Vision, Employee funded	\$10,396.89
66878	Design Community & Environment	CDD	Gen Plan/41 st Ave Revisioning	\$47,750.96

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

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

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

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

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

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

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

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

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

- Triple flip delay of Sales Tax from monthly to December and April (~\$500,000/2x year)
- One quarter of the annual Worker’s Compensation premium is due in July (\$100,000)
- One half of the Self Insurance/Liability annual payment is due in July (\$32,669)
- One third of the Police Communication JPA annual payment is due in July (\$146,121)

As of 7/20/11 the total cash available is \$2,917,704. The General Operating Fund has a negative cash balance of \$435,091. 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 \$36,114. The Capital Improvement Projects has a positive cash balance of \$1,145,117. By Council direction the Emergency Reserves Fund (#1020) may not participate in cash loans; the Emergency Reserves Fund has a fund balance of \$ 644,689.

For cash flow purposes these funds are available to the General Fund. A consolidation of these cash balances results in a cash position of \$2,917,704.

The following table shows the funds that are consolidated:

CASH POSITION - CITY OF CAPITOLA 7/20/11

	<u>Net Balance</u>
General Fund	(435,091)
<i>Loan from Contingency Reserve</i>	<i>435,091</i>
Worker's Comp. Ins. Fund	174,779
Self Insurance Liability Fund	284,202
Stores Fund	16,766
Information Technology Fund	169,685
Equipment Replacement	305,933
Compensated Absences Fund	36,114
Contingency Reserve Fund	
<i>Loan to General Fund</i>	
<i>Net Contingency Reserve Fund Balance</i>	<i>499,805</i>
Public Employee Retirement - PERS	285,047
Open Space Fund	256
Capital Improvement Projects	1,145,117
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>2,917,704</u></u>

Negative Fund Balances: Periodically, the balance(s) above may be negative during the fiscal year for numerous reasons including timing differences and especially the State Triple-Flip. (The State Triple Flip defers approximately \$1 million of City sales tax revenue each year.)

These negative fund balances are temporarily paid for first by the General Fund, if available, then by the Contingency Reserve Fund and finally by the Internal Service Funds.

The Emergency Reserve Fund balance is \$644,689 and is not included above.

ATTACHMENTS

Check Registers for July 8 and July 15, 2011.

Report Prepared By: Linda Benko
AP Clerk

Reviewed and Forwarded
by City Manager:

City of Capitola
City Checks Issued 7/8/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66808	07/08/2011	Open			ATCHISON, BARISONE, & CONDOTTI	\$11,130.00
	Invoice		Date	Description	Amount	
	May2011		05/31/2011	May2011 Legal Services	\$11,130.00	
66809	07/08/2011	Open			BIGGS CARDOSA ASSOCIATES	\$15,545.87
	Invoice		Date	Description	Amount	
	58780		06/05/2011	Rispin Mansion Hazard Elimination Project	\$13,844.87	
	58781		06/05/2011	Rispin Mansion Hazard Elimination Project	\$1,701.00	
				Fund 1200, CIP		
66810	07/08/2011	Open			CA DEPARTMENT OF CONSERVATION	\$178.53
	Invoice		Date	Description	Amount	
	Q4 FY10/11		06/30/2011	Strong Motion Fee	\$178.53	
66811	07/08/2011	Open			CALERO, VICTOR	\$44.00
	Invoice		Date	Description	Amount	
	2011-0000864		06/30/2011	Soccer Officials June 13 to June 30 2011	\$44.00	
66812	07/08/2011	Open			COMMUNITY PRINTERS	\$237.24
	Invoice		Date	Description	Amount	
	4150011		06/10/2011	Lifeguard Incident Reports	\$237.24	
66813	07/08/2011	Open			COMMUNITY TELEVISION OF SCC	\$4,699.36
	Invoice		Date	Description	Amount	
	1519		03/31/2011	Q3 FY10/11 PEG Fees	\$4,699.36	
				Fund 1320-PEG		
66814	07/08/2011	Open			CRESO EQUIPMENT RENTALS	\$11,441.46
	Invoice		Date	Description	Amount	
	2873116-0001		06/13/2011	Tractor rental for beach grading	\$11,441.46	
66815	07/08/2011	Open			DAUERMAN, MIKE	\$116.00
	Invoice		Date	Description	Amount	
	2011-0000863		06/30/2011	Soccer Officials June 13 to June 30 2011	\$116.00	
66816	07/08/2011	Open			FLYNN, CAROLYN	\$3,300.00
	Invoice		Date	Description	Amount	
	CBF-6-2011-2		06/28/2011	Amend#1 Misc Grant Asst/Amend#2 Flooc	\$3,300.00	
				Fund 1313, Gen Plan Update		
66817	07/08/2011	Open			FOSTER, DAVID	\$87.60
	Invoice		Date	Description	Amount	
	FedExOff-2011-06		06/23/2011	Reimb Printing Costs, General Plan Updat	\$87.60	
				Fund 1313, Gen Plan Update		
66818	07/08/2011	Open			GREENINGER, PAM	\$755.85
	Invoice		Date	Description	Amount	
	20110513		05/13/2011	Reimb Lodging, Internat'l Muni Clerk Conf	\$755.85	
66819	07/08/2011	Open			KUTZMANN & ASSOCIATES, INC.	\$1,116.25
	Invoice		Date	Description	Amount	
	CPT11-001		06/30/2011	Rispin Mansion Abatement-Structural Plan	\$1,116.25	
				Fund 1200, CIP		

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66820	07/08/2011	Open			LABOR READY SOUTHWEST INC.	\$942.59
	Invoice		Date	Description		Amount
	57771559a		06/17/2011	FY 10/11 Temporary Staff-2		\$804.34
	57771559b		06/17/2011	Temporary Staff		\$138.25
66821	07/08/2011	Open			LAFCO/LOCAL AREA FORMATION COMMISSION	\$5,206.32
	Invoice		Date	Description		Amount
	FY11-12Fee		07/01/2011	FY11/12 LAFCO Fees		\$5,206.32
66822	07/08/2011	Open			MARTIN, BRIAN, K.	\$554.12
	Invoice		Date	Description		Amount
	5/2011		07/01/2011	May -June 2011 grant management/Lexipc Fund 1300-SLESF		\$554.12
66823	07/08/2011	Open			MID-COUNTY AUTO SUPPLY	\$267.96
	Invoice		Date	Description		Amount
	264875		06/10/2011	Auto Parts-2011 F-250, PW		\$30.49
	266445		06/24/2011	Auto parts, 2011 F-250		\$13.09
	266406		06/23/2011	Auto parts, 2011 F-250		\$13.09
	266306		06/23/2011	Auto Parts, 2011 F-250		\$27.94
	266326		06/23/2011	Auto Parts, 2011 F-250		\$3.10
	266186		06/22/2011	Auto parts, 2011 F-250		\$84.68
	265974		06/20/2011	Auto parts, 2011 F-250		\$21.64
	265074		06/12/2011	Auto parts, John Deere Loader		\$45.78
	266788		06/28/2011	Auto Parts, Beach Sand Sifter		\$28.15
66824	07/08/2011	Open			Miracle Recreation Equipment Co.	\$565.06
	Invoice		Date	Description		Amount
	712759		06/20/2011	Jade St Park Play Structure		\$565.06
66825	07/08/2011	Open			MISSION LINEN SUPPLY	\$714.58
	Invoice		Date	Description		Amount
	Jun2011		06/30/2011	Jun Mat and Coverall Cleaning		\$714.58
66826	07/08/2011	Open			MONTEREY BAY AREA SELF INSURAN	\$868.30
	Invoice		Date	Description		Amount
	20110601		06/01/2011	Flood Related Legal Services Fund 1020-Emergency Fund		\$868.30
66827	07/08/2011	Open			NELLA OIL COMPANY	\$3,310.50
	Invoice		Date	Description		Amount
	11-620112		06/24/2011	511 Gal Ethanol		\$1,972.92
	11-620113		06/24/2011	340 gal Diesel		\$1,337.58
66828	07/08/2011	Open			NORTH BAY FORD	\$232.72
	Invoice		Date	Description		Amount
	FOCS268092		06/23/2011	Keys, New Truck, PW		\$65.00
	221270		06/22/2011	Keys, New Truck - PW		\$51.36
	1120-13062		06/27/2011	auto parts		\$116.36

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66829	07/08/2011	Open			ORCHARD SUPPLY HARDWARE	\$452.65
	Invoice		Date	Description		Amount
	6014-8318359		06/25/2011	Supplies - Camp		\$131.01
	6010-4797078		06/20/2011	Shop Tools, Corp Yd		\$55.68
	6012-2090136		06/22/2011	Misc. Hardware		\$46.88
	6013-8310985		06/23/2011	Misc. Supplies		\$43.67
	6009-3463047		06/23/2011	Misc. Miant Supplies		\$148.46
	6013-1216909		05/27/2011	Misc hardware		\$26.95
66830	07/08/2011	Open			PACIFIC MONARCH	\$7,210.00
	Invoice		Date	Description		Amount
	38661-FY11/12		06/28/2011	Junior Guards Competition Transportation		\$3,900.00
	38660-FY11/12		06/28/2011	Junior Guards Competition Transportation		\$3,310.00
66831	07/08/2011	Open			PACIFIC VETERINARY SPECIALISTS II	\$306.65
	Invoice		Date	Description		Amount
	190517		06/23/2011	Animal Control Exp, PD		\$306.65
66832	07/08/2011	Open			PALACE ART & OFFICE SUPPLIES	\$561.96
	Invoice		Date	Description		Amount
	910313		06/20/2011	Office supplies-PD		\$14.19
	910260		06/20/2011	Office Supplies, City Hall		\$6.53
	911092		06/24/2011	Office Supplies, City hall-Fund 2210, Store		\$67.45
	911038		06/24/2011	Office Supplies, City hall-Fund 2210, Store		\$238.04
	8634101		06/11/2011	Camp Supplies		\$27.45
	8638302		06/23/2011	Museum Supplies		\$162.52
	911003		06/24/2011	Paper-PD		\$45.78
66833	07/08/2011	Open			PFX PET SUPPLY, LLC	\$77.16
	Invoice		Date	Description		Amount
	CD11671053		06/21/2011	K-9 food		\$77.16
66834	07/08/2011	Open			PITNEY BOWES INC.	\$2,019.99
	Invoice		Date	Description		Amount
	20110619		06/19/2011	Postage Refill, City hall Fund 2210, Stores		\$2,019.99
66835	07/08/2011	Open			PROVANTAGE	\$559.19
	Invoice		Date	Description		Amount
	5981878		06/28/2011	Smart UPS-Fund 2211, IT		\$559.19
66836	07/08/2011	Open			S&S WORLDWIDE	\$471.70
	Invoice		Date	Description		Amount
	6984531		06/16/2011	Supplies-Rec		\$471.70
66837	07/08/2011	Open			SALINAS VALLEY SOLID WASTE AUTH	\$5,000.00
	Invoice		Date	Description		Amount
	100		06/23/2011	FY10/11 Central Coast Media Coalition Grant Funded		\$5,000.00
66838	07/08/2011	Open			SALOMON, MARCUS	\$1,400.00
	Invoice		Date	Description		Amount
	20110713		06/09/2011	Jul 13 Twilight Concert Artist		\$1,400.00

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66839	07/08/2011 Invoice 6/20/11	Open	Date 06/20/2011	Description Blood Alcohol Test Exp, Feb-Apr2011	SANTA CRUZ COUNTY HEALTH SERV	\$312.00 \$312.00
66840	07/08/2011 Invoice 2011-00000846	Open	Date 06/23/2011	Description WATER BILLS FOR STREET MEDIANS	SANTA CRUZ MUNICIPAL UTILITIES	\$831.20 \$831.20
66841	07/08/2011 Invoice FY11/12Pymt1	Open	Date 06/23/2011	Description FY11/12 First 1/3 Payment	SANTA CRUZ REGIONAL 911	\$146,120.80 \$146,120.80
66842	07/08/2011 Invoice 3723	Open	Date 06/21/2011	Description T-Shirts-Rec	SPORT ABOUT	\$710.14 \$710.14
66843	07/08/2011 Invoice 2301051	Open	Date 06/27/2011	Description Museum Prints Purchase Reimbursement	SWIFT, CAROLYN	\$282.02 \$282.02
66844	07/08/2011 Invoice 93030-Jul11	Open	Date 07/01/2011	Description Monthly Dental & Vision-Employee Fundec	TLC ADMINISTRATORS, INC.	\$10,396.89 \$10,396.89
66845	07/08/2011 Invoice 1042972	Open	Date 06/08/2011	Description Email Filtering Service Annual Renewal Fund 2211, IT	WORKGROUP-IT LLC	\$1,710.00 \$1,710.00
66846	07/08/2011 Invoice 2011-00000865	Open	Date 06/30/2011	Description Soccer Officials June 13 to June 30 2011	YAHYA, IB	\$195.00 \$195.00
66847	07/08/2011 Invoice 2000946-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Bettencourt, Lydia	\$198.00 \$198.00
66848	07/08/2011 Invoice 2000943-002	Open	Date 07/05/2011	Description Class Refund	Cagle, Carrie	\$56.00 \$56.00
66849	07/08/2011 Invoice 2000945-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Lisanti, Jamie	\$173.00 \$173.00
66850	07/08/2011 Invoice 2000944-002	Open	Date 07/05/2011	Description Camp Refund	Lisanti, Jamie	\$160.00 \$160.00
66851	07/08/2011 Invoice 2000942-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Mankins, Jennifer	\$173.00 \$173.00

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66852	07/08/2011 Invoice 2000940-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Meza, Marie	\$161.00 \$161.00
66853	07/08/2011 Invoice 16881	Open	Date 06/13/2011	Description Lifeguard uniforms	Original Watermen	\$322.48 \$322.48
66854	07/08/2011 Invoice 2000949-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Paleologos, Jacqueline	\$186.00 \$186.00
66855	07/08/2011 Invoice 2000951-002	Open	Date 07/05/2011	Description Jr. Guard Refund	Uchiyama, Sue	\$173.00 \$173.00
Check Totals:				Count	48	\$241,534.14

City of Capitola
Payment Register

City Checks Issued 7/15/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66856	07/15/2011 Invoice 702922	Open	Date 06/29/2011	Description Stamp-PD	ACCURATE RUBBER STAMP	\$21.84 \$21.84
66857	07/15/2011 Invoice 611-02	Open	Date 07/01/2011	Description Lagoon Monitoring, Jun 2011	ALLEY, DONALD	\$2,414.30 \$2,414.30
66858	07/15/2011 Invoice 24813422096246 24813424216743	Open	Date 07/01/2011 07/01/2011	Description Jul 2011 Long Distance Service Jul 2011 Long Distance Fund 2211 - IT	AT&T	\$19.12 \$7.81 \$11.31
66859	07/15/2011 Invoice Jun2011	Open	Date 06/24/2011	Description Telephone Service, All Sites Fund 2211 - IT = \$280.69	AT&T/CALNET 2	\$2,071.58 \$2,071.58
66860	07/15/2011 Invoice 2012-00000033	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	AWESOME ENGINEERING, LLC	\$1,383.20 \$1,383.20
66861	07/15/2011 Invoice 20110630	Open	Date 06/30/2011	Description Roof work on PD/HVAC	BARBIC ROOFING-MATT ROSSO	\$2,500.00 \$2,500.00
66862	07/15/2011 Invoice 2012-00000035	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	BARRETT, SHARON	\$39.00 \$39.00
66863	07/15/2011 Invoice 2012-00000036	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	BARTLETT, GERRY	\$1,369.55 \$1,369.55
66864	07/15/2011 Invoice 2012-00000037	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	BETZ, SHERRI	\$3,217.50 \$3,217.50
66865	07/15/2011 Invoice 2011-00000868 2012-00000053	Open	Date 06/30/2011 07/12/2011	Description Softball June 8 to June 30 2011 Officials Volleyball Softball July 1 to July 11	BEYERS, FRED, C	\$231.00 \$198.00 \$33.00
66866	07/15/2011 Invoice 2012-00000038	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	BRESLIN-KESSLER, PAUL	\$4,355.39 \$4,355.39
66867	07/15/2011 Invoice 2011-00000866	Open	Date 06/30/2011	Description Softball June 8 to June 30 2011	BUMGARNER, ERIC, D	\$189.00 \$189.00

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66868	07/15/2011 Invoice POA7-15	Open	Date 07/14/2011	Description POA Dues for 7/15/11 Payroll Employee Funded	CAPITOLA PEACE OFFICERS ASSOCI.	\$676.62
66869	07/15/2011 Invoice 223	Open	Date 07/05/2011	Description Professional services, May2011	CAPITOLA PHYSICAL THERAPY	\$120.00
66870	07/15/2011 Invoice XSQ1216	Open	Date 06/21/2011	Description IT Supplies Fund 2211 IT	CDW GOVERNMENT INC.	\$1,388.70
66871	07/15/2011 Invoice 530	Open	Date 06/16/2011	Description Install Carbon Monoxide Detectors #45, 81	CHESHIRE RIO PROPERTY MANAGEN	\$105.00
66872	07/15/2011 Invoice 110720-0810A	Open	Date 06/16/2011	Description Sound Engineer, Music at the Beach	CLASSIFIED SOUND	\$1,650.00
66873	07/15/2011 Invoice 60842534	Open	Date 06/06/2011	Description Software Fund 2211 IT	COMPUCOM	\$278.55
66874	07/15/2011 Invoice 591048-Jun11 47319664	Open	Date 05/28/2011 06/28/2011	Description Internet Access, Jun2011 Jul2011 Internet Access	COVAD COMMUNICATIONS	\$1,287.72
66875	07/15/2011 Invoice 060094-Jun11	Open	Date 06/30/2011	Description Jun11 Drinking Water Service	CRYSTAL SPRINGS WATER CO.	\$250.00
66876	07/15/2011 Invoice 0766 1521 5428	Open	Date 07/01/2011 06/29/2011 07/07/2011	Description Camp Supplies Camp Supplies Cleaning supplies for the office	CVS PHARMACY INC.	\$66.24
66877	07/15/2011 Invoice 9923167	Open	Date 06/25/2011	Description Copier Lease, City Hall, Jun-Jul2011 Fund 2210 Stores	DE LAGE LANDEN FINANCIAL SERVIC	\$337.16
66878	07/15/2011 Invoice 11152A 1152B 11152C	Open	Date 05/31/2011 05/31/2011 05/31/2011	Description General Plan Update-per contract Green Economy Study-per contract 41st AVenue/Capitola Mall Revisioning-pe Fund 1313 Gen Plan \$30,383.60 Fund 1315 CDBG Grant \$17,367.36	DESIGN, COMMUNITY & ENVIRONMEN	\$47,750.96
66879	07/15/2011 Invoice 291947	Open	Date 06/27/2011	Description May2011 El Granada Legal Expenses	ENDEMAN, LINCOLN, TUREK & HEATE	\$873.33

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66880	07/15/2011 Invoice 20110711	Open	Date 07/11/2011	Description Art & Music at the Beach Coordinator, Jul	FELLOWS, LESLIE	\$460.00 \$460.00
66881	07/15/2011 Invoice 2012-00000042	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	FITZGERALD, AIMEE	\$386.75 \$386.75
66882	07/15/2011 Invoice 2012-00000032	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	FRANCA, CLAUDIO	\$468.00 \$468.00
66883	07/15/2011 Invoice 17642 17631 17626 17590	Open	Date 06/25/2011 06/22/2011 06/21/2011 06/07/2011	Description Uniform Exp, M Hay Uniform Exp, Valdez Uniform Exp, VIP Bugge Uniform Exp - Dally	GALLI UNIFORM COMPANY	\$373.72 \$65.50 \$15.19 \$269.56 \$23.47
66884	07/15/2011 Invoice 511464234	Open	Date 06/23/2011	Description Lifeguard Supplies	GALLS	\$411.90 \$411.90
66885	07/15/2011 Invoice 2012-00000041	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	GEDDES, SESE EGAN	\$107.25 \$107.25
66886	07/15/2011 Invoice 201111104	Open	Date 07/07/2011	Description Government Accounting Exam-Saldana	GOV'T & NONPROFIT ASSISTANCE CE	\$145.00 \$145.00
66887	07/15/2011 Invoice 20110522	Open	Date 05/22/2011	Description Twilight Concert Artist	HAMMAR, MIKE	\$1,000.00 \$1,000.00
66888	07/15/2011 Invoice 2012-00000040	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	HO KUK MU SUL CORPORATION	\$263.25 \$263.25
66889	07/15/2011 Invoice 339572	Open	Date 06/22/2011	Description Parts, Beach Sand Sifter	HOSE SHOP	\$29.54 \$29.54
66890	07/15/2011 Invoice 06/27-06/30/11 07/01/11 07/04-07/08/11	Open	Date 06/30/2011 07/11/2011 07/11/2011	Description Mechanic Mechanic Mechanic	HOWARD, CHARLIE	\$1,320.00 \$610.00 \$120.00 \$590.00
66891	07/15/2011 Invoice 2012-00000043	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	HOWELLS, NANCY	\$59.80 \$59.80

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66892	07/15/2011 Invoice ICMA7-15	Open	Date 07/14/2011	Description Retirement Plan Contribution for 7/15/11 P Employee Funded	ICMA RETIREMENT TRUST 457	\$6,894.74
66893	07/15/2011 Invoice 2012-00000044	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	INK, BRUCE	\$518.70
66894	07/15/2011 Invoice 2012-00000045	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	JOHANNA, ANOUK	\$327.60
66895	07/15/2011 Invoice 2012-00000039	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	KAYAK CONNECTION	\$179.40
66896	07/15/2011 Invoice 20110712	Open	Date 07/12/2011	Description Concrete Work, City hall Fund 2211 IT	KIELY, PJ	\$482.00
66897	07/15/2011 Invoice 2012-00000046	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	KRAFT, MARC	\$114.40
66898	07/15/2011 Invoice 58071559 58381559	Open	Date 06/24/2011 07/01/2011	Description Temporary Staff Temporary Staff	LABOR READY SOUTHWEST INC.	\$2,178.30
66899	07/15/2011 Invoice 736	Open	Date 05/13/2011	Description Jul 20th Music at the Beach Artist	LEAL dba EXTRA LARGE, VALERIE	\$1,000.00
66900	07/15/2011 Invoice 10898089-1 10898089-2	Open	Date 06/30/2011 06/30/2011	Description Jun/Jul Armored Car Service Jun/Jul Armored Car Service	LOOMIS	\$1,208.79
66901	07/15/2011 Invoice 20110717	Open	Date 07/07/2011	Description Art & Music at the Beach Artist	LOPEZ, BARBARA	\$400.00
66902	07/15/2011 Invoice 2012-00000034	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MATTERN, MARK	\$639.60
66903	07/15/2011 Invoice 2012-00000047	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MCDOWELL, KEVIN	\$258.37
66904	07/15/2011 Invoice 2012-00000048	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MCLAUGHLIN, MARY	\$1,146.60

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66905	07/15/2011 Invoice 11/12-1	Open	Date 07/14/2011	Description Riparian Restoration FY 11/12	McMENAMIN, GEORGE	\$2,112.50 \$2,112.50
66906	07/15/2011 Invoice 266915	Open	Date 06/29/2011	Description Auto Parts, Beach Sand Sifter	MID-COUNTY AUTO SUPPLY	\$12.02 \$12.02
66907	07/15/2011 Invoice 2012-00000031	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MILES, MITCHELL, A.	\$748.80 \$748.80
66908	07/15/2011 Invoice 82216a 82216b	Open	Date 07/06/2011 07/06/2011	Description Jun2011 Records Handling Expense Jul 2011 Records Storage Exp	MILLER'S TRANSFER & STORAGE CO	\$179.55 \$59.25 \$120.30
66909	07/15/2011 Invoice 41376	Open	Date 06/21/2011	Description City Letterhead Fund 2210 Stores	MISSION PRINTERS	\$550.15 \$550.15
66910	07/15/2011 Invoice 2012-00000049	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MITCHELL, JEANI	\$780.00 \$780.00
66911	07/15/2011 Invoice 109427	Open	Date 06/24/2011	Description Copy Machine Service-Rec	MONTEREY BAY SYSTEMS	\$387.86 \$387.86
66912	07/15/2011 Invoice 2012-00000050	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	MORRISSEY, YOSHIE	\$88.40 \$88.40
66913	07/15/2011 Invoice 34211	Open	Date 07/01/2011	Description 2010 Beach Shuttle Service	MV TRANSPORT INC.	\$3,811.50 \$3,811.50
66914	07/15/2011 Invoice 11-622429 11-622430	Open	Date 06/30/2011 06/30/2011	Description 314 Gal Ethanol 170 Gal Diesel	NELLA OIL COMPANY	\$1,874.30 \$1,241.21 \$633.09
66915	07/15/2011 Invoice 6007-4795660 6909	Open	Date 06/29/2011 05/27/2011	Description Light Correct inv 6013-1216909	ORCHARD SUPPLY HARDWARE	\$68.02 \$65.53 \$2.49
66916	07/15/2011 Invoice 911090 911899 8639347 8639956 911944 911957 912569	Open	Date 06/28/2011 06/30/2011 06/28/2011 06/30/2011 07/01/2011 07/01/2011 07/08/2011	Description Office Supplies, City Hall Paper - Fund 2210 Stores Camp Supplies Misc Supplies Office Supplies, Arts Office Supplies, City hall Office Supplies, City hall	PALACE ART & OFFICE SUPPLIES	\$360.16 \$7.64 \$149.40 \$23.83 \$6.37 \$33.87 \$1.15 \$137.90

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66917	07/15/2011 Invoice 52011070	Open	Date 06/20/2011	Description May 2011 Citations Exp, 1336 Cits	PHOENIX GROUP INFORMATION SYS	\$2,397.36
66918	07/15/2011 Invoice 40047436 39948750	Open	Date 06/23/2011 06/20/2011	Description Welding Supplies, Corp Yd Gases, Corp Yd	PRAXAIR DISTRIBUTION INC.	\$167.54
66919	07/15/2011 Invoice 2011-00000869 2012-00000054	Open	Date 06/30/2011 07/12/2011	Description Softball June 8 to June 30 2011 Officials Volleyball Softball July 1 to July 11	QUARTARARO, ROD, V.	\$132.00
66920	07/15/2011 Invoice 2011-00000867 2012-00000055	Open	Date 06/30/2011 07/12/2011	Description Softball June 8 to June 30 2011 Officials Volleyball Softball July 1 to July 11	REED, DANIEL, H.	\$231.00
66921	07/15/2011 Invoice 10868-240178	Open	Date 06/30/2011	Description Adv-Temp Parking Enforcement Position	REGISTER-PAJARONIAN	\$192.24
66922	07/15/2011 Invoice 9724	Open	Date 07/01/2011	Description 2012 Visitor's Guide, Print Campaign-BIA Fund 1321 BIA	SCC CONFERENCE & VISITORS COUN	\$975.00
66923	07/15/2011 Invoice 368134	Open	Date 06/22/2011	Description Computer Cable Fund 2211 IT	SANTA CRUZ ELECTRONICS, INC.	\$17.39
66924	07/15/2011 Invoice 3561873-Jun11	Open	Date 06/30/2011	Description Advertising for Full-Time Police Officer	SANTA CRUZ SENTINEL	\$643.03
66925	07/15/2011 Invoice 3540255-Jun11	Open	Date 06/30/2011	Description Advertising, Temp Parking Enforcement O	SANTA CRUZ SENTINEL	\$227.80
66926	07/15/2011 Invoice 2040516-Jun11	Open	Date 06/30/2011	Description Acct 2040516, Public Notices, June 2011	SANTA CRUZ SENTINEL	\$266.71
66927	07/15/2011 Invoice 2012-00000051	Open	Date 07/12/2011	Description Summer 1 Instr. Payments 2011	SHEN, YAMING	\$114.40
66928	07/15/2011 Invoice 974855313-115	Open	Date 06/29/2011	Description Jun2011 Cell Phone Service	SPRINT	\$3,139.00
66929	07/15/2011 Invoice 9217533473	Open	Date 07/11/2011	Description Toner Cartridge Fund 2211 IT	STAPLES	\$240.23

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
66930	07/15/2011 Invoice 41607 41708	Open	Date 06/06/2011 06/13/2011	Description Uniform Expense - Thompson Uniform Expense - Minium	SUMMIT UNIFORM CORP	\$759.56 \$490.53 \$269.03
66931	07/15/2011 Invoice 1425	Open	Date 06/24/2011	Description Boat & Bait Awning Replacement Fund 1311 Wharf	SunCoast Awning	\$775.00 \$775.00
66932	07/15/2011 Invoice 2012-00000052	Open	Date 07/12/2011	Description Officials Volleyball Softball July 1 to July 11	THILL, WENDY	\$80.00 \$80.00
66933	07/15/2011 Invoice 14182	Open	Date 07/05/2011	Description Jul2011 Admin Fee, Flex Health Plan	TLC ADMINISTRATORS, INC.	\$175.00 \$175.00
66934	07/15/2011 Invoice ARIN001452	Open	Date 06/28/2011	Description Shipping on Copier Ink Fund 2210 Stores	TRI-COUNTY BUSINESS SYSTEMS INC	\$5.97 \$5.97
66935	07/15/2011 Invoice PARS7-15	Open	Date 07/14/2011	Description PARS for 7/15/11 Payroll Employee Funded	UNION BANK OF CALIFORNIA	\$3,160.43 \$3,160.43
66936	07/15/2011 Invoice 20110711	Open	Date 07/11/2011	Description USLA memberships for Regionals team	UNITED STATES LIFESAVING ASSOCI	\$700.00 \$700.00
66937	07/15/2011 Invoice CAP11-12	Open	Date 03/11/2011	Description Community Assessment Proj spt, FY11/12	UNITED WAY OF SANTA CRUZ COUN	\$1,000.00 \$1,000.00
66938	07/15/2011 Invoice UPEC7-15	Open	Date 07/14/2011	Description Union Dues for 7/15/11 Payroll Employee Funded	UPEC LIUNA LOCAL 792	\$1,725.00 \$1,725.00
66939	07/15/2011 Invoice Weeks-Summ	Open	Date 06/21/2011	Description Instructor Payment, Rec	WEEKS, KATHRYN	\$364.65 \$364.65
66940	07/15/2011 Invoice 1976-May2011	Open	Date 05/27/2011	Description Tire Repair, John Deere Loader, Corp Yd	YOUNG'S TIRE SERVICE	\$282.50 \$282.50
66941	07/15/2011 Invoice 31193	Open	Date 07/11/2011	Description Signs for trailer 2	AP&P Signs	\$88.56 \$88.56
66942	07/15/2011 Invoice 1010662-002	Open	Date 07/11/2011	Description Class refund	Berge, Asgir	\$77.00 \$77.00
66943	07/15/2011 Invoice 2012-00000056	Open	Date 07/13/2011	Description Tree Deposit Refund for application #11-06	Corsiglia, Jack	\$500.00 \$500.00

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
66944	07/15/2011 Invoice 2000961-002	Open	Date 07/11/2011	Description Cancelled guitar class refund.	D'Angeco, Rosa	Amount \$90.00	
66945	07/15/2011 Invoice 2000955-002	Open	Date 07/11/2011	Description Cancelled guitar class refund	Debolske, Mark	Amount \$90.00	
66946	07/15/2011 Invoice 2000970-002	Open	Date 07/11/2011	Description Jr. Guard Refund	Ewings, Kristi	Amount \$198.00	
66947	07/15/2011 Invoice 2000959-002	Open	Date 07/11/2011	Description Cancelled guitar class refund	Kerby, Kathy	Amount \$90.00	
66948	07/15/2011 Invoice 2000982-002	Open	Date 07/11/2011	Description Class refund	Martin, Annaleah	Amount \$56.00	
66949	07/15/2011 Invoice 2000957-002	Open	Date 07/11/2011	Description Cancelled guitar class refund	McElroy, Ken	Amount \$81.00	
66950	07/15/2011 Invoice 2000988-002	Open	Date 07/11/2011	Description Balance after transfer	Putney-Heath, Jennifer, Jean	Amount \$55.00	
66951	07/15/2011 Invoice 2000958-002	Open	Date 07/11/2011	Description Cancelled guitar class refund	Redmond, Barbara	Amount \$81.00	
66952	07/15/2011 Invoice 2000979-002	Open	Date 07/11/2011	Description JG refund	Skipper, Geraldine	Amount \$173.00	
66953	07/15/2011 Invoice 2000989-002	Open	Date 07/11/2011	Description Refunds - Rec	Sperry, Stacia	Amount \$444.00	
66954	07/15/2011 Invoice 2000964-002	Open	Date 07/11/2011	Description Camp Refund	The Unity Care Group	Amount \$405.50	
66955	07/15/2011 Invoice 2000963-002	Open	Date 07/11/2011	Description Basketball Refund	Young, Julie	Amount \$80.00	
Check Totals:				Count	100	Total	\$124,223.60



Item #: **3.B.**

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: OFFICE OF THE CITY CLERK/REDEVELOPMENT AGENCY SECRETARY

DATE: JULY 20, 2011

SUBJECT: **CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY MINUTE APPROVAL:**
MINUTES OF THE JOINT REGULAR MEETINGS OF THE CITY COUNCIL/
REDEVELOPMENT AGENCY OF JUNE 23 AND JULY 14, 2011

Recommended Action: By motion, that the City Council/Redevelopment Agency Directors approve the subject minutes as submitted.

DISCUSSION

Attached for City Council/Redevelopment Agency review and approval are the subject minutes.

ATTACHMENTS

Minutes of June 23 and July 14, 2011

Report Prepared By: Pamela Greeninger, MMC
City Clerk/RDA Secretary

Reviewed and Forwarded by
City Manager/Executive Director: _____

**CITY OF CAPITOLA
CITY COUNCIL/REDEVELOPMENT AGENCY**

June 23, 2011
Capitola, California

MINUTES OF A REGULAR JOINT MEETING

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

At 5:30 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all Council Members/Redevelopment Agency Directors were present. He made an announcement regarding the items to be discussed in Closed Session, as follows:

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)]

Veronica Shepardson, et al. (residents of Surf & Sand Mobile Home Park) vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 171269]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code §54956.9:
One Case – City of Capitola vs. Pacific Gas & Electric Company (PG&E)
SmartMeter Moratorium Ordinance Violation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: City Attorney

LIABILITY CLAIMS (Government Code §54956.95)

Claimant: Maxine Dee Viola, et al.
Claimant: Mark Cameron, et al.
Claimant: Randall Howard, et al.
Agency claimed against: City of Capitola

Mayor/Chairperson Norton noted that there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 5:32 p.m. to the Closed Session in the City Manager's Office.

REGULAR JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY

Mayor/Chairperson Norton called the Regular Joint Meeting of the Capitola City Council/Redevelopment Agency to order at 7:02 p.m. on Thursday, June 23, 2011, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand

ABSENT: Redevelopment Agency Treasurer Debbie Johnson

STAFF: City Manager/Executive Director Jamie Goldstein, City Attorney/General Counsel John G. Barisone, Community Development Director/Deputy Executive Director Derek Johnson, Chief of Police Michael Card, Public Works Director Steve Jesberg, Assistant to the City Manager Lisa Murphy, and Deputy City Clerk/Deputy Secretary Liz Nichols

*** * * PRESENTATIONS * * ***

Presentation of Capitola Green Building Award to Curtis and Susan Tossy for building their home located at 607 Sunset Drive pursuant to the City's Green Building Program with a total of 64 Points [750-10]

Mayor Norton presented the Green Building Award to Curtis and Susan Tossy and thanked them for taking the initiative to build a sustainable home.

Introduction of Newly Promoted Police Sergeant Andy Dally, and Newly Appointed Police Officers Kraig Evans and Daniel Weagle

Chief of Police Card introduced Kraig Evans and Daniel Weagle. Daniel Weagle recently graduated from the Police Academy and is currently in a program for new officers. Sergeant Andy Dally was not present at the Council meeting.

Introduction of Capitola Police Department Chaplains Kathi Howard, Trevor Lee, Richard Rice, Dick Tennesen and Roger Welsh

Introduction of Capitola Police Department Explorers Brantley Sandretti, Tyler Osborne, and Nathan Keane

Introduction of Capitola Police Department Volunteers in Policing Robert Anderson, Linda Banks, Michael Banks, Kris Banuelos, Gayle Brock, Konnie Bugge, Cathy Card, Diana Cunningham, Dave Dominguez, Don Enos, Lewis Feinman, Jamie Ginsbach, Mary Hay, Kimberly Hogan, Kathy Kelly, Bill Maruna, James Schofield, Garrett Watson and Gail Wingert

Chief of Police Card introduced all Chaplains, Explorers and Volunteers in Policing and said all of the volunteers put in thousands of hours to the community. They help keep the community vibrant, they provide certain aspects of security, and they are there when there is an emergency. As part of their role, the newest portion of the Chaplain group ride along with the police officers on a regular basis.

Mayor Norton and the council members thanked these groups for their commitment to Capitola.

Presentation of Mayor's Proclamations to Parking Enforcement Officers Ben Irao and Oscar Valdez for their Fundraising Efforts and Participation in the Special Olympics Law Enforcement Torch Run in Capitola [120-40]

Mayor Norton spoke about the many years Parking Enforcement Officers Ben Irao and Oscar Valdez have been the major supporters of the Special Olympics Law Enforcement Torch Run. Mayor Norton presented Officer Oscar Valdez with his proclamation and thanked him for his participation in fundraising efforts for the Special Olympics Law Enforcement Torch Run. Officer Ben Irao was not present at the Council meeting.

PRESENTATIONS (Continued)

**Presentation by Bill McCabe, Youth Services Director of the
Santa Cruz Community Counseling Center [330-30]**

Bill McCabe thanked the Council for supporting Youth Services. Youth Services helps young people deal with issues such as drug abuse, addressing the emotional needs of their clients. Counselors are on 24 campuses in Santa Cruz County, and Youth Services helps clients stay in school and improve their academics. Many youth need help to become more positive community members, develop job skills and social activities. Youth Services offers a wide range of programs, drug and alcohol programs, day treatment programs, and a six-month residential program. Two clinics are providing services, but clients meet more often at homes and schools.

Mayor Norton and the council members thanked Mr. McCabe for his presentation.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone reported on the items discussed in Closed Session, which were listed on the posted agenda, as follows:

The Council received an update from the City Manager Goldstein, Community Development Director Johnson, and City Attorney Barisone regarding ongoing administration of the settlement in the Surf and Sand Mobile Home Park lawsuits. No reportable action was taken.

The Council received an update from City Attorney Barisone on the Veronica Shepardson litigation pertaining to some residents challenging the settlement with the Surf & Sand litigation. No reportable action was taken.

The Council and City Attorney Barisone discussed potential litigation arising out of PG&E's announced future moratorium ordinance violations. No reportable action was taken.

The City Council conducted a performance evaluation of the City Attorney and took no reportable action.

City Attorney Barisone reported that the Council had a discussion regarding the Maxine Dee Viola tort claim and discussed potential settlement options with City Manager Goldstein, but took no reportable action. City Attorney Barisone reported that the Cameron and Howard tort claims were not discussed in Closed Session. He said all of the claims are on the open session agenda for consideration.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

1) Mayor Norton announced the Addendum to the Agenda, Consent Calendar Item 3.M., pertaining to a budget amendment resolution.

2) Mayor Norton reordered Other Business Item 5.E., pertaining to the SmartMeter Ordinance Moratorium Implementation, to be heard following Item 5.A. (*See pages 12013 and 12014 for discussion and action.*)

B. Public Comments

1) Heidi Kellison, representing the Capitola Village Residents' Association, introduced herself to Council.

2) Gary Richard Arnold expressed his concerns about chemical particles that cause all kinds of disease. Residents can go to Operation Cloverleaf for more information.

2. B ORAL COMMUNICATIONS (Continued)

3) Geni Calande, resident of Surf and Sand Mobile Home Park, discussed the Surf & Sand lease agreement. The residents have until June 30, 2011, to sign it, and she asked the Council to object to the lease agreement. Council Member Harlan said they have been discussing the lease agreement. Attorney Mark Alpert was supposed to send an addendum with changes to this document. Community Development Director Johnson said there were two corrections identified regarding the lease agreement. One was a specific provision in the lease which indicated that rent is going to be increased to fair market rent after the lease's execution, if (a Surf & Sand resident) should inherit other real property. The second one was an arbitration provision that entitled the prevailing party to fees and costs, and he pointed out that specific provision was inconsistent with the settlement agreement and the City's adopted ordinance. Council Member Nicol said if the tenant applicants received an incomplete lease, the tenant applicant's response time should not begin until they have the complete piece. City Attorney Barisone added that is not the way our settlement agreement is written. Mayor Norton advised Ms. Calande to talk with City Manager Goldstein regarding the lease agreement.

4) Doug Patrick, a member of the Pedestrian Safety Work Group from Santa Cruz County Regional Transportation Commission, discussed the campaign they are conducting for safe and accessible sidewalks. Mayor Norton said this could be brought up under the General Plan Update. Mr. Patrick responded he has discussed this with Public Works Director Jesberg and Maintenance Superintendent Morrison, and he complimented them on their work.

C. Staff Comments

1) City Manager Goldstein discussed the progress on repairs to the Police Department. The Federal Government denied Governor Brown's request to give us FEMA assistance for the recent floods. City Manager Goldstein hopes to have a large portion of costs reimbursed through the City's insurance company.

Council Member Storey asked if there were any conversations with state officials about appealing the FEMA Director's decision. City Manager Goldstein said he has contacted Assembly Member Monning's Office, and they are gaining additional clarity about the appeals process. City Manager Goldstein has indicated that he would be happy to support them in their appeals effort if there were a chance of overturning the decision.

3) Public Works Director Jesberg gave an update on the parking pay stations. The machines are almost ready for delivery and should be received in about 3 weeks. There will be several public announcements made regarding the kick-off of the parking pay stations.

4) Council Member Nicol asked for an update about the soil in the median strip on Capitola Road between 43rd Avenue and 45th Avenue. Public Works Director Jesberg said the material the contractor put in the median did not meet specifications so it will be replaced with an improved soil mixture, and the landscaping will be finished in a couple of weeks.

D. City Council/RDA Director/Treasurer Comments/Committee Reports

1) Council Member Harlan talked about Charter Communications raising their rates. She suggested the Mayor should object in a letter and include that we are interested in senior rates. She also mentioned the 211 System through United Way was not included in the groups approved in Community Funding under the adopted budget. She would like it on the next agenda. Recently she was invited by the Panetta Institute to attend an event in which young leaders are encouraged to go into public service.

2. D. ORAL COMMUNICATIONS (Continued)

2) Council Member Termini discussed the first Twilight Concert of Wednesday, June 22, 2011. He also announced the Vintage Motorcycle Show will be held at Capitola Mall on Sunday June 26, 2011, from 9:00 a.m. to 4:00 p.m.

3) Mayor Norton asked Chief of Police Card to come up to the podium. Mayor Norton expressed his concern regarding the loud music coming from the restaurants and people smoking in front of the restaurants along the Esplanade, stating the city's noise and smoking ordinances have been blatantly abused. Chief of Police Card said he will work with the City Manager to deal with the issue.

E. **Committee Appointments**

- 1) **Consideration of the Art and Cultural Commission's recommendation to appoint Sterling Nathan Cross to fill the At-Large Member vacancy on the Commission with a term ending December 31, 2011. [1010-60]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to appoint Sterling Nathan Cross to fill the At-Large Member vacancy on the Art and Cultural Commission, with a term ending December 31, 2011, as recommended by the Art & Cultural Commission. The motion carried unanimously.

F. **Approval of Check Register Reports**

- 1) **City: Approval of City Check Register Reports dated June 3 and June 10, 2011. [300-10]**

ACTION: Council Member Termini moved, seconded by Council Member Harlan, to approve the Check Register Reports dated June 3 and 10, 2011, including checks numbered 66433 through 66510 in the amount of \$200,254.29, and checks numbered 66511 through 66567 in the amount of \$35,780.38, respectively; and payroll disbursements for the June 3, 2011, payroll in the amount of \$183,690.68, for a Grand Total of \$419,725.35, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- 2) **RDA: Approval of Redevelopment Agency Check Register Report dated June 10, 2011. [760-25]**

ACTION: Director Harlan moved, seconded by Director Storey, to approve the Check Register Report dated June 10, 2011, including checks numbered 2956 through 2963 in the amount of \$39,586.07, as submitted. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey, and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. **CONSENT CALENDAR**

Mayor/Chairperson Norton asked if there were any items on the Consent Calendar that members of the public or the City Council/Redevelopment Agency Directors wished to pull for separate discussion. Mayor/Chairperson Norton advised none of the Consent items were pulled.

Council Member/Director Nicol had a question on Item 3.F. (*See discussion under that item on page 12011.*)

CONSENT CALENDAR ACTION: Council Member/Director Termini moved, seconded by Council Member/Director Storey, to approve the Consent Calendar as recommended. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- 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.**

ACTION: The City Council/Redevelopment Agency Directors unanimously approved the reading by title of all Ordinances and Resolutions and declared 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 Minutes of the Regular Joint Meetings of the City Council/Redevelopment Agency of May 26 and June 9, 2011, and the Special Joint Budget Study Session of June 2, 2011.**

ACTION: Council Member/Director Termini moved, seconded by Council Member/Director Storey, to approve the City Council/Redevelopment Agency Minutes of the Joint Regular Meeting of May 26, 2011, and June 9, 2011, and the Special Joint Budget Study Session of June 2, 2011, as submitted. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- C. Adopt Ordinance Amending the Title of Section 2.18.120 and Adding Subsection E. to Section 2.18.120 of the Capitola Municipal Code pertaining to Mobile Home Park Rent Stabilization. [2nd Reading] [750-25]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to adopt **Ordinance No. 956, Ordinance Amending the Title of Section 2.18.120 and Adding Subsection E. to Section 2.18.120 of the Capitola Municipal Code Pertaining to Mobile Home Park Rent Stabilization**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- D. Accept update report on the Rispin Property Hazard Abatement Project 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. [275-60]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to accept the update report on the Rispin Property Hazard Abatement Project and made 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. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- E. Deny liability claims and forward to the City's liability insurance carrier. [Claims Binder]**

- 1) Maxine Dee Viola, et al. - \$790,000
- 2) Mark Cameron, et al. - an undetermined amount
- 3) Randall Howard, et al. - \$14,443.90

ACTION: Council Member Termini moved, seconded by Council Member Storey, to deny the claims of the above-listed claimants and to forward the claims to the City's liability insurance carrier. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- F. City/RDA: Authorize the City Manager to execute a three-year agreement for professional auditing services with Rogers, Anderson, Malody & Scott, LLP, Certified Public Accountants, to conduct the 2011/12 through 2013/14 fiscal year audits for both the City of Capitola in the amount of \$25,160 and the Redevelopment Agency in the amount of \$5,800. [310-05/760-25/500-10/760-05 A/C: Rogers, Anderson, Malody & Scott, LLP]**

Prior to action being taken on the Consent Calendar, Council Member/Director Nicol said money is being allocated on a 3-year contract for the Redevelopment Agency, and he wonders if the City will still owe that money if the RDA does not exist. City Manager/Executive Director Goldstein said the contract includes standard termination clauses, so, should the RDA not exist, the City would terminate that portion of the work associated with the Redevelopment Agency.

ACTION: Council Member/Director Termini moved, seconded by Council Member/Director Storey, to authorize the City Manager to execute a three-year agreement for professional auditing services with Rogers, Anderson, Malody & Scott, LLP, certified public accountants, to conduct the 2011/12 through 2013/14 fiscal year audits for both the City of Capitola in the amount of \$25,160 and the Redevelopment Agency in the amount of \$5,800, as submitted. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/ Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- G. Approve plans, specifications, and engineer's estimate for the Cherry Avenue Street Rehabilitation Project and authorize advertising for bids. [940-40]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the plans, specifications, and engineer's estimate for the Cherry Avenue Street Rehabilitation project and authorize advertising for bids, setting the bid opening date for 11:00 a.m. on Wednesday, July 27, 2011, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- H. Adopt Resolution approving the new classification and job description for Administrative Services Director and approve an Employment Agreement with Lisa Murphy for the position effective July 10, 2011. [600-10]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to adopt **Resolution No. 3875, Resolution Approving a New Classification and Job Description for the Position of Administrative Services Director**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- I. Approve the First Amendment to the Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560 for Fiscal Year 2011/2012. [500-10 A/C: Atchison, Barisone, Condotti & Kovacevich]**

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve the First Amendment to Agreement for City Attorney Services with Atchison, Barisone, Condotti & Kovacevich in the amount of \$133,560 for FY2011-12, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- J. RDA: Approve a sole source contract with Carolyn Flynn for an amount not to exceed \$15,000 for FY 2011-2012 for professional services related to Redevelopment Agency Affordable Housing Programs and Economic Development Projects. [760-05 A/C: Flynn, Carolyn]**

3. J. CONSENT CALENDAR (Continued)

ACTION: Director Termini moved, seconded by Director Storey, to approve a sole source contract with Carolyn Flynn for an amount not to exceed \$15,000 for FY 2011/12 for professional services related to RDA Affordable Housing Programs and RDA Economic Development Projects, as submitted. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey, and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

K. City: Approve a sole source contract with Carolyn Flynn for an amount not to exceed \$20,336 for FY 2011-2012 for assistance with the City's Economic Development, Environmental Sustainability and Flood Relief grants and overall administration of the City's Community Development Block Grant (CDBG) Program. [500-10 A/C: Flynn, Carolyn]

ACTION: Council Member Termini moved, seconded by Council Member Storey, to approve a sole source contract with Carolyn Flynn for an amount not to exceed \$20,336 for FY 2011/12 for assistance with the City's Economic Development, Environmental Sustainability and Flood Relief grants and overall administration of the City's Community Development Block Grant (CDBG) Program, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

L. City: Receive City Treasurer's Report for the month ended May 31, 2011 (Unaudited). [380-30]

ACTION: Council Member Termini moved, seconded by Council Member Storey, to receive the City Treasurer's Report for the month ended May 31, 2011 (Unaudited), as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

M. Adopt Resolution Amending the FY2010-2011 Budget by Transferring \$312,256 from the Contingency Reserve Fund to the Emergency Reserve Fund, increasing Emergency Reserve Fund Revenues by \$312,256 and Increasing the Emergency Reserve Fund Expenditures to \$939,356 for Flood-Related Expenditures. [330-10]

ACTION: Council Member Termini moved, seconded by Council Member Storey, to adopt Resolution No. 3876, Resolution Amending the FY2010/2011 Budget by Transferring \$312,256 from the Contingency Reserve Fund to the Emergency Reserve Fund, Increasing Emergency Reserve Fund Revenues by \$312,256 and Increasing the Emergency Reserve Fund Expenditures to \$939,356, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS - None

5. OTHER BUSINESS

A. Coastal Watershed Council Report on 2010 storm water activities. Staff recommendation: receive oral report and award a contract to Coastal Watershed Council in the amount of \$15,000 for Storm Water Education and Outreach Services in 2011. [450-10/500-10 A/C: Coastal Watershed Council]

Public Works Director Jesberg provided a brief staff report and introduced Greg Pepping from the Coastal Watershed Council. Mr. Pepping provided a brief report and responded to questions of council members.

3. I. CONSENT CALENDAR (Continued)

Considerable Council discussion was followed by this action:

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to take the following recommended actions:

- 1) Received an oral report from Greg Pepping of the Coastal Watershed Council on their 2010 Urban Watch-First Flush Program and education and outreach services performed for the City of Capitola as part of the City's Storm Water Management Program; and
- 2) Awarded a contract to Coastal Watershed Council in the amount of \$15,000 for Storm Water Education and Outreach Services in 2011, as submitted.

The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Norton announced that Item 5.E. was reordered for discussion at this time.

E. SmartMeter Ordinance Moratorium Implementation. [565-30]

City Manager Goldstein summarized the written agenda report utilizing a PowerPoint Presentation. After his report, City Manager Goldstein responded to questions of council members.

Mayor Norton opened this matter to the public at 8:33 p.m.

The following people spoke against the installation of SmartMeters:

Joshua Hart, Director of Stop SmartMeters
 Emily Black
 Nancy Morris
 Gary Richard Arnold
 Karen Nevis, Capitola resident
 Tammy Donnelly
 Barri Boone, Clares Street resident
 Nina Beatty, resident of Monterey
 Dawn Dee, Aptos resident
 Marilyn Garrett, Aptos resident

Mayor Norton asked representatives from PG&E to explain the delay list and opt out provision. Wendy Sarsfield, Government Relations Manager for PG&E on the Central Coast, and Cliff Gleicher, Senior Director of PG&E's SmartMeter Program, provided a brief explanation of the option filing and the delay list.

Mayor Norton asked Chief of Police Card what he recommends as a means of enforcement. Chief Card said they would send a report to the City Attorney's Office for review.

Mayor Norton closed the item to the public at 9:22 p.m. and brought it back to the City Council for discussion and action.

Considerable Council discussion was followed by this action:

ACTION: Council Member Storey moved, seconded by Council Member Termini, to do the following:

5. E. OTHER BUSINESS (Reordered item continued)

- 1) Directed staff to write a letter to PG&E requesting them to continue to defer the roll out in Capitola until the radio off proposal is concluded;
- 2) Directed staff to write a letter to the CPUC regarding charges for radio off and state that the proposed rates are way too high; and
- 3) Directed staff to include the phone number on the Community Channel 8 scroll for people to call to delay the installation of the SmartMeter and actively educate the community on the ability to radio off.

The motion carried on the following vote: AYES: Council Members Harlan, Termini, Storey, and Mayor Norton. NOES: Nicol. ABSENT: None. ABSTAIN: None.

B. Ordinance adding Section 9.12.080 to the Capitola Municipal Code pertaining to Noise [1st Reading]. Staff recommendation: adopt ordinance and approve a Notice of Exemption from CEQA. [485-40]

Public Works Director Jesberg gave a brief staff report and responded to questions of council members.

Mayor Norton opened this item to the public for comment. No one spoke.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Harlan, to approve the recommended action as follows:

- 1) Passed the proposed Ordinance Adding Section 9.12.080 to the Capitola Municipal Code Pertaining to Noise to a second reading, as submitted; and
- 2) Approved the Notice of Exemption from CEQA based on Section 15061 (b) (3), as submitted.

The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

C. Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code pertaining to Bicycle Licenses [1st Reading]. Staff recommendation: adopt ordinance. [390-40]

City Manager Goldstein summarized the written agenda report, and Chief of Police Card responded to questions of council members.

Mayor Norton opened this item to the public for comment at 9:58 p.m. Capitola resident Nathan Cross spoke against the ordinance.

No other members of the public addressed the council on this item.

Considerable Council discussion was followed by this action:

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to pass the proposed Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code Pertaining to Bicycle Licenses, to a second reading, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

5. OTHER BUSINESS (Continued)

D. Proposed Administrative Policy: Fund Balance Policy. Staff recommendation: approve policy. (Continued from meeting of June 9, 2011.) [100-10/ Administrative Policy Binder]

Mayor Norton opened this matter to the public for comment. No one spoke.

Council discussion was followed by this action:

ACTION: Council Member Harlan moved, seconded by Council Member Storey, to approve the proposed Administrative Policy: Fund Balance Policy, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

E. SmartMeter Ordinance Moratorium Implementation.

This item was reordered following Other Business Item 5.A. *(See pages 12013-12014 for discussion and action.)*

6. **COUNCIL/RDA DIRECTORS/STAFF COMMUNICATIONS** - None

7. **ADJOURNMENT**

The meeting was adjourned at 10:05 p.m. to the next Regular Joint Meeting of the City Council/Redevelopment Agency to be held on Thursday, July 14, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Dennis R. Norton, Mayor
Redevelopment Agency Chairperson

ATTEST: _____
Liz Nichols, Deputy City Clerk/Deputy
Redevelopment Agency Secretary

**CITY OF CAPITOLA
CITY COUNCIL/REDEVELOPMENT AGENCY**

July 14, 2011
Capitola, California

MINUTES OF A REGULAR JOINT MEETING

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

At 5:35 p.m. in the City Hall Council Chambers, Mayor/Chairperson Norton noted that all Council Members/Redevelopment Agency Directors were present. He made an announcement regarding the items to be discussed in Closed Session, as follows:

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)]

Veronica Shepardson, et al. (residents of Surf & Sand Mobile Home Park) vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 171269]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case – Alice Hanratty vs. City of Capitola (Pacific Cove Mobile Home Park flood claim)

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

LIABILITY CLAIMS (Government Code §54956.95)

- Claimant: Maxine Dee Viola, et al.
- Claimant: Vern Ballantyne
- Claimant: Victoria Brett
- Claimant: Jim Castellanos
- Claimant: Blane Warhurst, et al.
- Claimant: Suzanne Silverberg, et al.
- Agency claimed against: City of Capitola

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: City Manager

Mayor/Chairperson Norton noted that there was no one in the audience; therefore, the City Council/Redevelopment Agency recessed at 5:36 p.m. to the Closed Session in the City Manager’s Office.

7:00 P.M. – OPEN SESSION

REGULAR JOINT MEETING OF THE CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY

Mayor/Chairperson Norton called the Regular Joint Meeting of the Capitola City Council/Redevelopment Agency to order at 7:07 p.m. on Thursday, July 14, 2011, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENT: Council Members/Directors Stephanie Harlan, Michael Termini, Kirby Nicol, Sam Storey, and Mayor/Chairperson Dennis Norton *[Note: Council Member/Director Termini left the meeting at 9:20 p.m. and was absent for Items 5.B. to 5.E.]*

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand and Redevelopment Agency Treasurer Debbie Johnson

STAFF: City Manager/Executive Director Jamie Goldstein, City Attorney/General Counsel John G. Barisone, Community Development Director/Deputy Executive Director Derek Johnson, Chief of Police Michael Card, Public Works Director Steve Jesberg, Administrative Services Director Lisa Murphy, and City Clerk/Secretary Pamela Greeninger

Mayor Norton announced that he wished to take a moment tonight to recognize Maryann Slettehaugh, a special member of our community who passed away last week after a skateboarding incident. People will remember Maryann walking in our community during the past 30 years with her sun hat on, a smile and a friendly hello. Maryann could be seen in the Village and enjoying the beach in front of the Capitola Venetian with many of her friends. Mayor Norton expressed his sympathy to Maryann's family, who were in attendance at the meeting. He told them that this community does care about the safety of its streets and its pedestrians and would be addressing this matter later tonight and at a future meeting. Mayor Norton added as a community Capitola will miss and remember Maryann. **[120-10]**

***** PRESENTATIONS *****

**Presentation by Michelle Williams, Executive Director
of the Cultural Council of Santa Cruz County [330-30]**

Michelle Williams thanked the City Council for its continued support of the Cultural Council and congratulated the city on its prospective art project for 41st Avenue. She submitted a copy of the Cultural Council's 2010-2011 Annual Report Executive Summary to council members. Utilizing a PowerPoint Presentation, Michelle discussed the various programs of the Cultural Council, including the Open Studios Art Tour, a Grants Program that funds 41 arts organizations and projects, Arts education for schools, and County SPECTRA Art Exhibits. She discussed the new school art program: Mariposa's Art. In closing, she again thanked the council for its support.

Mayor Norton and the council members thanked Michelle for her presentation.

1. REPORT ON CLOSED SESSION [520-25]

City Attorney Barisone reported on the items discussed in closed session as follows:

1) City Manager Goldstein and City Attorney Barisone provided a status report update on the settlement of Surf and Sand Mobile Home Park litigation. Following Council discussion, the Council provided direction to staff regarding the ongoing settlement in that matter. No reportable action was taken.

2) The Council received a status report regarding ongoing settlement in the matter of Los Altos/El Granada Investors vs. City of Capitola (Castle Mobile Estates). City Attorney Barisone reported that the sale of Castle to the non-profit, Millennium Housing, is scheduled to close on August 3, 2011. No reportable action was taken.

3) City Attorney Barisone announced that the council/agency did not discuss the Veronica Shepardson, et al. case, nor did they discuss the Liability Claims listed on the Closed Session Agenda. He said those claims are on the open session agenda for denial.

4) The City Council received an update on an item of anticipated litigation between the City and Alice Hanratty. The Council provided directions to City Manager Goldstein in that matter. No reportable action was taken.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Mayor Norton announced that Item 5.A. pertaining to the 2-1-1 Program is reordered for discussion prior to the public hearings. (See Page 12022.)

B. Public Comments

1) Nancy Brewer, Surf and Sand Mobile Home Park, read a prepared statement about the amount of rent she will be charged for her space beginning in September. She expressed concern that the rent will be too high for her daughter to continue paying after she is gone.

2) Charlotte Achen, the granddaughter of Maryann Slettehaugh who was run down by a skateboarder in Capitola Village, commented on the incident and the need to enforce the city's no skateboarding laws. She encouraged the council to post "No Skateboarding" signs and to come up with creative ways to inform the public of the no skateboarding zone. [485-10]

3) Marilyn Garrett, Aptos resident, brought to the Council's attention an article in today's Good Times publication regarding the health hazards of SmartMeters. She also provided copies of two other documents; i.e., "Community Alert: Cancer Meters Threaten Santa Cruz County" and "Time to remove WiFi from Our Schools" for council members to read. She urged the council to do whatever is possible to stop the installation of SmartMeters. [565-30]

4) Diane Nicol played a video from her computer about evidence pertaining to health hazards resulting from microelectronic radiation and SmartMeters. She urged the council to consult with their attorneys and not let PG&E scare them. She commented on the provisions of the California Public Utilities Code and said she does not believe PG&E wants a lawsuit, because she thinks they are afraid about what would be revealed in a lawsuit. [565-30]

C. Staff Comments

1) City Manager Goldstein reported on the following items:

- The Council Chambers has recently been renovated, and final work is still being done to complete the project. He acknowledged the excellent assistance of the city's Information Systems Specialist, Larry Laurent, in working with the contractor on the technology aspect of the project.
- He reported that staff and Mayor Norton met with Mike Dayton, Acting Secretary of the California Emergency Management Agency, and that Mr. Dayton is working with the City with respect to the denial of its claim for reimbursement of flood-related expenses. City Manager Goldstein announced that Mr. Dayton has filed an appeal on the denial.

2) Community Development Director Johnson commented on the following items:

- He reminded the council and members of the community that there would be a General Plan Advisory Committee workshop next Wednesday, July 20, at 5 p.m. in the Multi-Use Room at New Brighton Middle School.
- He announced that the City's application for grant funding in the amount of \$250,000 for a Local Housing Mitigation Plan is likely to be awarded.
- This morning the Building Official issued a temporary certificate of occupancy to the Fairfield Marriott on 41st Avenue, and they are looking to open in the next week, in time for the Wharf to Wharf Race.

2. C. ORAL COMMUNICATIONS (Continued)

- Community Development Director Johnson also stated that, as previously mentioned by City Attorney Barisone, the Castle Mobile Home Estates sale should close on August 3.
- He provided an update on the city's Mobile Home Park Rental Assistance Program. He advised there were 19 applicants from Cabrillo Mobile Estates, who are now receiving assistance from the city. He said the city has also marketed the program to Surf and Sand Mobile Home Park and will soon be sending packets to residents of Castle Mobile Estates.

D. City Council/RDA Director/Treasurer Comments/Committee Reports

1) Council Member Harlan encouraged residents to attend General Plan Advisory Committee meeting. She said this is a very exciting process, and the city encourages public participation.

2) Council Member Harlan reported on the AMBAG meeting held last night at the Marina Airport, including discussions pertaining to changing the structure of AMBAG. The Interim Executive Director was directed to look into this and report back. She also discussed implementation of the Strategic Growth Council, which was approved by SB 732. (A paper copy of the information regarding the Strategic Growth Council was submitted to the City Clerk and is on file.) [150-10]

3) Council Member Storey commented on the fatality that occurred in the community. He would like to see an analysis of educational efforts in bringing attention to the city's regulation regarding no skateboarding. Council Member Nicol echoed Council Member Storey's concerns and would be interested in having a report on this.

Chief of Police Card recognizes and empathizes with all the parties involved in the tragic skateboarding incident. The Police Department is continuing its investigation of the incident. Chief of Police Card has also been in contact with the District Attorney, who has expressed interest in hearing about the City's final investigation and has assigned a senior attorney to look at this matter.

Police Officer Chris Thompson will work on a POP (Problem Oriented Policing project) on the matter, which will be brought back to Council for potential solutions or alternatives Council may want to consider.

ACTION: It was the consensus of the City Council to add the Police Department's report on skateboarding to the next agenda for July 28, 2011.

4) Council Member Nicol asked for an update on the Capitola Road Street Calming Project from the Public Works Director. Public Works Director Jesberg reported that he spoke with the contractor about the project and the contractor informed him that they are waiting for delivery of the wireless controller that needs to be installed. He said the contractor has promised to be on site on July 25 and will complete the project that week. [940-40]

5) Council Member Nicol commented on the ramifications pertaining to the city's Redevelopment Agency, resulting from the adoption of the State's budget. City Manager Goldstein said staff is working on an analysis, which will be brought back at the August 11 meeting.

2. D. ORAL COMMUNICATIONS (Continued)

6) Mayor Norton asked Lisa Murphy to come forward. He presented her with a Mayor's Certificate of Appreciation to her sons: Will, Jake and Tyler raised \$300 for the city's flood relief fund by having bake sales at their schools. He asked her to thank the boys for their efforts. [120-40]

7) Mayor Norton announced that he issued a Mayor's Proclamation recognizing the Santa Cruz County Board of Realtors on its 100th Anniversary. [120-40]

8) Mayor Norton expressed his interest in discussing a change in the parking meter time limit in the Village from 2 hours to 3 hours at a meeting sometime in the next three months. [470-40]

9) Mayor Norton announced that tonight's meeting is being dedicated to Maryann Slettehaugh.

E. **Committee Appointments** – None

F. **Approval of Check Register Reports**

1) **City: Approval of City Check Register Reports dated June 17, June 24, and July 1, 2011.** [300-10]

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to approve the Check Register Reports dated June 17, June 24, and July 1, 2011, including checks numbered 66568 through 66631 in the amount of \$129,742.00, checks numbered 66632 through 66726 in the amount of \$249,516.09, and checks numbered 66727 through 66807 in the amount of \$744,198.92, respectively; and payroll disbursements for the June 17, 2011, payroll in the amount of \$208,630.68 and payroll disbursements for the July 1, 2011, payroll in the amount of \$207,271.05, for a Grand Total of \$1,539,358.74, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

2) **RDA: Approval of Redevelopment Agency Check Register Report dated June 24, 2011.** [760-25]

ACTION: Director Harlan moved, seconded by Director Termini, to approve the Check Register Report dated June 24, 2011, including checks numbered 2964 through 2974 in the amount of \$448,578.70, as submitted. The motion carried on the following vote: AYES: Directors Harlan, Termini, Nicol, Storey, and Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. **CONSENT CALENDAR**

Mayor/Chairperson Norton asked if there were any items on the Consent Calendar that members of the public or the City Council/Redevelopment Agency Directors wished to pull for separate discussion. Council Member/Director Storey pulled Item 3.J. pertaining to the Charter Communications assignment. It was decided to reorder that item following action on the Consent Calendar.

Mayor/Chairperson Norton advised Item 3.J. would be discussed immediately following action on the remainder of the Consent Calendar. (*See discussion and action on Page 12022.*)

CONSENT CALENDAR ACTION: Council Member/Director Nicol moved, seconded by Council Member/Director Termini, to approve the Consent Calendar as recommended, with the exception of 3.J. The motion carried on the following vote: AYES: Council Members/Directors Harlan, Termini, Nicol, Storey, and Mayor/Chairperson Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- 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.**

ACTION: The City Council/Redevelopment Agency Directors unanimously approved the reading by title of all Ordinances and Resolutions and declared 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 Minutes of the Special City Council Meeting of June 15, 2011, and the Special Joint Budget Study Session of the City Council/Redevelopment Agency of June 15, 2011.**

ACTION: Council Member/Director Nicol moved, seconded by Council Member/Director Termini, to approve the Minutes of the Special City Council Meeting of June 15, 2011, and the Special Joint Budget Study Session of the City Council/Redevelopment Agency of June 15, 2011, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- C. Receive Planning Commission Action Minutes for the Regular Meeting of July 7, 2011. [740-50]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to receive the Planning Commission Action Minutes for the Regular Meeting of July 7, 2011, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- D. Deny liability claims and forward to the City's liability insurance carrier. [Claims Binder]**
- 1) Vern Ballantyne: \$160,000
 - 2) Victoria Brett: \$8,423.37
 - 3) Jim Castellanos: \$10,000
 - 4) Blane Warhurst, et al.: \$27,515.47
 - 5) Suzanne Silverberg, et al.: \$40,533.43

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to deny claims of the above-listed claimants and to forward the claims to the City's liability insurance carrier, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- E. Receive Quarterly Sales Tax and Transient Occupancy Tax Status Report for the Third Quarter of FY 2010-2011 (Unaudited). [390-70]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to receive and file the Third Quarter of FY 2010-2011 Sales Tax and Transient Occupancy Tax Status Report (Unaudited) for the City of Capitola, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- F. Authorize the City Manager to enter into a contract with Desmond, Marcello & Amster in an amount not to exceed \$18,000 for preparation of appraisals for consideration of the Pacific Cove Mobile Home Park Closure. [260-10/500-10 A/C: Desmond, Marcello & Amster]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to authorize the City Manager to enter into a contract with Desmond, Marcello & Amster (DM&A) in an amount not to exceed \$18,000 for the preparation of appraisals for consideration of the Pacific Cove Mobile Home Park closure, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

3. CONSENT CALENDAR (Continued)

- G. Adopt Resolution accepting a Homeland Security Grant in the amount of \$14,733 and Amending the FY2011-12 General Fund Operating Budget by Increasing both Revenues and Expenditures by \$14,733. [330-10]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Resolution No. 3877, Resolution Amending the General Fund FY2011-12 Operating Budget to Accept Homeland Security Grant Program Funds in the amount of \$14,733 and Authorizing Budget Expenditures of \$14,733 for the Purchase of Mobile Radios**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- H. Adopt Ordinance Adding Section 9.12.080 to the Capitola Municipal Code pertaining to Noise [2nd Reading]. [485-40]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Ordinance No. 957, Ordinance Adding Section 9.12.080 to the Capitola Municipal Code Pertaining to Noise**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- I. Adopt Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code pertaining to Bicycle Licenses [2nd Reading]. [390-40]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Ordinance No. 958, Ordinance Amending Sections 10.44.020 and 10.44.070 of the Capitola Municipal Code Pertaining to Bicycle Licenses**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

- J. Adopt Resolution Consenting to and Approving of the Assignment of the Cable Franchise Agreement and System with Charter Communications Properties, LLC, to CCO SoCal I, LLC.**

This item was pulled for separate discussion. *(See discussion and action following Consent Calendar Item 3.K. on Pages 12022 and 12023.)*

- K. Adopt Resolution approving a Memorandum of Understanding with the Police Captain for the period of July 1, 2011 to June 30, 2012. [600-10]**

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to adopt **Resolution No. 3878, Resolution Approving a Memorandum of Understanding with the Police Captains for the Period July 1, 2011 through June 30, 2012**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: None. ABSTAIN: None.

Following action on the Consent Calendar, the City Council then discussed Item 3.J. and took separate action on that item:

- J. Adopt Resolution Consenting to and Approving of the Assignment of the Cable Franchise Agreement and System with Charter Communications Properties, LLC, to CCO SoCal I, LLC. [565-20/500-10 A/C: CCO SoCal I, LLC.]**

Council Member Storey pulled this item for discussion, as he wondered if the council could use this opportunity to address issues raised about the cable service Charter Communications provides. He has experienced a number of issues and has heard complaints from other residents about their cable service with Charter. In addition, there are residents who would just like to have basic cable.

3. J. CONSENT CALENDAR (Continued)

Administrative Services Director Murphy said this item relates to transferring the franchise. She said Charter is in compliance with their agreement, which will terminate in 2014.

There was interest on behalf of the Council to hear from Charter regarding this item.

Council discussion was followed by this action:

ACTION: Council Member Termini moved, seconded by Council Member Storey, to continue this item to the first meeting in August. The motion carried unanimously.

At this time, Mayor Norton said the City Council would discuss Other Business Item 5.A., which was reordered.

5. OTHER BUSINESS

A. Funding for the 2-1-1 Health and Human Service Information and Referral System with United Way. Staff recommendation: Council direction. [420-30]

Administrative Services Director Murphy summarized the agenda report and advised this item was brought back at the request of a council member.

Council Member Harlan discussed her reasons for wanting the Council to consider funding this program. Mayor Norton stated that the 2-1-1 service was listed as a new program, although it has been funded previously.

Council Member Storey asked about the other source of funding from Recreation that Ms. Murphy referred to in the amount of \$7,000. Administrative Services Director Murphy stated that after the agenda report was submitted for this item, the Recreation Department received a donation of approximately \$7,000, which would offset revenue, since it would go to the general fund. He asked if it were an unrestricted donation. City Manager Goldstein said the donation was from the Wharf to Wharf Race committee, specifically for the Junior Lifeguard Program.

Council Member Termini commented on the \$7,000 donation to Jr. Guards and asked how much of the \$7,000 the City planned to give them. City Manager Goldstein said he did not have that detail broken out; however, each year the city generally funds the overall recreation program by about \$10,000.

Mary Lou Goeke, Executive Director of United Way of Santa Cruz County, thanked the Council for its support of \$2,000 last year for the initial 2-1-1 Program. She provided an information sheet, which shows the number of calls and people served through this program from August 2010 through April 2011. She commented on the positive feedback they received for their assistance during four disasters that occurred earlier this year, including the floods in Capitola.

Mayor Norton asked if anyone from the public wished to address this item.

Bruce Arthur, Capitola resident, said he did not wish to address the 2-1-1 Program; however, he did want to express his concerns about what he just heard said about the donation of \$7,000 from an organization to the Junior Guard program that was being passed to the general fund.

Council Member Nicol objected to this procedure of considering another community grant after the council agonized over this funding in its budget deliberations last month.

5. A. OTHER BUSINESS (Reordered item continued)

Council Member Harlan reiterated her reasons for asking to have this item brought to the council for consideration.

Council Member Termini commented on the Junior Guard donation and felt if this donation came to the city specifically earmarked for Jr. Guards, it should go to that program. Mayor Norton agreed.

Considerable Council discussion was followed by this action:

ACTION: Council Member Harlan moved, seconded by Council Member Termini, to authorize the expenditure of \$2,000 to the United Way 211 Health and Human Service Information and Referral System for FY2011-12 with the same agreement that the Council approved with the other community groups; i.e., that half of the money (\$1,000) will be allocated now at the discretion of staff, with the other half (\$1,000) being allocated after at least \$500,000 is received by the city for disaster relief. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Storey, and Mayor Norton. NOES: Council Member Nicol. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS

A. Public Hearing to Consider a Resolution Amending the City's Fee Schedule to Increase Various City Fees by the Consumer Price Index or by Actual Cost of Service and Adding New Fees to be effective July 15, 2011. Presentation: City Manager's Department. [390-40]

Administrative Services Director Murphy summarized the written agenda report and responded to questions of council members. She pointed out that the Council received a "Revised Resolution" and discussed the revisions. Administrative Services Director Murphy and Community Development Director Johnson responded to questions of council members pertaining to the Electric Vehicle Charging Permits and recreation fees.

Mayor Norton opened the public hearing at 8:25 p.m. No one from the public spoke.

There was council discussion regarding the \$25 business license refund fee, bingo permit fee, government access fee for the city scroll, and whether staff intends to keep the Mobile Home Park Administrative Service fee on the books. Council Member Nicol said he would like to see a copy of Resolution No. 3285, which is referred to in the draft resolution pertaining to the CPI. Mayor Norton asked if, since the city is trying to encourage residents to go green, the new fees for electric charging stations could be waived for the first year.

Considerable Council discussion was followed by this action:

ACTION: Council Member Termini moved to approve the recommended action to adopt the "Revised Draft" resolution with the following changes: that the Electric Charging Station fee be removed for the first year, and that there be no charge for the Business License Overpayment Refund Fee. Council Member Harlan seconded the motion. The City Council adopted **Resolution No. 3879, Resolution Repealing Resolution No. 3823 and Amending the City's Fee Schedule to Increase Various City Fees by the Consumer Price Index or by Actual Cost of the Service and Adding New Fees for Greywater System Permits and Electric Vehicle Charging Permits to Become Effective July 15, 2011**, with proposed changes. The motion carried on the following vote: AYES: Council Members Harlan, Termini, and Mayor Norton. NOES: Council Member Nicol and Storey. ABSENT: None. ABSTAIN: None.

4. PUBLIC HEARINGS (Continued)

B. Public Hearing to Consider Rispin Mansion Future Use Planning Report and Continued Property Hazard Abatement. Presentation: Community Development and Public Works Departments. [275-10 Future Use Planning Report/275-60 Hazard Abatement]

Community Development Director Johnson announced that tonight's report is a joint report between the Community Development and Public Works Departments.

Utilizing a PowerPoint Presentation, Community Development Director Johnson reported on the public meetings that were held to discuss potential uses of the Rispin property. He said there was a split among the participants between passive and active recreation use and regarding the wall along Wharf Road. Significant constraints were identified for skate park use. Community Development Director Johnson reviewed staff's future planning recommendations and responded to questions of council members.

Public Works Director Jesberg reported on the hazard abatement work being done at the Rispin property, including the work that has been completed and the work to be completed with funding in the 2010-11 budget. He also reviewed work identified by staff that is currently unfunded, including fountain rehab, driveway, landscape restoration, and Rispin/Peery Park lighting. Staff will be looking for grants in the amount of \$180,000.

Mayor Norton opened the public hearing at 8:53 p.m.

Guy Caputo, Wharf Road resident, said he is not clear exactly how much the City has spent on this project, and he would be interested in knowing how much the city intends to spend on this project; how much it will cost.

Ernie Tavella, speaking on behalf of a group of residents who reside near the Rispin property, said they want to strongly encourage a passive use for the Rispin.

Mary Healy, Francesco Court resident, said she supports passive use of the property and is interested in lighting the property. She asked if the lighting could be extended to Peery Park.

Mayor Norton closed the public hearing at 8:58 p.m.

ACTION: Council Member Termini moved, seconded by Council Member Harlan, to approve the recommended actions.

There was considerable council discussion regarding the money being spent on the property, the best use for the property, making the property safe, lighting the property and Peery Park, and opening the property to the public. Council members discussed the skate park use and interest in looking at alternative sites for that use.

Shirley Manis, Francesco Circle resident, said she supports the recommended action, and she also suggested that a skate park venue could be placed on the top of Capitola Mall. Users of the facility would enter through the Mall, and there would be security.

After discussion of the motion, Council Member Termini and Council Member Harlan confirmed the motion to approve the recommended actions, as follows:

4. B. PUBLIC HEARINGS (Continued)

1. Accepted the Rispin Property Initial Process Results report from RRM Design Group dated May 18, 2011;
2. Made 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 there is a need to continue action; and
3. Authorized the Public Works and Community Development Departments to continue both hazard abatement and future use planning by hiring necessary consultants to prepare detailed park design plans, lighting plans, and environmental review, as submitted.

The motion carried with Council Member Nicol voting no.

The City Council/Agency Directors took a short break at 9:20 p.m.

5. OTHER BUSINESS

A. Funding for the 2-1-1 Health and Human Service Information and Referral System with United Way.

This matter was discussed and action taken following Consent Calendar Item 3.K. (See Page 12023.)

The City Council/Agency Directors reconvened at 9:30 p.m. Mayor Norton noted that Council Member Termini was not present and will not return as he is going on vacation.

B. Community Room and City Hall Annex Transition Plan. Staff recommendation: receive report. [200-05]

Administrative Services Director Murphy summarized the written agenda report and responded to questions of council members regarding lighting, seating, etc. Public Works Director Jesberg also discussed plans to replace chairs with movable seating in the Chambers. City Manager Goldstein noted that the staff tables are not bolted down.

Council Member Nicol said he would like to see the flags behind the Dias.

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to receive the report. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

C. Financing Plan for Parking Structure on the Pacific Cove Parking Lot. Staff recommendation: receive report and provide direction to staff. [265-10]

City Manager Goldstein provided a staff report utilizing a PowerPoint Presentation. Following his report, City Manager Goldstein responded to questions of council members.

Mayor Norton opened this item to the public at 10:07 p.m.

Nels Westman, Riverview Drive, said he is encouraged to see this item on the agenda. He applauded the council and encouraged them to continue to move forward.

There was considerable council discussion and a motion by Council Member Nicol, seconded by Council Member Storey, to approve the staff recommendation with the proviso that the studies look equally at the possibility of providing surface parking at Pacific Cove Mobile Home Park once it is closed. This motion failed on a 2-2 vote.

5. C. OTHER BUSINESS (Continued)

Additional Council discussion resulted in the following action being taken:

ACTION: Council Member Harlan moved, seconded by Mayor Norton, to approve the recommended action to receive the draft Financing Plan and to authorize the allocation of the \$50,000 included in the FY2011/12 Budget for parking structure planning. The motion carried on the following vote: AYES: Council Members Harlan, Storey, and Mayor Norton. NOES: Council Member Nicol. ABSENT: Council Member Termini. ABSTAIN: None.

D. Resolution establishing a Four-Hour Parking Limit on 40th Avenue between Clares Street and Deanes Lane. Staff recommendation: adopt resolution. [470-40]

Public Works Director Jesberg summarized the agenda report and responded to questions of council members.

Limited discussion was following by this action:

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to adopt **Resolution No. 3880, Resolution Establishing a Four-Hour Parking Zone on 40th Avenue between Clares Street and Deane's Lane**, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Nicol, Storey, and Mayor Norton. NOES: None. ABSENT: Council Member Termini. ABSTAIN: None.

E. TsunamiReady Program. Staff recommendation: accept tsunami hazard zone signs from California Emergency Management Agency as part of statewide TsunamiReady Program, authorize installation of signs, and authorize staff to work with the state agency to develop a brochure regarding the hazards of tsunamis. [420-20]

Public Works Director Jesberg said he has been working with the county office of emergency services on a TsunamiReady Program. Utilizing a PowerPoint Presentation. He explained tsunamis, their causes, sources and potential impacts to Capitola. He discussed the TsunamiReady Program developed by the National Weather Service and displayed an evacuation map for Capitola and the Tsunami Ready signage plan map. Following his presentation, Public Works Director Jesberg responded to questions of council members.

Mayor Norton believes a siren in the Village might be advantageous, particularly if an earthquake happened at night.

At 10:36 p.m., Mayor Norton he asked if anyone from the public wished to address this item. No one spoke.

Council Member Storey expressed his support of the plan and asked if it is connected with an emergency evacuation plan. He also asked if there were a plan to assist seniors and disabled in the event of a Tsunami.

Chief of Police Card responded and explained the process. He did say it would be helpful if residents with disabilities or needing assistance in an emergency would provide their contact information.

It was suggested that this would be a good article for the City's newsletter, and to also remind residents to be earthquake ready.

5. E. OTHER BUSINESS (Continued)

Council discussion was followed by this action:

ACTION: Council Member Nicol moved, seconded by Council Member Storey, to approve the recommended actions, as follows:

1. Accepted the tsunami hazard zone signs from the California Emergency Management Agency as part of the Statewide TsunamiReady Program;
2. Authorized the Department of Public Works to install the signs on various streets and pedestrian pathways leading to the Village; and
3. Authorized the Director of Public Works to continue to work with the California Emergency Management Agency to develop an information brochure regarding the hazards of tsunamis, as submitted.

The motion carried unanimously.

6. **COUNCIL/RDA DIRECTORS/STAFF COMMUNICATIONS**

Mayor Norton reminded everyone to “Shop Capitola,” and the speed limit in Capitola is 25 miles per hour.

7. **ADJOURNMENT**

The City Council/Redevelopment Agency Meeting was adjourned at 10:43 p.m. in memory of Maryann Slettehaugh to its next Regular Joint Meeting to be held on Thursday, July 28, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Dennis R. Norton, Mayor
Redevelopment Agency Chairperson

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk
Redevelopment Agency Secretary



Item #: **3.C.**

CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: DEPARTMENT OF PUBLIC WORKS
DATE: JULY 20, 2011
SUBJECT: RISPIN PROPERTY HAZARD ABATEMENT UPDATE NO. 10

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:

Structural plans for the new roof trusses have been approved and new roof tiles have been ordered. It is anticipated that work on the mansion building will be completed in September at which time focus to remediating site hazards.

FISCAL IMPACT

Contracts in the amount of \$650,000 have been issued. As of July 19, 2011, there has been \$303,190 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 JULY 28, 2011

FROM: DEPARTMENT OF PUBLIC WORKS

DATE: JULY 20, 2011

SUBJECT: APPROPRIATION OF COMMUNITY TREE AND FOREST MANAGEMENT FUNDS FOR TREE REPLACEMENT ALONG MONTEREY AVENUE AND LAWN WAY AND PLAN DEVELOPMENT FOR TREE REPLACEMENT AT CITY HALL

Recommended Action: By motion and roll call vote approve a budget amendment resolution appropriating \$25,000 in the Community Tree and Forest Management Account for expenses for tree removal and replacement along Monterey Avenue and Lawn Way and for the development and implementation of tree replacement at City Hall.

BACKGROUND

As part of the City tree ordinance, in lieu tree replacement funds and fines have been collected in the past to pay for reforestation efforts throughout the City. Presently the Community Tree and Forest Management Account has a fund balance of \$33,000. City staff has developed a list of recommended projects utilizing these funds that can be undertaken quickly and address several trees of concern.

These projects include the following:

1. Removal of a stone pine at 110 Monterey Avenue and replacement with six queen palms
2. Removal of a magnolia tree near 123 Esplanade, on Lawn Way, and replacement with a fan palm
3. Preparation and implementation of landscape plans for removal and replacement of five pine trees and other landscape improvements at City Hall

The stone pine at 110 Monterey Avenue (Britannia Arms) is large and was originally planted directly over a water main and water service connections serving both the restaurant and Esplanade Park. Soquel Creek Water District has reported to the City that three breaks in their system have been caused by the roots of this tree. In addition, the roots are causing up lift of the areas immediately adjacent the tree well.

The magnolia tree on Lawn Way is an ailing tree that Public Works crews have been nursing along for several years. The tree is in an inappropriate location due to the direct exposure to sea air.

The five pine trees at City Hall are stunted, misshapen and continually drop sap on to the sidewalk along Capitola Avenue. At the request of staff, Landscape Architect Michael Arnone has prepared a proposal to review the landscaping in front of City Hall and make recommendations for both replacement trees and other improvements.

DISCUSSION

A tree permit application for the removal of the stone pine and magnolia trees has been filed with the Community Development Department. This application includes the tree replacement plan that entails planting six 24" box queen palms along the east side of Monterey Avenue where previous street trees have been planted but have been removed over the years and planting a 24" box fan palm to replace the magnolia tree. The queen palms will match the streetscape established along Capitola Avenue and the fan palm will match two other fan palms on the parking island nearby. The entire application packet is included as Attachment 2 for the Council's information. Upon approval of the funding, the Community Development Department will issue the tree removal permit that will include a ten day appeal period.

Further, upon approval of the budget amendment resolution, the City Manager will issue a contract to Mike Arnone in the amount of \$3,250 for the landscaping improvement plans for City Hall. The proposal from Mike Arnone is included as Attachment 3.

FISCAL IMPACT

The fund balance of \$33,000 represents approximately six years worth of in lieu fees and fines collected. This budget amendment will authorize the expenditure of \$25,000, leaving an unappropriated balance of \$8,000.

ATTACHMENTS

1. Draft resolution
2. Tree Permit Application
3. Proposal from Michael Arnone, Landscape Architect
4. Email from Taj Dufour with the Soquel Creek Water District

Report Prepared By: Steven Jesberg
Public Works Director

**Reviewed and Forwarded
By City Manager:**

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2011/2012 BUDGET TO APPROPRIATE
\$25,000 OF THE COMMUNITY TREE AND FOREST ACCOUNT
FOR TREE IMPROVEMENT PROJECTS ON MONTEREY AVENUE,
LAWN WAY AND AT CITY HALL**

WHEREAS, since the current City of Capitola tree ordinance was enacted in 2004 the city has collected \$33,000 in lieu tree replacement fees and fines; and

WHEREAS, per the tree ordinance these funds can only be used for the replacement and maintenance of trees throughout the city; and

WHEREAS, city staff has proposed a series of small projects that will replace trees along Monterey Avenue, Lawn Way and at City Hall; and

WHEREAS, the estimated cost of these projects is \$25,000.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2011/2012 budget shall be amended to appropriate \$25,000 of the Community Tree and Forest Account for tree improvement projects on Monterey Avenue, Lawn Way and at City Hall.

BE IT FURTHER RESOLVED that the Finance Director is directed to record these changes into the City’s accounting records in accordance with appropriate accounting practices.

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 28th day of July, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk



CITY OF CAPITOLA TREE PERMIT APPLICATION

APPLICATION#	_____
FILING DATE:	_____
TOTAL FEE:	_____
RECEIVED BY:	_____

Tree Permits are required for the following tree work:

1. Pruning, trimming, removing, and/or performing any work, on a single occasion or cumulatively, over a three-year period, affecting 25% or more of the crown and/or volume of foliage and branches of any tree with a minimum six-inch thick trunk measured forty-eight inches above grade or at average breast height; or
2. Pruning, trimming or removing trees located within an environmentally sensitive habitat area.

Tree Removal, Pruning or Trimming >25% – Staff Approval + 5% Information Technology Fee	\$114.00 + \$5.70	
Tree Removal – Planning Commission Approval + 5% Information Technology Fee	Cost; \$1,000 min. deposit	
Tree Removal – 3 or more trees on a property + 5% Information Technology Fee	\$250 + hourly cost for staff beyond 3 hours	
Refundable Deposit – Replacement Tree Obligation	\$500.00	
TOTAL FEES:		

Property Address: 110 Monterey Ave & N 123 Esplanade

Property Owner: City of Capitola Phone: _____

Mailing Address: _____

Applicant: Steven Jasberg Phone: 475-7300
(If other than applicant)

Mailing Address: _____

I understand that the tree(s) may be removed, pruned or trimmed, only in accordance with the criteria established in Chapter 12.12 of the Capitola Municipal Code, and that by signing this application, I am agreeing to the conditions of the permit. If the tree(s) are requested for removal, my signature certifies that they are located solely on my property.

[Signature] Property Owner/Applicant Signature Date 7-12-11

Tree Service Performing Work: _____ CA D-49 License No.: _____

I agree to comply with the conditions placed on the permit and agree to perform the work in conformance with this permit and the Chapter 12.12 of the Capitola Municipal Code.

Tree Service Signature _____ Date _____

Note: Contractor bids are being obtained.

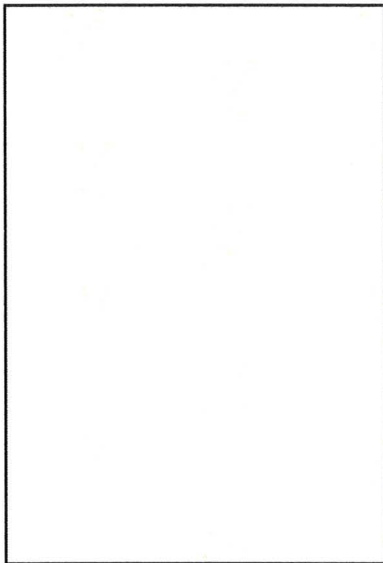
- List the tree(s) and mark the appropriate box for tree(s) to be removed, pruned or trimmed.

Species	Remove	Prune or Trim >25%	Reason
Stone Pine	X		Damaging water pipes & sidewalk Unhealthy
Magnolia	X		

- List the species of tree(s) and number to be replanted.

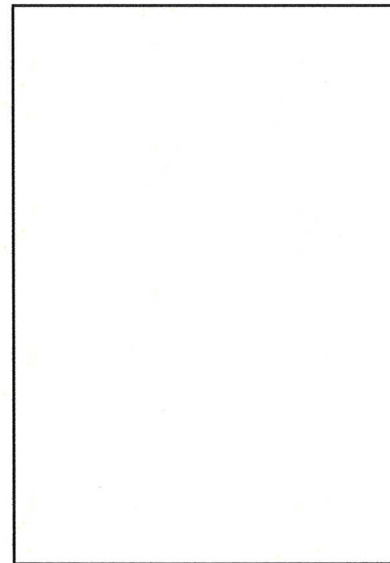
Species	No.
Queen Palm - 24" box	6
Fan Palm - 24" box	1

- Prepare a site plan in the area below showing the trees(s) to be removed from the property. Include existing structures and dimensions from property lines.
- Show the location of replacement trees on property.



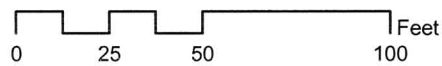
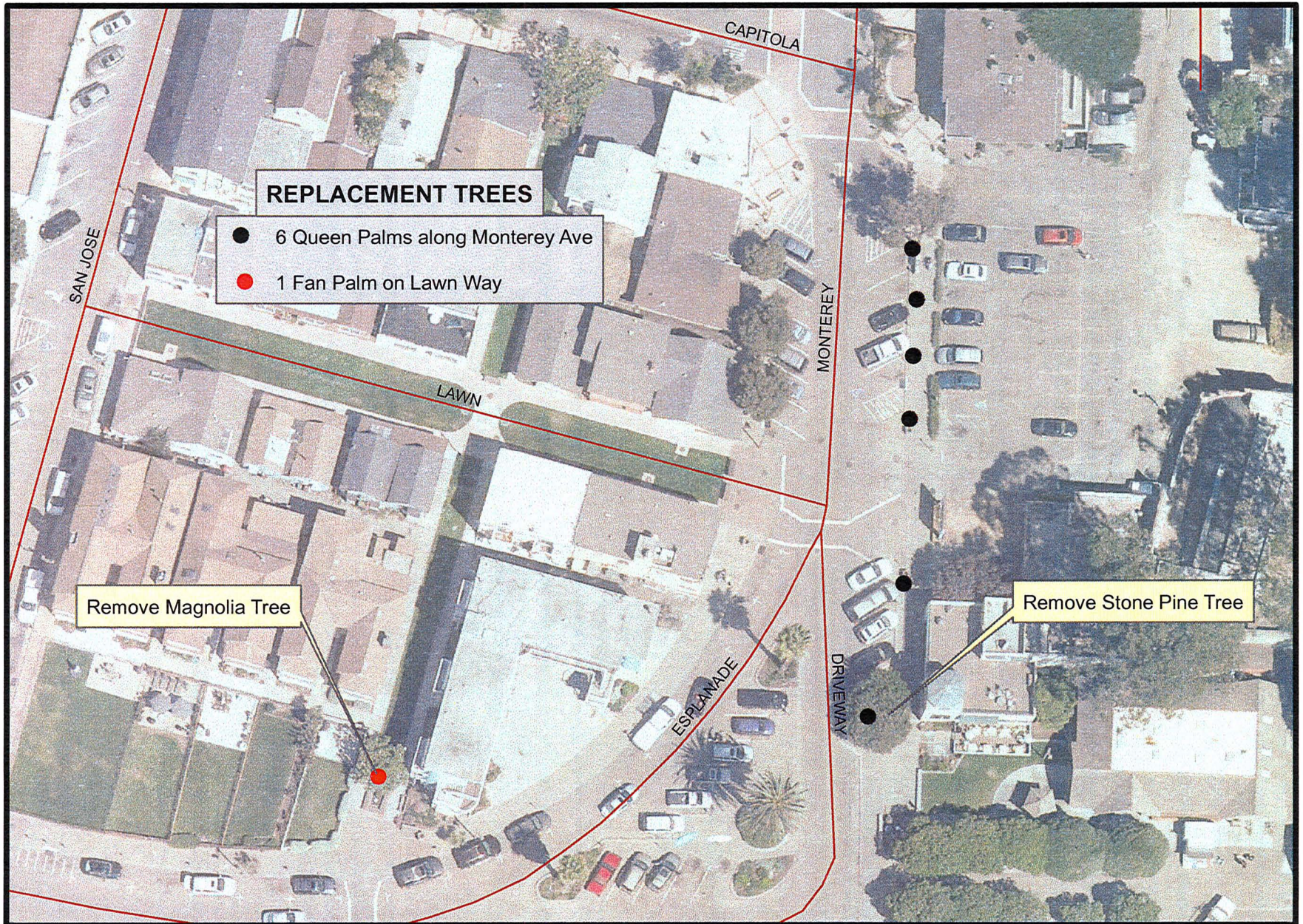
Street

See attached
map



Street

Monterey Ave Tree Plan





Address **109 Esplanade**

Address is approximate

Stone Pine to be removed
and replaced by 6 Queen Palms
along Monterey Avenue

Capitola, CA





Address **Esplanade / Lawn Way**

Address is approximate

Magnolia Tree on Lawn Way
to be removed and replaced
with a 24" box Fan Palm

Capitola, CA



July 12, 2011

Steve Jesberg, Public Works Director
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Steve,

We have revised our initial proposal to include only the work for the City Hall Parking Lot. The tasks include **Site Reconnaissance & Mapping, Meetings, and Landscape Renovation Plans** as described.

SITE RECONNAISSANCE & MAPPING: The City will provide us with hard copies and electronic files of the site plan which will be put on our design software. Our on-site work will be for the identification of the existing landscape features and should not be considered a boundary or topographic map. The design team will visit the site to assess views, climate, soil, and existing vegetation and to gather pertinent site information.

MEETINGS & CORRESPONDENCE: Meetings will be held on site or at City Hall to discuss design options, construction costs, phasing, and plant material selection. Phone calls, emails, faxes and travel are included in this section of the agreement.

LANDSCAPE RENOVATION PLANS: The renovation plans will provide an analysis of the existing landscape plants and hardscape elements. Recommendations will be made regarding the repair, removal or replacement of the existing hardscape elements. Notes will outline the removal or maintenance for the existing trees, shrubs and ground covers on site. New plant species will be specified for all areas where plants will be removed. The plan will include the location, size, type and quantity of the plant material selected for all landscape areas specified within the scope of work. Plants will meet the criteria for drought tolerance, low maintenance, and resistance to pests and disease.

SCOPE OF WORK

1. Study and recommendations for the renovation of the hardscape and softscape elements for the city hall parking lot.
2. The selection of site furnishings (benches, tree grates, tables, etc.) as directed by city.
3. The selection of trees and plant material (shrubs, grasses, perennials).



Capitola City Hall

Following the refinement of the scope of work and program elements listed above and our work on site, we will present a conceptual sketch design for your review. This plan will highlight the renovation concepts for the hardscape elements and show the locations and sizes of the plant material to be used. After addressing the changes discussed in our review meeting we will complete the final Landscape Renovation Plan.

FEE SCHEDULE

Site Reconnaissance & Mapping	\$225.00
Meetings and Correspondence	\$300.00
City Hall Landscape Renovation Plan	\$2,725.00
Total	\$3,250.00

The fees listed above include meetings to refine the program elements, review the progress sketches, review the final documents, and travel to and from the site, telecommunications, design time, and drafting. Reproduction of the drawings, plots, copies, and mailing will be billed at cost plus 10%. The fees are for design services and the production of landscape drawings for the project. The fees do not include the purchase of any landscape material, plant material or irrigation equipment nor do they include any labor to install the landscape, plants or irrigation system. The fees do not include any public hearings with government agencies if required or major changes to the agreed list of project elements stated above. These and any other additional services requested will be billed at a rate of \$150.00 per hour for principal time and \$55.00 per hour for associate time. Billing will be done monthly based on the percentage of work completed. The owner shall assume responsibility for all easements, property lines, and setback requirements. The owner shall acquire all necessary permits required to perform the work shown on the plans. The fees do not include the work of licensed arborists, soils engineers, structural engineers, civil engineers or surveyors if required. These fees, if necessary, will be proposed and contracted by the individual consultant with the owner.

Steve, thanks for the opportunity to propose our services. I look forward to working with you and the city staff to complete the renovation of the city hall parking lot landscape. Please call me if I can answer any questions regarding the project, the scope of my work, time frame or our fees.

Sincerely,

Michael Arnone
Landscape Architect
Cal License #3347

Jesberg, Steve

From: Taj Dufour [TajD@soquelcreekwater.org]
Sent: Friday, July 08, 2011 2:04 PM
To: Jesberg, Steve
Cc: Morrison, Ed; Kevin Cole; Felipe Luevano
Subject: Pine Tree at 110 Monterey Ave.
Attachments: DCP_0745.JPG; DCP_0747.JPG; DCP_0748.JPG; 110 Monterey Ave. 7-1-2011 002.jpg

Steve- As you are probably aware, our crews recently repaired a service line leak near the bathrooms/pump station. This is the third repair our crews have responded to at this location, and unfortunately the cause of the leaks is the pine tree that was planted directly above the water main. It is an unfortunate situation, as I'm sure the entity who planted the tree did not know of the existing water main and services directly below. Anyone planting a tree nowadays should call USA and would have advanced warning of the utilities below. The District discourages planting of trees directly above or adjacent to water facilities, and this tree is no exception. To prevent further damage to the water distribution system, the District recommends the tree be removed. Should a replacement tree be replanted, please consider a variety with non invasive roots and locate it a minimum of 10 ft from the main, possibly on the street side of the passenger loading sign.

Regards,
Taj

Taj Dufour, P.E.
 Engineering Manager/Chief Engineer
 Soquel Creek Water District
 Office address:
 5180 Soquel Dr.
 Soquel, CA 95073
 Mailing address:
 P.O. Box 1550
 Capitola, CA 95010
 Ph: (831) 475-8501 ext. 123
 Cell:(831) 332-9699
 Fax: (831) 475-8861
<mailto:tajd@soquelcreekwater.org>
www.soquelcreekwater.org

From: Kevin Cole
Sent: Thursday, July 07, 2011 4:27 PM
To: Taj Dufour
Subject: 110 Monterey Ave.

You can see the root mass in the first picture, the 2 services in the second picture, and in the 3rd picture the tree is a little bigger than I remember. I will download the picture of the corp that was broken last week from the roots.

K.C. Cole
 Soquel Creek Water District
 Field Crew Supervisor/Safety
 Office (831) 475-8501 Ext. 137
 Cell (831) 331-0578
kcole@soquelcreekwater.org



CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: CITY MANAGER'S OFFICE

DATE: JULY 20, 2011

SUBJECT: RESOLUTION APPROVING NEW CLASSIFICATION AND JOB DESCRIPTION FOR ADMINISTRATIVE RECORDS ANALYST AND REALLOCATION OF POLICE DEPARTMENT AND FINANCE DEPARTMENT POSITIONS

RECOMMENDED ACTION: By motion and roll call vote, that the City Council: 1) Adopt the proposed Resolution approving the new classification and job description for Administrative Records Analyst in the Police Department; 2) approve filling the position with a Finance Department employee and reducing the Finance Department by 1 FTE; 3) approve hiring a 20-hour week Records Clerk; and 4) adopt the proposed Resolution amending the budget to reflect the personnel changes, as submitted.

BACKGROUND

The adopted FY 11-12 Budget included several cost savings measures to close a \$375,000 funding gap. One of those measures was a plan to reallocate staffing from the Finance Department to the Police Department, resulting in a cost savings of \$50,000 for the General Fund in FY11-12. To implement this cost savings, several staffing changes are recommended.

DISCUSSION

The adopted FY11-12 Budget included an outline to reallocate 1 FTE from the Finance Department to the Police Department. The reallocation was proposed to avoid the potential of layoffs, while better allocating staffing to meet departmental needs and improve efficiencies. Staff is proposing to create an Administrative Records Analyst in the Police Department to: conduct special department studies, manage contracts, complete research assignments, develop budget analysis and assist with record keeping functions. The position from the Finance Department will move into the newly created position. Funding for the new position will come from the existing personnel budget in the Police Department due to a vacant Records Clerk position, plus additional funds that the eliminated Finance Department position made available.

In addition, staff is recommending the Police Department also hire a 20 hour per week, non-benefitted Records Clerk position. The projected \$50,000 in budget savings associated with this proposal can still be achieved with addition of the part time Records Clerk. This position is necessary to continue to meet record keeping requirements by law and to offset the loss of the full time Records Clerk position.

Staff will evaluate the effectiveness of the reallocation during the course of the next year, and may make future modification if necessary.

FISCAL IMPACT

The fiscal impact of above personnel changes are as follows and must be implemented with a budget resolution:

- A) Move \$25,000 from Finance Department salaries to the Police Department salaries
- B) Add \$72,000 for 1 Administrative Analyst to Police Department (for 10.5 months)
- C) Add \$17,000 for ½ (20 hours/week) un-benefitted hourly records clerk (10 months)
- D) Transfer funding of \$64,000 for 1 vacant Records Clerk to Administrative Analyst Position

Net impact of the above changes results in no financial impact to the FY2011-12 budget.

+ \$ 72,000
+ \$17,000
- \$25,000
<u>- \$64,000</u>
\$ -0-

ATTACHMENTS

1. Draft Resolution approving Administrative Records Analyst (includes job description)
2. Draft Resolution Amending the FY2011-12 Budget

Report Prepared By: Lisa G. Murphy
Administrative Services Director

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

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
APPROVING A NEW CLASSIFICATION AND JOB DESCRIPTION FOR
THE POSITION OF ADMINISTRATIVE RECORDS ANALYST AND AMENDING THE
MEMORANDUM OF UNDERSTANDING BETWEEN LABORERS INTERNATIONAL OF
NORTH AMERICA – ASSOCIATION OF CAPITOLA EMPLOYEES BARGAINING UNIT AND
THE CITY OF CAPITOLA TO ADD THE ADMINISTRATIVE RECORDS ANALYST
POSITION AND RELATED SALARY EFFECTIVE 7/28/11**

WHEREAS, Section 2.44.030 of the Capitola Municipal Code establishes the City Manager as the personnel officer, and authorizes him to prepare class specifications which shall become effective upon Council approval; and

WHEREAS, the Administrative/Records Analyst will be responsible for a variety of administrative functions, conducting special studies, contract management, research assignments, budget analysis and record keeping functions specifically in the Police Department; and

WHEREAS, the position is funded in the FY 2011-12 budget; and

WHEREAS, a new job description for the classification of Administrative Records Analyst is attached as Exhibit "A" and herein incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby create the job description for the class of Administrative Records Analyst, which is included herein as Exhibit A.

BE IT FURTHER RESOLVED by the City Council of the City of Capitola that this position will be included as part of the Laborers International of North America Local 792, commonly referred to as the Association of Capitola Employees Group and the Memorandum of Understanding (MOU) will be amended to include the position and the following salary schedule, effective July 28, 2011:

A	B	C	D	E
\$4,123	\$4,329	\$4,545	\$4,772	\$5,011

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 28th day of July, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Dennis R. Norton, Mayor

_____, MMC
Pamela Greeninger, City Clerk

EXHIBIT A**ADMINISTRATIVE/RECORDS ANALYST****GENERAL PURPOSE**

Performs a variety of administrative, analytic, and record keeping functions including but not limited to, conducting special studies, research assignments, budget analysis, customer service, answering phones, records maintenance and property/evidence room management. Successful performance of the work requires the ability to work independently and perform complex analyses and research.

SUPERVISION RECEIVED

Works under the supervision of the Police Administrative Service Captain

SUPERVISION EXERCISED: None.

Provides administrative support for the Police Department mid-management and Police Chief, as well as the investigation unit.

ADMINISTRATIVE/RECORDS ANALYST DUTIES AND RESPONSIBILITIES

Essential and other important responsibilities and duties may include, but are not limited to, the following:

- Performs a variety of police record keeping functions; organizes, assembles and files Criminal Offender Information and other police records, both current and archival.
- Secures and maintains evidence; ensures proper monitoring, record keeping and destruction of evidence.
- Provides and develops a variety of police-related reports to the public, other city staff, and governmental agencies.
- Oversees and ensures that the administrative functions of the organizational unit or program(s) to which assigned are effectively carried out.
- Conducts special research projects, including gathering, compiling and analyzing information; provides alternatives and makes recommendations on courses of action.
- Prepares complex reports, manuals, bid proposals, requests for proposals and other documents for special projects, programs and research; gives presentations on findings.
- Answers questions and assists in resolving problems requiring professional advice.
- Compiles information and maintains complex databases for tracking information for reporting purposes.
- Prepares and administers contracts for projects and programs including determining sources and vendors, coordinating activities and tracking expenditures.
- Prepares grant proposals and monitors grant activities ensuring compliance with stipulations and reporting requirements.
- Represents the Department/Program on various boards and committees; attends meetings ensuring the Department/Program's views are represented.
- Assist in the development, coordination and monitoring of the department budget; analyze costs; prepare a variety of fiscal, administrative and management reports.
- Represents the City, the department and/or a program area in meetings and maintains liaison with a variety of public agencies and community groups and organizations.
- Performs other duties of a similar nature or level.
- Prepares agenda reports for management staff.
- Conducts special projects, as requested, relating to a division or departmental programs.
- Administers the City of Capitola Parking Permit and Adjudication Programs.

MINIMUM QUALIFICATIONS

General: (A) Must be 18 years or older at the time of employment; (B) Must possess, or be able to obtain by time of hire, a valid California driver's license; (C) No felony convictions or disqualifying criminal histories; (D) Must be able to read and write the English language.

Education and Experience:

Equivalent to graduation from a four-year college or university with major coursework in business administration, public administration, public policy or a field related to the area of assignment and two years of experience in providing professional-level administrative or operational support in a staff capacity, conducting operational research and assisting with the budgeting process; or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job as listed above. Experience in a public agency setting is desirable.

Necessary Knowledge, Skills and Abilities at Entry:**Knowledge**

1. Some knowledge of modern law enforcement principles, procedures, techniques, and equipment;
2. Proficiently learn and operate listed tools and equipment.
3. Operational, budgeting, staffing, policy and procedure or similar research methodology; Theories, operational practices and principles in area of assignment; Public sector budgeting principles and practices; Applicable laws, rules, ordinances and regulations; Principles and practices of project oversight;

Skills

1. Compiling and analyzing complex research, budgetary and operational data;
2. Preparing and administering contracts;
3. Preparing, administering and monitoring operational and capital improvement budgets;
4. Preparing complex narrative and statistical reports, correspondence, policies and procedures and other written materials;
5. Applying theories, principles and practices in the area of assignment;
6. Managing multiple tasks, often with competing deadlines;
7. Handling difficult situations appropriately;
8. Using sound, independent judgment within established policy and procedural guidelines;
9. Making effective presentations to individuals and groups; and
10. Communicating effectively with co-workers, subordinates, superiors, the general public, representatives of public and private organizations and others sufficient to exchange or convey information.

TOOLS AND EQUIPMENT USED

Telephone, computer, including standard and specialized software (45 wpm keyboard skill), copy machine, scanner, fax, calculator, hand truck.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to stand; walk; use hands to finger, handle, or operate objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must occasionally lift and/or move more than 30 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The noise level in the work environment is usually quiet to moderately noisy. Stressful situations and people encountered on a moderate to frequent level.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. This is a back-grounded position for law enforcement, and a successful applicant must pass a background.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Effective Date: 7/28/11

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE FY 2011/2012 BUDGET BY REDUCING THE FINANCE DEPARTMENT
SALARIES AND BENEFITS BUDGET BY \$25,000 AND INCREASING POLICE DEPARTMENT
SALARIES BUDGET BY \$25,000 FOR PERSONNEL RELATED EXPENSES**

WHEREAS, the City of Capitola recently adopted the FY11-12 Budget which reduced funding in the Finance Department Salaries by \$50,000 and moved one full-time employee (1 FTE) from the Finance Department to the Police Department in place of a vacant Records Clerk; and

WHEREAS, there will be an additional transfer of the remaining salary in the amount of \$25,000 from the eliminated Finance Department position to the Police Department; and

WHEREAS, an Administrative Records Analyst position in the Police Department will be funded from the salary of a vacant Records Clerk in the amount of \$64,000 and \$8,000 from the \$25,000 for a total of \$72,000; and

WHEREAS, with the remaining \$17,000 a 20-hour per week, non-benefitted Records Clerk position in the Police Department will also be funded to off-set the loss of the full-time Records Clerk.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the FY 2011/2012 Operating Budget shall be amended by reducing \$25,000 from the Finance Department Salaries Budget and increasing the Police Department Salaries Budget expenditures by an additional \$25,000 for personnel related expenses.

BE IT FURTHER RESOLVED that the Finance Director is directed to record these changes into the City’s accounting records in accordance with appropriate accounting practices.

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 28th day of July, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk



Item #: **3.F.**

CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: DEPARTMENT OF PUBLIC WORKS
DATE: JULY 20, 2011
SUBJECT: PURCHASE OF TRAILER MOUNTED PRESSURE WASHER

Recommended Action: By motion and roll call vote approve the purchase of a new pressure washer, trailer, and accessories for the Public Works Department at a cost of \$19,611.72.

BACKGROUND

Included in the FY2011-12 Equipment Replacement Fund are funds for the purchase of a new pressure washer to facilitate various tasks throughout the City. Maintenance crews have tested several different makes and models over the past year and are recommending Landa portable pressure washer with a trailer and accessories.

DISCUSSION

With purchase of the recommended accessories the maintenance crews will be able to pressure wash surfaces, steam clean equipment, wet sand blast, jet clean sewer laterals, and pump out shallow storm drain inlets. This machine can reclaim the wash water to minimize discharges from cleaning. Public Works crews will utilize this machine for graffiti removal, spot cleaning sidewalks, and other tasks. It replaces an existing pressure washer purchased 20 years ago that is no longer operational.

FISCAL IMPACT

The equipment replacement fund has \$45,000 allocated for this purchase and the purchase of a new truck for the Public Works Department in the current year budget. This purchase of \$19,611.72 will leave \$25,388.28 for the truck, which is expected to be sufficient funding for a new truck. Public Works will wait until the mid-year budget report before proceeding with the truck purchase.

ATTACHMENTS

1. Memo from Eddie Ray Garcia, Maintenance Supervisor
2. Quotation from Always Under Pressure

Report Prepared By: Steven Jesberg
Public Works Director

**Reviewed and Forwarded
By City Manager:**

**PUBLIC WORKS DEPARTMENT**

Memo

To: Steve Jesberg

From: Eddie Ray Garcia

Date: November 4, 2009

Re: Landa pressure washer and trailer

Enclosed are a request and a quote for a Landa pressure washer and trailer.

I am recommending the purchase of this unit after researching various manufacturers and models. What sets this unit apart is the quality of the design, its' versatility, and the availability of a nearby service center. With this unit, and additional accessories, we can hot & cold pressure wash, clean equipment, wet sand blast , clean sewer lines, and pump out the wash rack.

Thank you for considering this request.



Quotation

Landa PGHW 4.7 gpm @ 3,500psi

Thank you for the opportunity to quote this equipment.

ATTACHMENT 2

Always Under Pressure
 990 Lonus Street
 San Jose, CA 95126-3713
 800-654-6879
 408-998-3051
 Fax-998-0881
pressurewashers.com

Company: **City of Capitola**
 Address: 430 Kennedy Drive
 Capitola, CA 95010
 Attn: **Ray Garcia**
 Phone: 831-476-4227
 Fax: 831-476-1674
 Cell: 831-212-4046
 e-mail: ergarcia@ci.capitola.ca.us

Date: November 3, 2009
 Quote #: **1300 H**
 Written by: **David R. Wyett**
 Cell #: 408-685-7425
 e-mail: dave@pressurewashers.com
 Est. Delivery: 7-10 days from order
 Terms: Check or CC w/order or lease
 Quote Valid: For 60 days

Qty	Part #	Description	Price	Extension
1	PGHW5-35324E	Landa Portable, Hot Water Pressure Washer > 4.7 gpm @ 3,500 psi > 20 hp, HONDA, electric start, engine > industrial-grade, tri-plex, oil-bath, belt-driven, high pressure LANDA pump with a 7 year warranty > control panel with adjustable thermostat, hour meter & tachometer (flashes when maintenance is due) > belt-driven, 120 v generator built-in > Beckett burner, 120 v, diesel fired > four quick coupler nozzles > durable heating coil with five year warranty > 50 ft. high pressure hose with swivels and guard > trigger gun control > safety rupture disk & thermal pump protector > insulated variable pressure wand with side grip > see-thru fuel tanks, 10 gal diesel, 5 gal gasoline	\$10,385.00	\$10,385.00
1		Battery, deep cycle	\$94.20	\$94.20
1	TRV-3500	LANDA, Trailer (3,000 lb. capacity), 200 gal. water tank w/drain, 1,000 lb. front jack w/swivel wheel.	\$4,395.00	\$4,395.00
1	89024410	Brakes, surge	\$993.00	\$993.00
1	98040670	Reel, hose for 100' of 3/8" pressure hose (hose not included)	\$156.00	\$156.00
1	98040670	Reel, hose for 75' of 1/2" garden hose (hose not included)	\$156.00	\$156.00
1	89024540	Kit, mounting and plumbing	\$285.00	\$285.00
			Sub-total	\$16,464.20
		For a City, County or District Discount, deduct		\$2,469.63
			Sub-total	\$13,994.57
			Freight-in	\$675.00
			Sub-total	\$14,669.57
			Tax	\$1,356.94
		ETL Certification (UL 1776 Standards), CSA Certification & ISO 9001 Registered	Total	\$16,026.51

Acceptance

Date: _____ PO#: _____
 Customer Signature: _____

Thank You!



Estimate

Accessories

Always Under Pressure
 990 Lonus Street
 San Jose, Ca 95126-3713
 800-654-6879
 408-998-3051
 Fax-998-0881
 pressurewashers.com

Thank you for the opportunity to quote these accessories.

Company: **City of Capitola**
 Address: 430 Kennedy Drive
 Capitola, CA 95010
 Attn: **Ray Garcia**
 Phone: 831-476-4227
 Fax: 831-476-1674
 Cell: 831-212-4046
 e-mail: ergarcia@ci.capitola.ca.us

Date: October 22, 2009
 Quote #: **1300 H**
 Written by: **David R. Wyett**
 Cell #: 408-685-7425
 e-mail: dave@pressurewashers.com
 Est. Delivery: 7-10 days from order
 Terms: Check or CC w/order or lease
 Quote Valid: For 60 days

Qty	Part #	Description	Price	Extension
1	89044700	Wet Sand Blaster w/pot	\$1,159.00	\$1,159.00
1	89036000	Pit Cleaner	\$625.00	\$625.00
1	374234	Rotary Nozzle	\$82.00	\$82.00
1	373075	Sewer Nozzle, 1/8", #5	\$15.65	\$15.65
1	150963	Sewer clean out hose	\$99.16	\$99.16
1	342024	Foot Valve	\$281.38	\$281.38
1	30-587	Landa Cyclone Surface Cleaner Durable, rust-free polyethylene spray housing Rotating spray bar is stainless steel Fatigue-free trigger handle Rated to 4000 psi Trigger gun, wand and nozzle w/holder added	\$1,118.00	\$1,118.00
			Sub-total	\$3,665.03
		For a City, County or District Discount, deduct		\$549.75
			Freight-In	\$166.38
			Sub-total	\$3,281.66
			Sales Tax	\$303.55
			Total	\$3,585.21

Acceptance

Date: _____ PO # _____

Customer Signature: _____

Thank You!



CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: POLICE DEPARTMENT
DATE: JULY 21, 2011
SUBJECT: REPORT FROM POLICE DEPARTMENT REGARDING SKATEBOARDING
AND BICYCLING IN CAPITOLA VILLAGE

Recommended Action: Receive report.

BACKGROUND

Due to the tragic event that occurred between a pedestrian and skateboarder this month, the Police Department has been investigating ways to heighten pedestrian, bicycle, and skateboarder safety within the Capitola Village.

DISCUSSION

Skateboarders are considered pedestrians and are controlled by our Capitola Municipal Code within the Village (a copy of Municipal Code Chapter 12.52 is attached). Skateboarders are not allowed to skate on any sidewalk in the Village (refer to the attached map). Skateboarders must also stop at stop signs and yield to pedestrians, bicyclists, and vehicles.

Pedestrians are governed by the California Vehicle Code and must use due care when leaving a curb or when in a marked or unmarked crosswalk. Once inside the crosswalk, the pedestrian has the right of way to any vehicle or bicycle.

Bicyclists are also regulated by the California Vehicle Code and must operate in a manner similar to that of a vehicle. Bicyclists must ride with traffic, stop at stop signs, signal, and not ride on sidewalks.

The Police Department has already begun an education campaign in the community. Officers generally make presentations at the school at the beginning of the year regarding bicycles and skateboard. This summer as in the past, our officers have spoken to both sessions of the Capitola Junior Guards regarding bicycle, skateboard, and pedestrian safety. In addition, officers have spoken to bicyclists who participate in the Saturday morning ride that traverses through the Village. The Department is planning to provide safety information to the Soquel Unified School District and Soquel High School. A news article will also be written and provided to the local newspapers, as has been done in the past.

Visitors, who may have minimal or no knowledge of local enforcement of bicycle and skateboarding rules commit many of the bicycle and skateboarding violations, especially during the summer. This situation is not uncommon for resort destination points similar to Capitola and should be anticipated. Posting signage regarding issues affecting the Village would provide the education necessary for effective enforcement. Police enforcement is significantly more successful when visitors are on notice through signs. The negative impact is that of “sign pollution” which Staff considers as an issue.

The Council may consider:

1. Signs at the entrance to the Village to inform skateboarders that the Village is a “No Skateboarding” area, much in the same manner as the Pelican mosaic signs indicate smoking is prohibited.
2. Tab signage (8” x 3”) below stop signs for, “Bicycles Must Stop” would be useful for bicycle rider education.
3. Expanding the zone wherein skateboarding is prohibited.
4. Reconsider the locations of the sidewalks on Stockton Avenue and Cliff Drive in light of their effectiveness
5. Consider raised crosswalks or pedestrian crossing lights at crosswalks within the Village.

FISCAL IMPACT

The fiscal impact can be determined following discussion by Council and direction to Staff, due to variables involved in the Staff recommendations.

ATTACHMENTS

1. Map of existing Skateboarding Zone in Capitola Village
2. Municipal Code Chapter 12.52 Skateboarding Regulations

Report Prepared By: Mike Card
Chief of Police

**Reviewed and Forwarded
By City Manager:**

Scene 1



ATTACHMENT 1

Chapter 12.52 SKATEBOARDING REGULATIONS

12.52.010 Skateboarding—Esplanade/village.

In the Esplanade/Capitola Village area of the city, skateboarding is regulated and/or prohibited as follows:

- A. On sidewalks or curbs in an area bounded by the following: the ocean, Soquel Creek, the railroad tracks, the sidewalks on both sides of Monterey Avenue—prohibited;
- B. The Esplanade Park including restrooms—prohibited;
- C. The Pacific Cove parking lot, Pacific Cove Mobile Home Park, and pathways adjacent to these—prohibited;
- D. In the area bounded by and including the following: the sidewalks on both sides of the Esplanade; the sidewalks on Monterey Avenue to Capitola Avenue and on both sides of Monterey Avenue to the Union Pacific Railroad crossing; the sidewalk on both sides of Capitola Avenue to Stockton Avenue and both sides of Capitola Avenue to the Union Pacific Railroad Trestle; the sidewalks on Stockton Avenue to the Stockton Avenue bridge; and the sidewalk from the bridge to the sidewalk on the southerly side of the Esplanade—prohibited;
- E. The area bounded by and including the following: all sidewalks on the Esplanade; all sidewalks on Monterey Avenue south of the planter boxes located generally near the intersection of Capitola Avenue and Monterey Avenue—prohibited. (Ord. 864 § 2 (part), 2004)

12.52.020 Skateboarding—Other areas.

In areas of the city other than those referenced in Section 12.52.010, skateboarding is regulated or prohibited as follows: on any public or private property where one or more signs are conspicuously posted prohibiting such activity, skateboarding is prohibited. (Ord. 864 § 2 (part), 2004)

12.52.030 Roadway regulations.

Pursuant to Vehicle Code Section 21967, the following rules and regulations apply to riding or propelling of skateboards in roadways. Skateboarders must:

- A. Stop at all stop signs and red lights;
- B. Yield to all vehicles at yield signs;
- C. Yield to pedestrians at marked and unmarked crosswalks;
- D. Not impede traffic or interfere with the flow of vehicular traffic;
- E. Yield to approaching vehicles when entering any roadway;
- F. Not be towed by a motor vehicle of any speed or a bicycle at any unsafe speed;
- G. Yield bicycle lanes to bicycles and not use bicycle lanes in any way contrary to the free and open use of those lanes by bicyclists;
- H. Not suddenly leave a curb or other place of safety and travel into the path of a vehicle, which is so close as to constitute an immediate hazard. (Ord. 864 § 2 (part), 2004)

12.52.040 Sidewalk regulations.

When skateboarding on sidewalks in areas that are not prohibited by this chapter, persons riding or propelling skateboards shall:

- A. Yield to all other pedestrians;
- B. Proceed with due care and at a safe speed when skateboarding in the presence of pedestrians or on any sidewalk where there is a possibility of a pedestrian suddenly emerging onto the sidewalk from a business or a residence. (Ord. 864 § 2 (part), 2004)



CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: POLICE DEPARTMENT
DATE: JULY 20, 2011
SUBJECT: SUMMARY OF JULY 4, 2011 BEACH OPERATION

Recommended Action: Receive report.

BACKGROUND

The July 4th holiday always brings lots of people to the beaches of Santa Cruz County and to the City of Capitola, which requires a significant allocation of Police resources. In addition, the City's grant through Office of Traffic Safety required the City administer a Driving Under the Influence (DUI) check point, which occurred on 41st Avenue. Similar to recent years, Santa Cruz County and the City of Santa Cruz imposed firework controls on area beaches. Scotts Valley held the area's only public fireworks show.

Captain Held was designated the Incident Commander. Similar to years past, the City of Capitola was divided up into four sectors of responsibility. Sergeant Sloma was the Operational Supervisor for the night-shift and Sergeant Dally supervised the day-shift. Sergeant Gonzalez supervised the Village and Beach and Sergeant Eller supervised the DUI check-point on 41st Avenue. Officers were assigned to patrols in the areas of Grove Lane, Park Avenue, and Depot Hill.

DISCUSSION

Summary of Events and Outcomes:

- July 4th occurred on a Monday this year, creating a three-day weekend. The weather was clear and warm and Capitola Beach entertained large groups of visitors. Unlike years past, this year the City established three beach access points. Snow fencing was erected by Public Works and the access points were controlled by Police Volunteers. The Capitola Village was extremely busy during the day with heavy vehicular traffic and foot traffic. Traffic decreased in the early evening.
- Relatively few significant events occurred during the day shift. One subject was arrested for public intoxication on Capitola Main Beach. Two others were cited for consuming alcohol on the beach. A majority of the issues were related to parking in and around the neighborhoods.
- The DUI check point was conducted in compliance with the Office of Traffic Safety D.U.I. Grant on 41st Avenue. The check point was staffed with Officers from Team I, a Community Service Officer, and Reserve Officers. Approximately 483 drivers were screened, 4 Field Sobriety Tests were performed and 1 arrest was made for DUI

- Sergeant Gonzalez reported the Beach and Esplanade were manageable without any significant problems.
- Sergeant Sloma reported patrol operations were busy; however fireworks activity City wide decreased dramatically from last year and there were no significant events.

Successes:

- The limited beach closure and access points seemed to significantly reduce the alcohol and firework issues on Capitola Beach. Overall the perception of a family-safe environment seemed to encouraged citizens to visit Capitola.
- The use of Area Commands again worked well. This kept the areas fully staffed and supervised.
- Officers used discretion and avoided confrontational incidents.
- Staffing was adequate for the event.

Problems Encountered:

- None significant

Recommendations for Future Fourth of July Events:

1. Maintain Area Commands and deployment.
2. Additional training for the VIP's or others staffing the beach checkpoints.
3. Revisit the beach access point from the Cliff Drive turnouts to Hooper's Beach. Additional signage and barricades are required to eliminate this access point. Possibly a single sheet of plywood at the top entrance with proper signage.
4. Additional fencing and/or monitoring of the seawall at Esplanade Park. Reports of people accessing the beach from this area and some were seen handing ice chests over the fencing.
5. A designated entrance and exit at each beach check point.
6. Work with Public Works regarding the restrooms at Esplanade. Despite the 3 cleaning/stocking on Sunday and 2 on Monday, both restrooms were dirty and ran out of toilet paper. Additional cleaning and restocking of supplies could prevent these issues.

FISCAL IMPACT

Labor costs associated with the Police and Public Works July 4 response are included in the budget through anticipated overtime budget funding.

ATTACHMENTS - None

Report Prepared By: Mike Card
Chief of Police

**Reviewed and Forwarded
By City Manager:**



Item #: **5.C.**

CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: CITY MANAGER'S OFFICE

DATE: JULY 18, 2011

SUBJECT: ORDINANCE REPEALING CHAPTER 3.34 OF THE CAPITOLA MUNICIPAL CODE (ORDINANCE NO. 857) PERTAINING TO THE MOBILE HOME PARK ADMINISTRATIVE SERVICE FEE [1ST READING]

Recommended Action: By motion and roll call vote, adopt the proposed Ordinance Repealing Chapter 3.34 of the Capitola Municipal Code pertaining to the Mobile Home Park Administrative Service Fee, as submitted.

BACKGROUND

In 2003 the City adopted an ordinance to implement the Mobile Home Park Administrative Service Fee. Since that time the City collected approximately \$390,000 in fees to defend the City in multiple cases involving rent control in mobile home parks.

DISCUSSION

With the pending non-profit purchase of Castle Mobile Home Estates, and the recent adoption of the amendment to the rent control ordinance and associated settlement agreement, staff is recommending the City Council repeal Chapter 3.34 of the Municipal Code and end the fee. Should the City Council pass the proposed ordinance to a second reading, staff will immediately stop accepting any current or past due payments of the fee.

FISCAL IMPACTS

The adopted FY 2011-12 Budget does not include any additional revenue from the Mobile Home Park Administrative Service Fee.

Because the City operates on an accrual basis, by no longer accepting payments the City would record an unbudgeted expenditure (bad debt expense) of \$78,909.89 this fiscal year.

ATTACHMENTS

1. Draft Ordinance
2. Copy of Municipal Code Chapter 3.34

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager: _____

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING CHAPTER 3.34 OF THE CAPITOLA MUNICIPAL CODE (ORDINANCE NO. 857)
PERTAINING TO MOBILE HOME PARK ADMINISTRATIVE SERVICE FEE**

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

Section 1. Chapter 3.34 of the Capitola Municipal Code (Ordinance No. 857 adopted on the 11th day of September, 2003) pertaining to a “Mobile Home Park Administrative Service Fee” is hereby repealed in its entirety.

Section 2. The City’s Fee Schedule Resolution shall be amended accordingly to remove the “Mobile Home Park Administrative Service Fee” from Miscellaneous Fees.

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

This ordinance was introduced on the 28th day of July, 2011, and was passed and adopted by the City Council of the City of Capitola on the 11th day of August, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

Chapter 3.34 MOBILE HOME PARK ADMINISTRATIVE SERVICE FEE

3.34.010 Administrative service fee.

As used in this chapter the term “administrative service fee” shall refer to the mobile home park administrative service fee imposed by this chapter. The administrative service fee is a fee imposed for the privilege of occupying a mobile home in the city which has the benefit of mobile home rent stabilization pursuant to Chapter 2.18. (Ord. 857 § 1 (part), 2003)

3.34.020 Imposition of fee.

There is hereby imposed an administrative service fee on each household occupying a mobile home in the city which pays controlled space rent in accordance with the city’s mobile home park rent stabilization program codified in Chapter 2.18. The administrative service fee is imposed to partially reimburse the city for expenses incurred by the city in administering, enforcing, and defending its mobile home park rent stabilization program. (Ord. 857 § 1 (part), 2003)

3.34.030 Amount of fee.

With the exception of the first year of implementation, on or before July 1 of each year the city council shall adopt a resolution establishing the annual administrative service fee to be assessed upon each mobile home household subject to the fee. For the first year of implementation the fee resolution shall be adopted as soon after the effective date of the implementing ordinance as is practicable. The city shall promptly forward a copy of the fee resolution to each mobile home household in the city which is subject to the fee and to each mobile home park homeowners association in the city. (Ord. 857 § 1 (part), 2003)

3.34.040 Collection and remittance.

Each mobile home household will be billed semi-annually for an amount equal to fifty percent of the annual administrative service fee. In lieu of semi-annual payments, each mobile home household shall have the option of paying the entire administrative service fee in a single payment. No later than September 1st of each year, each mobile home park owner shall provide the city with a park resident list which contains the mobile home space number and the billing address for that mobile home. (Ord. 916 § 1, 2007; Ord. 857 § 1 (part), 2003)

3.34.050 Failure to pay.

Any mobile home household subject to this chapter which fails to pay the administrative service fee in timely fashion shall be assessed an additional late payment fee in the amount of ten percent of the administrative service fee. If it is necessary for the city to bring a legal action or refer the matter to a collection agency to procure payment, the household shall in addition to any administrative service fee and late fee owed, be liable for all costs and fees, including court costs, attorney fees and collection agency fees, incurred by the city. (Ord. 857 § 1 (part), 2003)



Item #: 5.D.

CITY COUNCIL AGENDA REPORT

MEETING OF JULY 28, 2011

FROM: OFFICE OF THE CITY CLERK

DATE: JULY 15, 2011

SUBJECT: DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR THE 2011 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE TO BE HELD IN SAN FRANCISCO FROM SEPTEMBER 21 THROUGH 23, 2011

Recommended Action: City Council determination regarding Capitola's Voting Delegate and Alternate(s) for the 2011 League of California Cities Annual Conference, and direction to staff to submit the necessary form to the League.

DISCUSSION

The League of California Cities ("League") Annual Conference for 2011 will be held in San Francisco, California, from Wednesday, September 21 through Friday, September 23, 2011. The annual business meeting is scheduled for 2:30 p.m. on Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy. It is important that all cities be represented at this meeting. Attached is a memorandum from the League regarding designation of Voting Delegates and Alternates. City Council action is advised by no later than Friday, August 26, 2011, in order to meet the League's deadline for submitting Voting Delegate/Alternate Form. There are specific procedures that must be followed with respect to the voting delegate and alternate(s):

1. In order to vote at the Annual Business Meeting, the city council must designate a voting delegate.
2. The city council may also appoint up to two alternate voting delegates, one of whom may vote in the event the designated voting delegate is unable to serve in that capacity.
3. Designation of the voting delegate and alternate(s) **must** be done by city council action.
4. The voting delegate and alternate(s) must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only.
5. At least one voting delegate or alternate must be present at the Business Meeting on Friday afternoon and in possession of the voting card in order to cast a vote. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may **not** transfer the voting card to another city official.

Council Member Harlan plans to register for the annual conference and has expressed interest in serving as the city's voting delegate.

FISCAL IMPACT – None

ATTACHMENTS

~ Memo dated June 9, 2011, from the League of California Cities with accompanying attachments

Report Prepared By: Pamela Greeninger, MMC
City Clerk

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

Council Action Advised by August 26, 2011

June 9, 2011

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 21–23, San Francisco**

The League's 2011 Annual Conference is scheduled for September 21-23 in San Francisco. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 2:30 p.m., Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 26, 2011. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Francisco Moscone West Convention Center, will be open at the following times: Wednesday, September 21, 8:30 a.m. – 6:00 p.m.; Thursday, September 22, 7:30 a.m. – 4:00 p.m.; and September 23, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

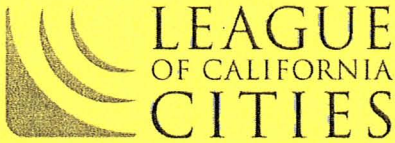
Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 26th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2011 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures 2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____ CAPITOLA

2011 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 26 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247