



AGENDA COVER
Regular Joint Meeting of the
**CAPITOLA CITY COUNCIL/
REDEVELOPMENT AGENCY**
MEETING DATE: THURSDAY, AUGUST 25, 2011

CITY COUNCIL CHAMBERS: 420 CAPITOLA AVENUE, CAPITOLA

CLOSED SESSION 5:30 P.M.
JOINT CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING 7:00 P.M.

Elected Officials

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

Jacques Bertrand, City Treasurer

City Staff Members

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

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

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

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

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

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

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

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



AGENDA

Regular Joint Meeting of the CAPITOLA CITY COUNCIL/REDEVELOPMENT AGENCY Thursday, August 25, 2011

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

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

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

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

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

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

Bill Newman, et al. (residents of Surf & Sand Mobile Home Park) vs. Surf and Sand, LLC, Ronald Reed, et al. [Superior Court County of Santa Cruz, Unlimited Jurisdiction, Case No. CV 171783]

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9:
One Case – Noble Gulch Storm Drain Failure in Pacific Cove Mobile Home Park

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)

Title: City Manager

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

Property: McGregor Drive, APN 36-341-02 (City of Capitola, Owner)

City Negotiator: City Manager

Negotiating Parties: City and Soquel Creek Water District

Under Negotiation: Real Property Lease/Sale

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*** * * PRESENTATIONS * * ***

Presentation to Kyle Brinton Jack
in Recognition of his Quick Actions and Bravery
by Calling 9-1-1 which saved his Grandfather's Life

1. REPORT ON CLOSED SESSION

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Staff Comments

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

E. Committee Appointments

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

2. ORAL COMMUNICATIONS - Continued

F. Approval of Check Register Reports

- 1) City: Approval of City Check Register Reports dated August 5, and August 12, 2011.
- 2) RDA: Approval of Redevelopment Agency Check Register Report dated August 12, 2011.

3. CONSENT CALENDAR

All matters listed under "Consent Calendar" are considered by the City Council/ Redevelopment Agency to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following "Other Business."

- A. Approve Reading by Title of all Ordinances and Resolutions and declare that said Titles which appear on the Public Agenda shall be determined to have been read by Title and Further Reading Waived.
- B. Receive City Treasurer's Report for Month Ended July 31, 2011 (Unaudited).
- C. Accept update report on the Rispin Property Hazard Abatement Project and, by 4/5 vote approval, make the determination that all hazards at the Rispin Property have not been eliminated and there is need to continue action.
- D. Authorize the City Manager to execute the Santa Cruz County Criminal Justice Council Joint Exercise of Powers Agreement, and participate in the Santa Cruz County Criminal Justice Council.
- E. Adopt Ordinance Amending Sections 12.52.010 and 12.52.030 of the Municipal Code pertaining to Skateboarding Regulations [2nd Reading].
- F. Adopt Ordinance Amending Section 13.04.010 of the Municipal Code pertaining to Discharge to Sanitary Sewer and Adding a new Section 13.04.060 to the Municipal Code pertaining to Greywater Use [2nd Reading].
- G. Authorize the City Manager to recruit for the position of City Clerk.

3. **CONSENT CALENDAR** - Continued

- H. RDA: Approve contract with Goldfarb and Lipman, LLP, for legal services related to Redevelopment Agency Housing Programs and miscellaneous Redevelopment legal services for FY2011-2012 in an amount not to exceed \$15,000.

4. **PUBLIC HEARINGS**

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

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

- A. Public Hearing to consider adoption of an Ordinance Repealing Capitola Municipal Code Chapter 2.18 pertaining to Mobile Home Park Rent Stabilization. [2nd Reading] Presentation: City Attorney.
- B. RDA: Public Hearing to consider adoption of an Agency Resolution Approving and Adopting the Enforceable Obligation Payment Schedule Pursuant to Part 1.8 of the Redevelopment Law. Presentation: Community Development Department.

5. **OTHER BUSINESS** - None

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

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

7. **ADJOURNMENT**

Adjourn to the next Regular Joint Meeting of the City Council/ Redevelopment Agency to be held on Thursday, September 8, 2011, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

City of Capitola

Mayor's Proclamation

In Recognition to


Kyle Brinton Jack

*for his Quick Actions and Bravery in dialing 9-1-1 on
Occasion of a Family Medical Emergency on August 2, 2011,
which saved his Grandfather's Life*



Dennis R. Norton, Mayor

Signed and sealed this 25th day of August 2011

 Editor [Jacob Bourne](#) City Council Preview: Council to Vote on Required Improvements to Rispin Property: <http://patch.com/A-kYw0> — [Tweeted](#) 4 hours ago

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Nine-Year-Old Son of Capitola Police Officer Saves Choking Grandfather

Kyle Jack came to the rescue of his 86-year-old grandfather on Tuesday.

By [Jacob Bourne](#) [Email the author](#) August 4, 2011 [Print](#) [1 Comment](#)

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Tell Your Neighbors About Patch

For being what his mom calls "not the most focused kid in the world," Soquel's Kyle Jack, 9, performed flawlessly under pressure on Tuesday.

Jack, the son of Capitola Police Officer Sarah Ryan, was under the care of his 86-year-old grandfather, Brin, when the man started to choke on a hot dog.

"My son grabbed the phone and called 9-1-1, and they walked him through what to do," Ryan told *Capitola-Soquel Patch*. "Grandpa kept trying to drink to wash it down, but everything that he picked up, Kyle grabbed out of his hands and told him to wait and stay calm until the ambulance came."

Brin was transported to the hospital because paramedics could not dislodge the four-inch piece of meat from his throat. Hospital staff later successfully removed it.

At the time of the incident, Ryan was working a separate emergency call.

"I didn't know why dispatch kept trying to call me," Ryan said. "They just told me to call, and said 'Code 2,' which is our code for absolutely calling as soon as you can."

Ryan was later reunited with her son and his grandfather.

"Kyle was shaken up but proud of himself because had he not been there, I'm not sure what would have happened," she said. "Grandpa doesn't move around really, so I don't know how it would have ended."

Being in emergency services herself, Ryan was beaming at her son's act of heroism.

"I am so proud of Kyle," she said. "It just really brought home for him what I do for a living. He's grown up surrounded by law enforcement, and this showed him that when you call 9-1-1, look at what you get. He absolutely got the importance of it and it was really impressive to me. He's a typical 9-year old boy chasing bees and jumping off rocks, so it was very impressive."

Related Topics: [capitola pd](#)

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CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

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

Recommended Action: By motion and roll call vote, that the City Council approve the attached Check Register Reports for Aug 5 and Aug 12, 2011.

DISCUSSION

The attached Check Registers for:

Date	Starting Check #	Ending Check #	Total Checks	Amount
8/5/11	67117	67184	68	\$105,191.04
8/12/11	67185	67273	89	\$182,423.27
8/12/11 Payroll				\$223,937.23
Total				\$511,551.54

The check register of 7/29/11 ended with check #67116.

Wires issued, and a brief description of the expenditure:

Date	Issued to:	Dept.	Purpose	Amount
8/16/11	PERS Payment	CM	CALPERS – Payroll Contr for 8/12/11 payroll	\$53,640.62

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

Check	Issued to:	Dept.	Purpose	Amount
67156	SCC Conf & Visitors Council	FIN	4 th Qtr FY10/11 County TMD Fee	\$16,076.11
67158	Soquel Creek Water District	PW	May-Jul Irrigation Water, all sites	\$15,584.61
67162	URS Corporation	PW	PacCove Storm Drain Engineering (Fund 1020, Emergency Res Fund)	\$24,072.50
67187	American Traffic Solution	PD	Balance of FY10/11 Red Light Fees	\$56,711.60
67245	Robert A Bothman Inc.	PW	Work Thru 6/30, Capitola Rd	\$37,827.15
67264	Alice Hanratty Trust	CM	Claim Settlement, Flood (split btwn Fund 1020, Emerg and 2213, Self Ins	\$20,000.00

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

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

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

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

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

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

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

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

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

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

As of 8/18/11 the total cash available is \$2,284,949. The General Operating Fund has a cash balance of \$13,878. Internal Service Funds (#2210 through #2214) were created for City budget purposes and are reclassified for financial reporting into the General Fund. The Compensated Absences Fund (#2216) has a positive cash balance of \$36,114. The Capital Improvement Projects has a positive cash balance of \$997,069. By Council direction the Emergency Reserves Fund (#1020) may not participate in cash loans; the Emergency Reserves Fund has a fund balance of \$ 124,677.

For cash flow purposes these funds are available to the General Fund. A consolidation of these cash balances results in a cash position of \$2,284,949.

The following table shows the funds that are consolidated:

CASH POSITION - CITY OF CAPITOLA 8/18/11		
		<u>Net Balance</u>
General Fund		13,878
Worker's Comp. Ins. Fund		74,779
Self Insurance Liability Fund		135,245
Stores Fund		13,486
Information Technology Fund		112,798
Equipment Replacement		105,933
Compensated Absences Fund		36,114
Contingency Reserve Fund		530,000
Public Employee Retirement - PERS		265,392
Open Space Fund		256
Capital Improvement Projects		997,069
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS		2,284,949

The Emergency Reserve Fund balance is \$124,677.03 and is not included above.

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

To resolve this cash flow issue, loans in the amount of \$754,895.66 were made from the following funds to the general fund:

- From Contingency Reserve fund: \$404,895.66
- From Equipment Replacement fund: \$200,000.00
- From Information Technology fund: \$50,000.00
- From Self Insurance Liability fund: \$100,000.00

It is anticipated that these loans to General Fund will be repaid by June 30, 2012.

ATTACHMENTS:

Check Registers for Aug 5 and Aug 12, 2011.

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

**Reviewed and Forwarded
by City Manager:**

Checks dated 8/5/11 numbered 67117 to 67184 for a total of \$105,191.04 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/5/11 the unaudited cash balance is \$2,469,761

CASH POSITION - CITY OF CAPITOLA 8/5/11

	<u>Temporary Loan</u>	<u>Net Balance</u>
General Fund		(536,898)
<i>Loan from Contingency Reserve</i>		536,898
Worker's Comp. Ins. Fund		74,779
Self Insurance Liability Fund		248,598
Stores Fund		13,582
Information Technology Fund		165,306
Equipment Replacement		305,933
Compensated Absences Fund		36,114
Contingency Reserve Fund	934,896	
<i>Loan to General Fund</i>	<u>(536,898)</u>	
<i>Net Contingency Reserve Fund Balance</i>		397,998
Public Employee Retirement - PERS		191,181
Open Space Fund		256
Capital Improvement Projects		1,036,014
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS		<u><u>2,469,761</u></u>

Negative Fund Balances: Periodically, the balance(s) above may be negative during the fiscal year for numerous reasons including timing differences and especially the State Triple-Flip. (The State Triple Flip defers approximately \$1.3 million of City sales tax revenue each year.)

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

The Emergency Reserve Fund balance is \$134,677.03 and is not included above.



 Jamie Goldstein, City Manager

8/5/11

 Date



 Jacques J.J. Bertrand, City Treasurer

8.10.11

 Date

City of Capitola
Payment Register

Checks Issued 8/5/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67117	08/05/2011 Invoice RT10862	Open	Date 06/30/2011	Description Transcription-PD	AEGIS Rapidtext, Inc.	\$132.47
67118	08/05/2011 Invoice 3780	Open	Date 06/30/2011	Description Rispin Mansion Hazard Elimination Project Fund 1200, CIP	AKERS & ASSOCIATES, INC.	\$3,480.00
67119	08/05/2011 Invoice 42442 42503	Open	Date 07/25/2011 07/29/2011	Description Keys-PD Lock set for breakroom, City Hall	ALLSAFE LOCK COMPANY	\$159.80
67120	08/05/2011 Invoice 20110821	Open	Date 06/01/2011	Description Aug 21 Music at the Beach Artist	AUSTIN, SHERRY	\$400.00
67121	08/05/2011 Invoice 2740 May2011Cr 2755	Open	Date 06/18/2011 06/18/2011 07/18/2011	Description June 2011 Landscape Services Credit for May 2011, no services provided PCMHP landscape maintenance-Jul11	BACK TO EDEN LANDSCAPING INC.	\$575.00
67122	08/05/2011 Invoice 2953741 2954011 2954232	Open	Date 07/13/2011 07/18/2011 07/20/2011	Description Wood-Fund 1311, Wharf Fund Concrete #50 Misc. Maint Supplies	BIG CREEK LUMBER	\$248.36
67123	08/05/2011 Invoice 58948A 58948B 58950	Open	Date 07/05/2011 07/05/2011 07/05/2011	Description Rispin Mansion-Structural Engineering Rispin Mansion-Structural Engineering Rispin Mansion - Special Inspection Serv Fund 1200, CIP	BIGGS CARDOSA ASSOCIATES	\$5,322.50
67124	08/05/2011 Invoice 20110807	Open	Date 03/07/2011	Description Aug 7 Music at the Beach Artist	BOWERS dba JACK BOWERS QUARTI	\$400.00
67125	08/05/2011 Invoice 61764	Open	Date 07/07/2011	Description Competition awards-Jr Guards	BRINKS AWARDS & SIGNS	\$621.84
67126	08/05/2011 Invoice CLEA-Aug11	Open	Date 07/20/2011	Description Long Term Disability Ins, PD, Aug 2011	CALIFORNIA LAW ENFORCEMENT ASSOCIATION	\$429.00
67127	08/05/2011 Invoice 1766195	Open	Date 07/08/2011	Description Cleaning supplies	CLEAN SOURCE	\$1,088.60

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67128	08/05/2011 Invoice 363035	Open	Date 07/22/2011	Description Toilet paper	COAST PAPER & SUPPLY INC.	\$324.48
67129	08/05/2011 Invoice 211299	Open	Date 07/22/2011	Description Data Cables, Council Chambers Fund 1320, PEG	COMMUNICATION SERVICE CORP	\$287.43
67130	08/05/2011 Invoice 28750-21	Open	Date 08/02/2011	Description General Plan webhosting 8/23-9/22/11 Fund 1313, General Plan Update	CRUZIO THE INTERNET STORE INC.	\$39.95
67131	08/05/2011 Invoice 72011	Open	Date 07/20/2011	Description Lifeguard supplies	CVS PHARMACY INC.	\$100.39
67132	08/05/2011 Invoice 10215572	Open	Date 07/23/2011	Description Monthly Lease Cost, City Hall Copier, Sha Fund 2210, Stores	DeLAGE LANDEN FINANCIAL SVCS	\$334.07
67133	08/05/2011 Invoice 513800009356	Open	Date 07/11/2011	Description JG certificates	FedExOffice	\$123.49
67134	08/05/2011 Invoice 20110801	Open	Date 08/01/2011	Description Jul 31 Art at the Beach Coordinator	FELLOWS, LESLIE	\$460.00
67135	08/05/2011 Invoice Order #68825A	Open	Date 07/07/2011	Description Paint for field lines	FOLD A GOAL	\$917.06
67136	08/05/2011 Invoice 17670	Open	Date 07/08/2011	Description Zamora uniform-PD	GALLI UNIFORM COMPANY	\$37.96
67137	08/05/2011 Invoice 504	Open	Date 07/19/2011	Description JG Regionals t-shirts (separate fee)	GRAPHIC APPAREL	\$462.23
67138	08/05/2011 Invoice 14189A 14189B	Open	Date 07/12/2011 07/12/2011	Description Cherry Avenue-design Cherry Avenue-design Fund 1200, CIP	HARRIS & ASSOCIATES	\$330.00
67139	08/05/2011 Invoice 4525902	Open	Date 06/30/2011	Description Parking Technology Equipment Specificati Fund 1316, Parking Reserve Fund	KIMLEY-HORN AND ASSOCIATES, INC	\$4,753.33
67140	08/05/2011 Invoice 59211559	Open	Date 07/22/2011	Description Temporary Staff-PW	LABOR READY SOUTHWEST INC.	\$942.59

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67141	08/05/2011 Invoice 211589	Open	Date 07/13/2011	Description Flat Repair, PD Vehicle	LLOYD'S TIRE SERVICE INC.	\$69.34
67142	08/05/2011 Invoice 32596C	Open	Date 06/30/2011	Description Inv 32596 correction	MID COUNTY POST	\$8.20
67143	08/05/2011 Invoice 2677790 267843 267713 264362 270082	Open	Date 07/07/2011 07/07/2011 07/06/2011 06/06/2011 07/27/2011	Description Grease gun-Fund 1311, Wharf Fund auto parts-Parks 2003 F-250 PU auto parts-Parks 2003 F-250 SuperDuty Return Auto Parts auto parts-PW F-350	MID-COUNTY AUTO SUPPLY	\$263.75
67144	08/05/2011 Invoice 110842 110843	Open	Date 07/11/2011 07/11/2011	Description PD Copier Maint Contract, Apr-Jun2011 Copier maint, City hall, Apr-Jun2011	MONTEREY BAY SYSTEMS	\$481.00
67145	08/05/2011 Invoice 11-629767 11-629768	Open	Date 07/21/2011 07/21/2011	Description 436 Gal Ethanol 160 Gal Diesel	NELLA OIL COMPANY	\$2,443.26
67146	08/05/2011 Invoice 6007-2439404 6011-4799100	Open	Date 07/14/2011 07/21/2011	Description Painting supplies - beach ADA ramp Lifeguard equipment	ORCHARD SUPPLY HARDWARE	\$95.12
67147	08/05/2011 Invoice 38661OT	Open	Date 07/25/2011	Description Regionals bus, Junior Guards Competition	PACIFIC MONARCH	\$210.00
67148	08/05/2011 Invoice 191256	Open	Date 07/07/2011	Description Animal Control Expense-PD	PACIFIC VETERINARY SPECIALISTS II	\$176.80
67149	08/05/2011 Invoice 914310 914344 907354	Open	Date 07/22/2011 07/22/2011 05/26/2011	Description Paper-PD Office Supplies, City Hall Paper, PD	PALACE ART & OFFICE SUPPLIES	\$106.83
67150	08/05/2011 Invoice 20466700	Open	Date 05/10/2011	Description Wire, Corp Yard/Fleet	PARTSMASTER	\$331.59
67151	08/05/2011 Invoice 5958395	Open	Date 06/08/2011	Description Caster Wheels for Equipment Rack, IT Fund 2211, Info Technology	PROVANTAGE	\$65.95

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67152	08/05/2011 Invoice 11060892	Open	Date 07/29/2011	Description Burlingame Traffic Analysis-Jun11	RBF CONSULTING	\$320.00 \$320.00
67153	08/05/2011 Invoice RR-113853 RR-113854	Open	Date 07/12/2011 07/12/2011	Description June 2011 Routine Maintenance June 2011 signal repairs Fund 1310, Gas Tax	REPUBLIC ITS INC.	\$1,348.11 \$698.24 \$649.87
67154	08/05/2011 Invoice 7023020	Open	Date 07/11/2011	Description Camp supplies-Rec	S&S WORLDWIDE	\$177.36 \$177.36
67155	08/05/2011 Invoice 42677	Open	Date 07/25/2011	Description PD Chev Tahoe towed to City yard	SANTA CRUZ APTOS AUTO TOWING	\$70.00 \$70.00
67156	08/05/2011 Invoice Q4 FY10/11TOT	Open	Date 07/15/2011	Description 4th Qtr FY10/11 TOT-County Fee Pass-Thru	SCC CONFERENCE & VISITORS COUNCIL	\$16,076.11 \$16,076.11
67157	08/05/2011 Invoice SANE-FY11/12	Open	Date 07/08/2011	Description SANE Program Participation FY11/12-PD	SCC SHERIFF-CORRECTIONS	\$4,323.00 \$4,323.00
67158	08/05/2011 Invoice May-Jul2011 May-Jul11-2	Open	Date 07/14/2011 07/21/2011	Description Semi-Monthly Irrigation Water, May-Jul11 May-Jul Irrigation Water Fund 1311, Wharf Fund=\$777.05	SOQUEL CREEK WATER DISTRICT	\$15,584.61 \$9,389.79 \$6,194.82
67159	08/05/2011 Invoice 3763	Open	Date 07/06/2011	Description JG T-shirts	SPORT ABOUT	\$1,769.20 \$1,769.20
67160	08/05/2011 Invoice 2011-06 06525	Open	Date 06/01/2011 07/13/2011	Description Invoice Correction LCD Project - IT Fund 2211, Info Technology	STAPLES	\$703.22 \$1.23 \$701.99
67161	08/05/2011 Invoice 93030-Aug2011	Open	Date 07/01/2011	Description Aug2011 Dental & Vision Ins Employee Funded	TLC ADMINISTRATORS, INC.	\$1,312.80 \$1,312.80
67162	08/05/2011 Invoice 4697516	Open	Date 05/24/2011	Description Engineering Services-Pac Cove Storm Dra Fund 1020, Emergency Reserve Fund	URS Corporation	\$24,072.50 \$24,072.50
67163	08/05/2011 Invoice 44658377-R	Open	Date 08/04/2011	Description Re-Issue Lost PR Check-PD	Van Den Heuvel, Dana	\$3,285.81 \$3,285.81

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67164	08/05/2011 Invoice June 2011	Open	Date 07/08/2011	Description June 2011 Pistol Range Use	WATSONVILLE POLICE DEPT	\$250.00 \$250.00
67165	08/05/2011 Invoice 364427	Open	Date 07/14/2011	Description Non-warranty repair of Casio handheld	WAV Inc.	\$195.00 \$195.00
67166	08/05/2011 Invoice 2012-00000133	Open	Date 08/02/2011	Description Junior Leaders Session 3	Churchfield, Emily	\$56.00 \$56.00
67167	08/05/2011 Invoice 2012-00000134	Open	Date 08/02/2011	Description Junior Leaders Session 3	Davis-Enelow, Jesse	\$81.00 \$81.00
67168	08/05/2011 Invoice 2000860-002	Open	Date 05/10/2011	Description JG refund	Dayton, Lily	\$186.00 \$186.00
67169	08/05/2011 Invoice 2001039-002	Open	Date 07/29/2011	Description Class refund	Finch, Joyce	\$62.10 \$62.10
67170	08/05/2011 Invoice 2012-00000135	Open	Date 08/02/2011	Description Junior Leaders Session 3	Greenfield, Bianca	\$162.00 \$162.00
67171	08/05/2011 Invoice 2012-00000136	Open	Date 08/02/2011	Description Junior Leaders Session 3	Gruys, Samantha	\$81.00 \$81.00
67172	08/05/2011 Invoice 2012-00000137	Open	Date 08/02/2011	Description Junior Leaders Session 3	Horton, Madeline	\$104.50 \$104.50
67173	08/05/2011 Invoice 2001042-002	Open	Date 07/29/2011	Description Class refund	Italia, Maria	\$12.00 \$12.00
67174	08/05/2011 Invoice 67002x	Open	Date 07/28/2011	Description Refund Planning Fees/Replace ch#67002	LINDEKE, GARY	\$1,608.75 \$1,608.75
67175	08/05/2011 Invoice 2012-00000131	Open	Date 07/21/2011	Description Reimbursement for hotel Regionals instruc Paid w/separate fee	Macy, Bill	\$200.60 \$200.60
67176	08/05/2011 Invoice 2012-00000132	Open	Date 07/21/2011	Description Reimbursement for hotel Regionals instruc Paid w/separate fee	Macy, Bill	\$166.98 \$166.98

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67177	08/05/2011 Invoice 2001036-002	Open	Date 07/29/2011	Description Class refund	Martin, Jeannie	\$65.00 \$65.00
67178	08/05/2011 Invoice 2001032-002	Open	Date 07/28/2011	Description Class refund	Morgan, Sybil	\$148.00 \$148.00
67179	08/05/2011 Invoice 2012-00000138	Open	Date 08/02/2011	Description Junior Leaders Session 3	Piryaei, Tara	\$87.50 \$87.50
67180	08/05/2011 Invoice 2012-00000139	Open	Date 08/02/2011	Description Junior Leaders Session 3	Regan, Emily	\$83.50 \$83.50
67181	08/05/2011 Invoice 2012-00000140	Open	Date 08/02/2011	Description Junior Leaders Session 3	Regan, Matt	\$72.00 \$72.00
67182	08/05/2011 Invoice 2012-00000141	Open	Date 08/02/2011	Description Junior Leaders Session 3	Sturgill, Madison	\$69.50 \$69.50
67183	08/05/2011 Invoice 2012-00000142	Open	Date 08/02/2011	Description Junior Leaders Session 3	Wood, Justin	\$85.50 \$85.50
67184	08/05/2011 Invoice 20110804	Open	Date 08/05/2011	Description Grant Funds, HOME Draw #10 Fund 1370. HOME ReUse Funds	BAY AVENUE SENIOR HOUSING, LP	\$6,149.00 \$6,149.00
Check Totals:				Count	68	Total \$105,191.04

Checks dated 8/12/11 numbered 67185 to 67273 for a total of \$182,423.27 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/12/11 the unaudited cash balance is \$2,494,930

CASH POSITION - CITY OF CAPITOLA 8/12/11

	<u>Net Balance</u>
General Fund	296,709
Worker's Comp. Ins. Fund	74,779
Self Insurance Liability Fund	135,245
Stores Fund	13,486
Information Technology Fund	114,157
Equipment Replacement	105,933
Compensated Absences Fund	36,114
Contingency Reserve Fund	530,000
Public Employee Retirement - PERS	191,181
Open Space Fund	256
Capital Improvement Projects	997,069
TOTAL GENERAL FUND & COUNCIL DESIGNATED FUNDS	<u><u>2,494,930</u></u>


The Emergency Reserve Fund balance is \$124,677.03 and is not included above.

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

To resolve this cash flow issue, loans in the amount of \$754,895.66 were made from the following funds to the general fund:

From Contingency Reserve fund:	\$404,895.66
From Equipment Replacement fund:	\$200,000.00
From Information Technology fund:	\$50,000.00
From Self Insurance Liability fund:	\$100,000.00

It is anticipated that these loans to General Fund will be repaid by June 30, 2012.



 Jamie Goldstein, City Manager

8/12/11

 Date

 Jacques J.J. Bertrand, City Treasurer

 Date

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67185	08/12/2011	Open			A TOOL SHED	\$272.44
	Invoice		Date	Description		Amount
	785485-5		08/02/2011	Sod cutter-Esplanade Park lawn		\$104.86
	785344-5		08/04/2011	Lift - NB Gym		\$156.80
	785884-5		08/05/2011	Lawn roller - Esplanade Park lawn		\$10.78
67186	08/12/2011	Open			AFLAC	\$805.17
	Invoice		Date	Description		Amount
	320928		07/29/2011	July 2011 Employee Health Ins, Employee Funded		\$805.17
67187	08/12/2011	Open			AMERICAN TRAFFIC SOLUTIONS, INC.	\$56,711.60
	Invoice		Date	Description		Amount
	FY10-11		08/05/2011	Balance of FY10/11 Red Light Fines		\$56,711.60
67188	08/12/2011	Open			APTOS LANDSCAPE SUPPLY, INC.	\$218.70
	Invoice		Date	Description		Amount
	316951		07/14/2011	Rock - Museum		\$218.70
67189	08/12/2011	Open			B & B SMALL ENGINE REPAIR	\$96.16
	Invoice		Date	Description		Amount
	247179		07/27/2011	Sharpen blades		\$96.16
67190	08/12/2011	Open			BAY AREA BARRICADE SERVICE, INC.	\$1,686.63
	Invoice		Date	Description		Amount
	0272254		07/18/2011	Traffic control Signs		\$1,686.63
67191	08/12/2011	Open			BEYERS, FRED, C	\$198.00
	Invoice		Date	Description		Amount
	2012-00000159		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6		\$198.00
67192	08/12/2011	Open			BUMGARNER, ERIC, D	\$108.00
	Invoice		Date	Description		Amount
	2012-00000158		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6		\$108.00
67193	08/12/2011	Open			CA DEPARTMENT OF JUSTICE	\$32.00
	Invoice		Date	Description		Amount
	864377		08/03/2011	Fingerprinting		\$32.00
67194	08/12/2011	Open			CALERO, VICTOR	\$22.00
	Invoice		Date	Description		Amount
	2012-00000154		08/09/2011	Soccer Volleyball Officials Jul-Aug 2011		\$22.00
67195	08/12/2011	Open			CAPITOLA PEACE OFFICERS ASSOC.	\$1,122.62
	Invoice		Date	Description		Amount
	POA8-12		08/11/2011	POA Dues, Employee Funded		\$1,122.62
67196	08/12/2011	Open			CDW GOVERNMENT INC.	\$748.20
	Invoice		Date	Description		Amount
	ZBH2523		07/19/2011	LCD Rack Console-IT Fund 2211, IT		\$748.20

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67197	08/12/2011	Open			CENTRAL COAST LACROSSE ASSOC.	\$1,102.40
	Invoice		Date	Description		Amount
	20110808		08/03/2011	Summer Lacrosse Camp payment		\$1,102.40
67198	08/12/2011	Open			CLARK, DAVE	\$266.50
	Invoice		Date	Description		Amount
	2012-00000150		08/08/2011	Summer Payment 2011		\$266.50
67199	08/12/2011	Open			CLASSIFIED SOUND	\$1,650.00
	Invoice		Date	Description		Amount
	110817-1831A		08/08/2011	Sound System for Aug Twilight Concerts		\$1,650.00
67200	08/12/2011	Open			COMMUNITY TELEVISION OF SCC	\$8,661.12
	Invoice		Date	Description		Amount
	1480		06/30/2011	PEG Fees, Apr-Jun2011		\$4,199.68
	1480z		12/31/2010	PEG fees, Oct-Dec2010		\$4,461.44
				Fund 1320, PEG		
67201	08/12/2011	Open			COMPLETE MAILING SERVICE INC	\$1,153.69
	Invoice		Date	Description		Amount
	59319		08/03/2011	Mailing Early Fall brochure-Rec		\$1,153.69
67202	08/12/2011	Open			CRESKO EQUIPMENT RENTALS	\$674.00
	Invoice		Date	Description		Amount
	2873116-0002		07/31/2011	Return tractor-Transportation Fee		\$674.00
67203	08/12/2011	Open			CRUZIO THE INTERNET STORE INC.	\$65.70
	Invoice		Date	Description		Amount
	2989-116		07/26/2011	Website hosting		\$65.70
67204	08/12/2011	Open			CVS PHARMACY INC.	\$29.92
	Invoice		Date	Description		Amount
	5895		07/26/2011	Camp supplies		\$6.92
	Tran #9204		08/08/2011	Supplies for Camp-Rec		\$23.00
67205	08/12/2011	Open			D-MAIL INC.	\$426.70
	Invoice		Date	Description		Amount
	D-8874		07/06/2011	City Newsletter Mailing		\$426.70
67206	08/12/2011	Open			DAUERMAN, MIKE	\$87.00
	Invoice		Date	Description		Amount
	2012-00000155		08/09/2011	Soccer Volleyball Officials Jul-Aug 2011		\$87.00
67207	08/12/2011	Open			EWING IRRIGATION	\$257.96
	Invoice		Date	Description		Amount
	3605755		07/20/2011	Irrigation parts, Jade St Park		\$152.60
	3619769		07/22/2011	Top soil, Jade St		\$19.63
	3650419		07/28/2011	Sprinkler Parts		\$9.74
	3657238		07/29/2011	Irrigation parts		\$75.99

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67208	08/12/2011 Invoice B-120-Aug2011	Open	Date 07/28/2011	Description Aug 2011 Evidence Storage Exp, PD	EXTRA SPACE STORAGE OF SC INC - 3	\$262.00
67209	08/12/2011 Invoice 513800009373	Open	Date 07/22/2011	Description JG certificates	FedExOffice	\$100.67
67210	08/12/2011 Invoice CBF-7-2011-2G CBF-7-2011-2CDEF	Open	Date 06/28/2011 06/28/2011	Description CDBG ltrs superNOFA to CDBG & Congress Gen Plan Grant tasks and fund req Fund 1313, Gen Plan=\$300 Fund 1350, CDBG Grants=\$700 Fund 1351, CDBG Programs=\$900	FLYNN, CAROLYN	\$1,900.00
67211	08/12/2011 Invoice	VOID	Date	Description VOID	GALLI UNIFORM COMPANY	\$0.00
67212	08/12/2011 Invoice 14186	Open	Date 07/12/2011	Description Capitola Road Traffic Calming Project Fund 1200, CIP	HARRIS & ASSOCIATES	\$132.00
67213	08/12/2011 Invoice 2012-00000163	Open	Date 08/10/2011	Description Softball Soccer Officials Jul 21 to Aug 6	HERNANDEZ, JAMIE	\$44.00
67214	08/12/2011 Invoice S140052	Open	Date 07/31/2011	Description Litter Abatement & Street Cleaning, Jul 16-3	HOPE REHABILITATION SERVICES	\$1,750.00
67215	08/12/2011 Invoice 07/25-07/29/11 08/01-08/05/11	Open	Date 08/08/2011 08/08/2011	Description Mechanic Mechanic	HOWARD, CHARLIE	\$1,440.00
67216	08/12/2011 Invoice ICMA8-12	Open	Date 08/11/2011	Description Retirement Plan Contributions, Employee fu	ICMA RETIREMENT TRUST 457	\$6,864.38
67217	08/12/2011 Invoice 50220723	Open	Date 07/27/2011	Description auto parts	INTERSTATE BATTERY SYSTEM OF SAN JOSE INC.	\$293.25
67218	08/12/2011 Invoice W01952 W01963	Open	Date 07/28/2011 07/27/2011	Description Laundry Room Water heater, Pac Cove Plumbing leak, 1400 Wharf Rd-Fund 1311, \	JIMMIE SMITH PLUMBING, INC.	\$2,315.09

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67219	08/12/2011	Open			JOHNSON, ROBERTS, & ASSOCIATES	\$31.68
	Invoice		Date	Description	Amount	
	115570		07/15/2011	Background Investigation, PD New Hire	\$31.68	
67220	08/12/2011	Open			KING'S CLEANERS	\$963.00
	Invoice		Date	Description	Amount	
	7152011		07/15/2011	July 2011 PD Uniform Cleaning	\$963.00	
67221	08/12/2011	Open			KING'S PAINT AND PAPER, INC.	\$56.78
	Invoice		Date	Description	Amount	
	A142288		07/18/2011	Paint - barricades	\$28.39	
	A142481		07/20/2011	Paint - barricades	\$28.39	
67222	08/12/2011	Open			LEWIS TREE SERVICE INC.	\$1,000.00
	Invoice		Date	Description	Amount	
	18497		07/29/2011	Tree removal, Pac Cove	\$1,000.00	
67223	08/12/2011	Open			LLOYD'S TIRE SERVICE INC.	\$162.75
	Invoice		Date	Description	Amount	
	211833		07/18/2011	Tube - wharf ramp-Fund 1311, Wharf	\$162.75	
67224	08/12/2011	Open			LUICH, JAY	\$88.88
	Invoice		Date	Description	Amount	
	2012-00000160		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6	\$88.88	
67225	08/12/2011	Open			MACFARLANE, MD, BARBARA, J.	\$450.00
	Invoice		Date	Description	Amount	
	552V2990		07/30/2011	General Medical Expense	\$225.00	
	553V2990		07/30/2011	General Medical Exam, New Hire	\$225.00	
67226	08/12/2011	Open			McMENAMIN, GEORGE	\$987.50
	Invoice		Date	Description	Amount	
	3R		08/10/2011	Riparian Restoration FY 11/12	\$987.50	
67227	08/12/2011	Open			MID-COUNTY AUTO SUPPLY	\$614.28
	Invoice		Date	Description	Amount	
	269176		07/19/2011	auto parts-Dual Sport Motorcycle	\$11.91	
	269080		07/19/2011	auto parts-PD Units	\$21.37	
	268986		07/18/2011	auto parts-PW 2000 F-150 PU	\$20.92	
	269008		07/18/2011	auto parts-PW Admin 2000 F-150	\$63.05	
	269017		07/18/2011	auto parts-PW Admin 2000 F-150	\$40.00	
	269022		07/18/2011	auto parts-Computer Battery, PD071	\$269.73	
	268694		07/15/2011	auto parts-PD ESO-I F-150PU	\$25.31	
	268710		07/15/2011	auto parts-PW F-350 Flatbed	\$54.91	
	268686		07/15/2011	auto parts-PD ESO-I F-150 PU	\$25.31	
	268685		07/15/2011	auto parts-PW F-350 Flatbed	\$13.95	
	268604		07/14/2011	auto parts-PD Units	\$29.10	
	268617		07/14/2011	auto parts-PD Units, ESO-I	\$18.20	
	268609		07/14/2011	auto parts-PD K-2 Motorcycle	\$20.52	

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67228	08/12/2011	Open			MOFFATT & NICHOL	\$985.00
	Invoice		Date	Description		Amount
	57326		08/02/2011	Capitola Flume Rehab Engineering Project Fund 1200, CIP		\$985.00
67229	08/12/2011	Open			MONTEREY BAY AREA SELF INSURANC	\$1,194.01
	Invoice		Date	Description		Amount
	MBA11-0331		07/11/2011	Liability Claim Payment, Viola Fund 2213, Self-Ins Liability		\$1,194.01
67230	08/12/2011	Open			MONTEREY BAY AREA SELF INSURANC	\$2,158.58
	Invoice		Date	Description		Amount
	MBA11-0324Jul		07/11/2011	Liability Claim, Flood Fund 2213, Self-Ins Liability		\$2,158.58
67231	08/12/2011	Open			MONTEREY BAY SYSTEMS	\$535.93
	Invoice		Date	Description		Amount
	111081		07/13/2011	Copier Lease Agreements, Aug-Oct2011 Fund 12211, IT=\$359.66		\$535.93
67232	08/12/2011	Open			MONTEREY BAY UNIFIED AIR POLLUTIO	\$2,294.00
	Invoice		Date	Description		Amount
	3538		07/08/2011	City Contribution, FY11/12		\$2,294.00
67233	08/12/2011	Open			NELLA OIL COMPANY	\$3,117.54
	Invoice		Date	Description		Amount
	11-631355		07/29/2011	Gas Pump Hose, fuel facility		\$216.54
	11-631946		07/28/2011	190 Gal Diesel		\$785.42
	11-631945		07/28/2011	520 Gal Ethanol		\$2,115.58
67234	08/12/2011	Open			SAM NIGH dba THE DIGBEATS	\$1,000.00
	Invoice		Date	Description		Amount
	20110831		08/08/2011	Twilight Concert Artist, Aug 31		\$1,000.00
67235	08/12/2011	Open			OLIVE SPRINGS QUARRY, INC.	\$4.62
	Invoice		Date	Description		Amount
	78756		07/18/2011	CI 2 base rock		\$4.62
67236	08/12/2011	Open			ORCHARD SUPPLY HARDWARE	\$358.96
	Invoice		Date	Description		Amount
	6009-4768539		07/20/2011	Auto Parts		\$12.10
	6009-3528134		07/18/2011	Misc.		\$101.07
	6014-3593764		07/22/2011	Plants		\$17.28
	6014-3593828		07/22/2011	Garden posts		\$58.36
	6005-4763166		07/26/2011	Lifeguard work pants		\$99.55
	6014-105264		07/29/2011	Comm. Center supplies		\$17.38
	6010-2682154		07/21/2011	Plumbers tape		\$5.17
	20110630		06/30/2011	Cable Ties, Beach Barriers for July 4th		\$48.05
67237	08/12/2011	Open			PACIFIC PUBLISHING	\$2,184.94
	Invoice		Date	Description		Amount
	23452		06/30/2011	City Newsletter Printing		\$2,184.94

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67238	08/12/2011	Open			PALACE ART & OFFICE SUPPLIES	\$284.72
	Invoice		Date	Description		Amount
	8647654		07/25/2011	Camp supplies-Rec		\$76.16
	914489		07/25/2011	Office Supplies, City Hall		\$27.00
	914495		07/25/2011	Office Supplies, City Hall		\$63.91
	915005		07/27/2011	Office supplies-PD		\$53.24
	914631		07/25/2011	Office supplies-PD		\$145.36
	914830		07/26/2011	Office supplies-PD		\$26.62
	8648016		07/26/2011	Office supplies-Rec		\$29.44
	915449		08/01/2011	Office Supplies, City Hall		\$5.11
	C914631		07/26/2011	Return Office Supplies, PD		(\$121.03)
	C915005		07/29/2011	Return Office Supplies, PD		(\$53.24)
	915894		08/03/2011	Supplies		\$32.15
67239	08/12/2011	Open			PHOENIX GROUP INFORMATION SYSTE	\$1,752.45
	Invoice		Date	Description		Amount
	62011070		07/13/2011	Citation processing		\$1,752.45
67240	08/12/2011	Open			PRAXAIR DISTRIBUTION INC.	\$56.63
	Invoice		Date	Description		Amount
	40210659		07/20/2011	Acetylene-Corp Yard		\$56.63
67241	08/12/2011	Open			ProBUILD COMPANY LLC	\$7.00
	Invoice		Date	Description		Amount
	5542795		07/27/2011	Lag bolts		\$7.00
67242	08/12/2011	Open			QUARTARARO, ROD, V.	\$132.00
	Invoice		Date	Description		Amount
	2012-00000162		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6		\$132.00
67243	08/12/2011	Open			RAY ALLEN MANUFACTURING LLC	\$350.85
	Invoice		Date	Description		Amount
	268757		08/05/2011	K-9 Supplies		\$350.85
67244	08/12/2011	Open			REED, DANIEL, H.	\$198.00
	Invoice		Date	Description		Amount
	2012-00000157		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6		\$198.00
67245	08/12/2011	Open			ROBERT A. BOTHMAN INC.	\$37,827.15
	Invoice		Date	Description		Amount
	FIVE		08/09/2011	Work thru Jun 30 2011, Cap Rd Traffic Caltr Fund 1200, CIP		\$37,827.15
67246	08/12/2011	Open			RODGERS, PETER, A	\$88.00
	Invoice		Date	Description		Amount
	2012-00000161		08/10/2011	Softball Soccer Officials Jul 21 to Aug 6		\$88.00
67247	08/12/2011	Open			ROSEMAN, LEWIS	\$2,947.24
	Invoice		Date	Description		Amount
	71511		07/15/2011	July 2011 Parking meter service		\$2,947.24

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67248	08/12/2011 Invoice 20110817	Open	Date 04/26/2011	Description Twilight Concert Artist, Aug 17	ROYE, SAMUEL L.	\$1,000.00
67249	08/12/2011 Invoice 20110502	Open	Date 05/02/2011	Description Twilight Concert Artist, Aug 24	MARK RUSSO dba CLASSY CATS	\$1,400.00
67250	08/12/2011 Invoice July 2011	Open	Date 07/12/2011	Description July 2011 Scan charges	SCC INFORMATION SERVICES	\$502.78
67251	08/12/2011 Invoice 369186	Open	Date 07/14/2011	Description Cables-Fund 2211, IT	SANTA CRUZ ELECTRONICS, INC.	\$5.53
67252	08/12/2011 Invoice 3508065-Jul11	Open	Date 07/31/2011	Description Classified employment ad	SANTA CRUZ SENTINEL	\$337.27
67253	08/12/2011 Invoice 2040516-Jul11	Open	Date 07/31/2011	Description Advertising, July 2011	SANTA CRUZ SENTINEL	\$397.83
67254	08/12/2011 Invoice 300291	Open	Date 08/05/2011	Description Plants, Village and Depot Island	SOQUEL NURSERY GROWERS, INC.	\$55.87
67255	08/12/2011 Invoice 3778	Open	Date 07/20/2011	Description JG sweats	SPORT ABOUT	\$148.77
67256	08/12/2011 Invoice 19330	Open	Date 07/25/2011	Description Computer Supplies-Fund 2211, IT	STAPLES	\$35.63
67257	08/12/2011 Invoice 3917-15518	Open	Date 08/01/2011	Description Aug2011 Website Hosting	THE INTERNET CONNECTION INC. - GO	\$150.00
67258	08/12/2011 Invoice 85681	Open	Date 08/02/2011	Description Baseball shed skylight	THE SKYLIGHT PLACE INC.	\$157.47
67259	08/12/2011 Invoice 2012-00000153	Open	Date 08/09/2011	Description Soccer Volleyball Officials July Aug 2011	THILL, WENDY	\$120.00
67260	08/12/2011 Invoice 14391	Open	Date 08/01/2011	Description Aug2011 Admin Fee, Flex Spending Acct	TLC ADMINISTRATORS, INC.	\$175.00

City of Capitola
City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67261	08/12/2011 Invoice PARS8-12	Open	Date 08/11/2011	Description PARS Contribution, Employee Funded	UNION BANK OF CALIFORNIA	\$3,028.28
67262	08/12/2011 Invoice 2012-00000156	Open	Date 08/09/2011	Description Soccer Volleyball Officials July Aug 2011	YAHYA, IB	\$78.00
67263	08/12/2011 Invoice 2012-00000149	Open	Date 08/08/2011	Description Summer 1 Payment	ZUKOVSKY, JENNIFER	\$68.25
67264	08/12/2011 Invoice 2012-00000165	Open	Date 08/08/2011	Description Claim Settlement, Flood Fund 1020, Emergency Res=\$10,000 Fund 2213, Self Ins Liab=\$10,000	Alice Hanratty Trust	\$20,000.00
67265	08/12/2011 Invoice 2012-00000143	Open	Date 08/08/2011	Description Reimb Supplies for Camp	Causey, Nyisha	\$104.51
67266	08/12/2011 Invoice 2012-00000144	Open	Date 08/08/2011	Description Reimb Supplies for Camp	Causey, Nyisha	\$196.94
67267	08/12/2011 Invoice 2012-00000148	Open	Date 08/05/2011	Description Tires for wheel chairs	Family Cycling Center	\$59.39
67268	08/12/2011 Invoice 2001060-002	Open	Date 08/08/2011	Description Refund from account	Gray, Kristine	\$188.00
67269	08/12/2011 Invoice 2012-00000152	Open	Date 08/05/2011	Description Reimb for Badge paid for personally in 2009	Morales, Bert	\$155.00
67270	08/12/2011 Invoice 855921	Open	Date 07/27/2011	Description Ben Irao boots-PD	Oakley	\$155.25
67271	08/12/2011 Invoice 2012-00000145	Open	Date 08/08/2011	Description Gas for Regionals Comp	Radvanyi, John	\$245.36
67272	08/12/2011 Invoice 2011-4469	Open	Date 08/08/2011	Description Refund Entertainment Permit Fee, Apr2011, #4469	Salazar, Pedro	\$31.00

City Checks Issued 8/12/11

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
67273	08/12/2011	Open			Soquel Pioneer & Historical Association	\$296.75
	Invoice		Date	Description		Amount
	20110730		07/30/2011	25 Books, Soquel History, for Museum		\$296.75

Check Totals: Count 89 Total \$182,423.27



Item #: 2.F.2)

CAPITOLA REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: FINANCE DEPARTMENT
DATE: August 18, 2011
SUBJECT: APPROVAL OF RDA CHECK REGISTER REPORT

Recommended Action: By motion and roll call vote, that the RDA Board approve the Check Register Report dated August 12, 2011 as submitted.

DISCUSSION

The attached Check Registers for the referenced date:

Date	Starting Check #	Ending Check #	Total Checks	Amount
8/12/11	2986	2991	6	\$21,957.39

The prior RDA check register report of July 29, 2011 ended with check number 2985.

There were no checks issued for more than \$10,000.00.

As of 8/18/11 the unaudited cash balance in the RDA account is \$2,347,545 allocated as follows:

RDA Operating Fund	\$2,302,670.76
RDA Low/Mod Housing Fund	\$44,874.04

ATTACHMENTS

Check Register Report dated:
August 12, 2011

Report Prepared By: Linda Benko
AP Clerk

Reviewed and Forwarded
By Executive Director:

RDA Checks Issued 8/12/11

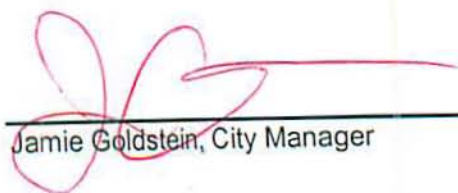
Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
2986	08/12/2011 Invoice Jun2011	Open	Date 08/05/2011	Description City Co-Op Agreement, Jun 2011	CAPITOLA CITY TREASURER	\$6,260.89	
2987	08/12/2011 Invoice Jun2011	Open	Date 08/05/2011	Description Fire pass thru, Jun 2011	CENTRAL FIRE PROTECTION DISTR.	\$9,422.00	
2988	08/12/2011 Invoice RAP-Jun2011	Open	Date 07/14/2011	Description 2010 Emergency Housing Assistance Proç	COMMUNITY ACTION BOARD OF SCC	\$544.50	
2989	08/12/2011 Invoice CBF-7-2011-1H-I	Open	Date 07/29/2011	Description Affordable housing planning assistance an Grant Administration	FLYNN, CAROLYN	\$1,900.00	
2990	08/12/2011 Invoice 14191r	Open	Date 07/12/2011	Description Clares St Traffic Calming Proj, Jun2011	HARRIS & ASSOCIATES	\$3,140.00	
2991	08/12/2011 Invoice 5-RDA	Open	Date 08/01/2011	Description Rispin Mansion Building Inspections, Jul11	KOSTELEK, DANIEL	\$690.00	
Check Totals:				Count	6	Total	\$21,957.39

The above listed checks have been printed and released under the RDA Executive Director's approval. Included are checks numbered 2986 through 2991 for \$21,957.39.

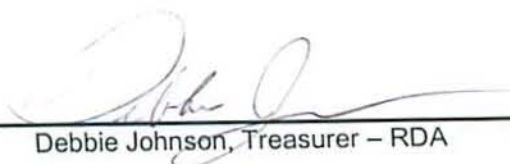
These checks has been reviewed and authorized for distribution.

The unaudited cash balance in the RDA account as of 8/12/11 is \$2,344,583.88

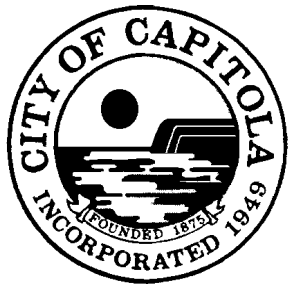
RDA Operating Fund	\$2,300,583.54
Low/Mod Housing Fund	\$44,000.34


 Jamie Goldstein, City Manager

8/12/11
Date


 Debbie Johnson, Treasurer - RDA

8/12/11
Date



CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: CITY TREASURER

DATE: AUGUST 16, 2011

SUBJECT: TREASURER'S REPORT FOR THE MONTH ENDED JULY 31, 2011
(UNAUDITED)

Recommended Action:

By motion, that the City Council accept the July 2011 Treasurer's Report (unaudited) for the City of Capitola.

BACKGROUND

California Government Code Section 41004 requires that the City Treasurer submit to the City Clerk and the legislative body a written report and accounting of all receipts, disbursements, and fund balances.

The attachment provides various financial data and analysis for the City of Capitola funds, and the State Treasurer's Office (Local Agency Investment Fund) "LAIF" interest rates.

DISCUSSION - EXECUTIVE SUMMARY AT JULY 31, 2011

The City Cash Position at July 31, 2011 totals \$3,583,200. LAIF deposits include \$3,052,300 of City and Assessment District Funds. The LAIF investment return as of July 31, 2011 was .381%.

The General Fund Balance Sheet consists of:

Total Assets	\$2,181,900 (includes Rispin receivable of \$1,350,000)
Total Liabilities	\$1,503,600
Total Fund Balance	\$ 678,300 (includes Rispin receivable of \$1,350,000)

Fund Balance

General Fund	\$ 678,300
Designated Reserves:	1,104,100
Capital Improv. Projects	1,035,200
Special Revenues:	1,212,200
Debt Service	(103,200)
Internal Services:	1,032,000
Total	\$ 4,958,600

FISCAL IMPACT: None.

ATTACHMENTS - 1) July 31, 2011 City Treasurer's Report and 2) LAIF rates

Report Prepared By:

Reviewed and Forwarded By:

Lisa Saldana
Supervising Accountant

Jacques Bertrand, City Treasurer

cc: cdiac_investments@treasurer.ca.gov (June & December reports only, within 60 calendar days)
R:Agenda Staff Report/8-25-11/City Treasurer Report for Month Ended 7-31-11



Treasurer's Report for Month Ended July 31, 2011 (UNAUDITED)

BACKGROUND

California government code section 41004 requires that the City Treasurer submit to the City Clerk and the legislative body a written report and accounting of all receipts, disbursements, and fund balances. Additionally with the passage of Chapter 687, Statutes of 2000 (AB 943 Dutra), effective January 1, 2001 cities are now required to forward copies of their second and fourth quarter calendar year investment portfolio reports to the California Debt and Investment Advisory Commission (CDIAC) within 60 days.

The CDIAC will use the report as an additional opportunity to examine public investment practices in a more consistent basis than before.

Cities, such as the City of Capitola, that are 100 percent invested in the Local Agency Investment Fund (LAIF) are exempt from the new investment portfolio reporting requirements and are only required to send a letter to CDIAC indicating the total and composition of their investments. This Treasurer's Report will satisfy our reporting requirement to the CDIAC.

The following pages provide various financial data and analysis for the City of Capitola's Funds collectively as well as specifically for the City's General (Operating) Fund, with an attachment from the State Treasurer's Office of quarterly LAIF rates from the 1st quarter of 1977 to present.

DISCUSSION

The following information is for the month ended July 31, 2011. Such information is unaudited.

CASH BALANCE BY FUND

As of July 31, 2011, the LAIF deposits include \$3,052,300 of City and Assessment District funds. The LAIF investment return as of July 31, 2011 was .381%. On August 12, 2011, subsequent to the July closing, a temporary loan was made from Internal Service Funds to the General Fund to eliminate the negative cash in the General Fund. The following summarizes the City's total cash balance of \$3,583,200 at July 31, 2011 amongst the funds:

		July 31, 2011
<u>General Fund</u>		(246,100)
<u>Special Revenues</u>	S L E S F	(1,600)
	SCC NARCOTICS ENFORCEMENT TEAM	(3,500)
	GAS TAX	(54,900)
	WHARF FUND	53,600
	DEVELOPMENT FEES FUND	3,400
	PEG CABLE TV ACCESS FUND	81,900
	CAPITOLA VILLAGE & WHARF BIA	1,600
	GREEN BUILDING	48,700
	PARIING RESERVE FUND	188,300
	TECHNOLOGY FEE FUND	11,800
	CDBG - GRANTS	(28,700)
	CDBG PROGRAM INCOME	(11,900)
	CDBG PROGRAM INCOME 07-08 RLF	-
	HOUSING PROGRAM LOAN FUND	6,200
	HOME GRANT FUND	5,200
	AFFORDABLE HOUSING TRUST FUND	183,200
	BEGIN GRANT FUND	60,000
	PUBLIC ART FUND	257,700
	OPEN SPACE PURCHASE	300
	GENERAL PLAN UPDATE	305,900
<u>Internal Service</u>	WORIER'S COMPENSATION	74,800
	SELF INSURANCE	248,600
	STORES	13,900
	INFORMATION TECHNOLOGY	164,700
	EQUIPMENT REPLACEMENT	305,900
	PUBLIC EMPLOYEE RETIREMENT	245,200
<u>Reserves</u>	EMERGENCY RESERVES	158,700
	CONTINGENCY RESERVES	530,000
	COMPENSATED ABSENCES	36,100
<u>Capital Projects</u>	VARIOUS CAPITAL PROJECTS	1,045,100
<u>Debt Service</u>	DEBT SERVICE FUND	(100,900)
TOTAL ALL FUNDS		<u><u>3,583,200</u></u>
	General Fund	(246,100)
	Internal Services	1,053,100
	Reserves	724,800
		<u><u>1,531,800</u></u>

GENERAL FUND SUMMARY BALANCE SHEET

The following is the General Fund summary balance sheet:

General Fund: Summary Balance Sheet	6/30/2011	Incr/Decr	7/31/2011
Cash	(245,700)	(400)	(246,100)
Prepaid Expenditures	3,800	-	3,800
Accounts Receivable	138,200	(15,700)	122,500
Accounts Receivable - Intergovernmental ¹	781,200	(447,500)	333,700
Accounts Receivable for Year End ²	-	-	-
Accounts Receivable - RDA (Rispin)	1,350,000	-	1,350,000
Short Term Loans - RDA	-	-	-
Long Term Loans - RDA	618,000	-	618,000
TOTAL ASSETS	\$ 2,645,500	\$ (463,600)	\$ 2,181,900
Accounts Payable	261,200	(142,500)	118,700
Payroll Related Liabilities	335,800	(387,800)	(52,000)
Other Deposits and Other Liabilities	243,800	(52,500)	191,300
Deferred Revenue -- RDA	618,000	-	618,000
Deferred Revenue	368,700	(146,000)	222,700
Due to Contingency Reserve Fund	-	404,900	404,900
TOTAL LIABILITIES	\$ 1,827,500	\$ (323,900)	\$ 1,503,600
FUND BALANCE³			
Rispin Mansion Transaction	1,350,000	-	1,350,000
Fund Balance Reserves	15,200	-	15,200
Available Fund Balance:			
Prior Year Fund Balance	-	-	(546,800)
Current Year Operating Results	-	(140,100)	(140,100)
Net, Available Fund Balance	\$ (546,800)	\$ (140,100)	\$ (686,900)
TOTAL FUND BALANCE	\$ 818,000	\$ (140,100)	\$ 678,300

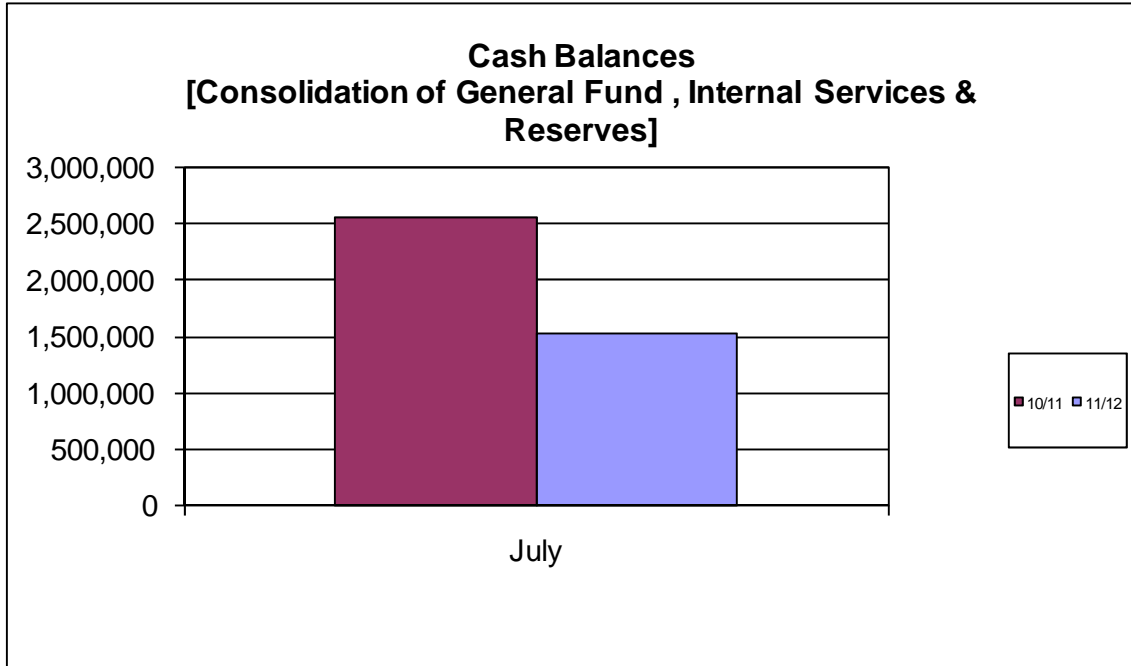
¹ A/R-Intergovernmental is primarily for State Mandated Cost Reimbursements.

² A/R for Year-End is for prior year-end revenues with cash received in July or August 2011 of new fiscal year.

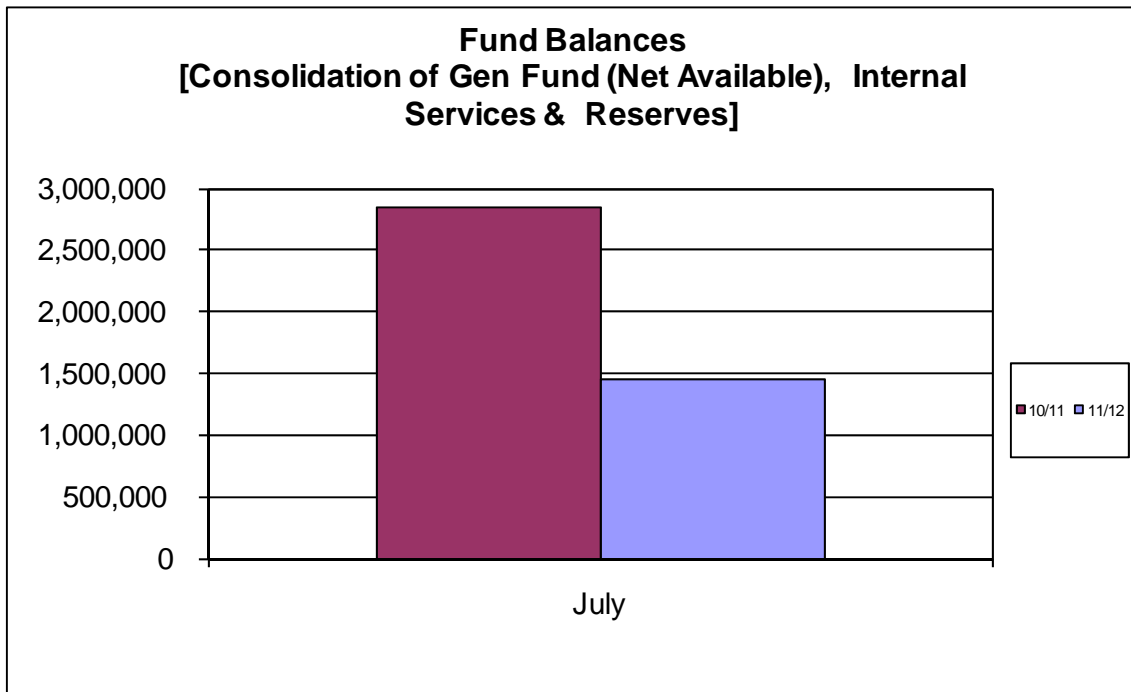
³ Fund Balance is segregated for the amounts related to the Rispin Mansion Note Payable to the City and amount available.

CASH BALANCE & FUND BALANCE

The following graphs compare the monthly Cash and Fund Balance totals in the consolidated General Fund, Internal Service Funds, and Reserves for FY 10/11 and FY 11/12.



July 31, 2011 Total= \$1,531,800: Gen Fund= (\$246,100), Internal Service= \$1,053,100, Reserves= \$724,800



July 31, 2011 Total= \$1,449,200: Gen Fund= (\$686,900), Internal Service= \$1,032,000, Reserves= \$1,104,100

CHANGES IN TOTAL FUND BALANCE

This table presents the ending Fund Balances for the City's major fund types. (It excludes agency funds where the City acts merely as a third party custodian of an outside party's funds.)

	Beginning Fund Balance: 7/01/11	Incr/(Decr) July	Revenue	Expenditure	Interfund Transfers	Unaudited Fund Balance: 7/31/11
General Fund: Rispin	1,350,000	-	-	-	-	1,350,000
General Fund: Reserved	15,200	-	-	-	-	15,200
General Fund: Available	(546,800)	-	543,500	(683,600)	-	(686,900)
Designated Reserves:	-	-	-	-	-	-
Emergency Reserves @ 5%	134,700	-	0	(1,500)	-	133,100
Compensated Absences	64,700	-	0	(28,600)	-	36,100
Contingency Reserves @10%	934,900	-	0	0	-	934,900
	-	-	-	-	-	-
Capital Improv. Projects:	1,056,200	-	0	(21,300)	-	1,034,900
Open Space Purchase	300	-	0	0	-	300
Special Revenues:	-	-	-	-	-	-
Gas Tax	(15,800)	-	0	(8,100)	-	(23,900)
Law Enforcement Grants	(1,400)	-	3,700	(3,900)	-	(1,600)
PEG Cable TV Access	77,500	-	0	0	-	77,500
Capitola & Wharf BIA	5,500	-	54,600	(4,100)	-	56,000
Development Fees	2,000	-	0	0	-	2,000
Wharf Fund	46,400	-	15,500	(2,300)	-	59,600
Green Building	48,700	-	0	0	-	48,700
Parking Reserve Fund	183,600	-	0	0	-	183,600
Technology Fee Fund	11,300	-	500	0	-	11,800
CDBG-Grants (Reimburseme	(4,100)	-	0	0	-	(4,100)
CDBG - Program Income	(15,500)	-	0	0	-	(15,500)
CDBG - Prog Inc 07-08 RLF	-	-	0	0	-	-
HOME Program Re-Use	5,100	-	1,000	0	-	6,100
HOME Grant Fund	5,200	-	0	0	-	5,200
Affordable Housing Trust	343,100	-	0	(159,900)	-	183,200
Begin Grant Fund	60,000	-	0	0	-	60,000
Public Art Program	127,700	-	130,000	0	-	257,700
General Plan Maintenance	303,300	-	2,800	(200)	-	305,900
Debt Service:POB	252,900	-	215,500	(571,600)	-	(103,200)
Internal Services:	-	-	-	-	-	-
Equipment Replacement	305,900	-	0	0	-	305,900
Information Technology	173,200	-	0	(9,700)	-	163,500
Public Employee Retirement	473,700	-	0	(241,500)	-	232,200
Self-Insurance Liability	277,400	-	0	(35,600)	-	241,800
Stores	14,300	-	0	(500)	-	13,800
Worker's Compensation	174,800	-	0	(100,000)	-	74,800
	-	-	-	-	-	-
	-	-	-	-	-	-
TOTAL CITY	5,864,000	-	967,100	(1,872,400)	-	4,958,600

General Fund Balance: Fund Balance is segregated for: the amounts related to the Rispin Mansion Note Payable to the City, the amount reserved for disabled parking, and amount available.

General Fund Revenues: For the month ending July 31, 2011, total revenues were \$543,500 which included Charges for Services of \$405,400, which includes \$261,400 in Recreation Fee Revenue and \$56,900 in Building Dept Revenue (74%), and Parking Meter Revenue of \$75,100 (13%).

General Fund Expenditures: For the month ending July 31, 2011, total expenditures were \$683,600 which includes Staffing for (2) pay periods of \$410,400 (60%), and Contract Services of \$229,900 which includes \$140,900 for the 911 JPA, (33%).

CDBG Grant Fund: This fund operates on a reimbursement basis. Therefore the balance will be negative as expenditures are incurred prior to reimbursement.

Internal Services: Internal Service Fund transactions consist of quarterly General Fund transfers and budgeted expenditures.



Bill Lockyer
California State Treasurer

Pooled Money Investment Account
PMIA Average Monthly Effective Yields

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1977	5.770	5.660	5.660	5.650	5.760	5.850	5.930	6.050	6.090	6.090	6.610	6.730
1978	6.920	7.050	7.140	7.270	7.386	7.569	7.652	7.821	7.871	8.110	8.286	8.769
1979	8.777	8.904	8.820	9.082	9.046	9.224	9.202	9.528	9.259	9.814	10.223	10.218
1980	10.980	11.251	11.490	11.480	12.017	11.798	10.206	9.870	9.945	10.056	10.426	10.961
1981	10.987	11.686	11.130	11.475	12.179	11.442	12.346	12.844	12.059	12.397	11.887	11.484
1982	11.683	12.044	11.835	11.773	12.270	11.994	12.235	11.909	11.151	11.111	10.704	10.401
1983	10.251	9.887	9.688	9.868	9.527	9.600	9.879	10.076	10.202	10.182	10.164	10.227
1984	10.312	10.280	10.382	10.594	10.843	11.119	11.355	11.557	11.597	11.681	11.474	11.024
1985	10.579	10.289	10.118	10.025	10.180	9.743	9.656	9.417	9.572	9.482	9.488	9.371
1986	9.252	9.090	8.958	8.621	8.369	8.225	8.141	7.844	7.512	7.586	7.432	7.439
1987	7.365	7.157	7.205	7.044	7.294	7.289	7.464	7.562	7.712	7.825	8.121	8.071
1988	8.078	8.050	7.945	7.940	7.815	7.929	8.089	8.245	8.341	8.397	8.467	8.563
1989	8.698	8.770	8.870	8.992	9.227	9.204	9.056	8.833	8.801	8.771	8.685	8.645
1990	8.571	8.538	8.506	8.497	8.531	8.538	8.517	8.382	8.333	8.321	8.269	8.279
1991	8.164	8.002	7.775	7.666	7.374	7.169	7.098	7.072	6.859	6.719	6.591	6.318
1992	6.122	5.863	5.680	5.692	5.379	5.323	5.235	4.958	4.760	4.730	4.659	4.647
1993	4.678	4.649	4.624	4.605	4.427	4.554	4.438	4.472	4.430	4.380	4.365	4.384
1994	4.359	4.176	4.248	4.333	4.434	4.623	4.823	4.989	5.106	5.243	5.380	5.528
1995	5.612	5.779	5.934	5.960	6.008	5.997	5.972	5.910	5.832	5.784	5.805	5.748
1996	5.698	5.643	5.557	5.538	5.502	5.548	5.587	5.566	5.601	5.601	5.599	5.574
1997	5.583	5.575	5.580	5.612	5.634	5.667	5.679	5.690	5.707	5.705	5.715	5.744
1998	5.742	5.720	5.680	5.672	5.673	5.671	5.652	5.652	5.639	5.557	5.492	5.374
1999	5.265	5.210	5.136	5.119	5.086	5.095	5.178	5.225	5.274	5.391	5.484	5.639
2000	5.760	5.824	5.851	6.014	6.190	6.349	6.443	6.505	6.502	6.517	6.538	6.535
2001	6.372	6.169	5.976	5.760	5.328	4.958	4.635	4.502	4.288	3.785	3.526	3.261
2002	3.068	2.967	2.861	2.845	2.740	2.687	2.714	2.594	2.604	2.487	2.301	2.201
2003	2.103	1.945	1.904	1.858	1.769	1.697	1.653	1.632	1.635	1.596	1.572	1.545
2004	1.528	1.440	1.474	1.445	1.426	1.469	1.604	1.672	1.771	1.890	2.003	2.134
2005	2.264	2.368	2.542	2.724	2.856	2.967	3.083	3.179	3.324	3.458	3.636	3.808
2006	3.955	4.043	4.142	4.305	4.563	4.700	4.849	4.946	5.023	5.098	5.125	5.129
2007	5.156	5.181	5.214	5.222	5.248	5.250	5.255	5.253	5.231	5.137	4.962	4.801
2008	4.620	4.161	3.777	3.400	3.072	2.894	2.787	2.779	2.774	2.709	2.568	2.353
2009	2.046	1.869	1.822	1.607	1.530	1.377	1.035	0.925	0.750	0.646	0.611	0.569
2010	0.558	0.577	0.547	0.588	0.560	0.528	0.531	0.513	0.500	0.480	0.454	0.462
2011	0.538	0.512	0.500	0.588	0.413	0.448	0.381					



Item #: **3.C.**

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: DEPARTMENT OF PUBLIC WORKS
DATE: AUGUST 17, 2011
SUBJECT: RISPIN PROPERTY HAZARD ABATEMENT UPDATE NO. 12

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

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

BACKGROUND

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

DISCUSSION

Project status:

The well house has been secured. Delivery of roof trusses and tiles are anticipated in late August for completion of the new roof on the mansion. Upon completion of the roof, lighting will be installed inside the mansion and fences and rails installed per plan.

FISCAL IMPACT

Contracts in the amount of \$650,000 have been issued. As of August 17, 2011, there has been \$318,061.90 in invoices paid.

ATTACHMENTS – None

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

**Reviewed and Forwarded
By City Manager:**



Item #: 3.D.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: CITY MANAGER'S DEPARTMENT

DATE: AUGUST 12, 2011

SUBJECT: AUTHORIZE EXECUTION OF JOINT EXERCISE OF POWERS AGREEMENT
AND PARTICIPATION IN SANTA CRUZ COUNTY CRIMINAL JUSTICE COUNCIL

Recommended Action: By motion and roll call vote, authorize the City Manager to 1) execute the Santa Cruz County Criminal Justice Council Joint Exercise of Powers Agreement and, 2) participation in Santa Cruz County Criminal Justice Council.

BACKGROUND

Between 1986 and 2005, the County and cities of Santa Cruz, Capitola, Scotts Valley, and Watsonville participated in a Joint Exercise of Powers Agreement to create the Criminal Justice Council of Santa Cruz County (CJC). In 2005, the lack of funding made the CJC untenable and the Council was suspended.

In 2010, County Superintendent of Schools Michael Watkins and District Attorney Bob Lee called together officials representing local jurisdictions, school districts, law enforcement agencies, the local judiciary and several other agencies engaged in crime prevention and crime reduction to explore ways to collaborate on violence prevention efforts. This collaboration was sparked in part by the Santa Cruz City Council's action in 2010 to set aside funds to a potential countywide gang prevention and intervention effort that did not exist at the time. This group is recommending formation of a new CJC, which is in the process of approval by the other cities and the County.

The general purpose of the CJC is to study, discuss, and recommend policies and programs to solve criminal justice problems. Membership is comprised of representatives from the judicial system (judges, and the offices of the district attorney, the public defender, and probation), law enforcement, mental health services, education, nonprofit sector, and the elected and appointed local government officials.

DISCUSSION

The group has been meeting informally every other month and participants have agreed that moving forward with a countywide gang prevention and intervention effort would best be accomplished through the reactivation of the Criminal Justice Council. The City Manager, Police Chief, and Sergeant Sloma have participated in these meetings.

The attached Joint Exercise of Powers Agreement has been prepared to re-establish the CJC. The agreement includes the following items under the Specific Purpose of Powers section.

The CJC shall endeavor:

- a. To provide long-range planning for the criminal justice system in Santa Cruz County;
- b. To provide a more effective and efficient criminal justice system for the citizens of the Cities and the County of Santa Cruz;
- c. To promote cooperation and coordination within the criminal justice system;
- d. To provide timely information on criminal justice matters, act as an advisory body to governmental entities in Santa Cruz County, and monitor and evaluate projects;
- e. To appoint and assume responsibility for staff;
- f. To review and approve the budget prepared for the CJC;
- g. To form committees to assist in planning, analysis, policy and goal recommendations, and such other functions as the CJC deems necessary;
- h. To establish such bylaws and rules and regulations as may be necessary for its operation and the conduct of its business;
- i. To accept and expend funds (by contract or otherwise) for purposes consistent with the provisions hereof, which funds may be provided by the parties, United States Government, the State of California, or any subdivision thereof, or from any other person, agency or organization, whether public, private, for the purposes specified herein, and maintain at all times a complete and accurate system of accounting for such funds;
- j. To receive, accept and utilize the services of personnel offered by any of the parties to this agreement, or their representatives or agents; receive, accept and utilize property, real or personal, from any of the parties to this agreement, or their agents or representatives;
- k. To perform other functions in accordance with local policy.

FISCAL IMPACT

The total budget for the CJC is \$40,000, to be paid for by member contributions (\$24,000) and the CJC Trust Fund balance (\$16,000). For FY 2011-12 only, the individual member contributions will be paid from the Asset Forfeiture Fund (§11489 Health and Safety) given that the work of the Criminal Justice Council will focus on gang activities. Future year cost allocations will be determined by the CJC.

ATTACHMENT

Joint Exercise of Powers Agreement

Report Prepared By: Jamie Goldstein
City Manager

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

JOINT EXERCISE OF POWERS AGREEMENT
RE-ESTABLISHING THE CRIMINAL JUSTICE COUNCIL
OF SANTA CRUZ

This Agreement is entered into by and among the County of Santa Cruz and the Cities within the County of Santa Cruz, namely: Santa Cruz, Watsonville, Capitola and Scotts Valley.

RECITALS

- A. In 1986, the parties entered into a Joint Exercise of Powers Agreement for the purpose of creating the Criminal Justice Council of Santa Cruz County. That Agreement, by its terms, terminated in 1989. The parties intend to re-establish the Criminal Justice Council of Santa Cruz County and make this agreement effective upon its execution by the County of Santa Cruz and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley, and to include all of the incorporated territory of Santa Cruz County.
- B. Title One, Division 7, Chapter 5 of the Government Code of the State of California (Government Code Section 6500 et seq.) authorizes such a Joint Exercise of Powers Agreement of two or more public agencies for any power common to them.
- C. The parties possess in common the power to study, discuss, and recommend policies for the solution of criminal justice problems, and to design programs and develop plans for the expenditure of funds for their solution.

NOW, THEREFORE, the County of Santa Cruz, and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley, in consideration of the mutual promises and agreements herein contained, do agree as follows:

1. ORGANIZATION

The parties hereby create a separate agency to be known as the Criminal Justice Council of Santa Cruz, (hereinafter called "CJC") for the purposes of:

- a. Provide a more effective and efficient criminal justice system for the citizens of the Cities and County of Santa Cruz.
- b. Promote cooperation and coordination within the criminal justice system.
- c. Provide long-range planning for the criminal justice system in Santa Cruz County.
- d. Provide timely information on criminal justice matters, act as an advisory body to governmental entities in Santa Cruz County, and monitor and evaluate projects;
- e. Promote more efficient use of local resources to enhance capacity of criminal justice agencies and assist in obtaining new or additional revenues from outside the community.
- f. Promote the health and safety of the community.

CJC shall become an effective governmental unit pursuant to Government Code Section 6500 et seq., upon the execution of this agreement by and among Santa Cruz County and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley. As provided by law, the CJC shall be a public entity separate from the County and Cities party to this agreement, and it shall exist as such until such time as this agreement is terminated, as provided herein.

2. MEMBERSHIP OF THE GOVERNING BODY

The governing body of the CJC shall consist of twenty-six (26) members that shall include the following:

- a. Two (2) members of the Board of Supervisors designated by the Board;
- b. The CAO of the County or his/her designated representative;
- c. The Sheriff of the County;
- d. Four (4) Chiefs of Police; one for each City;
- e. The District Attorney of the County;
- f. The Chief Probation Officer of the County;
- g. Two (2) Judges designated by the Judges of the Superior Court of the County;
- h. One (1) member selected by the primary Public Defender's Office;
- i. The County Superintendent of Schools;
- j. The Mental Health Director;
- k. Two (2) representatives selected by the City Council of each City. One representative must be a member of the City Council; the other may be a member of the City Council, the City Manager, or the person who acts as the City Manager in the City Manager's absence;
- l. Two (2) representatives of non-profit agencies related to the criminal justice system selected by the CJC; and
- m. The President of Cabrillo College

3. TERMS OF MEMBERSHIP

All members holding membership solely by the office or position held by them, shall be members of the CJC or so long as they hold such office or position and for so long as such office or position constitutes the basis for such CJC membership. Other members shall serve for a period of three (3) years.

4. GENERAL POWERS

The CJC shall have the power to do the following in its own name: to sue and be sued; to make and enter into contracts; to employ agents and employees; to incur debts, liabilities, and obligations necessary to accomplish the purposes of this agreement; and to exercise any power common to the parties hereto and to advise the parties in the exercise of individual powers possessed by the parties, provided that such powers are exercised in furtherance of the purposes of this agreement. The CJC shall have no power or authority to bind any of the parties to this agreement individually to any debt, liability, or obligation. The CJC shall have no power to exercise any of the policy or taxing powers of any of the parties hereto.

5. SPECIFIC PURPOSE OF POWERS

Purpose

The CJC shall endeavor:

- a. To provide long-range planning for the criminal justice system in Santa Cruz County;
- b. To provide a more effective and efficient criminal justice system for the citizens of the Cities and the County of Santa Cruz;
- c. To promote cooperation and coordination within the criminal justice system;
- d. To provide timely information on criminal justice matters, act as an advisory body to governmental entities in Santa Cruz County, and monitor and evaluate projects;
- e. To appoint and assume responsibility for staff;
- f. To review and approve the budget prepared for the CJC ;
- g. To form committees to assist in planning, analysis, policy and goal recommendations, and such other functions as the CJC deems necessary;
- h. To establish such bylaws and rules and regulations as may be necessary for its operation and the conduct of its business;
- i. To accept and expend funds (by contract or otherwise) for purposes consistent with the provisions hereof, which funds may be provided by the parties, United States Government, the State of California, or any subdivision thereof, or from any other person, agency or organization, whether public, private, for the purposes specified herein, and maintain at all times a complete and accurate system of accounting for such funds;
- j. To receive, accept and utilize the services of personnel offered by any of the parties to this agreement, or their representatives or agents; receive, accept and utilize property, real or personal, from any of the parties to this agreement, or their agents or representatives;
- k. To perform other functions in accordance with local policy.

6. BUDGET AND FINANCE

- a. Before the CJC may spend any funds it shall adopt a budget showing the purpose for which the funds will be expended, and source of such funds.
- b. The Santa Cruz County Treasurer's Office shall be the depository of all CJC funds and the County Treasurer shall be their custodian. The Auditor and Controller of the CJC shall be the Santa Cruz County Auditor-Controller. The duties of the Santa Cruz County Treasurer and Santa Cruz County Auditor-Controller shall be those found in Government Code Section 6505 et seq.
- c. In consideration of the mutual promises herein contained, it is hereby mutually agreed that the costs of maintaining the Council for the initial fiscal year (2011-12) commencing July 1, 2011 shall be pursuant to the budget (Attachment A) and shall be financed as provided in said Attachment.
- d. The CJC shall make available to each party an accounting report at least annually of all funds received and disbursed.

- e. Upon termination of this agreement or termination of the CJC property, any surplus money of the CJC shall be returned to the parties hereto in the same proportions as such parties made contributions to the CJC.
- f. The Executive Director of the CJC is designated as property custodian of the CJC. Every officer or employee of the CJC authorized to receive, account for or expend any funds shall file a bond in the sum of \$10,000.00. This requirement may be met by one or more blanket bonds.

7. INSURANCE

It is understood that the CJC assumes all responsibility for liabilities arising out of acts or omissions of its members, officers, agents or employees. CJC shall maintain insurance as set forth below:

- a. Worker's Compensation in the minimum statutorily required coverage amounts.
- b. Automobile Liability Insurance for each of vehicle used in the performance of this Agreement, including owned, non-owned (e.g. owned by employees), leased or hired vehicles, in the minimum amount of \$500,000 combined single limit per occurrence for bodily injury and property damage.
- c. Comprehensive or Commercial General Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit, including coverage for: (a) bodily injury, (b) personal injury, (c) broad form property damage, (d) contractual liability, and (e) cross-liability.

8. EFFECTIVE DATE AND TERM

This agreement shall be in full force and effect upon the date of execution by the County and all Cities within the County. Absent an agreement to extend the terms of this agreement, this agreement will terminate on June 30, 2016.

9. WITHDRAWAL OF PARTIES

Upon ninety (90) days written notice to all parties, any party may request to withdraw from its status as a party to this agreement, provided that such party has either discharged, or has arranged to the satisfaction of the remaining parties for the discharge of any pending obligations it has assumed hereunder. A party to this agreement will incur no liability for any obligation created after the effective date of such party's withdrawal.

10. AMENDMENTS

This agreement may be amended at any time by the written agreement by and among the County and signatory City governments.

11. LEGALITY OF AGREEMENT

Should any portion, term condition or provision of this agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, or provisions shall not be affected thereby.

WHEREFORE, the undersigned as authorized representatives of the parties hereto have hereunto set their hands.

COUNTY OF SANTA CRUZ

Dated: _____

Approved as to form:

By: _____

By: _____

CITY OF SANTA CRUZ

Dated: _____

Approved as to form:

By: _____

By: _____

CITY OF WATSONVILLE

Dated: _____

Approved as to form:

By: _____

By: _____

CITY OF CAPITOLA

Dated: _____

Approved as to form:

By: _____

By: _____

CITY OF SCOTTS VALLEY

Dated: _____

Approved as to form:

By: _____

By: _____

BYLAWS
OF THE
CRIMINAL JUSTICE COUNCIL OF SANTA CRUZ COUNTY

PREAMBLE

These are the Bylaws of the Criminal Justice Council of Santa Cruz County.

Section 1. Name and Geographic Boundaries

The organization shall be known as the Criminal Justice Council of Santa Cruz County.

The Criminal Justice Council of Santa Cruz County shall serve within the geographic boundaries of Santa Cruz County.

Section 2. Purpose and Powers

The Criminal Justice Council of Santa Cruz County shall:

1. Provide a more effective and efficient criminal justice system for the citizens of the Cities and County of Santa Cruz.
2. Promote cooperation and coordination within the criminal justice system.
3. Provide long-range planning for the criminal justice system in Santa Cruz County.
4. Provide timely information on criminal justice matters, act as an advisory body to governmental entities in Santa Cruz County, and monitor and evaluate projects;
5. Promote more efficient use of local resources to enhance capacity of criminal justice agencies and assist in obtaining new or additional revenues from outside the community.
6. Promote the health and safety of the community.

Section 3. Authority

The Criminal Justice Council of Santa Cruz County shall exist as a Joint Exercise of Powers Authority, established in accordance with Section 6500 et seq. of the Government Code of the State of California.

Section 4. Membership

The governing body of the Council shall consist of 26 members that include the following representatives of Santa Cruz County agencies:

1. Two (2) members of the Board of Supervisors designated by the Board;
2. The CAO of the County or his/her designated representative;
3. The Sheriff of the County;
4. Four (4) Chiefs of Police; one for each City;
5. The District Attorney of the County;
6. The Chief Probation Officer of the County;
7. Two (2) Judges designated by the Judges of the Superior Court of the County;
8. One (1) member selected by the primary Public Defender's Office;
9. The County Superintendent of Schools;
10. The Mental Health Director;
11. Two (2) representatives selected by the City Council of each City. One representative must be a member of the City Council; the other may be a member of the City Council, the City Manager, or the person who acts as the City Manager in the City Manager's absence;
12. Two (2) representatives of non-profit agencies related to the criminal justice system selected by the Council; and
13. The President of Cabrillo College

Section 5. Terms of Office

Members selected by designation of an agency shall serve for three years. Other members shall serve for so long as they occupy the position entitled to membership on the Council.

Members resigning from the Council before their term of office has expired should provide the Council, and the body responsible for appointing the member to the Council, with written notice of their intent to resign a minimum of thirty days in advance of the effective date of their resignation. The Council may remove members for just cause upon thirty days advanced notice and a majority vote to remove said member by the Council, at a regularly scheduled and noticed meeting.

Section 6. Meeting Notice – Compliance with the Brown Act

Meetings shall be noticed and the Council shall comply with applicable provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.), hereinafter, the Brown Act.

Section 7. Regular Meetings

A. Time of Regular Meetings

Regular meetings of the Criminal Justice Council of Santa Cruz County shall be held quarterly on a schedule determined by the Council by majority vote. The Chairperson may cancel a regular meeting by giving written notice to all members of the Criminal Justice Council at least 24 hours before the regularly scheduled meeting time.

B. Regular Meeting Agendas

At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed or delivered personally to each Council member, to each representative of the news media, and to each other person who has submitted a request to the Council for notification of meetings, and shall be posted at least seventy-two (72) hours prior to regular meetings at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the proposed agenda except that members of the Council may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question or clarification, refer the matter to staff or to other resources for factual information, or staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an emergency item of business pursuant to the requirements of the Brown Act.

Section 8. Special Meetings

- A. A special meeting may be called by the Chairperson or by a majority of the full membership of the Criminal Justice Council, pursuant to the requirements of the Brown Act.

Section 9. Accessible Meeting Locations

No meetings of the Council shall be held in any facility that prohibits the admittance of any person, or persons, on the basis of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, sexual orientation, gender, age (over 18), veteran status, pregnancy or any other non-merit factor.

Section 10. Rules of Order

On any question or point of order not contained in these Bylaws, the Council shall be governed in its parliamentary actions by Roberts Rules of Order (revised).

Failure to follow the procedural rules and regulations in the conduct of meetings shall not affect the validity of any action taken by the Council.

Except for this rule, any rule of parliamentary procedure may be suspended by the affirmative vote of a majority of present members of the Council.

Section 11. Quorum

A quorum for the transaction of official business shall consist of a majority of the current seated membership of the Council. No action shall be taken by the Council except by affirmative vote of not less than a majority of a quorum of the Council.

Section 12. Manner of Voting

Voting on all matters except those specifically exempted in this Section shall be by voice vote. A voice vote may be called at the direction of the Chairperson or upon request by any member of the Council. A voice roll call vote shall be recorded in the minutes. No members shall be permitted to vote upon a question unless that member is present when their name is called or before the vote is announced. Any member who fails or refuses to vote on any questions before the Council shall be deemed to have abstained, which shall be noted in the minutes.

In all respects, the Criminal Justice Council's voting procedures shall comply with the requirements of the Brown Act.

Section 13. Order of Business

The agenda shall include the following, not necessarily in this order:

- a. Roll Call
- b. Approval of Agenda
- c. Approval of Minutes
- d. Oral Communications
- e. Written Correspondence
- f. Report of the Director
- g. Report of Committees
- h. Unfinished Business
- i. New Business
- j. Adjournment

The order of the agenda may be amended, to the extent consistent with the Brown Act, at a regular meeting of the Council.

Section 14. Public Participation and Limitation of Discussion

Participation in Council meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Council on any item on the agenda of interest to the public shall be provided before or during the Council's consideration of the item.
- b. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Council at the beginning of each meeting agenda.
- c. The Chairperson of the Council may establish reasonable limits on the amount of time allotted to each speaker on a particular item, subject to being overruled by vote of the Council; and the Council may establish reasonable limits on the total amount of time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When further discussion is required, the Council may vote to allot time in the agenda of the following meeting.

The privilege of the floor shall be granted to elected officials and appointed officers of the County, the cities of Santa Cruz County, and other law enforcement agencies. Members of the public may be granted permission to speak at the discretion of the Chairperson, subject to being overruled by vote of the Council.

Section 15. Officers

The officers of the Criminal Justice Council of Santa Cruz County shall be a Chairperson, Vice-Chairperson, and Secretary, all of whom shall be members of the Council. The Chairperson, Vice-Chairperson, and Secretary shall be elected by the Council for a term of one year, such terms to run from January to December.

Prior to the first meeting of the year, the Chairperson shall name a nominating committee which will make nominations. Other nominations may be made from the floor. An election shall be held in accordance with Section 11 and Section 12 of these Bylaws. All officers shall hold over in their respective offices after their term of office has expired until successors have been elected and have assumed office.

Section 16. Duties of Officers

The duties of the Chairperson shall be to preside at all meetings of the Council, to call special meetings, to appoint the membership and chairperson of all committees, and to perform all other duties necessary or incidental to their office. The Chairperson shall participate in all voting.

In the absence of the Chairperson, or in the event of the Chairperson's inability to act, the Vice-Chairperson shall take the place of the Chairperson and perform the duties.

In the absence of the Chairperson and the Vice-Chairperson, the remaining membership shall elect one of their members to act temporarily as Chairperson.

The Secretary shall perform such duties as required by law and such other duties as may be prescribed by the Council.

Section 17. Vacancies of Offices

Should the office of the Chairperson, Vice-Chairperson, or Secretary become vacant during the term of such office, the Council shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of the person whom they succeed.

Section 18. Executive Committee

There shall be an Executive Committee composed of twelve members of the Criminal Justice Council.

1. One (1) Judge
2. Two (2) members of law enforcement: the Sheriff and one (1) City Police Chief selected by the Council

3. Two (2) City Representatives selected by the Council
4. One (1) member of the Board of Supervisors
5. The County Administrative Officer
6. The District Attorney
7. The Public Defender
8. The Chief Probation Officer
9. The Superintendent of Schools, County Office of Education
10. One (1) representative of Community Based Organizations, selected by the Council

Vacancies occurring during the terms of the elected members shall be filled by appointment by the Chairperson, subject to consent of the Council, and shall serve the duration of the term.

The Executive Committee shall have such duties, powers, and responsibilities as may from time to time be prescribed by the Council. However, any action taken shall be reported to the full Council at the next regularly scheduled meeting.

The Executive Committee shall comply with the notice, agenda, and meeting requirements otherwise applicable to the Council in these Bylaws.

Section 19. Other Committees

The Criminal Justice Council may create committees for any purpose, to be composed of members of the Council appointed by the Chairperson. All such committees are temporary in nature, unless made permanent through amendments to these Bylaws. All committees shall comply with the notice, agenda, and meeting requirements otherwise applicable to the Council in these Bylaws.

Section 20. Task Force

From time to time, standing task forces may be created to perform functions or to review projects or proposals which require special in-depth analysis. No task force shall be created without approval of the Criminal Justice Council. The membership of task forces shall include at least three members of the Criminal Justice Council, with the chairperson and members of the task force appointed by the Chairperson or the Council. Standing task forces shall comply with the notice, agenda, and meeting requirements otherwise applicable to the Council in these Bylaws.

Task Force members or their proxies shall be entitled to vote. Votes taken at task force meetings shall not be binding upon the Criminal Justice Council. Persons invited only as guest speakers and others not designated as members shall not be entitled to vote.

Section 21. Executive Director

The Criminal Justice Council may employ a staff member or contract with an independent contractor who shall be the Director of the Council. The staff member or independent contractor shall:

1. Serve as administrative head of the affairs under the control and responsibility of the Council.
2. Be responsible for executing all directions given and activities authorized by the Council.
3. Have the authority to employ and dismiss personnel authorized by the Council.
4. Cause to be kept minutes of all meetings.
5. Prepare and submit an annual budget for approval by the Executive Committee. The recommended budget of the Executive Committee should then be submitted to the full Council for approval at their regularly scheduled business meeting. The approval of the budget shall occur no later than May 1 of each year to be effective on a fiscal year basis of July 1 through June 30.
6. Be ex-officio member without vote on all committees and shall participate in all meetings of the Council.
7. Perform such other duties as may be assigned from time to time by Council.

If the staff member position becomes vacant, the Chairperson will inform all Council members and call a special meeting of the Executive Committee to design a process for filling the vacancy.

Section 22. Adoption of Bylaws

The adoption of these Bylaws shall be by motion and shall require an affirmative vote of a majority of the members of the Council. When adopted, these Bylaws shall remain in effect unless amended as provided herein.

Section 23. Amendment to Bylaws

Amendments to the Bylaws may be adopted by the affirmative vote of a majority of all members of the Council at a meeting scheduled in accordance with the Brown Act.

The total proposed Criminal Justice Council budget for FY 2011-12 is \$40,000. Twenty four thousand will be paid by individual agency contributions of \$1000 per member, as follows:

INDIVIDUAL MEMBER CONTRIBUTION

For FY 2011-12 only, the individual member contributions will be paid from the Asset Forfeiture Fund (\$11489 Health and Safety) given the work of the Criminal Justice Council will focus on gang activities.

\$2,000	▪ Two (2) members of the Board of Supervisors;
\$1,000	▪ The CAO;
\$1,000	▪ The Sheriff;
\$1,000	▪ The District Attorney;
\$1,000	▪ The Chief Probation Officer;
\$2,000	▪ Two (2) Judges;
\$1,000	▪ One (1) member of the primary Public Defender’s Office;
\$1,000	▪ The County Superintendent of Schools;
\$1,000	▪ The Mental Health Director;
\$8,000	▪ Two (2) representatives selected by the City Council of each City. One representative must be a member of the City Council; the other may be a member of the City Council, the City Manager, or the person who acts as the City Manager in the City Manager’s absence.
\$4,000	▪ Four (4) Chiefs of Police;
\$ 0	▪ Two (2) representatives of non-profit agencies related to the criminal justice system selected by the Council. Recommended: Executive Director, Barrios Unidos Executive Director, SCCCC (Note: contribution by the non-profits should be based on ability to pay)
\$1,000	▪ The President of Cabrillo College
<hr/>	
\$24,000	

The remaining \$16,000 in FY 2011-12 only, would be paid by the Criminal Justice Council trust fund balance. In future years, these costs would be distributed as determined by the Criminal Justice Council.



Item #: **3.E.**

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: OFFICE OF THE CITY CLERK AND
PUBLIC WORKS DIRECTOR

DATE: AUGUST 12, 2011

SUBJECT: ORDINANCE AMENDING SECTIONS 12.52.010 AND 12.52.030 OF THE
CAPITOLA MUNICIPAL CODE PERTAINING TO SKATEBOARDING
REGULATIONS [2nd READING]

Recommended Action: By motion and roll call vote, adopt the proposed Ordinance Amending Sections 12.52.010 and 12.52.030 of the Capitola Municipal Code pertaining to Skateboarding Regulations, as submitted.

BACKGROUND

Following a fatality involving a skateboarder and a pedestrian in Capitola Village, the City Council directed staff to report back on the City's skateboarding regulations. At the Council's meeting held on July 28, 2011, Chief of Police Mike Card and Police Officer Chris Thompson reported on skateboarding and bicycling in Capitola Village. They discussed the current Municipal Code regulations, where skateboarding is prohibited in the Village, and discussed outreach to local students and Junior Lifeguards. The City Council received public input on this matter and directed staff to bring back an ordinance amending the Municipal Code to clarify the language regarding the streets and areas where skateboarding is prohibited. In addition, staff was directed to analyze additional streets in the city that should be included in the prohibited areas, and to develop a sign plan for immediate implementation.

DISCUSSION

On August 11, 2011, the City Council received a report from the Police and Public Works Departments with proposed ordinance amendments and a signage plan. After receiving comments from the public and considerable Council discussion, the City Council took the following action with respect to the proposed ordinance:

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to pass the proposed Ordinance Amending Sections 12.52.010 and 12.52.030 of the Capitola Municipal Code pertaining to Skateboarding Regulations to a second reading, as amended. Mayor Norton repeated the geographic boundaries where skateboarding is prohibited as follows: south of the railroad tracks on Monterey Avenue into the Village, Wharf Road to the top of the hill, Cliff Drive to the top of the hill, the Rispin/Peery Park trail, and the Pacific Cove Parking Lot. In addition, staff was directed to implement "no skateboarding" signage. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, and Mayor Norton. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.

A revised map depicting the areas where skateboarding is prohibited is included as Attachment 2.

The proposed ordinance is before the City Council for its second reading and final adoption. If adopted, the ordinance will take effect in thirty (30) days; on September 24, 2011.

ATTACHMENT

1. Draft Ordinance
2. Skateboarding Prohibited Areas Map

Report Prepared By: Pamela Greeninger, MMC
City Clerk

Steve Jesberg
Public Works Director

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

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTIONS 12.52.010 AND 12.52.030 OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO SKATEBOARDING REGULATIONS**

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

Section 1. Section 12.52.010 of the Capitola Municipal Code is amended to read as follows:

“12.52.010 Skateboarding Prohibited

Skateboarding is prohibited in the following areas:

- A. Street sections and pedestrian ways in and around Capitola Village described below. Street sections are defined as motor vehicle lanes, bike lanes, pedestrian walkways and crosswalks, driveway approaches, sidewalks, curbs and gutters.
 - 1. All street sections generally south of the Union Pacific Railroad corridor between the eastern edge of Monterey Avenue and the western edge of Wharf Road
 - 2. Wharf Road from the Union Pacific Railroad corridor north to Capitola Road
 - 3. Cliff Drive from Stockton Avenue to Opal Cliff Drive
- B. The Esplanade Park, including the Bandstand and restrooms
- C. The Pacific Cove Parking Lot and Pacific Cove Mobile Home Park
- D. Peery Park, Rispin Property, and the Rispin/Peery Pathway”

Section 2. Paragraph I is hereby added to Section 12.52.030 of the Capitola Municipal Code to read as follows:

- “I. Proceed with due care and at a safe speed when skateboarding.”

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

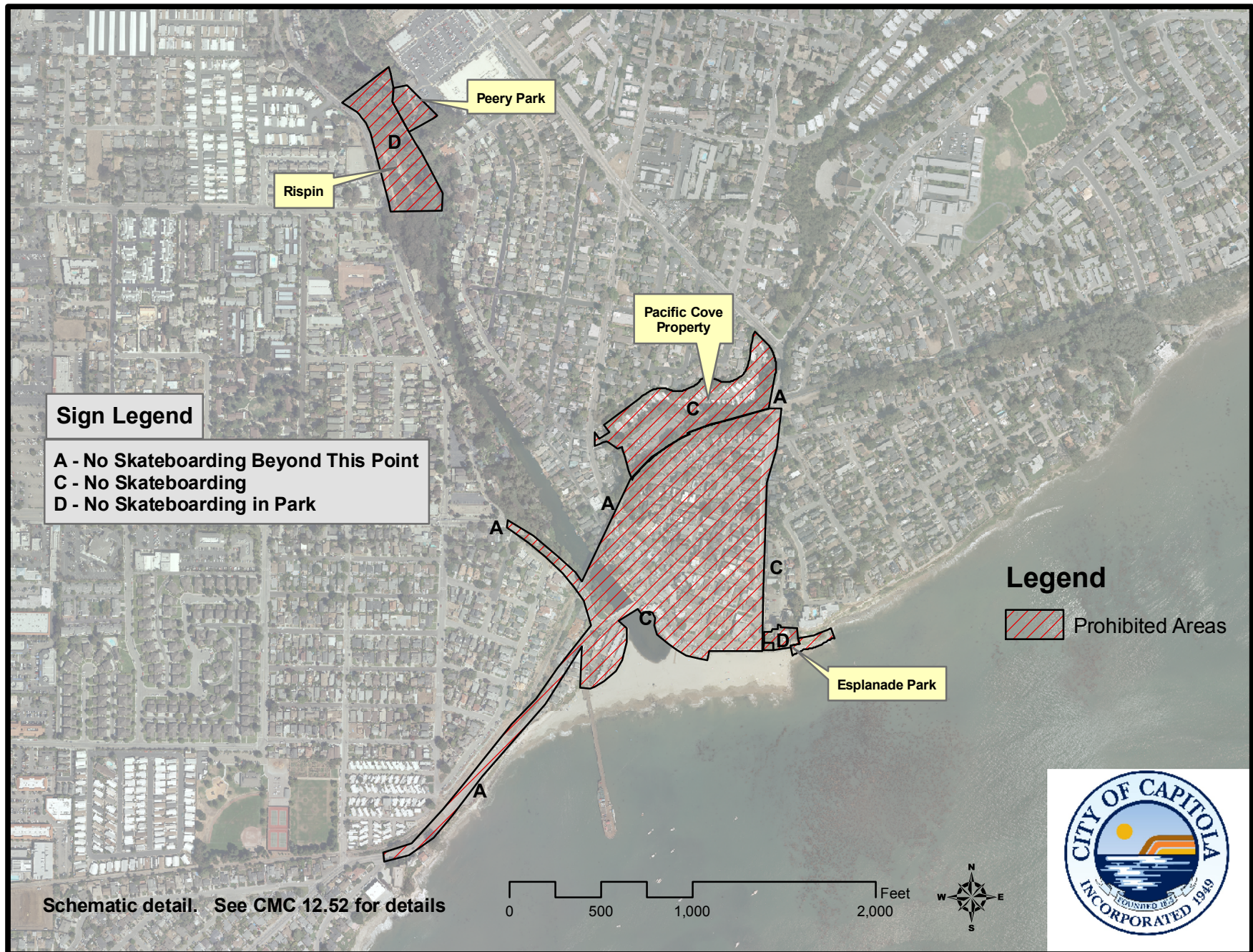
This ordinance was introduced on the 11th day of August, 2011, and was passed and adopted by the City Council of the City of Capitola on the 25th day of August, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Dennis R. Norton, Mayor

ATTEST: _____, MMC
Pamela Greeninger, City Clerk

Skateboarding Prohibition Areas





Item #: **3.F.**

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: OFFICE OF THE CITY CLERK

DATE: AUGUST 12, 2011

SUBJECT: ORDINANCE AMENDING SECTION 13.04.010 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO DISCHARGE TO SANITARY SEWER AND ADDING A NEW SECTION 13.04.060 TO THE MUNICIPAL CODE PERTAINING TO GREYWATER USE [2nd READING]

Recommended Action: By motion and roll call vote, adopt the proposed Ordinance Amending Section 13.04.010 of the Capitola Municipal Code pertaining to Discharge to Sanitary Sewer and Adding Section 13.04.060 to the Municipal Code pertaining to Greywater Use, as submitted.

BACKGROUND

The City Council, at its meeting of August 11, 2011, received a staff agenda report pertaining to changes relative to greywater regulations and recommended amendments to the City's Municipal Code in that regard.

DISCUSSION

The Community Development Director provided information and responded to questions of Council Members regarding the proposed municipal code amendments at the August 11, 2011, City Council meeting. After limited discussion, the City Council took the following action with respect to the proposed ordinance:

ACTION: Council Member Termini moved, seconded by Council Member Harlan, to pass the proposed Ordinance Amending Section 13.04.010 of the Capitola Municipal Code pertaining to Discharge to Sanitary Sewer and Adding Section 13.04.060 to the Municipal Code pertaining to Greywater Use to a second reading, as submitted. The motion carried on the following vote: AYES: Council Members Harlan, Termini, Nicol, and Mayor Norton. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.

The proposed ordinance is before the City Council for its second reading and final adoption. If adopted, the ordinance will take effect in thirty (30) days; on September 24, 2011.

ATTACHMENT

Draft Ordinance

Report Prepared By: Pamela Greeninger, MMC
City Clerk

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

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING SECTION 13.04.010 OF THE MUNICIPAL CODE PERTAINING TO DISCHARGE TO SANITARY SEWER AND ADDING SECTION 13.04.060 PERTAINING TO GREYWATER USE

THE CITY COUNCIL OF THE CITY OF CAPITOLA ORDAINS AS FOLLOWS:

Section 1. Section 13.04.010 of the Capitola Municipal Code is amended to read as follows:

“13.04.010 Discharge to Sanitary Sewer.

Cesspools, septic tanks, drainfields and such other means of sewage disposal in the city where there is a public sewage system available, are public nuisances and are prohibited, except as provided in this chapter and in Chapter 16A of the California Plumbing Code, as adopted by reference in Section 15.04.010 of this Code.”

Section 2. Section 13.04.060 is added to the Capitola Municipal Code to read as follows:

“13.04.060 Greywater Systems.

(1) A plumbing permit shall be obtained from the Community Development Department for all simple and complex greywater systems, as defined in Chapter 16A of the California Plumbing Code, as adopted by reference in Section 15.04.010 of this Code. Prior to issuance of said plumbing permit, an environmental health clearance shall be obtained from the County Environmental Health Services. Following construction, a field inspection of the irrigation portion of the greywater system shall be conducted by the County Environmental Health Services.

(2) A plumbing permit, environmental health clearance, and field inspection shall not be required for a clothes washer system provided it is constructed and operated in compliance with Chapter 16 A of the California Plumbing Code, as adopted by reference in Chapter 15.04.010 of this Code, and the owner signs, submits, and complies with the “Installation and Maintenance Agreement for Clothes Washer Greywater System” as published by the Community Development Department.

(3) The County Environmental Health Services, in providing any services or conducting any inspection to confirm that permitted greywater systems comply with County Environmental Health Services standards, is authorized to assess fees to the property owner for said services and inspections in accordance with the fee schedule updated by the Santa Cruz County Board of Supervisors for the provision of similar services and inspections in the unincorporated area of the county.

(4) All greywater systems shall be designed to allow the user to direct the flow to the irrigation or disposal field or to the building sewer. The means of changing the direction of the greywater shall be clearly labeled and readily accessible to the user.

(5) All greywater shall be directed to the building sewer during the winter wet season to prevent ponding or runoff.”

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

This ordinance was introduced on the 11th day of August, 2011, and was passed and adopted by the City Council of the City of Capitola on the 25th day of August, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

Pamela Greeninger, City Clerk, MMC



Item #: 3.G.

CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: CITY MANAGER'S DEPARTMENT
DATE: AUGUST 12, 2011
SUBJECT: AUTHORIZE THE RECRUITMENT FOR THE CITY CLERK POSITION

Recommended Action: By motion and roll call vote, authorize the City Manager to recruit for the position of City Clerk.

BACKGROUND

Council has given direction that a general hiring freeze is in place for all City employment and Council permission is required to recruit for any vacancies.

DISCUSSION

The City Clerk has tendered her resignation effective the end of December 2011. Staff requests permission to recruit for and fill the vacancy of the City Clerk position. The City Clerk is essential to the City Manager's Department, which is the focal point for Council support and the public's interaction with the City.

FISCAL IMPACT

This position is fully funded in the FY11-12 budget.

ATTACHMENTS

None.

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

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



Item #: **3.H.**

CAPITOLA REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 17, 2011

SUBJECT: APPROVAL OF CONTRACT WITH GOLDFARB AND LIPMAN LLP FOR LEGAL SERVICES RELATED TO THE RDA HOUSING ACTIVITIES AND ADDITIONAL MISCELLANEOUS REDEVELOPMENT LEGAL SERVICES FOR FY 2011-2012

Recommended Action: By motion and roll call vote, authorize the Executive Director to enter into a sole source contract with Goldfarb and Lipman LLP for legal services related to RDA Housing Programs and miscellaneous Redevelopment legal services for FY 2011-2012 in an amount not to exceed \$15,000.

BACKGROUND

The RDA continued this item in light of the August 11, 2011 partial stay of ABX1 26 (i.e. the "Dissolution Bill") and ABX1 27 (i.e. the "Continuation Bill").

DISCUSSION

Approval of the Enforceable Obligations Payment Schedule will authorize the Agency to enter into a contract for legal services pursuant to the cooperation agreement with the City of Capitola which was entered into prior to the effective date of ABX1 26 and ABX1 27.

FISCAL IMPACT

The FY 2011-2012 adopted budget for the Agency's Operating Fund includes sufficient funding for the proposed contract as noted below:

GOLDFARB AND LIPMAN LLP

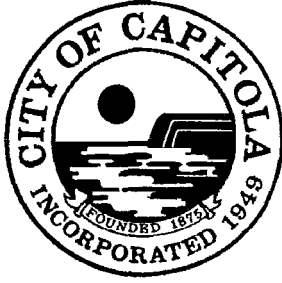
Project	Fund	Contract Amount
Goldfarb and Lipman RDA Legal Services RDA Low Mod Housing Fund	5550	\$15,000
TOTAL		\$15,000

ATTACHMENTS

Agenda report dated August 11, 2011

Report Prepared By: Derek Johnson
Deputy Executive Director

Reviewed and Forwarded
By Executive Director: _____



CAPITOLA REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF AUGUST 11, 2011

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 1, 2011

SUBJECT: APPROVAL OF CONTRACT WITH GOLDFARB AND LIPMAN LLP FOR LEGAL SERVICES RELATED TO THE RDA HOUSING ACTIVITIES AND ADDITIONAL MISCELLANEOUS REDEVELOPMENT LEGAL SERVICES FOR FY 2011-2012

Recommended Action: By motion and roll call vote, authorize the Executive Director to enter into a sole source contract with Goldfarb and Lipman LLP for legal services related to RDA Housing Programs and miscellaneous Redevelopment legal services for FY 2011-2012 in an amount not to exceed \$15,000.

BACKGROUND

Goldfarb and Lipman LLC has provided General Legal Services to the Agency since 1998. Goldfarb and Lipman provides legal services to the Agency related to the Bay Avenue Senior Apartment loans, the Castle Mobile Home Park loan, bond financing and acquisition and other affordable housing programs and activities.

DISCUSSION

The law firm of Goldfarb and Lipman is recognized as one of the leading law firms in California in the field of affordable housing and redevelopment law. The Agency is in need of specialized legal counsel to advise staff on legal issues that arise with various housing activities that are undertaken each year, and to prepare legal documents such as grant and regulatory agreements for housing projects receiving Agency financial assistance. In addition, legal issues often arise related to compliance with regulatory agreements entered into in prior years, such as Agency agreements binding the Wharf Road Manor Mobile Home Park, Bay Avenue Senior Apartments, Inclusionary Housing Programs, and the revision of the City's First Time Homebuyer Guidelines. Goldfarb and Lipman is currently assisting the Agency with legal issues regarding the Bay Avenue Senior Apartments, Castle Mobile Home Park and the City's new Mobile Home Park Rental Assistance Program. This contract is for an amount not to exceed \$15,000.

Because Goldfarb and Lipman has provided legal counsel and prepared legal documents for most of the Agency's current and prior housing projects and programs, this firm meets the criteria in section 2(a) of the purchasing policy regarding sole source contracts: "where a consulting firm has satisfactorily performed the previous stage of a project, or has acquired extensive background and working knowledge, the firm may be selected for follow-up work without solicitations from other firms". The proposed contract with Goldfarb and Lipman is for legal services related to Agency housing activities and other Agency legal services during FY 11-12 for an amount not to exceed \$15,000.

FISCAL IMPACT

The FY 2011-2012 adopted budget for the Agency's Operating Fund includes sufficient funding for the proposed contract as noted below:

GOLDFARB AND LIPMAN LLC

Project	Fund	Contract Amount
Goldfarb and Lipman RDA Legal Services RDA Low Mod Housing Fund	5550	\$15,000
TOTAL		\$15,000

ATTACHMENT

Sole Source Purchases Determination

Report Prepared By: David Foster
Housing and Redevelopment Project Manager

Approved by: Derek Johnson
Deputy Executive Director

**Reviewed and Forwarded
By Executive Director:** 



**Sole Source Purchases Determination
Goldfarb and Lipman, LLP, \$15,000.00, July 1, 2011**

BACKGROUND: The City of Capitola Purchasing and Procurement Policy (Administrative Policy III-4), Section II B and C requires telephone quotes for purchases between \$2,000 - \$10,000, and requires a formal RFP bid procedure for purchases over \$10,000. The policy conditions for Sole Source (Section II B1 and B2), which are purchases exempt from the competitive process.

DISCUSSION: The contract with **Goldfarb and Lipman, LLP**, in the amount of **\$15,000.00**, dated **July __, 2011** is a qualified sole source purchase within the City Administrative Policy III-4 Section B2 (check one of the following)

Policy Section B1: Materials, Supplies & Equipment:

_____ (a) Definition. Sole source purchases are used where no secondary source is reasonably available precluding the use of a competitive process.

Policy Section B2: Consultant or General Services:

X (a.) In the case where a consulting firm has satisfactorily performed the previous stage of a project (e.g. a pre-design), or has acquired extensive background and working knowledge, the firm may be selected for follow-up work without solicitations from other firm upon written justification and recommendation of the department head and approval by the City Manager or designee.


_____ (b.) If a firm is a highly recognized authority in a field or specialty, or has unique specific knowledge regarding the project, then the firm may be selected without other solicitations for contracts and upon written justification and recommendation of the department head and approval by the City Manager or designee.

_____ (c.) Upon those infrequent occasions when confidence in the consultant and quality of service are important.

Goldfarb and Lipman has provided legal counsel and prepared legal documents for most of the Agency's current and prior housing projects and programs and other Agency legal matters.



Community Development Director 7/5/11
Date



City Manager 7/6/11
Date



CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: CITY ATTORNEY

DATE: AUGUST 12, 2011

SUBJECT: ORDINANCE REPEALING CHAPTER 2.18 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO MOBILE HOME PARK RENT STABILIZATION [2nd READING]

Recommended Action: By motion and roll call vote, consider final adoption of the proposed Ordinance Repealing Chapter 2.18 of the Capitola Municipal Code pertaining to the Mobile Home Park Rent Stabilization, as submitted.

BACKGROUND

On August 11, 2011 City Council passed the first reading of an ordinance to repeal Chapter 2.18 of the Capitola Municipal Code pertaining to Mobile Home Park Rent Stabilization. The Rent Stabilization Ordinance was originally adopted in 1979 to protect lower-income park residents from unreasonable rent increases in the City's nine privately owned mobile home parks.

With the recent nonprofit acquisition of Castle, all but three of those nine parks are now under direct resident control or are owned by a nonprofit. All of those acquisitions involved either the investment of City funding, or coordination by City staff to help park tenants negotiate the best possible transaction to acquire the park. The following chart summarizes the status of the nonresident owned parks in the City.

Park	Current Park Status	Notes
Castle	Currently exempt from rent control	<ul style="list-style-type: none"> • Nonprofit acquisition complete, litigation ended.
Cabrillo	Exempt from rent control when Park owner has offered all qualified residents ordinance-compliant leases prior to Aug. 25 hearing	<ul style="list-style-type: none"> • All but two tenants have signed 12-year tenant-owner negotiated leases. • Pending litigation ended. • Repeal of rent control would not affect existing signed leases.
Surf and Sand	Exempt from rent control as park owner indicates all qualified residents have been offered ordinance-compliant leases	<ul style="list-style-type: none"> • Litigation with park owner ended. • Repeal of rent control would not affect settlement agreement nor existing signed leases.
Pacific Cove	Currently subject to rent control	<ul style="list-style-type: none"> • Rents set by City. • Hearing to consider park closure planned for Fall, 2011

A group of tenants at Surf and Sand have filed a lawsuit against the City regarding the Ordinance implementing the Surf and Sand settlement agreement. These tenants contend that the amended Rent Stabilization Ordinance should also benefit part time park residents and tenants who own

other residential real property, and offer them the same protections as low income full time residents. The City, for legal reasons previously explained to these tenants, strongly disagrees with their interpretation of the state law. The first phase of the lawsuit is scheduled for trial on August 26, 2011. The City can expect to incur significant litigation costs in defending the lawsuit which will be payable out of the General Fund.

In addition, another group of residents at Surf and Sand have now filed a lawsuit against the Park owner, contending the leases the Park owner offered do not comply with State law or the City's Ordinance. The Park owner has indicated he would cross complain, bringing the City into that lawsuit. While the City believes the existing settlement agreement precludes such an action, should the Park owner so cross complain it will result in additional General Fund litigation expenditures.

DISCUSSION

There is no requirement that a jurisdiction have rent control. Repealing the Mobile Home Park Rent Stabilization Ordinance at this time would in all likelihood have the effect of mooted the two above-referenced lawsuits, thereby minimizing future legal expenses.

At the August 11 hearing City Council received a report regarding the proposed ordinance, and heard from members of the public. After considerable Council discussion, the following action was taken:

ACTION: Council Member Nicol moved, seconded by Council Member Termini, to pass the proposed Ordinance Repealing Chapter 2.18 of the Capitola Municipal Code Pertaining to Mobile Home Park Rent Stabilization to a second reading, as submitted. The motion carried on the following vote: AYES: Council Members Termini, Nicol, and Mayor Norton. NOES: Council Member Harlan. ABSENT: Council Member Storey. ABSTAIN: None.

The proposed ordinance is before the City Council for its second reading and final adoption. If adopted, the ordinance will take effect in thirty (30) days, on September 24, 2011.

ATTACHMENTS

1. Draft Ordinance
2. Correspondence

Report Prepared By: John Barisone
City Attorney

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

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
REPEALING CHAPTER 2.18 OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO MOBILE HOME PARK RENT STABILIZATION**

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

Section 1. Chapter 2.18 of the Capitola Municipal Code pertaining to Mobile Home Park Rent
Stabilization is hereby repealed in its entirety.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final
adoption.

This ordinance was introduced on the 11th day of August, 2011, and was passed and
adopted by the City Council of the City of Capitola on the 25th day of August, 2011, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

Aug 7, 2011

Ms. Susan R. Alford

To the City Council,

The reason I am writing this letter is I can't attend the meeting on the 11th as I'm having surgery. But I wanted to voice my opinion. I don't think you should repeal the code pertaining to mobile home rent stabilization, as a lot of mobile home

- 2 -
 owners are on a fixed income such as myself. It is important to keep the rent stabilization. I should continue

Sincerely,
 Susan
 Alford

Nichols, Liz

From: Goldstein, Jamie
Sent: Tuesday, August 16, 2011 3:32 PM
To: Nichols, Liz
Subject: FW: New Information Re: Mobile Home Rent Control
Attachments: Capitola Rent Controlv2.pdf; Capitola Lease Excerpt.pdf

-----Original Message-----

From: Clay Kempf [mailto:clayk@SENIORSCOUNCIL.ORG]
Sent: Tuesday, August 16, 2011 1:49 PM
To: City Council
Subject: New Information Re: Mobile Home Rent Control

For your consideration-

Clay Kempf



SERVICE • SUPPORT • ADVOCACY

AREA AGENCY ON AGING
San Benito & Santa Cruz Counties

FOSTER GRANDPARENT/SENIOR COMPANION PROGRAM
IN-KIND DONATION PROGRAM
Monterey, San Benito, Santa Clara & Santa Cruz Counties

PROJECT SCOUT
Santa Cruz County

August 17, 2011

Capitola City Council

RE: Second Reading of Repeal of Mobile Home Rent Stabilization Ordinance

Dear City Council:

I'm writing to urge your no vote at the second reading of the Repeal of Capitola's Mobile Home Rent Stabilization Ordinance, for all the reasons previously submitted, and to provide additional information and concern.

Attached to this letter is page 33 of the 252 page lease Surf and Sand homeowners have been asked to sign. Section 57 states that if the homeowner (aka coachowner) *"is not entitled to the benefits of any ordinance, rule, regulation, or initiative measure adopted by any government entity... OWNER will not be stopped from implementing future rent increases which do not conform with any ordinance, rule, regulation or initiative measure establishing a maximum amount that OWNER may charge..."*.

Under this section of the residents' lease, Repeal of Capitola's Rent Stabilization Ordinance would apparently allow the Surf and Sand property owner to arbitrarily increase rent to any level, and render the City's compromise deal of early this year null and void.

If the City Council still intends to move forward with the abolishment of all rent control ordinances, I would urge you to at least resolve this contract loophole that is being forced upon Surf and Sand residents before moving forward.

Capitola has fought long and hard to protect the vulnerable members of its community. Please don't throw away the legacy of previous councils by undoing the progress that was made on affordable housing and mobile home rent control.

If you feel you must abolish these ordinances, at least resolve the problem the Surf and Sand residents will be facing in their lease agreements as the result of the elimination of the City ordinance.

Sincerely,

Clay Kempf
Executive Director

234 Santa Cruz Avenue • Aptos, California 95003

PHONE: AAA - (831) 688-0400 • FG/SCP - (831) 475-0816 • SCOUT - 1-877-373-8297 • FAX: (831) 688-1225

SUPPORTED BY FEDERAL, STATE & LOCAL GOVERNMENTS, FOUNDATIONS, THE UNITED WAYS OF
MONTEREY & SANTA CRUZ COUNTIES & PRIVATE DONATIONS.

56.3. HOMEOWNER further acknowledges that PARK is not a "security" PARK and that OWNER is not responsible for any damage or injury in, on or to HOMEOWNER'S HOMESITE, HOME, personal property or person. HOMEOWNER understands that HOMEOWNER should maintain HOMEOWNER'S own security precautions.

Homeowner's Initials

57. DISCOVERY OF RENT CONTROL EXEMPT HOMESITE.

If at any time during HOMEOWNER'S tenancy, OWNER discovers that HOMEOWNER under the MOBILEHOME RESIDENCY LAW is not entitled to the benefits of any ordinance, rule, regulation, or initiative measure adopted by any government entity to establish a maximum amount that OWNER may charge HOMEOWNER for RENT, HOMEOWNER shall no longer be entitled to receive any benefit or protection under such rule, regulation, ordinance or initiative measure. Notwithstanding HOMEOWNER was treated as though HOMEOWNER was entitled to the benefits of an ordinance, rule, regulation, or initiative measure establishing the maximum amount that OWNER may charge HOMEOWNER for RENT, such conduct shall not and does not waive, and shall not be construed as a waiver of OWNER'S rights under the MOBILEHOME RESIDENCY LAW, to charge for increased RENT, and OWNER will not be estopped from implementing future RENT increases which do not conform with any ordinance, rule, regulation, or initiative measure establishing a maximum amount that OWNER may charge HOMEOWNER for RENT.

58. ACKNOWLEDGMENTS.

58.1. HOMEOWNER represents and acknowledges that this AGREEMENT is being entered into between OWNER and HOMEOWNER for the personal and actual residence of HOMEOWNER.

Homeowner's Initials

58.2. HOMEOWNER understands, agrees, and acknowledges that HOMEOWNER is acquiring a leasehold for a limited period of time and is purchasing (or has purchased) only the HOME which occupies the HOMESITE. Ownership of the HOMESITE remains with OWNER. The price, appraisal, or stated value of the HOME may reflect not only the HOME'S value, but its "site" value; that being the willingness of a lender to finance or a purchaser to pay a larger amount for the HOME by virtue of its location in the PARK. In other words, the HOME may be worth substantially less if not located on the HOMESITE than on the HOMESITE. HOMEOWNER understands that HOMEOWNER is not entitled to receive any value for OWNER'S property.

Homeowner's Initials

Nichols, Liz

From: Goldstein, Jamie
Sent: Thursday, August 18, 2011 9:03 AM
To: Nichols, Liz
Subject: FW: Second Reading of Repeal of Rent of Mobile Home Rent Stabilization Ordinance

From: charles molnar [mailto:molnar_2001@yahoo.com]
Sent: Wednesday, August 17, 2011 6:52 PM
To: City Council
Subject: Second Reading of Repeal of Rent of Mobile Home Rent Stabilization Ordinance

As a member of the Santa Cruz County Seniors Commission, California Senior Legislature and author of the Santa Cruz Sentinel column entitled "Seniors Corner" I come into contact with and hear from many of our elderly population. I have heard from the seniors at DeAnza Mobile Home Park and your own local Surf & Sand Park. I know how difficult it is for these seniors and I am aware of the monetary pressures that you face in Capitola. Capitola has fought long and hard to protect the vulnerable members of its community. If you feel you must abolish these ordinances please first try to resolve the problem that the Surf & Sand residents will be facing in their lease agreements as a result of the elimination of the ordinance. My reading of the lease agreement is that the residents protection against inordinate rent increases will be immediately null and void. I respectfully thank you for your consideration of my my request, sincerely Charles J. Molnar Assembly Member for Santa Cruz & San Benito Counties of the California Senior Legislature.



CAPITOLA REDEVELOPMENT AGENCY AGENDA REPORT

MEETING OF AUGUST 25, 2011

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
DATE: AUGUST 18, 2011
SUBJECT: PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ENFORCEABLE OBLIGATION PAYMENT.

Recommended Action: By motion and roll call vote, that the Redevelopment Agency Directors take the following actions:

1. Adopt a Resolution adopting the Enforceable Obligation Payment Schedule (Attachment) pursuant to Health and Safety Code Section 34169(g)(1).
 2. Continue the public hearing to consider an Urgency Ordinance and necessary City/Agency Resolutions determining the City will comply with the Voluntary Alternative Redevelopment Program until the Supreme Court provides further clarification on the implementation of ABX1 26 and ABX1 27
-

BACKGROUND

On June 28, 2011, California Governor Brown signed into law two new bills affecting all California Redevelopment Agencies. ABX1 26 (i.e. the "Dissolution Bill") eliminates all redevelopment agencies effective October 1, 2011. ABX1 27 (i.e. the "Continuation Bill") would allow Redevelopment Agencies to continue to exist if certain payments to the State are made (an initial one-time payment and then subsequent annual payments). The California Redevelopment Association and others filed a writ petition directly in the California Supreme Court on July 18th, alleging that ABX1 26 and ABX1 27 are unconstitutional including inconsistency with Proposition 22 and asking the Supreme Court to stay their implementation by August 15th. On August 11, 2011, the Supreme Court granted a partial stay of AB1X 26 and ABX127.

On August 11, 2011, the City Council and Redevelopment Agency were prepared to consider a Voluntary Payment ordinance and corresponding agreements to make the required Voluntary Payments under ABX1 27. Now, given the partial stay of the legislation, staff is recommending that the City Council and RDA continue any consideration of the Voluntary Payment ordinance until the Supreme Court provides further clarification. This clarification may come in the upcoming months, but no later than January 15, 2012. This schedule is designed to facilitate a decision prior to the date of when remittance payments are due.

DISCUSSION

In order to fulfill the requirements of ABX1 26, the RDA must disclose at a public hearing all existing contractual obligations including the payee, the amount of the obligation and a brief description of each obligation. The RDA's Enforceable Obligation Payment Schedule is included with the draft resolution as Exhibit A. Once the RDA Board of Directors adopts the Enforceable Obligation Payment Schedule, it is required to be posted on the RDA's website and provided to the County Auditor-Controller and the State Department of Finance by August 28, 2011. All future RDA

payments could then be cross-checked against the adopted Payment Schedule to ensure the RDA is obligating funds only for those projects in effect prior to adoption of ABX1 26. [§34169(g)] Adoption of the Enforceable Obligation Payment Schedule is a mandatory requirement of ABX1 26, regardless of whether or not the Board ultimately decides to continue the RDA.

FISCAL IMPACT

Adoption of the Enforceable Obligation Payment Schedule will allow the Redevelopment Agency to make payments on listed obligations that were in effect prior to the adoption of ABX 26. The schedule includes all pass through agreements, existing agreements and contracts, including library trust fund payments, mobile home rental assistance, and City loans.

ATTACHMENTS

Enforceable Obligation Payment Resolution

Report Prepared By: Derek Johnson
Deputy Executive Director

**Reviewed and Forwarded by
Executive Director:**

RESOLUTION NO. _____

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
CAPITOLA APPROVING AND ADOPTING THE ENFORCEABLE
OBLIGATION PAYMENT SCHEDULE PURSUANT
TO PART 1.8 OF THE REDEVELOPMENT LAW**

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Capitola (the "City") by Ordinance No. 522, adopted on June 24, 1982, the Redevelopment Plan for the Capitola Redevelopment Project Area (as amended from time to time, the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Agency of the City of Capitola (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, AB x1 26 (the "Dissolution Act") and AB x1 27 (the "Voluntary Program Act," and together with the Dissolution Act, the "Redevelopment Restructuring Acts") have been enacted to significantly modify the Redevelopment Law; and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts and issued an order granting a partial stay on specified portions of the Redevelopment Restructuring Acts (the "Stay"); and

WHEREAS, under the terms of the Stay and pursuant to Section 34167(h) of the Redevelopment Law, after August 29, 2011, the Agency can only make payments on bond obligations until the Agency adopts an enforceable obligation payment schedule listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law (the "Enforceable Obligation Payment Schedule"); and

WHEREAS, as further set forth in the staff report accompanying this Resolution (the "Staff Report"), under the terms of various Agency contracts and obligations, the Agency is required to make payments on its enforceable obligations after August 29, 2011; and

WHEREAS, to avoid defaulting under its enforceable obligations, the Agency has prepared and desires to adopt an Enforceable Obligation Payment Schedule, under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts; and

WHEREAS under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of this Enforceable Obligation Payment Schedule is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program, because it merely lists enforceable obligations previously entered into and approved by the Agency; and

WHEREAS, the Agency Board has reviewed and duly considered the Staff Report, the proposed Enforceable Obligation Payment Schedule, and documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, that the Agency Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The Agency Board therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Santa Cruz in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED, that the Agency Board hereby approves and adopts the Enforceable Obligation Payment Schedule as attached as Exhibit A under protest and with a reservation of its rights to perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts and to challenge any contrary determination by the State of California, the County Auditor-Controller or any other body under the provisions of the Redevelopment Restructuring Acts.

BE IT FURTHER RESOLVED, that the Agency Board authorizes and directs the Agency's Executive Director or the Executive Director's designee to: (1) post the Enforceable Obligation Payment Schedule on the Agency or the City's websites, (2) designate an Agency representative to whom all questions related to the Enforceable Obligation Payment Schedule can be directed, (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the Controller of the Agency's action to adopt the Enforceable Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Agency's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the Agency.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Capitola Redevelopment Agency at its regular meeting held on the 25th day of August, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

Dennis R. Norton, Chairperson

ATTEST:

Pamela Greeninger, Secretary

CAPITOLA REDEVELOPMENT AGENCY ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

	Project Name / Debt Obligation	Payee	Description	Anticipated Total Outstanding Debt or Obligation at 6/30/12	Total Payments Due During Fiscal Year 2011-12	Memo: Total Obligation at 6/30/2011
1)	11055 Agency pass through	Santa Cruz County Auditor-Controller	Santa Cruz County - General	\$ 5,244,000	\$ 560,000	\$ 5,804,000
2)	91129 Agency pass through	Central Fire Protection District	Central Fire Protection District	3,081,100	336,000	3,417,100
3)	99825 Agency pass through	City Treasurer	City Cooperation Agreement - pass through	1,998,520	200,000	2,198,520
4)	11051 Agency pass through	Santa Cruz County Auditor-Controller	County Library District	608,100	62,800	670,900
5)	88836-8 Agency pass through	Santa Cruz County Auditor-Controller	Santa Cruz County Spec. Distr. - Flood	267,100	27,700	294,800
6)	76-126 Capitola Library Trust	Santa Cruz County Auditor-Controller	76-126 Capitola Library Trust - \$2,460,000	2,134,520	179,500	2,314,020
7)	Library District Section 3	Santa Cruz County Auditor-Controller	Library District Section 3	45,910	45,910	91,820
8)	Special District Section 4	Santa Cruz County Auditor-Controller	Special District Section 4	20,110	20,110	40,220
9)	ERAF 2009	Santa Cruz County Auditor-Controller	2009 ERAF payment	144,615	0	144,615
10)	VARP Vol Alternative Redev. Pmt.	Santa Cruz County Auditor-Controller	VARP Vol Alternative Redev. Pmt.	1,709,400	798,550	2,507,950
11)	Rispin Purchase Loan	City Treasurer	Rispin Purchase Loan - \$1,350,000	2,275,710	104,600	2,380,310
12)	Cooperation Agreement	City Treasurer	Coop Agreement - 1997-2001 Admin - \$618,028	1,041,945	47,900	1,089,845
13)	Cooperation Agreement	City Treasurer	City Cooperation Agreement - Annual loan	3,541,920	330,000	3,871,920
14)	Tax Anticipation Note	Chase NYC	Tax Anticipation Note - \$1,000,000	1,083,100	47,500	1,130,600
15)	General Plan Update	City Treasurer	General Plan Update	0	186,270	186,270
16)	Rispin Preservation	Internal Transfer	Rispin Preservation	305,000	350,000	655,000
17)	Rispin Rehabilitation	Internal Transfer	Rispin Rehabilitation	345,000	0	345,000
18)	Clares & Wharf Traffic Calming	Internal Transfer	Clares & Wharf Traffic Calming	100,000	200,000	300,000
19)	Clares & 41st Overlay	Internal Transfer	Clares & 41st Overlay	550,000	0	550,000
20)	Library Site Improvements	Internal Transfer	Library Site Improvements	14,000	100,000	114,000
21)	Clares/Wharf Rd Impr./Libr. Pkg.	Internal Transfer	Clares/Wharf Rd Impr./Libr. Pkg.	297,040	0	297,040
22)	Misc Capital Projects	Internal Transfer	Misc Capital Projects	107,100	0	107,100
23)	Mall Economic Dev Project	Macerich	Mall Economic Dev Project	1,030,000	0	1,030,000
24)	Library Construction	Internal Transfer	Library Construction	550,000	100,000	650,000
25)	Castle MHP/Millennium Housing	Millennium Housing	Castle MHP/Millennium Housing	900,000	1,100,000	2,000,000
26)	Housing Rental Subsidy Program	Santa Cruz Housing Authority	Housing Rental Subsidy Program	3,527,100	391,900	3,919,000
27)	Capitola Low/Mod Housing Set Aside	Internal Transfer	Capitola Low/Mod Housing Set Aside	4,484,700	340,000	4,824,700
28)	Capitola Low/Mod Housing Admin	Internal Transfer	Capitola Low/Mod Housing Admin	1,363,500	221,500	1,585,000
Total Enforceable Obligation Payments Due				\$ 36,769,490	\$ 5,750,240	\$ 42,519,730