

City of Capitola Agenda



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

**CAPITOLA CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 9, 2012
CLOSED SESSION – 6:00 PM
CITY MANAGER’S OFFICE**

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of GC §54956.9: Three cases:

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch Storm Drain Failure);
2. Pacific Cove Mobile Home Park Pipe Failure and Closure;
3. Consideration of lawsuit against the Department of Finance – Disputed Recognized Obligations of the Successor Agency.

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

1. Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 172804];
2. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173926].

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Capitola Police Officers Association; and the Association of Capitola Employees.

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

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

2. PRESENTATIONS

Proclamation honoring Patti Wakefield for 22 Years of Service

3. REPORT ON CLOSED SESSION**4. ADDITIONS AND DELETIONS TO AGENDA****5. PUBLIC COMMENTS**

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

6. COUNCIL/STAFF ANNOUNCEMENTS**7. COMMITTEE APPOINTMENTS**

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

8. CONSENT CALENDAR

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

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

- A. Approve City Council Minutes of the May 31, 2012 Special Joint Study Session of the Capitola City Council and the Successor Agency to the former Redevelopment Agency.
RECOMMENDED ACTION: Approve Minutes.
- B. Consideration of awarding a contract to Graham Contractors of San Jose for the construction of the 2012 Capitola Slurry Seal Program in the amount of \$91,674.48, and authorizing the City Manager to sign the contract on behalf of the City.
RECOMMENDED ACTION: Approve contract and authorize the City Manager to execute the contract.
- C. Consideration of approving the Memorandum of Understanding with the Capitola Police Officers bargaining unit.
RECOMMENDED ACTION: Approve the Memorandum of Understanding.

8. CONSENT CALENDAR (continued)

- D. Consideration of approving an Early Retirement Contract with Patricia Wakefield and authorize the City Manager to execute the contract.
RECOMMENDED ACTION:
 1. That City Council direct the City Manager to execute the proposed Early Retirement Agreement with Patricia Wakefield on behalf of the City;
 2. Amend the FY12/13 Budget by transferring \$39,000 from the City Managers Salary & Benefits budget to the Compensated Absences Fund, and
 3. Authorize the City Manager to fill the vacant position up to 75% time.
- E. Consideration of approving a request to proceed with recruitment for a vacancy on the City's Commission on the Environment.
RECOMMENDED ACTION: Approve request.
- F. Receive Planning Commission Action Minutes for the Regular Meeting of August 2, 2012.
RECOMMENDED ACTION: Receive Minutes.
- G. Consideration of Resolutions of the City Council of the City of Capitola authorizing submittal to the California Coastal Commission for the certification of an amendment to the Local Coastal Program pertaining to single room occupancy parking requirement and emergency shelters.
RECOMMENDED ACTION: Adopt Resolutions.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

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

- A. Consideration of a Resolution placing a Visitor Service Fee (Transient Occupancy Tax – TOT) Measure on the November 6, 2012 Presidential General Election ballot to increase the TOT from 10% to a higher figure; authorizing certain Council Members to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure; and approve timeline for filing Arguments/Rebuttals for the City Measure.
RECOMMENDED ACTION: Council discretion to:
1. Adopt a Resolution amending the submission to the qualified electors of the City of Capitola by adding a question of a certain measure relating to Visitor Services Fee (Transient Occupancy Tax) at the Consolidated General Presidential Election on Tuesday, November 6, 2012, as called by Resolution No. 3912; and
 2. Adopt a Resolution authorizing certain Council Members, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure; and
 3. Provide direction to the City Manager regarding whether a Resolution of Intent regarding the use of revenue should be prepared; and
 4. Approve the revised timeline for filing arguments/rebuttals for the City Measure for submitting the impartial analysis, arguments for and against, and rebuttals to the arguments.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

- B. Discussion regarding Lower Pacific Cove Parking Lot Project financing and project description.

RECOMMENDED ACTION:

1. Approve the preliminary project description for the Lower Pacific Cove Parking Lot Project;
2. Authorize the release of a request for proposals for engineering and design services;
3. Authorize staff to initiate environmental review of the proposed project;
4. Approve a Resolution authorizing the advance of funds to pay \$75,000 in preliminary project costs prior to receiving debt funding.

- C. Consideration of a Resolution adopting the Fiscal Year 2012/2013 through the Fiscal Year 2016/2017 City of Capitola Capital Improvement Program, and directing the finance department to enter the Fiscal Year 2012/2013 funding into the current fiscal year budget.

RECOMMENDED ACTION: Adopt Resolution amending the Fiscal Year 2012/2013 budget.

- D. Consideration of an amendment to Section 12.56.090 (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [1st Reading].

RECOMMENDED ACTION: Introduce Ordinance.

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

10. COUNCIL/STAFF COMMUNICATIONS

A. Staff CommentsB. City Council/Treasurer Comments/Committee Reports

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

11. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, September 13, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

Notice regarding City Council: The Capitola City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

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

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

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

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

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



Item #: 8.A.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE MAY 31, 2012 SPECIAL JOINT STUDY SESSION OF THE
CAPITOLA CITY COUNCIL AND THE SUCCESSOR AGENCY MINUTES

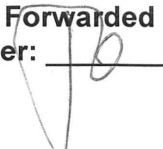
RECOMMENDED ACTION: Approve the subject minutes as submitted.

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

ATTACHMENTS

1. May 31, 2012 Minutes of the Special Joint Study Session of the Capitola City Council and the Successor Agency.

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

NOT OFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF CAPITOLA
CITY COUNCIL

May 31, 2012
Capitola, California

MINUTES OF SPECIAL JOINT MEETING
CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY
JOINT BUDGET STUDY SESSION
6:00 P.M. – OPEN SESSION

CALL TO ORDER

Mayor Termini called the Special Budget Study Session of the Capitola City Council and the Successor Agency to order at 6:05 p.m. on Wednesday, May 31, 2012, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE:

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

ABSENT: None

OTHERS: City Treasurer Jacques Bertrand

STAFF: City Manager Jamie Goldstein, Public Works Director Steve Jesberg, Finance Director Tori Hannah, Police Chief Rudy Escalante, and City Clerk Susan Sneddon

2. PUBLIC COMMENTS

Barry Boone, Capitola resident, stated his concerns regarding the harmful effects of Smartmeters.

Marilyn Garrett spoke against wireless technology and Smartmeters.

Council Member Nicol stated that, due to a growing number of illegal signs, he would like staff to review the City's Sign Ordinance for compliance issues.

3. GENERAL GOVERNMENT

- A. Continued Budget Study Session on the proposed 2012/2013 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and an overview of the unfunded Capital Improvement Program.
[330-05/780-30]

3. GENERAL GOVERNMENT (continued)

Christine Buechting, Finance Advisory Committee (FAC) Chair, provided the FAC's recommendations for the City's proposed Fiscal Year 2012/2013 Budget. She stated that the FAC is recommending rebuilding the City's reserves and recommends transferring balances from the Information Technology, Equipment Replacement, and the Stores Funds (Internal Service Funds) to the Emergency Fund in the amount of \$497,900. She presented the FAC's sources to rebuild the City's Emergency Fund and to scale back the unfunded items by twenty-five percent.

Finance Director Hannah stated that the Internal Service Funds (Information Technology, Equipment Replacement, and the Stores Funds) mentioned by Ms. Buechting represent one-hundred percent of the fund balance, and there would be sufficient funds to make planned purchases for Fiscal Year 2012/2013.

City Manager Goldstein introduced various department heads who will report on the following concerns brought up at the May 23, 2012, Special Budget Study Session: (1) review of recreation fees; (2) review of the police budget; (3) review of the proposed capital improvement projects from the development impact fees.

Recreation Supervisor Legare reviewed the recreation budget and presented various options to increase revenues.

Police Chief Escalante provided the following responses to Council's concerns: (1) potential revenue for special events; (2) evaluation of police overtime; (3) reasoning for the City not hiring private security to provide parking enforcement services; (4) police uniform types to distinguish sworn staff and non-sworn officers; and (5) clarification of allocated SPCA funds.

Public Works Director Jesberg reported on Council's request to review the proposed funding for the following capital improvement projects: (1) 38th Avenue Project; (2) Slurry Seal Project; (3) PG&E Utility Underground Project along Bay Avenue; (4) Clares Street Traffic Calming Project; and (5) Pavement Management Program. With regards to development impact fees, he stated that Assembly Bill (AB) 1600 allows cities to charge fees for new development only; typical impact fees can be charged for street improvements and park acquisition and improvements. Under AB 1600, in order to establish a new fee, a fee study must be developed that identifies the connection between the impact of new development, the level of the fee, and the burden the new development creates on existing infrastructure; impact fees may not be used for maintenance. He recommended the establishment of development impact fees be deferred until after the adoption of the City's General Plan Update.

Council Member Norton requested that further discussion regarding the City's Fiscal Year 2012/2013 Capital Improvement Program be agendaized for a future Council meeting.

3. GENERAL GOVERNMENT (continued)

Finance Director Hannah stated that the Internal Service Funds totaling \$497,900 represents the estimated ending balance and does not include allocated expenditures. Staff is suggesting less contributions from these funds to transfer to the City's Reserves so that the City could retain some of the Internal Service Fund balances.

Mayor Termini opened the public hearing.

The following representatives from various nonprofits in Santa Cruz County provided support for the City's continued community grant funding:

Will Sullivan, Human Care Alliance

Lisa Burkewitz, Meals on Wheels for Santa Cruz County

Darrell Johnson, Senior Council Board Member Santa Cruz County

Shirley Hill, Grey Bears and Meals on Wheels

Jerry Lopez, Retirement Financial Advisor and Meals on Wheels Boardmember

Norma Sanchez, Community Action Board of Santa Cruz County

Capitola Resident, Santa Cruz Aides Project recipient

Rita Flores, Santa Cruz County Family Service Agency

Kurt Antz, Community Bridges Lift Line

Representative from the Santa Cruz Parents Center

Executive Director Maria Cubillas, Big Brothers Big Sisters of Santa Cruz County

Jan Shirchild, Project Scout

Barbara Joy Templeton, Santa Cruz Mental Health Commissioner

Karen Delanie, Santa Cruz Volunteer Center

Michelle Williams, Cultural Center of Santa Cruz County

Brooke Johnson, Second Harvest Food Bank

Tim Bradley, Grey Bears

Laura Hink, Santa Cruz Women's Shelter

Jane, Senior Council of Santa Cruz and San Benito County

Representative from the Santa Cruz Toddler Care Center

Brenda Moss, Senior Network Services

Clay Kempf, Executive Director of the Seniors Council of Santa Cruz and San Benito Counties

Lynn Master, Capitola resident, various homeless programs

Monica Churchill, Hospice of Santa Cruz County

3. GENERAL GOVERNMENT (continued)

Terry Hancock, Attorney for Senior Citizens' Legal Services

Kathleen Johnson, Advocacy, Inc.

Bud Winslow, Santa Cruz Senior Activities and Community Action Board

Sandra Williams, City's representative for Seniors Council of Santa Cruz and San Benito Counties, and the Santa Cruz County representative on the Advisory Council of the Area Agency on Aging

Maggie Ivy, Santa Cruz Conference and Visitor Council CEO, requested continued funding for the Santa Cruz County Visitors Center (CVC).

Dan Aspromonte, Best Western and Marriott Fairfield Inn, provided his support for continued funding to the CVC.

Mayor Termini closed the public hearing.

Council Member Storey stated that he does not fully agree with the FAC's proposal to pull \$100,000 from the Slurry Seal Project. He stated that the ultimate objective is to obtain public support for the proposed sales tax measure slated for the November 2012 ballot. He does not recommend taking funding from the Internal Service Funds for capital improvement projects. He stated that he would like the City to make every effort to fully fund the Capitola/Soquel Chamber of Commerce, the CVC, and the Begonia Festival. He asked if approved by the voters, the sales tax measure would become effective.

City Manager Goldstein stated that if the sales tax measure passes, it would take effect July 1, 2013; the City would receive one-half year's allocation of sales tax (estimated at \$450,000). Early next year staff will come back to Council with the mid-year budget report. He recommended that any remaining funds allocated for community grants be held for potential litigation costs.

Council Member Nicol stated concerns regarding re-establishing \$865,000 in City reserves over a 5-year period, as well as continued funding for the capital improvement projects, community grants, Capitola/Soquel Chamber of Commerce, CVC, and the Begonia Festival. He discussed the former Redevelopment Agency's "claw-back" of funds, the City's fiscal mismanagement over the past 10 years, and the run-away payroll. Revenues have increased 17% with payroll increasing 36%. He suggested transferring a large percentage of the Internal Service Funds (\$497,000) to the Emergency Contingency Reserves, and he felt the City should adopt a policy restricting future payroll increases to a sustainable percentage of the City's revenues and consider cutting back the staff work week to 36-hours.

Council Member Harlan stated that the City has a moral commitment to the citizens and should not undermine funding the community groups.

3. GENERAL GOVERNMENT (continued)

Council Member Norton stated that the City needs to start re-building reserves and agrees with the FAC's recommendations. He suggested Council agendaize further discussions regarding capital improvement funding. He stated that long-term funding for community groups should be based on how well the City does financially in the future.

Mayor Termini stated that he supports stabilizing the annual funding for the community grants and setting priorities focused more on non-profits that address "life-needs." He stated that the current payroll expenses are reasonable; the number of City staff has decreased compared to 8 years ago. He supports continued funding to the Capitola/Soquel Chamber of Commerce, the CVC, and the Begonia Festival.

City Manager Goldstein stated that the Internal Service Funds have varied year-to-year; a goal is to estimate the average long-term needs for these funds. He recommended that it would be prudent to leave some funds in the account because there may be a need to purchase additional equipment in Fiscal Year 2012/2013. He stated that the City needs additional dollars to help restore the fiscal health of the City.

Council Member Storey announced that he would recuse himself from voting on the Fiscal Year 2012/2013 funding for the Human Care Alliance because he is the Community Bridges CEO (non-profit organization), and voting on this item would be a conflict of interest.

Motion by **Council Member Harlan**, seconded by **Mayor Termini**, to allocate \$250,000 for the Fiscal Year 2012/2013 community grants and for the Council to form a subcommittee comprised of Mayor Termini and Council Member Harlan to assist in providing recommendations to Council regarding community grant funding. **Council Member Harlan** withdrew her motion after further Council deliberation.

Council Member Storey returned to the dias.

Mayor Termini stated that the Council will consider the proposed 2012/2013 Fiscal Year Budget items with the exception of the community group funding due to Council Member Storey's conflict of interest.

Council discussion ensued regarding funding the Capitola/Soquel Chamber of Commerce, the CVC, the Begonia Festival, capital improvement projects, and the City's reserves.

ACTION: Motion by Council Member Norton, seconded by Council Member Storey, to allocate \$22,500 to the Capitola/Soquel Chamber of Commerce, \$17,250 to the Santa Cruz County Conference and Visitor's Council (CVC), \$5,000 for the Begonia Festival, \$22,500 for capital improvement projects, and \$50,000 for reserves; and for Council to reconsider the balance for the Capitola/Soquel Chamber of Commerce and the Santa Cruz County Conference and Visitor's Council at the mid-year Fiscal Year 2012/2013 budget report if the sales tax measure passes. The motion carried with the following vote: AYES: Council Members Norton, Storey, and Mayor Termini. NOES: Council Members Harlan and Nicol. ABSENT: None. ABSTAIN: None.

Council Member Storey left the dias due to the previously stated conflict of interest.

3. GENERAL GOVERNMENT (continued)

ACTION: Motion by Council Member Norton, seconded by Council Member Harlan, to fund the community grants at \$250,000, and for the Council to form a subcommittee comprised of Mayor Termini and Council Member Harlan to assist in providing recommendations to Council regarding community grant funding. The motion carried with the following vote: AYES: Council Members Harlan, Norton, and Mayor Termini. NOES: Council Member Nicol. ABSENT: None. ABSTAIN: Council Member Storey.

There was Council consensus to cancel the June 7, 2012, and June 21, 2012, Special Council Budget Hearings and direct staff to place the proposed Fiscal Year 2012/2013 Budget on the June 14, 2012, regular City Council meeting agenda (Consent Calendar).

Council Member Storey returned to the dias.

4. ADJOURNMENT

Mayor Termini adjourned at 9:35 p.m. to the next Regular Meeting of the City Council to be held on Thursday, June 14, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Item #: 8.B.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: 2012 SLURRY SEAL PROGRAM AWARD OF CONTRACT

RECOMMENDED ACTION: Award a contract to Graham Contractors of San Jose for the construction of the 2012 Capitola Slurry Seal Program in the amount of \$91,674.48, and authorize and direct the City Manager to sign the contract on behalf of the City.

BACKGROUND: On August 1, 2012 the City received two bids for the subject project. The low bidder was Graham Contractors of San Jose with a bid in the amount of \$91,674.48. A summary of the bids is attached.

DISCUSSION: This project will complete a slurry seal and restriping on the following streets:

- Depot Hill Area: Escalona Drive, Sacramento Avenue, southern portion of Hollister Avenue, Oakland Avenue, Saxon Avenue, southern portion of Central Avenue, and western end of Grand Avenue;
- Jewel Box east of 49th Avenue: Prospect Avenue, Opal Street, Jewel Street, Garnet Street, and Emerald Street;
- Deanes Lane neighborhood: Deanes Lane, Edmund Lane, Sellars Lane, Albert Lane, and Virgil Lane;
- Reposa Avenue, which will also be restriped to narrow the streets as agreed upon with the residents.

FISCAL IMPACT:

Source of Funds:

Capital Improvement Fund \$101,000.00

Use of Funds:

Contract Amount \$ 91,674.48

10% Contingency \$ 9,325.52

Total \$101,000.00

ATTACHMENTS:

1. Bid Summary

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

Reviewed and Forwarded
By City Manager: _____

Bid Summary

Project: 2012 Slurry Seal Program

Bid Opening Date: August 1, 2012

Item	Description	Quantity	Units	Opinion of Probable Costs		Graham Contractors		Valley Slurry Seal Co.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$8,500.00	\$8,500.00	\$4,000.00	\$ 4,000.00	\$ 5,000.56	\$ 5,000.56
2	Traffic Control	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$ 5,000.00	\$10,000.00	\$ 10,000.00
3	Slurry Seal (Type II)	36,772	LF	\$1.50	\$55,158.00	\$ 2.04	\$ 75,014.88	\$ 2.02	\$ 74,279.44
4	Pavement Markings (Parking T's)	20	EA	\$25.00	\$500.00	\$ 52.00	\$ 1,040.00	\$ 52.50	\$ 1,050.00
5	Stop Limit Lines	110	SF	\$10.00	\$1,100.00	\$ 4.20	\$ 462.00	\$ 4.20	\$ 462.00
6	Detail 21 Stripe	100	EA	\$5.00	\$500.00	\$ 3.20	\$ 320.00	\$ 3.15	\$ 315.00
7	Detail 1 Stripe	560	LF	\$5.00	\$2,800.00	\$ 1.10	\$ 616.00	\$ 1.05	\$ 588.00
8	Detail 27b	1,370	EA	\$5.00	\$6,850.00	\$ 1.60	\$ 2,192.00	\$ 1.60	\$ 2,192.00
9	Stop Letters	264	0	\$10.00	\$2,640.00	\$ 5.30	\$ 1,399.20	\$ 5.25	\$ 1,386.00
10	Pavement Marker - Blue, Two-Way R	20	0	\$20.00	\$400.00	\$ 20.00	\$ 400.00	\$ 16.00	\$ 320.00
11	Cross-Hatching (4" stripe)	394	0	\$2.00	\$788.00	\$ 1.60	\$ 630.40	\$ 2.00	\$ 788.00
12	Handicap Parking Pavement Legend	2	0	\$35.00	\$70.00	\$ 300.00	\$ 600.00	\$ 260.00	\$ 520.00
					\$84,306.00				
				10% cont.	\$ 8,430.60				
					\$92,736.60		\$ 91,674.48		\$ 96,901.00

ATTACHMENT 1



Item #: 8.C.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: POLICE OFFICERS ASSOCIATION MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF AUGUST 5, 2012 THROUGH JUNE 30, 2013 AND SIDE LETTER AGREEMENT

RECOMMENDED ACTION: City Council to take the following actions:

- 1) Authorize the City Manager to execute the Memorandum of Understanding with the negotiated changes in benefits for August 5, 2012 – June 30, 2013; and
- 2) Authorize the City Manager to approve the Side Letter Agreement.

BACKGROUND: The Capitola Police Officers Association (CPOA) Bargaining Unit Memorandum of Understanding (MOU) expired on June 30, 2012. As required by state law the City has negotiated with the bargaining unit on working conditions, salary and benefit changes, and has reached an agreement with the bargaining unit.

DISCUSSION: After several weeks of good faith negotiations with the CPOA bargaining unit the City negotiating team recommends a one-year contract expiring on June 30, 2013 which includes a requirement that new employees pay 5% more toward their pension costs during their first five years with the City.

The CPOA has agreed to a zero Cost of Living Adjustment during the term of this agreement. There will be an increase for health care as follows: Employee only and those who choose not to utilize the City's insurance, an increase of \$25 per month, employee plus one and employee plus two will receive an increase of \$50 per month to help offset the rising cost of health insurance. In addition, newly hired Lateral Police Officers may receive a signing bonus of up to \$2,000.

Finally, due to the downturn of the economy, the opportunities to attend regular training sessions has been reduced. The decline causes the Sworn Officers who report for duty for training when there is no training available to utilize vacation hours. To mitigate, the City has agreed to provide 20 hours of training leave hours. These hours are not cashable and are not cumulative. The unused hours expire on June 30, 2013.

FISCAL IMPACT: The total cost for this agreement is \$9,000 for health care in Fiscal Year 2012/2013.

The 5% PERS cap reduction for new employees will result in limited savings in the next fiscal year as it is unlikely the City will hire a significant number of new employees. Over the long term it is anticipated the costs savings from the PERS cap reduction, if applied to all bargaining units in the City, will average approximately \$50,000 – \$70,000/year, or 1% of payroll.

ATTACHMENTS:

1. MOU for the Police Officers Association Employees' Bargaining Unit.
2. Side Letter Agreement

Report Prepared By: Lisa G. Murphy
Administrative Services Director

Reviewed and Forwarded
by City Manager: 

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CAPITOLA POLICE OFFICERS' ASSOCIATION
AND CITY OF CAPITOLA**

PERIOD 8/05/2012 – 6/30-2013

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MEMORANDUM OF UNDERSTANDING

BETWEEN

CAPITOLA POLICE OFFICERS' ASSOCIATION AND CITY OF CAPITOLA

This MEMORANDUM OF UNDERSTANDING is made and entered into this August 5, 2012 by and between CAPITOLA POLICE OFFICERS' ASSOCIATION and the CITY OF CAPITOLA for and on behalf of its members hereinafter identified. This agreement ends June 30, 2013. This MOU embodies all items agreed upon by and between the City of Capitola and the Capitola Police Officers' Association.

ARTICLE 1.00 STANDARD MOU PROVISIONS

The "Standard MOU Provisions", except section 1 thereof, are incorporated herein as though fully set forth. Those incorporated provisions are Attachment A.

ARTICLE 2.00 DEFINITIONS

2.01 EMPLOYER.

The term "Employer" as used herein refers to the City of Capitola. The words "Management", "Department Head", "Police Chief", may also be used to refer to "Employer" in appropriate contexts.

2.02 ASSOCIATION.

The term "Association" as used herein shall refer to the Capitola Police Officers' Association.

2.03 EMPLOYEE/REPRESENTATION UNIT.

The term "Employee" or "Covered Employee", as used herein, means all persons employed by the Employer in the Police Department who are classified as Community Services Officer, Community Services Officer-Lifeguard Captain, Police Officer, Records Manager and Sergeant. Those positions constitute the unit represented by Capitola Police Officers' Association.

2.04 PATROL VEHICLE

The term "patrol vehicle" as used herein shall refer to any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.

2.05 PEACE OFFICER/SWORN PERSONNEL

The terms “peace officers” or “sworn personnel” means “police officers” as defined in Penal Code Sections 830 and 830.1.

ARTICLE 3.00 MANAGEMENT RIGHTS CLAUSE

Except as otherwise specifically set forth in this MOU, the CITY retains all management prerogatives. These include but are not limited to: determining the mission of its constituent departments; setting standards of service; determining the procedures and standards of selection for employment and promotion; directing its employees; taking disciplinary action; relieving its employees from duty because of lack of work or for other legitimate reasons; maintaining the efficiency of governmental operations; determining the methods, means, and personnel by which government operations are to be conducted; taking all necessary actions to carry out its mission in emergencies; and exercising control and discretion over its organization and the technology of performing its work.

Nothing in this article shall be construed to limit, amend, decrease, revoke, or otherwise modify the rights vested in the CITY by state law, city ordinances, or resolutions or other laws regulating, authorizing, or empowering the CITY to act or refrain from acting.

ARTICLE 4.00 ASSOCIATION RECOGNITION, RIGHTS AND SECURITY

4.01 ASSOCIATION RECOGNITION.

Except as limited by Government Code Section 3502, the Employer hereby recognizes the Laborer’s International Union of North America, Local 270, as the sole collective bargaining agent of all covered Employees.

4.02 NOTICE OF RECOGNIZED ASSOCIATION.

The Employer/Association shall post within the employee work or rest area a written notice which sets forth the classifications included and referred to in Section 2.03 hereof and the name and address of Association as the recognized employee organization for such units. The P.O.A. shall also give a written notice to persons newly employed in representation unit classifications, which notice shall contain the name and address of the employee organization recognized for such unit.

4.03 PAYROLL DEDUCTIONS AND PAYOVER

The unit defined in Section 2.03 shall be an “agency shop” as defined in Government Code Section 3512.5 (Chapter 901 of Stats. 2000). Consequently, Employer shall deduct Association dues from employee’s pay in conformity with State and local regulations. The Employer shall promptly pay over to the designated payee all sums so deducted on a monthly basis.

4.04 HOLD HARMLESS.

Association shall indemnify and hold Employer harmless from any and all claims, demands, suits, or any other action arising from an employee claim relating to legality, or implementation, of Section 4.03.

4.05 BULLETIN BOARDS.

Reasonable space shall be allowed on bulletin boards as specified by the Police Chief for use by the Association to communicate on relevant subjects with departmental employees. Material shall be posted upon the bulletin board space as designated, and not upon the walls, doors, filing cabinets or any other place. Posted material shall not be obscene, defamatory, or of a partisan political nature, nor shall it pertain to public issues which do not involve the Employer or its relations with City employees. All posted material shall bear the identity of the sponsor, shall be neatly displayed, and shall be removed when no longer timely.

4.06 USE OF EMPLOYER FACILITIES.

Employer facilities such as the City Hall Community Room may be made available upon timely application for use by employees and the Association. Such use shall not occur during regular duty hours, other than the lunch period. Application for such use shall be made to the management person under whose control the facility is placed.

4.07 BARGAINING.

Employee members of the Association's bargaining committee shall be allowed time to absent themselves from duties for a reasonable period without loss of pay, for the purpose of participating in contract negotiations. Employee members of Association's bargaining committee shall be extended the same privilege to participate in any meetings mutually called by the parties during the term of this agreement for review of grievances and contract compliance questions.

ARTICLE 5.00 HIRING PROVISIONS

5.01 NON-DISCRIMINATION.

No Employee covered by this Agreement shall be discriminated against by the Employer, or by the Association by reason of race, color, religion, sex, age, national origin, or sexual preference.

5.02 EMPLOYMENT

The Employer shall not discharge or otherwise discriminate against any Employee by reason of any Association activity not interfering with the proper performance of his/her work.

5.03 Signing Bonus:

Sworn employees hired as a Lateral Officer after August 5, 2012 may receive a one-time signing bonus of up to \$2,000 upon the successful completion of probation and obtaining regular full time employment status. A Lateral Officer is defined as an applicant who is currently working for a recognized law enforcement agency, has successfully completed the probation period for that agency, and possesses a State of California Basic POST Certificate. The City Manager shall make the determination as to the amount. The amount of the signing bonus shall be specified in the hire-letter.

ARTICLE 6.00 JOB CLASSIFICATION

6.01 NEW JOB CLASSIFICATIONS.

If an Employee covered by this Agreement is assigned work of a substantially new or different nature so as to constitute a new job classification, the Employer and the Association will negotiate regarding the wage rate applicable to such new job classification

ARTICLE 7.00 HOURS OF WORK, SHIFT, SCHEDULES, AND REST PERIODS

7.01 WORK SCHEDULE AND CHANGE OF SHIFT.

Prior to the applicable pay period, the Police Chief or his/her designated representative shall prepare a schedule showing the hours each employee of the department is, at the time of posting, to work. The Police Chief shall make every effort to assure that no employee shall have more than one change of shift in any calendar month. This paragraph does not limit the Police Chiefs authority to revise schedules as need permits.

7.02 SHIFT

For sworn personnel and Community Service Officers, hours of work in the normal workday shall be ten (10) hours for police officers and police sergeants, except for detective bureau personnel, which is (8) hours. While they are assigned to the detective bureau, the sick leave accrual provisions of this MOU that are applicable to 5/8 employees will be applicable to such employees.

7.03 ASSIGNING WORK SHIFTS.

In assigning work shifts, the department shall give due regard to assigning shifts which will not disrupt or interrupt any employee's education or training programs and schedules. Undesirable work shifts shall not be used as punishment, intimidation, or harassment. Shift assignments shall be carried out in accordance with department policy (currently Departmental Order #2, Attachment B).

7.03.01 Successive Shifts

It is understood that the assignment of shifts is a prerogative of management that has been delegated to the Chief of Police. It has been the practice to assign at an officer's request,

on the basis of seniority, the same shift for two successive shift changes. It is understood that this practice will be continued for the duration of this MOU. Although the assignment of successive shifts remains with the Chief of Police, should an officer allege that such assignment has been made in an arbitrary or discriminatory manner, the matter may be reviewed through the City Manager level of the Grievance Procedure.

7.03.02: Special Event Assignments

The parties agree that except as required in Departmental Order No. 2, "Manpower Deployment" dated December 15, 1987, Item III A, Holiday Staffing and III B Overtime Shifts, any special event outside of a member's work schedule shall receive 30 days notice which will include the following: location, time and hours to be worked. If this condition is not met, the officer or sergeant will not be required to work the event (a special event is not an emergency).

7.04 MEAL AND REST PERIODS.

A meal period of 30 minutes shall be provided to all other employees during each assigned shift no sooner than 3 hours after commencement of the shift and not later than 3 hours prior to the end of the shift. Such meal period for sworn officers (including those on detective assignment) and community service officers shall be considered time worked.

ARTICLE 8.00 OVERTIME

8.01 REGULAR/OVERTIME HOURS.

The normal workweek for all bargaining unit employees shall consist of forty (40) hours. Except as provided in section 18.02 (regarding canine care), all work in excess of forty hours in a workweek shall be considered overtime and shall be compensated pursuant to the provisions of Sections 8.00-8.06 of this agreement.

8.02 COMPENSATION/OVERTIME AUTHORIZATION.

No employee shall receive compensation for overtime, whether in cash, or in time off, or a combination, unless such overtime work has been approved by the Police Chief or his designated representative.

8.03 COMPENSATION/OVERTIME.

All overtime work shall be compensated at the rate of one and one-half times the hourly rate in cash. Overtime compensation shall be paid in the paycheck covering the pay period in which the overtime was worked. Except as otherwise provided in Labor Code Section 204.3, at the option of the employee, compensatory time off may be earned in lieu of cash. Up to 120 hours may be accumulated. Any time over that maximum shall be in cash at time and one-half. Compensatory time off will be scheduled by means of management responding to the requests of the employees. Such requests will not be arbitrarily or unreasonably denied.

8.04 OVERTIME NOT CUMULATIVE.

Any hours worked which qualify as overtime under one measurement may not be used under another measurement

8.05 FRACTIONS OF LESS THAN FIFTEEN MINUTES

No overtime payment shall be allowed for any period of less than fifteen minutes, and fractions of less than fifteen minutes of overtime worked may not be accumulated in order to total fifteen minutes or more, except where such fractions are part of a regularly scheduled shift.

8.06 OTHER.

Court appearances and callbacks may also, at times, result in overtime. See Sections 16.00 and 14.00 respectively. Overtime may occur as a result of the last paragraph of section 11.00.

ARTICLE 9.00 HEALTH AND SAFETY

9.01 Employer shall comply with all applicable state, federal, and local safety regulations and shall furnish to all employees safety equipment required by law or deemed necessary by the Police Chief.

9.02 The City and the Association agree during the term of this agreement to establish a labor management committee that will seek to reduce the incidents and cost of industrial injury and provide opportunities to improve employee fitness.

ARTICLE 10.00 UNIFORMS

10.01 The employer will purchase initial uniforms for newly hired uniformed employees and will repair or replace uniforms including uniform boots, on an as-needed basis.

The City will designate a police captain to whom the officer will submit the uniform request for authorization for repair or replacement. If the officer disagrees with the captain's decision with regard to the necessity for repair or replacement, he or she may have the dispute reviewed by the Chief of Police through the grievance procedure included in this

MOU.

In addition, the employer will cover the cost of reasonable cleaning of departmentally authorized uniforms. Employees will be responsible for delivering uniforms to, and retrieving uniforms from, the employer-designated cleaning establishment.

Police Officers and Sergeants assigned to the Detective unit shall be eligible to choose EITHER the repair, cleaning and replacement policy for their official uniforms as provided in Section 10.01 above OR a uniform allowance of \$50.00 per month for the

duration of their assignment to the Detective Division. (The latter choice will be shown as taxable income on an Employee's W-2 form.)

Compensation paid or the monetary value for the purchase, rental and/or maintenance of required uniforms will be reported to CalPERS, to the extent allowable by CalPERS.

- 10.02 Employer agrees to provide the following items for Police Officers and Sergeants assigned to motorcycle duty: two pairs of motorcycle pants; one pair motorcycle boots and one pair of gloves. Police Officers shall also be entitled to an allowance for safety glasses not to exceed \$20.00.

ARTICLE 11.00 HOLIDAYS

Holidays will be expressed as an annual (calendar year) bank of hours and taken as scheduling permits. Employees working 4/10 schedules shall receive 150 hours per calendar year and employees working 5/8 schedules shall receive 120 hours per calendar year. Upon termination, if an employee has not actually taken as much holiday time as a pro-rated amount, he/she will be entitled to compensation for the unused portion. For instance, if a 4/10 employee whose last day was June 30 had taken only 55 hours of holiday time, (s)he would be entitled to 20 hours of compensation. Personal Holidays are included in the foregoing 150/120 hourly figures, and not in addition to them. Employees working 4/10 schedules will be debited for 10 holiday hours when they take time off as a holiday; those working 5/8 schedules will be debited for 8 hours.

For Sergeants and Records Manager, December 25th will be a paid holiday if not worked (and 10 hours and 8 hours, respectively, of holiday time will be consumed). If worked, employee will be paid time and one half.

ARTICLE 12.00 FLEXIBLE SPENDING ARRANGEMENT CONTRIBUTIONS

The City makes a flexible spending arrangement (Flex Plan) contribution on behalf of each employee. For those employees who have selected health coverage through PERS, from the monthly contribution set forth herein, \$112 per month as of January 1, 2012 and \$115 effective January 1, 2013 will be paid to PERS for what is sometimes referred to as "employer contribution". This amount is the minimum amount required by PERS, recognizing that state law may increase this minimum from time to time requiring compliance by City. For all employees who receive a Flex Plan contribution, a \$1.50 per paycheck plan fee is paid from the monthly contribution set forth herein. Effective 8/05/12, the contribution for full time regular employees in this unit is:

Employee Only:	\$675 per month
Employee + 1:	\$849 per month
Employee + 2 or more:	\$1,049 per month

Employees who can verify to the City's satisfaction that: they have equivalent health coverage for medical (including dental & vision) provided through their spouse, which will remain in effect until the next enrollment date; or who purchase a Cal PERS

Health Plan and dental and vision coverage, but do not use their entire monthly contribution, may use the remaining funds to purchase benefits other than medical (including dental & vision) coverage or take this amount in cash for the employee only contribution amount. (If a cash payment is taken, it is not included in the employee's compensation for the Cal PERS retirement plan.)

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

ARTICLE 13.00 EDUCATIONAL INCENTIVE PROGRAM

Sworn Police Personnel.

13.01 After successful completion of the probationary period, sworn police personnel and the Records Manager shall be eligible to have base pay increased by an additional two and one-half (2.5%) for completion of thirty (30) college units, five (5%) percent for completion of sixty (60) college units, and seven and a half (7.5%) percent for completion of a Bachelor's Degree from an accredited institution. College units may include graduate level work. Courses and degrees must be work related as approved by the Department Head and City Manager.

To receive Educational Incentive Pay, the Employee shall write a memo to his/her supervisor and include a copy of transcripts as evidence of the number of units required for the appropriate incentive pay. The supervisor will review the memo and send it to the Police Chief, who, in turn, will review it and send it to the City Manager for approval.

The City will reimburse employees for tuition and textbooks upon the completion of courses approved in advance by the City Manager in accordance with the following schedule:

State-supported California colleges and universities - 100% tuition and textbook reimbursement.

Private colleges and universities - 100% of tuition or the tuition of the University of California whichever is less. Textbook reimbursement at 100%.

13.02 Effective August 5, 2004, all employees enrolled (Attachment C) in an approved degree program shall receive the benefits outlined above.

13.03 Beginning July 1, 2008 the education incentive is limited to a maximum of \$500 per year per employee; beginning July 1, 2009 the limited maximum amount will increase to \$1,000 per year per employee, with the exception of those employees that are already acknowledged to be grandfathered in at the prior program rates (see Attachment C). It is agreed by the City and the Association to negotiate in good faith on this provision upon the termination of the Memorandum of Understanding.

13.04 Community Service Officer Education Reimbursement: Beginning July 1, 2008, the City will reimburse employees for tuition upon the completion of courses with a grade C or

better, approved in advance by the City Manager, up to a maximum of \$500 per calendar year for classes completed in that same calendar year. Beginning July 1, 2009 the limited maximum amount will increase to \$1,000 per year per employee.

13.05 P.O.S.T. CERTIFICATE PAY - Police Officers.

P.O.S.T. Certificate Pay was eliminated effective 7/1/90, however, all police officers receiving P.O.S.T. Certificate Pay at that time will continue to receive it. This Certificate Pay may not be collected in addition to education incentive pay or career officer program pay.

13.06 P.O.S.T. CERTIFICATE PAY - Police Sergeants.

Sergeants shall be eligible to receive 2.5% increase in base pay for completion of the intermediate P.O.S.T. Certificate; 5% for completion of the Advanced P.O.S.T. Certificate; and 7.5% for completion of the P.O.S.T. Supervisory Certificate provided the employee has an A.A., A.S. or equivalent Degree. This Certificate Pay may not be collected in addition to education incentive pay. This program became effective 7-1-85.

To receive P.O.S.T. pay, the Sergeant shall write a memo to his/her supervisor including a copy of the appropriate P.O.S.T. Certificate. The Supervisor shall review the memo and send it to the Police Chief, who, in turn, shall review it and send it to the City Manager for review, and, if approved, it will be effective the first of the month after approval.

13.07 CAREER OFFICER PROGRAM - Police Officers Only.

In accordance with standards set by Personnel Directive #4 dated November 15, 1988 (Attachment D), the City agrees to compensate police officers qualifying under the career officer program by increasing base pay rates in the following percentages:

Senior Officer I	2.5%
Senior Officer II	Additional 2.5% more than Senior Officer I
Master Officer	Additional 2.5% more than Senior Officer II

An officer is eligible for either the Educational Incentive Program or for the Career Officer Program but may not receive payment under both programs.

ARTICLE 14.00 CALLBACK PAY - POLICE OFFICERS, POLICE SERGEANTS AND RECORDS MANAGER

Any Police Officer, Police Sergeant or Records Manager who has departed from his/her work location and is called back to work shall be guaranteed a minimum of four hours compensation at the overtime rate for each call-back. If the employee is no longer needed and at the employee's request, he/she can leave the work location and be paid at overtime rates for time actually worked. When called back, the canine officer and Detectives will receive a minimum of two

hours pay at the overtime rate regardless of the number of hours actually worked. All hours worked in excess of the minimum call back shall be paid at overtime rates.

ARTICLE 15.00 NIGHT DIFFERENTIAL - POLICE OFFICERS, POLICE SERGEANTS & RECORDS MANAGER

The Employer shall compensate Police Officers, Police Sergeants and Records Manager who on a regularly scheduled basis work fifty percent (50%) or more per month of their time on swing or graveyard shift, a night differential pay of \$.50 per hour for hours worked on swing shift, and \$.75 per hour for hours worked on graveyard shift. Temporary assignments or emergency assignments for a short period of time and not on a regularly scheduled basis shall not be eligible for night differential pay.

ARTICLE 16.00 COURT APPEARANCES.

Any employee who is required to testify in court in connection with an employee's usual, official duties, or in connection with a case in which the City is a party, during his normal working hours shall be allowed to do so without any loss of pay. For hours in court outside of normal assigned duty hours, employees shall be compensated for a minimum of four (4) hours pay at time and a half pay. If notice of cancellation is made to employee either through the recorded telephone message from the court or from the officer's personal voice mailbox by 6:00 p.m. the day prior to scheduled appearance, no payment will be made.

ARTICLE 17.00 TRAINING COMPENSATION.

Those positions designated by the Police Chief as Field Training Officer shall receive an additional five percent (5%) of salary, or pro-rated portion thereof, per month for the period actually engaged in training.

ARTICLE 18.00 SPECIALTY PAY

18.01 Individuals assigned to the Detective Bureau shall be additionally compensated at the rate of five (5%) percent of base pay for performing detective duties. It is understood that this assignment is a rotational one and movement from the Detective Bureau shall not be considered a disciplinary action unless done for disciplinary reasons.

18.02 Police Officers assigned as Canine Officers will receive additional compensation at the rate of five (5%) percent of base pay for the care and maintenance of their dog, whether the actual time is slightly more or less than that. The parties mutually agree that this is adequate for care and maintenance.

18.03 Longevity Pay: Upon completing 10 continuous years of service with the City, all employees covered by this MOU will receive additional compensation of five (5) percent of base pay.

ARTICLE 19.00 ADDITIONAL COMPENSATION

19.01 FOR TEMPORARY ASSIGNMENT TO A HIGHER LEVEL VACANCY.

An employee specifically assigned on a temporary basis to a higher level position shall be compensated at the pay rate for the higher level position if the service in such position exceeds a total of twenty days at any one time in any twelve-month period, which payment shall be retroactive to the first day of such services; provided, however, that the employee meets the minimum qualifications for the higher level position and the full range of duties of the higher level position is assigned. The out-of-title pay level shall be the lowest step of the salary schedule of the temporarily assigned position that will provide a salary increase of at least 5%.

19.02 POSITIONS DESIGNATED BILINGUAL.

Upon the recommendation of the Police Chief or his designated representative and the approval of the City Manager, no more than two persons occupying a position designated as requiring fluency in a language other than English shall receive an additional five percent (5%) of salary.

ARTICLE 20.00 LEAVES OF ABSENCE

20.01 LEAVE MAY NOT EXCEED ONE YEAR.

A leave of absence without pay may be granted by the City Manager upon the request of the employee seeking such leave. Each request will be evaluated on a case-by-case basis.

20.02 NO LEAVE TO ACCEPT OUTSIDE EMPLOYMENT.

A leave of absence without pay may not be granted to a person accepting either private or public employment outside the service of the City of Capitola.

20.03 MILITARY LEAVE.

The Employer agrees to provide employees all military leave benefits guaranteed under federal, state and case law.

20.04 LEAVE FOR JURY DUTY.

Leave of absence with pay shall be granted to a person while serving on jury duty, including time spent going to and from court and serving on jury duty. Any jury fee awarded to such person shall be deposited with the City Treasurer. Any person assigned to an afternoon or evening shift shall be entitled to equal time off leave with pay from his or her next regularly scheduled shift for all time spent while going to and from court and serving jury duty.

ARTICLE 21.00 VACATION SCHEDULE.

21.01 Effective 12/1/00, all employees in this unit shall accrue vacation as set forth in the following chart. The rates shown are for full time employees. On the effective date of this plan, all employees in the unit are full time. If a position hereafter is occupied on less than a full time basis, the rates of accrual will be adjusted as set forth in Section 4 (b) of the attached standard provisions. The rate at which vacation accrues is not affected by whether or not overtime is worked in a pay period. Vacation accrues while on sick leave, except that it does not accrue after the date of separation. Employees working 4/10 schedules and those working 5/8 schedules will both be debited for 40 hours of vacation for each complete week (Sunday through Saturday) of vacation taken. For partial weeks, a 4/10 employee will be debited 10 hours for each day of vacation taken that the employee would have been scheduled to work if vacation had not been taken; 8 hours for 5/8 employees.

Year of Service	Number of Hours/Years
1	80
2	80
3	100
4	100
5	120
6	130
7	140
8-9	150
10-14	160
15-17	170
18-19	180
20+	200

An employee is in the first ‘year of service’ from the first through the 365th day of employment and (except leap years) on the 366th day is in the second year of service.

21.02 VACATION ACCUMULATIONS, MAXIMUMS, AND CASH OUT PROVISIONS
(See Section 12 of attached Standard Provisions)

21.05 VACATION ACCRUAL AND USAGE BEGINNING DATES

Vacation will begin to accrue as of the date of employment. An employee may take vacation upon the completion of one year of service.

21.06 MAXIMUM/MINIMUM ANNUAL VACATION LEAVE.

In all instances, the Employee shall have the right to take the earned equivalent of one year’s vacation accumulation at one time. In the event the Employee wishes to take more than one year’s accumulation, approval of the supervisor is required.

21.07 EFFECT ON LEAVE WITHOUT PAY ON VACATION CREDIT.

No vacation credit shall be earned during the period when an employee is absent on leave without pay.

21.07.01 WHEN VACATION MAY BE TAKEN - ALL EMPLOYEES BUT SERGEANTS AND RECORDS SUPERVISOR.

On December 1st of each year, the Patrol Captain and POA President will post a vacation schedule calendar. All such employees will pick one "major" block of vacation in order of seniority. All vacation picks will be made with regard to Section 21.07.03 of this Memorandum and current Department policy. The calendar will be submitted to the Patrol Captain no later than January 15th.

Other vacation requests will be submitted in accordance with current practice and seniority will prevail in the event of conflicts between employees. The POA President and the Association will handle all conflicts.

21.07.02 WHEN VACATION MAY BE TAKEN - SERGEANTS AND RECORDS SUPERVISOR.

The Police Chief or his designated representative shall in each case determine when vacation leave may be taken. Sergeants and records supervisors shall be allowed to divide their vacation leave in any calendar year into segments.

21.07.03 Seniority in the City service among employees in a classification and working unit, consistent with department operating requirements, shall be the basis on which vacation schedule conflicts are resolved. In any calendar year, the first such conflict' shall be resolved in favor of the most senior employee. Subsequent vacation schedule conflicts shall be resolved in favor of the most senior employee who has not, by virtue of his senior position, previously had such a conflict resolved in his favor during the calendar year. In the event of vacation schedule conflicts among such employees, all of whom have, by virtue of their senior positions, had such conflicts resolved in their favor during the calendar year, the senior employee who has had the least number of such conflicts resolved in his favor shall prevail. Vacation leave can be started on any day of the week.

21.08 RATE OF VACATION PAY

Compensation during vacation shall be at the rate of compensation that such person would have been entitled to receive if working at the time vacation occurs.

ARTICLE 22.00 SICK LEAVE

22.01 ACCRUAL

Effective with the first full pay period following Council ratification of this agreement, sick leave accrues at rate of 120 hours per year for sworn officers; and Community Service

Officers, and all unit employees working a 5/8 shift including Detectives and the Records Manager shall accrue ninety six (96) hours of sick leave per year. The rate at which 'sick leave accrues is not affected by whether or not overtime is worked in a pay period. As stated in Section 15 of the attached Standard provisions, "sick leave accrues on a prorated basis, based upon a 30 day month."

22.03 LABOR CODE SECTION 4850

Nothing in this article will be deemed to supersede Labor Code Section 4850.

22.04 SICK LEAVE USAGE

A 4/10 employee will be debited 10 hours for each day of sick leave taken that the employee would have been scheduled to work if sick leave had not been taken; 8 hours for a 5/8 employee.

22.05 MEDICAL REPORT.

To the maximum extent allowable under the Family and Medical leave Act and the Family Rights Act, the Police Chief, as a condition, of granting sick leave with pay, may require medical evidence of sickness or injury acceptable to the Police Chief, which may include a statement of diagnosis and treatment from a licensed physician or a medical clearance to return to work. Absent exceptional circumstances, no medical evidence will be requested for absences of three or less consecutive days.

22.06 EMERGENCY LEAVE. SICKNESS IN IMMEDIATE FAMILY.

Leave of absence with pay because of sickness or injury or disability in the immediate family of an employee may be granted by the Police Chief during the time reasonably necessary to care for the sick person or arrange for care of the sick person by others, but not to exceed the amount of accrued sick leave of such person. Time taken for leave of absence under the provisions of this subsection shall be deducted from the accrued sick leave of such person. For the purposes of this subsection "immediate family" means mother, step-mother, father, step-father, husband, wife, son, step-son, daughter, step-daughter, foster parent, foster child, or any person sharing the relationship of in loco parentis; and when living in the household of the employee, a brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law and grandparents. The chief's discretionary authority under this section does not lessen any employee rights under the FMLA or CFRA.

22.07 SICK LEAVE CASH OUT –

Sick Leave cash out rights and limitations are set forth in section 14 of the attached Standard MOU Provisions, subject to the following additional provisions. "Cashable sick leave," as used in this section, means the amount of sick leave that an employee could cash out under Section 14 of the attached Standard MOU provisions, if the employee's separation date was the date of the computation. Employees who have cashable sick leave

may cash out that sick leave, subject to the following provisions:

- A. Such accelerated cash out shall take the form of a contribution to the employee's deferred compensation account (presently administered by ICMA) and may not exceed the amount the parties believe is allowed tax-deferred treatment under applicable law.
- B. No accelerated cash out will occur until the three-year period that precedes employees "normal retirement date", as that term is used in deferred compensation plans. For the term of this agreement "normal retirement date" is age 50 for safety members (sworn officers) and age 55 for other employees.
- C. Under no circumstances will the amount converted exceed the amount of cashable sick leave, nor leave the employee with less sick leave than necessary to cover the waiting period of the applicable Employer provided Disability Insurance Policy.
- D. The City Manager, in reviewing requests pursuant to this section, could reject any request that the City Manager believes would leave the employee without an adequate amount of sick leave. "Adequate amount" means an amount of sick leave that would meet the purposes of sick leave, i.e., to adequately protect an employee from loss of monthly cash flow due to sickness or injury, after taking into account the employee's rights under the City-provided disability insurance policy and other relevant information.
- E. The City manager may reject such requests if he determines that the City has insufficient funds available.
- F. In addition to the cash out rights set forth in sub-section paragraphs A-E above, an employee with cashable sick leave, regardless of his/her normal retirement date, may cash out up to eighty hours of cashable sick leave for any fiscal year, provided a written request, specifying the number of hours, is delivered to the City Manager's Office no later than the April 15 that precedes the fiscal year of the payout. Payment will be made immediately after the City Council adoption of the budget for the fiscal year, or August 1, whichever is earlier. Any sick leave cashed out pursuant to any of the provisions of this section 22.07 will correspondingly reduce the total number of hours of cashable sick leave. (First Amendment dated 3/7/01)

22.07.01 SICK LEAVE CASH OUT FOR SPECIFIED EMPLOYEES

Administration of the Sick Leave Cash Out for those employees designated by the May 1, 1995 "Individual Sick Leave Maximum" agreement is detailed in the May 22, 2003 letter from the City Manger in Attachment E

22.08 DEATH IN IMMEDIATE FAMILY. (See Section 15 of Standard MOU provisions)

ARTICLE 23.00 WAGES (SEE ATTACHMENT F).

All wages for employees covered by this Agreement shall be paid in accordance with the provisions of the attached wage schedule and progression through the steps will be in accordance with section 6 of the attached standard provisions.

ARTICLE 24.00 GRIEVANCES

24.01 DEFINITION.

A grievance is defined as an allegation by an employee or group of employees that the Employer has failed to provide a condition of employment, which is established by law, Memorandum of Understanding, by written City or departmental rules, provided that the enjoyment of such right is not made subject to the discretion of the Police Chief or the Employer by the terms of this Memorandum of Understanding and, provided further, that the conditions of employment which is the subject matter within the scope of representation as defined in California Government Code Section 3504.

24.02 DEPARTMENT REVIEW AND ADJUSTMENT OF GRIEVANCES.

The following is the procedure to be followed in the resolution of grievances.

24.02.01 An employee having a grievance shall have the right to consult with and be assisted by a representative of his own choice in this and all succeeding steps of this subparagraph 23.02 and may thereafter file a grievance in writing with his immediate supervisor. Within five actual working days after receipt of any written grievance, the immediate supervisor shall return a copy of the written grievance to the employee with his answer thereto, in writing.

If the grievance is not resolved at the first level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Captain. The Captain shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this second level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Police Chief. The Police Chief shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this third level, the employee shall have five actual working days from receipt of the answer within which to file an appeal with the City Manager.

24.02.02 The City Manager shall have five actual working days in which to review, and if necessary, hold hearings, and answer the grievance in writing. Unless waived by the mutual agreement of the employee or his representative and the City Manager, a hearing is required at this step, and the employee, and his representative, shall have the right to be present at, and participate in such hearing. The time limit at this step may be extended by mutual agreement between the City Manager and the employee or his representative. The Union may, in its own name, file a grievance alleging that the Employer has failed to

provide it some organizational right which is established by law, provided that such right is not made subject to the discretion of the Police Chief or Employer. Such Union grievances shall be filed with the City Manager and heard and determined pursuant to the provisions of this step of the grievance procedure.

24.02.03 In the event that the grievance is not resolved at the City Manager's level, the Employee may, within ten (10) working days, request that the grievance be heard by the City Council.

24.03 EFFECT OF FAILURE OF TIMELY ACTION.

Failure of the employee to file an appeal within the required time limit at any step shall constitute an abandonment of the grievance. Failure of the Employer to respond within the time limit at any step shall result in an automatic advancement of the grievance to the next step.

24.04 LIMITATION ON STALE GRIEVANCES.

A grievance shall be void unless presented within twenty-one (21) calendar days from the day upon which the Employer has allegedly failed to provide a condition of employment, or within twenty-one (21) calendar days from the time at which an employee might reasonably have been expected to have learned of such alleged failure to provide. In no event shall any grievance include a claim for money relief for more than the twenty-one day period plus such reasonable discovery period.

24.05 EXCLUSION OF NON-RECOGNIZED ORGANIZATIONS.

For the purpose of this section, the provisions of Article 4.00 of this agreement shall not be construed to limit the employee's right of selection of a representative to the extent that the agents of any other employee organization which is not party to this agreement, are specifically excluded from so acting. In those cases in which an employee elects to represent himself or arranges for other representation, Association shall have the right to participate in the resolution procedure for the purpose of protecting the interest of its members in negotiated conditions of employment.

ARTICLE 25.00 DEPARTMENTAL VEHICLES AND EQUIPMENT.

25.01 Patrol Vehicles (Defined). Any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.

25.02 All necessary repairs and maintenance of vehicles (as defined 'in Section 25.01) shall be performed as necessary to insure the safety of the operator of the vehicle.

25.03 Under no circumstances will a Supervisor or the Department require an employee to operate an unsafe patrol vehicle or other equipment.

- 25.04 An employee may refuse to operate a vehicle that is unsafe. The watch commander shall determine the vehicle's condition upon an employee complaining of safety hazards. The patrol vehicle shall not be used until repaired if a determination is made of safety problems.
- 25.05 Routine maintenance of a patrol vehicle shall be no less than required by the manufacturer. Only high quality parts and tires will be used on the vehicles.
- 25.06 Capitola Police Officers' Association may review and make recommendations on any new patrol or emergency vehicle purchased or leased by the City for use by its members prior to putting out bids for purchase purposes.
- 25.07 Any equipment necessary for the safety of any operator shall be provided for the departmental vehicles.
- 25.08 All patrol vehicles will be fitted as nearly as practical with identical controls for activating emergency lighting, siren and communication equipment. As new equipment is purchased, every effort will be made to locate the controls in the same general area in the patrol vehicle.

ARTICLE 26.00 RETIREMENT - PUBLIC EMPLOYEES RETIREMENT SYSTEM.

- 26.01 Non-Sworn: The City participates in the Public Employees Retirement System (PERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. City agrees to provide 2.5% at 55 Retirement Plan for non-sworn employees in the Unit and the single-highest-year option. Each member of the bargaining unit agrees to a cap on the amount that the City will pay to PERS. The cap for existing employees is 16.488%. For all eligible employees hired on or after August 5, 2012 the City's PERS contribution rate shall be capped at no more than 11.488% of reportable salary. Once an employee hired on or after August 5, 2012 accrues five (5) years of total service, s/he shall be entitled to the same terms that apply to all other current employees. EPMC and the Value of EPMC will be the same for employees hired after August 5, 2012 as employees hired prior to that date.

All employees hired prior to August 5, 2012 the City's contribution cap shall remain as stated above at 16.488%.

- 26.02 Sworn: The City pays both employee and employer contributions to the plan and has the 3% at 50 program for safety employees. The parties understand that when the City's PERS Excess Assets have significantly decreased, the City's Total Employer Rate will increase: Each member of the bargaining unit agrees to a cap on the amount that the City will pay to PERS. The cap for existing employees is 28.291%. For all eligible employees hired on or after August 5, 2012 the City's PERS contribution rate shall be capped at no more than 23.291% of reportable salary. Once an employee hired on or after August 5, 2012 accrues five (5) years of total service, s/he shall be entitled to the same terms that apply to all other current employees. EPMC and the Value of EPMC will be the same for employees hired after August 5, 2012 as employees hired prior to that date.

All employees hired prior to August 5, 2012 the City's contribution cap shall remain as stated above at 28.291%.

- 26.03 Should at any time the PERS costs to the City exceed the percentages defined above, the employees agree that the portion of the employer paid employee costs or employer paid contributions will be reduced and assumed by the employee in an equal percent or any part of a percent that actual PERS costs exceed the above caps. If at any time the employer paid employee costs or employer paid member contributions are wholly paid by the employee and PERS costs continue to increase the employee will also assume those increases. It is agreed by the City and the Association that this provision expires with the termination of this Memorandum of Understanding and is open for negotiation for renewal of the next Memorandum of Understanding.
- 26.04 With regard to the "Amortization of Side Fund" portion of the employer rate, ie the portion of the employer rate attributable to the City's unfunded liability, if PERS should in the future decrease that rate as a direct result of a City payment to reduce the Side Fund, the City's cap would reduce by the percentage decrease that PERS identifies as resulting from the City payment. This also applies to the 2007 Capitola Pension Obligation Bond.
- 26.05 The City shall expeditiously implement the PERS Credit for Unused Sick Leave and employee paid Military Service Credit options.

ARTICLE 27.00 PHYSICAL EXAMINATIONS

City agrees to pay up to \$100 over the amount covered by the health insurance for an annual physical exam.

ARTICLE 28.00 FAMILY & MEDICAL LEAVE ACT OF 1993

The City shall follow the provisions provided for family leave as specified in the federal Family & Medical Leave Act of 1993 (FMLA), and the California Family Rights Act (CFRA) as they apply to public employers.

ARTICLE 29.00 MISCELLANEOUS

- 29.01 POA agrees to waive the Police Department's past practice of giving a 30-day notice for the current shift change.
- 29.02 During the term of this agreement, each sworn employee that, in response to the Chief's directive, purchased a tape recorder before 2/15/01 will be reimbursed up to forty (\$40) of the recorder's cost. After that date the City will choose between either supplying such recorders, or reimbursing the employee up to \$40 for such recorders.

ARTICLE 30.00 SAVINGS CLAUSE.

If any provision of this Agreement shall be held invalid by operation of law or by any court of competent jurisdiction, or if compliance with enforcement of any provision shall be restrained by any tribunal the remainder of this Agreement shall not be affected thereby, and the parties shall enter into negotiations for the sole purpose of arriving at a mutually satisfactory replacement for such provision.

ARTICLE 31.00 ENACTMENT

This Memorandum will be effective on August 5, 2012.

CITY OF CAPITOLA

CAPITOLA POLICE OFFICERS' ASSOC.

Jamie Goldstein
City Manager

Date

Date

CITY OF CAPITOLA

**STANDARD MOU PROVISIONS
ADDITIONAL MOU PROVISIONS**

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STANDARD MOU PROVISION

1. Effective date. August 5, 2012 through June 30, 2013

2. Wage Schedules/Hourly Rates

The wage schedules contained in, or attached to, this Memorandum of Understanding set forth the base pay, subject to such adjustments (such as longevity pay) as are specifically set forth in this MOU. Letters, such as "A" to "E", designate the respective pay steps for each position. The rates contained in the wage schedule do not include overtime or benefits

Whenever it is necessary to compute an hourly pay rate in order to apply any provision of this MOU, that will be done by multiplying any monthly rate by 12 in order to derive an annual rate, and dividing the annual rate by 2080 (or proportionate number of hours for part time positions, e.g., 1040 for a half-time position).

3. Service

The word "service" as used in this Memorandum of Understanding means continuous full-time service in the position in which the employee is being considered for salary advancement, service in a higher position, or service in a position allocated to the same salary schedule and having generally similar duties and requirements. A lapse of service of any employee for a period of time longer than thirty days by reason of resignation or discharge shall serve to eliminate the accumulated length of service time of such employee, and any such employee re-entering the service of the City shall be considered as a new employee.

4. Types of Appointment

The following types of appointment may be either full-time or part-time, as established by the City Manager.

a. Probationary appointment

A probationary appointment is for a specified period of time, during which job performance is evaluated as a basis for subsequent regular appointment

b. Regular appointments.

A regular appointment ordinarily follows successful completion of a probationary period. "Regular" means a position that is, regardless of the number of hours worked per week, intended to be continuous and uninterrupted (except for authorized paid or unpaid leave). Positions intended to be seasonal, of a limited term, on call only, emergency, intermittent, substitute, or on any other irregular basis are not "regular." The positions set forth in the wage schedule are all regular positions, and unless specifically stated, the pay rate is applicable to a full-time position. All positions

covered by this section are half time or more.

c. Acting appointments

An acting appointment occurs when an employee is temporarily assigned to, and performs all the duties of, a position other than the position he/she normally occupies, or when an employee is assigned an acting appointment pending evaluation of the employee's ability to perform the duties of the position.

d. Accruals for part time positions.

When a position is less than full time it will be classified by a fraction. For example "half-time" regular employment is expected to average 20 hours per week, "three-quarters" employment is expected to average 30 hours per week. Vacation accrual, sick leave accrual, Flex Plan contributions, holidays, personal holidays are paid or accrued according to these classifications. Thus, compared to a full time employee, a half-time employee, even if actual time occasionally exceeds or falls below 20 hours in a week, when compared to a full time employee: receives one-half the Flex Plan contribution; accrues one-half the number of hours of vacation or sick leave; and is paid for four hours on a holiday or personal holiday.

5. Beginning Salary Rates

A new employee's base pay shall be computed by using the rate shown as step "A" in the schedule allocated to the class of employment for which the employee has been hired, except that upon recommendation of the department head under whom the employee will serve and with the approval of the City Manager, such new employee may be employed at a higher step, depending upon the employee's qualifications.

6. Advancement Within the Schedule

The following provisions govern salary advancement within the schedule

a. Probationary advancement

Upon successful completion of probation, an employee (except an employee that was hired at the top step) will advance one step.

b. Regular Merit advancement

An employee, may be considered for advancement upon completion of the minimum length of service specified for step increases. Unless specifically otherwise stated, this will be 12 months for full-time appointments and proportionately adjusted for other appointments. For instance half-time appointments will be evaluated for regular merit adjustments every 24 months. Advancement to higher steps shall be granted only for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the duties of the position held.

c. Special Merit advancement

When an employee consistently demonstrates exceptional ability and proficiency in the performance of assigned duties, the supervising department head may recommend to the City Manager that said employee be advanced to a higher pay step without regard to the minimum length of service provisions contained in this MOU. The City Manager may approve and effect such advancement.

d. Denial of advancement

When an employee has not been approved for advancement to the next higher wage step, such employee may be reconsidered for such advancement after the completion of three months of additional service.

7. Promotion to New Position

When an employee is promoted to a position in a higher classification, such employee shall be assigned to step "A" in the appropriate schedule for the higher classification. However, if such employee is already being paid at a rate equal to or higher than step "A", he/she shall be placed in the step in the appropriate salary schedule which will grant such employee a salary increase of not less than 5%.

8. (Reserved)

9. Personnel Rules

The City retains the right to amend and create personnel rules, provided they are not in conflict with specific provisions of this MOU. Where appropriate, City will meet and confer with applicable employee group or groups (Government Code Section 3300 and following), before amending or creating new personnel rules.

10. Effective Date of Pay Increase

A merit pay advancement for an employee shall become effective on the first day of the pay period in which the minimum length of service has been satisfactorily completed. All other pay rate changes, except those given a specific calendar date herein, shall become effective at the beginning of a two week pay period as approved by the City Manager.

11. (Reserved)

12. Vacation

a. Accumulation

- (1) An employee may generally not accumulate more than, but instead each year must cash out pursuant to Section 12.c, below, all accumulated vacation in excess of 63 days (504 hours); except that

- (2) An employee who had accumulated more than 63 vacation days (504 hours) as of 6/30/94 may maintain that level: provided, however, that if accumulated vacation falls below 63 days (504 hours), the provisions of (a) (1), above, shall thereafter apply.

b. Vacation Cash Out On Termination

Upon termination, an employee shall be paid for all accumulated vacation to the separation date, at a rate equal to 100% of his/her current hourly pay rate. Alternatively, an employee may individually contractually establish, in writing, with the City Manager, mutually agreeable provisions regarding the timing and terms of the cash pay out.

c. Vacation- Mandatory Cash Out Before Termination

An employee who has accumulated more than 504 hours as of the last pay period in April of any year shall be paid in cash at a rate equal to 100% of his/her current hourly pay rate for all hours in excess of 504 except that such payment shall not exceed the employees annual vacation accrual amount These cash out payments will be included with the paycheck for the first full pay period in May.

13. (Reserved]

14. Sick Leave Cash Out

- a. AT TERMINATION, PRIOR TO 6/30/04: An employee, upon termination from City service having completed at least ten (10) years of continuous service with the City of Capitola, will, subject to subparagraph (b) through (g), receive payment for 100% of the accumulated, unused sick leave. Employees shall have the option of applying unused sick leave as a service retirement PERS credit. Employees may, with City Manager approval, individually contract regarding the timing of the pay offs.
- b. Any such sick leave cash out will be limited to 240 hours, subject to the following exception. An employee who accumulated more than the 240 hours of sick leave as of 6/30/94 is entitled to cash out that extra (i.e., over 240 hours) sick leave. However, if any portion of such extra sick leave is used after 6/30/94 and before the date of termination, it may not again be built up for cash-out purposes, except to the extent that it has fallen below 240, 180, 120, or 60 hours, respectively in accordance with subparagraphs (c)(d),(e),and (f).
- c. Effective July 1, 2004, the amount of time available for cash-out shall drop to one hundred and eighty (180) hours. Concurrently, employees with at least ten (10) years of service credit as of June 30, 2004, shall have the right, but not the obligation, to sell back to the City sixty (60) hours of sick leave, at 100% of employee's 2004/05 hourly pay rate.
- d. Effective July 1, 2005, the amount available for cash-out shall drop to one hundred and

twenty (120) hours. Concurrently, employees with at least ten (10) years of service credit as of June 30, 2005, shall have the right, but not the obligation, to sell back to the City sixty (60) hours of sick leave, at 100% of employee's 2005/06 hourly pay rate.

- e. Effective July 1, 2006, the amount available for cash-out shall drop to sixty (60) hours. Concurrently, employees with at least ten (10) years of service credit as of June 30, 2006, shall have the right, but not the obligation, to sell back sixty (60) hours of sick leave, at 100% of employee's 2006/07 hourly rate of pay.
- f. Effective July 1, 2007, the ability to cash-out shall end entirely. Concurrently, employees with at least ten (10) years of service credit as of June 30, 2007 shall have the final right, but not the obligation, to sell back sixty (60) hours of sick leave, at 100% of employee's 2007/08 hourly rate of pay.
- g. Cash out shall not be available for employees hired after 6/30/98.

15. Sick Leave Accrual

Sick leave accrues on a pro-rated basis, based upon a 30-day month.

16. Bereavement Leave

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

17. FMLA and CFRA

The City shall follow the provisions provided for family leave as specified in the federal Family & Medical Leave Act of 1993 (FMLA), and the California Family Rights Act (CFRA) as they apply to public employers.

18. Leave of Absence Without Pay

A leave of absence without pay may be granted by the City Manager upon the request of the employee seeking such leave, but such leave shall not be for longer than one year.

19. Accruals after Date of Separation

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

Flex Plan contributions, or the insurance described in Section 20.

BENEFITS

(Regarding benefits available to part time employees, see Section 4, above.)

20. Insurance.

The City will continue to provide term life insurance in the amount of \$50,000 and long-term disability insurance.

21. Mileage Reimbursement

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

MISCELLANEOUS

22. Drug Policy

The City is implementing its “Drug Free Workplace Policy.”

23. Fair Labor Standards Act

All positions included in this Memorandum of Understanding are covered by appropriate sections of the Fair Labor Standards Act of 1935, as amended.

24. Grievance Defined

A grievance is defined as an allegation by an employee or group of employees that the employer has failed to provide a condition of employment, which is established by law, the terms of this MOU, or by written City or departmental rules, provided that the enjoyment of such right is not made subject to the discretion of the employer by the terms of this MOU and, provided further, that the condition of employment which is the subject matter is within the scope of representation as defined in California Government Code Section 3504.

25. Layoff Procedures:

Layoffs shall be governed by Personnel Rule 12, in addition, all sworn members of this unit, if being reinstated after a layoff, must be certified by a physician as able to fully perform the duties of the sworn position. The member may choose their own physician, or at the member’s request the City will pay for its choice of physician . The sworn member must have a current basic POST certificate prior to reinstatement.

Departmental Order No. 2

MANPOWER DEPLOYMENT

Effective Date: December 15, 1987

Policy Statement: To establish minimum staffing levels and holiday staffing levels which will ensure the security of the citizens of Capitola and the safety of the officers of Capitola Police Department. Additionally, this policy defines the procedure to be used when going "out-of-service" for any reason and the procedure to be used when taking breaks as defined in the Memorandum of Understanding.

I. Minimum Staffing:

- A. The minimum number of patrol personnel on duty will be two, including the Supervisor or OIC.
- B. To ensure adequate supervision between the hours of 0300-0700, at least one officer with the status of Field Training Officer (FTO), Senior or Master Officer as defined in Personnel Directive No. 4, shall be assigned to the graveyard shift. An Field Training Officer (FTO) acting in the capacity of OIC will receive FTO pay, up to \$85 a month, for that period of the month, which they act in an OIC capacity. Only one FTO per team is eligible to receive OIC pay per shift or pay period.
- C. At any time a Sergeant is not on duty, the highest-ranking FTO, Senior or Master Officer on duty will be designated as the Officer in Charge. The Officer in charge will be responsible for overseeing the smooth operation of patrol functions, which include reviewing and approving reports.

II. All employees are to report, ready for duty, at the time assigned.

III. Holiday Staffing

A. No time off will be granted to patrol personnel on the following holidays or holiday weekends:

- 1. New Year's Eve
- 2. Halloween

Departmental Order No. 2

3. Art and Wine Festival (Saturday & Sunday)
4. Labor Day Weekend (Friday, Saturday, Sunday, & Monday)
5. Begonia Festival Nautical Parade weekend (Friday, Saturday, Sunday)
6. Memorial Day Weekend (Friday, Saturday, Sunday, & Monday)
7. July 4th if it falls on a Friday, Saturday, Sunday, or Monday, then, no time off will be granted Friday, Saturday, Sunday or Monday.

B. Overtime shifts will be worked by officers on the following holidays:

July 4th

Both teams work, unless the summer schedule is in effect.

Wharf-to-Wharf Race

Both teams day shift.
Both teams cover shift.

Begonia Festival Weekend

Team I graveyard shift work Saturday 2100-0100
Team I swing shift work Saturday 1700-0100
Team II day shift work Sunday 1100-1500
Team II cover shift work Sunday 1100-1500

C. It will be the responsibility of the individual submitting the request to determine whether time-off requests are in conflict with this policy. Errors made in granting time off in conflict with this policy will be resolved by canceling the time off in order to maintain staffing levels.

Departmental Order No. 2

IV. Going Out-Of-Service

All uniformed personnel will advise the dispatcher by radio of location and/or telephone number when going out-of-service for any reason, even though they have a walkie-talkie in their possession.

V. Location and Number of Units Taking Breaks

- A. Uniformed personnel will not go beyond the limits on the attached map for breaks and will not leave the city limits for breaks without the permission of their supervisor. Officers intending to take a break will obtain permission from their supervisor and advise dispatch, by radio, of their status and location. Uniformed personnel will not make any discretionary trips outside the city limits, without express permission from their supervisor when there are only two patrol personnel on duty.
- B. No more than two units will be permitted out on breaks at the same time, except with the sergeant's permission.



Chief of Police

Revised: 12/26/90, 5/14/91, 11/1/91, 5/24/93, 5/21/95, 7/1/97, 2/26/01,
8/24/01, 9/21/01, 9/03/03

EDUCATIONAL INCENTIVE PARTICIPANTS
AS OF AUGUST 5, 2004

The individuals on this list are eligible for 100% Education Incentive Program reimbursement as detailed in Article 13.01 of the Police Officers' Association, Memorandum of Understanding dated July 1, 2004 – June 30, 2005.

Kal Drechsler

Brian Martin

Todd Mayer

James Murphy

Jason Smith

Personnel Directive No. 4

CAREER OFFICER PROGRAM

Effective Date: November 15, 1988

Policy Statement: To develop a meaningful career officer program intended to encourage officers to develop their professional experience through education and training, coupled with competent job performance.

I. Senior Officer I

A. Insignia

1. Corporal stripes on all shirts and jackets.

B. Qualifications

1. Five years with the Capitola Police Department as a full-time sworn Police officer, and
2. An "Effective - Meets Standards" annual evaluation for the previous three years, with no checklist factors marked below meets standards@ for the previous year, and
3. At least 30 college semester units (academy units included).

C. Selection

1. The officer shall send a memo requesting the designation to his/her immediate supervisor.
2. The supervisor will determine whether the officer meets the criteria for the position and make recommendations to the Division Captain.
3. The Division Captain will review the recommendations and send the information to the Chief of Police for final approval.

D. Responsibilities

1. The officer must maintain "Effective - Meets Standards" annual evaluations, with no checklist factors marked below meets standards.
2. The officer will provide guidance and/or training to other officers as needed.

Personnel Directive No. 4 - 2

I. E. Removal

1. Upon receipt of one "requires Improvement checklist factor," the officer must achieve a "meets standards" in all check list factors in the officer's next evaluation to retain the "Senior Officer I" status.
2. Upon receipt of one "Not Satisfactory" evaluation, the Chief of Police may remove the status.
3. The status may be removed at the discretion of the Chief of Police.

F. Reinstatement

1. The officer must qualify again.

II. Senior Officer II

A. Insignia

1. Corporal stripes on all shirts and jackets.

B. Qualifications

1. Eight years with the Capitola Police Department as a full-time sworn Police Officer, and

Exception: A lateral entry officer, at the discretion of the Chief of Police, may use 50 percent of prior service towards this achievement.

2. Possess an Intermediate P.O.S.T. Certificate, and
3. An "Effective - Meets Standards" annual evaluation for the previous three years with no checklist factors marked below "meets standards" and
4. Must meet the requirements set forth for "Senior Officer I."
5. Minimum of one year as a Senior Officer I immediately prior to application.

Personnel Directive No. 4 - 3

II. C. Selection

1. The officer shall send a memo requesting the designation to his/her immediate supervisor.
2. The supervisor will determine whether the officer meets the criteria for the position and make recommendations to the Division Captain.
3. The Division Captain will review the recommendations and send the information to the Chief of Police for final approval.

D. Responsibilities

1. The officer must maintain "Effective - Meets Standards" evaluations; with no checklist factors marked below "meets standards".
2. The officer will provide guidance and/or training to other officers as needed.
3. Will act as the O.I.C. in the absence of a sergeant or master officer.
4. May perform other supervisory duties as directed by the division captain.

E. Removal

1. Upon receipt of one "requires improvement" checklist factor, the officer must achieve "meets standards" in all checklist factors by the next evaluation to retain the "Senior Officer II" status.
2. Upon receipt of one "Not Satisfactory" evaluation, the Chief of Police may remove the Senior Officer II Status.
3. The status may be removed at the discretion of the Chief of Police.

F. Reinstatement

1. The officer must qualify again.

Personnel Directive No. 4 - 4

III. Master Officer

A. Insignia

1. A Capitola Police Officer badge with the title "Master Officer."
2. Gold and black corporal's stripes with star on all shirts and jackets.

B. Qualifications

1. Twelve years with the Capitola Police Department as a full-time sworn Police Officer, and

Exception: A lateral entry officer, at the discretion of the Chief of Police, may use 50 percent of prior service towards this achievement.

2. Possess an Advanced P.O.S.T. Certificate, and

3. An "Effective - Meets Standards" annual evaluation with no checklist factors marked below "meets standards" for the previous five years, and

4. Must meet the requirements set forth for "Senior Officer II."

5. Minimum of two years as a Senior Officer II Immediately prior to application.

C. Selection

1. The officer shall send a memo requesting the designation of his/her immediate supervisor.
2. The supervisor will determine whether the officer meets the criteria for the position and make recommendations to the Division Captain.
3. The Division Captain will review the recommendations and send the information to the Chief of Police for final approval.

Personnel Directive No. 4 - 5

III. D. Responsibilities

1. The officer must maintain "Effective - Meets Standards" annual evaluations, with no checklist factors marked below "meets standards" and maintain the high standard which earned their appointment to this status.
2. The officer must exhibit leadership qualities and provide guidance and/or training to other officers as needed.
3. The officer will be the O.I.C. in the absence of a supervisor. If two Master Officers are working the supervisor's responsibility will be determined by the date of appointment to Master Officer.
4. The officer may be assigned as an acting supervisor, and other supervisory duties as directed by the division captain.

E. Removal

1. Upon receipt of one "requires improvement" checklist factor on the officer's evaluation, the officer must achieve a "meets standards" in all checklist factors by the next evaluation.
2. Upon receipt of a "Not Satisfactory" evaluation, the Chief of Police may remove the Master Officer status.
3. The status may be removed at the discretion of the Chief of Police.

F. Reinstatement

1. The officer must achieve two consecutive years of "Effective Meets Standards" evaluations, with no checklist factors marked below "meets standards," and the badge may be reissued.

IV. Executive Appointments

- A. The aforementioned criteria is established as a guideline for staff personnel to utilize in evaluating officer qualifications. The Chief of Police, however, has the discretion to make appointments as deemed necessary to fulfill the departmental mission.

Richard J. Ehle
Chief of Police

CITY OF CAPITOLA

Office of the
City Manager

MEMORANDUM

TO: Affected Employees and File

FROM: City Manager

DATE: May 22, 2003

SUBJECT: Section 14. of the Standard MOU Provision—Sick Leave Cash Out

This memorandum further explains section 14. of the Standard MOU provisions and is based upon a meeting the City Manager had with a group of affected employees. The information in this memorandum will be used to interpret section 14 and if there is any actual or perceived conflict between this memorandum and the language of section 14, this memorandum shall prevail.

1. When charging time against accumulated sick leave the hours last accumulated shall be first used. For example, if an employee has 500 hours of cashable sick leave as defined in section 14, and an additional accumulation of 250 hours of non cashable sick leave hour which have been acquired after the cashable hour were acquired, any sick leave taken shall come first from the 250 non cashable hours, until the non cashable sick leave is completely consumed.
2. With regard to sick leave hours accumulation there are several types of employees. One set of employees are those hired after 6/30/98. These employees cannot accrue cashable sick leave nor have they ever accrued cashable sick leave.
3. A second set of employees are those who have accumulated more than 240 hours of sick leave as of 6/30/94 and who have been employed for at least ten years. These employees are identified by name on a list maintained by the Executive Assistant to the City Manager, and these employees have their cashable sick leave capped at the amount accumulated on that 6/30/94 date, and this amount of cashable sick leave shall remain as cashable sick until: 1) all or any portion of the cashable sick leave is cashed out, in which case the amount of accumulated cashable sick leave hours is permanently reduced by the amount of hours cashed out and shall not ever be increased; 2) all or any portion of the cashable sick leave is reduced through use, in which case the amount of cashable sick leave hours is permanently reduced by the number of hours used and shall not ever be increased; 3) termination, at which time all remaining cashable sick leave shall be cashed out, unless an agreement to extend the period of cash out is reached between the City and employee.
4. There is another category of employees who on 6/30/94 had 240 or less hours of accumulated sick leave, or who were employed on or before 6/30/98 and will have at least ten years of continuous service with the City. These employees can accumulate a maximum cap of 240 hours of cashable sick and are subject to the reductions in this maximum cap and other associated provisions identified in subparagraphs 14.c through 14.f of the Standard MOU provisions.

CITY OF CAPITOLA
 INDIVIDUAL SICK LEAVE CAPS
 APRIL 2007 (before 2007 cash-out)

GENERAL EMPLOYEES (Non-safety employees)

Arroyo, Barbara	115.18	40.05 ^{lowest} balance
Downey, David	119.74	60 = 59.74
Kostelec, Daniel	83.10	60 = 23.10
Turcotte, Jim	18.05	60 = 0
Total	336.07	

~~122.89~~

POLICE EMPLOYEES

Martin, Brian	1,398.87	(cashing out per agreement over 3 year period; 2005-07)	Retired
Held, Thomas	517.68	- Captain	
Ink, Bruce			Retired
Mayer, Todd	1,203.96		Retired
Ward, Brad	347.96		Retired
Total	4,044.97	2,069	

If sick leave falls below 2007 balance the new lowest balance becomes cashable amount.

ATTACHMENT F

POA Salary Schedule							
August 5, 2012	Step A	Step B	Step C	Step D	Step E	Step F	
Community Service Officer	\$ 4,337	\$ 4,554	\$ 4,782	\$ 5,022	\$ 5,274	\$ 5,538	
Police Officer	\$ 5,478	\$ 5,752	\$ 6,040	\$ 6,342	\$ 6,660	\$ 6,993	
Records Manager	\$ 4,997	\$ 5,247	\$ 5,510	\$ 5,786	\$ 6,076	\$ 6,380	
Sergeant	\$ 6,710	\$ 7,046	\$ 7,399	\$ 7,769	\$ 8,158	\$ 8,566	

**SIDE LETTER
BETWEEN
CITY OF CAPITOLA AND
CAPITOLA POLICE OFFICERS ASSOCIATION, REPRESENTED BY
LIUNA, LOCAL 270**

WHEREAS, the City of Capitola (City) and Capitola Police officers Association (CPOA), represented by LIUNA, Local 270 (collectively, the Union) previously entered into a Memorandum of Understanding (MOU) with effective dates July 1, 2005 through June 30, 2008; and

WHEREAS, the current MOU provides for the City to provide non-sworn employees represented by LIUNA/CPOA to receive the 2% at 55 California Public Employee Retirement System (PERS) retirement benefit, with a cap on the City's cost obligation to PERS of 24.88% for non-sworn employees and with non-sworn employees to be responsible to pay any costs associated with an increase in the PERS rates in excess of 24.88%; and

WHEREAS, the current MOU also states as follows:

"Should at any time the PERS cost to the City exceed the percentages defined above, the employees agree that the portion of the employer paid employee costs or employer paid contributions will be reduced and assumed by the employee in an equal percent or any part of a percent that actual PERS costs exceed the above caps. If at any time the employer paid employee costs or employer paid member contributions are wholly paid by the employee and PERS costs continue to increase the employee will also assume those increases. It is agreed by the City and the Association that this provision expires with the termination of this Memorandum of Understanding and is open for negotiation for renewal of the next Memorandum of Understanding."

"The City shall expeditiously implement the PERS Credit for Unused Sick Leave and employee paid Military Service Credit options."

WHEREAS, the City and Union have met and conferred in good faith regarding enhancement of the City's PERS contract from 2.0% at 55 to 2.5% at 55 subject to the conditions set forth in this Side Letter.

IT IS HEREBY AGREED AS FOLLOWS:

1. The City and Union have agreed to enhance the City's retirement benefits contract with PERS for Miscellaneous employees from the current 2.0% at 55 formula to the 2.5% at 55 formula, to be effective the first full pay period in January 2008, subject to the City's other Miscellaneous bargaining units agreeing to the PERS enhancement, and subject to the Miscellaneous employees approving the PERS enhancement in a PERS election. If the PERS enhancement is approved in a PERS election, then beginning the first full pay period in January 2008 with implementation of the 2.5% at 55 enhanced benefit, employees would be required to pay any PERS cost amount in excess of 24.88%

Side Letter Between
City of Capitola and LIUNA/CPOA
Page 2

of salary, which is the current FY 2006-07 rate under the 2.0% at 55 program. (If the PERS enhancement is not approved in a PERS election, there shall be no change to the existing agreement and obligation of the City and employees with respect to retirement benefits.)

2. The City and Union will take all necessary actions, including an employee election, filing paperwork with PERS and any other applicable organizations, and adopting any required resolutions, to effectuate the PERS contract amendment from the 2.0% at 55 plan to the 2.5% at 55 plan and to ensure that the employee's payments to PERS, if any, will be tax exempt to the extent permitted by law.

3. In connection with the PERS enhancement from 2.0% at 55 to 2.5% at 55, the City also will amend its contract with PERS to modify the employee member paid contribution (EMPC) from 7.0% to 8.0%. This change will not impact the City's cap of 24.88%.


4. In connection with the PERS enhancement from 2.0% at 55 to 2.5% at 55, the City also will report total employee PERS cost-sharing contributions into the employees' individual retirement accounts. The City will contract with PERS to establish a cost-sharing program and adopt resolution(s) as/if required to accomplish this reporting. This agreement to contract with PERS to establish a cost-sharing program shall not impact the City's cap of 24.88%.

5. With regard to the "Amortization of Side Fund" portion of the employer rate, i.e. the portion of the employer rate attributable to the City's unfunded liability, if PERS should in the future decrease that rate as a direct result of a City payment to reduce the Side Fund, the City's cap of 24.88% would reduce by the percentage decrease that PERS identifies as resulting from the City payment.


6. The "Single Highest Year" option shall, for the duration of this MOU, continue to be an existing feature of the Plan benefit provided employees

7. PERS Credit for Unused Sick Leave option and PERS Credit for Military Service Option are existing features of the plan.

8. The parties understand and agree that this Side Letter shall not be operative unless and until approved by the Capitola City Council.



Leslie Scanagatta
LIUNA, Local 270, for the
Capitola Police Officers Association



Richard Hill
City Manager
Cit of Capitola

Dated: 12/14/06

Dated: 12/19/06

**SIDE LETTER
BETWEEN
CITY OF CAPITOLA AND
CAPITOLA POLICE OFFICERS ASSOCIATION,
REPRESENTED BY LIUNA/UPEC, LOCAL 792**

WHEREAS, the City of Capitola (City) and Capitola Police Officers Association (CPOA), represented by LIUNA/UPEC, Local 792 (collectively, the Union) have met and conferred in good faith regarding salary & benefit increases and working conditions; and

WHEREAS, the City and the Union have agreed on a new MOU with a term beginning on July 1, 2008 and expiring on June 30, 2011; and


WHEREAS, one of the items agreed upon is a longevity increase of five (5%) percent of base salary for ten (10) years of continuous service; and,

WHEREAS, it is understood that the reason the City agreed to the longevity specialty pay was to promote employee retention.

IT IS HEREBY AGREED AS FOLLOWS:

1. For the purpose of a unique situation where Sergeant Darrell Harrison was previously employed by the City for 14 years, separated from the City and then was reemployed in 2002, he will be eligible for the 5% longevity increase effective July 1, 2008.
2. The parties understand and agree that this Side Letter shall not be operative unless and until the Memorandum of Understanding is approved by the Capitola City Council.

Capitola Police Officers Association



Darrell R. Harris



Richard Hill (UPEC)

Dated: 7-1-08

City of Capitola



Richard Hill, City Manager

Dated: 7/2/08

**SIDE LETTER
BETWEEN
CITY OF CAPITOLA AND
CAPITOLA POLICE OFFICERS ASSOCIATION,
REPRESENTED BY LIUNA/UPEC, LOCAL 792**

WHEREAS, the City of Capitola (City) and Capitola Police Officers Association (CPOA), represented by LIUNA/UPEC, Local 792 (collectively, the Union) have met and conferred in good faith regarding salary & benefit increases and working conditions; and

WHEREAS, the City and the Union have agreed on a new MOU with a term beginning on August 5, 2012 and expiring on June 30, 2013; and

WHEREAS, the City and the Union recognize that due to the downturn of the economy, the opportunities to attend regular training sessions that are put on by other agencies on Wednesdays has been significantly reduced. The decline causes the Sworn Officers who report for duty for training purposes when there is no training available to utilize vacation hours.

IT IS HEREBY AGREED AS FOLLOWS:

1. To mitigate for the reduction in training opportunities, Sworn members of the POA will be granted 20 "Training Leave Hours" on August 5, 2012. The Training Leave Hours are not cashable and are not cumulative. All hours not used by June 30, 2013 will expire.
2. It is recognized that this is of limited duration and will expire with the MOU.
3. The parties understand and agree that this Side Letter shall not be operative unless and until the Memorandum of Understanding is approved by the Capitola City Council.

Capitola Police Officers Association

City of Capitola

Jamie Goldstein, City Manager

Dated: _____

Dated: _____



Item #: 8.D.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: PATRICIA WAKEFIELD EARLY RETIREMENT CONTRACT

RECOMMENDED ACTION:

1. That City Council direct the City Manager to execute the proposed Early Retirement Agreement with Patricia Wakefield on behalf of the City;
2. Amend the FY12/13 Budget by transferring \$39,000 from the City Managers Salary & Benefits budget to the Compensated Absences Fund, and
3. Authorize the City Manager to fill the vacant position up to 75% time.

BACKGROUND: The City has experienced negative budget impacts due to several significant events which include the depletion of the Reserve Funds to pay for the March 2011 disaster, loss of the Redevelopment Agency, and the prolonged economic downturn. The City is a service based organization which relies upon personnel to deliver those services, therefore the most significant cost to the General Fund is staffing. The City Receptionist was planning to retire in three years, but has agreed to retire early in August 2012 in exchange for \$39,000 which is the equivalent amount to purchase three years of CalPERS service time that the employee would have earned.

DISCUSSION: The Receptionist position is currently a full time position with a total cost to the City of \$70,000 annually. A potential plan to reduce the position to 75% time, and to hire an entry level staff person, will initially reduce staffing costs approximately \$30,000, with decreased saving in future years.

FISCAL IMPACT: The proposed Early Retirement Agreement will increase costs by approximately \$4,000 in the current fiscal year. Thereafter the net savings to the City will be between \$20,000 - \$30,000 year.

ATTACHMENT:

1. Early Retirement Agreement
2. Budget Adjustment

Report Prepared By: Lisa G. Murphy
Administrative Services Director

Reviewed and Forwarded
by City Manager: 

EARLY RETIREMENT AGREEMENT

This early retirement agreement ("Agreement") is entered into August 9, 2012 by and between the City of Capitola ("City") and its employee Patricia Wakefield ("Employee").

WHEREAS, Employee has been employed by the City since April 4, 1990;

WHEREAS, in accordance with the City's contract with the California Public Employee Retirement System ("PERS") and the City's Memorandum of Understanding with the Employee's bargaining unit, Employee is currently eligible to retire from City employment and receive retirement benefits from PERS;

WHEREAS, given the current economic circumstances being experienced by the City and the City's resulting need to curtail the expenditure of City funds including funds directed to the maintenance of the City's workforce, it is in the City's interest that Employee exercise Employee's prerogative to retire from City employment in the immediately foreseeable future;

WHEREAS, Employee is willing to accommodate the City by retiring from City employment sooner than Employee had planned on doing so under certain terms and conditions which are acceptable to City.

NOW THEREFORE, City and Employee hereby agree as follows:

1. Employee hereby agrees to retire from Employee's City employment with an effective retirement date of no later than August 17, 2012 ("Employee's Retirement Date"). Employee's signature on this Agreement constitutes Employee's official notice of retirement to the City and the City's signature on this Agreement constitutes the City's official acceptance of that retirement notice.
2. In consideration for Employee's agreement to retire as set forth in Paragraph 1, the City agrees to remit to Employee a payment of Thirty Nine Thousand Dollars (\$39,000) ("Retirement

Contribution”) payable in two installments as follows: \$34,000 in the Employee’s paycheck for the pay period ending August 18, 2012 and \$5,000 payable in the pay period ending January 19, 2013. Employee acknowledges that said Retirement Contribution is properly characterized as City employment compensation and hence subject to the same City withholding requirements to which the City must adhere with respect to Employee’s regular bi-weekly payroll payments.

3. In consideration for the City’s payment of the Retirement Contribution, Employee agrees to accept payment of compensation for accrued, but unused, vacation as of Employee’s Retirement Date and according to the attached Reconciliation schedule. Employee acknowledges that said periodic leave balance payments may be subject to the same withholding requirements as Employee’s regular payroll payments and the Retirement Contribution.

4. City and Employee agree that, upon Employee’s election to do so, City and Employee will cooperate with one another in establishing a deferred compensation plan relative to the Employee payments called for by this agreement (i.e., the Retirement Contribution and the accrued vacation leave payments) so as to reduce, to the extent legally authorized, Employee’s tax liability incurred in conjunction with the receipt of such payments. Possible deferred compensation plans may include, but are not limited to, a 457 Plan or 401(a) Plan established in cooperation with the International City Manager’s Association, an IRA or any other tax-deferral instrument. Employee shall be responsible for any administrative fees incurred in connection with the establishment of any such plan and Employee acknowledges that the City cannot, and does not, warrant the efficacy of any such plan to address the Employee’s specific economic needs. Employee is responsible for obtaining independent legal and tax planning advice in deciding to pursue such a deferred compensation plan, and concerning the economic advantages that the Employee can expect to realize from any such deferred compensation plan.

5. Attached is a Reconciliation Schedule that identifies the Retirement Contribution and the pay out of accrued leave, and other modifications to Employee's final compensation amount.

6. It is hereby understood and agreed that no promises, representations, understandings or warranties have been made by any party other than those which are expressly contained herein.

This Agreement constitutes the entire understanding of the parties on the subjects covered. The parties acknowledge and represent that they are voluntarily entering into this Agreement and that this Agreement shall be interpreted in accordance with the plain meaning of its terms.

Dated: _____

Dated: 8-3-12

APPROVED AS TO FORM:

John G. Barisone, City Attorney

Jamie Goldstein, City Manager
CITY OF CAPITOLA

Patricia Wakefield
Employee
Patricia Wakefield

RECONCILIATION SCHEDULE

All cash due Employee as identified in this schedule may be deposited in Employee's 401(a) or a 457 plan or a combination of contributions in each such plan, or a tax deferred Health Reimbursement Arrangement (HRA). It is Employee's responsibility to establish a valid plan that is eligible to receive any such deposit(s).

The following amount is due to Employee as may be adjusted in this schedule. Final Vacation Cash out may be calculated during Employee's last week of employment.

Early Retirement Payment	\$39,000
Final Vacation Leave Cash Out:	
<u>Hours on Retirement Date</u>	_____ <u>Hours</u>
Amount Due	

TOTAL DUE EMPLOYEE \$ _____

Payable as follows:

Included in employees paycheck ending August 18, 2012: Vacation Cash Out: \$ _____

August 24, 2012:

457 Plan: \$34,000

January 25, 2013

457 Plan: \$5,000

It is agreed that the above payout terms in this Reconciliation Schedule are acceptable.

Patricia Wakefield

Date

Jamie Goldstein
City Manager

Date

City of Capitola Budget Adjustment Form



Date 8/9/2012

Requesting Department City Manager

Administrative Council

Item # 8. D.
 Council Date 8/9/2012
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
2216-00-00-000-3910.100	Comp Absence-Trans In Gen Fun	39,000
Total		39,000

Expenditures		
Account #	Account Description	Increase/Decrease
2216-00-00-000-xxxx.xxx	Comp Absence-pymt to employe	39,000
1000-99-99-000-4910.206	Gen Fund-Transfer to Comp Abs	39,000
1000-10-11-000-4110-010	Wages-Ace	(39,000)
Total		39,000

Net Impact	-
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Purpose: To remove Receptionist Staffing cost (10 months) and
Transfer from General Fund to Compensated Absences for payout

Department Head Approval *Lisa Murphy*

Finance Department Approval _____

City Manager Approval _____



Item #: 8.E.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: CITY CLERK'S OFFICE

SUBJECT: COMMISSION ON THE ENVIRONMENT RECRUITMENT (COE)

RECOMMENDED ACTION: Accept the Commission on the Environment's recommendation to find one COE seat vacant, and approve request to proceed with recruitment for the vacancy of the unexpired term ending December 2012.

DISCUSSION: Council Member appointed Commission on the Environment member Uriah Langmeyer has not attended a meeting since his appointment on September 8, 2011. Formal communications by phone and email has not resulted in improved communications regarding his absence, nor improved attendance.

FISCAL IMPACT - None

ATTACHMENTS

1. Susan Westman's email on COE's recommendation

Report Prepared By: Michele Deiter, CMC
Records Coordinator

Reviewed and Forwarded
By City Manager: 

Deiter, Michele

From: Westman, Susan
Sent: Wednesday, July 25, 2012 11:24 AM
To: Deiter, Michele
Cc: Goldstein, Jamie
Subject: Commission on the Environment

Hi Michelle,

Uriah Langmeyer did not attend the Commission on the Environment meeting last night even though he said he would. He has not attended a meeting since September 2011. The Commission would like the City Council to remove him as a member and appoint someone new. He has not attended a meeting since They want the Youth Member to be open until filled. Susan



Item #: 8.F.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION ACTION MINUTES OF AUGUST 2, 2012

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ed Newman, Gayle Ortiz, Mick Routh, Linda Smith and
Chairperson Ron Graves
Staff: Consultant Susan Westman
Senior Planner Ryan Bane
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - NONE
- B. Public Comments - NONE
- C. Commission Comments - NONE
- D. Staff Comments - NONE

3. APPROVAL OF MINUTES

- A. July 5, 2012 Regular Planning Commission Meeting

APPROVED 5-0

4. CONSENT CALENDAR

- A. 4895 CAPITOLA ROAD #12-064 APN: 034-023-14**

Sign Permit for a wall sign and monument sign in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Handloff, filed 5/7/12

Representative: Mardeen Gordon

**CONTINUED TO THE SEPTEMBER 6, 2012 PLANNING COMMISSION MEETING 4-0
COMMISSIONER NEWMAN ABSTAINED.**

- B. 215 CAPITOLA AVENUE #12-083 APN: 035-231-07**

Sign Permit for a wall sign in the CV (Central Village) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Paul Ballantyne, filed 6/20/12

Representative: Bo Zimkowski

CONTINUED TO THE SEPTEMBER 6, 2012 PLANNING COMMISSION MEETING 5-0

5. PUBLIC HEARINGS

A. 205 SACRAMENTO AVENUE #12-013 APN: 036-125-03

Coastal Development Permit and Design Permit to discontinue a nonconforming mobile home park and construct a two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Owner: Peter Tiemann, filed: 2/6/12

Applicant: Frank Ho

APPROVED 5-0 WITH CHANGES:

Condition #9: The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Two 15-gallon trees shall replace each tree removed. Front yard landscaping shall be installed prior to final building occupancy.

Finding D: The Planning Commission finds that the Mello Act is not applicable for this project as the underlying R-1 Zoning does not allow for feasible replacement housing on site, nor does the City of Capitola have more than 50 acres of vacant private residential land in the coastal zone available for housing.

B. 205 SACRAMENTO AVENUE #12-014 APN: 036-125-15

Coastal Development Permit and Design Permit to discontinue a nonconforming mobile home park and construct a two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Owner: Peter Tiemann, filed: 2/6/12

Applicant: Frank Ho

APPROVED 5-0 WITH CHANGES:

Condition #9: The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Two 15-gallon trees shall replace each tree removed. Front yard landscaping shall be installed prior to final building occupancy.

Finding D: The Planning Commission finds that the Mello Act is not applicable for this project as the underlying R-1 Zoning does not allow for feasible replacement housing on site, nor does the City of Capitola have more than 50 acres of vacant private residential land in the coastal zone available for housing.

C. 1823 49th AVENUE #12-090 APN: 034-023-36

Fence Permit to construct a 6' stucco wall in the front setback for a single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Craig Sala, filed: 7/17/12

Representative: Bill Fisher

APPROVED 4-0 WITH CONDITIONS. 4-0. COMMISSIONER ORTIZ ABSTAINED.

D. 2265 41st AVENUE

#12-092

APN: 034-191-03

Design Permit to construct façade improvements to a medical office building, and a Sign Permit for wall signs in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Capitola ASCRE, filed: 7/19/12

Representative: Avila Construction, Inc.

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:50 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, September 6, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM PERTAINING TO SINGLE ROOM OCCUPANCY PARKING REQUIREMENT AND EMERGENCY SHELTERS

RECOMMENDED ACTION: Adopt two Resolutions authorizing staff to submit California Coastal Plan amendments for two Ordinances approved by City Council on April 12, 2012.

BACKGROUND: Typically the City Council is requested to approve Resolutions authorizing staff to submit changes to the California Coastal Commission with the second reading of Ordinances that affect the City Coastal Land Use Plan. Staff overlooked including these Resolutions when Ordinance No. 967 pertaining to parking requirement for single room occupancy, and Ordinance No. 968 pertaining to emergency shelters were approved.


DISCUSSION: Staff is requesting the City Council approve the attached two Resolutions authorizing the submittal amendments to the Coastal Commission.

FISCAL IMPACT: N/A

ATTACHMENTS:

1. Resolution authorizing submittal to the California Coastal Commission for the certification of an amendment to the Local Coastal Program pertaining to Emergency Shelters;
2. Resolution authorizing submittal to the California Coastal Commission for the certification of an amendment to the Local Coastal Program pertaining to Emergency Shelters.

Report Prepared By: Susan Westman
General Plan Coordinator

Reviewed and Forwarded
by City Manager: 

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE
CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM
AMENDING CHAPTER 17.36.040 OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO ADDING SUBSECTION H. EMERGENCY SHELTERS**

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City of Capitola's General Plan was adopted on September 29, 1989, and has been amended from time to time; and

WHEREAS, the City of Capitola reviews land use designations and zoning in order to regulate appropriate use of land and to protect the public health, safety, and welfare; and

WHEREAS, on December 18, 2009, in accordance with the California Environmental Quality Act (CEQA), a draft Initial Study and Negative Declaration were prepared for the City's Housing Element; and

WHEREAS, from December 18, 2009, through January 21, 2010, a 30-day review period was advertised in the paper and the draft report was available for review and no comments or questions were received during the review period; and

WHEREAS, on January 21, 2010, the Planning Commission reviewed the Initial Study and Negative Declaration for the Housing Element and recommended its adoption by the City Council, and the Negative Declaration concludes that no significant environmental impacts are associated with the project; and

WHEREAS, on February 3, 2010, the City Council adopted the Housing Element 2007-2014 which anticipated the adoption of a reasonable accommodation Ordinance; and

WHEREAS, the Planning Commission reviewed the draft Emergency Shelter Ordinance on October 22, 2011; and

WHEREAS, the City Council reviewed the draft Emergency Shelter Ordinance at its meeting held October 27, 2011, and directed modifications be made to the draft ordinance; and

WHEREAS, at its regular meeting held on March 22, 2012, the Ordinance adding Section 17.36.040 was passed to a second reading and was finally adopted by the City Council on April 12, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola hereby finds, as follows:

1. The City of Capitola intends to carry out this amendment to its Local Coastal Program in a manner fully consistent with the California Coastal Act.
2. This Local Coastal Program Amendment is consistent with the Local Coastal Land Use Plan and the Coastal Act.
3. The Local Coastal Program Amendment contained in Ordinance No. 968. Ordinance adding Section 17.36.040 H pertaining to emergency shelters of the Capitola Municipal Code in the City's Land Use and Zoning and Building Regulations, to require Consistency with the Local Coastal Program and Coastal Act, are hereby found to be in full conformance with the City of Capitola General Plan, the City of Capitola Local Coastal Program, and the provisions of the California Coastal Act and will secure the purposes of the Zoning Ordinance, the General Plan, and the Local Coastal Program, and is hereby authorized for submittal to the California Coastal Commission for certification.
4. This LCP Amendment will take effect automatically upon Coastal Commission approval; however, if the Coastal Commission modifies the amendment, modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Michael Termini, Mayor

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE
CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AMENDING
CHAPTER 17.51.130 TO THE CAPITOLA MUNICIPAL CODE PERTAINING TO PARKING
REQUIREMENT FOR THE SINGLE ROOM OCCUPANCY UNIT 400 SQUARE FEET OR LESS
IN THE CITY'S LAND USE AND ZONING AND BUILDING REGULATIONS**

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City of Capitola's General Plan was adopted on September 29, 1989, and has been amended from time to time; and

WHEREAS, the City of Capitola reviews land use designations and zoning in order to regulate appropriate use of land and to protect the public health, safety, and welfare; and

WHEREAS, on December 18, 2009, in accordance with the California Environmental Quality Act (CEQA), a draft Initial Study and Negative Declaration were prepared for the City's Housing Element; and

WHEREAS, from December 18, 2009, through January 21, 2010, a 30-day review period was advertised in the paper and the draft report was available for review and no comments or questions were received during the review period; and

WHEREAS, on January 21, 2010, the Planning Commission reviewed the Initial Study and Negative Declaration for the Housing Element and recommended its adoption by the City Council, and the Negative Declaration concludes that no significant environmental impacts are associated with the project; and

WHEREAS, on February 3, 2010, the City Council adopted the Housing Element 2007-2014 which anticipated the adoption of a Ordinance to advance single room occupancy; and

WHEREAS, the Planning Commission reviewed the draft Ordinance to advance single room occupancy on October 22, 2011; and

WHEREAS, the City Council reviewed the Ordinance to advance single room occupancy at its meeting held October 27, 2011, and directed modifications be made to the draft ordinance; and

WHEREAS, at its regular meeting held on March 22, 2012, the Ordinance amending Section 17.51.130 regarding single room parking standards was passed to a second reading and was finally adopted by the City Council on April 12, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola hereby finds, as follows:

1. The City of Capitola intends to carry out this amendment to its Local Coastal Program in a manner fully consistent with the California Coastal Act.
2. This Local Coastal Program Amendment is consistent with the Local Coastal Land Use Plan and the Coastal Act.
3. The Local Coastal Program Amendment contained in Ordinance No. 967. Ordinance amending Section 17.51.130 of the Capitola Municipal Code in the City's Land Use and Zoning and Building Regulations, to require Consistency with the Local Coastal Program and Coastal Act, are hereby found to be in full conformance with the City of Capitola General Plan, the City of Capitola Local Coastal Program, and the provisions of the California Coastal Act and will secure the purposes of the Zoning Ordinance, the General Plan, and the Local Coastal Program, and is hereby authorized for submittal to the California Coastal Commission for certification.
4. This LCP Amendment will take effect automatically upon Coastal Commission approval; however, if the Coastal Commission modifies the amendment, modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

ATTEST:

Susan Sneddon, City Clerk



Item #: 9.A.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: CONSIDERATION OF A VISITOR SERVICE FEE (TRANSIENT OCCUPANCY TAX)
MEASURE TO INCREASE THE FEE FROM 10% TO A HIGHER FIGURE FOR
NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION

RECOMMENDED ACTION: Council discretion to:

1. Adopt a Resolution amending the submission to the qualified electors of the City of Capitola by adding a question of a certain measure relating to Visitor Services Fee (Transient Occupancy Tax) at the Consolidated General Presidential Election on Tuesday, November 6, 2012, as called by Resolution No. 3912; and
2. Adopt a Resolution authorizing certain Council Members, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure; and
3. Provide direction whether a Resolution of Intent regarding uses of the potential tax revenue is necessary; and
4. Approve the revised timeline for filing arguments/rebuttals for the City Measure for submitting the impartial analysis, arguments for and against, and rebuttals to the arguments.

BACKGROUND: Over the last several months the City Council has held hearings to discuss a potential Visitor Services Fee (Transient Occupancy Tax - TOT) ballot measure for the November, 2012 election. In March the City Council adopted a resolution adding a permanent Quarter Cent Sales Tax Measure to the November General Election. At the July 26, 2012 City Council meeting staff was directed to prepare resolutions to add a measure to the ballot to increase the TOT from 10-12%. Those resolutions are attached.

DISCUSSION: The City currently imposes a 10% Visitor Service Fee (TOT). At tonight's hearing City Council has the option to adopt the resolutions as prepared, which would place a measure on the November ballot to raise the TOT to 12%, adopt resolutions to change the TOT to a different figure, or choose not to take any action and leave the TOT unchanged. Approval of the attached resolutions would:

1. Place a general purpose tax measure on the November, 2012 ballot to increase the TOT from 10% to 12% that requires a simple majority vote for adoption, and
2. Authorize certain Council Members, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations to file written arguments for or against the Measure and filing of rebuttal arguments for the Measure.

Also included in the requested action is to direct the City Manager whether a Resolution of Intent regarding uses of the potential tax revenue is necessary, and to approve the attached revised timeline for submitting the impartial analysis, arguments for and against, and rebuttals to the arguments.

The City Attorney has prepared an impartial analysis showing the effect of the measure on the existing law and operation of the measure pursuant to Elections Code Section 9280. The impartial analysis is printed preceding the arguments for and against the measure and is 500 words or less (Attachment 5).

The Santa Cruz County Conference and Visitor's Council (CVC) has expressed concern regarding the 2% point TOT increase, and has proposed a compromise to the various jurisdictions in the County. This compromise would constitute placing a 1% TOT increase on the November 2012 ballot, with an effective date as of July 1, 2013, with the understanding that the Santa Cruz County Conference and Visitor's Council (CVC) and the lodging industry would officially support and endorse the measure.

As part of the industry proposal, the CVC would, as of the end of this fiscal year, no longer request an annual contribution from the cities or the County for general countywide tourism promotion and coordination activities. Further, the lodging industry would seek an increase to the Tourism Marketing District (TMD) fee to make up for the funding loss, and the CVC would continue to administer the TMD on behalf of the lodging industry, and would continue to perform services for local jurisdictions using the new funding stream.

On Tuesday, July 24th, the Santa Cruz City Council voted to adopt a resolution to send before the voters an increase of 1% points in the City's TOT, bringing it to a total of 11%, with the attendant conditions described above. With some reluctance, the Council gave the City Manager administrative authority to substitute a measure that would place before the voters an increase of 2% points for a total TOT rate of 12% if the County Board of Supervisors determined to increase the TOT rate in the unincorporated area to 12%.

On August 7th the County Board of Supervisors is expected to take action on a potential TOT ballot measure, with a staff recommendation to increase the TOT to 11%, pursuant to the industry proposal. Watsonville and Scotts Valley are not expected to propose adjust their TOT at this time.

As identified at previous Council meetings, it is generally thought the inclusion of multiple measures to raise taxes on a single ballot tends to decrease the likelihood of any of the measures passing. The overall revenue impact from the proposed 0.25% increase in the sales tax rate is projected to generate nearly \$1,000,000 annually to the City. Staff recommends the City focus on the single sales tax ballot measure to maximize the likelihood it will pass. Alternatively, should the Council wish to adjust the TOT, staff suggests the City coordinate any TOT change with other local jurisdictions.

FISCAL IMPACTS: Previously the City Council has considered various potential TOT increases, some coupled with decreases in public funding for the Santa Cruz County Visitors Center (CVC) and the Capitola/Soquel Chamber of Commerce (Chamber). A 2% point increase to the TOT would raise \$180,000 per year.

The following table presents a few of the relevant budget line items:


	Revenue	Expenditure
2% points increase to TOT	\$180,000	
Fiscal Year 12/13 CVC funding		\$17,250
Fiscal Year 12/13 Chamber funding		\$22,500

ATTACHMENTS:

1. Resolution No. 3912 requesting consolidation with the November 6, 2012, Presidential General Election and the inclusion of a ballot measure imposing a permanent Quarter Cent Sales Tax Measure;
2. Draft Resolution amending the submission to the qualified electors of the City of Capitola by adding a question of a certain measure relating to Visitor Services Fee (Transient Occupancy Tax) at the Consolidated General Presidential Election on Tuesday, November 6, 2012, as called by Resolution No. 3912;

3. Draft Resolution authorizing certain Council Members, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations to file written arguments for or against the City Measure and filing of rebuttal arguments for the City Measure;
4. Revised timeline for filing arguments/rebuttals for City Measures;
5. Impartial Analysis prepared by the City Attorney;
6. August 2, 2012 Letter from the Santa Cruz County Conference & Visitors Council.

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

RESOLUTION NO. 3912

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ORDERING AN
ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, AND
REQUESTING CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION IN THE CITY OF
CAPITOLA ON TUESDAY, NOVEMBER 6, 2012**

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a city for submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for the statewide election, the city shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections office, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, at it is to appear on the ballot. Upon such request, the board of supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 6, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola hereby orders an election be called and consolidated with any and all elections also called to be held on November 6, 2012 insofar as said elections are to be held in the same territory or in a territory that is in part the same as the territory of the City of Capitola, and hereby request the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that the City Council of the City of Capitola hereby requests the Board of Supervisors to permit the Santa Cruz County elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department conduct the election for the following offices to be voted on at the November 6, 2012, election:

- Selection of two (2) Members of the City Council for the full term of four (4) years, and
- Selection of one (1) City Treasurer for the full term of four (4) years.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department shall conduct the election for the following Measure to be voted on at the November 6, 2012, election:


Shall a City of Capitola permanent sales tax increase of one quarter of one percent be adopted to pay for disaster recovery and to maintain general services including public safety and street improvements?	Yes	
	No	

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department is requested to print the measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 6, 2012, election, attached hereto as Exhibit "A". The cost of printing and distribution of the measure text will be paid for by the city.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk of the City of Capitola is hereby ordered and directed to cause said proposed ordinance and notice of election to be published in accordance with the provisions of the California State Elections Code.

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 22nd day of March, 2012, by the following vote:

- AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termin
- NOES: None
- ABSENT: None
- ABSTAIN: None


 Michael Termini, Mayor

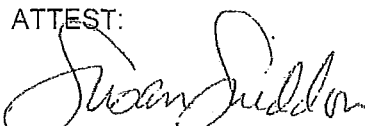
ATTEST:

 Susan Sneddon, City Clerk

EXHIBIT A (DRAFT ORDINANCE)

Measure to be voted on: City of Capitola Permanent Retail Transactions and Use Tax

DRAFT ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CAPITOLA IMPOSING A PERMANENT RETAIL
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF
EQUALIZATION**

THE PEOPLE OF THE CITY OF CAPITOLA, CALIFORNIA, DO ORDAIN AS
FOLLOWS:

Section 1. TITLE. This ordinance shall be known as the City of Capitola Permanent Retail Transaction and Use Tax Ordinance. The City of Capitola hereinafter shall be called "City". This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being set forth as below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a permanent retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of equalization in a manner that adapts itself fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transaction and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless

EXHIBIT A (DRAFT ORDINANCE)

so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the City at the rate of one quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance. This tax is in addition to, and not in lieu of, the one quarter of one percent (0.25%) temporary retail transactions and use tax imposed pursuant to Chapter 3.10 of the Capitola Municipal Code.

Section 6. PLACE OF SALE. For the purpose of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one quarter of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales and use tax regardless of the place to which delivery is made. This tax is in addition to, and not in lieu of, the one quarter of one percent (0.25%) temporary excise tax imposed pursuant to Chapter 3.10 of the Capitola Municipal Code.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provision of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made where:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

EXHIBIT A (DRAFT ORDINANCE)

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or,

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactors' permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempt from the consumption of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such an address is, in fact, his or her principal place of residence; and

EXHIBIT A (DRAFT ORDINANCE)

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale price of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of like for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transaction tax under any state-administered transaction and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For purposes of subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which the party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through a

EXHIBIT A (DRAFT ORDINANCE)

representative, agent, canvasser, solicitor, subsidiary, or person the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following" vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 23 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected hereby.

Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 16. CODIFICATION. Upon adoption of this ordinance pursuant to the voter approval, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this ordinance in the Capitola Municipal Code.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF CAPITOLA BY ADDING A QUESTION OF A CERTAIN MEASURE RELATING TO VISITOR SERVICES FEE (TRANSIENT OCCUPANCY TAX) AT THE GENERAL MUNICIPAL ELECTION IN THE CITY OF CAPITOLA ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 3912

WHEREAS, a General Municipal Election on Tuesday, November 6, 2012 has been called by Resolution No. 3912, adopted on March 22, 2012, and

WHEREAS, the City Council desires to amend Resolution No. 3912 by adding a Visitor Service Fee (transient occupancy tax) question;

Now, therefore, the City Council of the City of Capitola, does resolve, declare, determine and order as follows:

SECTION 1. That the City Council, pursuant to its right and authority, does order an amendment to Resolution No. 3912, by adding the following question on the General Municipal Election:

Shall the City of Capitola visitor services fee be increased from the current rate of 10% to 12% to pay for general City services including public safety, economic development and tourism, and social services?	Yes	
	No	

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department is requested to print the measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 6, 2012, election, attached hereto as Exhibit "A". The cost of printing and distribution of the measure text will be paid for by the City.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk of the City of Capitola is hereby ordered and directed to cause said proposed ordinance and notice of election to be published in accordance with the provisions of the California State Elections Code.

WHEREAS, the City Clerk of the City of Capitola published a notice of election, measure to be voted on, and notice to electors of date after which no arguments for or against a city measure may be submitted to the City Clerk in accordance with the provisions of the California State Elections Code;

BE IT FURTHER RESOLVED AND ORDERED that the measure herein directed for inclusion on the November 6, 2012 Ballot is in addition to those measures directed for inclusion on said ballot pursuant to Resolution No. 3912 adopted by the City Council on March 22, 2012.

RESOLUTION NO. ____

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 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

DRAFT

RESOLUTION NO.

EXHIBIT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 3.32.030 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO THE CAPITOLA VISITORS SERVICES FEE

THE PEOPLE OF THE CITY OF CAPITOLA, CALIFORNIA DO ORDAIN AS FOLLOWS:

Section 1. Section 3.32.030 of the Capitola Municipal Code is hereby amended to read as follows:

"3.32.030 Fee/tax imposed.

A. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a general tax in an amount of twelve percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax is not paid to the operator of the hotel, the fee administrator may require that such tax shall be paid directly to the fee administrator. The general tax revenues shall be placed in the city's general fund."

Section 2. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected hereby.

Section 3. EFFECTIVE DATE. This ordinance relates to the levying and collecting of a City tax and shall take effect immediately.

Section 4. CODIFICATION. Upon adoption of this ordinance pursuant to the voters' approval, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this ordinance in the Capitola Municipal Code.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA, CALIFORNIA, AUTHORIZING CERTAIN OF ITS MEMBERS OR ANY MEMBER OR MEMBERS OF THE CITY COUNCIL, OR ANY INDIVIDUAL VOTER WHO IS ELIGIBLE TO VOTE ON THE MEASURE, OR BONA FIDE ASSOCIATION OF CITIZENS, OR ANY COMBINATION OF VOTERS AND ASSOCIATIONS TO FILE WRITTEN ARGUMENTS FOR OR AGAINST THE CITY MEASURE(S) AND FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURE(S) SUBMITTED AT THE NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a regular General Municipal Election is to be held in the City of Capitola on Tuesday, November 6, 2012, at which time there will be submitted to the qualified electors the following measure relating to the ratification of an increase in the visitor services fee from ten percent (10%) to twelve percent (12%) of the rent charged by hotel operators:

MEASURE "___": Shall a City of Capitola visitor services fee be increased from the current rate of 10% to 12% to pay for general City services including public safety, economic development and tourism, and social services? YES or NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of its body to file written argument, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations not exceeding words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the *Form of Statement to be Filed by Author(s) of Argument*.

SECTION 2. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure

may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Signature Statement, and Authorization for Another Person or Persons to Sign Rebuttal Argument, if applicable (Exhibit A).

SECTION 3. That the City Council directs the City Clerk to transmit a copy of the measure to the city attorney. The city attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Susan Sneddon, City Clerk

CMC

Michael Termini, Mayor

EXHIBIT A

SIGNATURE STATEMENT

(Elections Code Section 9600)

All arguments concerning measures filed pursuant to Division 9 of the Elections Code shall be accompanied by the following statement to be signed by each author of the argument. Names and titles listed will be printed in the Voter's Information Pamphlet in the order provided below and will appear as indicated below.

"The undersigned author(s) of the:

- argument in favor of
- argument against
- rebuttal to the argument in favor of
- rebuttal to the argument against

ballot measure (insert letter) _____ at the Consolidated General Municipal Election for the City of Capitola to be held on November 6, 2012 hereby state that such argument is true and correct to the best of _____ knowledge and belief."
(his/her/their)

ARGUMENT/REBUTTAL FILED BY (check any of the following that apply) This information will be provided on the County Clerk/Elections Website:

Board of Supervisors or Governing Board
Contact Person's Printed Name: _____
Contact Person's Signature: _____
Title: _____
Phone: _____ FAX: _____
E-Mail: _____

Bona Fide Association of Citizens or Filers of Special District Initiative
Name of Association: _____
Principal Officer's Printed Name: _____
Principal Officer's Signature: _____
Title: _____
Phone: _____ FAX: _____
E-Mail: _____

Attach list of officers if document relates to a school district measure

Individual voter who is eligible to vote on the measure
Printed Name: _____
Signature of Voter: _____
Address Where You Live: _____
Phone: _____ FAX: _____
E-Mail: _____

SIGNATURE STATEMENT - PAGE 2

CHECK ONE OF THE FOLLOWING & RECORD LETTER OF MEASURE:

- Argument in Favor of Measure _____
- Argument Against Measure _____
- Rebuttal to Argument in Favor of Measure _____
- Rebuttal to Argument Against Measure _____

The signatures of the following persons will be printed as submitted below following the argument or rebuttal.

SIGNATURE	PRINT NAME as it will appear in the Voter's Information Pamphlet	PRINT TITLE AND NAME OF ASSOCIATION (IF APPLICABLE) as it will appear in the Voter's Information Pamphlet.	Are you signing on behalf of an association? YES or NO*	DATE

*If the argument or rebuttal is being signed by a principal officer on behalf of an association that is supporting or opposing the measure, the name of the association will appear on the first line, followed by the principal officer's name and title on the second line as the example illustrates:

AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO SIGN REBUTTAL ARGUMENT

I, _____ authorize the following person(s) to sign
(print name of FILER of the argument)

the rebuttal to the argument

in favor

against

Measure _____ for the November 6, 2012 Consolidated General Municipal Election.
(Letter)

(One or more people who signed the argument may be replaced with different people to sign the rebuttal)

1. _____ to sign instead of _____
(print name of rebuttal signer) (print name of argument signer)

2. _____ to sign instead of _____
(print name of rebuttal signer) (print name of argument signer)

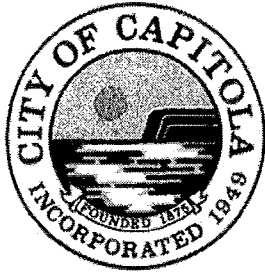
3. _____ to sign instead of _____
(print name of rebuttal signer) (print name of argument signer)

4. _____ to sign instead of _____
(print name of rebuttal signer) (print name of argument signer)

5. _____ to sign instead of _____
(print name of rebuttal signer) (print name of argument signer)

Signature of Filer: _____ Date: _____

Attach this form to the 2-page "Signature Statement" submitted with the rebuttal argument.



REVISED
2012
GENERAL MUNICIPAL ELECTION
Timeline for Filing
Arguments/Rebuttals for City Measures

DEADLINE TO SUBMIT A RESOLUTION CALLING FOR CONSOLIDATION OF THE ELECTION WITH THE COUNTY AND FOR MEASURE(S) TO BE PLACED ON THE BALLOT

Friday, August 10, 2012

DEADLINE FOR FILING ARGUMENTS:

10-Day Public Inspection:

Tuesday, August 14, 2012 – 5:00 p.m.

Wednesday, August 15 to Saturday, August 25

DEADLINE FOR REBUTTALS:

10-day Public Inspection:

Thursday, August 21, 2012 – 5:00 p.m.

Wednesday, August 22 to Sunday, September 2

10- DAY PUBLIC INSPECTION:

Arguments and rebuttals are available for 10-day public inspection. During this period a writ of mandate or injunction may be sought to require amendments or deletions.

**DEADLINE FOR IMPARTIAL ANALYSIS:
WHERE:**

Tuesday, August 21, 2012 – 5:00 p.m.

Capitola City Hall, Office of the City Clerk
420 Capitola Avenue
Capitola, CA 95010

WRITTEN ARGUMENTS/REBUTTALS:

Arguments may not exceed 300 words in length, and rebuttals may not exceed 250 words in length.

CONFIDENTIALITY OF ARGUMENTS AND REBUTTALS

Arguments and rebuttals shall remain confidential until 5:00 p.m. on the respective due dates.

WITHDRAWAL/CHANGES:

Arguments and rebuttals may be changed or withdrawn until and including the date fixed for final submission to the City Clerk.

MULTIPLE ARGUMENTS:

If more than one argument is submitted, the City Clerk will select one of the arguments to be printed based on a priority specified in the Elections Code.

CONSOLIDATION WITH COUNTY:

At the close of the deadline for filing of said arguments/rebuttals, the materials filed with the City Clerk will be forwarded to the County Elections Department for inclusion in the Sample Ballot.

CITY ATTORNEY IMPARTIAL ANALYSIS

VISITOR SERVICE FEE INCREASE (TRANSIENT OCCUPANCY TAX)

Pursuant to Capitola Municipal Code Chapter 3.32, since 1982 the City of Capitola has levied a 10% visitor service fee, also known as a transient occupancy tax, on each hotel or motel guest in the City. This ballot measure, if approved by City voters would increase the tax rate from 10% to 12% of the rent charged by the hotel or motel operator.

The visitor service fee constitutes a general tax meaning that all tax revenue is deposited in the City's General Fund and is available to pay for the costs of all City operations and programs including public safety, economic development and tourism, and social services. This ballot measure therefore proposes a "general purpose tax" rather than a "special purpose tax" and requires a simple majority vote for adoption.

The above statement is an impartial analysis of the proposed visitor service fee increase ordinance. If you desire a copy of the ordinance, please call the City Clerk's office at 831 475 - 7300 and a copy will be mailed or electronically transmitted to you at no cost to you.

Word Count: 191



Date: August 2, 2012

To: Capitola City Council

From: Santa Cruz County Conference and Visitors Council (CVC)

Re: TOT

Since its establishment in 1988 the CVC has developed a history of economic development partnership through tourism promotion with local government. Economic challenges have limited the community's ability to sustain funding for these efforts. The lack of secure or adequate resources has made it difficult for the Santa Cruz tourism industry to stay competitive.

In response to this challenge, in 2010 the Santa Cruz County Hospitality and Lodging Association (SCCHLA) proposed a local funding initiative that has been embraced by over 65 communities statewide, a Tourism Marketing District. Through this effort the industry was able to establish a self-assessment within the lodging sector to fund tourism promotion. This additional funding, combined with long-standing public funding, has enabled the Santa Cruz County CVC to increase community based marketing efforts, expand market share and show significant measurable results in a short period of time.

The recent proposal by City officials to increase the current ten percent Transient Occupancy Tax (TOT) by two points, or by 20%, has raised significant concern for the tourism industry regarding its future competitive position to draw leisure and group corporate business. This issue, combined with the continued lack of a guarantee for public funding for tourism promotion has prompted a possible compromise proposal.

The SCCHLA has proposed that the increase in the TOT be for a one point increase instead of two (for an 11% total rate) and that in return, the current City funding for the CVC (\$17,250) be replaced by an increase in the rate and collections of the TMD by the lodging industry.

The CVC Board of Directors and the SCCHLA recognize the value in the long-standing partnership that has supported a community approach to the tourism marketing effort for the City of Capitola. There has been significant investment over the last years from the industry and the City to foster cooperation between various stakeholders and community interests in an effort to provide positive economic results through the community's largest industry.

Under the 1 point compromise, the CVC would not anticipate funding after the current fiscal year, provided that:

1. The City honors the funding commitment for current fiscal year 2012/2013.
2. The one point increase in the TOT would be instituted July 1, 2013.

Cc: City Manager



CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: PUBLIC WORKS/CITY MANAGER'S DEPARTMENT

SUBJECT: LOWER PACIFIC COVE PARKING LOT PROJECT DESCRIPTION AND BUDGET

RECOMMENDED ACTION:

1. Approve the preliminary project description for the Lower Pacific Cove Parking Lot Project;
2. Authorize the release of a request for proposals for engineering and design services;
3. Authorize staff to initiate environmental review of the proposed project;
4. Approve a Resolution authorizing the advance of funds to pay \$75,000 in preliminary project costs prior to receiving debt funding.

BACKGROUND: In 1984 the City of Capitola acquired the Pacific Cove Mobile Home Park. During the 1980's, the City developed a 234-space public parking lot on the upper terrace by relocating existing mobile home residents to the lower terrace. Following the March 2011 storm drain failure, the City formally closed the mobile home park and directed staff to prepare a report on possible future uses of the park property.

At a hearing on July 26, 2012 regarding near-term options for uses on the lower Pacific Cove property, City Council directed staff to develop a project description for an approximate 223-space temporary parking lot on the site along with financing plans and various cost reduction options for consideration.

In addition, City Council identified a parking structure on the upper Pacific Cove site as a high priority for the City and directed staff to develop options to finance construction of a multi-level parking structure on the upper Pacific Cove site. Attached is a staff report from March 24, 2011 along with a parking structure plan report that discusses the parking structure project in detail (Attachment 5). Staff will continue to develop financing options and anticipates bringing a report back to Council in September 2012.

DISCUSSION: A project description for the Lower Pacific Cove Parking Lot Project has been prepared and is included as Attachment 1. This project description includes all potential elements of the project, including elements that are still being considered and ultimately may not be part of the project. Upon a decision by the City Council on the scope of work and funding levels for the project, the final project description will be modified to match.

A summary of the various elements and related costs of the project are listed below. A detailed estimate of costs is included in Attachment 2.

Priority	Element	Cost	Notes	
Required elements	Mobilization	\$ 45,200		
	Grading/site prep/surfacing	\$257,000	1 1/2 " of AC over 4" AB	
	Water quality/drainage	\$ 25,000		
	Basic lighting	\$ 30,000	Overhead wires	
	Basic landscaping	\$ 10,000		
	Signage & Striping	\$ 40,000	Stalls, space numbers & pedestrian pathways	
	Pay Stations	\$ 90,000	6 stations at 3 locations	
		Construction Total	\$452,000	
		Planning and Permitting	\$ 10,000	Includes CEQA
		Design	\$ 59,100	
		Contingency	\$ 59,100	
	Project Total	\$615,200		
Optional elements	Relocate coach for City storage	\$ 25,000	To Beulah property	
	Restroom renovation	\$ 75,000		
	Shuttle stops	\$ 9,000	Benches & site improvements	
	Enhance landscaping/lighting	\$ 30,000	Underground wires and more landscaped area	
		Sub total	\$139,000	
	Total with Optional elements	\$754,100		

City Council also suggested that certain improvements for the upper Pacific Cove lot could be considered in conjunction with the financing for the lower lot. Those items are outlined below:

Element	Cost	Notes
Pay Stations	\$90,000	6 stations at 2 locations
Lighting Improvements	\$15,000	Additional 3 lights
Pedestrian Improvements	\$200,000	Improved access to Monterey Avenue and Capitola Avenue
Total Upper Lot options	\$305,000	

CEQA AND PROJECT PERMITTING: Based on City Council direction and authorization at tonight's hearing, staff will begin preparing an environmental review document for a parking lot on the Pacific Cove site.

NEXT STEPS: With the approval of the Request for Proposals (RFP) for engineering and design services included as Attachment 3, staff will issue the RFP and return to the Council with a recommended contract in September 2013.

The CEQA document will be released for public review early this winter, and will return to City Council for consideration along with other land use permits in early 2013.

Priority	Element	Cost	Notes	
Required elements	Mobilization	\$ 45,200		
	Grading/site prep/surfacing	\$257,000	1 1/2 " of AC over 4" AB	
	Water quality/drainage	\$ 25,000		
	Basic lighting	\$ 30,000	Overhead wires	
	Basic landscaping	\$ 10,000		
	Signage & Striping	\$ 40,000	Stalls, space numberss & pedestrian pathways	
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Lighting Improvements	\$15,000	Additional 3 lights
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NEXT STEPS: With the approval of the Request for Proposals (RFP) for engineering and design services included as Attachment 3, staff will issue the RFP and return to the Council with a recommended contract in September 2013.

The CEQA document will be released for public review early this winter, and will return to City Council for consideration along with other land use permits in early 2013.

FISCAL IMPACT: As previously reported, parking spaces in the Pacific Cove lot currently generate approximately \$300/year. Estimating that new parking spaces would generate \$175/year, a new 220-

R:\Agenda Staff Reports\2012 Agenda Reports\City Council\08-09-12\9.A. Pac Cove Project Description_Budget Report FINAL.docx

space lot would add about \$40,000/year in revenue to the City. If the beach shuttle is rerouted through the new lot, the \$5,000 lease with Crossroads shopping center could be terminated. Lastly, if a coach can be retrofitted for storage, it is possible the City could reduce its off-site storage expenditures.

Annual increase revenue/decreased expenditures:

Element	Amount
New parking spaces	\$40,000
End beach shuttle lot lease	\$ 5,000
Reduced storage costs	\$ 4,000
Total sources	\$49,000

Depending on the financing rate, it is anticipated a \$600,000 project will cost approximately \$30,000/year and a \$750,000 project will cost \$38,000 per year.

A budget allocation of \$75,000 within the Capital Improvement Program fund for preliminary engineering, planning and CEQA review for this project has been included as part of the Capital Improvement Program adoption being considered as another item on this agenda.

At this time staff is recommending the Council take two actions related to project financing. First, adopt a resolution (Attachment 4) which will allow preliminary engineer and planning expenditures to be charged back to a future debt issuance. This is the same process the City followed with the park closure debt issuance, in which costs were incurred prior to the issuance of debt,


Second, authorize staff to submit a "preliminary application" with the State IBank and begin the application process which can take up to 6 months to process. A preliminary application is the first step in the process, but does not commit the City to future action. The City will also concurrently review alternative funding opportunities; including refunding the Pacific Cove Mobile Home Park debt as a tax-exempt issuance and incorporating funding for the this project into the same debt. Staff will return later with a full report on the terms, rates, and conditions for various options for financing this project.

ATTACHMENTS:

1. Project Description;
2. Detailed project estimate;
3. Draft Request for Proposals;
4. Draft Resolution;
5. March 24, 2011 Capitola Village Parking Structure Project Agenda Report and study by Watry Design.

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded
By City Manager:



Lower Pacific Cove Parking Lot Project Description

The project will develop an approximate 220 space surface public parking lot on approximately 4 acres of land formerly used for the Pacific Cove Mobile Home Park located at 426 Capitola Avenue. The new parking lot shall be designed with the following features:

- Maximum number of parking stalls, estimated at between 220 – 250 spaces
- Efficient pedestrian and vehicle circulation
- Two entrances/exits (Capitola Avenue and Bay Avenue)
- Low impact development standards to address
 - Water quality
 - Stormwater flow control
- Landscaping
- Downcast lighting of parking and pedestrian facilities
- Pay by Space parking fee collection
- Shuttle stops for Village Beach Shuttle operations during the summer
- Other optional project components include:
 - Renovation of the existing restroom facilities
 - Placement of a new, or relocation of an existing, coach in the vicinity of Capitola Ave. for City storage/office space.
 - New landscaping/fencing on Monterey/Bay Ave.
 - New pedestrian access to Bay Ave. from upper Pacific Cove parking lot
 - Parking pay stations on upper Pacific Cove parking lot

It is the goal of the project to construct a parking lot that will be in use for a period of up to five years at which time it is anticipated that other uses, which are not currently defined, will be developed for the site and all or portions of the parking lot removed.

Engineer's Estimate

Project: Pacific Cove Parking Lot Improvements
 Bid Opening Date: N/A

Option 3 - Full Pakring

Opinion of
 Probable Cost

Item	Description	Unit	Quantity	Unit Price	Total
1	Mobilization	LS			\$45,199
Lower Lot					
2	Clearing and site preparation	LS	1	\$ 20,000	\$ 20,000
3	Grading	SY	30500	\$ 1.00	\$ 30,500
6	Surfacing	SY	30500	\$ 6.77	\$ 206,485
7	Water Quality Improvements	LS	1	\$ 25,000	\$ 25,000
8	Lighting	LS	10	\$ 3,000	\$ 30,000
9	Landscaping	LS	1	\$ 10,000	\$ 10,000
10	Signage & Striping	LS	1	\$ 40,000	\$ 40,000
11	Pay Stations	ea	6	\$ 15,000	\$ 90,000

Construction sub-total	\$ 451,985
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Additional Work

Restroom renovation	LS	1	\$ 75,000	\$ 75,000
Shuttle stops	Ea	3	\$ 3,000	\$ 9,000
Enhanced Lighting & Landscaping	LS	1	30000	\$ 30,000
Relocate coach to Beulah property	LS	1	25000	\$ 25,000

Additions sub-total	\$ 139,000
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Planning & Engineering

Planning and Permitting		2%	\$ 10,000
Engineering		10%	\$ 54,000
Contingency		10%	\$ 54,000

P & E sub-total	\$ 118,000
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Projet Total	\$ 754,184
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Upper Lot Improvements

Pay Stations	ea	6	\$ 15,000	\$ 90,000
Lighting	LS	1	\$ 15,000	\$ 15,000
Pedestrian Improvements	LS	1	\$ 200,000	\$ 200,000

Upper Lot Total	\$ 305,000
------------------------	-------------------

Request for Proposals
Pacific Cove Parking Lot Design

The City of Capitola is soliciting for proposals from design firms to complete the design of the Pacific Cove Parking Lot Improvements.

The Pacific Cove property is located at 426 Capitola Avenue, Capitola, CA. The property is comprised of two areas, one a plateau that is currently used as a public parking lot and a second area is a gulch that was a mobile home park up until recently. The City Council for the City recently approved the construction of a temporary parking lot in the lower area. It is the goal of the project to construct a parking lot in the lower area that will be in use for a period of up to five years at which time it is anticipated that other uses will be developed for the site and portions of the parking lot removed.

Project scope:

1. Design the most efficient parking lot for the lower area. Design to include:
 - a. Maximum number of stalls
 - b. Efficient circulation
 - c. Safe pedestrian passages
 - i. ADA compliance
 - d. Lighting
 - e. Low impact design
 - i. water treatment prior to discharge
 - ii. Flow controls to match existing conditions
 - f. Landscaping
 - g. Analysis of surface treatment options to address possible short term use of lot
 - h. Analyze realignment options of Bay Avenue exit to align exit with intersection of Bay Avenue and Monterey Avenue
2. Refurbishment of public restrooms in lower lot
3. Shuttle stops through lower lot
4. Pay by Space pay station deployment through both lots for fee collection, including space numbering
5. ~~Upper parking lot improvements~~
 - a. ~~Lighting~~
6. Provide plans and construction estimates at 30%, 90% and 100% levels
7. Prepare and provide construction specification at 90% and 100% design levels consistent with City of Capitola standards

Project timeline:

- | | |
|--|--------------------------------|
| 1. Release Request for Proposals | August 2012 |
| 2. Proposal submission | September XX , 2012 |
| 3. Contract Award | October, 2012 |
| 4. Complete survey, preliminary design including surfacing analysis (30% design) | November 2012 |
| 5. CEQA review and permitting (by others) | December – January 2013 |

- | | |
|---|----------------|
| 6. Revised plan based on mitigation measures (90% design) | February, 2013 |
| 7. Complete construction plans, specifications and estimate (100% design) | March 2013 |
| 8. Construction | Summer 2013 |

All proposals shall be based on the scope of work and schedule outlined above. Adjustments to the scope and schedule may be made following selection of the final firm. The adjustments must be mutually agreed upon by the City and the consultant.

Proposals should include the following information:

- Firms expression of its understanding of the project and key components
- Details of the firm(s), including its history and experience similar projects
- Identify project manager and other key personnel along with their office locations.
- Provide proof of ability to meet liability insurance requirements of \$1,000,000 for General Liability, and Automobile.
- References with contact numbers of clients of similar projects.
- The project proposal shall include a fee proposal for all costs for completion of the project including but not limited to proposal preparation, meetings, report preparation, presentation materials, travel, and other incidental costs.

The City reserves the right to make the selection based on its sole discretion. There will be no public opening and reading of the proposals. Based on the City staff's review a recommendation will be made to the City Manager. The City Manager will make a recommendation to the City Council, which awards agreements of this nature.

Proposals will be evaluated on the basis of:

- Quality and completeness of the proposal;
- Demonstrated ability of the firm understanding of the project.
- Demonstrated ability of the firm to complete the project on time and within budget
- Demonstrated qualifications and experience of the firm(s) and its employees.
- Price of services
- References

The top selected firm will be expected to enter into the standard Consulting Agreement with the City, copy attached. Final approval of the contract will be at the discretion of the Capitola City Council. The City further reserves the right to negotiate directly with one firm or discontinue this process at any time

All proposals must be submitted to the City by 5:00 p.m. on September XX, 2010. Once submitted the proposals shall become the property of the City of Capitola. Proposals should be mailed or delivered to Steven E. Jesberg, Public Works Director, 420 Capitola Avenue, Capitola, CA 95010.

Should you have any questions about this RFP or the selection process, please contact me by phone at (831) 475-7300 or via email at sjesberg@ci.capitola.ca.us.

Yours truly,

Steven E. Jesberg
Public Works Director

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE ADVANCE OF UP TO \$75,000 IN FUNDS TO PAY FOR PRELIMINARY DESIGNS PURSUANT TO THE LOWER PACIFIC COVE PARKING LOT PROJECT

WHEREAS, the City Council has approved the preliminary project description for the Lower Pacific Cove Parking Lot Project; and

WHEREAS, the City Council has directed staff to complete an application with the California Infrastructure and Economic Development Bank (IBank) and review alternate funding sources for the Lower Pacific Cove Parking Lot Project; and

WHEREAS, the Council has approved \$75,000 for preliminary design work on the Pacific Cove Parking Lot Project as part of the Fiscal Year 2012/2013 Capital Improvement Program adoption;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that an application with the California Infrastructure and Economic Development Bank (IBank) shall be completed to finance the Lower Pacific Cove Parking Lot Project and other funding alternatives shall be reviewed;

BE IT FURTHER RESOLVED that the City Council approves the advance of up to \$75,000 in funds to pay preliminary Project costs prior to the date on which funding is provided by the designated lender. Any such advances shall be reimbursed to the City from proceeds of the financing.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola at its special meeting held on the 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 24, 2011

FROM: DEPARTMENT OF PUBLIC WORKS

DATE: MARCH 16, 2011

SUBJECT: CAPITOLA VILLAGE PARKING STRUCTURE PLANNING PROJECT AND TRAFFIC IMPACT ANALYSIS

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

1. Receive and accept a report from Watry Design, Inc., on the Village Parking Structure at the Pacific Cove Parking Lot; and
2. Receive and accept a report from RBF Consulting on the Traffic Impact, Circulation and Congestion Relief for the Pacific Cove Village Parking Structure; and
3. Consider direction to staff to develop a financing plan for the project and allocate funds as available in the 2011-12 fiscal year budget for preliminary engineering, permitting, and environmental review for the Capitola Village Parking Structure at Pacific Cove Parking Lot.

BACKGROUND

On January 14, 2010, the City Council accepted a \$40,000 grant from the U.S. Department of Commerce Economic Development Administration (EDA) for the preparation of a Village Parking Structure Planning Project study that analyzed parking structure layouts and options for a new Pacific Cove Parking Lot on the City Hall/Pacific Cove sites. The purpose of this study was to provide conceptual plans and construction cost estimates for a parking structure. The study also looked at the potential long term uses for City Hall/Pacific Cove sites to ensure the parking structure is compatible with future uses.

Following a detailed selection process a contract was awarded on May 13, 2010 to Watry Design to complete the study. On May 27, 2010, based on the recommendation of the Traffic and Parking Commission, the City Council awarded a contract to RBF Consulting to complete a traffic impact analysis for the proposed parking structure.

DISCUSSION

Both studies are complete and the consultants will present findings at this meeting. Much of the design work was based on the needs analysis prepared by the Traffic and Parking Commission in their report to the City Council dated April 14, 2010. (Attachment 3)

This report identifies the following current and future parking needs for the Village area:

Demand	Low	High
Current Shortfall	176	390
Village Hotel	60	120
Replace Theater Spaces	39	39
Esplanade Pedestrian Walk	0	100
Valet Parking Program	0	50
Other New Development	50	100
Total Long Term Parking Needs	325	799

Parking Structure Report Summary

Based on the above needs and the existing dimensions of the Pacific Cove Parking Lot, Watry investigated parking structures with both two and three driving aisles. The two aisle design was narrower than the existing property but required a minimum of four levels to meet the minimum parking needs. The three aisle designs are slightly wider than the existing Pacific Cove Parking Lot, but would continue to maintain a landscape buffer between the structure and Pacific Cove Mobile Home Park. Further the three aisle design can meet minimum needs with three levels, or provide a higher parking count with four levels. Options 1 and 2 in the Watry report (Attachment 1) detail the three aisle designs which are summarized in the table below.

Option	Number of levels	Total number of stalls	Net new stalls	Estimated Cost
1	3	554	320	\$12.8 million
2	4	664	430	\$18.8 million

Traffic Impact Report Summary

The traffic impacts of a new parking structure in the Pacific Cove Parking Lot, along with anticipated near-term development, are detailed in the RBF report (Attachment 3). Some intersection improvements will be necessary in the Village to maintain levels of service consistent with the City policies. Most notably, the intersection of Bay Avenue and Capitola Avenue, and the intersection of Monterey Avenue and Park Avenue will need either signalization or roundabouts. The intersection of Monterey Avenue and Capitola Avenue may also require a traffic signal. Additionally, the intersection of Capitola Avenue and Stockton Avenue will see a slight reduction in the level of service, but improvements to this intersection are not recommended at this time.

Intersection	LOS – current	LOS – with structure and future development	LOS- with structure/development and improvements
Monterey & Park	D	E	B
Monterey & Capitola Ave	D	E	A
Stockton & Capitola Ave	E	E	None recommended
Stockton & Esplanade	D	A	
Capitola Ave & Riverview Dr	C	B	
Monterey & Bay	B	B	
Capitola Ave & Bay	C	D	A
Capitola Ave & San Jose	A	A	

The previously reviewed one-way traffic proposal with a counter clockwise traffic circulation was also analyzed, but was determined infeasible without a new road through the Pacific Cove Parking Lot property.

FISCAL IMPACT

A multitude of funding sources will need to be explored and utilized to fund a project of this magnitude. The Traffic and Parking Commission identified the following possible sources in their April 2010 report to the City Council:

- Village Hotel contribution
- CDBG grants
- EDA grants
- Bond proceeds
- Parking meter revenue from increased rates
- Adding parking meter to 43 existing spaces on Cherry Avenue
- TOT revenue from either Village Hotel or increase in TOT rate

Initially, to start conceptual design and environmental review it is estimated that \$300,000 - \$500,000 will be needed.

ATTACHMENTS

1. Capitola Village Parking Structure Planning Project by Watry Design, Inc., dated February 18, 2011
2. Traffic Impact, Circulation and Congestion Relief Study for the Pacific Cove Village Parking Structure by RBF Consulting dated January 26, 2011
3. Report on Parking Expansion Alternatives by the Traffic and Parking Commission dated April 14, 2010

Report Prepared By: Steven Jesberg
Public Works Director

**Reviewed and Forwarded
By City Manager:**

Capitola Village Parking Structure Planning Project for the City of Capitola



February 18, 2011

 **WATRY DESIGN, INC.**
Architects • Engineers • Parking Planners

FIELD
PAOLI



Capitola Village Parking Structure Planning Project
for the
City of Capitola

February 18, 2011
Prepared by

Watry Design, Inc.
Architects, Structural Engineers, Parking Planners

with

FIELD PAOLI
Architects



420 Capitola Ave,
Capitola, CA 95010
Phone: 831.475-7300 • Fax: 831.464-8659

This report was prepared by Watry Design, Inc. for the City of Capitola under award No. 07-69-06484 from the Economic Development Agency, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Economic Development Agency or the U.S. Department of Commerce.



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December 16, 2010

Mr. Steve Jesberg
Public Works Director
420 Capitola Avenue
Capitola, CA 95010

RE: Capitola Village Parking Structure Planning Project

Dear Steve,

Watry Design is pleased to submit to you the Capitola Village Parking Structure Planning Study. This feasibility report includes results from data collection and site analysis in conjunction with the efforts of Field Paoli. Watry Design and Field Paoli have endeavored to assemble this information into a clear and concise format. We believe that it addresses the concerns and criteria identified in the original Request for Proposal, as well as those raised during the study process.

We thank you for this opportunity to work for you and hope to do so again in the near future.

Sincerely,

WATRY DESIGN, INC.

A handwritten signature in blue ink that reads "Michelle Wendler". The signature is written in a cursive, flowing style.

Michelle Wendler, Architect
Principal



Chapter 1 - Introduction

Background

This Parking Feasibility Study has been prepared by Watry Design, Inc. and Field Paoli, with direction from City of Capitola staff for short- and long-term planning purposes. It is the intent of this project to develop preliminary project details for the future development of a multi-level parking structure, which can then be incorporated with a future City Hall site redevelopment. The project will be developed in phases; the first phase is the parking structure with a possible City Hall/commercial development as a second phase.

Study Chronology

Task 1: Stakeholder meetings/background research – Watry met with City Staff and members of the City’s Traffic and Parking Commission subcommittee for the Parking Structure to discuss background information, project vision and related issues. Prior to this meeting Watry reviewed documents provided by the City.

Task 2: Site meetings and Design coordination – Watry reviewed the site and developed design parameters and standards to be used in the preliminary design effort. The design parameters included, entrance and exit limitations, topography, number of parking spaces provided, and pedestrian access routes to the Central Village.

Task 3: Development of options for Parking Structure – Watry developed a set of preliminary options for the parking structure for review by the City and Commission. These options presented five alternative plan layout options. Preliminary cost estimates for each option were provided.

Task 4: Site Master Plan – Watry, in conjunction with Field Paoli, developed site plans for the entire site, incorporating parking structure and City Hall, developing spaces for future uses including civic functions and potential commercial space.

Task 5: Floor Plans for two selected parking structures. - Watry prepared plan sheets for two selected parking structure options. These plans included floor plans, basic structural elements, entrance and exit paths of travel for both vehicles and pedestrians and other elements necessary to visually depict the structure on site. Parking structures are placed on site background taken from aerial photography.

Task 6: 3-D renderings and visualization for site master plan - Based on direction from City staff Field Paoli prepared plan sheets for two final site master plans. An architectural rendering was prepared to represent architectural character of parking structure within the site context.

Task 7: Develop Parking Structure costs estimates – Rough cost estimates were developed for the two selected parking structure options. Include are cost estimates for planning, permitting, engineering, construction, and construction management costs, i.e. soft costs.

Task 8: Develop Site Master Plan costs – Watry and Field Paoli developed a budgetary cost estimate for the selected master plan. The estimate includes preliminary site development cost based on square footage of the buildings and site improvements.

Task 9: Project Report - The final project report describes the process of developing the selected options, specific details, costs estimates and reduced plan sheets.

Basis of Analysis

The study was established with the parameters that the structure should achieve a minimum of 325 new parking spaces to a maximum of 800 new parking spaces for a estimated cost of \$10,000,000. Below is a brief summary of the parking demand requirements derived from previous studies authorized by the City of Capitola. As the Pacific Cove Lot is the only parcel left large enough to develop structured parking, it would be ideal to maximize the number of parking stalls provided while remaining within the budget the City can finance.

The following chart was excerpted from the Report on Parking Expansion Alternatives for the Traffic and Parking Commission dated April 14, 2010.

Demand	Low	High
Current Shortfall	176	390
Village Hotel	60	120
Replace Theater Spaces	39	39
Esplanade Pedestrian Walk	0	100
Valet Parking Program	0	50
Other New Development	50	100
Total Long Term Parking Needs	325	799



Chapter 2 - Parking Capacity Analysis

Parking Structure Design Analysis

Watry Design was commissioned by the City of Capitola to evaluate the feasibility of accommodating structured parking within the Pacific Cove Parking Lot. The analysis was provided in two steps, an initial analysis of 5 options followed by the development of 2 final options derived from the initial analysis.

Parking structures are made up of parking bays that include a drive aisle with parking stalls on either side. Efficient parking layouts have parking on both sides of a drive aisle. This parking can either be angled parking or 90 degree parking. 90 degree parking is more efficient than angled parking, but requires a wider width than angled parking. Two bay solutions fit the parking structure within the existing parking lot area. Initial analysis determined that the width of the site in the north south direction was a critical factor in the layout of the structure. Both 2 bay and 3 bay parking solutions were compared to the width of the site. 2 Bay structures only yield the minimum parking stalls and require 4 levels of parking to achieve that goal. Three bay parking solutions exceed the footprint of the existing parking lot and extend past the fence line to the north. Using 60 degree parking with 3 bays, you can meet the minimum parking demand in three parking levels. Since the height above grade is a factor relative to the impact on the surrounding community and the distance below grade is a factor relative to increasing cost, it was determined that the parking structure should not be higher than the adjacent railroad tracks and ideally would not be below grade far enough to require mechanical ventilation or sprinklers. These conditions guided the development of the final two options.

In addition to the analysis above, the following factors played into the decision for the final options.

Angled versus 90 degree parking

Both 90 degree parking and angled parking were reviewed in the initial options. For the 2 bay solutions, 90 degree parking was used throughout. For the three bay solutions, angled parking was used, except on the ramp. 90 degree stalls were utilized where two-way circulation is required. 90 degree parking is more efficient than angled parking, which means that it will cost less per parking stall to build. However, due to the narrow site, it was determined that three bays of 90 degree parking was not feasible. In the final 2 options, 3 bay solutions of both 45 degree and 60 degree angles were evaluated. These options were evaluated to determine the impact on the northern area beyond the parking lot and took into consideration the removal of existing trees. Option 2 is 45 degree parking and provides a narrower building, but less parking stalls on each floor. Option 1 uses a 60 degree solution, is more efficient, but extends 9'-6" further to the north. (14'-6" past fence versus 5'-0" past fence).

Parking Stall Size

The initial options were reviewed with both 9'-0" wide and 8'-6" parking spaces. The standard stall sizes required by the City of Capitola zoning regulations are 9'-0" wide by 20'-0" long, however the existing parking stalls in the Pacific Cove Lot are much smaller than that. The size of a parking space is usually relative to the type of user. High turnover spaces with less familiar users generally require wider parking spaces. Lower turnover spaces can have narrower parking spaces. Because the parking in this structure is longer term and lower turnover, we are recommending that 8'-6" wide by 18'-0"

long stalls be used. In addition, the width of the stall has an effect on the efficiency which has a direct relationship to cost. Narrower stalls allow more stalls in the same square footage. It should also be noted that this is the most common stall size used in the Bay Area. This stall size is assumed for all the final options.

Ramp Type

Both express ramps and parked on ramps were investigated in the initial options. Express ramps are ramps that average up to 15% slope and connect the floors without parking. Parked on ramps are parking bays that are sloped to connect the floors. Express ramps provide a higher level of service because cars can circulate from floor-to-floor without interacting with cars pulling in and out of parking spaces. Although they allow the parking to be on flat floors, they are less efficient and therefore contribute to a higher cost per parking stall. Parked on ramps are generally more advantageous in low turnover parking, are more efficient and therefore contribute to a lower cost per stall. However, parked on ramps require one third of the stalls to be parked on sloping floors and since the circulation between floors must also interact with cars pulling in and out of parking spaces, it provides a lower level of service. Due to the site configuration, it was possible to use an express ramp with the two bay solutions and it was investigated as a possible option. The 3 bay solutions were studied with parked on ramps. The conclusion was to use parked on ramps, based on the type of user, a low turnover rate and the importance of maximizing new parking stalls within the site parameters and budget. The final options utilize a parked on ramp solution.

Number of Levels and Relationship to Existing Grade

Initial options were reviewed having three and four parking levels at a grade elevation of 33.5 and at 22. At elevation 33.5, the lowest level of parking did not require mechanical ventilation or sprinklers. At elevation 22, the lowest level requires both. After review of 3-D massing models to understand the proportions of the proposed options and their impact on the surrounding area, it was determined that the top deck of the parking structure should not be higher than the railroad tracks on the south side. The final options include a 3 and 4 level solution. Both options set the top deck at the tracks and therefore the lowest level of the 4 level option is completely below grade and would require mechanical ventilation and sprinklers.

The following programmatic items were included in all options.

Stairs and elevator cores were included at the southwest and southeast corners of the site providing connections to Monterey and Capitola Ave as well as to City Hall. The southwest core utilizes a new pedestrian linkage proposed to connect to Capitola Ave that will provide a more direct access to the Village. The vehicular access from Capitola Ave was widened to provide 2-way circulation at this entrance.

All options evaluated provide an area for valet parking on the top deck to provide additional new parking stalls into the Village area. The valet area would be utilized by hotels in the village and would be separated from the general use parking.



Parking Structure Descriptions for Final Options 1 and 2

The final options summary is provided below: Note both options retain 23 on grade stalls which are included in the stall count

	Option 1	Option 2
SQUARE FOOTAGE	168,300	213,400
STALL ANGLE	60 degrees	45 degrees
NUMBER OF LEVELS	3 levels	4 levels
ENCROACHMENT PAST FENCE	14'-6"	5'-0"
EFFICIENCY	317 sf/stall	331 sf/stall
NUMBER OF TOTAL STALLS	554 stalls	664 stalls
NUMBER OF NET NEW STALLS	320 stalls	430 stalls
TOTAL COST	\$12,777,863	\$18,813,270
COST PER STALL	\$23,065	\$28,333
COST PER NET NEW STALL	\$39,931	\$43,752
ADDED STALLS WITH VALET	26	24

Conclusions

After the evaluation of the final options it was determined that Option 1 was the preferred alternative for the following reasons.

1. It is within the limits of the possible funding scenarios of the City.
2. It meets the minimum parking demand.
3. It fits within the site parameters; below the railroad tracks while not requiring a below grade level.

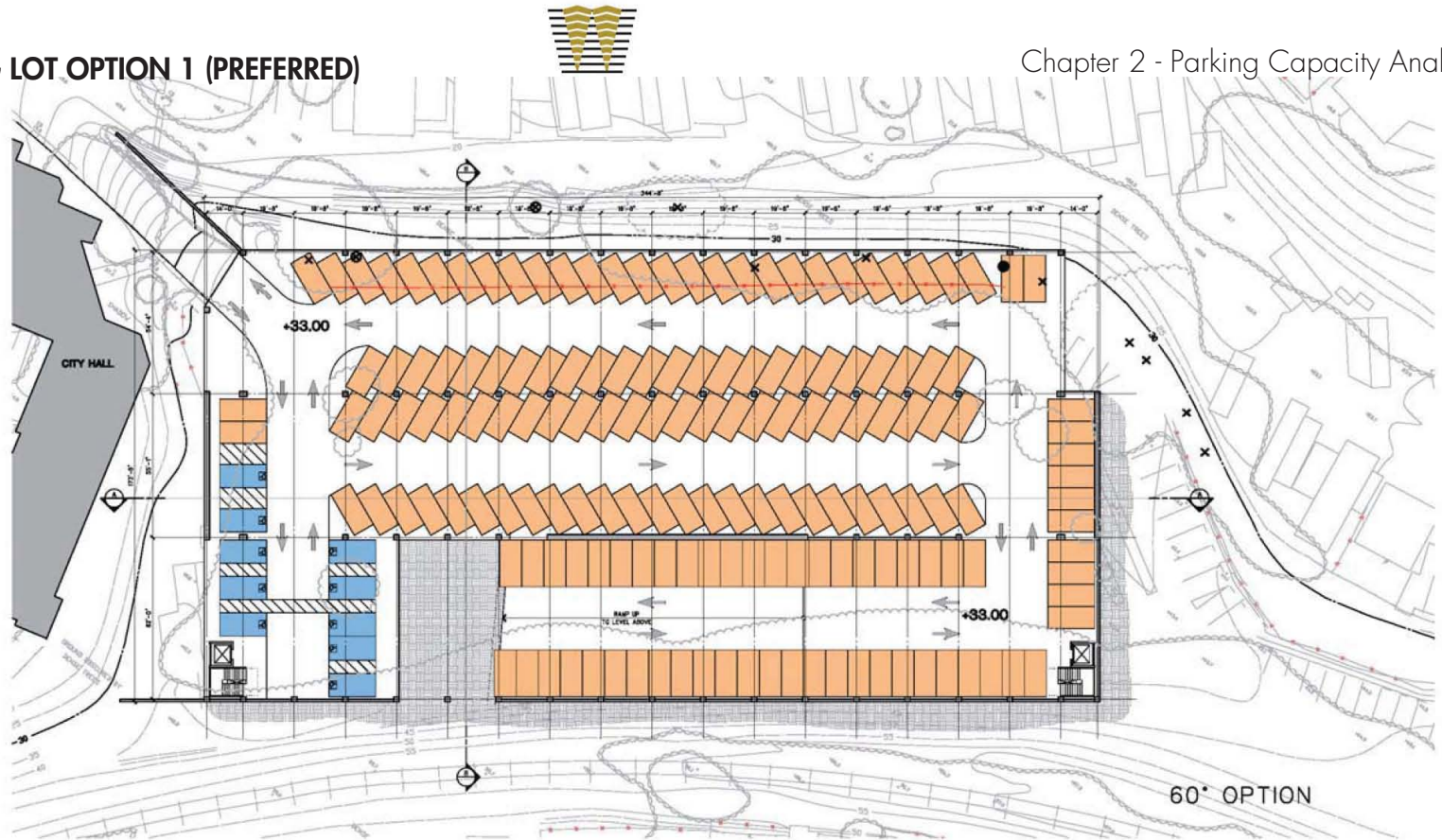
While Option 2 provides more parking spaces, it's cost per new parking space is higher due to the higher sf/stall and the level below grade. While it is possible to add a level of parking to Option 1 and add approximately 190 parking spaces. The additional level would be below grade and would make the cost per new stall higher. This might be outside the funding limitations of the City.

The analysis provided the following insights.

1. It is not possible to meet the maximum parking demand within the funding limitations.
2. 4 levels of parking, if provided above grade to minimize costs, would be too tall.
3. Providing the 4th level of parking below grade may be cost prohibitive.
4. It is necessary to go beyond the limits of the existing surface parking lot to provide a more efficient solution.
5. The distance beyond the parking lot to the north can still be mitigated by landscaping.
6. It is possible to incorporate valet parking to increase the parking supply in the structure.
7. The pedestrian connection to Capitola Avenue is critical to the success of the project.
8. Widening the vehicular access to Capitola Avenue is critical to the success of the project.
9. The structure can be designed for both the current and future City Hall configurations.
10. Keeping the structure below the level of the railroad tracks is an important site consideration.
11. The architectural facade treatment and landscaping will be important to integrate the structure into the existing context and address community compatibility.

PACIFIC COVE PARKING LOT OPTION 1 (PREFERRED)

Chapter 2 - Parking Capacity Analysis



GROUND LEVEL PARKING PLAN

SCALE: 1/8" = 1'-0"

Not to Scale

TREE LEGEND

- ⊙ INDICATES REDWOOD TREE
- ✕ INDICATES OAK TREE
- INDICATES PINE TREE

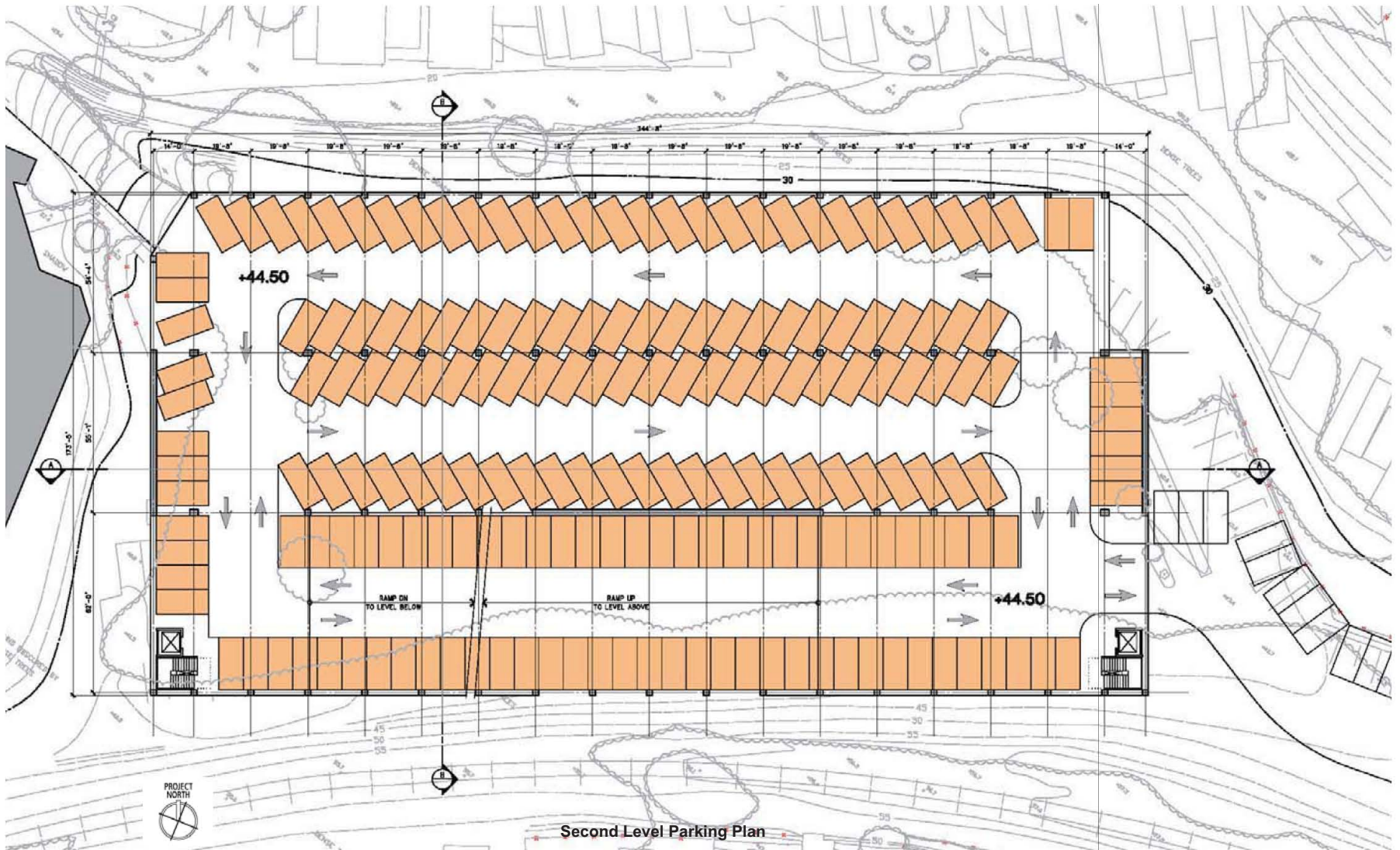


3 - LEVEL						
LEVEL	UNISTALL (8'-6" x 18'-0")	ACCESSIBLE (9'-0" x 18'-0")	VALET (8'-0" x 16'-0")	TOTAL	AREA (SQ.FT.)	SQ. FT. / STALL
Level 3	170	0	0	170	62,900	311
Level 2	189	0	0	189	68,900	312
Level G	162	10	0	172	66,600	328
TOTAL	521	10	0	531	188,300	317

Levels G & 2	361	10	0	361	115,400	320
Level 3 w/ Valet	95	0	101	196	62,900	270
TOTAL	446	10	101	557	188,300	302

+23 ADDITIONAL STALLS ON-GRADE, GRAND TOTAL ON SITE: 554
 NET NEW STALLS: 554 - 234 (E) = 320

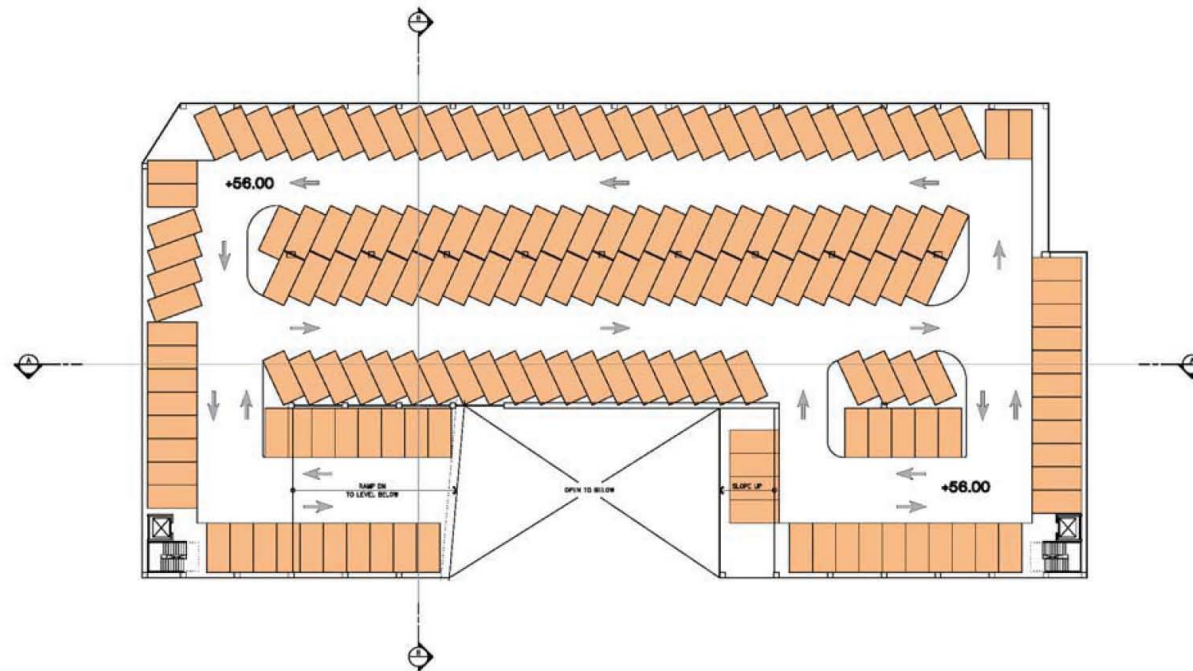
PACIFIC COVE PARKING LOT OPTION 1 (PREFERRED)



Second Level Parking Plan

Not to Scale

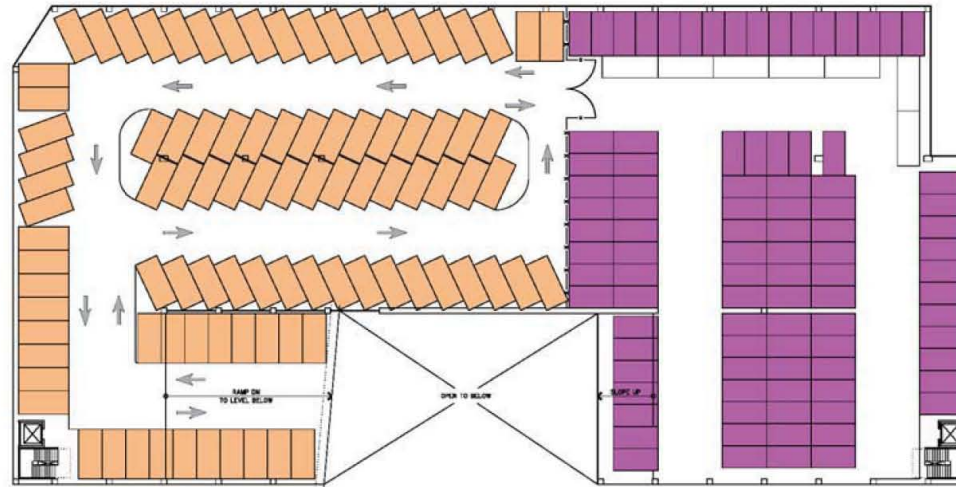
PACIFIC COVE PARKING LOT OPTION 1 (PREFERRED)



THIRD LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

Not to Scale

PACIFIC COVE PARKING LOT OPTION 1 (PREFERRED)

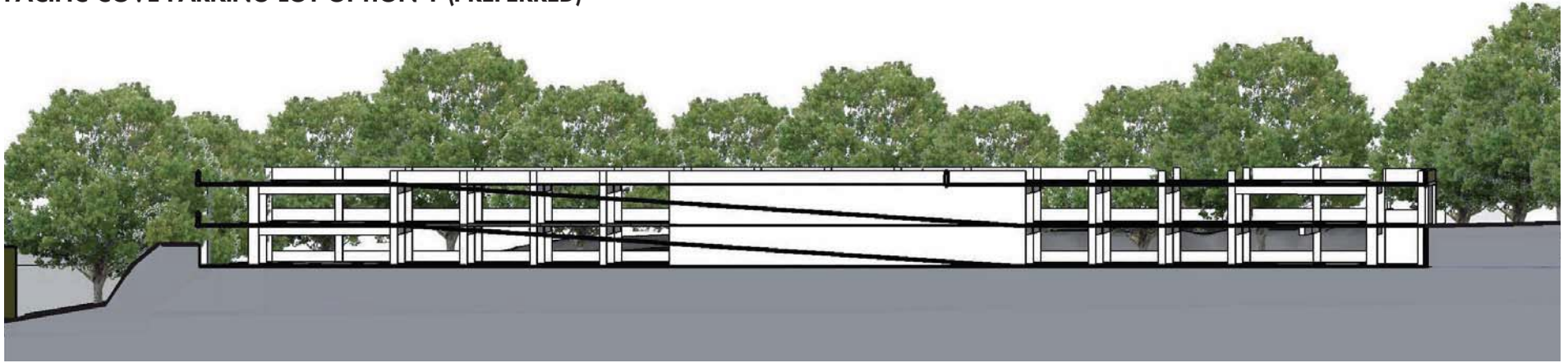


THIRD LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

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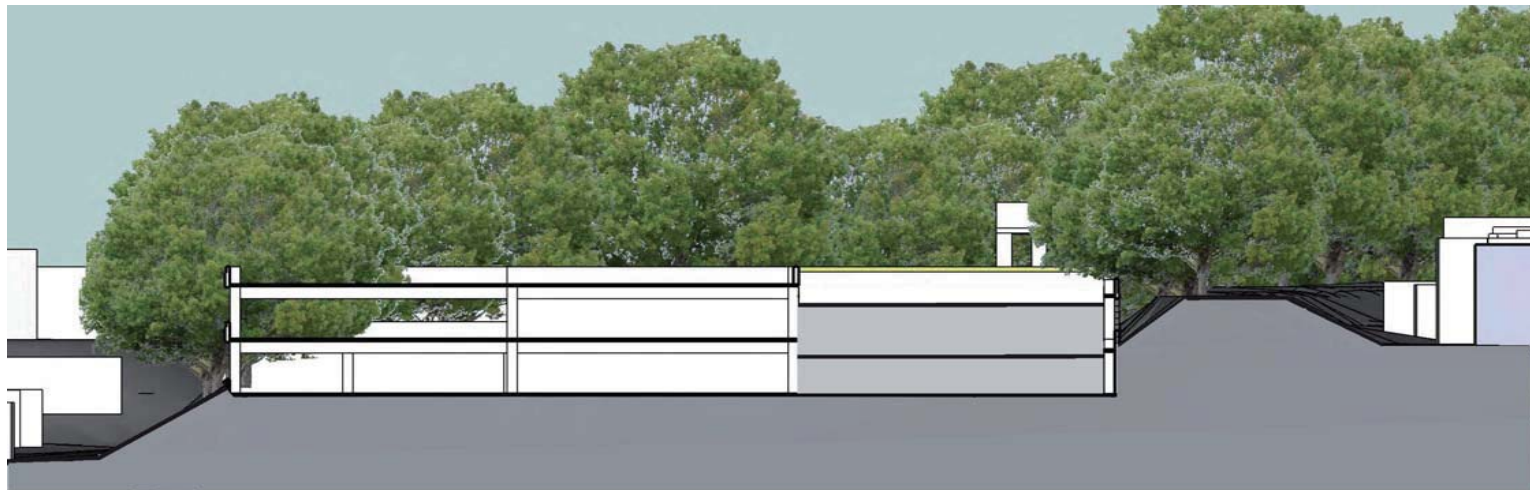
PACIFIC COVE PARKING LOT OPTION 1 (PREFERRED)



(City Hall)

(Exit to Monterey Ave)

LONGITUDINAL SECTION - Option 1



(Pacific Cove Mobile Home Park)

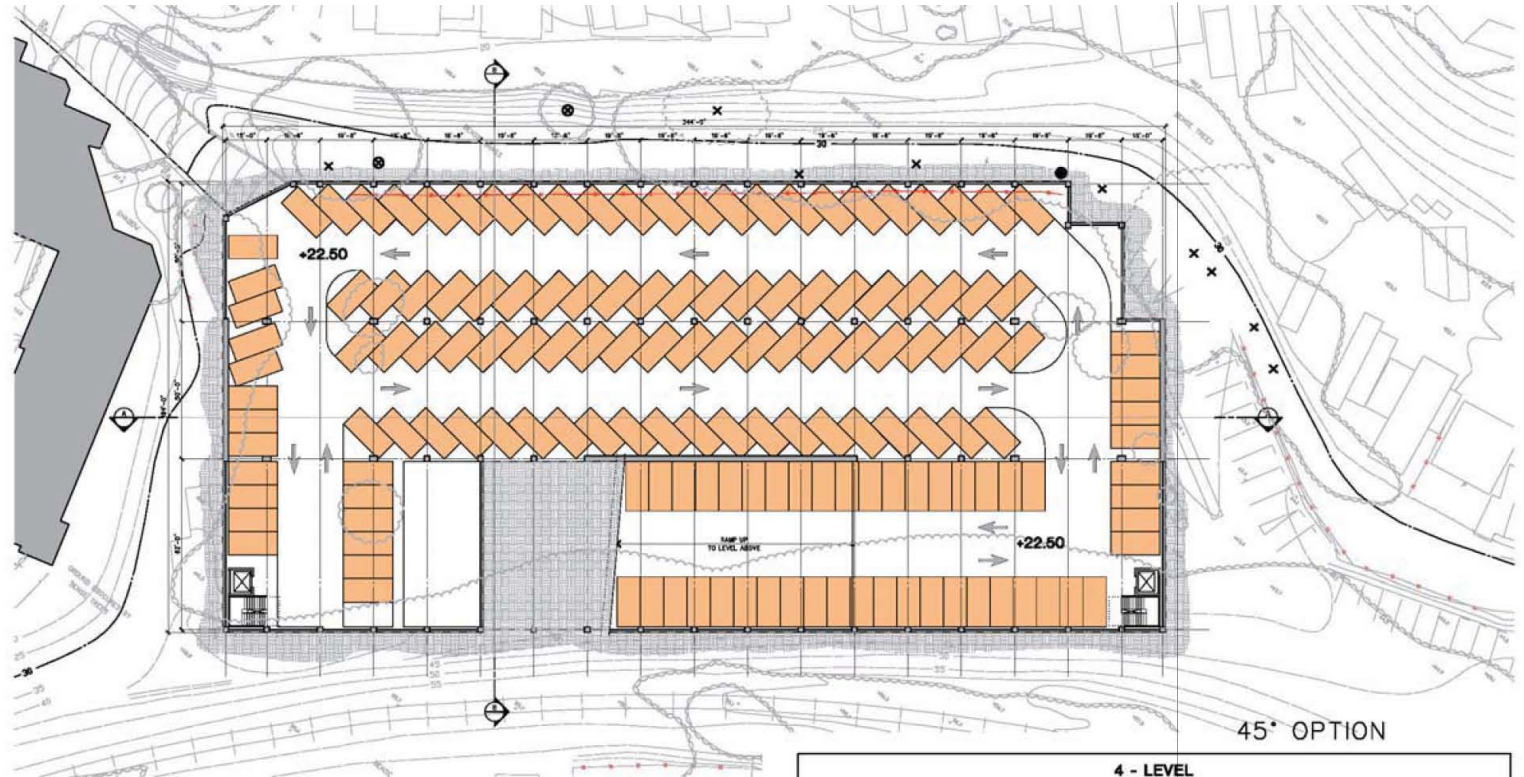
(Train Tracks)

TRANSVERSE SECTION - Option 1

PACIFIC COVE PARKING LOT OPTION 2



Chapter 2 - Parking Capacity Analysis



BASEMENT LEVEL PARKING PLAN

SCALE: 1/8" = 1'-0"

Not to Scale

TREE LEGEND

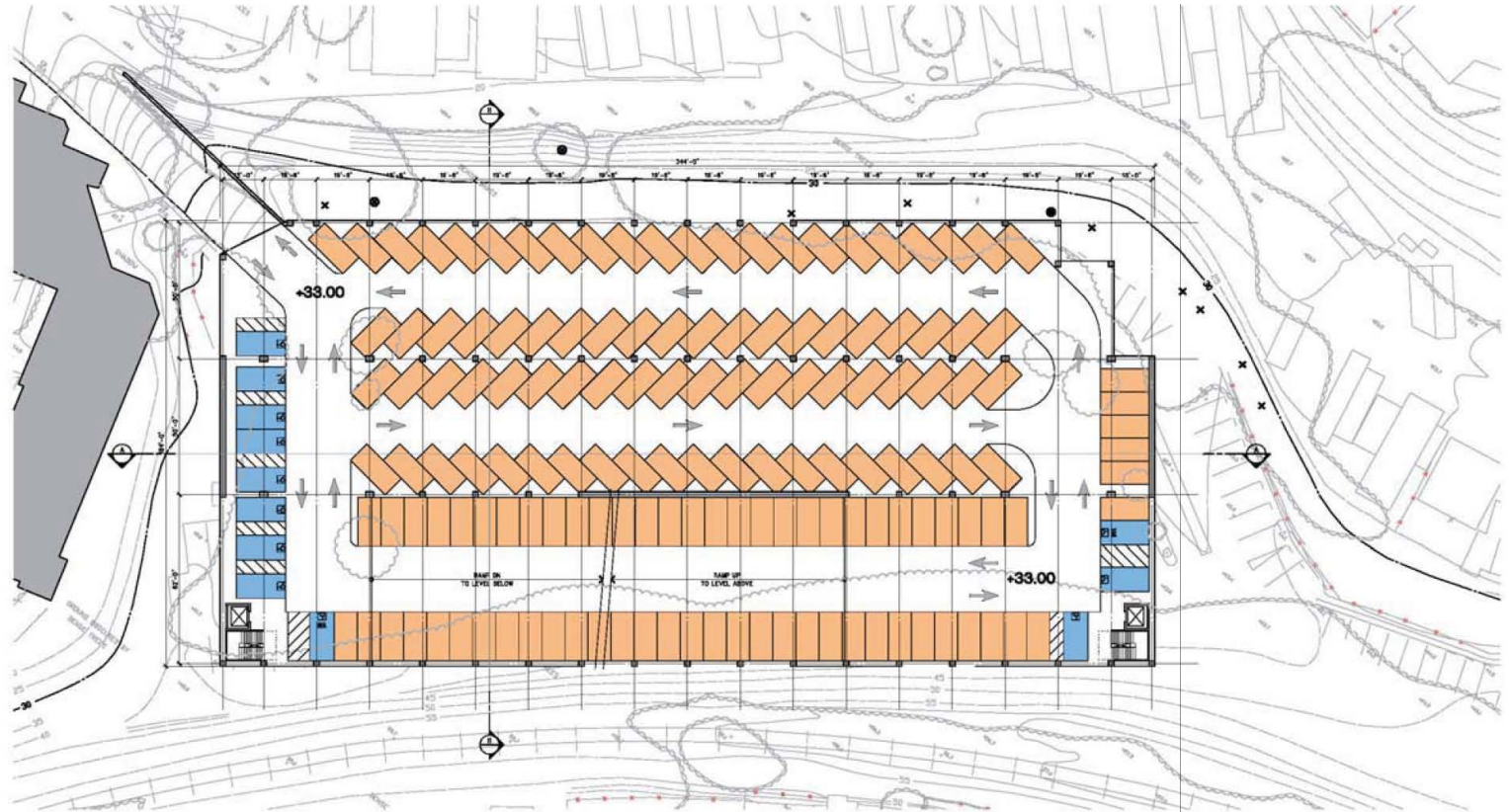
- ⊗ INDICATES REDWOOD TREE
- × INDICATES OAK TREE
- INDICATES PINE TREE



4 - LEVEL						
LEVEL	UNINSTALL (8'-6" x 18'-0")	ACCESSIBLE (9'-0" x 18'-0")	VALET (8'-0" x 16'-0")	TOTAL	AREA (SQ.FT.)	SQ. FT. / STALL
Level 3	183	0	0	183	48,100	301
Level 2	188	1	0	187	55,200	331
Level G	148	12	0	160	55,200	345
Basement	151	0	0	151	52,800	360
TOTAL	628	13	0	641	212,300	331
Levels G, 2 & 3	485	13	0	478	163,200	341
Level 3 w/ Valet	88	0	99	187	50,200	288
TOTAL	563	13	99	665	213,400	321

+23 ADDITIONAL STALLS ON-GRADE, GRAND TOTAL ON SITE: **684**
NET NEW STALLS: 664 - 234 (E) = 430

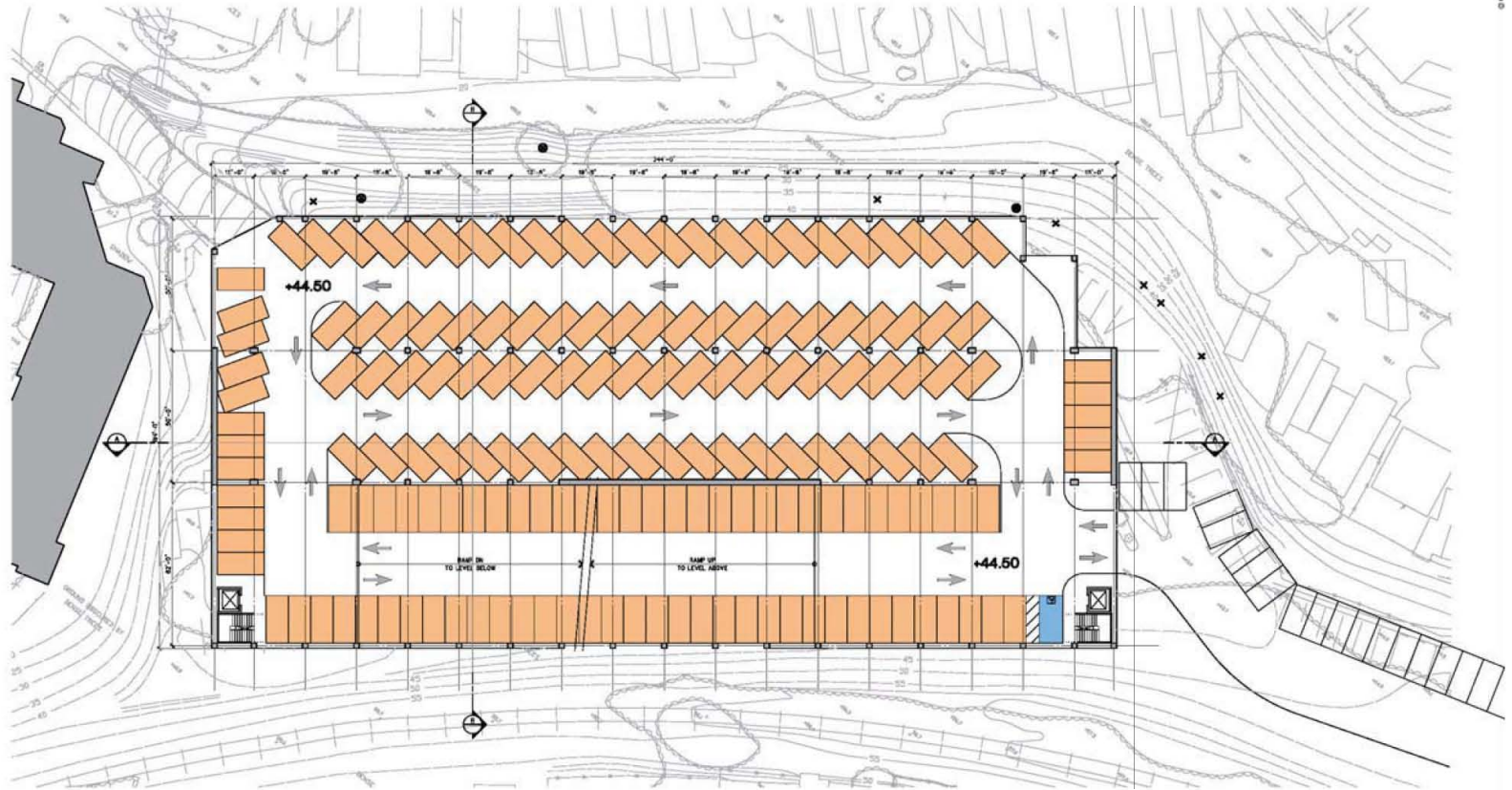
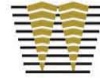
PACIFIC COVE PARKING LOT OPTION 2



GROUND LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

Not to Scale

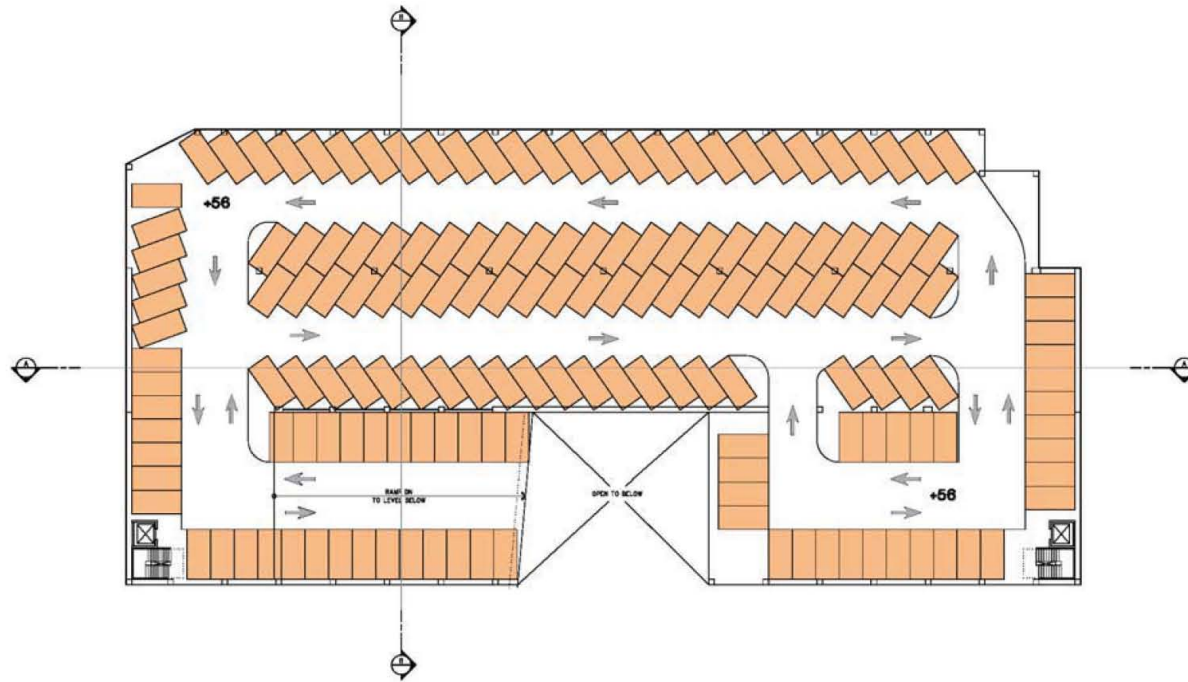
PACIFIC COVE PARKING LOT OPTION 2



SECOND LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

Not to Scale

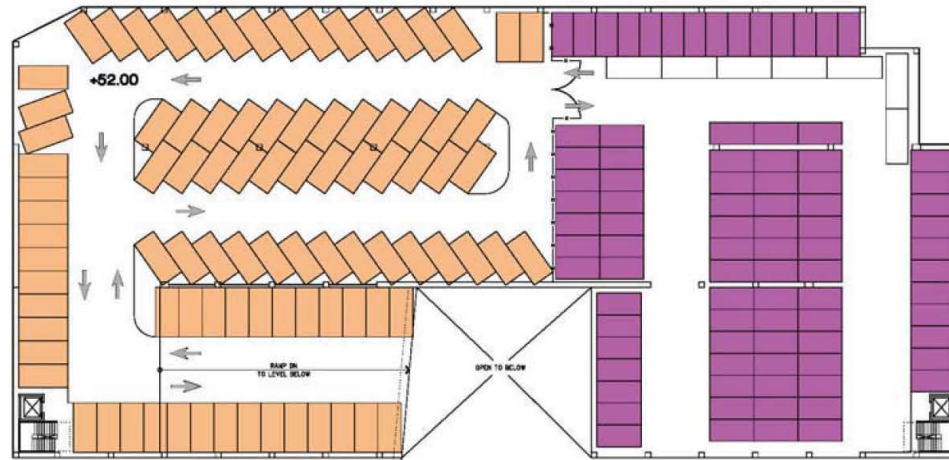
PACIFIC COVE PARKING LOT OPTION 2



THIRD LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

Not to Scale

PACIFIC COVE PARKING LOT OPTION 2

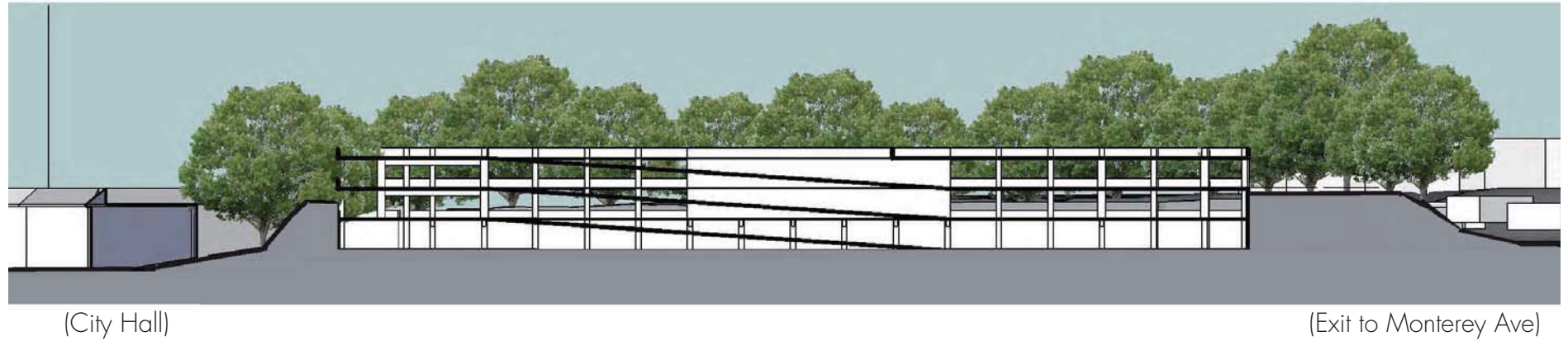


THIRD LEVEL PARKING PLAN

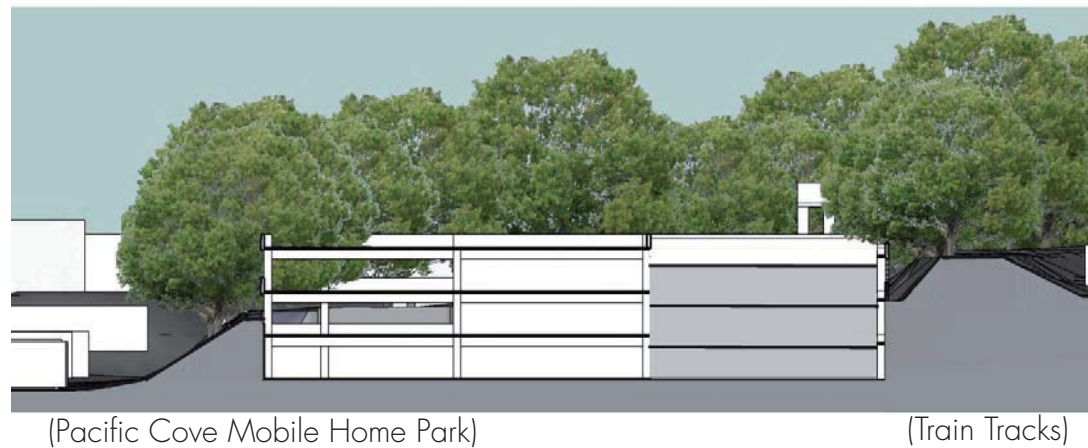
SCALE: 1/8" = 1'-0"

Not to Scale

PACIFIC COVE PARKING LOT OPTION 2



LONGITUDINAL SECTION - Option 2



TRANSVERSE SECTION - Option 2



Chapter 3 - Master Plans and Visualization

Site Master Plans

The Site Master Plans illustrate how the parking structure can fit into the larger context of Capitola. The site is well suited as a location for parking to serve the downtown and beach areas and integrates well with the existing City offices. This development can be an opportunity to create a “gateway” element that announces the arrival at downtown Capitola. In addition to providing needed parking, it can improve the experience of visiting the downtown for both residents and out-of-town guests.

Adjacent Residential Areas

The parking structure is well buffered from adjacent residential properties. The raised railroad bed to the south forms a physical barrier separating the garage structure and the residential buildings to the south; the parking structure will be lower than the railroad bed. Its width allows for dense planting that will remain in place. The floor elevation of the structure is significantly higher than the mobile home community to the north and the hillside between them allows for planting of vegetation to screen views of the garage.

City Office Site

The parking structure’s relationship to the City Office site was evaluated for access and for potential reuse. The viability of future commercial development was taken into consideration. Connections to the existing structure were planned to ensure convenient access and to provide ADA compliant routes for the disabled. Future modernization or reconstruction of the City Offices was considered, allowing for better vehicular circulation to the garage and orientation to make the City Offices a civic “gateway” element.

Vehicular Access

Existing street entrances will be maintained and enhanced for safety and ability to carry the necessary traffic. The west entrance road will be regraded to a flatter slope and its intersection with the driveway serving the mobile home community will be improved. Visibility and identification of the parking structure entries will be designed to improve wayfinding.

Pedestrian Access

Pedestrian routes connecting the parking with the downtown areas will be separated from the vehicular roadways to increase safety. The design will create a welcoming experience that creates a much stronger visual connection to downtown. A “boardwalk” path will lead from the elevator core to Capitola Avenue, passing under the railroad trellis to connect with the existing downtown sidewalk. This path will be constructed to provide ADA compliant access to the disabled and will create a well-landscaped amenity to the community.

Visualization

The artist’s sketch (page 23) illustrates the design characteristics of the new parking structure as it relates to the surrounding community. Viewed from above, the structure is well-buffered by foliage on all sides. As many existing trees as possible will be preserved. At street level, the parking structure is visible only at the three entrance points where design features will identify it and relate it to the architectural character of Capitola.

The existing City Offices are shown in the foreground. A pedestrian connection to the upper level will be maintained.

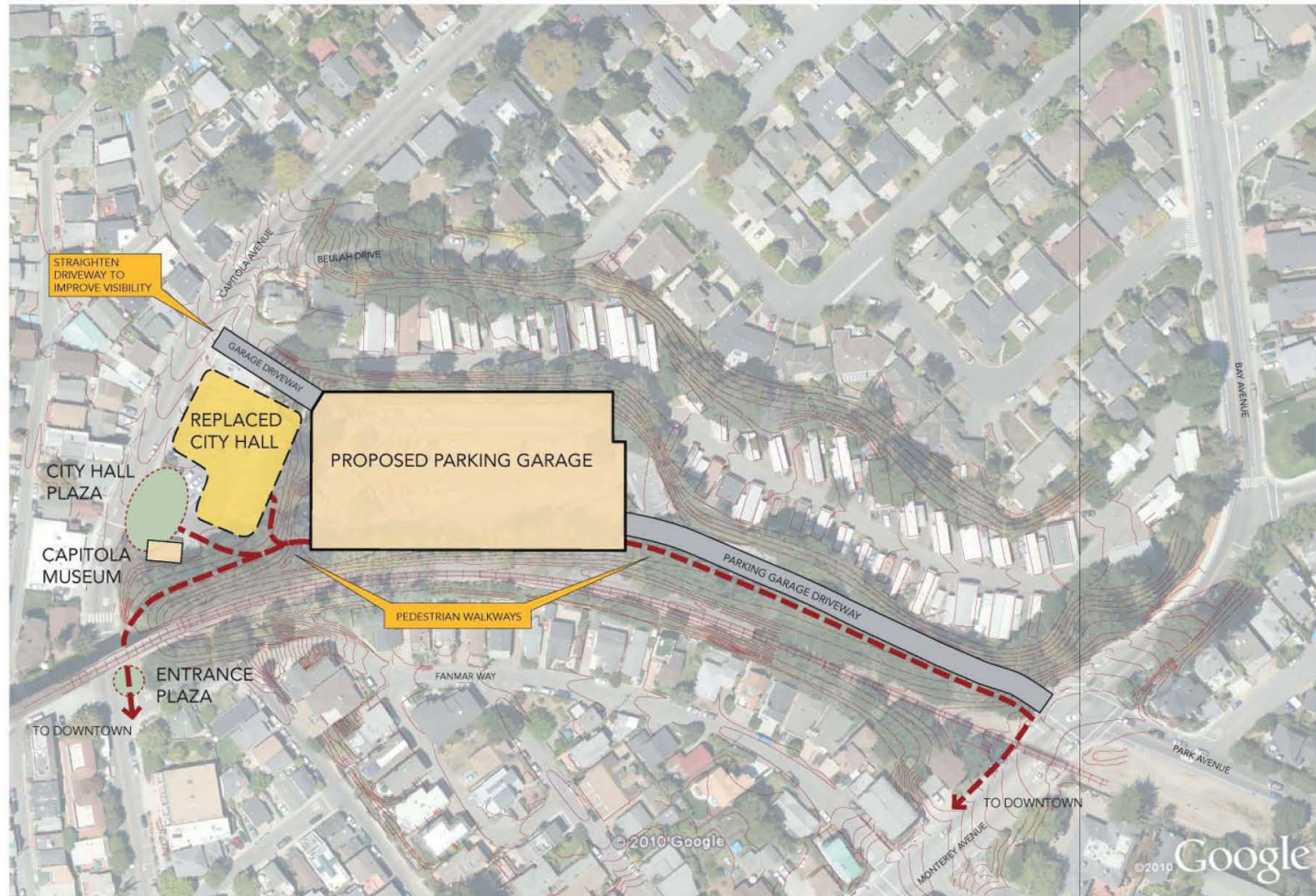
The driveway to the north of the City Offices will be widened to provide safer access and increase the view to the garage entrance, which will make it easy to identify.

The proposed boardwalk connection will traverse a landscaped hillside above the Museum and will pass beneath the railroad trestle to improve the experience of walking from one’s car to downtown.



PACIFIC COVE PARKING LOT - MASTER PLAN EXISTING CITY HALL

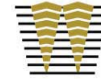
**FIELD
PAOLI**



PACIFIC COVE PARKING LOT - MASTER PLAN REPLACED CITY HALL

**FIELD
PAOLI**





Chapter 4 - Cost Analysis

Estimating Methodology

Please note that Watry Design developed its database of unit costs from its extensive experience working on similar parking structures. Recognizing that Watry Design has no control over the cost of materials, equipment, labor, or an individual contractor's method of determining prices, we cannot offer guarantees that the actual construction costs will not vary from this statement of opinion. These estimates are in 2010 dollars and include a 10% design contingency and 8% escalation costs. This would allow for approximately three years to start of construction. If construction on a structure is started later, costs would rise at approximately 4-6% per year. Depending on the timing of the construction bid, these unit costs may fluctuate. Construction costs assume a shallow foundation.

Soft costs may vary depending on the methodology of delivering the project. Soft costs generally would include full architectural and engineering services, soils report, site survey, ALTA report, title reports, permits and inspections, testing, traffic studies, construction management, and project management. We have included a 20% factor to cover soft costs(*). No land or financing costs have been included.

The costs assume mechanical ventilation and sprinklers only for levels completely below grade. The costs assume an architectural finish level above a standard parking structure in order to integrate the structure into the community.

As part of cost analysis, two program items that affect the cost were evaluated separately. We indicated the added cost for these program items on each option.

The first is the premium for upgrading the top deck of the parking structure to accommodate increased loading so that the possibility of using the top deck for something other than parking may be achieved. The typical parking structure is designed for 40 lbs/sf. Premium loading would increase this to 100 lbs/sf and allow for alternative uses, such as public gatherings.

The second is the premium for increasing the seismic importance factor. Currently, City police vehicles are parked on the surface lot next to City Hall. In some future scenarios, this parking may go away and it would be assumed that these vehicles may park in the parking structure. If these vehicles are first responding vehicles it may be considered important that the structure be designed above the base building code. The base building code only requires buildings to be designed to allow people to get out of the building prior to a possible collapse during a seismic event. While there is no such thing as an earthquake proof building, increasing the structural capacity of the seismic system provides a higher level of building protection. This is the same level of protection that Emergency Response Centers would be designed to. While the code does not mandate increasing the importance factor for first responding vehicles, we have provided this premium cost so that the City can make an informed decision on how to proceed.

We are also providing general order of magnitude costs for implementing the master plan scenario for a new City Hall.

February 18, 2011

Capitola Village Parking Structure Cost Estimates

Option 1

Construction Costs \$10,648,219
Soft Costs* \$2,129,644

Project Costs \$12,777,863

Option 2

Construction Costs \$15,677,725
Soft Costs* \$3,135,545

Project Costs \$18,813,270

Optional Program Items:

Premium Loading
Construction \$823,843
Soft Costs* \$988,611

Emergency Response Seismic Rating
Construction \$833,443
Soft Costs* \$1,000,131

Optional Program Items:

Premium Loading
Construction \$1,213,883
Soft Costs* \$1,456,660

Emergency Response Seismic Rating
Construction \$1,229,457
Soft Costs* \$1,475,349

Rebuild City Hall at Existing Site

Demo Existing City Hall \$106,000
New City Hall at same site \$4,712,500
Site Development around City Hall \$75,000
Temporary City Hall for 2 years \$420,000
Escalation \$410,680
Soft Costs* \$1,108,836

Project Cost \$6,653,016

For more detailed break down of these estimates please see the appendix.



APPENDIX



Appendix i

Detailed Opinions of Probable Construction Cost Options 1 and 2

City of Capitola Parking Structure
Opinion of Cost
Watry Design, Inc. job 09018

Parking Structure Option 1

Total Area	168,300 sf	Total Stall Count	554
Elevated Area	109,400 sf	Structured Stalls	531
On Grade Area	58,900 sf	Site Stalls	23
Site Area	29,100 sf	Existing Stalls	234

	Unit Cost	Quantity	Cost	SubTotal	add for 100 psf LL roof	add for I=1.5
Site				\$ 606,610		
Prep, grading, dewatering	\$ 150,000	1	\$ 150,000			
Site Utilities	\$ 100,000	1	\$ 100,000			
Retaining wall at NW	\$ 75,000	1	\$ 75,000			
Site asphalt and parking	\$ 5.00	20,370 sf	\$ 101,850			
Pedestrian Walkway	\$ 150.00	500 lf	\$ 75,000			
Landscaping	\$ 12.00	8,730 sf	\$ 104,760			
Foundation				\$ 1,178,100	\$ 117,810	\$ 294,525
Shallow Foundation	\$ 7.00	168,300 sf	\$ 1,178,100			
Substructure				\$ 634,900		
Mass Excavation	\$ 15.00	100 cy	\$ 1,500			
Shoring	\$ 15.00	7,000 sf	\$ 105,000			
Slab on Grade	\$ 6.00	58,900 sf	\$ 353,400			
Retaining Walls	\$ 25.00	7,000 sf	\$ 175,000			
Superstructure				\$ 2,436,000		
5" PT Concrete Decks	\$ 12.00	109,400 sf	\$ 1,312,800		\$ 328,200	\$ 262,560
14x36 PT Beams	\$ 4.00	109,400 sf	\$ 437,600		\$ 109,400	
Curbs	\$ 1.00	109,400 sf	\$ 109,400			
Shear Walls	\$ 35.00	3,960 sf	\$ 138,600			\$ 69,300
Columns	\$ 4.00	109,400 sf	\$ 437,600		\$ 43,760	
Exterior Envelope				\$ 1,086,800		
Precast Rails	\$ 200.00	2,068 lf	\$ 413,600			
Exterior Paint, finish	\$ 1.50	168,300 sf	\$ 252,450			
Misc. Architecture	\$ 2.50	168,300 sf	\$ 420,750			
Interior Const				\$ 420,750		
Rails, doors, paint	\$ 2.50	168,300 sf	\$ 420,750			
Conveying				\$ 380,000		
Stairs	\$ 20,000	4	\$ 80,000		\$ 20,000	
Elevator	\$ 150,000	2	\$ 300,000			
Mechanical				\$ -		
Mechanical Ventilation	\$ 2.00	0 sf	\$ -			
Plumbing				\$ 199,850		
Plumbing	\$ 0.75	168,300 sf	\$ 126,225			
Fire Protection	\$ 1.25	58,900 sf	\$ 73,625			
Electrical				\$ 673,200		
Electrical and Lighting	\$ 4.00	168,300 sf	\$ 673,200			
Equipment				\$ 50,000		
Pay by Space	\$ 50,000	1	\$ 50,000			
Misc. Costs				\$ 336,600		
Misc. Project Costs	\$ 2.00	168,300 sf	\$ 336,600			
Total			\$ 8,002,810	\$ 8,002,810	\$ 619,170	\$ 626,385
Design Contingency	10%	\$ 800,281	\$ 8,803,091	check		
Escalation	8%	\$ 704,247	\$ 9,507,338	OK		
Overhead, Profit, Insurance and GCs	12%	\$ 1,140,881	\$ 10,648,219		\$ 823,843	\$ 833,443

Construction Cost Total \$ 10,648,219

\$ 20,053	per struct stall
\$ 63	per total sf
\$ 19,221	per total stall
\$ 33,276	per net new

Design Fees	10%	\$ 1,064,822
Construction Management	1%	\$ 106,482
Inspection	2%	\$ 212,964
Project Management	2%	\$ 212,964
Permits, Fees, Insurance	3%	\$ 319,447
Miscellaneous	2%	\$ 212,964
Financing and Land Costs	Not Included	

\$ 988,611 \$ 1,000,131

Project Cost Total \$ 12,777,863

\$ 24,064	per struct stall
\$ 76	per total sf
\$ 23,065	per total stall
\$ 39,931	per net new

Option 1	Construction	Project
Cost add to allow 100psf LL at roof	\$ 823,843	\$ 988,611
Cost add to allow I=1.5 seismic	\$ 833,443	\$ 1,000,131



City of Capitola Parking Structure
Opinion of Cost
Watry Design, Inc. job 09018

Parking Structure Option 2

Total Area	212,300 sf	Total Stall Count	664
Elevated Area	157,100 sf	Structured Stalls	641
On Grade Area	55,200 sf	Site Stalls	23
Site Area	32,800 sf	Existing Stalls	234

	Unit Cost	Quantity	Cost	SubTotal	add for 100 psf LL at roof	add for I=1.5
Site				\$ 943,520		
Prep, grading, dewatering	\$ 500,000	1	\$ 500,000			
Site Utilities	\$ 100,000	1	\$ 100,000			
Retaining wall at NW	\$ 75,000	1	\$ 75,000			
Site asphalt and parking	\$ 5.00	22,960 sf	\$ 114,800			
Pedestrian Walkway	\$ 150.00	500 lf	\$ 75,000			
Landscaping	\$ 8.00	9,840 sf	\$ 78,720			
Foundation				\$ 1,910,700	\$ 191,070	\$ 477,675
Shallow Foundation	\$ 9.00	212,300 sf	\$ 1,910,700			
Substructure				\$ 1,795,907		
Mass Excavation	\$ 15.00	26,578 cy	\$ 398,667			
Shoring	\$ 20.00	20,000 sf	\$ 400,000			
Slab on Grade	\$ 6.00	55,200 sf	\$ 331,200			
Waterproofing	\$ 5.00	13,208 sf	\$ 66,040			
Retaining Walls	\$ 30.00	20,000 sf	\$ 600,000			
Superstructure				\$ 3,437,700		
5" PT Concrete Decks	\$ 12.00	157,100 sf	\$ 1,885,200		\$ 471,300	\$ 377,040
14x36 PT Beams	\$ 4.00	157,100 sf	\$ 628,400		\$ 157,100	
Curbs	\$ 1.00	157,100 sf	\$ 157,100			
Shear Walls	\$ 35.00	3,960 sf	\$ 138,600			\$ 69,300
Columns	\$ 4.00	157,100 sf	\$ 628,400		\$ 62,840	
Exterior Envelope				\$ 952,800		
Precast Rails	\$ 200.00	2,032 lf	\$ 406,400			
Exterior Paint, finish	\$ 1.50	157,100 sf	\$ 235,650			
Misc. Architecture	\$ 2.50	124,300 sf	\$ 310,750			
Interior Const				\$ 530,750		
Rails, doors, paint	\$ 2.50	212,300 sf	\$ 530,750			
Conveying				\$ 470,000		
Stairs	\$ 20,000	6	\$ 120,000		\$ 30,000	
Elevator	\$ 175,000	2	\$ 350,000			
Mechanical				\$ 110,400		
Mechanical Ventilation	\$ 2.00	55,200 sf	\$ 110,400			
Plumbing				\$ 297,225		
Plumbing	\$ 0.75	212,300 sf	\$ 159,225			
Fire Protection	\$ 1.25	110,400 sf	\$ 138,000			
Electrical				\$ 849,200		
Electrical and Lighting	\$ 4.00	212,300 sf	\$ 849,200			
Equipment				\$ 60,000		
Pay by Space	\$ 60,000	1	\$ 60,000			
Misc. Costs				\$ 424,600		
Misc. Project Costs	\$ 2.00	212,300 sf	\$ 424,600			
Total			\$ 11,782,802	\$ 11,782,802	\$ 912,310	\$ 924,015
Design Contingency	10%	\$ 1,178,280	\$ 12,961,082	check		
Escalation	8%	\$ 1,036,887	\$ 13,997,968	OK		
Overhead, Profit, Insurance and GCs	12%	\$ 1,679,756	\$ 15,677,725		\$ 1,213,883	\$ 1,229,457

Construction Cost Total \$ 15,677,725

\$ 24,458	per struct stall
\$ 74	per total sf
\$ 23,611	per total stall
\$ 36,460	per net new

Design Fees	10%	\$ 1,567,772
Construction Management	1%	\$ 156,777
Inspection	2%	\$ 313,554
Project Management	2%	\$ 313,554
Permits, Fees, Insurance	3%	\$ 470,332
Miscellaneous	2%	\$ 313,554
Financing and Land Costs	Not Included	

\$ 1,456,660 \$ 1,475,349

Project Cost Total \$ 18,813,270

\$ 29,350	per struct stall
\$ 89	per total sf
\$ 28,333	per total stall
\$ 43,752	per net new

Option 2	Construction	Project
Cost add to allow 100psf LL at roof	\$ 1,213,883	\$ 1,456,660
Cost add to allow I=1.5 seismic	\$ 1,229,457	\$ 1,475,349





Appendix ii

Initial Options A-E



**Parking Structure for City of Capitola
Capitola, CA**

STALL/ COST SUMMARY 9'-0" x 18'-0" STALLS

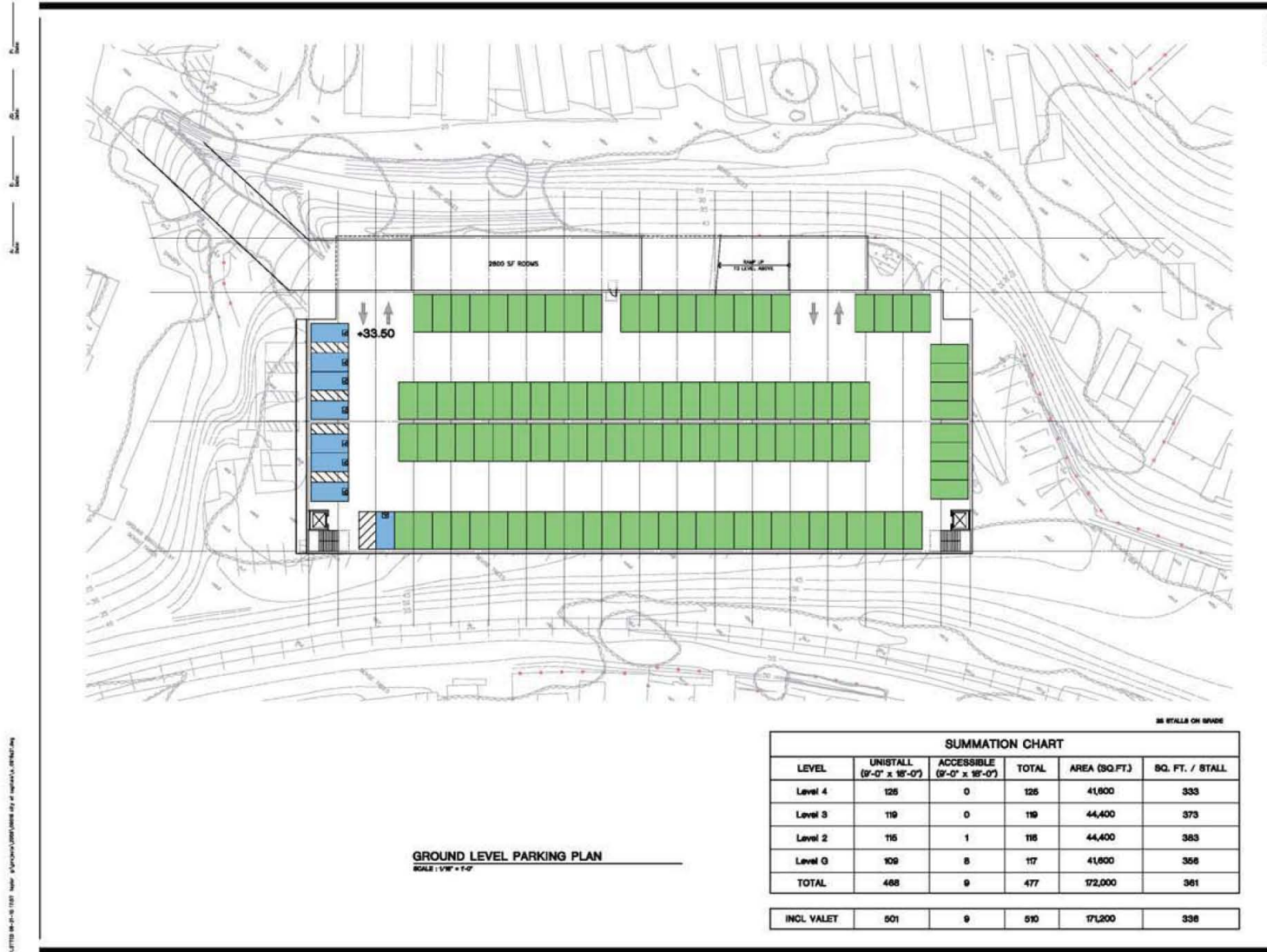
	TOTAL STALLS	TOTAL SQ. FT.	SQ. FT./STALL	NET NEW STALLS	TOTAL STALLS W/ VALET	NET NEW STALLS W/ VALET	Construction COST	COST/STALL no valet	COST/NET NEW STALL no valet	COST/SQ. FT
OPTION A	477	171,200	359	268	501	292	\$10,500,000	\$22,013	\$39,179	\$61
OPTION B	469	171,200	365	260	501	292	\$12,800,000	\$27,292	\$49,231	\$75
OPTION C	501	166,600	333	292	518	309	\$10,000,000	\$19,960	\$34,247	\$60
OPTION D	501	166,600	333	292	517	308	\$12,300,000	\$24,551	\$42,123	\$74

STALL/ COST SUMMARY 8'-6" x 18'-0" STALLS

	TOTAL STALLS	TOTAL SQ. FT.	SQ. FT./STALL	NET NEW STALLS	TOTAL STALLS W/ VALET	NET NEW STALLS W/ VALET	Construction COST	COST/STALL no valet	COST/NET NEW STALL no valet	COST/SQ. FT
OPTION A	508	171,200	337	299	551	342	\$10,500,000	\$20,669	\$35,117	\$61
OPTION B	508	171,200	337	299	551	342	\$12,800,000	\$25,197	\$42,809	\$75
OPTION C	550	166,600	303	341	565	356	\$10,000,000	\$18,182	\$29,326	\$60
OPTION D	550	166,600	303	341	565	356	\$12,300,000	\$22,364	\$36,070	\$74
OPTION E	530	173,100	327	321	547	338	\$10,200,000	\$19,245	\$31,776	\$59

232	Existing stalls in the lot
23	Remaining on grade stalls

NOTE: COSTS DO NOT INCLUDE PREMIUM FOR ESSENTIAL SERVICES PARKING



Architect: Engineer: Parking Planner:
WATKINS DESIGN, INC.
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Redwood City, California 94063
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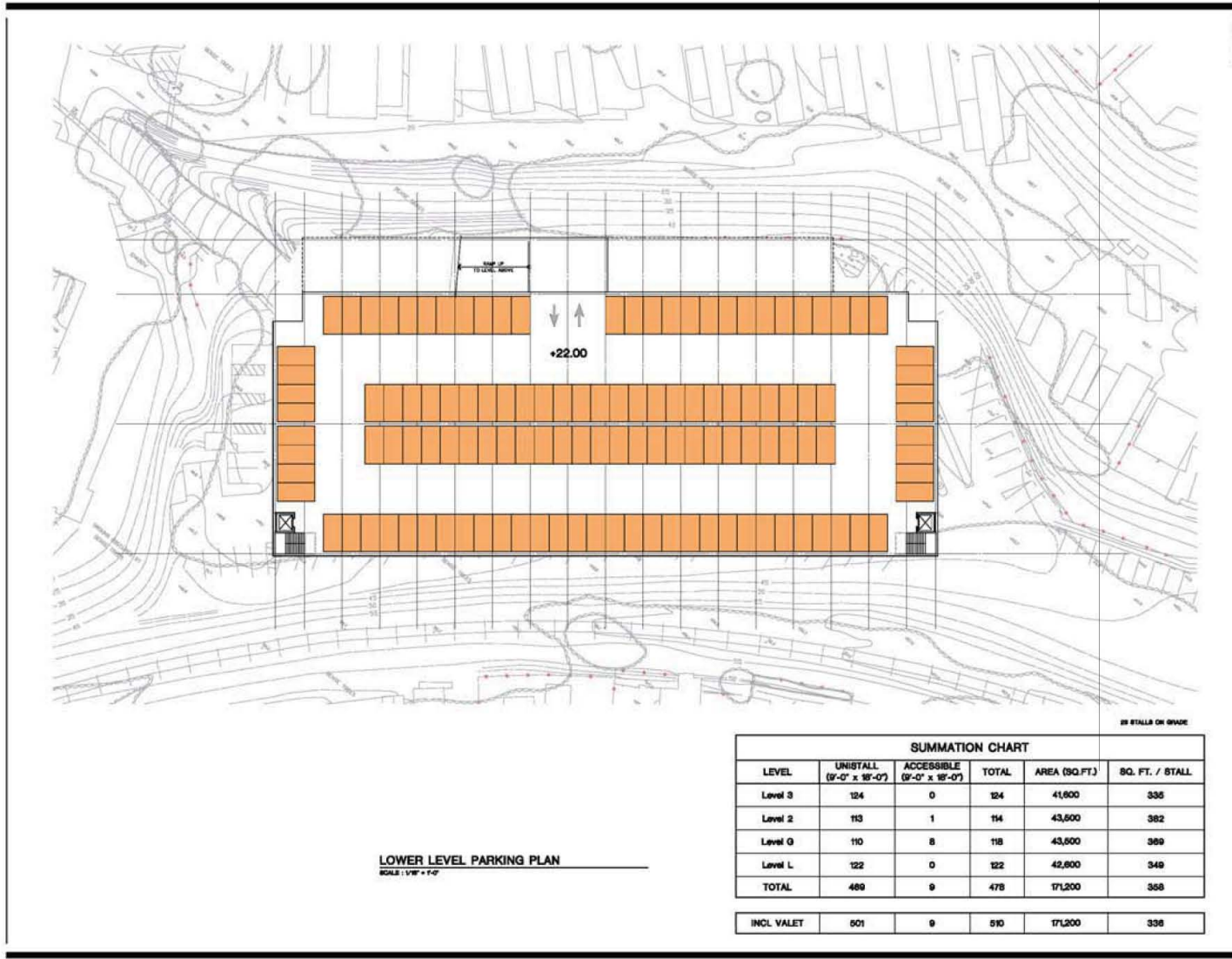
GROUND LEVEL PARKING PLAN
**CITY OF CAPICOLA
PARKING STRUCTURE**
CAPICOLA, CALIFORNIA

**CONCEPT
DESIGN**

OPT A

JOB NO : 0908
DATE : 08-23-09
DESIGN : CHICE
DRAWN : CHICE
CHECKED BY : WICKLER
FILE NAME : A.DWG
REV

A2.1



LOWER LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

SUMMATION CHART					
LEVEL	UNSTALL (9'-0" x 18'-0")	ACCESSIBLE (9'-0" x 18'-0")	TOTAL	AREA (SQ. FT.)	SQ. FT. / STALL
Level 3	124	0	124	41,600	336
Level 2	113	1	114	43,600	382
Level 0	110	8	118	43,500	369
Level L	122	0	122	42,600	349
TOTAL	469	9	478	171,200	358
INCL VALET	501	9	510	171,200	336

Architect - Engineer - Planning - Survey
WATKY DESIGN, INC.
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 Fax: 650.226.4301
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 www.watky-design.com

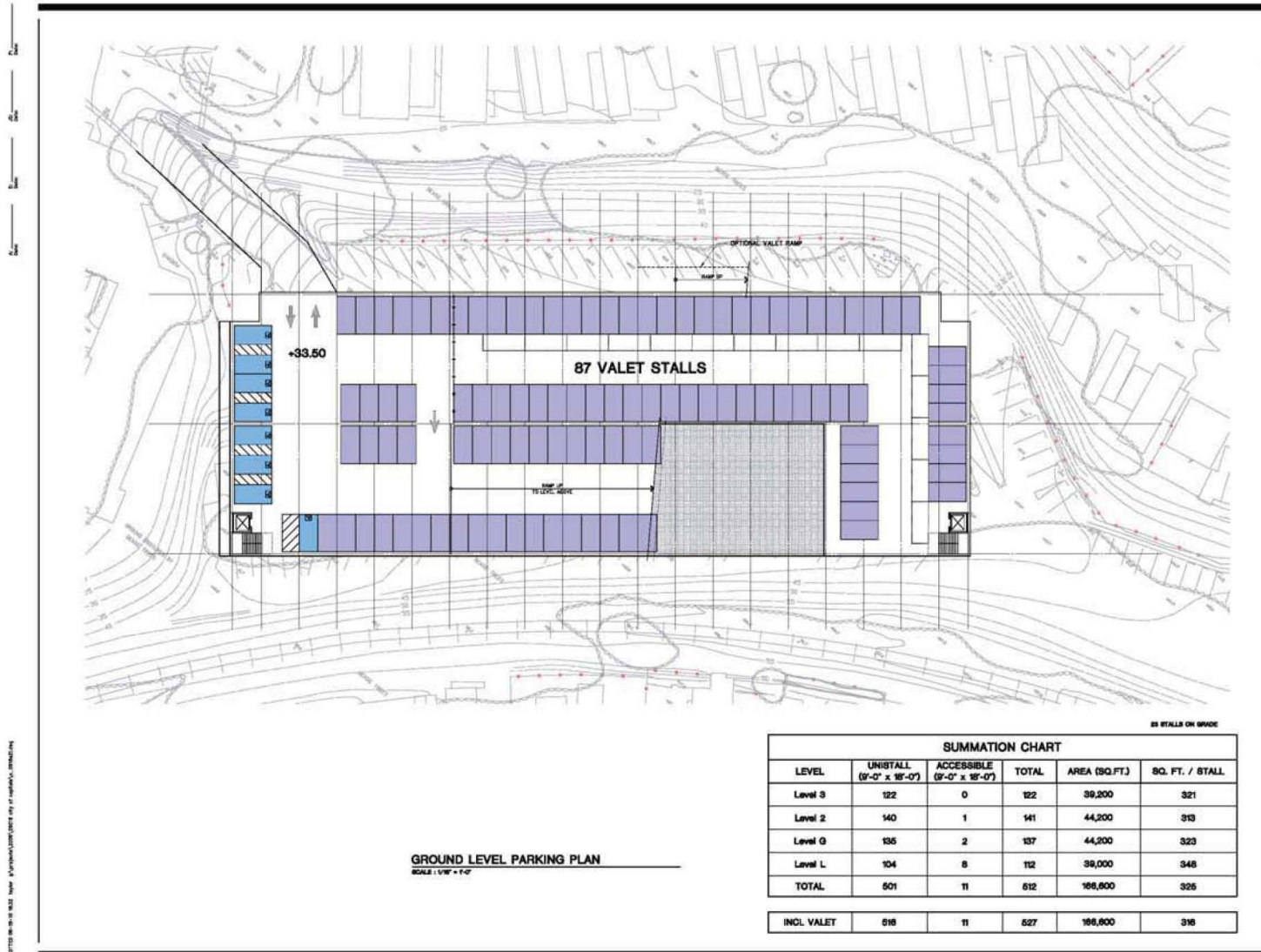
LOWER LEVEL PARKING PLAN
**CITY OF CAPITOLA
 PARKING STRUCTURE**
 CAPITOLA, CALIFORNIA

**CONCEPT
 DESIGN**

OPT B

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 DATE : 06-23-10
 DESIGNER : CHICE
 DRAWN : CHICE
 CHECKED BY : WICKLER
 FILE NAME : R_DWG002
 SHEET

A2.0



Architect - Engineer - Safety Planner
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 1200 Newport Blvd, Suite 200
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 Tel: 650.333.3333
 Fax: 650.333.9933
 E-mail: wdesign@wdesign.com
 www.wdesign.com

GROUND LEVEL PARKING PLAN
**CITY OF CAPITOLA
 PARKING STRUCTURE**
 CAPITOLA, CALIFORNIA

CONCEPT
 DESIGN

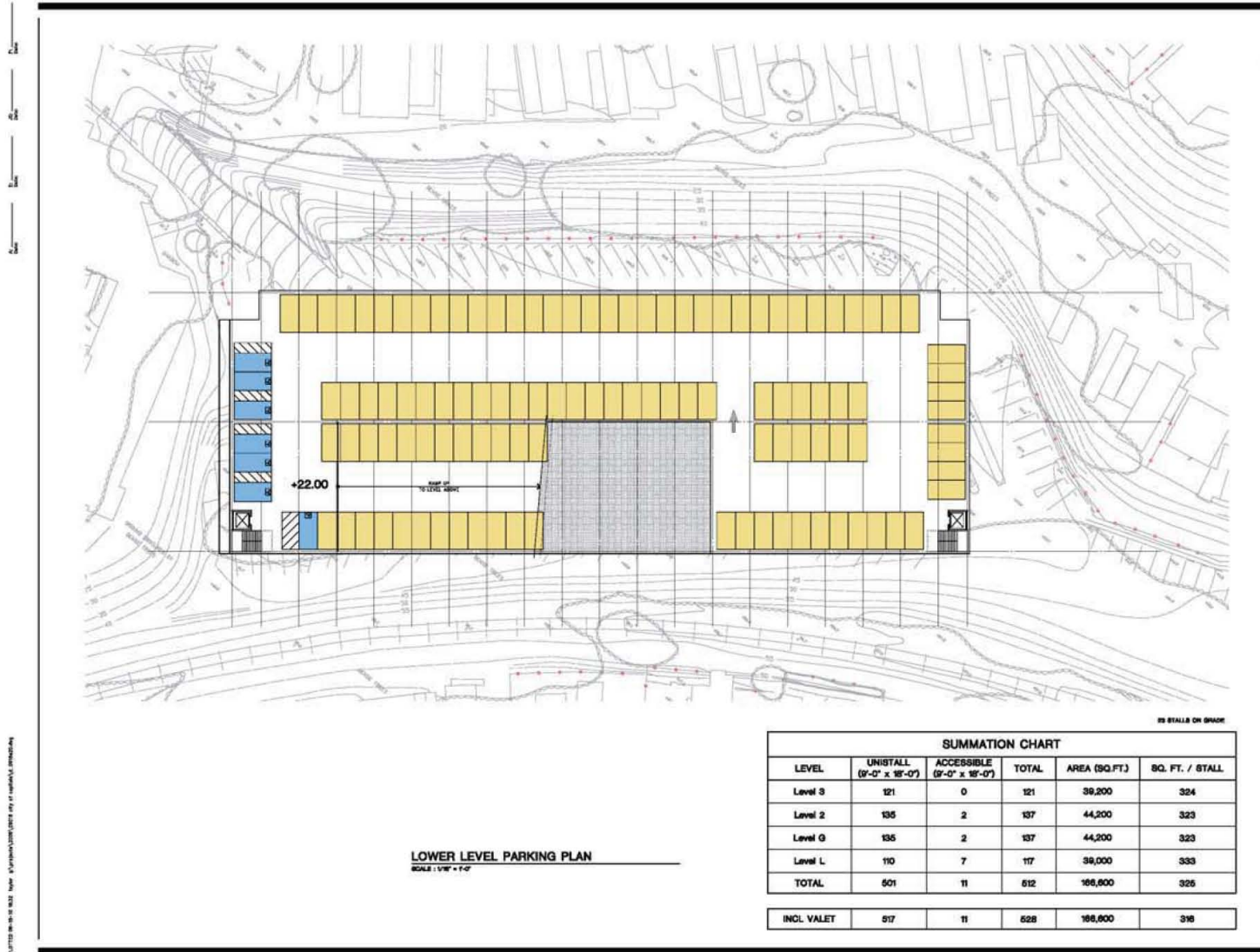
OPT C

JOB NO : 0000
 DATE : 04-23-11
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 DRAWN : CHOC
 CHECKED BY : WENGLER
 FILE NAME : C_DWG001
 SHEET

A2.1

83 STALLS ON GRADE

SUMMATION CHART					
LEVEL	UNSTALL (9'-0" x 18'-0")	ACCESSIBLE (9'-0" x 18'-0")	TOTAL	AREA (SQ.FT.)	SQ. FT. / STALL
Level 3	122	0	122	39,200	321
Level 2	140	1	141	44,200	313
Level 0	135	2	137	44,200	323
Level L	104	8	112	39,000	348
TOTAL	501	11	512	166,600	325
INCL VALET	518	11	527	166,800	316



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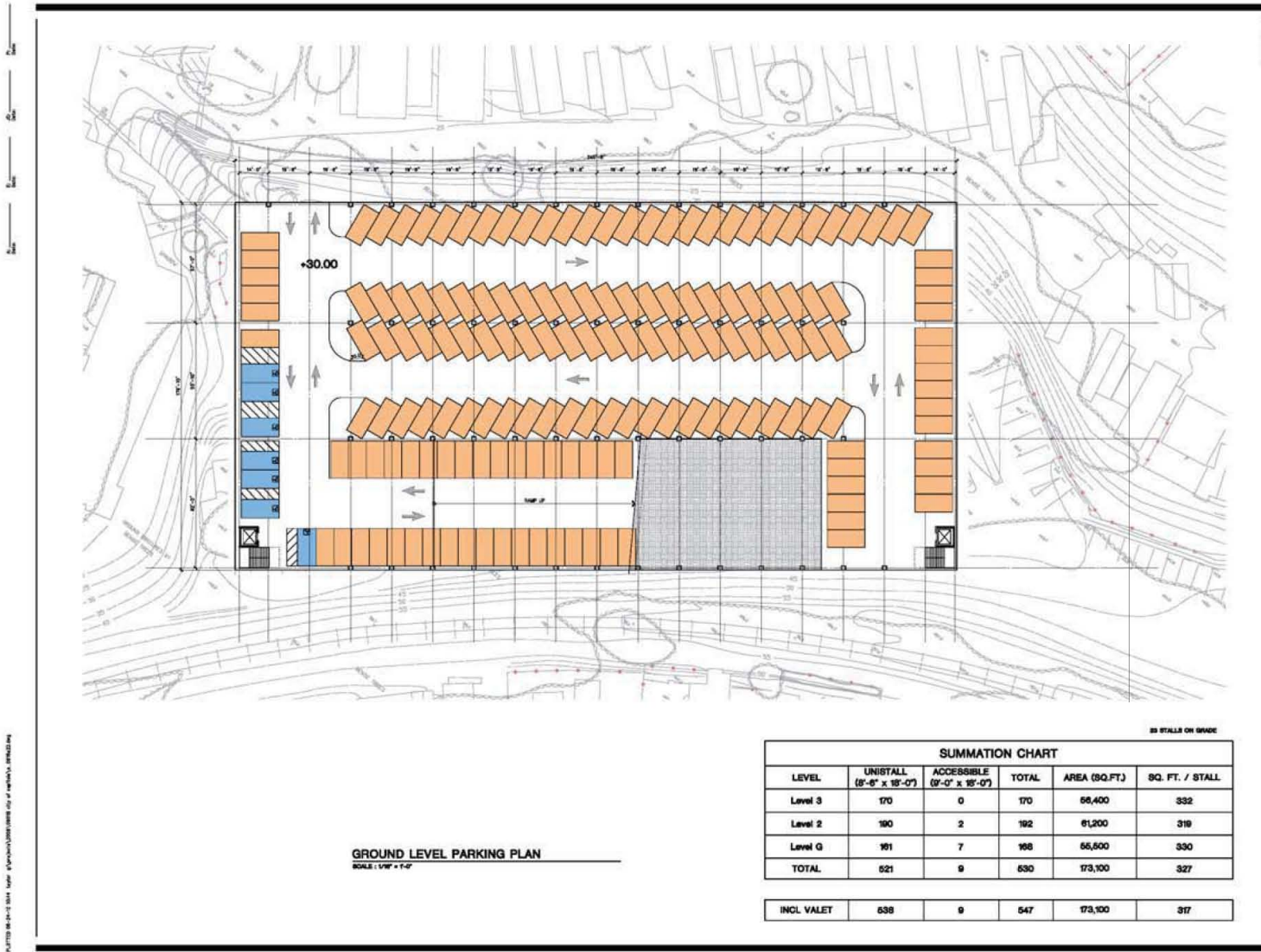
LOWER LEVEL PARKING PLAN
CITY OF CAPITOLA
PARKING STRUCTURE
CAPITOLA, CALIFORNIA

CONCEPT DESIGN

OPT D

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DATE : 08-23-10
DESIGN : CHOC
DRAWN : CHOC
CHECKED BY : WENGLER
FILE NAME : 0_000001
REV

A2.0



GROUND LEVEL PARKING PLAN
SCALE: 1/8" = 1'-0"

SUMMATION CHART

LEVEL	UNISTALL (8'-0" x 15'-0")	ACCESSIBLE (9'-0" x 15'-0")	TOTAL	AREA (SQ.FT.)	SQ. FT. / STALL
Level 3	170	0	170	66,400	332
Level 2	190	2	192	61,200	319
Level G	161	7	168	56,500	330
TOTAL	521	9	630	173,100	327

INCL VALET	638	9	647	173,100	317
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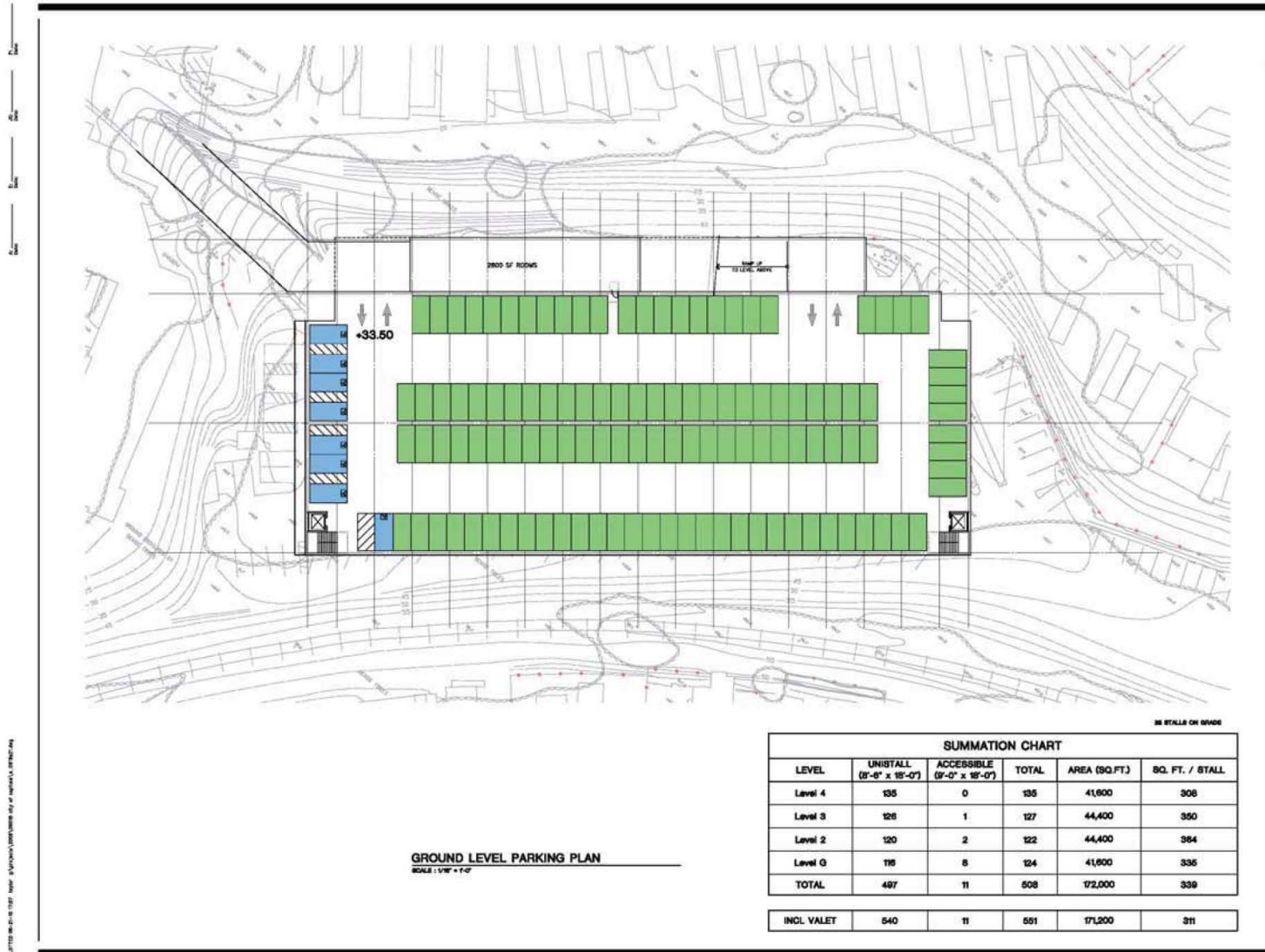
GROUND LEVEL PARKING PLAN
CITY OF CAPITOLA
PARKING STRUCTURE
CAPITOLA, CALIFORNIA

CONCEPT DESIGN

OPT E

JOB NO : 0808
DATE : 06-23-10
DESIGN : CHIC
DRAWN : CHIC
CHECKED BY : WENKLEY
FILE NAME : K_DWG010
REV

A2.1



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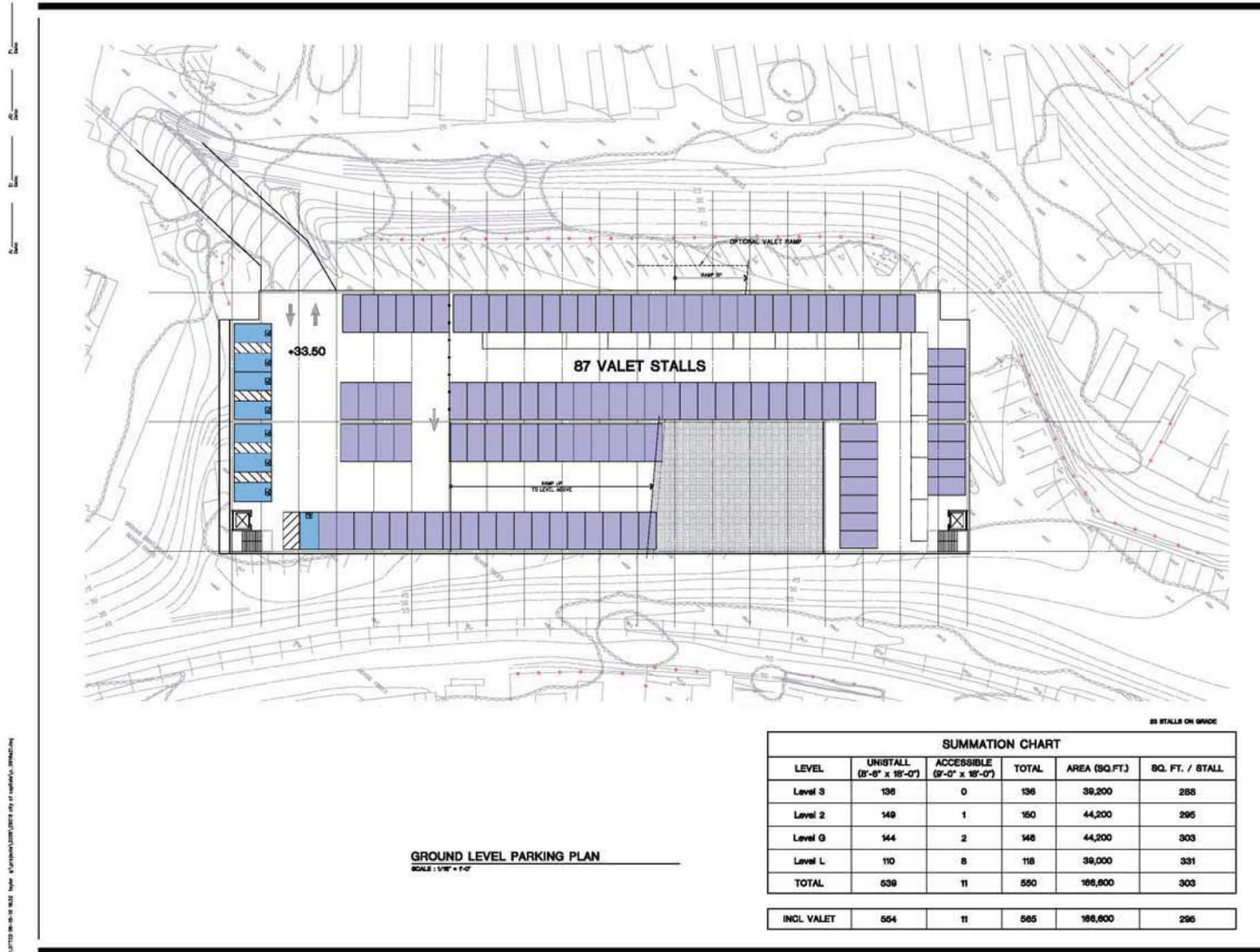
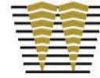
GROUND LEVEL PARKING PLAN
**CITY OF CAPITOLA
 PARKING STRUCTURE**
 CAPITOLA, CALIFORNIA

**CONCEPT
 DESIGN**

OPT A2

JOB NO : 0000
 DATE : 08-23-10
 DESIGNER : CHOE
 DRAWN : CHOE
 CHECKED BY : WENGLER
 FILE NAME : A_000001
 SHEET

A2.1



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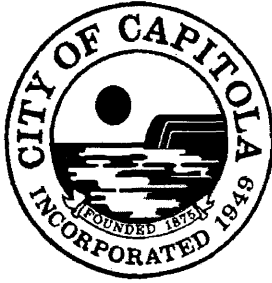
GROUND LEVEL PARKING PLAN
**CITY OF CAPITOLA
PARKING STRUCTURE**
CAPITOLA, CALIFORNIA

CONCEPT
DESIGN

OPT C2

JOB NO : 0000
DATE : 08-23-10
DESIGN : CHOC
DRAWN : CHOC
CHECKED BY : WENGLER
FILE NAME : C_000001
REV

A2.1



Item #: 9.C.

CAPITOLA CITY COUNCIL

MEETING OF AUGUST 9, 2012

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING THE FISCAL YEAR
2012/2013 – 2016/2017 CAPITAL IMPROVEMENT PROGRAM

RECOMMENDED ACTION: Adopt a Resolution approving the City of Capitola Five-Year Capital Improvement Program 2012/2013 – 2016/2017; directing the Finance Department to amend the Fiscal Year 2012/2013 budget; and allocating an additional \$208,000 from the Capital Improvement Program fund balance to new projects.

BACKGROUND: As part of the Fiscal Year 2012/2013 budget adoption the City Council appropriated \$22,500 for the Capital Improvement Program (CIP). Based on this appropriation the 5-year Capital Improvement Program has been updated to reflect all funding allocations for the next five years and update the list of completed projects.

DISCUSSION: The 2012/2013 CIP project list has been updated to include funding allocations for improvements to the Brommer Street/41st Avenue intersection and preliminary engineering and permitting work on the lower Pacific Cove parking lot. All other uncompleted projects carry their funding forward. This CIP recognizes a grant award in Fiscal Year 2013/2014 for the Park Avenue Sidewalk Project. All future Slurry Seal and Pavement Management Projects have been unprogrammed pending the outcome of identifying funding.

Public Works will continue to update the Pavement Management Program and develop a new five-year project list that will be incorporated into the CIP for Fiscal Year 2013/2014.

The Rispin Park Project has been added as an unprogrammed project.

The City Council is considering beginning preliminary design and permitting work on the lower Pacific Cove parking area under a separate item on tonight's agenda. To fund this work staff has identified \$208,000 of undesignated CIP fund balance from the utility undergrounding project, of which \$75,000 is recommended to be allocated to the Lower Pacific Cove Parking Project and \$133,000 to the Utility Underground Project. The \$75,000 will need to be repaid to the Utility Underground Project when final financing of the parking lot project is secured.

FISCAL IMPACT: This CIP identifies a total of \$1,016.50 in funding for Fiscal Year 2012/2013. This funding includes new funding of \$22,500, allocation of \$208,000 of undesignated fund balance from the utility undergrounding project, and \$861,000 in funding carried forward from Fiscal Year 2011/2012.

ATTACHMENTS:

1. Draft Resolution
2. 2012/2013 – 2016/2017 Capital Improvement Program
3. Budget Adjustment

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
ADOPTING THE FISCAL YEAR 2012/2013 – 2016/2017
CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, it is necessary for the City to annually update and adopt a five-year Capital Improvement Program; and

WHEREAS, the City Council conducted public hearings on the allocations to this program as part of the Fiscal Year 2012/2013 budget sessions, and has modified the proposed allocations, and wishes to adopt these fund allocations, transfers, fund carry forwards pursuant to Exhibit A for the Fiscal Year July 1, 2012 through June 30, 2013; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the Fiscal Year 2012/2013 – 2016/2017 Capital Improvement Program is hereby adopted with the fund allocations, transfers, and carry forwards summarized on Exhibit A (Fiscal Year 2012/2013).

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the allocations and carry forwards into the Fiscal Year 2012/2013 City budget in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its Regular Meeting held on the 9th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Termini, Mayor

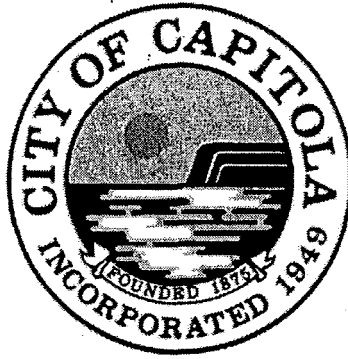
ATTEST:

_____, CMC
Susan Sneddon, City Clerk

CAPITAL IMPROVEMENT PROJECTS

EXHIBIT A

2012-13 FISCAL YEAR					2012-13 Proposed Funding							
		All figures x1,000			General Fund	Grants & Other	Gas Tax	TDA	RDA	Wharf	Adopted 2012-13 Appropriations	Total Appropriations
Project	Project Number	Location	Prior Budget Appropriations									
Completed Projects				Final cost								
Pavement Management Program	cs0011	Cherry Street Overlay	\$ 100.0	\$ 98.7								
Police Department HVAC	cf0001	Police Department	\$ 62.2	\$ 62.2								
Electric Vehicle Charging Stations	ct0003	Pacific Cove	\$ 4.5	\$ 3.9								
Rispin Hazard Abatement	cr0001	Rispin	\$ 650	\$ 648								
Pacific Cove Parking Structure		Watry preliminary design	\$ 42.5	\$ 42.5								
On-Going Projects				Estimated Cost to date								
Clares & Wharf Traffic Calming	ct0001	41st Ave to Wharf Rd	\$ 120.0	\$ 39.0								\$ 120.0
38th Avenue Overlay	cs0008	Brommer St to Capitola Ave	\$ 590.0	\$ 51.2								\$ 590.0
Slurry Seal Program	cs0012	City Wide	\$ 101.0									\$ 101.0
Pavement Management Program	cs0014	Monterey Ave, Bay Ave, Fanmar	\$ 50.0	\$ 19								\$ 50.0
Utility Undergrounding	cs0003	Bay Avenue Utility Undergrounding				133					\$ 133.0	\$ 133.0
New Projects												
Brommer St/41st Ave Intersection Improvements	cs0015	Removing median and re-stripe			22.5						\$ 22.5	\$ 22.5
Lower Pacific Cove Parking Lot	ct0004	Construct new 220 space lot				75					\$ 75.0	\$ 75.0
Totals			\$ 861.0		\$ 23	\$ 208	\$ -	\$ -	\$ -	\$ -	\$ 231	\$ 1,016.5



CITY OF CAPITOLA

FIVE YEAR CAPITAL IMPROVEMENT PROGRAM 2012/13 - 2016/17

PROPOSED

CITY COUNCIL

MICHAEL TERMINI, MAYOR
STEPHANIE HARLAN, VICE MAYOR
KIRBY NICOL
SAM STOREY
DENNIS NORTON

STAFF

JAMIE GOLDSTEIN, CITY MANAGER
STEVEN JESBERG, PUBLIC WORKS DIRECTOR

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**City of Capitola
Capital Improvement Program
Fiscal Year 2012-13**

Project List - Master

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Total	
						Available Funds	Unfunded
C3	Creek	Soquel	Stockton Bridge Enhancement	unprogrammed	42,900	-	\$ 42,900
C5	Creek	Soquel	Flume Repair/Replacement	Unprogrammed	500,000	10,000	\$ 490,000
C6	Creek	Beach	West Jetty Refurbishment	Unprogrammed	440,000	-	\$ 440,000
Total					\$ 982,900	\$ 10,000	\$ 972,900
F4	Facility	Beulah	Site Development for City use	Unprogrammed	101,800	-	\$ 101,800
F6	Facility	Pacific Cove MHP	New Water Line and Slurry Seal	Unprogrammed	228,000	-	\$ 228,000
F9	Facility	Corp Yard	Second Story Addition - Remodel	Unprogrammed	480,000	-	\$ 480,000
F10	Facility	City Hall	Remodel Council Chambers	unprogrammed	83,200	-	\$ 83,200
F11	Facility	City Hall	Install Emergency Generator	Unprogrammed	92,800	-	\$ 92,800
F13	Facility	City Hall	Remodel City Hall Including Offices	Unprogrammed	2,720,000	-	\$ 2,720,000
F15	Facility	Community Center	Remodel Community Center	Unprogrammed	1,728,000	-	\$ 1,728,000
Total					\$ 5,433,800	\$ -	\$ 5,433,800
P15	Parks	Esplanade	Bluff Erosion Control	Unprogrammed	90,900	-	\$ 90,900
P6	Parks	Jade	Soccer and Baseball Field Improvements	Unprogrammed	24,100	-	\$ 24,100
P7	Parks	Cortez	Landscaping and Pathways	Unprogrammed	45,400	-	\$ 45,400
P9	Parks	Monterey	Field Irrigation and Drainage Improvements	Unprogrammed	48,000	-	\$ 48,000
P10	Parks	Cortez	New Play Equipment In Swing Areas	Unprogrammed	96,500	-	\$ 96,500
P11	Parks	Soquel Creek	Repair Retaining Wall	Unprogrammed	49,500	-	\$ 49,500
P12	Parks	Jade & Cortez	Develop Picnic and BBQ area @ Jade	Unprogrammed	37,600	-	\$ 37,600
P13	Parks	TBD	Skate Park Development	Unprogrammed	485,000	-	\$ 485,000
P14	Parks	TBD	Dog Park Development	Unprogrammed	29,700	-	\$ 29,700
P16	Parks	Jade	Reconstruct Tennis Courts	Unprogrammed	100,600	-	\$ 100,600
P17	Parks	Rispin	Complete conversion to park	Unprogrammed	\$ 549,000	-	\$ 549,000
Total					\$ 1,556,300	\$ -	\$ 1,556,300
S48	Streets	38th Avenue	Overlay from Brommer St to Capitola Rd	2012-13	590,000	590,000	\$ -
S35	Streets	Bay Avenue Corridor	Utility Undergrounding	2012-13	300,000	133,000	\$ 167,000
S4)	Streets	Brommer & 41st	Truck & Bike Access Improvements	2012-13	22,500	22,500	\$ -
S81	Streets	Lower Pacific Cove	Surface Parking Lot Construction	2012-13	651,000	75,000	\$ 576,000
S55	Streets	41st Rehab Phase 2	Gross Road to Clares Street	Unprogrammed	427,000	-	\$ 427,000
S46	Streets	Park, Reposa, Cliff, El Salt	PMP - 2011	Unprogrammed	700,000	-	\$ 700,000
S49	Streets	Various	Slurry Seals - 2012	Unprogrammed	70,000	-	\$ 70,000
S50	Streets	TBD	PMP - 2012	Unprogrammed	700,000	-	\$ 700,000
S51	Streets	Various	Slurry Seal 2013	Unprogrammed	70,000	-	\$ 70,000
S52	Streets	TBD	PMP - 2013	Unprogrammed	700,000	-	\$ 700,000
S56	Streets	PMP - 2014	TBD	Unprogrammed	700,000	-	\$ 700,000
S57	Streets	Slurry - 2014	TBD	Unprogrammed	70,000	-	\$ 70,000
S68	Streets	PMP - 2015	TBD	Unprogrammed	700,000	-	\$ 700,000
S59	Streets	Slurry - 2015	TBD	Unprogrammed	70,000	-	\$ 70,000
S1	Streets	Pacific Cove Parking	Lighting & Sidewalk Improvements	Unprogrammed	95,700	-	\$ 95,700
S2	Streets	Village	Phase II - Multi-modal Improvements	Unprogrammed	1,226,800	-	\$ 1,226,800
S8	Streets	Cliff Dr.	Seawall (Corps)	Unprogrammed	1,150,000	-	\$ 1,150,000
S9	Streets	Hooper's Beach	Stairway Repairs	Unprogrammed	32,400	-	\$ 32,400
S10	Streets	41st/Cap Rd	New Signals	Unprogrammed	270,000	-	\$ 270,000
S20	Streets	Pacific Cove Parking	Multi level parking lot addition	Unprogrammed	13,856,500	-	\$ 13,856,500
S21	Streets	Village	Phase III - Multi-modal Improvements	Unprogrammed	1,151,600	-	\$ 1,151,600
S22	Streets	Stockton Ave Bridge	Hazard Assessment	Unprogrammed	50,000	-	\$ 50,000
S27	Streets	Village	Phase IV - Multi-modal Improvements	Unprogrammed	858,000	-	\$ 858,000
S28	Streets	41st	Widen Highway 1 Overpass to 6 lanes	Unprogrammed	5,775,000	-	\$ 5,775,000
S40	Streets	Grand Ave	Drainage Improvements	Unprogrammed	859,000	-	\$ 859,000
S42	Streets	Wharf Road	Retaining wall extension	Unprogrammed	412,500	-	\$ 412,500
S53	Streets	Hill Street	Ped. Impls from Cap Ave to Rosedale	Unprogrammed	120,000	-	\$ 120,000
S54	Streets	Reposa Avenue	Traffic Calming	Unprogrammed	40,000	-	\$ 40,000
Total					\$31,668,000	\$ 820,500	\$ 30,847,500

**City of Capitola
Capital Improvement Program
Fiscal Year 2012-13**

Project List - Master

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Total Available		
						Funds	Unfunded	
W2	Wharf		Utility Improvements (Water, Sewer, Electrical)	Unprogrammed	88,100	-	\$ 88,100	
W3	Wharf		Restaurant & Restroom Remodelling	Unprogrammed	300,000	-	\$ 300,000	
					Total	\$ 388,100	\$ -	\$ 388,100
N5	NTAC	Clares & Wharf	Clares & Wharf Traffic Calming	2011-12	400,000	100,000	\$ 300,000	
N6	NTAC	Park Ave	Park Ave sidewalks to Cabrillo	2013-14	492,500	430,000	\$ 62,500	
N3	NTAC	Bay & Cap Ave	Bay Ave/Cap Ave Intersection Improvements	Unprogrammed	500,950	-	\$ 500,950	
N4	NTAC	Bay & Monterey	Bay Ave/Monterey Ave Intersection Improvements	Unprogrammed	297,000	-	\$ 297,000	
N7	NTAC	Monterey Ave	Relocate Stop Signs on Monterey Ave	unprogrammed	8,700		\$ 8,700	
N8	NTAC	Depot Hill	Ingress/Egress improvements to Depot Hill	unprogrammed	148,500		\$ 148,500	
N9	NTAC	Stockton Ave	Raised crosswalks at Stockton & Esplanade	Unprogrammed	150,000		\$ 150,000	
N10	NTAC	Park Ave	Slow Street Design on Park Ave	unprogrammed	123,900		\$ 123,900	
N12	NTAC	Monterey Ave	Slow street design on lower Monterey Ave	unprogrammed	115,500		\$ 115,500	
N13	NTAC	Various	Slow street design on Escalona, Fanmar, Cliff Ave, & El Salto	unprogrammed	90,900		\$ 90,900	
N14	NTAC	Escalona	Small traffic circle at Escalona and Oakland	unprogrammed	12,400		\$ 12,400	
N15	NTAC	Bay	Traffic Calming on Bay Ave	unprogrammed	206,400		\$ 206,400	
N16	NTAC	Beulah	One way traffic on Beulah (west to east)	unprogrammed	20,600		\$ 20,600	
N17	NTAC	Monterey and Hill	Sidewalks on Monterey and Hill	unprogrammed	50,300		\$ 50,300	
N18	NTAC	47th Ave	Traffic Calming on 47th Ave	Unprogrammed	80,000		\$ 80,000	
N19	NTAC	42nd Ave	Bulb-outs on 42nd at DMV	unprogrammed	33,000		\$ 33,000	
N20	NTAC	Cliff Dr.	Bulb-outs on Cliff Drive below Prospect	unprogrammed	49,500		\$ 49,500	
N21	NTAC	49th Ave	Bikeway striping on 49th Ave	unprogrammed	4,100		\$ 4,100	
N22	NTAC	Various	Establish Truck Routes through City	unprogrammed	20,600		\$ 20,600	
N24	NTAC	Wharf	Replace rolled curb on Wharf Road	Unprogrammed	74,300		\$ 74,300	
N26	NTAC	49th Ave	Chicanes on 49th Ave	unprogrammed	45,400		\$ 45,400	
N27	NTAC	Various	Signage depicting Neighborhoods	unprogrammed	20,600		\$ 20,600	
N28	NTAC	42nd Ave	Slow Traffic Design on 42nd	unprogrammed	53,600		\$ 53,600	
N11	NTAC	Fanmar	One way Traffic on Fanmar (east to west)	unprogrammed	33,000		\$ 33,000	
					Total	\$3,031,750	\$530,000	\$2,501,750
Grand Totals					\$43,060,850	\$1,360,500	\$41,700,350	

CAPITAL IMPROVEMENT PROJECTS

2012-13 FISCAL YEAR					2012-13 Proposed Funding							
All figures x1,000					General Fund	Grants & Other	Gas Tax	TDA	RDA	Wharf	Adopted 2012-13 Appropriations	Total Appropriations
Project	Project Number	Location	Prior Budget Appropriations	Final cost								
Completed Projects				Final cost								
Pavement Management Program	cs0011	Cherry Street Overlay	\$ 100.0	\$ 98.7								
Police Department HVAC	cf0001	Police Department	\$ 62.2	\$ 62.2								
Electric Vehicle Charging Stations	ct0003	Pacific Cove	\$ 4.5	\$ 3.9								
Rispin Hazard Abatement	cr0001	Rispin	\$ 650	\$ 648								
Pacific Cove Parking Structure		Watry preliminary design	\$ 42.5	\$ 42.5								
On-Going Projects				Estimated Cost to date								
Clares & Wharf Traffic Calming	ct0001	41st Ave to Wharf Rd	\$ 120.0	\$ 39.0								\$ 120.0
38th Avenue Overlay	cs0008	Brommer St to Capitola Ave	\$ 590.0	\$ 51.2								\$ 590.0
Slurry Seal Program	cs0012	City Wide	\$ 101.0									\$ 101.0
Pavement Management Program	cs0014			Monterey Ave, Bay Ave, Fanmar	\$ 50.0	\$ 19						
Utility Undergrounding	cs0003	Bay Avenue Utility Undergrounding				133					\$ 133.0	\$ 133.0
New Projects												
Brommer St/41st Ave Intersection Improvements	cs0015	Remvoe median and re-stripe			22.5						\$ 22.5	\$ 22.5
Lower Pacific Cove Parking Lot	ct0004	Construct new 220 space lot				75					\$ 75.0	\$ 75.0
Totals					\$ 23	\$ 208	\$ -	\$ -	\$ -	\$ -	\$ 231	\$ 1,016.5

Capital Improvement Program

Project	Category	Location
Clares Street Pedestrian Improvements and Traffic Calming	NTAC	Clares Street from 41 st to and including Wharf Rd intersection

Description:

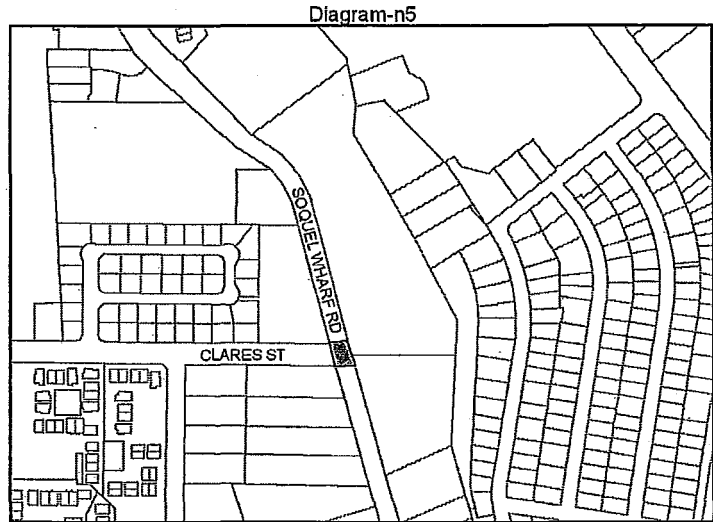
Construct traffic calming along Clares Street in conjunction with conditions placed on the Rispin Mansion project. Project to include the use of a raised intersection, a dedicated right hand turn lane on Wharf onto Clares, and the use of chicanes, narrowed lanes, and center island medians. A preliminary plan was prepared by Harris & Associates and approved by the RDA Board of Directors on December 9, 2004.

General Plan Consistency:

Chapter 9, Circulation: Policy 11, Protect the ability of minor arterials to provide through traffic while maintaining the livability of the street.

Maintenance Impact:

Increase in landscape maintenance cost of \$200 per month.



Fiscal Estimate:

Fiscal Year	2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction	-	290,000	-	-	-	-	290,000
Planning & Permitting	-	-	-	-	-	-	-
Design	18%	52,000	-	-	-	-	52,000
Right of Way	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Contingency	20%	58,000	-	-	-	-	58,000
Project Totals	-	400,000	-	-	-	-	400,000
Funding Sources							
RTC	-	100,000	-	-	-	-	100,000
TDA Funds	-	-	-	-	-	-	-
Developer	-	-	-	-	-	-	-
RDA	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000

Funding Shortfall:

\$ 300,000

Capital Improvement Program

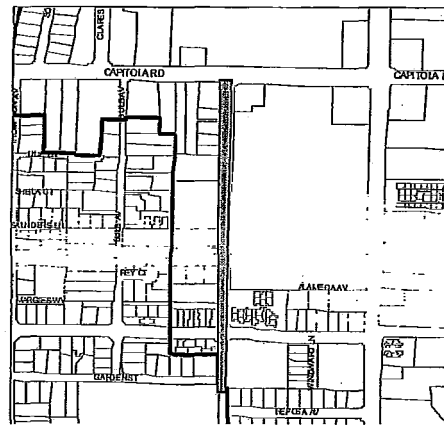
Project	Category	Location
38 th Avenue Overlay	Street	38 th Avenue from southern City limit to Capitola Road

Description:

Reconstruct 38th Avenue from just south of Brommer Street, north to Capitola Road. This street is primary collector in the middle of the Cities commercial corridor, which centers along adjacent 41st Avenue. 38th Avenue provides secondary ingress and egress to a shopping center with Orchard Supply Hardware, Save Mart Grocery, Rite Aid, Palace Arts, 41st Avenue movie theater, and other stores. The average daily traffic is 6,400 trips.

The project will also include the construction of 470 feet of curb, gutter and sidewalk along immediately south of Capitola Road completing on the largest gaps in the sidewalk system. Currently there is only a complete sidewalk connection on the eastern side of the street. Right of way acquisition will be required for the sidewalk, though no private improvements will need to be relocated.

Maintenance Impact:
Reduction in maintenance costs used on filling potholes.



Fiscal Estimate:

Fiscal Year	2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction	-	362,500	-	-	-	-	362,500
Planning & Permitting	10%	-	36,300	-	-	-	36,300
Design	25%	53,000	10,000	-	-	-	63,000
Right of Way	7%	-	25,400	-	-	-	25,400
Construction Management	0%	-	30,000	-	-	-	30,000
Contingency	20%	-	72,500	-	-	-	72,500
Project Totals	53,000	536,700	-	-	-	-	590,000
Funding Sources							
RSTPX	-	438,000	-	-	-	-	438,000
General Fund	152,000	-	-	-	-	-	152,000
Funding Totals	\$ 152,000	\$ 438,000	\$ -	\$ -	\$ -	\$ -	\$ 590,000

Funding Shortfall:
\$

Capital Improvement Program

Project	Category	Location
Slurry seal program –2012	Streets	Deanes Lane, Jewel Box, Reposa, & Depot Hill

Description:

Depot Hill Area: Escalona Dr, Sacramento Ave, southern portion of Hollister Ave, Oakland Ave, Saxon Ave, southern portion of Central Ave, and western end of Grand Ave

Jewel Box east of 49th Avee: Prospect Ave, Opal St, Jewel St, Garnet St, and Emerald St

Deanes Lane neighborhood: Deanes Ln, Edmund Ln, Sellars Ln, Albert Ln, and Virgil Ln

Reposa Avenue, which will also be restriped to narrow the streets as agreed upon with the residents.

General Plan Consistency:

Maintenance of existing local streets is consistent with Circulation Element general objectives for all roadways.

Maintenance Impact:

None

Fiscal Estimate:

<u>Fiscal Year</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction	93,000	-	-	-	-	-	93,000
Planning & Permitting	-	-	-	-	-	-	-
Design	0%	-	-	-	-	-	-
Right of Way	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Contingency	9%	8,000	-	-	-	-	8,000
Project Totals	101,000	-	-	-	-	-	101,000
<u>Funding Sources</u>							
General Fund	101000	-	-	-	-	-	101,000
	-	-	-	-	-	-	-
Funding Totals	\$ 101,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 101,000

Funding Shortfall:

\$

Capital Improvement Program

Project	Category	Location
Pavement Management – 2011	Streets	Monterey Avenue east of Washburn Bay Avenue north of Capitola Ave Fanmar west of Monterey

Description: Based on the available funding of \$250,000 full street length repaving is not being recommended. Instead small isolated sections with failing paving or drainage problems are being identified for repair work.

Maintenance Impact:

Reduction of street maintenance costs such as pothole filling estimated at \$1000 per year.

Fiscal Estimate:

<u>Fiscal Year</u>		<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		200,000	-	-	-	-	-	200,000
Planning & Permitting		-	-	-	-	-	-	-
Design	15%	30,000	-	-	-	-	-	30,000
Right of Way		-	-	-	-	-	-	-
Construction Management	5%	10,000	-	-	-	-	-	10,000
Contingency	5%	10,000	-	-	-	-	-	10,000
Project Totals		250,000	-	-	-	-	-	250,000

Funding Sources

General Fund		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 250,000

Capital Improvement Program

Project	Category	Location
Utility Undergrounding	Streets	To Be Determined

Description:

Utilizing PG&E Rule 20A funding, convert existing electric and other utility lines from traditional overhead service to underground facilities. As of April, 2003 the City has allocation credits of \$1,038,272. The uses of these funds have various rules and restrictions. In 1999 the City adopted a resolution establishing an undergrounding district along the Bay Avenue corridor. Since forming the district, no significant work has taken place on completing the project.

General Plan Consistency:

Chapter 6, Conservation, Policy 3 establishes the undergrounding of utilities within the City as a long range goal.

Maintenance Impact:

Reduction of Graffiti removal efforts on behalf of the City related to utility poles.

Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year		<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		200,000	-	-	-	-	-	200,000
Planning & Permitting	10%	20,000	-	-	-	-	-	20,000
Design		-	-	-	-	-	-	-
Right of Way	20%	40,000	-	-	-	-	-	40,000
Construction Management		-	-	-	-	-	-	-
Contingency	20%	40,000	-	-	-	-	-	40,000
Project Totals		300,000	-	-	-	-	-	300,000

Funding Sources

PG&E		133,000						133,000
Funding Totals		\$ 133,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 133,000

Funding Shortfall:

\$ 167,000

Capital Improvement Program

Project	Category	Location
Lower Pacific Cove Parking Lot Construction	Streets	Lower Pacific Cove Property

Description: The project will develop an approximate 220 space surface public parking lot on approximately 4 acres of land formerly used for the Pacific Cove Mobile Home Park located at 426 Capitola Avenue.

Maintenance Impact:
Maintenance of 220 parking lot
estimated at \$50,000 per year

Fiscal Estimate:

Fiscal Year		2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction		-	-	-	-	-	533,985	533,985
Planning & Permitting	2%	-	-	-	-	-	10,700	10,700
Design	10%	-	-	-	-	-	53,400	53,400
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	10%	-	-	-	-	-	53,400	53,400
Project Totals		-	-	-	-	-	651,485	651,000
Funding Sources								
CIP Loan		75,000						75,000
		-	-	-	-	-	-	-
Funding Totals		\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
Funding Shortfall:								
		\$ 576,000						

Capital Improvement Program

Project	Category	Location
Truck and Bicycle Access Improvements at Brommer St and 41 st Ave	Streets	Brommer Street & 41 st Avenue

Description: Improve both the truck turn access from southbound 41st Avenue onto westbound Brommer Street and the bicycle access along the westbound side of Brommer Street. The project will reduce the number of eastbound lanes on Brommer Street from two to one and widen the single westbound lane to accommodate truck without impinging on the westbound bike lane.

Maintenance Impact:
None

Fiscal Estimate:

Fiscal Year		2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction		20,000	-	-	-	-	-	20,000
Planning & Permitting	0%	-	-	-	-	-	-	-
Design	5%	1,000	-	-	-	-	-	1,000
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	8%	1,500	-	-	-	-	-	1,500
Project Totals		22,500	-	-	-	-	-	22,500
Funding Sources								
General Fund		22,500						22,500
Prop 1A		-	-	-	-	-	-	-
Funding Totals		\$ 22,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,500
Funding Shortfall:								
\$	-							

Capital Improvement Program

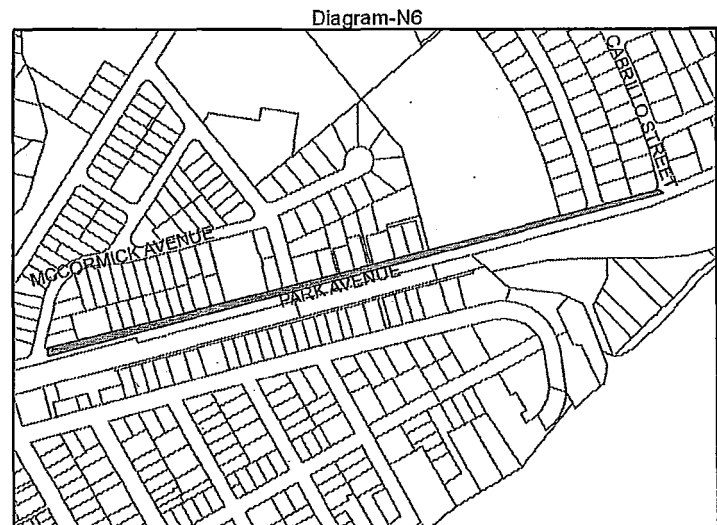
Project	Category	Location
Sidewalk construction	NTAC	Park Avenue

Description:

Construct curb, gutter, and sidewalk along the north side of Park Avenue from McCormick Avenue to Cabrillo Avenue, including crosswalks at Washburn Avenue and Cabrillo Avenue.

Maintenance Impact:

None



Fiscal Estimate:

Fiscal Year	2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction	-	283,900	-	-	-	-	283,900
Planning & Permitting	5%	14,200	-	-	-	-	14,200
Design	22%	62,500	-	-	-	-	62,500
Right of Way	4%	11,400	-	-	-	-	11,400
Construction Management	10%	28,400	-	-	-	-	28,400
Contingency	10%	29,600	-	-	-	-	29,600
Project Totals	-	430,000	-	-	-	-	430,000
Funding Sources							
RTC Grant	-	-	200,000	-	-	-	200,000
TDA Funds	-	-	100,000	-	-	-	100,000
General Fund	-	-	130,000	-	-	-	130,000
Funding Totals	\$ -	\$ -	\$ 430,000	\$ -	\$ -	\$ -	\$ 430,000

Funding Shortfall:

\$ -

Completed Projects

Project Number	Project Category	Location	Project	Year Completed	Final Cost	Measure P&D Expenses
F1	Facility	City Hall	Improve drainage around building	2002/03	\$ 91,000	
F2	Facility	City Hall	Remodel Community Room	2002/03	20,000	
F3	Facility	City Hall	Partial New Roof and Roof Access	2002/03	7,500	
S15	Streets	Various	Slurry Seals - 2002	2002/03	72,600	
W3	Wharf	Wharf	Permanent Installation of Dock Ramp	2002/03	12,000	
	Wharf	Wharf	Emergency Piling Replacement	2002/03	50,000	
C1	Creek	Soquel	Soquel Creek Improvements	2003/04	106,000	
S14	Streets	Village	Lawn Way Storm Pump Station	2003/04	285,000	
S31	Streets	Various	Pedestrian Safety Project	2003/04	35,139	
S33	Streets	Various	Pedestrian and Bikeway Improvements	2003/04	36,005	
S4	Streets	Park Ave	Sidewalks from Washburn to Monterey	2003/04	109,900	
W1	Wharf	Wharf	Entrance Gate	2003/04	37,000	
S6	Streets	Gross Road	Left Hand turn lane addition	2004/05	618,509	
N1	NTAC	41st	41st Ave/Clares Street ADA Improvements	2004/05	48,000	
N2	NTAC	41st	41st Avenue North/South Corridor Improvements	2004/05	163,200	
C2	Creek	Soquel	Clean Beach Initiative	2004/05	85,000	
S19	Streets	Various	Slurry Seals - 2004	2004/05	47,500	
P1	Parks	Jade	Resurface Tennis Courts	2005-06	15,000	\$ 15,000
S11	Streets	46th Ave	Resurface - Phase 1	2005-06	181,123	181,123
S34	Streets	46th Ave	Resurface - Phase 2	2005-06	Incl with above	
S26	Streets	Various	Slurry Seals - 2005	2005-06	76,500	76,500
F12	Facility	Corp Yard & City Hall	New Roof & Roof Repairs	2005-06	30,000	30,000
F16	Facility	City Hall	Museum Cabin Restoration	2006-07	47,000	57,000
S36	Streets	Various	Slurry Seals - 2006	2006-07	58,000	58,000
	Streets	Burlingame	Road & Sewer Reconstruction	2006-07	367,000	173,000
	Streets	Riverview Ave	Pavement Overlay	2006-07	66,000	66,000
	Streets	38th Ave	Sidewalks at Garden Street	2006-07	25,300	25,300
P15	Parks	Jade	New Play Equipment for 2-5 Year Olds	2006-07	33,500	43,500
S17	Streets	Pavement Management	PMP Phase 2	2006-07	510,000	610,000
S25	Streets	41st Northbound	Resurface	2006-07	260,000	50,000
	Streets	Park Ave Overlay	Resurface	2006-07	230,000	265,000
	Streets	42nd Ave Overlay	Resurface	2006-07	100,000	110,000
P5	Parks	Library Property	Tot Lot Construction	2007-08	188,300	52,100
S24	Streets	Pavement Management	PMP Phase 3	2007-08	137,600	117,600

Completed Projects

Project Number	Project Category	Location	Project	Year Completed	Final Cost	Measure P&D Expenses
F1	Facility	City Hall	Improve drainage around building	2002/03	\$ 91,000	
	Streets	41st Ave Overcrossing Imp.	Additional S/B Lane	2007-08	212,000	
P3	Parks	Esplanade	Expand/Renovate Bathrooms	2008-09	240,200	123,000
S37	Streets	Various	Slurry Seals - 2007	2008-09	70,000	70,000
S38	Streets	Various	Slurry Seals - 2008	2008-09	63,000	63,000
C4	Soquel Crk	Soquel Creek	Bioswale Treatment Wetland	2009-10	625,000	
S32	Streets	Bay Avenue	Sidewalk Capitola Ave to Monterey Ave	2009-10	190,000	125,000
	Wharf	Wharf Pile Replacement	Piling Replacement and Repairs	2009-10	153,000	
S47	Streets	41st Ave Rehabilitation	ARRA project	2009-10	405,000	50,000
S29	Streets	Pavement Management	PMP Phase 4	2009-10	465,000	130,000
12	Streets	Capitola Rd/42nd	Pedestrian Improvements	2010-11	484,769	
	Facilities	PD HVAC Improvements		2010-11	65,000	65,000
	Streets	41st Avenue Paving UPRR	Payment to County	2010-11	\$ 10,000.0	10,000
	Facilities	Beulah House Demolition	504 Beulah Ave	2010-11	\$ 16,700.0	16,700
	Streets	Cherry Avenue	Overlay	2011-12	85,640	105,640
	Parks	Rispin Repairs	Rispin Park	2011-12	650,000	
	Facilities	Electric Vehicle Charging	St Pacific Cove		\$ 4,500	4,500
					\$ 7,798,485	\$ 2,692,963

**Soquel Creek Projects
Unprogrammed Projects**

Project List - Soquel Creek

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	IRWP	Funding Sources			Total Available Funds	
							Clean Beaches Grant (SWRCB)	City Funds	Unfunded		
C5	Creek	Soquel	Flume Repair/Replacement	Unprogrammed	500,000			10,000	490,000	10,000	
C3	Creek	Soquel	Stockon Bridge Enhancement	unprogrammed	42,900				42,900	-	
C6	Creek	Beach	West Jetty Refirbishment	Unprogrammed	440,000				440,000	-	
				Total	\$ 982,900	\$ -	\$ -	\$ -	10,000	\$ 972,900	\$ 10,000

Capital Improvement Program

Project	Category	Location
Stockton Avenue Bridge Riparian Enhancement	Creek	Eastern shore, upstream of the Stockton Ave. Bridge

Description:

Improve planting and public access to City owned parcel adjacent to Stockton Avenue Bridge on the eastern shore. Project may include removal of abandoned fire flow pump station and development of new viewing area above creek. Riparian enhancements to focus on shade producing vegetation.

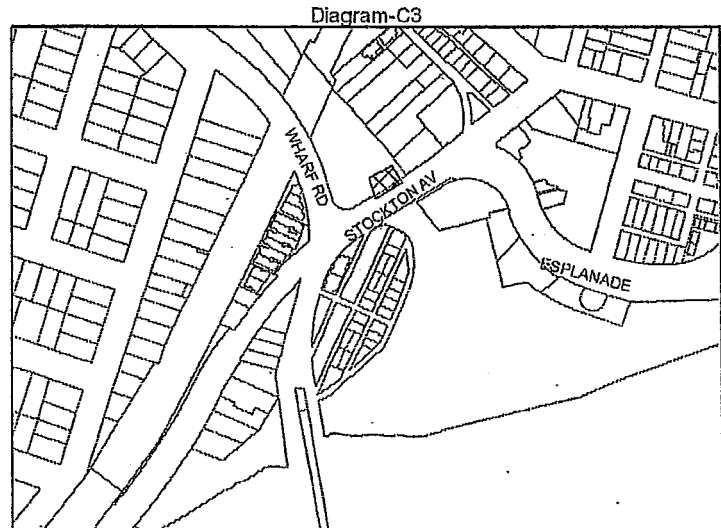
General Plan Consistency:

Maintenance Impact:

Minimal impacts, City already maintains area.

Public Art Funding Eligibility:

Fiscal Estimate:



Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed
Project Construction		-	-	-	-	-	26,000
Planning & Permitting	5%	-	-	-	-	-	1,300
Design	20%	-	-	-	-	-	5,200
Right of Way	5%	-	-	-	-	-	1,300
Construction Management	15%	-	-	-	-	-	3,900
Contingency	20%	-	-	-	-	-	5,200
Project Totals		-	-	-	-	-	42,900

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 42,900

Capital Improvement Program

Project	Category	Location
Soquel Creek Lagoon flume replacement/repairs	Soquel Creek	Flume across beach

Description:

The existing flume was built in the 1930's and while still functional has developed several significant crack and has operational problems resulting in water flow underneath the flume, resulting in sink holes on the beach. This project has been developed to look into options for rebuilding or repairing the flume to resolve these issues.

General Plan Consistency:

Chapter 5, Open Space, Parks, and Recreation goal number 5: to conserve and enhance the waterfront are for public use and views

Chaper 6, Conservation Goal: Protect and preserve the natural resources within the Capitola Area

Maintenance Impact:

Reoccurring sink holes require maintenance on a daily basis.

Fiscal Estimate:

Fiscal Year		2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction		-	-	-	-	-	400,000	400,000
Planning & Permitting	0%	-	-	-	-	-	-	-
Design	15%	-	-	-	-	-	60,000	60,000
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	10%	-	-	-	-	-	40,000	40,000
Project Totals		-	-	-	-	-	500,000	500,000

Funding Sources

General Fund		10,000						10,000
Funding Totals		\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000

Funding Shortfall:

\$ 490,000

Capital Improvement Program

Project	Category	Location
Capitola Beach Jetty Refirbishment	Creek	West Jetty on Capitola Beach

Description:

The existing rock jetty at the eastern end of Capitola Beach, which is actually the western of two jetty's, is the primary structure retaining sand for the beach. This jetty was first built in the 1970's, since that time the boulders have subsided and the outer end of the jetty sank. This project would place new boulders to restore the jetty to its original elevations.

General Plan Consistency:

Chapter 5, Open Space, Parks, and Recreation goal number 5: to conserve and enhance the waterfront are for public use and views

Maintenance Impact:

Retaining more sand for the beach will help the annual grading done by the City.

Fiscal Estimate:

Fiscal Year		2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction		-	-	-	-	-	300,000	300,000
Planning & Permitting	20%	-	-	-	-	-	60,000	60,000
Design	15%	-	-	-	-	-	45,000	45,000
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	10%	-	-	-	-	-	30,000	30,000
Project Totals		-	-	-	-	-	435,000	440,000
Funding Sources:								
STIP								
Prop 1A								
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:								
\$	440,000							

Facility Projects Unprogrammed Projects

Project List - Facilities

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Grant Funds	City General Funds	Unfunded	Total Funds
F4	Facility	Beulah	Site Development for City use	Unprogrammed	101,800		-	101,800	-
F6	Facility	Pacific Cove MHP	New Water Line and Slurry Seal	Unprogrammed	228,000			228,000	-
F9	Facility	Corp Yard	Second Story Addition - Remodel	Unprogrammed	480,000			480,000	-
F10	Facility	City Hall	Remodel Council Chambers	unprogrammed	83,200			83,200	-
F11	Facility	City Hall	Install Emergency Generator	Unprogrammed	92,800			92,800	-
F13	Facility	City Hall	Remodel City Hall including Offices	Unprogrammed	2,720,000			2,720,000	-
F15	Facility	Community Center	Remodel Community Center	Unprogrammed	1,728,000			1,728,000	-
				Totals	\$ 5,433,800	\$ -	\$ -	\$ 5,433,800	\$ -

Capital Improvement Program

Project	Category	Location
Beulah Condition Assessment & Remodel to Office Space	Facility	Beulah House

Description:

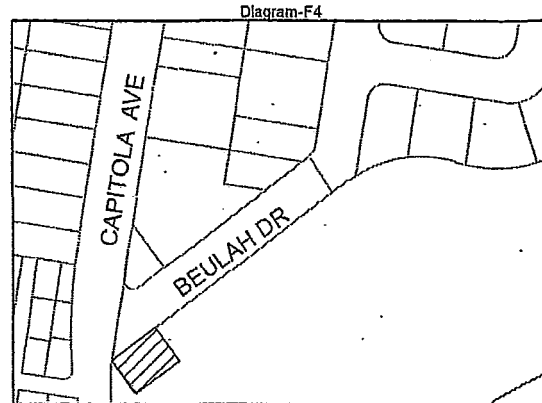
The city has investigated several options for the Beulah House located at 504 Beulah Drive. This property is part of the Pacific Cove Mobile Home Park. The current plan is to demolish the existing structure and construct temporary City office space on the site for use by Parking Enforcement and IT.

General Plan Consistency:

Land Use Goal #3: *Utilize existing City-owned parcels to provide additional community facilities and amenities.*

Maintenance Impact:

Current structure is unused. Additional maintenance will be required if converted to useable space. Estimate \$2,300 per year.



Fiscal Estimate:

Fiscal Year	2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction	88,000	-	-	-	-	-	88,000
Planning & Permitting	-	-	-	-	-	-	-
Design	5,000	-	-	-	-	-	5,000
Right of Way	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Contingency	10% 8,800	-	-	-	-	-	8,800
Project Totals	101,800	-	-	-	-	-	101,800

Funding Sources	2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
General Fund	-	-	-	-	-	-	-
Transfer to Cortez Park 4.038	-	-	-	-	-	-	-
Transfer to PMP 4.030	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:
\$ 101,800

Capital Improvement Program

Project	Category	Location
Pacific Cove MHP Water Line Replacement and Slurry Seal	Facility	Pacific Cove MHP

Description:

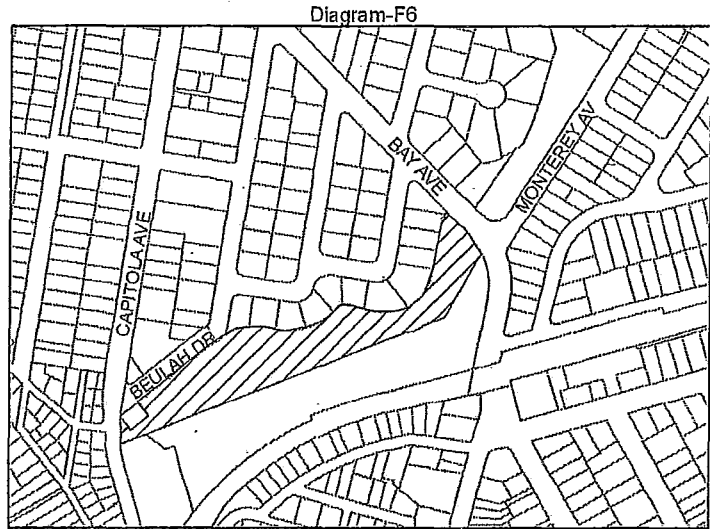
Replace water main servicing mobile home park, including individual service lines and slurry seal roadway.

General Plan Consistency:

Maintenance Impact:

Reduce maintenance costs by approximately \$5000 per year currently spent on water line repairs.

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year		2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction		-	-	-	-	-	142,500	142,500
Planning & Permitting	5%	-	-	-	-	-	7,100	7,100
Design	20%	-	-	-	-	-	28,500	28,500
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	21,400	21,400
Contingency	20%	-	-	-	-	-	28,500	28,500
Project Totals		-	-	-	-	-	228,000	228,000
Funding Sources								
Grants		-	-	-	-	-	-	-
General Fund		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:								
		\$	228,000					

Capital Improvement Program

Project	Category	Location
Second Story Addition	Facility	Corporation Yard

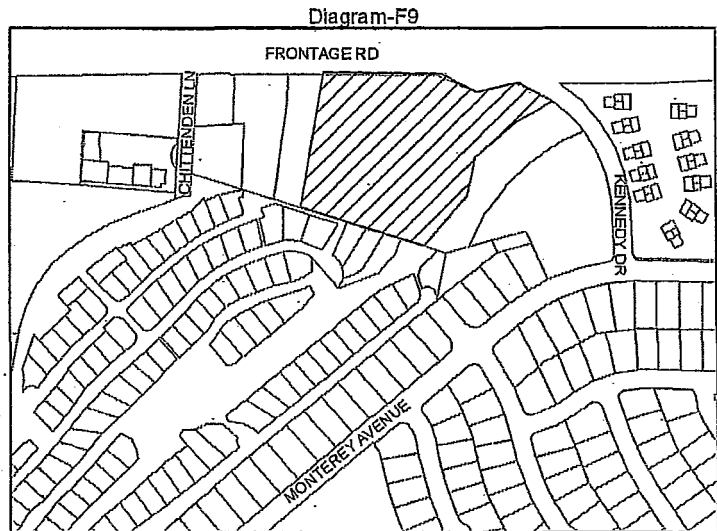
Description:

Increase office space and crew facilities at corporation yard by adding a second level to the existing building, adding approximately 1000 square feet.

General Plan Consistency:

Maintenance Impact:

Minimal increase in maintenance cost for extra floor space estimated at \$500 per year.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	331,000	331,000
Planning & Permitting	5%	-	-	-	-	-	16,600	16,600
Design	20%	-	-	-	-	-	66,200	66,200
Right of Way		-	-	-	-	-	-	-
Construction Management		-	-	-	-	-	-	-
Contingency	20%	-	-	-	-	-	66,200	66,200
Project Totals		-	-	-	-	-	480,000	480,000

Funding Sources

		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 480,000

Capital Improvement Program

Project	Category	Location
City Council Chambers Remodel	Facility	City Hall

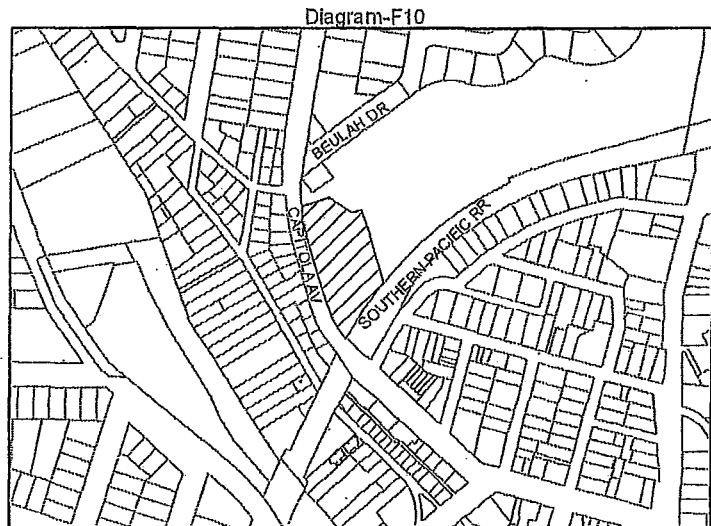
Description:

Remodel the Council Chambers to make it ADA compliant, provide larger staff areas, and hide existing visible wiring. Project should also consider removing some of the fixed seating in the rear and replacing it with moveable seating to provide more roundtable meeting space at City Hall. All carpets and window blinds to be replaced as part of this project.

General Plan Consistency:

Maintenance Impact:

None



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	64,000	64,000
Planning & Permitting	-	-	-	-	-	-	-
Design	5%	-	-	-	-	3,200	3,200
Right of Way	-	-	-	-	-	-	-
Construction Management	5%	-	-	-	-	3,200	3,200
Contingency	20%	-	-	-	-	12,800	12,800
Project Totals	-	-	-	-	-	83,200	83,200

Funding Sources

	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 83,200

Capital Improvement Program

Project	Category	Location
City Hall Emergency Generator	Facility	City Hall

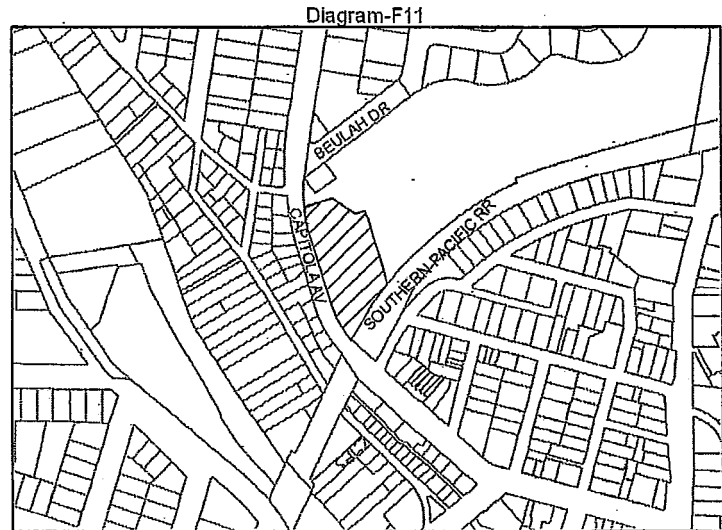
Description:

Install a new generator below the pedestrian ramp to Pacific Cove parking lot that is large enough to serve the entire City Hall complex, including the Police Department. This project will replace the existing generator outside the Police Department's back door.

General Plan Consistency:

Maintenance Impact:

Maintenance on new generator will be similar to existing.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	58,000	58,000
Planning & Permitting	5%	-	-	-	-	-	2,900	2,900
Design	20%	-	-	-	-	-	11,600	11,600
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	8,700	8,700
Contingency	20%	-	-	-	-	-	11,600	11,600
Project Totals		-	-	-	-	-	92,800	92,800

Funding Sources

General Fund

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 92,800

Capital Improvement Program

Project	Category	Location
Remodel or Expand Office Space	Facility	City Hall

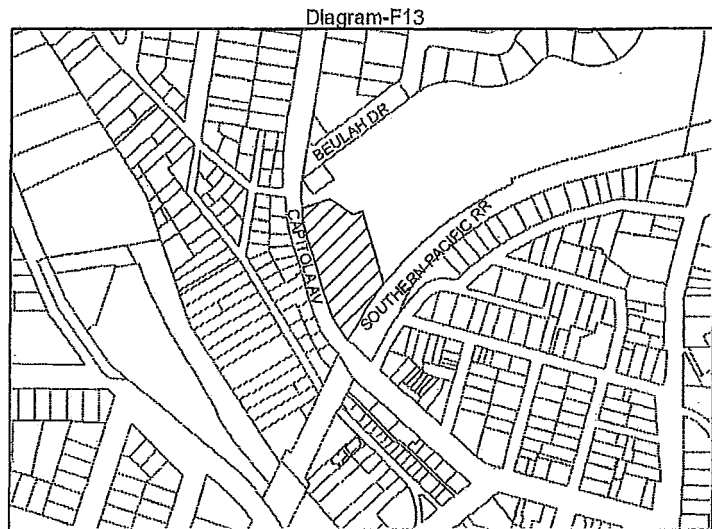
Description:

Remodel and expand office space at City Hall as recommended as a long-term project in the approved facility masterplan.

General Plan Consistency:

Maintenance Impact:

Increase in janitorial costs due to added space can be anticipated.
Cost unknown.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogram med	Total
Project Construction		-	-	-	-	-	1,700,000	1,700,000
Planning & Permitting	5%	-	-	-	-	-	85,000	85,000
Design	20%	-	-	-	-	-	340,000	340,000
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	255,000	255,000
Contingency	20%	-	-	-	-	-	340,000	340,000
Project Totals		-	-	-	-	-	2,720,000	2,720,000
Funding Sources								
General Fund		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:								
		\$	2,720,000					

Capital Improvement Program

Project	Category	Location
Remodel existing space	Facility	Police Department

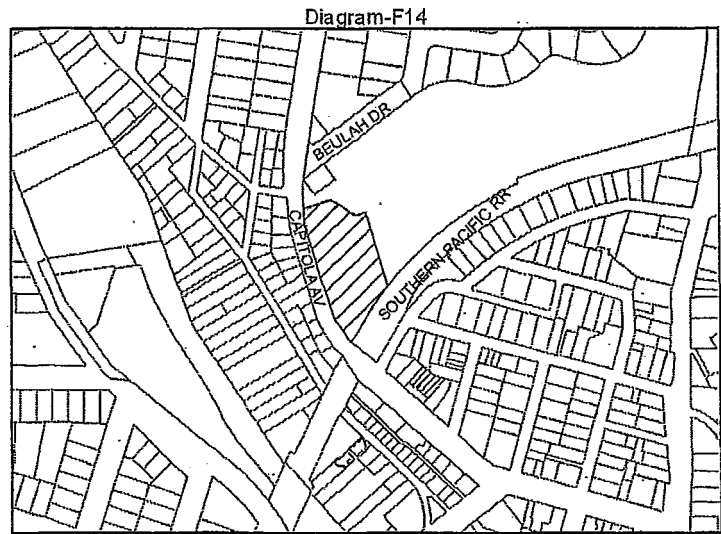
Description:

Remodel Police Department office spaces as recommended in the approved Facility Master Plan.

General Plan Consistency:

Maintenance Impact:

To be determined. Expansion could create additional janitorial expenses.



Fiscal Estimate:

Fiscal Year		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Tota</u>
Project Construction		-	-	-	-	-	1,020,000	1,020,000
Planning & Permitting	5%	-	-	-	-	-	51,000	51,000
Design	20%	-	-	-	-	-	204,000	204,000
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	153,000	153,000
Contingency	20%	-	-	-	-	-	204,000	204,000
Project Totals		-	-	-	-	-	1,632,000	1,632,000

Funding Sources

General Fund

Funding Totals

\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 1,632,000

Capital Improvement Program

Project	Category	Location
Remodel to accommodate	Facility	Community Center at Jade Street

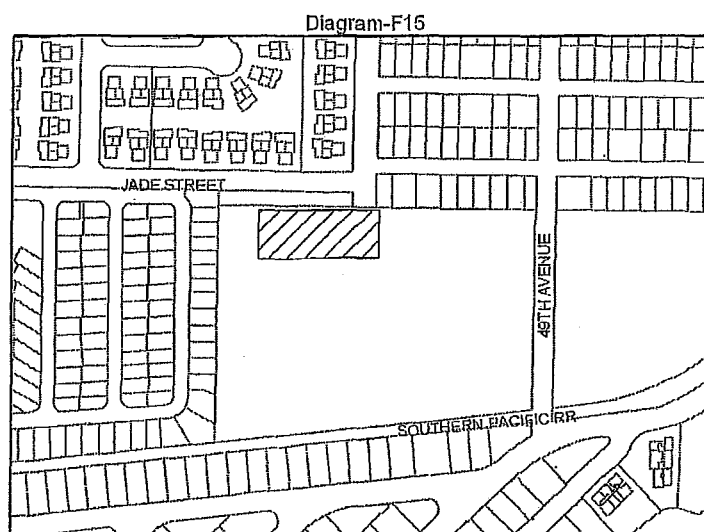
Description:

Remodel existing Community Center building at Jade Street park to better accommodate Recreation Department's needs as recommended in the approved Facility Master Plan.

General Plan Consistency:

Maintenance Impact:

To be determined.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	1,080,000	1,080,000
Planning & Permitting	5%	-	-	-	-	-	54,000	54,000
Design	20%	-	-	-	-	-	216,000	216,000
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	162,000	162,000
Contingency	20%	-	-	-	-	-	216,000	216,000
Project Totals		-	-	-	-	-	1,728,000	1,728,000

Funding Sources

General Fund

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 1,728,000

**Neighborhood Traffic Advisory Committee
Unprogrammed Projects**

Project List - Neighborhood Traffic Advisory Committee Recommended Projects

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Gas Tax	Other Grants	TDA Funds	RDA Funds	General Fund	Unfunded	Total Funds Available
N3	NTAC	Bay & Cap Ave	Bay Ave/Cap Ave Intersection Improvements	Unprogrammed	500,950					\$	500,950	\$ -
N4	NTAC	Bay & Monterey	Bay Ave/Monterey Ave Intersection Improvements	Unprogrammed	297,000					\$	297,000	\$ -
N7	NTAC	Monterey Ave	Relocate Stop Signs on Monterey Ave	unprogrammed	8,700					\$	8,700	\$ -
N8	NTAC	Depot Hill	Ingress/Egress improvements to Depot Hill	unprogrammed	148,500					\$	148,500	\$ -
N10	NTAC	Park Ave	Slow Street Design on Park Ave	unprogrammed	123,900					\$	123,900	\$ -
N11	NTAC	Fanmar	One way Traffic on Fanmar (east to west)	unprogrammed	33,000					\$	33,000	\$ -
N9	NTAC	Stockton Ave	Raised crosswalks at Stockton & Esplanade	Unprogrammed	150,000					\$	150,000	\$ -
N12	NTAC	Monterey Ave	Slow street design on lower Monterey Ave	unprogrammed	115,500					\$	115,500	\$ -
N13	NTAC	Various	Slow street design on Escalona, Fanmar, Cliff Ave, & El Salto	unprogrammed	90,900					\$	90,900	\$ -
N14	NTAC	Escalona	Small traffic circle at Escalona and Oakland	unprogrammed	12,400					\$	12,400	\$ -
N15	NTAC	Bay	Traffic Calming on Bay Ave	unprogrammed	206,400					\$	206,400	\$ -
N16	NTAC	Beulah	One way traffic on Beulah (west to east)	unprogrammed	20,600					\$	20,600	\$ -
N17	NTAC	Monterey and Hill	Sidewalks on Monterey and Hill	unprogrammed	50,300					\$	50,300	\$ -
N18	NTAC	47th Ave	Traffic Calming on 47th Ave	Unprogrammed	80,000					\$	80,000	\$ -
N19	NTAC	42nd Ave	Bulb-outs on 42nd at DMV	unprogrammed	33,000					\$	33,000	\$ -
N20	NTAC	Cliff Dr.	Bulb-outs on Cliff Drive below Prospect	unprogrammed	49,500					\$	49,500	\$ -
N21	NTAC	49th Ave	Bikeway striping on 49th Ave	unprogrammed	4,100					\$	4,100	\$ -
N22	NTAC	Various	Establish Truck Routes through City	unprogrammed	20,600					\$	20,600	\$ -
N24	NTAC	Wharf	Replace rolled curb on Wharf Road	Unprogrammed	74,300					\$	74,300	\$ -
N26	NTAC	49th Ave	Chicanes on 49th Ave	unprogrammed	45,400					\$	45,400	\$ -
N27	NTAC	Various	Signage depicting Neighborhoods	unprogrammed	20,600					\$	20,600	\$ -
N28	NTAC	42nd Ave	Slow Traffic Design on 42nd	unprogrammed	53,600					\$	53,600	\$ -
				Totals	\$ 2,969,250	\$ -	\$ 300,000	\$ -	\$ -	\$ 130,000	\$ 2,439,250	\$ 530,000

Capital Improvement Program

Project	Category	Location
Construct Roundabout or Signals	NTAC	Intersection of Bay Ave. and Capitola Ave

Description:

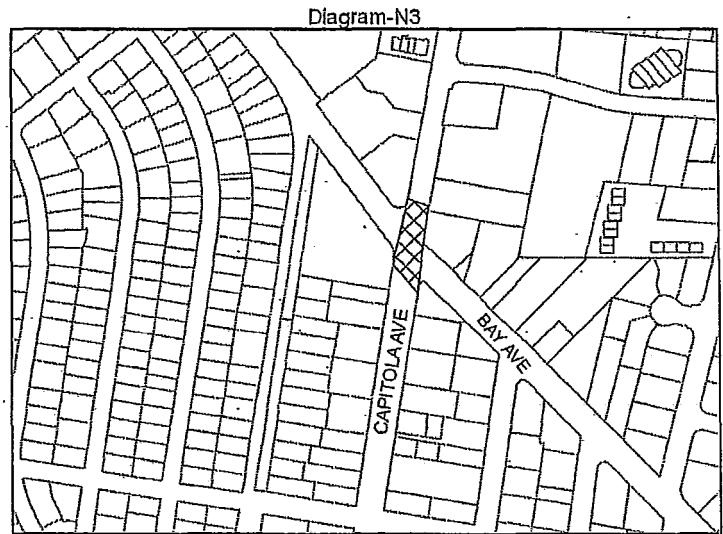
Perform engineering analysis of intersection to determine whether a roundabout or traffic signal would be best method for reducing both congestion and traffic right-of-way problems.

General Plan Consistency:

Maintaining LOS of C or better for all city roadways.

Maintenance Impact:

Roundabout construction would result in increased landscaping maintenance estimated at \$2,400 per year.



Fiscal Estimate:

<u>Fiscal Year</u>		<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	305,000	305,000
Planning & Permitting	5%	-	-	-	-	-	15,300	15,300
Design	20%	-	-	-	-	-	61,000	61,000
Right of Way	25%	-	-	-	-	-	76,300	76,300
Construction Management	15%	-	-	-	-	-	45,800	45,800
Contingency	20%	-	-	-	-	-	61,000	61,000
Project Totals		-	-	-	-	-	564,400	564,400

Funding Sources
General Fund

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:
\$ 564,400

Capital Improvement Program

Project	Category	Location
Intersection Improvements	NTAC	Intersection of Monterey Avenue and Bay Avenue

Description:

Investigate and construct intersection improvements to increase traffic movement from one street to the other (left hand turns), pedestrian safety, and reduce speeds. Possible solutions include a roundabout, traffic signals, or all-way stops.

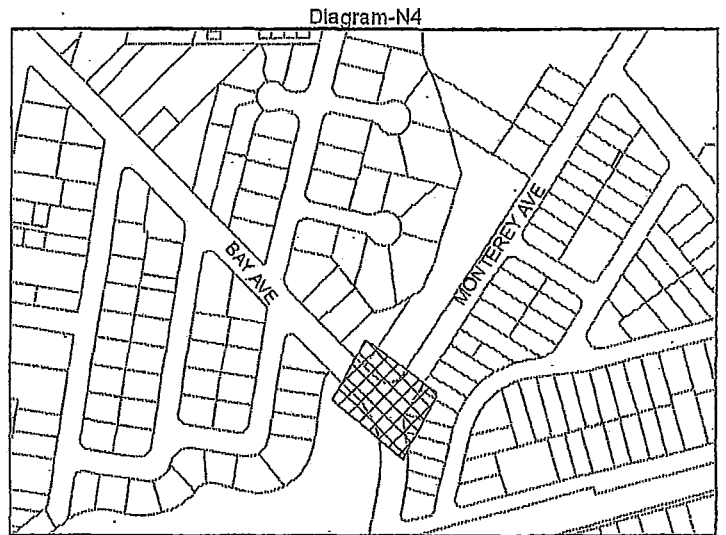
General Plan Consistency:

Maintenance Impact:

Roundabouts or signals will have increased maintenance requirements estimated at \$2000 per year.

Public Art Funding Eligibility:

Fiscal Estimate:



Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	180,000	180,000
Planning & Permitting	5%	-	-	-	-	-	9,000	9,000
Design	20%	-	-	-	-	-	36,000	36,000
Right of Way	5%	-	-	-	-	-	9,000	9,000
Construction Management	15%	-	-	-	-	-	27,000	27,000
Contingency	20%	-	-	-	-	-	36,000	36,000
Project Totals		-	-	-	-	-	297,000	297,000

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:
\$ 297,000

Capital Improvement Program

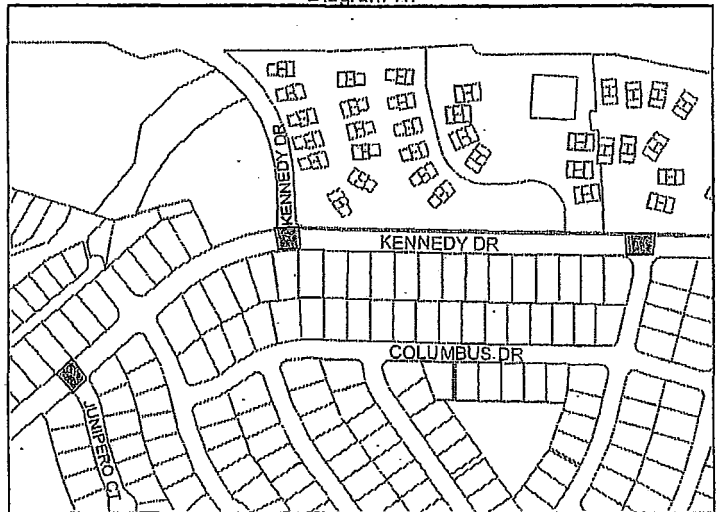
Project	Category	Location
Relocate Existing Stop Signs	NTAC	Kennedy Drive and Monterey Avenue

Description:

Remove the existing stop signs located on Kennedy Drive at Sir Francis Drive and Kennedy Drive and Monterey Ave. Install new stop sign on Monterey Ave at Elinor.

General Plan Consistency:

Diagram-N7



Maintenance Impact:

None

Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	6,000	6,000
Planning & Permitting	5%	-	-	-	-	300	300
Design	-	-	-	-	-	-	-
Right of Way	5%	-	-	-	-	300	300
Construction Management	15%	-	-	-	-	900	900
Contingency	20%	-	-	-	-	1,200	1,200
Project Totals	-	-	-	-	-	8,700	8,700

Funding Sources

Funding Totals

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 8,700

Capital Improvement Program

Project	Category	Location
Ingress/Egress Improvements	NTAC	Monterey Ave at Depot Hill

Description:

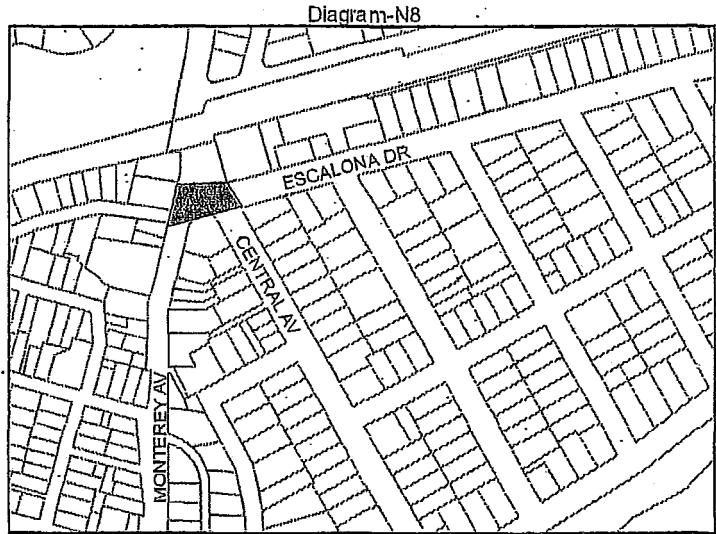
Provide yet to be determined improvements to improve the vehicle ingress and egress to Depot Hill along Escalona Ave and also provide safer pedestrian crossing at this intersection.

General Plan Consistency:

Maintenance Impact:

Unknown

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	90,000	90,000
Planning & Permitting	5%	-	-	-	-	-	4,500	4,500
Design	20%	-	-	-	-	-	18,000	18,000
Right of Way	5%	-	-	-	-	-	4,500	4,500
Construction Management	15%	-	-	-	-	-	13,500	13,500
Contingency	20%	-	-	-	-	-	18,000	18,000
Project Totals		-	-	-	-	-	148,500	148,500

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 148,500

Capital Improvement Program

Project	Category	Location
Stockton Avenue and Esplanade Pedestrian Improvements	NTAC	Intersection of Stockton Ave and Esplanade

Description:

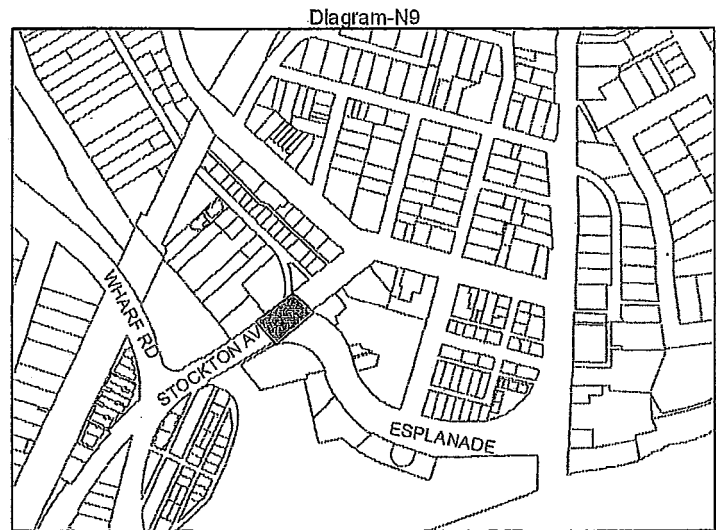
Construction of raised crosswalks or some other form of pedestrian safety devices at the Stockton Avenue/Esplanade intersection. Design began in 2006-07 and will be reviewed as part of anticipated circulation studies before finalizing.

General Plan Consistency:

Chapter 9, Circulation, Policies 35 & 37 directs the development of safe pedestrian pathways.

Maintenance Impact:

None



Fiscal Estimate:

<u>Fiscal Year</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction	-	-	-	-	-	100,000	100,000
Planning & Permitting	5%	-	-	-	-	5,000	5,000
Design	10%	-	-	-	-	10,000	10,000
Right of Way	0%	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	15,000	15,000
Contingency	20%	-	-	-	-	20,000	20,000
Project Totals	-	-	-	-	-	150,000	150,000
 <u>Funding Sources</u>							
General Fund	-	-	-	-	-	-	-
Funding Totals	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
 Funding Shortfall:							
\$	150,000						

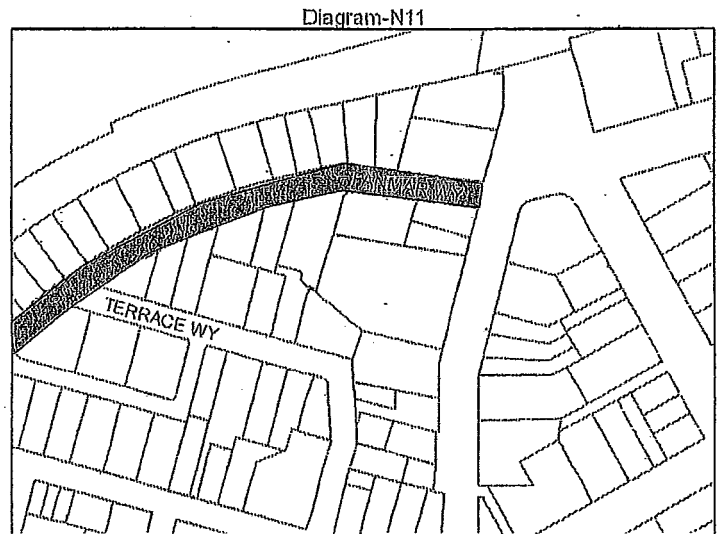
Capital Improvement Program

Project	Category	Location
One way traffic designation	NTAC	Fanmar Avenue

Description:

Designate Fanmar Avenue for one way traffic from east to west.

General Plan Consistency:



Maintenance Impact:

None

Public Art Funding Eligibility:

Fiscal Estimate:

<u>Fiscal Year</u>		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	20,000	20,000
Planning & Permitting	5%	-	-	-	-	-	1,000	1,000
Design	20%	-	-	-	-	-	4,000	4,000
Right of Way	5%	-	-	-	-	-	1,000	1,000
Construction Management	15%	-	-	-	-	-	3,000	3,000
Contingency	20%	-	-	-	-	-	4,000	4,000
Project Totals		-	-	-	-	-	33,000	33,000

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 33,000

Capital Improvement Program

Project	Category	Location
Slow street design	NTAC	Monterey Avenue

Description:

Design and construct street improvements along Monterey Avenue from Park Avenue to the Village that will slow the traffic down and provide better pedestrian safety.

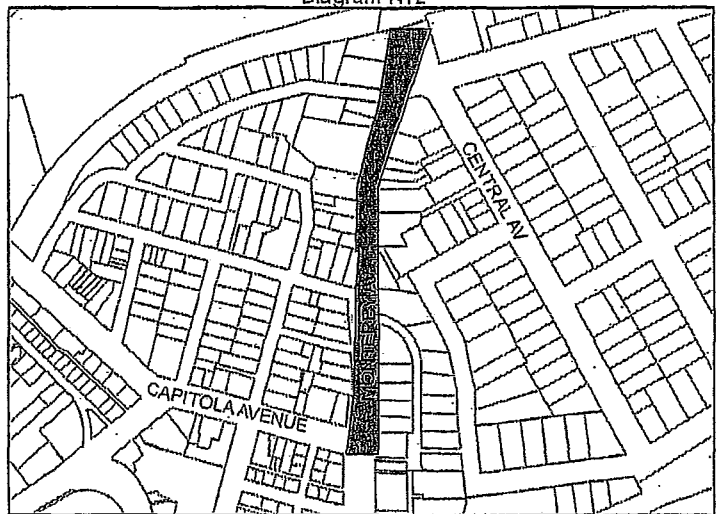
General Plan Consistency:

Maintenance Impact:

Unknown

Public Art Funding Eligibility:

Diagram-N12



Fiscal Estimate:

<u>Fiscal Year</u>		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	70,000	70,000
Planning & Permitting	5%	-	-	-	-	-	3,500	3,500
Design	20%	-	-	-	-	-	14,000	14,000
Right of Way	5%	-	-	-	-	-	3,500	3,500
Construction Management	15%	-	-	-	-	-	10,500	10,500
Contingency	20%	-	-	-	-	-	14,000	14,000
Project Totals		-	-	-	-	-	115,500	115,500

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 115,500

Capital Improvement Program

Project	Category	Location
Slow street design	NTAC	Escalona, Fanmar, Cliff Ave, & El Salto

Description:

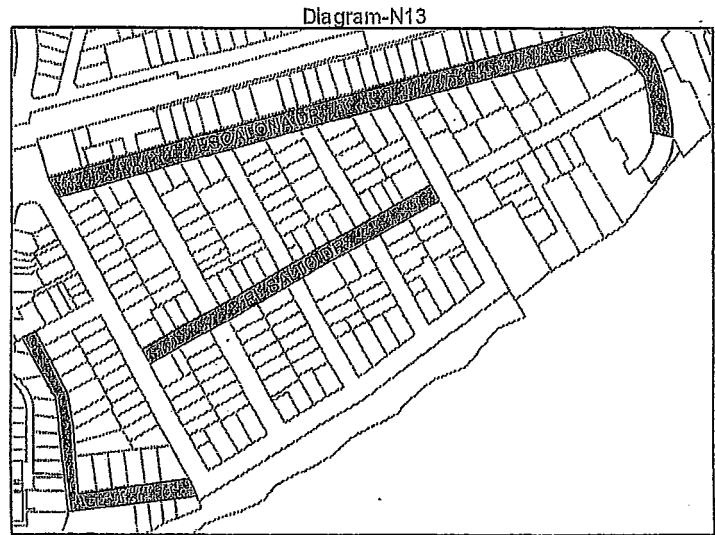
Design and construct street improvements along Escalona, Fanmar, Cliff Ave., and El Salto that will slow the traffic down and provide better pedestrian safety.

General Plan Consistency:

Maintenance Impact:

Unknown

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	55,000	55,000
Planning & Permitting	5%	-	-	-	-	2,800	2,800
Design	20%	-	-	-	-	11,000	11,000
Right of Way	5%	-	-	-	-	2,800	2,800
Construction Management	15%	-	-	-	-	8,300	8,300
Contingency	20%	-	-	-	-	11,000	11,000
Project Totals	-	-	-	-	-	90,900	90,900

Funding Sources

	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 90,900

Capital Improvement Program

Project	Category	Location
Small Traffic Circle	NTAC	Escalona Ave at Oakland Ave

Description:

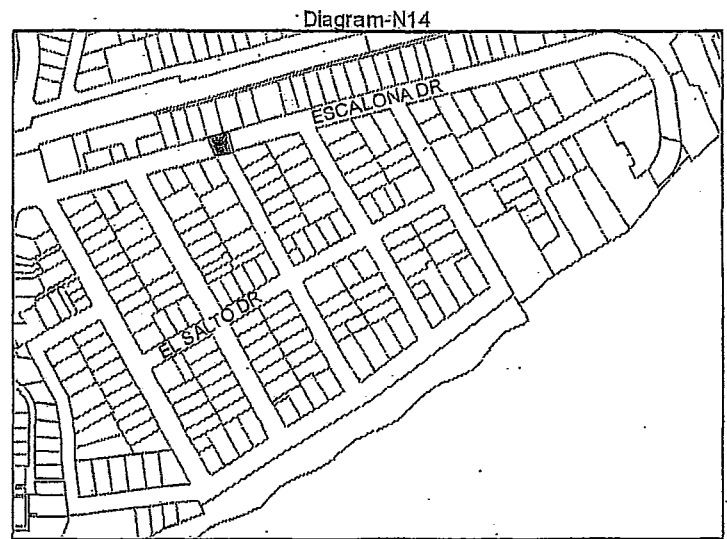
Install a small traffic circle on Escalona Avenue at Oakland Avenue.

General Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	7,500	7,500
Planning & Permitting	5%	-	-	-	-	400	400
Design	20%	-	-	-	-	1,500	1,500
Right of Way	5%	-	-	-	-	400	400
Construction Management	15%	-	-	-	-	1,100	1,100
Contingency	20%	-	-	-	-	1,500	1,500
Project Totals	-	-	-	-	-	12,400	12,400

Funding Sources

Funding Totals

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 12,400

Capital Improvement Program

Project	Category	Location
Traffic calming	NTAC	Bay Avenue

Description:

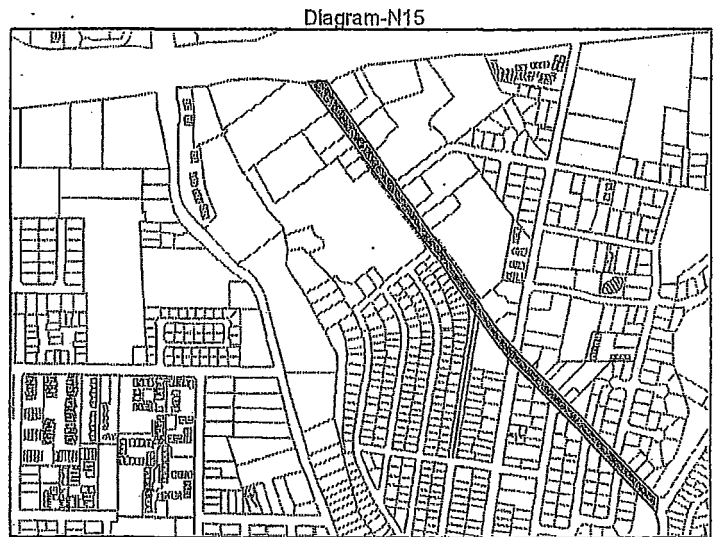
Similar to slow traffic design, develop a strategy and improvement to Bay Avenue to provide smoother traffic flows and pedestrian safety.

General Plan Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	125,000	125,000
Planning & Permitting	5%	-	-	-	-	6,300	6,300
Design	20%	-	-	-	-	25,000	25,000
Right of Way	5%	-	-	-	-	6,300	6,300
Construction Management	15%	-	-	-	-	18,800	18,800
Contingency	20%	-	-	-	-	25,000	25,000
Project Totals	-	-	-	-	-	206,400	206,400

Funding Sources

	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 206,400

Capital Improvement Program

Project	Category	Location
One way traffic designation	NTAC	Beulah Avenue

Description:

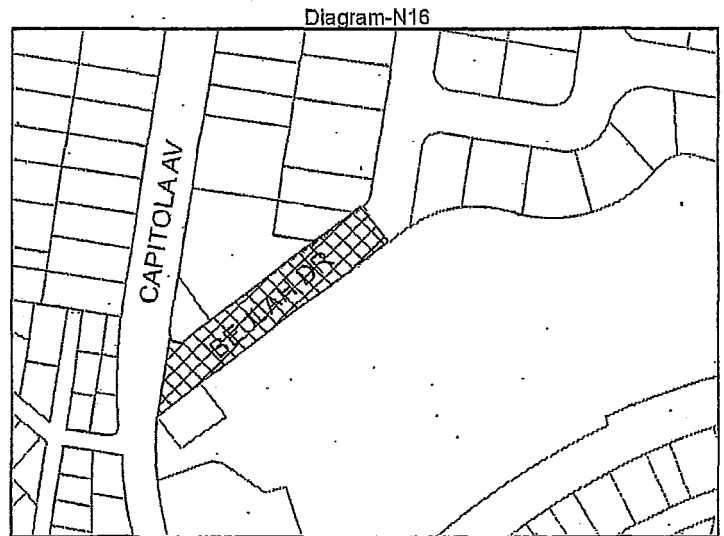
Designate Beulah Avenue for one way traffic from west to east.

General Plan Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13 Unprogrammed	Total
Project Construction		-	-	-	-	12,500	12,500
Planning & Permitting	5%	-	-	-	-	600	600
Design	20%	-	-	-	-	2,500	2,500
Right of Way	5%	-	-	-	-	600	600
Construction Management	15%	-	-	-	-	1,900	1,900
Contingency	20%	-	-	-	-	2,500	2,500
Project Totals		-	-	-	-	20,600	20,600

Funding Sources

	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 20,600

Capital Improvement Program

Project	Category	Location
Sidewalk construction	NTAC	Monterey Avenue and Hill Street

Description:

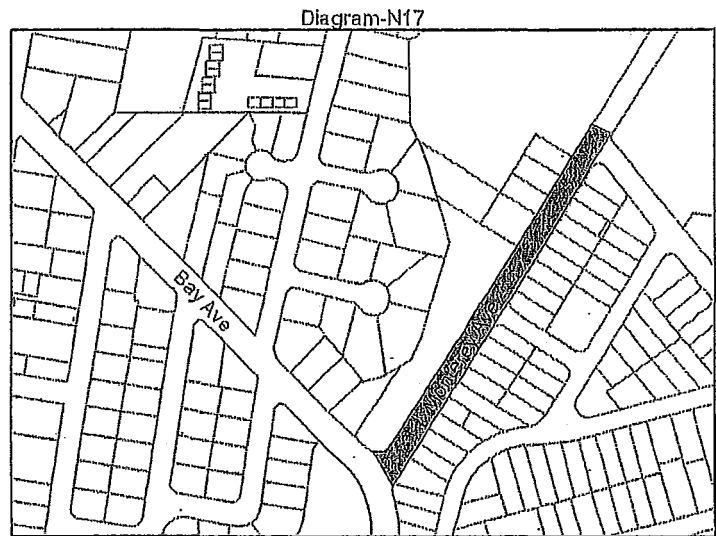
Construct curb, gutter and sidewalks along Monterey Avenue from Bay Avenue to Washburn Avenue and along Hill Street from Capitola Avenue to the Crossroads Road.

General Plan Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	30,500	30,500
Planning & Permitting	5%	-	-	-	-	1,500	1,500
Design	20%	-	-	-	-	6,100	6,100
Right of Way	5%	-	-	-	-	1,500	1,500
Construction Management	15%	-	-	-	-	4,600	4,600
Contingency	20%	-	-	-	-	6,100	6,100
Project Totals	-	-	-	-	-	50,300	50,300

Funding Sources

	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 50,300

Capital Improvement Program

Project	Category	Location
Jewel Box Traffic calming	NTAC	47 th Avenue

Description:

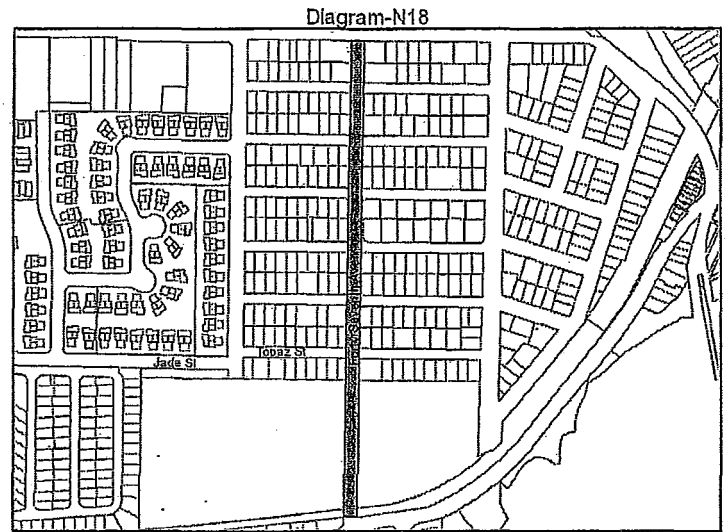
Install traffic calming measures to address traffic volume and speed issues in the Jewel Box neighborhood. Initial studies began in 2006-07.

General Plan Consistency:

Chapter 9, Circulation, Maintain the livability of local and collector streets while preserving the safety of travel on them.

Maintenance Impact:

Unkown



Fiscal Estimate:

Fiscal Year		2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction		-	-	-	-	-	50,000	50,000
Planning & Permitting	5%	-	-	-	-	-	2,500	2,500
Design	20%	-	-	-	-	-	10,000	10,000
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	7,500	7,500
Contingency	20%	-	-	-	-	-	10,000	10,000
Project Totals		-	-	-	-	-	80,000	80,000

Funding Sources

Contract Services								-
Transfer from NTAC Project Bank								-
Transfer from Tot Lot 4.002								-
General Fund								-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 80,000

Capital Improvement Program

Project	Category	Location
Bulb-out construction	NTAC	42 nd Avenue

Description:

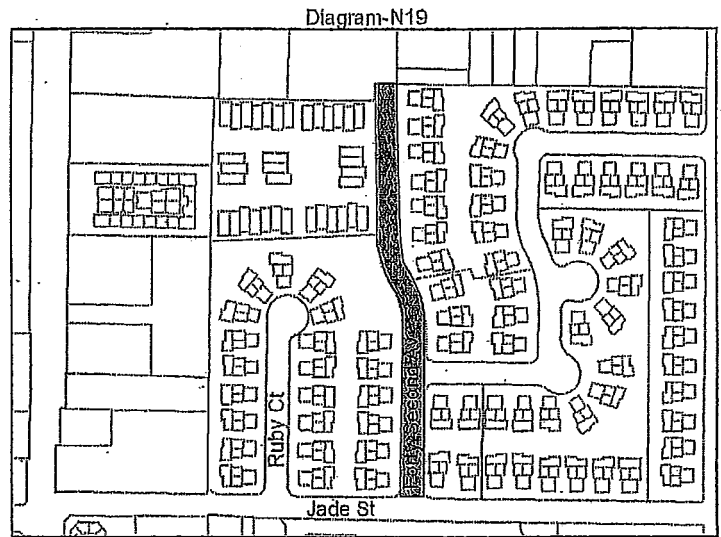
Construct traffic bulb-outs on 42nd Avenue at the DMV driveway to provide better pedestrian safety measures.

General Plan Consistency:

Maintenance Impact:

\$500 per year increased landscaping costs.

Public Art Funding Eligibility:



Fiscal Estimate:

<u>Fiscal Year</u>		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	20,000	20,000
Planning & Permitting	5%	-	-	-	-	-	1,000	1,000
Design	20%	-	-	-	-	-	4,000	4,000
Right of Way	5%	-	-	-	-	-	1,000	1,000
Construction Management	15%	-	-	-	-	-	3,000	3,000
Contingency	20%	-	-	-	-	-	4,000	4,000
Project Totals		-	-	-	-	-	33,000	33,000

Funding Sources

Funding Totals

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 33,000

Capital Improvement Program

Project	Category	Location
Bulb-out construction	NTAC	Cliff Drive

Description:

Construct bulbouts along Cliff Drive near the larger Cliff side parking lot to provide better pedestrian safety.

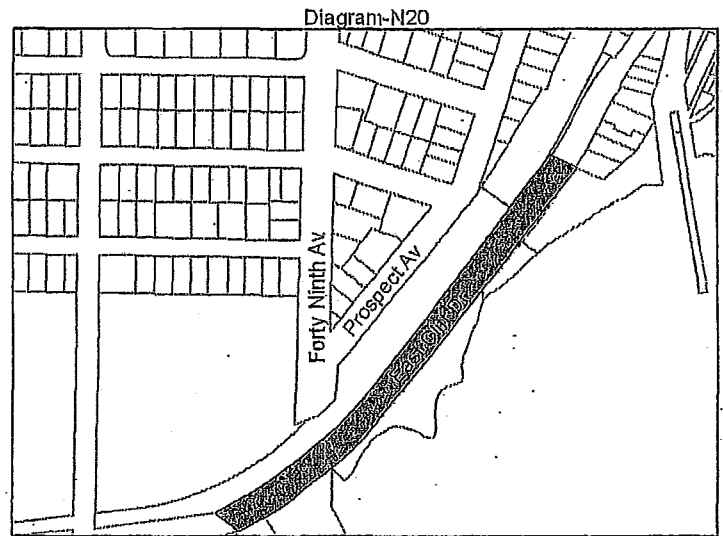
General Plan Consistency:

Chapter 9, Circulation, Policies 35 & 37 directs the development of safe pedestrian pathways.

Maintenance Impact:

\$500 per year increased landscaping costs

Public Art Funding Eligibility:



Fiscal Estimate:

<u>Fiscal Year</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction	-	-	-	-	-	30,000	30,000
Planning & Permitting	5%	-	-	-	-	1,500	1,500
Design	20%	-	-	-	-	6,000	6,000
Right of Way	5%	-	-	-	-	1,500	1,500
Construction Management	15%	-	-	-	-	4,500	4,500
Contingency	20%	-	-	-	-	6,000	6,000
Project Totals	-	-	-	-	-	49,500	49,500

Funding Sources

Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 49,500

Capital Improvement Program

Project	Category	Location
Bikeway stripping	NTAC	49 th Avenue

Description:

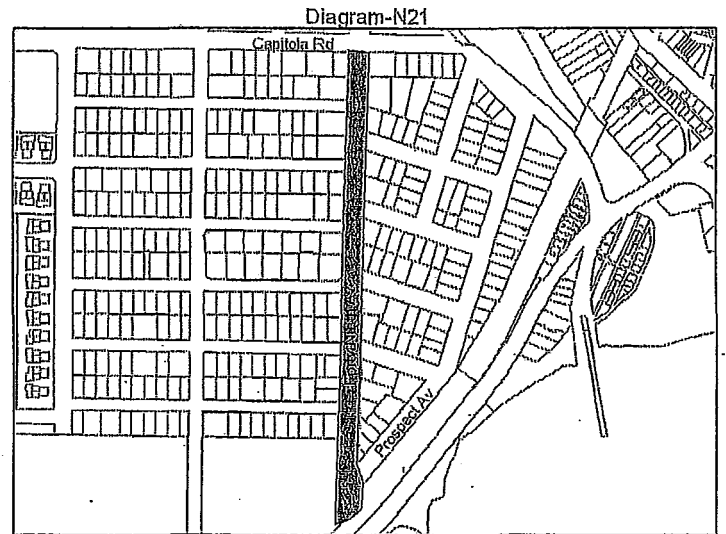
Install bikeway designation along 49th Avenue below Capitola Road to narrow the traffic lanes and slow vehicles.

General Plan Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	2,500	2,500
Planning & Permitting	5%	-	-	-	-	100	100
Design	20%	-	-	-	-	500	500
Right of Way	5%	-	-	-	-	100	100
Construction Management	15%	-	-	-	-	400	400
Contingency	20%	-	-	-	-	500	500
Project Totals	-	-	-	-	-	4,100	4,100

Funding Sources

Funding Sources	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 4,100

Capital Improvement Program

Project	Category	Location
Truck Routes	NTAC	Establish Truck Routes

Description:

Establish truck routes throughout the City to keep commercial traffic on arterial streets as much as possible.

General Plan Consistency:

Chapter 9, Circulation, Policy 6 seek to enhance, maintain and provide the maximum capacity on arterial streets and locating high traffic-generating uses on arterial streets.

Maintenance Impact:

None

Public Art Funding Eligibility:

Fiscal Estimate:

<u>Fiscal Year</u>		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	12,500	12,500
Planning & Permitting	5%	-	-	-	-	-	600	600
Design	20%	-	-	-	-	-	2,500	2,500
Right of Way	5%	-	-	-	-	-	600	600
Construction Management	15%	-	-	-	-	-	1,900	1,900
Contingency	20%	-	-	-	-	-	2,500	2,500
Project Totals		-	-	-	-	-	20,600	20,600

Funding Sources

	-	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 20,600

Capital Improvement Program

Project	Category	Location
Standard Curb construction	NTAC	Wharf Road

Description:

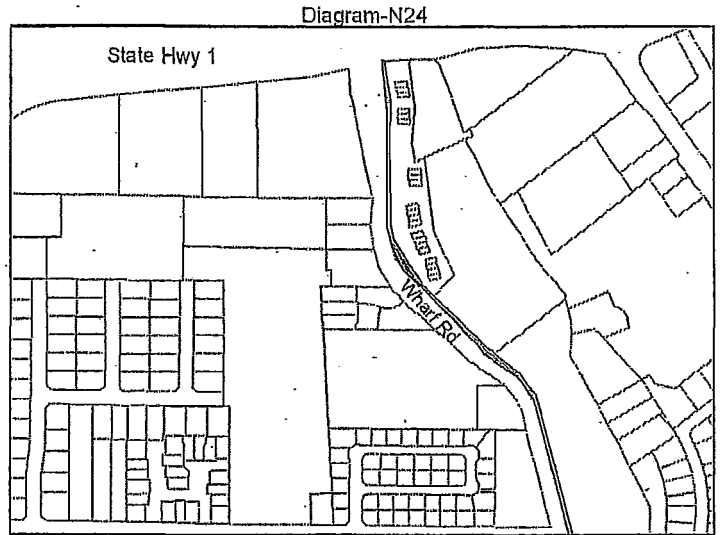
Replace the section of existing rolled curb along Wharf Road from the Rispin Mansion to Highway 1 with standard curbing.

General Plan Consistency:

Maintenance Impact:

None

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	46,400	46,400
Planning & Permitting	5%	-	-	-	-	-	2,300	2,300
Design	20%	-	-	-	-	-	9,300	9,300
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	7,000	7,000
Contingency	20%	-	-	-	-	-	9,300	9,300
Project Totals		-	-	-	-	-	74,300	74,300

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:
\$ 74,300

Capital Improvement Program

Project	Category	Location
Chicane construction	NTAC	49 th Avenue

Description:

Construct chicanes or some other traffic calming measures along 49th Avenue above Capitola Road.

General Plan Consistency:

Maintenance Impact:

\$500 per year increased landscaping costs

Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	27,500	27,500
Planning & Permitting	5%	-	-	-	-	-	1,400	1,400
Design	20%	-	-	-	-	-	5,500	5,500
Right of Way	5%	-	-	-	-	-	1,400	1,400
Construction Management	15%	-	-	-	-	-	4,100	4,100
Contingency	20%	-	-	-	-	-	5,500	5,500
Project Totals		-	-	-	-	-	45,400	45,400

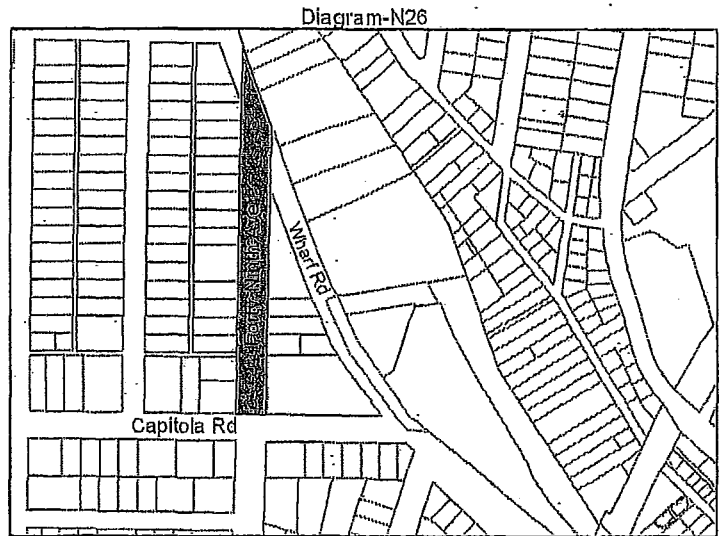
Funding Sources

Funding Totals

\$ - \$ - \$ - \$ - \$ - \$ - \$ -

Funding Shortfall:

\$ 45,400



Capital Improvement Program

Project	Category	Location
Neighborhood signage	NTAC	Multiple

Description:

Design, construct, and install signage for the entrance to residential neighborhoods that tells drivers that they need to slow down and drive carefully.

General Plan Consistency:

Maintenance Impact:

\$50 per year per sign

Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	12,500	12,500
Planning & Permitting	5%	-	-	-	-	-	600	600
Design	20%	-	-	-	-	-	2,500	2,500
Right of Way	5%	-	-	-	-	-	600	600
Construction Management	15%	-	-	-	-	-	1,900	1,900
Contingency	20%	-	-	-	-	-	2,500	2,500
Project Totals		-	-	-	-	-	20,600	20,600

Funding Sources

Funding Totals

\$ - \$ - \$ - \$ - \$ - \$ - \$ -

Funding Shortfall:

\$ 20,600

Capital Improvement Program

Project	Category	Location
Slow traffic design	NTAC	42 nd Avenue

Description:

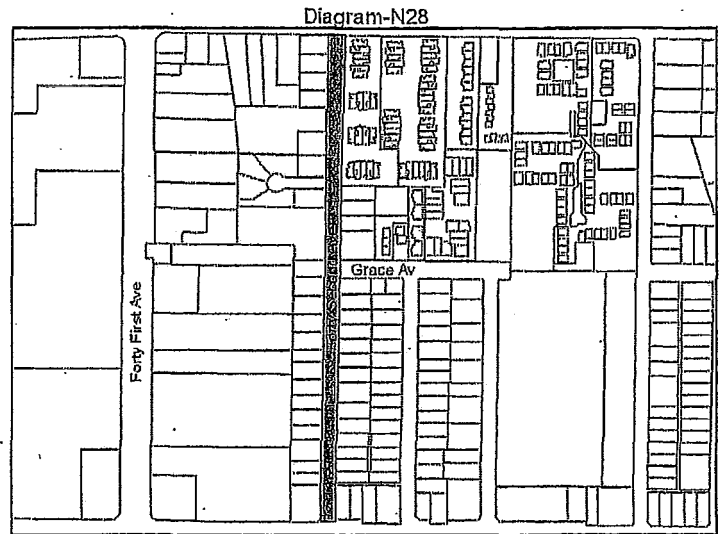
Design and construct street improvements along 42nd Avenue above Capitola road that will slow the traffic down and provide better pedestrian safety.

General Plan Consistency:

Maintenance Impact:

Unknown

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	32,500	32,500
Planning & Permitting	5%	-	-	-	-	1,600	1,600
Design	20%	-	-	-	-	6,500	6,500
Right of Way	5%	-	-	-	-	1,600	1,600
Construction Management	15%	-	-	-	-	4,900	4,900
Contingency	20%	-	-	-	-	6,500	6,500
Project Totals	-	-	-	-	-	53,600	53,600

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$
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Funding Shortfall:
\$ 53,600

**Park Projects
Unprogrammed Projects**

Project List - Parks

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Roberti Z-Berg Grant	State Parks Grant	City General Funds	Unfunded	Total Available Funds				
15	P15	Parks	Esplanade		Bluff Erosion Control	Unprogrammed	\$ 90,900		\$ 90,900	\$ -				
6	P6	Parks	Jade		Soccer and Baseball Field Improvements	Unprogrammed	\$ 24,100		\$ 24,100	\$ -				
7	P7	Parks	Cortez		Landscaping and Pathways	Unprogrammed	\$ 45,400		\$ 45,400	\$ -				
9	P9	Parks	Monterey		Field Irigation and Drainage Improvements	Unprogrammed	\$ 48,000		\$ 48,000	\$ -				
10	P10	Parks	Cortez		New Play Equipment in Swing Areas	Unprogrammed	\$ 96,500		\$ 96,500	\$ -				
11	P11	Parks	Soquel Creek		Repair Retaining Wall	Unprogrammed	\$ 49,500		\$ 49,500	\$ -				
12	P12	Parks	Jade & Cortez		Develop Picnic and BBQ area @ Jade	Unprogrammed	\$ 37,600		\$ 37,600	\$ -				
13	P13	Parks	TBD		Skate Park Development	Unprogrammed	\$ 485,000		\$ 485,000	\$ -				
14	P14	Parks	TBD		Dog Park Development	Unprogrammed	\$ 29,700		\$ 29,700	\$ -				
16	P16	Parks	Jade		Reconstruct Tennis Courts	Unprogrammed	\$ 100,600		\$ 100,600	\$ -				
17	P17	Parks	Rispin		Complete conversion to park	Unprogrammed	\$ 549,000		\$ 549,000	\$ -				
					totals	\$	1,007,300	##	\$ -	\$ -	\$ -	\$ -	\$ 1,556,300	\$ -

Capital Improvement Program

Project	Category	Location
Field Improvements	Parks	Jade Street

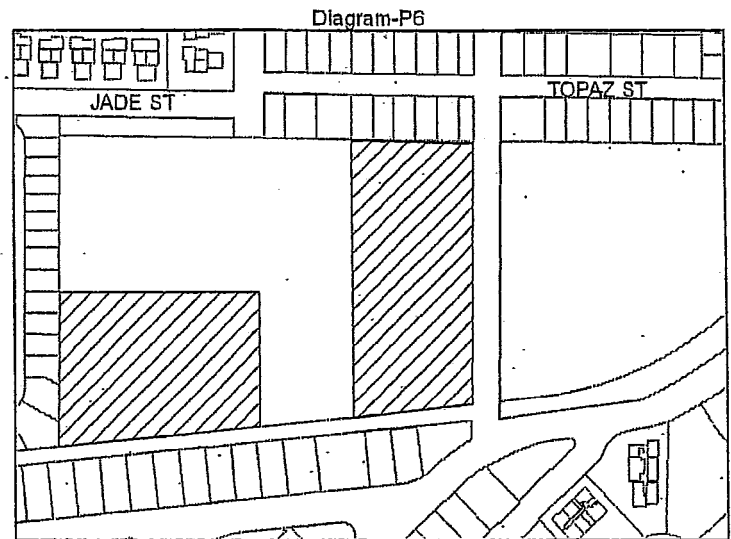
Description:

Irrigation and drainage improvements to the existing soccer and baseball fields at Jade Street Park.

General Plan Consistency:

Maintenance Impact:

Reduction of maintenance costs of \$2000 per year.



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	15,000	15,000
Planning & Permitting	5%	-	-	-	-	800	800
Design	20%	-	-	-	-	3,000	3,000
Right of Way	-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	2,300	2,300
Contingency	20%	-	-	-	-	3,000	3,000
Project Totals	-	-	-	-	-	24,100	24,100

Funding Sources

Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 24,100

Capital Improvement Program

Project	Category	Location
Landscape and pathway improvements	Parks	Cortez Park

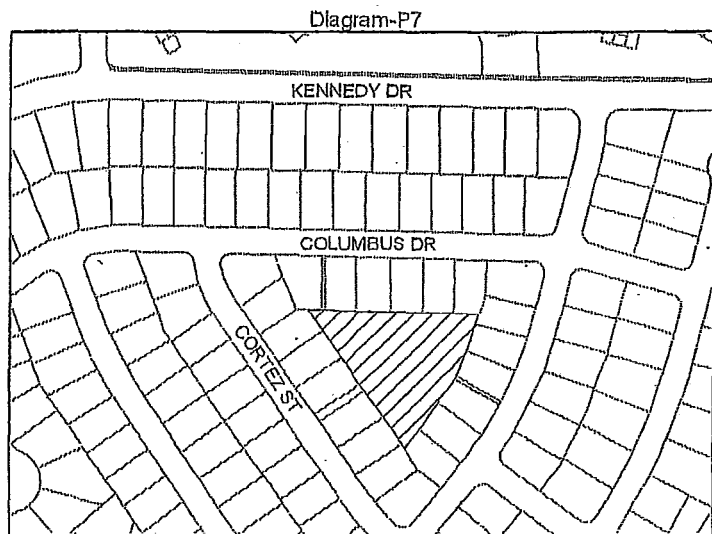
Description:

Re-landscape the existing perimeter areas and construct new ADA compliant pathways throughout park to connect different areas together.

General Plan Consistency:

Maintenance Impact:

None.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	27,500	27,500
Planning & Permitting	5%	-	-	-	-	-	1,400	1,400
Design	20%	-	-	-	-	-	5,500	5,500
Right of Way	5%	-	-	-	-	-	1,400	1,400
Construction Management	15%	-	-	-	-	-	4,100	4,100
Contingency	20%	-	-	-	-	-	5,500	5,500
Project Totals		-	-	-	-	-	45,400	45,400

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:
\$ 45,400

Capital Improvement Program

Project	Category	Location
Field Improvements	Parks	Monterey Park

Description:

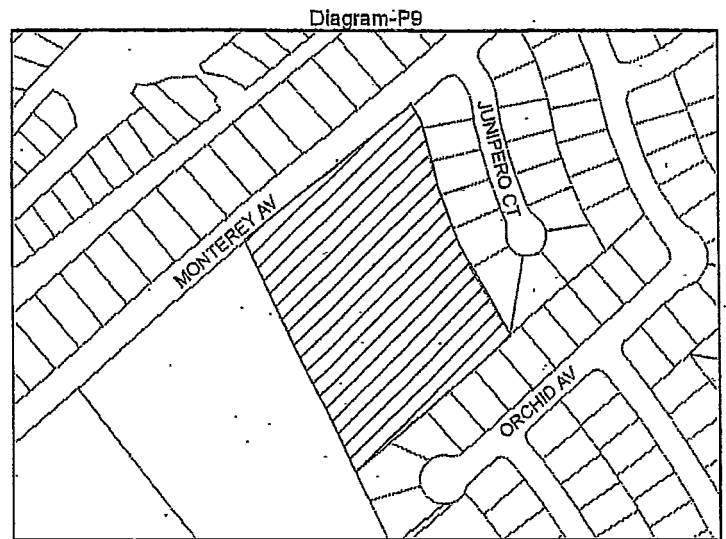
Improve drainage and irrigation of the existing field.

General Plan Consistency:

Maintenance of park facilities is consistent with the General Plan.

Maintenance Impact:

Decrease in field maintenance costs of \$500 per year.



Fiscal Estimate:

<u>Fiscal Year</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction	-	-	-	-	-	30,000	30,000
Planning & Permitting	5%	-	-	-	-	1,500	1,500
Design	20%	-	-	-	-	6,000	6,000
Right of Way	-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	4,500	4,500
Contingency	20%	-	-	-	-	6,000	6,000
Project Totals	-	-	-	-	-	48,000	48,000
 <u>Funding Sources</u>							
General Fund	-	-	-	-	-	-	-
Funding Totals	-	\$ -	0	0	0	0	\$ -
 Funding Shortfall:							
\$		48,000					

Capital Improvement Program

Project	Category	Location
Cortez Park Play Equipment Replacement	Parks	Cortez Park

Description:

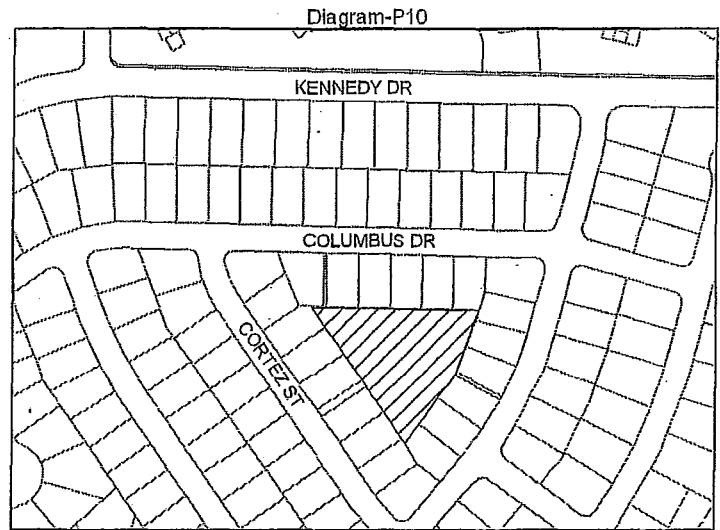
Remove and replace existing swings and other play equipment in sand boxes with new equipment.

General Plan Consistency:

The play equipment at Cortez Park meets the Park and Recreational Activities of the General Plan. This project is the maintenance of these facilities.

Maintenance Impact:

Reduction of park maintenance costs for existing sand boxes of \$500 per year.



Fiscal Estimate:

Fiscal Year		2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction		-	-	-	-	-	83,900	83,900
Planning & Permitting	5%	-	-	-	-	-	4,200	4,200
Design	0%	-	-	-	-	-	-	-
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	10%	-	-	-	-	-	8,400	8,400
Project Totals		-	-	-	-	-	96,500	96,500

Funding Sources

General Fund		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 96,500

Capital Improvement Program

Project	Category	Location
Repair Retaining Wall	Parks	Soquel Creek Park

Description:

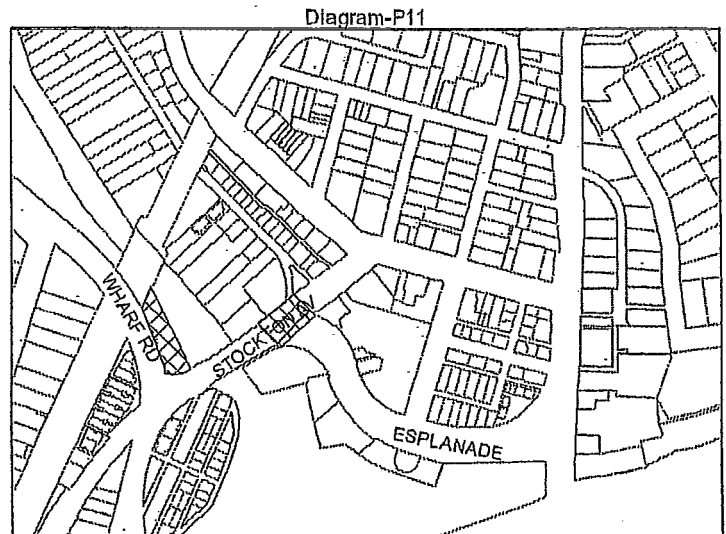
Repair existing retaining wall along Soquel Creek in Soquel Creek Park. This project may be completed as part of the Soquel Creek Wetland Reconstruction Project, Project No. C4.

General Plan Consistency:

Maintenance Impact:

Failure of the wall would result in a maintenance cost of \$1000 per year.

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	30,000	30,000
Planning & Permitting	5%	-	-	-	-	-	1,500	1,500
Design	20%	-	-	-	-	-	6,000	6,000
Right of Way	5%	-	-	-	-	-	1,500	1,500
Construction Management	15%	-	-	-	-	-	4,500	4,500
Contingency	20%	-	-	-	-	-	6,000	6,000
Project Totals		-	-	-	-	-	49,500	49,500

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 49,500

Capital Improvement Program

Project	Category	Location
Develop Picnic Areas	Parks	Jade Street and Cortez Parks

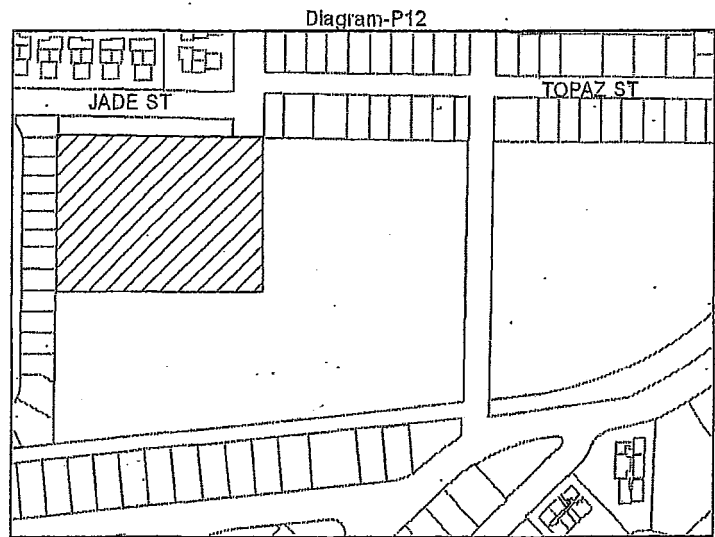
Description:

Construct picnic areas that may include barbeque areas at each park.

General Plan Consistency:

Maintenance Impact:

Increase park maintenance costs of \$1000 per year..



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	23,500	23,500
Planning & Permitting	5%	-	-	-	-	-	1,200	1,200
Design	20%	-	-	-	-	-	4,700	4,700
Right of Way		-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	3,500	3,500
Contingency	20%	-	-	-	-	-	4,700	4,700
Project Totals		-	-	-	-	-	37,600	37,600

Funding Sources

	-	-	-	-	-	-	-	-
Funding Totals	0	0	0	0	0	0	0	0

Funding Shortfall:

\$ 37,600

Capital Improvement Program

Project	Category	Location
Skate Park Development	Parks	To be determined

Description:

Development of a skate park within the City. Potential sites already considered include the drainage basin at 38th Avenue and Brommer Street, Noble Gulch Park and McGregor Drive property. None of these sites were determined to be adequate.

General Plan Consistency:

Meets the Park and Recreation Activities goals of the General Plan.

Maintenance Impact:

Increased maintenance costs of park will vary dependent of the size of the park, it location, and other factors. Estimate a minimum of \$20,000 per year.

Fiscal Estimate:

Fiscal Year		<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction			-	-	-	-	300,000	300,000
Planning & Permitting	5%		-	-	-	-	15,000	15,000
Design	20%		-	-	-	-	80,000	80,000
Right of Way	5%		-	-	-	-	15,000	15,000
Construction Management	5%		-	-	-	-	15,000	15,000
Contingency	20%		-	-	-	-	60,000	60,000
Project Totals			-	-	-	-	485,000	485,000

Funding Sources

General fund

Funding Totals

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 485,000

Capital Improvement Program

Project	Category	Location
Dog Park Development	Parks	To be determined

Description:
 Evaluate sites within the City for development of a Dog Park. Possible sites include a portion of Noble Gulch Park and McGregor Drive property.

General Plan Consistency:

Maintenance Impact:
 Increase in maintenance costs for park estimated at \$3000 per year.

Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	18,000	18,000
Planning & Permitting	5%	-	-	-	-	-	900	900
Design	20%	-	-	-	-	-	3,600	3,600
Right of Way	5%	-	-	-	-	-	900	900
Construction Management	15%	-	-	-	-	-	2,700	2,700
Contingency	20%	-	-	-	-	-	3,600	3,600
Project Totals		-	-	-	-	-	29,700	29,700

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:
 \$ 29,700

Capital Improvement Program

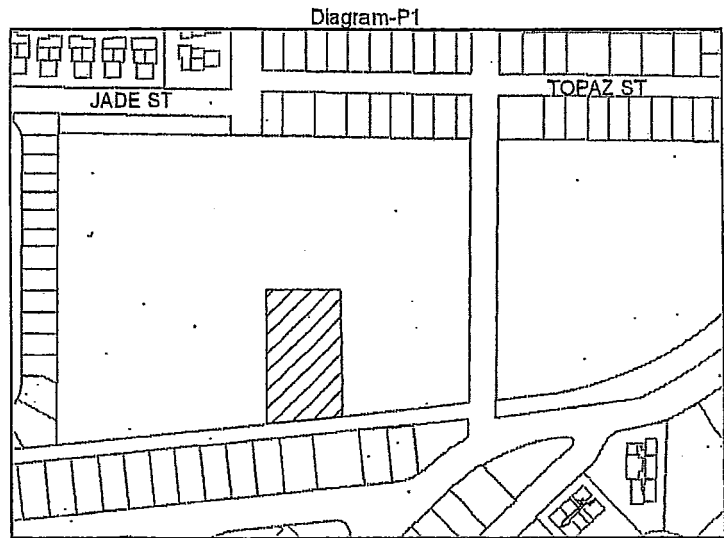
Project	Category	Location
Tennis Court Reconstruction	Parks	Jade Street

Description:

Reconstruct four existing tennis courts at Jade Street Park. Reconstruction is necessary due to the ongoing failure and cracking of the existing asphalt.

Maintenance Impact:

Reduction of Maintenance costs of \$4,000 per year.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	To
Project Construction		-	-	-	-	-	67,000	67,00
Planning & Permitting	5%	-	-	-	-	-	3,400	3,40
Design	20%	-	-	-	-	-	13,400	13,40
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	5%	-	-	-	-	-	3,400	3,40
Contingency	20%	-	-	-	-	-	13,400	13,40
Project Totals		-	-	-	-	-	100,600	100,60

Funding Sources

General Fund

Funding Totals

\$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ -

Funding Shortfall:

\$ 100,600

Capital Improvement Program

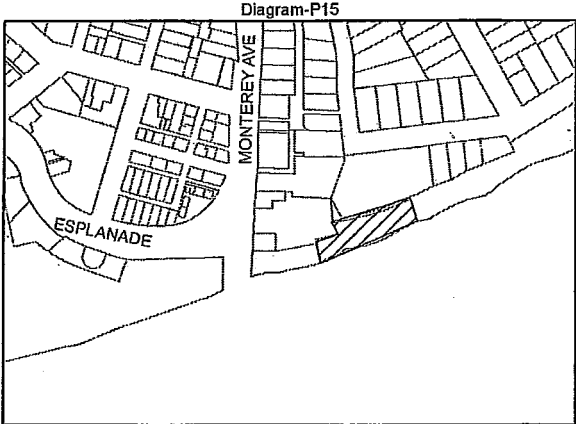
Project	Category	Location
Esplanade Park Erosion Control	Park	Eastern end of Esplanade Park

Description:

Provide additional erosion control measures of the bluff face immediately above the upper portion of Esplanade Park. Measures could include retaining wall construction along with cliff face stabilization.

Maintenance Impact:

Reduction in park maintenance costs caused by continual clean up efforts of debris that currently takes place. Estimated savings: \$500 per year.



Fiscal Estimate:

Fiscal Year		2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction		-	-	-	-	-	55,000	55,000
Planning & Permitting	5%	-	-	-	-	-	2,800	2,800
Design	20%	-	-	-	-	-	11,000	11,000
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	-	8,300	8,300
Contingency	20%	-	-	-	-	-	11,000	11,000
Project Totals		-	-	-	-	-	88,100	88,100
Funding Sources								
General Fund		-	-	-	-	-	-	-
		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:								
								\$ 88,100

Capital Improvement Program

Project	Category	Location
Rispin Park Development	Parks	Rispin Mansion

Description: Complete the development of the Rispin property into a city park. Complete ADA ramps to mansion level, restore fountain and stairway, regrade pathways, and restore landscaping.

Maintenance Impact:
Increase in park maintenance costs of approximately \$30,000 per year.

Fiscal Estimate:

Fiscal Year		2012-13	2013-14	2014-15	2015-16	2016-17	Unprogrammed	Total
Project Construction		-	-	-	-	-	450,000	450,000
Planning & Permitting	2%	-	-	-	-	-	9,000	9,000
Design	10%	-	-	-	-	-	45,000	45,000
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	10%	-	-	-	-	-	45,000	45,000
Project Totals		-	-	-	-	-	549,000	549,000

Funding Sources

	-	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:
\$ 549,000

Street Projects Unprogrammed Projects

Project List - Streets

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	RSTP Funds	Gas Tax	Grants and other	RDA Funds	City General Funds	Unfunded	Total Funds Available	
S48	Streets	38th Avenue	Overlay from Brommer St to Capitola Rd	2012-13	590,000			438,000		152,000	-	590,000	
S35	Streets	Bay Avenue Corridor	Utility Undergrounding	2012-13	300,000			133,000			167,000	133,000	
S60	Streets	Brommer & 41st	Truck & Bike Access Improvements	2012-13	22,500					22,500	-	22,500	
S61	Streets	Lower Pacific Cove	Surface Parking Lot Construction	2012-13	651,000			75,000			576,000	75,000	
S1	Streets	Pacific Cove Parking	Lighting & Sidewalk Improvements	Unprogrammed	95,700						95,700	-	
S2	Streets	Village	Phase II - Multi-modal improvements	Unprogrammed	1,226,800						1,226,800	-	
S8	Streets	Cliff Dr.	Seawall (Corps)	Unprogrammed	1,150,000						1,150,000	-	
S9	Streets	Hooper's Beach	Stairway Repairs	Unprogrammed	32,400						32,400	-	
S10	Streets	41st/Cap Rd	New Signals	Unprogrammed	270,000						270,000	-	
S20	Streets	Pacific Cove Parking	Multi level parking lot addition	Unprogrammed	13,856,500						13,856,500	-	
S21	Streets	Village	Phase III - Multi-modal improvements	Unprogrammed	1,151,600						1,151,600	-	
S22	Streets	Stockton Ave Bridge	Hazard Assessment	Unprogrammed	50,000						50,000	-	
S27	Streets	Village	Phase IV - Multi-modal improvements	Unprogrammed	858,000						858,000	-	
S28	Streets	41st	Widen Highway 1 Overpass to 6 lanes	Unprogrammed	5,775,000						5,775,000	-	
S46	Streets	Park, Reposa, Cliff, El Salto	PMP - 2011	Unprogrammed	700,000						700,000	-	
S40	Streets	Grand Ave	Drainage Improvements	Unprogrammed	859,000						859,000	-	
S42	Streets	Wharf Road	Retaining wall extension	Unprogrammed	412,500						412,500	-	
S55	Streets	41st Rehab Phase 2	Gross Road to Clares Street	Unprogrammed	427,000						427,000	-	
S49	Streets	Various	Slurry Seals - 2012	Unprogrammed	101,000						101,000	-	
S50	Streets	TBD	PMP - 2012	Unprogrammed	700,000						700,000	-	
S51	Streets	Various	Slurry Seal 2013	Unprogrammed	70,000						70,000	-	
S52	Streets	TBD	PMP - 2013	Unprogrammed	700,000						700,000	-	
S53	Streets	Hill Street	Ped. Impts from Cap Ave to Rosedale	Unprogrammed	120,000						120,000	-	
S54	Streets	Reposa Avenue	Traffic Calming	Unprogrammed	40,000						40,000	-	
S56	Streets	PMP - 2014	TBD	Unprogrammed	700,000						700,000	-	
S57	Streets	Slurry - 2014	TBD	Unprogrammed	70,000						70,000	-	
S68	Streets	PMP - 2015	TBD	Unprogrammed	700,000						700,000	-	
S59	Streets	Slurry - 2015	TBD	Unprogrammed	70,000						70,000	-	
				Totals	\$ 31,699,000	## \$	- \$	- \$	208,000 \$	- \$	22,500 \$	30,876,500 \$	820,500 \$

Capital Improvement Program

Project	Category	Location
Lighting and Sidewalk Improvements	Streets	Pacific Cove Parking Lot

Description:

Construct a sidewalk along the exit road from Pacific Cove Parking Lot all the way to Monterey Avenue. Provide increased lighting in main parking area and new lighting along the new sidewalk.

General Plan Consistency:

Chapter 9, Circulation, Policies 35 & 37 directs the development of safe pedestrian pathways.

Maintenance Impact:

Increase maintenance costs for additional lighting will be minimal, less than \$1000 per year.

Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	58,000	58,000
Planning & Permitting	5%	-	-	-	-	-	2,900	2,900
Design	20%	-	-	-	-	-	11,600	11,600
Right of Way	5%	-	-	-	-	-	2,900	2,900
Construction Management	15%	-	-	-	-	-	8,700	8,700
Contingency	20%	-	-	-	-	-	11,600	11,600
Project Totals		-	-	-	-	-	95,700	95,700

Funding Sources

Funding Totals

\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 95,700

Diagram-S1



Capital Improvement Program

Project	Category	Location
Capitola Village Enhancement Project, Phase 2	Street	Village

Description:

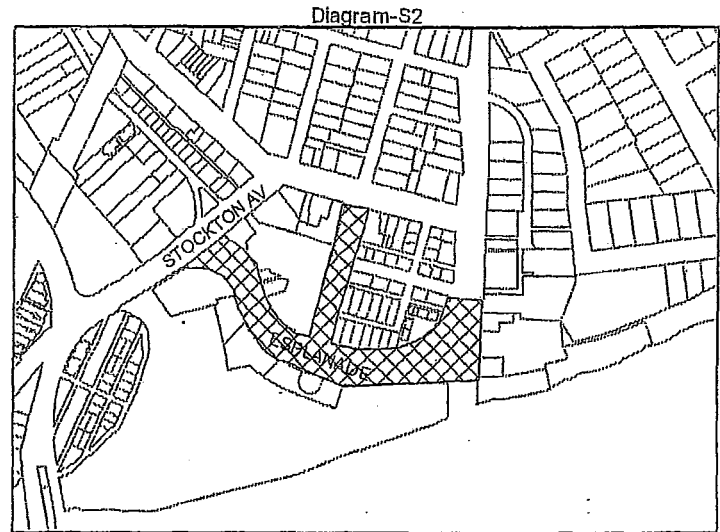
Construct new sidewalk and streetscape along Esplanade from Stockton Avenue to Lawn Way and along San Jose Avenue from Esplanade to Capitola Avenue. Design to be consistent with improvements completed along Capitola Avenue in Phase 1, and also with the Village Master Plan. Funding is available for design work to be initiated in 2002-03.

General Plan Consistency:

Maintenance Impact:

Increased landscaping maintenance costs are estimated at \$1200 per year.

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	743,500	743,500
Planning & Permitting	5%	-	-	-	-	37,200	37,200
Design	20%	-	-	-	-	148,700	148,700
Right of Way	5%	-	-	-	-	37,200	37,200
Construction Management	15%	-	-	-	-	111,500	111,500
Contingency	20%	-	-	-	-	148,700	148,700
Project Totals						1,226,800	1,226,800

Funding Sources

Local	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 1,226,800

Capital Improvement Program

Project	Category	Location
Construct Seawall	Street	Cliff Drive

Description:

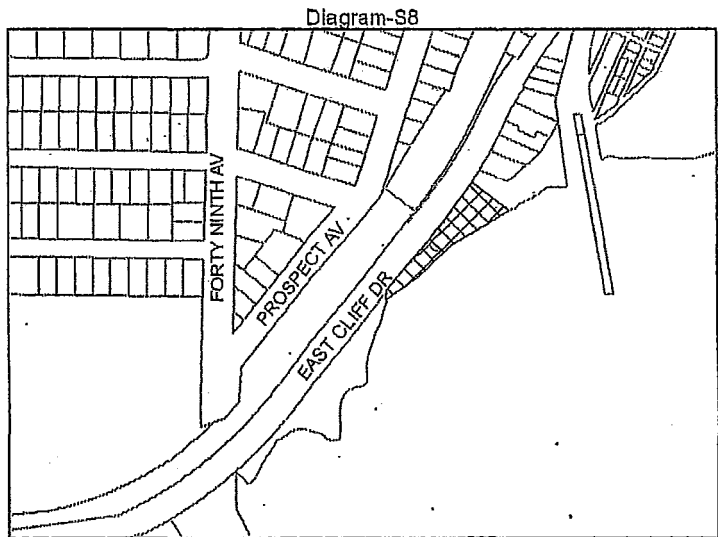
In conjunction with U.S. Army Corps of Engineers construct a seawall at the cliff base along Cliff Drive. This project has been identified by the Corps of Engineers as a potential cliff stabilization project and the Corps is proceeding under Section 103 of the Rivers and Harbors Act. These guidelines require the City to pay 50% of the Project Detail Report estimated to cost \$900,000 and 35% of all construction related costs that are estimated at \$2 million. The budget below comprises the City's portion only.

General Plan Consistency:

Maintenance Impact:

If completed this project will stabilize Cliff Drive, which will eliminate road failure maintenance in the future.

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	1,150,000	1,150,000
Planning & Permitting	-	-	-	-	-	-	-
Design	-	-	-	-	-	-	-
Right of Way	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Contingency	-	-	-	-	-	-	-
Project Totals	-	-	-	-	-	1,150,000	1,150,000

Funding Sources

Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:
\$ 1,150,000

Capital Improvement Program

Project	Category	Location
Hooper's Beach Stairway Repair	Streets	Hooper's Beach

Description:

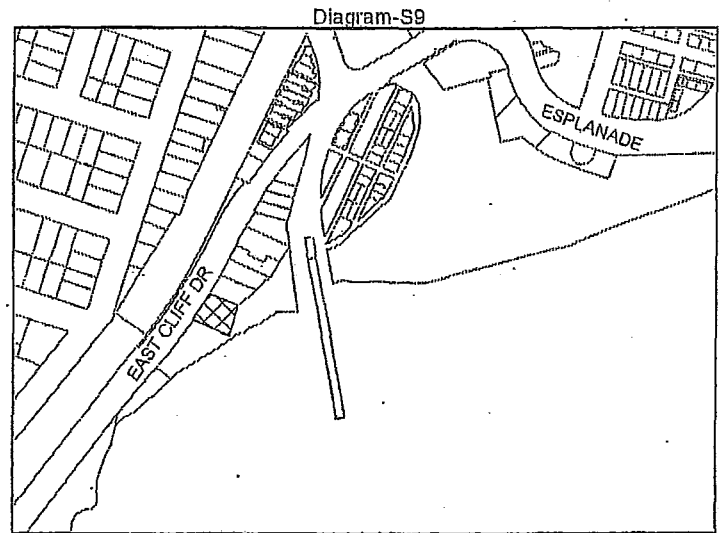
Repair concrete stairway structural members that are showing signs of corrosion and cracking. Repair plans have been developed by Messiti-Miller Engineers.

General Plan Consistency:

Chapter 9, Circulation, Policies 35 & 37 directs the development of safe pedestrian pathways.

Maintenance Impact:

No reduction in existing maintenance work is anticipated.



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	27,000	27,000
Planning & Permitting	-	-	-	-	-	-	-
Design	-	-	-	-	-	-	-
Right of Way	-	-	-	-	-	-	-
Construction Management	10%	-	-	-	-	2,700	2,700
Contingency	10%	-	-	-	-	2,700	2,700
Project Totals	-	-	-	-	-	32,400	32,400

Funding Sources

Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 32,400

Capital Improvement Program

Project	Category	Location
New Traffic Signals	Street	Intersection of 41 st Avenue and Capitola Road

Description:

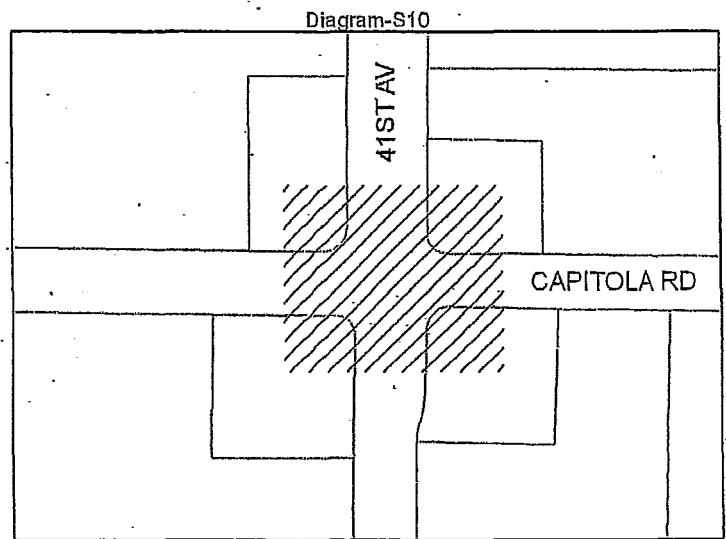
Replace exiting traffic signals at intersection of 41st Avenue and Capitola Road with new signal masts and heads. New signals should remove center island masts, provide centrally located pedestrian buttons at the corners and have LED lights. Project may be expanded to include median improvements between 41st Ave. and 42nd Ave.

General Plan Consistency:

Maintenance of existing local streets is consistent with Circulation Element general objectives for all roadways.

Maintenance Impact:

Routine maintenance costs will remain the same. Replacement costs of center island signals will be eliminated. Energy cost savings for new lights will also be realized.



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	174,000	174,000
Planning & Permitting	5%	-	-	-	-	8,700	8,700
Design	20%	-	-	-	-	34,800	34,800
Right of Way	5%	-	-	-	-	8,700	8,700
Construction Management	15%	-	-	-	-	26,100	26,100
Contingency	10%	-	-	-	-	17,400	17,400
Project Totals	-	-	-	-	-	270,000	270,000

Funding Sources

RDA

Funding Totals

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 270,000

Capital Improvement Program

Project	Category	Location
Capitola Village Enhancement Project, Phase 3	Streets	Village

Description:

Phase 3 of the Capitola Village Enhancements includes sidewalk and streetscape improvements along Esplanade from Lawn Way to Monterey Avenue and along Monterey Avenue to Capitola Avenue. This project also includes the expansion of Esplanade Park to encompass the palm tree island.

General Plan Consistency:

Maintenance Impact:

Park maintenance costs will increase by an estimated \$1,500 per year for the expanded park. Road maintenance will be reduced slightly due to the reduction in maintained roads.

Public Art Funding Eligibility:

Fiscal Estimate:

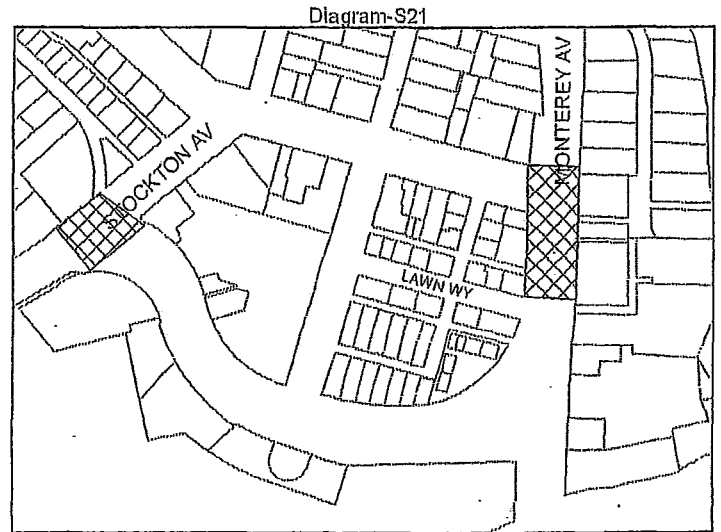
Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	697,900	697,900
Planning & Permitting	5%	-	-	-	-	34,900	34,900
Design	20%	-	-	-	-	139,600	139,600
Right of Way	5%	-	-	-	-	34,900	34,900
Construction Management	15%	-	-	-	-	104,700	104,700
Contingency	20%	-	-	-	-	139,600	139,600
Project Totals	-	-	-	-	-	1,151,600	1,151,600

Funding Sources

Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Funding Shortfall:

\$ 1,151,600



Capital Improvement Program

Project	Category	Location
Bridge Rehabilitation/Replacement	Streets	Stockton Avenue Bridge

Description:

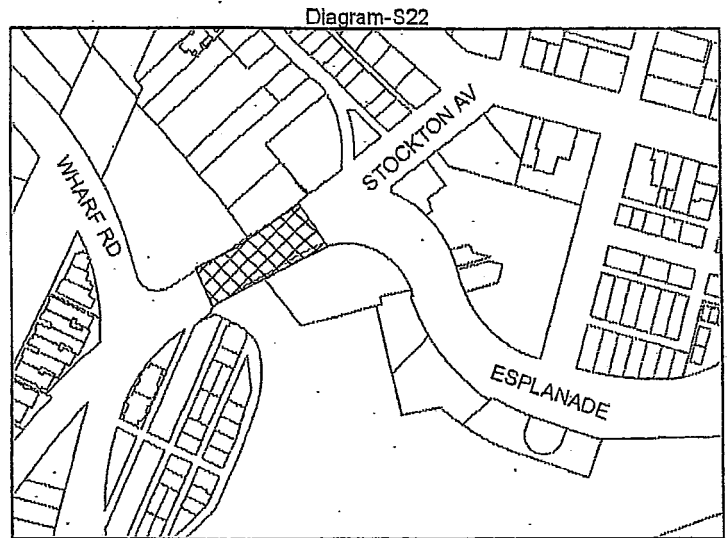
Utilizing the Federal Highway Bridge Rehabilitation and Replacement program rehabilitate or replace the Stockton Avenue bridge. Initial work will entail a preliminary engineering study to determine existing conditions, risks, recommend actions and repairs. The budget at this time is only for completion of the feasibility study.

General Plan Consistency:

Maintenance of existing local streets is consistent with Circulation Element general objectives for all roadways.

Maintenance Impact:

A flood of the Village area would create a significant amount of emergency work for Public Works, Police Department, other City staff and private property owners. Flood prevention could save thousands of dollars in maintenance costs.



Fiscal Estimate:

<u>Fiscal Year</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction	-	-	-	-	-	50,000	50,000
Planning & Permitting	-	-	-	-	-	-	-
Design	-	-	-	-	-	-	-
Right of Way	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Contingency	-	-	-	-	-	-	-
Project Totals	-	-	-	-	-	50,000	50,000
<u>Funding Sources</u>							
General Fund	-	-	-	-	-	-	-
Gas Tax	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:							
\$							50,000

Capital Improvement Program

Project	Category	Location
Capitola Village Enhancement Project Phase 4	Streets	Village

Description:

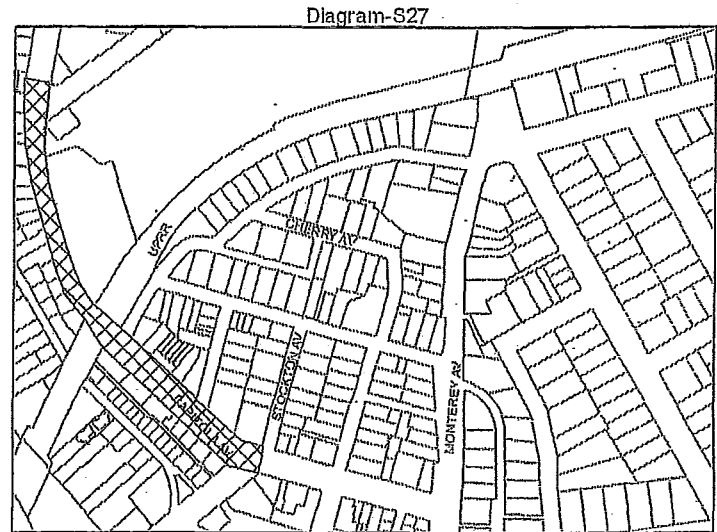
Phase 4 of the Capitola Village Enhancement Project that includes sidewalk and streetscape improvements along Capitola Avenue from approximately Stockton Avenue to Beulah Drive. This project is directed at connecting people parking at Pacific Cove safely along Capitola Avenue to the Village. The project was originally identified as part of the Village Master Plan.

General Plan Consistency:

Maintenance Impact:

An increase of landscape maintenance will be offset by a decrease in street maintenance.

Public Art Funding Eligibility:



Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	520,000	520,000
Planning & Permitting	5%	-	-	-	-	26,000	26,000
Design	20%	-	-	-	-	104,000	104,000
Right of Way	5%	-	-	-	-	26,000	26,000
Construction Management	15%	-	-	-	-	78,000	78,000
Contingency	20%	-	-	-	-	104,000	104,000
Project Totals	-	-	-	-	-	858,000	858,000

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
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Funding Shortfall:

\$ 858,000

Capital Improvement Program

Project	Category	Location
41 st Avenue Highway 1 Overpass Widening	Street	41 st Avenue

Description:

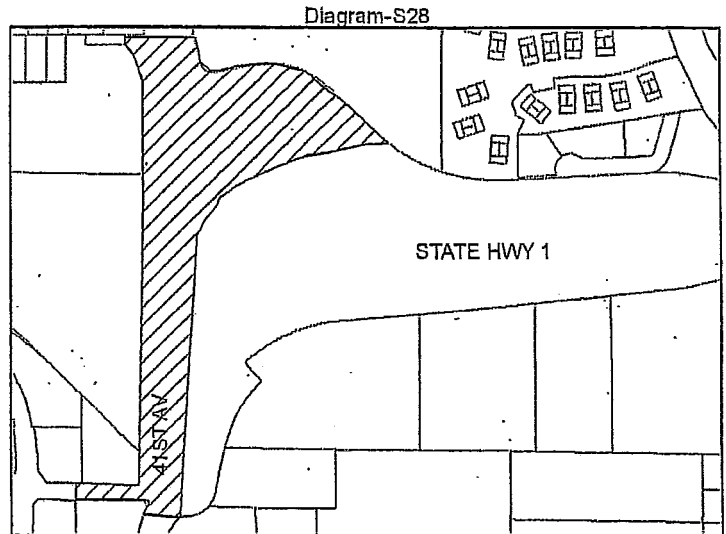
Widen the existing 4 lane Highway 1 overpass to 6 lanes. This project was identified as a middle priority project in the City's previous transportation plans. It's value and necessity should be evaluated. Project may be eligible for RDA funding.

General Plan Consistency:

Maintenance of existing local streets is consistent with Circulation Element general objectives for all roadways.

Maintenance Impact:

Additional street resurfacing costs of \$5,000 every 10 years. Structure is maintained by Caltrans.



Public Art Funding Eligibility:

Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	3,500,000	3,500,000
Planning & Permitting	5%	-	-	-	-	-	175,000	175,000
Design	20%	-	-	-	-	-	700,000	700,000
Right of Way	5%	-	-	-	-	-	175,000	175,000
Construction Management	15%	-	-	-	-	-	525,000	525,000
Contingency	20%	-	-	-	-	-	700,000	700,000
Project Totals		-	-	-	-	-	5,775,000	5,775,000

Funding Sources

Funding Totals	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$
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Funding Shortfall:
\$ 5,775,000

Capital Improvement Program

Project	Category	Location
Drainage Improvements	Streets	Grand Avenue, Depot Hill

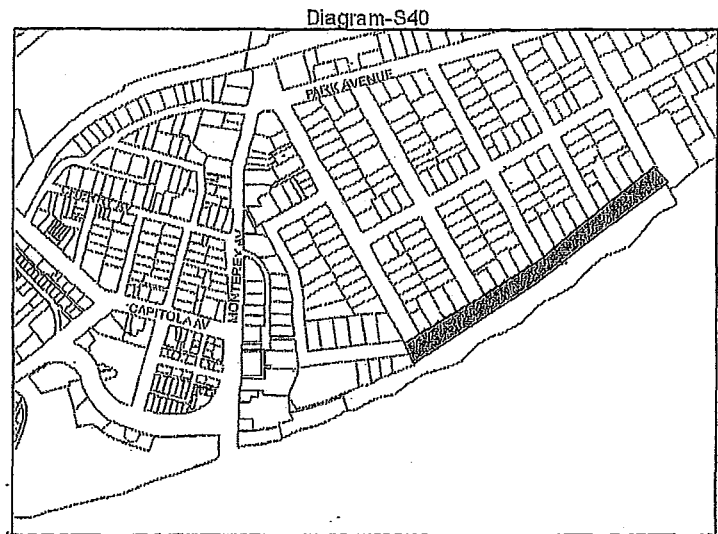
Description:

A joint project with the Depot Hill Geological Hazard Abatement District. The drainage volumes and basin plans were developed to divert all existing drainage away from the Grand Avenue Cliff. Three existing outfalls over the cliff will be abandoned.

General Plan Consistency:

Maintenance Impact:

Maintenance of improvements expected to be done as part of routine work. Expected increase in cost will be negligible.



Fiscal Estimate:

Fiscal Year	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	Unprogrammed
Project Construction		-	-	-	-	-	500,000
Planning & Permitting	5%	-	-	-	-	-	25,000
Design	20%	10,000	24,000	-	-	-	100,000
Right of Way	5%	-	-	-	-	-	25,000
Construction Management	15%	-	-	-	-	-	75,000
Contingency	20%	-	-	-	-	-	100,000
Project Totals	10,000	24,000	-	-	-	-	825,000
Funding Sources							
General Fund	5,000	20,000	-	-	-	-	-
GHAD	5,000	12,000	-	-	-	-	-
Funding Totals	10,000	\$ 32,000	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:							
\$	817,000						

Capital Improvement Program

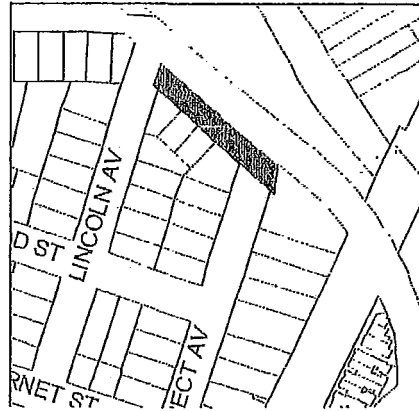
Project	Category	Location
Retaining Wall Extension	Streets	Wharf Road

Description:

Extend existing retaining wall below railroad trestle further up Wharf Road to mitigate continual hillside failures. Project maybe somewhat mitigated by walls being constructed on property above Wharf Road at the old Lent House.

General Plan Consistency:

Maintenance Impact:
Reduction of maintenance efforts required on bare hillside. Projected savings of \$2000 per year.



Fiscal Estimate:

Fiscal Year		2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction		-	-	-	-	-	250,000	250,000
Planning & Permitting	5%	-	-	-	-	-	12,500	12,500
Design	20%	-	-	-	-	-	50,000	50,000
Right of Way	5%	-	-	-	-	-	12,500	12,500
Construction Management	15%	-	-	-	-	-	37,500	37,500
Contingency	20%	-	-	-	-	-	50,000	50,000
Project Totals		-	-	-	-	-	412,500	412,500
Funding Sources								
General Fund		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:								
\$			412,500					

Capital Improvement Program

Project	Category	Location
Hill Street pedestrian improvements	Streets	South side of Hill Street between Capitola Avenue and Rosedale Avenue

Description:

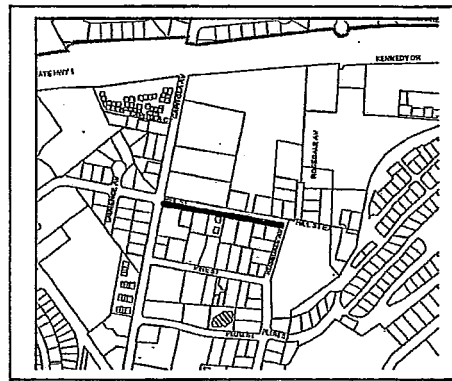
Hill Street between Capitola Ave and Rosedale Ave is narrow with parking on both sides of the street and no sidewalk or bike lanes. Pedestrians and cyclists are forced to compete with cars while in this area. This project would remove all parking along the southern side of Hill Street and construct either a Class II bike lane or a standard sidewalk.

General Plan Consistency:

Chapter 9, Circulation, Policies 35 & 37 directs the development of safe pedestrian pathways

Maintenance Impact:

None



Fiscal Estimate:

Fiscal Year		2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Tot
Project Construction		-	-	-	-	-	87,200	87,200
Planning & Permitting	5%	-	-	-	-	-	4,400	4,400
Design	15%	-	-	-	-	-	13,100	13,100
Right of Way	5%	-	-	-	-	-	4,400	4,400
Construction Management	5%	-	-	-	-	-	4,400	4,400
Contingency	10%	-	-	-	-	-	8,700	8,700
Project Totals		-	-	-	-	-	122,200	120,000

Funding Sources

STIP		-	-	-	-	-	-	-
Prop 1A		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 120,000

Capital Improvement Program

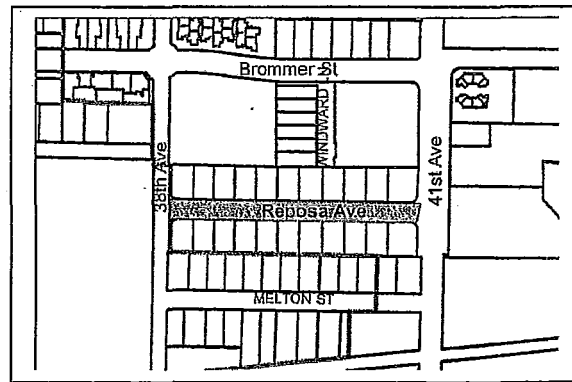
Project	Category	Location
Reposa Avenue Traffic Calming	Streets	Reposa Avenue between 41 st Avenue and 38 th Avenue

Description:

Perform traffic studies to determine level of traffic calming on residential street. This street is impacted by commercial properties along 41st Avenue and is used as a cut through to avoid traffic congestion. Items that may be considered would be landscaped chicanes, center islands, and bulb outs.

General Plan Consistency:

Chapter 9, Circulation: Policies 13 and 14, develop traffic control measures to maintain livability of streets while preserving the safety of travel on them.



Maintenance Impact:

Increase in maintenance efforts for landscaped areas.

Fiscal Estimate:

Fiscal Year	2009-10	2010-11	2011-12	2012-13	2013-14	Unprogrammed	Total
Project Construction	-	-	-	-	-	30,000	30,000
Planning & Permitting	2%	-	-	-	-	600	600
Design	15%	-	-	-	-	4,500	4,500
Right of Way	0%	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-
Contingency	10%	-	-	-	-	3,000	3,000
Project Totals	-	-	-	-	-	38,100	40,000

Funding Sources

STIP	-	-	-	-	-	-	-
Prop 1A	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 40,000

Wharf Projects Funding Sources

Project List - Wharf

Project Number	Project Category	Location	Project	Year Scheduled	Engineer's Estimate	Wharf Funds	City Funds	Unfunded	Total Available Funding
W2	Wharf		Utility Improvements (Water, Sewer, Electrical)	Unprogrammed	88,100			88,100	-
W3	Wharf		Restaurant & Restroom Remodeling	Unprogrammed	300,000			300,000	-
				Total	\$ 388,100	\$ -	\$ -	\$ 388,100	\$ -

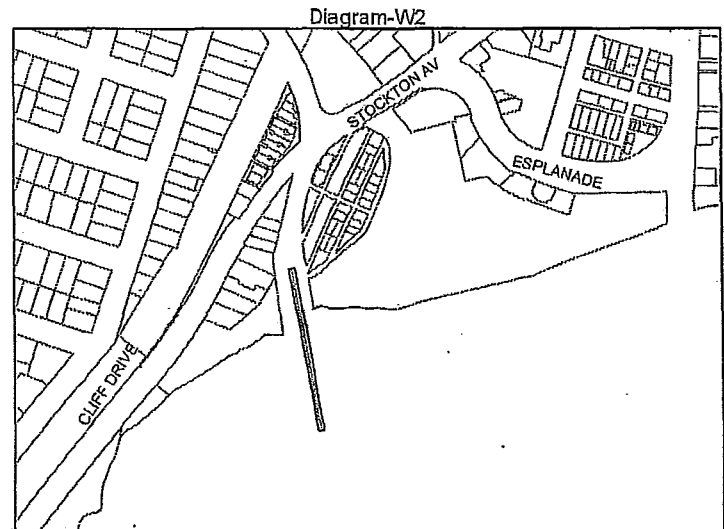
Capital Improvement Program

Project	Category	Location
Municipal Wharf Utility Improvements	Wharf	Wharf

Description: Improve water, sewer, and electrical services on the Wharf. Water improvements include the construction of a dry fire service line with hydrants for use by Central Fire. The sewer improvements include looking at ways to protect the sewage pump station from damage during storms. The Electrical work involves replacement of service panels.

General Plan Consistency:

The Wharf is a major facility in meeting Goal 5 of Chapter 5, Open Space, Parks and Recreation, which specifies the conservation and enhancement of water front areas for public use and views. This project improves fire protection and better electrical and swage utilities to the Wharf.



Maintenance Impact:

This work will reduce existing emergency call outs to deal with failures. Estimated savings could be up to \$5,000 per year.

Fiscal Estimate:

Fiscal Year	2008-09	2009-10	2010-11	2011-12	2012-13	Unprogrammed	Total
Project Construction	-	-	-	-	-	55,000	55,000
Planning & Permitting	5%	-	-	-	-	2,800	2,800
Design	20%	-	-	-	-	11,000	11,000
Right of Way	-	-	-	-	-	-	-
Construction Management	15%	-	-	-	-	8,300	8,300
Contingency	20%	-	-	-	-	11,000	11,000
Project Totals	-	-	-	-	-	88,100	88,100
Funding Sources							
Wharf fund	-	-	-	-	-	-	-
Funding Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Shortfall:							
\$	88,100						

Capital Improvement Program

Project	Category	Location
Restaurant & Restroom Reconstruction	Wharf	Wharf

Description: Construct a new restroom building between the existing restaurant and boat and bait shop to allow for the restaurant to expand into the area of the existing restrooms, providing them with westward looking views.

Maintenance Impact:
None

Fiscal Estimate:

<u>Fiscal Year</u>		<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>Unprogrammed</u>	<u>Total</u>
Project Construction		-	-	-	-	-	235,000	235,000
Planning & Permitting	0%	-	-	-	-	-	-	-
Design	15%	-	-	-	-	-	35,300	35,300
Right of Way	0%	-	-	-	-	-	-	-
Construction Management	0%	-	-	-	-	-	-	-
Contingency	12%	-	-	-	-	-	28,200	28,200
Project Totals		-	-	-	-	-	298,500	300,000

Funding Sources

STIP		-	-	-	-	-	-	-
Prop 1A		-	-	-	-	-	-	-
Funding Totals		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Shortfall:

\$ 300,000

City of Capitola Budget Adjustment Form



Date August 9, 2012

Requesting Department Public Works

Administrative Council

Item # 9.C.
Council Date: 8/9/12
Council Approval: 8/9/12

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
1200-00-00-000-4390.400	Construction-CIP Fund	75,000
1200-00-00-000-4390.400	Construction-CIP Fund	133,000
Total		208,000

Net Impact (208,000)

Purpose: Adjust the FY12 budget to appropriate from CIP Fund Balance:
\$75,000 to the Lower Pacific Cove Parking Project
\$133,000 to Utility Underground Project

Department Head Approval *Harold Jones*
Finance Department Approval _____
City Manager Approval _____



CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 9, 2012

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADDING SECTION 12.56.090(C) (RIGHT-OF-WAY OBSTRUCTIONS) OF THE
MUNICIPAL CODE PERTAINING TO THE REMOVAL OF ITEMS FROM
PUBLIC PROPERTY

RECOMMENDED ACTION: Introduce an Ordinance adding Section 12.56.090(C) (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [1st reading].

BACKGROUND: The City Council recently amended the City's zoning regulation to allow for sidewalk signs in the Village. The City of Capitola does not have clear language in the City's Municipal Code to allow for the removal of either illegal signs or other items from public property. Adding Section 12.56.090(C) will provide this clear authority.

DISCUSSION: As part of adopting an Ordinance to allow sidewalk signs in the Central Village area it became clear that an amendment to the City's Municipal Code is needed regarding items on public property. The City Attorney also suggested that as part of this process the City should add clear language and authority for illegal items to be removed from both public properties. This will be done by adding Section 12.56.090(C) as follows:

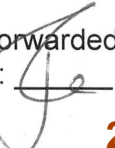
If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path in the city of Capitola, contrary to the terms of this chapter and without the written permission of the director of public works, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance, and the director of public works is hereby authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning or otherwise responsible for any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the director of public works or the person designated by the superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

FISCAL IMPACT: N/A

ATTACHMENT:

1. Ordinance adding Sections 12.56.090(C)
2. Underlined Ordinance

Report Prepared By: Susan Westman
General Plan Coordinator

Reviewed and Forwarded
by City Manager: 

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTION 12.56.090 OF THE MUNICIPAL CODE
PERTAINING TO THE REMOVAL OF ITEMS FROM PUBLIC PROPERTY**

THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY ORDAINS AS FOLLOWS:

Section 1. Added Section 12.56.090(C) to the Capitola Municipal Code to read as follows:

12.56.090 C. PUBLIC NUISANCE DECLARED.

If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path in the city of Capitola, contrary to the terms of this chapter and without the written permission of the director of public works, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance, and the director of public works is hereby authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning or otherwise responsible for any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the director of public works or the person designated by the superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

This ordinance was introduced on the 9th day of August, 2012, and was passed and adopted by the City Council of the City of Capitola on the ___ day of ___ 2012, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN

APPROVED:

Michael Termini, Mayor

_____, CMC
Susan Sneddon, City Clerk

Underlined Ordinance

Chapter 12.56 PRIVATELY INSTALLED IMPROVEMENTS ON PUBLIC PROPERTY OR EASEMENTS

Note

* Prior ordinance history: Ord. 655.

12.56.010 Purpose.

By resolution(s), the city council has determined which streets, or portions thereof, are included within the city's "street system." In many parts of the city, the full width of property dedicated to, or acquired by, the city for street and related purposes has not been accepted into the street system. The city council determines that the public welfare would be more harmed than benefited from a complete prohibition of landscaping or other private improvements located within public rights-of-way but not within the street system. The purpose of this chapter is to regulate such areas in a manner that considers views, preserves necessary parking, does not unduly inhibit future widening of the street system, but at the same time allows privately-installed improvements that are not harmful to the integrity and character of the district in which the property is located. (Ord. 796 (part), 1997)

12.56.020 "Street system area" defined.

"Street system area" as used in this chapter means those street rights-of-way or portions thereof which, pursuant to Streets and Highways Code Section 1806 and Capitola resolutions, have been accepted into the city's street system. Subject to some minor exceptions, the street system area consists of those areas of street rights-of-way which are actually covered by city installed paving, curb, gutter, or sidewalk. (Ord. 796 (part), 1997)

12.56.030 Shoulder parking area.

The public works director may determine the extent of the area, which is adjacent to the street system area and within the right-of-way, and which, in his or her opinion: is appropriate for either public off-street parking; or has a significant possibility of, in the next five-year period, being utilized by the city for street widening or installation of curb, gutter, or sidewalk; or is located over a utility easement. For purposes of this chapter, such areas shall be known as "shoulder parking areas." Before any private improvement permits (see Section 12.56.060 of this chapter) are issued pursuant to this chapter, the public works director must determine the shoulder parking area for the block of the street in which the property is located. Whenever any such determination is made, the public works director shall file a record of that determination with the city clerk, who shall cause notice of that determination to be given to each city council member. At the request of any council member, the public works director determinations as to the extent of any shoulder parking area may be reviewed by the city council, which may modify any such determinations at any time. (Ord. 796 (part), 1997)

12.56.040 Shoulder parking area improvement permits.

In the shoulder parking areas, permits may be issued for privately installed improvements such as paving, grading or gravel which do not inhibit the use of those areas for parking or street widening. Such permits may be issued by the planning commission in conjunction with other land development permits; when there is no concurrent developmental applications, they may be issued by the public works director. (Ord. 796 (part), 1997)

12.56.050 Private improvements area defined.

"Private improvements area," as used in this chapter, means that portion of any public street right-of-way in the city which is neither street system area nor shoulder parking area. (Ord. 796 (part), 1997)

12.56.060 Private improvement permits.

Permits may be issued to allow certain improvements to be installed and maintained by abutting private property owners, within the private improvements area, as provided in this section.

A. Minor Permits. Permits may be issued by the public works director for the following: items allowed in Section 12.56.040 of this chapter; mailboxes determined by the public works director to be of a reasonable size and reasonably located; property boundary fences not in excess of three and one-half feet in height (for a definition of fences, see Municipal Code Section 17.54.010); at-grade walkways and driveways meeting any applicable standard specifications; landscaping approved as part of a landscaping plan which had planning commission or city council review; or landscaping that does not include plants which, at maturity, will exceed three and one-half feet in height nor develop a root system likely to damage streets, sidewalks or adjoining property, nor expensive to remove at maturity.

B. Major Permits Issued by Planning Commission. The planning commission may issue permits for private improvements not issuable under subsection A of this section. The commission's decision as to whether to issue such permit shall be made by weighing the following considerations: the expense and difficulty that will be entailed in removing the improvement in the event of street widening; whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood; preservation of views; and whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The planning commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located. (Ord. 796 (part), 1997)

12.56.070 All permits revocable/hold harmless agreements.

Permits issued under this chapter shall include a statement that by accepting such a permit, the permittee and his or her successor agrees to hold the city, its officers, agents and employees, free and harmless from any liability for injuries to persons or property resulting from the construction or maintenance of such private improvement, and also agrees that the removal of the structure, when so ordered by the city, shall be at the permittee's expense. Such permit shall also provide that upon failure of the permittee to remove such improvement within a reasonable time after notice from the city manager or designee, the same may be abated and removed by the city and the cost thereof made a lien upon the property (see Section 1.01.090 and Title 4 of this code). As a condition of granting any such permit, the city may require execution and recordation of an agreement between the city and the permittee property owner regarding the requirements of this section. However, failure to obtain or record such an agreement shall not free any applicant, owner, or successor from the requirements of this section. (Ord. 955 § 13, 2011; Ord. 796 (part), 1997)

12.56.080 State law and uniform codes not affected by this chapter.

This chapter shall not expand or limit the effect of: state law or city ordinances relating to when utilities may install or repair their lines within city easements, Uniform Fire Code access requirements, Uniform Building Code provisions (see Chapters 32 and 33 thereof) regarding air space encroachments above public ways, or Municipal Code Chapter 9.40 which contains prohibitions on signs in rights-of-way. (Ord. 796 (part), 1997)

12.56.090 Right-of-way obstructions—Installing private improvements—Prohibition.

A. Except as allowed in this chapter, installing private improvements or otherwise placing obstructions in any public right-of-way is prohibited. For purposes of this chapter, "installing" includes permanent or temporary placing, erecting, constructing, or planting. "Private improvements" means any building, structure, accessory structure, fixture, sign, fence, paving, or landscaping (including trees), or any other object which obstructs all or a portion of any public right-of-way.

B. Exceptions. This section shall not apply to the following cases:

1. Parking of emergency vehicles;
2. Parking of any vehicle in any place where such parking is permitted by law;
3. The city's placement of structures or barriers for the protection of pedestrians or traffic;
4. The city's placement of benches;
5. Placement of structures or barriers by the city or any other governmental agency, when such structures or barriers are intended to serve the public convenience, safety, or necessity;
6. The city's placement of street trees;

7. Placement of newsracks in conformity with provisions of this code regulating newsracks on city sidewalks;

8. Placement of trash or other debris in appropriate containers for pickup by the city's refuse collection franchisee when placed in accordance with the applicable collection schedules. (Ord. 854 § 1, 2003; Ord. 796 (part), 1997)

C. Public Nuisance

If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path in the city of Capitola, contrary to the terms of this chapter and without the written permission of the director of public works, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance, and the director of public works is hereby authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning or otherwise responsible for any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the director of public works or the person designated by the superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

12.56.100 Miscellaneous.

A. Whenever an application is made pursuant to this chapter, the city may require of the applicant such title or survey information as is reasonably necessary to respond to the application.

B. The city council may, by resolution, establish application and/or permit fees for applications/permits considered or permits issued under this chapter. (Ord. 796 (part), 1997)