

City of Capitola

City Council Meeting Agenda

Tuesday, November 21, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Closed Session – 5:45 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

- i. CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS (Gov. Code § 54956.95)
Christine Lobel, Claim against the City of Capitola

Regular Meeting of the Capitola City Council – 6 PM

All correspondence 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 Yvette Brooks, Joe Clarke, Alexander Pedersen, Kristen Brown, and Mayor Margaux Keiser.

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

- A. Police Department Presentation on Community Emergency Notifications

4. Report on Closed Session

5. Additional Materials

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

- A. Revision to Item 8D, Attachment A
- B. Correspondence Received - Item 8F

6. Oral Communications by Members of the Public

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.

7. Staff / City Council Comments

Comments are limited to three minutes.

8. 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. City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on November 9, 2023.

B. City Check Registers

Recommended Action: Approve check registers dated October 27 and November 9, 2023.

C. Amendments to Title 2: Administration and Personnel

Recommended Action: Adopt an ordinance of the City of Capitola amending Chapters 2.04 and 2.08 of the Capitola Municipal Code.

D. 2024 Holidays and City Hall Closures

Recommended Action: Adopt a resolution designating the holidays and City Hall closures in calendar year 2024.

E. Temporary/Hourly Employee Pay Schedule

Recommended Action: Adopt a resolution amending the temporary/hourly employee pay schedule.

F. Repair of Stockton Avenue Bridge

Recommended Action: Approve the plans, specifications, and construction estimate for the Stockton Avenue Bridge Storm Repair Project; authorize Public Works staff to advertise for construction bids; and authorize Amendment 1 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$18,500 to complete the necessary approvals for construction for the project.

G. Public Works Equipment Budget Amendment

Recommended Action: Adopt a resolution to amend the FY 2023-24 budget to allow for the purchase of \$35,000 of essential lawn mowing equipment from the Equipment Internal Service Fund.

H. Monterey Avenue Park PG&E Easement

Recommended Action: Authorize the City Manager to execute an Easement Deed granting Pacific Gas and Electric Company a non-exclusive utility easement for the installation of a gas distribution regulator station on City-owned property located adjacent to Monterey Avenue Park.

I. REAP 2.0 Grant

Recommended Action: 1) Adopt a resolution accepting a funding allocation not to exceed \$128,750 in Regional Early Action Planning 2.0 funds from the Association of Monterey Bay Area Governments to implement land use strategies within the commercial and mixed-use

zoning districts and authorizing the City Manager to enter into agreements and take further actions as may be necessary; and 2) adopt a resolution amending the Fiscal Year 2023-24 adopted budget to appropriate the awarded funds.

9. 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. Voter Polling Contract

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with EMC Research in an amount not to exceed \$25,000 to conduct Capitola polling on potential revenue measures to be placed on the 2024 General Election ballot.

B. 2024 City Council Meeting Schedule

Recommended Action: Adopt a resolution establishing the regular meeting schedule for 2024.

10. Adjournment - Adjourn to the next regularly scheduled City Council meeting on December 14, 2023, at 6:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010.

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to citycouncil@ci.capitola.ca.us and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 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.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

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.

City Council Meeting
November 21, 2023

2023-24 Winter
Preparedness and Alert
Systems





Topics for Presentation

- **Introduction and OR3**
- **Levels of activation during emergency**
- **Notification Systems**
- **Zonehaven Map**
- **Weather Update**
- **Winter Preparedness**
- **Questions**



Importance of Emergency Management

Respond to emergencies, hazards and threats

- 1) Prepare for disasters**
- 2) Respond during emergencies**
- 3) Assist with Recovery**

Extreme Weather Events, Tsunami, Earthquake, Fire, Local Disaster, Law Enforcement or Fire Events

Standardized Emergency Management System



Standardized Emergency Management System (SEMS)

5 Organizational Levels





Alert and Notification Systems

City (Local) issue – Capitola PD or Central FD

- Personal contact Isolated area; or planned evacuation (door-to-door or PA)
- Nixel Alerts – Sent by PD, road closures, police activity, special events
- Reverse 9-1-1 defined geographic area or neighborhood
 - Local emergency notification
 - Shelter-in-place
 - Small scale evacuations





Alert and Notification Systems



Larger Scale Incidents or Alerts/Warning

- Social Media   

- Emergency Alert System (EAS) local radio, television, and press
Amber Alerts, Silver Alerts, Emergency Alerts



- Cruz Aware 

- Zonehaven – Evacuation and Warning System





What is Cruz Aware?



Natural disasters, severe weather events, public safety concerns, and other emergencies

Non-emergency messaging: Roadwork, public meetings, and other important updates


Choose to receive alerts via text messages, phone calls, email, or the CruzAware mobile app

Access alerts and messages in multiple languages to accommodate the diverse needs of our community.

How to sign up?



Alert and Warning Cruz Aware

 Registration Portal

Account

First name: Dave Last name: Reid

Language: English


Email: david.reid@santacruzcounty.us


Prefix: +1 Phone number: (831) 334-0426

Receive text messages on this phone



groups

UPDATE

 Registration Portal EN

ca usa 

Locations **UPDATE**

Work  


Name: Work Longitude: -122.022544 Latitude: 36.9777817

Line 1: 701 Ocean Street

Line 2:

City: Santa Cruz Postcode: 95060


State: CA Country: USA



UPDATE



Alert and Warning Cruz Aware

 Registration Portal


I would like to be notified in case of

- General
- Emergency
- Santa Cruz County Roads and Infrastructure
- Santa Cruz County Parks
- Voter Information
- Santa Cruz County Public Health
- Community Events

UPDATE

I would like to be notified by (drag and drop to reorganize)

- Email
- App
- SMS (text)
- Voice
- TTY

 Registration Portal

I would like to receive weather information related to the following (select from list below). NOTE: to receive weather alerts you must make a selection below AND have an address in the system.


- All
- Floods
- Thunderstorms
- Beach Hazards Statement
- Fire Weather Watch
- Storms
- Surf and Sea
- Marine Weather Statement
- Red Flag Warning
- Special Marine Warning
- Special Weather Statement
- Storm Surge Warning
- Tsunami
- Extreme Fire Danger
- Hard Freeze Warning



Zonehaven

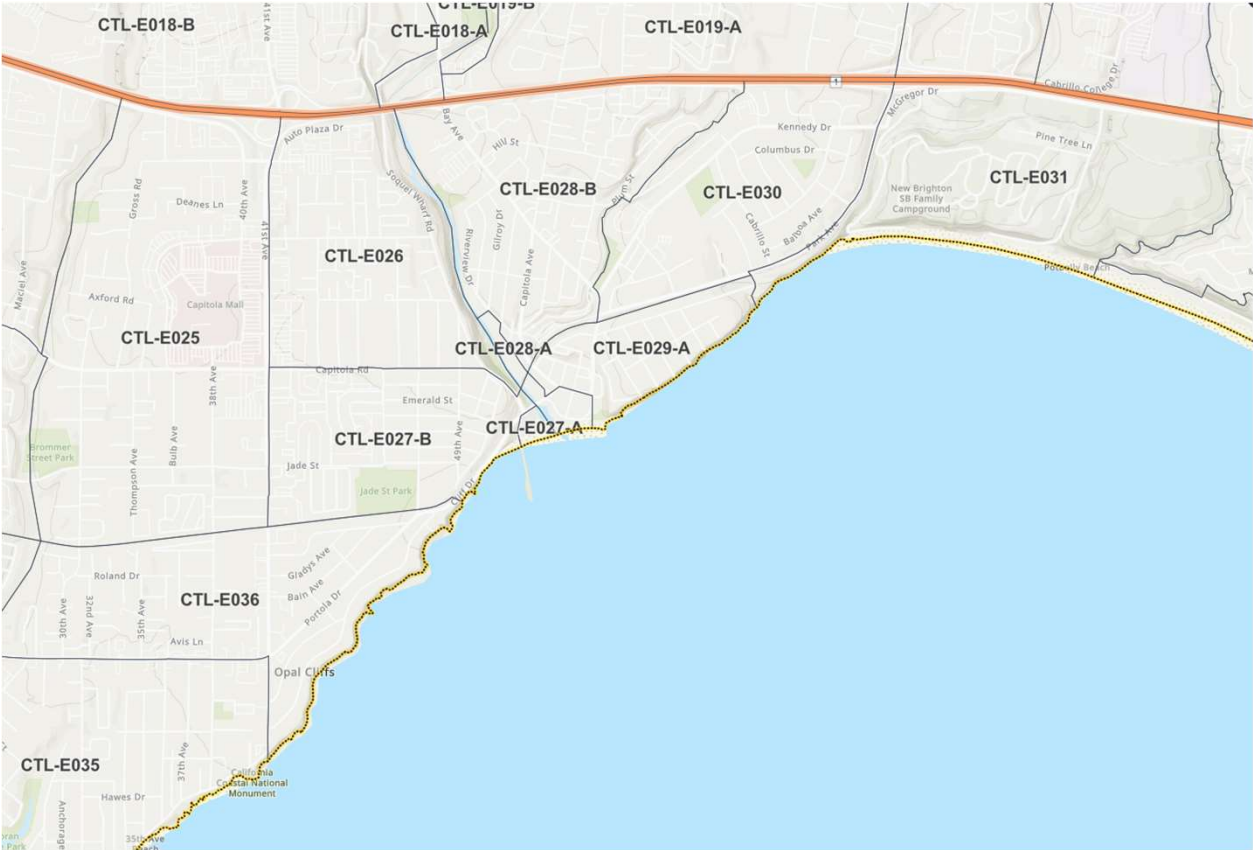
- Evacuation Mapping
- Capitola has 8 Zones

Created a Lower Village
Zone for Flooding Concerns

KNOW YOUR
Z  **NE**



Zonehaven and Capitola Zones





Eastside Capitola and lower Village



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





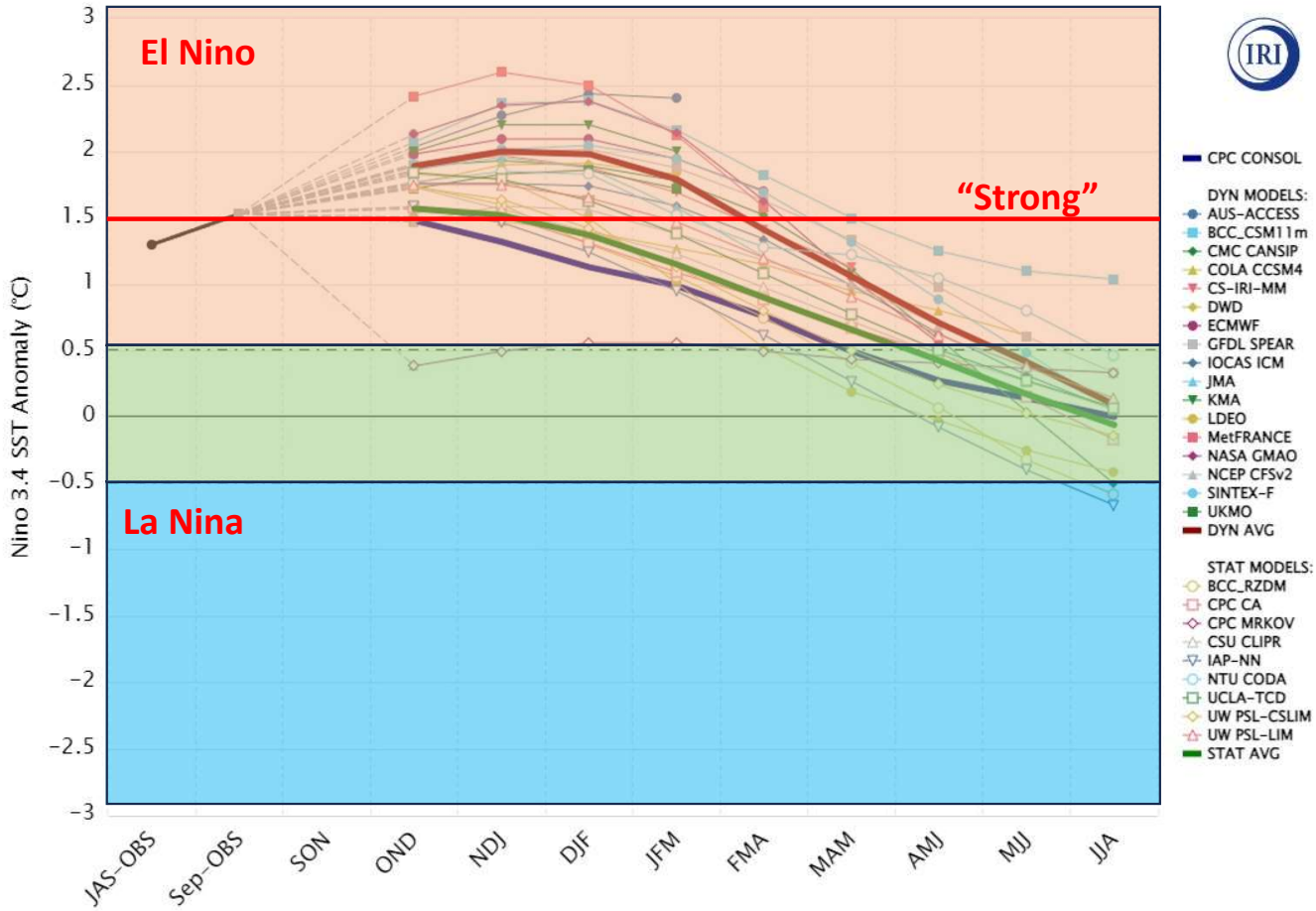
Weather Update

El Nino ?



2023-24 El Nino Winter Predictions

Model Predictions of ENSO from Oct 2023

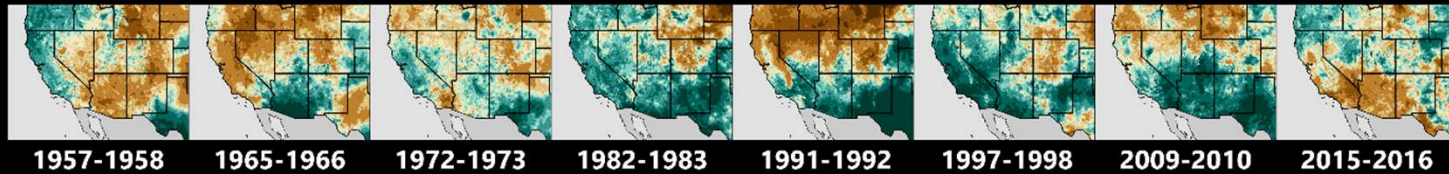




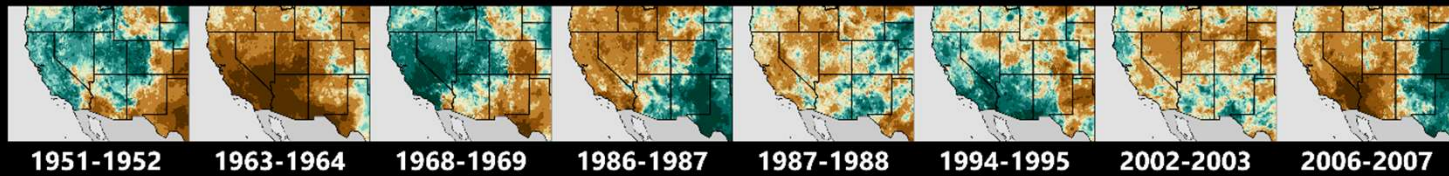
El Nino Winters: Variability

EL NIÑO EVENTS (DJF): PRECIPITATION

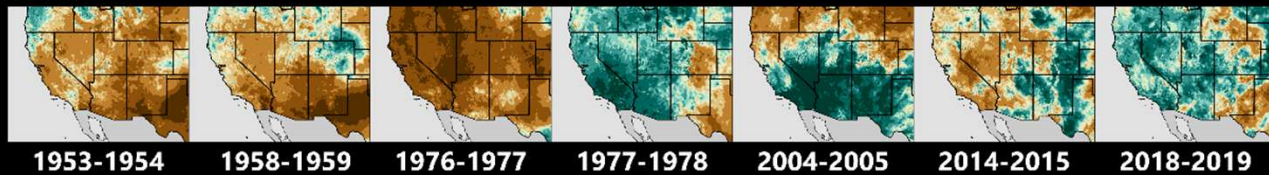
STRONG



MODERATE



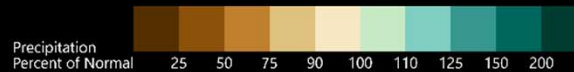
WEAK



Data: PRISM, Oregon State University



NATIONAL WEATHER SERVICE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION





Winter Preparedness

- Preparedness
 - Stormwater Management – You & Neighbors
 - King Tides – Dec 12-15 & Jan 9-13
 - County & Private Roads
 - Power Resilience
 - Communications
 - Cruz Aware
 - Battery Back-up
 - NOAA Weather Radios



Winter Preparedness: Sand Bags

SAND AND SANDBAG LOCATIONS



Capitola PD 422 Capitola
 Central Fire 930 17th Avenue

NORTH COUNTY	MID COUNTY
CALFIRE Big Creek Station 240 Swanton Road, Davenport (831) 426-1664 > Sand and Bags	Branciforte Fire 2711 Branciforte Drive (831) 423-8856 > Sand and Bags
Boulder Creek Fire 13230 Highway 9 (831) 338-7222 > Sand and Bags / bring your own shovel	Central Fire 4747 Soquel Drive (831) 479-6842 > Sand and Bags
CALFIRE Fall Creek Station 7272 Empire Grade (831) 426-3131 > Sand and Bags	Aptos/La Selva Fire 6934 Soquel Drive (831) 685-6690 > Sand and Bags
Felton Fire 131 Kirby Street (831) 335-4422 > Bags ONLY	
	SOUTH COUNTY
Valley Churches United/Ben Lomond Fire 9400 Highway 9 (831) 336-8258 > Sand and Bags	CALFIRE Corralitos Station 120 Eureka Canyon Road (831) 724-2446 > Sand and Bags
Zayante Fire 7700 Zayante Road (831) 335-5100 > Sand and Bags	Pajaro Valley Fire 562 Casserly Road, Watsonville (831) 722-6188 > Sand and Bags
Scotts Valley Fire 7 Erba Lane (831) 438-0211 > Sand and Bags	CALFIRE Burrell Station 25050 Highland Way, Los Gatos (408) 353-1022 > Sand and Bags



Questions?

Thank You



Links:

- [Emergency Operations Plan Update](#)
- [SAFER-SC](#)
- [CruzAware Notifications](#)
- [Zonehaven \(Genasys Protect\)](#)
- [Winter Preparedness](#)
- [Santa Cruz One Rain](#)
- [Sandbag Details](#)
- [PG&E Outage Map](#)



CITY CLERK'S OFFICE

Memo

To: City Council
From: Julia Gautho, City Clerk
Date: November 21, 2023
Re: Item 8D, Attachment A

Good Afternoon,

Staff inadvertently included Friday, July 5th as a City Holiday on the resolution proposed for adoption on this evening's agenda.

July 5th is not included on the list of City Holidays in approved employee Memoranda of Understanding. However, consistent with Ordinance No. 497, the City Council may designate that Friday, July 5th is a closure for City offices. This would allow staff to use accrued time off to enjoy the Friday following the July 4th holiday. The following resolution reflects these changes and correctly identifies July 5th as a City Hall Closure, not a holiday.

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING DAYS FOR CLOSURE OF CITY OFFICES
DURING THE 2024 CALENDAR YEAR

WHEREAS, Ordinance No. 497 provides that days for closure of City offices may, from time to time, be set by Council Resolution; and

WHEREAS, it is the desire of the City Council of the City of Capitola to establish days for closure of City offices during the 2024 calendar year.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows: City Offices, except for essential City services such as the Police Department, shall be closed on the following days occurring in calendar year 2024, unless otherwise noted:

Monday, January 1	New Year’s Day (observed)
Monday, January 15	Martin Luther King, Jr., Birthday
Monday, February 12	Lincoln’s Birthday (observed)
Monday, February 19	Presidents’ Day
Monday, May 27	Memorial Day
Thursday, July 4 & Friday, July 5	Independence Day
Friday, July 5	City Hall Closure
Monday, September 2	Labor Day
Monday, October 14	Indigenous Peoples Day
Monday, November 11	Veterans’ Day (observed)
Thursday & Friday, November 28 & 29	Thanksgiving Holiday
Wednesday, December 25	Christmas Day
Monday, December 23 – Friday, December 27	Holiday Closure

The foregoing does not preclude the scheduling of any City Council or Planning Commission meetings on such days. For purposes of Government Code Section 6704, Saturdays and Sundays are also days for closure of the City business office.

The foregoing is not in any sense intended to define holidays, for which employees do or do not receive additional compensation. Employees’ paid holidays are defined in relevant Memoranda of Understanding.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21st day of November, 2023, by the following vote:

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

Margaux Keiser, Mayor

ATTEST: _____
Julia Gautho, City Clerk

Gautho, Julia

From: petergwilk@gmail.com
Sent: Friday, November 17, 2023 1:38 PM
To: City Council
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Subject: Stockton Bridge

Follow Up Flag: Follow up
Flag Status: Flagged

Repair of Stockton bridge is a consent item. Any thoughts on creating a budget discussion for replacing it long term? Don Alley (our fisheries expert) made a presentation to the COE wherein he mentioned, that for the health of the creek, that bridge should be replaced by something without the large concrete abutments. Also, we need a bike lane for the upcoming rail trail traffic which the current bridge cannot accommodate.

Sincerely,
Peter Wilk

Sent from my iPhone

Capitola City Council Agenda Report

Meeting: November 21, 2023

From: City Manager Department

Subject: City Council Meeting Minutes



Recommended Action: Approve minutes from the regular meeting on November 9, 2023.

Background: Attached for Council review and approval are the draft minutes from the regular City Council meeting on November 9, 2023.

Attachments:

1. 11/9/2023 Minutes

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, November 09, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser

Vice Mayor: Kristen Brown

Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:00 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, and Mayor Keiser.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Additional Materials**
 - A. *Three emails received relating to Item 7D.*
4. **Oral Communications by Members of the Public**
 - *Gorin Klepich, resident, spoke about drug usage in the City.*
 - *Toni Campbell, Friends of the Capitola Library, spoke about the installation of solar panels on the roof of the Capitola Branch Library.*
 - *Esther Phillips, resident, voiced concerns regarding Item 6E.*
 - *Laurie Hill, Arts and Cultural Commissioner, presented the winning art pieces from the Plein Air Art Competition.*
 - *Michael Termini, resident, thanked the City for the celebration of Jojo's 80th Birthday.*
5. **Staff / City Council Comments**
 - *City Manager Goldstein thanked staff for their work on Jojo's 80th Birthday Party.*
 - *Council Member Brooks requested that staff implement a program in line with the adopted Children's Bill of Rights.*
 - *Mayor Keiser reminded the public to follow the City's social media presence for Wharf updates.*
6. **Consent Items**
 - A. City Council Meeting Minutes
Recommended Action: Approved minutes from the regular meeting on October 26, 2023.
 - B. City Check Registers
Recommended Action: Approved check registers dated September 29, 2023 and October 13, 2023.
 - C. Cliff Drive Resiliency Project Contract Amendment 1
Recommended Action: Authorized the City Manager to execute Amendment 1 to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc. for professional planning, permitting, and design services for the Cliff Drive Resiliency Project.
 - D. 2023 Holiday Parking

Recommended Action: Authorized the suspension of parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A (1) from November 23, 2023, through December 25, 2023.

E. 1098 38th Avenue Project

Recommended Action: Adopted Resolution No. 4343 authorizing the City Manager to finalize the loan agreement with MidPen Housing to assist with predevelopment activities for a 100% affordable multifamily rental housing development located at 1098 38th Avenue.

Motion to approve the Consent Calendar: Council Member Brooks

Seconded: Vice Mayor Brown

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

7. General Government / Public Hearings

A. Resolution Against Banning Materials

Recommended Action: Adopted Resolution No. 4344 against banning books and materials in the Santa Cruz Public Library system. **(Continued from October 26, 2023)**

City Clerk Gautho presented the staff report.

Public Comments:

- **Chris Amson, resident, spoke against the resolution.**
- **Paula Bradley, resident, spoke in support of the resolution.**
- **Matt Arthur, resident, recommended modifying the resolution to remove the fifth and sixth recitals.**
- **TJ Welch, resident, spoke against the resolution.**
- **Michael Termini, Chair of the Library Advisory Commission, spoke in support of the resolution.**
- **Esther Phillips, resident, spoke in favor of parental control over library materials for minors.**
- **Donald Greer, resident, spoke against the resolution.**
- **David Campbell, resident, spoke in support of parental control over library materials for minors.**
- **Marcus Ribell, resident, spoke against the resolution.**

Motion to adopt a resolution against book and materials bands in the Santa Cruz Public Library System: Vice Mayor Brown

Seconded: Council Member Brooks

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

B. 2023 Special Event Report

Recommended Action: Received report on 2023 special events; provided direction regarding changes to specific special event permit conditions; and approved recurring minor and general special events for 2024.

Police Captain Ryan presented the staff report.

Public Comments:

- **Mary Beth Cahalen, resident, requested that staff include community event coordinators in their review process for special events.**

- **Laurie Hill, resident, encouraged staff to collaborate with event coordinators to review the special event process.**

Council Member discussion included support for renaming general events to better outline the staff resources needed to support these events, a request for better cost forecasting for events, and direction to staff to include event coordinators in the review process.

C. Capitola Lifeguard Season Overview

Recommended Action: Received a report on Capitola Lifeguard service season statistics and approve the proposed operation schedule for future summer and fall seasons.

Recreation Division Manager Bryant LeBlond presented the staff report.

Public Comments:

- **Laurie Hill, resident, spoke in support of lifeguard services but opposed costs being passed on to special event organizers.**
- **Mary Beth Cahalen, resident, spoke against passing lifeguard costs on to special event coordinators.**

The City Council provided direction to staff to extend the lifeguard season through the end of October, and requested that staff investigate the fiscal impact of assuming lifeguard costs rather than passing the cost to special event organizers.

Motion to approve staff's recommended lifeguard operational schedule for Summer and extend the Fall season through the end of October: Council Member Brooks

Seconded: Vice Mayor Brown

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

D. Citywide Housing Element Adoption

Recommended Action: Adopted Resolution No. 4345 to adopt the Addendum to the General Plan Update Environmental Impact Report and the 6th Cycle Housing Element, and directed staff to submit the Housing Element to the State of California for certification.

Community Development Director Herlihy presented the staff report.

Council Member discussion included clarification on the addition of the 2027 deadline,

Motion to adopt the resolution with an updated Attachment 2 and direction to staff to file a Notice of Determination and submit the Housing Element to the State for certification:

Council Member Pedersen

Seconded: Vice Mayor Brown

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

E. FY 2023-24 City Fee Schedule

Recommended Action: Adopted Resolution No. 4346 amending the fee schedule for Fiscal Year 2023-24. **(Continued from October 26, 2023)**

Finance Director Malberg presented the staff report.

Motion to adopt the resolution: Council Member Pedersen

Seconded: Council Member Clarke

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

F. Amendments to Title 2: Administration and Personnel

Recommended Action: Introduced, by title only, waiving further reading of the text, an ordinance of the City of Capitola amending Chapters 2.04 and 2.08 of the Capitola Municipal Code. **(Continued from October 26, 2023)**

City Clerk Gautho presented the staff report.

Public Comments:

- **John Mulry**

Council Member discussion included:

Motion to introduce the ordinance: Vice Mayor Brown

Seconded: Council Member Brooks

Voting Yea: Council Members Brooks, Clarke, Pedersen, Vice Mayor Brown, Mayor Keiser

8. Adjournment – Adjourned at 8:35 PM to the next regularly scheduled City Council meeting on November 21, 2023, at 6:00 PM.

ATTEST:

Margaux Keiser, Mayor

Julia Gautho, City Clerk

Capitola City Council

Agenda Report

Meeting: November 21, 2023

From: Finance Department

Subject: City Check Registers



Recommended Action: Approve check registers dated October 27 and November 9, 2023.

Account: City Main				
Date	Starting Check #	Ending Check #	Payment Count	Amount
10/27/2023	104523	104638	123	\$ 542,510.48
11/09/2023	104639	104729	97	\$ 1,390,186.47

The main account check register dated October 13, 2023, ended with check #104522.

Account: Payroll				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
10/27/2023	5853	5853	111	\$ 195,804.99
11/09/2023	23557	23664	108	\$ 203,279.20

The payroll account check register dated October 13, 2023, ended with EFT #23446.

Following is a list of payments issued for more than \$10,000 and descriptions of the expenditures:

Check/EFT	Issued to	Dept	Description	Amount
104532	Axon Enterprise Inc	PD	Axon Body Camera contract, equipment	\$ 66,039.65
104538	Burke Williams and Sorensen LLP	CM	September Legal Services	\$ 30,828.81
104540	California Grey Bears Inc	CDD	CDBG Health Food Program Grant (Voided – Wrong Vendor)	\$ 21,962.59
104543	CivicPlus LLC	Rec	CivicRec Annual Fee	\$ 15,253.09
104552	Donald W Alley	PW	Soquel Creek monitoring and reporting	\$ 11,247.65
104584	Moffatt and Nichol	PW	Capitola Wharf & Beach Project Services	\$ 11,730.73
104591	Pacific Gas & Electric	PW	October Utilities	\$ 12,032.07
104602	Santa Cruz County Animal Shelter	PD	Quarterly animal services contribution	\$ 26,337.90
104603	Santa Cruz County Dept of	PW	Zone 5 Master Plan Update &	\$ 32,637.00

	Public Works		Household Hazardous Waste Program	
104612	Soquel Creek Water District	PW	October water services & irrigation	\$ 20,108.96
104638	Community Bridges	CDD	CDBG Meals on Wheels	\$ 21,962.59
1615	CalPERS Member Services Division	CM	PERS contributions PPE 10/14/23	\$ 64,497.26
1616	Employment Development Department	CM	State Taxes PPE 10/14/23	\$ 10,599.90
1617	Internal Revenue Service	CM	Federal Taxes & Medicare PPE 10/14/23	\$ 34,991.03
1621	Wells Fargo Bank	Fin	September Credit Card Charges	\$ 15,750.88
104658	Creative Pultrusions Inc	PW	Wharf SuperPile	\$ 65,437.01
104660	Cushman Contracting Corp Escrow	PW	October Wharf Project retainer	\$ 45,410.00
104661	Cushman Contracting Corporation	PW	October Wharf Resiliency and Public Access Project Services	\$ 862,790.00
104664	Dickman-Hines Lumber CO	PW	Lumber for Wharf Phase 2 Project	\$ 96,550.83
104692	Moffatt and Nichol	PW	Stockton Ave Bridge Repairs & Capitola Wharf & Beach Project Services	\$ 20,454.62
1614	CalPERS Health Insurance	CM	November Health Insurance	\$ 70,064.31
1622	CalPERS Member Services Division	CM	PERS contributions PPE 10/28/23	\$ 64,582.40
1623	Employment Development Department	CM	State Taxes PPE 10/28/23	\$ 11,827.77
1624	Internal Revenue Service	CM	Federal & Medicare PPE 10/28/23	\$ 38,092.61

Attachments:

1. 10-27-23 Check Register
2. 11-09-23 Check Register

Report Prepared By: Luis Ruiz, Accountant I

Reviewed By: Julia Gautho, City Clerk and Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

City main account checks dated October 27, 2023, numbered 104523 to 104638 totaling \$386,202.71, 1 voided check totaling \$21,962.59, 7 EFTs totaling \$134,345.18, 1 payroll check totaling \$22.56 and 110 payroll EFTs totaling \$195,782.43, for a grand total of \$738,315.47, have been reviewed and authorized for distribution by the City Manager.

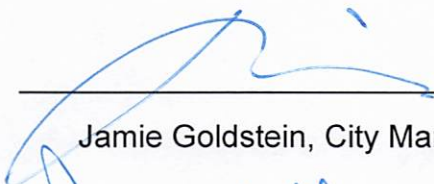
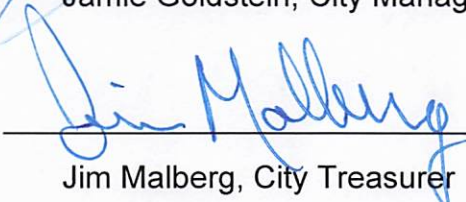
As of October 13, 2023, the unaudited cash balance is \$2,423,943.78.

**CASH POSITION - CITY OF CAPITOLA
October 27, 2023**

	10/27/2023
General Fund	\$ (5,217,468.13)
Payroll Payables	\$ 69,317.56
Contingency Reserve Fund	\$ 2,192,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,554,662.16
Stores Fund	\$ 61,020.24
Information Technology Fund	\$ 240,276.15
Equipment Replacement	\$ 634,608.37
Self-Insurance Liability Fund	\$ (3,645.42)
Workers' Comp. Ins. Fund	\$ 129,227.04
Compensated Absences Fund	\$ 330,886.06
TOTAL UNASSIGNED GENERAL FUNDS	\$ 2,423,943.78

The Emergency Reserve Fund balance is \$1,461,505.54 (not included above).

The PERS Contingency Fund balance is \$1,154,274.68 (not included above).

 Jamie Goldstein, City Manager	10/30/23 Date
 Jim Malberg, City Treasurer	10/27/23 Date

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104523	10/27/2023			4 LESS TERMITE	\$845.00
	Invoice	Date	Description		Amount
	84256-1	10/20/2023	Termite Inspection		\$845.00
104524	10/27/2023			AFLAC	\$1,646.36
	Invoice	Date	Description		Amount
	659951	10/24/2023	October supplemental insurance		\$1,646.36
			1001 - Payroll Payables		
104525	10/27/2023			ALEX FERBER	\$390.00
	Invoice	Date	Description		Amount
	AF102223	10/22/2023	Instructor payment		\$390.00
104526	10/27/2023			ALEXANDER PEDERSEN	\$725.51
	Invoice	Date	Description		Amount
	AP092223	09/22/2023	Attendance at 2023 League of CA Cities Conference Re		\$725.51
104527	10/27/2023			AMAZON CAPITAL SERVICES	\$2,508.04
	Invoice	Date	Description		Amount
	14RT-Y1KR-44C4	10/12/2023	Printer paper		\$32.95
	1HM6-FH7X-LJCV	10/13/2023	Smartsign reflective post panel		\$65.30
	1K74-91CH-1XXY	10/16/2023	Concrete saw		\$321.15
	1RKN-N7C9-6VVN	10/18/2023	Pens		\$28.31
	1N93-7PKX-39D4	10/17/2023	Calendar		\$8.71
	1HV7-YKTJ-1Y6Y	10/18/2023	TERA fuel drum pump		\$628.48
	1M31-RYNK-4Q17	10/18/2023	Air purifiers (2)		\$194.00
	1KGM-3RV9-9CWY	10/24/2023	Poster frame		\$30.51
	17VT-C1LR-7G9V	10/24/2023	Secchi Disk		\$26.27
	1HR6-DCNK-1CH9	10/24/2023	Athletic fit jeans, Twill pants (4)		\$312.51
	1GNT-VCLH-1NFR	10/24/2023	Safety glasses		\$17.37
	11FF-74FP-4TXH	10/25/2023	Battery charger		\$83.92
	1RT1-TKMK-64MC	10/25/2023	Gloves (13)		\$284.86
	1X9L-MRWG-CHRL	10/22/2023	Tablecloths (2)		\$234.00
	1YC6-HHLG-6JQK	10/23/2023	Round tablecloth table covers (10)		\$239.70
		1000 - General Fund		\$2,285.73	
		2210 - ISF - Stores Fund		\$222.31	
104528	10/27/2023			AMERICAN CAMP ASSOCIATION	\$1,330.00
	Invoice	Date	Description		Amount
	A-9120734-2024	10/17/2023	Camp Fee and membership renewal		\$1,330.00
104529	10/27/2023			APPLIED CONCEPTS INC.	\$6,457.81
	Invoice	Date	Description		Amount
	S290958	10/10/2023	Lidar Equipment		\$6,457.81

City Checks Issued October 27, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104530	10/27/2023			AT&T/CALNET 3	\$246.28
	Invoice	Date	Description		Amount
	000020677613	10/13/2023	October telephone service		\$246.28
		1000 - General Fund		\$188.06	
		2211 - ISF - Information Technology		\$58.22	
104531	10/27/2023			AT&T/CALNET 3	\$1,619.78
	Invoice	Date	Description		Amount
	000020678281	10/13/2023	October T-1 access		\$1,619.78
104532	10/27/2023			AXON ENTERPRISE INC.	\$66,039.65
	Invoice	Date	Description		Amount
	INUS183351	09/01/2023	Axon Body Camera contract, equipment - Year One Pay		\$66,039.65
		2212 - ISF - Equipment Replacement			
104533	10/27/2023			B & B SMALL ENGINE REPAIR	\$23.96
	Invoice	Date	Description		Amount
	532662	10/20/2023	Chain		\$23.96
104534	10/27/2023			BECKY ADAMS	\$195.65
	Invoice	Date	Description		Amount
	BA102223	10/22/2023	Instructor payment		\$195.65
104535	10/27/2023			BENEFIT COORDINATORS CORP.	\$5,728.10
	Invoice	Date	Description		Amount
	B0BC9H	10/01/2023	October dental & vision insurance		\$5,728.10
		1001 - Payroll Payables			
104536	10/27/2023			BIOBAG AMERICAS INC.	\$2,389.28
	Invoice	Date	Description		Amount
	INV501701	10/18/2023	Dog waste bags		\$2,389.28
104537	10/27/2023			BRIAN FROELICH	\$449.13
	Invoice	Date	Description		Amount
	BF101223	10/12/2023	APA Conference Reimbursement		\$449.13

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104538	10/27/2023			BURKE WILLIAMS AND SORENSEN LLP	\$30,828.81
	Invoice	Date	Description		Amount
	309415	10/16/2023	September police legal services		\$27.50
	309414	10/16/2023	September parks and recreation legal services		\$632.50
	309413	10/16/2023	September planning legal services		\$11,165.00
	309412	10/16/2023	September litigation legal services		\$660.00
	309411	10/16/2023	September Capitola Mall project legal services		\$396.00
	309409	10/16/2023	September labor and employment legal services		\$2,530.00
	309410	10/16/2023	September city attorney services		\$11,537.81
	309417	10/16/2023	September fee issues legal services		\$360.00
	309416	10/16/2023	September public works legal services		\$3,520.00
104539	10/27/2023			CA DEPARTMENT OF JUSTICE	\$1,813.00
	Invoice	Date	Description		Amount
	641193	10/17/2023	Fingerprinting		\$98.00
	660384	10/17/2023	Fingerprinting		\$147.00
	667143	10/17/2023	Fingerprinting		\$1,470.00
	679743	09/06/2023	Fingerprinting		\$98.00
104540	10/27/2023			CALIFORNIA GREY BEARS INC.	\$21,962.59
	Invoice	Date	Description		Amount
	21-CDBG-NH-20009	09/30/2023	CDBG health food program grant		\$21,962.59
			1350 - CDBG Grants		
104541	10/27/2023			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,079.50
	Invoice	Date	Description		Amount
	POA102023	10/20/2023	POA & gym dues PPE 10/14/23		\$1,079.50
			1001 - Payroll Payables		
104542	10/27/2023			CINTAS CORPORATION	\$217.57
	Invoice	Date	Description		Amount
	5179135155	10/10/2023	First Aid Replenishment		\$217.57
104543	10/27/2023			CIVICPLUS LLC	\$15,253.09
	Invoice	Date	Description		Amount
	270043	10/25/2023	CivicRec Annual Fee		\$15,253.09
104544	10/27/2023			CLAUDIO FRANCA	\$253.50
	Invoice	Date	Description		Amount
	CF102223	10/22/2023	Instructor payment		\$253.50
104545	10/27/2023			CODE PUBLISHING COMPANY	\$211.45
	Invoice	Date	Description		Amount
	GC0012151	10/16/2023	Municipal code web update		\$211.45

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104546	10/27/2023			COOPER SANDEN	\$148.85
	Invoice	Date	Description		Amount
	CS102323	10/23/2023	Bucket, tub, cleaner concentrate, lumber		\$148.85
104547	10/27/2023			CORODATA RECORDS MANAGEMENT, INC.	\$12.35
	Invoice	Date	Description		Amount
	RS3541983	09/30/2023	Records management		\$12.35
104548	10/27/2023			CRAIG FEENEY	\$3,925.00
	Invoice	Date	Description		Amount
	167	10/12/2023	City Hall HVAC repair		\$3,925.00
104549	10/27/2023			CSG Consultants Inc.	\$504.00
	Invoice	Date	Description		Amount
	53425	10/13/2023	Building Inspector Services		\$504.00
104550	10/27/2023			CYNTHIA KASKEY	\$280.80
	Invoice	Date	Description		Amount
	CK101523	10/15/2023	Instructor payment		\$280.80
104551	10/27/2023			DAVID SCOTT COBABE	\$1,244.10
	Invoice	Date	Description		Amount
	DC101523	10/15/2023	Instructor payment		\$1,244.10
104552	10/27/2023			DONALD W ALLEY	\$11,247.65
	Invoice	Date	Description		Amount
	1023-02	10/15/2023	Soquel Creek monitoring and reporting		\$11,247.65
104553	10/27/2023			ECOLOGICAL CONCERNS INC	\$217.50
	Invoice	Date	Description		Amount
	30507	10/18/2023	Trees		\$217.50
104554	10/27/2023			ENVIRONMENTAL INNOVATIONS INC.	\$1,650.00
	Invoice	Date	Description		Amount
	2258	10/12/2023	CalRecycle September outreach		\$1,650.00
104555	10/27/2023			EQUITABLE	\$3,279.43
	Invoice	Date	Description		Amount
	1466458	09/11/2023	Oct LTD, STD, Life, AD&D insurance		\$3,279.43
			1001 - Payroll Payables		
104556	10/27/2023			EVOLVED GEAR LLC	\$778.81
	Invoice	Date	Description		Amount
	68158	10/10/2023	Range Supplies		\$778.81

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104557	10/27/2023			EWING IRRIGATION	\$198.26
	Invoice	Date	Description	Amount	
	20723802	10/02/2023	Flexdrain, nozzle, bucket, drain grate	\$198.26	
104558	10/27/2023			FIRST ALARM	\$267.87
	Invoice	Date	Description	Amount	
	777494	09/15/2023	Monitoring Service for 10/1/23 - 12/31/23	\$267.87	
104559	10/27/2023			FLYERS ENERGY LLC	\$5,367.75
	Invoice	Date	Description	Amount	
	23-942805	10/16/2023	Bulk oil	\$1,788.09	
	23-944202	10/18/2023	Fuel container	\$337.29	
	23-945604	10/18/2023	112 Gallons Diesel	\$680.65	
	23-945602	10/18/2023	518 Gallons Gasoline	\$2,739.92	
	23-945602C	10/18/2023	518 Gallons Gasoline Credit	(\$2,739.92)	
	23-945602A	10/18/2023	518 Gallons Gasoline	\$2,561.72	
104560	10/27/2023			GALLS LLC	\$197.59
	Invoice	Date	Description	Amount	
	025853091	10/03/2023	Mens Performance Solo	\$63.39	
	025904909	10/09/2023	Hard Shell Knee Pads	\$24.51	
	025918713	10/10/2023	Uniform Ballcaps	\$46.30	
	025953251	10/13/2023	Mens Performance S/S Polo	\$63.39	
104561	10/27/2023			GEORGE McMENAMIN	\$1,141.14
	Invoice	Date	Description	Amount	
	GM102023-2	10/20/2023	Riparian restoration services	\$243.75	
	GM102023	10/20/2023	Work preparing for parking lot planting	\$897.39	
104562	10/27/2023			GINA ENRIQUEZ	\$5,073.60
	Invoice	Date	Description	Amount	
	GE101523	10/15/2023	Instructor payment	\$5,073.60	
104563	10/27/2023			HANYA FOJACO	\$1,281.80
	Invoice	Date	Description	Amount	
	HF101523	10/15/2023	Instructor payment	\$1,281.80	
104564	10/27/2023			Hi-Line Inc.	\$192.67
	Invoice	Date	Description	Amount	
	11074679	10/11/2023	High collar lockwashers (4), washers, nuts	\$192.67	
104565	10/27/2023			HO KUK MU SUL CORPORATION	\$62.40
	Invoice	Date	Description	Amount	
	HKMSC101523	10/15/2023	Instructor payment	\$62.40	

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104566	10/27/2023			HOME DEPOT CREDIT SERVICES	\$5,156.96
	Invoice	Date	Description		Amount
	3631174	09/26/2023	Gloves, play sand, grinder		\$168.17
	9511360	10/10/2023	Instant spill absorber, keen sweep floor		\$56.57
	7520226	10/12/2023	Impact wrench, ant bait, mortar tub		\$448.04
	1521361	10/18/2023	Lumber, terminal block, cable clamp, tape		\$105.24
	9622095	10/10/2023	Respirator		\$71.91
	7224059	10/12/2023	Respirator return		(\$71.91)
	8622113	10/11/2023	Mop, spray bottle, broom, towel, sprayer		\$184.96
	7611216	10/02/2023	Bromine dispenser, gloves, adapters, tablets		\$152.48
	9522276	09/20/2023	Urinal power auger driver, trapsnake driver kit		\$226.68
	7511680	10/12/2023	Gloves, adapter, red copper, wrench		\$123.21
	2643580	10/17/2023	Adapter fitting		\$5.74
	1632924	10/18/2023	Pond pebbles		\$28.78
	1012828	10/18/2023	Lumber, pond pebbles		\$83.66
	1521318	10/18/2023	Hoe, tape measure, steel edger, valves, steel stake		\$260.64
	9632248	10/10/2023	Plastic drop cloths, tape		\$36.25
	2521127	10/17/2023	Poly tube, adapters, couplings, valves		\$54.13
	7012095	10/12/2023	Grit finishing abrasive buffs, ladder, power inverter		\$243.48
	1614360	10/18/2023	Roller frames, woven roller, tray liner, power grab ult		\$104.13
	1614402	10/18/2023	PVC transition cement, trap adapter, couplings, PVC bu		\$26.12
	2237733	10/17/2023	Aluminum black side mounts (2)		\$1,249.03
	2521143	10/17/2023	Adapter poly, poly tube, elbow poly, valve		\$44.13
	2844184	10/17/2023	Excelon VCT		\$122.22
	3512259	10/16/2023	Sandnet connection pads, sanding discs		\$66.15
	4611786	10/05/2023	Coupler, dewalt replacement gun, nozzle, hose to hose		\$291.29
	6520378	10/13/2023	WFH Star, composite shim, integrated LED, socket		\$292.95
	7012054	10/12/2023	Defiant 3 pack headlight		\$17.41
	7973516	10/02/2023	Head ratch, metric deep wrench sets (2)		\$261.52
	9032361	10/10/2023	Redpaper, roller cove, sash, plastic tray, tape		\$80.20
	2512480	10/17/2023	LED lights, wrench sockets		\$423.78
104567	10/27/2023			HOSE SHOP	\$1,029.15
	Invoice	Date	Description		Amount
	454609	10/02/2023	Suction hose, couplers, adapter, clamps, polymer blow g		\$1,029.15
104568	10/27/2023			HUMBOLDT PETROLEUM LLC	\$34.00
	Invoice	Date	Description		Amount
	INV-098163	10/15/2023	Carwash Closing Date 10/15/2023		\$34.00
104569	10/27/2023			JAIME PONCIANO	\$854.03
	Invoice	Date	Description		Amount
	JP101123	10/11/2023	Wellness Funded Expense - Apple iWatch Ultra		\$854.03

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104570	10/27/2023			JANET RUSSELL	\$455.00
	Invoice	Date	Description		Amount
	JRK101523	10/15/2023	Instructor payment		\$455.00
104571	10/27/2023			JIM MALBERG - PETTY CASH CUSTODIAN	\$366.34
	Invoice	Date	Description		Amount
	PC102423	10/24/2023	Petty cash expenses September - October		\$366.34
104572	10/27/2023			KING'S PAINT AND PAPER INC.	\$276.17
	Invoice	Date	Description		Amount
	RTSCN	10/11/2023	Paint		\$276.17
104573	10/27/2023			LAURA ALIOTO	\$260.00
	Invoice	Date	Description		Amount
	LA101523	10/15/2023	Instructor payment		\$260.00
104574	10/27/2023			LEO MORENO	\$1,037.43
	Invoice	Date	Description		Amount
	LM102323	10/23/2023	Education reimbursement		\$1,037.43
104575	10/27/2023			LINDA COVER	\$500.00
	Invoice	Date	Description		Amount
	LC110523	11/05/2023	Capitola Plein Air Family Art Workshop		\$500.00
104576	10/27/2023			LINDE GAS & EQUIPMENT INC.	\$227.67
	Invoice	Date	Description		Amount
	38982266	10/23/2023	Acetylene rental		\$227.67
104577	10/27/2023			LLOYD'S TIRE AND AUTO	\$1,855.64
	Invoice	Date	Description		Amount
	216932	10/06/2023	Tires, tire services		\$743.94
	216856	10/02/2023	Tires, tire services		\$1,111.70
104578	10/27/2023			LUKE'S SKATE LESSONS	\$960.00
	Invoice	Date	Description		Amount
	1001	10/16/2023	17 kids for Skate Lessons 10/13		\$510.00
	1003	10/23/2023	15 kids group skate lesson		\$450.00
104579	10/27/2023			MALLORY SAFETY AND SUPPLY LLC	\$296.20
	Invoice	Date	Description		Amount
	5740407	10/18/2023	Overalls		\$296.20
104580	10/27/2023			MICHELE FAIA	\$591.50
	Invoice	Date	Description		Amount
	MF101523	10/15/2023	Instructor payment		\$591.50

City Checks Issued October 27, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104581	10/27/2023			MICHELLE DAVEY-OUSE	\$74.75
	Invoice	Date	Description		Amount
	MDO101523	10/15/2023	Instructor payment		\$74.75
104582	10/27/2023			MID COUNTY AUTO SUPPLY	\$134.07
	Invoice	Date	Description		Amount
	M-2334738	10/13/2023	Belts (2)		\$37.92
	M-2326919	10/06/2023	Impact adapters (2)		\$29.24
	M-2320642	10/02/2023	Gloves, ignition starter		\$66.91
104583	10/27/2023			MISSION LINEN SUPPLY	\$485.80
	Invoice	Date	Description		Amount
	520232623	10/11/2023	Fleet towels, uniform cleaning		\$34.50
	520232624	10/11/2023	Corp. Yard linen service		\$113.78
	520268199	10/18/2023	Corp. Yard linen service		\$140.78
	519806963	08/07/2023	Community Center mop and mat service		\$81.12
	520268198	10/18/2023	Fleet towels, uniform cleaning		\$34.50
	520262145	10/16/2023	Community Center mop and mat service		\$81.12
104584	10/27/2023			MOFFATT AND NICHOL	\$11,730.73
	Invoice	Date	Description		Amount
	00782851	10/13/2023	Capitola Wharf & Beach Project Services 8/27 - 9/30/20. 1200 - Capital Improvement Fund		\$11,730.73
104585	10/27/2023			MOTOROLA SOLUTIONS INC.	\$303.31
	Invoice	Date	Description		Amount
	8281612113	04/19/2023	Batteries Related to PO # 2023-00000027		\$147.03
	1162379920	04/04/2023	Charger Related to PO # 2023-00000027		\$156.28
104586	10/27/2023			NATURAL MOTION LLC	\$414.20
	Invoice	Date	Description		Amount
	2111	10/12/2023	Ortega jacket, fleet stickers		\$414.20
104587	10/27/2023			NICHOLE BRYANT LEBLOND	\$140.63
	Invoice	Date	Description		Amount
	NB100623	10/06/2023	CSLSA meeting travel to airport reimbursement		\$140.63
104588	10/27/2023			NUZ Inc.	\$1,375.00
	Invoice	Date	Description		Amount
	88281	08/24/2023	Good Times publication advertising		\$1,375.00

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104589	10/27/2023			O'REILLY AUTO PARTS	\$231.22
	Invoice	Date	Description		Amount
	2763-388197	10/06/2023	Battery, core charge, oil filter		\$193.48
	2763-390645	10/17/2023	Engine mounts (2)		\$18.27
	2763-389202	10/11/2023	Mech pump		\$19.47
104590	10/27/2023			OUTDOOR SUPPLY HARDWARE	\$586.73
	Invoice	Date	Description		Amount
	I32243	10/17/2023	Bulk Fasteners, couplings, brass hose, barbs, spray pai		\$204.17
	I33434	10/20/2023	Container w/ hose, saw blade		\$115.52
	I29897	10/13/2023	Flap discs, tape measure		\$93.35
	I29060	10/11/2023	Paint tray liners		\$15.15
	I25935	10/05/2023	Pressure wash wand, connector plugs		\$91.28
	I32918	10/19/2023	PVC bushing, PVC elbows		\$8.68
	I32472	10/18/2023	PVC pipe, primer, scissors, PVC pressure coupling, PV		\$39.88
	I32498	10/18/2023	PVC elbow, smart water,		\$18.70
104591	10/27/2023			PACIFIC GAS & ELECTRIC	\$12,032.07
	Invoice	Date	Description		Amount
	PGE101323-acct9	10/13/2023	October utilities		\$12,032.07
		1000 - General Fund		\$4,607.85	
		1300 - SLESF - Supl Law Enfc		\$119.80	
		1310 - Gas Tax		\$7,049.63	
		1311 - Wharf		\$254.79	
104592	10/27/2023			PAUL KRATTER	\$250.00
	Invoice	Date	Description		Amount
	PK110623	11/06/2023	Plein Air Judging Services		\$250.00
104593	10/27/2023			PAULA BLISS	\$936.00
	Invoice	Date	Description		Amount
	PB102223	10/22/2023	Instructor payment		\$936.00
104594	10/27/2023			PHOENIX GROUP INFORMATION SYSTEMS	\$8,858.51
	Invoice	Date	Description		Amount
	092023070	10/20/2023	September 2023 Citation Processing		\$8,858.51
104595	10/27/2023			RACHEL TATE	\$126.19
	Invoice	Date	Description		Amount
	RT102423	10/24/2023	Wellness Funded Expense - Pillows		\$126.19
		1300 - SLESF - Supl Law Enfc			
104596	10/27/2023			REGIONAL GOVERNMENT SERVICES AUTH	\$2,063.70
	Invoice	Date	Description		Amount
	15778	09/30/2023	2023 Compensation Study		\$2,063.70

City Checks Issued October 27, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104597	10/27/2023			RRM DESIGN GROUP	\$7,617.50
	Invoice	Date	Description		Amount
	2757-01-0923	10/12/2023	September Capitola Housing Element Update 1313 - General Plan Update and Maint		\$7,617.50
104598	10/27/2023			SAMUEL NIGH	\$1,200.00
	Invoice	Date	Description		Amount
	SN110623	11/06/2023	Jojo birthday celebration performance		\$1,200.00
104599	10/27/2023			SAN LORENZO LUMBER	\$2,129.50
	Invoice	Date	Description		Amount
	55-0841747	10/19/2023	Safety glasses, markers, screws		\$740.59
	55-0841724	10/19/2023	Lumber		\$915.40
	55-0841600	10/18/2023	Ratchet tie-downs		\$22.55
	55-0841598	10/18/2023	Lumber		\$249.48
	55-0841458	10/18/2023	Lumber		\$87.76
	55-0841348	10/18/2023	Concrete mix		\$113.72
			1000 - General Fund	\$2,041.74	
			1311 - Wharf	\$87.76	
104600	10/27/2023			SANTA CRUZ AUTO PARTS INC.	\$54.29
	Invoice	Date	Description		Amount
	14508-481328	10/13/2023	Aerosol		\$54.29
104601	10/27/2023			SANTA CRUZ BACKFLOW TESTING & REPAIR	\$789.00
	Invoice	Date	Description		Amount
	10823G	10/08/2023	Annual backflow test (6) & repairs		\$789.00
104602	10/27/2023			SANTA CRUZ COUNTY ANIMAL SHELTER	\$26,337.90
	Invoice	Date	Description		Amount
	23/24-2CA	10/12/2023	Quarterly animal services contribution		\$26,337.90
104603	10/27/2023			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$32,637.00
	Invoice	Date	Description		Amount
	SCCO101723	10/17/2023	Zone 5 Master Plan Update Year 3 of 5		\$15,574.00
	SCCO102323	10/23/2023	FY22/23 Household hazardous waste program final inst:		\$17,063.00
104604	10/27/2023			SANTA CRUZ COUNTY TAX COLLECTOR	\$1,084.14
	Invoice	Date	Description		Amount
	2284119	10/17/2023	City Hall sanitation district charges		\$1,084.14
104605	10/27/2023			SANTA CRUZ COUNTY TAX COLLECTOR	\$9,349.36
	Invoice	Date	Description		Amount
	2285495	10/17/2023	Esplanade sanitation district charges		\$9,349.36

City Checks Issued October 27, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104606	10/27/2023			SANTA CRUZ COUNTY TAX COLLECTOR	\$545.77
	Invoice	Date	Description	Amount	
	2285476	10/17/2023	Library sanitation district charges	\$545.77	
104607	10/27/2023			SANTA CRUZ COUNTY TAX COLLECTOR	\$1,284.74
	Invoice	Date	Description	Amount	
	2286175	10/17/2023	Wharf sanitation district charges	\$1,284.74	
		1311 - Wharf			
104608	10/27/2023			SANTA CRUZ FIRE EQUIPMENT CO.	\$854.83
	Invoice	Date	Description	Amount	
	33992	10/13/2023	Corp. yard fire extinguisher service	\$221.27	
	33991	10/13/2023	Fire Extinguisher services	\$492.02	
	110634	10/19/2023	Fire Extinguishers Annual Maintenance	\$141.54	
104609	10/27/2023			SANTA CRUZ MOSQUITO & VECTOR CONTROL	\$119.83
	Invoice	Date	Description	Amount	
	03514135-23-24	10/17/2023	FY/23/24 mosquito & disease control assessment	\$119.83	
104610	10/27/2023			SANTA CRUZ MUNICIPAL UTILITIES	\$273.22
	Invoice	Date	Description	Amount	
	SCMU100623	10/06/2023	September water service for medians	\$273.22	
104611	10/27/2023			SHANTA SHENOY	\$780.00
	Invoice	Date	Description	Amount	
	SS101523	10/15/2023	Instructor payment	\$780.00	

City Checks Issued October 27, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104612	10/27/2023			SOQUEL CREEK WATER DISTRICT	\$20,108.96
	Invoice	Date	Description		Amount
	06-14476-0100923	10/09/2023	06-14476-00 430 Kennedy Drive water service		\$189.90
	42-14952-0100223	10/02/2023	42-14952 Cortez Park irrigation		\$785.91
	42-15297-0100223	10/02/2023	42-15297-00 426 Capitola Ave irrigation		\$172.71
	42-15969-0100223	10/02/2023	42-15969-00 Lawn Way irrigation		\$410.36
	42-16122-0100223	10/02/2023	42-16122-00 Esplanade fountain irrigation		\$118.63
	42-10504-0100223	10/02/2023	42-10504-00 Cliff Drive irrigation		\$80.20
	42-11090-0100223	10/02/2023	42-11090-01 Capitola Road irrigation		\$172.71
	42-11467-0100223	10/02/2023	42-11467-00 Jade Street park irrigation		\$10,212.41
	42-11517-0100223	10/02/2023	42-11517-00 41st Avenue irrigation		\$172.71
	42-14404-0100223	10/02/2023	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$466.64
	42-16130-0100223	10/02/2023	42-16130-00 Wharf Road irrigation		\$122.44
	42-16136-0100223	10/02/2023	42-16136-00 1400 Wharf Road irrigation		\$83.56
	42-16407-0100223	10/02/2023	42-16407-00 Bay Ave. irrigation		\$80.20
	13-10919-0100223	10/02/2023	13-10919-00 2000 Wharf Road water service		\$62.34
	42-14431-0100223	10/02/2023	42-14431-00 Monterey Ave irrigation		\$4,751.09
	42-17688-0100223	10/02/2023	42-17688-00 Lawn Way irrigation 2		\$80.20
	42-18238-0100223	10/02/2023	42-18238-00 Capitola Road irrigation		\$80.20
	08-15299-0101623	10/16/2023	08-15299-00 Monterey Ave. water		\$172.66
	08-15562-0101623	10/16/2023	08-15562-00 Cliff and Fairview water service		\$52.34
	09-15964-0101623	10/16/2023	09-15964-00 Monterey Ave. Esplanade water		\$1,841.75
		1000 - General Fund			\$20,025.40
		1311 - Wharf			\$83.56
104613	10/27/2023			SOQUEL NURSERY GROWERS INC.	\$726.94
	Invoice	Date	Description		Amount
	0000380454	10/11/2023	Trees		\$726.94
104614	10/27/2023			STAPLES ADVANTAGE	\$134.32
	Invoice	Date	Description		Amount
	3549956696	10/13/2023	Cups		\$134.32
104615	10/27/2023			STOP COMPANY	\$141.70
	Invoice	Date	Description		Amount
	1683	10/14/2023	Capitola Village detour w/ arrows		\$98.10
	1681	10/09/2023	No Right Turn Signs		\$43.60
104616	10/27/2023			SUMMIT UNIFORMS	\$172.82
	Invoice	Date	Description		Amount
	3750	10/10/2023	565 Uniform Pants		\$130.16
	3908	10/13/2023	532 Magazine		\$42.66

City Checks Issued October 27, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104617	10/27/2023			SWANK MOTION PICTURES INC.	\$150.00
	Invoice	Date	Description		Amount
	2117740	10/13/2023	Movie licensing - Elemental		\$150.00
104618	10/27/2023			T MOBILE	\$648.38
	Invoice	Date	Description		Amount
	207311139	09/23/2023	September cell phone usage - acct #989440968		\$302.40
	207858539	10/23/2023	October cell phone usage - acct # 989440968		\$302.40
	TM102123	10/21/2023	October cell phone usage - acct # 947590665		\$43.58
104619	10/27/2023			THE EMBLEM AUTHORITY	\$759.00
	Invoice	Date	Description		Amount
	43710	10/17/2023	Shoulder Patches		\$759.00
104620	10/27/2023			THE HOME DEPOT PRO	\$3,101.69
	Invoice	Date	Description		Amount
	768824773	10/05/2023	Cleaning supplies		\$1,227.25
	767809775	09/28/2023	Pens		\$12.16
	770755148	10/17/2023	Cleaning supplies		\$1,862.28
104621	10/27/2023			THE REGIONAL TRAINING CENTER	\$1,860.00
	Invoice	Date	Description		Amount
	75145	10/23/2023	536 UAS Operators Course		\$1,860.00
			1300 - SLESF - Supl Law Enfc		
104622	10/27/2023			TIMOTHY DANIEL BRADY	\$600.00
	Invoice	Date	Description		Amount
	1490	10/08/2023	Live music at Capitola Plein Air 11/5/23		\$600.00
104623	10/27/2023			TRANSPORTATION ALLIANCE BANK INC.	\$86.04
	Invoice	Date	Description		Amount
	680116	10/13/2023	Deflector, front		\$86.04
			1310 - Gas Tax		
104624	10/27/2023			ULINE	\$67.97
	Invoice	Date	Description		Amount
	169340362	10/05/2023	Evidence and Property Supplies		\$67.97
104625	10/27/2023			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW102023	10/20/2023	October United Way contributions		\$20.00
			1001 - Payroll Payables		

City Checks Issued October 27, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104626	10/27/2023			UPEC LIUNA LOCAL 792	\$1,039.50
	Invoice	Date	Description		Amount
	UPEC103123	10/20/2023	October UPEC dues		\$1,039.50
			1001 - Payroll Payables		
104627	10/27/2023			US BANK PARS Acct 6746022400	\$649.48
	Invoice	Date	Description		Amount
	PARS102023	10/20/2023	PARS contributions PPE 10/14/23		\$649.48
			1001 - Payroll Payables		
104628	10/27/2023			VERIZON WIRELESS	\$3,520.64
	Invoice	Date	Description		Amount
	9946528153	10/10/2023	October telephone charges		\$3,520.64
104629	10/27/2023			VICTORIA M JOHNSON	\$230.10
	Invoice	Date	Description		Amount
	VMJ101523	10/15/2023	Instructor payment		\$230.10
104630	10/27/2023			WESTERN EXTERMINATOR COMPANY	\$156.40
	Invoice	Date	Description		Amount
	52430384	10/02/2023	City Hall rodent control		\$78.20
	52430385	10/02/2023	Turnouts rodent control		\$78.20
104631	10/27/2023			WESTERN TREE NURSERY INC.	\$3,199.83
	Invoice	Date	Description		Amount
	0000589752	10/20/2023	Trees		\$3,199.83
104632	10/27/2023			WHITLOW CONCRETE INC.	\$4,300.00
	Invoice	Date	Description		Amount
	B2505	09/06/2023	Install concrete curb and gutter - Corner of Emerald St a		\$4,300.00
			1310 - Gas Tax		
104633	10/27/2023			WILLDAN FINANCIAL SERVICES	\$3,575.00
	Invoice	Date	Description		Amount
	010-56475	10/23/2023	Comprehensive User Fee Study and Overhead Cost All		\$3,575.00
104634	10/27/2023			BROOKVALE TERRACE PROPERTY OWENER'S ASSOCIATI	\$2,710.23
	Invoice	Date	Description		Amount
	BT101823	10/18/2023	ESHA Planting Reimbursement		\$2,710.23
			1314 - Green Building Education		
104635	10/27/2023			Gandhe, Tania	\$86.00
	Invoice	Date	Description		Amount
	TG101923	10/19/2023	Citation # 544125457		\$86.00

City Checks Issued October 27, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104636	10/27/2023			Ingram III, Lawrence	\$76.00
	Invoice	Date	Description		Amount
	L1101023	10/10/2023	Citation # 200144141		\$76.00
104637	10/27/2023			Sacks, Shiloh	\$96.00
	Invoice	Date	Description		Amount
	SS101023	10/10/2023	Citation # 702129541		\$96.00
104638	10/27/2023			COMMUNITY BRIDGES	\$21,962.59
	Invoice	Date	Description		Amount
	21-CDBG-NH-20009	9/30/2023	Jul - Sep CDBG Meals on Wheels		\$21,962.59
			1350 - CDBG Grants		
Type Check Totals:					\$386,202.71
<u>EFT</u>					
1615	10/23/2023			CalPERS Member Services Division	\$64,497.26
	Invoice	Date	Description		Amount
	1002479142-5	10/20/2023	PERS contributions PPE 10/14/23		\$64,497.26
			1000 - General Fund	\$0.34	
			1001 - Payroll Payables	\$64,496.92	
1616	10/23/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$10,599.90
	Invoice	Date	Description		Amount
	2-017-461-264	10/20/2023	State taxes PPE 10/14/23		\$10,599.90
			1001 - Payroll Payables		
1617	10/23/2023			INTERNAL REVENUE SERVICE	\$34,991.03
	Invoice	Date	Description		Amount
	50996209	10/20/2023	Federal taxes & Medicare PPE 10/14/23 & final check		\$34,991.03
			1001 - Payroll Payables		
1618	10/23/2023			STATE DISBURSEMENT UNIT	\$1,176.91
	Invoice	Date	Description		Amount
	45874320	10/20/2023	Employee garnishments PPE 10/14/23		\$1,176.91
			1001 - Payroll Payables		

City Checks Issued October 27, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1619	10/23/2023			VOYA FINANCIAL	\$7,194.20
	Invoice	Date	Description		Amount
	VOYA102023	10/20/2023	Employee 457 contributions PPE 10/14/23		\$7,194.20
			1001 - Payroll Payables		
1620	10/26/2023			WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001815051-IN	09/30/2023	September COBRA and FSA admin.		\$135.00
			1001 - Payroll Payables		
1621	10/26/2023			WELLS FARGO BANK	\$15,750.88
	Invoice	Date	Description		Amount
	WF100323	10/03/2023	September Credit Card Charges		\$15,750.88
Type EFT Totals:					\$134,345.18
Main City Totals			Count		Total
Checks			115		\$386,202.71
Voided			1		\$21,962.59
EFTs			7		\$134,345.18
All			123		\$542,510.48
Payroll Totals					
Checks			1		\$22.56
EFTs			110		\$195,782.43
All			111		\$195,804.99
Grand Totals:					
Checks			116		\$386,225.27
Voided			1		\$21,962.59
EFTs			117		\$330,127.61
All			234		\$738,315.47


City main account checks dated November 9, 2023, numbered 104639 to 104729 totaling \$1,196,728.04, 6 EFTs totaling \$193,458.43, and 108 payroll EFTs totaling \$203,279.20, for a grand total of \$1,593,465.67, have been reviewed and authorized for distribution by the City Manager.

As of November 9, 2023, the unaudited cash balance is \$8,362,614.65.

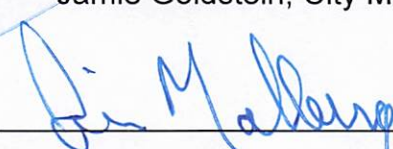
CASH POSITION - CITY OF CAPITOLA
November 9, 2023

	<u>11/9/2023</u>
General Fund ⁽¹⁾	\$ (757,110.92)
Payroll Payables	\$ 43,494.98
Contingency Reserve Fund	\$ 2,192,345.66
PERS Contingency Fund	\$ 1,154,274.68
Emergency Reserve	\$ 1,461,505.54
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 2,461,112.21
Stores Fund	\$ 60,054.89
Information Technology Fund	\$ 223,147.47
Equipment Replacement	\$ 634,608.37
Self-Insurance Liability Fund	\$ (3,645.42)
Workers' Comp. Ins. Fund	\$ 129,227.04
Compensated Absences Fund	\$ 330,886.06
TOTAL AVAILABLE GENERAL FUNDS	<u><u>\$ 8,362,614.65</u></u>

(1) November 9th balance includes \$4.7 million of non-current investments not previously included.



 Jamie Goldstein, City Manager 11/13/23
Date



 Jim Malberg, City Treasurer 11/9/23
Date

City Checks Issued November 9, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104639	11/09/2023			ADRIENNE HARRELL	\$464.10
	Invoice	Date	Description		Amount
	AH102923	10/29/2023	Instructor payment		\$464.10
104640	11/09/2023			ADT SECURITY SERVICES INC.	\$486.44
	Invoice	Date	Description		Amount
	ADT102923	10/29/2023	Corp. yard & museum ADT monitoring		\$486.44
104641	11/09/2023			ALL TRAFFIC SOLUTIONS	\$1,500.00
	Invoice	Date	Description		Amount
	SIN038731	11/02/2023	App, traffic suite cloud storage		\$1,500.00
			2211 - ISF - Information Technology		
104642	11/09/2023			ALLIED UNIVERSAL	\$1,490.30
	Invoice	Date	Description		Amount
	14873088	11/02/2023	McGregor skate park foot patrol		\$490.08
	14873089	11/02/2023	Esplanade park foot patrol		\$525.94
	14873078	11/02/2023	November 2023 Jade Street Park Patrol		\$474.28
104643	11/09/2023			ALPHA GRAPHICS	\$1,196.64
	Invoice	Date	Description		Amount
	46277365	10/25/2023	Budget copies		\$1,196.64
104644	11/09/2023			AMAZON CAPITAL SERVICES	\$2,520.88
	Invoice	Date	Description		Amount
	1TCY-Y4RM-67K6	10/26/2023	iPhone chargers		\$33.99
	1HR6-DCNK-7QQT	10/25/2023	Fire Alarm system		\$207.08
	14WT-QYXQ-6X17	10/31/2023	Work pants		\$299.70
	1Y3N-KQP4-YR67	10/31/2023	Gloves		\$93.74
	1DTH-GKYK-9JTJ	10/31/2023	Ink Cartridge		\$19.61
	1LTP-NQQX-4VHY	10/26/2023	Dry Erase Markers		\$13.06
	19TN-GT34-M3D1	10/29/2023	CIU Shelves		\$38.44
	14WX-R1TL-DJLJ	11/01/2023	Interlinkable fire alarm system (9)		\$931.86
	1N9K-1JLR-C4NC	11/01/2023	Jump starter		\$155.86
	19G1-9PVY-HQR9	11/04/2023	Spray paint		\$65.28
	16NK-3KCL-9WNW	11/01/2023	Dodgeballs, cards, magnets, soccer balls		\$195.92
	19GL-TRYW-4CQH	11/03/2023	Permanent markers, party birthday cards		\$30.48
	1HNH-CYPX-FVQ7	11/04/2023	CIU Calendars and Dry Erase Boards		\$435.86
			1000 - General Fund		\$2,467.28
			2210 - ISF - Stores Fund		\$19.61
			2211 - ISF - Information Technology		\$33.99

City Checks Issued November 9, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104645	11/09/2023			AXCIENT	\$135.00
	Invoice	Date	Description		Amount
	FY23INEFI152311	10/31/2023	October AppAssure storage		\$135.00
			2211 - ISF - Information Technology		
104646	11/09/2023			AXON ENTERPRISE INC.	\$958.75
	Invoice	Date	Description		Amount
	INUS198363	10/31/2023	Basic License Bundle		\$958.75
104647	11/09/2023			BAYSIDE OIL II INC.	\$130.00
	Invoice	Date	Description		Amount
	51626	10/11/2023	Waste oil recycling		\$130.00
104648	11/09/2023			BRENNAN HOWARD	\$45.85
	Invoice	Date	Description		Amount
	BH100623	10/06/2023	CSLSA meeting travel to airport		\$45.85
104649	11/09/2023			BROWNELLS INC.	\$582.04
	Invoice	Date	Description		Amount
	2023410665057	10/14/2023	Range Supplies		\$582.04
104650	11/09/2023			Bryan Pybas	\$180.00
	Invoice	Date	Description		Amount
	BP110523	11/05/2023	Instructor payment		\$180.00
104651	11/09/2023			CALIFORNIA COAST UNIFORM COMPANY	\$722.43
	Invoice	Date	Description		Amount
	93820	10/02/2023	532 Tie		\$10.85
	10757	11/01/2023	521 Tailoring Charges		\$12.00
	10752	11/01/2023	522 Tailoring Charges		\$24.00
	10756	11/01/2023	484 Tailoring and Embroidery Charges		\$56.00
	10758	11/01/2023	565 Tailoring Charges		\$15.00
	10755	11/01/2023	530 Tailoring Charges		\$16.00
	10759	11/01/2023	536 Uniform Shirt and Tailoring Charges		\$178.32
	10754	11/01/2023	528 Tailoring Charges		\$16.00
	10753	11/01/2023	563 Tailoring Charges		\$16.00
	10751	11/01/2023	527 Tailoring Charges		\$37.00
	10760	11/01/2023	Patches, Tailoring Charges and Embroidery C		\$341.26
104652	11/09/2023			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,104.50
	Invoice	Date	Description		Amount
	POA110323	11/03/2023	POA & gym dues PPE 10/28/23		\$1,104.50
			1001 - Payroll Payables		

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104653	11/09/2023			CHLOE WOODMANSEE	\$1,324.63
	Invoice	Date	Description		Amount
	CW102723	10/27/2023	MMANC Conference Reimbursement		\$1,324.63
104654	11/09/2023			CINTAS CORPORATION	\$190.01
	Invoice	Date	Description		Amount
	5182457650	11/02/2023	First Aid Replenishment		\$190.01
104655	11/09/2023			CLAUDIO FRANCA	\$247.00
	Invoice	Date	Description		Amount
	CF102923	10/29/2023	Instructor payment		\$247.00
104656	11/09/2023			CLEAN BUILDING MAINTENANCE CO.	\$9,464.92
	Invoice	Date	Description		Amount
	33299	10/31/2023	October janitorial services		\$9,464.92
104657	11/09/2023			CODE PUBLISHING COMPANY	\$446.50
	Invoice	Date	Description		Amount
	GC0012373	10/31/2023	Municipal code web update		\$446.50
104658	11/09/2023			CREATIVE PULTRUSIONS, INC.	\$65,437.01
	Invoice	Date	Description		Amount
	SLS99079559	09/18/2023	Wharf SuperPile		\$65,437.01
			1200 - Capital Improvement Fund		
104659	11/09/2023			CRYSTAL SPRINGS WATER CO.	\$504.25
	Invoice	Date	Description		Amount
	CSW103123	10/31/2023	October drinking water		\$504.25
104660	11/09/2023			CUSHMAN CONTRACTING CORP ESCROW #800131	\$45,410.00
	Invoice	Date	Description		Amount
	CCC#03retention	10/31/2023	October Wharf Project retainer		\$45,410.00
			1200 - Capital Improvement Fund		
104661	11/09/2023			CUSHMAN CONTRACTING CORPORATION	\$862,790.00
	Invoice	Date	Description		Amount
	CCC#03	10/31/2023	October Wharf Resiliency and Public Access		\$862,790.00
			1200 - Capital Improvement Fund		
104662	11/09/2023			CYNTHIA KASKEY	\$884.00
	Invoice	Date	Description		Amount
	CK110523	11/05/2023	Instructor payment		\$884.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104663	11/09/2023			D & G SANITATION	\$501.78
	Invoice	Date	Description	Amount	
	302180	10/31/2023	Skate park hand wash station, portable toilets	\$501.78	
104664	11/09/2023			DICKMAN-HINES LUMBER CO	\$96,550.83
	Invoice	Date	Description	Amount	
	2300997-IN	09/21/2023	Lumber for Wharf Phase 2 project 1200 - Capital Improvement Fund	\$96,550.83	
104665	11/09/2023			DPREP INC	\$375.00
	Invoice	Date	Description	Amount	
	BPS20231016-18	10/24/2023	585 Basic Peer Support Training	\$375.00	
104666	11/09/2023			ENTENMANN-ROVIN CO.	\$722.36
	Invoice	Date	Description	Amount	
	0177264-IN	10/23/2023	522, 532, 800 and 802 Badges	\$571.09	
	0177526-IN	11/02/2023	303 Badge	\$151.27	
104667	11/09/2023			ERGODIRECT INC	\$1,872.57
	Invoice	Date	Description	Amount	
	C7107425	10/17/2023	Office Master office chairs	\$1,872.57	
104668	11/09/2023			EWING IRRIGATION	\$378.51
	Invoice	Date	Description	Amount	
	20843174	10/17/2023	PVC parts, supplies	\$137.09	
	20973470	11/02/2023	G4 Trash gator handles	\$241.42	
104669	11/09/2023			EXCEEDIO	\$9,074.61
	Invoice	Date	Description	Amount	
	14633	11/01/2023	November IT services 2211 - ISF - Information Technology	\$9,074.61	
104670	11/09/2023			EXTREME TOWING	\$862.12
	Invoice	Date	Description	Amount	
	020144	10/23/2023	Tow for 23C-01300	\$862.12	
104671	11/09/2023			FERGUSON ENTERPRISES LLC #795	\$211.80
	Invoice	Date	Description	Amount	
	4659010	10/27/2023	Pipe couplings, light bulbs	\$211.80	
104672	11/09/2023			FLYERS ENERGY LLC	\$9,135.48
	Invoice	Date	Description	Amount	
	23-950276	10/24/2023	915 Gallons gasoline	\$4,834.03	
	23-950277	10/24/2023	208 Gallons diesel	\$1,230.44	
	23-958059	11/02/2023	607 gallons gasoline	\$3,071.01	

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104673	11/09/2023			GARDAWORLD	\$387.31
	Invoice	Date	Description		Amount
	10758808	11/01/2023	November 2023 Armored Transportation Serv		\$387.31
104674	11/09/2023			GEORGE McMENAMIN	\$2,672.99
	Invoice	Date	Description		Amount
	GM102523	10/25/2023	Oversight of crew removing plants and plantin		\$2,672.99
104675	11/09/2023			GEOSTABILIZATION INTERNATIONAL LLC	\$1,700.00
	Invoice	Date	Description		Amount
	23053501	09/19/2023	Capitola Bluff Regression Review		\$1,700.00
			1200 - Capital Improvement Fund		
104676	11/09/2023			HINDERLITER DELLAMAS AND ASSOCIATES	\$1,350.16
	Invoice	Date	Description		Amount
	SIN032530	09/30/2023	September TOT and STR admin fees		\$1,350.16
104677	11/09/2023			HOME DEPOT CREDIT SERVICES	\$1,623.80
	Invoice	Date	Description		Amount
	6524518	11/02/2023	Light LED string lights, extension cord		\$152.49
	0521509	10/19/2023	PVC parts, supplies		\$78.14
	9523838	10/30/2023	Hoses, blades, concrete primer, bar kit		\$198.54
	0614543	10/19/2023	Drill bit, 12 pack bolts		\$93.16
	0633981	10/29/2023	Black marker		\$1.19
	2513803	10/27/2023	Recycle bin, kneeling pad, paper towels		\$114.14
	8523986	10/31/2023	Cement, sponge, patcher		\$34.31
	3624501	10/26/2023	USB clamp fan kit, bucket, kellogg patio plus,		\$615.17
	2624649	10/27/2023	Sleeve anchors		\$26.43
	4624352	10/25/2023	Drill bits, anchor		\$73.07
	8970810	10/31/2023	Saw blades, wood shim, cement patcher, utilii		\$237.16
104678	11/09/2023			HUMBOLDT PETROLEUM LLC	\$17.00
	Invoice	Date	Description		Amount
	INV-100234	10/31/2023	Carwash Closing Date 10/31/2023		\$17.00
104679	11/09/2023			JAIME PONCIANO	\$290.13
	Invoice	Date	Description		Amount
	JP101923	10/19/2023	RADAR Operator Course (POST Plan IV)		\$290.13
104680	11/09/2023			KBA Document Solutions LLC	\$564.75
	Invoice	Date	Description		Amount
	55Y1408586	10/23/2023	City Hall Copier usage charges		\$552.59
	55Y1410614	11/01/2023	City Hall copier usage charges		\$12.16
			2211 - ISF - Information Technology		

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104681	11/09/2023			KING'S PAINT AND PAPER INC.	\$179.26
	Invoice	Date	Description		Amount
	5GZDN-1026CJ-S	10/26/2023	Paint, recycle tray, roller cover		\$179.26
104682	11/09/2023			KOSMONT COMPANIES	\$364.00
	Invoice	Date	Description		Amount
	2309.5-001	09/30/2023	Review mall retail sales trends		\$364.00
104683	11/09/2023			LINDE GAS & EQUIPMENT INC.	\$270.62
	Invoice	Date	Description		Amount
	39318448	11/07/2023	Cut Tips, goggles, glasses, gloves, wires		\$270.62
104684	11/09/2023			LIUNA PENSION FUND	\$1,164.80
	Invoice	Date	Description		Amount
	FP9402	11/03/2023	October LIUNA pension dues		\$1,164.80
			1001 - Payroll Payables		
104685	11/09/2023			LLOYD'S TIRE AND AUTO	\$1,610.36
	Invoice	Date	Description		Amount
	217170	10/25/2023	Tires, tire services		\$1,252.44
	217253	10/31/2023	Tires, tire services		\$357.92
104686	11/09/2023			LUKE'S SKATE LESSONS	\$810.00
	Invoice	Date	Description		Amount
	1004	10/31/2023	Group lesson for 16 kids on 10/27		\$480.00
	1005	11/06/2023	Group Skate Lesson		\$330.00
104687	11/09/2023			McMASTER-CARR SUPPLY COMPANY	\$2,465.11
	Invoice	Date	Description		Amount
	16898156	11/01/2023	Steel bars, tubes, steel wall thickness		\$2,465.11
104688	11/09/2023			MICHELLE DAVEY-OUSE	\$61.75
	Invoice	Date	Description		Amount
	MDO102923	10/29/2023	Instructor payment		\$61.75
104689	11/09/2023			MID COUNTY AUTO SUPPLY	\$98.09
	Invoice	Date	Description		Amount
	M-2352892	10/30/2023	Serpentine Belt		\$28.87
	M-2358603	11/03/2023	Gloves, saw blade wheel, clear sealer		\$69.22

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104690	11/09/2023			MISSION LINEN SUPPLY	\$397.18
	Invoice	Date	Description		Amount
	520308186	10/25/2023	Corp. Yard linen service		\$113.78
	520308185	10/25/2023	Fleet towels, uniform cleaning		\$34.50
	520266128	10/12/2023	Corp. Yard linen service		\$27.00
	520364987	11/01/2023	Corp. Yard linen service		\$140.78
	520355150	10/30/2023	Community Center mop and mat service		\$81.12
104691	11/09/2023			MISSION PRINTERS	\$322.05
	Invoice	Date	Description		Amount
	64775	11/03/2023	Regular envelopes		\$322.05
			2210 - ISF - Stores Fund		
104692	11/09/2023			MOFFATT AND NICHOL	\$20,454.62
	Invoice	Date	Description		Amount
	00783247	10/27/2023	Stockton Ave Bridge Repairs through 9/30/20		\$5,189.00
	00783425	11/02/2023	Wharf project services 10/1 - 10/28/2023		\$15,265.62
			1200 - Capital Improvement Fund		
104693	11/09/2023			MONTEREY BAY ANALYTICAL SERVICES INC	\$464.00
	Invoice	Date	Description		Amount
	230926_11	10/10/2023	Sample analysis		\$464.00
104694	11/09/2023			NATALIE XILONZOCHILT	\$164.34
	Invoice	Date	Description		Amount
	NX101823	10/18/2023	Peer Support Training (POST Plan IV)		\$164.34
104695	11/09/2023			NORTH BAY FORD	\$1,468.71
	Invoice	Date	Description		Amount
	290793	11/02/2023	Mirror assembly		\$319.40
	290761	10/31/2023	Dash bezel, core core		\$1,149.31
104696	11/09/2023			O'REILLY AUTO PARTS	\$654.98
	Invoice	Date	Description		Amount
	2763-390526	10/17/2023	Dollies		\$283.38
	2763-393365	10/31/2023	Rotor assembly		\$371.60

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104697	11/09/2023			OUTDOOR SUPPLY HARDWARE	\$1,236.74
	Invoice	Date	Description		Amount
	I35595	10/24/2023	Bulk Fasteners		\$54.63
	I32924	10/19/2023	Grease, 8hole loop, adapter, safety earphone		\$138.39
	I33465	10/20/2023	Threadlocker		\$41.41
	I32922	10/19/2023	Anchoring epoxy		\$35.96
	I35459	10/24/2023	Sand bags		\$59.90
	I35457	10/24/2023	Sand bags		\$35.94
	I32003	10/17/2023	Blade wheel, cutting wheel		\$24.81
	I35449	10/24/2023	Tube, weeding hoe, trowel, adapter, cutter, bu		\$175.11
	I36627	10/26/2023	All purpose sand		\$26.12
	I36857	10/27/2023	Markers, Soapstone, Hi vis gear		\$68.67
	I39867	11/02/2023	Bulk fasteners, cable, turnbuckle, sealant, cat		\$278.83
	I32460	10/18/2023	Bulk fastener, clipper set, tripod, countersink 1		\$57.67
	I35915	10/25/2023	Paint, roller, brush, bucket, drop cloth		\$183.73
	I36858	10/27/2023	Notch trowel, adhesive		\$55.57
104698	11/09/2023			PALACE BUSINESS SOLUTIONS	\$488.16
	Invoice	Date	Description		Amount
	697896-0	10/24/2023	Printing Paper and Envelopes		\$96.50
	698403-0	10/27/2023	Laminating Pouches		\$64.69
	698345-0	10/27/2023	Envelopes		\$280.84
	696554-0	10/10/2023	Sign here display		\$13.53
	698878-0	11/02/2023	Copier paper		\$32.60
		1000 - General Fund		\$455.56	
		2210 - ISF - Stores Fund		\$32.60	
104699	11/09/2023			PEDX COURIER & CARGO	\$68.00
	Invoice	Date	Description		Amount
	1288	10/05/2023	Plein Air Poster Distribution		\$68.00
104700	11/09/2023			PRINTING SYSTEMS INC	\$227.15
	Invoice	Date	Description		Amount
	229612	10/27/2023	Business License Envelopes		\$227.15
104701	11/09/2023			RACHEL TATE	\$817.74
	Invoice	Date	Description		Amount
	RT102523	10/25/2023	Racial & Identity Profiling Training (POST Pla		\$817.74

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104702	11/09/2023			ROBERT M PATTERSON	\$50.00
	Invoice	Date	Description		Amount
	RMP103023	10/30/2023	Administrative Reviews Billing Statement 10/30/2023		\$50.00
104703	11/09/2023			RYDIN DECAL	\$2,711.72
	Invoice	Date	Description		Amount
	PS-INV113459	10/27/2023	2024 Parking Permits		\$2,711.72
104704	11/09/2023			SAN LORENZO LUMBER	\$3,134.22
	Invoice	Date	Description		Amount
	55-0843264	10/25/2023	Laser, tripod, screws, float valve, steel blade		\$622.76
	55-0843190	10/25/2023	Pipes, plugs, adapter, bends, turns		\$80.73
	55-0842560	10/23/2023	Safety glasses, wedge, blue tarp		\$100.47
	55-0843007	10/24/2023	Wrap tape, fiberglass insulation tape, coupling		\$439.68
	55-0843454	10/26/2023	Bend, trowel, concrete mix, mortar mix		\$185.64
	55-0843468	10/26/2023	Redbars		\$33.22
	55-0843578	10/26/2023	Filled sandbags, gloves, bend		\$199.44
	55-0845772	11/03/2023	Saw blades, gloves, discs, safety glasses		\$64.79
	55-0843564	10/26/2023	Lumber		\$1,407.49
		1000 - General Fund		\$1,726.73	
		1200 - Capital Improvement Fund		\$1,407.49	
104705	11/09/2023			SANTA CRUZ AUTO PARTS INC.	\$101.17
	Invoice	Date	Description		Amount
	14508-481987	10/24/2023	Liner kits		\$101.17
104706	11/09/2023			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$3,782.88
	Invoice	Date	Description		Amount
	ZONEV-20230437	10/26/2023	Zone V pass through payment		\$3,444.48
	ZONEV-20230415	11/06/2023	Zone V pass through payment		\$338.40
104707	11/09/2023			SANTA CRUZ LIVE SCAN INC.	\$30.00
	Invoice	Date	Description		Amount
	2725	11/01/2023	New hire live scans		\$30.00
104708	11/09/2023			SANTA CRUZ SENTINEL	\$1,794.42
	Invoice	Date	Description		Amount
	0001392595	10/31/2023	October legal notices		\$1,794.42
104709	11/09/2023			SANTA CRUZ SIGNS	\$513.31
	Invoice	Date	Description		Amount
	302893	10/25/2023	PEO Vehicle Decals		\$513.31

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104710	11/09/2023			SECURITY CONTRACTOR SERVICES, INC	\$75.00
	Invoice	Date	Description	Amount	
	0315957-IN	10/24/2023	Fence rental Capitola Ave & San Jose Ave	\$75.00	
104711	11/09/2023			SECURITY CRIME PREVENTION CORP	\$200.00
	Invoice	Date	Description	Amount	
	3357	11/01/2023	October 2023 Prisoner Watch and Standby	\$200.00	
104712	11/09/2023			SIRCHIE	\$152.60
	Invoice	Date	Description	Amount	
	0616362-IN	10/24/2023	Evidence and Property Supplies	\$84.54	
	0617007-IN	10/27/2023	Evidence and Property Supplies	\$68.06	
104713	11/09/2023			SOQUEL CREEK WATER DISTRICT	\$617.91
	Invoice	Date	Description	Amount	
	10-16317-0102323	10/23/2023	10-16317-00 420 Capitola Ave. water	\$284.88	
	10-16315-0102323	10/23/2023	10-16315-00 504 Beulah Dr. water	\$58.59	
	10-16316-0102323	10/23/2023	10-16316-00 426 Capitola Ave. water	\$118.04	
	13-10919-0103023	10/30/2023	13-10919-00 2000 Wharf Road water service	\$114.68	
	34-18508-0103023	10/30/2023	34-18508-00 1510 McGregor Drive water serv	\$41.72	
104714	11/09/2023			SPECTRUM BUSINESS	\$3,754.38
	Invoice	Date	Description	Amount	
	170005701102123	10/21/2023	November internet service	\$3,754.38	
			1000 - General Fund	\$1,644.56	
			2211 - ISF - Information Technology	\$2,109.82	
104715	11/09/2023			STAPLES ADVANTAGE	\$356.95
	Invoice	Date	Description	Amount	
	3550254555	10/18/2023	Copier paper, binder	\$101.68	
	3550813603	10/25/2023	Pens, Shipping Tape, Mailers and Dust-Off	\$90.08	
	3551793263	11/02/2023	Utensils	\$165.19	
			1000 - General Fund	\$255.27	
			2210 - ISF - Stores Fund	\$101.68	
104716	11/09/2023			STATE STEEL COMPANY	\$530.02
	Invoice	Date	Description	Amount	
	128260	10/23/2023	Steel rods, pipes	\$530.02	

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104717	11/09/2023			SUMMIT UNIFORMS	\$590.62
	Invoice	Date	Description		Amount
	2874	09/20/2023	532 Uniforms		\$192.50
	2806	09/19/2023	528 Uniform Shirt		\$79.84
	4588	10/27/2023	532 Uniform Shirt		\$59.06
	CM 3908	10/31/2023	Credit Memo for 3908		(\$42.66)
	4929	11/04/2023	530 Uniform Shirts		\$150.94
	4928	11/04/2023	527 Uniform Shirts		\$150.94
104718	11/09/2023			TECHKNOWLEDGE GROUP	\$3,296.00
	Invoice	Date	Description		Amount
	QUOTER-1429	10/02/2023	Email Protection, Cloud Archiving Service, 12 2211 - ISF - Information Technology		\$3,296.00
104719	11/09/2023			THE HOME DEPOT PRO	\$1,747.54
	Invoice	Date	Description		Amount
	772367439	10/26/2023	Cleaning supplies		\$1,308.77
	772754149	10/25/2023	Tissue paper		\$438.77
104720	11/09/2023			TPX COMMUNICATIONS	\$1,653.53
	Invoice	Date	Description		Amount
	175298059-0	10/23/2023	October phone service		\$1,653.53
			1000 - General Fund	\$900.02	
			2211 - ISF - Information Technology	\$753.51	
104721	11/09/2023			TRANSPORTATION ALLIANCE BANK INC.	\$5,953.87
	Invoice	Date	Description		Amount
	680312	10/25/2023	GB set (4), filaments		\$1,753.64
	680408	11/01/2023	Pump control valve, gasket, orifice		\$4,200.23
			1310 - Gas Tax		
104722	11/09/2023			TRIAD ELECTRIC INC.	\$814.17
	Invoice	Date	Description		Amount
	89604	10/30/2023	Cameras for Capitola Wharf		\$814.17
104723	11/09/2023			UNITED RENTALS (NORTH AMERICA) INC.	\$194.02
	Invoice	Date	Description		Amount
	226293238-002	10/24/2023	Core Drill Electric rental		\$194.02
104724	11/09/2023			US BANK EQUIPMENT FINANCE	\$489.41
	Invoice	Date	Description		Amount
	514044932	10/25/2023	City Hall Copier Lease		\$174.40
	514306927	10/29/2023	City Hall Copier Lease		\$315.01
			2210 - ISF - Stores Fund		

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104725	11/09/2023			US BANK PARS Acct 6746022400	\$580.25
	Invoice	Date	Description		Amount
	PARS110323	11/03/2023	PARS contributions PPE 10/28/23		\$580.25
			1001 - Payroll Payables		
104726	11/09/2023			VERITONE INC.	\$1,200.00
	Invoice	Date	Description		Amount
	537249	10/17/2023	Redact Application Annual License Fee for 10		\$1,200.00
104727	11/09/2023			WATSONVILLE BLUEPRINT	\$1,004.69
	Invoice	Date	Description		Amount
	113432	10/23/2023	Capitola Road Project Plan		\$37.91
	113331	10/13/2023	Blueprint prints		\$31.28
	113171	10/03/2023	4610 Crystal St Plans Printing		\$27.71
	113652	11/06/2023	Community Center Plan Blueprints Printing		\$907.79
104728	11/09/2023			Ford, Jennifer	\$605.25
	Invoice	Date	Description		Amount
	JF110723	11/07/2023	Tow Refund for 23C-01263		\$605.25
104729	11/09/2023			MICHAEL WHITE	\$500.00
	Invoice	Date	Description		Amount
	MW103123	10/31/2023	Tree Deposit Refund #23-0394		\$500.00
Type Check Totals:					\$1,196,728.04
<u>EFT</u>					
1614	11/01/2023			CalPERS Health Insurance	\$70,064.31
	Invoice	Date	Description		Amount
	1002479726	10/16/2023	November health insurance		\$70,064.31
			1000 - General Fund	\$4,199.43	
			1001 - Payroll Payables	\$65,864.88	
1622	11/06/2023			CalPERS Member Services Division	\$64,582.40
	Invoice	Date	Description		Amount
	1002488463-6	11/03/2023	PERS contributions PPE 10/28/23		\$64,582.40
			1000 - General Fund	\$0.34	
			1001 - Payroll Payables	\$64,582.06	
1623	11/06/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$11,827.77
	Invoice	Date	Description		Amount
	0-963-202-064	11/03/2023	State taxes PPE 10/28/23		\$11,827.77
			1001 - Payroll Payables		

City Checks Issued November 9, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1624	11/06/2023			INTERNAL REVENUE SERVICE	\$38,092.61
	Invoice	Date	Description		Amount
	13027072	11/03/2023	Federal taxes & Medicare PPE 10/28/23		\$38,092.61
			1001 - Payroll Payables		
1625	11/06/2023			STATE DISBURSEMENT UNIT	\$1,662.91
	Invoice	Date	Description		Amount
	46041295	11/03/2023	Employee garnishments PPE 10/28/23		\$1,662.91
			1001 - Payroll Payables		
1626	11/06/2023			VOYA FINANCIAL	\$7,228.43
	Invoice	Date	Description		Amount
	VOYA110323	11/03/2023	Employee garnishments PPE 10/28/23		\$7,228.43
			1001 - Payroll Payables		

Type EFT Totals: \$193,458.43

Main City Totals	Count	Total
Checks	91	\$1,196,728.04
EFTs	6	\$193,458.43
All	97	\$1,390,186.47

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	108	\$203,279.20
All	108	\$203,279.20

Grand Totals:	Count	Total
Checks	91	\$1,196,728.04
EFTs	114	\$396,737.63
All	205	\$1,593,465.67

Capitola City Council

Agenda Report



Meeting: November 9, 2023

From: City Manager's Department

Subject: Amendments to Title 2: Administration and Personnel

Recommended Action: Adopt an ordinance of the City of Capitola amending Chapters 2.04 and 2.08 of the Capitola Municipal Code.

Background: On October 26, 2023, the City Council unanimously approved the introduction of the draft ordinance.

Discussion: Staff conducted a review of the entirety of Title 2: Administration and Personnel. Below is a summary of edits recommended by staff.

- **Chapter 2.04 Section 4: City Council:** Updated language throughout this Chapter to reflect the change from Mayor Pro Tempore to Vice Mayor, updated adjournment time to reflect current practice, and added a new section to outline ways the public can participate during meetings (consistent with current practice). Removed language regarding the appointment of Standby City Council Members; this practice hasn't been followed and may not be consistent with the City's goals of transparency and community involvement.
- **Chapter 2.04 Section 7: City Attorney:** Updated to reflect current powers and duties.
- **Chapter 2.04 Section 9: Public Works:** Updated language regarding the appointment of the Public Works Director. This section has not been updated since 1974.
- **Chapter 2.04 Section 11: Director of Finance:** Updated to remove Redevelopment Agency (RDA) from annual financial reports, as the RDA was dissolved in 2022.
- **Chapter 2.08: City Manager:** Updated bond requirements to align with Chapter 2.04.080, removed dissolved commission names from 2.08.230.

The recommended changes to the Municipal Code will replace Administrative Policy I-15: Agenda Preparation. Following adoption of the proposed ordinance, Administrative Policy I-15: Agenda Preparation will be administratively repealed.

Fiscal Impact: There is no fiscal impact associated with this ordinance.

Attachments:

1. Ordinance
2. Title 2: Administration and Personnel

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING CHAPTER 2.04, ADMINISTRATION, AND CHAPTER 2.08, CITY MANAGER, OF THE CITY OF CAPITOLA MUNICIPAL CODE REGARDING ADMINISTRATION AND PERSONNEL

WHEREAS, regular review of municipal codes is recommended as a best practice and can identify outdated or ineffective provisions; and

WHEREAS, staff conducted a review of Title 2, Administration and Personnel, and found areas they recommended to update; and

WHEREAS, the City of Capitola has an interest in ensuring that the municipal code remains up-to-date and understandable for members of the public, staff, and the City Council; and

WHEREAS, the City Council desires to implement changes to the language in Chapters 2.04 and 2.08.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Title 2: Administration and Personnel is amended as shown in Exhibit A.

Section 3. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 4. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 5. Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 26th day of October, 2023, and was adopted at a regular meeting of the City Council on the 9th day of November, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margaux Keiser, Mayor

Attest: _____
Julia Gautho, City Clerk

Approved as to form:

Samantha W. Zutler, City Attorney

Exhibit A

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Administration (Amended)**
- 2.08 City Manager (Amended)**
- 2.12 Planning Commission**
- 2.16 Planning Department**
- 2.18 Mobile Home Park Rent Stabilization**
- 2.20 Health Officer**
- 2.24 Conflict of Interest**
- 2.28 Public Museum**
- 2.32 Peace Officer Training**
- 2.40 Unclaimed Property**
- 2.44 Personnel System**
- 2.48 Retirement System**
- 2.52 Appeals to City Council**
- 2.56 Art and Cultural Commission**
- 2.58 Funding The Public Art Program**
- 2.60 Military Equipment Use**

Chapter 2.04

ADMINISTRATION

Sections:

I. Organization

- 2.04.010 Categories.
- 2.04.015 Term limits for elected officials.
- 2.04.020 Powers and duties of department heads.

II. City Boards and Commissions Policies

- 2.04.030 Authority to establish.
- 2.04.040 City council referrals.
- 2.04.060 City personnel use.
- 2.04.070 *Repealed.*

III. Bonds

- 2.04.080 Bonds.
- 2.04.090 *Repealed.*
- 2.04.100 *Repealed.*

IV. City Council

- 2.04.110 Regular meetings.
- 2.04.120 Special meetings.
- 2.04.130 Council chambers.
- 2.04.140 Agenda.
- 2.04.150 Selection of the mayor (presiding officer).
- 2.04.160 ~~Mayor pro tempore~~ Vice mayor.
- 2.04.165 Appointment of standby city council members.
- 2.04.170 Conduct of meeting.
- 2.04.180 Quorum/action.
- 2.04.190 Order of business.
- 2.04.200 Reading of minutes.
- 2.04.210 Rules of debate.
- 2.04.220 Addressing council – Permission required.
- 2.04.230 Addressing council – After motion made.
- 2.04.240 Addressing council – Manner.
- 2.04.250 Voting.
- 2.04.260 Adjournment – Time and date continued.
- 2.04.270 Adjournment – When in order.
- 2.04.275 City council member salary.
- 2.04.280 Administrative procedures.
- 2.04.285 *Repealed.*

V. City Manager

- 2.04.290 Office established.
- 2.04.300 Powers and duties.

VI. City Clerk

- 2.04.310 Office created.

2.04.320 Powers and duties.

VII. City Attorney

2.04.330 Office created.

2.04.340 Powers and duties.

VIII. City Treasurer

2.04.350 Office created.

2.04.360 Powers and duties.

2.04.365 Appointment.

IX. Department of Public Works

2.04.370 Created.

2.04.380 Director – Appointment.

2.04.390 Director – Powers and duties.

X. Department of Police

2.04.450 Created.

2.04.460 Chief – Appointment.

XI. Director of Finance

2.04.600 Powers and duties.

I. Organization

2.04.010 Categories.

The governmental forces of the city shall be organized into the following categories:

A. Elective. The elective offices of the city of Capitola are the city council members.

B. The city treasurer and such city boards and commissions as are established by city council ordinance or resolution. Such boards and commissions shall have the powers and duties expressly set forth in the enabling ordinance or resolution and shall also advise the city council on matters related to the explicit function of the board or commission.

C. City Manager and City Departments. Capitola shall be administered as a city manager form of government. It shall have such administrative departments as are set forth in this chapter and as are hereafter created by ordinance or resolution. Unless a power or duty is explicitly vested in an identified city employee, all city employees are expected to function in accordance with the instruction of their department heads, and department heads are expected to function in accordance with the instructions they receive from the city manager. (Ord. 1025 § 1 (part), 2018; Ord. 830 § 1, 2001; Ord. 375 § 1, 1974)

2.04.015 Term limits for elected officials.

City council members shall serve a maximum of two elected terms consecutively. Upon completion of a second consecutive elected term, the term-limited city council member shall be eligible to seek reelection to the city council for a term commencing no earlier than two years after the second consecutive term has been completed. Nothing herein shall be construed to limit the city council's discretion to appoint an individual to fill a city council seat which has been vacated due to resignation, death, disqualification or other cause. (Ord. 1025 § 1 (part), 2018; Ord. 844 § 1, 2002)

2.04.020 Powers and duties of department heads.

The heads of the various departments established by this chapter shall have the following general powers, duties and responsibilities:

- A. To organize the department into the divisions established by this chapter in such a manner as to efficiently perform the functional responsibilities allocated. For this purpose, the department head may create such sections and subunits within such division as deemed necessary;
- B. To make recommendations regarding recruiting, disciplining and discharging of departmental personnel in accordance with any personnel rules and regulations of the city;
- C. To efficiently utilize available manpower;
- D. To keep correct attendance records on each employee for payroll purposes, and to submit such other information as required for the proper maintenance of individual personnel records, including leaves of absence, job efficiency and personal conduct;
- E. To administer the departmental budget and permit no purchase requisitions to be issued, or other expense incurred, unless an appropriation therefor has been duly authorized;
- F. Department heads shall attend meetings of the council when required;
- G. Department heads shall attend meetings of their respective boards and commissions. They shall serve as secretary and keep records of such commissions when so requested;
- H. Department heads shall carry on an active public relations program for their respective services, including the publication of educational reports and brochures, the promotion of authorized objectives, and the making of public addresses when the occasion so requires;
- I. Department heads shall recommend and administer internal rules and regulations for the proper conduct of personnel and the efficient handling of the department's duties and functions;
- J. They shall discharge such other duties as may be assigned by the city manager or required by the ordinances, resolutions or official orders of the city council. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

II. City Boards and Commissions Policies

2.04.030 Authority to establish.

The council may establish appropriate boards, commissions and committees by ordinance, resolution or minute order. (Ord. 830 § 1, 2001)

2.04.040 City council referrals.

The city council may refer an item to a board, commission, or advisory body by motion, passed by a simple majority, at a noticed public meeting. (Ord. 1038 § 3, 2020)

2.04.060 City personnel use.

The various boards and commissions may utilize the services of the appropriate city departmental personnel in carrying out their respective functions subject to the administrative control of the city manager. (Ord. 375 (part), 1974)

2.04.070 Policy adoption.

Repealed by Ord. 1038. (Ord. 375 (part), 1974)

III. Bonds

2.04.080 Bonds.

The bonding requirements of Government Code Section 36518 shall be fulfilled by a government crime insurance policy. (Ord. 1038 § 1 (part), 2020; Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.090 Blanket bond.

Repealed by Ord. 1038. (Ord. 375 (part), 1974)

2.04.100 Terms.

Repealed by Ord. 1038. (Ord. 375 (part), 1974)

IV. City Council

2.04.110 Regular meetings.

A. Time. Regular meetings of the city council generally shall be held on the second and fourth Thursday of each month. Any other regular meetings may be in accordance with Government Code Sections 54954 and 54955. Each year, the city council will adopt the regular meeting calendar dates and times by resolution.

B. Place. All regular meetings of the council shall be convened in the council chambers in the City Hall, 420 Capitola Avenue, Capitola, California. If, by reason of a natural disaster, emergency, or other event that makes it unsafe to meet in the place designated, the meetings may be held for the duration of the event at such place as is designated by the presiding officer of the council.

C. Public. Meetings of the council shall be open as required by the Brown Act (Government Code Sections 54950, et seq.), or other applicable law. (Ord. 1038 § 1 (part), 2020; Ord. 920 § 1, 2007; Ord. 830 § 1, 2001; Ord. 456, 1979; Ord. 375 (part), 1974)

2.04.120 Special meetings.

Special meetings of the city council shall be held under the conditions and in the manner set forth in the Brown Act. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.130 Council chambers.

The room designated as the city council chambers at 420 Capitola Avenue in the city, is fixed as the place of regular and special meetings of the city council, and such council chambers and the adjacent offices and rooms used and occupied by the city clerk and administrative officers of the city, shall henceforth be known and designated as the city hall of the city. (Ord. 375 (part), 1974)

2.04.140 Agenda.

The following have authority to place a matter on the council agenda:

A. The mayor or any member of the city council with the condition that the proposed agenda item be requested at an open city council meeting;

B. The city manager;

C. The city council may, after the seventy-two-hour agenda-posting deadline has expired, add items to the agenda in the manner provided in Government Code Section 54954.2(b);

D. Repealed by Ord. 1038.

E. The city treasurer, city clerk, or city attorney, provided the subject is reasonably related to their powers and duties and concerns a subject upon which the council has authority to act.

Other persons must direct their agenda requests to the city council (at council meetings), the mayor, or the city manager. Agendas shall otherwise be prepared under the direction of the city manager and shall be posted, noticed and distributed in accordance with the Brown Act. For purposes of Government Code Section 54954.2(a), agendas shall be posted in the entrance area to the city council chambers. (Ord. 1038 § 1 (part), 2020; Ord. 999 § 1, 2015; Ord. 919 § 1, 2007; Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.150 Selection of the mayor (presiding officer).

A. Each year the city council shall select a mayor and vice mayor ~~pro-tempore~~. During years with a general election, such selection shall be made at the meeting at which the declaration of the election results for a general municipal election is made. During years without a general election, such selection shall be made approximately one year after the prior selection.

B. The mayor, or ~~mayor pro tempore~~ vice mayor, may be replaced if at least three council members vote for the removal of the mayor, or ~~mayor pro tempore~~ vice mayor, at a noticed city council meeting. (Ord. 1038 § 1 (part), 2020; Ord. 768, 1994; Ord. 375 (part), 1974)

2.04.160 Vice Mayor pro tempore.

In case of the temporary absence or inability of the mayor to act as presiding officer the vice mayor pro tempore shall preside. In case of the absence or disability of both the mayor and vice mayor pro tempore the council shall elect one of its members to act as vice mayor pro tempore. Upon the arrival of the mayor, the vice mayor pro tempore shall relinquish the chair upon the conclusion of the business immediately before the council. (Ord. 375 (part), 1974)

2.04.165 Appointment of standby city council members. (Repealed)

~~Government Code Sections 8635 and following provide that the city council shall have the authority to appoint up to three standby city council members per council position. Such standby members would serve as city council persons in the event that a council member is "unavailable" in an "emergency" as those words are defined in the California Emergency Services Act. Each council member may nominate from one to three persons to serve as his or her standby members. In making that nomination, the council member shall follow the criteria of Government Code Section 8639 which reads as follows:~~

~~Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.~~

~~The duties of such standby council members shall be as set forth in Government Code Section 8641. To become effective the nomination must be approved by the city council, and the nominee must take the oath of office. Terms of office and method of removal shall be as provided in Government Code Section 8640. (Ord. 782, 1995) Repealed.~~

2.04.170 Conduct of meeting.

The mayor, or in his or her absence, the vice mayor pro tempore, shall take the chair at precisely the hour appointed for the meeting and shall immediately call the council to order. The mayor or ~~mayor pro tempore~~ vice mayor shall preserve strict decorum at all regular and special meetings of the council. He or she shall state every question coming before the council, call for the vote, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which a majority vote of the council shall govern and conclusively determine such question of order. (Ord. 375 (part), 1974)

2.04.180 Quorum/action.

A majority of the entire membership of the council shall constitute a quorum to do business. A majority of that quorum may act on matters before the council, unless a city ordinance or state law requires a greater number. When less than the full council is present and there is a tie vote, the chair, unless overridden by a majority of present council members, may continue the matter to another meeting. When there is a tie council vote on an appeal from a board or commission action, unless the matter is continued, the appeal will be deemed denied and the board or commission action becomes final. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.190 Order of business.

The chair, ~~subject to the concurrence of the council~~, may vary the sequence of business from that shown on the posted agenda. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.200 Reading of minutes.

Unless the reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if the clerk has previously furnished each member with a copy thereof. (Ord. 375 (part), 1974)

2.04.210 Rules of debate.

A. Presiding Officer May Debate. The mayor or ~~mayor pro tempore~~ vice mayor may debate from the chair, subject only to such limitations of debate as are imposed upon all members by the rules set forth in this section.

B. Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

C. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.

D. Privilege of Closing Debate. The councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E. Remarks of Councilmember. A councilmember may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered; provided, however, any council member without council consent shall have the right to have the reasons for his or her dissent from, or protest against, any action of the council entering in the minutes.

F. Synopsis of Debate. The city clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

G. Rules of Order. Except as otherwise provided in this chapter, the rules of order that govern the conduct of the meetings of the city council and other city advisory bodies shall be those rules of order designated by city council resolution. (Ord. 914 § 1, 2007; Ord. 375 (part), 1974)

2.04.220 Addressing council – Permission required.

Any person desiring to address the council at a meeting shall first secure the permission of the presiding officer to do so; provided, however, that under the heading oral communications, after being recognized by the presiding officer, interested parties or their authorized representatives may address the council on matters concerning their interests. (Ord. 1038 § 1 (part), 2020; Ord. 375 (part), 1974)

2.04.230 Addressing council – After motion made.

After a motion is duly made and seconded by the council, no person other than a member of the council shall address the council without first securing the permission of a majority of the council to do so. This address, upon the subject to be voted upon, may not exceed three minutes duration and no person may speak more than once at this time. (Ord. 375 (part), 1974)

2.04.240 Addressing council – Manner.

Each person addressing the council shall be requested to give his or her name and address in an audible tone of voice for the records. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without permission of the presiding officer. No question shall be asked a councilmember or staff member, except through the presiding officer. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.250 Voting.

No member of the council shall be allowed to explain his or her vote or discuss the question while the roll is being called, and no member shall be allowed to change his or her vote after the vote is announced by the presiding officer. (Ord. 375 (part), 1974)

2.04.260 Adjournment – Time and date continued.

The council may adjourn any regular, adjourned or special meeting to a time and place specified in the order for adjournment. Whenever an order for adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be at seven-six p.m. on the day specified in the order for adjournment. All matters may be considered and passed upon at such adjourned meetings as could have been considered and passed upon at the meetings from which such adjournments were taken and shall be deemed to be a continuation of the meeting from which the adjournment was taken. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.270 Adjournment – When in order.

A motion to adjourn, except during roll call, shall always be in order and decided without debate. When a motion is made and seconded to adjourn, it shall be in order for the presiding officer before putting the question, to permit any member to state any fact to the council relating to the condition of the business of the council which would seem to render it improper to adjourn at that time. Such statement shall not be debatable and shall not be of more than two minutes duration. (Ord. 375 (part), 1975)

2.04.275 City council member salary.

Pursuant to California Government Code Section 36516, commencing December 2022 the salary for city council members shall be six hundred and sixty dollars per month and may be adjusted in accordance with state law. Such salary shall be payable in the same manner as salaries are paid to other officers and employees of the city. (Ord. 1054 § 2, 2022; Ord. 1032 § 2, 2019; Ord. 901 § 2, 2006)

2.04.280 Administrative procedures.

A. The administrative procedures of the city shall be established through formal documents approved by the city manager.

B. In the absence of established administrative procedures, the appropriate department head may establish an interim procedure pending the formal action of the city manager on the subject provided that the procedure has been submitted to the city manager's office for later review.

C. In cases of conflict between such administrative procedure and: state law, federal law, council resolution, council ordinance or council policy adopted pursuant to Section 2.04.070, the latter shall supersede the administrative procedure. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.285 Redevelopment agency.

Repealed by Ord. 1038. (Ord. 505 §§ 1 – 4, 1981)

2.04.290 Public Participation at Meetings.

The chair of the meeting may establish a uniform time limit for public comments.

A. Comments on Non-Agendized Items: members of the public may address the City Council on any consent item, or on any topic within the subject matter jurisdiction of the City Council that is not on the general government or public hearing section of the agenda, during the oral communications portion of the agenda. Individuals may not speak more than once during oral communications. All speakers must address their comments to the City Council. the entire legislative body and will not be permitted to engage in dialogue.

B. Comments on ~~On~~-Agendized Items: members of the public may address the city council on any general government or public hearing item following staff's presentation and council questions during the public comment period on that particular item. Individuals may not speak more than once during the public comment period. All speakers must address their comments to the City Council. the entire legislative body and will not be permitted to engage in dialogue.

A.C. Removing an Item from Consent: Any Council Member may pull an item from the consent calendar by motion. Items pulled from the consent calendar will be considered following general government items.

V. City Manager

2.04.290 Office established.

The office of city manager is established by Chapter 2.08. (Ord. 375 (part), 1974)

2.04.300 Powers and duties.

The powers, duties and responsibilities of the city manager shall be set forth in Chapter 2.08. In addition to those responsibilities therein set forth it shall be his or her responsibility to cause to be prepared administrative manuals setting forth administrative rules, regulations and procedures necessary for the proper functioning of a coordination

The Capitola Municipal Code is current through Ordinance 1061, passed June 22, 2023.

among all departments of city government. These administrative manuals shall be consistent with the provisions of the code and city ordinance. (Ord. 375 (part), 1974)

VI. City Clerk

2.04.310 Office created.

The office of city clerk is established pursuant to Government Code Sections 40800 through 40814 subject to the modifications set forth in Section 2.04.600. This office shall be under the direct control of the city clerk as to statutory duties but subject to the general administrative direction of the city manager. (Ord. 830 § 1, 2001; Ord. 375 (part), 1974)

2.04.320 Powers and duties.

The powers and duties of the city clerk shall be as set forth in applicable Government Code sections. (Ord. 375 (part), 1974)

2.04.330 Insurance and Claims.

Process all insurance matters and claims against the city.

VII. City Attorney

2.04.330 Office created.

The office of the city attorney is created pursuant to Government Code Sections 41800 through 41804. (Ord. 375 (part), 1974)

2.04.340 Powers and duties.

The powers and duties of the city attorney are set forth in Government Code Sections 41801 through 41804. In addition to those powers and duties therein set forth, the city attorney shall be responsible for and be required to:

A. Legislation. Keep the council and city manager informed as to all legislation affecting the city government;

~~B. Insurance and Claims. Process all insurance matters and claims against the city;~~

C. Meetings. Attend designated meetings of boards, commissions and special committees of the city government, and represent city departments and offices before state and local courts, boards or commissions when there is opposing counsel;

D. Proposed Legislation. Prepare and promote state and federal legislation proposed by the city;

E. Annexation Proceedings. Process all annexation proceedings;

F. Ordinance Summaries. For any ordinance, which is lengthy and which can be adequately summarized, the city attorney is empowered to prepare, as an alternative to publishing the full text of the proposed ordinance, a summary in the manner set forth in Government Code Section 36933. (Ord. 591, 1985; Ord. 375 (part), 1974)

VIII. City Treasurer

2.04.350 Office created.

The office of city treasurer is created pursuant to Government Code Sections 41001 through 41007. (Ord. 1028 § 1 (part), 2019; Ord. 375 (part), 1974)

2.04.360 Powers and duties.

The powers and duties of the city treasurer shall be as set forth in applicable Government Code sections. (Ord. 1028 § 1 (part), 2019; Ord. 375 (part), 1974)

2.04.365 Appointment.

The city manager shall nominate a city treasurer for consideration by the city council, which may appoint the nominee with a majority vote. (Ord. 1028 § 1 (part), 2019)

IX. Department of Public Works

2.04.370 Created.

The department of public works is created. (Ord. 375 (part), 1974)

2.04.380 Director – Appointment.

The director of public works shall be the head of the department of public works and shall be appointed by the city manager. ~~The city manager shall serve as director of public works until such time as the growth and expansion of city services demands an increase in staff and personnel in this office.~~ (Ord. 375 (part), 1974)

2.04.390 Director – Powers and duties.

In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the director of public works to act to secure and preserve the physical properties of the city and to direct and control all the functions assignable to this department. The director of public works shall:

- A. Public Works and Utilities. Supervise the construction, inspection maintenance and operation of the city's public works;
- B. Buildings and Installations. Direct and be responsible for the proper maintenance of city-owned buildings and installations which are not directly assigned to another department or office or which may be assigned by the city manager;
- C. Laws and Regulations. Enforce the laws, ordinances and regulations relating to work done in public streets, easements and rights-of way;
- D. Engineering Work. Perform or direct all phases of engineering work required in connection with the functions of the city;
- E. Contract Work. Approve for acceptance after proper inspection all contract work let by the city affecting streets, alleys;
- F. Other Duties. Perform such other duties as may be required by the city manager. (Ord. 357 (part), 1974)

X. Department of Police

2.04.450 Created.

The department of police is created. (Ord. 375 (part), 1974)

2.04.460 Chief – Appointment.

The police department shall be under the direct supervision of a chief of police who shall be appointed by the city manager. (Ord. 375 (part), 1974)

XI. Director of Finance

2.04.600 Powers and duties.

The power and duties of the director of finance are as follows:

- A. With respect to the city's accounting and necessarily related matters, the director of finance shall act within the official and professional rules of his or her profession and may not be directed to act contrary to those rules.
- B. The director of finance prepares, or supervises preparation of, the city ~~and redevelopment agency~~'s annual financial report(s); oversees annual independent audits; and interfaces with independent auditor(s).
- C. The director of finance conducts, directs and/or oversees all investigative and corrective accounting projects.
- D. As requested, the director of finance advises and consults with the city treasurer on accounting and financial matters relative to his or her office. The director of finance is not staff to the city treasurer, but works closely with and assists that office. The director of finance may serve as the city treasurer.

E. “Finance” and “financial” primarily refers to accounting, reporting and information management aspects of city/agency fiscal activities and procedures related to those activities. It does not include providing advice as to the social desirability of any proposed expenditure over another.

F. Pursuant to Government Code Section 37209, the director of finance shall have the powers and duties otherwise vested in the city clerk under the Government Code Sections 37203, 37205, 37207, 37208, 40802 and 40804. (Ord. 1028 § 1 (part), 2019; Ord. 830 § 1, 2001)

Chapter 2.08
CITY MANAGER

Sections:

- 2.08.010 Office created.
- 2.08.020 Residence.
- 2.08.030 Council member eligibility.
- 2.08.040 Bond.
- 2.08.050 Acting city manager.
- 2.08.060 Compensation.
- 2.08.065 Exemption from civil service.
- 2.08.070 Powers and duties.
- 2.08.080 Law enforcement.
- 2.08.090 Authority over employees.
- 2.08.100 Power of appointment and removal.
- 2.08.110 Administrative reorganization of officers.
- 2.08.120 Ordinances.
- 2.08.130 Attendance at council meetings.
- 2.08.140 Financial reports.
- 2.08.150 Budget.
- 2.08.160 Purchasing agent.
- 2.08.170 Investigations and complaints.
- 2.08.180 Public buildings.
- 2.08.190 Hours of employment.
- 2.08.200 Additional duties.
- 2.08.210 Internal relations with council.
- 2.08.220 Departmental cooperation.
- 2.08.230 Attendance at commission meetings.
- 2.08.240 At-will employment.

2.08.010 Office created.

The office of the city manager of the city is created and established. The city manager shall be appointed by the city council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council. (Ord. 990 § 1 (part), 2014; Ord. 308 § 1, 1968)

2.08.020 Residence.

Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within one hundred eighty days thereafter the city manager must become a resident of the county of Santa Cruz. (Ord. 990 § 1 (part), 2014; Ord. 308 § 2, 1968)

2.08.030 Council member eligibility.

No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such council member has ceased to be a member of the city council. (Ord. 990 § 1 (part), 2014; Ord. 308 § 3, 1968)

2.08.040 ~~Bond.~~

~~The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city. (Ord. 990 § 1 (part), 2014; Ord. 308 § 4, 1968) Repealed to align with Chapter 2.04.080. Repealed by Ord. _____, 2023.~~

2.08.050 Acting city manager.

The assistant city manager shall serve as manager pro tempore during any temporary absence or disability of the city manager. In the event there is no assistant city manager, the city manager, by a letter filed with the city clerk, shall designate a qualified city administrative officer to exercise the powers and perform the duties of manager during his or her temporary absence or disability. In the event the city manager's absence or disability extends over a six-month period, the city council may, after the six-month period, appoint an acting city manager. (Ord. 990 § 1 (part), 2014; Ord. 308 § 5, 1968)

2.08.060 Compensation.

The city manager shall receive such compensation and expense allowances as the city council from time to time determines, and said compensation and expenses shall be a proper charge against such funds of the city as the city council designates.

In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred by him or her in the performance of his or her official duties, including those incurred when traveling on business pertaining to the city; reimbursement shall only be made, however, when an itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to and approved by the mayor. (Ord. 990 § 1 (part), 2014; Ord. 308 § 6, 1968)

2.08.065 Exemption from civil service.

The city manager is excluded from civil service or personnel system of the city, and the city manager shall not be entitled to the benefits, advantages or protection of the civil service or personnel system and shall not be subject to the procedures outlined or prevailing to such system. (Ord. 990 § 1 (part), 2014)

2.08.070 Powers and duties.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. The city manager shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to these general powers and administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in Sections 2.08.080 through 2.08.200. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7, 1968)

2.08.080 Law enforcement.

It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.1, 1968)

2.08.090 Authority over employees.

It shall be the duty of the city manager and he or she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his or her jurisdiction through their department heads. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.2, 1968)

2.08.100 Power of appointment and removal.

It shall be the duty of the city manager to, and he or she shall, appoint, remove, promote and demote any and all officers and employees of the city except the city attorney subject to all applicable personnel ordinances, rules and regulations. (Ord. 1028 § 2, 2019; Ord. 990 § 1 (part), 2014; Ord. 308 § 7.3, 1968)

2.08.110 Administrative reorganization of officers.

It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.4, 1968)

2.08.120 Ordinances.

It shall be the duty of the city manager and he or she shall recommend to the city council for adoption such measures and ordinances as he or she deems necessary. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.5, 1968)

2.08.130 Attendance at council meetings.

It shall be the duty of the city manager to attend all meetings of the city council unless excused therefrom by the mayor individually or city council as a whole, except when his or her removal is under consideration. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.6, 1968)

2.08.140 Financial reports.

It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.7, 1968)

2.08.150 Budget.

It shall be the duty of the city manager to prepare and submit the proposed annual budget to the city council for its approval. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.8, 1968)

2.08.160 Purchasing agent.

It shall be the duty of the city manager and he or she shall be responsible for the purchase of all supplies and services for all the departments or divisions of the city in accordance with city purchasing policy. The city manager shall make no purchase exceeding twenty-five thousand dollars without prior city council approval. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.9, 1968)

2.08.170 Investigations and complaints.

It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government in regard to the service maintained by public utilities in the city. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.10, 1968)

2.08.180 Public buildings.

It shall be the duty of the city manager and he or she shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city council. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.11, 1968)

2.08.190 Hours of employment.

It shall be the duty of the city manager to devote his or her entire time to the duties of his or her office and in furthering the interests of the city. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.12, 1968)

2.08.200 Additional duties.

It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution or other official action of the city council. (Ord. 990 § 1 (part), 2014; Ord. 308 § 7.13, 1968)

2.08.210 Internal relations with council.

The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager. (Ord. 990 § 1 (part), 2014; Ord. 308 § 8, 1968)

2.08.220 Departmental cooperation.

It shall be the duty of all subordinate officers and the city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously. (Ord. 990 § 1 (part), 2014; Ord. 308 § 8.1, 1968)

2.08.230 Attendance at commission meetings.

The city manager may attend any and all meetings of the planning commission, ~~recreation and park commission~~, and any other commissions, boards or committees created by the city council, upon his or her own volition or upon direction of the city council. At such meetings which the city manager attends, he or she shall be heard by such

commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof, and he or she shall inform said members as to the status of any matter being considered by the city council, and he or she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (Ord. 990 § 1 (part), 2014; Ord. 308 § 8.2, 1968)

2.08.240 At-will employment.

The city manager shall be an at-will employee, who may be removed from office, or his or her authority temporarily suspended, at the sole discretion of the majority vote of the whole city council, subject to any such restrictions as are specifically set forth in the city manager's contract of employment. (Ord. 990 § 1 (part), 2014; Ord. 818 § 1, 2000; Ord. 308 § 9, 1968)

Chapter 2.12

PLANNING COMMISSION

Sections:

- 2.12.010 Members – Number.
- 2.12.020 Appointment.
- 2.12.030 Vacancy filling.
- 2.12.035 Alternates.
- 2.12.040 Officers – Organization.
- 2.12.050 Powers and duties.
- 2.12.054 Historic preservation duties.
- 2.12.060 Reference for study.

2.12.010 Members – Number.

The planning commission of the city shall consist of five members. Those commissioners serving at the time of adoption of the ordinance codified in this chapter may continue to serve until replaced in the manner provided in this chapter. All commissioners shall live within the city limits of Capitola or within the sphere of influence of Capitola, as defined by the Santa Cruz Local Area Formation Commission. (Ord. 1036 § 1, 2019; Ord. 428 (part), 1978; Ord. 295 § 1, 1967; Ord. 58 § 1, 1951)

2.12.020 Appointment.

Beginning as soon as the ordinance codified in this chapter becomes effective, each council member may appoint one planning commission member. Except as provided in this chapter, the term of any commissioner so appointed shall terminate fourteen days after the canvassing of the next regular election of council members. However, a commissioner may serve until his or her successor takes office.

Once appointed, a planning commissioner may serve the term above provided unless:

- A. The council member who made the appointment requests removal; or
- B. At least three council members vote for the commissioner’s removal at a noticed open city council meeting. (Ord. 1038 § 1 (part), 2020; Ord. 428 (part), 1978; Ord. 295 § 2, 1967; Ord. 58 § 2, 1951)

2.12.030 Vacancy filling.

In case of a vacancy on the planning commission for any reason except the swearing into office of a new city council member, the city council member who made the appointment to the then vacated position may appoint the replacement. If for any reason the appropriate council member fails to make an appointment to the planning commission within fourteen days after a term has ended or a position vacated, the mayor shall appoint a commissioner to the vacancy. Council members shall appoint either by oral announcement at any regular meeting or special meeting or by a writing delivered to the city manager. Any such appointee may take office as soon as state law allows. (Ord. 428 (part), 1978; Ord. 419, 1977; Ord. 391, 1975; Ord. 295 § 3, 1967; Ord. 285, 1966; Ord. 58 § 3, 1951)

2.12.035 Alternates.

If a planning commissioner does not intend to vacate his or her position, but will be unable to attend two or more consecutive meetings, he or she should, in writing, so notify the city clerk and the council member that appointed him/her. The appointing council member may at any time before or during any long term absence, name an alternate, remove an alternate, or replace an alternate. Three members of the city council may nullify any such appointments. (Ord. 732 § 1, 1992)

2.12.040 Officers – Organization.

The commission shall elect its chairperson from among the appointed members for a term of one year and subject to other provisions of law, may create and fill such other offices as it may determine and may employ such individuals and/or firms as may be required to carry on the work of the commission; provided, however, that expenditures covering such employment must first be authorized by the city council. The commission shall hold at least one

The Capitola Municipal Code is current through Ordinance 1061, passed June 22, 2023.

regular meeting in each month. The commission shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 58 § 4, 1951)

2.12.050 Powers and duties.

It shall be, the function and duty of the commission to make, adopt and recommend city council adoption of a master plan for the physical development of the city, and of any land outside of the boundaries which, in the judgment of the commission, bears relations to the planning thereof, and to perform all other proper functions of a planning commission pursuant to and in accordance with the planning and zoning law of the state, beginning with Section 65100 of the Government Code and pursuant to and in accordance with any directions issued by the city council whether by ordinance, resolution or minute order. (Ord. 295 § 4, 1967; Ord. 58 § 5, 1951)

2.12.054 Historic preservation duties.

The planning commission shall have the following historic preservation duties:

A. Advise the city council how best to preserve and enhance the historic resources of Capitola and carry on consultations for this purpose;

B. Review periodically the historic preservation element of the general plan;

C. Carry out, assist, and collaborate in studies to identify and evaluate improvements, sites, areas, and vistas worthy of preservation; and recommend to the council designation of historic landmarks, (including archaeological resources) and of vistas to be protected;

D. Advise the council with respect to execution and administration of historic property contracts permitted by Sections 50280 and 50281 of the California Government Code; and advise the council upon aid and assistance available to Capitola under federal, state, county, or other grants-in-aid;

E. Maintain for commission use and for consultation by the public a copy of the register of historic features, of which the city clerk is the official custodian;

F. Recommend a standard design for the markers of plaques which may be erected at designated historic landmarks or historic features. (Ord. 515 § 2, 1982)

2.12.060 Reference for study.

The council may by general or special rule, provide for the reference of any other matter or class of matters to the commission before final action thereon by the public body or officer of the city having final authority thereon, with the provisions that final action thereon shall not be taken until the commission has submitted its report thereon or has had reasonable time to submit the report. The commission shall have full power and authority to make such investigations, maps and reports, and recommendations in connection therewith relating to the planning and development of the city as it seems desirable, providing the total expenditures of the commission shall not exceed the funds available therefor. (Ord. 58 § 6, 1951)

Chapter 2.16

PLANNING DEPARTMENT

Sections:

- 2.16.010 Created.
- 2.16.020 Employees.
- 2.16.030 Director – Appointment and qualifications.
- 2.16.040 Director – Powers and duties.
- 2.16.050 *Repealed.*

2.16.010 Created.

The department of planning is created and established in accordance with Section 65200 et seq., of the Government Code of the state of California. (Ord. 991 § 1 (part), 2014; Ord. 331 § 1, 1970)

2.16.020 Employees.

The number of employees to carry out the functions of the planning department shall be designated by the city manager and the community development director with the approval of the city council. (Ord. 991 § 1 (part), 2014; Ord. 331 § 2, 1970)

2.16.030 Director – Appointment and qualifications.

The community development director shall be appointed by the city manager. He or she shall be qualified pursuant to Section 65201 of the Government Code of the state of California and shall have the ability to manage and direct the planning department, and possess knowledge of the principles of state laws and city ordinances relating to zoning and planning, together with a working knowledge of engineers' drawings, mapping and topography, and have the ability to collect, analyze and interpret data pertaining to planning and zoning activities. (Ord. 991 § 1 (part), 2014; Ord. 331 § 3, 1970)

2.16.040 Director – Powers and duties.

The community development director shall plan and supervise the technical work and administrative detail of the planning commission; serve as secretary to the planning commission and carry out their directives; develop and promote long range planning programs; prepare zoning and other regulatory ordinances in preliminary form; supervise the work of the staff of the planning department; supervise and participate in the administration of zoning ordinances; make land use studies and reports; consult with citizens and officials on planning problems; advise the city council on planning problems; maintain cooperative liaison with other agencies in the planning field, including state and local agencies; answer inquiries from the public concerning zoning regulations. (Ord. 991 § 1 (part), 2014; Ord. 331 § 4, 1970)

2.16.050 Director – Compensation.

Repealed by Ord. 991. (Ord. 331 § 5, 1970)

Chapter 2.18

MOBILE HOME PARK RENT STABILIZATION Revised 7/23

Sections:

- 2.18.010 Purpose and findings. Revised 7/23
- 2.18.020 Definitions. Revised 7/23
- 2.18.030 Applicability. Revised 7/23
- 2.18.031 Exemptions. Revised 7/23
- 2.18.040 Stabilization of rents. Revised 7/23
- 2.18.050 Vacancy control – Establishment of a new base rent. Revised 7/23
- 2.18.060 Anniversary date. Revised 7/23
- 2.18.070 Rent increase limitations. Revised 7/23
- 2.18.080 Information required from mobile home park owner. Revised 7/23
- 2.18.090 Rent dispute resolution process. Revised 7/23
- 2.18.110 Standards of review. Revised 7/23
- 2.18.120 Net operating income. Revised 7/23
- 2.18.130 Gross income. Revised 7/23
- 2.18.140 Operating expenses. Revised 7/23
- 2.18.150 Special base year NOI/base rent adjustments. Revised 7/23
- 2.18.160 Obligations of the parties. Revised 7/23
- 2.18.170 Homeowner’s right of refusal. Revised 7/23
- 2.18.180 Retaliatory acts – Homeowner’s right to organize. Revised 7/23
- 2.18.190 Fees. Revised 7/23
- 2.18.200 Remedies and waiver of rights. Revised 7/23
- 2.18.210 Rights of affected parties reserved. Revised 7/23
- 2.18.220 Extension of time limits. Revised 7/23
- 2.18.230 Regulations. Revised 7/23

2.18.010 Purpose and findings. Revised 7/23

A. The purpose of this chapter is to stabilize mobile home space rents by preventing excessive and unreasonable rent increases, and to assure that mobile home park owners receive a fair and reasonable return on their investment.

B. The city council finds and declares the following:

1. Mobile homes provide an important alternative form of housing; and
2. Based on the most recent available data, within Capitola city limits there are mobile home parks with a total of six hundred eighty-one spaces. Approximately six hundred seventy-four of those spaces are occupied, thus resulting in a vacancy rate of just one percent, and market conditions suggest that the high demand for mobile home spaces is likely to persist; and
3. Capitola does not currently regulate rental amounts or rent increases on mobile homeowners to ensure that rents remain affordable; and
4. Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased; and
5. Some residents of mobile home parks own their coaches, and rent space from the park owner; and
6. The imposition of sudden and excessive rent increases that are beyond the reach of mobile home park residents require such residents to identify alternative sites for the relocation of mobile homes, which is difficult to do given the shortage of vacant mobile home spaces, and restrictions on the age, size or style of mobile homes permitted in many mobile-home parks; and

7. The potential for rents to increase within mobile home parks within the city could cause hardship to a substantial number of mobile homeowners and residents of the parks, many of whom are elderly, on fixed incomes, or are persons of low or moderate income, and these residents would be vulnerable to displacement; and

8. It is necessary to protect mobile homeowners and residents of mobile home parks from unreasonable rent increases and at the same time recognize the rights of mobile home park owners to receive a reasonable return on their investments. (Ord. 1060 § 1 (Att. A), 2023)

2.18.020 Definitions. Revised 7/23

A. “Administrator” means the administrator of the city’s mobile home space rent stabilization program. The administrator shall be the community development director, or such other city employee as the city manager may appoint to serve as administrator.

B. “Affected homeowners” means those mobile homeowners who are subject to a rent increase. For purposes of providing notice of any rent increase and copies pursuant to this chapter and calculating the number of affected homeowners in support of a rent arbitration petition, each mobile home space subject to a rent increase shall be deemed to have only one affected homeowner. Reference to “all affected homeowners” shall mean one homeowner from each mobile home space subject to the proposed rent increase.

C. “Arbitrator” refers to a person who is appointed by the administrator, and is neither a homeowner, nor has an interest in a mobile home park of a nature that would require disqualification under the provisions of the Political Reform Act.

D. “Arms-length transaction” shall refer to a transaction negotiated by unrelated parties, each acting in his or her own self-interest, which serves as a basis for a fair return determination in this chapter.

E. “Base rent” means the authorized rent calculated pursuant to the provisions of Section 2.18.040, plus any rent increase allowed under this chapter, unless it is expressly excluded from base rent, plus any adjustment attributable to vacancy control as provided in Section 2.18.050.

F. “Capital improvements” means those new improvements, replacements, upgrades, or remodeling, which directly and primarily benefit and serve mobile home park homeowners by materially adding to the value of the property and appreciably prolonging its useful life or adapting it to new uses. Capital improvements consist of more than ordinary maintenance and/or repairs, and may be amortized over the useful remaining life of the improvement to the property. Capital improvement costs shall include all costs reasonably and necessarily related to the planning, engineering, and construction of the improvement or replacement and shall include debt service costs, if any, incurred as a direct result of the capital improvement or replacement.

G. “City information sheet” is prepared by the city, and will provide information about the mobile home park rent stabilization ordinance and include the administrator’s contact information.

H. “Comparable space” means a mobile home space in the same mobile home park that is suitable for comparison, taking into account such characteristics as the location and size of the space, lot size, landscaping, adjacency to freeways, ocean views or amenities.

I. “Consumer Price Index” or “CPI” shall mean the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose region.

J. “Gross income” shall have the meaning set forth in Section 2.18.130.

K. “Homeowner” shall mean an existing mobile homeowner.

L. “Homeowner representative” shall mean a designated homeowner association (HOA) or its designee who shall have the authority to represent the interest of, negotiate on behalf of, and bind the homeowners.

M. “Housing service” shall mean a service or facility provided by the mobile home park owner related to the use or occupancy of a mobile home space, which is neither a capital improvement nor a substantial rehabilitation.

“Housing service” includes, but is not limited to, repairs (including street repairs), replacement, maintenance, landscaping, painting, lighting, heat, water, utilities, laundry facilities, refuse removal, recreational and meeting facilities, parking, security service, and employee services.

N. “Mobile home” has the same meaning as the definition of “mobilehome” defined in Civil Code Section 798.3, as it may be amended from time to time, or a successor code provision.

O. “Mobile homeowner” means a person who owns a mobile home and also rents a mobile home space in a mobile home park pursuant to a rental agreement that is not otherwise exempt from regulation under this chapter.

P. “Mobile home park” has the same meaning as the definition of “mobilehome park” defined in Civil Code Section 798.4, as it may be amended from time to time, or successor code section.

Q. “Mobile home park owner” means a park owner, lessor, or sublessor of a mobile home park in the city who receives or is entitled to receive rent for the use or occupancy of any mobile home space thereof and who reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits, or deductions because of such ownership.

R. “Mobile home space” means any site within a mobile home park located in the city intended, designed, or used for the location or accommodation of a mobile home. “Mobile home space” includes any accessory structures or appurtenances attached to the mobile home or used in conjunction therewith.

S. “Net operating income” shall have the meaning set forth in Section 2.18.120.

T. “Operating expenses” shall have the meaning set forth in Section 2.18.140.

U. “Rent” means the total consideration, including any bonus, benefit, or gratuity, demanded or received by a mobile home park owner for or in connection with the use occupancy of a mobile home dwelling unit.

V. “Rent increase” means any additional rent demanded of, or paid by, a homeowner for mobile home space. “Rent increase” includes any reduction in housing services without a corresponding reduction in the amount demanded or paid for rent.

W. “Rent stabilization administration fee” means a fee established by resolution of the city council in accordance with the provisions of Section 2.18.190.

X. “Substantial rehabilitation” means that work done by a mobile home park owner to a mobile home space or to the common areas of the mobile home park, exclusive of capital improvements, which has a value in excess of twenty thousand dollars, and is performed either to secure compliance with any state or local law, or to repair damage resulting from fire, earthquake, or other casualty or natural disaster, to the extent such work is not reimbursed by insurance or other benefits. Costs of substantial rehabilitation include all costs reasonably and necessarily related to the planning, engineering, and construction of the work. Such costs shall also include debt service costs incurred as a direct result of the substantial rehabilitation work, if any. (Ord. 1060 § 1 (Att. A), 2023)

2.18.030 Applicability. Revised 7/23

This chapter applies to every mobile home park within the city, except those to which an exemption applies. (Ord. 1060 § 1 (Att. A), 2023)

2.18.031 Exemptions. Revised 7/23

A. This chapter shall not apply to mobile home spaces that are subject to a written rental agreement exempt from regulation pursuant to Civil Code Section 798.17. This chapter shall also not apply to a newly constructed space exempt from regulation pursuant to Civil Code Sections 798.45 and 798.7.

B. These exceptions shall be effective only until the expiration or other termination of the rental agreement subject to the exception, whereupon all provisions of this chapter shall immediately be applicable to the mobile home space, unless the rental agreement meets the criteria of Civil Code Section 798.17.

C. This chapter shall not apply to any mobile home spaces that are exempt from local mobile home rent stabilization ordinances as required by law, including, but not limited to, Civil Code Section 798.21, and including but not limited to mobile home spaces that are not the principle residence of the mobile homeowner and mobile homeowner has not rented the mobile home to another party.

D. This chapter shall not apply to any mobile home parks that are owned by the mobile homeowners in the mobile home park, pursuant to Civil Code Section 799.1(a).

E. This chapter shall not apply to any mobile home space subject to any agreement that restricts rent increases in a manner that is more protective than this chapter. (Ord. 1060 § 1 (Att. A), 2023)

2.18.040 Stabilization of rents. Revised 7/23

A. It shall be unlawful to demand, accept, receive, or retain rent for a mobile home space in excess of the base rent plus any increases that are authorized by this chapter, unless an exemption applies.

B. Base Rent Calculation.

1. Except as provided herein, a mobile home park owner shall not demand, accept, or retain rent for a mobile home space exceeding the rent in effect for that space on May 25, 2023. In the event that a mobile home space was not occupied on May 25, 2023, the base rent for that mobile home space shall be the highest mobile home space rent charged by the mobile home park owner for a comparable space in the mobile home park on May 25, 2023, plus any rent increases allowed thereafter pursuant to this chapter.

2. If a mobile home space is exempted from the provisions of this chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17, and that agreement expires or is terminated by operation of law and is not renewed, then the base rent, until the next annual adjustment pursuant to this chapter, shall be the average of the three highest rents of comparable spaces on May 25, 2023, plus any rent increases allowed thereafter pursuant to this chapter.

3. It shall be presumed that the base rent yields a fair return.

C. A mobile home park owner may seek an adjustment to the initial base rent if it can be clearly established that an adjustment is necessary for the mobile home park owner to receive a fair return. In seeking an adjustment to the initial base rent under this section, the procedures set forth in Sections 2.18.080 and 2.18.090 shall apply.

The guidelines for determining an adjustment to the initial base rent are set forth in Section 2.18.150. (Ord. 1060 § 1 (Att. A), 2023)

2.18.050 Vacancy control – Establishment of a new base rent. Revised 7/23

A. A mobile home park owner shall be permitted to increase the space rent by up to 15 percent whenever a lawful vacancy occurs, and this amount shall be considered the new base rent for a mobile home space. For purposes of this chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a mobile homeowner in accordance with California Civil Code Sections 798.56 through 798.58; or

2. A vacancy occurring because of the abandonment of a mobile home pursuant to California Civil Code Section 798.61; or

3. A vacancy occurring due to sale of a mobile home on site to any mobile home park owner-approved purchaser, pursuant to California Civil Code Section 798.74.

B. Any alleged violation of this section shall be subject to arbitration pursuant to Section 2.18.090. (Ord. 1060 § 1 (Att. A), 2023)

2.18.060 Anniversary date. Revised 7/23

The anniversary date for all rent increases in the mobile home park owner’s park shall be established by city council resolution. Rent increases, if any, except as specified below, shall be enacted only on the anniversary date. The

mobile home park owner shall post the anniversary date in the park office or areas where it can easily be seen by homeowners. (Ord. 1060 § 1 (Att. A), 2023)

2.18.070 Rent increase limitations. Revised 7/23

A. As of the effective date of the ordinance codified in this chapter, no rent increases may be implemented within twelve months of the effective date of the preceding rent increase unless otherwise authorized under this chapter. The permissible annual increase shall be the lesser of:

1. Five percent of the base rent plus one hundred percent of the preceding year's annual average change in the Consumer Price Index; or
2. Ten percent of the base rent.

B. A mobile home park owner shall not implement any additional rent increase within a twelve-month period above the authorized amount pursuant to subsection A of this section, unless otherwise provided in this chapter.

C. In the event that a mobile home park owner wishes to implement a rent increase on the anniversary date or within a twelve-month period more than the amount permitted in subsection A of this section the procedures set forth in Sections 2.18.080 and 2.18.090 shall apply.

D. The arbitrator may reduce the proposed rent increases pursuant to subsection B or C of this section to a figure based on the evidence submitted by the mobile home park owner or the park owner representative to be a fair return.

E. Any notice of a rent increase shall be provided in writing to affected homeowners at least ninety days before any rent increase is to take effect. (Ord. 1060 § 1 (Att. A), 2023)

2.18.080 Information required from mobile home park owner. Revised 7/23

A. Within thirty days after the effective date of this chapter and upon the re-renting of each mobile home space thereafter, the mobile home park owner shall supply each affected homeowner or prospective homeowner with a copy of the city information sheet.

B. Whenever the mobile home park owner serves a notice of a proposed rent increase, except a notice of proposed rent increase implemented pursuant to Section 2.18.070(A), the mobile home park owner shall simultaneously serve a written notice that sets forth the following:

1. The amount of the rent increase both in dollars and as a percentage of existing rent and documentation supporting the proposed increase, including but not limited to: a summary of the unavoidable increases in maintenance and operating expenses; a statement of the cost, nature, amortization, and allocation among mobile home spaces of any substantial rehabilitation or capital improvement; a summary of the increased cost of the mobile home park owner's debt service and the date and nature of the sale or refinancing transaction; a summary of the mobile home park owner's net operating income of the preceding twenty-four months and other relevant information that supports the level of rent increase desired;
2. The availability of a current listing of all other affected homeowners and the spaces which they rent;
3. The address and telephone number of the administrator and statement that the homeowner is encouraged to contact the administrator for an explanation of this chapter;
4. A copy of the petition form prepared and provided by the administrator that initiates the rent review process established by this chapter;
5. The time and place for a mandatory meeting with the mobile home park owner and homeowners to be held on the mobile home park premises. The meeting shall be held within ten days from the service of the notice of proposed rent increase. The mobile home park owner and homeowner shall endeavor to resolve the dispute informally.
6. In the event the dispute is not resolved informally, the mobile home park owner shall, within ten days of the meeting required in subsection (B)(5) of this section, file with the administrator two copies of the notice and

summary of expenses required in subsection (B)(1) of this section, along with two copies of all relevant financial records, bills or documents that substantiate the proposed increase. This financial information shall be verified in writing by an auditor or certified public accountant or certified in writing as true and correct under penalty of perjury by the mobile home park owner. This information will be made available at City Hall for inspection and copying by the affected homeowners.

C. A mobile home park owner failing to provide any information, documents, or notices required by this section shall not be entitled to collect any rent increase that might otherwise be awarded by an arbitrator. Such failure shall also be a defense in any action brought by the mobile home park owner to recover possession of a mobile home space or to collect any rent increase from the homeowner.

D. An affected homeowner who is given notice of a rent increase is entitled to file a petition for rent review as provided in Section 2.18.090 regardless of whether the mobile home park owner has provided the affected homeowner with all the information, documents and notices required by this chapter. (Ord. 1060 § 1 (Att. A), 2023)

2.18.090 Rent dispute resolution process. Revised 7/23

A. If a rent increase is proposed pursuant to Section 2.18.070(B) and (C), then after service of the rent increase notice and the production of the accompanying information required by Section 2.18.080, the mobile home park owner shall set a time and place for an informational meeting with the homeowners on the mobile home park premises, or an alternative location with the agreement of the homeowners' representative. The informational meeting shall be held within twenty days from the service of the notice of proposed rent increase. The mobile home park owner shall give affected homeowners and the administrator at least ten days' advance written notice of this meeting.

B. Petition Procedures.

1. If discussions between the mobile home park owner and affected homeowners do not resolve the dispute, the homeowners or homeowner representative may file with the administrator a petition for rent review with a copy of the notice of rent increase within thirty days after receipt of the rent increase notice.
2. As soon as possible after a petition has been filed with respect to mobile home spaces that are within a mobile home park, the administrator shall, to the extent possible, consistent with the time limitations provided herein, consolidate petitions involving similarly situated affected homeowners.
3. Upon the filing of a petition, the rent increase shall not be implemented until and to the extent it is awarded by an arbitrator or until the petition is abandoned by the affected homeowners or the homeowner representative. "Abandoned" as used herein shall mean a failure to actively pursue the necessary steps to prepare the homeowners' case for the arbitration.

C. Contents of Petition.

1. The petition for rent review shall: (a) set forth the total number of affected mobile home spaces in the mobile home park; (b) identify the name of the homeowners who occupy each space; and (c) state the date upon which the notice of the rent increase was received by the homeowner.
2. After obtaining the required signatures of affected homeowners, the homeowners shall deliver the petition or mail it by certified mail to the administrator at the following address: City of Capitola, 420 Capitola Avenue, Capitola, California 95010. No petition shall be accepted unless it is accompanied by the requisite number of signatures and is received in the office of the administrator within the thirty-day period set forth in subsection B of this section. The administrator shall provide a copy of the completed petition to the mobile home park owner and the arbitrator.

D. After the administrator has accepted a petition for rent review, the administrator shall remit to the mobile home park owner and petitioning homeowners or the homeowner representative an information questionnaire in such form as the administrator may prescribe. The completed information questionnaire must be returned to the administrator at least five business days prior to the date scheduled for hearing of the petition by the arbitrator. The administrator

shall provide copies of the completed information questionnaire to the arbitrator, the mobile home park owner, and the affected homeowners or the homeowner representative.

E. Upon receipt of a petition, or upon an affected homeowner's claim of a vacancy control rent increase violation pursuant to Section 2.18.050, the administrator shall assign an arbitrator. The administrator shall set a date for the arbitration hearing. The mobile home park owner and all affected homeowners shall be notified immediately in writing by the administrator of the date, time, and place of the hearing either in person or by ordinary mail. Any documents to be presented at the hearing by either the park owner or the affected homeowners shall be served on the other party, the administrator, and the arbitrator at least ten working days before the hearing by mail or in-person delivery. All financial documents submitted shall be verified in writing by an auditor or certified public accountant, or certified in writing as true and correct under penalty of perjury by the mobile home park owner.

F. Arbitration Hearing.

1. The mobile home park owner and any affected homeowners, or their representatives, may appear at the hearing and offer oral and documentary evidence. The burden of proving that the amount of rent increase is reasonable shall be on the mobile home park owner by a preponderance of the evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses.
2. Any jurisdictional or procedural dispute regarding the process set forth herein may be decided by the arbitrator.
3. The arbitrator shall, within fourteen days of the conclusion of the hearing, submit by mail a written statement of decision and the reasons for the decision to the administrator. The administrator shall mail copies of the decision to the mobile home park owner and affected homeowners.
4. The decision of the arbitrator shall be final and binding upon the mobile home park owner and affected homeowners, and subject to the provisions of California Code of Civil Procedure Section 1094.5.

G. It is the intent of the council to have a final decision rendered within ninety days of the initial notice of the rent increase. The administrator or the arbitrator may, however, modify the time periods set forth herein at his or her discretion to promote the purposes of this chapter. (Ord. 1060 § 1 (Att. A), 2023)

2.18.110 Standards of review. Revised 7/23

A. The arbitrator shall determine whether rent increases proposed or imposed by the mobile home park owner are reasonable based upon the circumstances and this chapter. The arbitrator shall take into consideration that the purpose of this chapter is to permit mobile home park owners a just and reasonable return, while protecting homeowners from unnecessary or unreasonable rent increases.

B. The arbitrator shall not allow more than one rent increase per mobile home space per twelve-month period, unless a mobile home park owner can clearly establish that the rent increase is necessary to cover costs of operation, maintenance, capital improvements, and/or substantial rehabilitation not reasonably foreseeable at the time notice of the preceding rent increase was given.

C. Maintenance of Net Operating Income.

1. It shall be presumed that the base year net operating income adjusted by seventy-five percent of the increase or decrease in the CPI since the base year yields a fair return. Mobile home park owners shall be entitled to maintain and increase their net operating income in accordance with this section. The arbitrator shall make a determination of whether the mobile home park owner's net operating income yields a fair return under this standard.
2. The formula for calculating the fair NOI return shall be as follows:

$$\text{Fair NOI} = \text{Base Year NOI} \times (1 + 0.75) \% \text{ preceding years' annual average change in CPI}$$

3. Except as provided in Section 2.18.150, it shall be presumed that the net operating income produced by the mobile home park during the base year provided a fair return.

4. Calendar year 2022 shall be established as the base year for purposes of determining whether a mobile home park owner's net operating income provides a fair return. If a satisfactory base year is, in the arbitrator's opinion, not otherwise available, such as where a mobile home park owner did not own the subject property in the base year and/or the 2022 operating expenses are not available, the arbitrator may take any relevant evidence into account to construct a base year.

5. The base year CPI shall be the CPI level in May 2022.

6. The percentage change in the CPI shall be calculated by using the preceding year's average CPI prior to the noticed increase.

7. The comparison NOI year shall be the most recent calendar or fiscal year, unless another period is found by the arbitrator to be more appropriate.

D. A park owner may seek a rent increase based on the cost of a completed new capital improvement, as defined in Section 2.18.020, together with a reasonable return upon the capital improvement investment, only if the mobile home park owner has:

1. Established by written verification or other competent evidence to the satisfaction of the arbitrator that the costs of the new capital improvement are factually correct as claimed;

2. Cost factored and amortized the costs of the capital improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than sixty months; and

3. Allocated the increase among affected homeowners on a per space basis and separately itemized such increase on the rent bill. Such increases shall not be considered included in the base rent for purposes of the annual permissible rent increases pursuant to Section 2.18.070(A).

E. Mitigating Factors. In evaluating a rent increase, the arbitrator shall also consider the following factors in addition to any other factors the arbitrator deems relevant in order to determine whether there are any circumstances that may justify a reduction in a proposed rent increase:

1. In the event the mobile home park owner reduces or eliminates any housing services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing rent or a decrease in the amount of a rent increase otherwise proposed or permitted by this chapter.

2. The physical condition of the mobile home space or park of which it is a part, including the quantity and quality of maintenance and repairs performed during the preceding twelve months.

F. Notwithstanding any other provision to the contrary, no provision of this chapter shall be applied to prohibit the granting of a rent increase that is demonstrated to be necessary to provide a mobile home park owner with a fair and reasonable return. (Ord. 1060 § 1 (Att. A), 2023)

2.18.120 Net operating income. Revised 7/23

In evaluating a rent increase imposed by a mobile home park owner to maintain the mobile home park owner's net operating income, "net operating income" (NOI) shall mean the gross income as defined in Section 2.18.130 of the mobile home park less the operating expenses as defined in Section 2.18.140. (Ord. 1060 § 1 (Att. A), 2023)

2.18.130 Gross income. Revised 7/23

For purposes of calculating the net operating income pursuant to Section 2.18.120, "gross income" shall mean the sum of the following:

A. Gross mobile home space rents, computed as gross space rental income at one hundred percent occupancy; plus

B. Other income generated as a result of the operation of the mobile home park, including, but not limited to, fees for services actually rendered; plus

C. Revenue received by a mobile home park owner from the sale of water, sewer, refuse collection, gas, and electricity to homeowners where such utilities or services are billed individually to the homeowners by the mobile home park owner. Such revenue shall equal the total cost of the utilities or services to the homeowners minus the amount paid by the mobile home park owner for such utilities or services to the utility or service provider; minus

D. Uncollected mobile home space rents due to vacancy and bad debts to the extent that the same are beyond a mobile home park owner's control. Uncollected mobile home space rents in excess of three percent of gross mobile home space rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing gross income. If uncollected mobile home space rents must be estimated, then the average of the preceding three years' experience shall be used. (Ord. 1060 § 1 (Att. A), 2023)

2.18.140 Operating expenses. Revised 7/23

A. For purposes of calculating net operating income pursuant to Section 2.18.120, "operating expenses" may include:

1. Real property taxes and assessments.
2. Utility costs to the extent that they represent costs to the mobile home park owner which are not passed through to homeowners of the mobile home park.
3. Management expenses (including the compensation of administrative personnel, including the value of any mobile home space offered as part of compensation for such services), reasonable and necessary advertising to ensure occupancy, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of gross income, unless established otherwise.
4. In addition to the management expenses listed above, if the mobile home park owner performs managerial or maintenance services which are uncompensated, the mobile home park owner may include the reasonable value of such services or operating expenses. Mobile home park owner-performed labor shall be limited to five percent of gross income unless the arbitrator finds that such a limitation would be substantially unfair in a given case. A mobile home park owner must devote substantially all of the mobile home park owner's time, that is, at least forty hours per week, to performing such managerial or maintenance services in order to warrant the full five percent credit as an operating expense. No credit for such services shall be authorized unless a mobile home park owner documents the hours utilized in performing such services and the nature of the services provided.
5. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, and repair of equipment and facilities.
6. Operating supplies such as janitorial supplies, gardening supplies, and stationery.
7. Insurance premiums prorated over the life of the policy.
8. Other taxes, fees, and permits, except as provided in Section 2.18.190.
9. Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of gross income.
10. A mobile home park owner may include the cost of necessary capital improvement or substantial rehabilitation expenditures which would exceed existing reserves for replacement. A necessary capital improvement shall be an improvement required to maintain the common facilities and areas of the mobile home park in a decent, safe, and sanitary condition or to maintain the existing level of mobile home park amenities and services. In the event that the necessary capital improvement or substantial rehabilitation expenditure is necessitated as the result of an accident, disaster, or other event for which the mobile home park owner

received insurance or other benefits, only those costs otherwise allowable and exceeding such benefits may be calculated as operating expenses.

Expenditures for necessary capital improvements to upgrade existing facilities, together with a reasonable return upon the capital improvement investment made by the mobile home park owner, shall be an allowable operating expense only if the park owner has:

- a. Informed the affected homeowners prior to initiating construction or implementation of the capital improvement regarding the nature, purpose and estimated cost of the improvement; and
- b. Established by written verification or other competent evidence to the satisfaction of the arbitrator that the costs of capital improvement provided to the homeowners for their general use are factually correct as claimed; and
- c. Cost factored and amortized the costs of the improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than sixty months; and
- d. Allocated the increase among affected homeowners on a per space basis and separately itemized such increase on the rent bill. Such increases shall not be considered included in the base rent for purposes of the annual permissible rent increases pursuant to Section 2.18.070(A).

11. Increases in interest payments which result from one of the following situations or the equivalent thereof:

- a. Refinancing of the outstanding principal owed for the acquisition of a park where such refinancing is mandated by the terms of a financing transaction entered into prior to May 25, 2023; for instance, termination of a loan with a balloon payment; or
- b. Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the park and entered into prior to May 25, 2023.
- c. In the event that the mobile home park is financed as part of a multi-asset portfolio, the allowable increase in interest costs shall be limited to the amount reasonably attributable to the mobile home park or mobile home parks located in the city, based on the percentage of total asset value or such allocation established in loan documents.
- d. In refinancing, increased interest shall be permitted to be considered as an operating expense only where the mobile home park owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

B. "Operating expenses" shall not include the following:

1. Debt service expenses, except as provided in subsection (A)(11) of this section;
2. Depreciation;
3. Any expense for which the mobile home park owner is reimbursed; or
4. Attorneys' fees and costs (except printing costs and documentation as required by Section 2.18.080) incurred in proceedings before an arbitrator or in connection with legal proceedings challenging the decision of an arbitrator or the validity or applicability of this chapter.

C. Whenever a particular expense exceeds the normal industry or other comparable standard, the mobile home park owner shall bear the burden of proving the reasonableness of the expense. To the extent that the arbitrator finds any such expense to be unreasonable, the arbitrator shall adjust the expense to reflect the normal industry or other comparable standard. (Ord. 1060 § 1 (Att. A), 2023)

2.18.150 Special base year NOI/base rent adjustments. Revised 7/23

A. Mobile home park owners may obtain a one-time special adjustment to the base year NOI and/or base rent dates if the mobile home park owner rebuts the presumption that the base year NOI and/or base rent date yielded a fair return. The arbitrator shall not make such a determination unless the arbitrator has first made at least one of the following findings:

1. That the mobile home park owner's operating expenses in the base year were unusually high or low in comparison to the three years prior to the base year. The average expenses for this period shall be presumed to reflect reasonable average annual expenses and the average of such expenses shall be used to calculate and adjust the base year NOI.

In determining whether the park owner's operating expenses were unusually high or low, the arbitrator shall consider whether:

- a. The park owner made substantial capital improvements during the base year, which were not reflected in the rent levels on the base rent date.
- b. Substantial repairs were made due to uninsured damage caused by fire, natural disaster or vandalism.
- c. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of housing services.
- d. Other expenses were unreasonably high or low notwithstanding the following of prudent business practice.

2. That the rent was disproportionate due to one of the enumerated factors below:

- a. The rent on the base date was exceptionally high or low due to the fact that the rent was not established in an arms-length transaction.
- b. The rent on the base rent date was substantially higher or lower than at other times of the year by reason of premiums being charged or rebates given for reasons unique to particular spaces.

B. If the circumstances specified in subsection (A)(2) of this section are demonstrated, the base rent date shall be adjusted to reflect the rent that would have been received if the base rent date had been set under general market conditions. In making this adjustment, the arbitrator shall utilize the median rent in effect on the base rent date, or a good faith estimate of such median rent, for comparable spaces within the mobile home park or, if necessary, other comparable parks. Comparability shall be judged based on the location of the park, services, amenities provided, ocean views, lot size, landscaping, and other relevant factors. (Ord. 1060 § 1 (Att. A), 2023)

2.18.160 Obligations of the parties. Revised 7/23

A. After the mobile home park owner's proposed effective date of a noticed rent increase, if the arbitrator finds that the proposed increase or any portion thereof that was previously inoperative is justified, all affected homeowners shall pay the amount found justified to the mobile home park within thirty days after the decision is made.

B. If the arbitrator finds that an increase or any portion thereof is not justified, the mobile home park owner shall refund any amount found to be unjustified, but that had been paid, to all affected homeowners within ninety days of the arbitrator's decision. In the event that the tenancy of an affected homeowner is terminated for any reason prior to receipt of a refund, the balance of the credit due the homeowner shall be paid by the mobile home park owner within thirty days from the date of the termination of the tenancy.

C. Any sum of money that under the provisions of this section is the obligation of the mobile home park owner or homeowner to pay, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the collection of debts. (Ord. 1060 § 1 (Att. A), 2023)

2.18.170 Homeowner's right of refusal. Revised 7/23

An affected homeowner may refuse to pay any increase in rent which is in violation of this chapter, provided a petition has been filed and either no final decision has been reached by an arbitrator or the increase has been

determined to violate the provisions of this chapter. Such right of refusal to pay shall be a defense in any action brought to recover possession of a mobile home space or to collect the rent increase. (Ord. 1060 § 1 (Att. A), 2023)

2.18.180 Retaliatory acts – Homeowner’s right to organize. Revised 7/23

No mobile home park owner may retaliate against a homeowner, homeowner representative, or prospective homeowner for the assertion or exercise of rights under this chapter in any manner. This includes, but is not limited to, threatening to bring or bringing an action to recover possession of a mobile home space, engaging in any form of harassment that causes a homeowner to quit the premises, dissuading a prospective homeowner from freely exercising the homeowner’s legal option to choose a tenancy of a shorter term, decreasing housing services, increasing the mobile home space rent, or imposing or increasing a security deposit or any other charge payable by a homeowner. (Ord. 1060 § 1 (Att. A), 2023)

2.18.190 Fees. Revised 7/23

A. The city is authorized to impose a rent stabilization administration fee (“fee”) chargeable against each mobile home space in the city subject to this chapter. The administrator may recommend to the city from time to time the amount of the fee and the council may adopt such fee by resolution at a public hearing.

B. Within sixty days of the adoption of the ordinance codified in this chapter, each mobile home park owner in the city shall register with the city. The mobile home park owner shall provide the name and address of the mobile home park owner, and the current rent roll for all spaces which shall identify: (1) the length of the lease term for each space; (2) the expiration of the lease term for each space; (3) current rents and other fees or charges that are received by the mobile home park owner itemized per mobile home space; (4) the number of mobile home spaces, including both occupied and unoccupied spaces, contained in that mobile home park owner’s mobile home park; and (5) the mobile home park owner’s determination of comparable spaces in the mobile home park, along with a description of how the spaces are comparable. The provision of the information required by this subsection B must also be made immediately upon change of ownership of the mobile home park, or an increase or a decrease in the number of spaces available at a mobile home park owner’s mobile home park. (Ord. 1060 § 1 (Att. A), 2023)

2.18.200 Remedies and waiver of rights. Revised 7/23

A. In the event that a mobile home park owner demands, accepts, receives, or retains any payment in excess of the amounts allowed under this chapter, the homeowner may file a civil suit against the mobile home park owner. A mobile home park owner who demands, accepts, receives, or retains any payment of rent in excess of the amounts allowed under this chapter shall be liable to the homeowner in the amount by which the payment or payments have exceeded the allowable rent. In such a case, the rent shall be adjusted to reflect the lawful rent pursuant to this chapter.

B. A mobile home park owner who willfully demands, accepts, or retains any payment of rent in violation of the provisions of this chapter shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three times the amount by which payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted or retained. A prevailing homeowner in a civil action brought to enforce this chapter shall be awarded reasonable attorneys’ fees and costs as determined by the court. No administrative remedy need be exhausted prior to filing suit pursuant to this section.

C. The remedies available in this chapter are not exclusive and may be used cumulatively with any other remedies available in this chapter or at law.

D. Waiver of Rights.

1. Any waiver or purported waiver by a homeowner of rights granted under this chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this section. It shall be unlawful for a mobile home park owner to require or attempt to require, as a condition of tenancy in a mobile home park, a homeowner, or prospective homeowner, to waive, in a lease or rental agreement, the rights granted to a homeowner by this chapter.

2. It shall be unlawful for a mobile home park owner to deny or threaten to deny a tenancy in a mobile home park to any person on account of such person’s refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this chapter.

3. Nothing in this section shall preclude a mobile homeowner or tenant, or prospective homeowner, from entering into a lease or rental agreement; provided, that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the mobile home park, and is not procured under a threat of denial of tenancy in the mobile home park. (Ord. 1060 § 1 (Att. A), 2023)

2.18.210 Rights of affected parties reserved. Revised 7/23

A. This chapter shall not be construed to limit or curtail any other action or proceeding which may be pursued by an affected homeowner or mobile home park owner before any court or other body having jurisdiction thereof.

B. Defense to Action for Recovery of Possession.

1. A mobile home park owner's failure to comply with any of the provisions of this chapter or any regulations promulgated hereunder shall serve as a complete affirmative defense in any action brought to recover possession of a mobile home space.

2. A homeowner's refusal to pay rent in excess of the amount allowed under this chapter shall be a complete affirmative defense in any action brought to: (a) recover possession of a mobile home space for nonpayment of rent; or (b) collect rent in excess of the amount allowed under this chapter. (Ord. 1060 § 1 (Att. A), 2023)

2.18.220 Extension of time limits. Revised 7/23

By written agreement of the parties, or for good cause shown to the arbitrator, the time frames provided for under this chapter may be extended. (Ord. 1060 § 1 (Att. A), 2023)

2.18.230 Regulations. Revised 7/23

The city council may issue rules and regulations as necessary to further the purpose of this chapter. If any portion of this chapter is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by law, the city council shall have the authority to enact replacement regulations consistent with the intent and purpose of the invalidated or unenforceable provisions of this chapter to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this chapter. (Ord. 1060 § 1 (Att. A), 2023)

Chapter 2.20
HEALTH OFFICER

Sections:

- 2.20.010 Designated.
- 2.20.020 Arrest power.

2.20.010 Designated.

The health officer of the county together with his or her delegated subordinates are designated as the health officer of the city and empowered to carry out all responsibilities of the health officer of the city as set forth in the city code or enumerated by ordinance. (Ord. 400 (part), 1976)

2.20.020 Arrest power.

The health officer and his or her delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the state of California may arrest a person who has committed a misdemeanor in his or her presence which is a violation of an ordinance, statute, or law, enforcement of which is under the administration of the health officer. Upon making such an arrest, the health officer or his or her delegated subordinate shall release the person arrested pursuant to Section 853.6 of the Penal Code, the provisions of which are adopted by reference as part of this section. (Ord. 400 (part), 1976)

Chapter 2.24

CONFLICT OF INTEREST

Sections:

- 2.24.010 Adoption.
- 2.24.020 Definitions.
- 2.24.030 Applicability.
- 2.24.040 Disclosure requirements.
- 2.24.050 Circumstances requiring disqualification.
- 2.24.055 Acceptance of employment prohibited.
- 2.24.060 Copy filed.

2.24.010 Adoption.

In compliance with Section 87300 of the Government Code, the city council adopts this conflict of interest ordinance. (Ord. 405 § 1, 1976)

2.24.020 Definitions.

Except as otherwise indicated, the definitions contained in the Political Reform Act of 1974 (Government Code Section 81000) and regulations adopted pursuant hereto are incorporated into this conflict of interest code. (Ord. 405 § 5, 1976)

2.24.030 Applicability.

This conflict of interest ordinance shall be applicable to members of the city council, whether acting as council members or as members of any city board or commission. (Ord. 405 § 2, 1976)

2.24.040 Disclosure requirements.

Members of the city council are required, pursuant to Government Code Section 87200, to disclose investments, interest in real property and income. No other or no additional disclosure requirements are imposed by this conflict of interest ordinance. (Ord. 405 § 3, 1976)

2.24.050 Circumstances requiring disqualification.

Any member of the city council must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any economic interest, as defined in Government Code Section 87103. No member shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (Ord. 405 § 4, 1976)

2.24.055 Acceptance of employment prohibited.

A member of the city council, planning commission or architectural and site review committee shall not solicit employment relative to a project which has previously come before that member's council, commission or committee for hearing. (Ord. 847 § 1, 2003)

2.24.060 Copy filed.

The city clerk is directed to forward a certified copy of the ordinance codified in this chapter to the Fair Political Practices Commission. (Ord. 405 § 6, 1976)

Chapter 2.28
PUBLIC MUSEUM

Sections:

- 2.28.010 Museum.
- 2.28.015 Board.
- 2.28.020 Museum board of trustees.
- 2.28.030 Board – Duties.
- 2.28.040 Board – Meetings.
- 2.28.050 Board – Officers.
- 2.28.060 Entry fee.

* Prior ordinance history: Ord. 301.

2.28.010 Museum.

The city’s public museum of natural and historical objects shall be administered as set forth in this chapter. (Ord. 735 (part), 1992)

2.28.015 Board.

The museum board of the city shall hereafter be established as set forth in this chapter. (Ord. 735 (part), 1992)

2.28.020 Museum board of trustees.

A. The museum board of trustees shall consist of seven members.

B. Members of the museum board of trustees shall be appointed by the mayor, subject to the approval of three city council members including the mayor.

C. Term of Office. Members of the museum board of trustees shall serve three-year terms. The terms of the museum board of trustees shall be staggered with three members serving a coextensive term and the other four members serving another coextensive term. Terms shall expire on the second Thursday of June in the year of term expiration.

D. Members of the museum board of trustees shall serve at the pleasure of the city council, and therefore may be removed from office, without cause, and at any time, by the affirmative vote of three city council members. Where a vacancy arises in the board membership prior to a term expiration, the mayor may appoint a person to fill that vacancy for the remainder of the unexpired term in accordance with this section.

E. The city council may, by resolution, establish a recruitment process for individuals who may wish to apply for appointment to the museum board of trustees. (Ord. 836 § 2, 2002)

2.28.030 Board – Duties.

The duties of the board are:

A. To advise the city council and the city manager on the following and related items: financial affairs of the museum; general museum administration; formulation of long term museum plans; formulation of written policies for acquisition by the city of museum objects; and steps that can be taken to bring about a better understanding and appreciation by the Capitola community of its history, architecture, culture, technology, and its creative and natural environment through the promotion of the city’s museum and allied projects;

B. To establish the ethical standards of the Capitola Historical Museum for collecting;

C. To monitor museum finances;

D. To serve as trustees of any trust formed to receive and disburse funds collected solely for museum purposes;

E. To prepare reports, if any, which are appropriate under Government Code Section 37557;

F. To accept donations of museum objects and receive museum objects on loan;

G. To recruit and supervise volunteers. (Ord. 735 (part), 1992)

2.28.040 Board – Meetings.

The board of trustees shall meet in accord with the Brown Act and the board’s bylaws. (Ord. 735 (part), 1992)

2.28.050 Board – Officers.

The board shall elect a president, vice-president, secretary and treasurer. Officers shall serve one year and until successors are elected. In the absence of the president, the vice-president shall act as president pro tem. (Ord. 735 (part), 1992)

2.28.060 Entry fee.

Subject to the rules and regulations of the board, the museum shall be free to the inhabitants and nonresident taxpayers of the city. (Ord. 735 (part), 1992)

Chapter 2.32

PEACE OFFICER TRAINING

Sections:

2.32.010 Qualification.

2.32.020 Standards adherence.

2.32.010 Qualification.

The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code. (Ord. 291 § 1, 1967)

2.32.020 Standards adherence.

Pursuant to Section 13522 of Chapter 1 of the Penal Code, the city while receiving aid from the state pursuant to said Chapter 1 will adhere to the standards for recruitment and training established by the California Commission on Peace Officers Standards and Training. (Ord. 291 § 2, 1967)

Chapter 2.40

UNCLAIMED PROPERTY

Sections:

- 2.40.010 Return to owner.
- 2.40.020 Sale at auction.
- 2.40.030 Destruction when no bids received.

2.40.010 Return to owner.

All personal property coming into the possession of the police department, by under and through the exercise of the proper duties and functions of the police department shall be returned to and delivered to the rightful owners thereof upon presentation of proof of identity and right of possession and ownership. (Ord. 92 § 1, 1955)

2.40.020 Sale at auction.

All unclaimed personal property coming into the possession of the police department shall from and after the effective date of the ordinance codified in this chapter be dealt with in the following manner:

- A. Such unclaimed property shall be held in the possession of the police department for a period of not less than six months;
- B. On or after the expiration of six months such property shall be sold at public auction to the highest bidder; and
- C. Notice of such sale shall be given by the chief of police of the police department at least five days before the time fixed for such sale by publication once in a newspaper of general circulation published in the county. Such notice shall specify the date, hour and place at which such sale shall be conducted. At such sale the chief of police shall deliver possession of such property to the highest bidder therefor and shall receive the sum so paid and issue his or her receipt therefor. All moneys so received shall be paid to the treasurer of the city.

D. Notwithstanding the foregoing, property with a value, estimated by the chief of police, to be not in excess of five hundred dollars may be sold at other than auction in the following circumstances:

- 1. If the property is of a variety which either cannot be legally sold to the general public, or there are public policy reasons for not doing so, or
- 2. The expenses of conducting the auction would exceed the probable return.

In such cases property may be sold or exchanged to prospective purchasers who, in the determination of the chief of police, are likely to pay as much for the property as could be expected through reasonable alternative procedures. Such property may not, however, be sold to any city employee or spouse, child, or parent of a city employee. (Ord. 633 § 1, 1987; Ord. 92 § 2, 1955)

2.40.030 Destruction when no bids received.

In the event that property is not disposed of pursuant to the proceeding section, then the chief of police is authorized and directed to destroy such property. (Ord. 633 § 2, 1987; Ord. 92 § 3, 1955)

Chapter 2.44
PERSONNEL SYSTEM

Sections:

- 2.44.010 Adopted.
- 2.44.020 Definitions.
- 2.44.030 Personnel officer.
- 2.44.040 *Repealed.*
- 2.44.050 *Repealed.*
- 2.44.060 Exempted employees.
- 2.44.062 Exempted officials.
- 2.44.070 Rules adoption and amendment.
- 2.44.080 Appointments.
- 2.44.090 Probationary period.
- 2.44.100 Continuation of employment.
- 2.44.110 *Repealed.*
- 2.44.120 Disciplinary action.
- 2.44.130 Appeal.
- 2.44.140 Layoff and reemployment.
- 2.44.150 Political activity.
- 2.44.160 Discrimination prohibited.
- 2.44.170 Right to contract for special service.
- 2.44.180 Effective date.
- 2.44.190 No conflict with federal or state law.
- 2.44.200 Preemption.

2.44.010 Adopted.

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the personnel system set forth in this chapter is adopted. (Ord. 988 § 1 (part), 2014: Ord. 381 § 1, 1974)

2.44.020 Definitions.

As used in this chapter, the following terms shall be defined as indicated:

- A. "Appointing authority" means the city manager, who is the appointing authority of employees in the competitive service; provided, however, the city manager may delegate in writing the appointing authority to any department head.
- B. "Class" means all positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
- C. "Competitive service" means all positions of employment in the service of the city except those specifically excluded by this chapter.
- D. "Days" means calendar days unless otherwise stated.
- E. "Demotion" means the movement of an employee from one class to another class having a lower maximum rate of pay.
- F. "Employment list" means a list of names of persons who may be considered for employment with the city under specified conditions.
- G. "Examination" means selection techniques used to measure the relative capacities of the persons applying for positions within the competitive service.

H. “Layoff” means the separation of employees from the active workforce due to lack of work or funds, or to the abolition of positions by the city council for the above reasons, or due to organizational changes.

I. “Position” means a group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.

J. “Probationary period” means a working test period during which an employee is required to demonstrate his or her fitness for the position to which he or she is appointed by actual performance of the duties of the position.

K. “Promotion” means the movement of an employee from one class to another class having a higher maximum rate of pay.

L. “Provisional appointment” means an appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles.

M. “Reinstatement” means the reemployment without examination of a former regular employee or probationary employee.

N. “Suspension” means the temporary separation from the service of an employee without pay, for disciplinary purposes.

O. “Transfer” means a change of an employee from one position to another position in the same class or in a comparable class.

P. “Regular” means a position in the competitive service that is, regardless of the number of hours worked per week, intended to be continuous and uninterrupted (except for authorized or unpaid leave) and receives benefits. Positions intended to be seasonal, of a limited term, on call only, emergency, intermittent, substitute or on any other irregular basis are not “regular.” (Ord. 988 § 1 (part), 2014; Ord. 829 § 1, 2001; Ord. 381 § 2, 1974)

2.44.030 Personnel officer.

The city manager shall be the personnel officer. The city manager may delegate any of the powers and duties conferred upon him or her as personnel officer under this chapter to any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in Section 2.44.170. The personnel officer shall:

- A. Act as the appointing authority for the city;
- B. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the city council;
- C. Prepare and recommend to the city council personnel rules and revisions and amendments to such rules;
- D. Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the city council;
- E. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city;
- F. Provide for the publishing or posting of notices of tests for positions in the competitive service, the receiving of applications therefor, the conducting and grading of tests, and the certification of a list of all persons eligible for appointment to the appropriate position in the competitive service. (Ord. 988 § 1 (part), 2014; Ord. 381 § 3, 1974)

2.44.040 Personnel board – Designated.

Repealed by Ord. 988. (Ord. 381 § 4, 1974)

2.44.050 Personnel board – Duties.

Repealed by Ord. 988. (Ord. 381 § 5, 1974)

2.44.060 Exempted employees.

The provisions of this chapter apply to all employees in the service of the city, except:

- A. The city manager and any assistant city manager;
- B. Any department head, including the chief of police, whose first date of employment is July 1, 2001, or after;
- C. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, or earthquake;
- D. Employees who are not “regular” (as defined in Section 2.44.020(P)) employees. (Ord. 988 § 1 (part), 2014; Ord. 829 § 2, 2001; Ord. 381 § 6, 1974)

2.44.062 Exempted officials.

The provisions of this chapter do not apply to any of the following:

- A. Elective officers;
- B. Members of appointive boards, commissions, and committees;
- C. Persons engaged under contract to supply expert, professional, technical or any other services;
- D. Volunteer personnel;
- E. City attorney, whether or not he or she is an employee. (Ord. 988 § 1 (part), 2014; Ord 829 § 3, 2001)

2.44.070 Rules adoption and amendment.

Personnel rules shall be adopted by resolution of the city council after notice of such action has been publicly posted in at least three public places designated by the city council, and at least five days prior to city council consideration. The personnel officer shall give reasonable written notice to each recognized employee organization affected by the ordinance, rule, resolution or regulation or amendment thereof proposed to be adopted by the city council. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the personnel rules. The rules shall establish regulations governing the personnel system including:

- A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;
- B. Public announcement of all tests and acceptance of applications for employment;
- C. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
- D. Certification and appointment of persons from employment lists and the making of provisional appointments;
- E. Establishment of probationary periods;
- F. Evaluation of employees during the probationary period;
- G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service;
- H. Separation of employees from the city service;
- I. The establishment of adequate personnel records;
- J. The establishment of appeal procedures concerning the interpretation of application of this chapter and any rules adopted under this chapter. (Ord. 988 § 1 (part), 2014; Ord. 381 § 7, 1974)

2.44.080 Appointments.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. The probationary period shall be considered an extension of the examination process. Physical and medical tests may be given as a part of any examination.

In any examination the personnel officer may include, in addition to competitive tests, a qualifying test or tests and set minimum standards therefor. (Ord. 988 § 1 (part), 2014; Ord. 381 § 8, 1974)

2.44.090 Probationary period.

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months. Appointments to public safety positions will ordinarily be twelve months. That period may be reduced (but not below six months) if the chief of police so recommends and the city manager approves. Such a recommendation should only be made after the chief has had ample opportunity to evaluate the officer. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing. An employee rejected during the probationary period from a position to which he or she has been promoted shall be reinstated to a position in the class from which he or she was promoted unless he or she is discharged from the city service as provided in this chapter and the rules.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to a position in the class from which he or she was promoted or transferred if action is taken to reject him or her unless he or she is discharged in the manner provided in this chapter and the personnel rules for positions in the competitive service. (Ord. 988 § 1 (part), 2014; Ord. 831, 2001; Ord. 381 § 9, 1974)

2.44.100 Continuation of employment.

Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, has served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for his or her class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules. Any other person holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment. (Ord. 988 § 1 (part), 2014; Ord. 381 § 10, 1974)

2.44.110 Attendance and leaves for full-time exempt positions.

Repealed by Ord. 988. (Ord. 381 § 11, 1974)

2.44.120 Disciplinary action.

The appointing authority shall have the right, for due cause, to demote, dismiss, reprimand, reduce in pay, or suspend without pay any regular non-sworn employee in accordance with procedures included in the personnel rules.

Notwithstanding any provision in this rule to the contrary, public safety personnel in the police department are subject to provisions of the Public Safety Officers Procedural Bill of Rights (POBR), as set forth in Government Code Section 3300 et seq., and wherever any provisions of these rules and regulations conflict with provisions of the POBR, the provisions of the POBR shall prevail.

The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions. (Ord. 988 § 1 (part), 2014; Ord. 381 § 12, 1974)

2.44.130 Appeal.

Any employee in the competitive service shall have the right to appeal any disciplinary action, or alleged violation of this chapter, except in those instances where the right of appeal is specifically prohibited by this chapter or the rules adopted under this chapter or the personnel rules.

All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the personnel rules and regulations adopted pursuant to this chapter. (Ord. 988 § 1 (part), 2014; Ord. 381 § 13, 1974)

2.44.140 Layoff and reemployment.

Whenever in the judgment of the city council or the appointing authority it becomes necessary in the interest of economy, or because the necessity for a position no longer exists, the city council or the appointing authority may abolish any position or employment in the competitive service; and the employee holding such position for employment may be laid off without taking disciplinary action.

The order of layoff of employees shall follow the process outlined in the personnel rules adopted pursuant to this chapter. (Ord. 988 § 1 (part), 2014; Ord. 381 § 14, 1974)

2.44.150 Political activity.

The political activities of city employees shall conform to pertinent provisions of state and federal law. (Ord. 988 § 1 (part), 2014; Ord. 381 § 15, 1974)

2.44.160 Discrimination prohibited.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against, because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex, age, sexual orientation, or gender identity or because of the exercise of his or her rights under Section 3502 of the Government Code. (Ord. 988 § 1 (part), 2014; Ord. 381 § 16, 1974)

2.44.170 Right to contract for special service.

The city manager shall consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The city council may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

- A. The preparation of personnel rules and subsequent revisions and amendments thereof;
- B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;
- C. The preparation, conduct and grading of competitive tests;
- D. The conduct of employee training programs;
- E. Special and technical services of advisory or informational character on matters relating to personnel administration. (Ord. 988 § 1 (part), 2014; Ord. 381 § 17, 1974)

2.44.180 Effective date.

The ordinance codified in this chapter shall become effective immediately after the date of final passage by the city of Capitola city council. (Ord. 988 § 1 (part), 2014)

2.44.190 No conflict with federal or state law.

Nothing in this chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law. (Ord. 988 § 1 (part), 2014)

2.44.200 Preemption.

The provisions of this chapter shall be null and void if state or federal legislation, or administrative regulation, takes effect with the same or substantially similar provisions as contained in this chapter. The city council shall determine whether or not identical or substantially similar statewide legislation has been enacted or regulations issued. (Ord. 988 § 1 (part), 2014)

Chapter 2.48
RETIREMENT SYSTEM

Sections:

2.48.010 P.E.R.S. participation.

2.48.010 P.E.R.S. participation.

The city shall continue to participate in the Public Employees' Retirement System on such terms and conditions as are embodied in the city's contract with P.E.R.S. together with any applicable provisions and individual contracts of employment or memorandums of understanding. (Ord. 828 § 1, 2001; Ord. 334 § 1, 1970)

Chapter 2.52

APPEALS TO CITY COUNCIL

Sections:

- 2.52.010 Applicability of chapter.
- 2.52.020 Time and form of appeal.
- 2.52.030 Setting of the hearing date.
- 2.52.040 Standing to appeal.
- 2.52.050 Conduct of the hearing.
- 2.52.060 Findings.

2.52.010 Applicability of chapter.

Except when a different procedure is otherwise expressly provided by this code, all appeals to the city council from a decision of any city employee, board, or commission shall be conducted as set out in this chapter. (Ord. 519 (part), 1982)

2.52.020 Time and form of appeal.

All appeals shall be made in writing and delivered to the office of the city clerk with payment of the fee established by resolution. Such appeals shall be made within ten working days from the time of the decision that is the subject of the appeal, except that when neither the applicant nor the applicant's representative has been present at the meeting in which the decision was rendered, the appeal time shall be fourteen working days from the date the staff mails to the applicant a notice of the decision. The request for appeal shall set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. (Ord. 1038 § 1 (part), 2020; Ord. 845 § 1, 2003; Ord. 519 (part), 1982)

2.52.030 Setting of the hearing date.

The city staff can either set the hearing for the next city council meeting or shall, at the next city council meeting, request the city council to set the time and place of hearing. (Ord. 519 (part), 1982)

2.52.040 Standing to appeal.

The council may refuse to hear an appeal by a person whom the council determines does not have a significant interest in the matter. In land use matters, any citizen of Capitola or any property owner likely to be affected by the decision, shall be deemed to have a significant interest. (Ord. 519 (part), 1982)

2.52.050 Conduct of the hearing.

The hearing shall be de novo. The appellant's presentation shall be limited to issues raised in the request for appeal and to reasonable rebuttal. The ordinary order of presentation is as follows: staff report; appellant; real property in interest, if any; public comment; appellant's rebuttal; rebuttal by real party in interest, if any; council consideration. The presiding officer may set forth any reasonable time limits for any presentation, and may change these procedures, in his or her discretion. (Ord. 1038 § 1 (part), 2020; Ord. 519 (part), 1982)

2.52.060 Findings.

Findings may either be made by the city council at the time of the hearing or the council may direct the city staff to bring back findings for later council determination. The council may render a final decision, notwithstanding that the findings may be rendered at a later time. (Ord. 519 (part), 1982)

Chapter 2.56

ART AND CULTURAL COMMISSION

Sections:

- 2.56.010 Created.
- 2.56.020 Appointment.
- 2.56.030 Terms of office.
- 2.56.040 Officers, meetings, and procedures.
- 2.56.050 Duties.
- 2.56.060 Definitions.

2.56.010 Created.

The city shall continue to have an art and cultural commission. The art and cultural commission shall consist of nine members as follows:

- A. One city council member;
- B. One planning commissioner;
- C. One artist or arts organization representative member;
- D. One arts professional member;
- E. Five at-large members. (Ord. 944 § 1, 2010; Ord. 851 § 1, 2003)

2.56.020 Appointment.

The council member and planning commissioner appointees shall be selected by a majority vote of their respective boards. The artist or arts organization representative, arts professional, and the at-large appointees shall be appointed to the art and cultural commission by a majority vote of the city council. (Ord. 851 § 1, 2003)

2.56.030 Terms of office.

The art and cultural commissioners shall serve two-year terms. With the addition of two at-large member positions in 2010, one will expire on December 31, 2010, and one will expire on December 31, 2011, in order that there are two at-large member positions expiring in 2010, and three at-large member positions expiring in 2011. (Ord. 944 § 1, 2010; Ord. 851 § 1, 2003)

2.56.040 Officers, meetings, and procedures.

A. Chairperson and Vice Chairperson. As soon as practicable, following the first day of January of each year, the art and cultural commission shall select one of its members as chairperson and one of its members as vice-chairperson. The chairperson and vice chairperson shall serve a term of one year, or until a successor is elected.

B. Committees. The art and cultural commission shall designate specific committees as follows: public art, volunteers, fundraising, marketing, and any other committee as necessary. Committees shall be composed of no fewer than two and no more than three commissioners. The committees may also include nonvoting volunteer members as deemed necessary by the art and cultural commission. The committees shall report to the art and cultural commission on no less than a quarterly basis.

C. Artist Selection Panels. The art and cultural commission may establish an artist selection panel, as defined in the art and cultural master plan, to select works of art for recommendation to the city council.

D. Meetings. The art and cultural commission shall hold a regular meeting at least once each month.

E. Procedures. Procedures for the conduct of the business of the art and cultural commission, not specified in the ordinance establishing the art and cultural commission's authority, shall be set forth in bylaws, forms, applications, rules, and regulations adopted by the art and cultural commission for the conduct of its business subject to approval

of the city council. All meetings of the art and cultural commission shall be open to the public and are subject to Title 5, Division 2, Part 1, Chapter 9 of the California Government Code or successor legislation. The decisions of the art and cultural commission shall be transmitted to the city manager and to such other body or bodies which have jurisdiction to review projects under consideration. If more than one board or commission has jurisdiction over a matter decided by the art and cultural commission, the first to consider it shall refer it to the others. (Ord. 851 § 1, 2003)

2.56.050 Duties.

The art and cultural commission shall have the following duties and responsibilities:

- A. Advise the city council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift, or otherwise, of works of art;
- B. Subject to city council approval, initiate, sponsor, or direct special programs which will enhance the cultural climate of the city;
- C. Establish close liaison with other commissions and civic organizations in order to foster public interest in the arts;
- D. Advise the city council concerning the interpretation and implementation of the city's established policies and practices, including the art and cultural master plan, as they relate to the art and cultural commission's objectives;
- E. In February of each year, prepare for city council review an assessment of the art and cultural commission's goals, plans and objectives from the prior fiscal year and recommend for council approval the art and cultural commission's goals, plans, and objectives for the next fiscal year;
- F. Perform such other functions and duties as may be directed by the city council. (Ord. 851 § 1, 2003)

2.56.060 Definitions.

“Work of art” means, for the purposes of this chapter, any work of visual art, including, but not limited to, drawing, painting, mural, fresco, sculpture, mosaic, decoration, inscription, stained glass, monument, calligraphy, photography, graphic art, crafts, mixed media, electronic art, media art, an artistic or aesthetic element of the project architecture or landscape architecture if created by an artist or artist team, or any other element recommended by the art and cultural commission. The term “work of art” may also include functional elements of capital improvement projects, such as benches, gates, lighting, and landscaping if such elements are designed by a professional artist. (Ord. 851 § 1, 2003)

Chapter 2.58
FUNDING THE PUBLIC ART PROGRAM

Sections:

- 2.58.010 Purpose.
- 2.58.020 Definitions.
- 2.58.030 Public art account.
- 2.58.040 Applicability.
- 2.58.050 Funds for public art.
- 2.58.060 Funding exclusions from, and additions to, the public art program.
- 2.58.070 Application procedures for placement of required public art on private nonresidential property.
- 2.58.080 Approval for placement of public art on private nonresidential property.
- 2.58.090 Application procedure for acceptance of public art donated to the city.
- 2.58.100 Review of application for acceptance of public art donated to the city.
- 2.58.110 Certificate of occupancy.
- 2.58.120 Ownership of public art on private nonresidential property.
- 2.58.130 Removal or alteration of public art.
- 2.58.140 Program administration.

2.58.010 Purpose.

The city of Capitola wishes to enhance the cultural and aesthetic environment of the city, to encourage creativity, the appreciation of the arts and our cultural heritage. Through the establishment of a program of public art funded by private development, the city will promote the general welfare through balancing the community’s physical growth and revitalization with its cultural and artistic resources. (Ord. 869 § 1, 2004)

2.58.020 Definitions.

- A. “Acquisition” means the acquirement of works of art by donation, purchase or commission.
- B. “Public place” means city or privately owned land or buildings which are open to the general public on a regular basis.
- C. “Eligible public construction project” means any capital improvement project of the city involving a public place as identified in the annual capital improvement budget of the city and which is paid for wholly or in part by city funds, nonresidential development project which exceeds a total building permit valuation of two hundred fifty thousand dollars as calculated by the city of Capitola building permit application.

EXCEPTION: “Eligible construction project” shall not include capital improvement projects for which the sources of funds are limited to a specified purpose, or for which the terms of a contract, federal or state grant, law, or regulation prohibit or restrict the expenditure of funds on works of art. However, it shall be the policy of the city that all city departments shall, from the effective date of this ordinance, include a request for public art funding in all grant applications or other funding support requests for capital improvement projects to any outside funding agencies.

- D. “Eligible private construction project” means and includes any private nonresidential redevelopment project with a total building permit valuation of two hundred fifty thousand dollars or more as calculated by the city of Capitola building permit application.

EXCEPTION: “Eligible private construction project” shall not include projects which consist only of heating, ventilation, air-conditioning, reroofing, cosmetic work that does not affect items regulated by the model building codes, and equipment not considered to be part of the architecture of the building or area.

- E. Professional Artist or Artwork. It is the policy of the art and cultural commission that all artworks commissioned or acquired under the public art plan be designed by professional visual artists. A “professional artist” is a person who has established a reputation of artistic excellence, as judged by peers, through a record of exhibitions, public commissions, sale of works, or educational attainment.

The Capitola Municipal Code is current through Ordinance 1061, passed June 22, 2023.

F. Artwork may include, but is not limited to, the following:

1. Sculpture: free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of materials.
2. Murals or portable paintings: in any material or variety of materials, with or without collage or addition of nontraditional materials or means.
3. Earthworks, fiber works, neon glass mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film holographic images, and video systems; hybrids of any media and new genres.
4. Furnishings or fixtures, including but not limited to gates, railings, streetlights, signs, seating, if artist-created as unique elements or limited editions.
5. Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
6. Temporary artworks or installations, as such artworks serve the purpose of providing community and educational outreach.
7. The incremental costs of infrastructure elements, such as sound walls, utility structures, roadway elements and other items if designed by an artist or design team that included an artist as a co-designer.

Ineligible artworks:

1. Art objects which are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist.
2. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
3. Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to the elements created by an artist commissioned for that purpose.
4. Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork.
5. Services or utilities necessary to operate and maintain an artwork over time.

G. "Total construction cost," as used in this chapter, means the valuation of the proposed structures or improvements, as calculated by the city of Capitola building permit application.

H. "Nonresidential development" means the construction of commercial, residential/ commercial, office, industrial projects or other projects which are not intended for residential purposes.

I. "Artist selection panel" means an ad-hoc committee formed and charged by the art and cultural commission for a limited period of time to recommend artists for individual projects or groups of projects. (Ord. 892 § 1, 2005; Ord. 869 § 1, 2004)

2.58.030 Public art account.

There shall be a noninterest-bearing account designated for public art, into which shall be deposited all fees paid pursuant to this chapter. This account shall be maintained by the city finance director and shall only be used for the acquisition, installation, and improvement (see Program Administration Section 2.58.140) of public art in the city. (Ord. 869 § 1, 2004)

2.58.040 Applicability.

The program described in this chapter is a mandatory program, and the standards specified are minimum standards for compliance.

A. This chapter shall apply to all eligible public and private construction projects as defined by this ordinance having a total construction cost of two hundred and fifty thousand dollars or more, as calculated by the city of Capitola building permit application. The obligation to comply with this chapter shall not be evaded by performing a series of small construction projects if the project could have been performed as a single construction project with in a three-year period.

B. This chapter shall apply to all expansion of, remodeling of, or tenant improvements to existing eligible buildings when any such work has a total construction cost of two hundred fifty thousand dollars or more, as calculated by the city of Capitola building permit application. (Ord. 892 § 2, 2005; Ord. 869 § 1, 2004)

2.58.050 Funds for public art.

A. Private Project Applicant. The project applicant shall acquire and install public art recommended by an art selection panel, with review by the art and cultural commission and approval of the city council, in a public place on or in the vicinity of the development project site. The minimum cost of the public art, including installation, shall be determined by the following:

1. After the effective date of this chapter, if a private developer makes application for a permit to develop a nonresidential project with a total building permit valuation of at least two hundred fifty thousand dollars, excluding land acquisition, not less than two percent of the project budget shall be set aside for the acquisition of art for incorporation into the project or for placement in the general vicinity of the project.
2. The private developer may, with city council approval, in lieu of incorporating public art in their project, deposit an amount equal to one percent of the total building permit valuation with the city, to be used for public art elsewhere in the city. Deposits of funds for public art from the private developer or for the in-lieu payment shall be made to the city prior to the issuance of a building permit for the project.

B. City Projects.

1. The city council shall provide in the annual capital improvement budget for an amount of not less than two percent of the total amount budgeted for each “eligible construction project” to be set aside and identified as sources of funds to be appropriated and expended for acquisition of works of art in accordance with this section. Appropriations for purposes of acquiring works of art in order to carry out the provisions of this chapter shall be made in accordance with law and the budgeting procedures of the city.
2. Appropriations for works of art may be expended to acquire works of art for any public place if the terms of a contract, federal or state grant, law or regulation do not limit or restrict the funds so appropriated to use for a specific “eligible public or private construction project.” Appropriations for works of art shall only be expended for acquisition of works of art to be located on the premises of a specific “eligible public or private construction project” if the terms of a contract, federal or state grant, law, or regulation do limit or restrict the use of funds to a specific “eligible construction project” only.
3. Subject to applicable law, appropriations and expenditures for works of art may include, but are not limited to, the costs and expenses incurred in the process of selecting and installing works of public art and for design and planning services of artists, as well as program administration and project management.
4. The city council shall approve the acquisition of works of art to be funded under the capital improvement budget.
5. All artwork donated to the city shall become the property and responsibility of the city upon acceptance of the city council.
6. Other Public Agencies. If the city enters into an agreement with another public agency, whereby city or agency funds are transferred to such agency for the purpose of performing a capital improvement project which

would otherwise be deemed an “eligible construction project” under this chapter, such agreement shall provide, whenever it is lawful or appropriate to do so, that the recipient agency or its successor in interest shall take appropriate measures to insure that not less than two percent of the city or agency funds so transferred are expended for acquisition of works of art. (Ord. 892 § 3, 2005; Ord. 869 § 1, 2004)

2.58.060 Funding exclusions from, and additions to, the public art program.

City manager responsibilities:

A. The city manager, in conjunction with the submission of the annual capital budgets of the city, and unless otherwise prohibited by law from doing so, may:

1. Propose funds to be added to the public art program, which funds may be utilized to place works of art in existing public places which do not otherwise qualify as “eligible public construction projects.”
2. Prior to the submission of the city’s proposed annual capital improvement project budget to the city council, the city manager shall notify the art and cultural commission of: (i) those capital improvement projects which are designated “eligible public construction projects” in the budget; and (ii) any proposed discretionary funds proposed for addition to the public art program.
3. The following provisions shall apply to the two percent minimum public art calculation only in those circumstances in which the city receives funds from persons, firms, organizations or other agencies which are restricted as to the use of such funds for works of art, or which such funds are otherwise restricted by law or regulation:
 - a. If the terms of a contract, federal or state grant, law or regulation prohibit the use of funds in connection with an “eligible public construction project” for expenditure upon works of art, then the basis on which the public art funding percentage is applied will exclude any funds which are so prohibited or restricted.
 - b. If the terms of a contract, federal or state grant, law or regulation provide that any additional expenditure by the city on works of art for an otherwise “eligible public construction project” shall reduce the amount of funds received by the city for the project, then the project may be wholly or partially exempted from the provisions of this chapter. (Ord. 892 § 3, (part), 2005; Ord. 869 § 1 (part), 2004)

2.58.070 Application procedures for placement of required public art on private nonresidential property.

An application for placement of public art on private nonresidential property shall be submitted to the community development director and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required the art and cultural commission to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods;
- D. A narrative statement to be submitted to the community development director to demonstrate that the public art will be displayed in an area open and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site. (Ord. 869 § 1, 2004)

2.58.080 Approval for placement of public art on private nonresidential property.

A. Applications completed in accordance with Section 2.58.070 shall be submitted to the art and cultural commission for review and recommendation to the city council of public art in accordance with this chapter.

B. The art and cultural commission upon receipt of a completed application shall convene an art selection panel to review the proposed public art using adopted public art evaluation criteria.

C. The recommended completed application shall be forwarded by the art and cultural commission to the city council, which shall have the sole authority to accept, reject or conditionally accept the project.

D. All approvals for placement of public art on private property shall be obtained prior issuance of a certificate of occupancy. (Ord. 892 § 4, 2005; Ord. 869 § 1, 2004)

2.58.090 Application procedure for acceptance of public art donated to the city.

An application for the donation of public art to the city shall be submitted to the art and cultural commission and shall include:

A. Preliminary sketches, photographs, models or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;

B. An appraisal or other evidence of the value of the proposed public art, including acquisition and installation costs;

C. A written agreement executed by or on behalf of the artist who created the public art which expressly waives his or her rights under the California Art Preservation Act or other applicable law;

D. Other information as may be required by the art and cultural commission to adequately evaluate the proposed donation of public art. (Ord. 869 § 1, 2004)

2.58.100 Review of application for acceptance of public art donated to the city.

A. The art and cultural commission shall convene an art selection panel to review the proposed public art, using adopted public art evaluation criteria.

B. Upon recommendation of the art selection panel, the public art application shall be reviewed by the art and cultural commission.

C. Following the review, the art and cultural commission shall forward the public art application to the city council, which shall have the sole authority to accept, reject or conditionally accept the donation. (Ord. 869 § 1, 2004)

2.58.110 Certificate of occupancy.

The following requirements must be met prior to the city's issuance of a certificate of occupancy:

A. Full compliance with one of the following:

1. The approved public art has been placed on the site of the approved project, in a manner satisfactory to the building official and the Capitola art and cultural commission; or

2. In-lieu art fees have been paid.

B. If public art has been placed on the site of the approved project, the applicant must execute and record with the county recorder covenants, conditions and restrictions (CC&Rs), which require the property owner, successor in interest and assigns to:

1. Maintain the public art in good condition as required by the city's public art guidelines;

2. Indemnify, defend and hold the city and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the city attorney;

3. Maintain liability insurance, including coverage and limits as may be specified by the city manager. (Ord. 892 § 5, 2005; Ord. 869 § 1, 2004)

2.58.120 Ownership of public art on private nonresidential property.

A. All public art placed on the site of an applicant's project shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.

B. Maintenance of public art, as used in this chapter, shall include without limitation, preservation of the artwork in good condition to the satisfaction of the city, protection of the public art against physical defacement, mutilation or alteration, and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the city manager. Prior to placement of approved public art, applicant and owner of the site shall execute and record a covenant, in a form approved by the city, requiring maintenance of the public art. Failure to maintain the public art as provided in this chapter is declared to be a public nuisance.

C. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, upon reasonable notice the city may perform all necessary repairs and maintenance or secure insurance, and the costs therefore shall become a lien against the real property.

D. All artwork donated to the city shall become the property and responsibility of the city upon acceptance by the city council. (Ord. 869 § 1, 2004)

2.58.130 Removal or alteration of public art.

A. Public art installed on or integrated into a construction project pursuant to the provisions of this chapter shall not be removed or altered without the approval of the city council.

B. If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without prior approval, the property owner shall contribute funds equal to the development project's original public art requirement to the city's public art in-lieu account, or replace the removed artwork with one which is of comparable value and approved by the city council. If this requirement is not met, the occupancy permit for the project may be revoked by the city council upon due notice and an opportunity to be heard. The city may, in addition, pursue any other available civil or criminal remedies or penalties. (Ord. 869 § 1, 2004)

2.58.140 Program administration.

A. Up to twenty percent of the percent for art allocations may be expended on program administration, project management and community outreach activities, including, but not limited to, staffing, artist selection, publicity, community education activities, project documentation, consultants, and other activities necessary for the administration of the program.

B. Maintenance. Proceeds of the percent for art program shall not be used for maintenance of the public art collection. Routine and preventive maintenance of works of art shall be funded by the city council and performed by the public works department, under the guidance of the art and cultural commission. The art and cultural commission as part of the annual budget process shall submit requests for non-routine and restorative maintenance, as well as other curatorial services. (Ord. 869 § 1 (part), 2004)

Chapter 2.60

MILITARY EQUIPMENT USE

Sections:

- 2.60.010 Name of chapter.
- 2.60.020 Definitions.
- 2.60.030 Military equipment use policy requirement.
- 2.60.040 Use in exigent circumstances.
- 2.60.050 Reports on the use of military equipment.
- 2.60.060 Severability.

2.60.010 Name of chapter.

A. This chapter shall be known as the military equipment use ordinance. (Ord. 1051 § 3 (Exh. A), 2022)

2.60.020 Definitions.

A. "Military equipment" includes all of the following (per Cal. Gov. Code § 7070):

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this definition.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this definition.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this definition.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this definition.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this definition.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the long range acoustic device (LRAD).

The Capitola Municipal Code is current through Ordinance 1061, passed June 22, 2023.

14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding subsections (A)(1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. “City” means any department, agency, bureau, and/or subordinate division of the city of Capitola.
- C. “Police department” means any division, section, bureau, employee, volunteer and/or contractor of the Capitola police department.
- D. “City council” means the governing body that is the Capitola city council.
- E. “Military equipment use policy” means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
 3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.
 5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
 6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. “Exigent circumstances” means a law enforcement agency’s good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.
- G. “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- H. “Type” means each item that shares the same manufacturer model number. (Ord. 1051 § 3 (Exh. A), 2022)

2.60.030 Military equipment use policy requirement.

A. The Capitola police department shall obtain approval of the city council, by a resolution adopting a military equipment use policy (MEUP) at a regular meeting of the city council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:

1. Requesting military equipment made available pursuant to 10 U.S.C. Section 2576a.
2. Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the city of Capitola.
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
7. Acquiring military equipment through any means not provided by this section.

B. No later than May 1, 2022, if seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, the Capitola police department shall commence a city council approval process in accordance with this section. If the city council does not approve the continuing use of military equipment, including by adoption pursuant to a military equipment use policy submitted pursuant to this code, within 180 days of submission of the proposed military equipment use policy to city council, the Capitola police department shall cease its use of the military equipment until it receives the approval of city council in accordance with this code.

C. In seeking the approval of city council, the Capitola police department shall submit a proposed military equipment use policy to the city council and make those documents available on the police department's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

D. The city council shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

E. In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the police department for as long as the military equipment is available for use.

F. The city council shall review this chapter at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code). (Ord. 1051 § 3 (Exh. A), 2022)

2.60.040 Use in exigent circumstances.

A. Notwithstanding the provisions of this chapter, the police department may acquire, borrow and/or use military equipment in exigent circumstances without following the requirements of this code.

B. If the police department acquires, borrows, and/or uses military equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

1. Provide written notice of that acquisition or use to the city council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.
2. If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended military equipment use policy to the city council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the city council.
3. Include the military equipment in the police department's next annual military equipment report. (Ord. 1051 § 3 (Exh. A), 2022)

2.60.050 Reports on the use of military equipment.

A. The police department shall submit to city council an annual military equipment report for each type of military equipment approved by the city council within one year of approval, and annually thereafter for as long as the military equipment is available for use.

B. The police department shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

C. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

D. Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the police department shall hold at least one well publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

E. The city council shall determine, based on the annual military equipment report submitted pursuant to this section, whether each type of military equipment identified in that report has complied with the standards for approval set forth in this code and the military equipment use policy. If the city council determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval, the city council shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance. (Ord. 1051 § 3 (Exh. A), 2022)

2.60.060 Severability.

A. If any section, subsection, sentence, clause, phrase, or word of this chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this chapter.

B. The city council hereby declares that it would have passed this chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid or unconstitutional. (Ord. 1051 § 3 (Exh. A), 2022)

Capitola City Council

Agenda Report

Meeting: November 21, 2023

From: City Manager Department

Subject: 2024 Holidays and City Hall Closures



Recommended Action: Adopt a resolution designating the holidays and City Hall closures in calendar year 2024.

Background: Ordinance No. 497 allows the City Council to designate holidays and closures for City offices by resolution. A draft resolution for the 2024 calendar year holidays is attached. As has been the practice for the past several years and consistent with employee Memoranda of Understanding, the proposed resolution also identifies the December holiday closure of City Hall and Recreation offices.

Fiscal Impact: None

Attachments:

1. Resolution

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING DAYS FOR CLOSURE OF CITY OFFICES
DURING THE 2024 CALENDAR YEAR

WHEREAS, Ordinance No. 497 provides that days for closure of City offices may, from time to time, be set by Council Resolution; and

WHEREAS, it is the desire of the City Council of the City of Capitola to establish days for closure of City offices during the 2024 calendar year.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola as follows: City Offices, except for essential City services such as the Police Department, shall be closed on the following days occurring in calendar year 2024, unless otherwise noted:

Monday, January 1	New Year’s Day (observed)
Monday, January 15	Martin Luther King, Jr., Birthday
Monday, February 12	Lincoln’s Birthday (observed)
Monday, February 19	Presidents’ Day
Monday, May 27	Memorial Day
Thursday, July 4 & Friday, July 5	Independence Day
Monday, September 2	Labor Day
Monday, October 14	Indigenous Peoples Day
Monday, November 11	Veterans’ Day (observed)
Thursday & Friday, November 28 & 29	Thanksgiving Holiday
Wednesday, December 25	Christmas Day
Monday, December 23 – Friday, December 27	Holiday Closure

The foregoing does not preclude the scheduling of any City Council or Planning Commission meetings on such days. For purposes of Government Code Section 6704, Saturdays and Sundays are also days for closure of the City business office.

The foregoing is not in any sense intended to define holidays, for which employees do or do not receive additional compensation. Employees’ paid holidays are defined in relevant Memoranda of Understanding.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21st day of November, 2023, by the following vote:

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

 Margaux Keiser, Mayor

ATTEST: _____
 Julia Gautho, City Clerk

Capitola City Council

Agenda Report

Meeting: November 21, 2023

From: City Manager Department

Subject: Temporary/Hourly Employee Pay Schedule



Recommended Action: Adopt a resolution amending the temporary/hourly employee pay schedule.

Background: The City of Capitola employs temporary/hourly employees to provide services to the community. Most of these positions are in the Recreation Division, though other City departments also occasionally employ hourly positions. Temporary employees work either part-time or on a seasonal basis for a limited number of hours per fiscal year and are not regular City employees. Temporary employees are not represented by any Union, are not subject to any existing memorandum of understanding (MOU), and are not eligible for City healthcare or retirement benefits. For this reason, any wage increases are enacted by City Council action separate from the adoption of MOUs for other City bargaining groups.

Discussion: The City Council last adjusted the temporary pay schedule in November 2022 to take effect January 1, 2023. Staff recommends increasing the temporary/hourly pay schedule by 3.2% to remain in compliance with California minimum wage requirements. If approved, the salary schedule would take effect on January 1, 2024. There are no classifications being added to the schedule, however, minor modifications have been made to better reflect current Capitola employment practices.

Fiscal Impact: The increase to the temporary/hourly employee pay schedule was anticipated when preparing for the Fiscal Year 2023-2024 Budget; the adopted budget accounts for this increase.

Attachments:

1. Resolution
2. Proposed pay schedule

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Gautho, City Clerk; Jim Malberg, Finance Manager

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE HOURLY/SEASONAL EMPLOYEE PAY SCHEDULES EFFECTIVE
January 1, 2024**

WHEREAS, the City Council sets the compensation rates for hourly and temporary employment positions; and

WHEREAS, the City Council last amended the Temporary /Hourly Pay Schedule (Pay Schedule, attached as Exhibit “A”) by Resolution No. 4251 on February 10, 2022, which amended the Pay Schedule to comply with California minimum wage requirements.

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

1. The Hourly/Seasonal Pay Schedule attached hereto as Exhibit “A,” is amended as shown in the Exhibit.

BE IT FURTHER RESOLVED that this Resolution becomes effective on January 1, 2024.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 21st day of November, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Gautho, City Clerk

EXHIBIT A

Updated February 11, 2022 (Minimum wage \$15.00/hour)				
POSITION	0	1	2	3
Intern	\$ 16.54	\$ 17.37	\$ 18.24	\$ 19.15
Junior Lifeguard Instructor	\$ 18.50	\$ 19.43	\$ 20.40	\$ 21.42
Junior Lifeguard Assistant Coordinator	\$ 21.42	\$ 22.49	\$ 23.61	\$ 24.79
Junior Lifeguard Coordinator	\$ 24.79	\$ 26.03	\$ 27.33	\$ 28.70
Recreation Leader I	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23
Recreation Leader II	\$ 19.14	\$ 20.10	\$ 21.11	\$ 22.16
Recreation Program Assistant Coordinator	\$ 21.11	\$ 22.16	\$ 23.27	\$ 24.43
Recreation Program Coordinator	\$ 23.27	\$ 24.43	\$ 25.66	\$ 26.94
Recreation Facility Assistant	\$ 15.00	\$ 15.75	\$ 16.54	\$ 17.36
POSITION				
Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working i However, retired Capitola Police Officers who apply and are accepted as Anr will be paid an hourly wage consistent with Step F of the Police Officer sala			
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale			
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale			
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant			
Part-Time Parking Enforcement Officer	Salary will be equivalent to the position of Parking Enforcement Officer			
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant			
Police Records Technician	Salary will be equivalent to the position of Police Records Technician			

Effective January 1, 2024 (CC approved November 21, 2023)								
POSITION	0	1	2	3				
Intern	\$ 17.58	\$ 18.46	\$ 19.38	\$ 20.35				
Beach Lifeguard / Junior Lifeguard Instructor	\$ 19.66	\$ 20.65	\$ 21.68	\$ 22.76				
Lifeguard Lieutenant / Junior Lifeguard Assistant Coordinator	\$ 22.76	\$ 23.90	\$ 25.10	\$ 26.35				
Junior Lifeguard Coordinator	\$ 26.35	\$ 27.67	\$ 29.05	\$ 30.51				
Recreation Leader I	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.44				
Recreation Leader II	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.63				
Recreation Program Assistant Coordinator	\$ 22.51	\$ 23.63	\$ 24.82	\$ 26.06				
Recreation Program Coordinator	\$ 24.82	\$ 26.06	\$ 27.36	\$ 28.73				
Recreation Facility Assistant	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52				
POSITION								
Retired Annuitant	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations.							
Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations.							
	However, retired Capitola Police Officers who apply and are accepted as Annuitant Officers							
	will be paid an hourly wage consistent with Step F of the Police Officer salary range.							
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale							
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale							
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant							
Part-Time Parking Enforcement Officer	Salary will be equivalent to the position of Parking Enforcement Officer							
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant							
Police Records Technician	Salary will be equivalent to the position of Police Records Technician							

Capitola City Council

Agenda Report

Meeting: November 21, 2023
From: Public Works Department
Subject: Repair of Stockton Avenue Bridge



Recommended Action: Approve the plans, specifications, and construction estimate for the Stockton Avenue Bridge Storm Repair Project; authorize Public Works staff to advertise for construction bids; and authorize Amendment 1 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$18,500 to complete the necessary approvals for construction for the project.

Background: On January 5, 2023, the Stockton Avenue Bridge experienced damage to its pier walls and west wing wall due to a storm. Although the damage does not presently pose a threat to the bridge's structural integrity, it necessitates immediate emergency repairs.

City staff successfully secured funding for professional engineering services and construction through the Federal Emergency Relief (ER) Emergency Opening (EO) program, a collaboration between the Federal Highway Administration (FHWA) and Caltrans Local Assistance (Caltrans LA). The total funding allocation for repairing the bridge damage is \$443,750.

On April 27, 2023, the City Council approved a Professional Services Agreement with Moffatt and Nichol, not to exceed \$34,488, for design, permitting, and construction support services for the Stockton Avenue Bridge Storm Repair Project.

City staff has been working on obtaining the necessary permits, including those required by the Coastal Commission post-construction. Construction has been scheduled to coincide with the opening of the lagoon and before the onset of the rainy season, ensuring that Soquel Creek's water levels are at their lowest. The estimated timeline for construction is December 2023 or January 2024, dependent on weather conditions.

Discussion: Dependent on site conditions the project may be constructed from either the bridge deck, which would necessitate closure of the bridge for periods of time, or from the creek bed if water levels are low enough.

Cranes may be positioned on the bridge to facilitate the removal of larger debris and assist in the repair process. Staging will take place on the bridge and on an unpaved access area on the northeast side. All necessary repair equipment and materials will be transported by truck. There might be a brief closure of the westbound lane during certain repair phases due to safety concerns related to construction equipment on the bridge. However, lane closure is likely unnecessary if repairs are carried out from the dry channel. Construction activities are planned to occur during daylight hours and are expected to span a maximum of three weeks.

A comprehensive description of the proposed emergency repair activities can be found in Attachment 1 (Project Description), and a set of plans illustrating the intended repairs is included in Attachment 2 (Stockton Bridge Repairs).

Fiscal Impact: Both the design and repair expenses will be fully eligible for reimbursement through the FHWA Emergency Relief EO Program. The estimated cost for the bridge repairs amounts to \$355,000, and with the contract amendment, the final design cost is estimated to be around \$53,000.

CEQA: This project meets the criteria for an "emergency" as defined in CEQA Guidelines Section 15269(a), which exempts from CEQA projects in an area in which the Governor has proclaimed a state of emergency pursuant to the California Emergency Services Act. Here, the Governor issued such a proclamation, regarding damage caused by storms in California, on January 4, 2023. This project, which is in the area subject to the emergency declaration, is thus exempt from CEQA review pursuant to Cal. Pub. Res. Code Sec. 21080(b)(3). A Notice of Exemption (NOE) form has been submitted to the Santa Cruz County Clerk. Additionally, the project has received approval for emergency repairs from the U.S. Army Corps of Engineers (USACE) and Central Coast Regional Water Quality Control Board (CCWQCB), and it has obtained an Emergency Coastal Permit Determination (ECPD) from the California Coastal Commission. The ECPD necessitates that the City follow up with a comprehensive Coastal Development Permit (CDP) application to secure permanent authorization for the emergency project.

Attachments:

1. Project Description
2. Project Plans
3. Contract Amendment

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk; Tamar Burke, Assistant City Attorney

Approved By: Jamie Goldstein, City Manager

ATTACHMENT A**Stockton Avenue Bridge Emergency Repair Project****Project Description****August 2, 2023****BACKGROUND**

The Stockton Avenue Bridge (bridge) over Soquel Creek is located in Capitola, California (Figure 1). The bridge extends from Cliff Avenue to the southwest and the Esplanade to the east¹. Soquel Creek Park is located to the northwest and Capitola State Beach and Capitola Wharf to the south. A vicinity map is provided on Sheet G-001 of the enclosed repair design plans provided as Attachment B.

The bridge was originally constructed in 1934 and is approximately 6,000 square feet, spanning 135 feet long and 45 feet wide. The structure is a 3 span, continuous parabolic RC (7 cell) box girder with cantilevered end spans on RC pier walls and RC diaphragm ends with non-monolithic wingwalls, all founded on RC pile caps and timber piles. The side spans are 25 feet, and the center span is 85 feet.

The City of Capitola maintains the water levels within Soquel Creek in accordance with their Soquel Creek Lagoon Management Plan (Certification (WDID) No. 34417WQ01). The water levels within the lagoon are managed for public safety, water quality, fish habitat and public access. Summer lagoon conditions begin with the creation of a sand bar which is generally formed in late May and is kept in place until the first large storm event, typically observed in late Fall (Figure 1).

¹ Note that the County of Santa Cruz has not assigned an APN to the bridge, likely due to its location.



Figure 1: Project Location and Vicinity Map

PURPOSE

The bridge is in need of emergency repair and the City of Capitola is proposing to repair the damage as documented in the U.S. Department of Transportation Federal Highway Administration – California Division – Title 23 Damage Assessment Form dated June 8, 2023.

The repair is approved for emergency funding by the City of Capitola, Caltrans District 5, and the Federal Highway Administration as of June 8, 2023.

PROPOSED EMERGENCY REPAIR ACTIVITIES

Repair activities would include:

- Patching 7 spall locations
- Replacing walkway slab concrete and adjacent retaining wall

Spall repairs on the east face of the east pier involve cleaning exposed rebar and removing unsound concrete.

Three different spalls measuring 3'x2.5', 2'x2', and 1'x1' will be cleaned and patched (Figure 2).

Similarly, on the west face of the west pier, a total of four spalls require similar cleaning and patching. Two of the four spalls in this location measure 3'x2.5', a third measures 5'x2.5', and the fourth measures 3'x2' (Figure 3). There is no damage observed to the west abutment face or the inside face of the east pier.

The walkway slab underneath the bridge is 10 inches thick and 12 feet 6 inches to the north narrowing to 7 feet to the south. This slab has cracked and the concrete will be removed and replaced. The adjacent retaining wall is cracked and has a large amount of debris (Figures 4 & 5).

There is currently a tree trunk wedged between the east abutment and adjacent pier that crews have been unable to remove and which may be able to be dislodged during repair activities.



Figure 2: East Pier Wall During Very Low Tide with Spalled Areas Circled in Red



Figure 3: West Pier Wall in Post Storm Condition with Spalled Areas Circled in Red



Figure 4 & 5: Retaining Wall During Very Low Tide Showing Debris Accumulation



Figure 6: Close-up of Exposed Rebar Under Spall on East Pier Wall

CONSTRUCTION APPROACH

The proposed project approach would be either to use snooper trucks on the bridge to repair the spalls and walkway slab concrete and retaining wall or to conduct work from the channel when waters have sufficiently receded. Cranes may be staged on the bridge to cut up previous larger debris and may be used to repair the bridge. Staging would occur on the bridge as well as on an unpaved access area on the northeast side of the bridge. Repair equipment and materials would be transported by truck. The westbound lane may be briefly closed during portions of the repair due to the risk of construction hazards when equipment is on the bridge, however, lane closure would likely not be required if repairs are conducted from the dry channel. The work will be completed as soon as all permits are in hand and the City has made the site accessible for repair activities. Construction activities would occur during daylight hours and are anticipated to last a maximum of three weeks.

BEST MANAGEMENT PRACTICES

Best management practices (BMPs) will be utilized during repair activities to avoid or minimize any water quality impacts that could result to Soquel Creek. BMPs will address construction debris storage, floating debris, and repair equipment operations. Implementation of BMPs would reduce water quality impacts to below a level of

significance. Erosion control BMPs designed to prevent spillage and/or runoff of repair related materials and to contain sediment or contaminants associated with the repair activities shall be implemented prior to the onset of such activity. These BMPs shall include but are not limited to:

- Protection of storm drain inlets with sandbags or berms.
- Covering of all stockpiles.
- Storage, application and disposal of petroleum and other repair materials will be managed and controlled.
- BMPs will include a preconstruction meeting to review procedural and BMP guidelines.
- During construction, heavy equipment shall be operated in accordance with standard BMPs. All equipment shall be properly maintained such that no leaks of oil, fuel, or residues will take place. Provisions shall be in place to remediate any accidental spills.
- Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials.
- All food-related trash shall be disposed of in closed containers and removed from the Project Area each day during the construction period.
- All work shall take place during daylight hours.
- Construction work or equipment operations below the mean high-water line shall be minimized to the absolute extent feasible, and, where possible, limited to times when tidal waters have receded from the authorized work areas.

OTHER REQUIRED APPROVALS

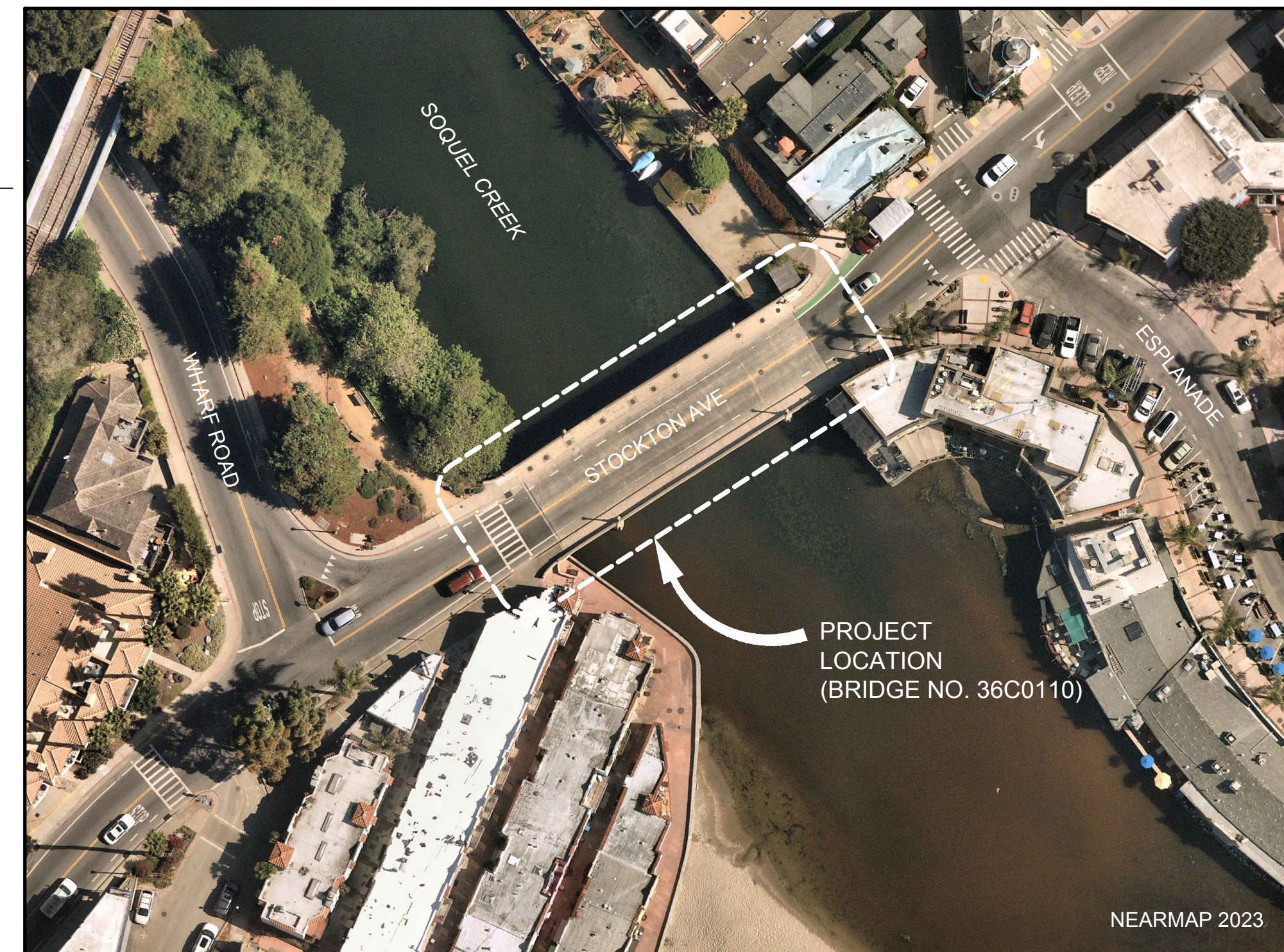
The repairs are anticipated to be deemed exempt per CEQA under Guidelines Section 15269(d) emergency projects. Work will commence when all required approvals are in place. Emergency permits are requested from the United States Army Corps of Engineers (USACE) and California Coastal Commission (CCC). The Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) will not require permits but must be notified of emergency activities.

CAPITOLA BRIDGE OVER SOQUEL CREEK EMERGENCY BRIDGE REPAIRS

CAPITOLA, CALIFORNIA



VICINITY MAP
SCALE: NTS



LOCATION MAP
SCALE: NTS

SHEET INDEX		
SHEET SEQ. NO.	SHEET REF. NO.	SHEET TITLE
1	G-001	TITLE SHEET
2	G-002	GENERAL NOTES, LEGEND, SYMBOLS AND ABBREVIATIONS
3	S-001	BRIDGE REPAIR DETAILS SHEET 1 OF 2
4	S-002	BRIDGE REPAIR DETAILS SHEET 2 OF 2

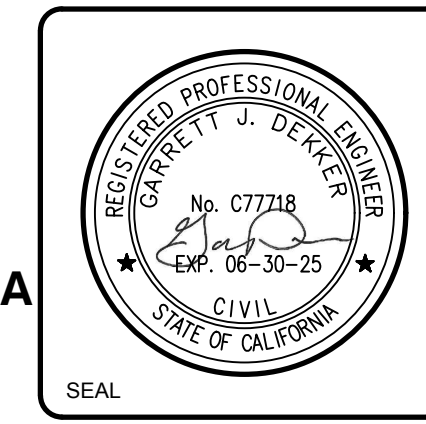
CAPITOLA BRIDGE OVER SOQUEL CREEK
EMERGENCY BRIDGE REPAIRS

TITLE SHEET

Designed by:	KA	Date:	11-09-23	Rev:	0
Drawn by:	EP	MAN Project No.:	230131		
Checked by:	GD	Drawing code:			
Reviewed by:	GD	Submitted by:	MOFFATT & NICHOL	Drawing Scale:	1:1 (0 SHEET)

2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596
PHONE: (925) 944-5411

moffatt & nichol



Sheet Reference No.
G-001
INDEX: 1 OF 4

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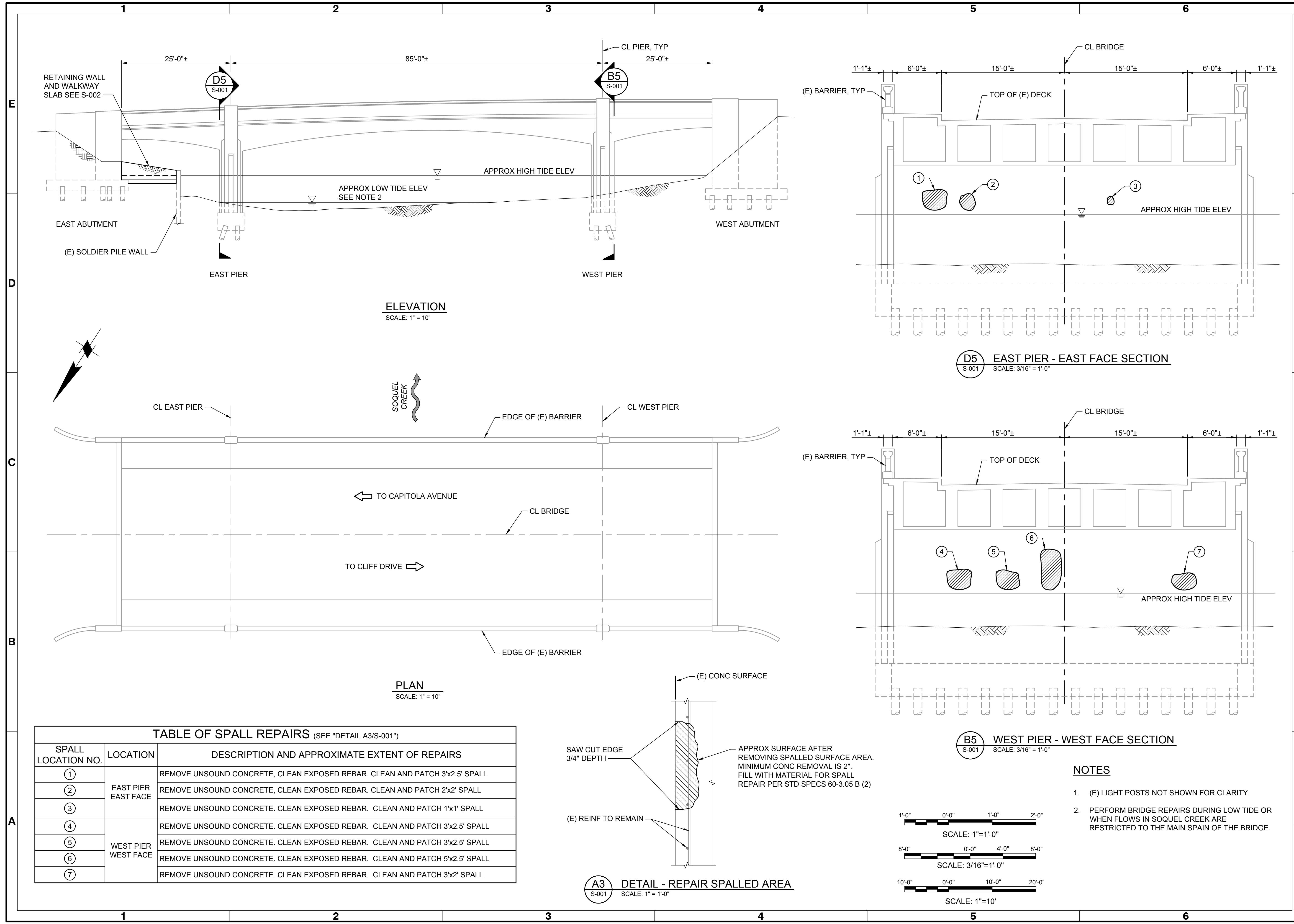
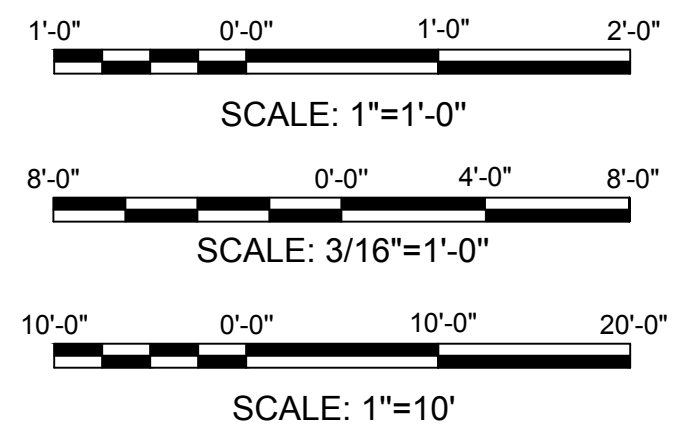


TABLE OF SPALL REPAIRS (SEE "DETAIL A3/S-001")

SPALL LOCATION NO.	LOCATION	DESCRIPTION AND APPROXIMATE EXTENT OF REPAIRS
1	EAST PIER EAST FACE	REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 3'x2.5' SPALL
2		REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 2'x2' SPALL
3		REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 1'x1' SPALL
4	WEST PIER WEST FACE	REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 3'x2.5' SPALL
5		REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 3'x2.5' SPALL
6		REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 5'x2.5' SPALL
7		REMOVE UNSOUND CONCRETE, CLEAN EXPOSED REBAR. CLEAN AND PATCH 3'x2' SPALL

- NOTES**
- (E) LIGHT POSTS NOT SHOWN FOR CLARITY.
 - PERFORM BRIDGE REPAIRS DURING LOW TIDE OR WHEN FLOWS IN SOQUEL CREEK ARE RESTRICTED TO THE MAIN SPAN OF THE BRIDGE.



**CAPITOLA BRIDGE OVER SOQUEL CREEK
EMERGENCY BRIDGE REPAIRS**

**BRIDGE REPAIR DETAILS
SHEET 1 OF 2**

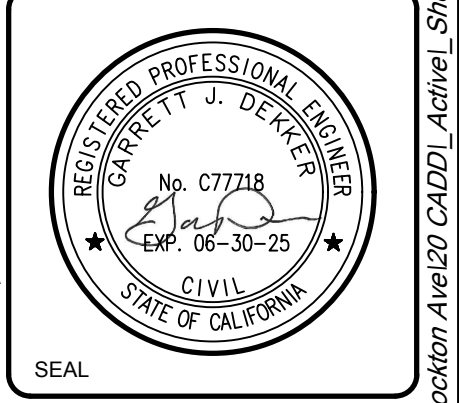
2185 N. CALIFORNIA BLVD., SUITE 500 WALNUT CREEK, CA 94596 PHONE: (925) 944-5411

moffatt & nichol

Designed by: KA
 Drawn by: EP
 Checked by: GD
 Reviewed by: GD

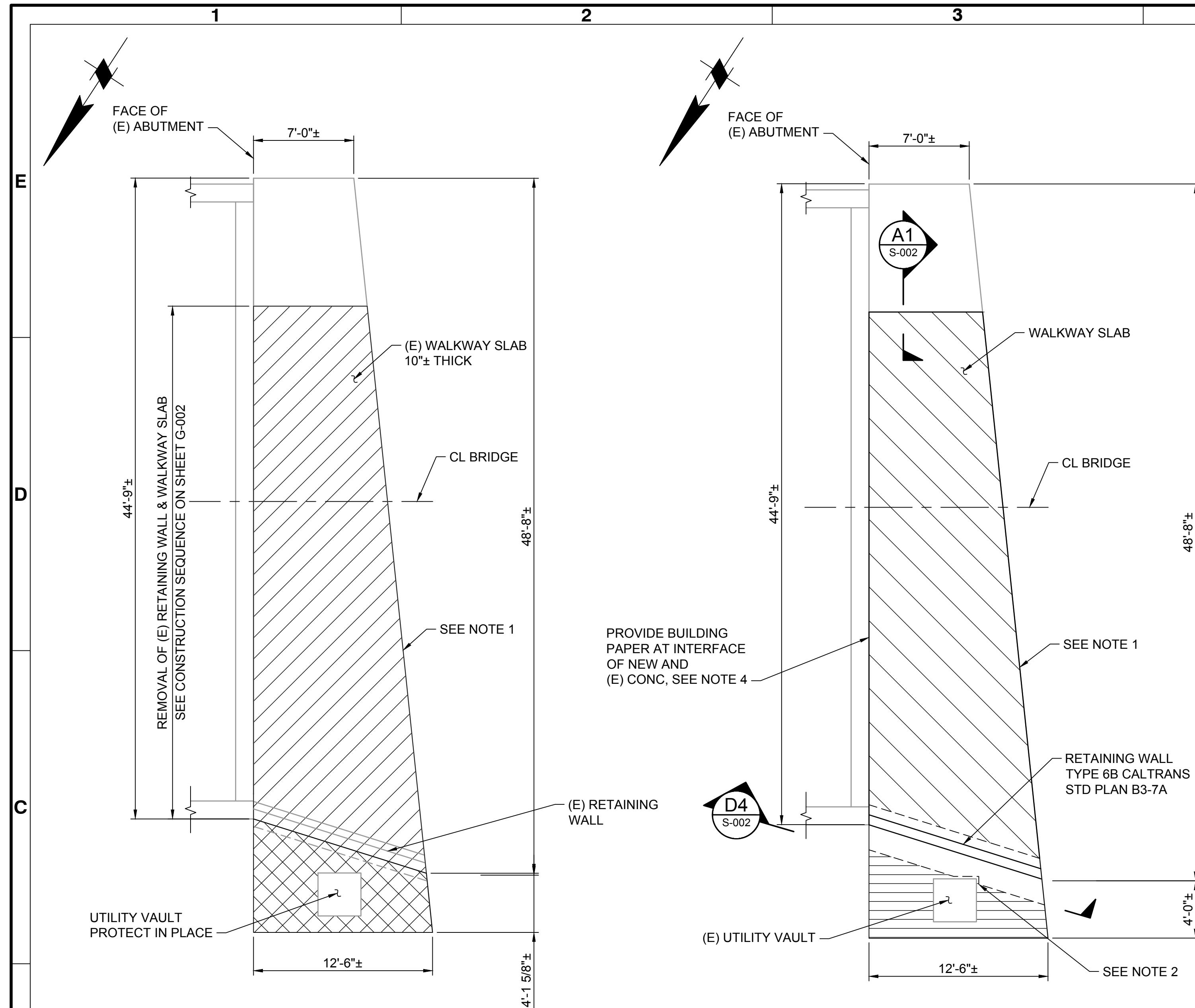
Date: 11-09-23
 M&N Project No: 230131
 Drawing code:

Submitted by: MOFFATT & NICHOL
 Per Scale: 1" (0 SHEET)



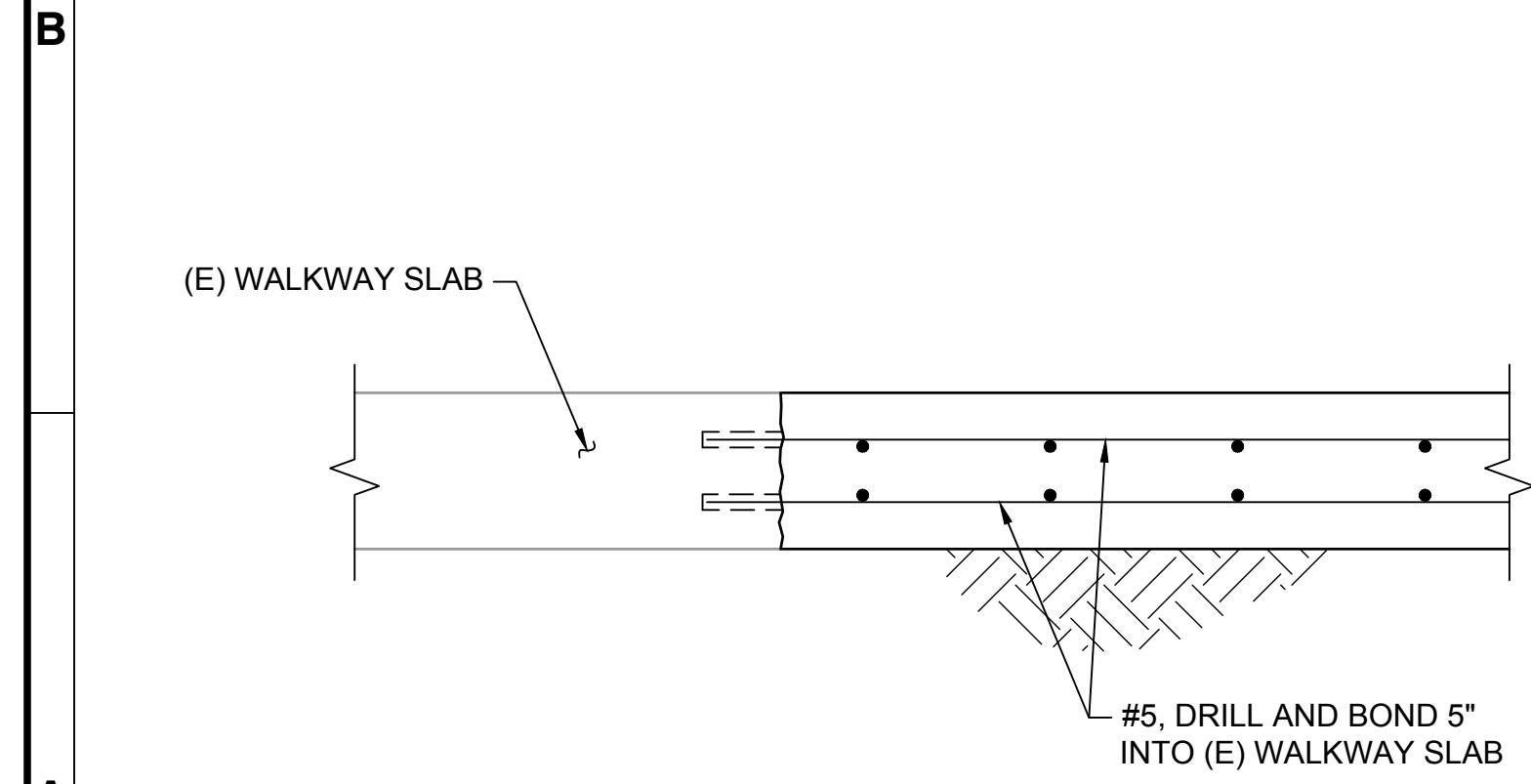
Sheet Reference No. **S-001**

INDEX: 3 OF 4

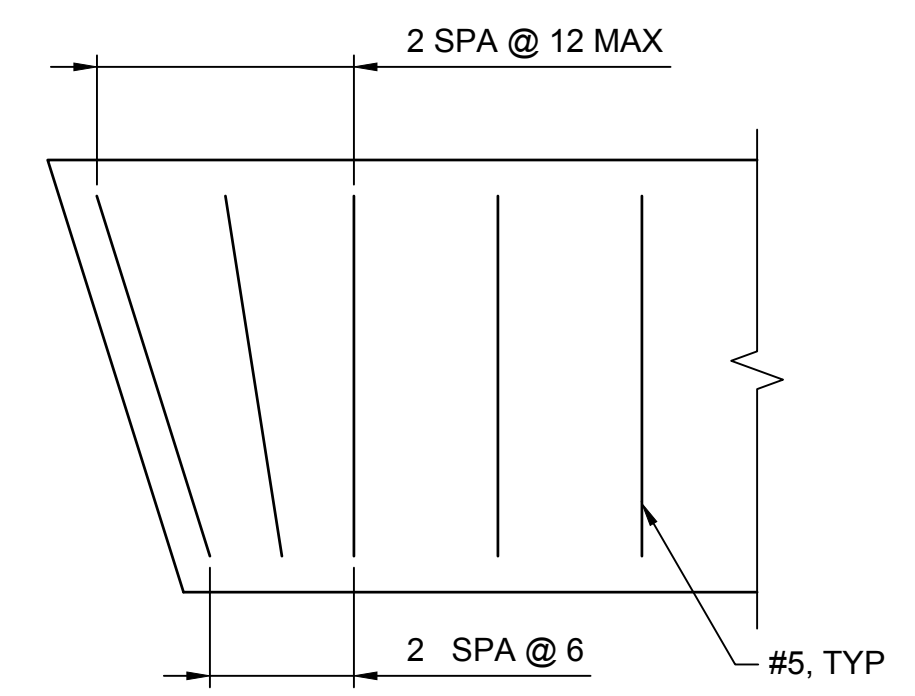


REMOVAL PLAN
SCALE: 3/16" = 1'-0"

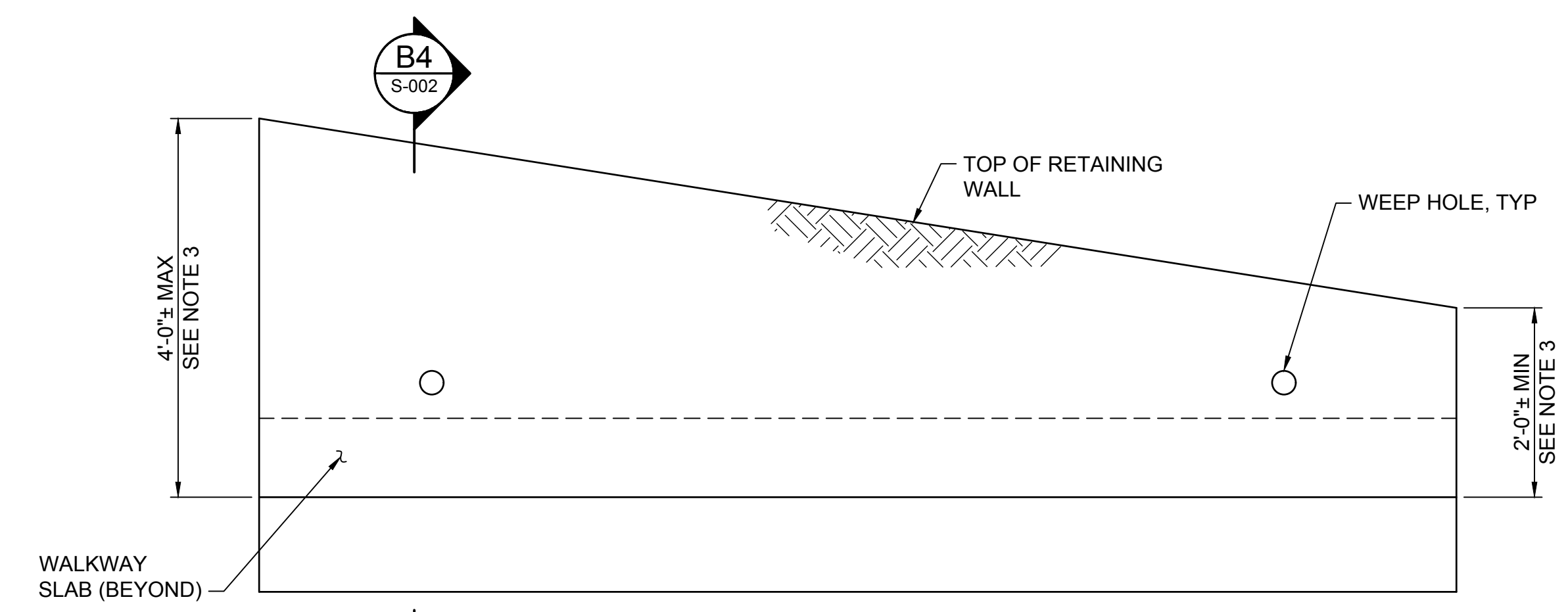
NEW CONSTRUCTION PLAN
SCALE: 3/16" = 1'-0"



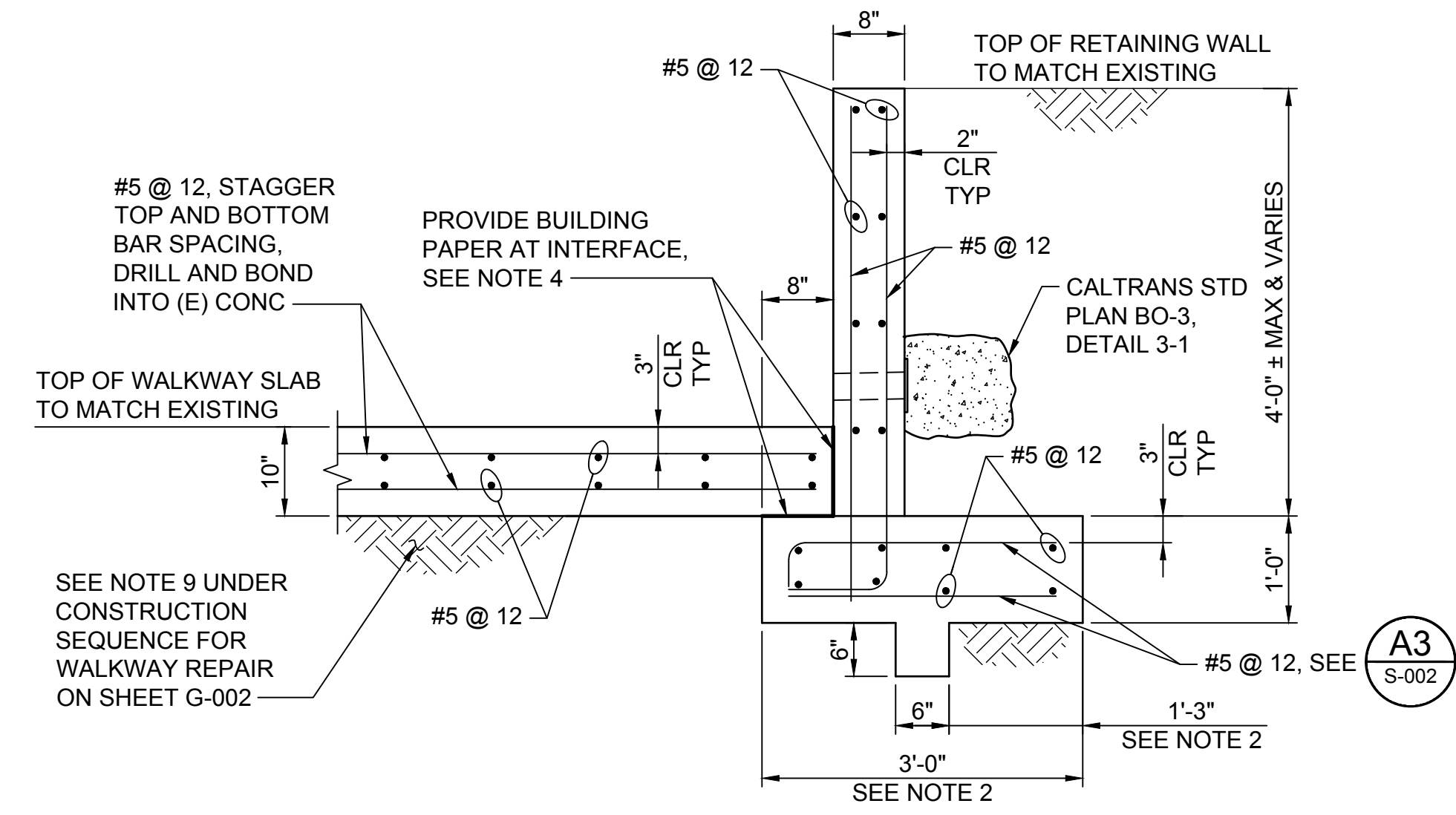
A1 SECTION
SCALE: 1" = 1'-0"



A3 DETAIL - FOOTING REINFORCEMENT
SCALE: 3/4" = 1'-0"



D4 ELEVATION
SCALE: 3/4" = 1'-0"



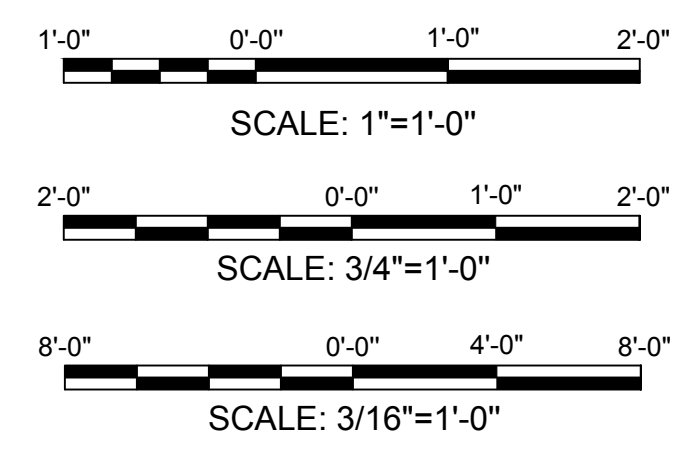
B4 SECTION
SCALE: 3/4" = 1'-0"

LEGEND

- INDICATES REMOVAL OF (E) WALKWAY SLAB AND (E) RETAINING WALL
- INDICATES EXCAVATION
- INDICATES BACKFILL BEHIND RETAINING WALL
- INDICATES BACKFILL UNDER WALKWAY SLAB

NOTES

1. (E) STEEL SOLDIER PILE WALL WITH TIMBER LAGGING NOT SHOWN FOR CLARITY.
2. ADJUST EDGE OF FOOTING TO AVOID CONFLICT WITH UTILITY VAULT. SEPARATE UTILITY VAULT FROM FOOTING WITH 1" POLYSTYRENE PER CALTRANS STANDARD PLAN BO-13, DETAIL 13-2.
3. FIELD VERIFY RETAINING WALL HEIGHT FOR ENGINEER'S APPROVAL.
4. BUILDING PAPER TO CONFORM TO CALTRANS STD SPECS 51-5.02F.



Mark	Description	Date	Appr.

**CAPITOLA BRIDGE OVER SOQUEL CREEK
EMERGENCY BRIDGE REPAIRS
BRIDGE REPAIR DETAILS
SHEET 2 OF 2**

Designed by: KA	Date: 11-09-23	Rev: 0
Drawn by: EP	MAN Project No: 230131	
Reviewed by: GD	Drawing code:	
Submitted by: MOFFATT & NICHOL	Submitted by: MOFFATT & NICHOL	Drawing Scale: 1" = 1' (0 SHEET)

2185 N. CALIFORNIA BLVD., SUITE 500 WALNUT CREEK, CA 94596 PHONE: (925) 944-5411

moffatt & nichol



Sheet Reference No. **S-002**
INDEX: 4 OF 4

1st AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT WITH MOFFATT AND NICHOL FOR
REPAIR OF STOCKTON AVENUE BRIDGE
between

CITY OF CAPITOLA AND MOFFATT & NICHOL

The City of Capitola and Moffatt and Nichol, hereby agree to the following Amendment(s) to the Contract dated April 27, 2023:

- 1) Increase the budget amount by \$18,732 for final approvals for of emergency repairs to the Stockton Avenue bridge over Soquel Creek.

All other terms and conditions of the Professional Services Agreement remain in full force and effect.

CONTRACTOR: MOFFATT & NICHOL

By:

Date: _____

CITY OF CAPITOLA

By: Benjamin Goldstein, City Manager

Date: _____



2185 N. California Blvd, Suite 500
Walnut Creek, CA 94596

(925) 944-5411 Fax: (925) 944-4732
www.moffattnichol.com

October 3, 2023

City of Capitola Public Works Department
420 Capitola Avenue
Capitola, CA 95010

Subject: Proposal for Engineering Services for the Stockton Avenue Bridge over Soquel Creek, Amendment 1

Dear Ms. Kahn,

We are writing to present the City of Capitola Public Works Department (City) a proposal for additional environmental clearance of emergency repairs to the Stockton Avenue bridge over Soquel Creek. This additional work covers effort to finalize approvals for emergency activities with the U.S. Corps of Engineers and the California Coastal Commission (CCC), comply with Emergency Coastal Development Permit (ECDP) conditions, make a required notification to the Central Coast Water Quality Control Board and finally, compile and submit an application package for a permanent CDP as required by condition 8 of the ECDP, as further detailed below.

SCOPE OF WORK

We will conduct the work in four primary tasks, described below.

Task 1 – Finalize Permit Tasks & CCC/USACE Liaison

This task captures effort expended in finalizing coordination with the CCC and the U.S. Army Corps of Engineers (USACE) in pursuit of authorization for emergency repairs. This involved addressing agency queries following submittal of emergency permit applications. We were successful in identifying site elevation data which allowed USACE to determine that a permit from them was not required. A total of 18 hours were expended on this task.

Task 2 – Central Coastal Water Quality Control Board (CCRWQCB) Notice of Intent & Liaison

As USACE determined that the proposed emergency activities were outside their jurisdiction, a 401 certification is not required from CCRWQCB. However, when confirming with CCRWQCB, staff at that agency informed us that emergency activities must enrol with a Water Quality Order, anticipated to be No. 2023-0058-DWQ. This requires submittal of a Notice of Intent (NOI) as well as a fee of \$2,734 and a narrative addressing concrete curing times and water exposure avoidance measures. We propose to complete the NOI and narrative and submit the fee on behalf of the City. We will liaise with agency staff as required until a Notice of Applicability (NOA) is issued authorizing the emergency activities. Extensions may be required should construction activities extend beyond two (2) weeks after the date of NOA issue. A total of 18 hours is assumed for this task.

Task 3 – ECDP Compliance

Under this task, we will provide support to the City in order to comply with ECDP G-3-23-0065 condition 15 which requires submittal of as-built plans, cross sections, construction narrative and pre-, during- and post-

construction photos. A total of 14 hours is assumed for this task, and it is assumed that two (2) field visits will be required to capture the required photo documentation, during and post construction activities.

Task 4 – Permanent CDP Application

Condition 8 of ECDP G-3-23-0065 requires the City to follow up with a full CDP application to secure permanent authorization of the emergency project. We will compile the CDP application package, submit to the City for review and approval before submitting to CCC. We will then liaise with staff to reach application completeness. It is assumed that attendance by M&N staff at a CCC hearing will not be required. A total of 18 hours is assumed for this task.

ENGINEERING FEE

We propose to complete the work on a Time and Materials basis, Not to Exceed \$18,432. A breakdown of the cost by task is provided in the table below and is based upon the assumptions on the next page.

Task	Cost
Task 1 - Finalize Permit Tasks & CCC/USACE Liaison	\$ 3,944.00
Task 2 - CCWQCB NOI and Liaison	\$ 4,032.00
Task 3 - ECDP Compliance	\$ 2,934.00
Task 4 - Permanent CDP Application	\$ 4,788.00
Direct Expenses	\$ 2,734.00
TOTAL:	\$ 18,432.00

We appreciate your confidence in our services and the opportunity to be of continued assistance to the City of Capitola. This proposal is valid for 60 days from the submittal date. Should you have any questions, feel free to contact Project Manager, Garrett Dekker, or Principal-in-Charge, Brad Porter.

Sincerely,

MOFFATT & NICHOL



Garrett Dekker, PE
Project Manager
925-956-4947
gdekker@moffattnichol.com



Brad Porter, PE
Principal-in-Charge
925-956-4939
bporter@moffattnichol.com

City of Capitola Public Works Department

October 3, 2023

ASSUMPTIONS

1. Level of effort for responding to agency requests for additional information will be minor, meaning it will not require redesign of the project, additional technical reports or other stand-alone deliverables.
2. We will make a good faith effort to secure the required permits for the project. However, environmental permitting is dependent on authorities outside of the influence and control of the client, its consultants and contractors, and we offer no guarantee as to the schedule, mitigation requirements, restrictions, or ultimately the award of required permits.
3. We assume any other local or state permits (i.e., construction or building permits) that may be required will be applied for and paid for by the City or contractor, or, if assistance is requested, authorized separately.



Capitola City Council

Agenda Report



Meeting: November 21, 2023

From: Public Works Department

Subject: Public Works Equipment Budget Amendment

Recommended Action: Adopt a resolution to amend the FY 2023-24 budget to allow for the purchase of \$35,000 of essential lawn mowing equipment from the Equipment Internal Service Fund.

Discussion: The Public Works Department is responsible for the year-round maintenance of City parks, which involves adhering to a mowing schedule of three times per week. This ongoing effort is vital to ensuring the quality and aesthetics of our community spaces.

The City's existing mower has surpassed 4,000 hours of operation, far exceeding its recommended life expectancy of 1,500 hours. This extended usage has resulted in frequent malfunctions and suboptimal performance, despite staff's efforts to maintain and repair the mower regularly. Ongoing repairs have escalated maintenance expenses and hampered overall operational efficiency, indicating that the current mower has reached the end of its operational life.

Originally, staff had planned to budget for the mower replacement during the Fiscal Year 2024-25 budget process. Unfortunately, the mower has failed to operate on a daily basis, which necessitates an immediate response. To temporarily address this issue, a short-term solution has been implemented to sustain the current mower for a few more months. However, it is not a long-term fix, and staff recommends the purchase of a new mower.

Acquiring a new mower will substantially reduce maintenance needs, resulting in cost savings and an improvement in operational efficiency. The mower will be available well in advance of the spring and summer seasons, guaranteeing that community spaces are ready for these busier seasons.

Fiscal Impact: The new mower is estimated to cost \$35,000. Sufficient funds are available in the Equipment Internal Service Fund (ISF) which currently has an approximate fund balance of \$310,000.

Attachments:

1. Resolution

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2023-24 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM BUDGET**

WHEREAS, it is necessary to adopt the 2023-24 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 22, 2023 adopted such budget for the Fiscal Year July 1, 2023, through June 30, 2024; and

WHEREAS, since the adoption of the budget the mower used in Public Works essential functions requires immediate replacement; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2023-2024 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 above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21st of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Gautho, City Clerk

City of Capitola Budget Adjustment Form



Item 8 G.

Date 11/6/2023

Requesting Department Public Works

Administrative Council

Item # TBD
 Council Date Nov. 20, 2018
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
2212-00-00-000-4650.400	Capital Machinery & Equipment	35,000
Total		35,000

Net Impact (35,000)

Purpose: Purchase of replacement parks mower

Department Head Approval _____
 Finance Department Approval _____
 City Manager Approval _____

[Handwritten signatures in blue ink]

Capitola City Council

Agenda Report



Meeting: November 21, 2023

From: Public Works Department

Subject: Monterey Avenue Park PG&E Easement

Recommended Action: Authorize the City Manager to execute an Easement Deed granting Pacific Gas and Electric Company a non-exclusive utility easement for the installation of a gas distribution regulator station on City-owned property located adjacent to Monterey Avenue Park.

Background: Monterey Avenue Park is a City-owned property located at 700 Monterey Avenue, APN 036-151-02. The park covers 1.4 acres of land and contains a walking path, softball field, and open lawn space.

On May 25, 2023, staff presented a conceptual layout for a new Pacific Gas and Electric (PG&E) easement at Monterey Park and City Council authorized staff to negotiate an easement agreement.

Pacific Gas and Electric (PG&E) has an existing underground district regulator station (DRS) located below the City sidewalk immediately adjacent to a private residence at the corner of Monterey Avenue and Junipero Court. Natural gas is supplied to distribution pipeline mains from a high-pressure source that connects to, and flows through, a DRS. The DRS functions to reduce the pressure to a level that allows the gas to flow continuously at low pressure to customers. PG&E intends to rebuild this aging DRS to bring it up to current code and safety standards. The scope of the upgrade will also improve gas visibility within PG&E's system by incorporating real-time gas pressure monitoring equipment (SCADA).

The new DRS requires a larger footprint than the current facility. Upon evaluation of the site, PG&E discovered the existing private fence and backyard hardscape on the adjacent property are encroaching into the City right of way. Rebuilding the DRS in the same location as the current facility would require the removal of the existing private encroachments. Staff coordinated with PG&E to identify alternative locations for the new DRS that do not require the removal of existing private encroachments and on May 25, 2023, the City Council authorized staff to develop an easement agreement with PG&E for the installation of a DRS in Monterey Park.

Discussion: In order to install the DRS system in Monterey Park, the City will need to grant a 65-foot by 8-foot easement for PG&E's facility. PG&E has offered \$13,000 to the City in exchange for the easement and an additional \$3,000 in-lieu fees for the removal of two trees, resulting in a total compensation of \$16,000.

The easement, if granted, would confer upon PG&E the perpetual right to construct, maintain, and operate their equipment within the designated area. It is important to note this easement does not impose any restrictions on the size of PG&E's equipment and does not grant the City authority for design review. Additionally, it grants PG&E the right to trim or remove any vegetation that might obstruct their equipment within or near the easement. PG&E has also indicated that the City may retain the option to maintain some landscaping within the easement area.

The proposed design's impact on the public includes the need to replace 150 feet of sidewalk, install a new maintenance ramp, and reposition the decomposed granite path within Monterey Park. The project would result in the loss of approximately 360 square feet of grassy area and two trees. The existing facility would be removed, and the sidewalk would be restored in its original location. The new DRS would comprise two underground vaults, a SCADA cabinet equipped with bollards, and two 6-foot vent stacks (Figure 1). Nearly all the new equipment, except for one vent stack, would be located in the far corner of the park site. The new DRS is anticipated to have a noise impact similar to the existing system, typically producing a faint "hissing" noise during the morning hours.

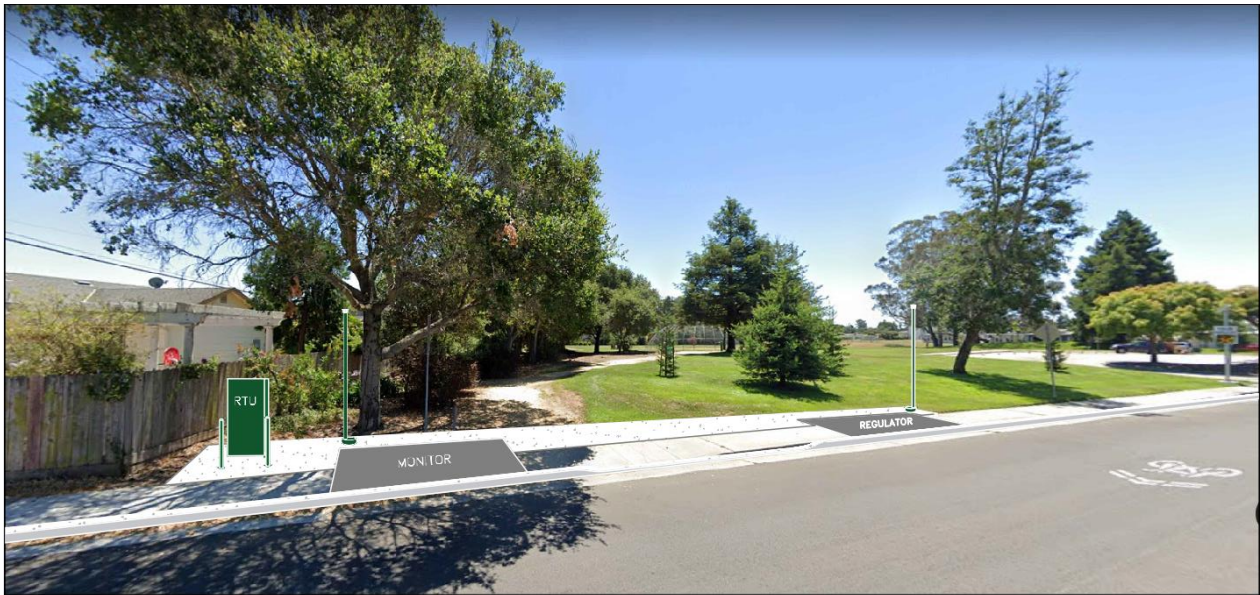


Figure 1. Rendering of DRS Equipment in Monterey Park

Environmental Determination: Authorizing the City Manager to grant an easement is not a commitment to a specific project that might result in a potentially significant physical impact on the environment. Accordingly, no further action is required pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Fiscal Impact: The \$13,000 in revenue will be placed General Fund, and available to allocate to future projects. Additionally, the \$3,000 in-lieu tree fee will be directed to the Community Tree Fund for the replanting of trees.

Attachments:

1. PG&E Letter, Deed, and Easement Map
2. Rendering of DRS equipment in Monterey Park

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager



Tina Kim-Davila
 Sr Right of Way Agent, Land Acquisition
 Pacific Gas and Electric Company
 Tina.Kim-Davila@pge.com
 Mobile: 925.983.9192

9/12/2023

City of Capitola
 Attn: Kailash Mozumder, Public Works Project Manager
 420 Capitola Avenue
 Capitola, CA 95010

**RE: PG&E Gas Distribution Regulator Station Project
 APN 036-151-02, Located Near Monterey Avenue Park, Capitola, Santa Cruz County**

Dear Mr. Mozumder:

As you are aware, Pacific Gas and Electric Company (PG&E) is upgrading its gas distribution system in a continuing effort to provide safe and reliable service to its customers. To facilitate this project PG&E is proposing to acquire an easement from the City of Capitola to build a gas distribution regulator station which will support an infrastructure rebuild in the area. The proposed easement is located on the City's property located near Monterey Avenue Park, identified as Santa Cruz County Assessor's Parcel Number 036-151-02. Additionally, two (2) trees will need to be removed to as part of the construction plans.

PG&E hereby offers to pay you \$13,000.00 (Thirteen Thousand Dollars) for the 520 square foot proposed easement and \$3,000.00 (Three Thousand Dollars) for the two (2) tree to be removed for a total compensation of \$16,000.00 (Sixteen Thousand Dollars). This sum is based on a valuation estimate completed by PG&E.

If you find the offer acceptable, please sign and return the Easement Deed marked "PG&E's copy". Your signatures on the Easement Deed must be acknowledged by a notary public and must match exactly what is printed on the signature block. The document, marked 'Grantor Copy' is enclosed for your file; I will forward to you a copy of the recorded Easement Deed. A W-9 has also been included and will need to be completed and returned in order to process the settlement payment. Payment processing can take several weeks after PG&E has received both the signed W-9 form and the notarized easement deeds. Please ensure that the W-9 form that you provide to me is signed and dated within the last 6 months.

You may be assured PG&E will make every effort to accommodate and address your concerns about this project. If you have any further questions about the project or PG&E's offer please feel free to contact me at (925) 983-9192 or by email at Tina.Kim-Davila@pge.com. Thank you for your cooperation and consideration.

Sincerely,

Tina Kim-Davila
 Senior Right of Way Agent

Enclosures: Easement Deed LD 2311-01-10081, Exhibit, W-9

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
300 Lakeside Drive, Suite 210
Oakland, CA 94612
Attn: Land Rights Library

Location: City of Capitola

Recording Fee \$ _____

Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2311-01-10081

EASEMENT DEED

CITY OF CAPITOLA, a political subdivision of the State of California,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Capitola, County of Santa Cruz, State of California, described as follows:

(APN 036-151-02)

The parcel of land described in the deed from Capitola Public Facilities Corporation to the City of Capitola, dated October 1, 1996 and recorded as Document No. 1996-0055075, Santa Cruz County Records.

The easement area is described as follows:

The parcel of land outlined by heavy dashed lines on the print of Grantee's Drawing No. 35453805 attached hereto and made a part hereof.

The foregoing description is based on a survey made by Grantee in December 2021. The bearings used are based on the course N 48°20'30" E 243.65 feet as measured between the found centerline monuments of Monterey Avenue as shown upon the map filed for record in Volume 44 of Maps at page 3, Santa Cruz County Records.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730(c) of the Business and Professions Code.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

CITY OF CAPITOLA, a political subdivision of the State of California,

I hereby certify that a resolution was adopted

By _____
Name
Title

on the ____ day of _____, 20 ____, by the

authorizing the foregoing grant of easement.

By _____

By _____
Name
Title

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name

personally appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

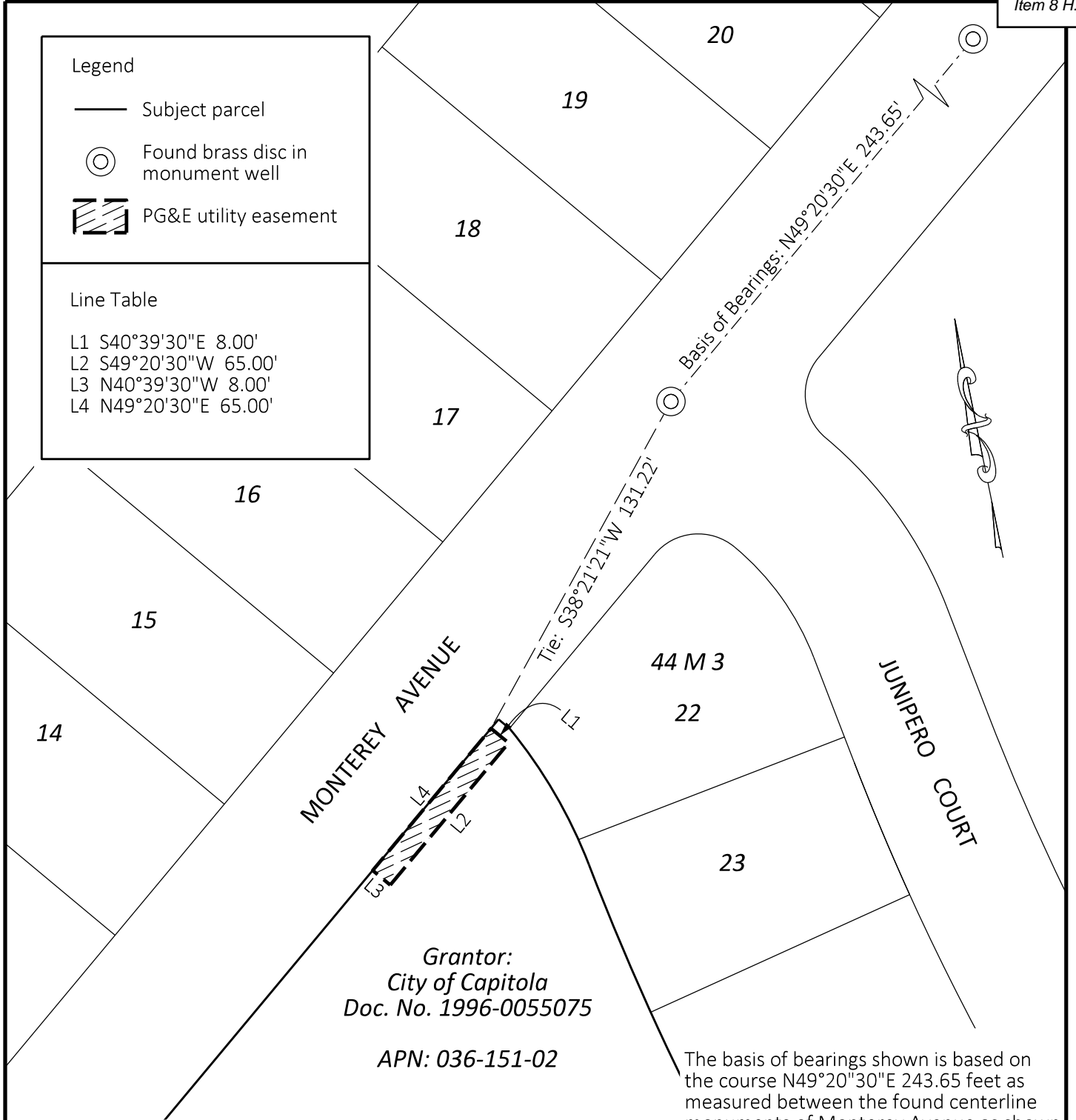
- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

Legend

- Subject parcel
- ⊙ Found brass disc in monument well
- ▨ PG&E utility easement

Line Table

L1 S40°39'30"E 8.00'
 L2 S49°20'30"W 65.00'
 L3 N40°39'30"W 8.00'
 L4 N49°20'30"E 65.00'



Grantor:
 City of Capitola
 Doc. No. 1996-0055075
 APN: 036-151-02

The basis of bearings shown is based on the course N49°20'30"E 243.65 feet as measured between the found centerline monuments of Monterey Avenue as shown upon the map entitled "Cliffwood Heights Unit No 1" filed for record July 8, 1965 in Volume 44 of Maps at page 3, Santa Cruz County Records

(NW 1/4 of NW 1/4 - Section 14)
 Rancho Shoquel

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG BOUNDARIES OR LINES

Applicant:				Pacific Gas and Electric Co.		SCALE	DATE
						1" = 50'	6/21/2023
SECTION	TOWNSHIP	RANGE	MERIDIAN	COUNTY OF: Santa Cruz		CITY OF: Capitola	
(14)	(11 S.)	(1 W.)	(MdB&M)				
PLAT MAP: 3676-C04 (Gas), 01515 (Elec.)				F.B.: LJTG	DR.BY: LJTG	CH.BY: BFF3	
REFERENCES: 44 M 3, 1996-0055075				PG&E	Central Coast DIVISION	35453805 AUTHORIZ	35453805 DRAWING NO

Attach to LD: 2311-01-10081

Area 3, Central Coast Division

Land Service Office: Salinas

Line of Business: Gas Distribution (53)

Business Doc Type: Easements

MTRSQ: (23.11.01.14.44) – Rancho Shoquel

FERC License Number: N/A

PG&E Drawing Number: 35453805

Plat No.: 3676-C04 (G), O1515 (E)

LD of Affected Documents: N/A

LD of Cross Referenced Documents: N/A

Type of interest: Gas and Pipeline Easements (5), Utility Easement (86)

SBE Parcel: N/A

% Being Quitclaimed: N/A

Order or PM: 35453805 – 3250

JCN: N/A

County: Santa Cruz

Utility Notice Number: N/A

851 Approval Application No: N/A; Decision: N/A

Prepared By: ljtg

Checked By: bff3

721

725

MONTEREY AVE

Monterey Ave

NEW D/W PER CITY STDS

REG
9' x 7'

MON
11' x 7'

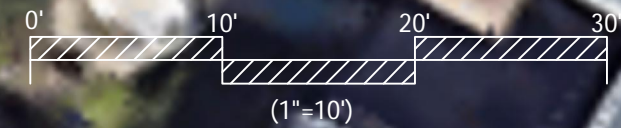
RTU

TREE TO BE REMOVED

TREE TO BE REMOVED

Notes:
PG&E to grade area out in area of proposed construction.

Proposed Easement
Size: 8' x 65'



CO:	
SD:	
NOTIF.:	
OTHER:	
SHT:	1 OF 1
PM:	31549650
SHEETS:	R
Item 8 H.	

PROPOSED EASEMENT
MONTEREY AVE & JUNIPERO CT.
 CAPITOLA, CA
 PACIFIC GAS AND ELECTRIC COMPANY

EST:	RUSS MARTINO
ADE:	SCOTT HART
SUPV:	
REP:	
PLNDR:	
DATE:	4/18/22
SCALE:	1" = 10'
PLNDR:	161

Capitola City Council

Agenda Report

Meeting: November 21, 2023
From: Community Development Department
Subject: REAP 2.0 Grant



Recommended Action: 1) Adopt a resolution accepting a funding allocation not to exceed \$128,750 in Regional Early Action Planning 2.0 funds from the Association of Monterey Bay Area Governments to implement land use strategies within the commercial and mixed-use zoning districts and authorizing the City Manager to enter into agreements and take further actions as may be necessary; and 2) adopt a resolution amending the Fiscal Year 2023-24 adopted budget to appropriate the awarded funds.

Background: The Regional Early Action Planning (REAP) 2.0 program was established through AB 140 (July 2021) for transformative and innovative projects that implement a region's Sustainable Communities Strategy (SCS) and help achieve the objectives of more housing and transportation options that reduce reliance on cars. REAP 2.0 builds on actions completed through the REAP 1 grant program but expands the focus by integrating housing and vehicle miles traveled (VMT) reduction, and by allowing for broader planning and implementation investments, including infrastructure investments supporting housing development. This includes accelerating housing production and facilitating compliance with the 6th Cycle of the Housing Element.

REAP 2.0 is a local sub-allocation grant program that set aside \$2,625,000 for jurisdictions throughout the region for eligible projects that meet all REAP 2.0 goals and objectives. In August of 2023, City staff submitted a REAP 2.0 grant application to fund the implementation of land use strategies identified in the Housing Element in commercial and mixed-use zoning districts. The City of Capitola was eligible for \$128,750.

On September 1, 2023, the City of Capitola was awarded a REAP 2.0 Grant through the Association of Monterey Bay Area Governments (AMBAG). Prior to moving forward with the project, the City must adopt a resolution accepting the REAP 2.0 funds (Attachment 1).

Discussion: REAP 2.0 grant funding must be used for projects that accelerate housing production, reduce VMT, affirmatively further fair housing, and support housing element implementation while also creating expanded opportunities for local efforts to align with AMBAG's regional plans, implement the infill and VMT reduction goals of the [AMBAG 2045 MTP/SCS](#), and support state planning goals.

The Capitola project will involve implementing land use planning methods to accommodate a significant portion of the 6th Cycle RHNA as identified in the recently adopted Housing Element. More specifically, the funds will be utilized to incorporate land use planning methods to accelerate affordable infill housing to accommodate various income levels along mixed-use and commercial corridors.

The project will focus on implementing land use strategies along the 41st Avenue Corridor which aim to transform the existing regional commercial and community commercial developments into a mixed-use neighborhood with retail, residential, entertainment, dining, and multimodal transportation options. The land use strategies are intended to increase residential and mixed-use capacity in the infill area of the 41st Avenue Corridor. The goal of the project is to encourage property owners along the 41st Avenue Corridor to redevelop and increase housing opportunities and local jobs while decreasing vehicle miles traveled. Placing affordable housing at this key regional job center will affirmatively further fair housing by giving lower-income residents access to job opportunities.

City staff plans to hire a consultant to complete the implementation of land use strategies. An RFP will be published after the completion of the Mall Redevelopment Land Use Study to incorporate findings from the study into the scope of work. The consultant will be responsible for public outreach, stakeholder

meetings, drafting the land use update and necessary CEQA documents, and attending work sessions and adoption hearings.

Fiscal Impact: The City will receive \$128,750 in REAP grant funds to implement the land use strategies identified in the Housing Element.

Attachments:

1. REAP 2.0 Grant Resolution
2. Budget Amendment Resolution

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Julia Gautho, City Clerk, and Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
TO APPROVE ENTERING INTO AGREEMENTS
FOR THE REGIONAL EARLY ACTION PLANNING GRANT 2.0 PROGRAM

RECITALS

WHEREAS, the California Department of Housing and Community Development (HCD) is authorized to provide up to \$510,000,000 to Metropolitan Planning Organizations and Councils of Government listed in Health and Safety Code Section 50515.08, subdivisions (a)(1)-(6) under the Regional Early Action Planning Grants Program (REAP 2.0), as detailed in Health and Safety Code Section 50515.08-10.

WHEREAS, the State of California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability on July 26, 2022 for REAP 2.0 grants available to Metropolitan Planning Organizations and Councils of Government;

WHEREAS, the Association of Monterey Bay Area Governments (AMBAG) requested funds from HCD pursuant to Health and Safety Code Section 50515.08(c) to develop and accelerate the implementation of the requirements described in Health and Safety Code section 50515.08(c)(1).

WHEREAS, HCD approved AMBAG's Request for Funds, subject to the terms and conditions of Eligibility, Guidelines, NOFAs, Program requirements, and the Standard Agreement by and between HCD and AMBAG;

WHEREAS, AMBAG is authorized to suballocate REAP 2.0 funds to eligible applicants in the AMBAG region and will administer the REAP 2.0 grant program and provide oversight of the grant program in the AMBAG region;

WHEREAS, AMBAG developed a suballocation program in cooperation with HCD and eligible applicants in the AMBAG region,

WHEREAS, the AMBAG issued a Notice of Funding Availability for a REAP 2.0 suballocation program for eligible applicants in the AMBAG region on June 15, 2023;

WHEREAS, the City of Capitola is eligible to submit a request for allocation for a portion of REAP 2.0 funds from AMBAG; and

WHEREAS, the amounts allocated to the City of Capitola will be based on the allocation method approved by HCD and AMBAG; and

WHEREAS, AMBAG shall approve allocation requests subject to the terms and conditions of eligibility, guidelines, Notices of Funding Availability, and program requirements.

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

- 1. The City of Capitola is hereby authorized to accept an allocation not to exceed **\$128,750** from the Association of Monterey Bay Area Governments for REAP 2.0 grant funding; and
- 2. The City of Capitola is hereby authorized to enter into agreements and take further actions as may be necessary to give effect to this resolution, such as executing amendments, memorandums of understanding, and approving funding applications with the Association of Monterey Bay Area Governments for REAP 2.0 grant funding.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21st day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margaux Keiser, Mayor

ATTEST: _____
Julia Gautho, City Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2023-24 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM BUDGET**

WHEREAS, it is necessary to adopt the 2023-24 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 22, 2023, adopted such budget for the Fiscal Year July 1, 2023, through June 30, 2024; and

WHEREAS, since the adoption of the budget the City has been awarded \$128,750 in Regional Early Action Planning 2.0 funding for implementation of land use strategies identified in the Housing Element; and

WHEREAS, it is necessary to amend the Fiscal Year 2023-24 Adopted Budget to include the \$128,750 of grant revenue and \$128,750 in project expenditures; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2023-24 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 21st day of November 2023, by the following vote:

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

Margaux Keiser, Mayor

ATTEST:

Julia Gautho, City Clerk

City of Capitola Budget Adjustment Form



Item 8 I.

Date 11/9/2023

Requesting Department Community Development

Administrative Council

Item # TBD
 Council Date Nov. 21, 2023
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
1313-00-00-000-3320.103	State Grants - AMBAG	128,750
Total		128,750

Expenditures		
Account #	Account Description	Increase/Decrease
1313-00-00-000-4545.100	Plng. & Hsg. Consultants	128,750
Total		128,750

Net Impact -

Purpose: Funding for REAP 2.0 Grant

Department Head Approval _____
 Finance Department Approval _____
 City Manager Approval _____

(Handwritten signatures in blue ink)

Capitola City Council

Agenda Report

Meeting: November 21, 2023
From: City Manager Department
Subject: Voter Polling Contract



Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with EMC Research in an amount not to exceed \$25,000 to conduct Capitola polling on potential revenue measures to be placed on the 2024 General Election ballot.

Background: In 2021, the City Council decided against proposing a revenue measure for the 2022 General Election ballot and directed staff to research and provide information about the viability of such measures in conjunction with the 2024 General Election. The adopted FY 2023-24 Budget Goals and allocated funding to poll Capitola voters to determine the viability of potential tax revenue measures before the 2024 General Election.

On November 7, 2023, the Capitola Finance Advisory Committee discussed polling potential revenue ballot measures for the 2024 General Election. The committee recommends polling an extension of Measure F and a General Obligation Bond, to assess how each type of tax measure would be received by voters.

Measure F, a quarter-cent sales tax, was originally adopted in 2004 with an expiration date of December 31, 2010. In 2008, the Measure was extended through 2017 with 66% voter approval. In 2016 it was again extended through 2027 with 81% voter approval. Extending this sales tax measure would not increase current taxes for the public and would maintain \$1 million of General Fund revenue beyond 2027.

A General Obligation (G.O.) Bond increases property tax for a defined amount of time; revenue from this type of bond is usually used to fund projects that serve the community, such as upgrading or building new public resources (like police stations, municipal service buildings, and community centers), or maintaining parks and open space.

Polling would help determine if Capitola voters are likely to approve extending Measure F and would help assess if voters would be more likely to approve a G.O. bond dependent on certain factors, such as the tax amount (for example \$50 per every \$100,000 assessed value), length, and use of the revenue generated.

Discussion: In October, City staff solicited and received three proposals for polling services. Staff recommends entering into an agreement with EMC Research. EMC Research was selected because of its proposed project timeline, cost, and positive references from neighboring jurisdictions. EMC Research will telephone, email, and conduct online surveying to collect data from 200 Capitola voters to see how a ballot measure may be received. 200 survey responses is an estimate based on the amount of registered Capitola voters (approximately 6,900). Based on the project timeline, staff intends to present results to the City Council in the spring. The deadline to place a measure on the November 2024 ballot is August 9, 2024.

Fiscal Impact: The FY 2023-24 Budget has allocated \$25,000 for voter polling research. Therefore, sufficient funds are available.

Attachments:

1. Voter Polling Proposal

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney; Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

TO: Chloé Woodmansee, City of Capitola
FROM: Jessica Polsky-Sanchez, EMC Research Inc.
RE: Proposal for Capitola Voter Survey
DATE: October 17, 2023

Thank you very much for contacting EMC Research about the City of Capitola’s research needs. The following proposal outlines recommendations for a survey of voters on behalf of the City. We look forward to the opportunity to work with you on this project. Please feel free to contact Jessica Polsky-Sanchez (Jessica@EMCresearch.com or 510-550-8933) if you have any questions at all.

Project Overview

We understand that the City of Capitola is interested in a poll of likely 2024 voters to inform the feasibility of a potential revenue measure or measures for a 2024 ballot.

The research will provide you with scientifically sound data to inform strategic decisions such as:

- How should a measure or measures be structured in order to most likely meet with success?
- What is the advisable timing and amount for a measure(s)?
- What are the types of projects that are most important to those who will vote?
- What are the themes and messages that will assist in helping voters understand the benefits?
- What are potential vulnerabilities?

Research Methodology

We recommend a survey of voters in the City of Capitola using a mixed-mode methodology where we will conduct interviews by telephone as well as online by email- and text-to-web modes.

To conduct the online portion of the survey, EMC will send an email or text invitation to a list of registered voters that includes a web link to take the survey. For the phone portion, we will include both landlines and cell phones. We take several steps to ensure that survey respondents are demographically representative of likely voters through callbacks and targeted reminders to harder to reach demographic subgroups.

This multimodal methodology allows us to maximize our response rate toward the goal of achieving a valid and reliable survey sample size in this relatively small community. We expect to collect between 100 and 200 interviews. We will take an “as many as possible” approach to data collection and will accept any additional completed survey responses beyond 200. The table below outlines the overall margin of error at different sample sizes.

Sample Size	Margin of Error
100n	± 9.7 percentage points
150n	± 7.9 percentage points
200n	± 6.8 percentage points
250n	± 6.1 percentage points

Based on the information available on the voter file, there are just under 7,000 registered voters in the City of Capitola. Among them, there are 1% who requested ballots in Spanish, rather than English. EMC would be happy to provide interviewing and translation services in Spanish. The cost for adding Spanish is provided below.

Given the scope of information needed, we anticipate an average interview length of 15 to 18 minutes.

In summary, for this survey, EMC would:

- Develop the survey questionnaire in consultation with designated City of Capitola staff and consultant team;
- Prepare and execute data collection;
- Produce topline results and cross-tabulations;
- Produce a report with results, analysis and takeaways/recommendations;
- Present results as needed; and
- Provide consultation and advice for as long as the research is used.

Costs

The not-to-exceed cost for beginning-to-end research services as described is **\$22,000**. The additional cost to include interviewing in Spanish would be **\$2,000**.

The quoted fee includes all services and deliverables outlined in this proposal, including consultation on application of the data for as long as it is used. If any of the specifications change, the price would be adjusted accordingly. The first half of the project fee would be billed upon project commencement, and the second half would be billed upon delivery of research results.

Timeline

Below is an example timeline for the proposed research. The timeline can be updated based on project needs. Please note that the timeline for data collection is designed to maximize response rates.

Week of Nov. 13:	Kick-off call to determine objectives; begin drafting questionnaire
Nov 20-Dec 15:	Draft, discuss, edit, revise survey questionnaire for final approval
Week of Dec. 18:	Prepare survey for data collection; launch survey
Jan 3-21:	Data collection
Week of Jan 22:	Topline survey results delivered; initial discussions on research findings
Week of Jan 29:	Detailed report, analysis, conclusions, and recommendations available; meeting(s) to discuss
February	Presentation of results to City Council
Ongoing	Additional consultation; additional meetings or presentations as requested; final conclusions delivered, ongoing consultation.



Firm Description & Qualifications

EMC Research, Inc.

[EMC Research](#) is a national full-service opinion research firm serving an extensive and diverse range of public and private sector clients since 1989. We are known for crafting insightful research tools, collecting highly accurate data, and providing analysis that answers the key strategic questions and challenges our clients face. **EMC is proud to be a certified women-owned business.**

What sets EMC Research apart from other firms is that we provide high-quality, actionable research and are firmly committed to helping our clients by taking on their goals as our own. EMC Research has **particular experience polling voters in your community**, as we have provided polling to test the feasibility of a variety of revenue measures on behalf of Santa Cruz County since 2017, as well as research for private efforts around other important issues such as transportation, housing, and open space.

Community Survey Experience

EMC Research has more than 30 years of experience conducting research on behalf of public agencies and cities across the country. We have worked for parks departments, public utilities, transit agencies, departments of transportation, water districts, school districts, waste collection and recycling agencies, early childhood education agencies, cities, counties, and states. Some of EMC Research's recent city clients include:

- *City of Alameda (CA)*
- *City of Austin (TX)*
- *City of Bellevue (WA)*
- *City of Burien (WA)*
- *City of Citrus Heights (CA)*
- *City of Davis (CA)*
- *City of Emeryville (CA)*
- *City of Foster City (CA)*
- *City of Gilroy (CA)*
- *City of Issaquah (WA)*
- *City of Kirkland (WA)*
- *City of Los Banos (CA)*
- *City of Milpitas (CA)*
- *City of Oakland (CA)*
- *City of Redmond (WA)*
- *City of Renton (WA)*
- *City of Redwood City (CA)*
- *City of Redmond (WA)*
- *City of Riverside (CA)*
- *City of Sacramento (CA)*
- *City of San Diego (CA)*
- *City of San Francisco (CA)*
- *City of San Jose (CA)*
- *City of Santa Cruz (CA)*
- *City of Seattle (WA)*
- *City of Walnut Creek (CA)*

We have learned the unique challenges and requirements of conducting research for public agencies, including presenting politically sensitive opinion research in a public setting, dealing with media inquiries, and meeting open records requirements. Our public agency clients return to EMC Research year after year because of our ability to present research findings in the local political environment, flexibly work with their needs, and handle projects of many sizes, scopes, and levels of complexity.

We also understand the sometimes-underappreciated role city government plays in our daily lives: providing sidewalks, roads, streetlights, parks, after-school programs, fire and police protection, and other much-needed services, and we understand the challenging environments cities sometimes face. We have assisted public entities with gathering feedback from residents to guide strategic directions,

acknowledge citizen priorities, enhance communication with the community, and gauge residents' satisfaction with quality-of-life issues, governance, and city services. We are pleased to have been a part of the millions of dollars of improvements to the environment, city services, parks and open space, schools, transportation, and health care brought about by these measures.

Thank you for considering EMC Research.



Voter Polling Contract

NOVEMBER 21, 2023

Background

- 2021: Council requested research on tax measure viability in conjunction with 2024 General Election
- 2023-24 Budget Goals allocated funding to survey Capitola voters regarding tax revenue measures
- Fall 2023: Finance Advisory Committee recommends polling:
 - Extension of Measure F
 - General Obligation Bond

Possible Revenue Measures

Extending Measure F:

- Quarter-cent sales tax, originally passed in 2004
- Extended in 2008 with 66% approval
- Extended in 2016 with 81% approval
- Expires 2027
- \$1 million revenue
- Could help with ongoing operational expenditures

General Obligation Bond:

- Property tax
- Example: \$50 per every \$100,000 assessed value
- Revenue used to fund projects that serve community (identified on ballot)
- Could help with long term facility/infrastructure needs

Why Poll?

- Determine if & **how likely Capitola voters are to approve** polled measures
 - Helps determine community priorities
 - Tax amount, length, use of revenue, etc.
- **EMC Research** will use phone, email, & online surveying to collect ~200 responses
 - Results presented in spring

Recommendation

Authorize City Manager to execute an agreement with EMC Research for \$22,000 to conduct Capitola polling on potential revenue measures:

- a) General Obligation Bond; and
- b) Extending Measure F

Capitola City Council

Agenda Report

Meeting: November 21, 2023
From: City Manager Department
Subject: 2024 City Council Meeting Schedule



Recommended Action: Adopt a resolution establishing the regular meeting schedule for 2024.

Background: At the end of each calendar year, staff prepares the regular meeting schedules for the following year. Regular meetings of the City Council are held on the second and fourth Thursday of the month. The City Council has traditionally held only one meeting in July, August, and December. Traditionally, the second November meeting has been moved to the fourth Tuesday of the month in consideration of the Thanksgiving holiday.

Discussion: Attachment 2 features two options for the 2024 regular meeting schedule for the City Council. Both options continue the 6:00 PM start time.

Option A: This option follows the same schedule as 2023. This schedule includes one meeting in July and August for the summer break, and two meetings in November on the second Thursday and the fourth Tuesday prior to Thanksgiving.

Option B: This option follows the same summer schedule as 2023 but adjusts the November schedule to include meetings on the second and third Thursdays. This schedule allows for Thanksgiving week to remain free of meetings, however, leaves limited time between the November meetings for staff to prepare items.

Upon approval, the meeting schedule will be posted on the City's website and at City Hall. It will also be distributed to newspapers and interested parties.

Fiscal Impact: None.

Attachments:

1. Resolution
2. 2024 Meeting Schedule

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

**RESOLUTION NO. XXXX
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING THE CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2024**

WHEREAS, the City Council shall set an annual City Council meeting calendar to establish dates and times for the City Council to conduct the peoples' business; and

WHEREAS, pursuant to the Capitola Municipal Code, the following calendar is established, notwithstanding the scheduling of additional meetings as required upon proper notice under the Brown Act; and

WHEREAS, the City Council may set aside additional time periods for closed session before the open session portion of each regular meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The City Council hereby establishes 6:00 PM as the regular meeting time for each regular meeting. Only closed sessions may be held before a regular meeting. No closed session of the regular meeting will be held unless the posted agenda of the regular meeting indicates that such closed session will take place at a particular time. In the absence of such notification on the agenda, the open session portion of the regular meeting shall commence at 6:00 PM.

SECTION 2: The City Council establishes the 2024 Regular Meeting Schedule as listed in Exhibit A.

SECTION 3: With proper notice during the year, meetings may be cancelled, rescheduled, or added as necessary pursuant to California law.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 21st day of November, 2023, by the following vote:

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

Margaux Keiser, Mayor

ATTEST:

Julia Gautho, City Clerk

**2024 CITY OF CAPITOLA
City Council Regular Meeting Dates
Meetings Begin at 6:00 PM**

MEETING DATES – OPTION A	MEETING DATES – OPTION B
JANUARY 11	JANUARY 11
JANUARY 25	JANUARY 25
FEBRUARY 8	FEBRUARY 8
FEBRUARY 22	FEBRUARY 22
MARCH 14	MARCH 14
MARCH 28	MARCH 28
APRIL 11	APRIL 11
APRIL 25	APRIL 25
MAY 9	MAY 9
MAY 23	MAY 23
JUNE 13	JUNE 13
JUNE 27	JUNE 27
JULY 25	JULY 25
AUGUST 22	AUGUST 22
SEPTEMBER 12	SEPTEMBER 12
SEPTEMBER 26	SEPTEMBER 26
OCTOBER 10	OCTOBER 10
OCTOBER 24	OCTOBER 24
NOVEMBER 14	NOVEMBER 14
**TUESDAY, NOVEMBER 26	NOVEMBER 21
DECEMBER 12	DECEMBER 12

Items received less than two weeks prior to the meeting date may be scheduled for the next available agenda.

** Due to Thanksgiving Holiday, the second November meeting will be held on Tuesday.



2024 CITY COUNCIL MEETING CALENDAR

November 21, 2023



Background

- ❑ Regular meetings held on 2nd and 4th Thursdays of each month
 - ❑ Exceptions: July, August, November, December
- ❑ On December 8, 2022, City Council approved a change to 6 PM start time
 - ❑ Proposed to continue in 2024
- ❑ Both proposed options continue summer schedule
 - ❑ One meeting July and Aug on fourth Thursday
- ❑ Election year

Proposed Schedule A – Same as 2023



November

2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 <small>Veterans Day</small>	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28 <small>Thanksgiving Day</small>	29	30



Pros & Cons of Option A

- Pros:
 - ▣ Maintains usual schedule

- Cons:
 - ▣ Has a meeting during Thanksgiving week

Proposed Schedule B – Revised Nov Dates



November

2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 <small>Veterans Day</small>	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28 <small>Thanksgiving Day</small>	29	30



Pros & Cons of Option B

□ Pros:

- No meeting the week of Thanksgiving

□ Cons:

- The short turnaround time for November 21st agenda would not allow late additions



Recommended Action

- Adopt a resolution establishing the 2024 regular meeting schedule using Option A/B.

Proposed Schedule A – Same as 2023



- The second meeting in November occurs on 4th Tuesday

January 11	January 25
February 8	February 22
March 14	March 28
April 11	April 25
May 9	May 23
June 13	June 27
July 25	August 22
September 12	September 26
October 10	October 24
November 14	November 26
December 12	



Proposed Schedule B

- The second meeting in November occurs on 3rd Thursday

January 11	January 25
February 8	February 22
March 14	March 28
April 11	April 25
May 9	May 23
June 13	June 27
July 25	August 22
September 12	September 26
October 10	October 24
November 14	November 21
December 12	