

# City of Capitola Agenda



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

**CAPITOLA CITY COUNCIL  
REGULAR MEETING  
THURSDAY, SEPTEMBER 13, 2012**

\*\*\*\*\*

**CLOSED SESSION – 6:00 PM  
CITY MANAGER’S OFFICE**

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

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

1. City of Capitola Insurance Coverage Claim Against Lexington Insurance (Noble Gulch pipe failure);
2. Negotiations with Santa Cruz County regarding the Noble Gulch pipe failure;
3. Pacific Cove Mobile Home Park closure.

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

1. Kevin Calvert, D.D.S. and Pamela Calvert vs. City of Capitola, et al. [Superior Court of the State of California for County of Santa Cruz, Case #CV 172804];
2. Katie Saldana vs. City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 172324];
3. Foremost Insurance Company vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173228];
4. Truck Insurance vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173071];
5. David Ross; Carousel Taffy Morro Bay, Inc.; Village Mouse dba; The Thomas Kinkade Gallery Capitola; Judith Ferro vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV 173642];
6. American Alternative Insurance Corporation; Central Fire Protection District of Santa Cruz County vs. the City of Capitola, et al. [Superior Court of the State of California for the County of Santa Cruz, Case #CV173926];
7. California Capital Insurance Company [Superior Court of the State of California for the County of Santa Cruz, Case #CV173552].

**LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Brad and Cathy Sutton  
Claimant: Larry Machado  
Agency claimed against: City of Capitola

## **REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM**

### **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

### **2. PRESENTATIONS**

- A. Proclamation celebrating the anniversary of the Ocean Conservation in the Central Coast.
- B. Proclamation honoring September 23, 2012 as “National Plug-In Day” to heighten awareness of plug-in electric vehicles.

### **3. REPORT ON CLOSED SESSION**

### **4. ADDITIONS AND DELETIONS TO AGENDA**

### **5. PUBLIC COMMENTS**

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

### **6. COUNCIL/STAFF ANNOUNCEMENTS**

### **7. COMMITTEE APPOINTMENTS**

- A. Council Member Storey’s appointment to the Finance Advisory Committee.

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

### **8. CONSENT CALENDAR**

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

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

- A. Consideration of approving the City Council Minutes of the Regular City Council Meeting of June 14, 2012 and June 28, 2012, and the June 21, 2012 City Council Special Closed Session Minutes.

**RECOMMENDED ACTION:** Approve Minutes.

8. CONSENT CALENDAR (continued)

- B. Deny liability claims and forward to the City’s liability insurance carrier:
  - 1. Brad and Cathy Sutton in the amount of \$59,000;
  - 2. Larry Machado in the amount of \$100,000.

RECOMMENDED ACTION: Deny Liability Claims.
  
- C. Receive Planning Commission Action Minutes for the Regular Meeting of September 6, 2012.
 

RECOMMENDED ACTION: Receive Minutes.
  
- D. Approval of City Check Register Reports dated July 20, 2012; July 27, 2012; August 3, 2012; August 10, 2012; August 17, 2012; August 24, 2012; and August 31, 2012.
 

RECOMMENDED ACTION: Approve the City Check Register Reports.
  
- E. Consideration of an Ordinance amending Section 12.56.090 (Right-of-way Obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [2<sup>nd</sup> Reading].
 

RECOMMENDED ACTION: Adopt Ordinance.
  
- F. Consideration of a Resolution amending the City’s Bail Schedule to add new fines pursuant to adoption of City Council Ordinances.
 

RECOMMENDED ACTION: Adopt Resolution.

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

*General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item:*

- 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

- A. Consideration of an Ordinance adding Section 9.34.010 of the Capitola Municipal Code prohibiting urination and/or defecation in public [1st Reading].
 

RECOMMENDED ACTION: Introduce Ordinance.
  
- B. Consideration of authorizing a City Council response to the 2011-2012 Santa Cruz County Grand Jury Final Report: “Known Soil Contamination and Building Permit Applications.”
 

RECOMMENDED ACTION: Approve response.

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

10. COUNCIL/STAFF COMMUNICATIONS

- A. Staff Comments
- B. City Council/Treasurer Comments/Committee Reports

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

## 11. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council to be held on Thursday, September 27, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

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

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

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

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

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



Item #: 7.A.

## CITY COUNCIL AGENDA REPORT

### MEETING OF SEPTEMBER 13, 2012

FROM: OFFICE OF THE CITY CLERK

SUBJECT: COUNCIL APPOINTEE MEMBER APPOINTMENT TO THE FINANCE ADVISORY  
COMMITTEE

---

**RECOMMENDED ACTION:** That Council Member Storey, with concurrence of the Mayor and City Council, make his appointment to fill a vacancy on the Finance Advisory Committee.

**BACKGROUND:** On May 29, 2012, Council Appointee Member Gary Wetsel submitted his resignation to Council Member Storey, who appointed him to the Finance Advisory Committee on December 9, 2010. This left a Council appointee member vacancy of an unexpired term ending December 2012. The required notice regarding the vacancy was posted on July 24, 2012, at City Hall and scrolled on Charter Community Channel 8, included on the City's website and press releases issued to local publications with an application deadline date of August 17, 2012.

**DISCUSSION:** The City received applications, from Gary Snelson, T.J. Welch and Sandra Erickson. Upon receipt, all applications were forwarded to Council Member Storey for consideration. Collectively, after the deadline date, all applications were distributed to the Mayor and City Council for review. This appointment is to fill an unexpired term ending December 2012.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

1. Resignation email from Gary Wetsel
2. Vacancy Notice
3. Applications received from Gary Snelson, T.J. Welch and Sandra Erickson
4. Current Finance Advisory Committee Roster

Report Prepared By: Michele Deiter, CMC  
Records Coordinator

Reviewed and Forwarded  
By City Manager: 

**ATTACHMENT 1****Deiter, Michele**

---

**From:** Wetsel, Gary  
**Sent:** Tuesday, May 29, 2012 8:14 PM  
**To:** Storey, Sam  
**Cc:** Termini, Mike; Goldstein, Jamie  
**Subject:** Finance Advisory Committee  
**Importance:** High

Sam:

I regret to inform you that as of tonight I must submit my resignation from the City of Capitola Finance Advisory Committee.

Went you nominated me to join this Committee I was happy and excited to accept the opportunity to add value through my professional experience. I do believe we made some important progress in the last 1 1/2 years.

- We developed a Charter for this Committee that was approved by the City Council
- We articulated a schedule to be implemented through out the fiscal year to familiarize the Committee of the City's budget challenges.
- We made a comprehensive proposal to the the City Council of short and long-term financial "challenges" to the City and recommended viable solutions.
- One recommendation to potentially reduce expenses is currently being developed. (Benchmarking)
- The increase in Sales tax is in process.

I feel good that perhaps the City has recognized or perhaps quantified in a macro way, very serious fiscal challenges. Unfortunately I am not comfortable that the Committee can or will continue to address the significant issues in the fiscally responsible way I am used to.

As an example the Committee voted tonight to recommend to the Council that almost \$500,000 in reserves for equipment replacement, information technology be transferred to the Contingency Reserves to potentially address the Council's commitment to increase these reserves. This is only "robbing from Peter to pay Paul" and certainly not fiscally responsible. I would be happy to explain my concern in detail if you would like.

A second example is that the Committee never had time to really address the entire budget and was instead ask to recommend an allocation of the roughly \$300,000 "Unallocated funds" to almost \$900,000 of potential expenses. We never had the opportunity to review the entire budget. I would certainly hope the Committee has a broader scope.

While these may seem like minor points, it is the tone and direction of this Committee that concerns me.

Please be assured that I do not support any of the recommendations this Committee will make to the Council Thursday night.

I hope I can be of support to the City in other ways where the City and I both feel value added.

Naturally I would be happy to meet with you at your convenience to discuss further.

Thank you, Gary



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

APPLICATIONS FOR APPOINTMENT TO:  
**Capitola Finance Advisory Committee**

**NOTICE IS HEREBY GIVEN**, pursuant to Section 54974 of the Government Code, that one (1) seat of an unexpired term on the Capitola Finance Advisory Committee is up for appointment. This Council Member appointment is to be made by Council Member Sam Storey and the term will be ending December 2012.

The Capitola City Council is seeking applications from interested persons to serve on the Capitola Finance Advisory Committee. Regular Meetings of the committee are held on the second Tuesday of each month beginning at 6:30 p.m. in the Council Chambers at City Hall, 420 Capitola Avenue. City residents, 18 years of age or older, with an interest in the financial policy of the City of Capitola, including the City's budget, investments, revenue projections and assumptions, revenue enhancement programs, etc., are encouraged to apply. A copy of Resolution No. 3437 Defining the Composition and Purpose of the Capitola Finance Advisory Committee is attached. Should you have any questions regarding the Finance Advisory Committee, please contact staff member Tori Hannah, Finance Director at (831) 475-7300 ext. 224, or by email at [thannah@ci.capitola.ca.us](mailto:thannah@ci.capitola.ca.us).

Upon review of applications received, it is anticipated that Council Member Storey with the concurrence of the City Council will make his appointment at a Regular Meeting of the City Council to be held on Thursday, September 13, 2012.

**Application Deadline: Friday, August 17, 2012**

Applications may be obtained from the Receptionist at Capitola City Hall, 420 Capitola Avenue, or by calling (831) 475-7300 and requesting an application be sent to you. In addition, applications are available on the City's Website (for printing) at <http://www.ci.capitola.ca.us/capcity.nsf/CtyCnclComm.html> by clicking on **current vacancies**.

I, Michele Deiter, Records Coordinator of the City of Capitola, California, hereby certify that the above Notice of Vacancy was posted in accordance with Section 54974 of the Government Code on July 24, 2012.

Dated: July 24, 2012

  
 Michele Deiter, CMC  
 Records Coordinator



JUL 24 2012  
CITY OF CAPITOLA  
CITY CLERK

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

APPLICATION FOR SERVICE ON THE  
**Capitola Finance Advisory Committee**

Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT:

GARY B. SNELSON

RESIDENCE ADDRESS:

1605 38TH AVE

CAPITOLA CA 95010

MAILING ADDRESS:

(If Different)

EMAIL ADDRESS:

gsnelson@cruzio.com

TELEPHONE NO.:

(H) (831) 476-8298 (C) (909) 223-9164 (W) N/A

EMPLOYMENT:

RETIRED

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

I HAVE ATTACHED A SHORT BIO AND RESUME. INTEGRITY IN FINANCIAL MATTERS HAS ALWAYS BEEN A PRIORITY. I AM 71 YEARS OLD AND I HAVE NEVER BEEN AUDITED BY THE IRS, AND HAVE NEVER MADE A LATE PAYMENT ON ANYTHING. I AM JUST INTERESTED IN CAPITOLA AND SEE THIS AS AN OPPORTUNITY TO GET INVOLVED IN KEEPING THE CITY SPECIAL.

DATE:

July 21, 2012

(Signature of Applicant)

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

A vacancy notice with an application form can also be obtained on the Web (for printing) by clicking on current vacancies at: <http://www.ci.capitola.ca.us/capacity.nsf/Cty/CnclComm.html>



# Biography - Gary B. Snelson

## Personal:

I was born and raised in Southern California, I graduated from Van Nuys High School, and received a degree in Public Management from Pepperdine University.

I have two children and five grandchildren.

## Professional:

I joined the Los Angeles County Sheriff's Department in 1962, and retired in 1996 as a Captain.

The majority of my career was spent supervising and managing in administrative assignments including:

### As a Lieutenant (14 years):

- Personnel Bureau
  - Recruitment and hiring, promotional testing, classification studies
- Fiscal Services Bureau
  - Grant management, coordination of Excess Federal Property Program
- Field Operations Headquarters
  - 1984 Olympics Security Planning
- Temple Station
  - Patrol Watch Commander, Training Lieutenant, Operations Lieutenant

### As a Captain (11 years):

- Emergency Operations Bureau
  - Major event & disaster planning, maintaining the County EOC
- Office of Professional & Ethical Standards
  - Evidence, property, and timekeeping audits, drug testing of Deputies
- Communications & Fleet Management Bureau
  - Dispatching, 911 system, radio system, vehicle maintenance
- Data Systems Bureau
  - Maintenance of criminal justice computer systems, departmental computer network

---

## **WORK EXPERIENCE:**

### **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** 1962-1996

Twenty five years of my career were spent in middle management, in a wide variety of areas of specialization. I have included a few highlights of my career as a Lieutenant and Captain. The most lasting memory of my early career as a Deputy was the eleven days I spent in a patrol car on the streets of Los Angeles during the Watts Riot in 1965.

The Sheriff's Department has a annual budget of \$1.15 billion, There are 14,500 total personnel, 8,700 of which are Deputy Sheriffs. The Department provides law enforcement services to 2.7 million residents in the unincorporated areas of the County, and in 22 incorporated cities that contract with the Department for police services. There are seven custody facilities housing, more than 20,000 prisoners. The three largest facilities have a combined 3.2 million square feet of floor space.

### **CAPTAIN, DATA SYSTEMS BUREAU** 1994-1996

Managed a staff of 275 in: (1) maintaining the Departments data network, (2) maintaining the County's various criminal justice system computers, (3) maintaining the jail management computer system, (4) developing a computerized personnel performance index which allows tracking performance, complaints, and discipline of personnel.

### **CAPTAIN, COMMUNICATIONS & FLEET MANAGEMENT BUREAU** 1992-1994

Managed a staff of 300 in: (1) dispatching patrol units to calls for service at all of the stations, (2) serving as the 9-1-1 and Emergency Broadcast System center for the County, (3) maintaining the Department's fleet of more than 2800 vehicles, and its radio system with more than 4500 mobile radios, (4) conducting law enforcement vehicle testing, and analysis for purchase. For a year of this time I was assigned to headquarters and oversaw the overall activities of both my own bureau and the Crime Lab.

### **CAPTAIN, OFFICE OF PROFESSIONAL AND ETHICAL STANDARDS** 1991-1992

Managed a staff of a Lieutenant and eight Sergeants charged with: (1) conducting random drug testing of Deputy Sheriffs, (2) inspecting the evidence and property handling procedures and records at the patrol stations, and at headquarters, (3) conducting audits of timekeeping records and procedures at all units of the Department.

### **CAPTAIN, EMERGENCY OPERATIONS BUREAU** 1984-1991

Chaired the Plans and Programs Committee of the County's Emergency Preparedness Commission for three years, (2) Was field commander of more than 400 Deputies assigned to crowd and traffic control at Pasadena's Rose Parade for six years, (3) Was operations commander for the County's major elections; responsible for more than 250 Deputies involved in the transportation and security of ballots from every precinct in L.A. County, and resolution of problems at precincts.

Managed a Staff of 30, including two Lieutenants and fourteen Sergeants in: (1) fulfilling the Sheriff's role as Director of Emergency Operations for the County of Los Angeles, and planning and designing a new County Emergency Operations Center, (2) maintaining the County's Emergency Operations Center, including the development of training and exercises for assigned staff members, (3) coordinating the County's Disaster Communications Service, (4) designing and managing an inspection process to ensure the emergency preparedness of all stations and custody facilities; coordinating disaster preparedness plans with Federal, state, and local governments and the private sector.

### **LIEUTENANT, TEMPLE STATION (PATROL)** 1981-1984

Watch Commander. Managed the Station's program for in-service training and the formal orientation and training of newly-assigned personnel. Managed the Station's burglary, violent crime, and gang suppression teams.

### **LIEUTENANT, OLYMPICS SECURITY PLANNING UNIT** 1980-1981

Managed the Department's preliminary planning activities relating to security for the 1984 Olympics. Chaired interagency planning meetings with representatives of all cities with Olympic venues. Coordinated the efforts of eleven task forces on various aspects of Olympic security. Maintained liaison with staff of the Olympic Organizing Committee.

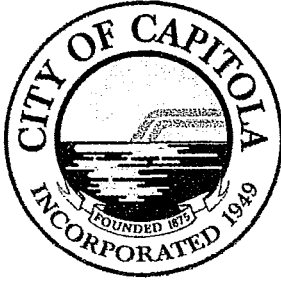
**LIEUTENANT, FISCAL SERVICES BUREAU** 1978-1980  
Managed grant management, facility construction, evidence and recovered property, acquisition of excess Federal property, and administration of the fixed assets and supplies budget. Managed a classification and pay study for Deputy Sheriff personnel; developed criteria for compensation and allocation of positions.

**LIEUTENANT, GRANT MANAGEMENT SECTION** 1975-1977  
Directed the search for state and Federal grant funds. Oversaw the development and monitoring of grant-funded programs. Represented the Department on the County's justice system task forces and planning committees

**LIEUTENANT, RECRUITMENT AND TESTING UNIT** 1971-1972  
Managed the development and administration of Departmental promotional examinations, and the recruiting and examination of applicants for deputy sheriff. Developed the Department's law enforcement intern program. Chaired a task force on Deputy Sheriff salaries and classification.

***EDUCATION:***

Bachelor of Science in Public Management, Pepperdine University, 1973



RECEIVED

AUG 13 2012

CITY OF CAPITOLA

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

APPLICATION FOR SERVICE ON THE  
**Capitola Finance Advisory Committee**  
Council Member Appointee

PLEASE TYPE OR PRINT

NAME OF APPLICANT: Troy (T.J.) Welch

RESIDENCE ADDRESS: 410 Escalona Dr.  
Capitola, CA 95010

MAILING ADDRESS: \_\_\_\_\_  
(If Different)

EMAIL ADDRESS: noworries4TJ@mac.com

TELEPHONE NO.: (H) 831 332-1661 (C) \_\_\_\_\_ (W) 510 693-3419

EMPLOYMENT: Battalion Chief - Alameda County Fire Dept.

DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE (Use additional page if necessary)

As a Chief officer in the fire service I have worked with budgets for the last 24 years. It is my desire to work actively with my community to assist in establishing a sustainable budget that best serves the citizens of Capitola.

DATE: 8.13.2012

T.J. Welch  
(Signature of Applicant)

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

A vacancy notice with an application form can also be obtained on the Web (for printing) by clicking on current vacancies at: <http://www.ci.capitola.ca.us/capacity.nsf/Cty/CnclComm.html>



AUG 17 2012  
CITY OF CAPITOLA  
CITY CLERK

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

APPLICATION FOR SERVICE ON THE  
**Capitola Finance Advisory Committee**  
Council Member Appointee

PLEASE TYPE OR PRINT

**NAME OF APPLICANT:** SANDRA (SANDY) ERICKSON

**RESIDENCE ADDRESS:** 117 CABRILLO ST  
CAPITOLA

**MAILING ADDRESS:** \_\_\_\_\_  
(If Different)

**EMAIL ADDRESS:** SERICKSON06@yahoo.com

**TELEPHONE NO.:** (H) 475-3369 (C) 5660891 (W) \_\_\_\_\_

**EMPLOYMENT:** KAISER SAN JOSE MEDICAL CENTER

**DESCRIBE YOUR EXPERIENCE AND INTEREST IN SERVING ON THE ABOVE-NAMED COMMITTEE** (Use additional page if necessary)

I AM VERY INTERESTED IN THE FINANCIAL HEALTH OF CAPITOLA AND THE ABILITY OF THE CITY TO PROVIDE SERVICES i.e. POLICE & ROADS, & SIDE WALKS.

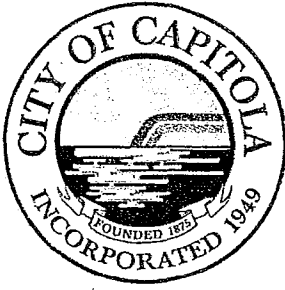
I HAVE MANAGED A DEPT WITH MULTIMILLION DOLLAR BUDGETS & BENEFITS FOR OVER 30 YRS AND THINK I HAVE MUCH TO CONTRIBUTE.

**DATE:** 8/17/2012

*Sandra Erickson*  
(Signature of Applicant)

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

A vacancy notice with an application form can also be obtained on the Web (for printing) by clicking on current vacancies at: <http://www.ci.capitola.ca.us/capacity.nsf/Cty/CnclComm.html>



City of Capitola  
 420 Capitola Avenue  
 Capitola, CA 95010  
 Phone (831) 475-7300  
 FAX (831) 479-8879

**CAPITOLA  
 FINANCE ADVISORY COMMITTEE  
 CURRENT MEMBERS**

<u>NAME</u>	<u>ADDRESS AND PHONE NUMBER</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Bertrand, Jacques (City Treasurer)	601 Monterey Avenue Capitola, CA 95010 (H) 476-5160 (C) 588-1694 Email: <a href="mailto:jjibertrand@gmail.com">jjibertrand@gmail.com</a>	(Storey Appt) (Elected City Treasurer) 1/18/07 12/04/08	12/12
Buechting, Christine (Business Representative)	618 Oak Drive Capitola, CA 95010 (W) 476-1606 (C) 247-7285 Email: <a href="mailto:crbuechting@aol.com">crbuechting@aol.com</a>	7/23/09 12/09/10	12/12
Cross, Nathan (Norton Appt)	620 Gilroy Drive Capitola, CA 95010 (H) 462-4137 (C) 212-9388 Email: <a href="mailto:4xross@gmail.com">4xross@gmail.com</a>	12/08/11	12/12
Nicol, Kirby (Council Member)	4510 Capitola Road Capitola, CA 95010 (W) 475-5729 Email: <a href="mailto:Kirby@wharftowharf.com">Kirby@wharftowharf.com</a>	12/09/04 (Mayor) 1/18/07 12/11/08 12/10/09 12/09/10 12/08/11	12/12
Will O'Sullivan (Harlan Appt)	201 Cortez Street Capitola, CA 95010 (H) 476-3231 (W) 423-2003x105 (C) Email: <a href="mailto:will.osullivan@scccc.org">will.osullivan@scccc.org</a>	11/22/11	12/12
Termini, Michael (Mayor)	503 Oak Drive Capitola, CA 95010 (C) 476-6206 Email: <a href="mailto:michael@triadelectric.com">michael@triadelectric.com</a>	12/09/04 (Mayor) 1/18/07 12/09/10 12/08/11	12/12
VACANT (Storey Appt)	Capitola, CA 95010 (H) (C) Email:		12/12

**Staff:** Tori Hannah, Finance Director  
 (831) 475-7300, Ext. 224

Revised 7/12 md



Item #: 8.A.

## CITY COUNCIL AGENDA REPORT

### MEETING OF SEPTEMBER 13, 2012

FROM: OFFICE OF THE CITY CLERK

SUBJECT: APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 14, 2012 AND JUNE 28, 2012, AND THE JUNE 21, 2012 CITY COUNCIL SPECIAL CLOSED SESSION MINUTES

---

**RECOMMENDED ACTION:** Approve the subject minutes as submitted.

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

**ATTACHMENTS**

1. June 14, 2012 Regular City Council Minutes;
2. June 21, 2012 Special Closed Session Minutes;
3. June 28, 2012 Regular City Council Minutes.

Report Prepared By: Susan Sneddon, CMC  
City Clerk

Reviewed and Forwarded  
By City Manager: 

**NOT OFFICIAL UNTIL APPROVED BY CITY COUNCIL**

**CITY OF CAPITOLA  
CITY COUNCIL**

**June 14, 2012  
Capitola, California**

**MINUTES OF A REGULAR MEETING  
6:00 P.M. — CLOSED SESSION — CITY MANAGER'S OFFICE**

**CALL TO ORDER**

**Mayor Termini** called the meeting to order at 6:00 p.m. Council Members present: Council Member Stephanie Harlan, Council Member Dennis Norton, Council Member Kirby Nicol, and Mayor Michael Termini. Council Member Sam Storey was absent. Mayor Termini made an announcement regarding the items to be discussed in Closed Session, as follows:

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager  
Employee Organizations: Association of Capitola Employees, Capitola Police Captains, Capitola Police Officers Association, Confidential Employees, Mid-Management Group, and Department Head Group  
Negotiator: John Barisone, City Attorney  
City Manager's Contract

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

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

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

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

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)**

City Council's Performance Evaluation of City Attorney

**LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Claudia Monjaraz  
Agency claimed against: City of Capitola

**Mayor Termini** noted that there was no one in the audience; therefore, the City Council recessed at 6:00 p.m. to the Closed Session in the City Manager's Office.



7:00 P.M. – OPEN SESSION

## REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

## CALL TO ORDER

**Mayor Termini** called the Regular Meeting of the Capitola City Council to order at 7:00 p.m. on Thursday, June 14, 2012, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

## 1. ROLL CALL AND PLEDGE OF ALLEGIANCE:

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

**ABSENT:** Council Member Storey

**OTHERS:** City Treasurer Jacques Bertrand

**STAFF:** City Manager Jamie Goldstein, Assistant City Attorney Adair Paterno, Public Works Director Steve Jesberg, Finance Director Tori Hannah, Interim Community Development Director Susan Westman, and City Clerk Susan Sneddon

## 2. PRESENTATIONS:

## A. Proclamation honoring Amateur Radio Week - June 17 thru June 24, 2012.

**Mayor Termini** read the proclamation honoring Amateur Radio Week - June 17 thru June 24, 2012.

**Bill Conklin, Santa Cruz County Amateur Radio Club**, provided information regarding an upcoming Amateur Radio event and general information about services provided by amateur radio operators.

## 3. REPORT ON CLOSED SESSION [520-25]

**Assistant City Attorney Paterno** stated that the items the City Council discussed in Closed Session are those items listed on the June 14, 2012, Closed Session Agenda. Ms. Paterno stated the City Council received an update regarding labor negotiations, and there are various agreements listed on the Consent Calendar (***Item No. 8.D.***) on the June 14, 2012, Regular City Council Meeting Agenda for Council consideration. City Council received a status report on anticipated litigation, including Lexington Insurance Company's failure to honor the City's claim for property damages from the March 2011 pipe failure incident and the Pacific Cove Mobile Home Park pipe failure and closure. Council did not consider the anticipated litigation regarding the lawsuit against the Department of Finance. Council received an update from legal counsel regarding the six existing litigation cases listed on the Closed Session Agenda, and the Council did a public employee evaluation of the City Attorney. The Council considered the liability claim filed by Claudia Monjaraz, which will be considered by Council on the Consent Calendar Agenda.

**4. ADDITIONS AND DELETIONS TO AGENDA**

**City Manager Goldstein** stated that staff has distributed a revised staff report for Item 9.C. regarding a proposed Visitor Service Fee (Transient Occupancy Tax) Measure for November 6, 2012, Election.

**5. PUBLIC COMMENTS**

**Linda Hanson, Capitola Village Residents' Association (CVRA) President,** stated that last year the CVRA was asked to man a booth to collect donations for flood relief as a result of the March 2011 flood incidents.

**Nels Westman, 507 Riverview Drive,** stated concerns regarding the City needing a permanent parking structure.

**Ed Bottorff, Capitola Parking and Traffic Commission representative,** read a communication from the Parking and Traffic Commission requesting that the City Council initiate plans to construct a permanent parking structure in the upper Pacific Cove property.

**Stuart Greeninger, 701 Escalona Drive,** requested that an Airstream recreational vehicle be removed from a residential street in the Depot Hill area. In addition, he stated that tall grass is blocking a stop sign located at the Sacramento Avenue/Escalona Drive intersection and requested that it be removed.

**Marilyn Garrett** stated that SmartMeters cause harmful microwave radiation.

**Carol Lerno, Pacific Cove Mobile Home Park, Space 66,** complimented staff on the recent car show held in the City on June 9 and 10.

**6. COUNCIL/STAFF ANNOUNCEMENTS**

**Council Member Harlan** provided a report regarding a recent Santa Cruz County Sanitation District Board meeting; discussions included the hiring of a consulting firm for the design of the Soquel Creek Transmission Main Crossing.

**Mayor Termini** requested that the odor problem caused by exhaust at the upper end of Esplanade Park be addressed.

**Council Member Nicol, City's representative on the Santa Cruz County Regional Transportation Commission,** provided the following update: (1) Regional Transportation Commission (RTC) approved placing a ballot measure on the November 2012 ballot, asking voters to authorize a \$10 fee on registered motor vehicles; ballot language will be finalized at the next RTC meeting; and (2) RTC approved a draft agreement negotiated with Iowa Pacific Holdings for the operation of the Santa Cruz Branch Rail Line.

**7. COMMITTEE APPOINTMENTS (None provided)**

**8. CONSENT CALENDAR**

Council Member Nicol requested that Item 8.L. be pulled for further discussion.

- A. Denial of a liability claim of Claudia Monjaraz in the amount of \$720.00 and forwarding it to the City's liability insurance carrier. [Claims Binder]
- B. Approval of City Council Minutes of the Regular Meeting of April 26, 2012.
- C. Approval of the First Amendment to City Manager Employment Agreement. [600-10]
- D. Approval of the following agreements: [600-10]
  - 1. Memorandum of Understanding with the Mid-Management Employees Bargaining Unit for a Term of July 1, 2012, expiring June 30, 2015;
  - 2. Memorandum of Understanding with the Confidential Employees Bargaining Unit for a Term of July 1, 2012, expiring June 30, 2015;
  - 3. Sixth Amendment to the Employment Agreement for the Public Works Director recognizing negotiated changes in salary and benefits for July 1, 2012 – June 30, 2015.
  - 4. First Amendment to the Employment Agreement for the Finance Director recognizing negotiated changes in salary and benefits for July 1, 2012 – June 30, 2015;
  - 5. First Amendment to the Employment Agreement for the Administrative Services Director recognizing negotiated changes in salary and benefits for July 1, 2012 – June 30, 2015.
- E. Adoption of Resolution No. 3917 of Intention to Levy Business Improvement Assessments for Fiscal Year 2012-2013, which receives the Capitola Village and Wharf Business Improvement Area Annual Report and the proposed Fiscal Year 2012-2013 Budget; sets a public hearing to receive oral or written protests on the levy of assessments for Fiscal Year 2012-2013 for Thursday, June 28, 2012; and directs required noticing of the public hearing by the City Clerk and the Capitola Village and Wharf Business Improvement Area. [140-05]
- F. Approval of the purchase of an unmarked detective vehicle for the Police Department in the amount of \$20,695.73 and surplus the police vehicle to be replaced. [370-40/370-10]
- G. Adoption of Resolution No. 3918 amending Resolution No. 3820 and Resolution No. 3869 pertaining to Gann Appropriation Limits for Fiscal Years 2010-11 and 2011-12, respectively; recommendation by Teaman Ramirez and Smith (City's previous audit firm). [330-05]
- H. Adoption of Resolution No. 3919 establishing a Gann Appropriation Limit pursuant to Article XIII B of the California Constitution for Fiscal Year 2012-2013. [330-05]
- I. Approval of awarding a janitorial bid to Clean Building Maintenance in the amount of \$47,783.50 per year. [370-40/500-10 A/C: Clean Building Maintenance]

8. CONSENT CALENDAR (continued)
- J. Receive Planning Commission Action Minutes for the Regular Meeting of June 7, 2012. [740-50]
  - K. Adoption of Resolution No. 3920 implementing the provisions of Section 414(H)(2) of the Internal Revenue Code related to the 2.5% at 55 Retirement Plan for Miscellaneous Employees and 3% at 50 Plan for Public Safety Employees. [630-10] Resolution 3920
  - L. Adoption of Resolution No. 3921 adopting the proposed 2012/2013 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets. [330-05 City/780-30 Successor Agency/330-20 CIP]
  - M. Receive the Mayor's appointment of Frank Phanton as an alternate member to the Architectural and Site Review Committee. [740-15]
  - N. Approval of a request to proceed with recruitment for the vacancy of the unexpired term youth member to the Commission on the Environment. [430-05]

***ACTION: Motion by Council Member Norton, seconded by Council Member Nicol, to approve the following items on the Consent Calendar: 8(A), 8(B), 8(C), 8(D), 8(E), 8(F), 8(G), 8(H), 8(I), 8(J), 8(K), 8(M), 8(N). The motion carried on the following vote: AYES: Council Members Harlan, Norton, Nicol, and Mayor Termini. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.***

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- A. 220 Oakland Avenue – Project Application # 12-044: Appeal of Planning Commission decision to approve a Fence Permit and a Major Revocable Encroachment Permit to construct a wall within the City right-of-way as part of a single-family residential use in the R-1 (Single-Family Residence) Zoning District [APN 036-124-20]. Filed 3/29/12. Property Owner: Christann A. Bohnet. Representative: John Draga. [730-10]

Interim Community Development Director **Susan Westman** introduced this item. She stated that at the April 19, 2012, Planning Commission meeting the fence permit and major revocable encroachment permit were approved with the following added conditions: (1) the detail material for the wall shall be changed from brick to stonework; (2) a vine material shall be planted and incorporated to cover the stucco portions of the wall; and (3) the applicant shall submit a letter from an architectural historian determining that the wall is consistent with the Secretary of the Interior's Standards & Guidelines prior to building permit issuance.

**Mayor Termini** asked if a letter was provided by an historian regarding this item and if there will be a place to park in front of the property after the proposed wall is built.

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

**Interim Community Development Director Susan Westman** responded that Carolyn Swift, the City's historian, provided a letter regarding this project. In addition, she stated that there will not be parking on the Escalona Drive side of the property; however, there is a concrete area in the front of the Oakland Avenue side for parking.

**Council Member Harlan** stated that she appealed this project because she would like the City Council to consider the historical compatibility of the proposed fence, including the style and type of materials to be used. She would like to run this proposal by Carolyn Swift and Kathryn Gualtieri (local historians) and is concerned that the landscaping be compatible with the Secretary of Interior's design guidelines.

**Christy Bohnet, Property Owner**, stated that the intent of the proposed wall design and landscaping is to allow for privacy.

**John Draga, Representative**, reviewed his proposal regarding the style and design of the wall and landscaping.

The following Capitola residents provided support for this application:

**Sandy Erickson  
Stuart Greeninger  
Steve Walsh**

**Brian MacKenzie, neighbor of property owner Bohnet**, stated concerns regarding the proposed landscaping affecting the visibility when children play in the area.

**Council Member Nicol** complimented the process of this item prior to coming to the City Council and provided his support for this proposal.

***ACTION: Motion was made by Council Member Nicol, seconded by Council Member Norton, to uphold the Planning Commission approved to grant Project Application # 12-044 and approve a Fence Permit and a Major Revocable Encroachment Permit to construct a wall within the City right-of-way as part of a single-family residential use in the R-1 (Single-Family Residence) Zoning District at 220 Oakland Avenue [APN 036-124-20]. The motion carried on the following vote: AYES: Council Members Norton, Nicol, and Mayor Termini. NOES: Council Member Harlan. ABSENT: Council Member Storey. ABSTAIN: None.***

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

**B. Consider report and presentation on traffic evaluation for Gilroy Avenue. [490-20]**

**Mayor Termini** stated that since Council Member Norton and he reside within 500 feet of the 600 block of Gilroy Avenue, and there are four Council Members present, they will flip a coin to see which Council Member leaves the dias to maintain a quorum.

**Mayor Termini** left the dias.

**Police Chief Escalante** provided a brief status report regarding a survey that was conducted. He stated that staff met with the residents of Gilroy Avenue and the surrounding neighborhood on April 26, 2012, and again on May 29, 2012. The goal of the meetings was to facilitate information and partner with the community to identify options that could be reasonably explored to provide a safe street within the applicable laws. He stated that staff recommends the Police Department continue future discussions with residents to identify viable solutions.

***ACTION: Motion was made by Council Member Nicol, seconded by Council Member Norton, to accept the report on a traffic evaluation for Gilroy Avenue and to continue working with the residents to identify viable solutions. The motion carried on the following vote: AYES: Council Members Harlan, Norton, and Nicol. NOES: None. ABSENT: Council Member Storey. ABSTAIN: Mayor Termini.***

**Mayor Termini** returned to the dias.

**C. Consideration of a Resolution regarding a Visitor Service Fee (Transient Occupancy Tax) Measure for November 6, 2012, Election.**

**City Manager Goldstein** stated that City Council received a revised staff report recommending that Council not take action at this meeting regarding placing a Transient Occupancy Tax (TOT) Measure on the November 2012 ballot. He stated that the City's Finance Advisory Committee and staff developed a list of proposed revenue generators and expenditure reductions to help close the City's long-term funding gap. He stated that in January 2012 the Council directed staff to engage in a public opinion poll for the purpose of gauging community sentiment regarding various measures and tax initiatives. In March 2012 the Council approved Resolution No. 3912 to place a Permanent Quarter-Cent Sales Tax Measure on the November 2012 ballot and directed staff to not proceed with a TOT Measure. He stated that the Council may consider placing a 12% TOT Measure on the November 2012 ballot, or alternatively to consolidate efforts with the Sales Tax Measure.

**Mayor Termini** opened this item for public comment.

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

**Chris Ferrante, Coast Santa Cruz Hotel**, stated that discussions should have occurred with the local hotel industry prior to this item going to City Council.

**Dan Aspromonte, Best Western and Marriott Fairfield Inn**, stated that he agreed with Ms. Ferrante, that discussions should have occurred with the local hotel industry first; however, he is not opposed to the proposed TOT Measure.

**Council Member Norton** recommended continuing this item to the June 28, 2012, City Council meeting to allow time for discussions with the local hotel industry.

**Mayor Termini** stated that if a TOT Measure were approved by the voters, 1% of the additional tax increase could fund the Santa Cruz County Visitors Center and the Capitola/Soquel Chamber of Commerce.

***ACTION: Motion made by Council Member Nicol, seconded by Council Member Harlan, to continue considering a Visitor Service Fee (Transient Occupancy Tax) Measure for November 6, 2012, Election to the June 28, 2012, City Council meeting. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, and Mayor Termini. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.***

- D. Consideration of adopting a Resolution authorizing certain Council Members to file written arguments for or against City Measure(s) and to file rebuttal arguments for City Measure(s) submitted at the November 6, 2012, General Municipal Election, and approve the timeline for filing Arguments/Rebuttals for City Measure(s). [560-10]

***ACTION: Motion made by Council Member Norton, seconded by Council Member Nicol, to adopt Resolution No. 3922 authorizing all five Council Members to collectively file written arguments for the City Measure(s) and to file rebuttal arguments for the City Measure(s) submitted for the November 6, 2012, General Municipal Election Ballot, and approve the timeline for filing arguments/rebuttals for City Measure(s). The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, and Mayor Termini. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.***

**City Manager Goldstein** stated that the Argument in Favor of a Permanent Quarter-Cent Sales Tax Measure will be agendized for approval at the next regular City Council meeting.

- E. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference in San Diego, California, from September 5 to 7, 2012. [150-10]

**Mayor Termini** stated that Council Member Harlan said she would be happy to serve as the City's voting delegate as she plans to attend the conference; Mayor Termini offered to be the alternate voting delegate.

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS (continued)

***ACTION: Motion made by Council Member Harlan, seconded by Council Member Nicol, to appoint Council Member Harlan as the City's Voting Delegate and Mayor Termini as the Alternate Voting Delegate for the League of California Cities Annual Conference in San Diego, California, from September 5 to 7, 2012. The motion carried with the following vote: AYES: Council Members Harlan, Norton, Nicol, and Mayor Termini. NOES: None. ABSENT: Council Member Storey. ABSTAIN: None.***

The City Council took separate action on the following Consent Calendar item (Item 8.L.):

**L. Adoption of a Resolution adopting the proposed 2012/2013 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets. [330-05 City/780-30 Successor Agency/330-20 CIP]**

**Council Member Nicol** stated that the City now has a budget that is "precariously" balanced because the City did not generate any new money. He stated that the City missed the opportunity to bring in some of the incongruence's in the City revenues and payroll expenses over the past 10 years. He stated that the City should have a healthier emergency reserve.

***ACTION: Motion made by Council Member Harlan, seconded by Council Member Norton, Resolution No. 3921 adopting the proposed 2012/2013 Fiscal Year Budget for the City of Capitola General Fund, the Capitola Successor Agency, and the Capital Improvement Budgets. The motion carried with the following vote: AYES: Council Members Harlan, Norton, and Mayor Termini. NOES: Council Member Nicol. ABSENT: Council Member Storey. ABSTAIN: None.***

**Council Member Harlan** stated that the City has experienced a very unusual year financially. The City's Fiscal Year 2012/2013 Budget is in balance; the City is required by law to pass a balanced budget.

**10. COUNCIL/STAFF COMMUNICATIONS (none provided)**

**11. ADJOURNMENT**

**Mayor Termini** adjourned at 9:00 p.m. to the next Regular Meeting of the City Council to be held on Thursday, June 28, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



NOT OFFICIAL UNTIL APPROVED BY CITY COUNCIL

CITY OF CAPITOLA  
CITY COUNCIL

June 21, 2012  
Capitola, California

**MINUTES OF A SPECIAL CLOSED SESSION  
12:00 P.M. (Noon) – CLOSED SESSION – CITY MANAGER’S OFFICE**

**CALL TO ORDER**

**Mayor Termini** called the meeting to order at 12:00 p.m. (Noon) Council Members present: Council Member Stephanie Harlan, Council Member Dennis Norton, Council Member Kirby Nicol, Council Member Sam Storey, and Mayor Michael Termini. Mayor Termini made an announcement regarding the items to be discussed in Closed Session, as follows:

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager  
Employee Organizations: Capitola Police Captains and the Capitola Police Officers Association.

**Mayor Termini** noted that there was no one in the audience; therefore, the City Council recessed at 12:01 p.m. to the Closed Session in the City Manager’s Office.

**RECONVENE TO OPEN SESSION TO REPORT FROM CLOSED SESSION**

Following the Closed Session **Mayor Termini** stated that there was no reportable action.

**ADJOURNMENT**

At 12:00 p.m. (Noon) **Mayor Termini** adjourned the Special Closed Session City Council Meeting to the next Regular Meeting of the City Council to be held on Thursday, June 28, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

**NOT OFFICIAL UNTIL APPROVED BY COUNCIL**

**CITY OF CAPITOLA  
CITY COUNCIL**

June 28, 2012  
Capitola, California

**MINUTES OF A REGULAR MEETING  
6:00 P.M. – CLOSED SESSION – CITY MANAGER'S OFFICE**

**CALL TO ORDER**

**Mayor Termini** called the meeting to order at 6:00 p.m. Council Members present: Council Member Stephanie Harlan, Council Member Dennis Norton, Council Member Kirby Nicol, Council Member Sam Storey, and Mayor Michael Termini. Mayor Termini made an announcement regarding the items to be discussed in Closed Session, as follows:

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager

Employee Organizations: Association of Capitola Employees, Capitola Police Captains, and Capitola Police Officers Association.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

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

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

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

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)**

City Council's Performance Evaluation of City Attorney

**LIABILITY CLAIMS (Govt. Code §54956.95)**

Claimant: Tracey Conklin

Claimant: Christopher Flynn

Agency claimed against: City of Capitola

**Mayor Termini** noted that there was no one in the audience; therefore, the City Council recessed at 6:00 p.m. to the Closed Session in the City Manager's Office.

## 7:00 P.M. – OPEN SESSION

## REGULAR MEETING OF THE CAPITOLA CITY COUNCIL

## CALL TO ORDER

**Mayor Termini** called the Regular Meeting of the Capitola City Council to order at 7:10 p.m. on Thursday, June 28, 2012, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

## 1. ROLL CALL AND PLEDGE OF ALLEGIANCE:

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

**ABSENT:** None

**OTHERS:** City Treasurer Jacques Bertrand

**STAFF:** City Manager Jamie Goldstein, City Attorney John Barisone, Public Works Director Steve Jesberg, Interim Community Development Director Susan Westman, Police Chief Rudy Escalante, and City Clerk Susan Sneddon.

## 2. PRESENTATIONS:

**Mayor's Proclamation honoring Big Brothers Big Sisters of Santa Cruz County on their 30<sup>th</sup> anniversary.**

**Mayor Termini** read the proclamation honoring Big Brothers Big Sisters of Santa Cruz County's 30<sup>th</sup> anniversary and presented it to Marie Cubillas, Executive Director.

## 3. REPORT ON CLOSED SESSION [520-25]

**City Attorney Barisone** stated that items that the City Council discussed are the items listed on the June 28, 2012, Closed Session Agenda. City Manager Goldstein provided a status report to the Council regarding labor negotiations with the Capitola Police Officers Association and the Capitola Police Captains Association; however, no reportable action was taken. The Council conferred with the City Attorney concerning a City of Capitola insurance coverage claim against Lexington Insurance and took direction from the Council regarding their ongoing defense and prosecution. Council discussed the third party claims against the City, as well as the liability claims of Tracey Conklin and Christopher Flynn, relative to relocation and damages resulting from the Pacific Cove Mobilehome Park pipe failure and park closure; however, City Council took no reportable action. The Council discussed the City Attorney's performance evaluation but took no reportable action in closed session.

4. **ADDITIONS AND DELETIONS TO AGENDA** (None provided).

5. **PUBLIC COMMENTS**

**Zac Friend, Santa Cruz Board of Supervisor Elect**, offered his support to the Council and staff. He looks forward to his term as a County Supervisor.

**Marilyn Garrett and Jim Ostrowsky** stated concerns regarding Smart meters.

**Nels Westman, Riverview Terrace resident**, stated that with the impending closure of the Pacific Cove Mobile Home Park (Park) both the City's Traffic and Parking Commission and the General Plan Advisory Committee have recommended the construction of a parking structure on the existing parking lot as a permanent solution to the Village's longstanding parking shortfall and for future Village revitalization. He stated that when the Park is closed, the City convert the entire lower terrace to temporary parking to replace the parking lost during construction of the parking structure. The temporary parking lot could be removed as soon as the parking structure is built and the land used for such public benefit as parkland, open space, etc. He recommended that the beach shuttle transport visitors from the temporary parking lot starting in the spring of 2013. The use of pay stations will substantially increase revenues in the temporary parking lot.

6. **COUNCIL/STAFF ANNOUNCEMENTS**

**Council Member Harlan** stated that the Association of Monterey Bay Area Governments (AMAG) is having a meeting on June 29<sup>th</sup> at 6:00 p.m. to consider a candidate for the new AMAG Executive Director position.

7. **COMMITTEE APPOINTMENTS** (None provided)

8. **CONSENT CALENDAR**

**Council Member Storey** requested that **Item 8.E.** be pulled for further discussion.

A. **Approval of the City Council Minutes of the Regular Meeting of May 10, 2012.**

B. **Denial of liability claims and forward to the City's liability insurance carrier: [Claims Binder]**

1. **Tracey Conklin in the amount of \$89,393.15 and forward to the City's liability insurance carrier.**

2. **Christopher Flynn in the amount of \$48,000 and forward to the City's liability insurance carrier.**

C. **Approval of the City Check Register Reports dated May 18, May 25, June 1, June 8, and June 15, 2012. [300-10]**

- D. Approval of the Memorandum of Understanding with the Association of Capitola Employees bargaining unit. [600-10]
- E. Consideration of approval for a contract with the Housing Authority of the County of Santa Cruz for the reuse of housing funds in an amount not to exceed \$40,000. [750-10/500-10 A/C: Housing Authority of Santa Cruz County]
- F. Approval of the 2012 Slurry Seal Program, approval of plans, specifications and estimate and authorization to advertise for bids. [940-60]
- G. Approval of a Memorandum of Understanding with the Police Captain's bargaining unit. [600-10]

*Motion by Council Member Norton, seconded by Council Member Harlan, to approve Items 8(A), 8(B), 8(C), 8(D), 8(F), and 8(G) on the Consent Calendar. The motion was unanimously carried.*

## 9. GENERAL GOVERNMENT/PUBLIC HEARINGS

**Council Member Storey** stated that, due to a conflict of interest, he will recuse himself from participating on Item No. 9(A) regarding the 700 Escalona Drive appeal because he resides within 500 feet of the subject property. He also stated that he will recuse himself from participating on Item No. 9(B) regarding an agreement with Community Based Health and Human Service Providers Program funding because he is the Community Bridges CEO (non-profit organization); and voting on this item would be a conflict of interest. He left the dias.

- A. Continued Public Hearing from the May 24, 2012, City Council Meeting: 700 Escalona Drive – Project Application # 12-019 Appeal of Planning Commission decision to deny a Coastal Permit and Design Permit to construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District [APN 036-141-20]. Filed 2/14/12. Property Owner: Lori Perpich & Alberto Munoz. Representative: Derek Van Alstine. [730-10]

**Interim Community Development Director Westman** stated that this item is continued from the May 24, 2012, City Council meeting when the Council directed the applicant to develop a modified design. She stated that the applicant submitted a revised design that is consistent with the City's zoning regulations, and the proposed parking plan meets the City's parking requirements. Staff recommends overturning the Planning Commission denial and approving this application, with the added condition that the three rear windows on the west elevation be modified to protect the privacy of the adjacent neighbor.

**Derek Van Alstine, Architect**, reviewed the revised plans and stated that most of the neighborhood surrounding 700 Escalona Drive supports this project.

**Mayor Termini** opened this item for public comment.

The following Escalona Drive residents provided their support for this project.

**Connie Welch**  
**Paul Estey**  
**Bryan MacKenzie**  
**Lori Mentos**

**Mayor Termini** closed this item for public comment.

**Mayor Termini** stated that he is not in favor of adding a condition to obscure any of the windows for this proposed project.

**Council Member Harlan** stated a granny unit would be more appropriate for this small lot and stated she does not support this project.

***ACTION: Motion by Council Member Nicol, seconded by Council Member Norton, to approve Project Application # 12-019 (700 Escalona Drive/ APN 036-141-20) Appeal of Planning Commission decision to deny a Coastal Permit and Design Permit to construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District. The motion carried on the following vote: AYES: Council Members Norton, Nicol, and Mayor Termini. NOES: Council Member Harlan. ABSENT: None. ABSTAIN: Council Member Storey.***

- B. Consideration of authorizing the City Manager to enter into an agreement with Community Based Health and Human Service Providers Program funding for Fiscal Year 2012/2013. [330-30]**

**City Manager Goldstein** introduced this item. He stated during the City's budget hearings in May 2011 the City Council authorized \$250,000 in funding for the former Community Grant Program, now entitled the Community Based Health and Human Service Provider Program (Providers) for the Fiscal Year 2012-2013 funding. He stated that Mayor Termini and Council Member Harlan formed a subcommittee to develop a recommended list for allocating the \$250,000 for City Council consideration. The subcommittee met to review funding criteria, to determine which providers receive funds, and how to allocate the funds. The submitted, established recommendations included the same funding as in Fiscal year 2011-2012 for the majority of the Providers. He reviewed the proposed changes to amounts increased and decreased for various programs.

**Mayor Termini** opened this item for public comment.

The following individuals thanked the City Council for their financial support:

**Carolyn Coleman, Executive Director of Santa Cruz Community Counseling Center (Center)**, thanked the City Council for its support in funding the Center.

**Scott Winslow, Central Coast Center for Independent Living;**

**James Carrington, resident of the Santa Cruz Homeless Shelter (Paul Lee Loft Shelter);**

**Linda Robinson, Advocacy Inc.;**

**Dan O'Neill, Sea Odyssey.**

**Mareisa Weil, Santa Cruz Homeless Service Center Development Manager**, stated concerns regarding the City's recommended reduction of funding for their services.

**Clay Kempf, Executive Director of the Seniors Council of Santa Cruz and San Benito Counties**, requested that the total funding for Project Scout (\$1,245) and Area Agency on Aging (\$2,032) be combined (total of \$3,277), and be allocated to Project Scout because the County of Santa Cruz has agreed to increase funding for the Area Agency on Aging.

**Mayor Termini** closed this item for public comment.

**City Council discussion** ensued regarding the distribution of funds for the Community Based Health and Human Service Providers Program for Fiscal Year 2012/2013.

**Council Member Nicol** stated that he does not support this item due to the City's current financial constraints.

**Council Member Harlan** suggested that the Homeless Services Center receive \$2,500 for the Paul Lee Loft Shelter.

**Council Member Norton** suggested that the total budget for funding the Community Based Health and Human Service Providers Program for Fiscal Year 2012/2013 remain at \$250,000 by reducing the funding amount for each non-profit by \$70.00 so that the Homeless Services Center (Paul Lee Loft Shelter) receives funding in the amount of by \$2,500. He suggested that the City Council develop a program in the next six months whereby the community groups become beneficiaries as the economy improves.

**City Manager Goldstein** asked the City Council members if they wish to combine the proposed funding for Project Scout and the Area Agency on Aging to fund Project Scout the total of \$3,277, since Santa Cruz County has offered to fund the Area Agency on Aging.

There was Council consensus to combine the proposed funding for Project Scout (\$1,245) and the Area Agency on Aging (\$2,032) to fund Project Scout the total (\$3,277).

***ACTION: Motion by Council Member Harlan, seconded by Council Member Norton, to authorize the City Manager to enter into an agreement with Community Based Health and Human Service Providers Program funding \$250,000 for Fiscal Year 2012/2013. The motion carried on the following vote: AYES: Council Members Harlan, Norton, and Mayor Termini. NOES: Council Member Nicol. ABSENT: None. ABSTAIN: Council Member Storey.***

Council Member Storey returned to the dias.

**C. Continued from the June 14, 2012, City Council meeting: Discussion regarding a Visitor Service Fee (Transient Occupancy Tax) Measure for the November 6, 2012, Election. [560-10]**

**City Manager Goldstein** introduced this item. He stated that the Council is considering placing a Visitor Service Fee (Transient Occupancy Tax - TOT) increase on the November 2012 ballot along with the previously approved sales tax measure. A 2% TOT increase would generate approximately \$180,000 per year. He stated that the Santa Cruz Lodging Association (Lodging Association) requested that the City put a 2% TOT measure on the November ballot, as similarly requested of all the jurisdictions within the County. This measure would require 66% of voter approval to pass. He stated that they propose that 1% of the revenue would go to the City, and 1% would be split between the Capitola-Soquel Chamber of Commerce and the Santa Cruz County Visitors Center. This would be over a two-year period beginning July 1, 2013. He stated that the Lodging Association proposes a 10-year moratorium included in the TOT ballot measure and that the City's funds be used for tourism-related improvements. He has ascertained from communications with the County of Santa Cruz and the City of Santa Cruz that they do not think it is very likely that they would proceed with a restricted TOT measure; they would prefer to use a statement or resolution of intent rather than moving forward with a 66% TOT measure. City Manager Goldstein stated that the Council could alternatively choose a measure that would only require a 50% majority to pass, and at the same time pass a resolution of intent which would be non-binding on future Councils. He stated concerns about placing 2 City tax measures on the November ballot; since the City's residents will have 6 tax measures on the ballot which includes the City's sales tax measure. He stated that Council may choose to not place a TOT measure on the ballot, or direct staff to continue working with the other



local jurisdictions and return to Council at a July meeting for further discussions.

**Council Member Norton** asked the City Attorney if a two-thirds vote would be required for a TOT measure to be approved by the voters.

**City Attorney Barisone** responded that some jurisdictions propose a general tax and submit an accompanying advisory ballot measure that could state that the general tax “should” be used for a specified purpose; this type of general tax would not require future City Councils to spend the funds for a specified purpose.

**Mayor Termini** opened this item for public comment.

**Dilip Patel, Santa Cruz County Lodging Association President**, clarified that the Lodging Association proposal is a “win-win” situation for both the City and the lodging properties. The Lodging Association proposes that if approved by the voters, the first percent of the TOT measure would go to the City; the second percent would be earmarked for marketing/tourism. He recommended that the City continue this item to the July 12, 2012, Council meeting so that the other local jurisdictions will be more fully realized.

**Ed Bottorff, 321 Capitola Avenue**, stated that if the City’s sales tax measure is approved by voters in November, it would help to build up the City’s reserves and possibly assist with the acquisition of the Pacific Cove property. He stated that he is in favor of the proposed TOT measure; he supports it passing with just over 50% of the voters. He supports giving increased funding to the Capitola-Soquel Chamber of Commerce and the Santa Cruz County Visitors Center, and also, helping to fund a new parking structure.

**Gary Wetsel, 304 Grand Avenue**, stated that he is not in favor of the proposed TOT measure revenue going into the City’s General Fund. He suggested that the Council hold off on placing the measure on the November ballot and consider it in a future election.

**Nels Westman, Riverview Terrace resident**, stated that he does not support proceeds of the proposed TOT measure going to the Lodging Association; however, he does support giving one-half of the funds to the Capitola-Soquel Chamber of Commerce and the Santa Cruz County Visitors Center, and some of the proceeds going towards the proposed parking structure.

**Dan Aspromonte, Best Western and Marriott Fairfield Inn**, supports revenue from the proposed TOT measure going to promote tourism.

**Mayor Termini** closed this item for public comment.

**Council Member Nicol** stated that he does not support funding the Lodging Association if the proposed TOT measure is approved by the voters. He stated if the Council approves the TOT measure to be placed on the November 2012, ballot it would set the standard with the County of Santa Cruz and the City of Santa Cruz to pursue a TOT measure as well.

**Council Member Storey** stated that the City could jeopardize losing both measures by including an additional measure to the November 2012 ballot, due to the large number of measures already slated for the ballot.

**Council Member Harlan** stated that the focus should be on the sales tax measure only.

**Council Member Norton** suggested discussing this item at the next City Council meeting, after it is determined what direction the County of Santa Cruz and the City of Santa Cruz will take with a TOT measure.

***ACTION: Motion by Council Member Norton, seconded by Council Member Harlan, to continue the discussion regarding a Visitor Service Fee (Transient Occupancy Tax) Measure for the November 6, 2012, Election to the July 26, 2012, City Council meeting. The motion carried on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***

**D. Consideration of a Resolution to Levy the Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2012/2013. [140-05]**

Carin Hanna, representing the Capitola Village and Wharf Business Improvement Area (BIA), provided information regarding the benefits and services provided by the Capitola Village and Wharf Business Improvement Area utilizing a PowerPoint Presentation.

***ACTION: Motion by Council Member Storey, seconded by Council Member Norton, adopting Resolution No. 3923 to levy the Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2012/2013. The motion carried on the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.***

**E. Consideration of the acceptance of the Rispin property title and review the Rispin Park proposed development plans. [810-10/780-30/780-40/500-10]**

**Public Works Director Jesberg** introduced this item. He stated that staff is requesting the Council accept the transfer of the Rispin Property to the City from the Success Agency and approve 3 proposed conceptual phased development options for the Rispin property which he received.

**City Manager Goldstein** stated that the Successor Agency directed staff to prepare the necessary documentation to transfer the Rispin property from the Successor Agency to the City. He stated that the City Council, acting as the Successor Agency directed the property transfer, which was reviewed by the Oversight Board. He stated that this is the final step in accepting the transfer.

**Council discussion ensued regarding the 3 proposed conceptual phased development options for the Rispin property.**

**Police Chief Escalante** stated concerns regarding trip and fall hazards and criminal activity at the Rispin property and summarized the police calls for services for this property. He stated that the fence surrounding the property has provided a reduction of criminal and public nuisance activity.

**Council Member Nicol** stated that there are periodic gang tagging incidents on the Rispin property, which will continue until the perimeter wall is changed to allow more visibility from the street.

**Mayor Termini** opened this item for public comment.

**Peter Latour, Santa Cruz Hostel**, suggested that the Rispin property be used as a hostel; he provided material for the record.

**Mayor Termini** closed this item for public comment.

**Council Member Storey** asked if there is any jeopardy in continuing this item to a future Council meeting to allow time to review the proposed trailer bill language.

**City Manager Goldstein** responded that Council considered the outcome of the Rispin property at 2 separate public hearings. At this time it is unclear what the Department of Finance is going to do with the trailer bill language. The Capitola Successor Agency Oversight Board has already approved the transfer of the Rispin property. He recommended, given the previous actions, that the City Council accept the property; however if Council wants to examine selling the property on the private market, then Council may want to continue this item.

A motion was made by Council Member Nicol, seconded by Mayor Termini, to continue this item until clarification on the Redevelopment Agency trailer bill is realized. The motion FAILED on the following vote: AYES: Council Member Nicol; NOES: Council Members Harlan, Norton, Storey, and Mayor Termini. ABSENT: None. ABSTAIN: None.

**Action:** Motion by Council Member Harlan, second by Council Member Storey, adopting Resolution No. 3924 accepting the transfer of the Rispin Property to the City of Capitola; terminating the \$1,350,000 Purchase and Sale Agreement between the City of Capitola and the Successor Agency for the purchase of the Rispin Property; making related declarations; reviewing conceptual phased development options for the Rispin property, investigating hiring a caretaker for the Rispin property; and setting a public design process in place. The motion carried on the following vote: **AYES:** Council Members Harlan, Norton, Storey, and Mayor Termini. **NOES:** Council Member Nicol. **ABSENT:** None. **ABSTAIN:** None.

The City Council took separate action on the following Consent Calendar item (Item 8.E.):

- E. Consideration of approving a contract with the Housing Authority of the County of Santa Cruz for the reuse of housing funds in an amount not to exceed \$40,000. [750-10/500-10 A/C: Housing Authority of Santa Cruz County]

**Council Member Storey** stated in the proposed contract with the Housing Authority of the County of Santa Cruz (Housing Authority) the \$40,000 seems to be earmarked for administration. He asked if some of the funds could be directed toward low-income housing programs or the mobile home assistance programs.

**Mayor Termini** asked why the contract does not include the administration of the First-time Homebuyer Program.

**Interim Community Development Director Westman** stated that the terms of the proposed contract with the Housing Authority are fairly general. The contract includes a category allowing additional items that are mutually agreed upon between the City and the Housing Authority. The contract was put in place because the Housing Authority has the City's Redevelopment Agency funds that have come back from various projects. She stated that Council will have the opportunity in the future to define how the funds are spent; some of which will go to the First-time Homebuyers Program. This is an ongoing contract spanning multiple years.

**Council Member Harlan** requested periodic updates on how this program is performing.

**Action:** Motion by Council Member Storey, second by Council Member Harlan, approving a contract with the Housing Authority of the County of Santa Cruz for the reuse of housing funds in an amount not to exceed \$40,000. The motion carried on the following vote: **AYES:** Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

**10. COUNCIL/STAFF COMMUNICATIONS**

**Council Member Nicol** asked staff about the extensive removal of trees at 4400 Capitola Road, the shopping center where Dharma's restaurant is located.

**Interim Community Development Director Westman** responded that the City received a request for the property owners to remove the trees in the parking lot because they were damaging the pavement. They worked with the City's arborist to develop a long-term plan to re-vegetate the area and have already planted some small trees.

**Council Member Nicol** asked Public Works Director Jesberg about the timeline for the restriping and reconfiguration of eastbound Clares Street at 41<sup>st</sup> Avenue.

**Public Works Director Jesberg** responded that the nose of the island on 41<sup>st</sup> Avenue will be removed next week, and staff is currently seeking a striping contractor.

**Police Chief Escalante** stated that fireworks and alcohol are not allowed at the beach on July 4<sup>th</sup>; the beach will closed at 10:00 p.m. and reopen at 4:30 a.m. on July 5<sup>th</sup>.

**10. ADJOURNMENT**

**Mayor Termini** adjourned at 9:45 p.m. to the next Regular Meeting of the City Council to be held on Thursday, July 12, 2012, at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



Item #: 8.B.

## CITY COUNCIL AGENDA REPORT

MEETING OF SEPTEMBER 13, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: LIABILITY CLAIMS

---

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

**DISCUSSION:**

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

1. Brad & Cathy Sutton: \$59,000
2. Larry Machado: \$100,000

**ATTACHMENTS:** None

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

Reviewed and Forwarded  
by City Manager: 



## CITY COUNCIL AGENDA REPORT

MEETING OF SEPTEMBER 13, 2012

FROM: COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION ACTION MINUTES OF SEPTEMBER 6, 2012

---

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

**2. ORAL COMMUNICATIONS**

A. Additions and Deletions to Agenda

**Consent Item 4.D has been continued to the October 4, 2012 meeting.**

**Staff announced a discussion about 119 Central Avenue under Item 7: Director's Report**

B. Public Comments - NONE

C. Commission Comments - NONE

D. Staff Comments - NONE

**3. APPROVAL OF MINUTES**

A. August 2, 2012 Regular Planning Commission Meeting

**APPROVED WITH CHANGES 5-0**

Commissioner Smith clarified: Page 4, Public Hearing Item 5.A

Commissioner Ortiz supported the homes as proposed. She stated the landscape plan lacks detail and requested that all future project applications provide a final landscape plan inclusive of the species, size, and the number of plantings. She suggested an amendment to condition #9 to incorporate the size and number of trees required for replanting for each tree removed. She noted that the interlocking pavers need to be permeable.

Commissioner Smith stated the design of the new homes will be compatible with the surrounding neighborhood and was glad to see the non-conforming use eliminated with this proposal.

**4. CONSENT CALENDAR**

**A. 520 PILGRIM DRIVE #12-077 APN: 035-103-06**  
**426 CAPITOLA AVENUE 035-141-33**

Lot line adjustment to correct a building encroachment between an R-1 (Single-Family Residence) and MHE (Mobile Home Exclusive) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: City of Capitola, filed 6/5/12  
Representative: William and Joyce Budisch

Chairperson Graves invoked the Rule of Necessity. Commissioners Newman, Ortiz and Chairperson Graves drew straws. Commissioner Ortiz and Chairperson Graves drew the long straws. Commissioner Ortiz and Chairperson Graves recused. Vice-Chairperson Routh chaired this item.

**APPROVED 3-0**

**B. 820 BAY AVENUE #12-097 APN: 036-011-33**

Conditional Use Permit to expand an existing restaurant use (Sushi Garden) in the CC (Community Commercial) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: Capitola Crossroads LLC, filed 8/3/12  
Representative: Bryant Wi

**APPROVED 5-0**

**C. 405 LOMA AVENUE #12-087 APN: 036-092-17**

Coastal Development Permit and Design Permit for the construction of a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.  
Environmental Determination: Categorical Exemption  
This project requires a Coastal Permit which is not appealable to the California Coastal Commission.  
Owner: Matthew Howard, filed 7/3/12  
Applicant: Peter Barnum

**APPROVED WITH CHANGES, 4-1, COMMISSIONER NEWMAN DISSENTING.**

**D. 1066 41<sup>ST</sup> AVENUE #12-091 APN: 034-711-01**

Master Sign Program for the commercial portion of an existing mixed-use development (Capitola Villas) in the CC (Community Commercial) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: Macquarie Capitola Villas Inc, filed: 7/18/12  
Representative: Steve Elmore

**Consent Calendar Item #4.D to be continued to the October 4, 2012 Planning Commission meeting.**

**5. PRESENTATION**

General Plan Update by The Planning Center | DC & E

**RECEIVED INFORMATION**



**6. PUBLIC HEARINGS**

- A. 4895 CAPITOLA ROAD #12-064 APN: 034-023-14**  
Sign Permit for a wall sign and monument sign in the CN (Neighborhood Commercial) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: Bruce Handloff, filed 5/7/12  
Representative: Mardeen Gordon

Commissioner Newman recused himself as he owns property within 300 feet of the subject property application.

**APPROVED 4-0**

- B. 215 CAPITOLA AVENUE #12-083 APN: 035-231-07**  
Sign Permit for a wall sign in the CV (Central Village) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: Paul Ballantyne, filed 6/20/12  
Representative: Bo Zimkowski

**APPROVED 5-0**

- C. 1575 38<sup>TH</sup> AVENUE #12-028 APN: 034-181-17**  
Planned Development Rezoning, Conditional Use Permit, and Design Permit to demolish a commercial salvage yard (Capitola Freight and Salvage) and construct a three-story, 23-unit residential senior housing project in the CN (Neighborhood Commercial) Zoning District.  
Environmental Determination: Mitigated Negative Declaration  
Property Owner: Maureen A. Romac, filed 3/2/12  
Representative: Steve Thomas

Commissioner Newman recused himself as he has an interest in property within 300 feet of the subject property application.

**RECOMMENDED DENIAL TO THE CITY COUNCIL OF A NEGATIVE DECLARATION AND THE PROJECT APPLICATION #12-028**

**DENIED 4-0 (Minutes, including Commissioners' comments, will be distributed with the project when presented to the City Council).**

**7. DIRECTOR'S REPORT**

Discussion regarding 119 Central Avenue

**8. COMMISSION COMMUNICATIONS**

**9. ADJOURNMENT**

The Planning Commission adjourned the meeting at 9:30 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, October 4, 2012 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.



## CITY COUNCIL AGENDA REPORT

### MEETING OF SEPTEMBER 13, 2012

FROM: FINANCE DEPARTMENT  
SUBJECT: CITY CHECK REGISTER REPORT

**RECOMMENDED ACTION:** Approve the attached Check Register Reports for July 20, July 27, August 3, August 10, August 17, August 24, and August 31, 2012.

**DISCUSSION:** Check Registers are attached for:

Date	Starting Check #	Ending Check #	Total Checks/EFT	Amount
7/20/2012	70308	70387	80	\$95,173.24
7/27/2012	70388	70482	95	\$410,789.62
8/3/2012	70483	70556	74	\$324,994.84
8/10/2012	70557	70657	103	\$312,609.38
8/17/2012	70658	70674	17	\$63,193.98
8/24/2012	70675	70758	84	\$391,779.66
8/31/2012	70759	70833	75	\$53,259.50

The check register of July 13, 2012 ended with check #70307.

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
70390	Atchison, Barisone et al	CM	June 2012 Legal Services	\$11,159.50
70425	Monterey Bay Self Ins Auth.	CM	Liab & Work Comp Premium	\$140,836.00
70431	PG&E	PW	Monthly Electric	\$13,236.45
70444	SC Regional 911	PD	Q1 Operating & Assets	\$138,766.60
70448	Soquel Creek Water	PW	May-Jul Water use	\$13,940.43
70483	Kelly, Michael & Kathleen	CDD	Pac Cove, Spc 60	\$85,000.00
70496	City of Santa Cruz	PD	May-Jun Lifeguard Services	\$23,500.00
70522	SCC Anti-Crime Team	PD	FY12/13 Opns & Staff Expense	\$17,993.20
70527	Stewart Title	CDD	Pac Cove, Spc 53	\$130,724.46
70561	Amer Traffic Solutions	PD	Q3-4, FY2012 Red Light	\$49,865.28
70608	Monterey Bay Self Ins Auth	CM	FY12/13 Property Ins	\$13,304.00
70621	SCC Conf & Visitor Council	CM	FY11/12 Q4 TMD	\$29,705.94

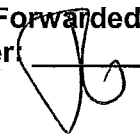
70656	Toyota of SC	PD	Toyota Purchase, PD	\$20,695.73
EFT-1	Intercounty Title	CDD	Pac Cove, Spc 71	\$83,122.72
EFT-2	CalPERS Health Ins	CM	Aug Premium, Employee Funded	\$52,962.47
70663	Design, Comm & Environ	CDD	Jun2012 Prof Services	\$11,696.58
70669	RBF Consulting	PW	Traffic Control Services	\$19,868.09
70671	SCC Auditor-Controller	PD	Jul2012 Citation Surcharges	\$11,670.00
70675	Stewart Title	CDD	Pac Cove, Spc 63	\$79,450.00
70680	Atchison, Barisone et al	CM	July 2012 Legal Services	\$13,300.30
70707	ICMA Retirement Trust	CM	Retirement Contr-Employee Funded	\$38,633.04
70724	SCC Bank	FIN	Pac Cove Loan Payment	\$84,708.08
70749	Dorothy Houston	CDD	Pac Cove, Spc 57	\$110,986.00
70807	PG&E	PW	Monthly Electric	\$13,077.88

**ATTACHMENTS:**

1. Check Register for July 20, 2012
2. Check Register for July 27, 2012
3. Check Register for August 3, 2012
4. Check Register for August 10, 2012
5. Check Register for August 17, 2012
6. Check Register for August 24, 2012
7. Check Register for August 31, 2012

Report Prepared By: Linda Benko  
AP Clerk

Reviewed and Forwarded  
by City Manager



Checks dated 7/20/12 numbered 70308 to 70387 for a total of \$95,173.24 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 7/20/12 the unaudited cash balance is \$2,716,074


**CASH POSITION - CITY OF CAPITOLA 7/20/12**

	<u>Net Balance</u>
General Fund	540,767
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	175,135
Self Insurance Liability Fund	226,567
Stores Fund	5,375
Information Technology Fund	187,492
Equipment Replacement	438,933
Compensated Absences Fund	4,112
Public Employee Retirement - PERS	135,713
Open Space Fund	256
Capital Improvement Projects	596,830
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,716,074</u></u>

The Emergency Reserve Fund balance is \$153,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

7/20/12  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9.4.12  
 \_\_\_\_\_  
 Date

City of Capitola  
**City Checks Issued 7/20/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70308	07/17/2012 Invoice Sp54	Open	Date 07/13/2012	Description Transfer Fee, Sp54, Pac Cove Fund 1420, Pac Cove Bond	DEPT OF HOUSING AND COMMUNITY DEV (HCD)	\$60.00
70309	07/17/2012 Invoice Sp69	Open	Date 07/13/2012	Description Transfer Fee, Sp69, Pac Cove Fund 1420, Pac Cove Bond	DEPT OF HOUSING AND COMMUNITY DEV (HCD)	\$35.00
70310	07/17/2012 Invoice SP55	Open	Date 07/12/2012	Description Title Transfer, Sp55, Pac Cove, Lic 1HW876 Fund 1420, Pac Cove Bond	DEPARTMENT OF MOTOR VEHICLES	\$2,228.00
70311	07/20/2012 Customer Type Spc84	Open	Date 7/14/2012	Description Refund July Rent	VIVIAN BLOMENKAMP Prepayment Adustment	\$310.00
70312	07/20/2012 Invoice 831956-5	Open	Date 07/05/2012	Description Light towers - 4th of July	A TOOL SHED	\$440.00
70313	07/20/2012 Invoice 01702162-12-13	Open	Date 07/09/2012	Description Dues, FY12/13, Saldana	AICPA/AMERICAN INSTITUTE OF CPAs	\$220.00
70314	07/20/2012 Invoice 43726 43706	Open	Date 07/13/2012 07/05/2012	Description keys for Explorer lockers-PD Keys	ALLSAFE LOCK COMPANY	\$12.42
70315	07/20/2012 Invoice W-527	Open	Date 07/13/2012	Description Astro Jump for Camp Carnival	ASTRO EVENTS OF SAN JOSE	\$481.50
70316	07/20/2012 Invoice 674-Jul2012 624-Jul2012	Open	Date 07/01/2012 07/01/2012	Description Long Distance Service, Jul 2012 Long Distance Service, Jul 2012	AT&T	\$15.43
70317	07/20/2012 Invoice 20120630	Open	Date 06/30/2012	Description Pacific Cove MHP Relocation Services Fund 1420, Pac Cove Bond	AUTOTEMP INC.	\$8,373.75
70318	07/20/2012 Invoice 268039	Open	Date 07/11/2012	Description Fuel line	B & B SMALL ENGINE REPAIR	\$7.14
70319	07/20/2012 Invoice Jun2012	Open	Date 07/12/2012	Description City Credit Card Charges, June 2012 Fund 1000, Gen Fund=\$3020.76 Fund 2211, Info Tech=\$304.12	BANK OF AMERICA	\$3,324.88

## City Checks Issued 7/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70320	07/20/2012 Invoice Beyers-Jul3	Open	Date 07/17/2012	Description Softball Umpires June 15 to July 3 2012	BEYERS, FRED, C	\$198.00 \$198.00
70321	07/20/2012 Invoice Bum-Jul3	Open	Date 07/17/2012	Description Softball Umpires June 15 to July 3 2012	BUMGARNER, ERIC D	\$135.00 \$135.00
70322	07/20/2012 Invoice 918444 918444	Open	Date 06/30/2012 06/30/2012	Description Fingerprinting-Jr Guards Fingerprinting-Camp Capitola	CA DEPARTMENT OF JUSTICE	\$320.00 \$160.00 \$160.00
70323	07/20/2012 Invoice 2193	Open	Date 07/11/2012	Description Promotional Materials, Art & Culture	CADILLAC DESIGNS	\$208.00 \$208.00
70324	07/20/2012 Invoice 126826	Open	Date 06/29/2012	Description June 2012 14 active meters	CALE AMERICA INC.	\$770.00 \$770.00
70325	07/20/2012 Invoice 691	Open	Date 06/26/2012	Description Uniform Exp, Valdez	CALIFORNIA COAST UNIFORM CO.	\$259.69 \$259.69
70326	07/20/2012 Invoice Charlebois-Jul2	Open	Date 07/16/2012	Description S1 Private Lesson payment 2	CHARLEBOIS, FREDERIC	\$70.00 \$70.00
70327	07/20/2012 Invoice 1231942 1230115-01 1231942-01 1236168-00	Open	Date 06/22/2012 06/22/2012 06/26/2012 07/03/2012	Description Cleaning supplies Doggie bags Doggie bags Cleaning supplies	CLEAN SOURCE	\$3,703.03 \$1,102.72 \$243.56 \$243.56 \$2,113.19
70328	07/20/2012 Invoice R212622	Open	Date 07/12/2012	Description plaques-daykin, daniels, ginny	CRESTOR INC.	\$515.16 \$515.16
70329	07/20/2012 Invoice 060094-Jun2012	Open	Date 06/30/2012	Description Jun 2012 Drinking Water	CRYSTAL SPRINGS WATER CO.	\$224.00 \$224.00
70330	07/20/2012 Invoice D-9790	Open	Date 06/22/2012	Description Newsletter mailing balance due	D-MAIL INC.	\$560.32 \$560.32
70331	07/20/2012 Invoice Educ2012	Open	Date 07/12/2012	Description Reimburse Educ Expenses	DEITER, MICHELE	\$500.00 \$500.00

City of Capitola  
**City Checks Issued 7/20/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70332	07/20/2012	Open			DYNAMIC PRESS	\$426.99
	Invoice		Date	Description		Amount
	11893		06/28/2012	Green Building Plaques and Labels Fund 1314, Green Bldg Fund		\$426.99
70333	07/20/2012	Open			EARTHWORKS PAVING CONTRACTORS,	\$3,305.00
	Invoice		Date	Description		Amount
	267		07/11/2012	Sink Hole-Stockton Ave/Capitola Ave Fund 1310, Gas Tax Fund		\$3,305.00
70334	07/20/2012	Open			EWING IRRIGATION	\$125.09
	Invoice		Date	Description		Amount
	5005362		06/27/2012	Irrigation supplies		\$125.09
70335	07/20/2012	Open			FELLOWS, LESLIE	\$605.00
	Invoice		Date	Description		Amount
	20120716		07/16/2012	Jul 15 Art & Music at the Beach Coord.		\$605.00
70336	07/20/2012	Open			FLYERS ENERGY, LLC	\$4,635.56
	Invoice		Date	Description		Amount
	12-744554		06/29/2012	452 Gal Ethanol, 136 Gal Diesel		\$2,157.37
	12-747013		07/06/2012	519 Gal Ethanol		\$1,992.73
	12-747014		07/06/2012	131 Gal Diesel		\$485.46
70337	07/20/2012	Open			GOLDFARB & LIPMAN, LLP	\$6,011.00
	Invoice		Date	Description		Amount
	105333		06/26/2012	May Legal Services-Fund 1420, Pac Cove Fi		\$216.00
	105330		06/26/2012	Non-Housing Legal Issues, May2012		\$5,795.00
70338	07/20/2012	Open			INTERWEST CONSULTING GROUP INC.	\$708.94
	Invoice		Date	Description		Amount
	12789		06/29/2012	Plan Review-700 Escalona		\$708.94
70339	07/20/2012	Open			JAMES P ALLEN & ASSOC	\$1,350.00
	Invoice		Date	Description		Amount
	051512		05/15/2012	Tree Consulting Services-4315 Capitola Roa		\$495.00
	051612		05/16/2012	Tree Consulting Services-410 Bay Avenue		\$630.00
	070912		07/09/2012	Tree Consulting Services-Hill Street		\$225.00
70340	07/20/2012	Open			KBA Docusys	\$25.89
	Invoice		Date	Description		Amount
	139911		07/02/2012	Copier Lease, Rec Canon IR1750		\$25.89
70341	07/20/2012	Open			LABOR READY SOUTHWEST INC.	\$1,897.52
	Invoice		Date	Description		Amount
	16122283		06/30/2012	11/12-12/13 Seasonal Labor		\$948.76
	16141842		07/07/2012	11/12-12/13 Seasonal Labor		\$948.76
70342	07/20/2012	Open			LABORMAX STAFFING	\$1,803.20
	Invoice		Date	Description		Amount
	26-16042		06/29/2012	11/12-12/13 Seasonal Labor		\$901.60
	26-16165		07/06/2012	11/12-12/13 Seasonal Labor		\$901.60

# City Checks Issued 7/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70343	07/20/2012	Open			LEWIS TREE SERVICE INC.	\$3,500.00
	Invoice		Date	Description		Amount
	19664		06/25/2012	Remove 2 eucalyptus trees,Kennedy & Park		\$3,500.00
70344	07/20/2012	Open			LOOMIS	\$871.52
	Invoice		Date	Description		Amount
	11081770		06/30/2012	Armored Car Service, Jul 2012		\$660.26
	11081770a		06/30/2012	Jun2012 Coin Handling		\$211.26
70345	07/20/2012	Open			LUICH, JAY	\$187.00
	Invoice		Date	Description		Amount
	Luich-Jul2		07/18/2012	Saturday League Umpires June to July 2		\$187.00
70346	07/20/2012	Open			Mainstreet Media dba GOODTIMES	\$200.00
	Invoice		Date	Description		Amount
	72757		06/07/2012	BIA Advertising, Jun 7 2012		\$200.00
				Fund 1321, BIA Fund		
70347	07/20/2012	Open			MANPOWER	\$523.20
	Invoice		Date	Description		Amount
	24289489		07/08/2012	Temp Receptionist		\$523.20
70348	07/20/2012	Open			McMENAMIN, GEORGE	\$525.00
	Invoice		Date	Description		Amount
	R2		07/18/2012	Riparian Restoration		\$525.00
70349	07/20/2012	Open			MILLER'S TRANSFER & STORAGE CO.	\$199.75
	Invoice		Date	Description		Amount
	83450		07/05/2012	Jul 2012 Records Storage		\$138.30
	83450z		07/05/2012	Jun 2012 Records Handling		\$61.45
70350	07/20/2012	Open			MISSION LINEN SUPPLY	\$991.26
	Invoice		Date	Description		Amount
	Jun2012		07/02/2012	Jun2012 Mat & Uniform Cleaning service		\$991.26
70351	07/20/2012	Open			MISSION PRINTERS	\$120.98
	Invoice		Date	Description		Amount
	43775		07/10/2012	Envelopes - REC		\$120.98
70352	07/20/2012	Open			MONTEREY BAY SYSTEMS	\$908.66
	Invoice		Date	Description		Amount
	142113		06/21/2012	Copier maint, PD		\$581.50
	142353		06/25/2012	Printer Contract Maint, PD-Apr-Jun2012		\$327.16
70353	07/20/2012	Open			MV TRANSPORTATION, INC.	\$5,106.60
	Invoice		Date	Description		Amount
	41011		07/02/2012	FY 11/12 Beach Shuttle Service		\$5,106.60



City of Capitola  
**City Checks Issued 7/20/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70354	07/20/2012	Open			ORCHARD SUPPLY HARDWARE	\$178.41
	Invoice		Date	Description		Amount
	6014-8197648		06/30/2012	Paint		\$19.42
	6013-8323177		06/13/2012	Paint		\$84.41
	6010-3219311		07/02/2012	Misc. Maint Supplies		\$37.81
	6009-528641		07/03/2012	Batteries		\$36.77
70355	07/20/2012	Open			OUTDOOR WORLD	\$129.89
	Invoice		Date	Description		Amount
	948445		07/11/2012	Supplies for Camp		\$129.89
70356	07/20/2012	Open			PALACE ART & OFFICE SUPPLIES	\$648.88
	Invoice		Date	Description		Amount
	964120		07/02/2012	Pocket Folders-Fund 2210, Stores Fund		\$401.14
	964176		07/03/2012	Coin machine cart-PD		\$247.74
70357	07/20/2012	Open			PHIL ALLEGRI ELECTRIC, INC.	\$85.00
	Invoice		Date	Description		Amount
	16967		06/28/2012	Electrical service		\$85.00
70358	07/20/2012	Open			ProBUILD COMPANY LLC	\$72.16
	Invoice		Date	Description		Amount
	5635722		07/02/2012	Tree stakes - beach		\$61.44
	5060083		07/08/2012	Plants		\$10.72
70359	07/20/2012	Open			RBF CONSULTING	\$7,706.50
	Invoice		Date	Description		Amount
	12050739		06/29/2012	Brommer Street Traffic Improvement Plans		\$5,355.00
	12050836		06/29/2012	Senior Housing Traffic Study		\$1,851.50
	12050731		06/29/2012	Power Yoga Parking Analysis		\$500.00
				Fund 1000, General Fund=\$2351.50		
				Fund 1310, Gas Tax Fund=\$5355.00		
70360	07/20/2012	Open			RED SHIFT INTERNET SERVICES	\$115.11
	Invoice		Date	Description		Amount
	1521859		07/01/2012	Jul 2012 Internet Access		\$49.94
	1521858		07/01/2012	Jul 2012 Internet Access		\$65.17
70361	07/20/2012	Open			REED, DANIEL H.	\$165.00
	Invoice		Date	Description		Amount
	Reed-Jul2		07/17/2012	Softball Umpires June 15 to July 3 2012		\$165.00
70362	07/20/2012	Open			RODGERS, PETER A	\$132.00
	Invoice		Date	Description		Amount
	Rodgers-Jul2		07/18/2012	Saturday League Umpires June to July 2		\$132.00
70363	07/20/2012	Open			S&S WORLDWIDE	\$153.73
	Invoice		Date	Description		Amount
	7391681		06/27/2012	Camp Capitola Art and Craft supplies		\$153.73

# City Checks Issued 7/20/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70364	07/20/2012 Invoice Jun12	Open	Date 07/06/2012	Description Citation Surcharges, June 2012	SCC AUDITOR-CONTROLLER	\$9,647.00
70365	07/20/2012 Invoice 20120709	Open	Date 07/09/2012	Description May & June 2012 maps	SCC DEPT OF PUBLIC WORKS	\$22.75
70366	07/20/2012 Invoice July 2012	Open	Date 07/02/2012	Description July 2012 SCAN charges Open Query	SCC INFORMATION SERVICES	\$517.24
70367	07/20/2012 Invoice 11634 11634	Open	Date 07/10/2012 07/10/2012	Description Fingerprinting-Camp Capitola Fingerprinting-Jr Guards	SCC OFFICE OF EDUCATION	\$270.00
70368	07/20/2012 Invoice SANE-FY12/13	Open	Date 07/01/2012	Description City Portion, County SANE Program, FY12/1	SCC SHERIFF	\$5,301.00
70369	07/20/2012 Invoice 2040516-Jun12	Open	Date 06/30/2012	Description June Public Notices, Legal Liners	SANTA CRUZ SENTINEL	\$716.50
70370	07/20/2012 Invoice 293699B	Open	Date 07/09/2012	Description W2W signs	SENTINEL PRINTERS, INC.	\$320.08
70371	07/20/2012 Invoice 307187	Open	Date 07/06/2012	Description Plants	SOQUEL NURSERY GROWERS, INC.	\$27.00
70372	07/20/2012 Invoice 061203 071204	Open	Date 06/05/2012 07/02/2012	Description Environmental Review Services-4800 Opal C Environmental Review Services-Cap Sr Hou:	STRELOW CONSULTING	\$4,980.00
70373	07/20/2012 Invoice 2012-06	Open	Date 06/01/2012	Description Jun 2012 Website Hosting	THE INTERNET CONNECTION INC.	\$150.00
70374	07/20/2012 Invoice 954791242	Open	Date 06/16/2012	Description Inv Adj, PD shipping	UNITED PARCEL SERVICE	\$2.77
70375	07/20/2012 Invoice 20120713	Open	Date 07/13/2012	Description USLA membership for Regionals team	UNITED STATES LIFESAVING ASSOC.	\$750.00

City of Capitola  
**City Checks Issued 7/20/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70376	07/20/2012	Open			WHITLOW CONCRETE, INC.	\$3,750.00
	Invoice 5424		Date 07/10/2012	Description Median repair @ 41st/Clares Fund 1310, Gas Tax Fund		Amount \$3,750.00
70377	07/20/2012	Open			Double Tree by Hilton Hotel Sacramento	\$286.24
	Invoice Conf#84776534		Date 07/13/2012	Description Lodging, POST Tng for Sgt. Eller		Amount \$286.24
70378	07/20/2012	Open			Evans, Kraig	\$65.00
	Invoice 2013-00000038		Date 07/07/2012	Description Replace destroyed glasses while on duty		Amount \$65.00
70379	07/20/2012	Open			Friedman, Liz Lyons	\$150.00
	Invoice 2012-00000909		Date 06/15/2012	Description Artwork for Art at the Beach Postcard		Amount \$150.00
70380	07/20/2012	Open			Gonzalez, Mark	\$272.50
	Invoice 2013-00000039		Date 07/07/2012	Description Replace glasses lost while on duty		Amount \$272.50
70381	07/20/2012	Open			Iniguez, Alfonso	\$36.00
	Invoice 11136451		Date 07/13/2012	Description Refund cite 11136451		Amount \$36.00
70382	07/20/2012	Open			James, Kim	\$500.00
	Invoice 2013-00000046		Date 07/17/2012	Description Tree Deposit Refund #12-072		Amount \$500.00
70383	07/20/2012	Open			Meuse, Lizabeth	\$412.00
	Invoice 2001392-002		Date 07/10/2012	Description JG refund		Amount \$412.00
70384	07/20/2012	Open			Ramos, Eva	\$42.00
	Invoice 2001398-002		Date 07/16/2012	Description Class refund		Amount \$42.00
70385	07/20/2012	Open			Roberts, Shelley	\$382.00
	Invoice 2001393-002		Date 07/11/2012	Description JG Refund		Amount \$382.00
70386	07/20/2012	Open			Smith, Linda	\$164.00
	Invoice 1867		Date 07/12/2012	Description Frank Hill Artwork Storage Exp		Amount \$164.00
70387	7/20/2012	Open			DEPT OF HOUSING AND COMMUNITY DEV (HCD)	\$23.00
	Invoice Sp43		Date 07/13/2012	Description Transfer Fee, Sp43, Pac Cove Fund 1420, Pac Cove Bond		Amount \$23.00
<b>Check Totals:</b>				<b>Count</b>	<b>80</b>	<b>Total \$95,173.24</b>

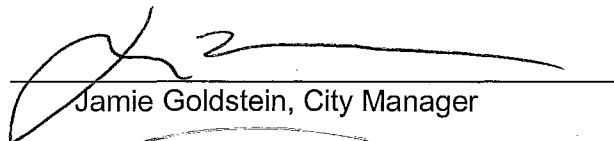
Checks dated 7/27/12 numbered 70388 to 70482 for a total of \$410,789.62 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 7/27/12 the unaudited cash balance is \$2,171,042

**CASH POSITION - CITY OF CAPITOLA 7/27/12**

	<u>Net Balance</u>
General Fund	147,790
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	182,661
Stores Fund	5,067
Information Technology Fund	180,080
Equipment Replacement	438,933
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	136,998
Open Space Fund	256
Capital Improvement Projects	596,830
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,171,042</u></u>

The Emergency Reserve Fund balance is \$153,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

7/27/12  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9-4-12  
 \_\_\_\_\_  
 Date

## City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70388	07/27/2012	Open			ALLEY, DONALD	\$2,306.00
	Invoice		Date	Description		Amount
	0712-01a		07/19/2012	Soquel Creek Monitoring-Fish Contract		\$1,473.47
	0712-01b		07/19/2012	FY 12/13 Soquel Creek Fish Monitoring		\$832.53
70389	07/27/2012	Open			ALLIANT INSURANCE SERVICES	\$3,059.30
	Invoice		Date	Description		Amount
	58791		06/25/2012	FY12/13 Physical Damage Ins Policy		\$3,059.30
				Fund 2213, Self Ins Liability		
70390	07/27/2012	Open			ATCHISON, BARISONE, & CONDOTTI	\$11,159.50
	Invoice		Date	Description		Amount
	Jun2012		07/23/2012	Jun 2012 Legal Services		\$11,159.50
70391	07/27/2012	Open			AUTOMATED TEST ASSOCIATES	\$92.00
	Invoice		Date	Description		Amount
	38898		07/22/2012	Wharf meter reading July 2012		\$25.00
	38899		07/22/2012	Pac Cove meter reading July 2012		\$67.00
70392	07/27/2012	Open			B & B SMALL ENGINE REPAIR	\$59.87
	Invoice		Date	Description		Amount
	268518		07/18/2012	Mower blades		\$59.87
70393	07/27/2012	Open			BACK TO EDEN LANDSCAPING INC.	\$431.25
	Invoice		Date	Description		Amount
	2956		07/18/2012	Pac Cove MHP landscape services closing		\$431.25
70394	07/27/2012	Open			BEYERS, FRED C	\$66.00
	Invoice		Date	Description		Amount
	Beyers-Jul20		07/20/2012	Softball Umpires July 16 to July 20 2012		\$66.00
70395	07/27/2012	Open			BUMGARNER, ERIC D	\$54.00
	Invoice		Date	Description		Amount
	Bum-Jul19		07/20/2012	Softball Umpires July 16 to July 20 2012		\$54.00
70396	07/27/2012	Open			CALIFORNIA COAST UNIFORM CO	\$91.90
	Invoice		Date	Description		Amount
	700		06/28/2012	Uniform Exp, Osbourne		\$75.72
	703		06/29/2012	Uniform Exp-Sandretti		\$16.18
70397	07/27/2012	Open			CAPITOLA PEACE OFFICERS ASSOC.	\$756.50
	Invoice		Date	Description		Amount
	POA7-27-12		07/26/2012	POA Dues, Employee Funded		\$756.50
70398	07/27/2012	Open			Charter Communications	\$129.99
	Invoice		Date	Description		Amount
	0198562-Jul12		07/11/2012	7/20 to 8/19 Internet Access		\$129.99
				Fund 2211, Info Technology		
70399	07/27/2012	Open			CLEAN BUILDING MAINTENANCE	\$3,542.00
	Invoice		Date	Description		Amount
	9878		06/30/2012	June 2012 Building Cleaning Service		\$3,542.00

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70400	07/27/2012	Open			CLEAN SOURCE	\$1,090.38
	Invoice		Date	Description		Amount
	1241438		07/17/2012	Cleaning supplies		\$1,430.30
	1231946		06/22/2012	Credit returned supplies		(\$339.92)
70401	07/27/2012	Open			COASTAL WATERSHED COUNCIL	\$3,221.74
	Invoice		Date	Description		Amount
	1154		07/19/2012	Soquel Creek Monitoring -Water Quality		\$2,586.39
	1152a		07/19/2012	Storm Water Education and Outreach		\$418.17
	1152b		07/19/2012	Stormwater Education Services FY11/12		\$217.18
70402	07/27/2012	Open			COMMUNITY PRINTERS	\$422.50
	Invoice		Date	Description		Amount
	6414011		06/27/2012	Booking fee form-PD		\$422.50
70403	07/27/2012	Open			COVELLO & COVELLO PHOTOGRAPH	\$2,560.60
	Invoice		Date	Description		Amount
	5497		06/28/2012	JG S1 Photo (separate fee)		\$2,560.60
70404	07/27/2012	Open			CVS PHARMACY INC.	\$74.03
	Invoice		Date	Description		Amount
	Tran #0789		07/18/2012	Supplies		\$15.12
	Tran #0512		07/17/2012	JG supplies		\$58.91
70405	07/27/2012	Open			D & G SANITATION	\$450.88
	Invoice		Date	Description		Amount
	196477		06/30/2012	Portable toilets		\$450.88
				Fund 3311, Wharf Fund		
70406	07/27/2012	Open			DEPT OF HOUSING AND COMMUNITY DEV	\$89.00
	Invoice		Date	Description		Amount
	Spc74		07/23/2012	AAU2686 Sale and Transfer Fees		\$89.00
				Fund 1420, Pac Cove Bond		
70407	07/27/2012	Open			ENTENMANN-ROVIN	\$333.05
	Invoice		Date	Description		Amount
	81867-in		07/03/2012	Explorer badges #11,12,13,14,15		\$333.05
70408	07/27/2012	Open			EWING IRRIGATION	\$196.88
	Invoice		Date	Description		Amount
	5020792		06/29/2012	Irrigation tools		\$143.10
	5026894		06/29/2012	Top soil		\$27.48
	5082205		07/12/2012	Irrigation supplies - City Hall		\$26.30
70409	07/27/2012	Open			FLYERS ENERGY, LLC	\$2,349.63
	Invoice		Date	Description		Amount
	12-749053		07/13/2012	449 Gal Ethanol		\$1,730.89
	12-749054		07/13/2012	170 Gal Diesel		\$618.74
70410	07/27/2012	Open			GREEN LINE	\$1,112.18
	Invoice		Date	Description		Amount
	58387		07/13/2012	Pump dry wells		\$1,112.18

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70411	07/27/2012	Open			GUMBINER & ESKRIDGE LLP	\$133.55
	Invoice		Date	Description		Amount
	11223		07/16/2012	Insurance Loss Legal Services-Jun2012		\$133.55
70412	07/27/2012	Open			HOPE REHABILITATION SERVICES	\$5,512.50
	Invoice		Date	Description		Amount
	S143961		07/15/2012	Crew Services 7/1-7/15/12		\$1,575.00
	S143672		06/30/2012	Crew Services 6/16-6/30/12		\$1,750.00
	S143620		06/15/2012	Crew Services 6/1-6/15/12		\$1,837.50
	S143449		05/31/2012	Crew Services 5/30-5/31/12		\$350.00
70413	07/27/2012	Open			HOSE SHOP	\$171.45
	Invoice		Date	Description		Amount
	349089		07/02/2012	auto parts		\$171.45
70414	07/27/2012	Open			HOWARD, CHARLIE	\$1,590.00
	Invoice		Date	Description		Amount
	07/09-07/14/12		07/23/2012	FY 12/13 Mechanic		\$860.00
	07/16-07/20/12		07/23/2012	FY 12/13 Mechanic		\$730.00
70415	07/27/2012	Open			ICMA RETIREMENT TRUST 457	\$4,808.36
	Invoice		Date	Description		Amount
	ICMA7-27-12		07/26/2012	Retirement Plan Contr, Employee Funded		\$4,808.36
70416	07/27/2012	Open			JIM CLARK BACKFLOW	\$150.00
	Invoice		Date	Description		Amount
	71412		07/14/2012	Backflow testing		\$150.00
70417	07/27/2012	Open			KING'S CLEANERS	\$366.25
	Invoice		Date	Description		Amount
	Jun2012		07/09/2012	uniform cleaning-PD		\$366.25
70418	07/27/2012	Open			LABORMAX STAFFING	\$901.60
	Invoice		Date	Description		Amount
	26-16263		07/13/2012	11/12-12/13 Seasonal Labor		\$276.30
	26-16263b		07/13/2012	FY 12/13 Temporary staff		\$625.30
70419	07/27/2012	Open			LIUNA PENSION FUND	\$484.00
	Invoice		Date	Description		Amount
	LIUNA7-27-12		07/26/2012	LIUNA Pension Dues, 7-27-12		\$242.00
	LIUNA7-13-12		07/13/2012	LIUNA Pension Dues, 7/13/12		\$242.00
70420	07/27/2012	Open			Mainstreet Media dba GOODTIMES	\$472.66
	Invoice		Date	Description		Amount
	149087		06/28/2012	Visitors Guide, BIA Fund 1321, BIA		\$472.66
70421	07/27/2012	Open			McMENAMIN, GEORGE	\$731.72
	Invoice		Date	Description		Amount
	RP3		07/25/2012	Riparian Restoration		\$731.72

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70422	07/27/2012	Open			MEDCO SUPPLY CO.	\$167.57
	Invoice		Date	Description		Amount
	41531072		07/03/2012	Supplies-Sports Program		\$167.57
70423	07/27/2012	Open			MEGAPATH COVAD COMMUNICATION	\$643.86
	Invoice		Date	Description		Amount
	48027841		06/28/2012	Internet Access, Jul 2012		\$643.86
				Fund 2211, Info Technology		
70424	07/27/2012	Open			MID-COUNTY AUTO SUPPLY	\$555.05
	Invoice		Date	Description		Amount
	308674		07/09/2012	auto parts		\$89.32
	308637		07/09/2012	auto parts		\$52.67
	308808		07/10/2012	auto parts		\$8.74
	308765		07/10/2012	auto parts-Radar Trailer		\$178.64
	308766		07/10/2012	Tool Replacement		\$9.29
	308905		07/11/2012	auto parts-2011 Toyota Camry		\$46.29
	309107		07/12/2012	Turn Rotors, PD071		\$40.00
	309100		07/12/2012	auto parts-PD071		\$82.92
	308333		07/05/2012	auto parts-2011 Toyota Camry		\$47.18
70425	07/27/2012	Open			MONTEREY BAY AREA SELF INS AUTI	\$140,836.00
	Invoice		Date	Description		Amount
	12-13Prem		07/06/2012	Liab & Work Comp Ins Premiums, FY12/1:		\$140,836.00
				Fund 2213, Self Ins Liability=\$40,836.00		
				Fund 2214, Worker Comp=\$100,000.00		
70426	07/27/2012	Open			MONTEREY BAY SYSTEMS	\$120.53
	Invoice		Date	Description		Amount
	142581		06/27/2012	Copier Maint Contract, City Hall, Apr-Jun1:		\$120.53
				Fund 2211, Info Technology		
70427	07/27/2012	Open			MONTEREY BAY UNIFIED AIR POLLUTION CON	\$2,296.00
	Invoice		Date	Description		Amount
	3538-12/13		07/06/2012	FY12/13 City/County Contribution		\$2,296.00
70428	07/27/2012	Open			NEW PIG	\$91.31
	Invoice		Date	Description		Amount
	20902093-00		05/31/2012	Drain cover		\$91.31
70429	07/27/2012	Voided	Incorrect Amount	07/27/2012	ORCHARD SUPPLY HARDWARE	\$0.00
	Invoice		Date	Description		Amount
	6007-6878490		07/05/2012	Misc.		\$36.78
	6014-2549643		07/09/2012	Hoses		\$129.88
	6010-4770322		07/09/2012	Post driver		\$31.38
	6013-1237328		07/10/2012	Misc.		\$26.90
	6009-2490453		07/12/2012	Plants		\$24.84
	6011-8387223		07/13/2012	Broom		\$9.99
	6014-8191242		07/16/2012	Locks		\$77.52
	1231946		06/22/2012	Return Cleaning Supplies		(\$339.92)
	991040		07/13/2012	Return Supplies		(\$12.98)
	6007-3521709		07/19/2012	auto parts		\$59.48
	6009-2432023		07/18/2012	Misc.		\$49.76
	6007-3521696		07/19/2012	Misc.		\$38.88



## City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70430	07/27/2012	Open			OUTDOOR WORLD	\$129.89
	Invoice		Date	Description		Amount
	950459		07/20/2012	Camp supplies		\$129.89
70431	07/27/2012	Open			PACIFIC GAS & ELECTRIC	\$13,236.45
	Invoice		Date	Description		Amount
	2013-00000079		07/16/2012	Monthly Elec		\$13,236.45
				Fund 1000, Gen Fund=\$4,158.37		
				Fund 1300, SLESF=\$135.96		
				Fund 1310, Gas Tax=\$6,913.54		
				Fund 1311, Wharf Fund=\$2,028.58		
70432	07/27/2012	Open			PACIFIC GAS & ELECTRIC	\$411.28
	Invoice		Date	Description		Amount
	2013-00000080		07/16/2012	Pac Cove MHP Elec and Gas		\$411.28
70433	07/27/2012	Open			PACIFIC PUBLISHING	\$2,094.06
	Invoice		Date	Description		Amount
	25300		06/29/2012	City newsletter		\$2,094.06
70434	07/27/2012	Open			PACIFIC VETERINARY SPECIALISTS	\$197.00
	Invoice		Date	Description		Amount
	223611		06/28/2012	Animal Control Expense		\$197.00
70435	07/27/2012	Open			PALACE ART & OFFICE SUPPLIES	\$709.08
	Invoice		Date	Description		Amount
	964368		07/05/2012	Office Supplies, City Hall		\$6.42
	964693		07/09/2012	Binders, City Hall, for Council Election		\$44.65
	964863		07/10/2012	Laminator		\$46.27
	964863-1		07/11/2012	Thermal Pouch for Laminator		\$1.85
	965295-1		07/12/2012	Office supplies		\$17.95
	965295		07/12/2012	Office supplies		\$188.11
	8787726		07/12/2012	Office supplies		\$11.27
	965386		07/12/2012	Office supplies-PD		\$300.91
	965370		07/13/2012	Paper-PD		\$46.44
	965563		07/13/2012	Office Supplies, City hall		\$45.21
70436	07/27/2012	Open			PARTSMASTER	\$387.74
	Invoice		Date	Description		Amount
	20591619		07/05/2012	auto parts		\$109.10
	20591316		07/03/2012	auto parts		\$278.64
70437	07/27/2012	Open			PHIL ALLEGRI ELECTRIC, INC.	\$517.14
	Invoice		Date	Description		Amount
	16995		07/17/2012	2125 Francisco light		\$517.14
70438	07/27/2012	Open			PITNEY BOWES INC.	\$207.84
	Invoice		Date	Description		Amount
	826342		07/03/2012	Meter Rental, Apr-Jun2012		\$207.84
				Fund 2210, Stores		

## City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70439	07/27/2012	Open			PRAXAIR DISTRIBUTION INC.	\$60.00
	Invoice		Date	Description		Amount
	43516246		07/20/2012	Gases, Corp Yard		\$60.00
70440	07/27/2012	Open			QUARTARARO, ROD V.	\$66.00
	Invoice		Date	Description		Amount
	Quart-Jul20		07/20/2012	Softball Umpires July 16 to July 20 2012		\$66.00
70441	07/27/2012	Open			REED, DANIEL H.	\$33.00
	Invoice		Date	Description		Amount
	Reed-Jul20		07/20/2012	Softball Umpires July 16 to July 20 2012		\$33.00
70442	07/27/2012	Open			SALINAS VALLEY SOLID WASTE AUTH	\$5,000.00
	Invoice		Date	Description		Amount
	914		07/09/2012	Central Coast Media Coalition, FY12/13		\$5,000.00
70443	07/27/2012	Open			SCC OFFICE OF EDUCATION	\$30.00
	Invoice		Date	Description		Amount
	11633		07/03/2012	Fingerprinting, VIP application, Serna		\$30.00
70444	07/27/2012	Open			SANTA CRUZ REGIONAL 911	\$138,766.60
	Invoice		Date	Description		Amount
	1st Qrt 12/13		06/15/2012	Q1 FY 12/13 Operating Exp		\$132,413.05
	1 Qrt SCRMS		06/15/2012	1st quarter SCRMS		\$6,353.55
70445	07/27/2012	Open			SANTA CRUZ SENTINEL	\$231.40
	Invoice		Date	Description		Amount
	11300009371-13		07/03/2012	Annual Subscription, City Hall		\$231.40
70446	07/27/2012	Open			SIRE Technologies	\$6,228.00
	Invoice		Date	Description		Amount
	33287		07/05/2012	Minutes & Agenda Website Hosting, Annu:		\$6,228.00
				Fund 2211, Info Technology		
70447	07/27/2012	Open			SNEDDON, SUSAN	\$300.00
	Invoice		Date	Description		Amount
	8702130		07/23/2012	Reimb Nat'l Notary Assoc Class		\$300.00
70448	07/27/2012	Open			SOQUEL CREEK WATER DISTRICT	\$13,940.43
	Invoice		Date	Description		Amount
	May-Jul12		07/09/2012	Water Usage, Irrigation, May7-Jul9		\$13,940.43
				Fund 1000, General Fund=\$12,965.72		
				Fund 1311, Wharf Fund=\$974.71		
70449	07/27/2012	Open			SOQUEL UNION ELEM. SCHOOL DISTI	\$250.00
	Invoice		Date	Description		Amount
	12-61		07/20/2012	Safe Routes to School Grant		\$250.00
70450	07/27/2012	Open			SPORT ABOUT	\$6,116.31
	Invoice		Date	Description		Amount
	4365		06/06/2012	JG t-shirts S1		\$3,684.69
	4435		07/06/2012	JG T-shirts S2		\$2,431.62

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70451	07/27/2012	Open			STREETLINE INC.	\$5,000.00
	Invoice		Date	Description		Amount
	1130		06/11/2012	Trial Starter Kit-mobile parking enforcemer Fund 1310, Gas Tax Fund		\$5,000.00
70452	07/27/2012	Open			SUPERIOR COURT	\$125.00
	Invoice		Date	Description		Amount
	1410		07/16/2012	FY12/13 Open Access Fee		\$125.00
70453	07/27/2012	Open			THE HARTFORD -PRIORITY ACCOUNT	\$1,369.41
	Invoice		Date	Description		Amount
	5973347-7		07/23/2012	Aug2012 Life & Disability Ins		\$1,369.41
70454	07/27/2012	Open			THILL, WENDY	\$120.00
	Invoice		Date	Description		Amount
	Thill-Jul14		07/14/2012	Softball Umpires July 16 to July 20 2012		\$120.00
70455	07/27/2012	Open			UNION BANK OF CALIFORNIA	\$2,820.56
	Invoice		Date	Description		Amount
	PARS7-27-12		07/26/2012	Retirement Plan Contribution, Employee F		\$2,820.56
70456	07/27/2012	Open			UNITED PARCEL SERVICE	\$12.96
	Invoice		Date	Description		Amount
	954791282		07/14/2012	Shipping-PD		\$12.96
70457	07/27/2012	Open			UNITED WAY OF SCC	\$30.00
	Invoice		Date	Description		Amount
	UW6-29-12		06/25/2012	United Way Contribution, 6-29-12		\$10.00
	UW-July2012		07/26/2012	United Way Employee Contribution, Jul12		\$20.00
70458	07/27/2012	Open			UPEC LIUNA LOCAL 792	\$1,856.50
	Invoice		Date	Description		Amount
	UPEC7-27-12		07/26/2012	Union Dues, Employee Funded		\$928.25
	UPEC7-13-12		07/13/2012	Union Dues, 7-13-12		\$928.25
70459	07/27/2012	Open			US BANCORP EQUIPMENT FINANCE	\$152.13
	Invoice		Date	Description		Amount
	207030388		07/04/2012	City Hall Copier Lease, Canon IR2525		\$91.95
	207178153		07/05/2012	PD Copier Lease, Konica C452		\$60.18
70460	07/27/2012	Open			VERIZON WIRELESS-ACCT#57201586	\$197.97
	Invoice		Date	Description		Amount
	1098344981		07/03/2012	Monthly Access Charges Fund 2211, Info Technology		\$197.97
70461	07/27/2012	Open			WELLS FARGO BANK	\$1,500.00
	Invoice		Date	Description		Amount
	871047		07/03/2012	FY12/13 POB Admin Charges Fund 1410, Pension Oblig-Bond		\$1,500.00
70462	07/27/2012	Open			WITMER-TYSON IMPORTS INC.	\$500.00
	Invoice		Date	Description		Amount
	T9309		07/05/2012	K-9 June 2012 training		\$500.00

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70463	07/27/2012 Invoice 2013-00000054	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Amarlon, Navid	\$144.00
70464	07/27/2012 Invoice 2013-00000055	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Andrade, Sierra	\$208.00
70465	07/27/2012 Invoice 2013-00000081	Open	Date 07/24/2012	Description Pac Cove MHP #49-Marilyn Bierach Fund 1420, Pac Cove Bond	Bierach, Marilyn	\$2,250.00
70466	07/27/2012 Invoice 2013-00000056	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Campagnolo, Justice	\$112.00
70467	07/27/2012 Invoice 2013-00000057	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Cartwright, Jake	\$116.00
70468	07/27/2012 Invoice 2013-00000082	Open	Date 07/24/2012	Description Pac Cove MHP #69-Edith Crum Fund 1420, Pac Cove Bond	Crum, Edith	\$4,675.00
70469	07/27/2012 Invoice 2013-00000058	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Dalton, Parker	\$40.00
70470	07/27/2012 Invoice 2001401-002	Open	Date 07/16/2012	Description JG refund	Gomez, Heather	\$190.00
70471	07/27/2012 Invoice 2013-00000059	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Gross, Daniel	\$112.00
70472	07/27/2012 Invoice 2013-00000060	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Horton, Madeline	\$212.00
70473	07/27/2012 Invoice 2001402-002	Open	Date 07/17/2012	Description JG refund	Jefferies, Susan	\$178.00
70474	07/27/2012 Invoice 2001410-002	Open	Date 07/20/2012	Description JG refund	Oyama, Judi	\$436.00
70475	07/27/2012 Invoice 2013-00000061	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Pedrotti, Genevieve	\$96.00

# City Checks Issued 7/27/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
70476	07/27/2012 Invoice 2013-00000062	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Savadkohi, Hannah	\$104.00 \$104.00	
70477	07/27/2012 Invoice 2013-00000063	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Servin, Margarita	\$224.00 \$224.00	
70478	07/27/2012 Invoice 2013-00000083	Open	Date 07/24/2012	Description Pac Cove MHP #67-Christine Sigel Fund 1420, Pac Cove Bond	Sigel, Christine	\$4,250.00 \$4,250.00	
70479	07/27/2012 Invoice 2013-00000064	Open	Date 07/20/2012	Description Jr. Leaders 7/2-7/20/12	Sturgli, Madison	\$32.00 \$32.00	
70480	07/27/2012 Invoice 2001405-002	Open	Date 07/18/2012	Description JG refunds	Warden, Julie	\$686.00 \$686.00	
70481	07/27/2012 Invoice 6007-6878490 6014-2549643 6010-4770322 6013-1237328 6009-2490453 991040 6007-3521709	Open	Date 07/05/2012 07/09/2012 07/09/2012 07/10/2012 07/12/2012 07/13/2012 07/19/2012	Description Misc. Hoses Post driver Misc. Plants Return Supplies auto parts	ORCHARD SUPPLY HARDWARE	\$296.28 \$36.78 \$129.88 \$31.38 \$26.90 \$24.84 (\$12.98) \$59.48	
70482	07/27/2012 Licensee Type Business	Open	Date 7/20/2012	Description Business License Refund	SEVEN-UP BOTTLING COMPANY	\$150.00 \$150.00	
Check Totals:				Count	95	Total	\$410,789.62

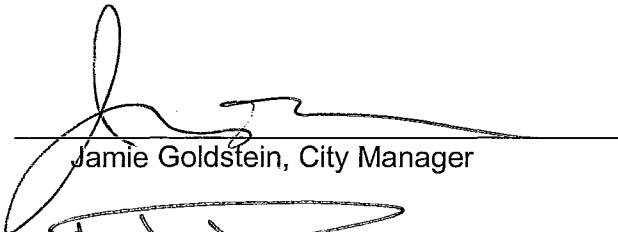
Checks dated 8/3/12 numbered 70483 to 70556 for a total of \$324,994.84 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/3/12 the unaudited cash balance is \$2,178,174

**CASH POSITION - CITY OF CAPITOLA 8/3/12**

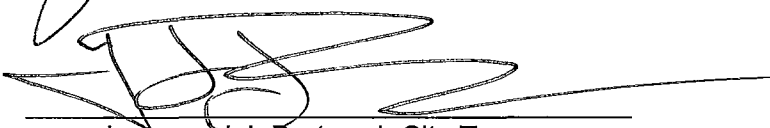
	<u>Net Balance</u>
General Fund	155,932
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	182,461
Stores Fund	5,003
Information Technology Fund	179,335
Equipment Replacement	438,933
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	136,998
Open Space Fund	256
Capital Improvement Projects	596,830
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,178,174</u></u>

The Emergency Reserve Fund balance is \$153,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

8/3/12

\_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9.4.12  
 \_\_\_\_\_  
 Date

**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70483	07/30/2012 Invoice Spc 60	Open	Date 07/30/2012	Description Pac Cove MHP, Spc 60 Fund 1420, Pac Cove Bond	Kelly, Kathleen & Michael	\$85,000.00
70484	07/31/2012 Invoice 46887692	Open	Date 07/31/2012	Description Replace Lost Payroll Check#46887692	HORATH, GINA	\$900.00
70485	08/01/2012 Invoice 2013-00000104	Open	Date 08/01/2012	Description Pac Cove MHP Space #48-Rhett Fund 1420, Pac Cove Bond	Rhett, Bruce	\$1,000.00
70486	08/03/2012 Invoice 337704	Open	Date 07/24/2012	Description Top soil	APTOS LANDSCAPE SUPPLY, INC.	\$20.52
70487	08/03/2012 Invoice 0284223-IN	Open	Date 07/19/2012	Description barricades & signs	BAY AREA BARRICADE SERVICE, INC	\$892.83
70488	08/03/2012 Invoice 2977278 2977279	Open	Date 07/17/2012 07/17/2012	Description Bolts Wood	BIG CREEK LUMBER	\$54.27
70489	08/03/2012 Invoice 2013-00000105	Open	Date 08/01/2012	Description Soccer Officials June and July	BRANCH, SHARON	\$182.00
70490	08/03/2012 Invoice 68024 68147	Open	Date 07/16/2012 07/18/2012	Description JG awards Museum Fundraising Expense	BRINKS AWARDS & SIGNS	\$671.66
70491	08/03/2012 Invoice 752	Open	Date 07/21/2012	Description Uniform Expense, Dally	CALIFORNIA COAST UNIFORM CO	\$160.05
70492	08/03/2012 Invoice Aug2012	Open	Date 07/17/2012	Description Long Term Disability Ins-PD	CALIF LAW ENFORCEMENT ASSOC	\$514.50
70493	08/03/2012 Invoice 61	Open	Date 07/09/2012	Description Nautical Parade Sponsorship	CAPITOLA BEGONIA FESTIVAL	\$5,000.00
70494	08/03/2012 Invoice 2013-00000090	Open	Date 07/27/2012	Description Summer 2 Instr.Payment	CENTRAL COAST LACROSSE ASSOC	\$527.80

**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70495	08/03/2012 Invoice 446454	Open	Date 07/01/2012	Description Jul-Dec 2012 BIA Advertising Fund 1321, BIA	CERTIFIED FOLDER DISPLAY SVC	\$3,045.41
70496	08/03/2012 Invoice 004921	Open	Date 07/12/2012	Description May and June 2012 Lifeguard services	CITY OF SANTA CRUZ	\$23,500.00
70497	08/03/2012 Invoice 120815A-0829A	Open	Date 07/13/2012	Description Third Payment, Twilight Concert Series	CLASSIFIED SOUND	\$1,650.00
70498	08/03/2012 Invoice Tran #2758 Tran #5078	Open	Date 07/26/2012 07/30/2012	Description Supplies for Camp Camp Supplies	CVS PHARMACY INC.	\$116.64
70499	08/03/2012 Invoice 276	Open	Date 07/23/2012	Description Remove & replace 390 sq.ft. AC-El Camin Fund 1310, Gas Tax	EARTHWORKS PAVING CONTRACTOR	\$3,200.00
70500	08/03/2012 Invoice 12-3892	Open	Date 07/25/2012	Description JG patches	EMBROIDERY WORKS	\$486.00
70501	08/03/2012 Invoice 12	Open	Date 07/05/2012	Description Jun 2012 Advertising Services, BIA Fund 1321, BIA	FERRASCI-HARP, AMY	\$625.00
70502	08/03/2012 Invoice 12-751058 12-751059 70336x	Open	Date 07/19/2012 07/19/2012 08/01/2012	Description 495 Gal Ethanol 120 Gal Diesel Inv 12-74454,747013,747014	FLYERS ENERGY, LLC	\$7,027.77
70503	08/03/2012 Invoice 2013-00000106	Open	Date 08/01/2012	Description Soccer Officials June and July	FONG, MICHAEL	\$182.00
70504	08/03/2012 Invoice Jul2012	Open	Date 07/30/2012	Description Ins for City Sponsored Block Party Fund 2213, Self Ins Liability	HUB INTERNATIONAL OF CA INS SVC	\$200.42
70505	08/03/2012 Invoice 16181410 16181411a 16181411b	Open	Date 07/21/2012 07/21/2012 07/21/2012	Description 11/12-12/13 Seasonal Labor 11/12-12/13 Seasonal Labor FY 12/13 Temporary staff	LABOR READY SOUTHWEST INC.	\$1,122.31



**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70506	08/03/2012	Open			LABORMAX STAFFING	\$929.09
	Invoice		Date	Description		Amount
	26-16385		07/20/2012	FY 12/13 Temporary staff		\$929.09
70507	08/03/2012	Open			VALERIE LEAL dba EXTRA LARGE	\$1,000.00
	Invoice		Date	Description		Amount
	738		07/27/2012	Aug 22 Twilight Concert Artist		\$1,000.00
70508	08/03/2012	Open			McMENAMIN, GEORGE	\$1,212.50
	Invoice		Date	Description		Amount
	RP4		08/01/2012	Riparian Restoration		\$1,212.50
70509	08/03/2012	Open			MID-COUNTY AUTO SUPPLY	\$475.07
	Invoice		Date	Description		Amount
	309894		07/19/2012	auto parts		\$60.64
	309517		07/16/2012	auto parts		\$5.70
	309629		07/17/2012	auto parts		\$251.60
	309636		07/17/2012	auto parts		\$12.28
	309777		07/18/2012	auto parts		\$214.88
	309896		07/19/2012	credit-auto parts		(\$86.60)
	309761		07/18/2012	auto parts		\$16.57
70510	08/03/2012	Open			SAM NIGH dba THE DIGBEATS	\$1,000.00
	Invoice		Date	Description		Amount
	20120829		07/27/2012	Aug 29 Twilight Concert Artist		\$1,000.00
70511	08/03/2012	Open			NORTH BAY FORD	\$874.17
	Invoice		Date	Description		Amount
	229361		07/27/2012	auto parts-PD71		\$40.36
	229362		07/27/2012	auto parts-PD81		\$73.73
	229240		07/23/2012	auto parts-PD81		\$760.08
70512	08/03/2012	Open			ORCHARD SUPPLY HARDWARE	\$176.15
	Invoice		Date	Description		Amount
	6011-8387223		07/13/2012	Broom		\$9.99
	6014-8191242		07/16/2012	Locks		\$77.52
	6009-2432023		07/18/2012	Misc.		\$49.76
	6007-3521696		07/19/2012	Misc.		\$38.88
70513	08/03/2012	Open			PACIFIC MONARCH	\$300.00
	Invoice		Date	Description		Amount
	40632 OT		07/30/2012	Regionals transportation OT-Jr Guards		\$300.00
70514	08/03/2012	Open			PACIFIC WASTE CONSULTING GROUI	\$3,031.89
	Invoice		Date	Description		Amount
	17205		07/06/2012	City 2011 Annual Report to CalRecycle		\$3,031.89

**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70515	08/03/2012	Open			PALACE ART & OFFICE SUPPLIES	\$111.84
	Invoice		Date	Description		Amount
	965386-1		07/16/2012	Pen for Oscar		\$16.79
	8789720		07/18/2012	Office supplies-Rec		\$30.59
	8789941		07/18/2012	Office Supplies, City Clerk		\$19.40
	8790144		07/19/2012	Office Supplies, City Hall		\$45.06
70516	08/03/2012	Open			PHIL ALLEGRI ELECTRIC, INC.	\$1,799.75
	Invoice		Date	Description		Amount
	17033		07/19/2012	Conduit & wire for wireless parking sensor		\$1,799.75
70517	08/03/2012	Open			PRINTWORX	\$1,929.02
	Invoice		Date	Description		Amount
	13223		07/13/2012	Capitola Visitor Brochure, BIA Fund 1321, BIA		\$1,929.02
70518	08/03/2012	Open			RAY ALLEN MANUFACTURING LLC	\$109.90
	Invoice		Date	Description		Amount
	281145		07/13/2012	K-9 supplies		\$109.90
70519	08/03/2012	Open			REPUBLIC ITS INC.	\$698.24
	Invoice		Date	Description		Amount
	RR-134230		07/12/2012	FY 11/12 Traffic Signal Maintenance Fund 1310, Gas Tax		\$698.24
70520	08/03/2012	Open			ROBERT SEELEY & ASSOCIATES	\$190.00
	Invoice		Date	Description		Amount
	CY2012-Q2		07/25/2012	Apr, May, Jun 2012 Admin Hearing Cost		\$190.00
70521	08/03/2012	Open			MARK RUSSO dba CLASSY CATS	\$1,400.00
	Invoice		Date	Description		Amount
	20120808		07/27/2012	Aug 8 Twilight Concert Artist		\$1,400.00
70522	08/03/2012	Open			SCC ANTI-CRIME TEAM	\$17,993.20
	Invoice		Date	Description		Amount
	059		07/10/2012	2012/2013 operation and staff expenses		\$17,993.20
70523	08/03/2012	Open			SC OCCUPATIONAL MEDICAL CTR	\$19.00
	Invoice		Date	Description		Amount
	I-5991		06/30/2012	TB Test, Sandretti		\$19.00
70524	08/03/2012	Open			SERVICESYS, LLC	\$400.00
	Invoice		Date	Description		Amount
	2295		07/22/2012	IT Support Coverage for Vacation Fund 2211, Info Technology		\$400.00
70525	08/03/2012	Open			SPORT ABOUT	\$197.10
	Invoice		Date	Description		Amount
	4463		07/25/2012	Camp t-shirts		\$197.10
70526	08/03/2012	Open			STATLER, WILLIAM C.	\$5,400.00
	Invoice		Date	Description		Amount
	ProgBill1		07/25/2012	Benchmark Analysis, progress billing #1		\$5,400.00

**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70527	08/03/2012	Open			STEWART TITLE OF CALIFORNIA, INC	\$130,724.46
	Invoice		Date	Description		Amount
	Spc53		07/26/2012	Pac Cove MHP Space #53-Davidson Esci Fund 1420, Pac Cove Bond		\$130,724.46
70528	08/03/2012	Open			STOP COMPANY	\$25.98
	Invoice		Date	Description		Amount
	3585		07/25/2012	4 caution signs		\$25.98
70529	08/03/2012	Open			SUDDJIAN, SUSAN	\$23.11
	Invoice		Date	Description		Amount
	45995057		07/27/2012	Replace Lost Payroll check#45995057, Fe		\$23.11
70530	08/03/2012	Open			SWIFT, STEVE	\$72.97
	Invoice		Date	Description		Amount
	575201		07/27/2012	Museum Fundraising Exp Reimbursement		\$72.97
70531	08/03/2012	Open			TOTLCOM	\$345.00
	Invoice		Date	Description		Amount
	209510		07/18/2012	Telephone System Maintenance Fund 2211, Info Technology		\$345.00
70532	08/03/2012	Open			UNITED PARCEL SERVICE	\$59.13
	Invoice		Date	Description		Amount
	954791292		07/21/2012	Shipping		\$59.13
70533	08/03/2012	Open			WATSONVILLE BLUEPRINT	\$22.20
	Invoice		Date	Description		Amount
	35379		08/01/2012	Scanned drawings		\$22.20
70534	08/03/2012	Open			WESTMAN, SUSAN	\$9,536.00
	Invoice		Date	Description		Amount
	20120713		07/13/2012	Jul 2012 Comm Dev Dir Services		\$4,096.00
	20120803		08/03/2012	Jul 2012 Comm Dev Dir Services		\$5,440.00
70535	08/03/2012	Open			WOOSTER	\$1,000.00
	Invoice		Date	Description		Amount
	070612		07/27/2012	Aug 15 Twilight Concert Artist		\$1,000.00
70536	08/03/2012	Open			Antonelli, Kendra	\$47.00
	Invoice		Date	Description		Amount
	2013-00000087		07/30/2012	Class refund		\$47.00
70537	08/03/2012	Open			Beamon, Robert	\$206.00
	Invoice		Date	Description		Amount
	2013-00000073		07/30/2012	JG refund		\$206.00
70538	08/03/2012	Open			Briskey, Stephanie	\$178.00
	Invoice		Date	Description		Amount
	2013-00000074		07/30/2012	JG refund		\$178.00
70539	08/03/2012	Open			Cafe, Folks	\$190.00
	Invoice		Date	Description		Amount
	2013-00000075		07/30/2012	JG refund		\$190.00

**City Checks Issued 8/3/2012**

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70540	08/03/2012 Invoice 2013-00000091	Open	Date 07/27/2012	Description JG Scholarship refund (child canceled)	Capitola Public Safety Community Serv	\$165.00 \$165.00
70541	08/03/2012 Invoice 2013-00000102	Open	Date 07/30/2012	Description Camp supplies	Carroll, Megan	\$46.30 \$46.30
70542	08/03/2012 Invoice 2013-00000089	Open	Date 07/26/2012	Description Pac Cove MHP Space #53-Davidson Fund 1420, Pac Cove Bond	Davidson, Michael & Earlyne	\$1,175.00 \$1,175.00
70543	08/03/2012 Invoice 2013-00000092	Open	Date 07/27/2012	Description JG refund	Garley, Jenny	\$41.00 \$41.00
70544	08/03/2012 Invoice 2013-00000097	Open	Date 07/30/2012	Description Planner Cost Recovery Refund	Gianopoulos, John	\$380.00 \$380.00
70545	08/03/2012 Invoice 2013-00000076	Open	Date 07/30/2012	Description Refund from account	Grell, Derek	\$8.00 \$8.00
70546	08/03/2012 Invoice 2013-00000077	Open	Date 07/30/2012	Description JG refund	Howard, Kimberlee	\$356.00 \$356.00
70547	08/03/2012 Invoice 2013-00000101	Open	Date 07/30/2012	Description JG Refund	Hurst, Kelly	\$218.00 \$218.00
70548	08/03/2012 Invoice 2013-00000086	Open	Date 07/06/2012	Description Capitola Comp awards	Junior Lifeguard Parents Club	\$602.17 \$602.17
70549	08/03/2012 Invoice 34306-303A	Open	Date 07/26/2012	Description Paid for JG Regionals rooms for instructor:	Macy, Bill	\$177.21 \$177.21
70550	08/03/2012 Invoice 34305-302A	Open	Date 07/26/2012	Description Paid for JG Regionals rooms for instructor:	Macy, Bill	\$177.21 \$177.21
70551	08/03/2012 Invoice 2389D	Open	Date 07/30/2012	Description Paid for towing of City truck	Macy, Bill	\$149.00 \$149.00
70552	08/03/2012 Invoice 2013-00000096	Open	Date 07/30/2012	Description Planner Cost Recovery Refund	PurePower Yoga, LLC	\$1,300.00 \$1,300.00

# City Checks Issued 8/3/2012

From Payment Date: 7/30/2012 - To Payment Date: 8/3/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount	
70553	08/03/2012 Invoice 2013-00000084	Open	Date 07/30/2012	Description JG Regionals refund	Sanders, Megan	\$140.00 \$140.00	
70554	08/03/2012 Invoice 2013-00000093	Open	Date 07/26/2012	Description JG refund	Spinelli, Raymond	\$218.00 \$218.00	
70555	08/03/2012 Invoice 2013-00000095	Open	Date 07/30/2012	Description Planner Cost Recovery Refund	Walbridge, John	\$1,880.00 \$1,880.00	
70556	08/03/2012 Invoice 2013-00000078	Open	Date 07/30/2012	Description JG refund	Zahraie, Lisa	\$206.00 \$206.00	
Check Totals:				Count	74	Total	\$324,994.84

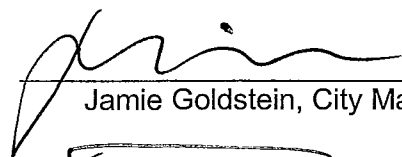
Checks dated 8/10/12 numbered 70557 to 70657, plus two EFT's, for a total of \$312,609.38 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/10/12 the unaudited cash balance is \$2,138,423

**CASH POSITION - CITY OF CAPITOLA 8/10/12**

	<u>Net Balance</u>
General Fund	153,401
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	168,167
Stores Fund	3,135
Information Technology Fund	178,972
Equipment Replacement	418,237
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	136,998
Open Space Fund	256
Capital Improvement Projects	596,830
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,138,423</u></u>

The Emergency Reserve Fund balance is \$156,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

8/10/12  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9.4.12  
 \_\_\_\_\_  
 Date

# City Payments Issued Week of 8/10/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70557	08/10/2012	Open			ADAMSON POLICE PRODUCTS	\$2,680.92
	Invoice		Date	Description		Amount
	79398		07/17/2012	Firearm supplies		\$1,307.45
	79387		07/17/2012	Firearm supplies		\$1,373.47
70558	08/10/2012	Open			ADVANTAGE CREDIT INC.	\$10.00
	Invoice		Date	Description		Amount
	186300		07/31/2012	Reserve Officer background for Otovos		\$10.00
70559	08/10/2012	Open			AFLAC	\$251.74
	Invoice		Date	Description		Amount
	505934		07/25/2012	July Suppl Health Ins, Employee Funded		\$251.74
70560	08/10/2012	Open			ALLSAFE LOCK COMPANY	\$48.60
	Invoice		Date	Description		Amount
	43745		07/25/2012	Key tags		\$48.60
70561	08/10/2012	Open			AMERICAN TRAFFIC SOLUTIONS, INC	\$49,865.28
	Invoice		Date	Description		Amount
	72512		07/25/2012	Last half of fiscal year 2012		\$49,865.28
70562	08/10/2012	Open			ASSOC. OF MONTEREY BAY AREA GOV'TS	\$3,285.00
	Invoice		Date	Description		Amount
	3097		07/01/2012	AMBAG Dues		\$3,285.00
70563	08/10/2012	Open			ASTRO EVENTS OF SAN JOSE	\$358.50
	Invoice		Date	Description		Amount
	J-768		08/06/2012	National Night Out 2012		\$358.50
70564	08/10/2012	Open			AT&T/CALNET 2	\$1,955.13
	Invoice		Date	Description		Amount
	3538116		07/13/2012	July 2012 Telephone Service Fund 1000, Gen Fund=\$1602.99 Fund 2211, IT=\$352.14		\$1,955.13
70565	08/10/2012	Open			BAY PHOTO LAB	\$89.51
	Invoice		Date	Description		Amount
	2566031		07/18/2012	Museum Display Expense		\$89.51
70566	08/10/2012	Open			BEYERS, FRED C	\$165.00
	Invoice		Date	Description		Amount
	2013-00000131		08/08/2012	Softball Umpires July 23 to Aug 8 2012		\$165.00
70567	08/10/2012	Open			BIG CREEK LUMBER	\$66.19
	Invoice		Date	Description		Amount
	2978253		07/31/2012	Wood-Fund 1311, Wharf		\$66.19
70568	08/10/2012	Open			BLACKOUT TINTING	\$350.00
	Invoice		Date	Description		Amount
	43		08/02/2012	police interceptor		\$350.00

# City Payments Issued Week of 8/10/2012

Invoice Number	Date	Description	Amount	
70569	08/10/2012	Open	BUMGARNER, ERIC D	\$135.00
Invoice	Date	Description	Amount	
2013-00000132	08/08/2012	Softball Umpires July 23 to Aug 8 2012	\$135.00	
70570	08/10/2012	Open	CALE AMERICA INC.	\$338.27
Invoice	Date	Description	Amount	
126939	07/17/2012	Service/labor	\$281.25	
126956	07/20/2012	Test card w/ magstripe	\$57.02	
70571	08/10/2012	Open	CALIFORNIA COAST UNIFORM CO.	\$376.82
Invoice	Date	Description	Amount	
572	07/18/2012	Uniform Expense, M Gonzalez	\$111.61	
744	07/20/2012	Uniform Expense, Evans	\$146.30	
597	07/31/2012	Uniform Expense, Pearson	\$32.42	
596	07/30/2012	Uniform Expense, Blankenship	\$43.19	
595	07/28/2012	Uniform Expense, M Gonzalez	\$43.30	
70572	08/10/2012	Open	CALIF. SOCIETY OF MUNICIPAL FINANCE OFF.	\$75.00
Invoice	Date	Description	Amount	
20120823	08/03/2012	Training: Finance	\$75.00	
70573	08/10/2012	Open	CAPITOLA PEACE OFFICERS ASSOC.	\$769.00
Invoice	Date	Description	Amount	
POA8-10-12	08/08/2012	POA Dues, Employee Funded	\$769.00	
70574	08/10/2012	Open	CLEAN SOURCE	\$243.56
Invoice	Date	Description	Amount	
1241438-01	07/20/2012	Doggie bags	\$243.56	
70575	08/10/2012	Open	COLEY HEATH INVESTIGATIONS	\$2,200.00
Invoice	Date	Description	Amount	
35	07/25/2012	New Hire background investigation	\$1,100.00	
34	07/25/2012	New Hire Background Investigation	\$1,100.00	
70576	08/10/2012	Open	CRUZIO THE INTERNET STORE INC.	\$110.65
Invoice	Date	Description	Amount	
2989-134	07/25/2012	Qrtly Internet services, Acct 2989	\$65.70	
28750-47	08/02/2012	General Plan webhosting 8/23-9/22/12 Fund 1313, Gen Plan=\$44.95	\$44.95	
70577	08/10/2012	Open	CRYSTAL SPRINGS WATER CO.	\$154.42
Invoice	Date	Description	Amount	
Jul2012	07/31/2012	Monthly Drinking Water	\$154.42	
70578	08/10/2012	Open	CVS PHARMACY INC.	\$6.47
Invoice	Date	Description	Amount	
2252	07/23/2012	Museum Fundraising Expense	\$6.47	
70579	08/10/2012	Open	D & G SANITATION	\$654.39
Invoice	Date	Description	Amount	
197203	07/31/2012	Portable toilets-Fund 1311, Wharf	\$654.39	



# City Payments Issued Week of 8/10/2012

Invoice #	Date	Status	Description	Amount
70580	08/10/2012	Open	DE LAGE LANDEN FINANCIAL SVCS	\$334.07
Invoice	Date		Description	Amount
14481620	07/21/2012		Acct 371362 Sharp MX700 Lease Paymei	\$334.07
			Fund 2210, Stores	
70581	08/10/2012	Open	DEPARTMENT OF MOTOR VEHICLES	\$118.00
Invoice	Date		Description	Amount
ED7836	08/02/2012		Title Transfer & Tax, VIN59253306	\$118.00
			Fund 1420, Pac Cove Bond	
70582	08/10/2012	Open	DEPARTMENT OF MOTOR VEHICLES	\$83.00
Invoice	Date		Description	Amount
H67038	08/03/2012		Title Transfer & Tax, VIN 33T5419	\$83.00
			Fund 1420, Pac Cove Bond	
70583	08/10/2012	Open	DEPARTMENT OF MOTOR VEHICLES	\$190.00
Invoice	Date		Description	Amount
EJ1420	08/03/2012		Title Transfer and Tax, VIN11824XX	\$190.00
			Fund 1420, Pac Cove Bond	
70584	08/10/2012	Open	DEPARTMENT OF MOTOR VEHICLES	\$190.00
Invoice	Date		Description	Amount
EJ1419	08/03/2012		Title Transfer and Tax, VIN11824XXU	\$190.00
			Fund 1420, Pac Cove Bond	
70585	08/10/2012	Open	DYNAMIC PRESS	\$82.61
Invoice	Date		Description	Amount
11965	07/25/2012		Personnel Action Forms	\$82.61
			Fund 2210, Stores	
70586	08/10/2012	Open	EWING IRRIGATION	\$110.70
Invoice	Date		Description	Amount
5134130	07/23/2012		Irrigation supplies	\$64.04
5168191	07/28/2012		Wood stakes - beach	\$46.66
70587	08/10/2012	Open	EXTRA SPACE STORAGE OF SC	\$303.00
Invoice	Date		Description	Amount
2522221-Aug12	08/01/2012		Evidence storage-PD	\$303.00
70588	08/10/2012	Open	FARWEST NURSERY	\$20.22
Invoice	Date		Description	Amount
748090	08/03/2012		Plants - CY	\$20.22
70589	08/10/2012	Open	FEDERAL EXPRESS	\$100.23
Invoice	Date		Description	Amount
7-958-09471	07/27/2012		Weekly Shipping	\$100.23
70590	08/10/2012	Open	FLYNN, CAROLYN	\$3,470.00
Invoice	Date		Description	Amount
CBF-7-2012	07/29/2012		Professional Services July 1-30, 2012	\$3,470.00
			Fund 1313, Gen Plan=\$520.00	
			Fund 1350, CDBG Grants=\$2650.00	
			Fund 1351, CDBG Prog=\$300.00	
70591	08/10/2012	Open	FOLD A GOAL	\$1,726.59
Invoice	Date		Description	Amount
80851A	07/18/2012		Sports field supplies	\$1,726.59

## City Payments Issued Week of 8/10/2012

Invoice Number	Date	Description	Amount
70592	08/10/2012	Open	
		GOLDFARB & LIPMAN, LLP	\$1,701.00
Invoice	Date	Description	Amount
105587	07/16/2012	Non-Housing Legal Services, Jun 2012	\$1,701.00
70593	08/10/2012	Open	
		GRANITE ROCK COMPANY	\$111.32
Invoice	Date	Description	Amount
712484	07/28/2012	building materials	\$84.73
711066	07/21/2012	Fines	\$26.59
70594	08/10/2012	Open	
		HOWARD, CHARLIE	\$1,500.00
Invoice	Date	Description	Amount
7-3	08/06/2012	FY 12/13 Mechanic	\$750.00
7-4	08/06/2012	FY 12/13 Mechanic	\$750.00
70595	08/10/2012	Open	
		ICMA RETIREMENT TRUST 457	\$4,423.17
Invoice	Date	Description	Amount
ICMA8-10-12	08/08/2012	Retirement Plan Contr, Employee Funded	\$4,423.17
70596	08/10/2012	Open	
		INTERSTATE BATTERY SYSTEM OF SAN JOSE	\$54.28
Invoice	Date	Description	Amount
186824	07/18/2012	Batteries-PD	\$54.28
70597	08/10/2012	Open	
		JAMES P ALLEN & ASSOC	\$90.00
Invoice	Date	Description	Amount
080412	08/04/2012	Consulting Arborist Svs-Esplanade Park	\$90.00
70598	08/10/2012	Open	
		KBA Docusys	\$383.02
Invoice	Date	Description	Amount
208200857	07/22/2012	New Rec Copier Lease Agreement-Canon	\$243.35
144088	08/01/2012	Rec Copier Monthly Charge, Canon IR175	\$25.89
144087	08/01/2012	Quarterly Charge, City Hall Copier	\$113.78
70599	08/10/2012	Open	
		LABOR READY SOUTHWEST INC.	\$948.76
Invoice	Date	Description	Amount
16201854	07/28/2012	FY 12/13 Temporary staff-Corp Yd	\$948.76
70600	08/10/2012	Open	
		LABORMAX STAFFING	\$923.59
Invoice	Date	Description	Amount
26-16499	07/27/2012	FY 12/13 Temporary staff-Corp Yd	\$923.59
70601	08/10/2012	Open	
		LIFESAVER TOWING	\$375.00
Invoice	Date	Description	Amount
31159	08/01/2012	Towed from case 12c-01197	\$375.00
70602	08/10/2012	Open	
		LUICH, JAY	\$88.00
Invoice	Date	Description	Amount
2013-00000137	08/08/2012	Softball Umpires July 23 to Aug 8 2012	\$88.00
70603	08/10/2012	Open	
		MARCHESE, HELEN	\$218.54
Invoice	Date	Description	Amount
2013-00000130	08/08/2012	Petty Cash Thru 6/30/2012	\$218.54

# City Payments Issued Week of 8/10/2012

Invoice #	Date	Description	Amount	
70604	08/10/2012	Open	MID-COUNTY AUTO SUPPLY	\$353.92
Invoice	Date	Description	Amount	
310213	07/21/2012	Grease	\$45.36	
310323	07/23/2012	auto parts-PD111	\$6.56	
310340	07/23/2012	auto parts-PD111	\$23.88	
310442	07/24/2012	auto parts-John Deere Mower	\$24.23	
310494	07/24/2012	auto parts-Lifeguard Trailer	\$16.33	
310741	07/26/2012	auto parts-PD81	\$171.86	
311040	07/30/2012	auto parts-PD81	\$49.13	
311201	07/31/2012	auto parts-Fleet	\$16.57	
70605	08/10/2012	Open	MILLER'S TRANSFER & STORAGE CO	\$170.05
Invoice	Date	Description	Amount	
83551	08/02/2012	Aug storage, Jul handling-Records Mgmt	\$170.05	
70606	08/10/2012	Open	MISSION LINEN SUPPLY	\$848.70
Invoice	Date	Description	Amount	
July2012	08/01/2012	July 2012 Mat and Uniform Cleaning	\$848.70	
70607	08/10/2012	Open	MONTEREY BAY AREA SELF INS AUTI	\$989.74
Invoice	Date	Description	Amount	
MBA11-0715a	07/20/2012	Claim Settlement, Alexander Fund 2213, Self-Ins Liability	\$989.74	
70608	08/10/2012	Open	MONTEREY BAY AREA SELF INS AUTI	\$13,304.00
Invoice	Date	Description	Amount	
FY12-13	07/13/2012	FY12-13 Property & Boiler Insurance Fund 2213, Self-Ins Liability	\$13,304.00	
70609	08/10/2012	Open	MORRISON, ED	\$2,500.00
Invoice	Date	Description	Amount	
7	08/02/2012	FY 12/13 Inspections	\$2,500.00	
70610	08/10/2012	Open	ORCHARD SUPPLY HARDWARE	\$362.75
Invoice	Date	Description	Amount	
6009-2432371	07/20/2012	Misc. - beach	\$48.67	
6014-522271	07/21/2012	Trash can	\$29.21	
6005-6877450	07/23/2012	Misc. hardware	\$14.71	
6010-4770656	07/23/2012	Batteries - JSCC alarm	\$42.19	
6013-1239463	07/24/2012	Broom & hose	\$21.36	
6013-1139505	07/24/2012	Batteries	\$38.91	
6011-4090698	07/27/2012	Supplies, Recreation	\$69.20	
20120723	08/03/2012	auto parts	\$36.39	
6014-4523049	07/25/2012	Soil	\$46.98	
6009-3523714	07/26/2012	Steel wool	\$5.40	
6013-3699894	07/26/2012	Dust bags	\$9.73	
70611	08/10/2012	Open	OUTDOOR WORLD	\$432.97
Invoice	Date	Description	Amount	
Rct # 951045	07/22/2012	JG supplies	\$432.97	
70612	08/10/2012	Open	PACIFIC VET SPECIALISTS INC.	\$487.00
Invoice	Date	Description	Amount	
223913-225894	07/31/2012	Animal Control Expense, PD	\$487.00	

# City Payments Issued Week of 8/10/2012

Invoice #	Date	Description	Amount	
70613	08/10/2012	Open	PALACE ART & OFFICE SUPPLIES	\$434.16
966221	07/20/2012	Pens	\$16.79	
C965386	07/24/2012	Return Office Supplies	(\$16.79)	
8789870	07/18/2012	Office Supplies, Museum	\$15.70	
8791376	07/22/2012	Office supplies	\$51.62	
8793952	07/30/2012	Camp Supplies	\$7.24	
8794435	07/31/2012	Supplies for weapons	\$17.71	
967531	07/27/2012	paper-PD	\$46.44	
8794094	07/30/2012	Office Supplies, City Hall	\$28.18	
967655	07/30/2012	Office Supplies, City hall	\$232.20	
967886	07/31/2012	Office Supplies, City hall	\$35.07	
70614	08/10/2012	Open	PHOENIX GROUP INFORMATION SYS	\$1,459.85
62012070	07/11/2012	Citations center	\$1,459.85	
70615	08/10/2012	Open	POM INCORPORATED	\$760.74
23512	07/20/2012	Parking Meter repairs	\$760.74	
70616	08/10/2012	Open	ProBUILD COMPANY LLC	\$227.79
5642626	07/27/2012	Tree stakes - beach	\$34.47	
5643827	07/31/2012	Drill	\$193.32	
70617	08/10/2012	Open	QUARTARARO, ROD V.	\$99.00
2013-00000134	08/08/2012	Softball Umpires July 23 to Aug 8 2012	\$99.00	
70618	08/10/2012	Open	RED SHIFT INTERNET SERVICES	\$115.11
1527070	08/01/2012	Acct 34284, Aug DSL Access	\$49.94	
1527069	08/01/2012	Acct 34284, Aug 2012 DSL Access	\$65.17	
70619	08/10/2012	Open	REED, DANIEL H.	\$132.00
2013-00000133	08/08/2012	Softball Umpires July 23 to Aug 8 2012	\$132.00	
70620	08/10/2012	Open	RODGERS, PETER A	\$121.00
2013-00000136	08/08/2012	Softball Umpires July 23 to Aug 8 2012	\$121.00	
70621	08/10/2012	Open	SCC CONF & VISITORS COUNCIL	\$29,705.94
TMD-Q4	08/03/2012	4th Qtr FY11/12 TMD	\$29,705.94	
70622	08/10/2012	Open	SCC HEALTH SERVICES	\$520.00
20120723	07/23/2012	Dominican Hospital blood draws	\$520.00	

# City Payments Issued Week of 8/10/2012

Invoice Number	Date	Description	Amount
70623	08/10/2012	Open	
Invoice	Date	Description	Amount
Radio-CY2012-Q2	07/17/2012	Contract R224, Q2 2012 Radio Shop Exp	\$1,129.91
70624	08/10/2012	Open	
Invoice	Date	Description	Amount
035-141-33-42T	08/03/2012	Estimated 12-13 Taxes, Parcel 035-141-33-42T Fund 1420, Pac Cove Bond	\$150.00
70625	08/10/2012	Open	
Invoice	Date	Description	Amount
035-141-33-42C	08/03/2012	County Collections, Parcel 035-141-33-42 Fund 1420, Pac Cove Bond	\$182.55
70626	08/10/2012	Open	
Invoice	Date	Description	Amount
388909	07/23/2012	Computer Supplies Fund 2211, IT	\$10.75
70627	08/10/2012	Open	
Invoice	Date	Description	Amount
91881	07/18/2012	Fire equipment	\$157.84
70628	08/10/2012	Open	
Invoice	Date	Description	Amount
Jun-Jul2012	07/25/2012	WATER BILLS FOR STREET MEDIANS	\$948.50
70629	08/10/2012	Open	
Invoice	Date	Description	Amount
10513-45427May-J	07/24/2012	May15-Jul17 2012 Irrigation Water	\$4,843.22
70630	08/10/2012	Open	
Invoice	Date	Description	Amount
974855313-128	07/29/2012	City Cell Phone Service	\$3,093.93
70631	08/10/2012	Open	
Invoice	Date	Description	Amount
47252	07/09/2012	Minium motor pants and boots	\$713.11
70632	08/10/2012	Open	
Invoice	Date	Description	Amount
3917-15884	08/01/2012	Domino Hosting, Aug 2012	\$150.00
70633	08/10/2012	Open	
Invoice	Date	Description	Amount
16644	08/01/2012	Section 125 Plan Admin Fee, Aug 2012	\$175.00
70634	08/10/2012	Open	
Invoice	Date	Description	Amount
93030-Aug2012	08/01/2012	Aug Dental & Vision Ins.-Employee Funde	\$2,513.42
70635	08/10/2012	Open	
Invoice	Date	Description	Amount
CN1N026319	07/12/2012	Sharp MX700 Maint Contract Fund 2210, Stores	\$1,155.58

# City Payments Issued Week of 8/10/2012

Invoice Number	Date	Description	Amount
70636	08/10/2012	UNION BANK OF CALIFORNIA	\$2,800.26
Invoice	Date	Description	Amount
PARS8-10-12	08/08/2012	Retirement Contr, Employee Funded	\$2,800.26
70637	08/10/2012	UNITED PARCEL SERVICE	\$54.94
Invoice	Date	Description	Amount
954791302	07/28/2012	Shipping-PD	\$19.08
954791312	08/04/2012	Shipping-PD	\$35.86
70638	08/10/2012	US BANCORP EQUIPMENT FINANCE	\$80.12
Invoice	Date	Description	Amount
208311993	07/24/2012	Rec Copier Lease Agreement Fund 2211, IT	\$80.12
70639	08/10/2012	Andrade, Sierra	\$154.00
Invoice	Date	Description	Amount
2013-00000107	08/06/2012	Camp Jr. Leader payments S3	\$154.00
70640	08/10/2012	Campagnolo, Justice	\$88.00
Invoice	Date	Description	Amount
2013-00000108	08/06/2012	Camp Jr. Leader payments S3	\$88.00
70641	08/10/2012	Cartwright, Jake	\$80.00
Invoice	Date	Description	Amount
2013-00000109	08/06/2012	Camp Jr. Leader payments S3	\$80.00
70642	08/10/2012	Crowe, Penny	\$218.00
Invoice	Date	Description	Amount
2001438-002	07/31/2012	JG refund	\$218.00
70643	08/10/2012	Daugherty, Callean	\$32.00
Invoice	Date	Description	Amount
2013-00000110	08/06/2012	Camp Jr. Leader payments S3	\$32.00
70644	08/10/2012	Dudley, Carol	\$232.00
Invoice	Date	Description	Amount
2001439-002	08/02/2012	Refund	\$232.00
70645	08/10/2012	Fischer, Gene	\$500.00
Invoice	Date	Description	Amount
2013-00000127	08/06/2012	2012 National Night Out-Climbing Wall	\$500.00
70646	08/10/2012	Gross, Daniel	\$88.00
Invoice	Date	Description	Amount
2013-00000111	08/06/2012	Camp Jr. Leader payments S3	\$88.00
70647	08/10/2012	Horton, Madeline	\$112.00
Invoice	Date	Description	Amount
2013-00000112	08/06/2012	Camp Jr. Leader payments S3	\$112.00
70648	08/10/2012	Koehler, Kahlie	\$52.51
Invoice	Date	Description	Amount
2013-00000120	08/06/2012	Parking/supplies, Regionals-Rec	\$52.51

# City Payments Issued Week of 8/10/2012

70649	08/10/2012	Open		Lehmann, Kevin		\$40.75
	Invoice		Date	Description		Amount
	2013-00000121		08/06/2012	Camp supplies-Rec		\$40.75
70650	08/10/2012	Open		Murphy, Joyce		\$500.00
	Invoice		Date	Description		Amount
	12-009		08/02/2012	Tree Permit Deposit Refund #12-009		\$500.00
70651	08/10/2012	Open		Regan, Emily		\$88.00
	Invoice		Date	Description		Amount
	2013-00000113		08/06/2012	Camp Jr. Leader payments S3		\$88.00
70652	08/10/2012	Open		Regan, Matt		\$80.00
	Invoice		Date	Description		Amount
	2013-00000114		08/06/2012	Camp Jr. Leader payments S3		\$80.00
70653	08/10/2012	Open		Servin, Margarita		\$160.00
	Invoice		Date	Description		Amount
	2013-00000115		08/06/2012	Camp Jr. Leader payments S3		\$160.00
70654	08/10/2012	Open		Stevens, Leela		\$80.00
	Invoice		Date	Description		Amount
	2013-00000116		08/06/2012	Camp Jr. Leader payments S3		\$80.00
70655	08/10/2012	Open		Sturgill, Madison		\$96.00
	Invoice		Date	Description		Amount
	2013-00000117		08/06/2012	Camp Jr. Leader payments S3		\$96.00
70656	08/10/2012	Open		Toyota of Santa Cruz		\$20,695.73
	Invoice		Date	Description		Amount
	2013-00000126		08/06/2012	Toyota purchase-PD Fund 2212, Equip Replacement		\$20,695.73
70657	08/10/2012	Open		Wegrich, Gretchen		\$308.80
	Invoice		Date	Description		Amount
	2013-00000122		08/06/2012	Parking, gas, supplies Regionals-Rec		\$308.80
<u>EFT</u>						
1	08/07/2012	Open		INTER-COUNTY TITLE CO OF EL DORADO CTY		\$83,122.72
	Invoice		Date	Description		Amount
	Roddy 8/7/12		08/07/2012	Pac Cove MHP-Space No. 71-Roddy Fund 1420 Pac Cove Bond		\$83,122.72
2	08/06/2012	Open		CalPERS Health Insurance		\$52,962.47
	Invoice		Date	Description		Amount
	13359548		07/16/2012	Aug2012 Health Ins, Employee Funded		\$52,962.47

<b>Payment Totals</b>	<b>Checks</b>	<b>Count</b>	<b>101</b>	<b>\$176,524.19</b>
	<b>EFTs</b>	<b>Count</b>	<b>2</b>	<b><u>\$136,085.19</u></b>
	<b>Total Payments</b>			<b>\$312,609.38</b>

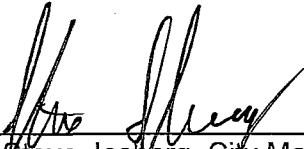
Checks dated 8/17/12 numbered 70658 to 70674, for a total of \$63,193.98 have been reviewed and authorized for distribution by the City Manager and City Treasurer.


As of 8/17/12 the unaudited cash balance is \$2,174,506

**CASH POSITION - CITY OF CAPITOLA 8/17/12**

	<u>Net Balance</u>
General Fund	174,343
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	168,167
Stores Fund	3,135
Information Technology Fund	178,972
Equipment Replacement	418,237
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	152,139
Open Space Fund	256
Capital Improvement Projects	596,830
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,174,506</u></u>

The Emergency Reserve Fund balance is \$156,045.54 and is not included above.

  
 \_\_\_\_\_  
 Steve Jesberg, City Manager

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

8/17/12  
 \_\_\_\_\_  
 Date

9.4.12  
 \_\_\_\_\_  
 Date



# City Payments Issued Week of 8/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70658		Open			AUTOTEMP INC.	\$7,560.00
	7/31/12		07/31/2012	Professional Services 7/2/12-7/31/12		\$7,560.00
70659		Open			BOWERS dba JACK BOWERS QUARTET, JOHN, C.	\$400.00
	20120819		08/09/2012	Capitola Art & Music Fest Performance, 8/19		\$400.00
70660		Open			CATTO'S GRAPHICS, INC.	\$495.98
	9303		07/27/2012	Sign Design		\$495.98
70661		Open			COASTAL WATERSHED COUNCIL	\$2,082.29
	1156		07/31/2012	Soquel Creek Monitoring-Water Quality Urban Watch/Fi		\$2,082.29
70662		Open			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$4,805.63
	2012-00000910		06/29/2012	4th QTR 11/12 PEG Fees		\$4,805.63
70663		Open			DESIGN, COMMUNITY & ENVIRONMENT, INC.	\$11,696.58
	49181		06/30/2012	Professional Services June 1-June 30, 2012		\$11,696.58
70664		Open			GRAPHIC APPAREL	\$488.80
	657		08/13/2012	Softball Tee Shirts Spring League		\$488.80
70665		Open			HERNANDEZ, TRACIE	\$94.35
	2013-00000144		08/09/2012	PD-Training Reimbursement		\$94.35
70666		Open			HOPE REHABILITATION SERVICES	\$2,100.00
	S144154		07/31/2012	July 1- Sept 7, 2012 Litter Abatement & Street Cleaning		\$2,100.00
70667		Open			HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ	\$35.00
	12-10 CTA		05/30/2012	Professional Services		\$35.00
70668		Open			LABORMAX STAFFING	\$901.60
	26-16598		08/03/2012	FY 12/13 Temporary staff		\$901.60
70669		Open			RBF CONSULTING	\$19,868.09
	12060577		07/27/2012	Brommer Street Traffic Island Modification Improvemen		\$595.00
	12050719		05/29/2012	Develop Local Hazard Mitigation Plan		\$4,348.09
	12060768		07/27/2012	Develop Local Hazard Mitigation Plan		\$14,396.00
	12060578		07/27/2012	Traffic Study 1575 38th Avenue Senior Housing Project		\$529.00

# City Payments Issued Week of 8/17/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70670		Open			SALDANA, LISA	\$434.20
	20120809		08/09/2012	Finance Training Reimbursement		\$434.20
70671		Open			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$11,670.00
	2012CITE		07/31/2012	July 2012 Co/St Surcharges		\$11,670.00
70672		Open			TASHNICK, BILL	\$33.00
	2013-00000135		08/08/2012	Softball Umpires July 23 to Aug 8 2012		\$33.00
70673		Open			WATSONVILLE BLUEPRINT	\$28.46
	35508		08/09/2012	Printing Services		\$28.46
70674		Open			Cronise, Barbara	\$500.00
	2013-00000145		08/15/2012	Tree Replacement Deposit Refund #12-086		\$500.00
Check Totals:				Count:	17	Total: \$63,193.98


Checks dated 8/24/12 numbered 70675 to 70758 for a total of \$391,779.66 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/24/12 the unaudited cash balance is \$2,138,423

**CASH POSITION - CITY OF CAPITOLA 8/24/12**

	<u>Net Balance</u>
General Fund	411,568
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	167,717
Stores Fund	2,822
Information Technology Fund	175,349
Equipment Replacement	418,237
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	228,483
Open Space Fund	256
Capital Improvement Projects	600,271
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,487,130</u></u>

The Emergency Reserve Fund balance is \$156,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

8/24/12  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9.4.12  
 \_\_\_\_\_  
 Date

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70675	08/22/2012 Invoice #63-Roth	Open	Date 08/16/2012	Description Pac Cove MHP #63-Roth Escrow # 48116 Fund 1420, Pac Cove Bond	STEWART TITLE OF CALIFORNIA, INC	\$79,450.00
70676	08/24/2012 Invoice 4600	Open	Date 08/07/2012	Description Sweeper brooms Fund 1310, Gas Tax	ACME ROTARY BROOM SERVICE	\$1,478.07
70677	08/24/2012 Invoice 77756778 77756785	Open	Date 08/11/2012 08/11/2012	Description Alarm, 422 Cap Ave, Sep-Nov12 Alarm, Evidence Stg on 38th ave, Sep-Nov	ADT SECURITY SERVICES, INC.	\$256.41
70678	08/24/2012 Invoice 43871	Open	Date 08/08/2012	Description Keys-PD	ALLSAFE LOCK COMPANY	\$4.32
70679	08/24/2012 Invoice 674-Aug12 624-AUG12	Open	Date 08/01/2012 08/01/2012	Description Long distance Service, Aug 12 Long distance Service, Aug 12	AT&T	\$15.43
70680	08/24/2012 Invoice Jul2012	Open	Date 07/31/2012	Description Legal Services, Jul 2012	ATCHISON, BARISONE, & CONDOTTI	\$13,300.30
70681	08/24/2012 Invoice Jul-Aug12	Open	Date 08/06/2012	Description Jul-Aug Credit Card Charges Fund 1000, General Fund=\$2233.11 Fund 1320, PEG=\$564.60 Fund 2210, Stores=\$290.32 Fund 2211, IT=\$3392.91	BANK OF AMERICA	\$6,480.94
70682	08/24/2012 Invoice 228297	Open	Date 08/01/2012	Description Ben Irao batteries	BATTERIES PLUS	\$539.98
70683	08/24/2012 Invoice 863	Open	Date 08/11/2012	Description Motor service	BEN'S MOTORCYCLE WORKS	\$326.07
70684	08/24/2012 Invoice 09-12	Open	Date 08/09/2012	Description Insurance Appraisal, Museum Items Fund 2213, Self Ins Liability	BRIAN W. CURTIS ANTIQUES & FINE ART	\$450.00
70685	08/24/2012 Invoice 922963 921384	Open	Date 08/06/2012 08/06/2012	Description Fingerprinting-Rec Fingerprinting, New Hires, PD	CA DEPARTMENT OF JUSTICE	\$306.00

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70686	08/24/2012 Invoice SL121076	Open	Date 08/13/2012	Description Signals & Lighting April 2012-June 2012 Fund 1310, Gas Tax	CA DEPARTMENT OF TRANS.	\$3,565.01
70687	08/24/2012 Invoice 127078 127182	Open	Date 07/31/2012 08/13/2012	Description Meter service for July 2012 service to 2 meters	CALE AMERICA INC.	\$1,020.00
70688	08/24/2012 Invoice 2013-00000164	Open	Date 08/20/2012	Description Sports Officials Jul-Aug2012 Soccer/Softb:	CALERO, VICTOR	\$78.00
70689	08/24/2012 Invoice POA8-24-12	Open	Date 08/23/2012	Description POA Dues, Employee Funded	CAPITOLA PEACE OFFICERS ASSOC.	\$769.00
70690	08/24/2012 Invoice July 2012	Open	Date 08/01/2012	Description July 2012 Animal Control Expense	CHANTICLEER VET HOSPITAL	\$3,225.73
70691	08/24/2012 Invoice 0198562-Aug12	Open	Date 08/11/2012	Description Internet Access, Aug 20 to Sep 19 2012 Fund 2211, IT	CHARTER COMMUNICATIONS	\$129.99
70692	08/24/2012 Invoice 113072 111901	Open	Date 08/13/2012 08/08/2012	Description Supplies-PD Supplies-PD	CHIEF SUPPLY	\$458.49
70693	08/24/2012 Invoice 11208129	Open	Date 08/04/2012	Description Clares & 41st Ave traffic control marking Fund 1310, Gas Tax	CHRISP COMPANY	\$1,339.24
70694	08/24/2012 Invoice 019873	Open	Date 08/13/2012	Description Jay Moriaty paddle event-Lifeguards	CITY OF SANTA CRUZ	\$500.00
70695	08/24/2012 Invoice 9995	Open	Date 07/31/2012	Description Jul2012 Facility Cleaning Fees	CLEAN BUILDING MAINTENANCE	\$3,981.96
70696	08/24/2012 Invoice 1245925	Open	Date 07/27/2012	Description Cleaning supplies	CLEAN SOURCE	\$1,022.91
70697	08/24/2012 Invoice 60965	Open	Date 08/07/2012	Description Balance on Fall Brochure Mailing-Rec	COMPLETE MAILING SERVICE INC	\$1,677.90

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70698	08/24/2012 Invoice Trn #9398	Open	Date 08/08/2012	Description Camp supplies-Rec	CVS PHARMACY INC.	\$37.97
70699	08/24/2012 Invoice 2013-00000165	Open	Date 08/20/2012	Description Sports Officials Jul-Aug2012 Soccer/Softb:	DAUERMAN, MIKE	\$261.00
70700	08/24/2012 Invoice 5220242	Open	Date 08/07/2012	Description Irrigation supplies	EWING IRRIGATION	\$12.93
70701	08/24/2012 Invoice 20120806 20120820	Open	Date 08/06/2012 08/20/2012	Description Art & Music at the Beach Coord. Art & Music at the Beach Coord.	FELLOWS, LESLIE	\$855.00
70702	08/24/2012 Invoice 558117 561868	Open	Date 07/31/2012 08/15/2012	Description Svc Call, Replace low battery First Alarm 9/1/12-11/30/12	FIRST ALARM	\$311.89
70703	08/24/2012 Invoice 12-756257 12-756258 12-758915 12-758916 12-754802 12-754803	Open	Date 08/03/2012 08/03/2012 08/08/2012 08/08/2012 07/27/2012 07/27/2012	Description 310 Gal Ethanol 100 Gal Diesel 377 Gal Ethanol 130 Gal Diesel 523 Gal Ethanol 200 Gal Diesel	FLYERS ENERGY, LLC	\$6,562.81
70704	08/24/2012 Invoice 2013-00000163	Open	Date 08/20/2012	Description Sports Officials Jul-Aug2012 Soccer/Softb:	FONG, MICHAEL	\$78.00
70705	08/24/2012 Invoice S144340	Open	Date 08/15/2012	Description Jul1-Sep7, 2012 Litter & Street Cleaning	HOPE REHABILITATION SERVICES	\$1,925.00
70706	08/24/2012 Invoice 08/06-08/10/12 08/13-08/17/12	Open	Date 08/20/2012 08/20/2012	Description FY 12/13 Mechanic FY 12/13 Mechanic	HOWARD, CHARLIE	\$1,430.00
70707	08/24/2012 Invoice ICMA8-24-12	Open	Date 08/23/2012	Description Retirement Plan Contr-Employee Funded	ICMA RETIREMENT TRUST 457	\$38,633.04
70708	08/24/2012 Invoice 50227712	Open	Date 08/06/2012	Description Two Motorcycle Battery	INTERSTATE BATTERY SYSTEM	\$127.63

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70709	08/24/2012 Invoice 13014	Open	Date 08/14/2012	Description Plan Check: 3 sets	INTERWEST CONSULTING GROUP IN	\$1,529.41
70710	08/24/2012 Invoice W05413 W05541	Open	Date 07/24/2012 08/15/2012	Description Wharf water heater-Fund 1311, Wharf func garbage disposal replacement	JIMMIE SMITH PLUMBING, INC.	\$1,549.27
70711	08/24/2012 Invoice 117951	Open	Date 07/27/2012	Description Background Investigation, New Hires	JOHNSON, ROBERTS, & ASSOCIATES	\$17.00
70712	08/24/2012 Invoice Jul12	Open	Date 08/09/2012	Description Uniform cleaning July 2012-PD	KING'S CLEANERS	\$676.10
70713	08/24/2012 Invoice 26-16701	Open	Date 08/10/2012	Description FY 12/13 Temporary staff	LABORMAX STAFFING	\$1,225.96
70714	08/24/2012 Invoice RP5	Open	Date 08/22/2012	Description Riparian Restoration	McMENAMIN, GEORGE	\$587.50
70715	08/24/2012 Invoice 2012a	Open	Date 08/21/2012	Description Projection Services, Movies at the Beach	FRED MENG AUDIO VISUAL SERVICE	\$562.50
70716	08/24/2012 Invoice 311961 311792 311843 311825 311332 311511 311427 311586	Open	Date 08/07/2012 08/06/2012 08/06/2012 08/06/2012 08/01/2012 08/02/2012 08/02/2012 08/03/2012	Description PW Shop F-150 PU PW F-150 PU PD Vehicles PW Shop F-150 PU Shop Vehicles & Equipment Shop Vehicles & Equipment Shop F-150 PU PD-Silver Impala, Brakes	MID-COUNTY AUTO SUPPLY	\$546.13
70717	08/24/2012 Invoice 28345	Open	Date 07/31/2012	Description Sales Tax Reporting System, Q1 2012	MUNISERVICES, LLC	\$1,139.85
70718	08/24/2012 Invoice 2012	Open	Date 08/23/2012	Description Popcorn for 4 Movies at the Beach events	NICKELODEON THEATER	\$120.00
70719	08/24/2012 Invoice 21109394	Open	Date 06/29/2012	Description Sweeper Parts	NIXON-EGLI EQUIPMENT CO.	\$284.34

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70720	08/24/2012	Open			ORCHARD SUPPLY HARDWARE	\$187.47
	Invoice		Date	Description		Amount
	6009-9334568		07/30/2012	Drill bits - Cary		\$32.43
	6011-4791985		08/01/2012	Drill bits - Cary		\$54.07
	6011-4792352		08/02/2012	Hose - CH		\$12.97
	6008-3523563		08/02/2012	Locks		\$35.69
	6008-3174502		08/06/2012	Nozzle		\$2.70
	6009-3526080		08/07/2012	auto parts-shop use		\$8.65
	6013-1231623		08/08/2012	Shop Grinder Repair		\$40.96
70721	08/24/2012	Open			PALACE ART & OFFICE SUPPLIES	\$692.65
	Invoice		Date	Description		Amount
	968802		08/06/2012	Office supplies-PD		\$293.94
	969641		08/10/2012	Paper-PD		\$46.44
	969696		08/10/2012	Office supplies-PD		\$26.64
	968993		08/07/2012	Headsets-PD		\$303.10
	969763		08/10/2012	Office Supplies, City Hall		\$22.53
70722	08/24/2012	Open			RAY ALLEN MANUFACTURING LLC	\$178.60
	Invoice		Date	Description		Amount
	281332		08/07/2012	K-9 supplies		\$178.60
70723	08/24/2012	Open			S & S Powder Coating	\$1,040.00
	Invoice		Date	Description		Amount
	47937		07/24/2012	Re-Paint Trash Can Lids		\$1,040.00
70724	08/24/2012	Open			SANTA CRUZ COUNTY BANK	\$84,708.08
	Invoice		Date	Description		Amount
	20120901		07/31/2012	Loan Payment, Pac Cove MHP Relocation Fund 1420, Pac Cove Bond		\$84,708.08
70725	08/24/2012	Open			SCC INFORMATION SERVICES	\$517.24
	Invoice		Date	Description		Amount
	Aug 2012		08/02/2012	Open query scan August 2012		\$517.24
70726	08/24/2012	Open			SCC TAX COLLECTOR	\$500.00
	Invoice		Date	Description		Amount
	035-141-33-80		08/21/2012	FY12/13 Estimated Tax, Penner, Jackson, Fund 1420, Pac Cove Bond		\$500.00
70727	08/24/2012	Open			SANTA CRUZ SENTINEL	\$719.67
	Invoice		Date	Description		Amount
	204516-Jul 2012		08/09/2012	Legal Notices		\$719.67
70728	08/24/2012	Open			SOQUEL NURSERY GROWERS, INC.	\$46.43
	Invoice		Date	Description		Amount
	307980		08/07/2012	Plants		\$46.43
70729	08/24/2012	Open			STATE CONTROLLERS OFFICE	\$100.00
	Invoice		Date	Description		Amount
	20120824		08/24/2012	FY11/12 Audit Information Request		\$100.00



# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70730	08/24/2012 Invoice 081202	Open	Date 07/30/2012	Description Professional Services July 2012-Villa Capi	STRELOW CONSULTING	\$3,250.00
70731	08/24/2012 Invoice 47473	Open	Date 07/25/2012	Description Minium	SUMMIT UNIFORM CORP	\$520.20
70732	08/24/2012 Invoice RG1716394	Open	Date 08/15/2012	Description Movies at the Beach Film rental	SWANK MOTION PICTURES INC.	\$321.00
70733	08/24/2012 Invoice 6002890-9	Open	Date 08/21/2012	Description Sep2012 Long Term Disability & Life Ins	THE HARTFORD -PRIORITY ACCOUNT	\$1,706.88
70734	08/24/2012 Invoice PARS8-24-12	Open	Date 08/23/2012	Description Retirement Contr, Employee funded	UNION BANK OF CALIFORNIA	\$2,618.10
70735	08/24/2012 Invoice UW-Aug12	Open	Date 08/23/2012	Description Employee Contributions, Aug2012	UNITED WAY OF SCC	\$20.00
70736	08/24/2012 Invoice 17601	Open	Date 07/26/2012	Description Keys to parking boot	UNIVERSAL BOOT INC.	\$143.85
70737	08/24/2012 Invoice UPEC-Aug12	Open	Date 08/23/2012	Description Union Dues, Aug 2012, Employee Funded	UPEC LIUNA LOCAL 792	\$1,896.00
70738	08/24/2012 Invoice 209118264 209118116	Open	Date 08/04/2012 08/04/2012	Description PD Copier Lease, Konica Minolta C452 Copier Lease, City Hall, Canon IR2525	US BANCORP EQUIPMENT FINANCE, INC.	\$350.61
70739	08/24/2012 Invoice 2013-00000123	Open	Date 08/18/2012	Description Softball Umpire Aug7-18, 2012	WALTER, ERIK	\$216.00
70740	08/24/2012 Invoice 2013-00000162	Open	Date 08/20/2012	Description Sports Officials July Aug 2012 Soccer/Soft	YAHYA, IB	\$273.00
70741	08/24/2012 Invoice 2013-00000149	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Andrade, Sierra	\$80.00

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70742	08/24/2012 Invoice 12-050	Open	Date 08/16/2012	Description Tree Replanting Deposit #12-050	Camp Capitola/DeCamara Management	\$500.00
70743	08/24/2012 Invoice 2013-00000147	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Cartwright, Jake	\$80.00
70744	08/24/2012 Invoice 2013-00000151	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Coffman, Matthew	\$164.00
70745	08/24/2012 Invoice 2013-00000156	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Dolton, Parker	\$40.00
70746	08/24/2012 Invoice 2013-00000142	Open	Date 07/19/2012	Description K-9 expenses-PD	Elite K-9	\$124.80
70747	08/24/2012 Invoice 2013-00000153	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Gross, Daniel	\$88.00
70748	08/24/2012 Invoice 2013-00000155	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Horton, Madeline	\$160.00
70749	08/24/2012 Invoice 2013-00000166	Open	Date 08/21/2012	Description Pac Cove MHP #57 - Dorothy Houston Fund 1420, Pac Cove Bond	Houston, Dorothy	\$110,986.00
70750	08/24/2012 Invoice 11137232	Open	Date 08/13/2012	Description Refund citation 11137232	Kaufmann, Michael	\$48.00
70751	08/24/2012 Invoice 2013-00000154	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Regan, Emily	\$80.00
70752	08/24/2012 Invoice 2013-00000150	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Regan, Matt	\$80.00
70753	08/24/2012 Invoice 2013-00000158	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Savadkahi, Hannah	\$84.00
70754	08/24/2012 Invoice 2013-00000152	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Servin, Margarita	\$166.00

# City Checks Issued Week of Aug 24, 2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70755	08/24/2012 Invoice 2013-00000148	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Stevens, Leela	\$88.00
70756	08/24/2012 Invoice 2013-00000157	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Sturgill, Madison	\$80.00
70757	08/24/2012 Invoice 2013-00000159	Open	Date 08/20/2012	Description Camp Jr Leader Payment	Taylor, Jordan	\$32.00
70758	08/24/2012 Invoice LIUNA-Jul12	Open	Date 07/16/2012	Description Pension Dues, Jul 2012 Addt'l charge	LIUNA PENSION FUND	\$44.00
Check Totals:				Count	84	Total \$391,779.66

Checks dated 8/31/12 numbered 70759 to 70833 for a total of \$53,259.50 have been reviewed and authorized for distribution by the City Manager and City Treasurer.

As of 8/31/12 the unaudited cash balance is \$2,109,515

**CASH POSITION - CITY OF CAPITOLA 8/31/12**

	<u>Net Balance</u>
General Fund	58,609
Contingency Reserve Fund	404,896
Worker's Comp. Ins. Fund	75,135
Self Insurance Liability Fund	167,717
Stores Fund	2,822
Information Technology Fund	172,922
Equipment Replacement	418,237
Compensated Absences Fund	2,397
Public Employee Retirement - PERS	206,254
Open Space Fund	256
Capital Improvement Projects	600,271
<b>TOTAL GENERAL FUND &amp; COUNCIL DESIGNATED FUNDS</b>	<u><u>2,109,515</u></u>

The Emergency Reserve Fund balance is \$156,045.54 and is not included above.

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

8/31/12  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jacques J.J. Bertrand, City Treasurer

9.4.12  
 \_\_\_\_\_  
 Date

## City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70759	08/31/2012	Open			ADAMS, BECKY	\$145.60
	Invoice		Date	Description		Amount
	Adams-Summer2		08/27/2012	Summer Instructor Payments 2		\$145.60
70760	08/31/2012	Open			ALEXANDER ELECTRIC INC.	\$575.00
	Invoice		Date	Description		Amount
	6075		08/21/2012	Load Test, 15KW generator, City Hall Fund 2211, Info Technology		\$575.00
70761	08/31/2012	Open			ALLSAFE LOCK COMPANY	\$90.00
	Invoice		Date	Description		Amount
	43898		08/22/2012	Rekey F-250 Door Lock		\$16.00
	43591		07/01/2012	Evidence room door lock repair-PD		\$74.00
70762	08/31/2012	Open			APTOS LANDSCAPE SUPPLY, INC.	\$20.52
	Invoice		Date	Description		Amount
	338660		08/09/2012	Top soil		\$20.52
70763	08/31/2012	Open			AUTOMATED TEST ASSOCIATES	\$92.00
	Invoice		Date	Description		Amount
	38999		08/22/2012	August 2012 Wharf meter reading		\$25.00
	39000		08/22/2012	August 2012 Pac Cove MHP meter reading		\$67.00
70764	08/31/2012	Open			AWESOME ENGINEERING, LLC	\$1,019.20
	Invoice		Date	Description		Amount
	Awesome-Summer2		08/27/2012	Summer Instructor Payments 2		\$1,019.20
70765	08/31/2012	Open			B & B SMALL ENGINE REPAIR	\$131.05
	Invoice		Date	Description		Amount
	270048		08/14/2012	Mower parts		\$97.57
	270212		08/17/2012	Throttle cable		\$33.48
70766	08/31/2012	Open			BARTLETT, GERRY	\$861.90
	Invoice		Date	Description		Amount
	Bartlett-Summer2		08/27/2012	Summer Instructor Payments 2		\$33.15
	Bartlett-Sum2a		08/27/2012	Summer Instructor Payments 2		\$828.75
70767	08/31/2012	Open			BAY AREA POLYGRAPH	\$450.00
	Invoice		Date	Description		Amount
	409		08/19/2012	Polygraph, PD Reserves		\$450.00
70768	08/31/2012	Open			BETZ, SHERRI	\$3,343.60
	Invoice		Date	Description		Amount
	Betz-Summer 2		08/27/2012	Summer Instructor Payments 2		\$3,343.60
70769	08/31/2012	Open			BEYERS, FRED C	\$132.00
	Invoice		Date	Description		Amount
	Beyers-Aug22		08/28/2012	Softball Volleyball Officials July 21 to Aug 2		\$132.00
70770	08/31/2012	Open			BUMGARNER, ERIC D	\$108.00
	Invoice		Date	Description		Amount
	Bum-Aug23		08/28/2012	Softball Volleyball Officials July 21 to Aug 2		\$108.00

# City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70771	08/31/2012 Invoice 127143	Open	Date 08/06/2012	Description Parking Meter Service	CALE AMERICA INC.	\$125.00
70772	08/31/2012 Invoice 801	Open	Date 08/04/2012	Description Uniform Expense, M. Gonzalez-PD	CALIFORNIA COAST UNIFORM CO	\$32.75
70773	08/31/2012 Invoice CLEA-Sep12	Open	Date 08/20/2012	Description Long Term Disability, PD, Sep 2012	CALIF. LAW ENFORCEMENT ASSOC.	\$514.50
70774	08/31/2012 Invoice 21694011	Open	Date 08/03/2012	Description Early Fall Brochure, Rec	CASEY PRINTING	\$4,901.00
70775	08/31/2012 Invoice 1637	Open	Date 08/27/2012	Description City Hall Service	CASNER EXTERMINATING INC.	\$680.00
70776	08/31/2012 Invoice Charlebois-Sum2	Open	Date 08/27/2012	Description Summer Instructor Payments 2	CHARLEBOIS, FREDERIC	\$5,136.00
70777	08/31/2012 Invoice 114824	Open	Date 08/17/2012	Description CIU supplies-PD	CHIEF SUPPLY	\$16.76
70778	08/31/2012 Invoice 1250805	Open	Date 08/07/2012	Description Cleaning supplies	CLEAN SOURCE	\$1,080.72
70779	08/31/2012 Invoice Trn #1682 Trn #2398 3800	Open	Date 08/13/2012 08/14/2012 08/17/2012	Description Camp supplies-Rec Camp supplies-Rec Supplies for patrol cars	CVS PHARMACY INC.	\$121.93
70780	08/31/2012 Invoice 2012License	Open	Date 08/29/2012	Description PAPA Licensing, 2012	DEPT OF PESTICIDE REGULATION	\$210.00
70781	08/31/2012 Invoice 7-987-75776	Open	Date 08/17/2012	Description Shipping Expense	FEDERAL EXPRESS	\$46.48
70782	08/31/2012 Invoice 13	Open	Date 08/03/2012	Description CVWBIA Consulting FY 12/13 Fund 1321, BIA	FERRASCI-HARP, AMY	\$500.00

# City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70783	08/31/2012	Open			FITZGERALD, AIMEE	\$269.10
	Invoice		Date	Description		Amount
	Fitz-Summer2		08/27/2012	Summer Instructor Payments 2		\$269.10
70784	08/31/2012	Open			FLYERS ENERGY, LLC	\$2,139.40
	Invoice		Date	Description		Amount
	12-761340		08/17/2012	376 Gal Ethanol		\$1,588.90
	12-761341		08/17/2012	130 Gal Diesel		\$550.50
70785	08/31/2012	Open			GEDDES, SESE EGAN	\$64.35
	Invoice		Date	Description		Amount
	Geddes-Summer2		08/27/2012	Summer Instructor Payments 2		\$64.35
70786	08/31/2012	Open			Geo. H. Wilson, Inc.	\$285.00
	Invoice		Date	Description		Amount
	000101320		08/22/2012	PD HVAC Quarterly Maintenance		\$285.00
70787	08/31/2012	Open			HO KUK MU SUL CORPORATION	\$138.45
	Invoice		Date	Description		Amount
	HoKuk-Summer2		08/27/2012	Summer Instructor Payments 2		\$138.45
70788	08/31/2012	Open			HOWELLS, NANCY	\$343.20
	Invoice		Date	Description		Amount
	Howells-Summer2		08/27/2012	Summer Instructor Payments 2		\$343.20
70789	08/31/2012	Open			HUB INTERNATIONAL OF CA INS	\$126.02
	Invoice		Date	Description		Amount
	August 2012		08/28/2012	Events liability insurance		\$126.02
70790	08/31/2012	Open			INTERSTATE BATTERY SYSTEM OF SAN JOSE	\$93.04
	Invoice		Date	Description		Amount
	50228018		08/20/2012	Battery, PD041		\$93.04
70791	08/31/2012	Open			KAPLAN, PHIL	\$531.05
	Invoice		Date	Description		Amount
	Kaplan-Summer2		08/27/2012	Summer Instructor Payments 2		\$531.05
70792	08/31/2012	Open			KELLY-MOORE PAINTS	\$83.12
	Invoice		Date	Description		Amount
	803-00000417332		08/21/2012	Paint - Rispin graffiti		\$83.12
70793	08/31/2012	Open			KINNAMON, LORRAINE	\$101.40
	Invoice		Date	Description		Amount
	Kinn-Summer2		08/27/2012	Summer Instructor Payments 2		\$101.40
70794	08/31/2012	Open			LABOR READY SOUTHWEST INC.	\$809.92
	Invoice		Date	Description		Amount
	16244995		08/10/2012	Seasonal labor-PW		\$809.92
70795	08/31/2012	Open			LABORMAX STAFFING	\$1,753.73
	Invoice		Date	Description		Amount
	26-16809		08/17/2012	FY 12/13 Temporary staff-PW		\$1,753.73

City of Capitola  
**City Checks Issued 8/31/2012**

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70796	08/31/2012	Open			LEHMANN, KEVIN	\$49.32
	Invoice		Date	Description		Amount
	Lehman-Aug12		08/28/2012	Camp activity supplies reimbursement		\$49.32
70797	08/31/2012	Open			LUICH, JAY	\$154.00
	Invoice		Date	Description		Amount
	Luich-Aug25		08/28/2012	Softball Volleyball Officials July 21 to Aug 2		\$154.00
70798	08/31/2012	Open			MARCHESE, HELEN	\$184.16
	Invoice		Date	Description		Amount
	Petty Cash-Aug		08/27/2012	Replenish Petty Cash		\$184.16
70799	08/31/2012	Open			MEGAPATH COVAD COMMUNICATIONS	\$643.86
	Invoice		Date	Description		Amount
	Aug2012		08/01/2012	Aug 2012 Internet Access Fund 2211, Info Technology		\$643.86
70800	08/31/2012	Open			MID-COUNTY AUTO SUPPLY	\$230.33
	Invoice		Date	Description		Amount
	312611		08/13/2012	PW Honda Lawnmower		\$3.24
	309788		07/18/2012	auto parts-Shop F-150 PU		\$33.37
	310559		07/25/2012	auto parts-Shop F-150		\$53.79
	313184		08/17/2012	Return auto parts		(\$32.71)
	312997		08/16/2012	parts-City Generator		\$54.57
	312912		08/15/2012	auto parts-PW Vehicles		\$21.56
	312891		08/15/2012	auto parts-PW F-250		\$96.51
70801	08/31/2012	Open			MILES, MITCHELL A.	\$29.90
	Invoice		Date	Description		Amount
	Miles, Summer2		08/27/2012	Summer Instructor Payments 2		\$29.90
70802	08/31/2012	Open			MITCHELL, JEANI	\$395.20
	Invoice		Date	Description		Amount
	Mitchell-Summer2		08/27/2012	Summer Instructor Payments 2		\$395.20
70803	08/31/2012	Open			MORRISSEY, YOSHIE	\$150.15
	Invoice		Date	Description		Amount
	Morrissey-Sum2		08/27/2012	Summer Instructor Payments 2		\$150.15
70804	08/31/2012	Open			NEW PIG	\$139.29
	Invoice		Date	Description		Amount
	4552800		06/01/2012	Drain		\$139.29
70805	08/31/2012	Open			NORTH BAY FORD	\$60.56
	Invoice		Date	Description		Amount
	229835		08/16/2012	auto parts-PD071		\$60.56



## City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70806	08/31/2012	Open			ORCHARD SUPPLY HARDWARE	\$284.53
	Invoice		Date	Description		Amount
	6010-2451760		08/07/2012	Windscreen supplies		\$97.57
	6005-2439926		08/08/2012	Misc.		\$34.21
	6014-525476		08/08/2012	Misc.		\$17.46
	6013-7821817		08/09/2012	Paint		\$21.96
	6013-8321838		08/09/2012	Misc.		\$17.77
	6013-5881795		08/09/2012	Misc.		\$55.43
	6013-1231911		08/10/2012	Misc.		\$28.14
	6005-3460629		08/13/2012	Chain		\$12.28
	6010-2452555		08/16/2012	Screwdrivers for parking equipment		\$16.23
	993342		08/09/2012	Return Maint Items		(\$29.49)
	6005-3529619		08/06/2012	SS cleaner		\$12.97
70807	08/31/2012	Open			PACIFIC GAS & ELECTRIC	\$13,077.88
	Invoice		Date	Description		Amount
	2013-00000199		08/27/2012	Monthly Elec		\$13,077.88
				Fund 1000, General Fund=\$4064.81		
				Fund 1300, SLESF=\$171.38		
				Fund 1310, Gas Tax=\$6851.24		
				Fund 1311, Wharf=\$1990.45		
70808	08/31/2012	Open			PACIFIC GAS & ELECTRIC	\$309.38
	Invoice		Date	Description		Amount
	2013-00000200		08/27/2012	Pac Cove MHP Elec and Gas		\$309.38
70809	08/31/2012	Open			PACIFIC VETERINARY SPECIALISTS IN	\$389.23
	Invoice		Date	Description		Amount
	229869		08/20/2012	Animal Control Expense		\$389.23
70810	08/31/2012	Open			PACIFIC WASTE CONSULTING GROUP	\$3,031.89
	Invoice		Date	Description		Amount
	17205		07/06/2012	City 2011 Annual Report to CalRecycle		\$3,031.89
70811	08/31/2012	Open			PALACE ART & OFFICE SUPPLIES	\$0.70
	Invoice		Date	Description		Amount
	C968802		08/07/2012	Credit Discount on Supplies, PD		(\$67.20)
	8797649		08/10/2012	Camp supplies-Rec		\$24.61
	968909		08/10/2012	Laminator-PD		\$43.29
70812	08/31/2012	Open			PESTICIDE APPLICATORS PROF ASSOC.	\$320.00
	Invoice		Date	Description		Amount
	2012Membership		08/29/2012	Membership & Registration		\$320.00
70813	08/31/2012	Open			PRAXAIR DISTRIBUTION INC.	\$62.00
	Invoice		Date	Description		Amount
	43781747		08/20/2012	Corp Yard gases		\$62.00

# City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70814	08/31/2012 Invoice 5648561	Open	Date 08/16/2012	Description General supplies Fund 1311, Wharf fund	ProBUILD COMPANY LLC	\$95.13 \$95.13
70815	08/31/2012 Invoice Quart-Aug24	Open	Date 08/28/2012	Description Softball Volleyball Officials July 21 to Aug 2	QUARTARARO, ROD V.	\$165.00 \$165.00
70816	08/31/2012 Invoice Reed-Aug24	Open	Date 08/28/2012	Description Softball Volleyball Officials July 21 to Aug 2	REED, DANIEL H.	\$198.00 \$198.00
70817	08/31/2012 Invoice RR-135513 RR-135514	Open	Date 08/12/2012 08/12/2012	Description FY 12/13 Signal Maintenance FY 12/13 Signal Maintenance Fund 1310, Gas Tax	REPUBLIC ITS INC.	\$1,254.81 \$698.24 \$556.57
70818	08/31/2012 Invoice Rodgers-Aug25	Open	Date 08/28/2012	Description Softball Volleyball Officials July 21 to Aug 2	RODGERS, PETER A	\$132.00 \$132.00
70819	08/31/2012 Invoice 7719-562896	Open	Date 08/09/2012	Description Tubes	ROYAL WHOLESALE ELECTRIC	\$155.88 \$155.88
70820	08/31/2012 Invoice 13005	Open	Date 08/10/2012	Description Fingerprint Service, PD New Hires	SCC OFFICE OF EDUCATION	\$60.00 \$60.00
70821	08/31/2012 Invoice 90389	Open	Date 08/08/2012	Description Syringe Collection Tubes	SIRCHIE	\$119.50 \$119.50
70822	08/31/2012 Invoice Swift-20120823 18403217	Open	Date 08/23/2012 08/27/2012	Description Reimb Museum Expenses Reimb Storage Supplies, Archives	SWIFT, CAROLYN	\$444.17 \$74.98 \$369.19
70823	08/31/2012 Invoice Tash-Aug27	Open	Date 08/28/2012	Description Softball Volleyball Officials July 21 to Aug 2	TASHNICK, BILL	\$66.00 \$66.00
70824	08/31/2012 Invoice Thill-Aug28	Open	Date 08/28/2012	Description Softball Volleyball Officials July 21 to Aug 2	THILL, WENDY	\$160.00 \$160.00
70825	08/31/2012 Invoice Flex-Aug12	Open	Date 08/22/2012	Description Flex Plan Cash Input	TLC ADMINISTRATORS, INC.	\$2,000.00 \$2,000.00

# City Checks Issued 8/31/2012

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
70826	08/31/2012 Invoice Walter-Aug4	Open	Date 08/27/2012	Description Monterey and Jade Softball Officials July 23	WALTER, ERIK	\$270.00
70827	08/31/2012 Invoice T9358	Open	Date 08/07/2012	Description K-9 training, July	WITMER-TYSON IMPORTS INC.	\$500.00
70828	08/31/2012 Invoice 438DG9	Open	Date 08/23/2012	Description POST travel expense for Sgt. Eller	Eller, Matt	\$195.60
70829	08/31/2012 Invoice 2013-00000187	Open	Date 08/28/2012	Description Planner Cost Recovery Refund	Gianopoulos, John	\$300.00
70830	08/31/2012 Invoice 2001406-002	Open	Date 08/28/2012	Description JG refund	McNamara, Jenny	\$218.00
70831	08/31/2012 Invoice 2013-00000171	Open	Date 08/24/2012	Description Refund permit 1/2 year	Mytich, Rashell	\$25.00
70832	08/31/2012 Invoice 2013-00000170	Open	Date 08/24/2012	Description Refund parking permit	Prince, Andrea	\$25.00
70833	08/31/2012 Invoice #085375893	Open	Date 08/23/2012	Description POST Training, Eller	Sheraton Gateway Los Angeles Hotel	\$291.24
Check Totals:				Count	75	Total \$53,259.50



Item #: 8.E.

## CITY COUNCIL AGENDA REPORT

MEETING OF SEPTEMBER 13, 2012

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADDING SECTION 12.56.090(C) (RIGHT-OF-WAY OBSTRUCTIONS) OF THE MUNICIPAL CODE PERTAINING TO THE REMOVAL OF ITEMS FROM PUBLIC PROPERTY [2ND READING]

---

**RECOMMENDED ACTION:** Adopt the Ordinance adding Section 12.56.090(C) (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [2<sup>nd</sup> reading].

**BACKGROUND/DISCUSSION:** The draft Ordinance adding Section 12.56.090(C) (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property is presented here for a second reading. The City Council held a Public Hearing on the proposed Ordinance at a Regular Meeting of the City Council held on Thursday, August 9, 2012.

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, or following the posting of signs by the Public Works Department, whichever occurs last.

**FISCAL IMPACT:** None

**ATTACHMENTS**

1. August 9, 2012 City Council meeting minute excerpt
2. Draft Ordinance

Report Prepared By: Susan Sneddon, CMC  
City Clerk

Reviewed and Forwarded  
By City Manager: 

NOT OFFICIAL UNTIL APPROVED BY CITY COUNCIL

CITY OF CAPITOLA  
CITY COUNCIL

August 9, 2012  
Capitola, California

MINUTE EXCERPT  
REGULAR MEETING CAPITOLA CITY COUNCIL  
7:00 P.M. – OPEN SESSION

9. GENERAL GOVERNMENT/PUBLIC HEARINGS

- D. Consideration of an Ordinance amending Section 12.56.090 (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [1st Reading]. [485-70]

**Public Works Director Jesberg** introduced this item. He stated that staff is recommending an amendment to the City's Municipal Code that allows Public Works staff to remove any obstructions or illegal encroachments in the public right-of-way.

**Mayor Termini** opened the public hearing.

There was no public comment.

**Mayor Termini** closed the public hearing.

**ACTION: Motion by Council Member Nicol, seconded by Council Member Storey, approving an Ordinance amending Section 12.56.090 (Right-of-way obstructions) of the Capitola Municipal Code pertaining to the removal of items from public property [1st Reading]. The motion carried unanimously with the following vote: AYES: Council Members Harlan, Norton, Nicol, Storey, and Mayor Termini. NOES: None. ABSENT: None. ABSTAIN: None.**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTION 12.56.090 OF THE MUNICIPAL CODE  
PERTAINING TO THE REMOVAL OF ITEMS FROM PUBLIC PROPERTY**

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

**Section 1.** Added Section 12.56.090(C) to the Capitola Municipal Code to read as follows:

12.56.090 C. PUBLIC NUISANCE DECLARED.

If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path in the city of Capitola, contrary to the terms of this chapter and without the written permission of the director of public works, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance, and the director of public works is hereby authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning or otherwise responsible for any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the director of public works or the person designated by the superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

This ordinance was introduced on the 9<sup>th</sup> day of August , 2012, and was passed and adopted by the City Council of the City of Capitola on the 13<sup>th</sup> day of August 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

APPROVED:

\_\_\_\_\_  
Michael Termini, Mayor

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk



# CITY COUNCIL AGENDA REPORT

MEETING OF SEPTEMBER 13, 2012

FROM: CITY CLERK'S OFFICE

SUBJECT: RESOLUTION AMENDING THE CITY'S BAIL SCHEDULE TO ADD NEW FINES  
PURSUANT TO ADOPTION OF CITY COUNCIL ORDINANCES

**RECOMMENDED ACTION:** Adopt the proposed Resolution repealing Resolution No. 3719 and amending the City of Capitola Bail Schedule (Schedule), and direct staff to forward the new Schedule to the Santa Cruz County Court.

**BACKGROUND:** It has been over a few years since amendments were made to the Schedule (Resolution No. 3719 adopted September 11, 2008). Many new Ordinances have been adopted since that time, which contain provisions for violation of municipal code regulations that need to be added to the Schedule. It is important to update the Schedule so that the Santa Cruz County Court will have the bail amounts in their system and the City's police officers can cite municipal code offenders.

**DISCUSSION:** Below is a list of Ordinances adopted and the pertinent municipal code sections that need to be included in the Schedule. The City Attorney and Chief of Police have recommended the proposed bails.

1. Ordinance No. 939  
8.36.030 Prohibited food service ware  
1<sup>st</sup> Offense \$100.00  
2<sup>nd</sup> Offense \$200.00  
3<sup>rd</sup>/Future Offense \$300.00  
8.36.040 Required biodegradable and compostable disposable food service ware  
1<sup>st</sup> Offense \$100.00  
2<sup>nd</sup> Offense \$200.00  
3<sup>rd</sup>/Future Offense \$300.00
2. Ordinance No. 943  
8.38.050 Prohibition of smoking in indoor public places \$ 30.00  
8.38.055 Prohibition of smoking in outdoor public places \$ 30.00
3. Ordinance No. 948  
1.40.020 Campaign contribution limitations violation \$250.00
4. Ordinance No. 954  
12.12.270 Violation of Community Tree and Forest Management Ordinance Tree replacement value
5. Ordinance No. 955  
5.24.090 Entertainment Permits – Violation of Permit conditions \$110.00  
8.06.050 Recyclable waste material - Unauthorized collection prohibited \$ 50.00  
8.24.290 Water Well Violation \$100.00  
8.60.020 Graffiti prohibited \$500.00  
9.12.070 Sound Amplification Permits - Violation of Permit Conditions \$100.00

6.	<u>Ordinance No. 960</u>	
	12.52.010 Skateboarding Prohibited	\$ 30.00
	12.52.030I Skateboarding with due care and at safe speed violation	\$ 50.00
7.	<u>Ordinance No. 964</u>	
	8.36.035 Prohibited retail sales of polystyrene foam products	
	1 <sup>st</sup> Offense	\$100.00
	2 <sup>nd</sup> Offense	\$200.00
	3 <sup>rd</sup> /Future Offense	\$300.00
8.	<u>Ordinance No. 969</u>	
	10.48.040 Commercial vehicles prohibited from streets	\$ 50.00
9.	<u>Ordinance No. 971</u>	
	8.06.035 Recycling Required	\$ 50.00
	8.06.050 Recyclable waste material - Unauthorized collection prohibited	\$ 50.00
10.	<u>Ordinance No. 975 (Draft)</u>	
	9.34.010 Public Urination/Defecation Prohibited	\$ 50.00
11.	<u>Ordinance No. 66 and No. 127 (Never was added to the Schedule in 1951 and 1958)</u>	
	10.44.040 Bicycles Secondhand dealer report required	\$100.00
	10.44.050 Bicycles Sale report required	\$100.00
	10.44.060 Bicycles License plate or serial number destruction	\$100.00
12.	<u>Ordinance No. 785 and No 795 (Never was added to the Schedule in 1995 and 1997)</u>	
	17.57.040 Sign Prohibited Violation	\$100.00
	17.57.050 Temporary Sign Violation	\$100.00
	17.57.060 Central Village Sign Violation	\$100.00
	17.57.070 Permanent Sign Violation	\$100.00

The exhibit to the draft Resolution shows the proposed changes to the current Schedule by underline. Ordinance numbers are included next to the bail amount for informational purposes only and will be deleted in the final Resolution, as will all underlining.

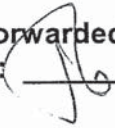
It is important to note that the amounts listed on the Schedule are "Base Bail" amounts. In accordance with state law requirements the Santa Cruz Superior Court adds additional assessments to that amount. With the added assessments, the amount of the fine actually paid by the cited offender increases.

**FISCAL IMPACT:** The fiscal impact for the new violations is unknown at this time.

### **ATTACHMENTS**

1. Draft Resolution
2. Draft Bail Schedule - Exhibit A to Resolution
3. Resolution No. 3719 (Current Bail Schedule)
4. Copies of Ordinances

**Report Prepared by:** Michele Deiter, CMC  
Records Coordinator

Reviewed and Forwarded  
By City Manager: 



**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 3719 AND ADOPTING A  
NEW BAIL SCHEDULE FOR THE CITY OF CAPITOLA**

WHEREAS, the City Council of the City of Capitola adopted Resolution No. 3719 amending the City's Bail Schedule on September 11, 2008; and

WHEREAS, the City Council has adopted several Ordinances which require inclusion of new fines and changes to existing fines since the adoption of the City's Bail Schedule in 2008; and

WHEREAS, the City of Capitola determines the fines for violating the Capitola Municipal Code; and

WHEREAS, staff has conducted a thorough review of the City's Bail Schedule and has determined and recommends City Council approval of the proposed additions and corrections presented to the City Council at its meeting of September 13, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows:

1. Resolution No. 3719 is hereby repealed in its entirety.
2. The City of Capitola Bail Schedule, attached hereto as Exhibit A, is hereby approved.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 13<sup>th</sup> day of September, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

**DRAFT****ATTACHMENT 2**

<b>Violation Section</b>	<b>Violation Description</b>	<b>Base Bail</b>	
1.40.020	<b>CAMPAIGN CONTRIBUTION LIMITATIONS VIOLATION</b>	\$ 250.00	Ordinance 948
3.34.040	FAILURE BY MOBILEHOME PARK OWNER TO SUBMIT RESIDENT LIST	\$ 50.00	
4.04.010	VIOLATION OR FAILURE TO COMPLY WITH CODE PROVISIONS:	\$ 1,000.00	
4.04.010	1ST OFFENSE	\$ 100.00	
4.04.010	2ND OFFENSE	\$ 200.00	
4.04.010	3RD OFFENSE	\$ 500.00	
5.06.030	PEDDLING OR SOLICITING WITHOUT A BUSINESS LICENSE IS PROHIBITED	\$ 75.00	
5.06.040	PEDDLING, SOLICITING, OR CANVASSING UPON PREMISES WHERE "NO SOLICITORS" ARE INDICATED IS PROHIBITED	\$ 75.00	
5.06.050	PEDDLING, SOLICITING, OR CANVASSING OUTSIDE OF DESIGNATED HOURS ARE PROHIBITED	\$ 75.00	
5.08.230 a	VALID TAXICAB OWNER'S PERMIT REQUIRED	\$ 40.00	
5.08.230 b	VALID TAXICAB OWNER'S DRIVER'S PERMIT REQUIRED	\$ 40.00	
5.14.040	FAILURE TO REGISTER SECURITY ALARM SYSTEM	\$ 100.00	
5.14.090	FALSE ALARM FINES:		
5.14.090	THREE OR FOUR FALSE ALARMS IN ANY CALENDAR YEAR	\$ 100.00	
5.14.090	FIVE FALSE ALARMS IN ANY CALENDAR YEAR	\$ 150.00	
5.14.090	SIX OR MORE FALSE ALARMS IN ANY CALENDAR YEAR	\$ 200.00	
5.24.020	ENTERTAINMENT PERMIT REQUIRED	\$ 110.00	
5.24.090	<b>ENTERTAINMENT PERMITS - VIOLATION OF PERMIT CONDITIONS</b>	\$ 110.00	Ordinance 955
5.40.020	VENDING MACHINE SALES OF TOBACCO PRODUCTS ARE PROHIBITED	\$ 75.00	
5.40.030	VENDING MACHINE SALES OF TOBACCO PRODUCTS ARE ALLOWED ONLY IF MACHINES ARE TOKEN OPERATED	\$ 250.00	
5.40.040	VENDOR-ASSISTED SALE OF TOBACCO PRODUCTS IS REQUIRED	\$ 250.00	
6.08.020	INTERFERENCE WITH POUNDMASTER	\$ 100.00	
6.08.120	FAILURE OR REFUSAL TO STATE TRUE NAME/EVIDENCE OF RABIES VACCINATION/LICENSE	\$ 50.00	
6.12.030	VICIOUS/DANGEROUS ANIMALS	\$ 50.00	
6.14.010	DOG LICENSE REQUIRED	\$ 30.00	
6.14.020	DISPLAY DOG LICENSE REQUIRED	\$ 25.00	
6.14.040	VACCINATION REQUIRED	\$ 40.00	
6.14.130	NUMBER OF FEMALE DOG KEPT IN ONE PLACE	\$ 20.00	
6.14.200	DOGS IN PUBLIC PLACES - PROHIBITED LOCATIONS	\$ 40.00	
6.14.215	FAILURE OF OWNER TO PICK UP AFTER DOG DEFECATING	\$ 25.00	
6.14.380	ANIMALS DOGS DEFECATING IN PUBLIC PROHIBITED	\$ 30.00	
6.14.310	DOGS AT LARGE PROHIBITED	\$ 35.00	
6.14.320	LEASH REQUIRED FOR DOGS OFF PREMISES	\$ 30.00	
6.14.330	SAFETY OF ANIMALS IN MOTOR VEHICLES REQUIRED	\$ 60.00	
6.14.340	SAFETY OF ANIMALS IN PARKED VEHICLES REQUIRED	\$ 60.00	
6.14.380	ANIMALS DEFECATING ON PUBLIC/PRIVATE PROPERTY PROHIBITED	\$ 30.00	
6.14.390	ANIMAL NOISE NUISANCE	\$ 30.00	
6.14.400	DOGS THREATENING OR INJURING PERSONS PROHIBITED	\$ 100.00	
6.14.410	DOMESTICATED ANIMAL KILLING OR INJURING OTHER DOMESTICATED ANIMALS	\$ 100.00	
6.14.420	PROHIBITION OF LIVESTOCK OR WILD ANIMALS TO BE AT LARGE	\$ 30.00	
6.14.430	PROHIBITION AGAINST DOGS THREATENING OR INJURING WILD GAME OR LIVESTOCK	\$ 100.00	
6.14.440	DOGS THREATENING OR INJURING PERSONS PROHIBITED	\$ 100.00	
6.14.445	POSSESSION OF WILD ANIMAL SPECIES PROHIBITED	\$ 110.00	
6.14.455	USE OF STEEL-JAWED LEG-HOLD TRAPS PROHIBITED	\$ 110.00	
6.14.590	DUTY TO REPORT ANIMAL BITES REQUIRED	\$ 50.00	
6.16.030	MANDATORY SPAYING/NEUTERING	\$ 110.00	
6.16.040	CARE OF FERAL CATS PROHIBITED WITHOUT SIGNED STATEMENT	\$ 50.00	
6.18.060	PERMIT FOR WILD ANIMALS REQUIRED	\$ 110.00	
6.18.070	KEEPING DISEASED ANIMALS PROHIBITED	\$ 50.00	
6.18.100	PLACEMENT OF DEAD ANIMALS IN PUBLIC PLACES PROHIBITED	\$ 20.00	
6.18.120	WILLFUL INJURY TO WILDLIFE PROHIBITED	\$ 30.00	
6.20.020	FEEDING WATERFOWL/PIGEONS IN RESTRICTED AREA PROHIBITED	\$ 60.00	
6.20.030	SELLING WATERFOWL/PIGEONS PROHIBITED	\$ 60.00	
6.20.040	RELEASING WATERFOWL/PIGEONS IN RESTRICTED AREA PROHIBITED	\$ 30.00	
6.24.010	FEEDING WILD RODENTS AND VERMIN PROHIBITED	\$ 30.00	

**DRAFT**

EXHIBIT A

CITY OF CAPITOLA BAIL SCHEDULE

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>	
8.04.020	ACCUMULATION OF REFUSE - PUBLIC/PRIVATE PROPERTY	\$ 30.00	
8.04.040	ACCUMULATION OF COMMERCIAL GARBAGE	\$ 100.00	
8.04.050	PLACE, DEPOSIT, KEEP, BURY ANY GARBAGE ON, IN, OR UNDER ANY PREMISES	\$ 100.00	
8.04.060	ACCUMULATION OF GARBAGE IN PUBLIC	\$ 50.00	
8.04.068	MANDATORY GARBAGE SERVICE	\$ 50.00	
8.04.070	GARBAGE CONTAINERS OUT OF PUBLIC VIEW ON NON-COLLECTION DAYS	\$ 50.00	
8.04.080	HAULING OF TRASH BY ANY PERSON, FIRM, OR CORPORATION BESIDES THOSE DESIGNATED BY THE CITY TO BE EXCEPTIONS IS PROHIBITED.	\$ 250.00	
8.04.120	UNAUTHORIZED USE OF DUMPSTER	\$ 100.00	
8.06.035	<b>RECYCLING REQUIRED</b>	\$ 50.00	Ordinance 971
8.06.050	<b>RECYCLABLE WASTE MATERIAL - UNAUTHORIZED COLLECTION</b>	\$ 50.00	Ordinances 955/971
8.20.010	POWER BOATS PROHIBITED ON SOQUEL CREEK	\$ 100.00	
8.24.290	<b>WATER WELL VIOLATION</b>	\$ 100.00	Ordinance 955
8.36.030	<b>PROHIBITED FOOD SERVICE WARE</b>		Ordinance 939
	1ST OFFENSE	\$ 100.00	
	2ND OFFENSE	\$ 200.00	
	3RD/FUTURE OFFENSE	\$ 300.00	
8.36.035	<b>PROHIBITED RETAIL SALES OF POLYSTYRENE FOAM PRODUCTS</b>		Ordinance 964
	1ST OFFENSE	\$ 100.00	
	2ND OFFENSE	\$ 200.00	
	3RD/FUTURE OFFENSE	\$ 300.00	
8.36.040	<b>REQUIRED BIODEGRADABLE AND COMPOSTABLE DISPOSABLE FOOD SERVICE WARE</b>		Ordinance 939
	1ST OFFENSE	\$ 100.00	
	2ND OFFENSE	\$ 200.00	
	3RD/FUTURE OFFENSE	\$ 300.00	
8.38.050	<b>PROHIBITION OF SMOKING IN INDOOR PUBLIC PLACES</b>	\$ 30.00	Ordinance 943
8.38.055	<b>PROHIBITION OF SMOKING IN OUTDOOR PUBLIC PLACES</b>	\$ 30.00	Ordinance 943
8.38.130A	OWNER/MANAGER FAILURE TO COMPLY WITH SMOKING PROVISIONS	\$ 50.00	
8.38.130B	SMOKING IN AREA WHERE SMOKING PROHIBITED	\$ 30.00	
8.46.030	BOAT MOORING	\$ 60.00	
8.60.020	<b>GRAFFITI PROHIBITED</b>	\$ 500.00	Ordinance 955
8.60.050	DISPLAYING AEROSOL SPRAY PAINT CONTAINERS AND MARKER PENS IN ANY AREA ACCESSIBLE TO THE PUBLIC WITHOUT EMPLOYEE ASSISTANCE IS PROHIBITED.	\$ 250.00	
8.64.060	ANY VIOLATION OF ORDERS OR DIRECTIVES FOR WATER SPORTS AND EQUIPMENT IS PROHIBITED.	\$ 100.00	
8.68.010	ANY TRANSFERRING OF OWNERSHIP OF A FIREARM WITHOUT AN EFFECTIVE TRIGGER LOCK AND PRINTED MATERIAL ADVISING SAFE STORAGE PRACTICES IS PROHIBITED	\$ 250.00	
9.04.030	PUBLIC NUDITY	\$ 75.00	
9.10.010	REMAINING ON BUSINESS PROPERTY AFTER REQUESTED TO LEAVE		
	1ST OFFENSE	\$ 100.00	
	2ND OFFENSE	\$ 250.00	
9.12.010	NOISE PROHIBITED, 10PM TO 8AM	\$ 110.00	
9.12.015A	MECHANICAL SWEEPERS, PARKING LOT VACUUM MACHINES, AND LEAF BLOWERS ON NON-RESIDENTIAL PRIVATE PROPERTY PROHIBITED BETWEEN 11 PM TO 7 AM	\$ 50.00	
9.12.015B	MECHANICAL SWEEPERS, PARKING LOT VACUUM MACHINES, AND LEAF BLOWERS ON RESIDENTIAL PRIVATE PROPERTY PROHIBITED WEEKDAYS BETWEEN 5 PM AND 8 AM AND WEEKENDS BETWEEN 4 PM AND 10 AM	\$ 50.00	
9.12.015C	LEAF BLOWERS IN EXCESS OF 65 dBA PROHIBITED	\$ 50.00	
9.12.015D	UNLAWFUL TO CAUSE LEAVES OR DEBRIS FROM LEAF BLOWER OPERATIONS TO BE BLOWN OR DEPOSITED ON OTHER PROPERTY	\$ 50.00	
9.12.040	AMPLIFIED SOUND WITHOUT A PERMIT	\$ 100.00	
9.12.070	<b>SOUND AMPLIFICATION PERMITS - VIOLATION OF PERMIT CONDITIONS</b>	\$ 100.00	Ordinance 955
9.20.010	DISCHARGING FIREARMS	\$ 250.00	
9.22.050	ANY DISPLAY OR TRANSFER OF OWNERSHIP OF A FIREARM ON THE SATURDAY NIGHT SPECIALS LIST IS PROHIBITED	\$ 250.00	
9.24.010	UNLAWFUL SALE OF FIREWORKS	\$ 500.00	

## DRAFT

## EXHIBIT A

## CITY OF CAPITOLA BAIL SCHEDULE

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>	
9.24.020	UNLAWFUL DISCHARGE OF FIREWORKS	\$ 500.00	
9.28.010	NO VEHICLES ON BEACH	\$ 100.00	
9.28.020	ILLEGAL CAMPING ON BEACH	\$ 50.00	
9.28.030	NO OPEN FIRES ON BEACHES	\$ 50.00	
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 1ST OFFENSE	\$ 50.00	
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 2ND OFFENSE	\$ 100.00	
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 3RD OFFENSE	\$ 250.00	
9.32.030	ALCOHOL CONSUMPTION/OPEN CONTAINERS PROHIBITED ON STREET, PARK, SCHOOL GROUNDS, BEACH	\$ 50.00	
9.34.010	<b>PUBLIC URINATION/DEFECATION PROHIBITED</b>	<b>\$ 50.00</b>	<b>Ordinance 975 (Draft)</b>
9.48.020	CAMPING PROHIBITED	\$ 50.00	
10.04.030	PERSONS OTHER THAN OFFICIALS NOT TO DIRECT TRAFFIC	\$ 50.00	
10.04.040	OBEDIENCE TO POLICE OR OTHER AUTHORIZED OFFICERS	\$ 100.00	
10.04.070	BICYCLES PROHIBITED ON SIDEWALKS	\$ 30.00	
10.04.080	OPERATION OF DEVICES ON SIDEWALKS	\$ 30.00	
10.04.100	OBSTRUCTION OR INTERFERENCE/ERASED CHALK MARKS	\$ 70.00	
10.28.010	DRIVING THROUGH FUNERAL PROCESSION	\$ 50.00	
10.28.020	CLINGING TO MOVING VEHICLES	\$ 50.00	
10.28.030	COMMERCIAL VEHICLES USING PRIVATE DRIVEWAYS	\$ 50.00	
10.28.040	RIDING OR DRIVING ON SIDEWALK	\$ 50.00	
10.28.050	NEW PAVEMENT MARKINGS	\$ 30.00	
10.28.060	LIMITED ACCESS	\$ 30.00	
10.28.070	RESTRICTIONS ON USE OF FREEWAYS	\$ 30.00	
10.28.080	OBEDIENCE TO BARRIERS AND SIGNS	\$ 50.00	
10.28.090	OBSTRUCTING INTERSECTION OR CROSSWALK	\$ 50.00	
10.28.100	TRAFFIC BARRIERS	\$ 50.00	
10.32.020	PEDESTRIANS MUST USE CROSSWALKS BUSINESS DISTRICT	\$ 30.00	
10.36.045	PARKING WITHIN A METER ZONE WITHOUT PAYING IS AN INFRACTION	\$ 25.00	
10.36.065	PARKING METER TAMPERING PROHIBITED	\$ 100.00	
10.36.070A	PARKING A VEHICLE ON A STREET OR ALLEY FOR MORE THAN 72 CONSECUTIVE HOURS IS PROHIBITED	\$ 65.00	
10.36.070B	STORAGE OF COMMERCIAL VEHICLE ON PUBLIC STREET		
10.36.070B	1ST OFFENSE	\$ 50.00	
10.36.070B	2ND OFFENSE	\$ 100.00	
10.36.090	REPAIRING VEHICLE ON PUBLIC STREET	\$ 50.00	
10.36.140B	VENDOR LICENSE REQUIRED	\$ 50.00	
10.36.180	PARKING OF TALL VEHICLES WITHIN 100 FT OF AN INTERSECTION		
10.36.180	1ST OFFENSE	\$ 50.00	
10.36.180	2ND OFFENSE	\$ 100.00	
10.44.010	BICYCLE LICENSE REQUIRED	\$ 25.00	
10.44.040	<b>BICYCLES SECONDHAND DEALER REPORT REQUIRED</b>	<b>\$ 100.00</b>	<b>Ordinance 66</b>
10.44.050	<b>BICYCLES SALE REPORT REQUIRED</b>	<b>\$ 100.00</b>	<b>Ordinance 66</b>
10.44.060	<b>BICYCLE LICENSE PLATE OR SERIAL NUMBER DESTRUCTION</b>	<b>\$ 100.00</b>	<b>Ordinance 66</b>
10.48.010	TRUCK ROUTES	\$ 50.00	
10.48.020	ADVERTISING VEHICLES WITH SOUND AMPLIFYING LOUDSPEAKER	\$ 50.00	
10.48.040	<b>COMMERCIAL VEHICLES PROHIBITED FROM STREETS</b>	<b>\$ 50.00</b>	<b>Ordinance 969</b>
10.56.010	MAXIMUM VEHICULAR LENGTH	\$ 30.00	
12.12.110	PERMITS ARE REQUIRED FOR ANY WORK DONE TO A HERITAGE TREE, DISREGARDING MAINTENANCE TRIMMING	\$250/\$1,000	
12.12.120	ANY DESTRUCTION VISITED UPON ANY PUBLIC TREE, OR DESTRUCTION TO A PRIVATE TREE THAT COULD SUBSEQUENTLY HARM A PUBLIC TREE WITHOUT FIRST OBTAINING A PERMIT IS PROHIBITED	\$250/\$1,000	
12.12.130	FAILURE TO PROTECT OR MAINTAIN TREES ON CONSTRUCTION/DEMOLITION SITES IS A VIOLATION	\$250/\$1,000	
12.12.160	CUTTING OR REMOVAL OF TREES IN THE CITY WITHOUT A TREE REMOVAL PERMIT IS PROHIBITED	\$250/\$1,000	
12.12.270	<b>VIOLATION OF COMMUNITY TREE/FOREST MANAGEMENT ORDINANCE</b>	<b>TREE REPLACEMENT VALUE</b>	<b>Ordinance 954</b>
12.42.010	DEPOT HILL BLUFF - PROHIBITION AGAINST GRADING, DISTURBING, ERECTING ANY STRUCTURE, MINING OR EXTRACTING MATERIALS		
	1ST OFFENSE IN A 12-MONTH PERIOD	\$ 100.00	
	2ND OFFENSE IN A 12-MONTH PERIOD	\$ 250.00	
	3RD OFFENSE IN A 12-MONTH PERIOD	\$ 500.00	

## DRAFT

## EXHIBIT A

<u>Violation Section</u>	<u>CITY OF CAPITOLA BAIL SCHEDULE</u> <u>Violation Description</u>	<u>Base Bail</u>	
12.44.010	PROHIBITION LIMITING BOATS ON CAPITOLA BEACH DURING WORKING HOURS	\$	50.00
12.48.010	DOGS PROHIBITED ON WHARF	\$	50.00
12.48.020	DIVING AND JUMPING FROM WHARF PROHIBITED	\$	50.00
12.48.030	TYING BOATS TO WHARF PROHIBITED	\$	50.00
12.48.040	OVERHEAD CASTING FROM WHARF PROHIBITED	\$	30.00
12.48.060	BURNING ON WHARF PROHIBITED	\$	50.00
12.48.070	TRESPASSING ON WHARF WHILE CLOSED PROHIBITED	\$	50.00
12.48.090	JET SKIING, CAPITOLA BEACH	\$	50.00
12.48.110	POWER BOAT, CAPITOLA BEACH	\$	50.00
12.48.120	30 MINUTE FLOATING DOCK LIMIT	\$	30.00
12.48.130	PRIVATE VOLLEYBALL NETS ON BEACH PROHIBITED DURING THE SUMMER PERIOD	\$	30.00
12.48.140	GLASS CONTAINERS AND ALCOHOLIC BEVERAGE CONTAINERS LARGER THAN ONE GALLON PROHIBITED ON PUBLIC BEACH	\$	30.00
12.52.010	SKATEBOARDING IS PROHIBITED IN (NEARLY ALL OF) ESPLANADE /CAPITOLA VILLAGE AREA	\$	30.00
12.52.010A	SKATEBOARDING PROHIBITED ON SIDEWALKS OR CURBS	\$	30.00
12.52.010B	SKATEBOARDING PROHIBITED - ESPLANADE PARK/RESTROOMS	\$	30.00
12.52.010C	SKATEBOARDING PROHIBITED - PACIFIC COVE MOBILEHOME PARK AND PACIFIC COVE PARKING LOT	\$	30.00
12.52.010D	SKATEBOARDING PROHIBITED - SIDEWALKS OF CERTAIN STREETS LOCATED IN CAPITOLA VILLAGE	\$	30.00
12.52.010E	SKATEBOARDING PROHIBITED - SIDEWALKS OF CERTAIN STREETS LOCATED IN CAPITOLA VILLAGE	\$	30.00
12.52.020	SKATEBOARDING PROHIBITED IN ANY AREAS NOT INCLUDED IN SECTION 12.52.010 IF ONE OR MORE SIGNS IS POSTED PROHIBITING SKATEBOARDING	\$	30.00
12.52.030A	SKATEBOARDING - STOP AT ALL STOP SIGNS/RED LIGHTS	\$	30.00
12.52.030B	SKATEBOARDING - YIELD TO VEHICLES AT YIELD SIGNS	\$	30.00
12.52.030C	SKATEBOARDING - YIELD TO PEDESTRIANS AT CROSSWALKS	\$	30.00
12.52.030D	SKATEBOARDING - DO NOT IMPEDE TRAFFIC OR INTERFERE WITH THE FLOW OF VEHICULAR TRAFFIC	\$	30.00
12.52.030E	SKATEBOARDING - YIELD TO APPROACHING VEHICLES WHEN ENTERING ANY ROADWAY	\$	30.00
12.52.030F	SKATEBOARDING - DO NOT BE TOWED BY A MOTOR VEHICLE OF ANY SPEED OR A BICYCLE AT ANY UNSAFE SPEED	\$	50.00
12.52.030G	SKATEBOARDING - YIELD BICYCLE LANES TO BICYCLES	\$	30.00
12.52.030H	SKATEBOARDING - DO NOT TRAVEL INTO PATH OF A CLOSE VEHICLE CONSTITUTING AN IMMEDIATE HAZARD	\$	30.00
12.52.030I	<b>SKATEBOARDING WITH DUE CARE AT A SAFE SPEED VIOLATION</b>	\$	50.00 Ordinance 960
12.52.040	WHEN SKATEBOARDING ON SIDEWALKS THAT ARE NOT PROHIBITED, SKATEBOARDERS MUST YIELD TO ALL PEDESTRIANS AND PROCEED WITH CARE WHEN NEAR PEDESTRIANS	\$	30.00
12.56.010	ENCROACHMENT WITHOUT PERMIT	\$	100.00
12.56.090	INSTALLING PRIVATE IMPROVEMENTS OR OBSTRUCTIONS IN ANY PUBLIC RIGHT-OF-WAY IS PROHIBITED, BARRING THE SPECIFIED EXCEPTIONS	\$	100.00
12.58.030	ENTERING OR REMAINING ON POSTED PROPERTY WITHOUT WRITTEN PERMISSION OF CITY MANAGER		
	1ST OFFENSE IN A 12-MONTH PERIOD	\$	100.00
	2ND OFFENSE IN A 12-MONTH PERIOD	\$	200.00
	3RD OFFENSE IN A 12-MONTH PERIOD	\$	500.00
12.64.020	DISPLAY OR SALE OF MERCHANDISE PROHIBITED	\$	50.00
13.02.090	FAILURE TO COMPLY WITH PLUMBING FIXTURE RETROFIT REQUIREMENTS IS PROHIBITED	\$	100.00
15.04.020	BUILDING CODE VIOLATIONS	\$	100.00
15.12.010	ILLEGAL USE OF MOBILEHOME	\$	50.00
15.14.010	TRANSPORTING A MOBILEHOME ACROSS PUBLIC STREETS/ALLEYS WITHOUT A PERMIT IS PROHIBITED	\$	250.00
15.14.020	APPLICATION TO TRANSPORT A MOBILEHOME, FILED 3 DAYS PRIOR TO ANTICIPATED TRANSPORTATION IS REQUIRED	\$	250.00

**DRAFT**

## EXHIBIT A

## CITY OF CAPITOLA BAIL SCHEDULE

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>	
15.14.030	MOBILEHOME: A FIFTY DOLLAR PERMIT FEE IS REQUIRED	\$ 250.00	
15.14.040	ALLOWING A MOBILEHOME TO STAND ON A PUBLIC STREET/ALLEY FOR MORE THAN 12 HOURS IS PROHIBITED	\$ 250.00	
17.21.060	CONDITIONAL USE	\$ 60.00	
17.54.070	ERECTING FENCE WITHOUT A PERMIT	\$ 100.00	
17.57.020	PERMIT REQUIRED FOR SIGN	\$ 100.00	
17.57.040	<b>SIGN PROHIBITED VIOLATION</b>	<b>\$ 100.00</b>	<b>Ordinance 785</b>
17.57.050	<b>TEMPORARY SIGN VIOLATION</b>	<b>\$ 100.00</b>	<b>Ordinances 785/795</b>
17.57.060	<b>CENTRAL VILLAGE SIGN VIOLATION</b>	<b>\$ 100.00</b>	<b>Ordinance 785</b>
17.57.070	<b>PERMANENT SIGN VIOLATION</b>	<b>\$ 100.00</b>	<b>Ordinance 785</b>
17.60.020	FAILURE TO OBTAIN CONDITIONAL USE PERMIT	\$ 100.00	
17.81.060	ANIMAL OFFENSIVE OR ENDANGER TO NEIGHBORS	\$ 100.00	
17.81.060B	NUMBER OF ANIMALS ALLOWED IN SINGLE-FAMILY DWELLING	\$ 100.00	
17.81.110	ACCESSORY STRUCTURE WITHOUT A PERMIT	\$ 100.00	
17.81.140	DISH ANTENNAE PROHIBITED	\$ 80.00	
17.98.080	WIRELESS COMMUNICATION FACILITIES ARE PROHIBITED WITHIN 500 FEET OF SPECIFIED ZONING DISTRICTS (FAMILY RESIDENCE, SCHOOLS, PARKS AND OPEN SPACE, PUBLIC FACILITIES, ETC.) AND WITHIN 3,000 FEET OF COASTLINE	\$ 250.00	

RESOLUTION NO. 3719

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 3654 AND ADOPTING A  
NEW BAIL SCHEDULE FOR THE CITY OF CAPITOLA

WHEREAS, the City Council of the City of Capitola adopted Resolution No. 3654 Amending the City's Bail Schedule on August 9, 2007; and

WHEREAS, the City Council has adopted several ordinances which require inclusion of new fines and changes to existing fines since the adoption of the City's Bail Schedule in 2007; and

WHEREAS, the City of Capitola determines the fines for violating the Capitola Municipal Code; and

WHEREAS, staff has conducted a thorough review of the City's Bail Schedule and has determined and recommends City Council approval of the proposed additions and corrections presented to the City Council at its meeting of September 11, 2008.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows:

1. Resolution No. 3654 is hereby repealed in its entirety.
2. The City of Capitola Bail Schedule, attached hereto as Exhibit A, is hereby approved.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 11<sup>th</sup> day of September, 2008, by the following vote:

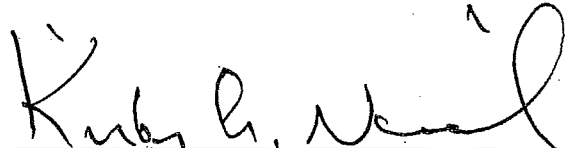
AYES: Council Members Storey, Begun, Graves, Termini, and Mayor Nicol

NOES: None

ABSENT: None


ABSTAIN: None

DISQUALIFIED: None



Kirby A. Nicol, Mayor

ATTEST:



Pamela Greeninger, City Clerk

EXHIBIT A  
CITY OF CAPITOLA BAIL SCHEDULE

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>
3.34.040	FAILURE BY MOBILEHOME PARK OWNER TO SUBMIT RESIDENT LIST	\$ 50.00
4.04.010	VIOLATION OR FAILURE TO COMPLY WITH CODE PROVISIONS:	\$ 1,000.00
4.04.010	FIRST OFFENSE	\$ 100.00
4.04.010	SECOND OFFENSE	\$ 200.00
4.04.010	THIRD OFFENSE	\$ 500.00
5.06.030	PEDDLING OR SOLICITING WITHOUT A BUSINESS LICENSE IS PROHIBITED	\$ 75.00
5.06.040	PEDDLING, SOLICITING, OR CANVASSING UPON PREMISES WHERE "NO SOLICITORS" ARE INDICATED IS PROHIBITED	\$ 75.00
5.06.050	PEDDLING, SOLICITING, OR CANVASSING OUTSIDE OF DESIGNATED HOURS ARE PROHIBITED	\$ 75.00
5.08.230 a	VALID TAXICAB OWNER'S PERMIT REQUIRED	\$ 40.00
5.08.230 b	VALID TAXICAB OWNER'S DRIVER'S PERMIT REQUIRED	\$ 40.00
5.14.040	FAILURE TO REGISTER SECURITY ALARM SYSTEM	\$ 100.00
5.14.090	FALSE ALARM FINES:	
5.14.090	THREE OR FOUR FALSE ALARMS IN ANY CALENDAR YEAR	\$ 100.00
5.14.090	FIVE FALSE ALARMS IN ANY CALENDAR YEAR	\$ 150.00
5.14.090	SIX OR MORE FALSE ALARMS IN ANY CALENDAR YEAR	\$ 200.00
5.24.020	ENTERTAINMENT PERMIT REQUIRED	\$ 110.00
5.40.020	VENDING MACHINE SALES OF TOBACCO PRODUCTS ARE PROHIBITED	\$ 75.00
5.40.030	VENDING MACHINE SALES OF TOBACCO PRODUCTS ARE ALLOWED ONLY IF MACHINES ARE TOKEN OPERATED	\$ 250.00
5.40.040	VENDOR-ASSISTED SALE OF TOBACCO PRODUCTS IS REQUIRED	\$ 250.00
6.08.020	INTERFERENCE WITH POUNDMASTER	\$ 100.00
6.08.120	FAILURE OR REFUSAL TO STATE TRUE NAME/EVIDENCE OF RABIES VACCINATION/LICENSE	\$ 50.00
6.12.030	VICIOUS/DANGEROUS ANIMALS	\$ 50.00
6.14.010	DOG LICENSE REQUIRED	\$ 30.00
6.14.020	DISPLAY DOG LICENSE REQUIRED	\$ 25.00
6.14.040	VACCINATION REQUIRED	\$ 40.00
6.14.130	NUMBER OF FEMALE DOG KEPT IN ONE PLACE	\$ 20.00
6.14.200	DOGS IN PUBLIC PLACES - PROHIBITED LOCATIONS	\$ 40.00
6.14.215	FAILURE OF OWNER TO PICK UP AFTER DOG DEFECATING	\$ 25.00
6.14.380	ANIMALS DOGS DEFECATING IN PUBLIC PROHIBITED	\$ 30.00
6.14.310	DOGS AT LARGE PROHIBITED	\$ 35.00
6.14.320	LEASH REQUIRED FOR DOGS OFF PREMISES	\$ 30.00
6.14.330	SAFETY OF ANIMALS IN MOTOR VEHICLES REQUIRED	\$ 60.00
6.14.340	SAFETY OF ANIMALS IN PARKED VEHICLES REQUIRED	\$ 60.00
6.14.380	ANIMALS DEFECATING ON PUBLIC/PRIVATE PROPERTY PROHIBITED	\$ 30.00
6.14.390	ANIMAL NOISE NUISANCE	\$ 30.00
6.14.400	DOGS THREATENING OR INJURING PERSONS PROHIBITED	\$ 100.00
6.14.410	DOMESTICATED ANIMAL KILLING OR INJURING OTHER DOMESTICATED ANIMALS	\$ 100.00
6.14.420	PROHIBITION OF LIVESTOCK OR WILD ANIMALS TO BE AT LARGE	\$ 30.00
6.14.430	PROHIBITION AGAINST DOGS THREATENING OR INJURING WILD GAME OR LIVESTOCK	\$ 100.00
6.14.440	DOGS THREATENING OR INJURING PERSONS PROHIBITED	\$ 100.00
6.14.445	POSSESSION OF WILD ANIMAL SPECIES PROHIBITED	\$ 110.00
6.14.455	USE OF STEEL-JAWED LEG-HOLD TRAPS PROHIBITED	\$ 110.00
6.14.590	DUTY TO REPORT ANIMAL BITES REQUIRED	\$ 50.00
6.16.030	MANDATORY SPAYING/NEUTERING	\$ 110.00
6.16.040	CARE OF FERAL CATS PROHIBITED WITHOUT SIGNED STATEMENT	\$ 50.00
6.18.060	PERMIT FOR WILD ANIMALS REQUIRED	\$ 110.00
6.18.070	KEEPING DISEASED ANIMALS PROHIBITED	\$ 50.00
6.18.100	PLACEMENT OF DEAD ANIMALS IN PUBLIC PLACES PROHIBITED	\$ 20.00
6.18.120	WILLFUL INJURY TO WILDLIFE PROHIBITED	\$ 30.00
6.20.020	FEEDING WATERFOWL/PIGEONS IN RESTRICTED AREA PROHIBITED	\$ 60.00
6.20.030	SELLING WATERFOWL/PIGEONS PROHIBITED	\$ 60.00
6.20.040	RELEASING WATERFOWL/PIGEONS IN RESTRICTED AREA PROHIBITED	\$ 30.00
6.24.010	FEEDING WILD RODENTS AND VERMIN PROHIBITED	\$ 30.00



EXHIBIT A  
CITY OF CAPITOLA BAIL SCHEDULE

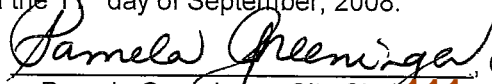
<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>
8.04.020	ACCUMULATION OF REFUSE - PUBLIC/PRIVATE PROPERTY	\$ 30.00
8.04.040	ACCUMULATION OF COMMERCIAL GARBAGE	\$ 100.00
8.04.050	PLACE, DEPOSIT, KEEP, BURY ANY GARBAGE ON, IN, OR UNDER ANY PREMISES	\$ 100.00
8.04.060	ACCUMULATION OF GARBAGE IN PUBLIC	\$ 50.00
8.04.070	GARBAGE CONTAINERS OUT OF PUBLIC VIEW ON NON-COLLECTION DAYS	\$ 50.00
8.04.068	MANDATORY GARBAGE SERVICE	\$ 50.00
8.04.080	HAULING OF TRASH BY ANY PERSON, FIRM, OR CORPORATION BESIDES THOSE DESIGNATED BY THE CITY TO BE EXCEPTIONS IS PROHIBITED.	\$ 250.00
8.04.120	UNAUTHORIZED USE OF DUMPSTER	\$ 100.00
8.20.010	POWER BOATS PROHIBITED ON SOQUEL CREEK	\$ 100.00
8.36.030	PROHIBITED FOOD SERVICEWARE (CONTAINERS)	
	PROHIBITED FOOD SERVICEWARE - 1ST VIOLATION	\$ 100.00
	PROHIBITED FOOD SERVICEWARE - 2ND VIOLATION	\$ 200.00
	PROHIBITED FOOD SERVICEWARE - 3RD/FUTURE VIOLATION	\$ 300.00
8.38.130A	OWNER/MANAGER FAILURE TO COMPLY WITH SMOKING PROVISIONS	\$ 50.00
8.38.130B	SMOKING IN AREA WHERE SMOKING PROHIBITED	\$ 30.00
8.46.030	BOAT MOORING	\$ 60.00
8.60.050	DISPLAYING AEROSOL SPRAY PAINT CONTAINERS AND MARKER PENS IN ANY AREA ACCESSIBLE TO THE PUBLIC WITHOUT EMPLOYEE ASSISTANCE IS PROHIBITED.	\$ 250.00
8.64.060	ANY VIOLATION OF ORDERS OR DIRECTIVES FOR WATER SPORTS AND EQUIPMENT IS PROHIBITED.	\$ 100.00
8.68.010	ANY TRANSFERRING OF OWNERSHIP OF A FIREARM WITHOUT AN EFFECTIVE TRIGGER LOCK AND PRINTED MATERIAL ADVISING SAFE STORAGE PRACTICES IS PROHIBITED	\$ 250.00
9.04.030	PUBLIC NUDITY	\$ 75.00
9.10.010	REMAINING ON BUSINESS PROPERTY AFTER REQUESTED TO LEAVE	
	1ST OFFENSE	\$ 100.00
	2ND OFFENSE	\$ 250.00
9.12.010	NOISE PROHIBITED, 10PM TO 8AM	\$ 110.00
9.12.015A	MECHANICAL SWEEPERS, PARKING LOT VACUUM MACHINES, AND LEAF BLOWERS ON NON-RESIDENTIAL PRIVATE PROPERTY PROHIBITED BETWEEN 11 PM TO 7 AM	\$ 50.00
9.12.015B	MECHANICAL SWEEPERS, PARKING LOT VACUUM MACHINES, AND LEAF BLOWERS ON RESIDENTIAL PRIVATE PROPERTY PROHIBITED WEEKDAYS BETWEEN 5 PM AND 8 AM AND WEEKENDS BETWEEN 4 PM AND 10 AM	\$ 50.00
9.12.015C	LEAF BLOWERS IN EXCESS OF 65 dBA PROHIBITED	\$ 50.00
9.12.015D	UNLAWFUL TO CAUSE LEAVES OR DEBRIS FROM LEAF BLOWER OPERATIONS TO BE BLOWN OR DEPOSITED ON OTHER PROPERTY	\$ 50.00
9.12.040	AMPLIFIED SOUND WITHOUT A PERMIT	\$ 100.00
9.20.010	DISCHARGING FIREARMS	\$ 250.00
9.22.050	ANY DISPLAY OR TRANSFER OF OWNERSHIP OF A FIREARM ON THE SATURDAY NIGHT SPECIALS LIST IS PROHIBITED	\$ 250.00
9.24.010	UNLAWFUL SALE OF FIREWORKS	\$ 500.00
9.24.020	UNLAWFUL DISCHARGE OF FIREWORKS	\$ 500.00
9.28.010	NO VEHICLES ON BEACH	\$ 100.00
9.28.020	ILLEGAL CAMPING ON BEACH	\$ 50.00
9.28.030	NO OPEN FIRES ON BEACHES	\$ 50.00
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 1ST OFFENSE	\$ 50.00
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 2ND OFFENSE	\$ 100.00
9.30.030	VIOLATION OF SURF SCHOOL REGULATIONS - 3RD OFFENSE	\$ 250.00
9.32.030	ALCOHOL CONSUMPTION/OPEN CONTAINERS PROHIBITED ON STREET, PARK, SCHOOL GROUNDS, BEACH	\$ 50.00
9.48.020	CAMPING PROHIBITED	\$ 50.00
10.04.030	PERSONS OTHER THAN OFFICIALS NOT TO DIRECT TRAFFIC	\$ 50.00
10.04.040	OBEDIENCE TO POLICE OR OTHER AUTHORIZED OFFICERS	\$ 100.00
10.04.070	BICYCLES PROHIBITED ON SIDEWALKS	\$ 30.00
10.04.080	OPERATION OF DEVICES ON SIDEWALKS	\$ 30.00
10.04.100	OBSTRUCTION OR INTERFERENCE/ERASED CHALK MARKS	\$ 70.00

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>
10.28.010	DRIVING THROUGH FUNERAL PROCESSION	\$ 50.00
10.28.020	CLINGING TO MOVING VEHICLES	\$ 50.00
10.28.030	COMMERCIAL VEHICLES USING PRIVATE DRIVEWAYS	\$ 50.00
10.28.040	RIDING OR DRIVING ON SIDEWALK	\$ 50.00
10.28.050	NEW PAVEMENT MARKINGS	\$ 30.00
10.28.060	LIMITED ACCESS	\$ 30.00
10.28.070	RESTRICTIONS ON USE OF FREEWAYS	\$ 30.00
10.28.080	OBEDIENCE TO BARRIERS AND SIGNS	\$ 50.00
10.28.090	OBSTRUCTING INTERSECTION OR CROSSWALK	\$ 50.00
10.28.100	TRAFFIC BARRIERS	\$ 50.00
10.32.020	PEDESTRIANS MUST USE CROSSWALKS BUSINESS DISTRICT	\$ 30.00
10.36.045	PARKING WITHIN A METER ZONE WITHOUT PAYING IS AN INFRACTION	\$ 25.00
10.36.065	PARKING METER TAMPERING PROHIBITED	\$ 100.00
10.36.070A	PARKING A VEHICLE ON A STREET OR ALLEY FOR MORE THAN 72 CONSECUTIVE HOURS IS PROHIBITED	\$ 65.00
10.36.070B	STORAGE OF COMMERCIAL VEHICLE ON PUBLIC STREET	
10.36.070B	1ST OFFENSE	\$ 50.00
10.36.070B	2ND OFFENSE	\$ 100.00
10.36.090	REPAIRING VEHICLE ON PUBLIC STREET	\$ 50.00
10.36.140B	VENDOR LICENSE REQUIRED	\$ 50.00
10.36.180	PARKING OF TALL VEHICLES WITHIN 100 FT OF AN INTERSECTION	
10.36.180	1ST OFFENSE	\$ 50.00
10.36.180	2ND OFFENSE	\$ 100.00
10.44.010	BICYCLE LICENSE REQUIRED	\$ 25.00
10.48.010	TRUCK ROUTES	\$ 50.00
10.48.020	ADVERTISING VEHICLES WITH SOUND AMPLIFYING LOUDSPEAKER	\$ 50.00
10.56.010	MAXIMUM VEHICULAR LENGTH	\$ 30.00
12.12.110	PERMITS ARE REQUIRED FOR ANY WORK DONE TO A HERITAGE TREE, DISREGARDING MAINTENANCE TRIMMING	\$250/\$1,000
12.12.120	ANY DESTRUCTION VISITED UPON ANY PUBLIC TREE, OR DESTRUCTION TO A PRIVATE TREE THAT COULD SUBSEQUENTLY HARM A PUBLIC TREE WITHOUT FIRST OBTAINING A PERMIT IS PROHIBITED	\$250/\$1,000
12.12.130	FAILURE TO PROTECT OR MAINTAIN TREES ON CONSTRUCTION/DEMOLITION SITES IS A VIOLATION	\$250/\$1,000
12.12.160	CUTTING OR REMOVAL OF TREES IN THE CITY WITHOUT A TREE REMOVAL PERMIT IS PROHIBITED	\$250/\$1,000
12.42.010	DEPOT HILL BLUFF - PROHIBITION AGAINST GRADING, DISTURBING, ERECTING ANY STRUCTURE, MINING OR EXTRACTING MATERIALS	
	1ST OFFENSE IN A 12-MONTH PERIOD	\$ 100.00
	2ND OFFENSE IN A 12-MONTH PERIOD	\$ 250.00
	3RD OFFENSE IN A 12-MONTH PERIOD	\$ 500.00
12.44.010	PROHIBITION LIMITING BOATS ON CAPITOLA BEACH DURING WORKING HOURS	\$ 50.00
12.48.010	DOGS PROHIBITED ON WHARF	\$ 50.00
12.48.020	DIVING AND JUMPING FROM WHARF PROHIBITED	\$ 50.00
12.48.030	TYING BOATS TO WHARF PROHIBITED	\$ 50.00
12.48.040	OVERHEAD CASTING FROM WHARF PROHIBITED	\$ 30.00
12.48.060	BURNING ON WHARF PROHIBITED	\$ 50.00
12.48.070	TRESPASSING ON WHARF WHILE CLOSED PROHIBITED	\$ 50.00
12.48.090	JET SKIING, CAPITOLA BEACH	\$ 50.00
12.48.110	POWER BOAT, CAPITOLA BEACH	\$ 50.00
12.48.120	30 MINUTE FLOATING DOCK LIMIT	\$ 30.00
12.48.130	PRIVATE VOLLEYBALL NETS ON BEACH PROHIBITED DURING THE SUMMER PERIOD	\$ 30.00
12.48.140	GLASS CONTAINERS AND ALCOHOLIC BEVERAGE CONTAINERS LARGER THAN ONE GALLON PROHIBITED ON PUBLIC BEACH	\$ 30.00
12.52.010	SKATEBOARDING IS PROHIBITED IN (NEARLY ALL OF) ESPLANADE /CAPITOLA VILLAGE AREA	\$ 30.00
12.52.010A	SKATEBOARDING PROHIBITED ON SIDEWALKS OR CURBS	\$ 30.00
12.52.010B	SKATEBOARDING PROHIBITED - ESPLANADE PARK/RESTROOMS	\$ 30.00
12.52.010C	SKATEBOARDING PROHIBITED - PACIFIC COVE MOBILEHOME PARK AND PACIFIC COVE PARKING LOT	\$ 30.00

EXHIBIT A  
CITY OF CAPITOLA BAIL SCHEDULE

<u>Violation Section</u>	<u>Violation Description</u>	<u>Base Bail</u>
12.52.010D	SKATEBOARDING PROHIBITED - SIDEWALKS OF CERTAIN STREETS LOCATED IN CAPITOLA VILLAGE	\$ 30.00
12.52.010E	SKATEBOARDING PROHIBITED - SIDEWALKS OF CERTAIN STREETS LOCATED IN CAPITOLA VILLAGE	\$ 30.00
12.52.020	SKATEBOARDING PROHIBITED IN ANY AREAS NOT INCLUDED IN SECTION 12.52.010 IF ONE OR MORE SIGNS IS POSTED PROHIBITING SKATEBOARDING	\$ 30.00
12.52.030A	SKATEBOARDING - STOP AT ALL STOP SIGNS/RED LIGHTS	\$ 30.00
12.52.030B	SKATEBOARDING - YIELD TO VEHICLES AT YIELD SIGNS	\$ 30.00
12.52.030C	SKATEBOARDING - YIELD TO PEDESTRIANS AT CROSSWALKS	\$ 30.00
12.52.030D	SKATEBOARDING - DO NOT IMPEDE TRAFFIC OR INTERFERE WITH THE FLOW OF VEHICULAR TRAFFIC	\$ 30.00
12.52.030E	SKATEBOARDING - YIELD TO APPROACHING VEHICLES WHEN ENTERING ANY ROADWAY	\$ 30.00
12.52.030F	SKATEBOARDING - DO NOT BE TOWED BY A MOTOR VEHICLE OF ANY SPEED OR A BICYCLE AT ANY UNSAFE SPEED	\$ 50.00
12.52.030G	SKATEBOARDING - YIELD BICYCLE LANES TO BICYCLES	\$ 30.00
12.52.030H	SKATEBOARDING - DO NOT TRAVEL INTO PATH OF A CLOSE VEHICLE CONSTITUTING AN IMMEDIATE HAZARD	\$ 30.00
12.52.040	WHEN SKATEBOARDING ON SIDEWALKS THAT ARE NOT PROHIBITED, SKATEBOARDERS MUST YIELD TO ALL PEDESTRIANS AND PROCEED WITH CARE WHEN NEAR PEDESTRIANS	\$ 30.00
12.56.010	ENCROACHMENT WITHOUT PERMIT	\$ 100.00
12.56.090	INSTALLING PRIVATE IMPROVEMENTS OR OBSTRUCTIONS IN ANY PUBLIC RIGHT-OF-WAY IS PROHIBITED, BARRING THE SPECIFIED EXCEPTIONS	\$ 100.00
12.58.030	ENTERING OR REMAINING ON POSTED PROPERTY WITHOUT WRITTEN PERMISSION OF CITY MANAGER	
	1ST OFFENSE IN A 12-MONTH PERIOD	\$ 100.00
	2ND OFFENSE IN A 12-MONTH PERIOD	\$ 200.00
	3RD OFFENSE IN A 12-MONTH PERIOD	\$ 500.00
12.64.020	DISPLAY OR SALE OF MERCHANDISE PROHIBITED	\$ 50.00
13.02.090	FAILURE TO COMPLY WITH PLUMBING FIXTURE RETROFIT REQUIREMENTS IS PROHIBITED	\$ 100.00
15.04.020	BUILDING CODE VIOLATIONS	\$ 100.00
15.12.010	ILLEGAL USE OF MOBILEHOME	\$ 50.00
15.14.010	TRANSPORTING A MOBILEHOME ACROSS PUBLIC STREETS/ALLEYS WITHOUT A PERMIT IS PROHIBITED	\$ 250.00
15.14.020	APPLICATION TO TRANSPORT A MOBILEHOME, FILED 3 DAYS PRIOR TO ANTICIPATED TRANSPORTATION IS REQUIRED	\$ 250.00
15.14.030	MOBILEHOME: A FIFTY DOLLAR PERMIT FEE IS REQUIRED	\$ 250.00
15.14.040	ALLOWING A MOBILEHOME TO STAND ON A PUBLIC STREET/ALLEY FOR MORE THAN 12 HOURS IS PROHIBITED	\$ 250.00
17.21.060	CONDITIONAL USE	\$ 60.00
17.54.070	ERECTING FENCE WITHOUT A PERMIT	\$ 100.00
17.57.020	PERMIT REQUIRED FOR SIGN	\$ 100.00
17.60.020	FAILURE TO OBTAIN CONDITIONAL USE PERMIT	\$ 100.00
17.81.060	ANIMAL OFFENSIVE OR ENDANGER TO NEIGHBORS	\$ 100.00
17.81.060B	NUMBER OF ANIMALS ALLOWED IN SINGLE-FAMILY DWELLING	\$ 100.00
17.81.110	ACCESSORY STRUCTURE WITHOUT A PERMIT	\$ 100.00
17.81.140	DISH ANTENNAE PROHIBITED	\$ 80.00
17.98.080	WIRELESS COMMUNICATION FACILITIES ARE PROHIBITED WITHIN 500 FEET OF SPECIFIED ZONING DISTRICTS (FAMILY RESIDENCE, SCHOOLS, PARKS AND OPEN SPACE, PUBLIC FACILITIES, ETC.) AND WITHIN 3,000 FEET OF COASTLINE	\$ 250.00

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3719 passed and adopted by the Capitola City Council on the 13<sup>th</sup> day of September, 2008.

  
Pamela Greeninger, City Clerk **111** CMC

2518

# COPY

ORDINANCE NO. 939

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 8.36.020, 8.36.030, 8.36.040, 8.36.050, AND 8.36.070 OF THE  
CAPITOLA MUNICIPAL CODE PERTAINING TO THE USE OF POLYSTYRENE FOAM AND  
BIODEGRADABLE AND COMPOSTABLE DISPOSABLE FOOD SERVICE WARE**

Section 1. Capitola Municipal Code Sections 8.36.020, 8.36.030, 8.36.040, 8.36.050, and 8.36.070 are hereby amended to read as follows:

**8.36.020 Definitions.**

Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the meanings set forth below:

A. "Affordable" means purchasable by the Food Vendor for same or less purchase cost than the non-Biodegradable, non-Polystyrene Foam alternative.

B. "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International standards D6400 or D6868 for biodegradable and compostable plastics.

C. "Biodegradable" means the entire product or package will completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

D. "Compostable" means all materials in the product or package will break down into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device. Compostable Disposable Food Service Ware includes ASTM-Standard Bio-Plastics (plastic-like products) that are clearly labeled, preferably with a color symbol, such that any compost collector and processor can easily distinguish the ASTM Standard Compostable plastic from non-ASTM Standard Compostable plastic.

E. "City Facilities" means any building, structure or vehicles owned or operated by the City of Capitola, its agent, agencies, departments and franchisees.

F. "Customer" means any person obtaining Prepared Food from a Restaurant or Retail Food Vendor.

G. "Disposable Food Service Ware" means all containers, bowls, plates, trays, cartons, cups, forks, spoons, knives and other items that are designed for one-time use and on, or in, which any Restaurant or Retail Food Vendor directly places or packages Prepared Foods or which are used to consume foods. This includes, but is not limited to, service ware for Takeout Foods and/or leftovers from partially consumed meals prepared at Restaurants or Retail Food Vendors.

H. "Food Vendor" means any Restaurant or Retail Food Vendor located or operating within the City of Capitola.

I. "Polystyrene Foam" means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene Foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

J. "Prepared Food" means Food or Beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the Food Vendor's premises or within the City of Capitola. For the purposes of this ordinance, Prepared Food includes raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance. Prepared Food may be eaten either on or off the premises, also known as "takeout food".

K. "Restaurant" means any establishment located within the City of Capitola that sells Prepared Food for consumption on, near, or off its premises by Customers. Restaurant for purposes of this Chapter includes Itinerant Restaurants, Pushcarts and Vehicular Food Vendors.

L. "Retail Food Vendor" means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a Restaurant, located within the City of Capitola that sells Prepared Food.

M. "Special Events Promoter" means an applicant for any special events permit issued by the City or any City employee(s) responsible for any City organized special event.

#### **8.36.030 Prohibited food service ware.**

A. Except as provided in Section 8.36.050, Food Vendors are prohibited from providing Prepared Food to Customers in Disposable Food Service Ware that uses Polystyrene Foam.

B. All City Facilities are prohibited from using Polystyrene Foam Disposable Food Service Ware and all City Departments and Agencies will not purchase or acquire Polystyrene Foam Disposable Food Service Ware for use at City Facilities.

C. City franchises, special event promoters, contractors and vendors doing business with the City shall be prohibited from using Polystyrene Foam Disposable Food Service Ware in the City of Capitola.

#### **8.36.040 Required biodegradable and compostable disposable food service ware.**

A. All Food Vendors using any Disposable Food Service Ware will use Biodegradable or Compostable Disposable Food Service Ware unless they can show a Biodegradable or Compostable product is not available for a specific application or does not exist. A Food Vendor may charge a "take out fee" to customers to cover the cost difference.

B. All City Facilities will use Biodegradable or Compostable Disposable Food Service Ware.

C. City franchises, special events promoter, contractors and vendors doing business with the City will use Biodegradable or Compostable Disposable Food Service Ware unless they can show a Biodegradable or Compostable product is not available for a specific application or does not exist.

#### **8.36.050 Exemptions.**

A. Prepared Foods prepared or packaged outside the City of Capitola are exempt from the provisions of this Chapter. Purveyors of food prepared or packaged outside the City of Capitola are encouraged to follow the provisions of this Chapter.

B. Food Vendors will be exempted from the provisions of this Chapter for specific items or types of Disposable Food Service Ware if the City Manager or his/her designee finds that a Biodegradable or Compostable alternative does not exist C. To apply for an exemption from the requirement set forth in 8.36.040, a food vendor must submit an application to the City Manager. The application shall include all information necessary for the City Manager or the Managers designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption.

C. Polystyrene Foam coolers and ice chests are not exempt from the provisions of this Chapter.

D. Disposable Food Service Ware composed entirely of aluminum is exempt from the provisions of this Chapter.

E. Emergency Supply and Services Procurement: In a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Vendors, City franchises, contractors and vendors doing business with the City shall be exempt from the provisions of this Chapter.

#### 8.36.070 Violations – Penalties.

A. If the City Manager or his/her designee determines that a violation of this Chapter occurred, he/she will issue a written warning notice to the Food Vendor or special event promoter that a violation has occurred, and be given three (3) months to conform to the provisions of this Chapter.

B. If the Food Vendor has subsequent violations of this Chapter, the following penalties will apply:

1. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given.
2. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the warning notice is given.
3. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations after the warning notice is given.

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

This ordinance was introduced on the 9th day of April, 2009, and was passed and adopted by the City Council of the City of Capitola on the 23<sup>rd</sup> day of April, 2009, by the following vote:

AYES: Council Members Graves, Storey, Nicol, Norton, and Mayor Begun  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

APPROVED: Robert A. Begun  
 Robert A. Begun, Mayor

ATTEST:

Pamela Greeninger, CMC  
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 939 passed and adopted by the Capitola City Council on the 23<sup>rd</sup> day of April, 2009.

Pamela Greeninger  
 Pamela Greeninger, CMC, City Clerk

# COPY

ORDINANCE NO. 943

2532

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING MUNICIPAL CODE SECTIONS 8.38.030 AND 8.38.050, AND  
ADDING SECTION 8.38.055 TO THE CAPITOLA MUNICIPAL CODE  
PERTAINING TO SMOKING REGULATIONS**

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers; and

WHEREAS, the U.S. Environmental Protection Agency has classified secondhand smoke as a carcinogen for which there is no safe level of exposure. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, cigarette butts are a pervasive form of litter in the City of Capitola, on its streets and in its parks and beaches, and hence constitute a public nuisance as well as a health hazard. Cigarette butts also present a threat to wildlife. Cigarette filters have been found in the stomachs of fish, birds, whales and other marine creatures who mistake them for food. Composed of cellulose acetate, a form of plastic, cigarette butts can persist in the environment as long as other forms of plastic; and

WHEREAS, careless smoking is estimated to be the number one cause of fire related death and injury in the nation. While the majority of these cases involve indoor smoking and careless extinguishing of smoking materials, many of these fires are also the result of littered cigarettes.

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

1. Section 8.38.030 of the Capitola Municipal Code is hereby amended and reads as follows:

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Right of Way" means any portion of the street, sidewalk or adjacent public property, over which people and goods have the right to pass or travel.

2. Section 8.38.050 of the Capitola Municipal Code is hereby amended and reads as follows:

**8.38.050 Prohibition of smoking in indoor public places.**

Except as provided in Section 8.38.100, smoking is prohibited in all enclosed public places within the city, including, but not limited to, the following: because of the effects of residual smoke, this prohibition is applicable twenty-four hours a day unless another time frame is specifically provided:

S. ~~Capitola Beach.~~

3. Section 8.38.055 is hereby added to the Capitola Municipal Code to read as follows:

“8.38.055 Prohibition of smoking in outdoor public places.

Smoking is prohibited in the following specifically delineated outdoor public places:

- A. Capitola Beach
- B. Any portion of the Esplanade right of way
- C. Any portion of the Stockton Avenue right of way between Wharf Road and the Esplanade
- D. Any portion of Monterey Avenue south of Lawn Way
- E. Esplanade Park
- F. Capitola Wharf
- G. Jade Street Park
- H. Library property at 2005 Wharf Road
- I. Rispin Mansion Property
- J. Peery Park
- K. Soquel Creek Park
- L. Public Parcel located north of Stockton Bridge at 101 Stockton Avenue
- M. City Hall Property
- N. Noble Gulch Park
- O. Monterey Park
- P. Cortez Park”

4. This ordinance shall take effect and be in force thirty (30) days after final adoption.

This ordinance was introduced on the 24<sup>th</sup> day of November, 2009, and was passed and adopted by the City Council of the City of Capitola on the 10<sup>th</sup> day of December, 2009, by the following vote:

AYES: Council Members Storey, Norton, and Mayor Begun  
 NOES: Council Members Graves and Nicol  
 ABSENT: None  
 ABSTAIN: None  
 DISQUALIFIED: None

APPROVED: *Robert A. Begun*  
 Robert A. Begun, Mayor

ATTEST:  
*Pamela Greeninger*, MMC  
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 943 passed and adopted by the Capitola City Council on the 10<sup>th</sup> day of December, 2009.  
*Pamela Greeninger*, MMC  
 Pamela Greeninger, City Clerk



# COPY

ORDINANCE NO. 948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
 ADDING CHAPTER 1.40 TO THE CAPITOLA MUNICIPAL  
 CODE PERTAINING TO CAMPAIGN FINANCE

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

Section 1. Chapter 1.40 is hereby added to the Capitola Municipal Code to read as follows:

**"Chapter 1.40**

**LIMITATIONS ON CAMPAIGN CONTRIBUTIONS**

Sections:

- 1.40.010 Definitions.
- 1.40.020 Campaign contribution limitations.

**1.40.010 DEFINITIONS.**

Words and phrases used herein shall have the same meaning as defined in the Political Reform Act of 1974, as amended, Title 9, California Government Code (Sections 81000 et seq.) as it now exists or may hereafter be amended.

**1.40.020 CAMPAIGN CONTRIBUTION LIMITATIONS.**

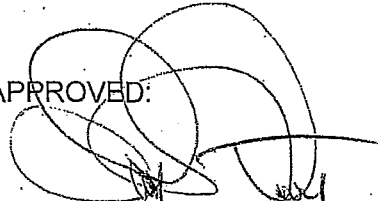
- A. Commencing with the November 2010 Capitola general municipal election, no person shall make a contribution to any candidate for city elective office or to any such candidate's committee, nor shall any candidate for city elective office or his or her committee accept, any contribution in aid of the election of a candidate to a city elective office which will cause the total given by such person with respect to that candidate's election campaign to exceed the sum of two hundred dollars (\$200.00). This section shall not apply to amounts given by a candidate to his or her own campaign.
- B. No person shall make to any independent committee that expressly advocates support of or opposition to any candidate or candidates for city elective office, nor shall any independent committee that expressly advocates support of or opposition to any candidate or candidates for city elective office accept, any contribution in connection with said candidate or candidates' election campaign(s) in excess of the sum of two hundred dollars (\$200.00).

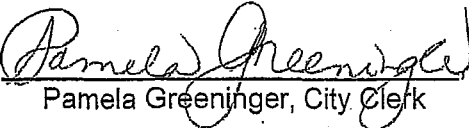
C. Individual contributions by two spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian."

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

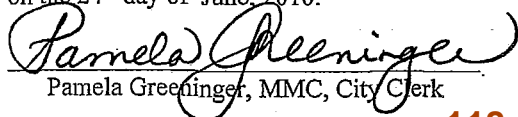
This ordinance was introduced on the 27<sup>th</sup> day of May, 2010, was passed to a second reading on the 10<sup>th</sup> day of June, 2010, and was finally passed and adopted by the City Council of the City of Capitola on the 24<sup>th</sup> day of June, 2010, by the following vote:

- AYES: Council Members Graves, Norton, Nicol, Begun, and Mayor Storey
- NOES: None
- ABSENT: None
- ABSTAIN: None
- DISQUALIFIED: None

APPROVED:   
 \_\_\_\_\_  
 Sam Storey, Mayor

ATTEST:  
  
 \_\_\_\_\_  
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 948 passed and adopted by the Capitola City Council on the 24<sup>th</sup> day of June, 2010.

  
 \_\_\_\_\_  
 Pamela Greeninger, MMC, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 12.12.040, 12.12.110, 12.12.190, AND 12.12.270 OF THE CAPITOLA  
MUNICIPAL CODE PERTAINING TO COMMUNITY TREE AND FOREST MANAGEMENT**

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

Section 1. Subsection A. of Section 12.12.040 of the Capitola Municipal Code is hereby amended to add paragraph 6. to read as follows:

"6. Require applicants to cover the costs to prepare an independent arborist report to support the findings under Section 12.12.110 D. or deny an application under this Section."

Section 2. Subsection D. of Section 12.12.110 of the Capitola Municipal Code is amended to read as follows:

"D. Findings and Conditions.

1. The tree removal is in the public interest based on one of the following:

- a. Because of the health or condition of the tree, with respect to disease or infestation; or
- b. For safety considerations or danger of falling on persons or property; or
- c. In situations where a tree has caused, or has the potential to cause, unreasonable property damage.

2. Pruning, root removal, and all other feasible alternatives to removal have been applied and were not sufficient to resolve the problem.

3. Replacement trees and locations have been identified, and as a last resort in-lieu fees were paid as a condition of the permit in accordance with Section 12.12.190, especially subsections D and E of Section 12.12.190.

4. The removal of the tree would not be contrary to the purposes of this chapter or Chapter 17.95.

5. The approved pruning of heritage trees shall be conducted in the presence of a licensed certified arborist."

Section 3. Subsection A. of Section 12.12.190 of the Capitola Municipal Code is amended to read as follows:

"A. Tree Replacement Ratio. An approval for tree removal under this chapter shall be conditioned upon the applicant planting, at some other location on the subject property, replacement trees to compensate for the removed tree(s) on a ratio of at least two trees or more for each one tree removed, as determined by the director. Replacement trees and/or in-lieu fees are not required if post-removal tree canopy coverage on the site or parcel will be thirty percent or more. Native trees grown from locally or regionally collected stock are preferred, in the case where a native tree is not appropriate as determined by the Community Development Director, a non-invasive exotic tree may be planted."

Section 4. Paragraphs 1 and 2 of Subsection B. of Section 12.12.270 of the Capitola Municipal Code are hereby amended to read as follows:

"1. Non-heritage Tree Violations.

a. The violation of any provision contained in this chapter is declared to be unlawful and shall constitute a public nuisance, subject to the penalties as prescribed in this chapter. Such penalties may be assessed also against a certified arborist, property owner, or contractor who performed work in violation of this section. In addition thereto, any person unlawfully removing, destroying or damaging any protected tree shall be penalized as follows:

1) Replacing the unlawfully removed tree with one or more new trees which, in the opinion of the community development director or planning commission, will provide equivalent aesthetic quality in terms of size, height, location, appearance, age and other characteristics of the unlawfully removed tree. Such trees shall be located on site where the tree was removed.

2) Where similar replacement trees will not provide reasonably equivalent aesthetic quality because of the size, height, location, appearance, age and other characteristics of the unlawfully removed or damaged tree at the discretion of the Community Development Director or Planning Commission, the Community Development Director shall calculate the value of the removed tree in accordance with the latest edition of the Guide for Establishing Values of Trees and Other Plants, as prepared by the Council of Tree and Landscape Appraisers. Upon the determination of such value, the Community Development Director may require either a cash payment to the City, and/or the planting of replacement trees as designated by the Community Development Director, or any combination thereof, in accordance with the following:

a) Cash payment for any portion or all of the value of the removed tree in accordance with this section, and

b) The replacement of removed trees, the retail costs of such trees, as shown by documentary evidence satisfactory to the Community Development Director, shall be offset against the value of the removed or damaged tree, but no credit shall be given for transportation, installation, maintenance and other costs incidental to the planting and care of the replacement trees.

3) Where a violation(s) of this section has previously occurred with the same property owner, agent, certified arborist or contractor, or advance knowledge of the requirements of this section have been provided to the property owner, agent certified arborist or contractor, the Community Development Director or Planning Commission, at their discretion, shall require payment of a double penalty fee pursuant to Section 12.12.270 B.1.

4) All applications and permit fees paid to the city shall be forfeited.

b. In addition to the civil penalty herein above prescribed, the city shall also recover the cost of staff time, attorney fees and court proceedings incurred in connection with the violation.

2. For Heritage Trees. A penalty pursuant to Section 12.12.270 B.1. shall be charged. In addition to the penalty herein prescribed, the city shall also recover the cost of staff time, attorney fees and court proceedings incurred in connection with the violation."

Section 5. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the 28<sup>th</sup> day of April, 2011, and was passed and adopted by the City Council of the City of Capitola on the 12<sup>th</sup> day of May, 2011; by the following vote:

AYES:	Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton
NOES:	None
ABSENT:	None
ABSTAIN:	None
DISQUALIFIED:	None

APPROVED:

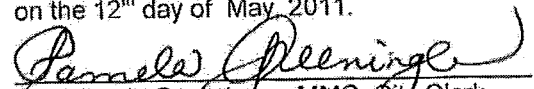


Dennis R. Norton, Mayor

ATTEST:

  
Liz Nichols, Deputy Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 954 passed and adopted by the Capitola City Council on the 12<sup>th</sup> day of May, 2011.

  
Pamela Greeninger, MMC, City Clerk

COPY

ORDINANCE NO. 955

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

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

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

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

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

**"3.32.140 Violations.**

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

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

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

**"5.24.090 Violations.**

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

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

**"5.40.050 Violations—Penalties.**

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

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

**"8.06.050 Unauthorized collection prohibited.**

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

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

**"8.24.290 Violation—Penalty.**

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

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

**"8.24.310 Civil enforcement—Nuisance.**

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

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

**"8.38.130 Violations and penalties.**

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

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

**"8.60.020 Graffiti prohibited.**

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

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

**"8.60.040 Abatement.**

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

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

**"8.64.060 Prohibition.**

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

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

**"8.68.020 Penalty.**

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

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

**"9.12.070 Enforcement of permit conditions.**

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

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

**"12.56.070 All permits revocable/hold harmless agreements.**

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



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

**"17.54.010 Defined.**

The term "fence" as used in this chapter, includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants."

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

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

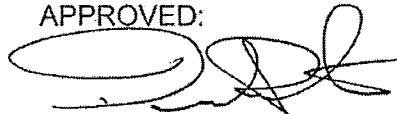
AYES: Council Members Harlan, Termini, Nicol, Storey, and Mayor Norton

NOES: None

ABSENT: None

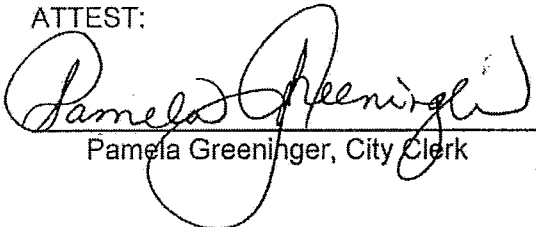
ABSTAIN: None

APPROVED:

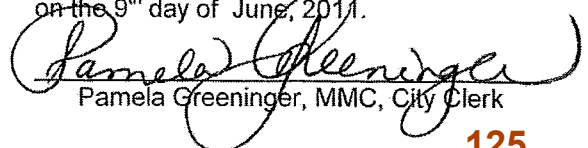


Dennis R. Norton, Mayor

ATTEST:

 MMC  
Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 955 passed and adopted by the Capitola City Council on the 9<sup>th</sup> day of June, 2011.

  
Pamela Greeninger, MMC, City Clerk

# COPY

ORDINANCE NO. 960

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 11<sup>th</sup> day of August, 2011, and was passed and adopted by the City Council of the City of Capitola on the 25<sup>th</sup> day of August, 2011, by the following vote:

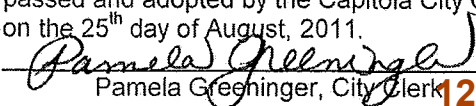
AYES: Council Members Termini, Nicol, Storey, and Mayor Norton  
NOES: None  
ABSENT: Council Member Harlan  
ABSTAIN: None

APPROVED: 

Dennis R. Norton, Mayor

ATTEST:  MMC  
Pamela Greeninger, City Clerk

This is to certify that the above and foregoing  
is a true and correct copy of Ordinance No. 960  
passed and adopted by the Capitola City Council  
on the 25<sup>th</sup> day of August, 2011.

 MMC  
Pamela Greeninger, City Clerk **126**

# COPY

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 8.36.010, 8.36.020, 8.36.030, 8.36.040, 8.36.050, 8.36.60 AND 8.36.070  
OF, AND ADDING SECTION 8.36.035 TO, THE CAPITOLA MUNICIPAL CODE  
PERTAINING TO POLYSTYRENE FOAM AND BIODEGRADABLE AND  
COMPOSTABLE DISPOSABLE FOOD SERVICE WARE

THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES HEREBY ORDAIN AS  
FOLLOWS:

Section 1. Subsection T. of Capitola Municipal Code Section 8.36.010, Findings and intent, is hereby amended to read as follows:

T. Restricting polystyrene foam products that are not wholly encapsulated or encased by a more durable material and replacing non-biodegradable food service ware with biodegradable food service ware products in Capitola will further protect the public health and safety of the residents of Capitola, the City of Capitola's natural environment, waterways and wildlife, would advance the City's goal of Developing a Sustainable City, advance the City's goal of Zero Waste by 2020 and fulfill Article 10 of the Environmental Accords, whereby Capitola partnered with other cities across the globe in signing a commitment to eliminate or restrict the use of one chemical or environmental hazard every year.

Section 2. Subsections F., G., K., L., M., N., and O. of Capitola Municipal Code Section 8.36.020, Definitions, are hereby amended to read as follows:

"F. "Customer" means any person obtaining prepared food, merchandise or product from a restaurant or Retail food vendor, or retail vendor.

G. "Disposable food service ware" means all containers, bowls, plates, trays, cartons, cups, forks, spoons, knives and other items that are designed for one-time use and on, or in, which any restaurant, retail vendor or retail food vendor directly places or packages Prepared Foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at restaurants, sold at restaurants, retail vendors or retail food vendors.

K. "Product" means any product such as coolers, cups, bowls, plates, clamshells, containers, ice chests, packing peanuts or other packing materials, beach or pool toys, or any other product or merchandise containing polystyrene foam that is not encapsulated or encased by a more durable material.

L. "Restaurant" means any establishment located within the City of Capitola that sells Prepared Food for consumption on, near, or off its premises by Customers. Restaurant for purposes of this Chapter includes Itinerant Restaurants, Pushcarts and Vehicular Food Vendors.

M. "Retail Food Vendor" means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a Restaurant, located within the City of Capitola that sells Prepared Food.

N. "Retail vendor" means any store that sells goods or merchandise located or operating within the City of Capitola.

O. "Special Events Promoter" means an applicant for any special events permit issued by the City or any City employee(s) responsible for any City organized special event."

Section 3. Capitola Municipal Code Section 8.36.030 is hereby amended to read as follows:

**"8.36.030 Prohibited food service ware.**

A. Except as provided in Section 8.36.050, food vendors are prohibited from providing prepared food to customers in disposable food service ware that uses polystyrene foam.

B. All city facilities are prohibited from using polystyrene foam disposable food service ware and all city departments and agencies will not purchase or acquire polystyrene foam disposable food service ware for use at city facilities.

C. City franchisees, special event promoters, contractors and vendors doing business with the City shall be prohibited from using Polystyrene Foam Disposable Food Service Ware in the City of Capitola."

Section 4. Section 8.36.035 is hereby added to the Capitola Municipal Code to read as follows:

**"8.36.035 Prohibited retail sales.**

No retail vendor or special event promoter in the City of Capitola may sell, rent or otherwise provide any polystyrene foam product which is not wholly encapsulated or encased within a more durable product, except as exempted in section 8.36.050 below. This specifically includes but is not limited to cups, plates, bowls, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, pool or beach toys, packing peanuts or other packaging materials.

Section 5. Subsection B. of Capitola Municipal Code Section 8.36.040, Required Biodegradable and Compostable Disposable Food Service Ware, is hereby amended to read as follows:

"B. All City Facilities will use Biodegradable or Compostable Disposable Food Service Ware."

Section 6. Subsections D., E., and F. of Capitola Municipal Code Section 8.36.050, Exemptions, are hereby amended to read as follows:

"D. Disposable Food Service Ware composed entirely of aluminum is exempt from the provisions of this Chapter E. Meat trays are exempt from the provisions of this chapter.

F. Products wholly encapsulated or encased by another non-polystyrene product, are exempt from the provisions of this chapter. Examples include surfboards, boats, life preservers, construction materials, craft supplies and durable coolers not principally composed of polystyrene.

G. Emergency Supply and Services Procurement: In a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Vendors, Retail Vendors, City franchises, contractors and vendors doing business with the City shall be exempt from the provisions of this Chapter."

Section 7. Subsections A., B., and C. of Capitola Municipal Code Section 8.36.060, Liability and Enforcement, is hereby amended to read as follows:

A. The City Manager or his/her designee will have primary responsibility for enforcement of this Chapter. The City Manager or his/her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, entering the premises of any Food or retail Vendor to verify compliance.

B. City facilities, food vendors, retail food vendors, retail vendors and restaurants will be given three (3) months from the effective date of this ordinance to comply with the provisions herein.

C. If, after the first three (3) months of the effective date of this ordinance, the City Manager or his/her designee determines that a violation of this chapter occurred, he/she will issue a written warning notice to the retail food establishment that a violation has occurred, specifying a three (3) month time period for the food or retail vendor to conform to the provisions of this Chapter."

Section 8. Capitola Municipal Code Section 8.36.070, Violations - Penalties, is hereby amended to read as follows:

**"8.36.070 Violations – Penalties.**

A. If the City Manager or his/her designee determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the food or retail vendor or special event promoter that a violation has occurred, and give the offending party three (3) months to conform to the provisions of this Chapter.


B. If the food or retail vendor or special events promoter has subsequent violations of this Chapter, the following penalties will apply:

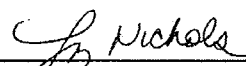
- 1. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given.
- 2. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the warning notice is given.
- 3. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations after the warning notice is given."

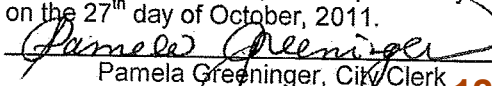
Section 9. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the 22<sup>nd</sup> day of September, 2011, was passed to a second reading on the 13<sup>th</sup> day of October, 2011, and was finally passed and adopted by the City Council of the City of Capitola on the 27<sup>th</sup> day of October, 2011, by the following vote:

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

APPROVED:   
 Dennis R. Norton, Mayor

ATTEST:   
 Liz Nichols, Deputy City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 964 passed and adopted by the Capitola City Council on the 27<sup>th</sup> day of October, 2011.  
  
 Pamela Greeninger, City Clerk

## ORDINANCE NO.969

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING  
SECTIONS 10.48.010 AND 10.48.040 OF THE CAPITOLA MUNICIPAL CODE PERTAINING  
TO COMMERCIAL VEHICLES ON CITY STREETS**

BE IT ORDAINED BY THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Section 10.48.010 of the Capitola Municipal Code is hereby amended to read as follows:

**"10.48.010 Truck Routes.**

A. Whenever any ordinance of this city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the **superintendent** of streets is authorized to designate such street or streets by appropriate signs as "truck routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons.

B. When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other; except, that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a truck route having ingress and egress; by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefore."

Section 2. Section 10.48.040 of the Capitola Municipal Code is hereby amended to read as follows:

**"10.48.040 Commercial vehicles prohibited from streets.**

A. Whenever any ordinance of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the superintendent of streets shall erect and maintain appropriate signs on those streets affected by such ordinance.

B. Those streets and parts of streets established by ordinance of the council are declared to be streets, the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission.


C. As permitted in paragraphs A and B above, no commercial vehicle shall be permitted on Reposa Avenue between 38<sup>th</sup> Avenue and 41<sup>st</sup> Avenue except to the extent permitted pursuant to Section 10.48.010B, except to the extent that any Reposa Avenue resident owns a commercial vehicle.

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

This ordinance was introduced on the 26<sup>th</sup> day of April, 2012, and was passed and adopted by the City Council of the City of Capitola on the 10th day of May 2012, by the following vote:

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

APPROVED:

  
Michael Termini, Mayor

ATTEST:

 CMC  
Susan Sneddon, City Clerk

## ORDINANCE NO. 971

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 8.06.010, 8.06.020, 8.36.030, AND ADDING 8.36.070 OF THE  
CAPITOLA MUNICIPAL CODE PERTAINING TO  
MANDATORY COMMERCIAL AND RESIDENTIAL RECYCLING**

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

Section 1: That Chapter 8.06 is hereby amended to the City of Capitola Municipal Code Title 8, Health and Safety, to read as follows:

Chapter 8.06

**8.06.010 Findings and purpose.**

The health, welfare and safety of the people in the city are promoted by the curbside collection of recyclable waste materials. To insure the existence and continuance of a recycling program, the city council finds that city-authorized recycling contractors must be able to collect recyclable materials without interference. The purpose of this chapter is to require recycling while also discouraging unauthorized scavenging of recyclable materials from a designated collection location. (ord. 704 (part), 1990)

**8.06.020 Definitions.**

In this chapter, unless the context otherwise requires:

- A. "Recycling program" means an arrangement whereby a person or business entity ("recycling contractor"), so authorized by a franchise agreement, permit or license duly issued by the city, arranges to pick up and remove recyclable materials at designated collection locations during set time frames.
- B. "Recyclable materials" mean materials (segregated from solid waste into distinctive recycling containers approved of, or provided by, a recycling contractor) which have been placed at a designated collection location including, but not limited to, the following materials: newspapers, glass, old corrugated cartons, graded or sorted waste paper, waste motor oil (residential), cardboard, mixed waste paper (including junk mail, catalogues, paperboard, phone books, brown paper, grocery bags, colored paper, envelopes, food boxes, magazines) milk & juice cartons, aluminum cans, trays and foil, steel cans, and mixed plastic containers (numbers 1 through 4), and dry cell batteries. (Ord. 704 (part), 1990)

**8.06.030 Recycling activity authorized.**

Notwithstanding any contrary prohibitions in chapter 8.04 of this title, collecting recyclable materials and placing them at designated collection locations is allowed. (Ord. 704 (part), 1990)

**8.06.035 Recycling required.**

A. Commercial Recycling Required: As of July 1, 2012 all commercial establishments that generate 4 cubic yards or more of commercial solid waste per week and multifamily residential dwellings with 5 or more units shall separate recyclable materials for recycling, and no recyclable materials shall be deposited in garbage cans or bins, "roll-off" containers, or drop boxes.

1. Enforcement:

a. As of September 1, 2012 educational notice tags will be placed on garbage cans and bins, "roll-off" containers and drop boxes with appreciable amounts of recyclable materials.

b. As of September 1, 2013, any violation of this section may result in refusal of curbside garbage collection services. Customers shall be required to remove these items from garbage containers before it will be collected.

2. Exceptions: the owner of an existing commercial structure or multifamily structure which does not have adequate storage space for recyclable materials may apply to the City Manager for a full or partial exemption from the requirements of this ordinance. The City Manager, in cases where space constraints are determined to exist, shall evaluate the feasibility of shared recycling containers by contiguous businesses or multifamily structures before granting a full or partial exemption.

**8.06.040 Ownership of recyclable waste material.**

Upon the placement of recyclable waste materials at a designated recycling collection location for collection by an authorized recycling contractor, the recyclable waste material becomes the property of the authorized recycling contractor. (Ord.704 (part),1990)

**8.06.050 Unauthorized collection prohibited.**

During the twenty-four-hour period beginning at six p.m. preceding the day designated for collection of recyclable waste material, no person other than the pertinent authorized recycling contractor shall remove recyclable waste material which has been placed at a designated recycling collection locations during the twenty-four-hour period shall constitute a separate and distinct offense punishable as provided in section 1.01.090 and title 4 of this code. (Ord. 955 & 4, 2011; Ord. 704 (part),1990)

**8.06.060 Right of individual to dispose of recyclable material.**

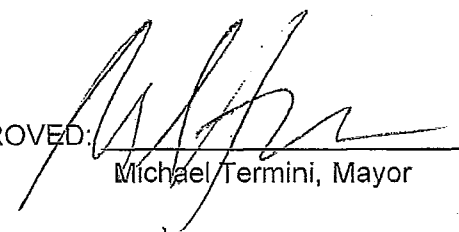
This chapter does not limit the right of a person to donate, sell or otherwise dispose of recyclable waste material so long as the disposal complies with this chapter.(Ord. 704 (part), 1990)


**8.06.070 Civil action by authorized recycling contractor.**

This chapter does not limit the right of an authorized recycling contractor to bring a civil action against a person who violates section 8.06.050. A conviction for such violation does not exempt a person from a civil action brought by an authorized recycling contractor. (Ord. 704 (part), 1990)

Section 8. This ordinance shall take effect and be in full force on July 1, 2012. This ordinance was introduced on the 10th day of May, 2012, and was passed and adopted by the City Council of the City of Capitola on the 24th day of May, 2012, by the following vote:

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

APPROVED:   
Michael Termini, Mayor

ATTEST   
Susan Sneddon, City Clerk CMC



ORDINANCE NO. 975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
ADDING CHAPTER 9.34 TO THE CAPITOLA MUNICIPAL CODE  
PERTAINING TO PUBLIC URINATION AND DEFECATION

WHEREAS, it has come to staff's attention that the City has no language in the Capitola Municipal Code that authorizes the local enforcement of public urination and defecation.

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

Section 1. Chapter 9.34 is hereby added to the Capitola Municipal Code to read as follows:

**"9.34.010 – Public Urination/Defecation Prohibited.**

No person shall urinate or defecate in public except when using a urinal, toilet or commode in a bathroom, restroom or other structure enclosed from public view. Any person who violates this section shall be guilty of an infraction punishable by a fine of \$50.00."

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

This ordinance was introduced on September 13, 2012 and was passed and adopted by the City Council of the City of Capitola on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

ORDINANCE NO. 66

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BICYCLES  
IN THE CITY OF CAPITOLA AND PROVIDING PENALTY FOR VIOLA-  
TION THEREOF.

THE CITY COUNCIL OF THE CITY OF CAPITOLA DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the City of Capitola, without first obtaining from the City Clerk of the City of Capitola, a license therefor.

Section 2. The City Clerk of the City of Capitola is hereby authorized and directed to issue upon request and payment of established license fee, bicycle licenses which shall be effective from the first day of January, 1952 to and including December 31, 1952. Thereafter said licenses shall be issued for the calendar year, commencing on the first day of January of each of said calendar years and ending on the thirty-first day of December of said calendar year. The full license fee herein established shall be paid by licensee without reference to the date during the calendar year in which application is made, and the City Clerk of the City of Capitola shall collect said fee without proration. Said licenses when issued shall entitle the licensee to operate such bicycle for which said license has been issued, upon all the streets, alleys and public highways, exclusive of the sidewalks thereof, in the City of Capitola.

Section 3. The City of Capitola shall provide each year metallic license plates and seals, together with registration cards. Metallic license plates and registration cards having numbers stamped thereon in numerical order, beginning with Number 1, and indicating the year for which the same are issued, and the word "Capitola" stamped thereon; such metallic license plates shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the Licensee to attach one such metallic license plated to the frame of each bicycle and the City Clerk of the City of Capitola shall issue a corresponding registration card to the licensee upon the payment of the license fee herein provided for. Such metallic license plate shall remain attached during

the existence of such license. The City Clerk of the City of Capitola shall also keep a record of the date of issue of each license, to whom issued, and the number thereof, in the manner prescribed as follows: Registration to be in quadruplicate; 1. receipt to licensee; 2. file alphabetically; 3. file numerically; 4. file by serial or frame number.

Section 4. All persons engaged in the business of buying second hand bicycles are hereby required to make a report to the City Clerk of the City of Capitola giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or second-hand bicycles are hereby required to make a report to the City Clerk of the City of Capitola, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof and the number of the metallic license plate attached thereto, if any, such report shall be made on forms furnished by the City of Capitola.

Section 5. It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the City Clerk of the City of Capitola the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within five days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of said sale or transfer.

Section 6. It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this ordinance. It shall also be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Provided, however, that nothing in this ordinance shall prohibit the Licensee from stamping numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for iden-135

Section 7. The annual license fee to be paid for each bicycle shall be \$0.50 and shall be paid in advance; and pursuant to Section 5 of this ordinance, such license may be transferred, and a fee of 25¢ shall be paid for the registration of such transfer. All license fees collected under this ordinance shall be paid into the General Fund of the City of Capitola.

Section 8. Every Person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. In addition to the penalty hereinabove set forth, the Chief of Police of the City of Capitola Police Department or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this ordinance, and retain possession of the same until the license provided for herein is obtained by the owner of said bicycle.

Section 9. This ordinance shall take effect from and after thirty days after its passage and approval. And the City Clerk is hereby directed to cause the same to be entered in full in the Book of Ordinances of the City of Capitola, and posted in three public places in said City of Capitola heretofore designated by Ordinance of this Council.

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 3rd day of December, 1951, by the following vote:

AYES: Councilmen Andersen, Ellis, Tabacchini, Tripp and Mayor Macdonald.

NOES: None.

ABSENT: None.

APPROVED: Bradley M. Macdonald  
Mayor

ATTEST: J. Raymond Abicht  
City Clerk

"I certify that the above is a true copy of Ordinance No. 66 of the City of Capitola and that same has been posted according to law.

J. Raymond Abicht City Clerk" 136

ORDINANCE NO. 127

AN ORDINANCE AMENDING ORDINANCE NO. 66 OF THE CITY OF CAPITOLA PROVIDING FOR THE LICENSING AND REGISTRATION OF BICYCLES IN THE CITY OF CAPITOLA.

THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ordain as follows;

SECTION 1: That Section 2 of said Ordinance No. 66, be and the same is hereby amended by adding thereto and including therein the following clause:

With the exception of all cases of first registerability under the provisions of this Ordinance, the license fee shall be due and payable on or before the 31st day of January of each year and a penalty equal to fifty per cent (50%) of the license fee shall be assessed in addition to the license fee in all cases of license fees due but unpaid on or before said last mentioned date.

SECTION 2: This Ordinance shall be in full force and effect thirty days after its passage, and the City Clerk is hereby directed to cause the same to be entered in full in the Book of Ordinances of the City of Capitola, and posted in three (3) public places in the said City of Capitola, heretofore designated by Ordinance of this Council.

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 11th day of August, 1958, by the following vote:  
AYES: Councilmen Berry, Gabrielsen, Nicol, Nusbaum and Mayor Tabacchini.  
NOES: None.  
ABSENT: None.

APPROVED

*Joe Tabacchini*  
\_\_\_\_\_  
Mayor

ATTEST

*J. Raymond Gebert*  
\_\_\_\_\_  
City Clerk

"I certify that the above is a true copy of Ordinance No. 127 of the City of Capitola and that same has been posted according to law,

*AD. ...*

## ORDINANCE NO. 785

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
 REPEALING ORDINANCE NO. 778, AMENDING CHAPTERS 17.57  
 AND 9.40 OF THE MUNICIPAL CODE AND LOCAL COASTAL IMPLEMENTATION  
 PROGRAM REGARDING SIGNS

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

Section 1. Ordinance No. 778 is repealed in its entirety.

Section 2. Chapter 17.57 of the Municipal Code is amended to read as follows:

Chapter 17.57

SIGNS

Sections:

- 17.57.005 - Application of Chapter
- 17.57.010 - Definitions
- 17.57.015 - Standard of Review
- 17.57.020 - Sign Permit
- 17.57.030 - Exemptions
- 17.57.040 - Prohibited
- 17.57.050 - Temporary Signs- Permitted
- 17.57.060 - Central Village Signs
- 17.57.070 - Permanent Signs in Non-Residential Districts
- 17.57.080 - Master Sign Program
- 17.57.090 - Special Signage for Commercial Sites Located in Geographically Constrained Areas
- 17.57.095 - Non-Commercial Signs in Residential Districts
- 17.57.100 - Maintenance and Repair
- 17.57.110 - Lighting and Illumination
- 17.57.120 - Nonconforming Signs
- 17.57.130 - Unsafe and unlawful signs
- 17.57.140 - Enforcement

17.57.005 Application of Chapter. This Chapter applies only to signs erected after [effective date of this ordinance]. 2/9/96.

17.57.010 Definitions.

1. "Animated sign" is a sign, or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.
2. "Balloon sign" is a spherical, flexible nonporous bag filled with air or gas lighter than air, such as helium.

## ORDINANCE NO. 785

## 17.57.010 Continued...

3. "Banner sign" is a sign which hangs over a public street or walkway made of fireproof cloth or canvas which is displayed on a temporary basis to advertise a special event.
4. "Center identification sign" is a sign that identifies the name of a center and does not include the name of any business or businesses within the center.
5. "Directory sign" is an on-premise sign which shows the direction to or location of a customer entrance to a business.
6. "Erect" means to build, construct, attach, enlarge, hang, place, suspend, substantially alter or affix, including the painting or otherwise applying of all signs.
7. "Monument sign" means a sign wholly supported by a structure permanently attached to the ground.
8. "Freeway sign" is a sign erected for the dominant purpose of being seen by travelers on a freeway.
9. "Master sign program" means a program allowing the occupants of a building or project with a number of buildings to combine the total lawful sign coverage into one or more lawful signs in an integrated design concept.
10. "Non-Commercial Sign" is a sign, the message of which is not for the purpose of convincing persons to purchase any product or commercial service or to visit any business premises. A sign that encourages contributions to non-profit entities is non-commercial.
11. "Projecting sign" means any sign, other than a wall sign, which is suspended from or supported by a building or wall, and which projects outward from a building wall.
12. "Roof sign" means a sign that is either:
  - A. Mounted upon a roof; or
  - B. Located above a parapet, eave or highest point of the ridge line of a building or structure.
13. "Shopping Center" or "Commercial Center" means a building or group of buildings planned, developed, owned or operated as a unit for commercial, professional, or industrial businesses located on a single parcel, sharing common parking areas or commonly owned adjacent parcels.

## ORDINANCE NO. 785

17.57.010 Continued...

14. "Sign" is any device such as a display board, bill, poster, picture, lithograph, map, plat, banner, barber pole, bunting, flag, pennant, whirligig, balloon, valance, light festoon, merchandise display, structure, mural or other device and appurtenant light structure used for the purpose of advertising, informing, or identifying, and placed so as to be seen from the exterior of the building or premises on which it is located.
15. "Sign Area"
  - A. For a sign on a separate sign structure, the area of the structure exclusive of any support poles is the sign area.
  - B. For a sign on a building wall having no separate structure, sign area is measured from the visible border or background color distinction which includes all graphics, letters, and background.
  - C. For a building wall sign with no border or different background color, sign area is measured within a set of implied or imaginary lines parallel to and three inches outside of all graphics and letters of the sign.
16. "Sign valuation." For purposes of this chapter, sign valuation shall be prima facia the total cost or contract price of the sign. In the event such a cost or price is not available or does not fairly represent the true value of the sign, said valuation shall be based on a reasonable cost estimate established by the building official.
17. "Temporary signs" means signs which because of their materials, manner of placement, or contents, appear to the reviewing authority to have an impermanent display period.
18. "Wall sign" means and includes a sign that is painted on, attached to, or erected against a wall of a building or structure.
19. "Wind sign" means a flag, pennant, whirligig, or any device which is designated to wave, flutter, rotate or display other movement under the influence of wind.
20. "Window sign" means any sign painted on, or attached, to, the interior or exterior side of a window.



## ORDINANCE NO. 785

17.57.015 Standard of review. Discretionary application reviews under this Chapter shall apply the following general standard: Applications will be denied if they do not both:

- A. Maintain the character and aesthetic integrity of the subject property and the surrounding area; and
- B. Reasonably prevent and reduce the sort of visual blight which results when signs are designed without due regard to effects on their surroundings.

Reasonable conditions may be imposed in approving applications which would otherwise be disapproved.

17.57.020 Sign Permit.

- A. No person shall erect any sign upon any billboard, fence, post, pole, tree, building or other structure in the City without first obtaining a sign permit, or a written statement that a sign permit is not required, unless this chapter specifically provides for an exemption or exception to this requirement for the type of sign which is proposed.
- B. The Planning Director or his/her designee shall issue permits for signs meeting the following criteria:
  1. Changes to sign facing or lettering, or repainting, on an existing legal conforming sign, or non-conforming sign, when the new sign is to be substantially the same size and design as that existing or originally approved;
  2. Signs consistent with any Master Sign Program (Section 17.57.080) previously approved by the Planning Commission;
  3. Permanent window signs if the area of such signage is less than 20% of the total area of the window.
- C. The Planning Commission shall consider, under the standard set forth in Section 17.57.015, and take action on sign permit applications for the following types of signs:
  1. Monument signs, wall signs, projecting signs, center identification signs, directory signs, off-site directional signs, service station signs, roof signs, master sign programs, and Central Village signs.

## ORDINANCE NO. 785

## 17.57.020 Continued...

- C. 2. Permanent window signs if the area of such signage is between 20% and one-third of the total area of the window.
- 3. Signs which propose to vary from the standard regulations which apply to the type of sign being proposed. (Such applications shall be processed as variances under Chapter 17.66.)

17.57.030 Exemptions. The following signs shall be exempt from the regulations in this chapter:

- A. On-site signs not exceeding 1-1/2 square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except where displayed in connection with commercial promotions;
- C. Legal notices, identification, informational, safety or directional signs erected or required by governmental bodies or public utilities;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- E. On-site signs directing and guiding traffic and parking on private property, but bearing no advertising matter and having a display area of less than six (6) square feet.
- F. Movie theater marquees existing prior to adoption of Ordinance No. 471.
- G. Temporary signs meeting the criteria of subsection A. of Section 17.57.050.

17.57.040 Prohibited. The following signs are prohibited in the City; unless specifically exempted by other provisions (such as Section 17.57.030) of this Chapter.

- A. Wind signs. Not including flags and insignia of any government.
- B. Animated signs, with the exception of clocks and barber poles.
- C. Sound signs. Signs which will produce sounds.

## ORDINANCE NO. 785

17.57.040 Continued...

- D. Sandwich board and other movable freestanding signs.
- E. Signs on vehicles. It is prohibited to display any commercial sign in Capitola by attaching it to, suspending it from, or painting it on a vehicle which is thereafter parked in public view for more than one hour. This sub-section (E) does not apply to (a) bumper strips, or (b) to standard identification practices where such displays are painted on, or permanently attached to, a business or commercial vehicle which is actively being used for transportation purposes by the business, or (c) to signage of the subject vehicle as "For Sale".
- F. Abandoned. No person in the City shall maintain or permit to be maintained, a sign(s) that has been abandoned on any premises which said person owns or controls. Any such abandoned sign shall be immediately removed by the owner or operator of the premises. Any sign which is located on property which became vacant and unoccupied for a period of three months or more, and any sign which was erected for an occupant or business unrelated to the present occupant or business, and any sign which pertains to a time, event or purpose which is no longer applicable, shall be presumed to have been abandoned.
- G. Freeway signs.
- H. Balloon signs greater than 15 inches in diameter.
- I. Signs on public property. Signs on public property not placed there by the public entity having the possessory interest in such property. Public property is any parcel or unit owned by, or leased to, a federal, state or local governmental entity.
- J. Signs likely to obstruct motorists' line of sight. Whenever the Superintendent of Streets has determined that erecting signs in specific areas of private property, public property, or public streets would endanger the public by reducing the line of sight of motor vehicles, or obscure safety or directory signs required by governmental bodies or public utilities, he/she shall file such determination with the City Clerk. If the determination pertains to private property, he/she shall mail notice to the owner (as shown on the Assessor's records) and, if the property is developed, conspicuously post notices on the property. Thereafter, no signs may be erected in such area. Property owners or leaseholders may appeal such determination as provided in Chapter 2.52.

## ORDINANCE NO. 785

## 17.57.040 Continued...

- K. Window signs exceeding one-third of the total area of the window.
- L. Other signs. All other signs not specifically permitted by, or exempted or excepted from, these regulations are prohibited.

17.57.050 Temporary signs.

- A. No permit required.

The following temporary signs are permitted and do not require issuance of a sign permit.

1. For sale, rent or lease signs. In all districts, signs may be erected on any parcel which advertises such parcel for sale, rent or lease. In the R-1 and RM districts, such sign shall not exceed an area of six (6) square feet. In all other districts, such signs shall meet with the requirements set forth in this chapter.
2. Open house signs. In all districts, open house or model home signs, advertising real estate open for inspection for prospective sale, may be placed on the property of the unit where an open house is held, or other private property, with the consent of the owner, lessee or occupant. Such signs shall not exceed four (4) square feet in area nor one (1) in number for any one open house and/or model home. Each sign may say "open house" on both sides.
3. Garage/yard sale signs. Garage/yard sale signs may be placed on the property of the residential unit where the garage sale is held, or on other private property if the occupant's permission has been obtained.
4. Balloon signs. Balloon signs 15 inches or less in diameter may be placed temporarily on private property as a decoration display linked to a special public, private or sales event.
5. Temporary window signs. In C-V, C-R, C-N and C-C districts, temporary window signs (which may periodically change), including, but not limited to posters and product information, provided that the area of such signs does not exceed one third (1/3) of the area of the window. Neon-type signs are not temporary.

ORDINANCE NO. 785

17.57.050 Continued...

B. Allowable with permit

The following temporary signs require a sign permit prior to erection, which may be issued by the Planning Director or his/her designee, or which may be referred to the Planning Commission for consideration and action. Temporary sign applications may be denied by the Planning Director or Planning Commission when it has been determined that the temporary sign is not made of suitably strong materials, or appropriately located or affixed.

1. Construction project signs.

- a. Not more than two (2) signs may be erected in conjunction with construction projects for the purpose of publicizing the future occupants of the building, or architects, engineers, and/or construction organizations participating in the project.
- b. In residential districts, no such sign shall exceed twelve square feet in area, and no freestanding sign shall exceed five (5) feet in height.
- c. In other districts, no sign shall exceed 40 square feet, and no freestanding sign shall exceed eight feet (8') in height.
- d. All such signs shall be removed before the building official grants final release on the construction.

2. Subdivision signs.

- a. Not more than one (1) temporary sign identifying a person or firm offering real estate for sale for the whole of a subdivision or substantial portion thereof shall be permitted in any city approved subdivision.
- b. Such signs may state the name of the subdivider, or the subdivision, or both.
- c. Such signs shall be located on the subdivision being advertised.

## ORDINANCE NO. 785

## 17.57.050 Continued...

- B. 2. d. No such sign shall be erected on or situated within one hundred feet (100') of any occupied residential property which is not within the subdivision.
- e. No such sign shall exceed forty (40) square feet in area.
- f. Sign lighting, if any, shall be indirect.
- g. In addition to the sign permit fee, a one hundred dollar deposit shall be required to guarantee proper maintenance and ultimate removal of the sign.
- h. The permit for any such sign shall be issued for a period of one year. At the end of such period, permit extensions of ninety (90) days each may be granted by the Planning Commission if good cause is shown by the permittee.
- i. Upon expiration of the permit and/or extension thereof, the entire sign shall be removed by the applicant. Following the removal of the sign, upon request from the permittee, the deposit shall be refunded.
- j. If for any reason the permittee fails to remove the sign, the City may cause it to be removed and shall apply the cost of such removal against the deposit, and return the remainder to the permittee.

C. Other requirements for temporary signs.

1. No more than two (2) businesses may display temporary commercial signs at any one time in a shopping center pertaining to the same event.
2. No single business premises may at any one time display temporary signs (whether commercial or non-commercial) totaling more than thirty (30) square feet in surface area. In applying this subsection, the Planning Director may estimate the surface area of irregularly-shaped or three-dimensional signs.
3. No single business at any one location may display temporary commercial signs for more than thirty (30) days in any calendar year.

## ORDINANCE NO. 785

## 17.57.050 Continued...

- C. 4. Temporary business/commercial signs are allowed only in conjunction with special sales or events. Special promotions do not include advertising individual products and services or the prices of products and services.

17.57.060 Central Village Signs. All signs to be erected in the Central Village Zoning District shall comply with the Central Village Design Guidelines as specified in the following regulations for signs:

- A. Relate all signs to their surroundings in terms of size, shape, color, texture, and lighting so that they are complimentary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.
- B. Arrange any external spot or flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.
- C. Signs for buildings which house more than one business are permitted only when a program for the complex has been approved. Signs need not match but should be compatible with the building and each other.
- D. One menu box with a maximum of three (3) square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
- E. If banners and flags are placed on a building they must be included and reviewed as part of the sign program.

17.57.070 Permanent Signs in Non-Residential Districts. The following kinds of permanent signs are, subject to Planning Commission review, allowable in all but R-1 and R-M districts, and subject to the conditions and restrictions set forth herein.

- A. Monument Signs. Except as otherwise provided in this chapter, every monument sign shall comply with the requirements of this section.

## ORDINANCE NO. 785

## 17.57.070 Continued...

- A.
1. No such sign shall exceed eight (8) feet above ground, except where the existing main building, or proposed building, is closer than twenty-five (25) feet from the front property line adjoining a public street, no such sign shall exceed four (4) feet in height. The height shall be determined as measured from the sidewalk or as assessed by the Planning Director.
  2. The maximum area of any such sign shall be sixty (60) square feet in the CC and IP zoning districts and thirty-five (35) square feet in all other districts.
  3. There may be no more than one (1) such sign for each building frontage.
  4. A maximum of four (4) tenants may be named on a monument sign.
  5. In the case of a corner parcel, a monument sign may be allowed for each frontage; provided, however, that each sign be placed at least two hundred (200) feet from the actual intersection corner.
  6. The area surrounding the base of a monument sign shall be landscaped in accordance with the provisions of Chapter 17.63.
  7. The use of wood materials shall be encouraged with provisions for indirect lighting permitted. Internally lighted signs shall be limited to the use of individually lighted letters with opaque or wood background materials.
  8. No other sign(s) advertising the business(es) shall be permitted on the premises, with the exception of a wall sign, located so as not to be visible from the street frontage used for the monument and appropriate directional signs.
  9. No such sign shall list the products to be sold or the services to be provided.
  10. Monument signs shall be designed to be related to the design, building materials, and architectural theme of the building on the same property, an integral part of a landscaped area or raised planter and used for identification purposes only.



## ORDINANCE NO. 785

## 17.57.070 Continued...

- B. Wall Signs. Except as otherwise provided in this chapter, every wall sign shall comply with the requirements of this section:
1. Each business shall be permitted only one wall sign, except that:
    - a. Businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign.
    - b. Additional wall signs may be allowed under a master sign program.
    - c. Center identification, directory, service station, and roof signs are not counted against this limitation.
  2. The size of each individual sign shall not be greater than one square foot of sign area for each one linear foot of business frontage.
  3. No such sign, including any light box or other structural part, shall project more than twelve (12) inches from the building face.
  4. Wall signs shall be mounted parallel to the building, unless otherwise approved by the Planning Commission.
  5. No part of any such sign shall extend above the top level of the wall upon or in front of which it is situated. Any such sign which is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight (8) feet. No permanent sign may be erected over any publicly-dedicated walkway or street contrary to the building code.
  6. No such sign shall list the products to be sold or the services to be provided by any business.
- C. Projecting Signs. Except as otherwise provided in this chapter, every projecting sign shall comply with this sub-section C.

## ORDINANCE NO. 785

## 17.57.070 Continued...

- C.
1. No such sign shall exceed sixteen (16) square feet in area, except in residential zoning districts a projecting sign shall not exceed five (5) square feet in area.
  2. No such sign shall extend above the top level of the wall upon which it is situated.
  3. No such sign shall project more than two (2) feet over any public property or pedestrian and vehicular easement.
  4. Each business shall be permitted one projecting sign.
  5. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
  6. Any such sign that is suspended or project over any public walkway or walk area shall have an overhead clearance of at least eight (8) feet.
  7. No such sign shall list the products to be sold or the services to be provided.
- D. Center Identification Sign. Except as otherwise provided in this chapter, every center identification sign shall comply with this section.
1. No such sign shall exceed thirty square feet in area.
  2. No such sign shall exceed five (5) feet in height as measured from the sidewalk.
  3. The sign shall identify the name of the center but shall not include the name of any business or businesses within the center.
  4. In no case shall a center have more than one (1) freestanding sign per frontage.
- E. Directory Sign. Except as otherwise provided in this chapter, every directory sign shall comply with this section.
1. No such sign shall exceed five (5) feet in height.
  2. No such sign shall exceed forty (40) square feet in area.

## ORDINANCE NO. 785

## 17.57.070 Continued...

- E. 3. No such sign shall be legible from adjacent public right-of-ways.
4. The sign shall identify the names of the occupants of the building or complex.
- F. Off-site Directional Sign. Except as otherwise provided in this chapter, every off-site directional sign shall comply with this section.
1. A conditional use permit shall be obtained for all off-site directional signs.
2. Any such sign shall identify special areas or features of the community; such as civic, public or quasi-public facilities.
- G. Service Station Sign. Except as otherwise provided in this chapter, every service station sign shall comply with this section.
1. A maximum of two (2) signs not exceeding four (4) square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State Law. (See Business & professions Code Section 13530.)
3. A six (6) foot high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
- H. Roof Sign. Except as otherwise provided in this chapter, every roof sign shall comply with this sub-section.
1. A conditional use permit shall be obtained for all roof signs.
2. Roof signs shall be allowed only on single story buildings.
3. The supporting member of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building.

## ORDINANCE NO. 785

## 17.57.070 Continued...

- H. 4. In shopping centers and other multi-use structures, the roof signs shall be of uniform proportions, design and material.
- 5. The maximum allowable area of such roof signs shall be five (5) percent of the area of the front face of the building.
- I. Window Signs. Window signs in accordance with Subsections B(2) and C(3) of Section 17.57.020.

17.57.080 Master Sign Program. Programs which establish material, letter style, height, color and illumination of signs for shopping centers, office complexes and other common buildings shall require architectural and site review and/or a sign permit. Subsequent to the approval of a given business center's master sign program, individual sign permits may be issued by the Planning Director or his/her designee without further Planning Commission review. Approval of the master sign program does not waive the building department permit requirements for individual signs.

17.57.090 Special Signage for Commercial Sites Located in Geographically Constrained Areas.

- A. A parcel or contiguous group of parcels forming a commercial site, which is located in the C-C Community Commercial zoning district and meets the following criteria, may apply for special signage through the Planning Commission: The commercial site is geographically located such that, except to a very limited degree, the signs are not visible from other properties, nor from any public street (except one that dead ends within the commercial site).
- B. The application for special signage, and the Planning Commission decision in response to it, shall, for each variety of permanent and temporary signage, specify the number, size, type, design, color and location of the sign, along with the manner, frequency and duration of the sign display.
- C. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
  - 1. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located

## ORDINANCE NO. 785

## 17.57.090 Continued...

- C. 1. elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
2. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area. This subsection C. does not allow approval of: signs over 16 feet high, sound signs, abandoned signs, balloon signs greater than 15 inches in diameter, or freestanding signs.
- D. The Planning Commission or City Council may amend any approval of temporary signs under this section provided:
1. The permittees are given at least 10 calendar days written notice prior to the hearing;
  2. changed circumstances make such amendment appropriate;
  3. a reasonable period of time is allowed for the affected business(es) to bring themselves into compliance.

17.57.095 Non-Commercial Signs in Residential Districts. In C-R districts, the total area of both commercial and non-commercial signs shall not exceed 35 square feet per unit.

In R-1 and R-M Districts, non-commercial signs shall not exceed 35 square feet per unit.

Non-commercial signs meeting the foregoing size limitation do not require a sign permit, but Uniform Construction and Fire Codes (see Chapter 15.04) do apply.

17.57.100 Maintenance and Repair. All signs, together with all supports, braces, guys and anchors shall be free from excessive deterioration, rot, rust, and loosening and shall be maintained in safe condition as determined by the Building Official or Planning Director. The display surface of all signs shall be kept neatly painted or posted at all times.

17.57.110 Lighting and Illumination. All illuminated signs shall be designed in such a way as to avoid undue glare or reflection of light on private property and surrounding areas. In the R-1 and RM zoning districts, signs shall be constructed in such a way that any lighting or lighting effect shall have an intensity of no more than thirty-five (35) footcandles as measured from ground level. In all other districts, no sign shall have an intensity of no more than fifty (50) footcandles as measured from ground level.

ORDINANCE NO. 785

17.57.120 Nonconforming Signs

- A. Signs which are lawfully in existence and in use prior to and at the time of the legal adoption of the ordinance codified in this chapter, may remain in use even though they do not conform with the provisions of this chapter.
- B. Repainting, refacing or relettering of existing legal nonconforming signs is permitted when the new copy is to be the same size and design as that existing or originally approved.

17.57.130 Unsafe and unlawful signs.

- A. Whenever a sign is found to be erected or maintained in violation of any provisions of this chapter or of any other ordinance or law, the Planning Department shall order that such sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. Any work required to be done, shall, unless a different time is specified, be completed within ten days of the date of such order.
- B. Failure, neglect or refusal to comply with such order of the Planning Department shall be sufficient basis for the revocation of any permit granted under this chapter, and shall constitute a separate offense.
- C. In addition to any other remedies provided by law, the Planning Department shall have the power and authority summarily to remove, or cause to be removed, at the owner's expense, any sign erected or maintained in violation of the provisions of this chapter.

17.57.140 Enforcement. The provisions of Chapter 17.84 shall be used to enforce the contents of this chapter, but are not exclusive.

Section 2. Chapter 9.40 of the Municipal Code (Ordinance No. 491) is amended to read as follows:

Chapter 9.40

SIGNS ON PUBLIC PROPERTY OR RIGHTS-OF-WAY

Sections:

- 9.40.010 Signs prohibited - exceptions
- 9.40.020 Signs on utility poles or apparatus

ORDINANCE NO. 785

9.40.010 Signs prohibited - exceptions. No signs shall be erected, affixed, or placed in or upon any public street, path or right-of-way subject to the following exceptions:

- A. Signs informing the general public of civic or non-profit events, upon approval of the City Council.
- B. Legal notices, identification, informational, safety or directional signs erected or required by governmental bodies or public utilities.

9.40.020 Signs on utility poles or apparati. Nothing in this Chapter shall be construed as allowing signs to be placed upon privately-owned poles or apparati. (See California Penal Code Sections 556, 556.1, 556.3.)

Section 3. This Ordinance shall be in full force and take effect thirty days after its final adoption or upon approval by the California Coastal Commission, whichever occurs last.

This ordinance was introduced on the 21st day of November, 1995, and passed and adopted on the 14th day of December, 1995 by the following vote:

AYES: Council Members Graves, Garcia, Harlan and Mayor Fabrizioio.

NOES: None.

ABSENT: Council Member Routh.

ABSTAIN: None.

APPROVED: Margaret Fabrizioio  
MAYOR

ATTEST:  
Pamela Reeninger, CMC/AAE  
CITY CLERK

This is to certify that the above and foregoing is the original document: Ordinance No. 785 and that it has been published or posted pursuant to law. (Calif. Govt. Code § 40000)

Pamela Reeninger  
City of Capitola, City Clerk

Approved by California Coastal Commission on February 9, 1996.

ORDINANCE NO. 795

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING CHAPTER 17.57 OF THE MUNICIPAL CODE  
CONCERNING OFF-SITE REAL ESTATE FOR SALE SIGNS

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

Section 1. Sub-section 17.57.050(B)3 shall be added to the  
Municipal Code to read as follows:

- 3. Off-Site Real Estate For Sale Signs. Signs which meet the  
criteria of Civil Code Section 713, which are:
  - a. The sign concerns the sale, lease or exchange of real  
property.
  - b. The sign is displayed on the subject property or on  
property for which consent to the sign has been given  
by the property owner or his or her agent.
  - c. The advertising is limited to the following:
    - i. That the property is for sale, lease, or exchange  
by the owner or his or her agent.
    - ii. Directions to the property.
    - iii. The owner's or agent's name.
    - iv. The owner's or agent's address and telephone  
number.

Permits shall be issued for signs found to be of reason-  
able dimensions, design and number. In making this  
determination, the decision maker shall take into  
consideration the signs for which the property is eligible  
under Section 17.57.050 A (1) and (2).

This ordinance was introduced on the 27th day of February,  
1997, and passed and adopted on the 13th day of March, 1997 by the  
following vote:

AYES: Council Members Graves, Fabrizio, Gualtieri and Vice Mayor  
Harlan  
 NOES: None  
 ABSENT: Mayor Garcia  
 ABSTAIN: None

APPROVED: Stephanie L. Harlan  
VICE MAYOR

ATTEST:  
Pamela Greeninger, CMC/AAE  
CITY CLERK

This is to certify that the above and  
foregoing is the original document:  
Ordinance No. 795 and that it has  
been published or posted pursuant  
to law. (Calif. Gov't. Code § 40808)  
Pamela Greeninger  
City of Capitola, City Clerk





Item #: 9.A.

## CITY COUNCIL AGENDA REPORT

MEETING OF SEPTEMBER 13, 2012

**FROM:** POLICE DEPARTMENT

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADDING SECTION 9.34.010 (PUBLIC URINATION/DEFECATION PROHIBITED) OF THE MUNICIPAL CODE PERTAINING TO PUBLIC PEACE, MORALS AND WELFARE

---

**RECOMMENDED ACTION:** Introduce an Ordinance adding Section 9.34.010 (Public Urination/Defecation Prohibited) of Title 9 of the Capitola Municipal Code pertaining to public peace, morals and welfare, and passing the Ordinance to a second reading at its Regular Meeting on September 27, 2012.

**BACKGROUND/DISCUSSION:** As part of staff's continuous review of programs and processes, it was identified that the City has no language that authorizes the local enforcement of public urination/defecation. Currently, the police department relies on Health & Safety Code § 5411, a misdemeanor, for enforcement. These violations are prosecuted by the County District Attorney's Office and are commonly reduced to an infraction. The City Attorney has drafted clear language (Attachment 1) that would allow local enforcement of these violations.

**FISCAL IMPACT:** It is unknown the exact fiscal impact, if any, due to undetermined court costs. The base fine is proposed at \$50.00 which is comparable to other municipalities.

**ATTACHMENT:**

1. Draft Ordinance

**Report Prepared By:** Rudy Escalante  
Chief of Police

**Reviewed and Forwarded  
by City Manager:** 

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
ADDING CHAPTER 9.34 TO THE CAPITOLA MUNICIPAL CODE  
PERTAINING TO PUBLIC URINATION AND DEFECACTION**

WHEREAS, it has come to staff's attention that the City has no language in the Capitola Municipal Code that authorizes the local enforcement of public urination and defecation.

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

Section 1. Chapter 9.34 is hereby added to the Capitola Municipal Code to read as follows:

**"9.34.010 – Public Urination/Defecation Prohibited.**

No person shall urinate or defecate in public except when using a urinal, toilet or commode in a bathroom, restroom or other structure enclosed from public view. Any person who violates this section shall be guilty of an infraction punishable by a fine of \$50.00."

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

This ordinance was introduced on September 13, 2012 and was passed and adopted by the City Council of the City of Capitola on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk



## CITY COUNCIL AGENDA REPORT

### MEETING OF SEPTEMBER 13, 2012

FROM: OFFICE OF THE CITY MANAGER

SUBJECT: CITY COUNCIL RESPONSE TO THE 2011-2012 SANTA CRUZ COUNTY GRAND JURY FINAL REPORT: "KNOWN SOIL CONTAMINATION AND BUILDING PERMIT APPLICATIONS"

---

**RECOMMENDED ACTION:** Approve a City Council response to the 2011-2012 Santa Cruz County Grand Jury Final Report: "Known Soil Contamination and Building Permit Applications."

**BACKGROUND/ DISCUSSION:** A Grand Jury is part of the judicial branch of government, and is comprised of community members who serve for one year. This report was initiated and prepared by the Grand Jury as an investigation of city and County governments.

California law requires city administrators to respond to a publication of a Grand Jury within 60 days. The 2011-12 Grand Jury Report (Report) is titled "Known Soil Contamination and Building Permit Applications." The Report has identified the City's Public Works Department, as well as other entities within the County, as respondents to the Report.

Public Works Director Jesberg submitted the attached responses to the Report on August 21, 2012, meeting the required deadline. The City Council is required to respond to the Report within 90-days, by October 1, 2012. Staff recommends the City Council authorize the Mayor to execute the attached response to the Grand Jury.

Overall the responses indicate several areas in which the City can help to provide additional information to building applicants regarding sites with known soil contamination issues.

The attached draft response is consistent with California law, which requires the entity to respond to findings by stating either of the following:

- Agree with the finding;
- Partially agree or partially disagree with the finding and specify the portion of the finding that is disputed and include an explanation of the reasons therefor; or
- Disagree with the finding and provide an explanation of the reasons therefor.

Entities are required to respond to recommendations, by stating one of the following:

- Has been implemented, with a summary regarding the implemented action;
- Has not yet been implemented but will be implemented in the future, with a timeframe or expected date for implementation;
- Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the Grand Jury Report;
- Will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

**FISCAL IMPACT:** There is no fiscal impact.

**ATTACHMENTS:**

1. Draft response letter
2. 2011-2012 "Grand Jury Report: Known Soil Contamination and Building Permit Applications"

**Report Prepared By:** Susan Sneddon, CMC  
City Clerk

**Reviewed and Forwarded  
By City Manager:** 



## ATTACHMENT 1

420 CAPITOLA AVENUE  
CAPITOLA, CALIFORNIA 95010  
TELEPHONE (831) 475-7300  
FAX (831) 479-8879

September 14, 2012

The Honorable Timothy Volkmann  
Santa Cruz Superior Court  
701 Ocean Street  
Santa Cruz, CA 95060

RE: CITY OF CAPITOLA RESPONSE TO THE SANTA CRUZ COUNTY  
GRAND JURY FINAL REPORT 2011-2012

Dear Honorable Judge Volkmann:

Pursuant to the instructions for respondents to the Santa Cruz County Grand Jury's Final Report for 2011-2012, enclosed please find the City of Capitola's response pertaining to "Known Soil Contamination and Building Permit Applications"; pages 74-82.

The Capitola City Council, at its meeting held September 13, 2012, unanimously directed me to submit the attached response. An electronic version of the City's response has been sent via e-mail to the Grand Jury at [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us) as specified in the instructions.

Thank you for your consideration of the City Council response.

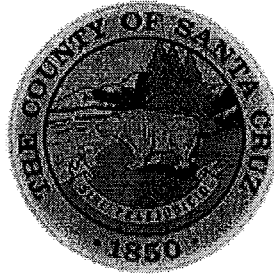
Sincerely,

CITY OF CAPITOLA

Michael Termini  
Mayor

Enclosure

cc: Rahn Garcia, Chief Deputy County Counsel  
Bob Lee, District Attorney



**Santa Cruz Grand Jury**

**2011-2012 Response Packet**

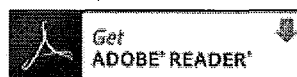
**Known Soil Contamination and Building Permit  
Applications**

**Who Asks? Who Should Ask? Who Knows?**

City of Capitola Public Works Department

Due date: 60 Days (by Sept 1, 2012)

Download this PDF file to your computer and open it with Adobe Reader. Fill out each form and save your changes back into the PDF file. When finished, email the PDF file as an attachment to:  
[grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us)



## Instructions for Respondents

California law PC § 933.05 requires that those responding to the Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for future implementation or analysis must be provided. Please follow the format below when preparing your response.

### Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom form provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
  - AGREE with the Finding,
  - PARTIALLY AGREE or PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefore, or
  - DISAGREE with the Finding and provide an explanation of the reasons therefore.
3. For Recommendations, select one of the following actions and provide the required additional information:
  - HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
  - HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
  - REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
  - WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefore.

If you have questions about the response report, please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### How and Where to Respond

1. Please download and fill out the electronic Adobe PDF Response Form provided to you for your responses. There is one form page for each Finding and Recommendation. Be sure to save any changes you make to the form.
2. Print and send a hard copy of the Adobe PDF Response Form to:  
The Honorable Judge Timothy Volkmann  
Santa Cruz Superior Court  
701 Ocean Street  
Santa Cruz, CA 95060
3. Email the completed Adobe PDF Response Form, as an attachment, to the Grand Jury at [grandjury@co.santa-cruz.ca.us](mailto:grandjury@co.santa-cruz.ca.us).

### Due Dates

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

## Penal Code § 933.05

1. For purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
  
2. For purposes of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
  
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
  
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
  
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
  
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Finding F1:** The building departments of the County of Santa Cruz, and the Cities of Watsonville, Capitola, Santa Cruz and Scotts Valley, do not consistently communicate with Environmental Health Services (EHS) to identify known soil contamination sites during the building permit application process.

**IMPORTANT: Please review the Instructions for Respondents for how to make your response.**

Date of Response:

Respondent's Name:

Response (please choose one):

- AGREE
- PARTIALLY AGREE - explain disputed portion below
- PARTIALLY DISAGREE - explain disputed portion below
- DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

The City of Capitola Building Department does communicate with Environmental Health Services (EHS) to identify known soil contamination sites during the building permit application process, and follows all EHS regulatory procedures.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Finding F2:** Public access to the Environmental Health Database is unnecessarily limited because it is only available by visiting or calling the EHS office.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response: August 21, 2012

Respondent's Name: Steve Jesberg

Response (please choose one):

- AGREE
- PARTIALLY AGREE - explain disputed portion below
- PARTIALLY DISAGREE - explain disputed portion below
- DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

The City of Capitola does not maintain nor control public access to the EHS database.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Finding F3:** With the exception of the County's LORI Property Disclosure Statement, nowhere in the examination of city and county building permits was the issue of existing or possible soil contamination brought to the attention of the applicant.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response:

Respondent's Name:

Response (please choose one):

- AGREE
- PARTIALLY AGREE - explain disputed portion below
- PARTIALLY DISAGREE - explain disputed portion below
- DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

There are no current regulatory requirements for a city to notify, analyze, or search for possible soil contamination as part of the planning or building permit process.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Recommendation R1:** The building departments of the County of Santa Cruz and of the cities of Watsonville, Capitola, Santa Cruz and Scotts Valley should establish a procedure with Environmental Health Services to identify known soil contamination sites during the building permit application process.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response: August 21, 2012

Respondent's Name: Steve Jesberg

Response (please choose one):

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below
- REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola would be willing to participate in a regional effort.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Recommendation R2:** Environmental Health Services should make the Environmental Health Database available as an online geographic resource within the existing Santa Cruz County Geographic Information Systems database. Environmental Health Services should also provide their department phone number as a link on the GeoTracker website.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response: August 21, 2012

Respondent's Name: Steve Jesberg

Response (please choose one):

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below
- REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The databases belonging to County Environmental Health and is not the responsibility of the City of Capitola.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Recommendation R3:** Building departments should make property owners and developers aware that the Environmental Health Database lists known soil contamination sites, as a routine step in the building permit application process.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response:

Respondent's Name:

Response (please choose one):

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below
- REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola will make property owners aware of the database as part of the application process within the next three months.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Recommendation R4:** Environmental Health Services and the building departments should notify applicants that the identification of contaminated soils on their property may impact the building permit process.

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response: August 21, 2012

Respondent's Name: Steve Jesberg

Response (please choose one):

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below
- REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola will be implementing within the next three months by notifying applicants that the identification of contaminated soils on their property may impact the building permit process.

Santa Cruz 2011-2012 Grand Jury Response Form

**Known Soil Contamination and Building Permit Applications Report**

Respondent: City of Capitola Public Works Department

Respond within: 60 Days (by Sept 1, 2012)

**Recommendation R5:** Environmental Health Services and the building departments should develop a soil contamination advisory statement, such as the sample given below, and incorporate that statement and information into the building permit application process.

Sample:

*Property owners or their agents can find a list of all known contaminated soil sites by viewing the Geotracker, Santa Cruz County Site Mitigation List web sites, and/or by contacting the Environmental Health Services at (831) 454-2022 and asking if their property is on the list of known contaminated sites. The identification of contaminated soils on the property may impact the building permit process.*

**IMPORTANT:** Please review the Instructions for Respondents for how to make your response.

Date of Response:

Respondent's Name:

Response (please choose one):

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below
- REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)
- WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola will provide an advisory statement and information in the building permit application process. Will be implemented within the next three months.