

City of Capitola Regular City Council Meeting Agenda

Thursday, February 24, 2022 – 7:00 PM

City of Capitola

City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey

Vice Mayor: Margaux Keiser

Council Members: Jacques Bertrand, Yvette Brooks, Kristen Petersen



Regular Meeting of the Capitola City Council – 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Council Members Kristen Petersen, Jacques Bertrand, Margaux Keiser, Mayor Sam Storey, and Yvette Brooks

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

A. Overview of GreenWaste Organics Program

B. Informational Presentation on 2020 City of Capitola Local Hazard Mitigation Plan

4. Additional Materials

Additional information submitted to the City after distribution of the agenda packet.

5. Oral Communications by Members of the Public

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any “Consent Item” on tonight’s agenda, or on any topic within the jurisdiction of the City that is not on the “General Government/Public Hearings” section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. 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. **A maximum of 30 minutes** is set aside for Oral Communications.*

6. Staff / City Council Comments

Comments are limited to three minutes.

7. Consent Items

All items listed as “Consent Items” 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 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 which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A.** Consider the February 10, 2022, Regular City Council Meeting Minutes
Recommended Action: Approve minutes.
- B.** Approve Sole-Source Contract with CSG Consultants for Building Division Contract Services
Recommended Action: 1) Authorize the City Manager to execute a sole-source contract with CSG Consultants in an amount not-to-exceed \$154,000 for on-call Building Division contract services for three and a half years; and 2) Approve the proposed resolution amending the FY 2021-22 Budget.
- C.** Consider Letter of Support for Soquel Creek Water District's Pure Water Soquel Project
Recommended Action: Direct the Mayor to sign a letter of support for Soquel Creek Water District's Pure Water Soquel Project and the District's grant application with the US Bureau of Reclamation Water Smart: Title XVI WIIN Water Reclamation and Reuse Program.
- D.** Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

8. General Government / Public Hearings

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

- A.** Report on Scope and Budget for the Capitola Wharf Resiliency and Public Access Improvements Phase 2
Recommended Action: Receive report on the funding status for Phase 2 of the Capitola Wharf Resiliency Project and continue funding option discussion to the City's Budget Goal Setting session scheduled for March 1, 2022.
- B.** Consider a Street Resurfacing Project Agreement with the County of Santa Cruz
Recommended Action: Approve a Reimbursement Agreement in the amount of \$426,699 with the County of Santa Cruz for inclusion of City of Capitola streets in the County's 2022 Pavement Management Project.
- C.** Computer Network Infrastructure Upgrade and Maintenance

Recommended Action: 1) Authorize the City Manager to negotiate an agreement with Exceedio in an amount not-to-exceed \$6,000 per month for managed services of City IT network infrastructure; 2) Approve the proposed resolution amending the FY 2021-22 Budget; and 3) Direct staff to return to Council for approval of the final agreement.

D. Allocation of Opioid Settlement Funding

Recommended Action: Authorize the allocation of the City of Capitola’s portion of opioid settlement funding to the County of Santa Cruz for FY 2022/23, and authorize the City Manager to enter into an Agreement with the County of Santa Cruz to establish a process for City participation in defining priorities for the use of settlement funds in the region.

9. Adjournment

Notice of Remote Access

In accordance California Senate Bill 361, the City Council meeting is not physically open to the public and in person attendance cannot be accommodated.

To watch:

- Online <https://cityofcapitola.org/meetings>
- Spectrum Cable Television channel 8
- City of Capitola YouTube channel

Join Zoom by Computer or Phone:

- Click this meeting link:
<https://us02web.zoom.us/j/81492483812?pwd=bnJjN25aYkRhRHlUajAzM3o1cnpDQT09>
- Or call one of these phone numbers:
 - 1 (669) 900 6833
 - 1 (408) 638 0968
 - 1 (346) 248 7799
- Meeting ID: **814 9248 3812**
- Meeting Passcode: **426714**

To submit public comment:

When submitting public comment, one comment (via phone or email, not both), per person, per item is allowed. If you send more than one email about the same item, the last received will be read.

- Zoom Meeting (Via Computer or Phone):

If using computer: Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak

If called in over the phone: Press *9 on your phone to “raise your hand” when the mayor calls for public comment. Once unmuted, you will have up to 3 minutes to speak

- **Send Email:** During the meeting, send comments via email to publiccomment@ci.capitola.ca.us

- Emailed comments on items will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed.
- Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
- Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
- Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

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 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 for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. 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 rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast 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.cityofcapitola.org by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.

Capitola City Council

Agenda Report



Meeting: February 24, 2022

From: Public Works Department

Subject: Informational Presentation on 2020 City of Capitola Local Hazard Mitigation Plan

Background: A Local Hazard Mitigation Plan (LHMP) is a planning document that is intended to reduce the risks associated with natural and manmade disasters such as earthquakes and fire storms. An LHMP identifies and ranks types of disasters that may occur, identifies critical infrastructure and facilities, and establishes a set of ratings and strategies intended to address and mitigate the risks. An LHMP is required by FEMA for agencies to qualify for funding to mitigate risks.

The first Local Hazard Mitigation Plan for the City of Capitola was prepared in 2013. Preparation of this plan included the formation of a Technical Advisory Committee that included twelve local and regional agencies with either critical facilities within Capitola or first and second responders to disasters. As required by FEMA the LHMP was updated in 2020. The update focused on identifying the impacts of sea level rise and strategies to identify best practices for mitigating these risks.

Discussion: The LHMP identifies critical facilities located throughout the city and what hazards could impact these facilities. Based on this information, the facilities at the greatest risk of damage were identified.

The LHMP concludes with a list of Hazard Mitigation Actions for the City to plan and implement to reduce risks in the community. The mitigation actions detail improvements or programs to address a given hazard and prioritizes the action based on the threat to the facility, likelihood of significant damage, and repair/replacement costs. The list of mitigation actions is included as Attachment 1.

The entire LHMP is several hundred pages long and is not included as an attachment. The document can be viewed on the City’s website by searching LHMP or going to the Resources and Documents page under the Community Development Department. A link to the document and QR code is also provided here:


QR Code	Link
	www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/2484/capitola_lhmp_2020_july_2020.pdf

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
1. Earthquake / Liquefaction Hazard Related Actions					
A. Continue to enforce the requirements of the Geologic Hazards District (Chapter 17.48) of the Capitola Municipal Code which requires the assessment of geologic hazards by a registered geologist or professional engineer for all new development projects. The geologic hazards identified through this assessment process are then mitigated by avoidance or through measures designed by civil engineers using the California Building Code.	Community Development, Public Works, and Building	Staff budget, Review Fees, Development Impact Fees	Ongoing	Low	Unchanged
B. Continue to enforce the most current versions of both the California Building Code (CBC) and the California Building Standards with regards to seismicity, including requiring engineering and liquefaction studies for all potentially affected development.	Public Works and Building	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
C. In cooperation with other agencies, conduct seismic evaluations of all City owned critical facilities (including roadways, water, sewer, storm drains and emergency use facilities) and coordinate with other agencies to evaluate non-city owned critical facilities. Seek funding sources to assist in necessary upgrades of these critical facilities.	Public Works and Other Agencies	PDM, HMGP, Staff budget, and General Fund	2025	Low	Unchanged
D. Work with Caltrans and other relevant agencies to evaluate and retrofit the structural integrity of all bridges to ensure their safety during a seismic event.	Public Works	PDM, HMGP, Staff budget	2030	Low	Unchanged
E. Continue training appropriate plan check staff on seismic requirements for new and existing structures.	Building	Staff budget	Ongoing	Low	Unchanged
2. Coastal Storm / Flooding Hazard Related Actions					
A. Evaluate the likelihood of debris flow impacts to the Stockton Avenue bridge during a catastrophic flooding event.	Public Works	FHA, FMA, Staff budget	2017	High	Completed
B. Improve the Noble Gulch storm drain facilities to protect against flooding within the Capitola Village.	Public Works and Community Development	PDM, HMGP, General Fund	2025	High	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
C. Relocate or elevate critical facilities (e.g. City hall, police, fire, etc.) above the level of the 100-year flood elevation.	Public Works and Community Development	PDM, HMGP, General Fund	2035	High	Unchanged
D. Continue to implement the Soquel Creek Lagoon Management Plan.	Public Works and Community Development	PDM, HMGP, FMA, Staff budget	Ongoing	Medium	Unchanged
E. Participate in the National Weather Service (NWS) Storm Ready Program	Community Development and Public Works	Staff budget, General Fund	Ongoing	Medium	Unchanged
F. Assist in the planning and/or improvement of infrastructure (e.g. sewers) and facilities to help minimize flooding impacts, particularly in critical flood-prone areas (e.g. Capitola Village).	Public Works and Community Development in coordination with the County Sanitation District	FHA, PDM	Ongoing	Low	Unchanged
G. Continually monitor and review CA State Water Resources Control Board regulations and permit requirements to ensure consistency with city policies and regulations. This includes on-site retention of stormwater runoff from impervious surfaces and the implementation of Low Impact Development (LIDs) standards on new development.	Public Works and Community Development	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
H. Limit development and monitor conditions of development and grading permits to prevent sedimentation in natural channels and wetlands.	Community Development	Staff budget	Ongoing	Low	Unchanged
I. Develop more accurate GIS maps of the City's drainage system in coordination with future updates of the Capitola Stormwater Management Program.	Public Works and Community Development	CalEMA, General Fund, Staff budget	2025	Low	Unchanged
J. In coordination with the Santa Cruz County Public Works & Flood Control & Water Conservation District (Zone 5), evaluate the effectiveness of current policies and ordinances to ensure that storm water runoff from impervious surfaces does not contribute to flooding.	Public Works and Community Development	Staff budget	2025	Low	Unchanged
K. Continually monitor and review FEMA's National Flood Insurance Program (NFIP) requirements to ensure the City's floodplain management regulations are in compliance.	Public Works and Community Development	Staff budget	Ongoing	Low	Unchanged
L. Participate in the FEMA NFIP Community Rating System (CRS).	Community Development	Staff budget	2025	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
M. Work in coordination with the Santa Cruz County Public Works & Flood Control & Water Conservation District (Zone 5) to develop and disseminate public education materials on flood protection and mitigation by working collaboratively with community groups, non-governmental organizations and the local media.	Community Development	General Fund	Ongoing	Low	Unchanged
N. Review and update the city's existing ordinances as they relate to storm / flooding hazards, consistent with the risks identified in this LHMP.	Community Development	Staff budget, PDM, HMGP, General Fund	2025	Low	Unchanged
O. Adopt policies to limit municipal capital improvements that would be at risk.	Public Works and Community Development	Staff budget, General Fund	2030	Low	Unchanged
P. Improve resiliency to flooding along Soquel Creek and Coast such as the construction of flood walls and improved building guidelines (increase free board and first floor parking).	Public Works and Community Development	PDM, HMGP, CDBG, CalEMA, FMA	2050	Low	New
Q. Investigate natural habitat buffering to reduce coastal flooding such as beach and kelp management.	Public Works and Community Development	HMGP	2030	Low	New

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
R. Upgrade vulnerable storm drains with tidal flap gates and pumps, as appropriate.	Public Works	PDM, HMGP, FMA, CalEMA, General Fund	2030	Low	New
S. Investigate various opportunities for beach nourishment and replenishment in concert with rebuilding the City's groin located at the east end of the main beach.	Public Works	PDM, HMGP	2020	Medium	New
T. Prepare a coastal bluff and beach management plan for Capitola that outlines short- and long-term coastal bluff management strategies that will help to establish local protection and adaptation priorities.	Public Works and Community Development	PDM, HMGP, CDBG, General Fund	2030	Medium	New
U. Prioritize coastal protection structures for upgrade and replacement including the sea wall along The Esplanade and coastal revetments.	Public Works	PDM, HMGP, CDBG, General Fund	2040	Low	New
V. Consider resiliency improvements to protect and maintain critical vehicular and non-vehicular coastal access ways.	Public Works and Community Development	PDM, HMGP, CDBG, General Fund	2030	Medium	New
W. Adopt policies to limit municipal capital improvements that would be at risk.	Public Works and Community Development	Staff budget, General Fund	2025	Medium	New

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
X. Improve resiliency to flooding along Soquel Creek including the possibility of a temporary or permanent flood wall along the Soquel Creek walking path may help to reduce flooding within high risk areas.	Public Works and Community Development	PDM, HMGP, FMA, CalEMA	2050	Low	New
Y. Identify priority areas for future protection accounting for costs, structural feasibility and secondary implications (flood wall, seawall or revetment).	Public Works and Community Development	PDM, HMGP, FMA, CalEMA; Staff budget; General Fund	2060	Low	New
Z. Investigate long-term options to manage sea level rise and coastal erosion such as living shorelines, soft armoring techniques, and relocation of development within coastal hazard zones. As part of this investigation, consider the preparation of a comprehensive, long-term proactive management plan to protect Depot Hill in a way that preserves the natural coastline and avoids hard armoring.	Public Works and Community Development	PDM, HMGP, FMA, CalEMA; Staff budget; General Fund	2060	Low	New
3. Drought Hazard Related Actions					
A. Work in coordination with the City of Santa Cruz and the Soquel Creek Water District to implement water conservation strategies that maximize the use of existing water resources.	Community Development	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
B. Work in coordination with the Soquel Creek Water District to construct and implement the Pure Water Soquel, Groundwater Replenishment and Seawater Intrusion Prevention Project	Public Works	Staff budget, Prop 84 – IRWMP	2022	High	Unchanged
C. Coordinate with the Soquel Creek Water District and City of Santa Cruz to inform public of water conservation restrictions and drought conditions.	Community Development	Staff budget	Ongoing	Low	Unchanged
4. Windstorm Hazard Related Actions					
A. Coordinate with Pacific Gas & Electric to implement an ongoing tree trimming program for trees located in close proximity to overhead power lines.	Public Works	Staff budget, PG&E	Ongoing	Low	Unchanged
B. Establish a working relationship with the NWS Decision Support program to be advised of upcoming weather conditions in a manner that enables smart decisions.	Police Department	Staff budget	2025	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
5. Coastal Erosion/ Bluff Failure Hazard Related Actions					
A. Work in close coordination with state and local agencies and organizations to protect and preserve the coastline and its coastal bluffs through restoration efforts to help ensure safe coastal access and the protection of adjacent infrastructure and facilities. These efforts may include beach replenishment, coastal bluff protection, seawall construction, and other appropriate measures.	Public Works, Community Development, County Sanitation District	Staff budget	Ongoing	Medium	Unchanged
6. Tsunami Hazard Related Actions					
A. Continue implementation of Tsunami Ready Program	Community Development, Public Works, Police	Staff budget	Ongoing	Medium	Unchanged
B. Maintain a public communication system to warn the public of a potential tsunami threat.	Community Development, Public Works, Police	Staff budget	Ongoing	Medium	Unchanged
C. Support the timely and accurate update of tsunami inundation maps within the Monterey Bay area. Then integrate the new tsunami inundation maps into the risk assessment of this Local Hazard Mitigation Plan	Community Development, Public Works, Police	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
D. Continue to work collaboratively with relevant agencies and organizations to investigate tsunami threat to the City based on the best available information.	Community Development, Public Works, Police	Staff budget	Ongoing	Low	Unchanged
7. Hazardous Materials Related Actions					
A. Continue to coordinate with the Santa Cruz County Department of Environmental Health Services, on enforcement of State and local statutes and regulations pertaining to hazardous materials/ waste storage, use, and disposal.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
B. Support staff training and education requirements regarding emergency response procedures associated with transportation-based hazardous materials releases.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
C. Continue to coordinate the Urban Area Security Initiative to enhance preparedness efforts.	Police	UASI, Homeland Security Grant	Ongoing	Not Ranked*	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
8. Fire Hazard Related Actions					
A. Coordinate with the Fire District and Department of Corrections to create fuel reduction zones near properties at risk, shaded fuel breaks, and clean up areas prone to ground fuel litter common with invasive species habitat (i.e. Eucalyptus)	Fire, Public Works	Staff Budget	Ongoing	Not Ranked*	Unchanged
B. Continue to maintain cooperative fire protection and fire prevention agreements with the Central Fire Protection District and other relevant agencies.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
C. Identify inadequate access roadways. Develop a program to address inadequacies.	Community Development, Public Works, Fire, Police	PDM, HMGP, General Fund	Ongoing2025	Low	Unchanged
D. Promote land use planning and implement building codes to reduce incidence of human-caused wildfires especially in very high fire hazard areas.	Community Development, Building, Fire	Staff budget	Ongoing	Low	Unchanged
E. Implement building codes relevant to fire protection in new development or major renovations. (i.e. built-in fire extinguishing and fire alarm systems)	Community Development, Building, Fire	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
F. Work cooperatively with Central Fire Protection District, CalFire, and other relevant agencies to promote the implementation and awareness of fire prevention programs.	Community Development, Fire	Staff budget	Ongoing	Low	Unchanged
9. Landslide/ Mudflow Hazard Related Actions					
A. Continue to require that geologic/engineering reports be prepared for any proposed construction near landsliding and require mitigation of landslide hazards before issuing any building or grading permits.	Community Development, Building, Public Works	Staff budget	Ongoing	Low	Unchanged
10. Multi-Hazard Related Actions					
B. Coordinate hazard mitigation progress/efforts with the Santa Cruz County Office of Emergency Services and other agencies and cities within Santa Cruz County.	Community Development, Public Works, Police, Fire, City Manager	Staff budget	Ongoing	Medium	Unchanged
C. Continue to work with Santa Cruz 911 and other relevant agencies to maintain a coordinated and effective emergency communication system.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
D. Continue to update and enhance mapping data and the City's GIS for all hazards.	Information Technology	General Fund	Ongoing	Low	Unchanged
E. Verify the replacement value of City-owned critical facilities and coordinate with other agencies for non city-owned facilities to improve the risk assessment within this plan.	Public Works, Community Development, Finance	General Fund	2019	Low	Completed
F. Work with the appropriate cellular phone service providers to ensure there is always adequate cellular services to critical facilities within the City.	Police, Information Technology	Staff budget	Ongoing	Low	Unchanged
G. Reference and integrate the City's Local Hazard Mitigation Plan into the Safety Element of the General Plan.	Community Development	General Fund, DRI	2015	Low	Completed
H. Integrate the results of the Monterey Bay Sea Level Rise Study into the Local Hazard Mitigation Plan risk assessment and the General Plan Safety Element.	Community Development	DRI	2025	Low	New
I. As part of the General Plan Update process, develop a plan to address climate change/ climate adaptation issues within the City and its surroundings.	Community Development	Staff budget	2014	Low	Completed

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
J. Protect and preserve the coastline through permit review and continue to review coastal development for conformance with applicable City regulations (e.g. geologic, flood).	Community Development, Public Works	Staff budget	Ongoing	Low	Unchanged
K. Review and update the city's existing ordinances as they relate to hazards and risks identified in this LHMP.	Community Development	Staff budget	2025	Low	Unchanged

*These mitigation actions were added after mitigation action ranking was conducted.

Capitola City Council		
Agenda Report		
Meeting:	February 10, 2022	
From:	City Manager Department	
Subject:	Consider the February 10, 2022, Regular City Council Meeting Minutes	
Recommended Action: Approve minutes.		

Discussion: Attached for Council review and approval are the minutes from the regular City Council meeting held on February 10, 2022.

Attachments:

1. February 10 draft minutes

Report Prepared By: Chloé Woodmansee, City Clerk

Reviewed/Approved By: Jamie Goldstein, City Manager

City of Capitola Regular City Council Meeting Minutes

Thursday, February 10, 2022 – 7:00 PM

City of Capitola



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey

Vice Mayor: Margaux Keiser

Council Members: Jacques Bertrand, Yvette Brooks, Kristen Petersen

Regular Meeting of the Capitola City Council – 7 PM

1. Roll Call and Pledge of Allegiance

Council Members Kristen Petersen, Jacques Bertrand, Margaux Keiser, Mayor Sam Storey, and Yvette Brooks

2. Presentations

A. Introduction of new Capitola City Public Works Department Staff Member George Duncan

This item was removed from the agenda.

B. Update on Newly Adopted State and County Redistricting Maps

City Clerk Woodmansee presented the changes in State Assembly and Congressional maps and their impact on Capitola's representation.

3. Additional Materials

A. 1 public comment email regarding item 8.B

4. Additions and Deletions to the Agenda

5. Oral Communications by Members of the Public

Serg announced an upcoming meeting of the County mental health advisory board and invited Council, staff, and members of the public to attend.

6. Staff / City Council Comments

Recreation Division Manager Bryant-LeBlond announced that, due to a change in systems, online registration will be down for a period which should not interrupt the public's ability to register when programs go live.

Clerk Woodmansee said that the City is using a new agenda management system and accessing City agendas is slightly different; if there are questions, please contact the Clerk.

Council Member Petersen reminded the public of the Local Government Academy with the deadline to apply February 25.

Vice Mayor Keiser thanked Central Fire and all first responders for their work protecting our community and extinguishing the fire near the trestle recently.

7. Consent Items

Motion: Approve, adopt, and determine as recommended

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Petersen

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Petersen

- A. Consider the January 27, 2022, Regular City Council Meeting Minutes
Recommended Action: Approve minutes.
- B. Approval of City Check Registers Dated January 7, January 14, January 22 and January 28.
Recommended Action: Approve check registers.
- C. Finance Advisory Committee Membership
Recommended Action: Adopt proposed resolution regarding membership of the Capitola Finance Advisory Committee.
- D. Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

8. General Government / Public Hearings

- A. Presentation on Highway 1 Auxiliary Lane and Bus-on-Shoulder Project between Bay Avenue/Porter Street and State Park Drive

Recommended Action: Receive a presentation from the Santa Cruz County Regional Transportation Commission (RTC) and provide input on the aesthetic treatments for the Highway 1 Auxiliary Lane and Bus-on-Shoulder Project between Bay Ave./Porter St. and State Park Dr.

Sarah Christensen, Santa Cruz Regional Transportation Commission, presented the Highway 1 project.

Kira Caseli, Santa Cruz Regional Transportation Commission, presented the different aesthetic options for the project, highlighting five specific features.

Mayor Storey asked about font options for the proposed bridge.

Council Member Bertrand suggested the use of the begonia, as it is the symbol of Capitola. He also asked if public art could be incorporated.

There was no public comment.

Council Member Petersen indicated that she liked the wave painting and focusing on sea-life/ocean theme. She also suggested the Santa Cruz limestone.

Vice Mayor Keiser also suggested the SC limestone and a sea life theme, and encouraged the installation of local public art.

Mayor Storey thanked the RTC representatives for their presentation.

Result: Received presentation, gave feedback regarding project aesthetics

B. Lifeguard Services Updates

Recommended Action: 1) Approve Resolution Amending the Hourly and Seasonal Salary Schedule and modifying the City of Capitola Beach Lifeguard/Junior Guard Instructor job description; 2) Authorize the City Manager to execute a side letter to the Lifeguard Services Agreement with the City of Santa Cruz, increasing the amount of the Agreement to \$110,119; and 3) Receive report regarding seasonal staffing plans for summer 2022.

Recreation Division Manager Bryant-LeBlond presented a staff report.

Council Member Bertrand confirmed that the proposed program would be up to the same ocean surveillance standards as what is offered by the City of Santa Cruz.

Mayor Storey asked about the staffing turn-over rate. Manager Bryant-LeBlond responded that there is a smaller staffing pool due to the past two years of the pandemic.

There was no public comment.

Motion: Approve resolution; Authorize the City Manager to execute a contract amendment increasing the amount to \$110,119; Receive report

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Bertrand

Second: Vice Mayor Keiser

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Petersen

C. Realignment of the Proposed Pedestrian Pathway from the Upper Beach and Village Parking Lot to Monterey Avenue

Recommended Action: Approve a new proposed route for the pedestrian pathway from the Upper Beach and Village Parking Lot to Monterey Avenue.

Public Works Director Jesberg presented a staff report.

Council Member Brooks asked if the available grant funding expires; Director Jesberg said no and clarified that the funding was awarded for this specific project. He also confirmed that the official project plans would be presented to Council later, after the full design process.

Council Member Bertrand asked about a project timeline. Director Jesberg explained that pedestrian safety is at the forefront. When asked if eliminating parking could reduce the impacts to trees, Director Jesberg replied that a further study is needed.

There was no public comment.

Council Member Brooks made a motion.

Council Member Bertrand said that preserving the oaks is imperative, while balancing pedestrian safety.

Council Member Petersen said that Council had previously approved a different path route, which would have impacted more trees than this newly proposed route.

Vice Mayor Keiser agreed that the trees are significant and said that safety needs to be the prioritize.

Council Member Brooks highlighted that the trees in question also serve as a sound wall for nearby residents, which should be considered prior to any tree removal.

Motion: Request staff to return with a preliminary path design, using the proposed route, showing the least amount of impact on the area trees

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brooks

Second: Council Member Bertrand

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Petersen

- D. Consider Letter in Support for California Senate Bill 843 Regarding Renter's Tax Credit
Recommended Action: Direct the Mayor to sign a letter in support of California Senate Bill 843, which would increase California renter's tax credit.

Clerk Woodmansee presented a staff report.

There was no public comment.

Motion: Direct Mayor to sign letter of support and mail to Budget and Fiscal Review committee, Senator Laird, and Senator Glazer

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Bertrand

Second: Council Member Petersen

Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Petersen

9. Adjournment

The meeting was adjourned at 8:47PM to the next regular City Council meeting on February 24, 2022.

Capitola City Council

Agenda Report



Meeting: February 24, 2022

From: Community Development Department

Subject: Approve Sole-Source Contract with CSG Consultants for Building Division Contract Services

Recommended Action: 1) Authorize the City Manager to execute a sole-source contract with CSG Consultants in an amount not-to-exceed \$154,000 for on-call Building Division contract services for three and a half years; and 2) Approve the proposed resolution amending the FY 2021-22 Budget.

Background: Prior to 2018, the Building Division included two full-time positions: one building official and one building inspector. Under this structure, the majority of building plan checks were done in-house, with the exception of projects requiring special engineering review and larger commercial projects.

In 2018, the Building Division was restructured to include: one part-time building official, one full-time building inspector, and one full-time development service technician with half of the technician time dedicated to affordable housing administration. The development service technician position is currently filled at three quarter time (30 hours) with 20 hours dedicated to the Building Division and 10 hours toward affordable housing administration. Under the current Building Division structure, the majority of work is done in-house with the building official completing building plan reviews and the inspector performing all inspections. The development service technician and building inspector share administrative duties during open counter hours each morning.

In January 2022, the City's full-time building inspector resigned. Recruitment has been challenging due to the current labor shortage and high demand in the building industry. To maintain a high level of service, while the inspector position is vacant a portion of building plan checks and all building inspections will be contracted through a third party.

Discussion: For the next several months, the Building Division will must rely on consultant services for building plan review and inspections due to the current vacancy and the part-time status of the building official. An outside consultant will allow the building official to focus on Building Division operations, training existing and future staff, and completing building plan checks for over the counter permits. Both building plan review and building inspections are contemplated in the contract.

In the first half of FY 2021-22, the City received \$60,700 in plan review fees, while incurring a cost of \$14,500 for building plan review and building inspections by CSG. For the remainder of FY 2021-22, staff expects the building plan review costs to follow the same trend, but revenue will decrease because the majority of building plan reviews will be completed by a third party.

Staff anticipates plan review fees of \$35,000 and inspector service fees of \$30,000. CSG will provide an inspector for four hours in the afternoon three days a week. \$30,000 will cover inspection services February through June. Staff has also built in \$14,500 of previously incurred costs. In total, the contract will includes \$79,500 for the 2021-22 fiscal year. This amount will be partially offset with an estimated \$31,000 in salary savings due to the vacant Building Inspector position.

Once a building inspector is hired, the trend should improve with decreased reliance on an outside contractor for inspection and building plan review. For FY 2022-23, staff anticipates the Building Division to send approximately 20 percent of plan review to a third party, to allow the building official adequate time to train the future building inspector. The contract also includes 60 hours of building inspection services to cover during scheduled staff time off, and \$5,000 for special engineering plan reviews. The contract includes \$29,500 for the 2022-23 fiscal year.

For FY 2023-24 and FY 2024-25 the trend should normalize with \$10,000 in building plan review for larger projects, \$5,000 for special engineering review, and 60 hours of building inspector coverage for scheduled training and time off. The contract and cost estimates anticipate an increase in building inspector fees annually.

Scope	Cost
February 2022 – June 2022	
Plan Review	\$35,000
Building Inspector: 264 hours	\$30,000
Incurred Cost FY 21/22	\$14,500
Total	\$79,500
Fiscal Year 2022-23	
Plan Review	\$17,500
Building Inspector: 60 hours	\$7,000
Engineering Review	\$5,000
Total	\$29,500
Fiscal Year 2023-24	
Plan Review	\$10,000
Building Inspector: 60 hours	\$7,500
Engineering Review	\$5,000
Total	\$22,500
Fiscal Year 2024-25	
Plan Review	\$10,000
Building Inspector: 60 hours @ \$128/hour	\$7,500
Engineering Review	\$5,000
Total	\$22,500
Contract Total	\$154,000

Staff recommends a sole-source contract with CSG Consultants due to their knowledge of the Capitola Building Division processes and procedures. The contract with CSG is for on-call services as requested by the Community Development Director. There is no obligation by the City to spend the funds budgeted. The contract does not include a termination penalty should the City's contract service needs be less than currently anticipated.

Fiscal Impact: The contract building plan review is a revenue source for the Building Division based on the valuation of projects. CSG Consultants charges the industry standard of 65 percent of the building plan fee. At mid-year, the budget for building plan check consultant services was increased to \$43,100 of which \$14,341 has been utilized. In total, \$28,759 remains budgeted for third party review for this fiscal year. If approved, this action will increase the FY 2021-22 budget for outsourced plan checks by \$51,000 and reduce wages by \$31,000 for a net increase to the expenditure budget of \$20,000.

Following the mid-year budget amendments related to general fund revenues, there are adequate resources to provide for the \$20,000 increase to the budget. Additionally, if approved, staff will include the contract costs for FY 2022-23, FY 2023-24, and FY 2024-25 in the proposed budgets presented for City Council.

Attachments:

1. Contract
2. CSG Consultants Pricing
3. Sole Source
4. Proposed resolution
5. Budget Amendment

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, City Clerk; Jim Malberg, Finance Director; and Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Building Consulting Services
 CSG Consultants

THIS AGREEMENT is entered into on February 25, 2022, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and CSG Consultants, Inc., hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for Building Consultant and further detailed in Appendix One.

SECTION 2
Duties of Consultant

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Katie Herlihy, Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

**SECTION 4
Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

**SECTION 5
Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

**SECTION 6
Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about February 25, 2022.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

**SECTION 7
Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract and for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations,
products and completed
operations) | \$1,000,000 per occurrence and \$2,000,000 in
aggregate (including operations, for bodily injury,
personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and
property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and
property damage. |
| 4. Errors and Omissions
Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the
aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

**SECTION 9
Indemnification**

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees

from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10
Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11
Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12
Assignment

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13
Amendments

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14
Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT
CSG Consultants
550 Pilgrim Drive
Foster City, CA 94404
(650) 522-2500

By: _____
Benjamin Goldstein, City Manager

By: _____
Charles D. Rider, Secretary

Dated: _____

Dated: _____

Approved as to Form:

Samantha Zutler, City Attorney

APPENDIX ONE Scope of Services

Services are to be provided on an as needed basis. Consultant shall provide well qualified and competent personnel to provide the following services to City:

1. Building Plan Review Services
 - a. Services shall consist of the review of plans and documents for compliance with the City's adopted or enforced codes and regulations. Additionally, services shall be provided in accordance with accepted standards of practice for government plan review, and in conformance with the policies, procedures, interpretations and practices of the City.
 - b. Services shall include but may not necessarily be limited to the examination of the following plans: Structural; electrical, mechanical & plumbing code; disabled access code; Green Building Code; Energy Code; and Non-structural fire and life-safety.
 - c. During the plan review process, Consultant shall meet, if requested, with the applicant or architect/engineer, City staff or consultants.
 - d. Turn-around time shall be a maximum of ten (10) business days for the first check. The turn-around time for subsequent checks, revisions, deferred submittals, and RFIs shall be a maximum of five (5) business days. **Note:** *Turn-around time may vary with the complexity and magnitude of the project. If a review is anticipated to take longer than the maximum turnaround time, Consultant shall notify City and negotiate additional time required to ensure an appropriate level of review.*
 - e. At their option, City may transmit plans for review digitally in electronic format, or physically in hard copy format. Consultant may provide courier service to pick-up and return plans to City.
 - f. Consultant shall provide expedited plan review services upon request of City. The review time shall be five (5) working days or less, or by mutually agreed upon between City and Consultant.
 - g. City shall provide Consultant local changes to State codes as adopted from time to time.
2. On Call Certified Building Inspector
3. On Call CASp Inspections
4. On Call Building Official/Counter Assistance

Scope	Cost
February 2022 – June 2022	
Plan Review	\$35,000
Building Inspector: 264 hours @ \$114 hour	\$30,096
Incurred Cost FY 21/22	\$14,341
Total	\$79,437
Fiscal Year 2022/2023	
Plan Review	\$17,500
Building Inspector: 60 hours	\$7,080
Engineering Review	\$5,000
Total	\$29,580
Fiscal Year 2023/2024	
Plan Review	\$10,000
Building Inspector: 60 hours	\$7,440
Engineering Review	\$5,000
Total	\$22,440
Fiscal Year 2024/2025	
Plan Review	\$10,000
Building Inspector: 60 hours	\$7,680
Engineering Review	\$5,000
Total	\$22,680

APPENDIX TWO Fees and Payments

Consultant will provide invoices to the City for all services and expenses on a monthly basis. City will endeavor to pay all invoices within 30 days of receipt. The total amount billed by Consultant and paid by City pursuant to this agreement shall not exceed \$154,137 without written advance authorization from the City.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$154,137 (one hundred fifty-four thousand one hundred thirty-seven dollars), through fiscal year 2024/2025 without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of CSG Consultants, that the not to exceed \$154,137 (one hundred fifty-four thousand one hundred thirty-seven dollars), through fiscal year 2024/2025 in total as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated February 25, 2022, and has not been previously paid."

EXHIBIT A

Capitola Professional Services Fee Amendment

Effective July 1, 2021

CSG's hourly rates for contract coming year are provided in the table below. These rates are for FY 21-22 and hourly rates are 3.8% increase from previous FY 20-21 rates.

CSG's fee schedule which includes fees for personnel providing the proposed scope of work is provided in the table below. We will coordinate the pickup and return of all plans via CSG staff or licensed courier service. This service is provided at no additional cost. CSG will mail an invoice at the beginning of every month for services rendered during the previous month.

PERSONNEL / SERVICES	ALL INCLUSIVE FEE / HOURLY RATES FY 20-21	ALL INCLUSIVE FEE / HOURLY RATES FY 21-22
Full Plan Review by Percentage	65% of City's Building Plan Check Fees	65% of City's Building Plan Check Fees
Structural Plan Review by Percentage	55% of City's Building Plan Check Fees	55% of City's Building Plan Check Fees
Expedited Plan Review by Percentage	95% of City's Building Plan Check Fees	95% of City's Building Plan Check Fees
Building Plan Review / Professional Engineer (Hourly)	\$130	\$135
Building Plan Review / ICC Licensed Plans Examiner (Hourly)	\$105	\$109
CASp Consultation / Review (Hourly)	\$140	\$145
Expedited Plan Review (Hourly)	1.5 X Hourly Rate	1.5 X Hourly Rate
BUILDING STAFFING SERVICES	ALL INCLUSIVE FEE / HOURLY RATES FY 20-21	ALL INCLUSIVE FEE / HOURLY RATES FY 21-22
Certified Building Inspector	\$110	\$114
CASp Inspection	\$140	\$145
Building Official / Counter Assistance	\$120	\$125
Overtime	1.5 X Hourly Rate	1.5 X Hourly Rate

All hourly rates include overhead costs including, but not limited to, salaries, benefits, Workers Compensation Insurance, and office expenses. Should the scope of work change or circumstances develop which necessitate special handling, CSG will notify the City prior to proceeding. On each anniversary of the contract start date, CSG will initiate a rate increase based on the change in CPI for the applicable region. CSG will invoice on a monthly basis for services rendered during the prior month. Unless otherwise agreed, payment terms are 30-days from receipt of invoice.

Sole Source Purchases Determination
CSG Consultants • \$154,137 • Building Inspector and Building Plan Review

BACKGROUND: The City of Capitola Purchasing and Procurement Policy (Administrative Policy III-4), requires three telephone quotes whenever feasible for purchases between \$5,000 - \$25,000. The Policy also requires a formal RFP bid procedure for purchases over \$25,000. The policy conditions for Sole Source (Section II) purchases that are exempt from the competitive process.

DISCUSSION: The contract with the CSG Consultants for Building Plan Review and Staffing in the amount of \$74,596 for the remainder of Fiscal Year 2021/2022 and \$29,340 for Fiscal Year 2022/2023, is a qualified sole source purchase within the City Administrative Policy III-4 Section II.

Policy Section B1: Materials, Supplies & Equipment:

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

Policy Section B2: Consultant or General Services:

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

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

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

CSG Consultants has provided the City of Capitola with building plan review and staffing services for the three years. Their staff has acquired extensive working knowledge of the Capitola building review system, inspection services, and computer systems.

Katie Herlihy, Community Development Director Date

Jamie Goldstein, City Manager Date

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2021-22 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM BUDGET**

WHEREAS, it is necessary to adopt the 2021-22 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 24, 2021 adopted such budget for the Fiscal Year July 1, 2021, through June 30, 2022; and

WHEREAS, since the adoption of the budget the City has received greater than anticipated general fund revenues in FY 2020-21 and amended the FY 2021-22 on January 27, 2022; and

WHEREAS, the City Building Inspector position has become vacant necessitating the need for consulting services to be able to continue to conduct daily business; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2021-2022 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 24th day of February 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sam Storey, Mayor

ATTEST:

Chloe Woodmansee, City Clerk

City of Capitola Budget Adjustment Form



Item 7 B.

Date 2/16/2022

Requesting Department Community Development

Administrative Council

Item # TBD

Council Date Feb. 24, 2022

Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
1000-40-41-000-4110.000	Wages - Permanent	(31,000)
1000-40-41-000-4360.150	CS-Bldg. Plan Checks - outsourced	51,000
Total		20,000

Net Impact (20,000)

Purpose: To cover building inspections & plan checks while Building Inspector position is vacant.

Department Head Approval *Kate Henry*

Finance Department Approval *Jim Malley*

City Manager Approval _____

Capitola City Council

Agenda Report



Meeting: February 24, 2022

From: City Manager Department

Subject: Consider Letter of Support for Soquel Creek Water District's Pure Water Soquel Project

Recommended Action: Direct the Mayor to sign a letter of support for Soquel Creek Water District's Pure Water Soquel Project and the District's grant application with the US Bureau of Reclamation Water Smart: Title XVI WIIN Water Reclamation and Reuse Program.

Background: Portions of the City of Capitola are served by Soquel Creek Water District, along with unincorporated communities of Aptos, La Selva Beach, Opal Cliffs, Rio Del Mar, Seascape, and Soquel. The District has been working on the Pure Water Soquel Project, a groundwater replenishment and seawater intrusion prevention project, since 2013. The project is designed to use proven water purification technology to clean recycled water, producing safe, high-quality, purified water. The Project's intention is to replenish the groundwater basin to prevent further saltwater contamination and provide a reliable, sustainable, and drought-proof water supply.

The Project is consistent with the priorities of the Bureau, in assuring a sustainable, reliable source of water for the region, providing beneficial reuse of wastewater and other environmental benefits, and having widespread support at the community, state, and federal levels.

In past years, City of Capitola Mayors have signed letters of support regarding different Soquel Creek Water District projects and grant applications, to support their efforts to preserve our groundwater and provide excellent service to the residents.

Discussion: Now, the Water District has applied to the Bureau of Reclamation for a grant under Title XVI, through which the District has successfully received grant funding in the past. Title XVI is designed to provide funding for water reclamation and reuse, and includes funding for the planning, design, and construction of water recycling and reuse projects in partnership with local government entities.

Soquel Creek Water District has applied for grant funding for the Pure Water Soquel Project, which was developed to meet the California state mandate of groundwater sustainability by 2040, provide resiliency during droughts, and protect fish and endangered species by reducing regional reliance on surface water sources.

Attached is a draft letter of support for the Project and for Soquel Creek Water District's current grant application, which, once signed, will be sent to the Bureau of Reclamation.

Fiscal Impact: None

Attachments:

1. draft letter

Report Prepared By: Chloé Woodmansee, City Clerk

Reviewed/Approved By: Jamie Goldstein, City Manager



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: www.cityofcapitola.org

February 25, 2022

Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Amanda Erath, Title XVI Program Coordinator
P.O. Box 25007, MS 86-69200
Denver, CO 80225

Dear Ms. Erath,

I'm writing to express my continuing support for Soquel Creek Water District's Pure Water Soquel Project, and the District's current application for a grant through the US Bureau of Reclamation Water Smart: Title XVI WIIN Water Reclamation and Reuse Program. This Project is consistent with the priorities of the Bureau, in assuring a sustainable, reliable source of water for the region, providing beneficial reuse of wastewater and other environmental benefits, and having widespread support at the community, state, and federal levels.

Pure Water Soquel has received Title XVI grants from the Bureau in previous years – for which the affected communities and stakeholders are sincerely grateful. As you may recall from those previous grant applications, the District receives no imported water, relying 100% on groundwater from the Mid-County Groundwater Basin, which is critically over-drafted and suffering seawater intrusion at the coastline. The basin is also relied upon by municipal water purveyors, small mutual well owners, and over a thousand private well pumpers. Impacts of climate change are a continual threat to the reliability of this water source, for all of these users.

The Project was developed to meet the California state mandate of groundwater sustainability by 2040, provide resiliency during droughts, and protect fish and endangered species by reducing regional reliance on surface water sources. The Project will put recycled municipal wastewater through an advanced purification process to produce 1,500 acre-feet per year (afy) of purified water. The project's full-scale implementation is up to 3,000 afy, and current design and construction of the project is being sized to accommodate this expansion. The purified water will be used to recharge the groundwater basin, raise water levels, and prevent further seawater contamination. All of this will be accomplished through the beneficial reuse of recycled wastewater that would otherwise be disposed of in the Monterey Bay National Marine Sanctuary.

Construction of Pure Water Soquel is already underway. All three seawater intrusion prevention (injection) wells have been built, construction of the nine supporting monitoring wells began in Fall 2021; construction

Mr. Tim Gubbins
August 20, 2021
Page 2

on the eight miles of conveyance pipeline began in spring 2021; the advanced water purification facility began construction in late 2021. Project development and construction are estimated to support over \$900 million dollars in economic benefits to the local community.

Pure Water Soquel is a crucial, cutting-edge project. It will aid in replenishing the groundwater basin, provide a barrier against seawater contamination, and provide a safe, high-quality, reliable, drought-proof, and sustainable water supply to support current and future generations in the Mid-Santa Cruz County region.

Thank you for considering the Soquel Creek Water District's request for Bureau of Reclamation Water Smart Program Title XVI WIIN grant funds.

Sincerely,

Sam Storey, Mayor
City of Capitola

Capitola City Council

Agenda Report



Meeting: February 24, 2022

From: City Manager Department

Subject: Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing

Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

Background: In December 2019, an outbreak of a respiratory illness linked to the novel coronavirus (COVID-19) was first identified. In March 2020, the State of California, the County of Santa Cruz, and the City of Capitola each declared a state of emergency due to the virus. Also in March 2020, the World Health Organization declared COVID-19 a pandemic.

State and local health officers issued health orders to stop the spread of COVID-19; in Santa Cruz County this included March, April, and May 2020 Shelter-In-Place orders that were more restrictive than statewide guidance. Since then, the County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel and business activities.

As of February 17, 2022, more than 5.8 million people worldwide have died of COVID-19. This is likely an undercount of all those that have died from the virus. There have been 417 million cases reported worldwide. Since the beginning of the pandemic in the United States more than 927,115 people have died from the virus and more than 78 million COVID-19 cases have been reported.

Discussion: Since the beginning of the pandemic, 82,589 deaths due to COVID-19 have been reported in California; there is currently a daily average of 169 deaths a day, up from 104 per day two-weeks ago. According to data from February 17, 2022, the average new COVID-19 case count per 100k was 42.3 (down from 127.6 on February 4).

Boosters

You are eligible for a booster shot if:

- 1) You got a Pfizer or Moderna vaccine at least 6 months ago
- 2) If you got a Johnson & Johnson vaccine at least 2 months ago

Booster shots can be a different vaccine brand than you received before, as long as you completed your original vaccine series (one dose of Johnson & Johnson or two doses of Pfizer or Moderna). As of January 21, 2022, the total number of vaccinations administered in Santa Cruz County is 509,779. In the County, there are 215,269 (or 78.8%) people vaccinated with at least one dose, and 197,954 (72.5%) are fully vaccinated.

Omicron Variant & Surge

On November 26, the WHO designated a new variant, B.1.1.529 as a Variant of Concern (VOC) and named it Omicron. On November 30, the United States designated Omicron as a variant of concern.

On December 1, California reported the first omicron case in the United States; Minnesota quickly followed reporting a case the next day. As of January 4, the CDC estimated that 95% of the new infections are the Omicron variant, just over four weeks after it was first reported. Case numbers rose at a faster rate than at any other time in the pandemic, due to the Omicron variant.

As of February 17, the New York Times reported that, while “new coronavirus cases have declined more than 80 percent from their peak in mid-January. Still, daily case reports remain well above 100,000 per day”.

Local Case Numbers and Statistics in Santa Cruz County

As of January 21, there were 30,383 total known cases of COVID-19 and 6,191 active cases. On February 17, the total known case count is at 45,272 with 4,115 active cases.

While it appears that Santa Cruz County experienced an intense Omicron surge like the rest of the Country, the County seems to have peaked locally and is beginning a “bumpy” path to fewer active cases.

Over the past two weeks, ten County residents have been lost to COVID, bringing the total deaths due to COVID-19 count to 249.

Testing in the County

The Santa Cruz County Health Department has partnered with the County Office of Education to move a south county testing site to the County Fairgrounds, making it available to all community members. The Santa Cruz County Fairgrounds testing site is located at 2601 E Lake Ave, Watsonville, CA 95076 and is open Monday-Friday, 10am to 5 pm and Saturday, 9am to 3 pm. Registration is required at <https://sccoe.link/inspiresc>.

The County Health Services Agency released guidance on January 14 that encourages people with COVID-19 symptoms or who have had known exposure to COVID to “presume they are positive and isolate in accordance with the California Department of Public Health guidelines” if they are not able to get tested immediately.

Changes to Local/State Mask Mandates

On November 19, the Santa Cruz County Health Officer issued a new Order requiring the use of face coverings indoors, regardless of vaccination status. The new Order went into effect on November 21, 2021. Due to rising cases statewide, California Department of Public Health mandated that everyone in California wear a mask in indoor public spaces and workplaces from December 15, 2021, to January 15, 2022. On January 5, this mandate was extended by another month due to the Omicron surge and thus set to expire on February 15, 2022. As that date approached, the State Department of Public Health clarified that the order would indeed expire, and universal indoor masking would no longer be mandated, beginning February 16.

On February 9, 2022, twelve Bay Area health officers including in Santa Cruz County announced that their universal mask requirements would be lifted, in alignment with the State, on February 16. There is no longer a universal indoor mask Order in place in Santa Cruz County, however indoor masking is still required by the State for everyone, regardless of vaccination status, in public transportation, health care settings, congregate settings like correctional facilities, long term care facilities, and in k-12 schools and childcare settings.

The U.S. Government is giving out free N95 masks to those that need them. Each person is eligible for three masks, and masks will be available at community health centers, pharmacies, and other stores. Locally, Walgreens and CVS will be a distribution point in the next few weeks. Walmart will begin distributing by mid-February.

At-home tests are now more readily available at many drug stores. Four free rapid antigen at-home tests are also available for all residents, provided by the federal government. Shipments are limited per household, and you can sign up for your free delivery through the United States Postal Service with this link: <https://special.usps.com/testkits>. Tests are generally delivered within a week-and-a-half of ordering.

City Hall Operations

City Hall has been open to the public since June 2020 in one configuration or another, dependent upon applicable health guidance and local COVID-19 case levels. Now that the Omicron surge is seemingly on a decline, Staff has returned to the COVID-default setup, with the lobby open to one masked member of the public at a time.

Continuing Virtual/Teleconferencing Meetings

The Governor signed Assembly Bill 361 on September 16, 2021. The Bill allows cities to continue virtual meetings (much as Capitola City Council Meetings function now) as long as the state is under a proclaimed state of emergency; through 2024 when the bill will sunset. The Bill requires legislative bodies to comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate and observe local government meetings. One of the requirements is for Council to adopt findings every thirty days.

Attached is a resolution that makes the following findings:

- 1) Find that current conditions authorize teleconference public meetings, based on the Governor's state of emergency regarding the COVID-19 Pandemic
- 2) Authorize legislative bodies to conduct teleconference meetings, allowing Capitola City Council, Planning Commission, and other advisory bodies to continue to meet using Zoom.

Fiscal Impact: Fiscal impacts are continually reviewed by Staff as business restrictions and consumer behaviors change in our community. In addition, the City Council has set aside \$600,000 to help ensure the City has available resources should the pandemic result in further unforeseen impacts, which remains in the approved FY 2021/22 Budget.

Attachments:

1. Proposed Teleconferencing resolution

Report Prepared By: Chloé Woodmansee, City Clerk

Reviewed/Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 12, 2020, the Capitola City Council proclaimed the existence of a local emergency due to the worldwide spread of the coronavirus with Resolution No. 4168, pursuant to Section 8.08.020 of the Capitola Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

WHEREAS, on October 14, November 23, and December 9, 2021, January 13, and February 10, 2022, the City Council adopted a resolution proclaiming the need to meet by teleconference pursuant to Government Code Section 54953; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use

teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the City Council does hereby:

- 1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated by this reference.

- 2. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. The City Council has reconsidered the circumstances of the state of emergency and finds that based on the California Governor’s continued declaration of a State of Emergency and current conditions, meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

- 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

I HEREBY CERTIFY that the foregoing resolution was PASSED and ADOPTED by the City Council of the City of Capitola on the 24th day of February 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sam Storey, Mayor

ATTEST: _____
Chloé Woodmansee, City Clerk

Capitola City Council

Agenda Report



Meeting: February 24, 2022

From: Public Works Department

Subject: Report on Scope and Budget for the Capitola Wharf Resiliency and Public Access Improvements Phase 2

Recommended Action: Receive report on the funding status for Phase 2 of the Capitola Wharf Resiliency Project and continue funding option discussion to the City's Budget Goal Setting session scheduled for March 1, 2022.

Background: The first phase of the Capitola Wharf Resiliency and Public Access Improvement project was completed this past December. The second phase of the project, scheduled for construction this coming fall and winter, will focus on widening the trestle portion of the wharf and completing structural repairs throughout the wharf. The project also has several components to improve the public's experience and safety.

Discussion: The current engineer's estimate for the full project is \$7 million. The current available funding for the project \$4.7 million.

A breakdown of the funding and expenditures to date are shown in the table below:

Funding	Amount
Measure F through current FY	\$ 2,200,000
State Grant funds	\$ 1,900,000
American Rescue Plan	\$ 1,800,000
Total Project Funding	\$ 5,900,000
Expenses (incl. encumbrances)	
Engineering - Moffat and Nichol	\$ 683,120
Phase 1 Construction - Power Engineering	\$ 484,740
Total Expenses and encumbrances to date	\$ 1,167,860
Available Funds	\$ 4,732,140

The project has some flexibility regarding what project elements are included in the next phase. A basic wharf project could be completed with existing funding that involves the wharf widening and structural repairs; as the other project elements vary in importance and impact.

The table below lists the various project elements, their estimated costs, and a running project total:

Project Element	Total	Running Total	Notes
Mobilization	\$ 600,000		
Permit Compliance	\$ 200,000		
Wharf Trestle Expansion	\$ 2,650,000		
Wharf Structure Restoration	\$ 720,000	\$ 4,170,000	Minimum Project
Wharf Utilities Relocation	\$ 500,000	\$ 4,670,000	Recommended
Re-deck existing trestle	\$ 700,000	\$ 5,370,000	Ranked by need
Re-deck from trestle to restaurant	\$ 425,000	\$ 5,795,000	
Re-deck head of wharf	\$ 200,000	\$ 5,995,000	
Construct restroom at base of wharf	\$ 325,000	\$ 6,320,000	Can build one or both restrooms
Construct restroom between buildings	\$ 325,000	\$ 6,645,000	
Floating Dock Improvements	\$ 267,000	\$ 6,912,000	
		\$ 7,000,000	Rounded estimate total

Fiscal Impact: Several funding sources have been identified to increase the existing funding and complete additional elements of the project:

1. Allocating FY 2022/23 Measure F funding would add an additional \$1 million, raising the available total funding to \$5.7 million, and allowing for the re-decking to the restaurant to be completed. This funding could be realized prior to the contract award.
2. Measure F extends for an additional three years beyond FY 2022/23. The City could borrow against that future funding, estimated at \$1 million per year. If 2023 funding is allocated as detailed above, an additional \$1.6 million would be needed to fully fund the project. This means that all of FY 2023/24 Measure F funding and \$600,000 from FY 2024/25 would be spent on the project.
3. The minimum project, or other levels less than the full project, could be constructed now while other funding sources are developed (such as grant opportunities).

Attachments: None

Report Prepared By: Steven Jesberg, Public Works Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report



Meeting: February 24, 2022
From: Public Works Department
Subject: Consider a Street Resurfacing Project Agreement with the County of Santa Cruz

Recommended Action: Approve a Reimbursement Agreement in the amount of \$426,699 with the County of Santa Cruz for inclusion of City of Capitola streets in the County's 2022 Pavement Management Project.

Background: In June 2021 Capitola City Council approved a list of City streets for pavement resurfacing. Staff divided the scope of work into two phases; the first phase includes removing and replacing structurally deficient sections of roadway with a new four-inch section of asphalt. A contract for this work was awarded in December 2021 and the project is currently under construction.

The second project phase includes roadway resurfacing work. As previously reported, Public Works has been coordinating with the County of Santa Cruz to include this second phase of work with the County's much larger street improvement project, to reduce the project's total costs to the City. The County received bids for their Measure D Pavement Management Project (including City of Capitola roads) on February 3, 2022. The low bid came in 12% under the Engineer's Estimate and the City's portion of the work was 10% under the estimate, which makes the total construction cost of the project \$2,928,522.50 and Capitola's share \$396,944. The County has included in the agreement an 8% overhead fee for managing the project, bringing the City's total cost to \$428,699.

Discussion: The majority of the project cost is \$235,850 for a rubberized cape seal. Staff estimates this cost alone would have been \$30,000 higher had the City bid the project separately. Overall, the City savings achieved by partnering with the County are estimated between \$75,000 to \$100,000, even including the 8% overhead charged by the County.

This project will resurface all or portions of the following roads in the City of Capitola:

- 42nd Avenue
- Diamond Street
- Ruby Court
- Fanmar Way
- Bay Avenue
- Capitola Road
- 30th Avenue

The County's current schedule is to award at contract in mid-April, with construction starting in May or June. Appropriate noticing will be provided to impacted properties in advance of construction.

Fiscal Impact: The previous budget for this 2022 road resurfacing work was \$385,00. An additional \$301,666 of funding is available in the Pavement Management CIP budget. Allocating at additional \$41,699 to this year's road resurfacing work will reduce the balance in the pavement Management CIP project budget to \$259,987. The table below summarizes Pavement Management project funding.

*Pavement Management
Project Available Funding*

Total	\$1,392,066
-------	-------------

Planned Expenses

2021 Road Repair Project	\$ 135,380
2022 Road Resurfacing	\$ 426,699
<u>Clares Street Project</u>	<u>\$ 570,000</u>
Total	\$1,132,079

*Pavement Management
Project Fund Balance* \$ 259,987

Staff anticipates some or most of this remaining fund balance will be needed for the Clares Street project. The plans and specifications for this project are 95% complete and it is anticipated to go to bid this Spring.

Attachments:

1. Reimbursement Agreement Between City of Capitola and County of Santa Cruz

Report Prepared By: Steven Jesberg, Public Works Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**REIMBURSEMENT AGREEMENT
BETWEEN
CITY OF CAPITOLA AND COUNTY OF SANTA CRUZ**

Background:

1. This Agreement is entered into between the City of Capitola (“City”) and the County of Santa Cruz (“County”), collectively referred to as the “Parties.”
2. The County, acting through its Department of Public Works (“County”), intends to apply pavement resurfacing treatments to various County-maintained roads (“County Roads”). The application of pavement resurfacing treatments to County Roads is referred to herein as the County’s 2022 Measure D Pavement Management Project or “Project.”
2. The City of Capitola (“City”) maintains a system of public roads located in proximity to the County Roads (“City Roads”), and desires to have pavement resurfacing treatments applied to certain City Roads at the same time as the County is performing the Project.
3. Government Code section 54980 *et seq.* permits the legislative body of any local agency to contract with any other local agency for the performance by the latter of municipal services or functions within the territory of the former. “Municipal services and functions” include the type of work contemplated by the City and County under this Agreement.
4. Combining the road-related work of both City and County into the same project will provide mutual benefit to the City and County due to economy of scale.
5. As such, the City and County desire and mutually agree to add pavement resurfacing work on specified City Roads to the County’s Project. In consideration for the County’s work on City Roads, the City will reimburse the County for the costs associated with the proportion of Project work completed on City Roads.

Agreement:

The City and County mutually agree that:

1. This Agreement shall be effective when fully executed by the City and County.
2. A list of the City Roads subject to this Agreement is attached hereto as Exhibit A. Exhibit A may be updated from time to time with mutual consent of the Parties.
3. The County will procure the Project consistent with all applicable legal requirements, and will award the contract for the Project (“Contract”) to the lowest responsive, responsible

bidder. The County will provide the City a copy of the “Summary of Proposals” for City’s review upon opening of bids; the City shall have 14 calendar days from receipt of the Summary of Proposals to terminate this Agreement.

4. The Contract shall require the contractor performing the Project to warranty the Project for materials and workmanship for a period of one (1) year after final written acceptance of the Project. This requirement shall be detailed in the Project specifications including in the bidding requirements, and this warranty coverage will extend to all work in the contract, including work on City Roads.
5. The City shall provide construction inspection services for all City Roads included in the Project, and such services shall include inspection and acceptance of the work performed on City Roads to confirm that it was performed in accordance with the City-supplied special provisions.
6. The City will reimburse the County upon completion and acceptance by City, which acceptance shall not be unreasonably withheld, of all work done pursuant to this Agreement. The amount to be reimbursed shall include bid costs for work done on City Roads and any overages or contract change orders that may later prove necessary to complete work on City Roads, as approved by the City. City shall also reimburse the County for 8% of the Contract, to cover overhead costs associated with work on City Roads. This reimbursement shall constitute the City’s sole financial obligation under this Agreement. The City and County agree that the Engineer’s estimate attached to this Agreement as Exhibit B shows contract bid items and quantities for contract work to be performed for the City, but that actual costs for each of the items included in Exhibit B will only be determined at the time of bid opening for the Project. City agrees to reimburse the County for whatever the final costs are for each of the items on Exhibit B as determined at bid opening, and subject to any change orders related to City Roads.
7. The City will endeavor to confirm and accept in writing to the County that Project work on City Roads has been completed to City’s satisfaction no later than 15 calendar days from being advised by the County that all work on City Roads under the Project has been completed. If the City does not find that the work on City Roads is acceptable, it will notify the County of its decision, in writing, within 15 calendar days of receipt of notification from the County that the work is complete. If the City does not confirm and accept in writing to the County that Project work on City Roads has been completed to City’s satisfaction within 15 calendar days from being advised by the County that all work on City Roads under the Project has been completed, or advise the County in writing that the work is unacceptable, the Project work shall be deemed accepted by the City. Upon receipt of the City’s written confirmation of completion and acceptance and completion of all other Project work, the County shall issue a Notice of Completion for the Project. Once the Notice of Completion has been issued by the County, the County will submit a final invoice to the City for the City’s cost-share portion of Project work. The City shall provide full payment to the County no later than 45 calendar days from the date of issuance of the final invoice.

- 8. Upon its completion and acceptance of work performed on City Roads, the City shall immediately assume all responsibility and liability for operation and maintenance of City Roads that were included in the Project. The County assumes no responsibility, and shall not be liable, for the future operation of City Roads.
- 9. Upon the completion and acceptance of the Project, the City shall defend, indemnify, save and hold harmless the County from any and all claims, demands, suits, causes of action, damages, costs, expenses, attorney's fees, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of, or in connection with, the operation, maintenance and use of City Roads improved through the Project. The County shall defend, indemnify, save and hold harmless the City from any and all claims, demands, suits, causes of action, damages, costs, expenses, attorney's fees, losses, or liability, in law or in equity, of every kind and nature whatsoever arising out of, or in connection with, the Contract, including the bidding process, prior to acceptance of the Project by the City. Nothing herein shall be deemed to affect the rights, privileges, and immunities of either City or County, and the foregoing indemnity provision is not intended to be a waiver of any statutory or constitutional immunity or defense afforded to either party.

IN WITNESS WHEREOF, the above parties have executed this agreement the day and year first hereinabove written.

COUNTY OF SANTA CRUZ:

CITY OF CAPITOLA:

By: _____
Matt Machado
Assistant CAO
Director of Public Works

By: _____
Jamie Goldstein
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
COUNTY COUNSEL


By: 
Samantha W. Zutler
CITY ATTORNEY

EXHIBIT A

All or portions of the following City Streets shall be included in the project:

- 42nd Avenue
- Diamond Street
- Ruby Court
- Fanmar Way
- Bay Avenue
- Capitola Road
- 30th Avenue

EXHIBIT B*

CITY OF CAPITOLA
 2022 MEASURE D PAVEMENT MANAGEMENT PROJECT
 BID FORM
 PAYMENT ITEM SCHEDULE

COUNTY OF SANTA CRUZ						Sheet 1 of 1
DEPARTMENT OF PUBLIC WORKS						
CITY OF CAPITOLA QUANTITIES						
PROJECT: 2022 Measure D Resurfacing Project					Made by	DAM
LOCATION: Various City Roadways					Checked by	
DESCRIPTION: Bid Pricing					Job Number	P13409
					Bid Opening	
Item No.	Item Description	Unit	Quantity	Unit Price	Amount	
1	TRAFFIC CONTROL SYSTEM (24% OF TOTAL BID ITEM COST)	LS	1	\$42,000.00	\$42,000.00	
2	CLEARING AND GRUBBING (24% OF TOTAL BID ITEM COST)	LS	1	\$13,440.00	\$13,440.00	
3	GRIND AC PAVEMENT	SF	6,800	\$0.82	\$5,576.00	
4	4" DIGOUT	SF	1,550	\$7.48	\$11,594.00	
5	ASPHALT CONCRETE (TYPE A - 1/2" MAXIMUM, MEDIUM)	TON	225	\$137.00	\$30,889.22	
6	ASPHALT RUBBER CAPE SEAL	SY	26,500	\$8.90	\$235,850.00	
8	SLURRY SEAL, TYPE 2	SY	8,980	\$2.22	\$19,935.60	
9	MICRO SURFACING SEAL, TYPE 3	SY	2,930	\$4.64	\$13,595.20	
12	(S) THERMOPLASTIC STRIPING 4 IN WHITE	LF	1,010	\$0.65	\$656.50	
13	(S) THERMOPLASTIC STRIPING 12 IN WHITE	LF	1,989	\$3.50	\$6,961.50	
18	(S) THERMOPLASTIC STRIPING-DETAIL 9 (DASHED CL)	LF	990	\$1.00	\$990.00	
19	(S) THERMOPLASTIC STRIPING-DETAIL 22 (DBL YELLOW)	LF	1,520	\$1.50	\$2,280.00	
20	(S) THERMOPLASTIC STRIPING-DETAIL 29 (MEDIAN ISLANDS)	LF	295	\$2.50	\$737.50	
21	(S) THERMOPLASTIC STRIPING-DETAIL 31 (TWO WAY LEFT TURN LANES)	LF	670	\$2.00	\$1,340.00	
23	(S) THERMOPLASTIC STRIPING-DETAIL 39 (6 IN WHITE)	LF	3,360	\$0.80	\$2,688.00	
24	(S) THERMOPLASTIC STRIPING-DETAIL 39A (6 IN WHITE DASHED)	LF	1,200	\$0.80	\$960.00	
26	(S) THERMOPLASTIC STRIPING-PAVEMENT MARKINGS	SF	1,470	\$5.00	\$7,350.00	
27	(S) RETROREFLECTIVE PAVEMENT MARKER - BLUE TYPE BB	EA	10	\$10.00	\$100.00	
Note: Capitola Roads make up 24% of project by road surface area - Items #1 & 2 shall be based on 24% of the total item bid price						
Funding Information						
				Contract Total	=	\$396,944
				Dept Overhead	8%	\$31,755
				TOTAL	=	\$428,699

Capitola City Council

Agenda Report

Meeting: February 24, 2022

From: City Manager Department

Subject: Computer Network Infrastructure Upgrade and Maintenance



Recommended Action: 1) Authorize the City Manager to negotiate an agreement with Exceedio in an amount not-to-exceed \$6,000 per month for managed services of City IT network infrastructure; 2) Approve the proposed resolution amending the FY 2021-22 Budget; and 3) Direct staff to return to Council for approval of the final agreement.

Background: The City of Capitola computer network infrastructure is the backbone of all work done on City computers. This network infrastructure equipment consists of routers, switches, wireless access points, and servers.

Although the City has migrated much of its applications and data to the Cloud, there is still a need for network infrastructure to access resources. For the Capitola Police Department, servers are needed for data storage.

Although current City network infrastructure is still in use and functioning properly, much of it is nearing end of life and needs to be replaced.

Discussion: City staff discussed the project with several vendors and received bids from three firms. After the evaluation process, Staff recommends that Exceedio is the best fit for the City and its technology needs. The proposal from Exceedio (Attachment 1) is a managed services agreement that includes installation, configuration, maintenance, support, and monitoring of the equipment and the City's network. None of the other vendors offered this level of support and service in their proposals. Exceedio is based in Santa Cruz County and has several clients similar in size to Capitola; staff has spoken with a few of the clients and received positive feedback.

The proposed managed services were viewed as critical to the City due to the increased complexity of computer systems and the continued increase in bad players on the Internet. It has become more and more difficult for internal staff to stay apprised and to fully understand all technology threats. System and threat monitoring is included in the Exceedio proposal. In addition, the managed services agreement will allow the City' Information Systems Specialist to focus on end-user and desktop support during her approved reduced work schedule.

Because the pricing of the managed services proposal is based on the specific equipment recommended and installed, staff believes there will be changes to the equipment recommendation when Exceedio dives deeper into the City's requirements. Thus, there will likely be changes to the proposal amount (not-to-exceed \$6,000 per month), however the proposed budget amendment will ensure there is adequate funding in this year's budget to complete needed work.

Under the proposed managed services agreement with Exceedio, the City will be able to eliminate several existing support and licensing agreements as well as some planned hardware purchases as they are included in the managed services agreement.

The proposed managed services agreement will likely be similar to a five-year lease of equipment with installation, configuration, management, and support included.

Fiscal Impact: The Fiscal Year 2021-22 fiscal impact will be \$25,000. Staff proposes transferring \$14,000 from City Manager personnel budget to technical support in the Information Technology fund; and transferring \$11,000 from supplies to technical support within the Information Technology fund. This is further outlined in the proposed resolution and budget amendment (Attachment 2).

Attachments:

1. Exceedio Managed Services Proposal
2. Budget Amendment

Report Prepared By: Larry Laurent, Assistant to the City Manager

Reviewed By: Chloé Woodmansee, City Clerk, Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

exceedio

5900 BUTLER LANE SUITE 205
SCOTTS VALLEY, CA 95066
831-439-9100

Microsoft[®]
CERTIFIED
Partner

Exceedio Managed Services

A Proposal for City of Capitola.

Presented on January 12, 2022

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1.0 Current Situation

City of Capitola is currently running a Microsoft Windows environment. Current IT management is done in house and by third party vendor.

Below is a list of areas identified from our meetings.

1.1 Upgrade Security

IT resource for integrating hardware and software to enhance security - replace Firewall, core switching deploy standards for Two Factor Authentication, Encryption, and backups.

1.2 Application Server Migrations

Looking for assistance in **consolidating, migrating, managing and administering City's Servers**

1.3 Server Support / Incident Management

Would like access to support desk for Network and Server requests **with a fast response time to issues**

1.4 IT standards and Policies

Interested in having streamlined processes for maintain security compliance

1.5 Strong Security Policies and Proactive Monitoring

Interested in having systems locked down, user-based security and monitored for issues

1.6 Server and User Administration

Would like IT resources for changes, and maintenance

1.7 Proactive System Management

Interested in maintaining systems through scheduled tasks

1.8 Backup Verification and Imaging

On-going data protection services for monitoring and management related to data recovery

1.9 Technology Planning

Maintain IT road map that includes life cycle planning and annual budget.

2.0 Solution

Flat rate services through Exceedio Managed Services (EMS) will provide your business with an IT infrastructure, support and best practice solutions from the operating system(s), to every network connection. Proactive system maintenance, security updates, and over 20% discount for labor services that are not covered in this proposal including project work.

Businesses quickly recognize the value of a reliable, secure, and well-maintained network.

Below is a detailed list of services that maybe included in your EMS offer on a per device basis.

2.1 Infrastructure as a Service – The Network – Included

- Firewall device and protection services
- Network switching backbone multi VLAN
- Wireless access system multi VLAN
- Wan / ISP Monitoring

2.2 Platform as a Service – The Server(s) – Included

- Microsoft Server 2016/2019
- Azure Hosted Server systems
- High speed SSD disk systems
- Enterprise server configurations

2.3 IT as a Service - The Support Desk – Included

- User Account Administration
- Server Administration
- Printer Management
- ~~End User E-mail Support~~
- ~~Remote End User Support with SLA~~
- Guaranteed Remote Response Times
- Performance Monitoring
- Drive Space Monitoring
- Error & Event Log Monitoring
- Application & Database Monitoring
- Network Firewall & ISP Monitoring
- Microsoft Patch Management
- Antivirus License & Management
- Antispyware License & Management
- Backup Monitoring & Administration
- VPN Setup and Administration
- Security Administration
- Asset Inventory

2.4 Software as a Services – The Applications

- Azure Virtual Server Host System Local – Microsoft 2019 Hyper V – **Included for City**
- Azure Virtual Operating Systems Local – **Included for City**
- O365 Mail Filtering – 99% spam free – **Phase 3 Proposal**
- O365 Office 2016 Professional – **Phase 3 Proposal**
- O365 Backups and Recovery – **Phase 3 Proposal**
- Server Backup and Recovery – **Included for City**
- Security Awareness training – **Phase 3 Proposal**
- Edge Antivirus and Web Filtering – **Included**

2.5 Objectives

2.5.1 Reduce Unforeseen Costs

EMS has been able to save businesses between 20% to 40% per year if compared against break-fix IT services that do not encourage planning and proactive management.

2.5.2 Increase Productivity

The proactive maintenance and monitoring component of EMS will reduce unplanned downtime and lost productivity due to technical or growth problems.

2.6 Approach

By using a three-stage approach, Exceedio makes it easy by providing guidance, tools and resources to clients. Our guidance includes routine meetings with managers and end-users to review common issues and education needs.

Our tooling is enterprise level and provides proactive remote management and support of clients systems. Our goal as your IT partner is to respond to all urgent issues in just under an hour. We currently maintain a staff level able to maintain this 96% of the time.

2.7 Benefits

- Reduce hidden costs / save money
- Increase staff productivity and confidence
- Protect data and IT investment
- Reduce down time through proactive management
- Cost-Effective expert support and guidance

3.0 Implementation Plan

Exceedio uses a proven and time-tested plan to integrate EMS services into your business. Using the latest in project management and monitoring software, an assigned CE (Customer Engineer) follows a detailed procedure to deploy EMS services to your business that includes end user education and documentation. Our post deployment Network Operation Center (NOC) takes over from there providing daily management of your account. Our goal is to have you fully integrated within thirty days of contract execution.

3.1 Methodology

By using dedicated teams, Exceedio is able to provide fast and seamless client in-service. Our project managers use powerful tools to ensure customer communication and satisfaction is met through the life of the project or service installation.

3.2 Schedule

Exceedio uses an internal service desk management system to schedule resources for in-services and installations. This allows us to plan and communicate deadlines and milestones to our staff and customers in a timely and efficient manner.

3.3 Key Resources

Director of Support Services	Sr. Systems Engineer	Business Manager
Brandon McKeand support@exceedio.com 831.600.4112	Jeff Reese jreese@exceedio.com 831.600.4103	Mat Gafke mgafke@exceedio.com 831.600.4101
Customer Service	Systems Engineer	Support Supervisor
Emily Warfield support@exceedio.com 831.600.4109	Luis Langarcia support@exceedio.com 831.439.9100	Alex Swift support@exceedio.com 831.439.9100
Customer Service	Support Technician	Support Technician
Kat Armstrong support@exceedio.com 831.439.9100	Nickolas Padilla support@exceedio.com 831.439.9100	Furgus Gunter support@exceedio.com 831.439.9100
Accounting Manager	Support Technician	Jr. Support Technician
Laurel Heren lheren@exceedio.com 831.600.4111	Jacob McClure support@exceedio.com 831.439.9100	Nimesh Poudel support@exceedio.com 831.439.9100

3.4 Qualifications

Exceedio has been providing businesses IT services for over 20 years now. With a strong, focus on Information Technology Management Solutions to businesses with 10 – 300 systems on average.

Exceedio is the only Microsoft and Cisco Certified Partner on The Central Coast providing flat rate services using industry standards and proven procedures exclusively available to Microsoft Certified Professionals.

4.0 Fee Structure

Exceedio Managed Services are billed on the number of physical hardware assets and software products we are asked to Manage. Exceedio core services are billed monthly and due in advance.

5.0 Conclusion

Exceedio recommends using our EMS program to lower total cost of ownership of your IT infrastructure. Improve support capabilities and automate core related tasks. This will provide a solid foundation to maintain a productive and efficient Information Technology system.

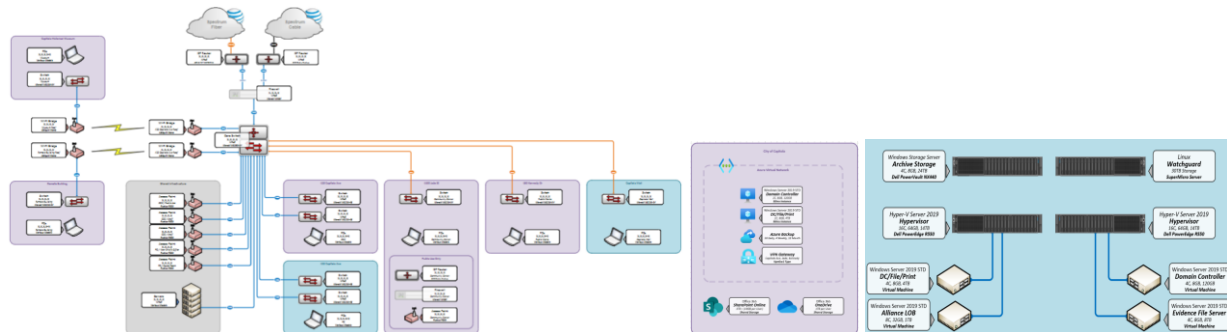
Flat Rate Solution as a service for around **\$5309.40** per month SAPA#3546

SCOPE OF WORK:

In-service client with agent on servers to collect asset details for server replacements and upgrades, document all assets for management, install HaaS firewalls, wireless devices, and network switches, deploy SaaS systems, HaaS Servers and start standardization.

For **City** - Migrate Active Directory, file, print and backup to MS Azure Cloud and build out base structure for SharePoint and Onedrive using supported Microsoft server licensing.

For **Police Department** - Replace all physical servers except for Watch Guard with two identical new Dell Enterprise servers with licensing for 4 virtual servers and ability to run all 4 on single server if needed. Complete migration from current hardware to new hosts with 2019/2022 Microsoft Server operating system licenses. Install and migrate archive data to dedicated Dell Storage NAS server with 24TB of space. **Backup and recovery system will be quoted separately.**



To get started please contact Mat Gafke at 831-600-4101 or e-mail mgafke@exceedio.com

Once the signed EMS Agreement is received, we will be able to schedule your Exceedio In-service.

This proposal is valid till February 1st 2022

THANK YOU for considering Exceedio for your IT needs.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2021-22 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM BUDGET**

WHEREAS, it is necessary to adopt the 2021-22 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 24, 2021 adopted such budget for the Fiscal Year July 1, 2021, through June 30, 2022; and

WHEREAS, since the adoption of the budget the City has received greater than anticipated general fund revenues in FY 2020-21 and amended the FY 2021-22 on January 27, 2022; and

WHEREAS, the City computer network infrastructure is nearing it's end of life and needs to be replaced; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2021-2022 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 24th day of February 2022, by the following vote:

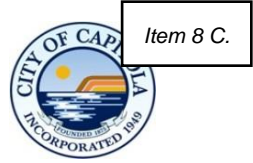
- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Sam Storey, Mayor

ATTEST:

Chloe Woodmansee, City Clerk

City of Capitola Budget Adjustment Form



Date 2/16/2022

Requesting Department City Manager

Administrative Council

Item # TBD
 Council Date 2/24/2022
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
2211-00-00-000-4315.101	Info Tech Contracts Info tech services	25,000
2211-00-00-000-4450.500	Supplies General supplies	(11,000)
1000-10-11-000-4110.000	Wages - permanent	(14,000)
Total		-

Net Impact -

Purpose: Managed Services Agreement for Network Infrastructure

Department Head Approval _____

Finance Department Approval _____

City Manager Approval _____

Capitola City Council

Agenda Report

Meeting: February 24, 2022
From: City Manager Department
Subject: Allocation of Opioid Settlement Funding



Recommended Action: Authorize the allocation of the City of Capitola's portion of opioid settlement funding to the County of Santa Cruz for FY 2022/23, and authorize the City Manager to enter into an Agreement with the County of Santa Cruz to establish a process for City participation in defining priorities for the use of settlement funds in the region.

Background: States and cities across the United States brought litigation against the three largest pharmaceutical distributors of opioid painkillers, Amerisource Bergen, Cardinal Health, and McKesson (the "Distributors"), and the opioid painkiller manufacturer, Janssen (owned by Johnson & Johnson) ("Janssen"), which has resulted in two proposed settlements totaling approximately \$26 billion dollars.

Capitola has opted into the settlements, thereby releasing its claims against the Distributors and Janssen, in order to receive up to approximately \$18,000 per year for eighteen years.

Funds must be spent on activities to abate the impacts of the opioid crisis, such as providing matching funds for operating costs for substance use disorder (SUD) facilities, creating new or expanded SUD treatment infrastructure, addressing the needs of communities of color and vulnerable populations that are disproportionately impacted by SUD, preventing addiction in vulnerable youth, and dispensing Narcan.

The City can either allow the funds to be used by the County of Santa Cruz or elect to use the funds itself subject to reporting requirements to the state.

Discussion: The proposed settlement totaling approximately \$26 billion dollars is broken into two separate settlement agreements: (1) the Distributors Deal (Attachment 1); and (2) the Janssen Deal (Attachment 2.) The Distributors will pay approximately \$21 billion over 18 years and Janssen will pay approximately \$5 billion over 7 years.

California will receive up to approximately \$2.263 billion. The definite recoverable amount is still unknown but will be based how many of the 431 eligible entities in the State participate in the settlement.

California will distribute these funds pursuant to allocation agreements included in both the settlements. The funds to individual counties are allocated based on opioid deaths per capita, incidence of opioid use disorder, and opioid dosage. The funds to cities within a particular county are allocated based on historical spending of cities on various services, such as police protection, fire protection, health services, correction services, housing and community development, judicial services, and legal services.

California counties and cities have been allocated approximately \$1,924,335,062, which is 85% of the total amount allocated to California. The City of Capitola has been allocated up to \$323,656. This total amount will be disbursed over 18 years, an average of approximately \$18,000 per year.

The default distribution of funds in the settlement agreements provides that the funds will go directly to the county in which a city is located, however a city can elect to have its funds delivered directly to the city.

To better understand options for the use of the settlement funding, staff met with representatives from Santa Cruz County Behavioral Health. Given the structure of the settlement agreements, the majority of the funding in the agreements will be allocated to the County, and Behavioral Health staff emphasized the value of pooling the funding to best address substance abuse issues regionally.

The County also proposed that cities that allocate their portion of the settlement funding to the County could enter an Agreement that called for stakeholder input about funding priorities. Under the agreement the City would participate in the stakeholder process to establish priorities and allocation of settlement funds. Under the proposed Agreement, City may elect to directly receive settlement funding in future years, provided City staff first meets with the County to discuss any concerns about the process or use of the Settlement Funds.

Further, County staff discussed how utilizing their structure could allow more of the funding to be matched with Federal Medicare dollars.

Given the amount of money the City of Capitola is eligible to receive, the proposed Agreement with the County, Behavioral Health staff expertise in substance-use disorder services, and the onerous reporting requirements associated with directly receiving the funding, staff recommends the City's portion of the settlement funding be directed to the County to provide enhanced services regionally, including within the City of Capitola.

Fiscal Impact: The Settlements allocate up to \$323,656 to the City, disbursed over 18 years resulting in an average of approximately \$18,000 per year. This level of funding is unlikely to offset costs associated with establishing Capitola-specific programs to address impacts of the opioid crisis. The recommended action will have no direct fiscal impact other than a limited amount of staff time to participate in the Countywide Stakeholder group described in the Agreement.

Attachments:

1. Agreement Among the County of Santa Cruz and the Cities of Santa Cruz, Scotts Valley, Capitola and Watsonville for the Use of Opioid Settlement Funds

Report Prepared/Approved By: Jamie Goldstein, City Manager

Report Reviewed By: Samantha Zutler, City Attorney

**AGREEMENT AMONG THE COUNTY OF SANTA CRUZ
AND THE CITIES OF SANTA CRUZ, SCOTTS VALLEY,
CAPITOLA AND WATSONVILLE FOR THE USE OF
OPIOID SETTLEMENT FUNDS**

WHEREAS, in the United States last year, over 100,000 people died because of an opioid addiction, representing a twenty-five (25) percent increase over the prior year.

WHEREAS, the CITIES OF SANTA CRUZ, WATSONVILLE, SCOTTS VALLEY AND CAPITOLA (together “CITIES” and individually “CITY”) and the COUNTY OF SANTA CRUZ (“COUNTY”) have been significantly impacted by the opioid epidemic through residents suffering from addiction and loss of life, and high demands for substance use disorder services in which the COUNTY has invested significant funding to support.

WHEREAS, CITIES and COUNTY have a mutual interest in best supporting the needs of individuals who would benefit from timely access to evidence based substance use disorder treatment.

WHEREAS, in 2017, multiple public agencies sued distributors AmerisourceBergen, Cardinal Health and McKesson and manufacturer Janssen Pharma, alleging damages caused by years of opioid marketing, sales, and overprescribing in their respective communities. Several of the lawsuits were consolidated in *In re: National Prescription Opiate Litigation* (U.S.D.C. Case No. 1:17-CV-2804). The parties settled in July 21, 2021. Pursuant to the settlement agreement (Settlement Agreement), the manufacturer and distributors have agreed to provide funding (Settlement Funds) to states to support ongoing treatment and services for individuals with a substance use disorder.

WHEREAS, pursuant to the Settlement Agreement, COUNTY and CITIES are entitled to a portion of the Settlement Funds. Initially, all Settlement Funds allocated to the State will be distributed to COUNTY. If CITIES take no action, COUNTY retains the Settlement Funds. If a CITY wants to receive its portion of the Settlement Funds, it must elect to do so each year by following the procedures dictated by the Settlement Administrator. The Settlement Funds must be used for services described in Exhibit E to the Settlement Agreement, “List of Opioid Remediation Uses,” or any additional priority areas added by the California Department of Healthcare Services (DHSC). A true and correct copy of Exhibit E to the Settlement Agreement is attached hereto.

WHEREAS, the State of California has established five (5) key priority areas for the use of the Settlement Funds:

1. The provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;
2. Creating new or expanded substance use disorder (SUD) treatment infrastructure;
3. Addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;

4. Diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and
5. Interventions to prevent drug addiction in vulnerable youth.

WHEREAS, COUNTY has encouraged CITIES to allow their portions of the Settlement Funds to remain with the COUNTY in order to have a greater collective impact and to support the needs of all residents of the County who struggle with substance use. This will support treatment interventions in all geographic areas of the County in accordance with the terms and conditions of the Settlement Agreement.

WHEREAS, the first payment under the Settlement Agreement is anticipated to be made in April of 2022.

NOW, THEREFORE, CITIES and COUNTY agree as follows:

COUNTY OBLIGATIONS

1. COUNTY will utilize all Settlement Funds allocated to the COUNTY directly or allowed to remain with the COUNTY by any CITY (County Funds) in accordance with the terms and conditions of the Settlement Agreement. COUNTY will also adhere to all reporting requirements required by the Settlement Agreement or Settlement Administrator for all County Funds.
2. COUNTY will establish a Stakeholder Group to provide input about how to prioritize the use of County Funds including COUNTY's allocation consistent with the terms and conditions of the Settlement Agreement.
3. COUNTY will ensure that each CITY that leaves all or a portion of the Settlement Funds allocated to that CITY with the COUNTY will have a representative on the Stakeholder Group. The Stakeholder Group will work with COUNTY in establishing multi-year priorities for funding based on the terms and conditions of the Settlement Agreement, and local priorities and needs identified by CITIES.
4. COUNTY will prioritize the use of County Funds as a match for federal matching funds through the Drug Medi-Cal Organized Delivery System waiver to maximize the use of County Funds.
5. COUNTY will work with the Human Services Department (HSD) to explore utilizing the existing Collective of Results and Evidence-based Investments (CORE) funding process to solicit proposals and award contracts for substance use disorder services described in the Settlement Agreement. The next round of CORE begins in 2024. If, for any reason, the established CORE funding process cannot be utilized, COUNTY will establish an alternate process to solicit proposals and award contracts. In either event, COUNTY will ensure that Stakeholder Group input will include consumers and family members, providers of services and elected officials.

6. COUNTY will recommend to Stakeholder Group a multi-year approach to funding based on projected settlement payments and to allow for funded projects to demonstrate their effectiveness over several years.
7. COUNTY will recommend to Stakeholder Group that all proposals selected for funding be required to provide outcomes data to demonstrate the effectiveness of programming supported through this funding process.

CITY OBLIGATIONS

1. CITIES will have the opportunity to designate a lead representative to join the Stakeholder Group.
2. This Agreement does not obligate any CITY to leave any Settlement Funds allocated to the CITY with the COUNTY. Any CITY is permitted to request all or a portion of the Settlement Funds allocated to that CITY, pursuant to the procedures in the Settlement Agreement. In January of any year in which a CITY intends to request its portion of the Settlement Funds for that year, CITY will meet and confer with COUNTY for the purpose of responding to any concerns about the process or the use of the Settlement Funds.
3. In the event that a CITY determines that it is going to retain its portion of the Settlement Funds, that CITY will assume responsibility for the contracting and reporting process under the terms and conditions of the Settlement Agreement.

TERM

The term of this Agreement shall be from February 2022 to January 2027 and will automatically renew thereafter until the final disbursement of the Settlement Funds. However, COUNTY or CITIES have the option of terminating this Agreement at any time by giving all parties to this Agreement thirty (30) days written notice. Any individual CITY may terminate its participation in this Agreement by providing thirty (30) days written notice.

INDEMNIFICATION FOR DAMAGES

To the fullest extent permitted by applicable law, CITIES and COUNTY shall exonerate, indemnify, defend, and hold harmless one another (including, without limitation, its officers, agents, employees and volunteers) from and against any and all claims, demands, losses, damages, defense costs, or liability of any kind or nature which any party to this Agreement may sustain or incur or which may be imposed upon it as a result of, arising out of, or in any manner connected with this Agreement, excepting any liability arising out of the sole negligence of an indemnifying party. Such indemnification includes any damage to the person(s), or property(ies) of any party to this Agreement and third persons.

MISCELLANEOUS

This Agreement, along with any attachments, is the full and complete integration of the parties' agreement forming the basis for this Agreement. The parties agree that this Agreement supersedes any previous written or oral agreements among the parties, and any modifications to this Agreement must be made in a written document signed by all parties. The unenforceability, invalidity, or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal. Waiver by any party of any portion of this Agreement shall not constitute a waiver of any other portion thereof. Any arbitration, mediation, or litigation arising out of this Agreement shall occur in the County of Santa Cruz. This Agreement shall be governed by, and interpreted in accordance with, California law.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year written below.

[Signatures on Following Page]

CITY OF SANTA CRUZ

By: _____
SIGNED

PRINTED

COUNTY OF SANTA CRUZ

By: _____
SIGNED

PRINTED

CITY OF WATSONVILLE

By: _____
SIGNED

PRINTED

CITY OF SCOTTS VALLEY

By: _____
SIGNED

PRINTED

CITY OF CAPITOLA

By: _____
SIGNED

PRINTED

APPROVED AS TO INSURANCE:

Risk Management-County

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Office of the City Attorney - Watsonville

Office of the County Counsel

Office of the City Attorney - Santa Cruz

Office of the City Attorney - Capitola

Office of the City Attorney - Scotts Valley

EXHIBIT E

List of Opioid Remediation Uses

Schedule A Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).¹

A. NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

¹ As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. TREATMENT FOR INCARCERATED POPULATION

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. PREVENTION PROGRAMS

1. Funding for media campaigns to prevent opioid use (similar to the FDA’s “Real Cost” campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. EXPANDING SYRINGE SERVICE PROGRAMS

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE

Schedule B Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:²

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

² As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a *DATA 2000* waiver.
13. Disseminate web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.

15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
 2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
 3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
 5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.
5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.

- 6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
- 7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
- 8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
- 9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
- 10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

- 1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
- 2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
- 3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
- 4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
- 5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“PDMPs”), including, but not limited to, improvements that:
 - 1. Increase the number of prescribers using PDMPs;
 - 2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation’s Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.
8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.

10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing

overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).

7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“*ADAM*”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.