

# City of Capitola

## City Council Meeting Agenda

### Thursday, September 14, 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

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#### **Closed Session – 5:15 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 - ANTICIPATED LITIGATION (Gov. Code § 54956.9)  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case

#### **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. Mayor's Proclamation - Sterling "Nathan" Cross

#### **4. Report on Closed Session**

#### **5. Additional Materials**

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

#### **6. Oral Communications by Members of the Public**

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All*

*speakers must address the entire legislative body and will not be permitted to engage in dialogue. A maximum of 30 minutes is set aside for Oral Communications.*

## 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 August 24, 2023.

**B.** City Check Registers

Recommended Action: Approve check registers dated August 04, 2023 and August 18, 2023.

**C.** Grand Jury Response – Honoring Commitments to the Public

Recommended Action: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05.

**D.** Purchasing and Procurement Policy and Ordinance

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance amending Chapter 3.16 of the Capitola Municipal Code pertaining to Purchasing and Purchasing Contracts; and adopt revised Administrative Policy III-4: Purchasing and Procurement Policy.

**E.** Chapter 18.02 Affordable (Inclusionary) Housing

Recommended Action: Adopt an ordinance of the City of Capitola amending Chapter 18.02 of the Capitola Municipal Code, Affordable (Inclusionary) Housing.

**F.** CalOES Designated Agents for Disaster Assistance

Recommended Action: Adopt a resolution certifying the Capitola staff members who are authorized to submit CalOES paperwork.

**G.** Designation of Loading Zone for the Capitola Hotel

Recommended Action: Adopt a resolution establishing a loading zone adjacent to the frontage of 210 Esplanade (Capitola Hotel).

**H.** Surf Cameras on the Capitola Wharf and the Bandstand Pavilion

Recommended Action: Authorize the City Manager to execute an agreement with Surfline/Wavetrak, Inc. to install and maintain new surf cameras on the Capitola Wharf and maintain existing surf cameras on the Bandstand Pavilion at no cost to the City.

## 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.** Mall Redevelopment Land Use Study

Recommended Action: Authorize the City Manager to execute an agreement with Kosmont Companies for the Capitola Mall Redevelopment Land Use Study in the amount of \$25,000.

- B.** City Hall Needs Assessment and Alternatives Analysis  
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Group 4 Architecture for Phase 1 of the City Hall Sites Needs Assessment and Alternatives Analysis Report in the amount of \$49,950.
- C.** Pedestrian Pathway from the Upper Beach and Village Parking Lot to Monterey Avenue  
Recommended Action: Direct staff to proceed with developing the final design of pedestrian pathway from the Upper Beach and Village Parking Lot to Monterey Avenue consistent with pathway configuration Alternative 3, as described in the staff report.
- D.** Long-Term Strategic Planning  
Recommended Action: Provide feedback regarding the development process for a longer-term City of Capitola Strategic Plan.
- E.** Interim Building Official  
Recommended Action: Adopt a resolution for an exception to the 180-day wait period per Government Code Section 7522.56 & 21221(h) and approve the appointment of Robin Woodman as the Interim Building Official-Retired Annuitant.
- F.** City Council Appointments to City Advisory Bodies  
Recommended Action: Appoint members of the public to the City of Capitola Arts and Cultural Commission.

## 10. Adjournment

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### Notice of In-Person & Remote Access

**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**

**To make a remote public comment:**

**Via Zoom Application:** Use participant option to “raise hand”. The moderator will unmute you

**Via Zoom phone call:** Dial \*9 on your phone to “raise your hand”. The moderator will unmute you

**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](http://www.cityofcapitola.org) and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

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

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

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at [www.cityofcapitola.org](http://www.cityofcapitola.org) by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.

# Capitola City Council Agenda Report

**Meeting:** September 14, 2023

**From:** City Manager Department

**Subject:** City Council Meeting Minutes



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Recommended Action: Approve minutes from the regular meeting on August 24, 2023.

Background: Attached for Council review and approval are the draft minutes from the regular City Council meeting on August 24, 2023.

Attachments:

1. 8/24/2023 Minutes

Report Prepared By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

# City of Capitola

## City Council Meeting Minutes

### Thursday, August 24, 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 PM

- i. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)  
Negotiator: Chloé Woodmansee, Assistant to the City of Manager  
Employee Organizations: Association of Capitola Employees, Police Officers Association, Mid-Management Employees, Confidential Employees, Police Captains, and Management
- ii. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Gov. Code § 54956.9)  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case

#### Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:04 PM. In attendance: Council Members Brooks, Clarke, Pedersen, and Mayor Margaux Keiser. Absent: Vice Mayor Brown.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Presentations**
  - A. *Sarah Emmert, Director of Community Impact, presented a Grant Report from United Way*
  - B. *Finance Director Malberg introduced Jennifer Davis, Finance Account Clerk*
4. **Report on Closed Session** – *The City Council met and discussed Item (i) on the Closed Session agenda. No reportable action was taken.*
5. **Additional Materials**
  - A. *Additional Materials - Item 9A - Updated Administrative Policy Attachment*
6. **Oral Communications by Members of the Public**
  - *Resident spoke about similarities between Capitola and Lahaina.*
  - *Goran Klepic, Santa Cruz County resident, spoke about drinking in public.*
  - *Laurie Hill, resident, spoke about the Ukrainian Art in the Park event on August 26<sup>th</sup>.*
  - *Mary Beth Cahalen, resident, spoke about the Capitola Beach Festival.*
7. **Staff / City Council Comments**
  - *Recreation Division Manager Leblond Bryant advised the City Council that the tree stump art installation is complete.*
  - *Council Member Brooks commended the Recreation Division on their summer programming.*
  - *Council Member Clarke thanked community volunteers.*

## 8. Consent Items

- A. City Council Meeting Minutes  
Recommended Action: Approve minutes from the regular meeting on July 27, 2023.
- B. City Check Register  
Recommended Action: Approve City Check Register Dated July 21, 2023.
- C. Comprehensive Fee Study Agreement  
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Willdan Financial Services to conduct a Comprehensive User Fee Study and Overhead Cost Allocation Plan in an amount not-to-exceed \$34,910.
- D. Freeway Maintenance Agreement with the State of California Department of Transportation  
Recommended Action: Approve the Freeway Maintenance Agreement with the State of California Department of Transportation (Caltrans) and authorize the Mayor to execute the agreement.
- E. Stockton Bridge Debris Mitigation Project Funding  
Recommended Action: Adopt a resolution authorizing the acceptance of \$500,000 in grant funds from the California Department of Water Resources (CDWR) for the Stockton Bridge Debris Mitigation Project, amending the FY 2023-24 Adopted Budget, and authorizing the City Manager to execute the grant agreement on behalf of the City.
- F. Donation Acceptance  
Recommended Action: Accept donation of \$30,000 from the Soquel Union Elementary School District for the Afterschool Rec Club Participant Scholarship; and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.
- G. ABC Alcohol Policing Partnership Program Grant  
Recommended Action: Adopt a resolution accepting a State of California Department of Alcoholic Beverage Control Grant in the amount of \$38,002 and amending the FY 2023-24 general fund operating budget to increase revenues and expenditures by \$38,002; and authorize the Police Chief to execute the grant agreement with the State of California Department of General Services.
- H. Purchase Police Motorcycle  
Recommended Action: Authorize the Police Department to purchase a replacement motorcycle in an amount not to exceed \$34,000; and adopt a resolution amending the Fiscal Year 2022-23 Budget in the amount of \$34,000.
- I. City Investment Policy Amendment  
Recommended Action: Approve changes to Administrative Policy Number III-1: Investment Policy, as recommended by the Finance Advisory Committee.

***Motion to approve the Consent Calendar: Council Member Brooks***

***Seconded: Council Member Pedersen***

***Voting Yea: Council Members Brooks, Clarke, Pedersen and Mayor Keiser***

***Absent: Vice Mayor Brown***

## 9. General Government / Public Hearings

- A. Capitola Wharf Enhancement Project Fundraising Partnership  
Recommended Action: Adopt a resolution outlining expectations and understanding between the City and the community-led fundraising campaign for the Capitola Wharf Enhancement Project and approve a donor recognition policy for wharf enhancements.

**Public Works Director Kahn presented the staff report.**

**Public Comments:**

- **Resident spoke in support of the CWEP enhancements but requested that staff remember that this is a fishing pier. Resident pledged to pay for a fish cleaning station.**

**Council Member discussion included clarification on the unfunded project elements and a request for clarification on the proposed policy.**

**Motion to adopt the resolution: Council Member Brooks**

**Seconded: Council Member Clarke**

**Voting Yea: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser**

**Absent: Vice Mayor Brown**

**Staff met with CWEP representatives to negotiate the Administrative Policy language during the course of the meeting.**

**Motion to adopt the Donor Recognition Administrative Policy with edits as provided by staff: Council Member Brooks**

**Seconded: Council Member Clarke**

**Voting Yea: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser**

**Absent: Vice Mayor Brown**

**B. Octoberfest Event Permit**

**Recommended Action:** Consider approving a new single-day General Special Event Permit on October 14, 2023, for a Capitola Village benefit concert to fundraise for the Capitola Wharf Enhancement Project.

**Police Captain Ryan presented the staff report.**

**Public Comments:**

- **Mary Beth Cahalen, resident, spoke in favor of waiving fees for the event.**

**Council Member discussion included potential for fee waivers.**

**Motion to approve the General Special Event Permit as a City sanctioned event, thereby waiving the fees: Council Member**

**Motion died for lack of second.**

**Motion to approve the General Special Event Permit: Council Member Pedersen**

**Seconded: Council Member Clarke**

**Voting Yea: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser**

**Absent: Vice Mayor Brown**

**C. CDBG-CV Grant Closeout**

**Recommended Action:** Conduct a duly noticed public hearing to receive a report summarizing the allocation of grant funding under State CDBG-CV Agreements and direct staff to proceed with submitting required closeout documents to the State.

**Community Development Director Herlihy presented the staff report.**

**Motion to direct staff to submit required closeout documents to the State: Council Member Pedersen**

**Seconded: Council Member Brooks**



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

D. Chapter 18.02 Affordable (Inclusionary) Housing

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola amending Chapter 18.02 of the Capitola Municipal Code, Affordable (Inclusionary) Housing.

**Community Development Director Herlihy presented the staff report.**

**Motion to introduce the ordinance: Council Member Brooks**

**Seconded: Council Member Clarke**

**Voting Yea: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser**

**Absent: Vice Mayor Brown**

E. League of California Cities Annual Conference Voting Delegate

Recommended Action: Designate the City of Capitola’s voting delegate and alternate to the League of California Cities Annual Conference.

**City Clerk Moss presented the staff report.**

**Motion to appoint Council Member Pedersen as the primary delegate and Council Member Brooks as an alternate delegate: Council Member Clarke**

**Seconded: Council Member Brooks**

**Voting Yea: Council Members Brooks, Clarke, Pedersen, and Mayor Keiser**

**Absent: Vice Mayor Brown**

**10. Adjournment** – Adjourned at 7:40 PM to the next regularly scheduled meeting on September 14, 2023, at 6:00 PM.

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** Finance Department

**Subject:** City Check Registers



Recommended Action: Approve check registers dated August 04, 2023 and August 18, 2023.

<b>Account: City Main</b>				
<b>Date</b>	<b>Starting Check #</b>	<b>Ending Check #</b>	<b>Payment Count</b>	<b>Amount</b>
8/4/2023	103906	104009	112	\$ 2,568,955.50
8/18/2023	104010	104123	124	\$ 517,170.68

The main account check register dated July 21, 2023, ended with check #103905.

<b>Account: Payroll</b>				
<b>Date</b>	<b>Starting Check/EFT #</b>	<b>Ending Check/EFT #</b>	<b>Payment Count</b>	<b>Amount</b>
8/4/2023	5826	5837	142	\$ 266,102.18
8/18/2023	5838	5841	132	\$ 237,845.83

The payroll account check register dated July 21, 2023, ended with check #5825.

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

<b>Check/EFT</b>	<b>Issued to</b>	<b>Dept</b>	<b>Description</b>	<b>Amount</b>
103922	Burke Williams and Sorensen LLP	CM	June Legal Services	\$ 48,792.38
103939	Dooley Enterprises Inc	PD	Ammunition	\$ 12,183.22
103954	Labormax Staffing	PW	Public Works seasonal labor 7/15 – 7/28	\$ 11,924.89
103977	RRM Design Group	CDD	Capitola Wharf Rehabilitation Assistance	\$ 10,095.06
1558	CalPERS Fiscal Services Division	CM	FY2024 CalPERS UAL Payment	\$ 2,139,191.00
1566	CalPERS Health Insurance	CM	August Health Insurance	\$ 66,647.39
1567	CalPERS Member Services Division	CM	PERS Contributions PPE 7/22/23	\$ 63,000.90
1568	Employment Development Department	CM	State Taxes PPE 7/22/23	\$ 12,861.36
1569	Internal Revenue Services	CM	Federal taxes & Medicare PPE	\$ 46,168.80

			7/22/23	
104024	Boone Low Ratliff Architects Inc	PW	July Jade St community center renovation design services	\$ 11,020.00
104064	Kimley Horn and Associates Inc	PW	41 <sup>st</sup> Ave & Capitola Rd Bicycle striping evaluation	\$ 11,040.00
104065	Labormax Staffing	PW	Public Works seasonal labor 7/29 – 8/11	\$ 10,738.63
104075	Moffatt and Nichol	PW	Capitola Wharf & Beach Project Services	\$ 14,850.00
104078	MV Transportation Inc	PW	Beach Shuttle Services May - July	\$ 37,213.02
104081	Novo Solutions Inc	CM	Software for asset/work order management	\$ 16,800.00
104086	Pacific Gas & Electric	PW	August Utilities	\$ 14,109.73
104090	Pavement Engineering Inc	PW	Capitola Rd. improvement project services	\$ 39,298.75
104091	Peak Communications	CM	Museum fiber optic internet	\$ 11,570.94
104095	RRM Design Group	PW	Capitola Wharf Rehabilitation Assistance	\$ 10,382.29
104099	Santa Cruz County Animal Shelter	CM	Quarterly Animal Services contribution	\$ 35,117.20
104100	Santa Cruz County Auditor-Controller	Fin	July Citation Processing	\$ 11,531.00
104108	Soquel Creek Water District	PW	Monthly Water services & irrigation	\$ 17,003.98
104113	Triad Electric	PW	City Hall & PD backup generator	\$ 11,158.48
1577	CalPERS Member Services Division	CM	PERS contributions PPE 8/5/23	\$ 63,229.65
1578	Employment Development Department	CM	State Taxes PPE 8/5/23	\$ 12,081.37
1579	Internal Service Revenue	CM	Federal Taxes & Medicare PPE 8/5/23	\$ 42,156.60

Attachments:

1. 8-4-23 Check Register
2. 8-18-23 Check Register

Report Prepared By: Luis Ruiz, Accountant I

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

Approved By: Jamie Goldstein, City Manager

City main account checks dated August 18, 2023, numbered 104010 to 104123 totaling \$387,202.64, 10 EFTs totaling \$129,968.04, 4 payroll checks totaling \$2,779.99, and 128 payroll EFTs totaling \$235,065.84, for a grand total of \$755,016.51, have been reviewed and authorized for distribution by the City Manager.


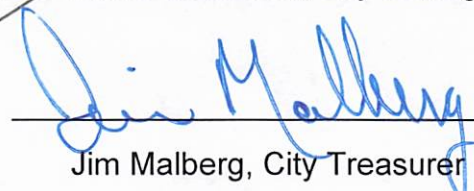
As of August 18, 2023, the unaudited cash balance is \$3,950,869.05.

**CASH POSITION - CITY OF CAPITOLA  
August 18, 2023**

	<u>8/18/2023</u>
General Fund	\$(5,300,206.19)
Payroll Payables	\$ 42,151.02
Contingency Reserve Fund	\$ 2,192,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 5,328,336.28
Stores Fund	\$ 61,737.22
Information Technology Fund	\$ 219,601.76
Equipment Replacement	\$ 761,887.17
Self-Insurance Liability Fund	\$ (135,884.81)
Workers' Comp. Ins. Fund	\$ 17,300.79
Compensated Absences Fund	\$ 330,886.06
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<u><u>\$ 3,950,869.05</u></u>

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	8/18/23 _____ Date
 _____ Jim Malberg, City Treasurer	8/18/23 _____ Date

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104010	08/18/2023			UPLIFT DESK	\$1,704.76
	Invoice	Date	Description		Amount
	INV1537853	07/11/2023	2 standing desks		\$1,704.76
104011	08/18/2023			A TOOL SHED	\$170.00
	Invoice	Date	Description		Amount
	1648431-5	08/04/2023	Skid steer tractor cutter rental		\$170.00
104012	08/18/2023			ADT SECURITY SERVICES INC.	\$246.87
	Invoice	Date	Description		Amount
	ADT072923	07/29/2023	Corp. yard & museum ADT monitoring		\$246.87
104013	08/18/2023			AIMEE FITZGERALD	\$91.00
	Invoice	Date	Description		Amount
	AF080623	08/06/2023	Instructor payment		\$91.00
104014	08/18/2023			ALLIED UNIVERSAL	\$474.28
	Invoice	Date	Description		Amount
	14514276	08/03/2023	August 2023 Jade Street Park Patrol		\$474.28
104015	08/18/2023			AMAZON CAPITAL SERVICES	\$857.92
	Invoice	Date	Description		Amount
	13LY-9611-3T76	08/03/2023	Telephone cord, scanner		\$406.56
	1RX7-XJ77-19JC	08/02/2023	License plate frames		\$68.64
	197G-C7H1-F7LI	08/04/2023	Strobe lights, neon safety bandana		\$184.98
	1MGL-JPXC-Q3I	08/07/2023	Engraver Pen		\$28.85
	1FY4-9HYH-WM	08/08/2023	Dry erase board, whiteboard set		\$103.74
	1P46-R99Y-K1D	08/10/2023	Storage cubby		\$26.68
	14MK-3CT1-1KJ	08/01/2023	Documents Tray and Zip Ties		\$38.47
			1000 - General Fund		\$451.36
			2211 - ISF - Information Technology		\$406.56
104016	08/18/2023			AT&T	\$8.69
	Invoice	Date	Description		Amount
	ATT080123	08/01/2023	August long distance charges		\$8.69
			1000 - General Fund		4.28
			2211 - ISF - Information Technology		4.41
104017	08/18/2023			AT&T/CALNET 3	\$258.03
	Invoice	Date	Description		Amount
	000020387163	08/13/2023	August telephone service		\$258.03
			1000 - General Fund		\$197.11
			2211 - ISF - Information Technology		\$60.92

# City Checks Issued August 18, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104018	08/18/2023			AT&T/CALNET 3	\$1,180.35
	Invoice	Date	Description		Amount
	000020387831	08/13/2023	August T-1 access		\$1,180.35
104019	08/18/2023			AXCIENT	\$135.00
	Invoice	Date	Description		Amount
	FY23INEFI1444	07/31/2023	July AppAssure storage		\$135.00
			2211 - ISF - Information Technology		
104020	08/18/2023			B & B SMALL ENGINE REPAIR	\$3,690.11
	Invoice	Date	Description		Amount
	527965	08/04/2023	Electric blower		\$2,430.67
	527964	08/04/2023	Kombi Engine, edger blade, line attachment, blower		\$1,259.44
104021	08/18/2023			BAY AREA FLOORS	\$6,662.24
	Invoice	Date	Description		Amount
	15462SB	04/06/2023	Flooring City Hall Restrooms		\$6,662.24
104022	08/18/2023			BEAR ELECTRICAL SOLUTIONS INC.	\$2,249.10
	Invoice	Date	Description		Amount
	19803	07/28/2023	July traffic signal maintenance services - response		\$1,602.30
	19804	07/28/2023	July traffic signal maintenance services - routine		\$646.80
			1310 - Gas Tax		
104023	08/18/2023			BIOBAG AMERICAS INC.	\$2,740.00
	Invoice	Date	Description		Amount
	INV500183	08/02/2023	Dog waste bags		\$2,740.00
104024	08/18/2023			BOONE LOW RATLIFF ARCHITECTS INC	\$11,020.00
	Invoice	Date	Description		Amount
	3832	08/01/2023	July Jade St Community Center renovation design services		\$11,020.00
			1200 - Capital Improvement Fund		
104025	08/18/2023			BROWNELLS INC.	\$656.86
	Invoice	Date	Description		Amount
	2023410509979	07/27/2023	AR-15 Magazines		\$656.86
104026	08/18/2023			BRUCE HARMAN	\$500.00
	Invoice	Date	Description		Amount
	INV066	08/09/2023	Prepare comprehensive presentation for Capitola Railing A		\$500.00
			1315 - Public Art Fee Fund		

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104027	08/18/2023			CALIFORNIA COAST UNIFORM COMPANY	\$547.93
	Invoice	Date	Description		Amount
	10453	07/05/2023	483 and 581 Uniform Shirts and Embroidery Charges		\$187.09
	10513	08/01/2023	529 Tailoring Charges		\$15.00
	10514	08/01/2023	501 Tailoring Charges		\$25.00
	10515	08/01/2023	528 Uniform Shirt and Embroidery Charges		\$104.59
	10516	08/01/2023	564 Duty Boots		\$185.25
	10543	08/01/2023	583 Tailoring Charges		\$31.00
104028	08/18/2023			CAPITOLA BEACH FESTIVAL ASSOCIATION	\$100.00
	Invoice	Date	Description		Amount
	CBF081723	08/17/2023	Refundable Deposit Check for Museum Float		\$100.00
104029	08/18/2023			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,047.00
	Invoice	Date	Description		Amount
	POA081123	08/11/2023	POA & gym dues PPE 8/5/23		\$1,047.00
			1001 - Payroll Payables		
104030	08/18/2023			CLASSIFIED SOUND	\$1,950.00
	Invoice	Date	Description		Amount
	230809A	08/09/2023	Twilight concert sound engineer 8/9		\$975.00
	230816A	08/16/2023	Twilight concert sound engineer 8/16		\$975.00
104031	08/18/2023			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$1,525.50
	Invoice	Date	Description		Amount
	3293	07/31/2023	June Televised meetings		\$1,525.50
104032	08/18/2023			COMPLETE MAILING SERVICE INC.	\$8,233.70
	Invoice	Date	Description		Amount
	7923	08/10/2023	Fall brochure mailing		\$8,233.70
104033	08/18/2023			CRIMINAL JUSTICE COUNCIL OF SCC	\$3,000.00
	Invoice	Date	Description		Amount
	CJC2324-CICA	08/01/2023	Member contribution FY23/24		\$3,000.00
104034	08/18/2023			CRYSTAL SPRINGS WATER CO.	\$417.25
	Invoice	Date	Description		Amount
	CSW073123	07/31/2023	July drinking water		\$417.25
104035	08/18/2023			CYNTHIA KASKEY	\$877.50
	Invoice	Date	Description		Amount
	CK080623	08/06/2023	Instructor payment		\$234.00
	CK081623	08/16/2023	Instructor payment		\$643.50

# City Checks Issued August 18, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104036	08/18/2023			DAVID SCOTT COBABE	\$1,357.20
	Invoice	Date	Description		Amount
	DC081623	08/16/2023	Instructor payment		\$1,357.20
104037	08/18/2023			DAVID WILLIAM MOREAU	\$39.00
	Invoice	Date	Description		Amount
	DM072623	07/26/2023	Softball official services		\$39.00
104038	08/18/2023			DELL MARKETING LP	\$1,049.70
	Invoice	Date	Description		Amount
	10682596777	07/03/2023	Remote desktop services		\$1,049.70
			2211 - ISF - Information Technology		
104039	08/18/2023			DOCTORS ON DUTY	\$157.50
	Invoice	Date	Description		Amount
	DOD080423	08/04/2023	New employee testing & exams		\$157.50
104040	08/18/2023			ECOLOGY ACTION OF SANTA CRUZ	\$5,000.00
	Invoice	Date	Description		Amount
	RCC1021	07/01/2023	Resilient Central Coast custom page platform FY23/24		\$5,000.00
			1314 - Green Building Education		
104041	08/18/2023			ENVIRONMENTAL INNOVATIONS INC.	\$3,532.32
	Invoice	Date	Description		Amount
	2183	08/04/2023	CalRecycle July outreach		\$3,532.32
104042	08/18/2023			EVERYDAY PEOPLE	\$1,250.00
	Invoice	Date	Description		Amount
	PS082323	08/23/2023	Twilight Concert performance 8/23		\$1,250.00
104043	08/18/2023			EWING IRRIGATION	\$2,906.55
	Invoice	Date	Description		Amount
	20144673	07/25/2023	Rotator adjustment tool, rotator		\$457.44
	20147798	07/25/2023	PVC pipe, adaptor, nozzle		\$33.77
	20160551	07/26/2023	Battery, emitter plug, rotator, tubing, emitter		\$300.14
	20098495	07/19/2023	PVC pipes, battery control node		\$165.06
	20227899	08/02/2023	Wire connectors, pvc tubes, saw blades		\$1,228.33
	20212948	08/01/2023	PVC adapter, teflon tape		\$122.65
	20097564	07/19/2023	PVC tube, pipe cutter, valve, pvc cement, potting soil		\$278.67
	20136251	07/24/2023	Trash picker grabbers		\$84.89
	20168781	07/27/2023	PVC coupling, tubes, valve pump, soil		\$235.60



# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104044	08/18/2023			EXCEEDIO	\$176.58
	Invoice	Date	Description		Amount
	14290	08/09/2023	Fiber transceiver, wall mount kit		\$176.58
			2211 - ISF - Information Technology		
104045	08/18/2023			FERGUSON ENTERPRISES LLC #795	\$109.58
	Invoice	Date	Description		Amount
	0749777	08/11/2023	Flush drainer, repair kit box		\$109.58
104046	08/18/2023			FLYERS ENERGY LLC	\$5,438.47
	Invoice	Date	Description		Amount
	23-886781	08/04/2023	238 Gallons Gasoline		\$1,220.60
	CFS-3523809	07/31/2023	Card processing		\$407.77
	23-888876	08/08/2023	55 gallons hydraulic oil		\$980.31
	23-891985	08/10/2023	397 Gallons Gasoline		\$2,081.56
	23-891984	08/10/2023	141 Gallons Diesel		\$748.23
104047	08/18/2023			FRED MENG AUDIO VISUAL SERVICES	\$440.00
	Invoice	Date	Description		Amount
	FM082523	08/25/2023	Movies at the beach projectionist services		\$440.00
104048	08/18/2023			GALLS LLC	\$225.34
	Invoice	Date	Description		Amount
	025229869	07/31/2023	Duty Boots		\$179.39
	025241372	08/01/2023	Chain Link Handcuff		\$45.95
104049	08/18/2023			GARDAWORLD	\$384.28
	Invoice	Date	Description		Amount
	10748682	08/01/2023	August 2023 Armored Transportation Service		\$384.28
104050	08/18/2023			GINA ENRIQUEZ	\$3,882.26
	Invoice	Date	Description		Amount
	GE080623	08/06/2023	Instructor payment		\$3,882.26
104051	08/18/2023			GOVERNMENT TRAINING AGENCY	\$1,700.00
	Invoice	Date	Description		Amount
	65724	07/24/2023	523 Advanced Traffic Collision Investigations Course		\$850.00
	65869	07/24/2023	520 Advanced Traffic Collision Investigations Course		\$850.00
104052	08/18/2023			HANYA FOJACO	\$963.30
	Invoice	Date	Description		Amount
	HF081623	08/16/2023	Instructor payment		\$963.30

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104053	08/18/2023			HINDERLITER DELLAMAS AND ASSOCIATES	\$1,350.16
	Invoice	Date	Description		Amount
	SIN029814	06/30/2023	June TOT and STR admin fees		\$1,350.16
104054	08/18/2023			HOME DEPOT CREDIT SERVICES	\$4,294.69
	Invoice	Date	Description		Amount
	7015184	08/03/2023	Bucket, multi-purpose tool, wire, tape measure		\$210.40
	0016357	08/10/2023	Lumber, bucket, paint, paunter puty, lock		\$150.69
	7015200	08/03/2023	Bucket, trowels, mixing containers, cloths		\$147.96
	8621776	08/02/2023	Bungee cords		\$28.30
	7511479	08/03/2023	Screwdrivers, tap, wrench, clamp, black marker		\$91.89
	8621719	08/02/2023	Bucket, pencil, broom, hose, pliers, wrench, aerosol,measu		\$388.33
	9030375	08/11/2023	Socket adapter, tray liner, mag bit holder		\$44.23
	9030377	08/11/2023	Putty knife, fast dry premium spackling, sander		\$23.91
	0623265	08/10/2023	Brush, rubber hose, scotch tape, pliers, bucket		\$250.90
	3512253	08/07/2023	Bleach, towels		\$25.35
	0520241	08/10/2023	Rotary tool, marker, auto plug, glass, carded hook, gloves		\$279.19
	0013315	07/21/2023	Cut-off tool, glass, metal grinder, sander		\$217.44
	6611215	08/04/2023	Lumber, framing angle, grid, aluminum chalk kit, nails		\$663.31
	510941	07/31/2023	Fence Posts		\$18.91
	512766	08/10/2023	Gopher traps		\$31.54
	516266	07/21/2023	Microfiber roller, premium primer		\$178.81
	1512607	08/09/2023	Boiler drain, sillcock		\$44.72
	2620987	07/29/2023	Touchpad, fingerprint deadbolt		\$71.81
	2622973	08/08/2023	Fish rod set		\$32.67
	6620079	07/25/2023	Screws, fence posts, deckmate		\$60.93
	3035020	08/07/2023	Drywall, yellow jacket, drywall screws		\$210.41
	3612643	07/18/2023	Plumbers cutter set, refrigerator, stops rust spray paint		\$983.01
	5614470	07/26/2023	Accessory set, sockets		\$42.77
	9610421	08/01/2023	Chisel Marker		\$6.51
	9623366	08/11/2023	Engine degreaser, taple top air circulator, cable		\$49.30
	9638689	07/22/2023	Jobsite earphones		\$41.40
104055	08/18/2023			HOPE REHABILITATION SERVICES	\$6,000.00
	Invoice	Date	Description		Amount
	S175398	07/31/2023	July litter abatement services		\$6,000.00
104056	08/18/2023			HUMBOLDT PETROLEUM LLC	\$51.00
	Invoice	Date	Description		Amount
	INV-089314	07/31/2023	Carwash Closing Date 7/31/2023		\$51.00
104057	08/18/2023			INTERNATIONAL BRONZE PLAQUE COMPANY	\$1,365.00
	Invoice	Date	Description		Amount
	73091	08/04/2023	Memorial Plaques		\$1,170.00
	73028	08/02/2023	Memorial Plaque		\$195.00

## City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104058	08/18/2023			INTERSTATE ALL BATTERY CENTER	\$86.11
	Invoice	Date	Description	Amount	
	850356	08/01/2023	Batteries	\$86.11	
104059	08/18/2023			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$435.30
	Invoice	Date	Description	Amount	
	120129414	07/31/2023	Batteries	\$435.30	
104060	08/18/2023			INTERSTATE TRAFFIC CONTROL PRODUCTS	\$61.25
	Invoice	Date	Description	Amount	
	258303	08/10/2023	Sign	\$61.25	
104061	08/18/2023			JACKIE YEUNG	\$3,760.25
	Invoice	Date	Description	Amount	
	JY080423	08/04/2023	Out of County traffic collision school reimbursement (POST	\$3,760.25	
104062	08/18/2023			JIM MALBERG - PETTY CASH CUSTODIAN	\$380.09
	Invoice	Date	Description	Amount	
	PC081823	08/18/2023	Petty cash expenses May - August	\$380.09	
104063	08/18/2023			KATHLEEN BROWN	\$156.00
	Invoice	Date	Description	Amount	
	KB080623	08/06/2023	Instructor payment	\$156.00	
104064	08/18/2023			KIMLEY HORN AND ASSOCIATES INC	\$11,040.00
	Invoice	Date	Description	Amount	
	25447895	06/30/2023	41st Ave & Capitola Rd bicycle striping evaluation	\$11,040.00	
			1200 - Capital Improvement Fund		
104065	08/18/2023			LABORMAX STAFFING	\$10,738.63
	Invoice	Date	Description	Amount	
	26-320781	08/04/2023	Public works seasonal labor 7/29 - 8/4	\$5,421.89	
	26-322461	08/11/2023	Public works seasonal labor 8/7 - 8/11	\$5,316.74	
104066	08/18/2023			LARSENS INC.	\$2,280.28
	Invoice	Date	Description	Amount	
	18301	08/09/2023	Canopies	\$2,280.28	
104067	08/18/2023			LAURA ALIOTO	\$609.00
	Invoice	Date	Description	Amount	
	LA080623	08/06/2023	Instructor payment	\$609.00	

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104068	08/18/2023			LC ACTION POLICE SUPPLY LTD	\$251.68
	Invoice	Date	Description		Amount
	455456	08/10/2023	Red Dot Holster and Locking Kit		\$251.68
104069	08/18/2023			LEO MORENO	\$286.67
	Invoice	Date	Description		Amount
	LM080323	08/03/2023	Training Manager Course (POST)		\$286.67
104070	08/18/2023			MASTER CLEANERS	\$1,362.79
	Invoice	Date	Description		Amount
	MC080723	08/07/2023	July 2023 Uniform Cleaning		\$1,362.79
104071	08/18/2023			METROPOLITAN TRANSPORTATION COMMISSION	\$2,000.00
	Invoice	Date	Description		Amount
	4926-AR13015	06/20/2023	FY23/24 StreetSaver annual subscription		\$2,000.00
			1310 - Gas Tax		
104072	08/18/2023			MID COUNTY AUTO SUPPLY	\$27.88
	Invoice	Date	Description		Amount
	M-2241244	07/26/2023	Batteries (credit)		(\$39.24)
	M-2257230	08/08/2023	Diamond cut		\$28.33
	M-2257008	08/08/2023	Purple power cleaner, pliers, acid brush set, paint brush		\$38.79
104073	08/18/2023			MISSION LINEN SUPPLY	\$437.34
	Invoice	Date	Description		Amount
	519777057	08/02/2023	Fleet towels, uniform cleaning		\$34.50
	519603336	07/05/2023	Corp. Yard linen service		\$113.78
	519777058	08/02/2023	Corp. Yard linen service		\$113.78
	519820543	08/09/2023	Corp. Yard linen service		\$140.78
	519820542	08/09/2023	Fleet towels, uniform cleaning		\$34.50
104074	08/18/2023			MISSION PRINTERS	\$121.50
	Invoice	Date	Description		Amount
	64449	08/04/2023	Business Cards		\$121.50
104075	08/18/2023			MOFFATT AND NICHOL	\$14,850.00
	Invoice	Date	Description		Amount
	00780254	07/06/2023	Capitola Wharf & Beach Project Services		\$9,912.25
	00780989	08/03/2023	Capitola Wharf & Beach Project Services		\$4,937.75
			1200 - Capital Improvement Fund		
104076	08/18/2023			MONTEREY BAY CAST STONE	\$2,452.50
	Invoice	Date	Description		Amount
	1225	08/11/2023	Concrete memorial bench supports		\$2,452.50

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104077	08/18/2023			MRA SALES INC	\$1,300.00
	Invoice	Date	Description		Amount
	2301	08/02/2023	Group Surf Lessons		\$1,300.00
104078	08/18/2023			MV TRANSPORTATION INC.	\$37,213.02
	Invoice	Date	Description		Amount
	124574	07/07/2023	Beach Shuttle May-June 2023		\$16,767.90
	124663	08/01/2023	Beach Shuttle July 2023		\$20,445.12
104079	08/18/2023			NETFILE INC	\$4,000.00
	Invoice	Date	Description		Amount
	8674	06/13/2023	Annual subscription for agency services		\$4,000.00
			2211 - ISF - Information Technology		
104080	08/18/2023			NORTH BAY FORD	\$397.09
	Invoice	Date	Description		Amount
	289878	08/02/2023	Oil - Automatic Transmission		\$103.47
	289689	07/14/2023	Regulator Window		\$293.62
104081	08/18/2023			NOVO SOLUTIONS INC	\$16,800.00
	Invoice	Date	Description		Amount
	7632	08/03/2023	Software for asset/work order management		\$16,800.00
			2211 - ISF - Information Technology		
104082	08/18/2023			O'REILLY AUTO PARTS	\$694.36
	Invoice	Date	Description		Amount
	2763-374210	08/04/2023	Ceramic Pad, brake rotor		\$130.79
	2763-375418	08/09/2023	Accuspray kit, carbon cleaner, degreaser		\$443.87
	2763-375096	08/08/2023	Mass air flow sensor		\$119.70
104083	08/18/2023			OLIVE SPRINGS QUARRY INC.	\$255.45
	Invoice	Date	Description		Amount
	144528	08/07/2023	Track fines		\$255.45
104084	08/18/2023			ORIGINAL WATERMEN	\$1,028.28
	Invoice	Date	Description		Amount
	S82726	06/05/2023	Lifeguard Shorts		\$1,028.28

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104085	08/18/2023			OUTDOOR SUPPLY HARDWARE	\$1,003.31
	Invoice	Date	Description		Amount
	H90334	07/31/2023	Bulk Fasteners, cable ties, antioxidant		\$127.45
	H91225	08/01/2023	Bulk Fasteners		\$80.45
	H96421	08/11/2023	Protective Enamel		\$14.16
	H70177	06/27/2023	Pocket knife		\$4.35
	H75048	07/05/2023	Earthworms, dish soap, oil		\$106.44
	H79413	07/12/2023	Apron, garden hoe, spray paint, bucket		\$169.91
	H79912	07/13/2023	Spray paint, bucket, paint, plants, grill ironwood bundle		\$480.55
	607116889	06/24/2023	Finance Charges		\$10.00
	610657530	07/24/2023	Finance Charges		\$10.00
104086	08/18/2023			PACIFIC GAS & ELECTRIC	\$14,109.73
	Invoice	Date	Description		Amount
	PGE081323-acc	08/13/2023	August utilities		\$12,338.34
	PGE081023-acc	08/10/2023	August Wharf Road Rispin Mansion utilities		\$10.91
	PGE081323-acc	08/13/2023	August Pacific Cove parking lot utilities		\$1,760.48
		1000 - General Fund		\$6,708.66	
		1300 - SLESF - Supl Law Enfc		\$131.53	
		1310 - Gas Tax		\$6,989.87	
		1311 - Wharf		\$279.67	
104087	08/18/2023			PALACE BUSINESS SOLUTIONS	\$154.42
	Invoice	Date	Description		Amount
	688562-0	08/03/2023	Paper, binders, pencils		\$77.04
	689064-0	08/08/2023	Paper		\$77.38
104088	08/18/2023			PARKOUR GENERATIONS SANTA CRUZ LLC	\$227.50
	Invoice	Date	Description		Amount
	DS080623	08/06/2023	Instructor payment		\$227.50
104089	08/18/2023			Paula Yoshiko Suzuki	\$545.09
	Invoice	Date	Description		Amount
	PS081623	08/16/2023	Instructor payment		\$545.09
104090	08/18/2023			PAVEMENT ENGINEERING INC.	\$39,298.75
	Invoice	Date	Description		Amount
	2302-046	03/08/2023	FY22/23 Capitola Rd. improvement project services 2/01-2.		\$875.00
	2305-124	06/13/2023	FY22/23 Capitola Rd. improvement project services 5/01-5.		\$9,462.50
	2306-046	07/10/2023	FY22/23 Capitola Rd. improvement project services 6/01-6.		\$9,948.75
	2307-039	08/09/2023	FY22/23 Capitola Rd. improvement project services 7/01-7.		\$9,418.75
	2307-038	08/09/2023	2024 Pavement Management services through 7/31/23		\$9,593.75
		1200 - Capital Improvement Fund		\$9,593.75	
		1308 - SB1 Road Maint. & Rehab.		\$22,062.50	
		1309 - RTC Streets		\$7,642.50	

## City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104091	08/18/2023			PEAK COMMUNICATIONS	\$11,570.94
	Invoice	Date	Description		Amount
	08042023A	08/04/2023	Museum fiber optics internet		\$11,570.94
			2211 - ISF - Information Technology		
104092	08/18/2023			PRECISION POLYGRAPH	\$280.00
	Invoice	Date	Description		Amount
	CPD23-08-01	08/01/2023	Police Officer Candidate Polygraph		\$280.00
104093	08/18/2023			RACHEL TATE	\$20.70
	Invoice	Date	Description		Amount
	RT081023	08/10/2023	Mental health and firearms training		\$20.70
104094	08/18/2023			ROBIN H EVEREST	\$182.00
	Invoice	Date	Description		Amount
	RE081623	08/16/2023	Instructor payment		\$182.00
104095	08/18/2023			RRM DESIGN GROUP	\$10,382.29
	Invoice	Date	Description		Amount
	3105-01-0723	08/04/2023	July Capitola Wharf Rehabilitation Assistance		\$9,418.24
	3105-01-0523	06/14/2023	May Capitola WHarf Rehabilitation Assistance		\$964.05
			1311 - Wharf		
104096	08/18/2023			SAMUEL NIGH	\$1,250.00
	Invoice	Date	Description		Amount
	SN083023	08/30/2023	Twilight Concert performance 8/30		\$1,250.00
104097	08/18/2023			SAN LORENZO LUMBER	\$50.10
	Invoice	Date	Description		Amount
	55-0824807	08/07/2023	Bolts, hex nuts, safety glasses		\$50.10
104098	08/18/2023			SANTA CRUZ AUTO PARTS INC.	\$237.10
	Invoice	Date	Description		Amount
	14508-475920	08/03/2023	Full-base basecoat activator		\$90.50
	14508-475725	08/01/2023	Red Abrasive Stikit Sheet		\$59.98
	14508-476205	08/08/2023	Prep-all solvent base, Aerosol can		\$86.62
104099	08/18/2023			SANTA CRUZ COUNTY ANIMAL SHELTER	\$35,117.20
	Invoice	Date	Description		Amount
	23/24-1CA	07/31/2023	Quarterly animal services contribution		\$35,117.20
104100	08/18/2023			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$11,531.00
	Invoice	Date	Description		Amount
	SCCO073123	07/31/2023	July citation processing		\$11,531.00

## City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104101	08/18/2023			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$165.59
	Invoice	Date	Description	Amount	
	45640	07/31/2023	Treated wood waste, garbage disposal	\$165.59	
104102	08/18/2023			SANTA CRUZ COUNTY SHERIFF	\$5,329.78
	Invoice	Date	Description	Amount	
	2324 CLETS	07/25/2023	FY23/24 CLETS Administrative Cost Recovery	\$5,329.78	
104103	08/18/2023			SANTA CRUZ MUNICIPAL UTILITIES	\$298.09
	Invoice	Date	Description	Amount	
	SCMU080823	08/08/2023	July water service for medians	\$298.09	
104104	08/18/2023			SANTA CRUZ SENTINEL	\$1,172.80
	Invoice	Date	Description	Amount	
	0001383896	07/31/2023	July legal notices	\$1,172.80	
104105	08/18/2023			SERVPRO OF SANTA CRUZ	\$293.29
	Invoice	Date	Description	Amount	
	3481	07/31/2023	Bio Remediation for 161 on 5/11/2023	\$293.29	
104106	08/18/2023			SIMPKINS FAMILY SWIM COMPLEX	\$128.25
	Invoice	Date	Description	Amount	
	R5517	08/07/2023	Camp Capitola Summer 2023 SFSC Group Entry	\$128.25	
104107	08/18/2023			SOFTWARE ONE INC	\$123.82
	Invoice	Date	Description	Amount	
	US-PSI-1369262	07/31/2023	Adobe Creative Renewal	\$123.82	
		2211 - ISF - Information Technology			



# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104108	08/18/2023			SOQUEL CREEK WATER DISTRICT	\$17,003.98
	Invoice	Date	Description		Amount
	13-10919-00731	07/31/2023	13-10919-00 2000 Wharf Road water service		\$62.34
	34-18508-00731	07/31/2023	34-18508-00 1510 McGregor Drive water service		\$79.62
	42-14952-00731	07/31/2023	42-14952 Cortez Park irrigation		\$735.04
	42-15297-00731	07/31/2023	42-15297-00 426 Capitola Ave irrigation		\$162.71
	42-15969-00731	07/31/2023	42-15969-00 Lawn Way irrigation		\$250.61
	42-16122-00731	07/31/2023	42-16122-00 Esplanade fountain irrigation		\$120.92
	42-10504-00731	07/31/2023	42-10504-00 Cliff Drive irrigation		\$50.20
	42-11090-01731	07/31/2023	42-11090-01 Capitola Road irrigation		\$142.71
	42-11467-00731	07/31/2023	42-11467-00 Jade Street park irrigation		\$9,822.99
	42-11517-00731	07/31/2023	42-11517-00 41st Avenue irrigation		\$142.71
	42-14404-00731	07/31/2023	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$371.54
	42-16130-00731	07/31/2023	42-16130-00 Wharf Road irrigation		\$101.46
	42-16136-00731	07/31/2023	42-16136-00 1400 Wharf Road irrigation		\$50.20
	42-16407-00731	07/31/2023	42-16407-00 Bay Ave. irrigation		\$50.20
	42-14431-00731	07/31/2023	42-14431-00 Monterey Ave irrigation		\$4,387.74
	42-17688-00731	07/31/2023	42-17688-00 Lawn Way irrigation 2		\$50.20
	42-18238-00731	07/31/2023	42-18238-00 Capitola Road irrigation		\$50.20
	06-14476-00807	08/07/2023	06-14476-00 430 Kennedy Drive water service		\$372.59
			1000 - General Fund		\$16,953.78
			1311 - Wharf		\$50.20
104109	08/18/2023			STAPLES ADVANTAGE	\$951.74
	Invoice	Date	Description		Amount
	3543417353	07/27/2023	Headset for calls		\$71.42
	3544305703	08/03/2023	Lateral File Cabinet		\$473.04
	3544682063	08/09/2023	Cups, Plates, Utensils, Napkins and Facial Tissue		\$345.16
	3544124355	08/01/2023	Headset for calls		\$62.12
104110	08/18/2023			TARGET SPECIALTY PRODUCTS	\$3,096.61
	Invoice	Date	Description		Amount
	INVP501228710	07/31/2023	Burrowing control device, smoke oil		\$3,096.61
104111	08/18/2023			THE HOME DEPOT PRO	\$1,355.59
	Invoice	Date	Description		Amount
	757429246	07/28/2023	Notebook		\$4.74
	758244073	08/03/2023	Tissue paper		\$73.13
	758162200	08/02/2023	Tissue paper credit		(\$73.13)
	757961065	08/02/2023	Cleaning supplies		\$1,350.85

# City Checks Issued August 18, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104112	08/18/2023			TRANSPARENTSEA MEDIA CO.	\$2,668.00
	Invoice	Date	Description		Amount
	00033	08/01/2023	August BIA marketing, website management, media boost 1321 - BIA - Capitola Village-Wharf BIA		\$2,668.00
104113	08/18/2023			TRIAD ELECTRIC INC.	\$11,158.48
	Invoice	Date	Description		Amount
	8012301	08/01/2023	City Hall & PD backup generator 1200 - Capital Improvement Fund		\$11,158.48
104114	08/18/2023			UNITED SERVICES AGENCY, INC	\$1,350.00
	Invoice	Date	Description		Amount
	USA082623	08/26/2023	Sunday Art at the Beach performance 8/26/23		\$1,350.00
104115	08/18/2023			US BANK EQUIPMENT FINANCE	\$754.45
	Invoice	Date	Description		Amount
	507387579	07/29/2023	City Hall Copier Lease		\$343.91
	507820488	08/04/2023	Recreation copier lease		\$205.61
	507928620	08/05/2023	PD copier lease		\$204.93
			1000 - General Fund	\$410.54	
			2210 - ISF - Stores Fund	\$343.91	
104116	08/18/2023			US BANK PARS Acct 6746022400	\$5,552.78
	Invoice	Date	Description		Amount
	PARS081123	08/11/2023	PARS contributions PPE 081123 1001 - Payroll Payables		\$5,552.78
104117	08/18/2023			VITAL RECORDS HOLDING LLC	\$362.55
	Invoice	Date	Description		Amount
	3696576SNS1	07/31/2023	July Record Storage		\$362.55
104118	08/18/2023			WATSONVILLE BLUEPRINT	\$358.22
	Invoice	Date	Description		Amount
	112264	08/04/2023	Wharf plan prints		\$170.71
	112266	08/04/2023	Wharf plan prints		\$187.51
			1200 - Capital Improvement Fund		
104119	08/18/2023			GAYE CLEMSON	\$1,500.00
	Invoice	Date	Description		Amount
	GC063023	06/30/2023	Refund PCR deposit #22-0016		\$1,500.00
104120	08/18/2023			JENNIFER BORELLI	\$257.00
	Invoice	Date	Description		Amount
	JB080723	08/07/2023	Jr. Guard session refund		\$257.00

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104121	08/18/2023			KEVIN YIM LEE	\$500.00
	Invoice	Date	Description		Amount
	KYL080323	08/03/2023	Tree Deposit Refund #23-0319		\$500.00
104122	08/18/2023			MIKE GRABILL	\$319.00
	Invoice	Date	Description		Amount
	MG063023	06/30/2023	Refund PCR deposit #21-0548		\$319.00
104123	08/18/2023			ROBERT FARREN	\$1,500.00
	Invoice	Date	Description		Amount
	RF063023	06/30/2023	Refund PCR deposit #22-0118		\$1,500.00
Type Check Totals:					\$387,202.64
<u>EFT</u>					
1573	08/07/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$274.09
	Invoice	Date	Description		Amount
	1-475-049-440	08/04/2023	State taxes employee final paychecks		\$274.09
			1001 - Payroll Payables		
1574	08/07/2023			INTERNAL REVENUE SERVICE	\$1,680.43
	Invoice	Date	Description		Amount
	54824586	08/04/2023	Federal taxes & Medicare employee fina paychecks		\$1,680.43
			1001 - Payroll Payables		
1575	08/09/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$30.04
	Invoice	Date	Description		Amount
	0-322-899-936	08/07/2023	State tax employee final check		\$30.04
			1001 - Payroll Payables		
1576	08/09/2023			INTERNAL REVENUE SERVICE	\$424.22
	Invoice	Date	Description		Amount
	14601384	08/08/2023	Federal taxes & Medicare employee final paycheck		\$424.22
			1001 - Payroll Payables		
1577	08/14/2023			CalPERS Member Services Division	\$63,229.65
	Invoice	Date	Description		Amount
	1002432357-60	08/11/2023	PERS contributions PPE 8/5/23		\$63,229.65
			1000 - General Fund	\$0.36	
			1001 - Payroll Payables	\$63,229.29	

# City Checks Issued August 18, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1578	08/14/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$12,081.37
	Invoice	Date	Description		Amount
	0-456-937-440	08/11/2023	State taxes PPE 8/5/23		\$12,081.37
			1001 - Payroll Payables		
1579	08/14/2023			INTERNAL REVENUE SERVICE	\$42,156.60
	Invoice	Date	Description		Amount
	84420373	08/11/2023	Federal taxes & Medicare PPE 8/5/23		\$42,156.60
			1001 - Payroll Payables		
1580	08/14/2023			STATE DISBURSEMENT UNIT	\$1,662.91
	Invoice	Date	Description		Amount
	45064379	08/11/2023	Employee garnishments PPE 8/5/23		\$1,662.91
			1001 - Payroll Payables		
1581	08/14/2023			VOYA FINANCIAL	\$7,028.73
	Invoice	Date	Description		Amount
	VOYA081123	08/11/2023	Employee 457 contributions PPE 8/5/23		\$7,028.73
			1001 - Payroll Payables		
1582	08/15/2023			CalPERS Fiscal Services Division	\$1,400.00
	Invoice	Date	Description		Amount
	1002433551	08/07/2023	PERS GASB 68 reports		\$1,400.00

Type EFT Totals: \$129,968.04

Main City Totals	Count	Total
Checks	114	\$387,202.64
EFTs	10	\$129,968.04
All	124	\$517,170.68

Payroll Totals	Count	Total
Checks	4	\$2,779.99
EFTs	128	\$235,065.84
All	132	\$237,845.83

Grand Totals:	Count	Total
Checks	118	\$389,982.63
EFTs	138	\$365,033.88
All	256	\$755,016.51

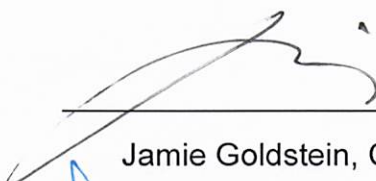
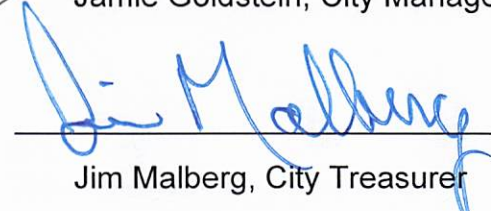
City main account checks dated August 4, 2023, numbered 103906 to 104009 totaling \$232,346.37, 8 EFTs totaling \$2,336,609.13, 12 payroll checks totaling \$12,889.85, and 143 payroll EFTs totaling \$253,212.33, for a grand total of \$2,835,057.68, have been reviewed and authorized for distribution by the City Manager.

As of August 4, 2023, the unaudited cash balance is \$4,781,234.22.

**CASH POSITION - CITY OF CAPITOLA**  
**August 4, 2023**

	8/4/2023
General Fund	\$ (4,322,571.76)
Payroll Payables	\$ 199,926.47
Contingency Reserve Fund	\$ 2,126,845.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 5,164,458.73
Stores Fund	\$ 62,081.13
Information Technology Fund	\$ 253,590.69
Equipment Replacement	\$ 761,887.17
Self-Insurance Liability Fund	\$ (135,884.81)
Workers' Comp. Ins. Fund	\$ 17,300.79
Compensated Absences Fund	\$ 220,886.06
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 4,781,234.22</b>

The Emergency Reserve Fund balance is \$1,387,855.54 (not included above).  
The PERS Contingency Fund balance is \$1,154,274.68 (not included above).

	8/15/23
Jamie Goldstein, City Manager	Date
	8/15/23
Jim Malberg, City Treasurer	Date

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103906	08/04/2023			ADRIAN LITMAN ART & DESIGN	\$500.00
	Invoice	Date	Description		Amount
	07142023	07/14/2023	3 Maquette design proposals		\$500.00
			1315 - Public Art Fee Fund		
103907	08/04/2023			AFLAC	\$1,646.36
	Invoice	Date	Description		Amount
	597397	07/28/2023	July supplemental insurance		\$1,646.36
			1001 - Payroll Payables		
103908	08/04/2023			ALEX FERBER	\$108.24
	Invoice	Date	Description		Amount
	AF073023	07/30/2023	Instructor payment		\$108.24
103909	08/04/2023			ALLIED UNIVERSAL	\$1,016.02
	Invoice	Date	Description		Amount
	14514288	08/03/2023	August Esplanade park foot patrol		\$525.94
	14514287	08/03/2023	August McGregor skate park foot patrol		\$490.08
103910	08/04/2023			ALLSAFE LOCK COMPANY	\$160.75
	Invoice	Date	Description		Amount
	54364	06/22/2023	Public works padlocks		\$160.75
103911	08/04/2023			AMAZON CAPITAL SERVICES	\$1,822.80
	Invoice	Date	Description		Amount
	1R1J-X4C3-QWQK	07/22/2023	Asus computer monitors		\$321.84
	16VP-FTP9-1W97	07/24/2023	External CD Drive		\$43.58
	1FLG-LHG9-61KG	07/24/2023	Logitech webcam		\$24.69
	1DGX-CHP9-K7VN	07/26/2023	Plastic medals, water balloons		\$95.64
	1NVM-JVDH-YPYR	07/18/2023	Toy cubes, dinosaur finger toys, sticky hands		\$433.55
	1373-CDFF-Q3HJ	07/27/2023	Misc supplies		\$178.27
	1JUN-JX3K-WH1G	07/28/2023	Phone protector		\$30.50
	1CHY-FYC3-RWLC	07/27/2023	Dewalt 20V batteries		\$575.52
	1QXD-GQ9X-RYCF	07/27/2023	Memorial Plaque supplies		\$29.83
	1QHR-F6HG-3R7L	07/19/2023	583 Uniform Pants		\$89.38
			1000 - General Fund		\$1,402.19
			2211 - ISF - Information Technology		\$420.61
103912	08/04/2023			AMSOIL INC.	\$242.99
	Invoice	Date	Description		Amount
	18997497	07/06/2023	Synthetic Poly Truck grease, magnetic parts, telescoping part		\$242.99
103913	08/04/2023			ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS	\$2,652.98
	Invoice	Date	Description		Amount
	4339	07/01/2023	FY23-24 member dues		\$2,652.98

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103914	08/04/2023			AXCIENT	\$270.00
	Invoice	Date	Description		Amount
	FY23INEFI139170	05/31/2023	May AppAssure storage		\$135.00
	FY23INEFI141775	06/30/2023	June AppAssure storage		\$135.00
			2211 - ISF - Information Technology		
103915	08/04/2023			AXON ENTERPRISE INC.	\$418.56
	Invoice	Date	Description		Amount
	INUS173565	07/24/2023	25 FT Smart Cartridge		\$418.56
103916	08/04/2023			B & B SMALL ENGINE REPAIR	\$168.63
	Invoice	Date	Description		Amount
	526868	07/20/2023	SGA85- Backpack Sprayer		\$28.50
	525291	06/28/2023	Helmet		\$96.99
	525292	06/28/2023	Hearing protectors		\$43.14
103917	08/04/2023			BELLOWS PLUMBING HEATING & AIR	\$81.25
	Invoice	Date	Description		Amount
	170985-2	12/28/2022	Hydrojetting drain cleaning additional labor		\$81.25
103918	08/04/2023			BENEFIT COORDINATORS CORP.	\$5,363.80
	Invoice	Date	Description		Amount
	B09DH2	07/01/2023	July dental & vision insurance		\$5,363.80
			1001 - Payroll Payables		
103919	08/04/2023			BROPRINTS INC.	\$120.18
	Invoice	Date	Description		Amount
	Quote-072723	07/27/2023	Digitally printed stickers		\$120.18
103920	08/04/2023			BRUCE HARMAN STUDIO	\$600.00
	Invoice	Date	Description		Amount
	INV065	07/27/2023	Refurbish utility box on Esplanade		\$600.00
103921	08/04/2023			BUENA VISTA LANDFILL	\$91.09
	Invoice	Date	Description		Amount
	03-02206018	07/20/2023	Garbage		\$63.09
	03-02206028	07/20/2023	Garbage		\$28.00

## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103922	08/04/2023			BURKE WILLIAMS AND SORENSEN LLP	\$48,792.38
	Invoice	Date	Description		Amount
	305035	07/21/2023	June public works legal services		\$950.00
	305034	07/21/2023	June Planning legal services		\$5,225.00
	305033	07/21/2023	June Code Enforcement		\$236.00
	305031	07/21/2023	June labor and employment legal services		\$10,417.00
	305032	07/21/2023	June city attorney services		\$12,681.38
	305040	07/21/2023	June rent control ordinance legal services		\$13,684.50
	305039	07/21/2023	June public records act requests		\$3,676.50
	305038	07/21/2023	June Fee issues		\$383.50
	305037	07/21/2023	June 4401 Capitola Rd legal services		\$1,332.00
	305036	07/21/2023	June labor negotiations		\$206.50
103923	08/04/2023			CA DEPARTMENT OF CONSERVATION	\$737.52
	Invoice	Date	Description		Amount
	CDC063023	06/30/2023	Apr - Jun strong motion & seismic hazard mapping fees		\$737.52
103924	08/04/2023			CA DEPARTMENT OF TRANSPORTATION	\$5,594.36
	Invoice	Date	Description		Amount
	SL231086	07/14/2023	April - June signals & lighting 1310 - Gas Tax		\$5,594.36
103925	08/04/2023			CAPITOLA ARCADE LLC	\$1,000.00
	Invoice	Date	Description		Amount
	107	07/25/2023	Cards with \$5 pre-loaded for Camp Capitola		\$1,000.00
103926	08/04/2023			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,012.00
	Invoice	Date	Description		Amount
	POA072823	07/28/2023	POA & Gym Dues PPE 7/22/23 1001 - Payroll Payables		\$1,012.00
103927	08/04/2023			CAROLYN FLYNN	\$1,015.00
	Invoice	Date	Description		Amount
	CBF-06-2023	06/29/2023	May & June affordable housing program management 5552 - Cap Hsg Succ- Program Income		\$1,015.00
103928	08/04/2023			CINTAS CORPORATION	\$432.56
	Invoice	Date	Description		Amount
	5168333377	07/25/2023	First Aid Replenishment		\$432.56
103929	08/04/2023			CITY OF SANTA CRUZ	\$2,100.00
	Invoice	Date	Description		Amount
	045524	07/18/2023	Street smarts regional outreach		\$2,100.00
103930	08/04/2023			CLASSIFIED SOUND	\$1,950.00



# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
	Invoice	Date	Description		Amount
	230802A	08/02/2023	Twilight Concert Sound Engineer 8/2		\$975.00
	230726A	07/26/2023	Twilight Concert Sound Engineer 7/26		\$975.00
103931	08/04/2023			COAST LOCK & SAFE INC.	\$606.34
	Invoice	Date	Description		Amount
	027365	06/21/2023	Commercial deadbolts and cylinder		\$606.34
103932	08/04/2023			CODE PUBLISHING COMPANY	\$446.50
	Invoice	Date	Description		Amount
	GC0011256	07/25/2023	Municipal code web update		\$446.50
103933	08/04/2023			COMMUNICATION SERVICE CORPORATION	\$4,180.95
	Invoice	Date	Description		Amount
	222189	07/19/2023	Parking lot CCTV camera replacement		\$4,180.95
			2211 - ISF - Information Technology		
103934	08/04/2023			COMMUNITY ACTION BOARD	\$1,250.00
	Invoice	Date	Description		Amount
	CAB072823	07/28/2023	June emergency housing assistance		\$1,250.00
			5552 - Cap Hsg Succ- Program Income		
103935	08/04/2023			COVELLO AND COVELLO PHOTOGRAPHY	\$2,211.22
	Invoice	Date	Description		Amount
	1019	07/26/2023	Capitola junior lifeguard photographs		\$2,211.22
103936	08/04/2023			CYNTHIA KASKEY	\$421.20
	Invoice	Date	Description		Amount
	CK073023	07/30/2023	Instructor payment		\$421.20
103937	08/04/2023			D & G SANITATION	\$2,823.88
	Invoice	Date	Description		Amount
	299445	06/30/2023	Lower parking lot portable toilet rental		\$577.65
	299444	06/30/2023	Skate park hand wash station, portable toilets		\$501.78
	299446	06/30/2023	Wharf portable toilets		\$1,744.45
			1000 - General Fund	\$1,079.43	
			1311 - Wharf	\$1,744.45	
103938	08/04/2023			DIAMOND D COMPANY	\$9,500.00
	Invoice	Date	Description		Amount
	5288	07/13/2023	Install new wooden staircase at the corner of Park and Kenne		\$8,075.00
	5289	07/13/2023	Extra railing and guard		\$1,425.00
			1200 - Capital Improvement Fund		

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103939	08/04/2023			DOOLEY ENTERPRISES INC.	\$12,183.22
	Invoice	Date	Description		Amount
	66044	07/21/2023	Ammunition		\$12,183.22
103940	08/04/2023			EQUITABLE	\$3,136.38
	Invoice	Date	Description		Amount
	1436101	06/12/2023	July LTD, STD, AD&D, Life Insurance		\$3,136.38
			1001 - Payroll Payables		
103941	08/04/2023			EWING IRRIGATION	\$453.90
	Invoice	Date	Description		Amount
	19852642	06/26/2023	Roundup, Irrigation multi tool, ss wand		\$194.91
	19895294	06/29/2023	Roundup, prong cultivator		\$258.99
103942	08/04/2023			EXCEEDIO	\$8,948.78
	Invoice	Date	Description		Amount
	14247	08/01/2023	August IT services		\$8,948.78
			2211 - ISF - Information Technology		
103943	08/04/2023			EXTRA LARGE	\$1,250.00
	Invoice	Date	Description		Amount
	EL080923	08/09/2023	Twilight concert 8/9		\$1,250.00
103944	08/04/2023			FERGUSON ENTERPRISES LLC #795	\$3,507.62
	Invoice	Date	Description		Amount
	0697733-1	07/19/2023	Bathroom faucets		\$2,873.24
	0702143-1	07/19/2023	Bathroom sensor		\$634.38
103945	08/04/2023			FLYERS ENERGY LLC	\$6,730.86
	Invoice	Date	Description		Amount
	23-876681	07/21/2023	213 Gallons Diesel		\$999.53
	23-876682	07/21/2023	513 Gallons Gasoline		\$2,530.34
	23-881911	07/31/2023	120 Gallons Diesel		\$582.20
	23-881914	07/31/2023	523 Gallons Gasoline		\$2,618.79
103946	08/04/2023			HEARTSHARE TRAINING	\$1,050.00
	Invoice	Date	Description		Amount
	INVHS001593	06/30/2023	CPR training		\$1,050.00
			1305 - Restricted TOT		

## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103947	08/04/2023			HOME DEPOT CREDIT SERVICES	\$1,460.45
	Invoice	Date	Description		Amount
	3612574	07/18/2023	Sand nets, lumber		\$135.50
	4612373	07/17/2023	Mini air filter, sand, bushing brass, dryer		\$98.92
	4520294	07/17/2023	Duct tape, scissors, hammer, pry bar, black hammer		\$268.15
	3033391	07/28/2023	Epoxy, weld, caution tape		\$65.26
	5620259	07/26/2023	Saw blades		\$31.58
	1032075	07/20/2023	Lumber, bucket, hole dozer		\$85.43
	0520940	07/21/2023	Moisture control potting, staples, screwdriver		\$110.96
	3520406	07/18/2023	Headlight, sponge, bleach, disinfect wipes		\$64.77
	1516145	07/20/2023	Aerosol, roll cover		\$113.11
	1520759	07/20/2023	Dusters, pole		\$70.76
	1624407	07/20/2023	Mini roll, mini tray, fast dry		\$68.28
	6614164	07/25/2023	Spray shield, canopy tarp, maintenance kit, door reinforcer		\$168.52
	4623917	07/17/2023	Wrench set		\$98.07
	2515979	07/19/2023	Shell knee pads, facet nut wrench, dishwasher		\$81.14
103948	08/04/2023			HOSE SHOP	\$241.46
	Invoice	Date	Description		Amount
	453025	07/27/2023	Hose assembly		\$241.46
103949	08/04/2023			HUMBOLDT PETROLEUM LLC	\$17.00
	Invoice	Date	Description		Amount
	INV-087332	07/15/2023	Carwash Closing Date 7/15/2023		\$17.00
103950	08/04/2023			JANET RUSSELL KELLER	\$357.50
	Invoice	Date	Description		Amount
	JRK072223	07/22/2023	Instructor payment		\$357.50
103951	08/04/2023			JOHN MICHAEL	\$500.00
	Invoice	Date	Description		Amount
	JM081823	08/18/2023	Food Truck Friday band performance 8/18		\$500.00
103952	08/04/2023			KING'S PAINT AND PAPER INC.	\$1,012.18
	Invoice	Date	Description		Amount
	647QL	07/10/2023	Paint		\$198.92
	NLMTY	07/25/2023	Paint		\$97.87
	MUK2Z	07/17/2023	Paint		\$42.26
	8U6G6	07/19/2023	Paint		\$221.53
	UH4TV	07/25/2023	Paint		\$158.36
	KTPMU	07/03/2023	Paint		\$182.33
	XT92N	07/05/2023	Paint		\$110.91

## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103953	08/04/2023			KURT FOUTS	\$725.00
	Invoice	Date	Description		Amount
	853	04/02/2023	Arborist report for blue gum eucalyptus in Village		\$725.00
103954	08/04/2023			LABORMAX STAFFING	\$11,924.89
	Invoice	Date	Description		Amount
	26-317382	07/21/2023	Public works seasonal labor 7/15 - 7/21		\$5,754.22
	26-319110	07/28/2023	Public works seasonal labor 7/23 - 7/28		\$6,170.67
103955	08/04/2023			LAURA ALIOTO	\$286.00
	Invoice	Date	Description		Amount
	LA072223	07/22/2023	Instructor payment		\$286.00
103956	08/04/2023			LEANORA DE WIT	\$500.00
	Invoice	Date	Description		Amount
	1587	07/24/2023	Design & Concept work - maquette Begonia art project 1315 - Public Art Fee Fund		\$500.00
103957	08/04/2023			LINDE GAS & EQUIPMENT INC.	\$234.41
	Invoice	Date	Description		Amount
	37231228	07/22/2023	Acetylene rental		\$234.41
103958	08/04/2023			LISA RUPP	\$1,592.50
	Invoice	Date	Description		Amount
	LMR073023	07/30/2023	Instructor payment		\$1,592.50
103959	08/04/2023			LIUNA PENSION FUND	\$1,164.80
	Invoice	Date	Description		Amount
	FN7633	07/31/2023	July LIUNA pension dues 1001 - Payroll Payables		\$1,164.80
103960	08/04/2023			MICHAEL G LEW	\$117.00
	Invoice	Date	Description		Amount
	ML073023	07/30/2023	Instructor payment		\$117.00
103961	08/04/2023			MID COUNTY AUTO SUPPLY	\$690.46
	Invoice	Date	Description		Amount
	M-2238903	07/24/2023	AGM Battery		\$273.21
	M-2238894	07/24/2023	AGM Auto Battery		\$266.58
	M-2230277	07/17/2023	Green coolant, washer fluid		\$101.37
	M-2242760	07/27/2023	Transmission fluid, detailer		\$49.30

## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103962	08/04/2023			MISSION LINEN SUPPLY	\$545.46
	Invoice	Date	Description		Amount
	519736342	07/26/2023	Fleet towels, uniform cleaning		\$34.50
	519692108	07/19/2023	Fleet towels, uniform cleaning		\$34.50
	519720101	07/24/2023	Community Center mop and mat service		\$81.12
	519736343	07/26/2023	Corp. Yard linen service		\$140.78
	519692109	07/19/2023	Corp. Yard linen service		\$113.78
	519656456	07/12/2023	Corp. Yard linen service		\$140.78
103963	08/04/2023			MISSION PRINTERS	\$425.46
	Invoice	Date	Description		Amount
	64409	07/26/2023	Envelopes		\$370.52
	64408	07/26/2023	Business Cards		\$54.94
			1000 - General Fund	\$54.94	
			2210 - ISF - Stores Fund	\$370.52	
103964	08/04/2023			MONTEREY BAY AIR RESOURCES DISTRICT	\$5,005.00
	Invoice	Date	Description		Amount
	0003148	07/26/2023	Per capita assessment FY23-24		\$5,005.00
103965	08/04/2023			MONTEREY BAY CAST STONE	\$2,289.00
	Invoice	Date	Description		Amount
	1222	07/27/2023	Concrete memorial bench supports		\$2,289.00
103966	08/04/2023			O'REILLY AUTO PARTS	\$193.68
	Invoice	Date	Description		Amount
	2763-371804	07/24/2023	Oil filter, motor oil		\$33.01
	2763-371051	07/21/2023	Work bench		\$95.91
	2763-370939	07/21/2023	Shop towel, rubber		\$64.76

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103967	08/04/2023			OUTDOOR SUPPLY HARDWARE	\$1,542.89
	Invoice	Date	Description		Amount
	H86999	07/25/2023	Bulk Fasteners, cable ties		\$84.40
	H79589	07/12/2023	Extension cord		\$42.83
	H82166	07/17/2023	Paint, staples, pliers, reciprocating saw blade		\$266.23
	H86815	07/25/2023	Tape measure, drill bit set, wedge anchor		\$82.81
	H82864	07/18/2023	Paint		\$103.86
	H83310	07/19/2023	Rags, turtle wax, dust towels, microfiber applicator		\$66.22
	H87495	07/26/2023	Adhesive, painter tape, caulk		\$52.94
	H82766	07/18/2023	Sink supply tubes		\$56.64
	H76094	07/07/2023	Wall plate, edger blade, trimmer line, trimmer blade		\$61.17
	H76115	07/07/2023	Wire, USB sockets, chargers, wall plates, outlet boxes		\$247.67
	H82167	07/17/2023	Fixed scribe, spout brush, rust remover, cleaning wipes, vinegar		\$56.63
	H86375	07/24/2023	Paint		\$87.09
	H84386	07/21/2023	Paint pail lid, paint bucket grid, bucket		\$23.73
	H80327	07/14/2023	Spray paint		\$52.25
	H88441	07/28/2023	Gloves, pulley, links, tape measure, step drill, cord, bucket		\$258.42
103968	08/04/2023			PACIFIC CREST ENGINEERING INC.	\$682.50
	Invoice	Date	Description		Amount
	12504	06/30/2023	Grand Ave footpath services		\$682.50
103969	08/04/2023			PALACE BUSINESS SOLUTIONS	\$235.98
	Invoice	Date	Description		Amount
	687863-0	07/26/2023	Paper		\$91.95
	687516-0	07/20/2023	Paper		\$77.38
	686690-0	07/03/2023	Paper		\$51.22
	686843-0	07/06/2023	Envelope Seal		\$5.95
	687156-0	07/17/2023	Air freshener		\$9.48
		1000 - General Fund		\$184.76	
		2210 - ISF - Stores Fund		\$51.22	
103970	08/04/2023			PARKOUR GENERATIONS SANTA CRUZ LLC	\$1,137.50
	Invoice	Date	Description		Amount
	DS072223	07/22/2023	Instructor payment		\$682.50
	DS073023	07/30/2023	Instructor payment		\$455.00
103971	08/04/2023			PAST CONSULTANTS LLC	\$3,000.00
	Invoice	Date	Description		Amount
	#1	07/26/2023	#23-0228 1507 Wharf Rd. Unit #7 Site visit review		\$3,000.00
103972	08/04/2023			PETERSON CATERPILLAR	\$1,722.65
	Invoice	Date	Description		Amount
	PC080200936	07/28/2023	Harness AS-F part		\$1,507.38
	PC080200861	07/26/2023	Solenoid valve		\$215.27

## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103973	08/04/2023			PHOENIX GROUP INFORMATION SYSTEMS	\$3,455.11
	Invoice	Date	Description		Amount
	062023070	07/18/2023	June 2023 Citation Processing		\$3,455.11
103974	08/04/2023			PPD MULTIMEDIA INC.	\$575.17
	Invoice	Date	Description		Amount
	00032237	07/26/2023	Banner Design & Layout		\$575.17
103975	08/04/2023			RDO EQUIPMENT CO.	\$458.58
	Invoice	Date	Description		Amount
	P6797039	07/17/2023	Plate, green spray, yellow spray		\$502.76
	C3087799	07/25/2023	Credit duplicate payment - original invoice P6749539		(\$44.18)
103976	08/04/2023			ROBIN H EVEREST	\$247.68
	Invoice	Date	Description		Amount
	RE073023	07/30/2023	Instructor payment		\$247.68
103977	08/04/2023			RRM DESIGN GROUP	\$10,095.06
	Invoice	Date	Description		Amount
	3105-01-0623	07/18/2023	Capitola Wharf Rehabilitation Assistance 1311 - Wharf		\$10,095.06
103978	08/04/2023			SAM BACH	\$173.13
	Invoice	Date	Description		Amount
	SB072223	07/25/2023	Jr Guard regionals competition reimbursement		\$173.13
103979	08/04/2023			SAN LORENZO LUMBER	\$175.97
	Invoice	Date	Description		Amount
	55-0821051	07/21/2023	Lumber		\$34.87
	55-0820516	07/19/2023	Bullseye primer sealer		\$33.40
	55-0820515	07/19/2023	Lumber		\$40.98
	55-0822635	07/28/2023	Hammer, chisels		\$66.72
103980	08/04/2023			SANTA CLARA COUNTY OFFICE OF THE SHERIFF	\$817.99
	Invoice	Date	Description		Amount
	1800086404	07/11/2023	2024 COPLINK Annual Billing		\$817.99

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103981	08/04/2023			SANTA CRUZ AUTO PARTS INC.	\$1,432.94
	Invoice	Date	Description		Amount
	14508-472531	06/22/2023	Oil filter, fuel filter, vacuum tubing credit		(\$79.91)
	14508-475304	07/26/2023	Kroil lubricant		\$162.09
	14508-475231	07/26/2023	Feather fill gray - polyester primer		\$178.06
	14508-474765	07/20/2023	Hand Pad, yellow tape, gloves		\$68.07
	14508-474766	07/20/2023	All in one dye		\$16.35
	14508-474599	07/19/2023	Red abrasive sheet, hose clamps		\$126.28
	14508-474571	07/18/2023	Fuel-base reducer		\$584.12
	14508-474446	07/18/2023	Black raptor kit, brush set, spray sock		\$228.88
	14508-474444	07/18/2023	Grip gold Credit		(\$51.65)
	14508-474208	07/14/2023	Abrasive discs, grip gold		\$200.65
103982	08/04/2023			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$444.94
	Invoice	Date	Description		Amount
	SCC073123	07/31/2023	FY23-24 County blood alcohol testing trust fund deficit		\$444.94
103983	08/04/2023			SANTA CRUZ COUNTY SHERIFF	\$5,000.00
	Invoice	Date	Description		Amount
	1	07/26/2023	Gun Buy Back Program Contribution		\$5,000.00
103984	08/04/2023			SANTA CRUZ LIVE SCAN INC.	\$90.00
	Invoice	Date	Description		Amount
	2610	08/01/2023	New hire live scans		\$90.00
103985	08/04/2023			SANTA CRUZ SEASIDE COMPANY	\$131.50
	Invoice	Date	Description		Amount
	BB071623	07/16/2023	Boardwalk Bowl 7/16/2023		\$131.50
103986	08/04/2023			SECURITY CONTRACTOR SERVICES, INC	\$62.50
	Invoice	Date	Description		Amount
	0312791-IN	07/18/2023	Fence rental Grand Ave & Saxon Ave		\$62.50
103987	08/04/2023			SENTINEL PRINTERS INC.	\$650.04
	Invoice	Date	Description		Amount
	308502	06/06/2023	No fireworks sign		\$650.04
103988	08/04/2023			SEQUOIA GAMBERO	\$220.68
	Invoice	Date	Description		Amount
	SG072223	07/25/2023	Jr Guard regionals competition reimbursement		\$220.68
103989	08/04/2023			SIRCHIE	\$81.06
	Invoice	Date	Description		Amount
	0600976-IN	07/18/2023	Evidence and Property Supplies		\$81.06



## City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103990	08/04/2023			SOFTWARE ONE INC	\$4,179.84
	Invoice	Date	Description		Amount
	US-PSI-1368744	07/28/2023	Adobe Creative Renewal 2211 - ISF - Information Technology		\$4,179.84
103991	08/04/2023			SOQUEL CREEK WATER DISTRICT	\$4,419.72
	Invoice	Date	Description		Amount
	08-15299-0071723	07/17/2023	08-15299-00 Monterey Ave. water		\$176.17
	08-15562-0071723	07/17/2023	08-15562-00 Cliff and Fairview water service		\$52.34
	09-15964-0071723	07/17/2023	09-15964-00 Monterey Ave. Esplanade water		\$3,677.85
	10-16317-0072423	07/24/2023	10-16317-00 420 Capitola Ave. water		\$338.10
	10-16315-0072423	07/24/2023	10-16315-00 504 Beulah Dr. water		\$57.22
	10-16316-0072423	07/24/2023	10-16316-00 426 Capitola Ave. water		\$118.04
103992	08/04/2023			SPECTRUM BUSINESS	\$3,720.54
	Invoice	Date	Description		Amount
	0000178072923	07/29/2023	August internet service 1000 - General Fund 2211 - ISF - Information Technology	\$1,635.20 \$2,085.34	\$3,720.54
103993	08/04/2023			STAPLES ADVANTAGE	\$160.98
	Invoice	Date	Description		Amount
	3542868070	07/19/2023	Paper, hammermill copyplus		\$60.63
	3543144548	07/22/2023	Whiteboard		\$88.01
	3543144550	07/22/2023	Hammermill blue paper		\$12.34
103994	08/04/2023			STOP COMPANY	\$87.20
	Invoice	Date	Description		Amount
	1672	07/25/2023	Road closed signs		\$87.20
103995	08/04/2023			T MOBILE	\$345.98
	Invoice	Date	Description		Amount
	TM072123	07/21/2023	July cell phone usage - acct # 947590665		\$43.58
	TM072123-2	07/21/2023	July cell phone usage - acct #989440968		\$302.40
103996	08/04/2023			THE HOME DEPOT PRO	\$6,008.07
	Invoice	Date	Description		Amount
	755841657	07/20/2023	Restroom & cleaning supplies		\$2,566.22
	753897032	07/10/2023	Gloves		\$249.83
	754636421	07/13/2023	Bathroom supplies		\$449.08
	757030812	07/27/2023	Restroom & cleaning supplies		\$2,742.94

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
103997	08/04/2023			TPX COMMUNICATIONS	\$1,656.71
	Invoice	Date	Description		Amount
	172916341-0	07/23/2023	July phone service		\$1,656.71
			1000 - General Fund		\$904.39
			2211 - ISF - Information Technology		\$752.32
103998	08/04/2023			TRANSPARENTSEA MEDIA CO.	\$2,668.00
	Invoice	Date	Description		Amount
	00032	07/01/2023	July BIA marketing, website management, media boost		\$2,668.00
			1321 - BIA - Capitola Village-Wharf BIA		
103999	08/04/2023			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW072823	07/31/2023	July United Way Contribution		\$20.00
			1001 - Payroll Payables		
104000	08/04/2023			UPEC LIUNA LOCAL 792	\$990.00
	Invoice	Date	Description		Amount
	UPEC073123	07/06/2023	July UPEC dues		\$990.00
			1001 - Payroll Payables		
104001	08/04/2023			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	507043685	07/25/2023	City Hall copier leases		\$174.40
			2210 - ISF - Stores Fund		
104002	08/04/2023			US BANK PARS Acct 6746022400	\$5,648.14
	Invoice	Date	Description		Amount
	PARS072823	07/28/2023	PARS Contributions PPE 07/22/23		\$5,648.14
			1001 - Payroll Payables		
104003	08/04/2023			WESTERN EXTERMINATOR COMPANY	\$156.40
	Invoice	Date	Description		Amount
	48734571	07/07/2023	Turnouts rodent control		\$78.20
	48734570	07/03/2023	City Hall rodent control		\$78.20
104004	08/04/2023			WILDMIND SCIENCE LEARNING	\$930.00
	Invoice	Date	Description		Amount
	28049-50	07/25/2023	Wild neighbors, Bay Area Wild camp trip		\$930.00
104005	08/04/2023			WILLIAM VANCE	\$1,250.00
	Invoice	Date	Description		Amount
	VV081623	08/16/2023	Twilight concert 8/16		\$1,250.00

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
104006	08/04/2023			DEANNA MUSLER	\$54.95
	Invoice	Date	Description		Amount
	DM072523	07/25/2023	Collage Party Refund		\$54.95
104007	08/04/2023			Petersen, Sally	\$25.00
	Invoice	Date	Description		Amount
	SP071923	07/19/2023	Citation # 501123543		\$25.00
104008	08/04/2023			Rangnekar, Rajesh	\$36.00
	Invoice	Date	Description		Amount
	RR072523	07/25/2023	Citation # 900126823		\$36.00
104009	08/04/2023			Ron Montano	\$1,500.00
	Invoice	Date	Description		Amount
	RM073123	07/31/2023	Bandstand deposit refund		\$1,500.00
Type Check Totals:					\$232,346.37
<u>EFT</u>					
1558	07/24/2023			CalPERS Fiscal Services Division	\$2,139,191.00
	Invoice	Date	Description		Amount
	2024-00000040	07/01/2023	FY2024 CalPERS UAL payment		\$2,139,191.00
1566	08/01/2023			CalPERS Health Insurance	\$66,647.39
	Invoice	Date	Description		Amount
	1002422139	08/01/2023	August Health Insurance		\$66,647.39
			1000 - General Fund	\$4,192.83	
			1001 - Payroll Payables	\$62,454.56	
1567	07/31/2023			CalPERS Member Services Division	\$63,000.90
	Invoice	Date	Description		Amount
	1002421694-7	07/28/2023	PERS Contributions PPE 7/22/23		\$63,000.90
			1000 - General Fund	\$0.36	
			1001 - Payroll Payables	\$63,000.54	
1568	07/31/2023			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$12,861.36
	Invoice	Date	Description		Amount
	1-162-864-608	07/28/2023	State Taxes PPE 7/22/23		\$12,861.36
			1001 - Payroll Payables		
1569	07/31/2023			INTERNAL REVENUE SERVICE	\$46,168.80
	Invoice	Date	Description		Amount
	11230643	07/28/2023	Federal taxes & Medicare PPE 7/22/23		\$46,168.80
			1001 - Payroll Payables		

# City Checks Issued August 4, 2023

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1570	07/31/2023			STATE DISBURSEMENT UNIT	\$1,397.21
	Invoice	Date	Description		Amount
	44898756	07/28/2023	Employee garnishment PPE 7/22/23		\$1,397.21
			1001 - Payroll Payables		
1571	07/31/2023			VOYA FINANCIAL	\$7,207.47
	Invoice	Date	Description		Amount
	VOYA072823	07/28/2023	Employee 457 Contribution PPE 7/22/23		\$7,207.47
			1001 - Payroll Payables		
1572	07/25/2023			WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001761798-IN	06/30/2023	June COBRA and FSA admin.		\$135.00

Type EFT Totals: \$2,336,609.13

Main City Totals	Count	Total
Checks	104	\$232,346.37
EFTs	8	\$2,336,609.13
All	112	\$2,568,955.50

Payroll Totals	Count	Total
Checks	12	\$12,889.85
EFTs	143	\$253,212.33
All	155	\$266,102.18

Grand Totals:	Count	Total
Checks	116	\$245,236.22
EFTs	151	\$2,589,821.46
All	267	\$2,835,057.68

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** City Manager Department

**Subject:** Grand Jury Response – Honoring Commitments to the Public



Recommended Action: Approve the responses to the Grand Jury Report and direct the City Clerk to submit the completed response packet pursuant to California Penal Code Section 933.05.

Background/Discussion: On June 2, 2023, the Santa Cruz County Civil Grand Jury released a report titled *Honoring Commitments to the Public*. The report includes nine findings and four recommendations for the City of Capitola. The Grand Jury also made findings and recommendations for Santa Cruz County and the four Cities in the County.

City of Capitola staff reviewed the findings and recommendations in the report and prepared the attached responses.

Fiscal Impact: No fiscal impact.

Attachments:

1. Grand Jury Report
2. City of Capitola Response Packet

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

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager



**SANTA CRUZ COUNTY**  
Civil Grand Jury

701 Ocean Street, Room 318-I  
Santa Cruz, CA 95060  
(831) 454-2099  
grandjury@scgrandjury.org

## **Honoring Commitments to the Public**

### County Agency Actions in Response to 2019–2020 Grand Jury Recommendations

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#### **Summary**

The 2022–2023 Santa Cruz County Civil Grand Jury reviewed local government responses to five of the nine 2019–2020 Grand Jury reports to determine whether local government officials honored their commitments in compliance with California Penal Code 933.05. The reports reviewed were: *DeLaveaga Golf Course*; *Fail in the Jail*; *Homelessness: Big Problem, Little Progress*; *The Tangled Web*; and *Voter Data*. The Grand Jury evaluated whether the agencies followed through with the commitments made in these reports.

The Grand Jury also reviewed *Ready? Aim? Fire!*; however, follow-up responses to this 2019-2020 investigation were not pursued, since over the past three years there has been a major wildfire and three more fire-related Grand Jury investigations.

The value of the Grand Jury’s reports is realized when government agencies apply the recommendations to improve transparency and efficiency for county residents.

## Table of Contents

<b>Summary</b>	<b>1</b>
<b>Background</b>	<b>3</b>
<b>Scope and Methodology</b>	<b>3</b>
<b>Investigations</b>	<b>4</b>
<b>1. DeLaveaga Golf Course</b>	<b>4</b>
<b>2. Fail in the Jail</b>	<b>6</b>
<b>3. Homelessness: Big Problem, Little Progress</b>	<b>7</b>
<b>4. Tangled Web</b>	<b>9</b>
<b>5. Voter Data</b>	<b>12</b>
<b>Notable Missing Responses</b>	<b>14</b>
<b>Conclusion</b>	<b>14</b>
<b>Findings and Recommendations</b>	<b>15</b>
General	15
DeLaveaga Golf Course	15
Fail in the Jail	15
Homelessness	16
Tangled Web	16
Voter Data	17
<b>Required Responses</b>	<b>17</b>
<b>Definitions</b>	<b>17</b>
<b>Sources</b>	<b>18</b>
References	18
<b>Appendix A</b>	<b>21</b>

## Background

Each year the Santa Cruz County Civil Grand Jury (Grand Jury) investigates local government operations and issues reports with the goals of improving government efficiency and effectiveness, and promoting accountability and transparency. The Grand Jury reports make recommendations for improvements. When called for in the report, elected local government officials are required to respond to the Grand Jury's findings and recommendations.

Each investigated organization receives a copy of the Grand Jury's report and a response packet that includes the instructions shown in Appendix A. They send their responses to the presiding judge of the Superior Court with a copy to the Grand Jury. Elected officials must respond within 60 days and governing bodies are required to respond within 90 days.

Only governing bodies and "elected county officers or agency heads" are required to respond to Grand Jury reports.<sup>[1]</sup> There is no requirement that any individual other than an elected official respond. However, the Grand Jury may invite a response from other "responsible officers" such as the chief administrative officer of a government function.

Readers interested in a more comprehensive look at the Grand Jury reports and responses are encouraged to read the original reports and responses. All may be found on the County's Grand Jury web page in the Reports section.<sup>[2]</sup>

## Scope and Methodology

For this Honoring Commitments report, the 2022-2023 Grand Jury reviewed responses to the following five 2019-2020 reports:

- **DeLaveaga Golf Course**—How City Policies and Practices Have Affected the Bottom Line
- **Fail in the Jail**—No Lights, No Camera, No Action?
- **Homelessness: Big Problem, Little Progress**—It's Time To Think Outside The Box
- **The Tangled Web**—Oh, What a Mangled Web We Weave...
- **Voter Data—Registering Concerns**—Keeping a Closer Eye on the Distribution of County Voter Registration Data

The 2022-2023 Grand Jury has followed up with the responding agencies for some of the above reports. This report summarizes the government responses to each report's recommendations that fell under the categories "Has Not Been Implemented but Will Be Implemented in the Future" and "Requires Further Analysis." The Grand Jury wanted to know whether the agencies actually did implement recommendations that they said they would in the future, or that they did the further analysis and what its outcome was. Without follow-up, these are the most susceptible to falling by the wayside and dropping out of public view.



Each report section that follows covers the key findings and recommendations that we evaluated. Each section then describes the local agency commitments and actions taken to address those findings and recommendations.

## Investigations

The Key Findings and Key Recommendations sections within the below investigations provide context for the Response section. The Response section describes agency responses to the investigation report, including recent agency actions. Findings and recommendations where the agencies said they had already implemented, or declined to take action, or which do not seem to the Grand Jury to be critical to improving government functions at this time, are not included.

### 1. DeLaveaga Golf Course<sup>[3]</sup>

**Summary:** The 2019-2020 Santa Cruz Civil Grand Jury investigated the history, governance, use, costs and revenue related to the City of Santa Cruz's DeLaveaga Golf Course. The Grand Jury's intention was to provide insight and clarity on fiscal responsibility along with recommendations for improvements to City of Santa Cruz management of the DeLaveaga Golf Course.

#### Key 2020 Findings:

- F4. The City of Santa Cruz's failure to conduct thorough, regular on-site inspections of the DeLaveaga Golf Course's restaurant/lodge resulted in excessive renovation costs to the City of Santa Cruz. This contributed to more than doubling the original estimates to bring the building up to code.*
- F5. The new draft Operations Plan lacks the necessary robustness to communicate how major golf course operations will be managed at DeLaveaga Golf Course, including but not limited to facility inspections, water use policies, variable pricing policies, charitable policies, operations review, and basic roles, responsibilities, and authority.*

#### Key 2020 Recommendations:

- R5. The City of Santa Cruz City Manager should perform a lessons learned activity and then update the City's relevant policies and operating procedures to avoid a future repeat of the DeLaveaga Golf Course's restaurant/lodge shutdown and renovation no later than second quarter 2021. (F4)*
- R6. The City of Santa Cruz Parks and Recreation Department and the City of Santa Cruz City Manager should add a formal process to the Operation Plan by addressing needed capital improvements, maintenance schedules, facility inspections, water use, variable pricing, charitable policies, operations review, and basic stakeholder roles and responsibilities. Stakeholders include the Santa Cruz City Council, the City's Parks and Recreation Department, the City's Parks & Recreation Commission, the Operator, the DeLaveaga Golf*

*Course Superintendent, the City's Building Department and the City's Public Works Department. (F5)*

**Requested 2020 Responses:**<sup>[4]</sup>

The City of Santa Cruz partially disagreed with Finding 4 as related to Recommendation 5, that there was a failure to conduct thorough, regular on-site inspections of the DeLaveaga Golf Course's restaurant/lodge, resulting in excessive renovation costs to the City of Santa Cruz. This contributed to more than doubling the original estimates to bring the building up to code. They stated that many of the issues discovered during the golf lodge renovation were interior to the building (e.g. electrical, plumbing, rotting wood, etc.). These issues were not evident in general facility inspections. The fundamental cause of the facility issues and exorbitant costs to renovate was a lack of ongoing capital improvement investment into the building over time. Due to limitations of City budgets, and to some degree, the local political will to invest in the golf course, funding was not sufficiently appropriated to maintain the golf lodge over time. Therefore, the result was a costly repair due to years of virtually no maintenance.

The City of Santa Cruz stated that this is an important lesson as other facilities at the golf course including the maintenance facility, golf cart barn, and driving range, among others, are in desperate need of investment. Otherwise they may face similarly expensive capital needs in the future. This is also true of many City-owned buildings such as the Civic Auditorium, Public Works Corp Yard and the Parks Yard, Market Street Senior Center, Harvey West Park facilities, and many more. Investment in an aging portfolio of City-owned assets is critical for the future.

Regarding Finding 5, as related to Recommendation 6, the City of Santa Cruz felt that they needed further analysis on whether or not the City Manager should perform a lessons learned activity and then update the City's relevant policies and operating procedures to avoid a future repeat of the DeLaveaga Golf Course's restaurant/lodge shutdown and renovation no later than second quarter 2021. The City of Santa Cruz stated that as of July 2020, there are no specific plans to do this, although it would be a helpful exercise and the Parks and Recreation Department would support it. The Parks and Recreation Department responded, indicating it would discuss with the City Manager's Office a plan to chart a course of action related to this recommendation before the end of calendar year 2020.

**2022-2023 Update: Were Commitments Kept?**

In response to this jury's request for an update, the Parks and Recreation Department indicated budgeting, and the Santa Cruz City Council approved funding to assess facilities and develop a long-term Capital Investment Plan as outlined in Budget, Fiscal Years 2023-2027.<sup>[5]</sup> Additionally, the City Council appropriated funding for critical infrastructure and facility upgrades in FY 2023.<sup>[6]</sup> The Parks and Recreation Department will initiate these projects in 2023. The completion of the study is estimated to be in June 2023, and the improvements to the driving range and golf course assets are estimated to be in October 2023.<sup>[7]</sup>

## 2. Fail in the Jail<sup>[8]</sup>

**Summary:** On September 28, 2019 an unplanned power failure at the Santa Cruz County Main Jail resulted in the loss of critical capability to provide safe and secure operation of the jail. While the risks were known well in advance of the failure event, steps to manage and mitigate the risks were not taken. Established, comprehensive policies for management in a power failure emergency were in place, but those policies were not followed. Evidence of process improvement and risk management practice after the event was lacking.

### Key 2020 Findings:

- F3. While an emergency generator has been procured, adequate testing of methods of connection and operation has not been done yet.*
- F5. The County was non-compliant with policy regarding emergency power backup at the jail and remained non-compliant for months, including fueling, maintenance, testing, and emergency backup power generation.*

### Key 2020 Recommendations:

See below under “2022-2023 Update: Were Commitments Kept?”

### Requested 2020 Responses:<sup>[9]</sup>

The Santa Cruz County Sheriff/Coroner agreed with Finding 5. They had previously requested that this work be done by the Santa Cruz County’s General Services Department. The Santa Cruz County Board of Supervisors also agreed with Finding 5.

### 2022-2023 Update: Were Commitments Kept?

There was no specific recommendation to upgrade the existing generator system to power all of the areas critical to ensure safe and secure operation of the jail during an unexpected power outage, but it was confirmed during our 2022 jail tour that a new generator was purchased in 2020 with an estimate of 1 to 1 ½ years to have it installed and operational. However, due to component shortages resulting from COVID/supply chain issues, the new generator system will not be operational until May or June of 2023.<sup>[10]</sup> They stated that the old generator should have enough power to operate a good portion of the facility.<sup>[11]</sup> While it will not fully power the facility, certain functions have been prioritized to receive generator power to minimize any risk to both inmates and staff. For security reasons, they did not want to identify any specific vulnerabilities. The new generator will have much more capacity. They are in constant communication with the County and subcontractors to prioritize this project. Therefore, they are working toward keeping their commitment on improving their functionality during an unexpected power outage to provide safe and secure operation of the jail.

### 3. Homelessness: Big Problem, Little Progress<sup>[12]</sup>

**Summary:** The 2019-2020 Santa Cruz Civil Grand Jury investigated the County's response to homelessness. The report highlighted the considerable money, time and effort devoted to reducing the County's ever-growing number of homeless persons, and the lack of real progress towards solutions. Most of the recommendations in this report received the Response "Will Not Be Implemented". This year's Civil Grand Jury decided to examine two recommendations that received mostly "Requires Further Analysis" responses. It should be noted that since the 2019-2020 report was written, much has happened on the homelessness issue, including a \$14.5 million grant in 2021 to the City of Santa Cruz to improve and expand services to people experiencing homelessness. This changes the landscape and overtakes some of the report's recommendations. In several cases, the responses were not compliant. It is also clear the various agencies coordinated their responses, with several identical explanations provided.

#### Key 2020 Findings:

- F12. There are parcels of land throughout the county that appear to be unused or underutilized, and could possibly be used to build housing for the homeless.*
- F21. If underutilized parcels of land throughout Santa Cruz County were identified, such as the area near Coral Street in Santa Cruz and the parcel adjacent to the County Mental Health Building in Watsonville, these parcels could potentially be used to increase the number of beds and services to support the homeless.*

#### Key 2020 Recommendations:

- R6. The Santa Cruz County Administrative Officer (CAO) and the County's City Managers should identify parcels of land within their jurisdictions that could be utilized to supply homeless services and/or temporary or permanent housing, and report such sites to their governing bodies by December 31, 2020. (F12)*
- R9. By December 31, 2020, the City of Santa Cruz should evaluate whether closing Coral Street permanently to thru traffic, to make more space available for additional housing and services for the homeless, would be a viable option. (F13 was cited in the 2019-2020 Grand Jury report, but this probably should have been F12 and/or F21)*

#### Requested 2020 Responses:<sup>[13]</sup>

**F12.** The Board of Supervisors, the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville, and the City Manager of Watsonville all agreed with Finding 12, that there are parcels of land throughout the County that could potentially be used to provide services to homeless people. The City Managers for Capitola, Santa Cruz and Scotts Valley responded that their responses were included in their unified response from the City Council.

**F21.** The Board of Supervisors, the Cities of Santa Cruz and Watsonville, the Santa Cruz County Administrative Officer and the Watsonville City Manager all agreed with Finding 21, that if underutilized parcels were identified, they could potentially be used to increase the number of beds and services to support homeless people. The Cities of Capitola and Scotts Valley partially disagreed, saying that zoning may not allow such use. Using identical text for their explanation for their responses, they both describe the partnership between the County, the City of Santa Cruz and Housing Matters to evaluate potential reconfiguration and expansion of the services for homeless people provided around Coral Street. The Human Services Agency and the planning Department responded that their input was included with the CAO response. The city managers of Santa Cruz, Capitola and Scotts Valley responded that their responses were included in their unified response from the City Council.

**R6.** The only required response to Recommendation 6 was from the Board of Supervisors. They responded that the recommendation required further analysis, questioning the feasibility of the approximate three month timeline to identify parcels of land suitable for temporary or permanent housing for homeless people.

Responses to Recommendation 6 were requested from the Santa Cruz County Administrative Officer, the Santa Cruz County Human Services Agency, and the city managers of the four Santa Cruz cities. Of these, the CAO provided the same response, using the same text as the BoS's required response described above. The HSA responded that their input was included with the CAO response. The city managers of Santa Cruz, Capitola and Scotts Valley responded that their responses were included in their unified response from the City Council. The Grand Jury noted that the City Councils were not assigned R6 and thus we do not have a response from these city managers. The Watsonville City Manager responded that R6 "Requires Further Analysis" and gave an explanation that they have 416 acres of land zoned for potential shelters or housing. They did not indicate any ongoing effort to provide shelters or housing for homeless people.

**R9.** Responses to Recommendation 9 were required from the Board of Supervisors, and the four City Councils. The BoS provided no response to Recommendation 9. The City of Santa Cruz responded that the recommendation requires further analysis, with the explanation that the City, County and Housing Matters are working collaboratively to evaluate increasing access to services and shelter on Coral Street and adjacent private property. The Cities of Capitola and Scotts Valley also responded that the recommendation requires further analysis, using the same text as the City of Santa Cruz to describe collaboration with Housing Matters. They further add they have no authority over Coral Street, which is within Santa Cruz City limits. Watsonville responded "Will not be Implemented" with the explanation that the recommendation is not within their jurisdiction.

## 2022-2023 Update: Were Commitments Kept?

**R6.** In March 2021, the Board of Supervisors adopted a “Three Year Strategic Plan to Address Homelessness” which includes consideration of using county-owned and unincorporated county areas for temporary housing for the homeless.<sup>[14]</sup> The plan calls for 600 emergency shelter and transitional housing beds, 120 of which would be in unincorporated county areas. Santa Cruz Local’s article on the plan refers to the Civil Grand Jury’s recommendation to identify suitable unincorporated parcels, but it is not clear if the Jury’s recommendation influenced creation or adoption of the plan.<sup>[15]</sup>

In March 2022, The Santa Cruz City Council unanimously approved the “Homelessness Action Plan” which aims to eliminate unsanctioned homeless camps and move people to managed shelters in the city and throughout the County.<sup>[16]</sup> The plan calls for collaboration with leaders from the County of Santa Cruz, and the Cities of Watsonville, Scotts Valley and Capitola to identify 20 new locations for shelters across the county.<sup>[17]</sup> Again, whether the Grand Jury’s recommendation influenced this is unknown.

**R9.** The City of Santa Cruz is currently working on a Master Plan for Coral Street including newly acquired property, the existing shelters and housing, and the planned “Harvey West Project” of 120 units of supportive housing.<sup>[18]</sup> In December 2022, the City held a “Community Design Charrette” to solicit input on the Coral Street Master Plan. This included a group discussion of limiting vehicle access to Coral Street, and a suggestion to build a pedestrian and bicycle overpass bridge over it.<sup>[19]</sup> The Grand Jury assumes that the Master Plan preempts any recommendation to close Coral Street, but hopes that suggestions such as limiting vehicle access or building a bridge be considered as part of the Master Plan.

## 4. Tangled Web<sup>[20]</sup>

**Summary:** The public relies on current, accurate information to conduct its business with government agencies and offices. When the 2019-2020 Grand Jury accessed county and city websites to gather data and contact government officials, they found that website information was sometimes inaccurate and out-of-date. In fulfilling our charter as an advocate for the public to improve government operations, they pointed out where these errors exist and directed those responsible to provide an up-to-date and accurate information platform to the public.

### Key 2020 Findings:

- F1. County and City website information is sometimes missing, out-of-date, and inaccurate; links may be broken. Thus, many city and county departments aren’t updating their websites often enough to keep citizens informed.*
- F2. County and City administrations lack a process to review content accuracy and currency and thereby assure timely correction and revision of content.*

- F3.** County and City goals for website redesign or quality improvement are not sufficiently “SMART”: Specific + Measurable + Attainable + Relevant + Time-Bound.
- F4.** The County does not have a notification system by which users can be alerted to updated web content. The County's website would be enhanced by the addition of a site-wide notification system.
- F5.** County and City website content providers do not provide an explanation in content for incorrect or out-of-date information, even though they appear to know the reasons.

### **Key 2020 Recommendations:**

- R1.** The County Administrative Officer and the City Managers should establish a formal process by December 31, 2020 for their departments to validate and verify the accuracy and currency of website information. (F1, F2, F5)
- R3.** The County Administrative Officer and the City Managers should establish ‘SMART’ goals for website quality assurance and manage these goals beginning in 2021. (F3, F4, F5)

### **Requested 2020 Responses:**<sup>[21]</sup>

#### **City of Capitola**

The City of Capitola partially disagreed with Findings 1, 2, and 3. They update information on a regular basis. There have been occasions when old data did not get removed after updated data was added. Stale and inaccurate data is corrected and replaced whenever found. The City is in the process of updating its website platform to make this task easier for departments. They also stated that SMART (Specific + Measurable + Attainable + Relevant + Time-Bound) is not a methodology that the City of Capitola has adopted.

The City of Capitola disagreed with Finding 5. They stated that If data is determined to be incorrect or out-of-date, they remove or correct the data. The City does not knowingly keep incorrect or out-of-date information on the City website.

The City of Capitola, addressing Recommendation 1, agreed to implement in the future a formal process by December 31, 2020, for their departments to validate and verify the accuracy and currency of website information.

Regarding Recommendation 3 the City of Capitola felt that establishing SMART goals for website quality assurance and managing these goals beginning in 2021 needed further analysis.

#### **City of Santa Cruz**

The City of Santa Cruz agreed with Findings 1, 2, and 5.<sup>[22]</sup>

The City of Santa Cruz addressing Recommendation 1 agreed to implement a formal process by December 31, 2020 for their departments to validate and verify the accuracy and currency of website information.<sup>[22]</sup>

### **City of Scotts Valley**

The City of Scotts Valley partially disagreed with Findings 1 and 2. The City of Scotts Valley responded in 2020 that they post all City Council, Committee and Commission agendas on the City website's Agenda Center. Some commissions/committees meet only as needed and a committee's last meeting may have been a year or more in the past. Thus, even though these agendas and minutes may appear out of date, the content is current. Similarly, the City maintains various plans and documents on its website and although they may be dated years in the past, the posted documents are still the most current. The City updates its website content regularly. They do not have the resources for a dedicated webmaster and staff manages the website on a departmental level. City staff reviews and updates City webpages on a regular, although not regimented, schedule.

The City of Scotts Valley partially disagreed with Finding 3. They implemented a major upgrade to their website in May 2018, moving from an antiquated website to the current, highly functional and easy-to-navigate site. The City of Scotts Valley has not adopted the formal goal paradigm of Specific + Measurable + Attainable + Relevant + Time-Bound. However, the City maintains the goal, as an operational prerequisite, to provide current, timely and useful information to the public.

The City of Scotts Valley disagreed with Finding 5. When the City identifies outdated or inaccurate information on its website, it is rectified as soon as is practically feasible. They view their website as an important communication and engagement tool with the community and do not allow erroneous information to persist on their website.

The City of Scotts Valley felt that they needed further analysis regarding Recommendation 1, the establishment of a formal process for their departments to validate and verify the accuracy and currency of website information. They routinely update information and maintain current agendas and notices.

The City of Scotts Valley also felt that they needed further analysis regarding Recommendation 3, the establishment of SMART goals for website quality assurance and manage these goals beginning in 2021.

### **2022-2023 Update: Were Commitments Kept?**

In response to this Grand Jury's request for information, the City of Capitola said they kept their commitment to complete a content clean-up and overall update of their website in 2021. The website is now more logically organized, provides users with easier access to information, and is easier to update than the prior website.<sup>[23]</sup> The City of Capitola also kept their commitment to analyze the creation of SMART goals for website quality assurance, but determined that they were not necessary at this time.<sup>[23]</sup>

In response to this Grand Jury's request for information, the City of Santa Cruz said they kept their commitment to clean up their website. In December 2020 the City of



Santa Cruz coordinated with departments to do a thorough departmental website review and to edit the contents. This included checking the accuracy of the content, repairing broken links, and archiving unused contents. They also updated the City's meeting agenda, minutes, video and audio recordings. This was completed by October 2021.<sup>[24]</sup> To maintain an updated Website, the City of Santa Cruz plans to implement a more automated way to audit the content to allow departments to edit more frequently and efficiently. It is estimated that this more automated system will be implemented in the calendar year 2023, depending on funding and staffing of their Information Technology Department. At the time of their response to our follow-up inquiry they had a 35% shortage of employees.<sup>[24]</sup>

In response to this Grand Jury's request for information, the City of Scotts Valley said they kept their commitment to analyze Recommendations 1 and 3. Regarding recommendation 1 the City decided to redesign their website to afford transparency, accessibility, and ease of use to all stakeholders. With the goal of having as many of the processes automated as practicable, the City will have much better tools available to track website usage and functionality. Due to the COVID pandemic and staffing issues the initiation of the new website project was delayed. An improved staffing level was achieved by June 2022 and the redesign of their website was started.<sup>[25]</sup> The City is fully committed to having this completed by the spring of 2023.<sup>[26]</sup> Regarding recommendation 3, when the City of Scotts Valley developed its 2021-22 Strategic Plan in the Spring of 2021, they had a discussion of the SMART goals paradigm. Due to the upcoming redesigned website it was felt that adopting SMART goals was not necessary at this time.<sup>[26]</sup>

## 5. Voter Data<sup>[27]</sup>

**Summary:** Data Security has become a major concern to our community. There are many articles which chronicle, in painful detail, the destruction of lives caused by the theft of millions of confidential records. The 2019-2020 Grand Jury discovered that California elections code requires county elections departments to share voter data, including a key piece of data that would assist hackers: an individual's complete date of birth. While date of birth has not been clearly defined as personally identifiable information in the California Elections Code, date of birth is often used in identity theft, as well as social engineering and phishing attacks. State law requires each county to provide access to data collected during the voter registration and election processes. This data contains Personally Identifiable Information (PII) as defined by the National Institute of Standards and Technology (NIST). There are reports of voter registration data being offered for sale on hacker websites. County election departments were recommended to examine their processes to make sure that best practices are being employed, and all precautions are being taken to ensure that voter registration data is secure.

## Key 2020 Findings:

- F1. Risk of misuse of voter registration data acquired by ELEC\_2194 (1994) could be mitigated by stronger security measures at the County of Santa Cruz level.*
- F2. County applicants are not informed of recent amendments to ELEC\_2188 (1994), and thus may not be taking all reasonable precautions to protect voter registration data, avoid data breaches, and report breaches if they occur.*

## Key 2020 Recommendations:

- R1. In Distributed Data that is provided to county recipients, the County Elections Department should replace voter full date of birth with year of birth only. This action should be implemented before the end of FY2021.*
- R4. The County Elections Department should incorporate amendments to ELEC 2188 (1994), as specified in AB 1678 and AB 1044, in the county application and website information, namely that county recipients must inform the Secretary of State of a data breach, and that County Applicants may be subject to data security training.*
- R5. The County Elections Department should provide county applicants with data security training, consistent with any guidance from the Secretary of State, with the goal of implementing best practices aimed at protecting voter registration data. This action should be implemented before the end of FY2021.*

## Requested 2020 Response:

### **County Elections Department**

The Santa Cruz County Elections Department agreed with Findings 1 and 2 in 2020.<sup>[28]</sup>

The Santa Cruz County Elections Department agreed to implement in the future Recommendation 1 about replacing the voter's full date of birth with year of birth only, Recommendation 4 regarding incorporating amendments to ELEC 2188 (1994), as specified in AB 1678 and AB 1044, in the County Application and website information, and Recommendation 5 regarding providing County Applicants with data security training, consistent with any guidance from the Secretary of State, with the goal of implementing best practices aimed at protecting voter registration data.<sup>[29]</sup>

### **2022 Update: Were Commitments Kept?**

We sent multiple inquiries to the County Elections Department to verify that these recommendations were implemented. Unfortunately, no response was received.

Since we did not receive a response from the County Elections Department, we could not determine if the County honored the commitments made in their response to the 2019-2020 Grand Jury Report.

## Notable Missing Responses

Nearly all required responses to the 2019-20 investigative reports were submitted to the Grand Jury; the Board of Supervisors' required response on the Homelessness Investigation Recommendation 9 on evaluating closure of Coral Street was the lone exception. Far fewer invited responses were received. In many cases, the agency the response was invited from said their response was included with a required response. Thus some invited responses were missed because the agency providing the response was not invited to respond to each finding and recommendation. Additionally, there was evident coordination of responses from some agencies. This Grand Jury believes the public would be better served by the agencies providing their own responses to our recommendations rather than saying their response was given by others, or colluding to provide duplicates.

This Grand Jury made several attempts to ascertain whether the Elections Department had implemented the recommendations they said they would implement, but received no response.

## Conclusion

The 2022-2023 Grand Jury reviewed responses to five of the 2019-2020 reports and found that, in general, commitments were kept. In some cases, the agencies are implementing recommendations but it's not clear if the actions are in response to the Grand Jury or whether they were instigated by the agencies.

The Grand Jury also reviewed Ready? Aim? Fire!, however we did not evaluate whether commitments were kept. Over the past three years there have been a major wildfire and three other fire-related investigations;<sup>[30]</sup> <sup>[31]</sup> therefore, it would be difficult to gauge whether or not the studied entities fulfilled any of the recommendations specifically from the 2019-2020 Grand Jury report.

The Grand Jury continues to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public, in accordance with CA Penal Code Section 933(c).<sup>[32]</sup>

## Findings and Recommendations

### *General*

#### Findings

- F1.** The 2022-2023 Grand Jury reviewed responses to five of the 2019-2020 reports and found that, in general, commitments were kept.
- F2.** The evident coordination of responses from agencies leaves the public without independent contributions across agencies.

#### Recommendations

- R1.** All agencies should provide their own independent responses to findings and recommendations instead of referring to the response of another agency. (F2)
- R2.** We continue to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public, in accordance with CA Penal Code Section 933(c). (F1, F2)

### *DeLaveaga Golf Course*

#### Finding

- F3.** The City of Santa Cruz delayed the timeline rather than proceeding as outlined in their 2020 response to the Grand Jury. Instead, the City budgeted for a more comprehensive assessment of system-wide facilities and a capital investment plan to be completed in 2023.

#### Recommendation

- R3.** The City of Santa Cruz should report to the Grand Jury on the completion status of the Facilities Assessment and capital investment plan no later than December 31, 2023. (F3)

### *Fail in the Jail*

#### Finding

- F4.** The safe and secure operation of the County Jail remains vulnerable during an unexpected power outage.

#### Recommendation

- R4.** The Santa Cruz County Sheriff should verify that the new generator system is operational by August 31, 2023. If not, the reasons for the further delay should be explained. (F4)

## **Homelessness**

### **Findings**

- F5.** The adoption of multi-year plans by both the City and County of Santa Cruz offer the public some assurance that locations can be found within the County where homeless services will be provided.
- F6.** Although the Cities of Capitola, Scotts Valley, and Watsonville agreed that there appear to be unused or underutilized parcels of land that could possibly be used for homeless services, it is not clear how this could be done.
- F7.** The master plan for Coral Street being worked by the City of Santa Cruz includes consideration of limiting vehicle access to Coral Street, but the grants received by the City and the plan to build 120 units of supportive housing preempt the original Grand Jury recommendation to consider closing it.

### **Recommendations**

- R5.** As recommended in the 2022 “Homelessness Action Plan,” the Cities of Capitola, Scotts Valley, and Watsonville should collaborate with leaders from the County of Santa Cruz and the City of Santa Cruz to identify 20 new locations for shelters across the county. These cities should report on the status of this recommendation no later than December 31, 2023. (F6)
- R6.** The County of Santa Cruz and the four cities should plan to provide services for homeless persons at the sites identified in their plans, including but not limited to supportive housing, case management, and medical services. The County of Santa Cruz and the four cities should report to the Grand Jury on the status of providing homeless services at the sites identified no later than December 31, 2023. (F5, F6)
- R7.** The City of Santa Cruz should complete and then implement their Master Plan for Coral Street, including consideration of limiting vehicle access. The City of Santa Cruz should report to the Grand Jury on the status of Coral Street no later than December 31, 2023. (F7)

## **Tangled Web**

### **Findings**

- F8.** Staffing shortages made automating the process for updating the website of the City of Santa Cruz and redesigning the website of the City of Scotts Valley more difficult.

### **Recommendations**

- R8.** The City of Santa Cruz should verify that their commitment to automate the

process for updating their website has been completed by October 31, 2023. (F8)

- R9.** The City of Scotts Valley should verify that their commitment to redesign their website to afford transparency, accessibility, and ease of use to all stakeholders has been completed by October 31, 2023. (F8)

## ***Voter Data***

### **Finding**

- F9.** Data security is an important issue, including the security of voter registration data and it is unknown if measures have been taken in this area.

### **Recommendation**

- R10.** The Santa Cruz County Clerk should outline steps that have been taken to make voter registration data more secure by September 30, 2023. (F9)

## **Required Responses**

<b><i>Respondent</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within/ Respond By</i></b>
Santa Cruz County Board of Supervisors	F1, F2, F4, F5, F9	R1, R2, R4, R6, R9	90 Days September 5, 2023
Santa Cruz County Sheriff	F4	R4	60 Days August 7, 2023
Santa Cruz County Clerk	F9	R10	60 Days August 7, 2023
Capitola City Council	F1, F2, F6	R1, R2, R5, R6	90 Days September 5, 2023
Santa Cruz City Council	F1, F2, F3, F5, F7, F8	R1, R2, R3, R6, R7, R8	90 Days September 5, 2023
Scotts Valley City Council,	F1, F2, F6, F8	R1, R2, R5, R6, R9	90 Days September 5, 2023
Watsonville City Council	F1, F2, F6	R1, R2, R5, R6	90 Days September 5, 2023

## **Definitions**

**County Applicant:** A person or persons applying to the Santa Cruz Elections Department to receive voter registration data.

**County Recipient:** A person or persons who have been approved by the Santa Cruz County Elections Department to receive voter registration data.

## Sources

### References

1. *Website*. Penal Code 933c. "Investigation of County, City, and District Affairs [925 - 933.6]." Accessed May 7, 2023.  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.&lawCode=PEN)
2. 2019-20 Santa Cruz County Civil Grand Jury. April 1, 2021. *2019-2020 Grand Jury Reports and Responses*. Accessed May 7, 2023.  
<https://www.co.santa-cruz.ca.us/Departments/GrandJury/2019-2020GrandJuryReportsandResponses.aspx>
3. 2019-20 Santa Cruz County Civil Grand Jury. June 16, 2020. *DeLaveaga Golf Course How City Policies and Practices Have Affected the Bottom Line*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/DeLaveagaGolf\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/DeLaveagaGolf_Report.pdf)
4. 2019-20 Santa Cruz County Civil Grand Jury. Sept 14, 2020. *City of Santa Cruz City Council Respond to the Findings and Recommendations Specified in the Report Titled DeLaveaga Golf Course How City Policies and Practices Have Affected the Bottom Line*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/2aR\\_DeLaveagaGolf\\_SCCityCouncil\\_Response.pdf#page=33](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/2aR_DeLaveagaGolf_SCCityCouncil_Response.pdf#page=33)
5. Confidential Grand Jury document.
6. Confidential Grand Jury document.
7. Confidential Grand Jury document.
8. 2019-20 Santa Cruz County Civil Grand Jury. June 19, 2020. *Fail in the Jail No Lights, No Camera, No Action?*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/JailInfrastructure\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/JailInfrastructure_Report.pdf)
9. Mitchell Medina, Undersheriff. Sept 17, 2020. *County of Santa Cruz Response to: Fail in the Jail: No Lights, No Camera, No Action?*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/2019-2020ConsolidatedResponses.pdf#page=308](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/2019-2020ConsolidatedResponses.pdf#page=308)
10. Confidential Grand Jury document.
11. Confidential Grand Jury interview.
12. 2019-20 Santa Cruz County Civil Grand Jury. June 30, 2020. *Homelessness: Big Problem, Little Progress It's Time To Think Outside The Box*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/MicroHomes\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/MicroHomes_Report.pdf)

13. 2019-20 Santa Cruz County Civil Grand Jury. Sept 28, 2020. *2019-2020 Consolidated Report Responses*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/2019-2020ConsolidatedResponses.pdf#page=515](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/2019-2020ConsolidatedResponses.pdf#page=515)
14. County of Santa Cruz  
Human Services Department. "Agenda Item Submittal for June 9, 2021 Board of Supervisors Meeting." *Website*. Accessed May 7, 2023.  
<https://www.documentcloud.org/documents/20500357-focus-strategies-homeless-report-march-2021>
15. Stephen Baxter. March 6, 2021. "County land for temporary housing included in homeless proposal." *Website*. Accessed May 7, 2023.  
<https://santacruzlocal.org/2021/03/06/county-land-for-temporary-housing-included-in-homeless-proposal/>
16. City of Santa Cruz. March 3, 2021. "City Council Agenda Report for Meeting March 8, 2022." *Website*. Accessed May 7, 2023.  
<https://s3.documentcloud.org/documents/21352451/santa-cruz-homelessness-action-plan.pdf>
17. Kara Meyberg Guzman. March 9, 2022. "Santa Cruz plan for unhoused includes shelters and county coordination." *Website*. Accessed May 7, 2023.  
<https://santacruzlocal.org/2022/03/09/santa-cruz-plan-for-unhoused-includes-shelters-and-county-coordination/>
18. Sarah Neuse, Senior Planner. No Date. "Coral Street Visioning Report." *Website*. Accessed May 7, 2023.  
<https://www.cityofsantacruz.com/Home/Components/Topic/Topic/11943/>
19. Jessica A. York. December 13, 2022. "Santa Cruz gathers input on Coral Street future." *Website*. Accessed May 7, 2023.  
<https://www.santacruzsentinel.com/2022/12/13/santa-cruz-gathers-input-on-coral-street-future/>
20. 2019-20 Santa Cruz County Civil Grand Jury. June 16, 2020. *The Tangled Web Oh, What a Mangled Web We Weave....* Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/TangledWeb\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/TangledWeb_Report.pdf)
21. Santa Cruz County Board of Supervisors. Sept 14, 2020. *Santa Cruz County Board of Supervisors Respond to the Findings and Recommendations Specified in the Report Titled*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/2019-2020ConsolidatedResponses.pdf#page=10](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/2019-2020ConsolidatedResponses.pdf#page=10)
22. Ralph Dimarucut. Sept 14, 2020. "Santa Cruz City Council Response Packet - The Tangled Web." *Website*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/1cR\\_TangledWeb\\_SantaCruzCityCouncil\\_Response.pdf#page=9](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/1cR_TangledWeb_SantaCruzCityCouncil_Response.pdf#page=9)
23. Confidential Grand Jury document.



24. Confidential Grand Jury document.
25. Confidential Grand Jury document.
26. Confidential Grand Jury document.
27. 2019-20 Santa Cruz County Civil Grand Jury. June 19, 2020. *Voter Data – Registering Concerns Keeping a Closer Eye on the Distribution of County Voter Registration Data*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/VoterData\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/VoterData_Report.pdf)
28. David Brown, Senior Administrative Analyst. October 20, 2020. “19-20 Grand Jury Report Responses.” *Website*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/6aR\\_VoterData\\_CountyClerk\\_Response.pdf#page=5](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/6aR_VoterData_CountyClerk_Response.pdf#page=5)
29. David Brown, Senior Administrative Analyst. October 20, 2020. “19-20 Grand Jury Report Responses.” *Website*. Accessed May 7, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020\\_final/6aR\\_VoterData\\_CountyClerk\\_Response.pdf#page=7](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/6aR_VoterData_CountyClerk_Response.pdf#page=7)
30. 2021-22 Santa Cruz County Civil Grand Jury. 2021. *Reducing Our Community’s Risk from Wildfire It Will Take Money, Time, and Serious Cooperation*. Accessed March 9, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2022\\_final/2022-5\\_CZUFire\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2022_final/2022-5_CZUFire_Report.pdf)
31. 2020-21 Santa Cruz County Civil Grand Jury. 2020. *Wildfire Threat to the City of Santa Cruz Promote Policies to Prevent and Protect*. Accessed March 9, 2023.  
[https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2021\\_final/2\\_CityWildfire\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2021_final/2_CityWildfire_Report.pdf)
32. *Website*. 933(c). “Investigation of County, City, and District Affairs [925 - 933.6].” Accessed February 23, 2023.  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=933.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933.&lawCode=PEN)
33. *Website*. “Investigation of County, City, and District Affairs [925 - 933.6].” Accessed May 7, 2023.  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=933.05](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=933.05)

## Appendix A

### Instructions for Respondents

California law PC §933.05<sup>[33]</sup> requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

#### **Response Format**

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
  - a. **AGREE** with the Finding, or
  - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefore.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
  - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
  - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
  - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefore.



The 2022–2023 Santa Cruz County Civil Grand Jury  
Requires the

## Capitola City Council

to Respond by September 5, 2023

to the Findings and Recommendations listed below  
which were assigned to them in the report titled

## Honoring Commitments to the Public

County Agency Actions in Response to  
2019–2020 Grand Jury Recommendations

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. You are required to respond and to make your response available to the public by the California Penal Code [\(PC\) §933\(c\)](#).

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

## Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
  - a. **AGREE with the Finding**, or
  - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
  - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
  - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
  - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
  - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown  
in our minutes dated \_\_\_\_\_.

4. **When your responses are complete, please email your completed Response Packet as a PDF file attachment to both**

The Honorable Judge Syda Cogliati [Syda.Cogliati@santacruzcourt.org](mailto:Syda.Cogliati@santacruzcourt.org) and

The Santa Cruz County Grand Jury [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

**If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).**

## Findings

**F1.** The 2022-2023 Grand Jury reviewed responses to five of the 2019-2020 reports and found that, in general, commitments were kept.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

**F2.** The evident coordination of responses from agencies leaves the public without independent contributions across agencies.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):

Capitola City Council reviews and prepares responses to Grand Jury recommendations and findings as accurately as possible. Depending on the topic, it may be appropriate to coordinate responses with other agencies. Additionally, the City Council approves responses to Grand Jury reports at public meetings where the public is welcome to participate and make comments.

**F6.** Although the Cities of Capitola, Scotts Valley, and Watsonville agreed that there appear to be unused or underutilized parcels of land that could possibly be used for homeless services, it is not clear how this could be done.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

## Recommendations

**R1.** All agencies should provide their own independent responses to findings and recommendations instead of referring to the response of another agency. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

### Required response explanation, summary, and timeframe:

The City of Capitola works closely with many public entities, including the cities of Santa Cruz, Watsonville, and Scotts Valley, and the County of Santa Cruz. In some situations, it may be appropriate for the City of Capitola to consult with other agencies to better respond to Grand Jury reports. All responses submitted by the City of Capitola to the Grand Jury are the City's independent response.



**R2.** We continue to recommend that all organizations create and regularly update formal records of the actions they take to address Grand Jury recommendations, and to share those records with the public, in accordance with CA Penal Code Section 933(c). (F1, F2)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

All City actions taken to address Grand Jury reports are provided to the public consistent with CA Penal Code Section 933(c)

**R5.** As recommended in the 2022 “Homelessness Action Plan,” the Cities of Capitola, Scotts Valley, and Watsonville should collaborate with leaders from the County of Santa Cruz and the City of Santa Cruz to identify 20 new locations for shelters across the county. These cities should report on the status of this recommendation no later than December 31, 2023. (F6)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The 2022 Homeless Action Plan is not a City of Capitola adopted plan.

**R6.** The County of Santa Cruz and the four cities should plan to provide services for homeless persons at the sites identified in their plans, including but not limited to supportive housing, case management, and medical services. The County of Santa Cruz and the four cities should report to the Grand Jury on the status of providing homeless services at the sites identified no later than December 31, 2023. (F5, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The City of Capitola does not have a homeless services plan. The City participates on the Housing for Health (H4H) Partnership, a collaboration with the County of Santa Cruz and all four cities within the County that is designed to coordinate resources and provide programs and services focused on ending homelessness.

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** Finance Department

**Subject:** Purchasing and Procurement Policy and Ordinance



**Recommended Action:** Introduce, by title only, waiving further reading of the text, an ordinance amending Chapter 3.16 of the Capitola Municipal Code pertaining to Purchasing and Purchasing Contracts; and adopt revised Administrative Policy III-4: Purchasing and Procurement Policy.

**Background:** The City of Capitola established Municipal Code Chapter 3.16 to provide the framework and guidelines for purchasing and purchasing contracts. The Code has required updating over its history, most recently in July 2012 with the adoption of Ordinance No. 972.

On August 29, 2002, the City Council adopted Administrative Policy III-4: Purchasing and Purchasing Contracts to establish efficient procedures to secure supplies, services, and equipment at the lowest possible cost, maintain financial control over purchases, define authority in the purchasing system, and assure quality of purchases. Administrative Policy III-4 was last updated in October 2016.

**Discussion:** Periodic review of administrative policies is considered a best management practice. Staff recently reviewed Administrative Policy III-4: Purchasing and Procurement Policy (Purchasing Policy) and recommends several revisions and updates. Revisions include:

- Increasing the City Manager's Authority to \$50,000 for expenditures that have been allocated funding by the City Council through the annual budget process. The current limit of \$25,000 was established in 2012;
- Increasing the City Manger's authority to \$75,000 for vehicles and equipment that have been approved by the City Council through the annual budget process. The current limit of \$50,000 was established in 2012; and
- Administrative revisions related to the adoption of Resolution 3926 on July 12, 2012, and in response to a recently completed audit by the California Office of Emergency Services (Cal OES).

Government Code section 54202 requires that all local agencies adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Best management practices also recommend that the City Council establish parameters to delegate purchasing authority to the City Manager to streamline and improve the efficiency of purchases related to the operations of the City. The City's current Purchasing Policy has not been updated since 2016 and requires certain revisions.

The City's purchasing authority is limited to City Council approved appropriations within the adopted annual budget and dollar thresholds established by the City Council.

Due to inflation, many of the general purchases of supplies, equipment, and general services that were previously authorized by the City Manager now require City Council approval. Additionally, many of the capital equipment purchases authorized by the City Council are close to or exceeding the existing limit in the Municipal Code. Staff expects this trend to continue as the City converts to electric and hybrid vehicles. This results in reduced efficiency in conducting City business, as

well as increasing City Council agenda items for expenditures that were approved with the adoption of the annual budget.

The proposed revision to increase the City Manager's purchasing authority from \$25,000 to \$50,000 for supplies, equipment, and general services, and from \$50,000 to \$75,000 for capital equipment identified in the adopted budget would improve the operations of the City while maintaining proper checks and balances. Staff found that most cities in the region have established \$100,000 as the purchasing authority for the City Manager.

The proposed revisions to the Municipal Code and the City's Purchasing Policy also incorporate alternative bidding procedures for public works projects authorized by the Uniform Construction Costs Accounting Act (the "Act"). The Act sets forth alternative bidding procedures for certain public works projects, that become available to cities upon formal action of legislative bodies opting into those procedures. In July 2012 the City Council adopted Resolution No. 3926 electing to become subject to the Act's alternative procedures. Unfortunately, the City's Purchasing Policy and Municipal Code were not updated to reflect the applicability of the alternative bidding procedures permitted pursuant to the Uniform Construction Cost Accounting Act. Staff has continued to follow the City's Purchasing Policy, however, with these proposed revisions, staff intends to clarify which projects are subject to the alternative bidding procedure and use those procedures where applicable.

The current bidding requirements as established by the Act, and as incorporated into the Municipal Code and Purchasing Policy through the revisions proposed herein, are as follows:

- a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in the Act.
- c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

In addition to revisions to incorporate bidding procedures permitted under the Act, the revisions proposed herein address certain deficiencies identified by CalOES through a recent audit of the City's recently completed grant-funded update to the Local Hazard Mitigation Plan (LHMP). The audit found that the City's use of awarding a contract through a noncompetitive bid process (sole source) violated Title 2 of the Code of Federal Regulations (CFR) due to the City not obtaining authorization from Cal OES prior to awarding the contract. While Cal OES eventually approved the contract and there was no financial penalty assessed, Cal OES required that the City create a corrective action plan to avoid future violations which staff has submitted to Cal OES.

The corrective action plan included reviewing the City's Purchasing Policy and incorporating language to address the use of federal awards and subrecipient awards. Staff reviewed a number of federal and state resources as well as policies from other agencies and have incorporated a section addressing Federal Projects into the Purchasing Policy for the City Council's consideration.

Lastly, staff recommends revising the Purchasing Policy to authorize the City Engineer to approve plans and specifications for public works projects and other improvements that are within the City Manager's signing authority to provide design immunity to the City. Government Code section 830.6 provides public agencies and their employees with immunity from being sued over a defective design with respect to a public works project if that design is either approved by the legislative body or some other "employee exercising discretionary authority to give such approval"

prior to construction of the project and if the project is ultimately constructed as set forth in the design. With the inclusion of this provision, the City would have a defense to claims alleging City liability for injuries caused by the plan or design of construction or improvements to public property where the plan or design has been approved in advance by the legislative body.

Fiscal Impact: There are no direct fiscal impacts associated with the recommended actions; however, the City will be in compliance with the Code of Federal Regulations as it pertains to the expenditure of federal awards and subrecipient awards related to grants and disaster recovery funding.

Attachments:

1. Draft Ordinance
2. Administrative Policy III-4 (revisions in track changes)

Report Prepared By: Jim Malberg, Finance Director

Reviewed By: Julia Moss, City Clerk; Sam Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

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

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 3.16.010, 3.16.030, 3.16.050, 3.16.075, 3.16.080 AND ADDING SECTIONS 3.16.085, 3.16.090, 3.16.095 AND 3.16.100 TO THE CITY OF CAPITOLA MUNICIPAL CODE REGARDING PURCHASING AND PURCHASING CONTRACTS**

WHEREAS, By Resolution no. 3926, the City Council of the City of Capitola elected to opt into the California Uniform Construction Cost Accounting Act (Public Contract Code 22000-22045; and

WHEREAS, Public Contract Code section 22032 is periodically revised to establish new bidding requirements depending on the value of the public project at issue; and

WHEREAS, the most recent update to Public Contract Code section 22032 became effective in 2019; and

WHEREAS, the City of Capitola's Municipal Code sections regarding purchasing and purchasing contracts must similarly be amended to reflect the updates to the Public Contracting Code; and

WHEREAS, the City Council hereby desires to amend the Capitola Municipal Code to reflect recent changes to the California Uniform Cost Accounting Act.

**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.** Section 3.16.010 – Purpose is amended as follows. New wording is shown in underline and deletions are shown in strikethrough

**3.16.010 Purpose.**

The purpose of this chapter is to:

- A. Provide for the authority of city officers to enter into certain contracts even in which funds have been appropriated without a formal city council approval of the specific contract or transaction and to set forth procedural requirements; and
- B. Establish efficient procedures for the purchase of supplies, equipment, ~~and~~ general services, and public projects at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases to clearly define authority for the purchasing function, and to assure the quality of purchases; and
- C. To inform those wishing to contract with the city of the authority of the city employee or official to create a binding contract; and
- D. To assist the city treasurer in carrying out his or her duties under Government Code Section 41001.

**Section 3.** Section 3.16.030 – “General procedural requirements” is amended as follows. New wording is show in underline and deletions are shown in strikethrough.

Section 3.16.030 General procedural requirements

All contracts must be in writing and be signed in the name of the city. They may be transmitted by facsimile, ~~or~~ electronic mail, or digital signature consistent with the City’s electronic signature policy.

**Section 4.** Section 3.16.050(A) City Manager authority is amended as follows. New wording is shown in underline and deletions are shown in strikethrough.

- 1. Which contains an initial maximum compensation figure of ~~twenty-five~~ fifty thousand dollars or less, or a change order not exceeding ~~seven thousand five hundred fifteen thousand~~ thousand dollars. (Cumulative additional orders exceeding ~~twenty-five~~ fifty thousand dollars must be approved by the city council);
- 2. Contracts for single capital equipment purchases that do not exceed ~~fifty~~ seventy-five thousand dollars; which are clearly defined and identified in the budget;

**Section 5.** Section 3.16.075 Open market purchases – General services, supplies, and equipment – purchases between five thousand and twenty-five thousand dollars. New wording is shown in underline and deletions are shown in strikethrough.

A. Request Invitation for Bids Quotes or Proposals.

~~3. Public Projects Between Five Thousand Dollars and Twenty Five Thousand Dollars. Notices inviting bids for public projects between five thousand dollars and twenty-five thousand dollars, shall be mailed to list of qualified contractors, identified according to eategories of work, at least ten calendar days before the bids are due. Notices shall also be mailed within ten calendar days before the bids are due to all construction trade journals as required by the commission. If the city does not have a qualified list of contractors for the particular type of work to be performed, notices inviting bids will only be sent to the construction trade journals as required by the commission. If the product or service is proprietary in nature and can only be obtained from a certain contractor or contractors, notices inviting bids will only be mailed to such contractor or contractors.~~

B. Quotes / Proposals ~~Bids~~ – Retention. Quotations and proposals shall be submitted to the finance director who shall keep a record of all open-market orders and quotes for a period of one year after the submission of quotes or placing of orders. This record is open to public inspection. For a purchase in an amount between five thousand dollars and twenty-five thousand dollars, the quotations shall be written (including facsimile and electronic mail).

C. Rejection. The purchasing authority may reject:



1. Any quotations or proposals which fail to meet the specific purchase requirements in any respect; or
2. All quotations or proposals, for any reason whatsoever, and may invite new quotations or proposals.

D. Award of Contract. A contract shall be awarded to the quotation or proposal representing the best value as defined in Section 3.16.040. The basis upon which the award is made shall be in writing.

~~— E. Public Projects — In Excess of Limit. In the event that all bids received for a construction project are more than the maximum allowed under this section, and bids were invited pursuant to the provisions of this section, the council may, by adoption of a resolution by four fifths of a vote, award the contract, in an amount not to exceed the maximum set forth in Section 22034(f) of the Public Contract Code, to the lowest responsible bidder, if it determines that the cost estimate was reasonable. Otherwise, the bids shall be rejected; and if the agency decides to go forward with the project, shall be re-bid in accordance with the procedures set forth in — Section 3.16.080. (Ord. 972 § 1, 2012)~~

**Section 6.** Section 3.16.080 Formal purchases – General services, supplies, and equipment greater than twenty-five thousand dollars. New wording is shown in underline and deletions are shown in strikethrough.

A. Request for Notice ~~inviting bids~~ quotes or proposals shall include, but not be limited to, the following:

1. A general description of the item(s) or services to be purchased, ~~or the public work to be constructed or improved;~~
2. The location where bid quote or proposals ~~blanks and~~ specifications may be secured;
- ~~3. The time and place assigned for the opening of sealed bids;~~
4. The type and character of bidder's security required, if any;
5. The location and deadline for submission of bid quote or proposal.

B. Notices ~~inviting bids~~ requesting quotes or proposals shall be made as follows:

1. For supplies, general services, and equipment, notices inviting bids quotes or proposals shall be published ~~at least once in the official newspaper of the city, with the first publication occurring at least ten calendar days before the date of opening the bids~~ on the City's website.
2. For public projects greater than twenty-five thousand dollars, notices inviting bids ~~distinctly describing the project shall be published at least once in the official newspaper of the city, with the first publication at least fourteen calendar days before the date of the opening bids. Notices inviting bids distinctly describing the project shall also be mailed at least thirty calendar days before the date of opening bids to all construction journals as required by the commission.~~

3. The city may also give such other notice as it deems appropriate.

~~C. Bids — Security Requirement. Bidder’s security may be required when deemed necessary by the purchasing authority. When required, the security form, amount and conditions, will be included in the bid documents. Bidders shall be entitled to return of bid security. However, a successful bidder shall forfeit his or her bid security upon refusal or failure to execute a contract within fifteen days after notice of award of that contract, unless the city is responsible for the delay. The contract may be awarded to the next lowest responsible bidder upon the refusal or failure of the successful bidder to execute the contract within the time herein prescribed.~~

~~D. Bids — Opening and Retention. Sealed bids shall be submitted to the purchasing authority and shall be identified as bids on the envelope. Bids shall be opened in public and read aloud at the time and place stated in the public notice. A tabulation of all bids received shall be available for public inspection during regular business hours for a period not less than thirty calendar days after the bid opening.~~

E. Rejection of Bids quotes or proposals. The purchasing authority may reject:

1. Any bid quote or proposal that fails to meet the bidding requirements in any respect; or
2. All bids quotes or proposals, for any reason whatsoever, and may readvertise for new bids quotes or proposals or abandon the purchase;
3. ~~In the case of public projects, the council may, by passage of a resolution by a four fifths vote, declare that the project can be performed more economically by employees of the city and may have the project done by force account.~~

F. Bids Quotes or Proposals – None Received. If no bids quotes or proposals are received the purchase may be made through negotiated contract or other process approved by the finance director; ~~including, in the case of public projects, performing the work by employees of the city by force account.~~

G. Contract Award. Subject to the approval of the city manager, contracts shall be awarded by the purchasing authority to the bid quote or proposal which represents the best value to the city as defined in Section 3.16.040, except as follows:

1. If ~~at the time of bid opening~~, two or more bids quotes or proposals received are for the same total amount or unit price, quality and service being equal, and if the discretion of the purchasing authority the public interest will not permit the delay of readvertising for bids quote or proposal, then the purchasing authority may accept the one he or she chooses or the lowest bid quote or proposal obtained through subsequent negotiation with tied ~~bidders~~ submitters.
2. Exceptions. The quotation procedure under this section may be dispensed with for purchases greater than twenty-five thousand dollars where supplies and equipment are purchased through cooperative purchasing arrangements with the state or other group of multiple governmental entities.

~~H. Requiring Bond of Successful Bidder. The purchasing authority may require as a condition to executing a contract on behalf of the city, a performance bond or a labor and material bond, or both, in such amounts as the purchasing authority shall determine appropriate to protect the best interests of the city. The form and amounts of such bond(s) shall be described in the notice inviting bids.~~

**Section 7.** A new Section 3.16.085 Alternative Bid Procedures for Public Projects is hereby added to the Capitola Municipal Code as set forth below.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), may be let to contract alternative bidding procedures, in a manner consistent with the applicable dollar thresholds, as set forth in Section 22032 of the [Public Contract Code](#), as may be amended from time to time.

**Section 8.** A new Section 3.16.090 Public Projects – Informal Bid Procedures is hereby added to the Capitola Municipal Code as set forth below.

Where a public project is to be performed, and is eligible to utilize the informal bidding provisions of subsection (b) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, the following procedures shall apply:

(a) A notice inviting abbreviated bids shall be mailed or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section [4.04.071](#), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the [Public Contract Code](#), unless the product or service is proprietary. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided however:

(1) If there is no list of qualified contractors maintained by the city for the particular category of work performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.

(2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting abbreviated bids may be sent exclusively to such contractor or contractors.

(b) All mailing of notices to contractors and construction trade journals pursuant to subsection (a) shall be completed not less than ten calendar days before bids are due.

€ The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project and state the time and place for the submission of bids.

(d) For public projects that are under seventy-five thousand dollars and have followed these informal bidding procedures, the city manager may award the contract.

€ If all bids received are in excess of two hundred thousand dollars, or the limits established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, the city council, by adoption of a resolution by a four-fifths vote, may award the contract, at no more than two hundred twelve thousand five hundred dollars, or the limit established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

**Section 9. A new Section 3.16.095 Public Projects – Formal Bid Procedures** is hereby added to the Capitola Municipal Code as set forth below.

Contracts for public projects as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), in an amount exceeding the current limit as specified in subsection(c) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, shall be accomplished using the formal bidding procedure described in this section.

(a) Notice Inviting Bids. Notices inviting bids shall distinctly describe the project, shall state where bid blanks and specifications may be secured, and shall state the time and place for the receiving and opening of sealed bids.

(1) Published Notice. Notice inviting bids shall be published at least fourteen calendar days before the date of opening the bids in a newspaper of general circulation, printed, and published in the city.

(2) Construction Trade Journals. The notice inviting formal bids shall also be mailed, and emailed to all construction trade journals, and posted on the city's website, or other website used for bidding on public projects, as specified by the California Uniform Construction Cost Accounting Commission in accordance with the requirements of Section 22036 of the [Public Contract Code](#).

(b) Bidder's Security. All bids presented in connection with the public project shall be accompanied by bidder's security in the form and amount prescribed by [Public Contract Code](#) Section 20170 et seq., which security shall be dealt with as prescribed therein. In all cases bidders shall be entitled to return of bid security provided that a successful bidder shall forfeit his or her bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

(c) Bid Opening Procedure. Sealed bids shall be submitted to the department identified in the invitation for bid documents and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

(d) Rejection of Bids or No Bids Received. In its discretion, the city council may reject any and all bids presented and readvertise for bids. If no bids are received, the city council may award the project by negotiated contract.

(e) Award of Contracts. Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein.

(f) Tie Bids. If two or more bids received are for the same amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders or may utilize a public drawing.

(g) Performance Bonds. The department head shall have authority to require a performance bond before entering into a contract in such amount as he or she finds reasonably necessary to protect the best interests of the city. If the department head requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

**Section 10.** A new Section 3.16.100 Federal Award Projects is hereby added to the Capitola Municipal Code as set forth below.

Federal Procurement: Any procurement made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds must comply with the City’s procurement procedures, state law, and the applicable Federal Procurement Requirements, including 2 CFR § 200.322 (“Procurement of recovered materials”), 2 CFR § 200.323 (“Contract cost and price”), 2 CFR § 200.324 (“Federal awarding agency or passthrough entity review”), 2 CFR § 200.325 (“Bonding requirements”), and 2 CFR § 200.326 (“Contract provisions”). In the event of any conflict between City, state, or federal requirements, the most stringent requirement must be used. (See 2 CFR § 200.318.) City employees must comply with funding agency requests for review of technical specifications or procurement documents as provided in 2 CFR § 200.324.

**Section 11.** Environmental Review.

The City Council finds and determines that amendment of this Ordinance, which regulates City purchasing procedures, is an administrative activity and not a project under the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have significant effect on the environment. If this action is determined to be a project, it is exempt from review pursuant to the “common sense” exemption in CEQA Guidelines section 15601(b)(3).

**Section 12.** Effective Date.

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

**Section 13.** 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 14.** 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 \_\_\_ day of \_\_\_\_\_ 2023, and was adopted at a regular meeting of the City Council on the \_\_\_ day of \_\_\_\_\_ 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Margaux Keiser, Mayor

Attest: \_\_\_\_\_  
Julia Moss, City Clerk

Approved as to form:

\_\_\_\_\_  
Samantha W. Zutler, City Attorney

## Chapter 3.16

### PURCHASING AND PURCHASING CONTRACTS

Sections:

- 3.16.010 Purpose.
- 3.16.020 Limitations.
- 3.16.030 General procedural requirements.
- 3.16.040 Definitions.
- 3.16.045 Contractors list.
- 3.16.050 City manager authority.
- 3.16.060 City manager delegation of purchasing authority.
- 3.16.070 Informal purchases – Purchases under five thousand dollars.
- 3.16.075 Open market purchases – Purchases between five thousand dollars and twenty-five thousand dollars.
- 3.16.080 Formal purchases – General services, supplies, and equipment greater than twenty-five thousand dollars.
- 3.16.085 Alternative Bid Procedures for Public Projects
- 3.16.090 Public Projects Informal Bid Procedures
- 3.16.095 Public Projects Formal Bid Procedures
- 3.16.100 Federal Award Projects

\* Prior ordinance history: Ords. 120 and 425.

#### **3.16.010 Purpose.**

The purpose of this chapter is to:

- A. Provide for the authority of city officers to enter into certain contracts in which funds have been appropriated without a formal city council approval of the specific contract or transaction and to set forth procedural requirements; and
- B. Establish efficient procedures for the purchase of supplies, equipment, general services, and public projects at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases to clearly define authority for the purchasing function, and to assure the quality of purchases; and
- C. To inform those wishing to contract with the city of the authority of the city employee or official to create a binding contract; and
- D. To assist the city treasurer in carrying out his or her duties under Government Code Section 41001. (Ord. 972 § 1, 2012; Ord. 832, 2001)

#### **3.16.020 Limitations.**

The authority created by this chapter applies only to contracts, the predominant purchase of which is the purchase by the city of goods or services; and the city's primary performance under such

contract is the payment of money. This chapter does not confer authority to authorize the payment of money for grants, gifts, or other expenditure that is without consideration.

Authority conferred in this chapter upon the city manager applies to situations in which an interim city manager is serving or in situations in which the city manager has appointed an acting city manager. (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.030 General procedural requirements.**

All contracts must be in writing and be signed in the name of the city. They may be transmitted by facsimile, electronic mail, or digital signature consistent with the City’s electronic signature [policy](#). (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.040 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

A. “Best value” means the best value to the city based on all factors, including, but not limited to, the following:

1. Cost;
2. The ability, capacity, and skill of the contractor to perform the contract or provide the supplies, services or equipment required;
3. The ability of the contractor to provide the supplies, services, or equipment promptly or within the time specified without delay or interference;
4. The character, integrity, reputation, judgment, experience, and efficiency of the contractor;
5. The quality of the contractor’s performance on previous purchases or contracts with the city;
6. The ability of the contractor to provide future maintenance, repair, parts, and services for the use of the supplies purchased;
7. The contractor’s ability to supply or act in a timely manner;
8. Compliance by the contractor with federal acts, executive orders, and state statutes governing nondiscrimination in employment;
9. The results of any evaluation relating to performance and price, such as testing, life-cycle costing, and analysis of service, maintenance, and technical data.

B. “Change order” means a change or addendum of an executed contract.

C. “Consultant or professional services” means the services of an attorney, engineer, doctor, financial consultant, planning or environmental consultant, investment advisor, bank, or trustee officer, or other professional.

D. “Contract” means any agreement to do or not do a certain thing. “Contract” and “agreement” are synonymous. The term “contract” includes, but is not limited to, a purchase order, a contract for services, an addendum or change order or a letter agreement.



E. “Emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, or proclaimed pursuant to Section 8.08.060.

F. “General services” means and includes any work performed or services rendered by an independent contractor, with or without the furnishing of materials, including, but not limited to, the following:

1. Maintenance work as defined in Section 22002(d) of the Public Contract Code.
  - a. Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes,
  - b. Minor repainting,
  - c. Resurfacing of streets and highways at less than one inch,
  - d. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinklers systems,
  - e. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of two hundred thirty thousand volts and higher;
2. Repair, modifications and maintenance of city equipment and software;
3. Cleaning, analysis, testing, moving, removal, or disposal (other than by sale) of city supplies and equipment;
4. Providing temporary personnel services;
5. Providing other miscellaneous services to facilitate city operations;
6. Performing repair, demolition or other work required to abate nuisances under this code;
7. Licensing software;
8. Leasing or rental of equipment (personal property) for use by the city;
9. A maintenance agreement for equipment owned or leased by the city.

“General services” does not include:

- a. Work defined as public projects that must be put out to bid pursuant to Public Contract Code Section 22002(c);
- b. Items such as meals or transportation, which personally are consumed or utilized by the individual who contracts for the item.

G. “Public project” is defined by Section 22002(c) of the Public Contract Code as construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operating facility. It also includes painting or repainting of any publicly owned, leased, or operated facility. Section 20002(d) does not include maintenance work included in subsection (F)(1).

H. “Supplies and equipment” means and includes all such items purchased on behalf of the city except for supplies or materials finished for a public project. (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.045 Contractors list.**

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code. (Ord. 972 § 1, 2012)

**3.16.050 City manager authority.**

A. The city manager is authorized to enter into and sign for and on behalf of the city, without the prior approval of the city council, a contract:

1. Which contains an initial maximum compensation figure of fifty thousand dollars or less, or a change order not exceeding fifty thousand dollars. (Cumulative additional orders exceeding fifty thousand dollars must be approved by the city council);
2. Contracts for single capital equipment purchases that do not exceed seventy-five thousand dollars; which are clearly defined and identified in the budget;
3. For which moneys have been appropriated; and
4. For which he or she determines the city has made reasonable efforts to obtain the best value.

B. In an emergency (as defined in Section 3.16.040), the city manager may authorize the expenditure of any unencumbered moneys in the emergency reserve fund, notwithstanding the fact that such moneys may not have been appropriated for such purpose, to the extent that other moneys have not been appropriated or are otherwise unavailable therefor.

C. Contracts wherein all the city’s costs will be reimbursed pursuant to an existing separate contract. (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.060 City manager delegation of purchasing authority.**

Providing the city manager first establishes written procedures, the city manager may delegate the purchasing authority for other city employees to enter into contracts for purchases of general services or supplies and equipment for twenty-five thousand dollars or less. (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.070 Informal purchases General services, supplies, and equipment – Purchases under five thousand dollars.**

Purchases under five thousand dollars may be made by persons authorized by Section 3.16.060 in the open market. There are no specific bidding requirements for these purchases; however competitive bidding should be used whenever practical. Quotations for these purchases may be

written or verbal. All purchases subject to this section will be awarded by the department either by voucher or purchase order. (Ord. 972 § 1, 2012; Ord. 832, 2001)

**3.16.075 Open market purchases - General services, supplies, and equipment – Purchases between five thousand dollars and twenty-five thousand dollars.**

The purchase of supplies, equipment, and general services of a value from five thousand dollars to twenty-five thousand dollars may be made by persons authorized by Section 3.16.060 in the open market, following the procedure prescribed in this section and the city manager’s procedures.

A. Request for Quotes or Proposals.

1. Supplies, Equipment, and General Services Between Five Thousand Dollars and Twenty-Five Thousand Dollars. Open-market purchases shall, whenever feasible, be based on at least three quotations. The purchasing employee shall solicit quotations by written request or telephone to prospective vendors. Telephone quotations shall be memorialized in a contemporaneous writing.

2.

2. Exceptions. The quotation procedure under this section may be dispensed with for purchases between five thousand dollars and twenty-five thousand dollars where supplies and equipment are purchased through cooperative purchasing arrangements with the state or other group of multiple governmental entities.

B. Quotes / Proposals – Retention. Quotations and proposals shall be submitted to the finance director who shall keep a record of all open-market orders and quotes for a period of one year after the submission of quotes or placing of orders. This record is open to public inspection. For a purchase in an amount between five thousand dollars and twenty-five thousand dollars, the quotations shall be written (including facsimile and electronic mail).

C. Rejection. The purchasing authority may reject:

1. Any quotations or proposals which fail to meet the specific purchase requirements in any respect; or

2. All quotations or proposals, for any reason whatsoever, and may invite new quotations or proposals.

D. Award of Contract. A contract shall be awarded to the quotation or proposal representing the best value as defined in Section 3.16.040. The basis upon which the award is made shall be in writing.

**3.16.080 Formal purchases – General services, supplies, and equipment greater than twenty-five thousand dollars.**

A. Request for quotes or proposals shall include, but not be limited to, the following:

1. A general description of the item(s) or services to be purchased;

2. The location where quote or proposal specifications may be secured;

3. The location and deadline for submission of quote or proposal.

B. Notices requesting quotes or proposals shall be made as follows:

1. For supplies, general services, and equipment, notices inviting quotes or proposals shall be published on the City's website.

2. The city may also give such other notice as it deems appropriate.

C. Rejection of quotes or proposals. The purchasing authority may reject:

1. Any quote or proposal that fails to meet the bidding requirements in any respect; or

2. All quotes or proposals, for any reason whatsoever, and may readvertise for new bids or abandon the purchase;

F. Quotes or Proposals – None Received. If no quotes or proposals are received the purchase may be made through negotiated contract or other process approved by the finance director.

G. Contract Award. Subject to the approval of the city manager, contracts shall be awarded by the purchasing authority to the quote or proposal which represents the best value to the city as defined in Section 3.16.040, except as follows:

1. If two or more quotes or proposals received are for the same total amount or unit price, quality and service being equal, and if the discretion of the purchasing authority the public interest will not permit the delay of readvertising for quotes or proposals, then the purchasing authority may accept the one he or she chooses or the lowest quote or proposal obtained through subsequent negotiation with tied submitters.

2. Exceptions. The quotation procedure under this section may be dispensed with for purchases greater than twenty-five thousand dollars where supplies and equipment are purchased through cooperative purchasing arrangements with the state or other group of multiple governmental entities. 3. Sellers, vendors, suppliers, and contractors who maintain places of business located within the limit of the city shall be given preference, if quality, price, service, and all other factors are equal.

The basis upon which the award is made shall be in writing.

I. Insurance. Insurance requirements will be provided via purchase order terms and conditions, or request for proposal terms and conditions information, or city contract. (Ord. 972 § 1, 2012)

### 3.16.085 – Alternative Bid Procedures for Public Projects

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), may be let to contract alternative bidding procedures, in a manner consistent with the applicable dollar thresholds, as set forth in Section 22032 of the [Public](#)

[Contract Code](#), as may be amended from time to time and as set forth in Section 3.16.090 and 3.16.095.

### 3.16.090 Public Projects – Informal Bid Procedures

Where a public project is to be performed, and is eligible to utilize the informal bidding provisions of subsection (b) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, the following procedures shall apply:

(a) A notice inviting abbreviated bids shall be mailed or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section [4.04.071](#), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the [Public Contract Code](#), unless the product or service is proprietary. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided however:

(1) If there is no list of qualified contractors maintained by the city for the particular category of work performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.

(2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting abbreviated bids may be sent exclusively to such contractor or contractors.

(b) All mailing of notices to contractors and construction trade journals pursuant to subsection (a) shall be completed not less than ten calendar days before bids are due.

(c) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project and state the time and place for the submission of bids.

(d) For public projects that are under seventy-five thousand dollars and have followed these informal bidding procedures, the city manager may award the contract.

(e) If all bids received are in excess of two hundred thousand dollars, or the limits established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, the city council, by adoption of a resolution by a four-fifths vote, may award the contract, at no more than two hundred twelve thousand five hundred dollars, or the limit established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

### 3.16.095 Public Projects – Formal Bid Procedures

Contracts for public projects as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), in an amount exceeding the current limit as

specified in subsection (c) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, shall be accomplished using the formal bidding procedure described in this section.

(a) Notice Inviting Bids. Notices inviting bids shall distinctly describe the project, shall state where bid blanks and specifications may be secured, and shall state the time and place for the receiving and opening of sealed bids.

(1) Published Notice. Notice inviting bids shall be published at least fourteen calendar days before the date of opening the bids in a newspaper of general circulation, printed, and published in the city.

(2) Construction Trade Journals. The notice inviting formal bids shall also be mailed, and emailed to all construction trade journals, and posted on the city's website, or other website used for bidding on public projects, as specified by the California Uniform Construction Cost Accounting Commission in accordance with the requirements of Section 22036 of the [Public Contract Code](#).

(b) Bidder's Security. All bids presented in connection with the public project shall be accompanied by bidder's security in the form and amount prescribed by [Public Contract Code](#) Section 20170 et seq., which security shall be dealt with as prescribed therein. In all cases bidders shall be entitled to return of bid security provided that a successful bidder shall forfeit his or her bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

(c) Bid Opening Procedure. Sealed bids shall be submitted to the department identified in the invitation for bid documents and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

(d) Rejection of Bids or No Bids Received. In its discretion, the city council may reject any and all bids presented and readvertise for bids. If no bids are received, the city council may award the project by negotiated contract.

(e) Award of Contracts. Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein.

(f) Tie Bids. If two or more bids received are for the same amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders or may utilize a public drawing.

(g) Performance Bonds. The department head shall have authority to require a performance bond before entering into a contract in such amount as he or she finds reasonably necessary to

protect the best interests of the city. If the department head requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

3.16.100 Federal Award ProjectsFederal Procurement: Any procurement made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds must comply with the City's procurement procedures, state law, and the applicable Federal Procurement Requirements, including 2 CFR § 200.322 ("Procurement of recovered materials"), 2 CFR § 200.323 ("Contract cost and price"), 2 CFR § 200.324 ("Federal awarding agency or passthrough entity review"), 2 CFR § 200.325 ("Bonding requirements"), and 2 CFR § 200.326 ("Contract provisions"). In the event of any conflict between City, state, or federal requirements, the most stringent requirement must be used. (See 2 CFR § 200.318.) City employees must comply with funding agency requests for review of technical specifications or procurement documents as provided in 2 CFR § 200.324.



## ADMINISTRATIVE POLICY

Number: III-4

Issued: August 29, 2002

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7/26/12

10/27/16

9/14/23

Jurisdiction: City Council

### PURCHASING & PROCUREMENT POLICY

#### PURPOSE

To establish policies and procedures to establish efficient procedure, secure supplies, services and equipment at the lowest possible cost, maintain financial control over purchases, define authority in the purchasing system, and assure quality of purchases.

#### POLICY

The Purchasing and Procurement Policy has been developed in order to achieve the following objectives:

- A. Establish authority, responsibility and accountability for purchasing activities conducted on behalf of the City.
- B. Ensure competition and impartiality in all purchasing transactions to the maximum extent possible.
- C. Standardize procedures where appropriate to ensure that City-wide policies and goals are achieved.
- D. Maintain department responsibility, initiative and flexibility in evaluating, selecting and purchasing goods and services.
- E. Implement simple yet effective internal control procedures that appropriately support planning, maximize productive use of public funds and protect City assets from unauthorized use.
- F. Communicate City-wide purchasing goals, policies and procedures to departmental staff involved in purchasing activities.
- G. Decentralize decision-making to the maximum extent possible consistent with prudent review and internal control procedures.

#### AUTHORITY

The City's purchasing ordinance delegates purchasing authority to the City Manager, as well as any other representatives designated by the City Manager. The maximum purchasing authority level of the City Manager is defined in Section 3.16.050 of the Capitola Municipal Code as \$50,000; with the exception of single capital equipment purchases that do not exceed \$75,000 and are approved in the budget.



Each year, the City Manager will approve purchasing authority levels on an Expenditure Authorization Form. The delegated purchasing levels shall not exceed the City Manger's purchasing authority.

The City Manager also has the authority to approve individual changes orders up \$50,000. If cumulative change orders exceed \$50,000, or 10% of the original contract amount, they must be approved by City Council.

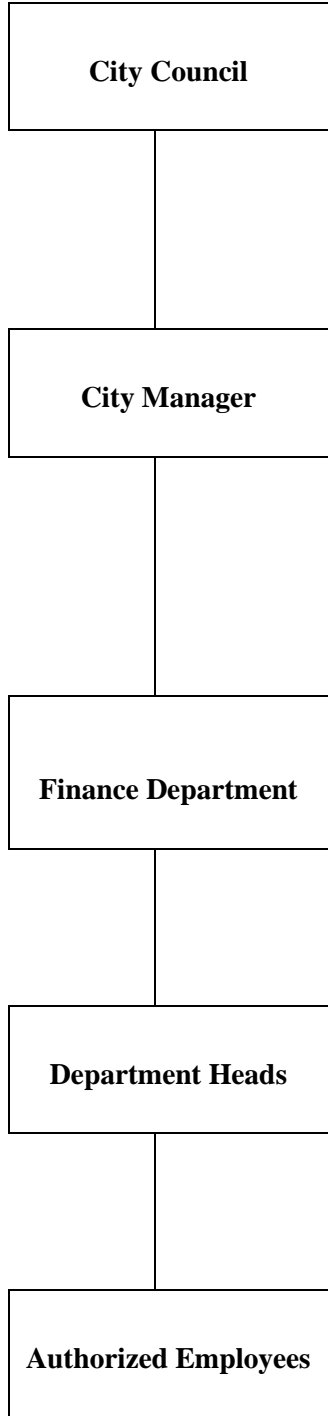
### RESPONSIBILITY

The City maintains a decentralized purchasing system; and Department Heads are responsible for distributing, advertising, collecting and evaluating all procurement activities conducted within their Departments with Finance Department assistance.

- A. Employees – Each employee is responsible for following these practices. Violation of this policy may result in disciplinary action, termination of employment or criminal prosecution.
- B. Department Heads – Department Heads are responsible for ensuring that all employees of their department who conduct purchasing activities possess a thorough understanding of these standards of ethical conduct and prohibited practices.
- C. City Manager – The City Manager is responsible for ensuring that all Department Heads who conduct purchasing activities possess a thorough understanding of these standards of ethical conduct and prohibited practices.

Additional purchasing responsibilities are outlined in the chart presented below:

**Purchasing System Responsibilities**



**Purchasing Policies and Ordinance**

- Adopts Purchasing Ordinance
- Approves Purchasing and Procurement Policy
- Approves invitation for Bids/RFP's over \$50,000
- Delegates authority to award contracts to the City Manager
- Awards contracts if they exceed the budgeted amount

**Purchasing Policies, Ordinances, and Resolutions**

- Implements purchasing policies
- Delegates purchasing authority
- Awards major contracts
- Approves Bids/RFP's up to \$50,000
- Approves single Capital Equipment purchases up to \$75,000  
(Contingent upon Council approval in the budget)

**Administrative Policies and Procedures**

- Develops and implements purchasing guidelines
- Monitors and evaluates system performance
- Maintains financial project files for Capital Project over \$50,000
- Sets payment schedule
- Approves authorized purchase orders up to \$50,000
- Assists departments with purchasing needs

**Organization Wide Procedures**

- Develops and implements departmental purchasing procedures
- Delegates department purchasing authority
- Approves major departmental purchases

**Department Procedures**

- Purchases, receives, and pays for goods and services in accordance with the City and departmental guidelines
- Prepares necessary bid documents
- Maintains required purchasing records
- Manages department inventories

### PURCHASING STANDARDS OF CONDUCT

Every employee or official engaged in purchasing activities on behalf of the City is required to employ the following standards of conduct:

- Consider the interests of the City first, in all transactions
- Carry-out established policies of the City
- Seek to obtain the maximum value for each expenditure of public funds
- Inspect materials, supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract
- Maintain confidentiality of information furnished by vendors and/or contractors regarding price, terms, performance specifications, or other data prior to a bid opening. All information that is presented during the public bid opening will be made available after the award.

The following practices are specifically prohibited in performing purchasing activities on behalf of the City:

- Having a financial or personal beneficial interest (directly or indirectly) in any contract or purchase
- Accepting or receiving (directly or indirectly) from any person, firm, or corporation to whom any contract or purchase order may be awarded any money or anything of value, or promise or obligation or contract for future reward or compensation. Inexpensive advertising items bearing the name of the firm - such as pencils, pens, paperweights, or calendars - are not considered articles of value or gifts in relation to the policy
- Using position or status in the City to solicit (directly or indirectly) business of any kind; or to purchase products at special discounts or upon special concessions for private use from any person or firm who sells or solicits sales to the City.
- Dividing purchases with the intent to circumvent the purchasing authority levels

### DELEGATION OF CONTRACTING AUTHORITY

- A. The City Council retains all contracting authority not specifically delegated in this Policy. This Policy shall supersede all ordinances, resolutions and policies related to the City's procurement system adopted prior to adoption of this Policy. In the event of an inconsistency between this Policy and any prior ordinances, resolutions or policies of the City Council, this Policy shall control.

- B. Any delegation of contracting authority contained in this Policy shall only be exercised (a) in accordance with state law, City ordinances and adopted City policies, as applicable, and (b) only if adequate funds have been included in the approved City Budget for the applicable year or otherwise appropriated by the City Council.

#### CITY ATTORNEY CONTRACT REVIEW

The City Attorney shall approve all contracts, including amendments to contracts, as to form and legality prior to the execution of the contract by the authorized City official. The City Attorney's approval shall be evidenced by his or her signature on the contract. City Attorney approval on change orders to public projects is not required, but may be requested, at the discretion of the City Manager or Department Head.

#### LOCAL VENDOR PREFERENCE

Departments are encouraged to do business with Capitola-based businesses due to the benefit to the community and the advantages in timing and availability. This preference should be given whenever it is legal, economical, and results in competitive product or service. Purchasers will actively seek to identify local vendors interested and able to conduct business with the City of Capitola. It is important that purchasers include in their inquiry or invitation to bid, the opportunity for vendors to identify themselves as local and to provide necessary supporting evidence (see definition of local vendor).

Bids, quotes, or offers submitted by Capitola-based vendors will be credited with the current local (City) sales tax and local (City) transactions & use tax in effect. This net bid will be used to compare bids. In the event of a tie, bids submitted by Capitola vendors will be given preference.

- A. Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of our community. If factors such as quality, previous performance, and availability are equal among vendors, a vendor whose business is located within the City limits shall be awarded a contract if their quote or bid is within 5% of the low bid.
- B. Local preference does not apply to public projects, purchases procured under federal or state requirements, or cooperative purchases with other agencies.
- C. The vendor must have a valid City business license and employ at least one full-time employee located at a City business address.
- D. Local bidders must bid with the same specification as required of non-local bidders.

#### ALTERNATIVE FUEL VEHICLES

Vehicles powered by clean alternative fuels as defined by the Energy Policy Act of 1992 and other energy efficient advanced technology vehicles shall be given consideration when purchasing new and replacement fleet vehicles

## TERMINOLOGY

Best Value (Lowest Responsible Bidder): Best value is largely based on cost; however, the following factors could be considered in awarding a contract: Skills of the contractor, ability to provide supplies or services; timely processing; and compliance with governing statutes. The complete definition of best value is provided in Section 3.16.040 (A) of the Municipal Code.

Bid: Formal process to obtain lowest responsive responsible bidder or price for materials, supplies and services, and equipment

Consultant or Professional Services: Services of an attorney, engineer, doctor, financial consultant, planning or environmental consultant, investment advisor, bank or trustee office, or other professional

Contract: A written agreement between two or more persons setting forth a matter of performance and compensation or consideration given for the performance. The term contract includes, but is not limited to; purchase orders, contract for services, an addendum or change order or a letter agreement.

Local Business (Local vendor/Capitola-based business): Any business which has a retail outlet within city limits of the City of Capitola and holds the required licenses and permits for conducting its business within the City.

Maintenance: Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes. It also includes minor painting, resurfacing of streets less than one inch; and landscape maintenance. This definition is provided in Section 22002 (c) of the Public Contract Code and should be contrasted with Public Project.

Open Market Purchases: Purchases of supplies, equipment, and general services from \$5,000 - \$25,000.

Over the Counter or Informal Purchases: Purchases under \$5,000 made by authorized personnel.

Petty Cash: Cash used to reimburse authorized purchases up to \$80. All reimbursements must be accompanied by a receipt.

Public Project: Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. This can also include the painting or repainting of publicly owned, leased, or operated facility. This definition is provided in Section 22002 (c) of the Public Contract Code and should be contrasted with the definition of Maintenance.

Purchase Order: A document used to acknowledge acceptance of a bid quotation or offer, and a contractual relationship is established upon its issuance and acceptance by the vendor.

Request for Proposal (RFP): An offer in to provide materials, supplies or services where the City selects vendor/consultant usually based upon criteria specified in Request for Proposal such as competence, qualifications and expertise in the field. Price is not the sole basis for selection, but may be considered in the criteria for evaluating proposals. Typically used for consultant or professional service contracts.

General Services: Any work performed or services rendered by an independent contractor, with or without the furnishing of materials such as a professional consultant.

Sole Source: Sole source purchases are used where no secondary source is reasonably available precluding the use of a competitive process.

#### ENCUMBRANCE OF FUNDS

- A. Except in cases of emergency, or by order of the City Council, purchase orders shall not be issued unless there exists an unencumbered appropriation in the department budget against which the purchase order is to be charged.
- B. Purchase orders do not roll over from one fiscal year to the next if unused, except for contract and professional services procured by an approved contract with terms that cross fiscal years. All other purchase orders shall be used in the fiscal year they were issued. In the event a planned purchase is delayed and will not occur until the next fiscal year, a new purchase order must be requested by the Department Head in the new fiscal year. For budget purposes, expenditures for goods or services will be realized based upon the date the order/service is received.
- C. Invoices shall not be coded based upon budget lines that have unused/available funds. Invoices shall be coded to the correct budget line item according to the nature of the goods or services provided. It is the responsibility of the Department Head to request budget adjustments as needed to allow for the correct coding of invoices.

#### UNLAWFUL PURCHASES OR CONTRACTS

If any officer or employee purchases or contracts for any goods or services contrary to the provisions of these Procedures, such purchase order or contract may be void and of no effect. The staging or splitting of the purchase of goods or procurement of services, without proper justification or to avoid the authorization limits, is prohibited.

#### RECORD KEEPING

Each department is responsible for maintaining its own purchasing and contracting records when formal council action was not required. **ALL ORIGINAL, EXECUTED CONTRACTS MUST BE PROVIDED TO THE CITY CLERK, WHO SHALL MAINTAIN SUCH ORIGINAL EXECUTED CONTRACTS IN ACCORDANCE WITH THE CITY'S RETENTION SCHEDULE REGARDLESS OF THE REQUIRED APPROVAL LEVEL** (i.e. Department Head, City Manager, City Council). Upon expiration of the term of a contract for any reason, any bids, specifications, and other pertinent data shall be retained by the department in accordance with the City's adopted document retention schedule. These are public records and available for public inspection upon request.

#### SHARED FOLDER

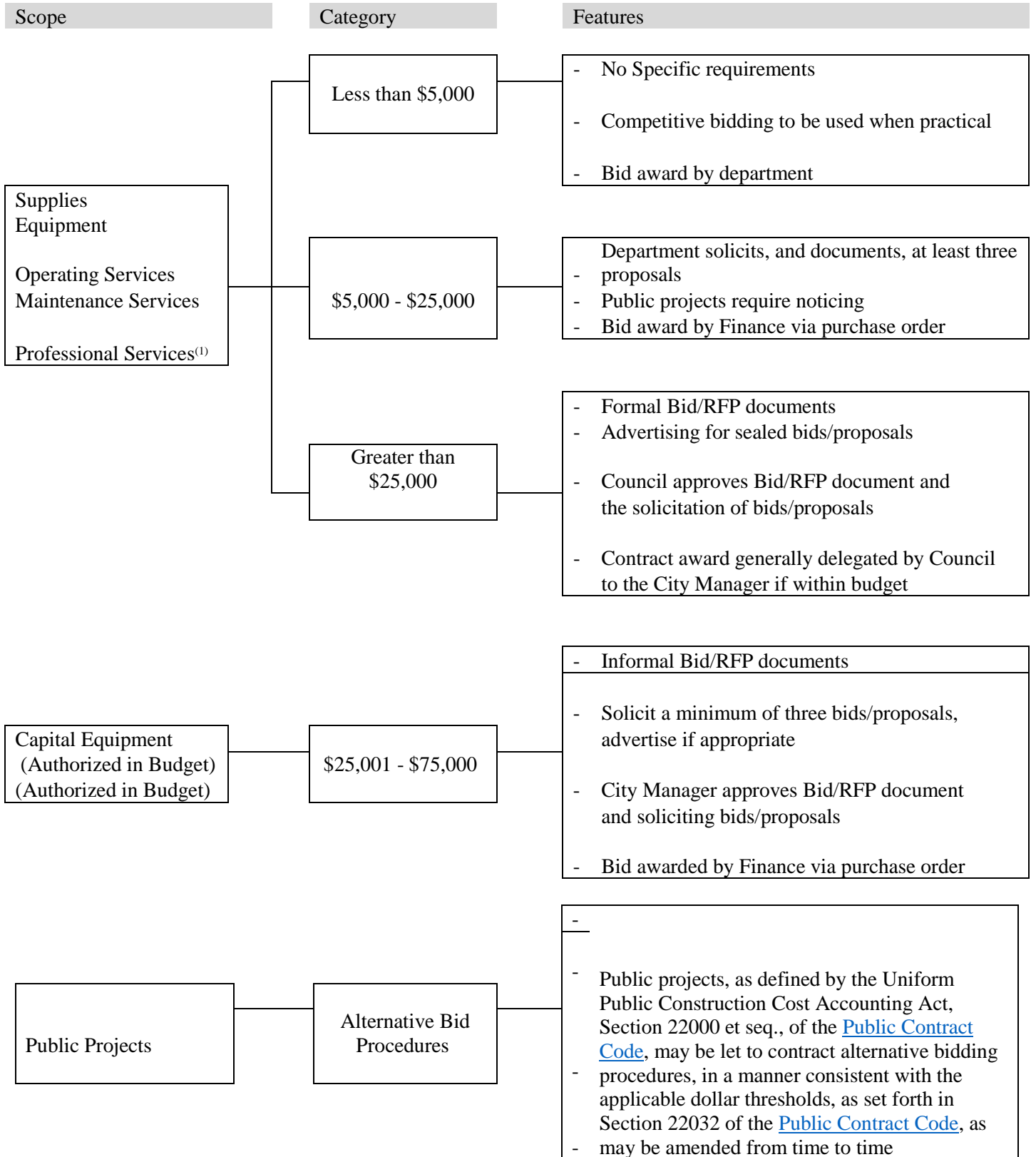
In order to ensure proper record keeping a shared folder shall be created to track all aspects of a project. A list of items to be kept electronic include: bid documents, contract, change orders, purchase

orders, invoices, and communications that impact the overall project. Each department is responsible to save a copy of their responsible aspects of the project to the shared folder. The shared folder can also include the Financial Accounting System documents.

#### PURCHASING SYSTEM OVERVIEW

A general overview of the City's purchasing procedures; thresholds, and responsibilities are presented in the following charts. Detailed procedures for each Purchasing Category are provided in subsequent sections of this policy:

**Purchasing System Chart**



(1) Additional information related to Professional Services/RFP's is provided in the Supplemental Information Section.



- (2) The Capitola Municipal Code and this Administrative Procedure provides additional guidelines regarding emergency situations

## PURCHASING CATEGORIES AND PROCEDURES

### I. General Purchases under \$5,000

- Purchases under \$5,000 may be made by an authorized Purchasing Designee A Department Head, or his/her designee, is authorized to purchase goods or procure services (except professional services) for an amount of Five Thousand Dollars (\$5,000) or less, if adequate funds have been appropriated by the City Council in the budget. City Council appropriation of funds is required prior to such purchase or procurement.
- No competitive process is required, but the Department Head shall endeavor to purchase goods or procure services at the lowest cost commensurate with the quality needed.

### II. Open Market Purchases - Purchases between \$5,000 and \$25,000.

The purchase of supplies, equipment and general services of a value from \$5,000 to \$25,000 may be made by authorized personnel. An additional bidding requirement is outlined for purchases that are defined as a Public Project.

1. The City Manager, or his/her designee, is authorized to purchase goods or procure services for an amount more than Five Thousand Dollars (\$5,000) and up to Twenty-Five Thousand Dollars (\$25,000), if adequate funds have been appropriated by the City Council in the budget. City Council appropriation of funds is required prior to such purchase or procurement.
2. The department must seek three (3) oral or written quotes, and document the receipt of the quotes. The vendor offering the best value, after considering any local preference, shall be selected. For the purchase of goods, if the lowest price quote is not selected, the Department Head shall document in the file the basis for the selection of the vendor.
3. A contract may be required for the purchase of goods, and a contract is required for the procurement of services. All contracts are to be in a form approved by the City Attorney. Contracts are generally not required for the routine purchase of goods, such as purchasing office supplies, tires or paper goods. However, whenever the purchase of goods involves a special or unique requirement, a contract should be entered into between the City and the vendor. When in doubt regarding whether a contract is required or advisable, consult with the City Attorney.
4. If it is reasonably anticipated by the Department Head that the annual total cost of a particular good or service would exceed \$25,000 (excluding public projects), then incremental purchases of that good or service shall be pursuant to a contract approved by the City Council. The contract can be for a per service hour or per item rate, but must be renewed according to the procedures set forth in this ordinance at the end of the contract term. For example, if a department normally purchases 300 tires annually at a cost exceeding \$25,000 overall, which would require the department to seek (3) three oral or written quotes and the approval of the City Council if the purchase was completed all at once, then incremental purchases of 50 tires shall be pursuant to a contract specifying the per tire rate approved by the City Council. The contract shall be valid for a minimum of one (1) year and it is the responsibility of the Department Head to ensure each invoice received from the consultant is calculated at the approved rate. The purpose of this provision is to achieve uniformity and savings in the costs associated with goods or services provided by the same contractor/vendor.

5. The staging or splitting of the purchase of goods or procurement of services, without proper justification or to avoid the authorization limits, is prohibited.
6. Amendments to a purchase order and/or contract which result in the total amount exceeding the authority of the City Manager shall require City Council approval.

III. Formal Purchases - General, services, supplies, and equipment greater than \$25,00 (excluding public works projects as defined by Public Contracting Code section 22002(c)).

A. Request for Quotes/RFP's shall include, but not be limited to, the following:

1. A general description of the item(s) or services to be purchased;
2. The location where quote/RFP specifications may be secured;
- 3.
4. The location and deadline for submission of quote/RFP

B. Notices requesting Quotes/RFP's shall be made as follows:

1. For supplies, services, and equipment, notices inviting quotes/RFP's shall be published on the City's website.
- ~~2. For public projects greater than \$25,000, notices inviting bids distinctly describing the project be published at least once in the official newspaper of the City, with the first publication at least fourteen calendar days before the date of the opening bids. Notices inviting bids distinctly describing the project shall also be mailed at least thirty calendar days before the date of opening bids to all construction journals as required by the Commission.~~
3. The City may also give such other notice as it deems appropriate

C. Rejection of Quotes/RFP's

The purchasing authority may reject:

1. Any quote or proposal that fails to meet the bidding requirements in any respect
2. All quotes or proposals, for any reason whatsoever, and may readvertise for new bids or abandon the purchase
3. In the case of public projects, the council may, by passage of a resolution by a four-fifths vote, declare that the project can be performed more economically by employees of the City and may have the project done by force account

D. Bids/RFP's - None Received

If no bids are received the purchase may be made through negotiated contract or other process approved by the Finance Director.

G. Contract Award

Subject to the approval of the City Manager, contracts shall be awarded by the purchasing authority to the quote/proposal which represents the best value to the City as defined in Section 3.16.040, except as follows:

1. If two or more quotes/proposals received are for the same total amount or unit price, quality and service being equal, and if the discretion of the purchasing authority the public interest will not permit the delay of readvertising for quotes/proposals, then the purchasing authority may accept the one he or she chooses or the lowest quote/proposal obtained through subsequent negotiation with tied submitters.
2. Exceptions. The quotation procedure under this section may be dispensed with for purchases greater than twenty-five thousand dollars where supplies and equipment are purchased through cooperative purchasing arrangements with the state or other group of multiple governmental entities.
3. Sellers, vendors, suppliers and contractors who maintain places of business located within the limit of the City shall be given preference, if quality, price, service, and all other factors are equal.

The basis upon which the award is made shall be in writing.

H.

I. Insurance

Insurance requirements will be provided via Purchase Order terms and conditions, or Request for Proposal terms and conditions information, or City contract.

J. Bidding Process Questions

Any questions received to the Project Manager during the bidding process should be supplied to all plan holders with corresponding answers. If the potential bidder asks the questions verbally, then the project manager shall record the questions and answer given and provide to all plan holders.

K. Change Orders

Projects at times will require change orders. Change Orders can be approved by the City Manager for amounts not to exceed \$50,000, or 10% of the original contract, whichever is larger. The change orders, once approved, will be executed by the Finance department, and finance will make corresponding Purchase Order Adjustments.

L. Project Folder

The Department will keep a project folder for contracts over \$50,000. The Project Folder will include proof of the Bidding process, copy of bid proposal costs, contract, purchase order, contract amendments, and all associated costs in relations to the project. The project folder shall also have copies of prudent communications. The project folder can be kept electronically on a shared drive and shall be destroyed upon expiration of the applicable retention period as outlined in the City's retention schedule.

M. Project Closeout

Upon completion of a project, the project shall be closed out with the City Council. In the project closeout the project is accepted as complete thus releasing any and all retention. The closeout will also provide a summary of the budget and total cost of the project. If the project is over budget, then additional funds need to be identified and if the project is under budget then the reallocation of those need to be identified.

IV. Capital Equipment Purchases between \$25,001 - \$75,000

Section 3.16.050 (A)(2) of the Municipal Code provides the City Manager with the authority to approve contracts for single equipment purchases based on the following criteria:

- Single equipment purchases are not greater than \$75,000
- The equipment was clearly identified and described in the budget
- City Council approves the capital equipment purchase in the budget
- The equipment description listed in the budget is consistent with the item purchased
- The final cost does not exceed the amount approved in the budget

V. Alternative Bid Procedure for Public Projects – Informal Bid Procedures

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), may be let to contract alternative bidding procedures, in a manner consistent with the applicable dollar thresholds, as set forth in Section 22032 of the [Public Contract Code](#), as may be amended from time to time.

Where a public project is to be performed, and is eligible to utilize the informal bidding provisions of subsection (b) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, the following procedures shall apply:

(a) A notice inviting abbreviated bids shall be mailed or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section [3.16.085](#), and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the [Public Contract Code](#), unless the product or service is proprietary. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided however:

(1) If there is no list of qualified contractors maintained by the city for the particular category of work performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.

(2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting abbreviated bids may be sent exclusively to such contractor or contractors.

(b) All mailing of notices to contractors and construction trade journals pursuant to subsection (a) shall be completed not less than ten calendar days before bids are due.

(c) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project and state the time and place for the submission of bids.

(d) For public projects that are under seventy-five thousand dollars (\$75,000) and have followed these informal bidding procedures, the city manager may award the contract.

(e) If all bids received are in excess of two hundred thousand dollars, or the limits established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, the city council, by adoption of a resolution by a four-fifths vote, may award the contract, at no more than two hundred twelve thousand five hundred dollars, or the limit established by subsection (d) of Section 22034 of the [Public Contract Code](#), whichever is higher, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

## VI. Public Projects – Formal Bid Procedures

Contracts for public projects as defined by the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the [Public Contract Code](#), in an amount exceeding the current limit as specified in subsection (c) of Section 22032 of the [Public Contract Code](#), as may be amended from time to time, shall be accomplished using the formal bidding procedure described in this section.

(a) Notice Inviting Bids. Notices inviting bids shall distinctly describe the project, shall state where bid blanks and specifications may be secured, and shall state the time and place for the receiving and opening of sealed bids.

(1) Published Notice. Notice inviting bids shall be published at least fourteen calendar days before the date of opening the bids in a newspaper of general circulation, printed, and published in the city.

(2) Construction Trade Journals. The notice inviting formal bids shall also be mailed, and emailed to all construction trade journals, and posted on the city's website, or other website used for bidding on public projects, as specified by the California Uniform Construction Cost Accounting Commission in accordance with the requirements of Section 22036 of the [Public Contract Code](#).

(b) Bidder's Security. All bids presented in connection with the public project shall be accompanied by bidder's security in the form and amount prescribed by [Public Contract Code](#) Section 20170 et seq., which security shall be dealt with as prescribed therein. In all cases bidders shall be entitled to return of bid security provided that a successful bidder shall forfeit his or her bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

(c) Bid Opening Procedure. Sealed bids shall be submitted to the department identified in the invitation for bid documents and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

- (d) Rejection of Bids or No Bids Received. In its discretion, the city council may reject any and all bids presented and readvertise for bids. If no bids are received, the city council may award the project by negotiated contract.
- (e) Award of Contracts. Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein.
- (f) Tie Bids. If two or more bids received are for the same amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders or may utilize a public drawing.
- (g) Performance Bonds. The department head shall have authority to require a performance bond before entering into a contract in such amount as he or she finds reasonably necessary to protect the best interests of the city. If the department head requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

## VII. Federal Award Projects

Federal Procurement: Any procurement made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds must comply with the City's procurement procedures, state law, and the applicable Federal Procurement Requirements, including 2 CFR § 200.322 ("Procurement of recovered materials"), 2 CFR § 200.323 ("Contract cost and price"), 2 CFR § 200.324 ("Federal awarding agency or passthrough entity review"), 2 CFR § 200.325 ("Bonding requirements"), and 2 CFR § 200.326 ("Contract provisions"). In the event of any conflict between City, state, or federal requirements, the most stringent requirement must be used. (See 2 CFR § 200.318.) City employees must comply with funding agency requests for review of technical specifications or procurement documents as provided in 2 CFR § 200.324.

## VIII. Emergency Procedures

An emergency is defined as an unexpected occurrence or threatened occurrence that poses a danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, or any emergency proclaimed pursuant to Municipal Code 8.08.060.

Upon approval of the City Manager or Finance Director, authorized purchasing authorities may exceed the purchasing limits of \$50,000. The following procedures are applicable to emergency purchases:

- Documentation. It will be the responsibility of the requesting department to attach a copy of the written justification of the emergency signed by the City Manager to any invoices at the time the invoice is submitted to accounts payable for payment.
- Reporting. All emergency purchases of goods and services over \$50,000 will be immediately reported by the department responsible for the purchase to the City Clerk for inclusion as an information item on the Agenda for the next scheduled meeting of the City Council.

In accordance with Chapter 2.5, Section 22050(a) of the Public Contract Code, the information on emergency purchase action shall be presented to the City Council for review and determination, by a four-fifths vote, that there is a need to continue the emergency action. This must occur within seven days after the action, or at the City Council's next regularly scheduled meeting if that meeting will occur within 14 days after the action. The emergency purchase action shall be presented to the City Council at least at every subsequent regularly scheduled meeting until the action is terminated. The City Council must determine, by a four-fifth vote, that there is a need to continue the emergency action.

## SUPPLEMENTAL PURCHASING INFORMATION

### I. Requests for Proposals (RFP)

Request for Proposal (RFP) are typically associated with general or professional service contracts over \$5,000. This document requests a firm to submit a proposal to perform the scope of work associated with a specific project. Cost is not the sole basis for selection in an RFP, other criteria such as experience, turn-around time, and approach to work are determining factors when evaluating a proposal. Based on the estimated cost of service, the corresponding Open Market, Formal bid, or Alternative Bid procedures are applicable.

Additional information related to the development and criteria of RFP's is listed below:

#### A. RFP Requirements

The RFP will be specific to the project and preparation will require some general knowledge of the project. However, preparation of the RFP should not involve any work for which the proposer would normally be compensated during the project. For example, on engineering projects, free preliminary engineering in the RFP should be discouraged. The RFP should address the following:

- 1) Required Information: In the RFP, the consultant shall be advised of the following requirements:
  - a. Standard contract requirements
  - b. Selection criteria.
  - c. Date and time proposal is due.
  - d. The name and telephone number of the staff member responsible for the project.
- 2) Selection & Evaluation Criteria. Proposals will be evaluated on the basis of the evaluation factors listed in the Request for Proposal. Respondents should be ranked based on the selection criteria. As a minimum, the following criteria will be used to evaluate the RFP.
  - a. Firm experience (including work and project-related references).
  - b. Specific staff experience and availability (including work and project-related references).
  - c. Approved methods to accomplish the work.



- d. Scope of work and schedule
- e. cost

- 3) Price Considerations. Although price is always a consideration in recommending awarding the final selection, prices will not be a mandatory consideration in the initial evaluation process. At the discretion of the department, a department may opt to adopt an RFP procedure with price information in a separate sealed envelope. The envelopes shall not be opened until the highest rated firm is identified based upon demonstrated competence and professional qualifications. At that time, the price information will be compared to professional qualification to ensure that the price is fair and reasonable. If a major discrepancy between highest rated firm and the others exist, that discrepancy shall be evaluated and explained before award of the work. If not satisfactorily resolved, the department may to negotiate with the next-highest-ranked firm.

## II. Sole Source

### 1. Materials, Supplies & Equipment:

- a. Definition. Sole source purchases are used where no secondary source is reasonably available precluding the use of a competitive process. The following are examples of circumstances, which could necessitate sole source procurements:
  - 1) Where compatibility of equipment, accessories or replacement parts is an important consideration;
  - 2) Where public utility services are to be procured;
  - 3) Where a sole supplier's item is needed for trial use or testing;
  - 4) Where a used item is offered at a bargain price and subject to prior sale;
  - 5) Where a cooperative purchasing agreement has been developed with another public agency that used a competitive selection process.
  - 6) Where supply proximity is an important consideration.

### 2. Consultant or General Services:

- a. In the case where a consulting firm has satisfactorily performed the previous stage of a project (e.g. a pre-design), or has acquired extensive background and working knowledge, the firm may be selected for follow-up work without solicitations from other firm upon written justification and recommendation of the department head and approval by the City Manager or designee.
- b. If a firm is a highly recognized authority in a field or specialty, or has unique specific knowledge regarding the project, then the firm may be selected without other solicitations for contracts and upon written justification and recommendation of the department head and approval by the City Manager or designee.

- c. Upon those infrequent occasions when confidence in the consultant and quality of service are important.
4. Documentation: It is the responsibility of the requesting department to maintain in their files a complete, written justification of the sole source purchase approved by the City Manager
5. Authorization & Reporting: All sole source purchases of more than \$50,000 are authorized by the City Council and fully disclosed in the staff agenda report. Sole source purchases between \$5,000 and \$50,000 are authorized by the City Manager. Sole source purchases less than \$5,000 are authorized by the Department Heads.

### III. Multiple Year Contracts

1. Applicability. When it is in the best interest of the City, multiple year contracts will be allowed. High vendor "startup costs" or the need for continuity may make a multiple year contract financially or operationally advantageous to the City. Under no circumstances should a multiple year contract be used to avoid competitive procurement procedures.
2. Termination Due to Lack of Funds. All multiple year contracts should contain a clause allowing the City to terminate the contract in thirty (30) days or subsequent fiscal years due to a lack of budgeted funds.
3. Term. The term of a multiple year contract should be clearly delineated. "Open end" contracts will not be used.
4. Authority. Multiple-year contracts are subject to the same authority levels detailed above.
5. Changes. Changes to multiple-year contracts are covered under "Change Orders" below.
6. Extension. Extension of contracts requires the approval of the City Manager via City contract amendment form.
7. Addendum. Increase in dollar amounts on an agreement, which results in an aggregate total in excess of \$50,000 requires approval from the City Council.

### IV. City Engineer Review and Approval.

In accordance with Government Code section 830.6, the City Engineer shall have authority to review and approve the plan or design of any construction work or work of improvement to public property and for contracts for construction subject to approval by the City Manager. For contracts to be awarded by the City Council, the City Engineer shall review such plans and designs and shall recommend the approval of such plan or design by the City Council as part of its award of such contract.

This policy was approved and authorized by:

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Jamie Goldstein, City Manager

# Capitola City Council

## Agenda Report



**Meeting:** September 14, 2023

**From:** Community Development Department

**Subject:** Chapter 18.02 Affordable (Inclusionary) Housing

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**Recommended Action:** Adopt an ordinance of the City of Capitola amending Chapter 18.02 of the Capitola Municipal Code, Affordable (Inclusionary) Housing.

**Background:** On August 24, 2023, the City Council unanimously approved the introduction of the draft ordinance.

**Discussion:** The proposed amendments will add definition and exemption for primary residences, amend the definition of “qualified retirement plan,” update for sale housing units sales price and procedures to reflect current practices, and amend eligibility requirements.

**Fiscal Impact:** There are no fiscal impacts associated with the proposed ordinance.

**Attachments:**

1. Ordinance

**Report Prepared By:** Julia Moss, City Clerk

**Reviewed By:** Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

**ORDINANCE NO. 1062**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING CHAPTER 18.02 “AFFORDABLE (INCLUSIONARY) HOUSING”**

**WHEREAS**, the City of Capitola (“City”)’s Inclusionary Housing Ordinance, set forth in Chapter 18.02 of the City of Capitola Municipal Code, establishes affordable housing regulations to advance and protect the general health and welfare of the City’s residents, workers and economy, and facilitate the supply of affordable housing; and

**WHEREAS**, the City Council of the City of Capitola (“City Council”) has identified certain necessary amendments to the Inclusionary Housing Ordinance to clarify eligibility and processing procedures to reflect current practices; and

**WHEREAS**, the City Council desires to amend the Inclusionary Housing Ordinance to define “primary residence,” amend the definition of “qualified retirement plan,” amend the sales procedures for mobile home parcels to reflect current practices, and amend eligibility requirements.

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

**Section 1: Amending Chapter 18.02 of the Capitola Municipal Code.** Chapter 18.02 of Title 18 of the Capitola Municipal Code titled “Affordable (Inclusionary) Housing” is hereby amended in its entirety as shown in Attachment A. Additions are shown as double underline and deletions are shown with ~~strikethrough~~.

**Section 2: CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

**Section 3: Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**Section 4: Effective Date.** This Ordinance of the City of Capitola shall take effect and be in force 30 days after the date of its passage.

**Section 5: Publication.** Within fifteen (15) days of its passage, this Ordinance shall be published at least once in a newspaper of general circulation published and circulated in the City of Capitola, along with the names of the members of the City Council voting for and against its passage.

This Ordinance was introduced at a regular meeting of the Capitola City Council on the 24<sup>th</sup> day of August, 2023, and was adopted at a regular meeting of the Capitola City Council on the 14<sup>th</sup> day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Margaux Keiser, Mayor

ATTEST:

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Julia Moss, City Clerk

## ATTACHMENT A

### Chapter 18.02 AFFORDABLE (INCLUSIONARY) HOUSING

Sections:

- 18.02.010 Findings.
- 18.02.020 Words and phrases.
- 18.02.030 Affordable housing requirements.
- 18.02.040 Provision of affordable housing units.
- 18.02.050 In-lieu housing fees and alternative compliance options.
- 18.02.060 For-sale housing units – Sales price and procedures.
- 18.02.070 Eligibility for affordable housing units.
- 18.02.080 Marketing of affordable housing units for sale.
- 18.02.090 Secondary dwelling units – Non-applicability.
- 18.02.100 Pre-approved projects – Non-applicability.
- 18.02.110 Fees.
- 18.02.120 Default/foreclosure.
- 18.02.130 Conflicts of interest.
- 18.02.140 Violations.
- 18.02.150 Reductions, Adjustments, or Waivers
- 18.02.160 Appeal.

#### **18.02.010 Findings.**

In enacting this chapter of the Capitola Municipal Code pertaining to the provision and protection of affordable housing in the city of Capitola, the city council finds:

A. A decent home and suitable living environment for all Capitola residents and workers is a priority of the highest order. To this end, the housing element of the Capitola general plan discusses and analyzes the need to provide housing for senior citizens, disabled persons, single parent families, homeless persons and homeless families, and families of very low, low and moderate income levels. Similarly, the general plan housing element outlines the extremely high cost of housing both regionally and within the city. With respect to affordable housing in the city, the housing element articulates, among others, Policies 3.4, 3.5 and 3.6 intended to advance the general plan goal to “Encourage New Affordable Housing Opportunities Through Construction Of New Units.” These policies encourage the adoption of an inclusionary housing ordinance, which provides for protection of existing affordable housing, construction of affordable housing units in connection with private market rate for-sale residential development or alternative compliance mechanisms, and further encourages the establishment of a housing trust fund to be used to facilitate the development of new affordable housing in the city.

B. In addition, Housing Element law (Government Code section 65580 et seq.) and the Mello Act (Government Code section 65590 et seq.) articulate policies and goals, and impose legal obligations upon California cities,– and counties relative to the creation, protection, and ongoing provision of affordable housing by communities throughout the state, including the city of Capitola. Accordingly, a paramount goal of the city is to provide and to create a regulatory environment conducive to the development and preservation of both rental and for-sale housing available to all economic sectors of the community with priority given to very low, low and moderate income households currently residing or working within the city.

C. There is currently an inadequate supply of housing in the city which is affordable to very low, low and moderate income households. Federal and state financial assistance and subsidy programs are not sufficient in themselves to close the gap between the cost of most housing in the city and the ability of very low, low and moderate income households to pay those housing costs.

D. The city, given current zoning regulations and very limited vacant residentially zoned property, is nearly “built out” for purposes of future residential development within the city. The inventory of land available for residential development in the city is at a premium and the inventory of land which can be used for the development of housing for very low, low and moderate income households becomes even more depleted with the development and/or improvement of each market rate housing unit in the city. Accordingly, housing opportunities for very low, low and moderate income households are diminished incrementally with the development of each new market rate housing unit which is constructed, rebuilt or substantially improved in the city.

E. According to the city’s most recent Housing Element Update, adopted November 25, 2015, fifty-eight percent of the households living in the city have incomes below eighty percent of Santa Cruz County’s median income and are therefore classified as low income households. However, the median home value in the city is higher than in neighboring Santa Cruz County communities, which places a cost burden on many Capitola households and may put home ownership out of reach for a majority of the population. Accordingly, the lowest income households in the city are frequently cost-burdened by housing, and lower income rental households are much more likely to pay more than thirty percent of their incomes for housing than higher-income home owners. The same holds true for moderate-income homeowners in the city; sixty-one percent of all moderate income households that own housing pay more than thirty percent of their incomes for housing costs. This indicates a need both for more housing affordable to the City’s moderate- and lower-income households and also to protect and maintain the affordability of existing affordable housing in the city.

F. If very low, low and moderate income workers cannot find or maintain housing in the city, employers will have difficulty in securing a labor force and employees will be forced to commute. Automobile commuting increases air pollution, unnecessarily creates traffic congestion and develops a population which is separate and distinct from full-time residents, thereby resulting in diverse and often contrasting demands on limited city resources.

G. Protection of existing affordable housing units and construction of residential housing projects which contribute to the city’s very low, low and moderate income housing stock serve to augment the city’s housing mix, increase the supply of housing for all economic sectors of the community and thereby assist in providing for a balanced community which is deemed to be in the public interest.

H. In order to allocate the scarce resource of existing affordable housing units to households that need assistance affording housing in the city, an asset limitation must operate alongside an income restriction. This is especially true for units reserved for seniors (55+), who may no longer receive income from a current job, but may possess significant assets. Without an asset limitation, the city’s existing affordable housing stock could be transferred to households that are not in need of assistance.

I. Increasing the supply of housing affordable to very low, low and moderate income families through the assistance and cooperation of private residential developers can be achieved only if the provision of such housing by private residential developers becomes more feasible. It is



therefore necessary to provide flexibility in the manner and method by which private residential development contributes its fair share to the city's affordable housing stock.

J. Affordable housing is best integrated into the community when that housing is distributed throughout all areas of the city rather than concentrated in a single area.

K. The purpose of this chapter is to enhance the public welfare by establishing policies to maintain and increase the production of housing units affordable to persons and households of very low, low, and moderate-income. These requirements implement the Housing Element of the General Plan through assisting in meeting the city's regional housing obligations, providing funding for the city's affordable housing programs, and affirmatively furthering fair housing by ensuring that affordable housing is maintained and constructed in all parts of the city.

L. The city council desires to provide and maintain affordable housing opportunities in the community through its inclusionary housing program. Therefore, it is the city council's intent that this chapter apply to all affordable housing units in the city, regardless of the date of construction or conversion to an affordable housing unit. The city council finds that such application is necessary to best effectuate the goal of protecting new and existing affordable housing units.

#### **18.02.020 Words and phrases.**

For purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Affordable housing cost" means the maximum purchase price that will cause a household to pay no more than thirty-five percent of its income for housing costs. The affordable housing cost shall include a ten percent down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, and a reasonable allowance for property maintenance, repairs, and utilities), all as determined by the City.

"Affordable housing unit" means any housing unit subject to a recorded document, unrecorded agreement, or land use requirement applicable to a unit that, for a specified term, requires sale or rent of the unit at an affordable housing cost or affordable rent and/or requires sale or rent of the unit to very low, low, or moderate income households.

"Affordable rent" means the maximum monthly rent, including an allowance for tenant paid utilities, calculated at the specified income level in accordance with the Health and Safety Code Section 50053.

"Household" means all those persons, related or unrelated, who occupy a single housing unit.

"Housing development project" means any development project requiring a land use permit or approval from the city for: the construction of one or more housing units including single-family residences, condominiums, townhouses and apartments; the division of land into one or more residential parcels; the subdivision of mobile home parks; or the conversion of one or more apartments to one or more condominiums.

"Low income household" means a household whose income, with adjustment for household size, is between fifty percent and eighty percent of the Santa Cruz County areawide median income.

“Moderate income household” means a household whose income, with adjustment for household size, is between eighty percent and one hundred twenty percent of the Santa Cruz County areawide median income.

“Primary residence” means a dwelling unit a person physically occupies and lives in at least ten months of the calendar year. Exception: After residing in the unit as a Primary Residence for a minimum of one year, under unique temporary circumstances that require the owner to temporarily vacate the unit, the owner may rent out the unit with the prior written approval of the Community Development Director for a period of up to one year and still qualify as a Primary Residence.

“Qualified retirement plan” means a retirement plan recognized by the Internal Revenue Service (IRS) where investment income accumulates ~~tax deferred~~. Common examples include individual retirement accounts (IRAs), pension plans and Keogh plans.

“Senior citizen” means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

“Senior citizen housing development” means a senior citizen housing development as defined in California Civil Code Sections 51.3 and 51.12, that is developed, substantially rehabilitated, or substantially renovated for senior citizens. A senior citizen housing development must include at least 35 dwelling units or mobile home spaces.

“Unit” means a single-family home, condominium, apartment, mobile home parcel, or residential parcel.

“Very low income household” means a household whose income, with adjustments for household size, is less than fifty percent of the Santa Cruz County areawide median income.

#### **18.02.030 Affordable housing requirements.**

A. Subject to the exceptions set forth elsewhere in this chapter, each proposed housing development project creating seven or more for-sale housing units, residential parcels, mobile home parcels, or converted condominium units shall be required to reserve and restrict fifteen percent of the housing units, residential parcels or converted condominium units for sale to moderate, low or very low income households in accordance with the requirements of Section 18.02.040.

B. The following housing development projects are exempt from Sections 18.02.030 through 18.02.050; however, they may be subject to Affordable Housing Impact Fees under Chapter 18.05:

1. Rental housing units.
2. The development of six or less for-sale housing units, residential parcels or converted condominiums, or mobile home parcels.
3. Redevelopment of existing housing development projects that do not result in the creation of seven or more residential units.
4. Developments exempted by state law or by final judgment by a court of competent jurisdiction.

**18.02.040 Provision of affordable housing units.**

When a housing development project is required to construct or provide affordable housing units pursuant to this chapter, the housing development project shall comply with the following requirements:

A. In determining the number of affordable housing units required, developments which require fractional contribution pursuant to the requirements of this chapter shall pay affordable housing in-lieu fees for the fractional contribution in an amount prescribed by the affordable housing in-lieu fee schedule adopted, and from time to time revised, by city council resolution.

B. All affordable housing units shall remain affordable for fifty-five years or the natural life of the unit, whichever is greater, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, state law, or housing grant, loan or subsidy program. The required period of affordability shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than fifty-five years or the natural life of the unit, whichever is greater.

C. The housing development project permit application submitted to the city shall specify the number, type, location, size and construction scheduling of all housing units which are part of the project, including the affordable housing units, and shall indicate which housing units are designated as affordable housing units for purposes of complying with this chapter. If an alternative compliance option under Section 18.02.050 is requested, the proposed method of compliance shall be included with the initial application. If a reduction, adjustment, or waiver under Section 18.02.150 is requested, the application shall set forth the basis for the request in accordance with the criteria set forth in that section.

D. Unless otherwise approved by the city planning commission or city council, affordable housing units shall be reasonably dispersed throughout the housing development project and shall be compatible with the design and use of the remaining housing units in the housing development project in terms of appearance, materials and finish quality.

E. The housing development project developer shall have the option of reducing the interior amenity level of affordable housing units provided that all affordable housing units conform to the requirements of the city building and housing codes and further provided that all affordable housing units, at a minimum, shall have interior painting or other finish wall covering, floor covering, a stove, a dishwasher, an oven, built-in kitchen cabinets, washer and dryer hookups, a bath/shower, a toilet, a kitchen sink and a bathroom sink.

F. All affordable housing units in a housing development project shall be constructed concurrently with, or prior to, the construction of the housing development project's market rate housing units and shall be sold concurrently with, or prior to, sale of the market rate housing units.

G. Prior to recordation of the final subdivision map or issuance of building permits for the housing development project, the housing development project developer shall enter into a participation agreement with the city in a form suitable for recordation so as to assure compliance with the provisions of this chapter.

H. A housing development project developer who is a subdivider may propose to comply with the requirements of this chapter by dedicating affordable lots to the city. The city council, at its sole

discretion may grant, conditionally grant or deny the request. If the housing development project subdivider's proposal to dedicate affordable lots to the city is approved, the offer of dedication shall be made concurrently with the filing of the final subdivision map.

I. Where the city provides financial assistance to a housing development project in the form of a grant, subsidy, loan, fee waiver or any other action which confers a fiscal benefit on the housing development project developer, the city may condition the financial assistance with a requirement that the housing development project reserve or restrict more than fifteen percent of the housing development project's housing units, residential parcels or converted condominium units for sale to moderate, low or very low income households.

**18.02.050 In-lieu housing fees and alternative compliance options.**

A. When a housing development project is subject to this chapter, the housing development project developer may elect to pay affordable housing in-lieu fees rather than produce the required inclusionary units onsite in accordance with the following requirements:

1. The housing development project developer shall pay affordable housing in-lieu fees in an amount prescribed by the affordable housing in-lieu fee schedule adopted, and from time to time revised, by city council resolution.

2. The housing development project developer shall pay the in-lieu fee amount applicable to each unit prior to issuance of a building permit for that unit by the building department. Upon request of the housing development project developer, the city council may consider and approve a deferred payment until issuance of a certificate of occupancy based on a finding that the deferred fee payment contributes to the project's economic feasibility. The approval of a deferred fee shall be conditioned upon receipt of adequate security for the obligation from the housing development project developer, which may include a lien against the property or an alternative form of security approved by the Community Development Director and the City Attorney.

3. Affordable housing in-lieu fees shall be deposited into the city's housing trust fund and all such fees shall be used, at the earliest time feasible, to assist in the construction of new low or very low income housing units with a minimum of fifty-five-year term affordability restrictions, the rehabilitation of low or very low income housing units which, upon rehabilitation, will have fifty-five-year term affordability restrictions, or to assist low or very low income households in purchasing or renting housing units, and for administration and compliance monitoring of the affordable housing program, as approved by the city council.

**B. Alternative Compliance Options.**

1. The housing development project developer, or an entity controlled by the developer, or another entity that has entered into an agreement with the developer to provide affordable housing units, may propose to construct the affordable housing units required by Section 18.02.030 on another site in the city. Two or more developers may also jointly propose off-site construction of affordable housing units on a single site in the city. The city may grant a credit for off-site construction if the proposal meets all of the following conditions:

a. Financing or a viable financing plan, which may include public funding, shall be in place for the off-site affordable housing units;

b. The off-site location is suitable for the proposed affordable housing units, consistent with any adopted guidelines and the Housing Element, will not tend to cause residential segregation or concentrations of poverty, and is located within one mile of the market rate housing development project with appropriate infrastructure and services; and

c. Construction of the off-site affordable housing units may not have commenced prior to the first approval of the market rate housing development project.

Final inspections for occupancy of the market-rate units in the housing development project will be granted only after final inspections are completed for the off-site affordable housing units related to those market-rate units. However, the timing requirements set forth in this subsection may be modified by the city council. The city may require that completion of off-site affordable housing units be further secured by the housing development project developer's agreement to pay in-lieu fees in the event the off-site units are not timely completed.

2. The housing development project developer may propose to meet the requirements of Section 18.02.030 by dedicating property to the city in-lieu of constructing inclusionary units within the housing development project. The city may approve property dedication under this subsection only if the proposal meets all of the following conditions:

a. The number of affordable housing units to be constructed on the dedicated property shall be at least 10 percent greater than the number of affordable housing units otherwise required;

b. Financing or a viable financing plan, which may include public funding, shall be in place for construction of the affordable housing units on the dedicated property; and

c. The property to be dedicated is suitable for the proposed affordable housing units, consistent with any adopted guidelines and the Housing Element, will not tend to cause residential segregation or concentrations of poverty, and is located within one mile of the market-rate housing development project with appropriate infrastructure and services.

The property shall be dedicated to the city prior to issuance of any building permit for the market rate housing development project.

**18.02.060 For-sale housing units – Sales price and procedures.**

When an affordable housing unit is sold or re-sold, the following requirements shall apply:

A. In calculating the maximum allowable sales price for housing units which, pursuant to this chapter, are deed restricted as affordable to very low, low or moderate income households, the city or the city's designee shall employ the following formula:

1. Single-Family Residences. Sales prices shall be set to equal the price affordable to a household earning the area median income adjusted for household size, with a household size equal to the number of bedrooms in the unit plus one, and a housing cost ratio equal to thirty-five percent of gross monthly household income, and a ten percent down payment.

2. Condominiums/Townhouses. Sales prices shall be set to equal the price affordable to median income household earning the area median income adjusted for household size, where household size is equal to the number of bedrooms in the unit plus one, and a housing cost ratio equal to thirty-five percent of gross monthly household income, and a ten percent down payment.

3. Mobile Home Parcels. No sale or resale price will be set for the inclusionary parcels created. Inclusionary parcels in a mobile home park will have initial and subsequent resales restricted to sale to a ~~median~~ low to moderate income household adjusted by household size.

4. If the maximum allowable sales price is less than the original purchase price the homeowner paid for the affordable housing unit, the homeowner shall be permitted to sell the affordable housing unit at a price equal to their original purchase price.

B. The re-sale purchase price of any affordable housing unit may be increased by the value of any substantial structural or permanent fixed improvements, subject to the following conditions:

1. The improvements must be incapable of being removed without substantial damage to the premises or substantial or total loss of value of the improvements.

2. The cost of the improvements at the time they were made or installed must equal more than one percent of the original purchase price the homeowner paid for the affordable housing unit, as verified by invoices, receipts, or similar forms of documentation.

3. The improvements must have conformed to applicable building codes at the time of installation, as evidenced by a building permit or a valid building permit waiver issued by the City.

4. The maximum allowable sales price shall be increased by the present value of qualifying improvements as determined by an appraiser designated by the city up to a maximum value equal to ten percent of the original purchase price the homeowner paid for the affordable housing unit.

5. The limits shall reset upon each transfer to a new homeowner, and each subsequent homeowner shall have the opportunity to benefit from an upward adjustment to the maximum allowable sales price caused by qualifying improvements.

C. If the city finds that the owner, through neglect, abuse or lack of adequate maintenance, has damaged an affordable housing unit, the city may require repairs be made at the owner's expense and be financed prior to sale or through the escrow account.

D. In cases where the owner or housing developer has made a good faith effort to sell an affordable housing unit at the allowable sales price established by the city, and has failed to sell that unit after two hundred forty days, the seller may request to make a monetary contribution to the affordable housing trust fund in exchange for the city's agreement to release the affordability deed restriction on that unit. The amount of the contribution would be determined by the city council, taking into consideration the then-current cost of developing similar affordable housing units and the remaining amount of time the subject unit was deed restricted for sale to very low, low or moderate income households. The city council in its sole discretion may grant, conditionally grant or deny the request. If the request is granted or conditionally granted, upon the city's receipt of the prescribed housing trust fund contribution, the subject affordable housing deed restriction shall be released and the seller shall be allowed to sell, rent or otherwise use the subject affordable housing unit for residential purposes as the seller deems appropriate.

For purposes of this section, a good faith effort to sell a deed restricted affordable housing unit will, at a minimum, include listing the property in the pertinent multiple listing service for a minimum of two hundred forty days, actively marketing and showing the property in a manner that would

be deemed professionally prudent by a full-time real estate agent or broker employed in the Santa Cruz County housing market.

E. Calculations made in accordance with the requirements of this Section shall remain valid for ninety days after the city provides the result of the calculations in writing. After ninety days, an affordable housing unit purchaser or homeowner shall be required to obtain new calculations from the city and may be required to pay additional fees in accordance with Section 18.02.110. An affordable housing unit purchaser or homeowner may not request an updated calculation prior to the ninety-day period passing.

F. The city council authorizes the community development director to adopt guidelines that are consistent with this Section to provide more specific information about how sales prices shall be calculated.

#### **18.02.070 Eligibility for affordable housing units.**

A. Only households which qualify as very low, low, median or moderate income households, and who meet the asset limit, shall be eligible to purchase affordable housing units developed pursuant to this chapter.

B. To be eligible to purchase affordable housing units created pursuant to this chapter that are not in a senior citizen housing development or a mobile home park, the total assets of a household shall be less than one and one-half times the annual household income limit for that unit. The following assets are excluded from the eligibility calculation:

1. Assets to be used to purchase the affordable housing unit.

2. Assets in a qualified retirement plan up to five hundred thousand dollars, which amount shall be increased on ~~January 1, 2023 and every January 1<sup>st</sup>~~ the first day of the month following the annual release of Official State Income Limits by the California Department of Housing and Community Development, and every year thereafter by a percentage equal to the percentage increase in the Consumer Price Index over the same time period.

C. To be eligible to purchase affordable housing units that are in a senior citizen housing development and that are not in a mobile home park, the total assets of a household shall be less than three times the annual household income limit for that unit. The following assets are excluded from the eligibility calculation:

1. Assets to be used to purchase the affordable housing unit.

2. Assets up to one million dollars, which amount shall be increased on ~~April 1, 2021 and every April 1<sup>st</sup>~~ the first day of the month following the annual release of Official State Income Limits by the California Department of Housing and Community Development, and every year thereafter by a percentage equal to the percentage increase in the Consumer Price Index over the same time period.

C. Income eligibility to purchase affordable housing units created pursuant to this chapter shall be determined at the time of sale of the affordable housing unit by the city or the city's designee.

D. Applicants may appeal the city's income and asset eligibility determinations within thirty days of the date of their income eligibility letter. Appeals of the city's income and asset eligibility

determinations shall first be made to a committee comprised of the city manager, mayor, community development director, and city attorney. Appeals shall be in the form of a letter addressed to the city manager, and should document the reason the applicant believes an exception should be made. Appeals may be granted by the committee upon a finding, based upon documentary evidence produced by the appellant which clearly demonstrates that the subject household's future earning capacity will be significantly impaired in the immediately foreseeable future. The committee's decision may be appealed as set forth in Section 18.02.150.

E. The purchaser of an affordable ownership unit shall occupy the unit as ~~his or her primary place of residence~~their Primary Residence. If the unit ceases to function as a ~~primary residence~~Primary Residence, it shall be sold according to the requirements of this chapter.

**18.02.080 Marketing of affordable housing units for sale.**

A. Any marketing communication advertising an affordable housing unit for sale shall fully disclose the affordable housing sale price and eligibility restrictions contained in this chapter.

B. Marketing of a for-sale affordable housing unit shall be performed by the owner or owner's agent, with preference given to households who live or work in Capitola, who shall market the affordable housing unit for no more than the maximum sale price established by the city (excluding closing costs in sales transactions).

C. The purchaser of an affordable housing unit shall not pay more in closing costs than that which is reasonable and customary in Santa Cruz County.

D. The seller of an affordable housing unit shall pay any real estate sales commission associated with the sales transaction.

E. The owner of an affordable housing unit shall not use the unit as collateral for an amount exceeding ninety-five percent of the maximum sales price allowed by this chapter unless specifically allowed in writing beforehand by the city. All second mortgages shall require the prior written approval of the city.

**18.02.090 Secondary dwelling units – Non-applicability.**

This chapter shall not apply to secondary dwelling units developed pursuant to Capitola Municipal Code Chapter 17.99.

**18.02.100 Pre-approved projects – Non-applicability.**

Sections 18.02.30 through 18.02.50 of this chapter shall not apply to projects for which a development permit was issued by the city prior to the effective date of the ordinance codified in this chapter or to the projects for which an approved tentative map or vesting tentative map existed as of the effective date of said ordinance.

**18.02.110 Fees.**

Upon resale, application for an equity line of credit, or refinance of an affordable housing unit, the owner or landlord shall pay a fee to the city to cover the city's costs in determining the maximum sales price and any other monitoring and document preparation processes as may be required of the city. The fee shall be established by city council resolution and shall be calculated so as to



allow the city to recover the staff costs and administrative overhead incurred by the city in providing these services and preparing these documents. In addition, the city may similarly charge each prospective purchaser of an existing affordable housing unit a fee for determining eligibility.

#### **18.02.120 Default/foreclosure.**

A. Option to Purchase. In the event a default notice is recorded against an affordable housing unit, the city or its designee shall have the option to purchase the unit by paying the minimum amount that the owner would have received on the date of the foreclosure sale. Out of this sum, any lien holders shall be paid the amount of funds due them and the owner shall be paid the remaining balance.

B. In the event the city or its designee does not exercise its option to purchase the affordable housing unit prior to the trustee's sale or judicial foreclosure and the owner does not redeem the property by curing the default prior to sale or foreclosure, the unit shall thereafter be free from the restrictions of this chapter and the new owner may occupy, sell or rent the unit without restriction.

C. Notwithstanding subsection B of this section, single-family units that have never been sold to individual owner-occupants and multiple-family dwelling units shall not be released from the restrictions of this chapter through a trustee's sale or judicial foreclosure. In addition, affordable housing units shall not be released under the following circumstances:

1. The city has not been provided a copy of the notice of default within ten days of its service upon the owner;
2. The owner does not allow the city to exercise its option to purchase; or
3. A lender has over-encumbered the property and refuses to release its interest in the property for the maximum allowable sales price.

#### **18.02.130 Conflicts of interest.**

The following individuals are ineligible to purchase an affordable housing unit as their residence:

- A. The city manager, city attorney, community development director and members of the planning commission and city council;
- B. The owner or developer of an affordable housing project or affordable housing unit; and
- C. The immediate relatives of persons identified in subsections A and B of this section.

#### **18.02.140 Violations.**

It is unlawful and a violation of this chapter for an applicant or owner of an affordable housing unit or any employee or agent of an applicant or owner to:

- A. Sell an affordable housing unit to anyone who has not first been qualified as eligible;
- B. Sell an affordable housing unit to any person who has a conflict of interest as defined by this chapter;

- C. Sell an affordable housing unit for an amount exceeding the maximum sales price;
- D. Solicit, require or accept in connection with the sale of an affordable housing unit any payment or other contribution of cash, property or services from a purchaser or tenant the value of which, when added to the purchase price paid for an affordable housing unit, would exceed the maximum sales price or maximum rental prescribed by this chapter;
- E. Willfully and knowingly make a false statement or representation, or knowingly fail to disclose a material fact for the purpose of qualifying as eligible to purchase or rent an affordable housing unit under this chapter; or
- F. Violate any other provision of this chapter. The city may prosecute any violation of this chapter criminally, civilly or administratively in accordance with Title 4 of this code.

#### **18.02.150 Reductions, Adjustments, or Waivers.**

- A. Any request for a waiver, adjustment, or reduction under this chapter shall be submitted to the city concurrently with an application for a first approval for a housing development project based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.
- B. The request for a waiver, adjustment, or reduction shall be processed concurrently with all other permits required for the housing development project. The body with the authority to approve the housing development project shall have the authority to act on the request for a waiver, adjustment, or reduction, subject to any appeals otherwise authorized for the housing development project.
- C. The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the behest of the City Attorney, after adoption of written findings, based on legal analysis and substantial evidence. If a waiver or modification is granted, any change in the project shall invalidate the waiver or modification, and a new application shall be required for a waiver or modification under this section.

#### **18.02.160 Appeal.**

Any applicant or other person whose interests are adversely affected by a determination under Section 18.02.070 may appeal in accordance with the provisions of that section. Any applicant or other person whose interests are adversely affected by any other determination in regard to the requirements of this chapter may appeal to the city council in accordance with the provisions of Chapter 2.52.

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** City Manager Department

**Subject:** CalOES Designated Agents for Disaster Assistance



**Recommended Action:** Adopt a resolution certifying the Capitola staff members who are authorized to submit CalOES paperwork.

**Background:** To apply for state or federal aid following a declared emergency, the City of Capitola must have designated agents, generally high-level staff, that work with the California State Office of Emergency Services (CalOES).

On October 29, 2020, the City Council adopted Resolution No. 4200 (Attachment 1) which designated the City Manager, Public Works Director, and Finance Director as the City's designated agents for the next three years. This resolution will expire on October 29, 2023.

**Discussion:** The attached resolution (Attachment 2) maintains the same designated agents as the prior resolution and repeals Resolution No. 4200.

During a declared state of local emergency (such as COVID-19 or the 2023 Winter Storm Event), it is essential to ensure that the City is eligible for reimbursement by state or federal agencies. The proposed resolution will ensure that the City is eligible for these funding sources.

**Fiscal Impact:** There is no fiscal impact associated with the adoption of this resolution.

**Attachments:**

1. Resolution No. 4200
2. Proposed Resolution
3. CalOES 130 – Designation Form

**Report Prepared By:** Julia Moss, City Clerk

**Reviewed By:** Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

**RESOLUTION NO. 4200**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 4080 AND  
DESIGNATING AGENTS FOR DISASTER ASSISTANCE  
WITH THE STATE OFFICE OF EMERGENCY SERVICES**

**WHEREAS**, the City of Capitola has incurred costs for disaster-related responses to the CZU August Lightning Complex Fire;

**WHEREAS**, the California State Office of Emergency Services requires the City to appoint designated agents to represent the City; and

**WHEREAS**, the California State Office of Emergency Services limits such universal resolutions to a three-year period, thereby rendering the City of Capitola's Resolution No. 4080, adopted in 2017, now expired.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola that the **City Manager, or Public Works Director, or Finance Director** is hereby authorized to execute for and on behalf of the City of Capitola, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

**BE IT FURTHER RESOLVED** that the City of Capitola, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreement required.

**BE IT FURTHER RESOLVED** that this is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

**BE IT FURTHER RESOLVED** that Resolution No. 4080 is hereby repealed.

**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 29<sup>th</sup> day of October, 2020, by the following vote:

<b>AYES:</b>	Council Members Bertrand, Bottorff, Brooks, Storey and Mayor Petersen
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

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Kristen Petersen, Mayor

ATTEST:

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Chloé Woodmansee, City Clerk

**RESOLUTION NO. XXXX  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING RESOLUTION NO. 4200 AND DESIGNATING AGENTS FOR DISASTER  
ASSISTANCE WITH THE STATE OFFICE OF EMERGENCY SERVICES**

**WHEREAS**, the California State Office of Emergency Services requires the City to appoint designated agents to represent the City; and

**WHEREAS**, the California State Office of Emergency Services limits such universal resolutions to a three-year period, such that the City of Capitola's Resolution No. 4200, adopted on October 29<sup>th</sup>, 2020, will soon expire.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the City Council of the City of Capitola that the City Manager, or Finance Director, or Public Works Director, is hereby authorized to execute for and on behalf of the City of Capitola, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

**BE IT FURTHER RESOLVED** that the City of Capitola, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreement required.

**BE IT FURTHER RESOLVED** that this is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

**BE IT FURTHER RESOLVED** that Resolution No. 4200 of the City Council of the City of Capitola is hereby repealed.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 14<sup>th</sup> day of September, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Margaux Keiser, Mayor

**ATTEST:**

\_\_\_\_\_  
Julia Moss, City Clerk



Cal OES ID No: \_\_\_\_\_

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Capitola  
 (Governing Body) (Name of Applicant)

THAT City Manager, OR  
 (Title of Authorized Agent)

Finance Director, OR  
 (Title of Authorized Agent)

Public Works Director  
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Capitola  
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the City of Capitola, a public entity established under the  
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



**Please check the appropriate box below**

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): \_\_\_\_\_

Passed and approved this 23 day of September, 2023

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Julia Moss, duly appointed and City Clerk of  
 (Name) (Title)

City of Capitola, do hereby certify that the above is a true and  
 (Name of Applicant)

correct copy of a resolution passed and approved by the City Council  
 (Governing Body)

of the City of Capitola on the 23 day of September, 2023.  
 (Name of Applicant)

\_\_\_\_\_  
 (Signature)

City Clerk  
 (Title)



**Cal OES Form 130 Instructions**

**A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.**

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

**Name of Applicant:** The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.





**Checking Universal or Disaster-Specific Box:** A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

**Governing Body Representative:** These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

**Certification Section:**

**Name and Title:** This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** Public Works Department

**Subject:** Designation of Loading Zone for the Capitola Hotel



**Recommended Action:** Adopt a resolution establishing a loading zone adjacent to the frontage of 210 Esplanade (Capitola Hotel).

**Background:** The Capitola Hotel, situated at 210 Esplanade, offers ten rooms for overnight accommodation. Following the January 2023 storms, parking along the Esplanade adjacent to the hotel was closed due to construction at adjacent business, limiting guest access to the hotel. To address this issue, the City established a temporary loading zone for hotel patrons to park, allowing for quick drop-off and pick-up of guests, as well as convenient loading and unloading of baggage.

Construction parking has since been eliminated and the spaces reestablished as public metered parking, but staff allowed the temporary loading zone to remain in place. Recently, the hotel has requested this loading zone become permanent. The hotel has observed the loading zone provides clear benefits to their customers,

Pursuant to Capitola Municipal Code Section 10.36.310, loading zones can be established by City Council resolution, and these passenger loading zones should be indicated by white curb paint. A white curb indicates that vehicles may only stop for the purpose of loading or unloading passengers or depositing mail, and this should be done within the minimal time necessary to complete the loading or unloading process. The City Code does not specify a time restriction for loading; however, vehicles may not be left unattended while in a white zone.

**Discussion:** The temporary loading zone is currently located in public parking spot number 181 (Figure 1). If the permanent loading zone is approved by the City Council, staff will issue a revokable encroachment permit, remove the public parking space designation, paint the curb white, and install permanent signage for the loading zone.



Figure 1: Location of proposed loading zone (meter parking space 181)



Figure 2: Location of proposed loading zone

Staff recommends the City Council adopt a resolution authorizing the loading zone for the Capitola Hotel to be established. Staff will then issue a revocable encroachment permit and assess an annual fee of \$3,400, which is the fee for a Village Parking Space Encroachment Permit that is utilized by the parklet program. This fee reflects the fact that the loading zone removes a parking space from public use for the benefit of the hotel business. The hotel will be required to continue paying the fee to maintain the loading zone permit; otherwise, the space will be reverted to public parking. Any use of the loading zone by the hotel that is not in compliance with its intended use may result in the revocation of the permit.

**Fiscal Impact:** If the Council adopts the recommended resolution, and staff issues an encroachment permit, the Capitola Hotel will be charged an annual fee as established in the City's fee schedule, currently \$3,400. The hotel has already paid the application fee for a revocable encroachment permit and made a deposit for the staff time required for painting the curb and installing signage. This fee equals the average revenue Village parking spaces generate from parking meters.

**Attachments:**

1. Resolution

**Report Prepared By:** Jessica Kahn, Public Works Director

**Reviewed By:** Julia Moss, City Clerk; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ESTABLISHING A  
LOADING ZONE ON THE FRONTAGE OF 210 ESPLANADE**

**WHEREAS**, the California Vehicle Code and the Capitol Municipal Code provide for and authorize the City Council to establish traffic controls within the City; and

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

1. The fifth standard metered parking space (#181) on the north side of Esplanade in front of 210 Esplanade is hereby converted to a loading zone.
2. The Director of Public Works shall establish and maintain signage and/or markings to indicate the loading zone is hereby established.

**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 14<sup>th</sup> day of September, 2023, by the following vote:

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

\_\_\_\_\_  
 Margaux Keiser, Mayor

**ATTEST:**

\_\_\_\_\_  
 Julia Moss, City Clerk

# Capitola City Council

## Agenda Report

**Meeting:** August 24, 2023

**From:** Public Works Department

**Subject:** Surf Cameras on the Capitola Wharf and the Bandstand Pavilion



**Recommended Action:** Authorize the City Manager to execute an agreement with Surfline/Wavetrak, Inc. to install and maintain new surf cameras on the Capitola Wharf and maintain existing surf cameras on the Bandstand Pavilion at no cost to the City.

**Background:** Surfline/Wavetrak, Inc. (Surfline) provides online live video feeds of ocean wave conditions to subscribers of their service. In 2007, the City Council approved an agreement with Surfline for the installation, maintenance, and operation of a website camera and supporting equipment on the roof of the Esplanade restroom facility. Since its initial installation, this camera has been relocated to the Bandstand Pavilion and an additional camera was installed in the same location in 2019. A live stream from both cameras is provided to the City for use on the City website at no cost. Surfline also pays the City a nominal licensing fee for its use of City facilities, currently \$339.00.

**Discussion:** Surfline has requested an additional camera location to stream views of Capitola Beach and Pleasure Point. The two new cameras would both be mounted on the Capitola Wharf, one exclusively for City use (Capitola Wharf Camera) and the other for Surfline subscriber use (Pleasure Point Camera).

- Pleasure Point Camera: This camera will be mounted at the base of the Wharf, with camera views of the surf looking North toward Pleasure Point. Upon completion of the Wharf reconstruction, this camera will be relocated to a location near the end of the Wharf and maintain camera views looking North toward Pleasure Point.
- Capitola Wharf Camera: This will be the camera mounted at the base of the Wharf, with camera views that monitor the Capitola Wharf Resiliency and Public Access Project (Wharf Project). Upon completion of the Wharf reconstruction, this camera will be relocated to a location near the end of the Wharf and adjust the camera views looking South toward Capitola Beach.

The proposed agreement (Attachment 1) includes both the existing and new camera locations and updated terms, inclusive of:

- Monthly \$339 host fee. The proposed fee is not adjusted as the Capitola Wharf Camera is primarily for the City's benefit and will be used for monitoring the Wharf Project and seasonal lagoon and beach.
- Ability to access and retrieve historical video files.
- On-screen text links and ad banners on the Surfline website and mobile applications for City use to promote special events, concerts, beach closures, etc.
- Live Camera Embeds from Surfline's existing and new cameras on the City's website.
- Direct access to Surfline to request camera re-orientation, if needed.

**Fiscal Impact:** Surfline/Wavetrak, Inc. will continue to pay \$339 total per month for the four camera locations. The total revenue is \$4,068 over 12 months or \$12,204 for the 3-year agreement.

**California Environmental Quality Act:** This action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### Attachments:

1. Host agreement between Surfline/Wavetrak, Inc. and City of Capitola

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

## Host Agreement

Item 8 H.

THIS HOST AGREEMENT ("Agreement") is entered into by and between Surflin/Wavetrak, Inc. ("Surflin") and \_\_\_\_\_ ("Authorized Party").

Surflin owns, operates and maintains Internet-based streaming high-definition cameras and video equipment and weather stations (collectively, the "Equipment") for the purpose of providing, via the Internet and mobile applications, images and video of surf and weather conditions to its users. Authorized Party is the owner, agent of owner, occupier, or otherwise authorized party of the Properties (defined as the title and address below) and subject to the terms and conditions of this Agreement agrees to provide Wavetrak with the necessary facilities and assistance to install, operate and maintain the Equipment on the Properties (the "Services").

### "Properties":

1. The Bandstand Pavilion, Esplanade Park, Capitola, CA 95010
2. Capitola Wharf, 1400 Wharf Road, Capitola, CA 95010

"Consideration": \$339.00 Monthly Cam Host Fee. Host Text Link displayed on the dedicated camera pages on Surflin website and apps. Host Ad Banner displayed on the dedicated camera pages on Surflin website. A Capitola Wharf Camera for live monitoring of the Wharf Reconstruction. This camera will be relocated and renamed Capitola State Beach after the Wharf Construction has been completed. Ad-free Live Embed Camera Streams from the Capitola, Capitola Jetty, and Capitola Wharf cameras with timeout for display on Authorized Party's websites. Camera Rewind File Access, Retrieval, and Removal upon request. Surflin VIP Premium Subscriptions Redeem Codes (amount TBD).

Estimated Installation Date(s): September 2023

In consideration of the mutual obligations set out in these conditions the parties agree as follows:

### 1. Installation and Ownership

**1.1. Installation and Removal.** (a) Surflin will select the Equipment to be installed at the Properties. (b) Authorized Party grants permission to Surflin (including any employee, agent or subcontractor appointed by them) to enter onto the Properties on a mutually agreed-upon installation date for the purpose of installing the Equipment at a mutually agreed-upon location on the Properties. Authorized Party must ensure that such access is provided safely to Surflin and that Authorized Party is present on the installation date, or someone who can give Surflin instructions on their behalf (and is 18 years old or over) is present. (c) Installation may require the consent of someone else, for example the occupier or owner of the Properties, the landlord, the local council or authority, and it is the absolute responsibility of Authorized Party to obtain written consent from such person for the Equipment to be installed and remain installed at the Properties and Authorized Party must provide that written consent to Surflin on or before the installation date. Authorized Party will indemnify and hold harmless Surflin from and against any losses in the event that such consent has not been provided. (d) Within seven (7) days of the date of installation, Surflin will provide written confirmation of the items of Equipment that were installed. (e) Following the termination or expiration of this Agreement Surflin will remove the Equipment within a reasonable period.

**1.2. Ownership of the Equipment.** All Equipment is and will at all times remain the absolute and exclusive Properties of Surflin. Authorized Party, and anyone else associated with the Properties, will not assert any right, title or interest in or to the Equipment.

**1.3. Ownership of Images and Data.** Any and all other materials or information concerning the business, operations or plans of Surflin, including, but not limited to, images, photographs, audio or video recordings and data captured by the Equipment (collectively, "Company Materials"), is and will at all times remain the absolute and exclusive Properties of Surflin. Authorized Party will not assert any right, title or interest in or to the Company Materials. Authorized Party agrees that, immediately upon Surflin's request and in any event upon the termination of this Agreement, Authorized Party shall promptly deliver to Surflin all Company Materials in Authorized Party's possession.

### 2. Surflin Obligations

**2.1. Installation and Operation.** Surflin will provide, install, operate and maintain the Equipment. Unless otherwise agreed to, Surflin will be solely responsible for all costs associated with the installation, operation and maintenance of the Equipment.

**2.2. Consideration.** Surflin agrees to provide, and Authorized Party agrees to accept the "Consideration" for the provision of the Services hereunder as of the date the Equipment is installed. Authorized Party shall be responsible for paying all required local, state and federal taxes related to compensation earned by Authorized Party under this Agreement.

**2.3. LIMITATION OF LIABILITY (PLEASE READ CAREFULLY).** SURFLIN WILL BE LIABLE FOR ANY DAMAGE TO THE PROPERTIES THAT OCCURS AS A DIRECT RESULT OF THE INSTALLATION, MAINTENANCE, OR REMOVAL OF THE EQUIPMENT UP TO \$100,000. EXCEPT AS EXPRESSLY PROVIDED HEREIN, SURFLIN WILL NOT BE LIABLE FOR ANY OTHER LOSSES THAT ARE CONSEQUENTIAL OR INDIRECTLY SUFFERED BY AUTHORIZED PARTY (OR ANY THIRD PARTY) AS A RESULT OF THE SERVICES. SURFLIN'S TOTAL AGGREGATE LIABILITY TO AUTHORIZED PARTY FOR ALL LIABILITY ARISING OUT OF THIS HOST AGREEMENT WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE AT LAW OR IN EQUITY IS LIMITED TO \$1,000 (USD).

### 3. Authorized Party Obligations

**3.1. Due Authorization and Facilities.** Authorized Party represents and warrants that it is duly authorized to enter into this Agreement. Authorized Party will provide: (i) a suitable, stable and secure location and space for the Equipment; and (ii) a suitable and stable electrical connection and electricity for the Equipment, each as determined in the sole discretion of Surflin.

**3.2. Access.** Authorized Party hereby grants to Surflin permission to enter the Properties upon no less than twenty-four (24) hours' notice (such notice to be provided by email or writing) to Authorized Party, for the purpose of replacing or maintaining the Equipment.

**3.3. Exclusivity.** During the Term (as defined below), Authorized Party shall not enter into any agreement with any other party with regards to the installation of cameras or video equipment on the Properties and shall not permit (unless already present on the Properties) any weather station, webcam or other similar equipment (collectively, "Additional Equipment") to be located on the Properties for the purpose of recording, streaming or transmitting images or video of surf or weather conditions for or to any party other than Surflin. Notwithstanding the foregoing, the installation of Additional Equipment for purposes that do not compete with the Surflin business shall be permissible, provided that Authorized Party notifies Surflin in writing at least thirty (30) days prior to the installation of any Additional Equipment along with an explanation of the purpose for such installation.

**3.4. Confidential Information.** During the Term, Authorized Party will have access to confidential, proprietary, or trade secret information of Surflin, whether or not marked as "confidential" or "proprietary", including information which is not generally known to the public including, without limitation, business methods and plans, Equipment make and model and installation methods, and network configurations (collectively, the "Confidential Information"). Confidential Information includes not only information belonging to Surflin which existed before the date of this Agreement but also information obtained by Authorized Party during the Term and thereafter. Please be advised, information about Surflin employees or contractors, including names and contact information, is Confidential Information. Any third party inquiries regarding the Equipment or subject matter of this Agreement can be directed to Surflin Customer Service at [support@surflin.com](mailto:support@surflin.com). Authorized Party agrees that its use of Confidential Information is subject to the following restrictions during the Term and for an indefinite period thereafter so long as the Confidential Information have not become generally known to the public. Authorized Party will not publish or disclose or allow to be published or disclosed, Confidential Information to any third party or person who is not an employee of Surflin. Upon termination of this Agreement for any reason, Authorized Party will surrender to Surflin all documents and materials in its possession or control which contain Confidential Information. Authorized Party will not use any Confidential Information to engage in competition with Surflin at any time during the Term or after the termination of this Agreement.

**3.5. Management of Equipment.** Authorized Party will not move, relocate, access or otherwise interfere with the Equipment except at the direction of Surflin.

**3.6. Authorized Party Indemnity.** Authorized Party indemnifies and will continue to indemnify and hold harmless Surflin from all direct and indirect expenses, costs, damages and losses (including legal costs on a solicitor and own client basis) that are suffered or incurred by Surflin arising directly or indirectly from any negligent or other wrongful act or omission of Authorized Party, or its other employees, agents, subcontractors in relation to the Equipment.

### 4. Term & Termination

**4.1. Term.** This Agreement will commence as of the Execution Date and will continue in effect for three (3) years (the "Initial Term"), unless terminated earlier pursuant to this Section 4, provided, however, that unless otherwise agreed to in writing by the Parties upon 60 days prior notice, this Agreement will automatically renew for successive terms of one (1) year each (each a "Renewal Term" and, together with the Initial Term, the "Term").

**4.2. Termination for Cause.** Either party may terminate this Agreement upon written notice if the other party materially breaches any of the terms or conditions of this Agreement and, if the breach is capable of remedy, fails to promptly remedy that breach within thirty (30) business days of written notice of such breach. Notwithstanding the foregoing, the Parties acknowledge and agree that a breach of Section 3.4 is not curable and, therefore, no cure period is extended and this Agreement may be terminated immediately for a breach of Section 3.

**4.3. Termination for Convenience.** Either party may terminate this Agreement at any time and for any reason by giving other party thirty (30) days prior notice.

**4.4. Effects of Termination.** Upon the termination of this Agreement for any reason, Surflin shall have the right to, and Authorized Party hereby grants permission to Surflin to enter the Properties to remove the Equipment upon no less than 24 hours prior notice. Authorized Party hereby grants Surflin a right of first refusal with respect to any future contract of a similar nature regarding installation of Internet-based streaming cameras or video equipment on the Properties for a period of one (1) year following termination of this Agreement.

**5. Insurance.** During the Initial Term and each Renewal Term, Surflin will maintain a policy of comprehensive general liability insurance, including personal injury and broad form Properties damage liability coverage with a minimum combined single limit of \$2,000,000 per occurrence.

**6. Notices.** Any notices that are permitted or required under the terms of this Agreement shall be sent by overnight courier, postage prepaid, to the addresses specified in this agreement or by email provided that proof of transmission is retained to the email address set forth below the signature block or, to such other address as a Party may specify by notice in accordance with this provision. Notice is effective upon receipt at the Party's last designated address.

**7. Governing Law.** This Agreement shall be interpreted, construed, governed and enforced in accordance with the laws of the State of California.

**8. Assignment.** Authorized Party shall not have the right or ability to assign or transfer any rights or obligations under this Agreement without the written consent of Surflin. Any attempt to do so shall be void. Surflin may fully assign and transfer this Agreement in whole or part without the prior written notice or consent of Authorized Party. Where Authorized Party wishes to sell or vacate the Properties then they shall contact Surflin immediately and Surflin shall be entitled to terminate this Agreement or to assign or transfer this Agreement to the new occupant/owner of the Properties. This Agreement shall inure to the benefit of the parties and their permitted assigns.

In witness whereof, the Parties have executed this Agreement as of \_\_\_\_\_ (“**Execution Date**”).

Authorized Party Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email for Notice: \_\_\_\_\_

Address for Notice: \_\_\_\_\_

Surflin Signature: \_\_\_\_\_

Name: John Marcon

Title: Vice President of Operations

Email for Notice: [camera@surflin.com](mailto:camera@surflin.com)

Address for Notice: 300 Pacific Coast Hwy., Suite 310, Huntington Beach, CA 92648



# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023  
**From:** Community Development Department  
**Subject:** Mall Redevelopment Land Use Study



**Recommended Action:** Authorize the City Manager to execute an agreement with Kosmont Companies for the Capitola Mall Redevelopment Land Use Study in the amount of \$25,000.

**Background:** The Capitola Mall opened in 1977 and occupies 46.16 acres between 41<sup>st</sup> Avenue, Capitola Road, and Clares Street. The Capitola Mall is the only enclosed shopping center in Santa Cruz County and is majority-owned by Merlone Geier Partners (MGP).

In 2019, MGP submitted a conceptual design for the redevelopment of the 31.44 acres of property MGP owns within the 46.16 acre Capitola Mall site. The concept included approximately 339,131 square feet of commercial space (including retail, restaurants, fitness, and entertainment uses), for a net reduction of approximately 34,320 square feet. The concept also included 637 multi-family residential units within two buildings: one five-story building and one seven-story building, with a maximum height of 85 feet. Both buildings were designed to have retail and residential uses “wrapped” around two parking garages. The concept included the reconfiguration of access to the site and the creation of an internal street grid pattern within the site. An active main street with angled parking, wide sidewalks, spaces for outdoor dining, informal seating, and landscaping was included as part of the project.

In the summer of 2019, City staff issued a Request for Proposals (RFP) to assess the economic cost/benefit analysis of the mall redevelopment conceptual design. On August 22, 2019, the City Council approved a Professional Services Agreement with Kosmont Companies in the amount of \$63,000 to review the mall development proposal and conduct a feasibility and fiscal analysis of the project. Funding for the agreement was provided by a developer deposit, which was provided as a part of the development application. Kosmont Companies developed a fiscal impact analysis which identified tools to increase and diversify potential revenues, including building a new hotel on the site, establishing a Community Facilities District, or enactment of an entertainment tax.

In November of 2019, the Planning Commission and City Council provided feedback on the conceptual design. Feedback was generally very supportive with requests for some design modifications and the addition of a hotel to mitigate the costs for City services associated with the 637 residential units. MGP continued to work on the project following the conceptual review application, authorizing the City to begin work on portions of the third-party environmental analysis of the site.

In the summer of 2020, MGP notified City staff to stop work on the environmental analysis as a result of the COVID-19 Pandemic. MGP has more recently communicated with staff that MGP is focusing on other priorities at this time.

**Discussion:** During the Fiscal Year 2023-2024 budget hearing, the City Council allocated \$25,000 of general funds to identify strategies to support mall redevelopment and directed staff to create a committee to focus on mall redevelopment.

The proposed Capitola Mall Redevelopment Land Use Study will analyze the existing Capitola Municipal Code relative to mall redevelopment, provide a menu of alternative land use tools the City could implement to support mall redevelopment, outline pros and cons of each option, and conclude with a draft recommendation on the best alternative(s) for implementation.

Staff plans to form a technical committee to help review the alternatives presented by Kosmont. The technical committee will be comprised of local experts with experience in land use, real estate, mixed-

use development, or retail/housing development; and will provide feedback on the draft study and recommendation. The technical committee meetings will be open to the public.

The following is the scope of services to be completed by the consultant:

**Step 1. Analyze Existing Code:** City staff will provide a summary of the existing municipal code relative to Capitola Mall redevelopment and an estimated projection of buildout. The Consultant will review the staff summary and identify standards in each chapter that support or inhibit the redevelopment of the Capitola Mall. The following sections of code will be included in the summary:

1. Chapter 17.24 Commercial and Industrial Zoning Districts (Regional Commercial Zone)
2. Chapter 17.48 Height, Setbacks, and Floor Area
3. Chapter 17.76 Parking and Loading
4. Chapter 17.88 Incentives for Community Benefits

**Step 2. Summary of Alternative Land Use Tools:** Provide a menu of alternative land use tools the City could implement to help incentivize mall redevelopment. Each alternative should include an overview of the land use tool, strengths/weaknesses of the alternative, effect on the existing baseline build-out, effect on local discretion, economic impact to the City, examples from other communities, and the approximate cost and time to implement. The summary should conclude with a draft recommendation on the best alternative(s) for implementation.

**Step 3. Presentation to Committee:** The analysis of the study and draft recommendation will be presented to a technical committee. The technical committee will provide feedback on the draft study and recommendation.

**Step 4. Recommendation to City Council:** The final draft of the analysis and recommendations will be presented to the City Council. The study may require minor modifications/edits based on the City Council's feedback. The study will be utilized by Capitola staff to inform future decisions related to mall redevelopment strategies.

The City's Administrative Policy III-4: Purchasing and Procurement Policy allows sole source consultant services in cases where a consulting firm is a highly recognized authority in a field or specialty or has unique specific knowledge regarding the project. Staff recommends executing a Professional Services Agreement with Kosmont Companies as a sole source procurement. Kosmont Companies has extensive prior knowledge regarding the land use and economics of the Capitola Mall. An overview including history, scope, and deliverables is included as Attachment 1.

**Fiscal Impact:** The adopted FY 2023-24 General Fund Budget has allocated \$25,000 for a Capitola Mall Redevelopment Land Use Study to identify public/private partnership opportunities to support mall redevelopment.

**Attachments:**

1. Capitola Mall Redevelopment Land Use Study overview, scope, and deliverables
2. Draft Agreement
3. Sole Source Memo

**Report Prepared By:** Katie Herlihy, Community Development Director

**Reviewed By:** Julia Moss, City Clerk; Sam Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager



# Capitola Mall Redevelopment Land Use Study

## Overview

### I. BACKGROUND

The City of Capitola is a small, 1.6 square-mile seaside community located along Monterey Bay in Santa Cruz County. Soquel Creek generally bisects the community in a northwest-southeasterly direction, with residences and community and regional-serving commercial uses to the west of the creek, and a mixture of residences and small shops and businesses along the east side of the creek.

Capitola was originally founded in 1869 as California's first seaside resort. Incorporated as a city in 1949, the village area remains California's oldest coastal resort and includes one of the region's most active beaches. Most of the growth in Capitola occurred in the 1970s as the community annexed surrounding land and residential growth accelerated. Capitola's fortunes improved dramatically as the 1975 General Plan was drafted. In a controversial move, the city annexed 38 acres of the 41<sup>st</sup> Avenue Brown Bulb Ranch property. Sutter Hill Development Company then built a shopping center to be known as the Capitola Mall. The annexation was approved in March 1975, and the mall opened in 1977. Proposition 13 passed in 1976. Capitola benefited as revenue for cities shifted from property taxes to sales taxes.

A \$35 million mall expansion doubled the retail shopping area in 1988. 41<sup>st</sup> Avenue was widened in the shopping district to a six-lane boulevard, attracting new businesses and a number of smaller shopping centers. The opening of the Capitola Auto Center further increased tax revenue base, allowing the city to move with confidence toward the new millennium in 2001. Today 41<sup>st</sup> Avenue is the most traveled street in Santa Cruz County.

In 2013, the city adopted a new General Plan, a focus of which is the redevelopment of the Forty-First Avenue corridor and the Capitola Mall. During the General Plan update, workshops were conducted to focus on 41<sup>st</sup> Avenue and the Capitola Mall area. The outcome of the workshops was a draft Re-Visioning Plan for the area including goals, policies, and actions to actualize the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with improved regional transportation and high-quality architecture and outdoor amenities attractive to shoppers and families. The General Plan also calls for enhancing the Capitola Mall and 41<sup>st</sup> Avenue corridor as regional and local retail, entertainment, and dining destination.

In 2019, the majority owner of the Capitola Mall, Merlone Geier Partners (MGP), submitted a conceptual design for the redevelopment of the 31.44 acres of property MGP owns within the 46.16-acre Capitola Mall Site. The concept included approximately 339,131 square feet of commercial space, including retail, restaurants, fitness, and entertainment uses, for a net reduction of approximately 34,320 square feet. Also, 637 multi-family residential units were included within two buildings; one five-story building and one seven-story building with a height of 85 feet. Both buildings were designed to have retail and residential uses "wrapped" around

two parking garages. The concept included the reconfiguration of access to the site and the creation of an internal street grid pattern within the site. An active main street with angled parking, wide sidewalks, spaces for outdoor dining, informal seating, and landscaping was included as part of the project.

In November of 2019, the Planning Commission and City Council provided feedback on the conceptual design. Feedback was generally very supportive with requests for some design modifications and the addition of a hotel to mitigate the costs for City services associated with the 637 residential units. MGP continued to work on the project following the conceptual review application, authorizing the City to begin work on portions of the third-party environmental analysis of the site. In the summer of 2020, MGP notified City staff to stop work on the environmental analysis due to the pandemic. MGP has more recently communicated that the Capitola Mall is not a priority site due to development opportunities at other locations.

The Capitola Mall Redevelopment Land Use Study will identify land use and planning tools to support mall redevelopment as expressed within the Capitola General Plan. Future development of the Capitola Mall will be subject to the Capitola Municipal Code, including applicable zoning, development standards, parking standards, and an overlay zone that provides incentives in exchange for community benefits. The study will look at the existing municipal code and provide options for improvements to the existing code and suggestions on new land use tools that could assist in the redevelopment of the Capitola Mall.

## II. SCHEDULE

The Capitola Mall Redevelopment Land Use Study will be completed by the end of year 2023. The consultant's proposed schedule will be an important consideration when evaluating proposals. The City's tentative schedule is as follows:

- |  |                    |
|--|--------------------|
| • City Council Approval:                 | September 14, 2023 |
| • Signed Contract and Notice to Proceed: | September 18, 2023 |
| • Completed Study                        | November 30, 2023  |
| • Presentation to Committee              | December 2023      |
| • Presentation to City Council           | January 2024       |

## III. SCOPE OF SERVICES

The following list of tasks is to be completed by the consultant:

**Step One. Analyze Existing Code.** City staff will provide a summary of the existing municipal code relative to Capitola Mall redevelopment and an estimated projection of buildout. The following sections of code will be included in the summary:

1. Chapter 17.24 Commercial and Industrial Zoning Districts (Regional Commercial Zone)
2. Chapter 17.48 Height, Setbacks, and Floor Area

3. Chapter 17.76 Parking and Loading
4. Chapter 17.88 Incentives for Community Benefits

The Consultant will review the staff summary and identify standards in each chapter that support or inhibit the redevelopment of the Capitola Mall.

**Step Two. Summary of Alternative Land Use Tools.** Provide a menu of alternative land use tools the City could implement to help incentivize mall redevelopment. Each alternative should include an overview of the land use tool, strengths/weaknesses of the alternative, effect on the existing baseline build-out, effect on local discretion, economic impact to the City, examples from other communities, and the approximate cost and time to implement. The summary should conclude with a draft recommendation on the best alternative(s) for implementation.

**Step Three. Presentation to Committee.** The analysis of the study and draft recommendation will be presented to a Mall Redevelopment Technical Committee. The committee will be formed by staff and be comprised of technical experts. The technical committee will provide feedback on the draft study and recommendation.

**Step Four. Recommendation to City Council.** The final draft of the analysis and recommendations will be presented to City Council. The study may require minor modifications/edits based on the City Council feedback. The study will be utilized by Capitola staff to inform future decisions related to mall redevelopment strategies.

#### **IV. DELIVERABLES:**

The deliverable will be a Capitola Mall Redevelopment Land Use Study and at a minimum include the following:

1. Summary of strengths/weaknesses of existing code relative to mall redevelopment
2. Provide a menu of land use alternatives the City could implement to support mall redevelopment. Each alternative should include an overview of the land use tool, strengths/weaknesses of the alternative, effect on local discretion, examples from other communities, effect on the baseline build-out estimate, economic impact to the City, and the approximate cost and time to implement.
3. Draft report with recommendation(s) on the best alternative for implementation.
4. Remote presentation to technical committee.
5. Final report
6. Remote presentation to City Council.

**CITY OF CAPITOLA  
PROFESSIONAL SERVICES AGREEMENT  
Kosmont Companies**

THIS AGREEMENT is entered into on September 15, 2023, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Kosmont Companies, hereinafter called "Consultant".

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

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

**SECTION 1  
Scope of Services**

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

**SECTION 2  
Duties of Consultant**

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

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

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

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

**SECTION 3  
Duties of the City**

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

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

**SECTION 4**

## **Fees and Payment**

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

## **SECTION 5 Changes in Work**

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

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

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

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

Work shall begin on or about **September 18, 2023**.

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

## **SECTION 7 Termination**

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

## **SECTION 8 Insurance**



Consultant shall procure and maintain for the duration of the contract and for **1** years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

***Minimum Scope of Insurance***

Coverage shall be at least as broad as:

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

***Minimum Limits of Insurance***

Consultant shall maintain limits no less than:

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

***Other Insurance Provisions***

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

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

### ***Acceptability of Insurers***

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

### ***Waiver of Subrogation***

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

### ***Verification of Coverage***

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

## **SECTION 9 Indemnification**

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

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the

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

#### SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

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

#### SECTION 11 **Legal Action/Attorneys' Fees**

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

#### SECTION 12 **Assignment**

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

#### SECTION 13 **Amendments**

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

#### SECTION 14 **Miscellaneous Provisions**

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.

2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.

3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.

4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.

6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.

7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.

8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.

9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

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

CONSULTANT

By: \_\_\_\_\_  
Benjamin Goldstein, City Manager

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Samantha Zutler, City Attorney

## APPENDIX ONE Scope of Services

### I. SCHEDULE

The Capitola Mall Redevelopment Land Use Study will be completed by the end of year 2023. The consultant’s proposed schedule will be an important consideration when evaluating proposals. The City’s tentative schedule is as follows:

- City Council Approval: September 14, 2023
- Signed Contract and Notice to Proceed: September 18, 2023
- Completed Study November 30, 2023
- Presentation to Committee December 2023
- Presentation to City Council January 2024

### II. SCOPE OF SERVICES

The following list of tasks is to be completed by the consultant:

**Step One. Analyze Existing Code.** City staff will provide a summary of the existing municipal code relative to Capitola Mall redevelopment and an estimated projection of buildout. The following sections of code will be included in the summary:

1. Chapter 17.24 Commercial and Industrial Zoning Districts (Regional Commercial Zone)
2. Chapter 17.48 Height, Setbacks, and Floor Area
3. Chapter 17.76 Parking and Loading
4. Chapter 17.88 Incentives for Community Benefits

The Consultant will review the staff summary and identify standards in each chapter that support or inhibit the redevelopment of the Capitola Mall.

**Step Two. Summary of Alternative Land Use Tools.** Provide a menu of alternative land use tools the City could implement to help incentivize mall redevelopment. Each alternative should include an overview of the land use tool, strengths/weaknesses of the alternative, effect on the existing baseline build-out, effect on local discretion, economic impact to the City, examples from other communities, and the approximate cost and time to implement. The summary should conclude with a draft recommendation on the best alternative(s) for implementation.

**Step Three. Presentation to Committee.** The analysis of the study and draft recommendation will be presented to a Mall Redevelopment Technical Committee. The committee will be formed by staff and be comprised of technical experts. The technical committee will provide feedback on the draft study and recommendation.

**Step Four. Recommendation to City Council.** The final draft of the analysis and recommendations will be presented to City Council. The study may require minor modifications/edits based on the City Council's feedback. The study will be utilized by Capitola staff to inform future decisions related to mall redevelopment strategies.

### **III. DELIVERABLES:**

The deliverable will be a Capitola Mall Redevelopment Land Use Study and at a minimum include the following:

1. Summary of strengths/weaknesses of existing code relative to mall redevelopment
2. Provide a menu of land use alternatives the City could implement to support mall redevelopment. Each alternative should include an overview of the land use tool, strengths/weaknesses of the alternative, effect on local discretion, examples from other communities, effect on the baseline build-out estimate, economic impact to the City, and the approximate cost and time to implement.
3. Draft report with recommendation(s) on the best alternative for implementation.
4. Remote presentation to technical committee.
5. Final report
6. Remote presentation to City Council.

## APPENDIX TWO Fees and Payments

Consultant will provide invoices to the City for all services and expenses on a monthly basis. City will endeavor to pay all invoices within 30 days of receipt. The total amount billed by Consultant and paid by City pursuant to this agreement shall not exceed \$25,000 without written advance authorization from the City.

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

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

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

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$25,000, without specific, written advance authorization from the City.

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

"I hereby certify as principal of the firm of Kosmont Companies, that the charge of \$ 25,000 as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated August 24, 2023, and has not been previously paid."



**ATTACHMENT # \_\_\_\_\_**  
**Sole Source Purchases Determination**  
**Contract Services - \$25,000 – September 15, 2023**

---

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

**DISCUSSION:** The contract with **Kosmont Companies**, in the amount of **\$25,000**, dated **September 15, 2023**, is a qualified sole source purchase within the City Administrative Policy III-4 Section II.

**Materials, Supplies & Equipment:**

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

**Consultant or General Services:**

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

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

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

\_\_\_\_\_  
Dept Head

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date



# MALL REDEVELOPMENT LAND USE STUDY

City Council  
September 14, 2023



## BACKGROUND

### Capitola Mall

46 Acre site

2019 MGP application

- 339,131 sf commercial
- 637 residential units
- New lifestyle community with a main street, open-air shopping, dining, and entertainment





# BACKGROUND

## **Kosmont Companies**

2019 Feasibility and Fiscal Analysis Study

2020 Development application withdrawn by MGP





# CONTRACT

## **FY 2023-2024 Budget**

\$25,000 to identify strategies to support mall redevelopment

Staff plans to form a technical committee comprised of individuals with experience in larger development projects to help review Study and provide feedback to Council



# CONTRACT

## Scope

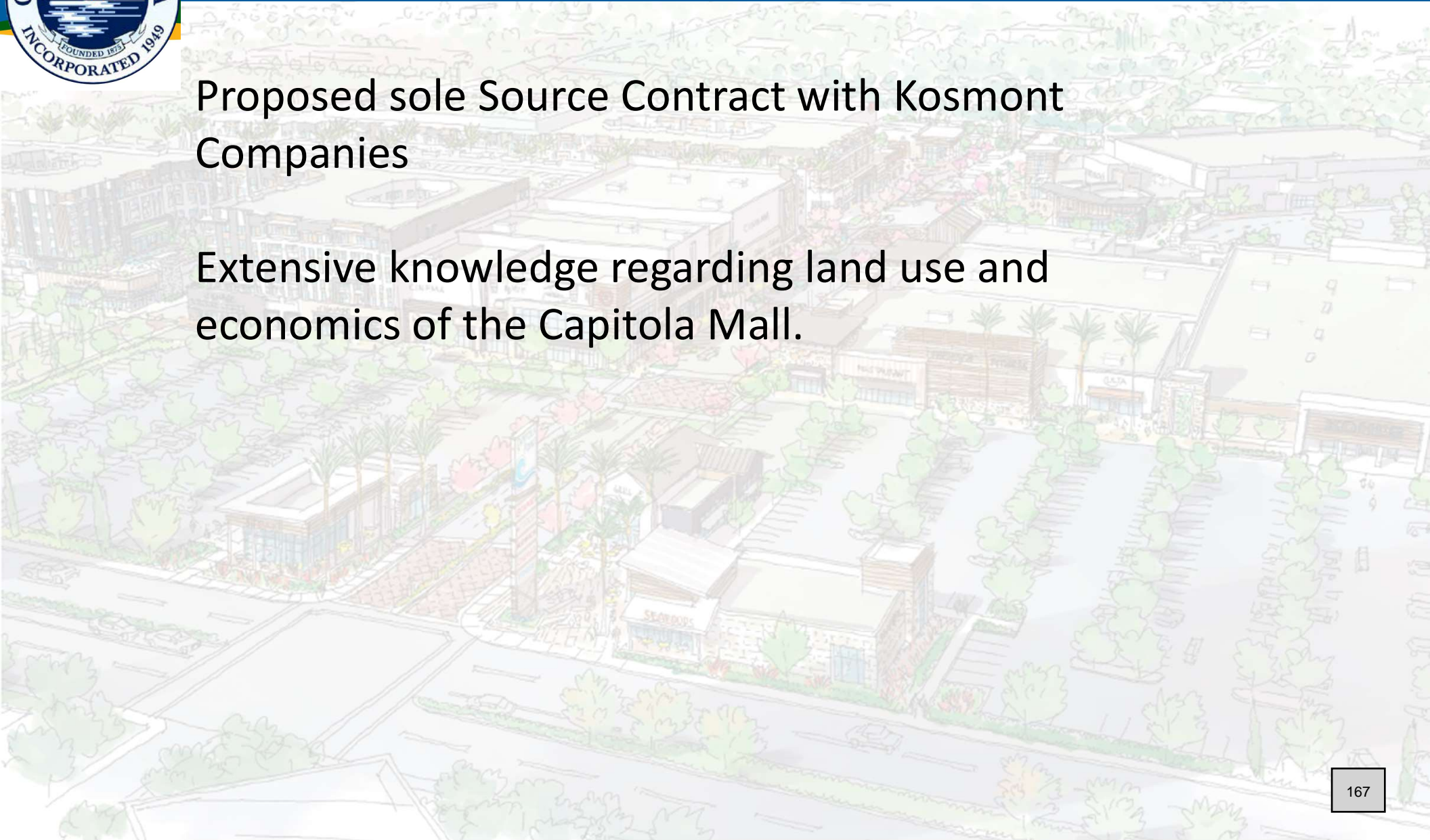
1. Analyze existing code
2. Provide menu of alternative land use tools
3. Pros/Cons
4. Present to Technical Committee
5. Recommend best alternative(s)



# Selection

Proposed sole Source Contract with Kosmont Companies

Extensive knowledge regarding land use and economics of the Capitola Mall.





## Recommendation

Authorize the City Manager to execute an agreement with Kosmont Companies for the Capitola Mall Redevelopment Land Use Study in the amount of \$25,000.



# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** Community Development Department

**Subject:** City Hall Needs Assessment and Alternatives Analysis



**Recommended Action:** Authorize the City Manager to execute a Professional Services Agreement with Group 4 Architecture for Phase 1 of the City Hall Sites Needs Assessment and Alternatives Analysis Report in the amount of \$49,950.

**Background:** Capitola's City Hall and Police Station are located at the gateway to the Capitola Village at 420 and 421 Capitola Avenue, respectively. The greater City Hall site includes the Capitola History Museum, City Hall, Police Station, Police Annex, and the adjacent Lower and Upper Pacific Cove public parking lots. The entire site is approximately seven acres.

City Hall and the Police station are older structures that are nearing a stage where they will require significant investment to maintain their functionality. Both buildings are smaller than typical given current staffing levels and needs. All structures on the seven-acre site are located in the floodplain. In 2011, the Police Station and portions of the lower level of City Hall flooded. During the FY 2022-23 Budget and Goal Setting Workshop held on March 1<sup>st</sup>, the City Council designated \$50,000 to study long-term City Hall options.

In 2010, a study was completed using funding from the State of California Community Development Block Grant (CDBG) Program to assess reuse options for the Capitola City Hall site and adjacent Pacific Cove Parking lots. The study addressed potential alternatives for physical site redevelopment, market analysis at the time for possible alternative uses, and alternative sites for the location of City Hall functions, future ownership alternatives for the site. At the time, there was some concern the study had been developed without a high level of public input. The current RFP is structured to help the City better understand current circumstances on the site and provide multiple opportunities for public input prior to drafting alternatives.

On May 11, 2023, the City Council authorized staff to issue a Request for Proposals (RFP) for a City Hall Needs Assessment and Alternatives Analysis Report. The RFP was published on May 15, 2023, for two months. Four architectural firms submitted proposals. Group 4 Architecture was selected by staff due to their prior experience, competitive pricing, and understanding of scope. Group 4 Architecture has experience with feasibility studies for many jurisdictions throughout the Bay Area.

**Discussion:** The project is comprised of two phases with separate deliverables. The first phase is the City Hall Site Needs Assessment. Following the completion of phase one, the second phase, Alternatives Analysis, will be initiated at the direction of the City Council.

Phase one includes the completion of an existing conditions report for the site and projections for future staffing and facility needs. This report will include an overview of the existing site and structures, a visual assessment, a breakdown of the current uses, a functionality analysis, a qualitative analysis of the current site's advantages/disadvantages, and an evaluation of the environmental constraints and hazards. Deliverables from this phase will include:

1. Site Description (including City Hall, Capitola Museum, Police Station, Accessory Structures, and Lower and Upper Pacific Cove Parking Lots);
2. Existing Conditions Report;
3. 20-Year Projections; and
4. Summary of Findings.

Staff intends to present the results of phase one to the City Council, at which time, the City Council will be asked whether to proceed with phase two. Phase two involves identifying goals for the future of City Hall by working with the City Council, members of the public, and staff. This will include a presentation from the consultant at both a community meeting and a City Council meeting. This phase of work will also identify possible future City Hall options for the City to consider and an evaluation of how those options meet the identified goals. Deliverables after this phase will include:

1. Consultant attendance at a community input meeting;
2. Consultant attendance at two City Council meetings; and
3. Alternatives Analysis Report.

The tentative project schedule for the first phase is as follows:

- August 2023: City Council approval of Consultant Contract
- December 2023: Complete phase one City Hall Site Needs Assessment
- January 2024: Presentation to City Council

The second phase will be completed within nine months of the City Council's direction to initiate phase two.

Fiscal Impact: The adopted FY 2022-23 Budget includes \$50,000 for the City Hall Needs Assessment and Alternatives Analysis. Group 4 Architects proposal included \$49,950 for Phase One and \$66,138 for Phase Two. If the City Council decides to move forward with Phase Two, a budget amendment will be necessary.

Attachments:

1. Professional Services Agreement

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager



# CITY HALL NEEDS ASSESSMENT AND ALTERNATIVES ANALYSIS REPORT

17 AUGUST 2023 | REVISED PROPOSAL

## PROJECT UNDERSTANDING

The City of Capitola is seeking a qualified architectural firm to provide a site needs assessment and alternatives analysis for Capitola's City Hall and Police Station. Each building is located on a seven-acre site that is also home to the Capitola History Museum, Police Annex, and adjacent Lower and Upper Pack Cove parking lots. The site is strategically located near the Capitola Village, a key economic driver in Capitola and a major attraction to locals and tourists. The City previously completed a Facilities Master Plan (2004) and Site Reuse Study (2010) to evaluate potential options to remodel or re-locate the facility to address issues of overcrowding, lack of space for information systems and infrastructure, functional deficiencies in staff and public spaces, and other deferred maintenance.

Phase 1 of the scope of work is a Facilities Needs Assessment, including an overview of the existing site and structures, breakdown of current uses, a functionality analysis, qualitative analysis of the site's advantages/disadvantages, and any relevant environmental constraints and hazards. These assessments will inform a 20-year projection for future staffing and facility needs, and incorporate data from expanding city programs, housing and demographic growth, and the City's 5-year Capital Improvement Program.

Contingent on the findings in the Facilities Needs Assessment, the selected consultant may work with the City Council, the community, and City Staff in a second phase to set goals for the future of the site and perform an alternatives analysis. If necessary, this phase will include a community meeting to provide the findings from Phase 1 and gather information on the community's vision for the site. The consultant will then summarize the findings of the community outreach and the broad goals of the project in a meeting with City Council. Three alternatives will be provided and each will include a conceptual site plan, quantitative data on breakdown of area per proposed use, and cost estimates will be compared with the consultant providing a recommendation on the preferred alternative.

## PROJECT APPROACH

Group 4 is proposing a collaborative and interactive approach for this project that we have used successfully on other similar projects. Our proposed approach for this project includes engagement of the following groups:

The Project Management Team (PMT) will include the City's project manager, key City staff representatives, and Group 4's core project team. Additional City representatives may also be invited to participate in specific meetings depending on the agenda topics. Group 4 will meet with the PMT at least monthly throughout the project to review progress and ensure efficient decision-making. Meetings may be held on site in Capitola or via web conference.

**Department leadership** will have multiple opportunities to engage in the project through meetings and surveys. Early in the project, we will solicit information via survey about current and projected department staffing, programs and services (including growth drivers), anticipated service changes and work trends that may affect the amount or type of space that each department may need, and goals for inter-department collaboration. We will conduct follow-up interviews with key department representatives to confirm our understanding of their respective space and adjacency needs.

We have developed our proposed approach based on our understanding of the project and our experience on similar projects. The project approach below includes the services of architects and consultants experienced in public agency offices and municipal facilities.

### PHASE 1: FACILITIES NEEDS ASSESSMENT

#### TASK 1: EXISTING CONDITIONS

##### **Project Coordination**

We will facilitate a kickoff meeting with the PMT where we will confirm project goals and objectives; review the project work plan, schedule, and budget; and confirm project management and communications tools and protocols.

We will review City-provided documents, including existing site and floor plans for each of the facilities; relevant previous studies (e.g., organizational, staffing, facility studies); and relevant community development information, including project housing and current and projected populations.

We will conduct a visual assessment of the building and confirm the site's flood plain requirements.

## **TASK 2: 20 YEAR PROJECTION**

We will summarize industry standards, trends, and best practices in civic and community programs and services including, discussing opportunities for operational and facility efficiencies and other benefits, and compiling recommendations aligned with City goals. We will compare and analyze communities of similar size and density, using both regional and national accepted standards, to get a better understanding of how Capitola compares.

We will also review the City's projected growth and assess the demand for services for the next 20 years. We will develop a draft department staff space needs survey for City review and confirmation before digital distribution. The City department staff survey will give us greater insight regarding current and anticipated future staffing, services and work trends; inter-department collaboration needs and goals and current and future participation rates of residents in City services.

We will work with City department staff through PMT meetings, interviews and surveys to review and confirm information about current and project use, space needs and staffing levels for each facility and new development within the City such as new or expanded City program and functions, projected housing growth and the 5-year Capital Improvement Program (CIP), that may impact service and staffing needs and any known deficiencies currently affecting these needs.

We will compile and summarize the results of the survey for the PMT's review. We will also conduct follow-up interviews (in person or via web conference) with key department

representatives to confirm our understanding of current and future organizational, service, staffing, and program needs and trends that will shape the development of the facilities options.

We will summarize current space allocations and prepare a draft Space Needs Projection Report of current and projected space and adjacency needs for each City facility for the City's review and comment. We will incorporate City feedback into a final Space Needs Projection Report.

### **Phase 1 Meetings**

- PMT meetings #1-4
- Facility tours
- Department head interviews

### **Phase 1 Deliverables**

- Project work plan and schedule
- Site Description including City Hall, Capitola Museum, Police Station, Accessory Structures, and Lower and Upper Pac Cove Parking Lots
- Existing Conditions Report
- 20-year Space Needs Projection
- Meeting agendas, exhibits, and summary notes

## **PHASE 2: GOAL SETTING AND ALTERNATIVES ANALYSIS**

### **TASK 3: GOAL SETTING**

Based on the finding of Phase 1 and at the direction of the City, we will work with the City Council and members of the community and city staff to identify goals for the City Hall site. We will conduct a community meeting and accompanying online survey to review the needs assessment and the facilities analysis and will review and discuss goals for the site that support the options with community members. We will then summarize these findings to the City Council and present a potential list of goals that will directly inform the site alternatives.

### **TASK 4: ALTERNATIVE ANALYSIS**

We will prepare at a minimum three (3) site alternative options for the City Hall and Police



Station for review and confirmation by the PMT. Each option will be based on the needs assessment, City Council goals and best practices and summarize the proposed facility location and space allocation for each department/division, including summary tables and bubble diagrams as appropriate to communicate key features and distinctions between options, and areas in square feet. We will develop a project budget reflecting the recommended option(s) including a rough order of magnitude cost, proposed phases/timelines and associated next steps, as appropriate.

With the PMT, we will also establish a set of evaluation criteria including but not limited to cost, schedule, phasing, and alignment with city goals, that will be used to compare and evaluate the options. This process allows a subjective evaluation that can be vetted, confirmed, and shared with key stakeholders and city leadership.

We will review the feedback and outcomes work to date with the PMT and present the City's preferred space plan option(s) to the City Council for their review. We will refine the recommended strategy to reflect City staff and City Council input.

### Phase 2 Meetings

- PMT meetings #5-9
- Community input meeting + online survey
- Two (2) City Council meetings

### Phase 2 Deliverables

- Alternatives Analysis Report including
  - *City hall site description*

- *Findings from the Facilities Needs Assessment*
- *Summary of community engagement*
- *City Council goals for the site*
- *Three alternatives for the site(s) including a written description, conceptual site plan and breakdown of area per proposed use*
- *Cost Estimates*
- *Evaluation criteria and analysis of the alternatives*
- *Recommended Alternative*
- City council presentation exhibits
- Meeting agendas, exhibits, and summary notes

### OPTIONAL SERVICES

The following services are not in the City's requested basic scope but can be provided by the Group 4 team at the City's request. Such additional services may include:

- Sustainability strategy / planning
- Organizational consulting services
- Real estate consulting
- Architectural / engineering design and construction administration services



## COST PROPOSAL

Group 4 proposes the following proposed not to exceed fees which are inclusive of all the basic services outlined in the work plan narrative. We welcome the opportunity to review our proposed fees in detail with the City and make adjustments to scope, approach, or fee to optimally align with your needs and budget.

Phase 1: Facilities Needs Assessment (updated 8.17.23) = \$47,950

Reimbursable Allowance (updated 8.17.23)= \$2,000

Total Phase 1 Fee = \$49,950

Phase 2: Goal Setting and Alternatives Analysis = \$66,138



# CITY HALL NEEDS ASSESSMENT AND ALTERNATIVES ANALYSIS CONTRACT

City Council  
September 14, 2023

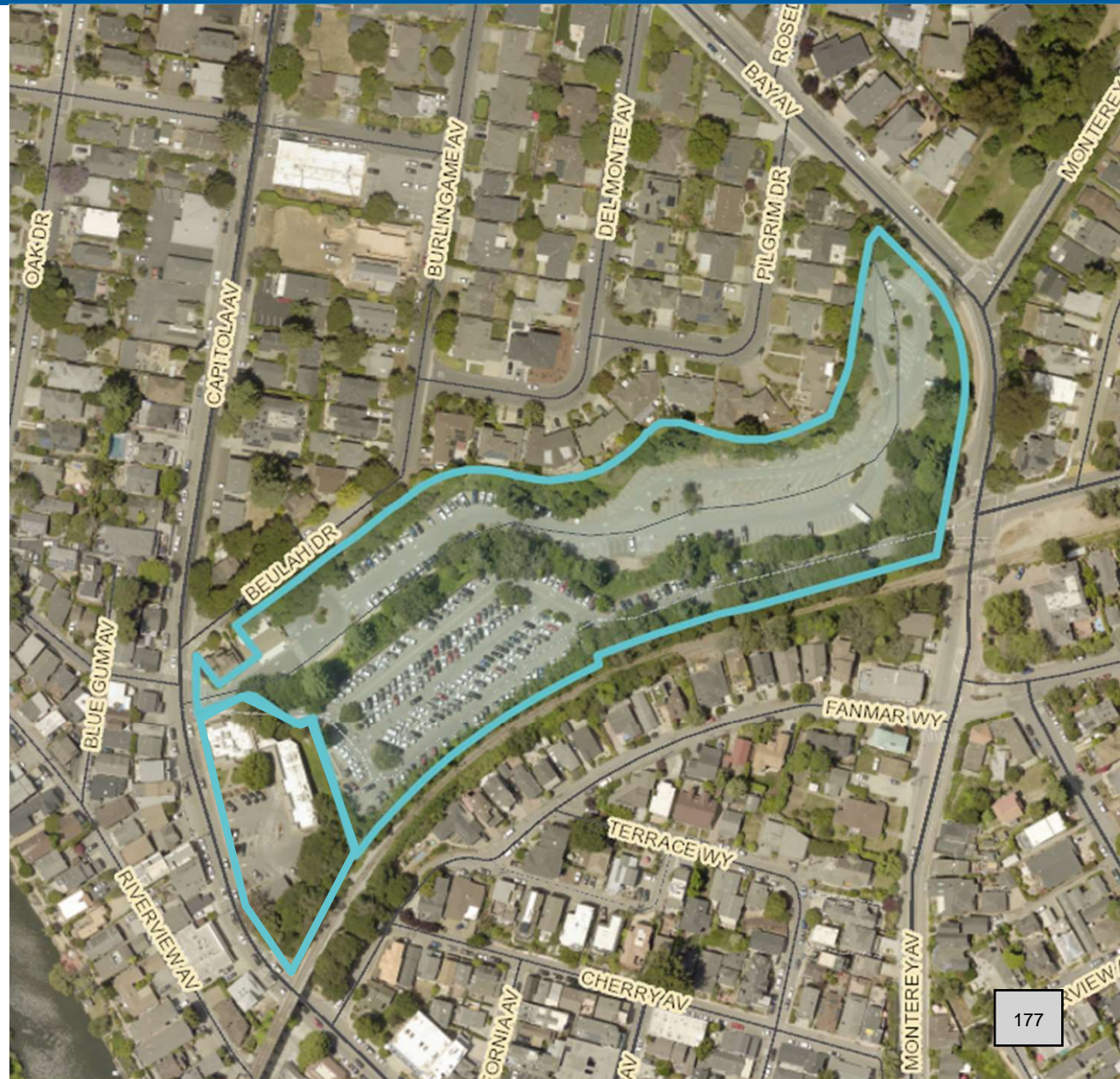




## BACKGROUND

### 420 and 421 Capitola Ave

- 7 Acre site
- Capitola City Hall
- Police Station
- Capitola History Museum
- Police Annex
- Lower & Upper Pacific Cove parking lots





## BACKGROUND

City Hall and Police Station are older buildings nearing a stage in which significant investment will be necessary to maintain functionality.





## BACKGROUND

March 1, 2022, the City Council identified City Hall Needs Assessment as a goal and allocated \$50,000 in Fiscal Year 2022-23 Budget to assess options for City Hall and Police Station.





## Phase 1: Needs Assessment

1. Description of Structures and Site
2. Existing conditions report including:
  - Overview of the existing site and structures,
  - Visual assessment of the existing structures,
  - Quantitative breakdown of current use
  - Functionality of the buildings for the purpose they serve relative to accepted architectural standards for workspaces and community meeting space,
  - Qualitative analysis of current site's advantages/disadvantages, and
  - Environmental constraints and hazards.
3. 20-year Projections
4. Summary of Findings



## Phase 2: Goal Setting and Alternatives Analysis

### 1. Identify goals for future City Hall

- Community input meeting to identify goals for a City Hall

### 2. City Council Meeting

- Consultant presents broad list of potential goals from community input

### 3. Alternatives Analysis

- At least three alternatives for the site(s)
- Conceptual site plans, quantitative descriptions, cost estimates, strengths and weakness





# Request for Proposals

May 15, 2023 – July 21, 2023





## Selection

May 15, 2023 – July 21, 2023

4 Firms Submitted Proposals

Group 4 Architecture selected

- Prior experience
- Competitive pricing
- Understanding of scope



## Fiscal Impact

FY 2022-23 Budget includes \$50,000 for study.

\$49,950 for Phase One

\$66,138 for Phase Two

If the City Council decides to move forward with Phase Two, a budget amendment will be necessary.





## Recommended Action

Authorize the City Manager to execute a Professional Services Agreement with Group 4 Architecture for Phase 1 of the City Hall Sites Needs Assessment and Alternatives Analysis Report in the amount of \$49,950.



## Phase 2: Goal Setting and Alternatives Analysis

### 1. Identify goals for future City Hall

- Community input meeting to identify goals for a City Hall
- Community engagement strategy

### 2. City Council Meeting

- Consultant presents broad list of potential goals for City Hall site from community meeting
- Work with Council to narrow the goals for Alternative Analysis





## Phase 2: Goal Setting and Alternatives Analysis

### 3. Alternatives Analysis

- Findings of needs assessment
- Summary of public input from community meeting
- Council goals for the City Hall site
- Site description(s)
- At least three alternatives for the site(s)
- Recommendation





## Phase 2: Goal Setting and Alternatives Analysis

### 4. Alternatives for the site(s)

- Written description of alternative
- Conceptual site plan
- Quantitative data on breakdown of area per proposed use/function
- Cost estimates
- Qualitative analysis of strength and weakness.



# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** Public Works Department

**Subject:** Pedestrian Pathway from the Upper Beach and Village Parking Lot to Monterey Avenue



**Recommended Action:** Direct staff to proceed with developing the final design of pedestrian pathway from the Upper Beach and Village Parking Lot to Monterey Avenue consistent with pathway configuration Alternative 3, described below.

**Background:** On March 25, 2021, the City Council approved an agreement with the Santa Cruz County Regional Transportation Commission (SCCRTC) for the study and construction of a pathway to connect the Upper Beach and Village Parking Lot (Parking Lot) and Monterey Avenue. The proposed pathway is proposed to align with the existing driveway to the parking lot, following the slopes and alignment of the area. This alignment ensures separation between vehicles and pedestrians, providing a safe pathway for pedestrians. Additionally, the pathway will provide access to Segment 11 of the Coastal Rail Trail at the Monterey/Park Avenue intersection.

On February 10, 2022, staff presented a schematic plan of the pathway configuration to the City Council. The City Council directed staff to return with a preliminary path design, using the proposed route, showing the least amount of impact on the area trees.

**Discussion:** To meet the goals of removing conflicts between pedestrians and vehicles entering and exiting the Parking Lot and reducing tree impacts, staff evaluated several configurations for the pathway. Additional improvements include curb and striping modifications.

Pathway configuration considered three main factors: tree impacts, width of drive lanes and sidewalk, and construction costs associated with retaining structures. The pathway layout alternatives with the fewest potential tree impacts are included in Attachment 1 and summarized below.

Table 1. Pathway Configuration Summary

Alternative	1	2	3
<b>Sidewalk Width</b>	5.5'	5.5'	5.0'
<b>Drive Aisle Width</b>	11'/10'	11'/10'	10'/10'
<b>Potential trees impacted</b>	9-10	8-10	6-9
<b>Retaining Wall Impacts</b>	Moderate (3')	High (4'+)	Low (2')

Staff also evaluated the species of trees impacted. Most are mature oaks ranging from 15 to 40 feet in diameter, as detailed below. The alternative layouts are based on a 2015 survey, since this time a 9" oak has fallen and a 4" non-oak tree has died and are not included in the table below. There are approximately 50 City trees in the project area.

Table 2. Tree Impacts by Pathway Configuration

Alternative	1	2	3
Diameter (inches)	Impact		
Oak Tree			
15			
18			
18			
20			
24			
24			
40			
Other Tree Species			
3			
8			
12			
High likelihood of impact/removal	8	7	4
Moderate likelihood of impact	1	2	3
Total Trees Impacted	9	9	7

	High Impact/Removal
	Moderate Impact
	No Impact

Based on the factors considered above, staff recommends moving forward with the pathway configuration of Alternative 3. Alternative 3 impacts the fewest number of mature oak trees and fewer trees overall, in addition to having the lowest retaining wall height. The configuration of Alternative 3 does have the narrowest drive lanes and sidewalk, but still meets City and ADA standards for these facilities. Alternative 3 also requires some curb and gutter modifications and additional curb ramp modifications, however, the costs of these modifications are anticipated to be significantly less than the retaining structures required by Alternatives 1 and 2.

On September 7, 2023, trees that may be affected by the construction of Alternative 3 were marked for City Council and public viewing. These markings are still in place. Trees that are likely to be removed as part of the project have been marked in red, while trees that have the potential to be impacted by the project are marked in yellow. When staking the project, an arborist will evaluate potential field modifications, such as raising the height of the sidewalk, to preserve the maximum number of trees and preserve the health of the remaining trees. Staff proposes replacing the trees ultimately removed by this project at a 2:1 ratio in the lower parking lot and along Park Ave adjacent to the rail line.

Upon City Council direction, staff will move forward with the final construction documents and cost estimation for this project and return to the City Council for authorization to bid and approval of a Coastal Development Permit (inclusive of tree removals). Construction is anticipated for late Winter to Spring of 2024.

Fiscal Impact: The project has previously received \$250,000 in RTC grant funding and \$50,000 in General Fund. The City has expended \$30,000 on surveying, previous route layouts and coordination with the RTC. Remaining funding is anticipated to be sufficient to complete design and construct this project.

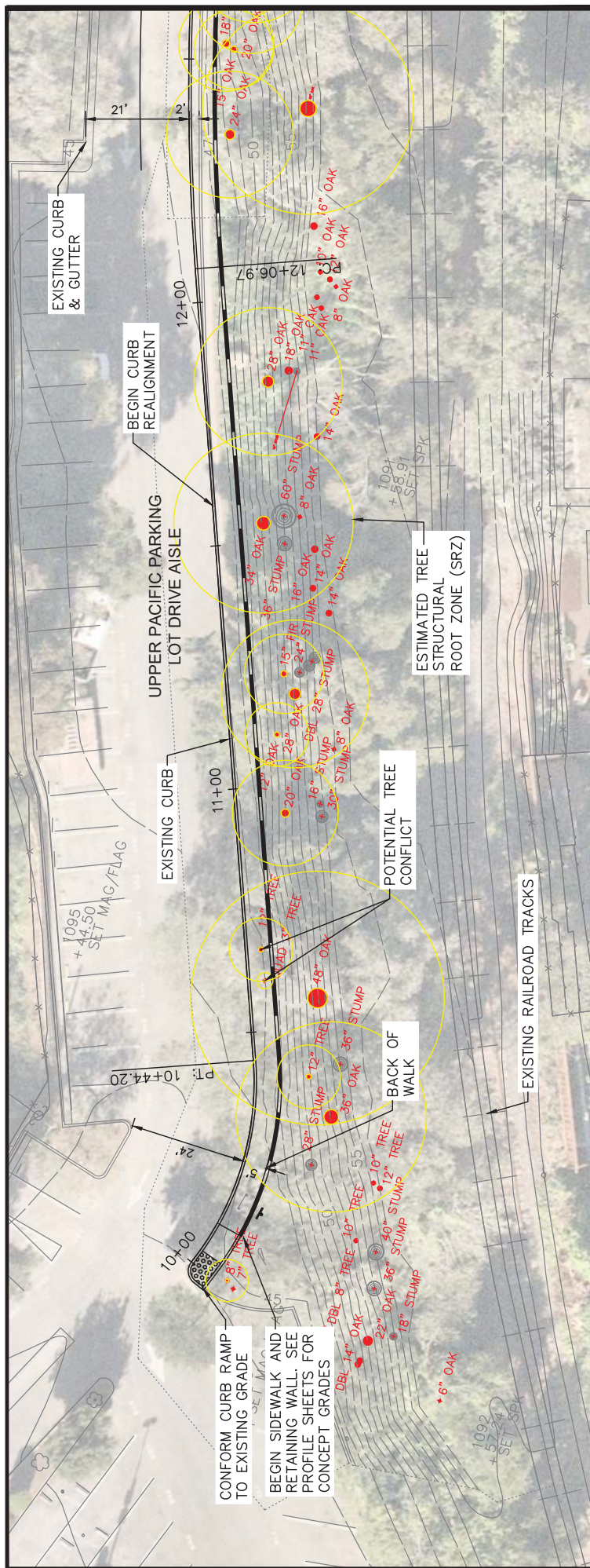
Attachments:

1. Pathway Alternative Layouts

Report Prepared By: Jessica Kahn, Public Works Director

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

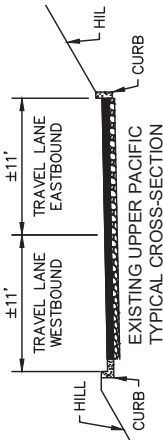
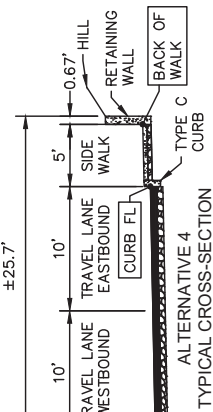
Approved By: Jamie Goldstein, City Manager



MATCHLINE

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CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION.



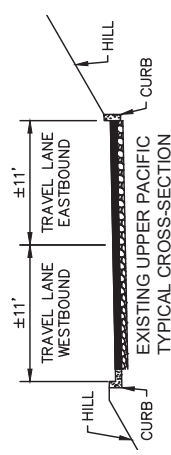
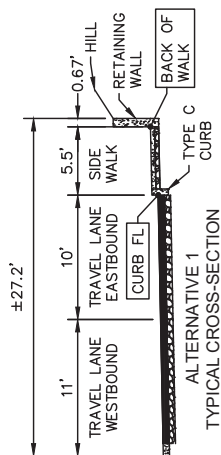
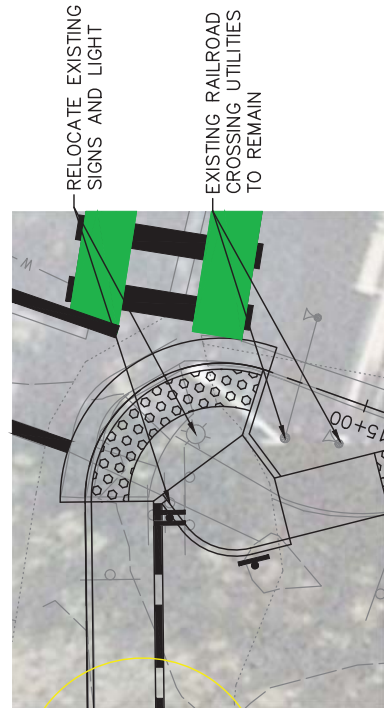
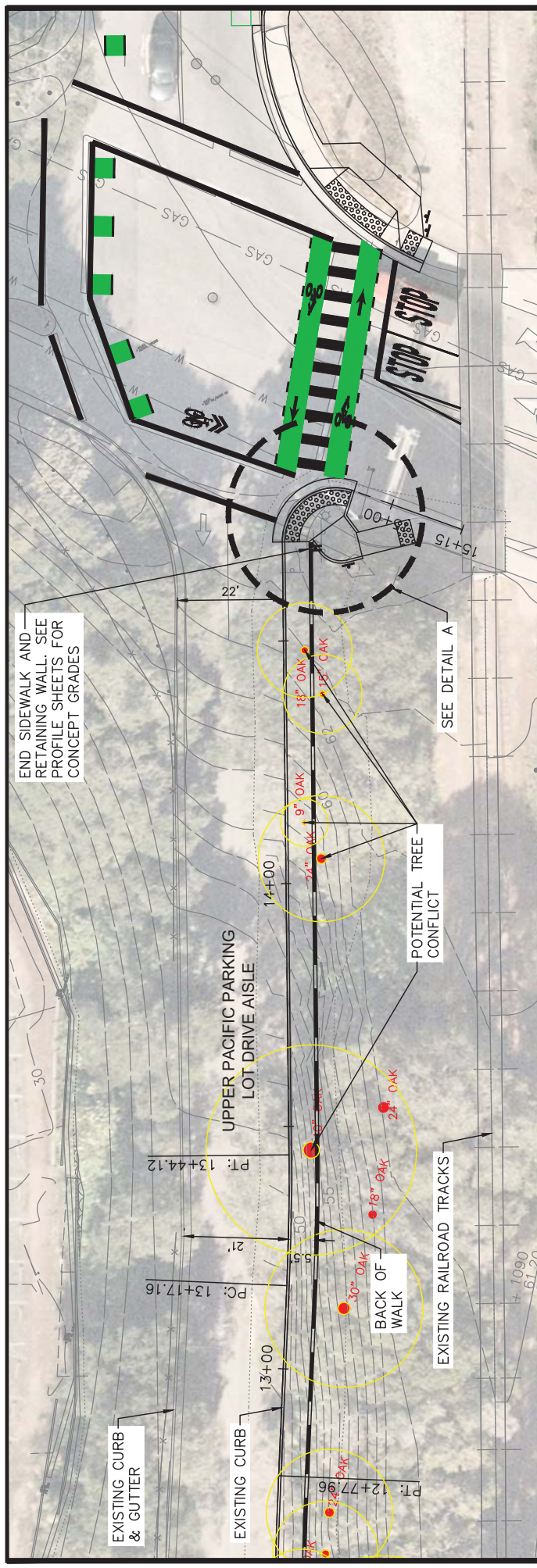
DW-097763140 JULY 2022

**ALTERNATIVE SIDEWALK LAYOUT - SHEET 1**

CITY OF CAPITOLA - UPPER PACIFIC SII

Item 9 C.





**Kimley»Horn**

DWW-097763140 JUNE 2022

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION.

**ALTERNATIVE 1  
SIDEWALK LAYOUT - SHEET 2**

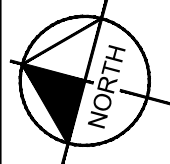
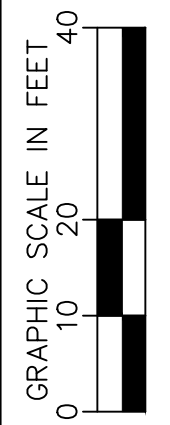
CITY OF CAPITOLA - UPPER PACIFIC SUI

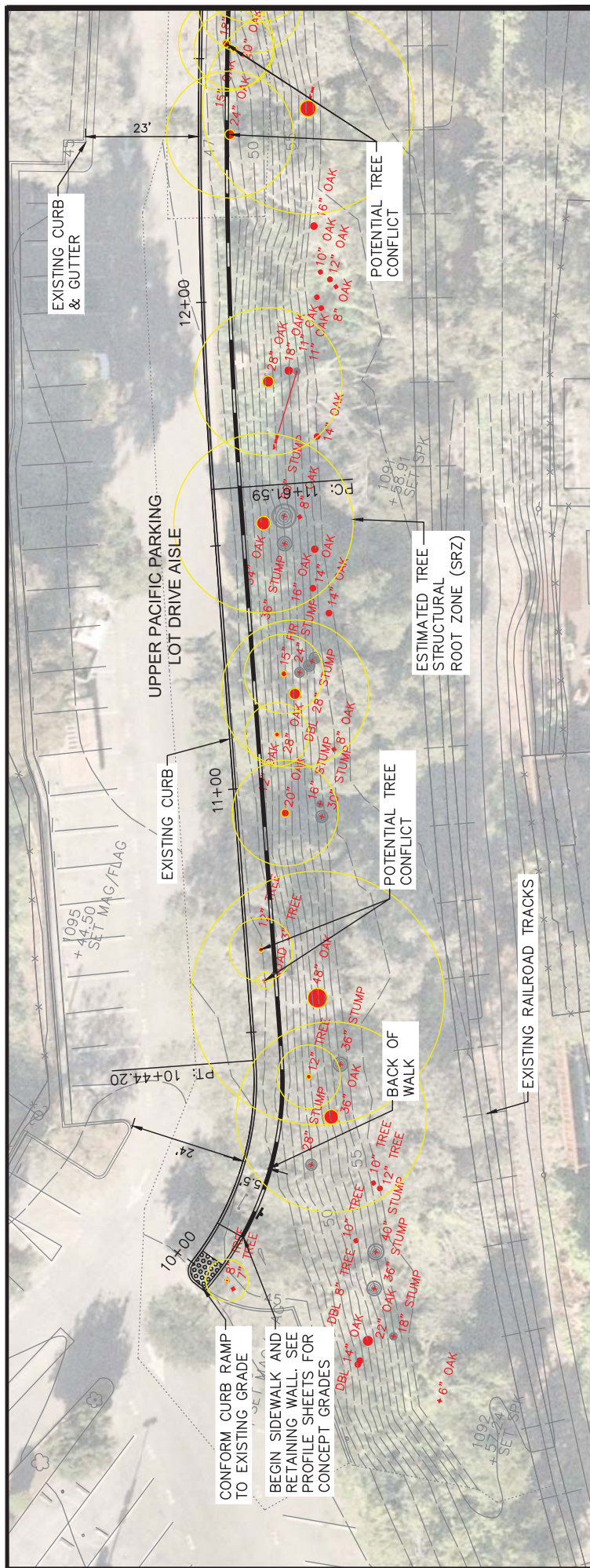
Item 9 C.



ALTERNATIVE 1  
SIDEWALK LAYOUT - SHEET 2

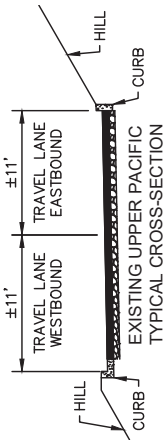
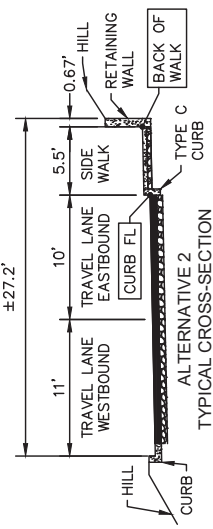
CONCEPT LAYOUT FOR  
PLANNING PURPOSES.  
NOT FOR CONSTRUCTION





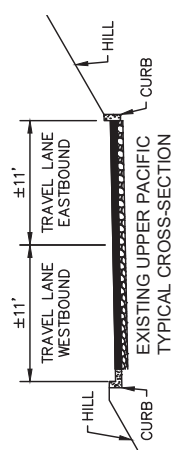
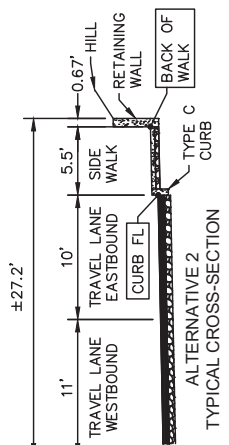
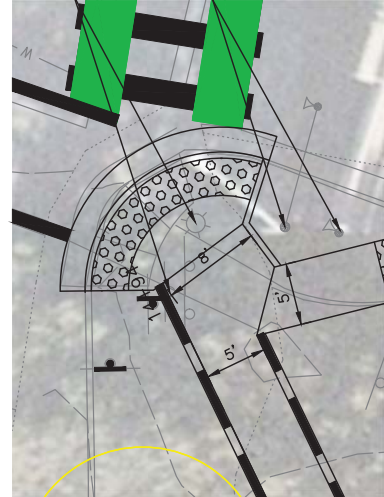
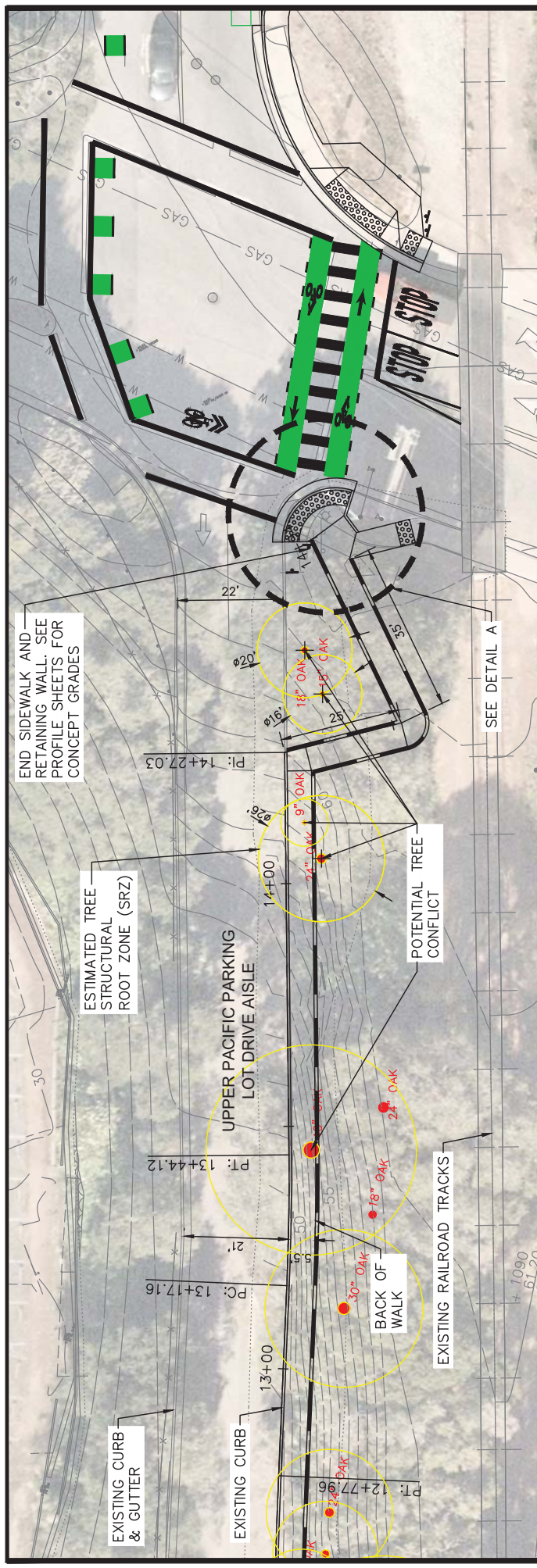
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**Kimley»Horn**

DWW-097763140 JUNE 2022

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION.

ALTERNATIVE 2  
SIDEWALK LAYOUT - SHEET 2

CITY OF CAPITOLA - UPPER PACIFIC SIDEWALK

Item 9 C.



PARK AVENUE

60'

60'

60'

12'

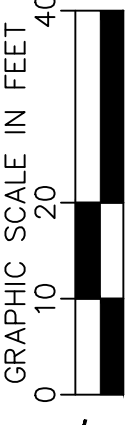
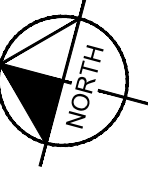
CONFORM TO EXISTING

EXISTING RAILROAD TRACKS

BUS BAY PER SANTA CRUZ METRO GUIDELINES

FUTURE RAIL TRAIL (PENDING COUNTY DESIGN)

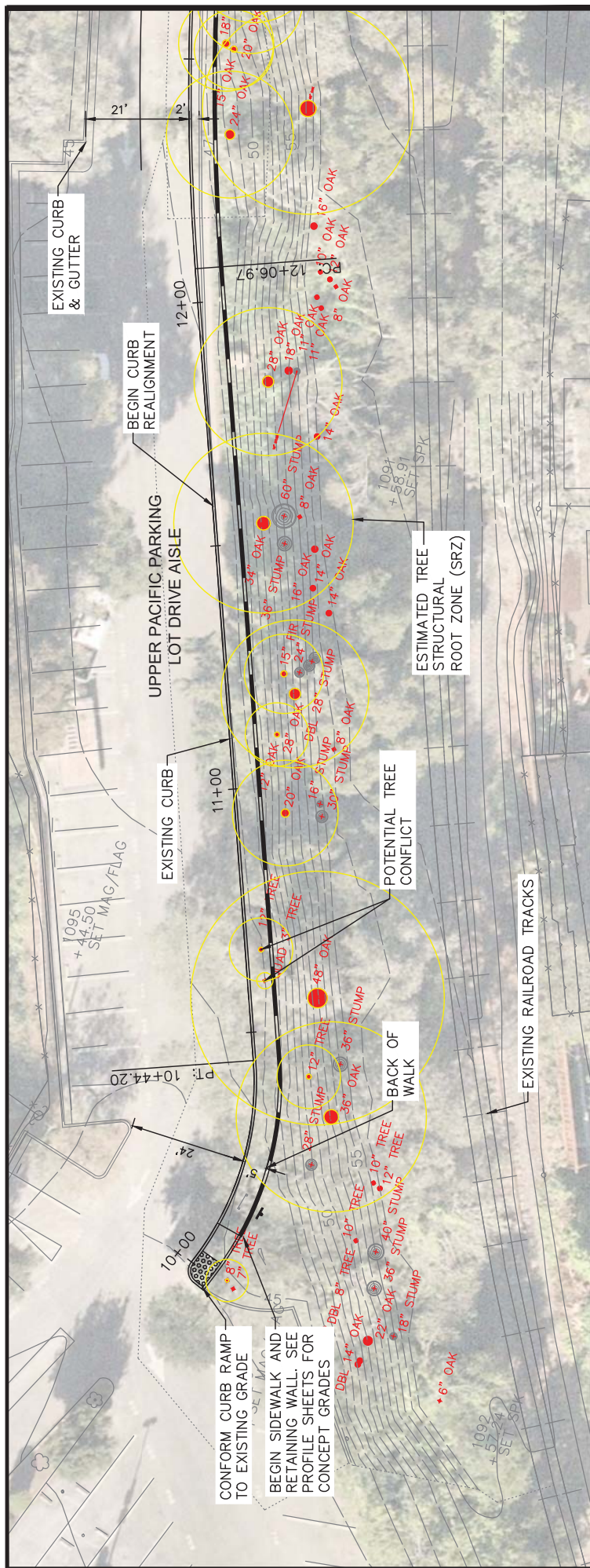
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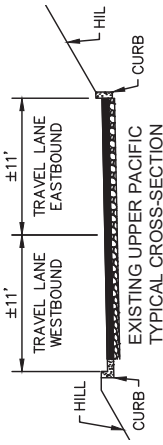
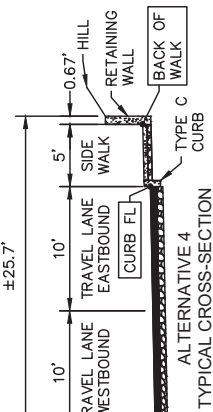


ALTERNATIVE G  
SIDEWALK LAYOUT - SHEET 2



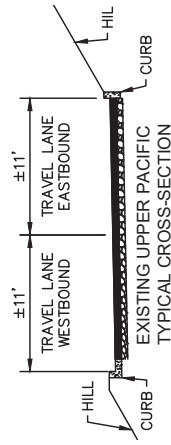
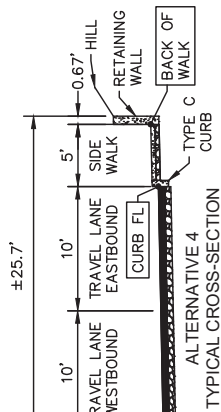
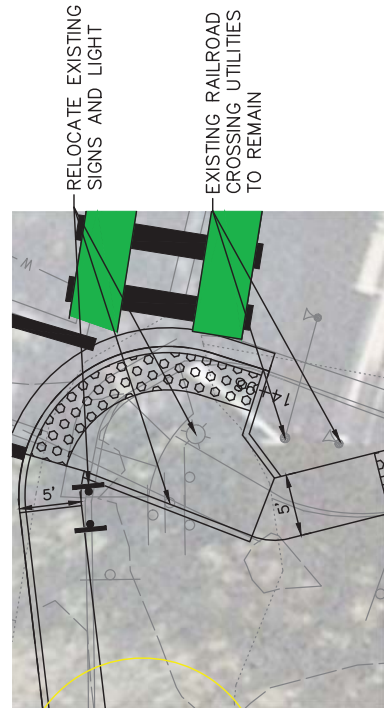
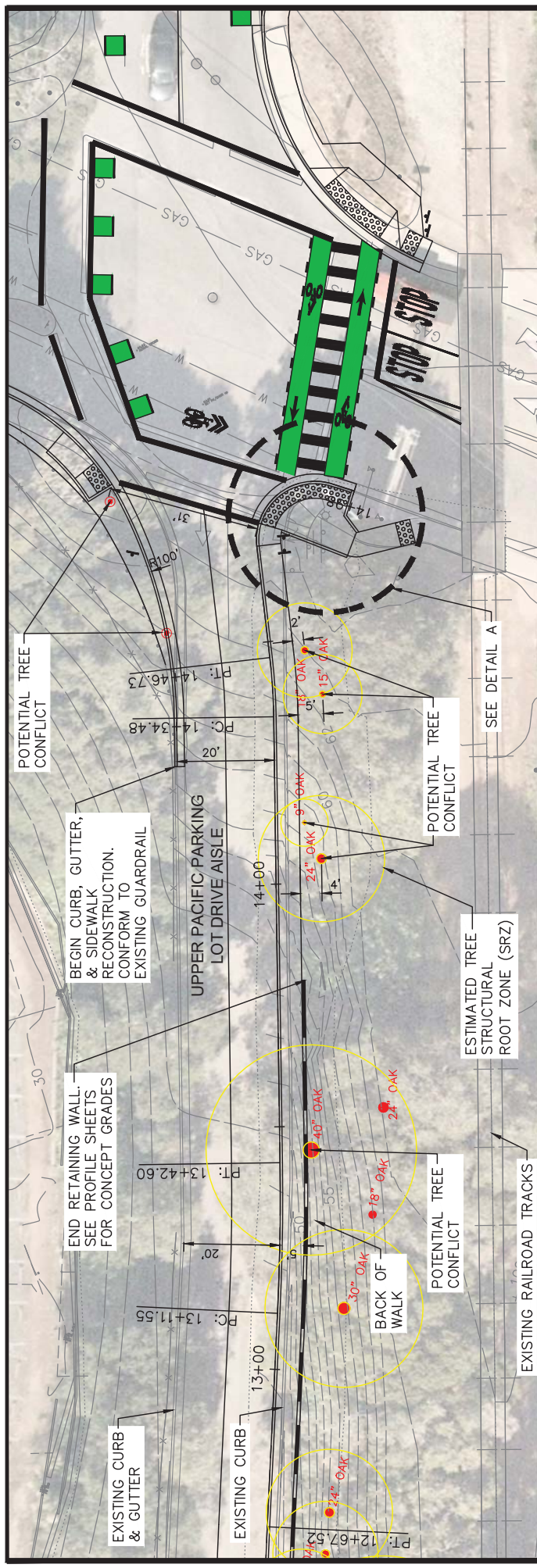
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**Kimley»Horn**

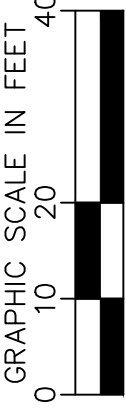
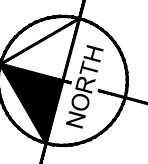
DW-097763140 JULY 2022

CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION.

**ALTERNATIVE 3  
SIDEWALK LAYOUT - SHEET 2**

CITY OF CAPITOLA - UPPER PACIFIC SILL

Item 9 C.



CONCEPT LAYOUT FOR  
PLANNING PURPOSES.  
NOT FOR CONSTRUCTION



ALTERNATIVE A  
SIDEWALK LAYOUT - SHEET 2





Pedestrian Pathway from the Upper  
Beach and Village Parking Lot to  
Monterey Avenue

City Council  
September 14, 2023

# Pedestrian Pathway to Monterey Ave

## Project Location



# Pedestrian Pathway to Monterey Ave

## Project Location



# Pedestrian Pathway to Monterey Ave

## Project Location



# Pedestrian Pathway to Monterey Ave

## Background



### March 2021 Council Mtg

- Agreement with SCCRTC for study and construction of pathway
- Separation between vehicles and pedestrians
- Provide access to Segment 11 of the Coastal Rail Trail at Monterey/Park Avenue intersection

### February 10, 2022 Council Mtg

- Schematic plan of the pathway configuration
- Council directed staff to return with a preliminary design minimizing tree impacts

# Pedestrian Pathway to Monterey Ave

## Alignment Considerations



### Use and Constructability

- Sidewalk Width
- Drive Aisle Width
- Retaining Walls

### Tree Impacts

- Number
- Species
- Severity of Impact

# Pedestrian Pathway to Monterey Ave

## Alignment Alternatives



<b>Alternative</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Sidewalk Width</b>	5.5'	5.5'	5.0'
<b>Drive Aisle Width</b>	11'/10'	11'/10'	10'/10'
<b>Potential Trees Impacted</b>	8-9	7-9	4-7
<b>Retaining Wall Impacts</b>	Moderate (3')	High (4'+)	Low (2')

# Pedestrian Pathway to Monterey Ave

## Alignment Alternatives



Alternative	1	2	3
Diameter (inches)	Impact		
Oak Tree			
15			
18			
18			
20			
24			
24			
40			
Other Tree Species			
3			
8			
12			
High likelihood of impact/removal	8	7	4
Moderate likelihood of impact	1	2	3
Total Trees Impacted	9	9	7



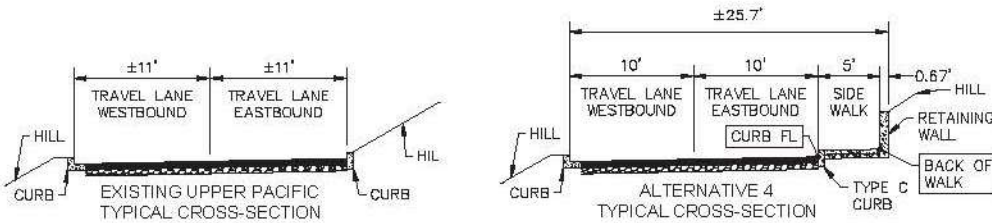
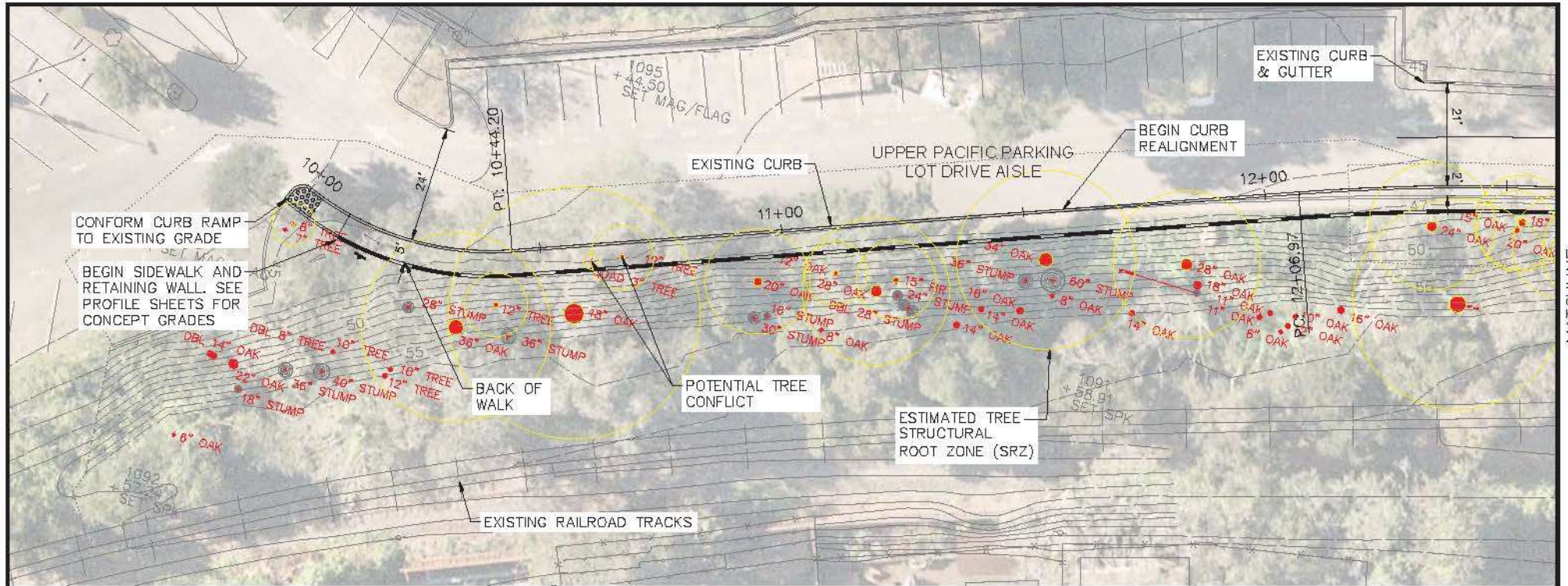
# Pedestrian Pathway to Monterey Ave

## Tree Impacts



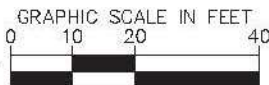
# Pedestrian Pathway to Monterey Ave

## Alternative 3



### LAYOUT NOTES:

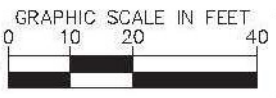
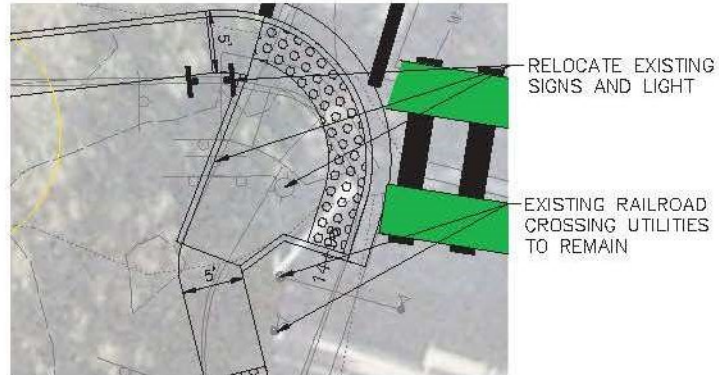
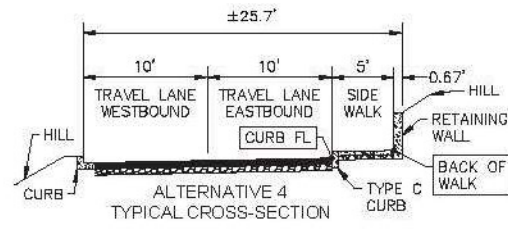
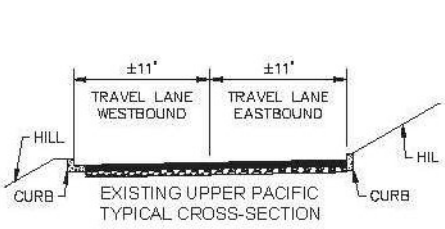
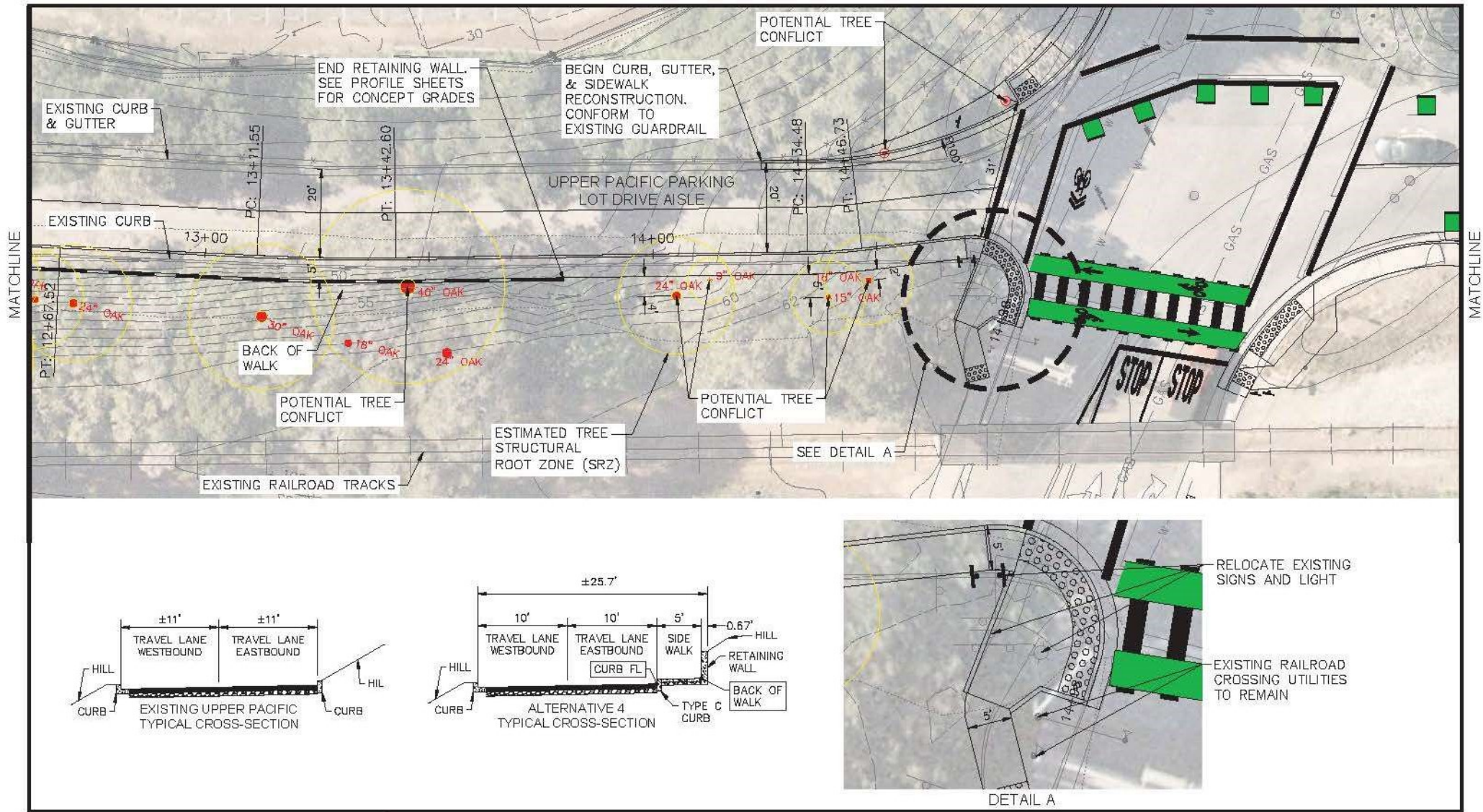
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CONCEPT LAYOUT FOR PLANNING PURPOSES NOT FOR CONSTRUCTION

# Pedestrian Pathway to Monterey Ave

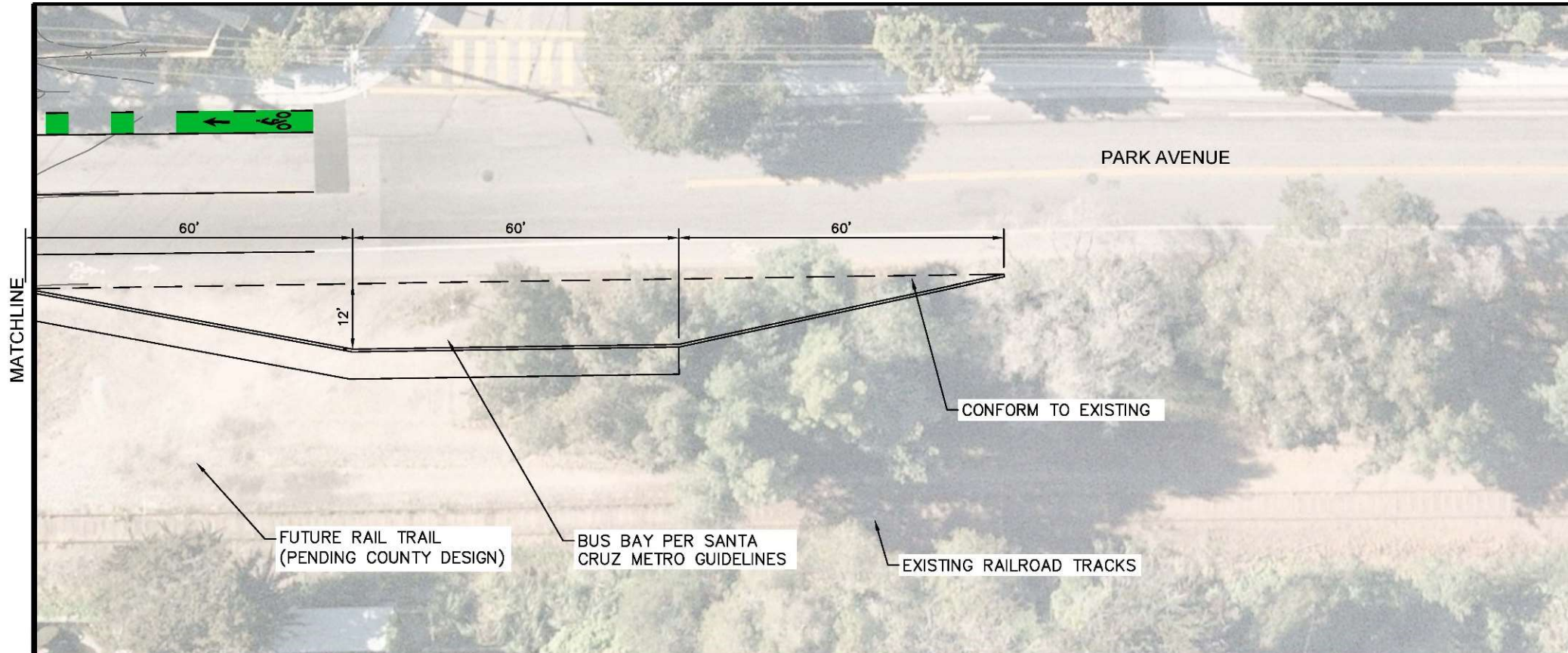
## Alternative 3



CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION

# Pedestrian Pathway to Monterey Ave

## Alternative 3



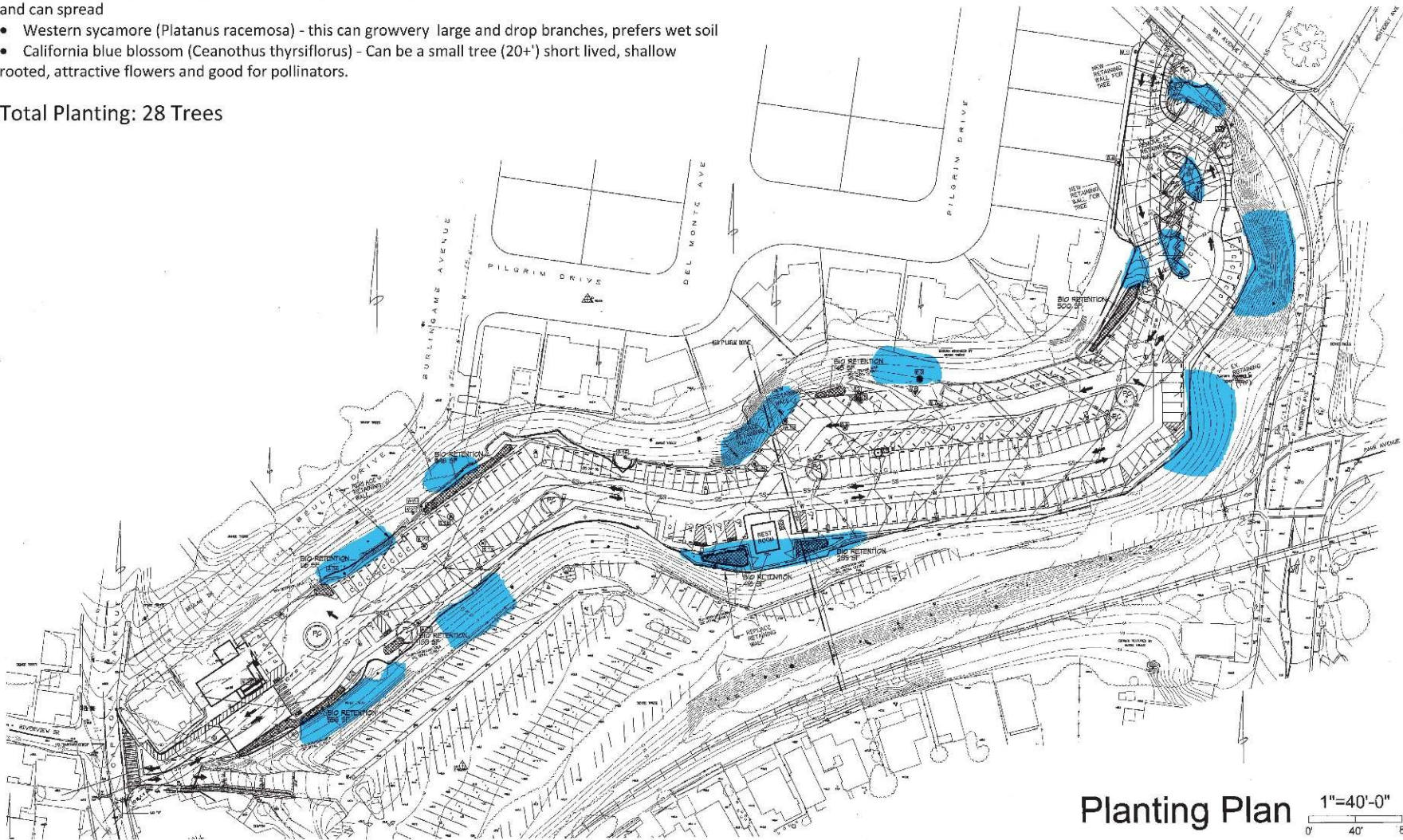
# Pedestrian Pathway to Monterey Ave

## Tree Replacement Plan



- California Buckeye (*Aesculus californica*)
- Coastal live oak (*Quercus agrifolia*)
- Western choke cherry (*Prunus virginiana*)
- Oregon ash (*Fraxinus latifolia*)
- Willow species (*Salix laevigata* or *stitchensis*) - would require a lot of maintenance once they mature and can spread
- Western sycamore (*Platanus racemosa*) - this can grow very large and drop branches, prefers wet soil
- California blue blossom (*Ceanothus thyrsiflorus*) - Can be a small tree (20'+) short lived, shallow rooted, attractive flowers and good for pollinators.

Total Planting: 28 Trees



Planting Plan

1"=40'-0"



GREGORY LEWIS LANDSCAPE ARCHITECT  
200 Pine Ave. Capitola, CA 95010  
www.gregorylewis.com

Pacific Cove Lower Parking Lot  
Capitola, CA

Date: 4/28/15  
Scale: As Shown  
Drawn: GWS

# Pedestrian Pathway to Monterey Ave

## Schedule and Budget

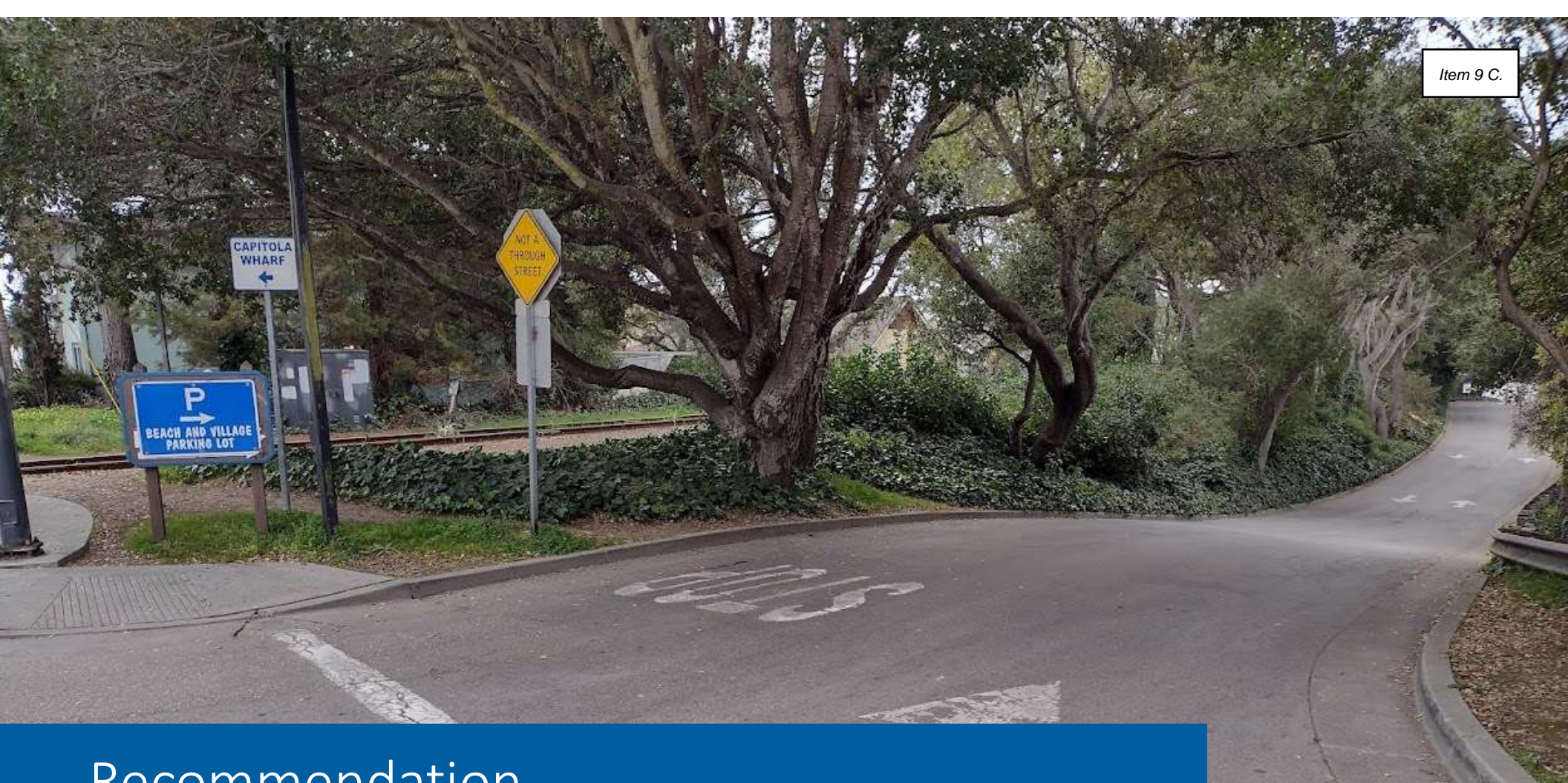


### Construction late Winter to Spring of 2024

- Will return to Council for authorization to bid and approval of PS&E and CDP

### Fiscal Impact

- \$300,000 budgeted (250,000 RTC, \$50,000 GF)
- \$30,000 expended
- Remaining funding sufficient to complete project

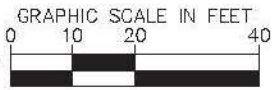
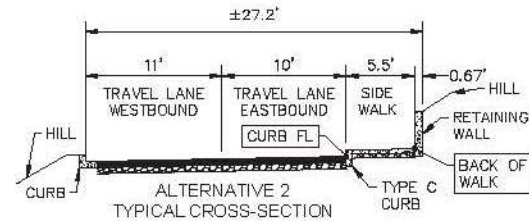
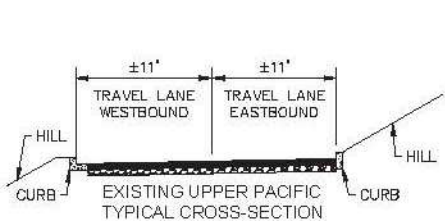
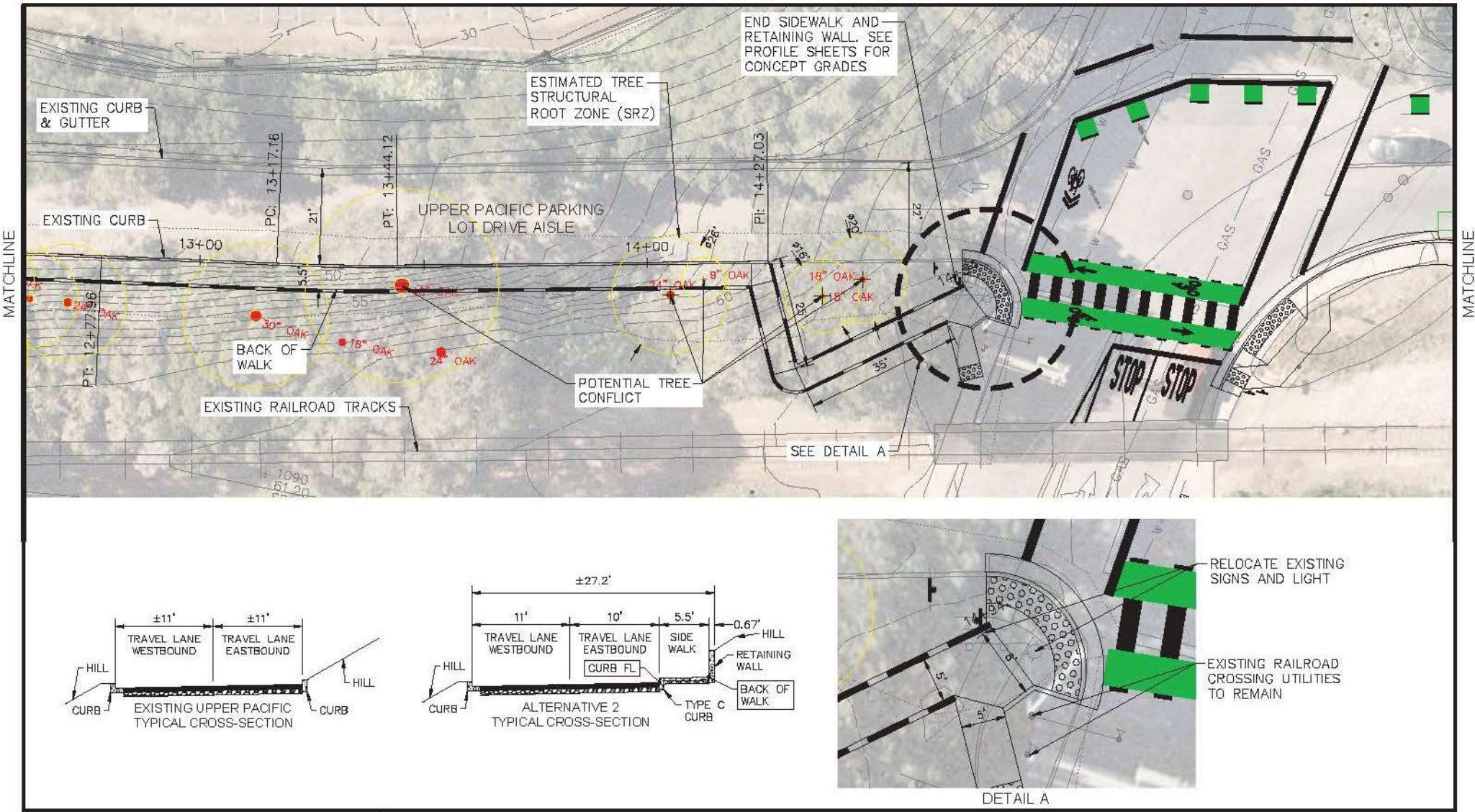


## Recommendation

Direct staff to proceed with developing the final design of pedestrian pathway from the Upper Beach and Village Parking Lot to Monterey Avenue consistent with Alternative 3

# Pedestrian Pathway to Monterey Ave

## Alternative 2



CONCEPT LAYOUT FOR PLANNING PURPOSES. NOT FOR CONSTRUCTION



# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** City Manager Department

**Subject:** Long-Term Strategic Planning



**Recommended Action:** Provide feedback regarding the development process for a longer-term City of Capitola Strategic Plan.

**Background:** On March 1, 2023, the City Council discussed the FY 2023-24 Budget Goals and directed staff to develop five, ten, and 15-year strategic goals for the City of Capitola. Staff recommended using a professional consultant to complete this project. The City Council adopted the FY 2023-24 Budget on June 22, 2023, which included an allocation of \$50,000 for developing long-term strategic goals.

**Discussion:** Long-term strategic plans can be set using a variety of tools and processes. Plans from the County of Santa Cruz and other cities similar in size to Capitola were studied to provide examples.

In 2018, the County of Santa Cruz adopted a Strategic Plan for 2018-2024 (included as Attachment 1), which identified focus areas of attainable housing, comprehensive health and safety, reliable transportation, a sustainable environment, dynamic economy, and county operational excellence. Specific goals were set within each identified focus area. The year-long development process began with the establishment of a Strategic Plan Steering Committee, led by the Assistant County Administrative Officer. Over several months, staff and consultants sought input at a department head off-site retreat, Board of Supervisors workshops, employee mixer, community surveys, and focus groups. The Board of Supervisors adopted the final plan in June 2018. This process was spearheaded by the County Assistant Administrative Officer along with several members of County staff who dedicated about half of their bandwidth to the project. Outside consultants were also brought on to conduct community outreach meetings and facilitate visioning meetings with the Board. This is an example of a year-long process with less effort by outside consultants and significant involvement from the County-established Steering Committee and County staff.

Staff also reviewed strategic plan examples from other cities closer in size to Capitola. These plans were like that of Santa Cruz County, but often smaller in scale. They served more like an internal work plan rather than a graphic and data-intensive published document. As an example, the King City 20-year Strategic Plan is included as Attachment 3. That plan was developed by City staff using a community survey, a community workshop, and by referencing previously adopted planning documents and processes; all of these resources were combined into a more cohesive and comprehensive work plan to guide City priorities and initiatives.

In all instances, once the focus areas and goals of a long-term Strategic Plan are identified, the City identifies current and future projects, goals, and city initiatives that fit within those focus areas. These items would be included within the Strategic Plan, and in some jurisdictions are also detailed and tracked more thoroughly within a one (or two) year Operational Plan. This ensures that both the day-to-day and long-term functions and initiatives of the City are responsive to and in alignment with the Strategic Plan's focus areas. These documents could take the place of annual budget priority/goal workshops, effectively streamlining the budget adoption process, or serve as a tool to help develop a modified version of the City's goal setting process.

Based on staff's review of strategic plans in other cities, staff recommends the City Council consider a middle-ground approach to the Strategic Plan. Essentially, to develop a strategic plan that includes appropriate levels of public and community participation but does not exceed current budgetary resources devoted to the project or become the sole focus for key City staff members over the next 12 months.

Specifically, staff recommends the following 9-month process:

<b>Steps</b>	<b>Description</b>	<b>Responsibility</b>
Fact Finding	Citywide needs assessment using SWOT (strengths, weaknesses, opportunities, and threats) or SOAR (Strengths, opportunities, aspirations, and results) analysis; projection of long-term needs	Consultant-led in coordination with staff
Community Outreach	Survey; public workshop(s)	Staff/Consultant
Synthesizing	Unify community feedback with SWOT/SOAR; draft and present proposed goals and strategies	Consultant
Visioning	Half-day Council workshop to review fact-finding information and determine focus categories	City Council
Drafting	Prepare draft strategic plan, using all previously identified information and feedback from public and Council	Staff/Consultant
Fine Tuning	Distribute Strategic Plan draft to Council for review; Opportunities for comments, questions, amendments.	City Council and staff

Regardless of the scale of the Plan, the finished product should be a living document that City employees, Council, Board Members and Commissioners, and City residents can identify, understand, and feel connected to. An important aspect of this process is ensuring Strategic Plan information is utilized in future staff and Council decision-making and is updated over time.

Depending on Council feedback and direction, staff can identify consultants to assist with community outreach meetings and facilitate the process outlined above.

Alternatively, staff could instead start with an update to the City's Mission, Vision, and Value statements (Attachment 4) which could then be used as guiding principles for the development of a Strategic Plan later in 2024 and into 2025. This could be a first step towards a bigger-picture outlook when envisioning Capitola's future direction.

**Fiscal Impact:** The Fiscal Year 2023-24 adopted budget includes \$50,000 allocated towards developing long-term strategic goals.

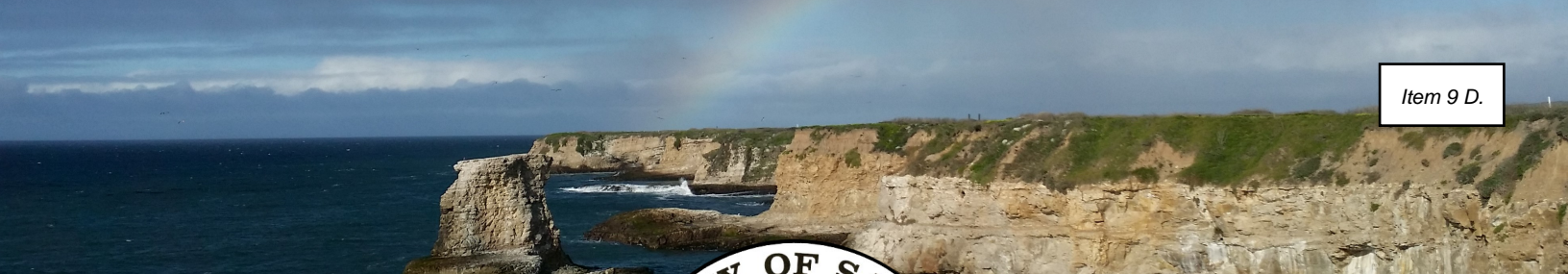
**Attachments:**

1. Santa Cruz County Final Strategic Plan 2018-2024
2. King City 20-year Plan
3. City of Capitola Mission, Vision, and Value statements

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

**Reviewed By:** Julia Moss, City Clerk, Austin Westly, Deputy City Clerk

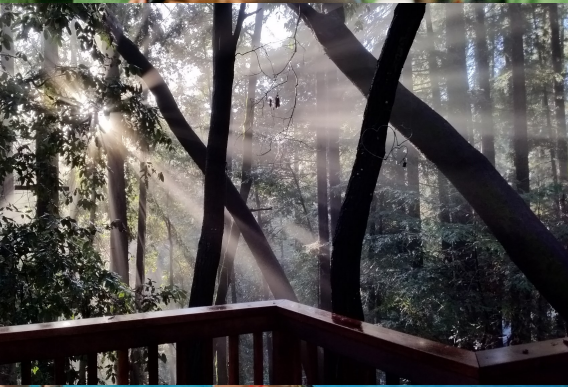
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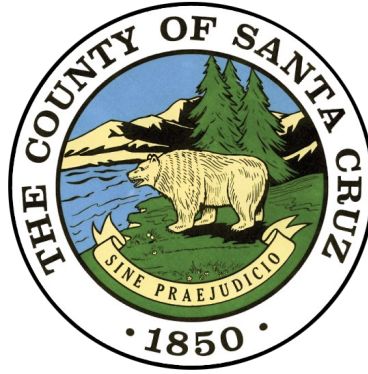


# STRATEGIC PLAN



# 2018 - 2024





## Santa Cruz County Strategic Planning Initiative

<b>Project Sponsor:</b> Carlos J. Palacios County Administrative Officer	<b>Project Manager:</b> Nicole Coburn Assistant County Administrative Officer
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### Strategic Plan Steering Committee

<b>Michael Beaton</b> General Services Director	<b>Kevin Bowling</b> Information Services Director	<b>Fernando Giraldo</b> Chief Probation Officer	<b>Mimi Hall</b> Interim Health Services Director
<b>Jason Hoppin</b> County Communications Manager	<b>Ajita Patel</b> Interim Personnel Director	<b>Marcela Tavantzis</b> Assistant Public Works Director	<b>Ellen Timberlake</b> Human Services Director
	<b>Jeremy Verinsky</b> Chief Deputy Sheriff	<b>Wanda Williams</b> Assistant Planning Director	

### Staff Support to Strategic Planning Process

<b>David Brown</b> Senior Admin Analyst	<b>Nathalie Flores</b> Intern	<b>Rita Sanchez</b> Admin Aide	<b>Sven Stafford</b> Senior Admin Analyst
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### Strategic Planning Facilitators

Angela Antenore  Cynthia Cuéllar      Shebreh Kalantari-Johnson
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*The Strategic Plan Steering Committee would also like to thank the County departments, hundreds of employees, partner municipalities and community-based organizations, and thousands of residents who contributed to the development of this plan and its success.*

*Cover Photo Credits: Arts Council of Santa Cruz County, Crystal Birns, Gretchen Bronstein, Mary Chavez, Shawna Hatch, Jason Hoppin, Bryan Rich, Bry Stewart*

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**MESSAGE FROM THE COUNTY ADMINISTRATIVE OFFICER**

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June 2018

I am pleased to present the Santa Cruz County Strategic Plan for 2018-2024. Over the past year, we have been inspired by the thousands of residents and employees who have shared their vision for the County. We share this passion and dedicate ourselves through this Strategic Plan to delivering a healthy, safe and more affordable community.

The Strategic Plan, for the first time, establishes a vision, mission, values, focus areas and goals for the County of Santa Cruz. Over 3,000 people participated through online surveys, employee mixers, community meetings, focus groups, and emails to inform the Strategic Plan. The plan is a reflection of those voices, their hopes and fears, their creativity and empathy.



As we embark on implementing the Strategic Plan, I especially want to thank County staff for their service as we strive to build a culture of excellence that enriches the lives of people in our community. Through our continuous process improvement and performance measurement efforts, we aim to empower County staff and release their potential to create positive change.

Finally, I want to acknowledge the Board of Supervisors for taking the bold step to initiate this process, and the work of the Strategic Plan Steering Committee under the leadership of Assistant CAO Nicole Coburn for delivering a plan that is a reflection of the community and a guide for the next six years.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Carlos J. Palacios". The signature is written in a cursive, flowing style.

Carlos J. Palacios  
County Administrative Officer

## VISION, MISSION, & VALUES

### OUR VISION

Santa Cruz County is a healthy, safe and more affordable community that is culturally diverse, economically inclusive and environmentally vibrant.

### OUR MISSION

An open and responsive government, the County of Santa Cruz delivers quality, data-driven services that strengthen our community and enhance opportunity.

### OUR VALUES

The County of Santa Cruz provides services and supports partnerships built on:

Accountability

Effectiveness

Support

Collaboration

Innovation

Transparency

Compassion

Respect

Trust

1

## FOCUS AREAS

Comprehensive Health & Safety



Attainable Housing

Reliable Transportation

Sustainable Environment

Dynamic Economy

County Operational Excellence

**GOALS**



**COMPREHENSIVE HEALTH & SAFETY**

Health Equity	Community Support
Promote a safe and healthy community that nurtures body and mind across all ages and social conditions.	Provide access to food and basic support through integrated health care and social services.
Local Justice	Behavioral Health
Increase public safety through practices, partnerships and transformative opportunities that respect victims and reduce recidivism.	Support residents and lessen community impacts through increased access to integrated mental health, substance use disorder and health care services.



**ATTAINABLE HOUSING**

Affordable Housing	Community Development
Partner to develop affordable housing, lower barriers to housing solutions, and access new funding sources.	Sustain and rejuvenate communities by integrating places to live, work and play.
Local Inventory	Homelessness
Increase and diversify housing options through smart growth programs, adaptive reuse and innovation.	Expand services to reduce homelessness and increase housing stability.



## GOALS



### RELIABLE TRANSPORTATION

Regional Mobility	Community Mobility
Improve road infrastructure and intra-county connectivity, and enhance commuting solutions.	Grow alternative transportation networks, and lower barriers to mobility.
Local Roads	Public Transit
Upgrade pavement conditions and road safety for everyone.	Work to enhance functionality and promote use of public transit.

3



### SUSTAINABLE ENVIRONMENT

Outdoor Experience	Natural Resources
Ensure access to and enhance experience in parks, open spaces, water areas and outdoor activities.	Protect and restore natural resources, including water, air, forests, coastline and agricultural lands.
Local Conservation	Climate Change
Support and strengthen efforts for clean air and water, conservation, renewable energy, recycling and reuse.	Increase resilience to climate change impacts, including sea-level rise and changing weather patterns.



**GOALS**



**DYNAMIC ECONOMY**

<b>Regional Workforce</b>	<b>Community Vitality</b>
Create opportunities to develop a quality workforce and increase family-wage jobs in support of the regional economy.	Stimulate vibrant and inclusive economies offering robust shopping, dining, cultural and gathering spaces.
<b>Local Businesses</b>	<b>Educational Opportunity</b>
Strengthen and retain small businesses and key sectors through innovation, flexibility and technology.	Support partnerships that promote early learning, higher education, and vocational and lifelong studies.



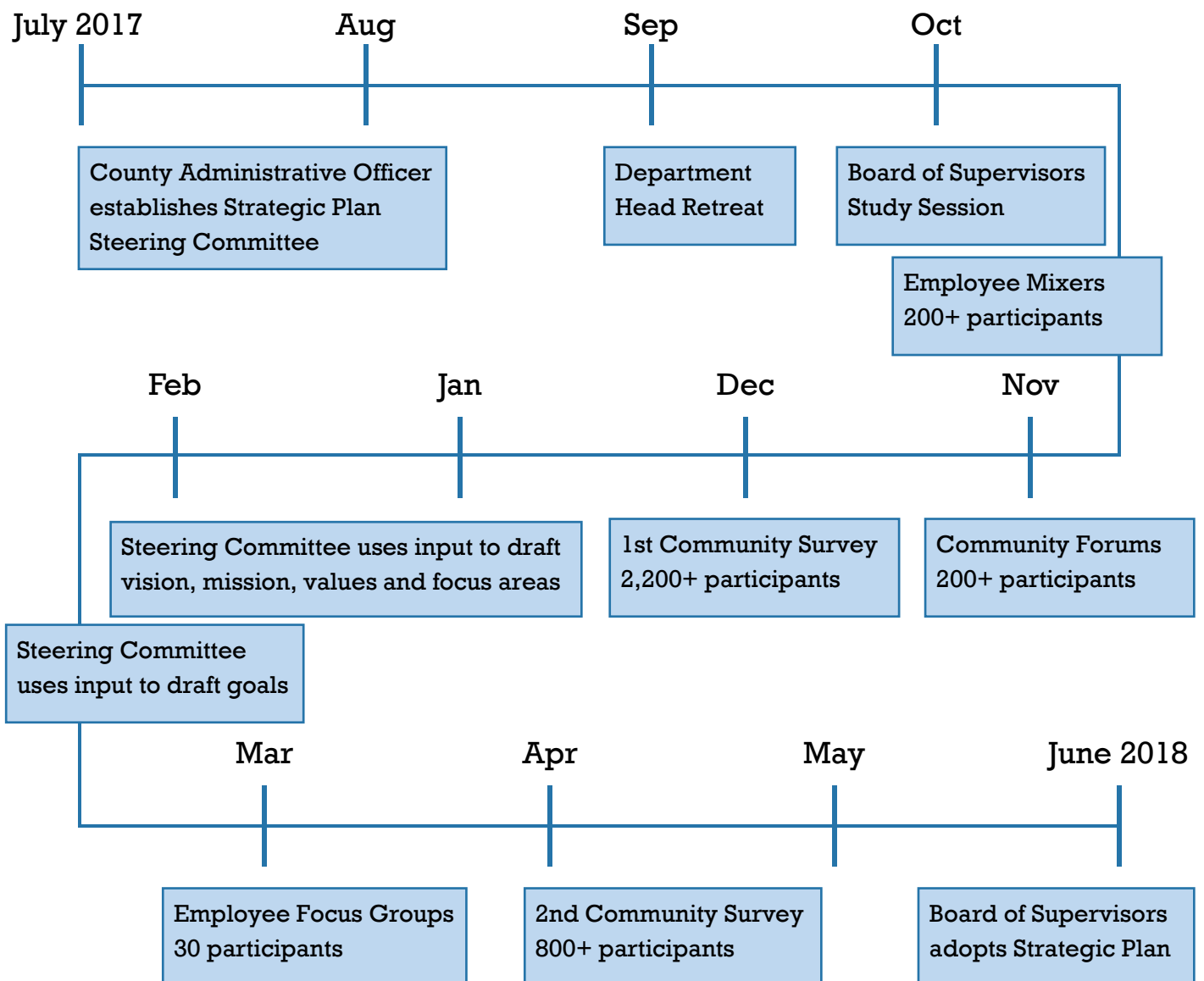
**COUNTY OPERATIONAL EXCELLENCE**

<b>Customer Experience</b>	<b>County Workforce</b>
Provide our customers with equitable access to efficient, effective and culturally responsive services.	Attract, grow and retain a diverse, engaged and high-performing County workforce that reflects our community.
<b>County Infrastructure</b>	<b>Continuous Improvement</b>
Maximize and responsibly maintain County assets in support of community goals.	Embrace innovation and continuous improvement to optimize County operations and maintain fiscal stability.

## ABOUT THE COUNTY OF SANTA CRUZ

Established in 1850, the County of Santa Cruz is one of California's original 27 counties. The County provides a broad spectrum of services, paid for with a combination of local taxes, user fees, and State and federal funding. The County is governed with local representation from five districts on the Board of Supervisors. Over 2,400 employees work at offices throughout the region, providing services that impact all 276,603 community members.

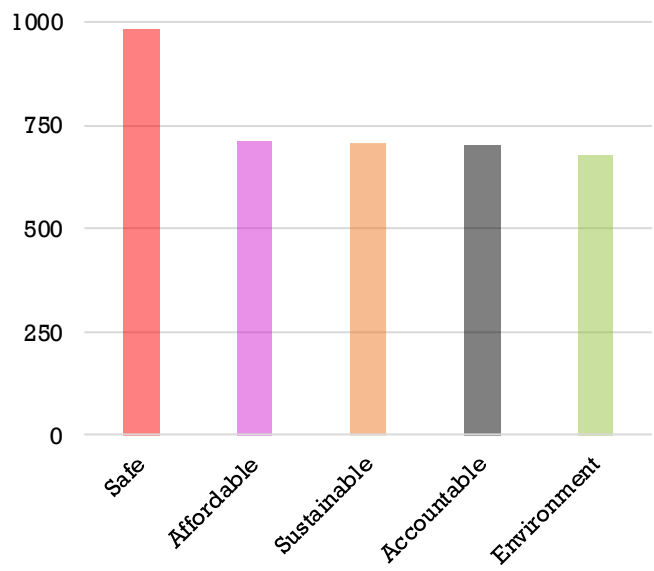
## BUILDING THE STRATEGIC PLAN



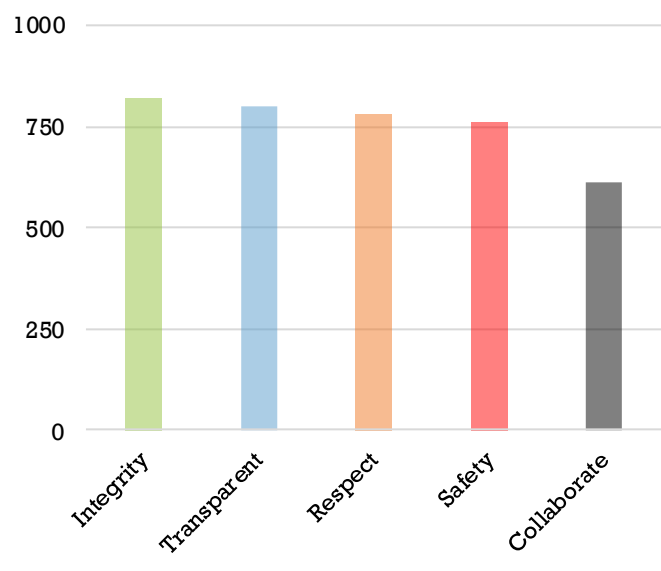
## COMMUNITY ENGAGEMENT

In developing the Strategic Plan, the County engaged the voices of thousands of community members, partners and staff to develop the plan elements. Below are some of the key findings that informed the work of the Steering Committee.

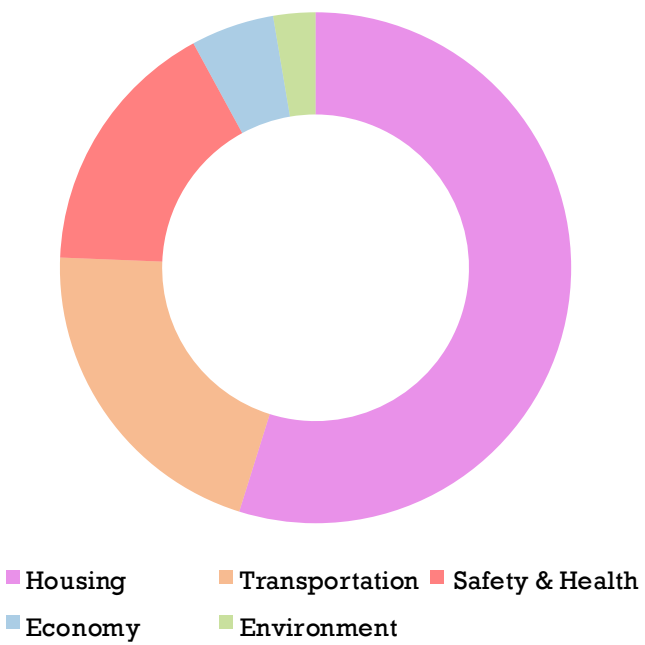
**Top 5 Vision Words**



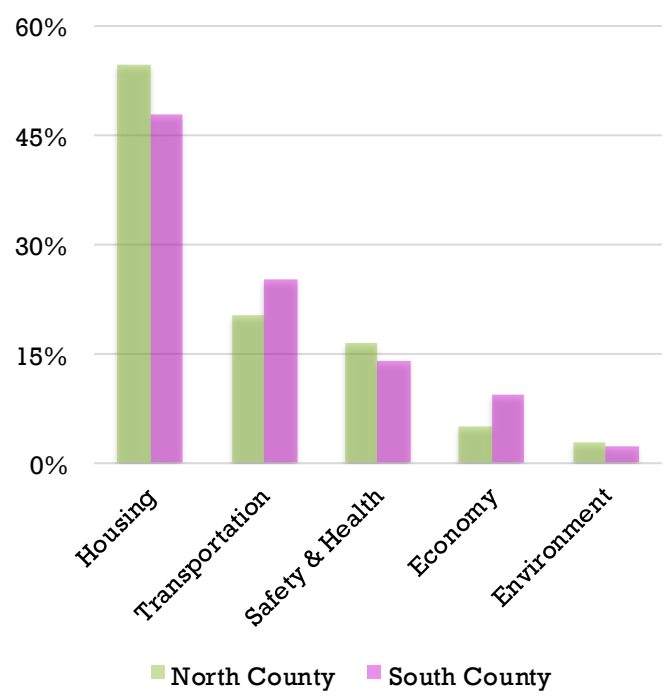
**Top 5 Values**



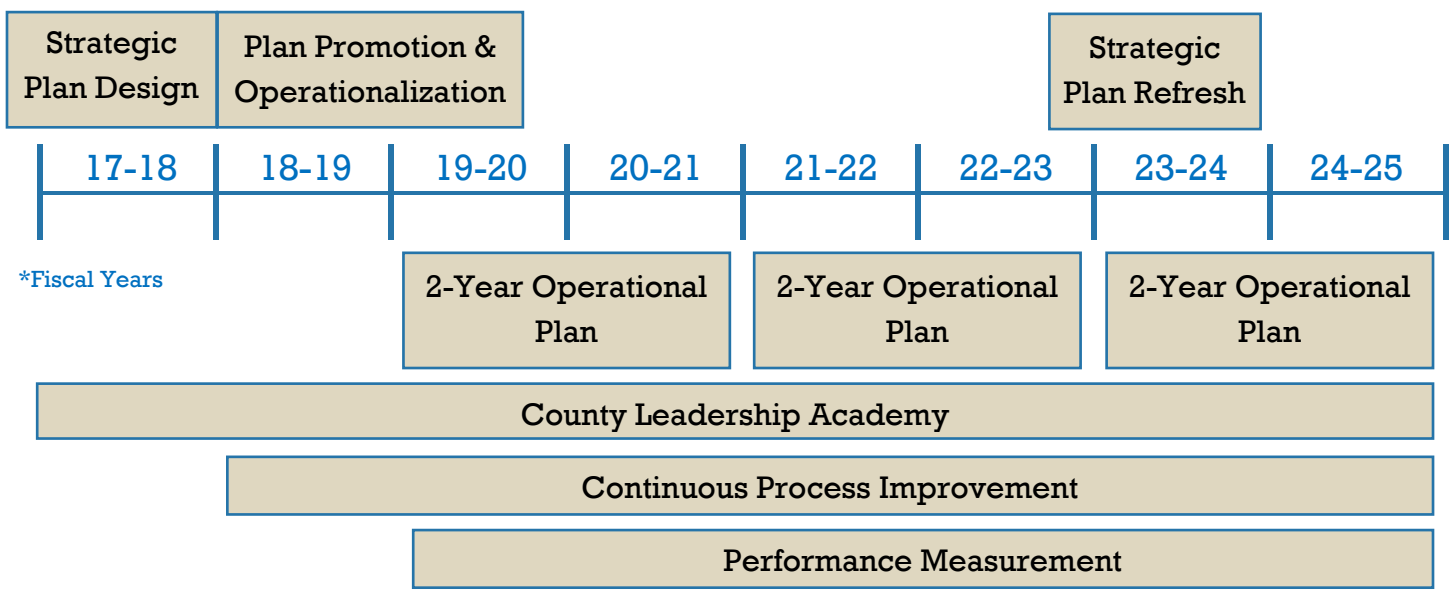
**Top Countywide Trends**



**Top Trends North and South County**



## STRATEGIC PLAN TIMELINE



7

## STRATEGIC PLAN IMPLEMENTATION

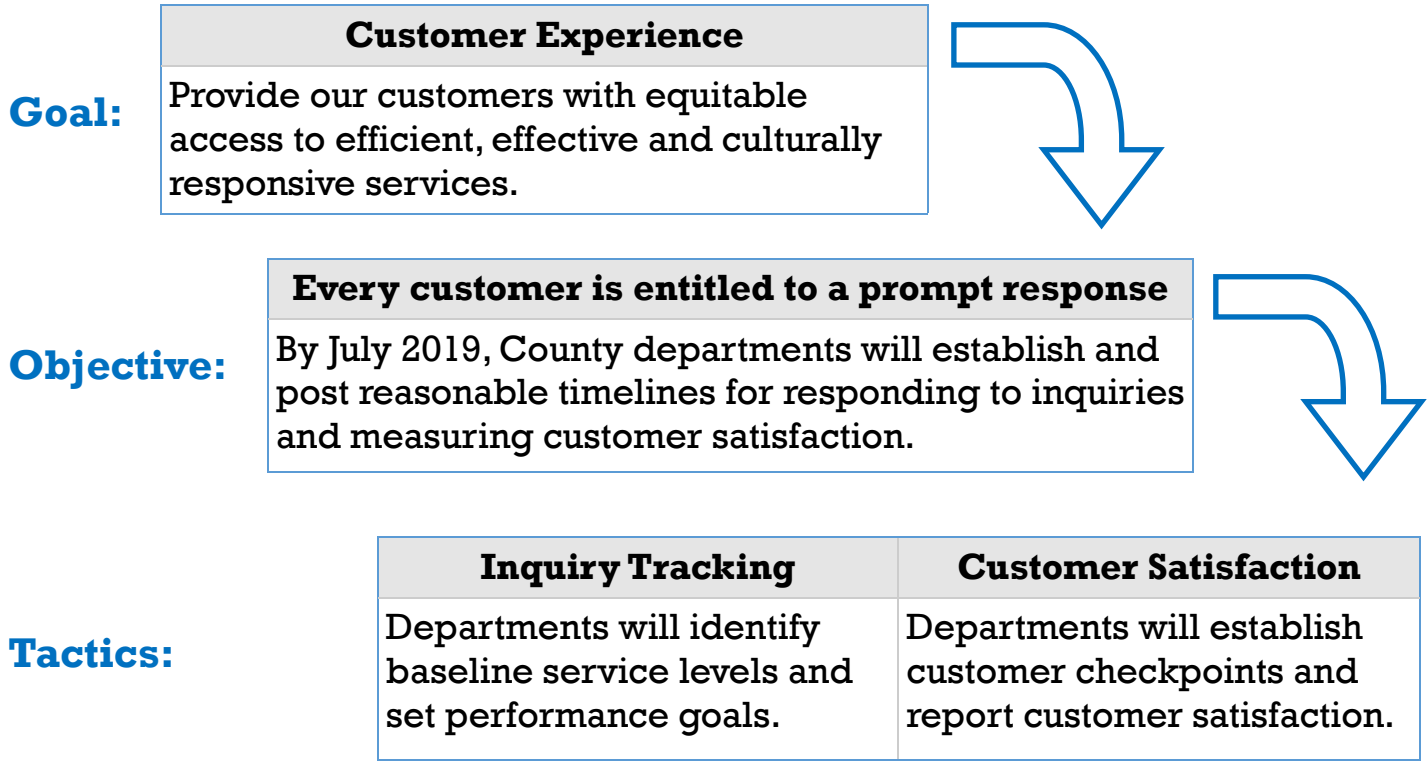
The Strategic Plan will be implemented across all County departments through a 2-Year Operational Plan and Budget, and supported through targeted efforts to develop the County workforce and improve service to County residents. The first Operational Plan will cover years 2019-2021, and include Objectives and Tactics.

- **Objectives** will provide specific, measurable, attainable, relevant and timely (SMART) actions that work towards our Goals.
- **Tactics** represent activities and steps necessary to achieve each Objective.

Targeted efforts to achieve the County’s vision are divided into three areas:

The **County Leadership Academy** is an initiative to train the workforce and encourage participation in implementing all the elements of the Strategic Plan, including Performance Measurement and Continuous Process Improvement. The program will help develop a common language, culture and approach across departments.

**SAMPLE GOAL, OBJECTIVE, TACTICS**



8

Key program elements include:

- Courses delivered by the California State Association of Counties (CSAC) Institute for Excellence in County Government.
- Train the Trainer program to create a learning organization.

**Continuous Process Improvement (CPI)** focuses on involving the County workforce in enhancing the delivery of County services by improving systems, processes, and customer service. CPI is a process that will empower staff to develop actions and tactics that support County Objectives and Goals.

**Performance Measurement** is an effort to quantify impact, support data-driven decision making, and inform the budget and policy-making process. In the second Operational Plan (2021-23), the County will incorporate Performance Measurement to enable the public to assess the Strategic Plan’s effectiveness and the County to evaluate and manage department performance.

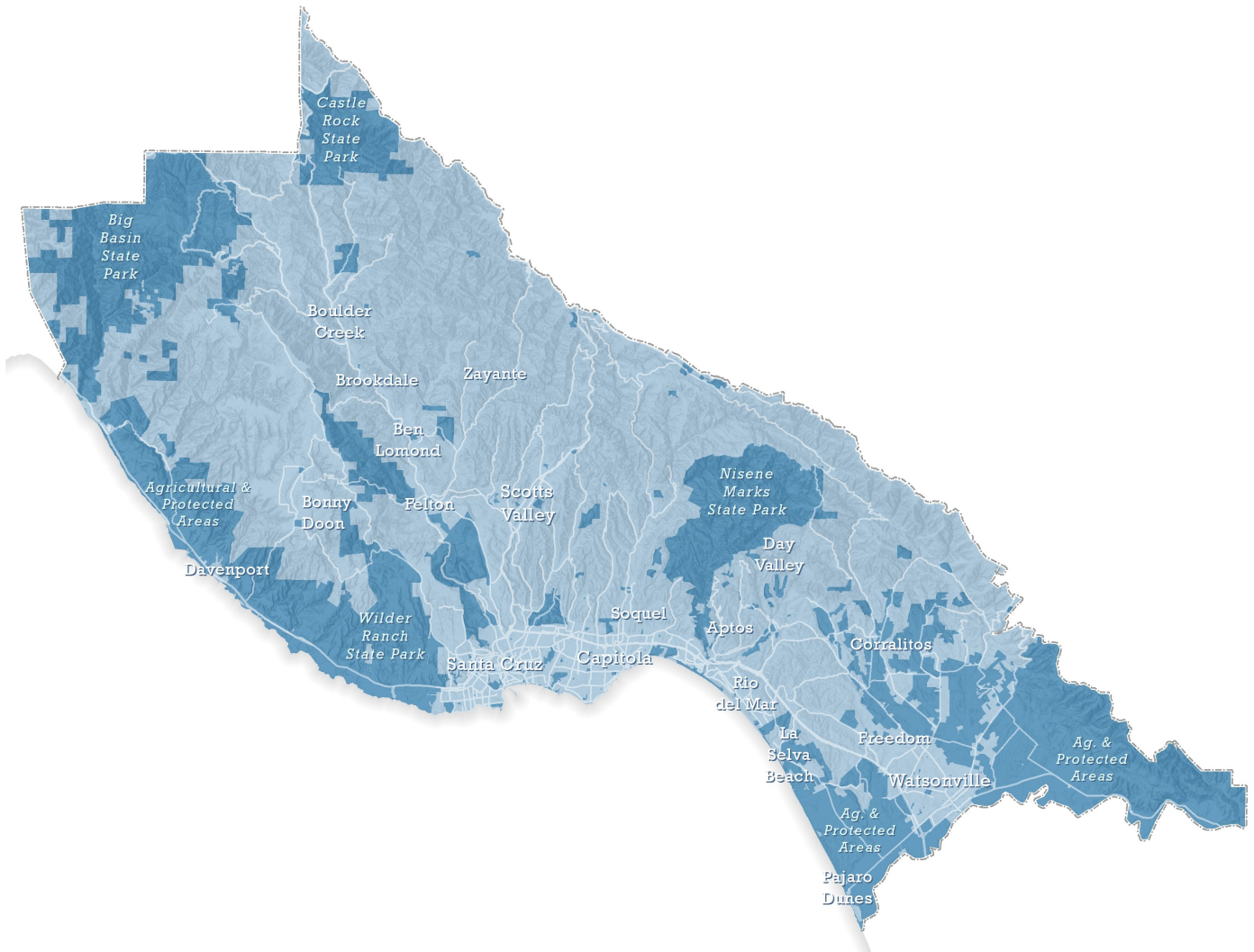
# STRATEGIC PLAN



# 2018 - 2024

## OUR VISION

Santa Cruz County is a healthy, safe and more affordable community that is culturally diverse, economically inclusive and environmentally vibrant.



### THE COUNTY OF SANTA CRUZ

701 Ocean St, Santa Cruz, CA 95060

Email: [vision@santacruzcounty.us](mailto:vision@santacruzcounty.us)

[www.santacruzcounty.us](http://www.santacruzcounty.us)



## KING CITY 20-YEAR STRATEGIC PLAN FEBRUARY 2019

### PURPOSE

The objective of the City of King Strategic Plan is to establish an agreed upon vision of what the City and community wants King City to be and to look like in the future, as well as specific goals and strategies to address future needs and issues on a proactive basis. A 20-year planning period has been selected for the Strategic Plan.

The City has experienced substantial financial challenges during the past several years. It has worked hard and made substantial progress in establishing a positive direction for the future. A strategic plan is important to ensure resources are targeted as effectively as possible toward accomplishing an overall agreed upon direction.

### PROCESS

The process of developing the Strategic Plan was designed to create a plan that is meaningful and will become the guiding document for all City efforts. To ensure this occurs, the City's 10-Year Long-Range Financial Plan will be based on the Strategic Plan and the annual budget will be based on the 10-Year Long Range Financial Plan. In this way, allocation of resources will be linked directly to implementation of the Strategic Plan.

The intent of the process was to accomplish the following key results:

- A plan that is based on data and analysis;
- A plan that addresses the community's most important existing and future needs;
- A plan that reflects the interests and needs of the entire community; and
- An action plan linked to achievable and identifiable strategies and directions.

The process included five primary steps. First, City staff prepared a needs assessment, which included a SWOT Analysis (strengths, weaknesses, opportunities, and threats), projected long-term needs, and an assessment of public input. Second, a City Council visioning public workshop was held. Staff presented the results of the needs assessment and a facilitator assisted the Council in developing vision statements for the City. Third, staff developed proposed goals and strategies to accomplish each of the vision statements. Fourth, the draft results were presented for City Council and public review. The Council was provided an opportunity to amend and add to the goals and strategies. Lastly, the final agreed upon items were established in a document for formal Council adoption.

## MISSION

The Strategic Plan is based on the City's Mission Statement, which was developed through a comprehensive process that involved participation by the entire City staff and approved by the City Council. The City's mission is: *"Meeting the needs of our entire community through caring, professional and response services."*

## NEEDS ASSESSMENT

### SWOT Analysis

The following is a summary of the results of the SWOT Analysis prepared by City staff:

#### *Strengths:*

- Diversity
- A community supportive of the City's efforts to implement positive change to address needs
- Cohesive Management Team and Council
- Numerous City amenities, including a municipal airport, local hospital, river, golf course, fairgrounds, pool complex, theatre, and community college satellite campus
- Mild climate
- Volunteerism from active groups, such King City in Bloom, King City Volunteer Fire Department, Sol Treasures, service clubs, and Young Farmers
- Mobility, including freeway access, lack of traffic, ease of walking and biking, and bus service
- Central location and proximity to many desirable areas
- Affordable housing relative to other central coast communities
- Access to Pinnacles National Park
- Government services
- History and identity
- Good partnerships with other agencies, including School Districts, Fairgrounds and Hospital

#### *Weaknesses:*

- Perception of the City as unsafe
- Aging infrastructure
- Student test scores
- Wind
- Lack of revenue and staffing necessary
- High unemployment and limited job market
- Lack of available housing and existence of substandard housing



- Lack of retail stores
- Remote location
- Deterioration of buildings
- Cultural segmentation

*Opportunities:*

- Potential to increase tourism due to proximity to wineries, Pinnacles National Park, ag tourism, and Steinbeck history
- 101 frontage properties available for development
- Cannabis tax revenues if permitted businesses open and are successful
- Potential for increased airport utilization
- Potential for increased utilization of recreation facilities, San Lorenzo Park, campground, Fairgrounds, Golf Course, and Salinas River
- Downtown revitalization
- Property available for development
- King City Community Power programs
- Competitiveness for grants due to needs and demographic data
- Potential for increased benefits from Fort Hunter Liggett
- Proposed Multi- Modal Transit Center project

*Threats:*

- City debt and future increases in pension costs
- Gentrification
- Increasing State mandates
- Lack of available housing
- Existence of gangs and potential return of crime
- Increasing construction costs
- Increased difficulty in attracting retail development due to on-line shopping
- Potential for economic recession
- Costs to achieve ADA compliance
- Potential for flood
- Potential for damage from earthquake due to unreinforced buildings
- Risk of being landlocked due to ag preserves
- Lack of water sources
- Infrastructure deficiencies

### Community Input

The City has conducted two extensive public opinion surveys that were distributed to every household – one in 2016 and one in 2018. Based on the results of both surveys, the items the community feels are most important to enhance include the following:

- Efforts to improve public safety
- Efforts to establish long-term financial stability
- Attraction of stores that provide more shopping options
- Street lighting
- Enforcement of blighted and unsafe buildings
- Downtown revitalization
- Balance budget and repay debt
- Support for small business
- Street repairs and improvements
- Efforts to attract visitors to improve the local economy
- Job creation
- Youth recreation programs

### Planning Efforts

The City has prepared a number of plans over the past few years that have established long-range goals to address a number of different priority needs and issues in the City. These include the following:

- Comprehensive Plan to End Youth Violence
- Wastewater Collection System Master Plan
- Wastewater Treatment Facilities Plan
- Downtown Streetscape Conceptual Plan
- Economic Development Strategy
- ADA Transition Plan
- Sidewalk Improvement Plan
- Pavement Management Program

The other critical planning document that serves an important role in a strategic planning effort is the City's General Plan. While the City's General Plan needs to be updated, there are a number of existing policies that should be considered in the Strategic Plan goals. The Strategic Plan will assist the City in updating the General Plan by identifying areas where policies should be added or changed.

A review of the General Plan was completed in order to highlight policies that are particularly important to consider in development of Strategic Plan vision statements and long-range goals and strategies. Highlighted policies include the following:

*Land Use Element:*

Policy 1.3.1 The City shall assure that adequate sites are available for development of both market rate housing and housing affordable to low- and moderate-income households, for the existing and projected population. Where appropriate, mixed use developments may be considered in order to foster economic growth and tourism while providing affordable housing opportunities.

Policy 1.3.2. The City shall assure that adequate sites are available for both new and existing commercial land uses to provide space for retail uses, business services, offices and visitor serving uses.

Policy 1.3.3. The City shall promote industrial land uses, particularly within the East Ranch Industrial Park, to take advantage of both existing and potentially new economic trends in the Planning Area, in order to expand the City's economic base and provide jobs to its residents.

*3. Commercial Land Use Goal: To provide adequate area for commercial land use to meet the service needs of residents, businesses and visitors and to encourage development of retail commercial, service commercial and highway related uses that are compatible with surrounding land uses.*

Policy 3.2.1. Providing for the maximum flexibility in interpreting allowable uses under the zoning ordinance in order to encourage good retailing design and effective utilization of commercial property and shall encourage a mix of residential and commercial use where appropriate.

Policy 3.2.3. Allowing a mix of residential and commercial development within the First Street Corridor and Historic downtown. Residential development shall not exceed twenty-four (24) dwelling units per acre.

Policy 3.3.1. Commercial developments shall be designed and screened in an attractive manner and thereafter maintained so as to visually integrate the entire development with the surrounding environment and land uses.

*Program 4.1.1.1. Businesses that support the local tourist industry, such as wine production facilities, will be encouraged.*

Policy 5.1.3. Where appropriate, the City shall encourage large new commercial and industrial developments to provide open space and recreational opportunities for their employees to minimize the demand for public open space and recreational facilities.

Policy 7.12.1. The City shall encourage new public and private health care providers to locate their services in the City and existing facilities to expand and modernize their services consistent with the needs of area residents.

*Program 7.12.1.2. Hospital Special Policy Area: The City shall work with Mee Memorial Hospital and other property owners to prepare a Master Plan. This plan shall consider existing land use and circulations patterns, proposed hospital expansion and conversion plans, and potential commercial development. The primary objective of the Master Plan shall be to assure compatibility among existing and future uses; to enhance overall property values; to enhance the commercial development potential of the district; and to provide that ambient levels of traffic, noise and air quality shall be consistent with reasonable requirements of the hospital. The West Broadway Master Plan shall be used as a guide when planning the hospital.*

Policy 7.13.1.4. The City shall solicit state open space, park and recreation, and access grants to acquire parkland and/or expand and develop the City's existing park facilities.

*Objective 8.1. Build an efficient, multi-modal transit center surrounded by mixed use developments to improve the quality of life, support economic vitality and reduce greenhouse gas emissions.*

*Program 8.1.1.3. Support mixed-use development near the MMTC, including low-income and agricultural employee housing.*

Policy 8.1.1. The City shall consider adopting a transit district for the property located adjacent to the MMTC.

*Circulation Element:*

Policy 3.7 The City shall seek opportunities to enhance the gateway areas of the City and all key entry points for its neighborhoods. Where opportunities are presented, the City shall consider requiring developers to install identify signs, special paving for pedestrian cross walks, light fixtures, or landscape features to identify the entry or gateway function.

Policy 7.1. The City shall designate hiking and equestrian trail routes within its open space and conservation elements of the general plan. Routes to be considered shall include San Lorenzo Creek as well as the Salinas River.

*Housing Element:*

*Goal 1. Provide New Housing Units Accessibly to all members of the community in accordance with the reginal fair share housing goals.*

*Conservation, Open Space & Safety Element:*

*Program 2.6.1.2. Consideration shall be given to development of recreational facilities, consistent with the riparian habitat of San Lorenzo Creek. These may include recreational*

*trail that could ultimately connect the municipal park to the San Lorenzo Regional Park along the edges of San Lorenzo Creek and the Salinas River.*

*Economic Development Element:*

Policy F The City will actively seek local expansion of vocational, business and academic/professional training opportunities through extension programs at CSU Monterey Bay and Hartnell College.

Policy G The City will prepare and implement an urban design plan to revitalize Broadway Street as a retail commercial corridor, and First Street as a mixed service commercial and retail commercial corridor. The downtown area should emphasize those uses that would contribute to a pedestrian oriented shopping atmosphere, such as restaurants, jewelry, clothing, fit stores and entertainment.

Policy H The City will strive to retain its position as the retail hub of south county. New retail development and shopping centers will be encouraged to locate within properly zoned properties within the community.

## **QUALITY OF LIFE**

### Vision Statements

- To be a community based around family units that serves as a village supporting all families and people of all ages.
- To have a thriving, walkable, and beautiful downtown as a hub for activities.
- To be a safe, welcoming community.
- To be a place where people can both live and work.
- To be a City that promotes healthy lifestyles.

### Goals and Strategies

- Complete implementation of the Comprehensive Plan to End Youth Violence.
- Expand the ProYouth After-School Program, including an increase in the number of elementary school students participating, as well as expanding programs to middle and high school students.
- Expand the citywide security camera system to include all parks and problem areas.
- Complete implementation of the Downtown Streetscape Plan.

- Design and develop the Downtown Plaza Project.
- Develop a citywide bike and pedestrian path plan with a component integrated with the historical De Anza Trail.
- Expand and implement the public art program, including the installation of wind sculptures and murals at key locations throughout the community.
- Expand sports fields, playgrounds and recreation facilities through joint use and maintenance partnerships with the King City Union Elementary School District, the South Monterey County Joint Union High School District, and the Salinas Valley Fairgrounds.
- Promote and expand the Block Party Program and other activities to unite neighborhoods and the community.
- Continue and expand the partnership with King City in Bloom to promote ongoing beautification throughout the community.
- Increase lighting at park sites to increase safety and usage.
- Implement an annual program of adding new street lights through funding from King City Community Power and a partnership with PG&E.
- Establish a City Street Tree Management Program, including regular trimming, maintenance and planting where missing segments exist.
- Increase pedestrian safety through a comprehensive intersection and crosswalk analysis and plan.
- Develop a homeless assistance program providing shelter options and services.
- Establish a matching grant program for residents to improve City parkway strips.
- Transition operation of the golf course to expand and focus on youth activities.
- Incorporate a dog park in future park planning designs.
- Establish a funding source to provide support for community groups and agencies providing services that assist the City in accomplishing its priorities and mission.
- Establish a process and partnerships to work with all governing bodies on an ongoing basis (city, education, chamber, etc.) to establish and implement a common

vision for the community that will serve as a basis for the operations of each of the agencies.

- Install an enclosure over one of the pools to provide year-round usage.
- Encourage the development of community gardens.
- Establish a police officer position dedicated to bike and foot patrol, public outreach, and business relations.
- Develop a partnership with Mee Memorial Hospital to promote accessibility to healthy foods.

## **GROWTH AND DEVELOPMENT**

### Vision Statements

- To have future moderate and balanced growth constrained to an ultimate buildout that will continue to be served comfortably by one high school.
- To facilitate growth that will maximize existing community assets, such as the hospital, airport, Fairgrounds and others.
- To pursue potential expansion of the City’s boundaries to the west, including investigating possible annexation of the Pine Canyon area and/or other ways to strengthen the existing community connection.
- To encourage mixed use within the downtown and other targeted areas.
- To address all different types and levels of housing needs.
- To maintain a community with a “small town village feel” with limited stop lights, etc.

### Goals and Strategies

- Increase development of new affordable housing projects by creating incentives, partnering with developers in accessing grant funding, and identifying and marketing available sites.
- Continue to promote and expand the Façade Enhancement Program.
- Encourage the development of a Senior Assisted Living Facilities and other senior housing options by identifying site alternatives, seeking developers, and partnering on grant funding opportunities.

- Prepare a comprehensive update of the City's General Plan, including a feasibility analysis of growth opportunities of the City's boundaries while maintaining the small town character of the City.
- Work with agricultural companies and property owners to promote development of agricultural employee housing projects.
- Promote the development of workforce development housing (teachers, public safety worker, public employees, health care, etc.) projects.
- Coordinate with Fort Hunter Liggett's growth plans to encourage an increase in their staff to reside, visit and be involved in the community.
- Completed design and construction of the Broadway Street/San Antonio Drive roundabout project.
- Access grant funding and prepare a new Master Plan for the Mesa Del Rey Airport.
- Work with Union Pacific and Amtrak to develop a train stop at the Broadway Street downtown extension.
- Assist the Salinas Valley Fairgrounds and County of Monterey with efforts to develop and implement a Master Plan for the Salinas Valley Fairgrounds, including building renovations, expansion and partnership on installation of a freeway welcome sign.
- Develop a streamlined accessory dwelling unit (ADU) program to increase housing units.
- Design the Wastewater Treatment Plant with a capability to expand to accommodate service to Pine Canyon.
- Work with property owners to prepare a development plan for the vacant properties at the southern area of the City to include:
  - Hotel facility adjacent to the Salinas Valley Fairgrounds;
  - Travel center adjacent to the interchange;
  - Housing adjacent to the Golf Course; and
  - Regional retail and other attractions along Highway 101.
- Utilize affordable housing in-lieu fees to assist in funding renovations of mixed-use buildings.
- Maximize the R-4 zoning districts to allow more intense usage.



## **LOCAL ECONOMY**

### Vision Statements

- To attract businesses and programs that will promote “living wage” jobs.
- To continue to be a successful agricultural community by maintaining and expanding support for agriculture employers and employees.
- To support emerging industries, including cannabis, health services, wineries, tourism, and others.
- To leverage the new cannabis industry development to attract other ancillary businesses and investment.
- To maintain a diversity of businesses within the industrial areas.
- To meet the evolving retail and service needs of the community.

### Goals and Strategies

- Encourage restaurants, sports bars and other activity oriented businesses in the downtown.
- Implement comprehensive tourism marketing program.
- Facilitate and encourage development of a new hotel.
- Encourage wine tasting and other businesses in downtown linking King City to the Monterey County wine region.
- Establish a comprehensive workforce training program focusing on vocational skills, including apprenticeships, internships, vocational and certificate programs.
- Partner with the King City Union Elementary School District, the South Monterey County Joint Union High School District, and Mee Memorial Hospital to design efforts to help address their employment needs.
- Partner with the Chamber of Commerce and Agriculture, non-profits and other Salinas Valley agencies to provide specialized training programs for start-ups, small businesses, and independent contractors and consultants.
- Coordinate with local cannabis businesses to identify and attract ancillary businesses through appropriate zoning, regulation and outreach efforts.

- Preserve areas for non-cannabis business needs through zoning restrictions, including limits on cannabis cultivation permits.
- Establish standards and outreach efforts to attract hemp manufacturing and related businesses.
- Construct wind and solar generation facilities through King City Community Power.
- Establish on-line drop off options and other online sales incentives designed to enhance local collection of online sales tax revenues.
- Increase high speed, fiber optics capacity throughout the City.
- Identify businesses that may directly serve Fort Hunter Liggett and Camp Roberts, such as USAA.
- Coordinate City planning efforts with Mee Memorial Hospital to ensure long-range needs of the hospital are met to ensure future success.
- Establish a future outdoor mercado on First Street adjacent to the Multi-Model Transit Center.

## **CITY FINANCES**

### Vision Statement

- To maximize fund balances and revenues to achieve long-term stability and resiliency.

### Goals and Strategies

- Eliminate General Fund debt.
- Establish a Reserve Policy to maintain a minimum of 20% of the General Fund with a goal to reach 50%.
- Explore revenue enhancement options, including:
  - Increased tax revenues from Highway 101/1<sup>ST</sup> Street Corridor business expansion;
  - Options to ensure new development projects are revenue neutral (CFDs); and
  - Transient Occupancy Tax (TOT) rate increase.
- Maintain focus of budget on established major priorities.

- Ensure full cost recovery of permit processing services/fees for development projects.
- Continue to utilize contract services options to maintain resource flexibility.
- Maximize grant funding options.

## **CITY FACILITIES, SERVICES AND INFRASTRUCTURE**

### Vision Statements

- To maintain City facilities and services that support healthy lifestyles.
- To continue a systemic approach of maintaining and expanding the City's infrastructure, major assets and facilities.

### Goals and Strategies

- Maintain and expand the annual street improvement program based on the Pavement Management Plan with a goal of upgrading all streets to a condition necessary to maintain in the future with ongoing slurry seal or microsurfacing treatments.
- Implement the Sidewalk Improvement Plan.
- Implement the Wastewater Collection System Master Plan.
- Implement the Wastewater Treatment Facilities Plan.
- Prioritize and address deficiencies identified in the ADA Transition Plan based on those items that provide barriers to access and are utilized by the public and/or employees on a regular basis.
- Develop a Fixed Asset Depreciation and Replacement Schedule.
- Renovate the Skate Park.
- Expand the Employee Training and Development Program.
- Address administrative, facility and equipment needs of the Fire Department necessary to support the successful continuation of the volunteer fire services model.
- Increase staffing to a level necessary to maintain ongoing core services.

- Assess and address priority information technology (IT) needs identified by departments necessary to address major service and efficiency goals.

## **REVIEW AND MONITORING**

Each 2-year period, the 20-Year Strategic Plan will be reviewed based on feedback from the biennial community survey and other efforts to assess changing needs. Amendments may be recommended at that time, and items will be reprioritized for consideration of funding in the 10-Year Long-Range Financial Plan and Biennial Budget. A report on progress will be submitted to the City Council during the budget goal setting process.

# CAPITOLA CITY COUNCIL MISSION STATEMENT

## MISSION

*The mission of the Capitola City Council is to represent the community and establish policy to provide the highest quality services to our residents, visitors and businesses.*

## VISION

*The City Council's vision is for the City of Capitola to be the most desirable place to live, work and play.*

## VALUES

- ❖ *We value the quality of life in Capitola and are committed to maintaining and enhancing the unique character of our City.*
- ❖ *We value an environment that creates the maximum opportunities for success.*
- ❖ *We value an accessible, participatory and responsive government.*
- ❖ *We value the preservation of our natural environment and resources through responsible land use planning.*
- ❖ *We value our cultural and historical heritage.*
- ❖ *We value ethical and professional conduct.*
- ❖ *We believe in fostering a sustainable community*
- ❖ *We believe in ensuring a safe community*

*In performing our mission, attaining our vision and adhering to our values, we will first look to our core values: Upholding the Public Trust, Practicing Sound Financial Management and Maintaining a Safe & Healthy Environment.*

# Long-Term Strategic Planning

September 14, 2023



# What is a Strategic Plan?

Roadmap for the future used to **prioritize** initiatives, goals, and resources

Generally, summarized in 5 to 6 focus areas & align with City's **vision** and **mission** statements

*Budget Goals and Priorities meeting: staff directed to develop strategic goals for the City → allocated \$50,000 in budget*



# Ongoing Strategic Priorities 2023-2025



## VISION, MISSION, & VALUES

### OUR VISION

Santa Cruz County is a healthy, safe and more affordable community that is culturally diverse, economically inclusive and environmentally vibrant.

### OUR MISSION

An open and responsive government, the County of Santa Cruz delivers quality, data-driven services that strengthen our community and enhance opportunity.

### OUR VALUES

The County of Santa Cruz provides services and supports partnerships built on:

Accountability

Effectiveness

Support

Collaboration

Innovation

Transparency

Compassion

Respect

Trust

## 2023-2025 Priorities



Economic Development



Infrastructure & Environment



Housing



Fiscal Health



Public Safety



Community Engagement & Well-being



Efficient & Well-Performing Government

## FOCUS AREAS

Comprehensive Health & Safety





# Examples

## *Santa Cruz County:*

- Attainable Housing
- Comprehensive Health & Safety
- Reliable Transportation
- Sustainable Environment
- Dynamic Economy
- Operational Excellence

## *King City:*

- Growth & Development
- Quality of Life
- Local Economy
- City Finances
- City Facilities, Services, & Infrastructure

# Suggested Strategic Planning Process

1. Fact Finding: analysis of Citywide needs *Consultant/staff*
2. Outreach: public workshops, surveys *Consultant/staff*
3. Synthesizing: identify proposed goals *Consultant*
4. Visioning: Council half day workshop *Council*
5. Drafting: prepare strategic plan staff *Consultant/staff*
6. Fine Tuning: Review & adopt *Council/staff*

# Considerations

Process requires:

- Buy-in & participation from all City departments

- Community input

- Transparency

- City Council time

- Staff time

- Follow through

# Recommendation

Provide feedback regarding the proposed process to develop the City of Capitola Strategic Plan.

The **mission** of the Capitola City Council to represent the community and establish policy to provide the highest quality services to our residents, visitors and businesses.

The City Council's **vision** is for the City of Capitola to be the most desirable place to live, work and play.

## We Value

- quality of life in Capitola and are committed to maintaining and enhancing the unique character of our City.
- environment that creates the maximum opportunities for success.
- an accessible, participatory and responsive government.
- the preservation of our natural environment and resources through responsible land use planning.
- our cultural and historical heritage.
- ethical and professional conduct.
- We believe in fostering a sustainable community
- We believe in ensuring a safe community

In performing our mission, attaining our vision and adhering to our values, we will first look to our core values: Upholding the Public Trust, Practicing Sound Financial Management and Maintaining a Safe & Healthy Environment.

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023  
**From:** City Manager Department  
**Subject:** Interim Building Official



**Recommended Action:** Adopt a resolution for an exception to the 180-day wait period per Government Code Section 7522.56 & 21221(h) and approve the appointment of Robin Woodman as the Interim Building Official-Retired Annuitant.

**Background:** The City's Building Official Robin Woodman retired on July 1, 2023.

Staff analyzed several options regarding Ms. Woodman's impending retirement. Initially, prior to further direction received from CalPERS, staff pursued appointing Ms. Woodman as an "extra help – limited duration Retired Annuitant – Special Advisor to the Building Division" to address the needs of the City. Now, after further input from CalPERS, staff has opened up recruitment for a permanent part-time Building Official and recommends appointing Ms. Woodman to serve as "Interim Building Official – Retired Annuitant" until September 18, 2024.

City staff is authorized by the applicable provisions of Government Code (GC) section 21221(h) to appoint a retiree as a Retired Annuitant ("RA") on an Interim basis while an active recruitment is in place to fill the vacant position. Interim RAs may be appointed by City staff and such appointments do not require City Council approval. However, if the City wishes to appoint a RA to an extra help role prior to 180 days after the retiree's retirement date, City Council approval is required. The circumstances regarding such approval are further discussed below. In addition, there are several requirements for RAs regarding compensation and work duration; they must be appointed for a limited duration and may not work more than 960 hours in a fiscal year.

Ms. Woodman filling the vacant role during this recruitment is critical for the City as she will manage the anticipated backlog of infrastructure repair work considering historic rainfall this past winter. Moreover, Ms. Woodman's specialized knowledge and expertise are crucial for the City's ability to ensure the successful launch of several special projects, including the Capitola Road affordable housing project.

As stated in the attached appointment document, Ms. Woodman's appointment as the Interim Building Official – Retired Annuitant is scheduled to begin on September 18, 2023, after Council's approval of the attached resolution.

**Discussion:** GC section 7522.56 provides that a retiree is eligible for post-retirement employment 180 days following his or her retirement date. This requirement applies to retiree employment that begins after January 1, 2013. There are exceptions to the 180-day wait period that are outlined in the GC. The applicable exception to Ms. Woodman's appointment is when a public agency, such as the City, provides a resolution certifying the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed. (Gov. Code § 7522.56, subd. (f)(1).) As such, to obtain Ms. Woodman's services as a Retired Annuitant prior to the expiration of the 180-day waiting period, City Council must approve the exception to the 180-day wait period in a public meeting as an action item by means of adopting a resolution.

Additional applicable requirements to this Retired Annuitant appointment, which are provided in GC section 21224, relate to compensation for the retiree. First, his or her compensation must be reflected as an hourly rate, which is no higher than the maximum monthly base salary paid to employees performing similar duties, as listed on a publicly available pay schedule. Currently, the maximum hourly rate paid to employees performing the Building Official duties is \$66.25. Ms. Woodman will be paid this maximum hourly rate as Interim Building Official.

Second, the retiree may not receive any other benefit, incentive, or compensation other than the hourly rate. Under this appointment, Ms. Woodman will not receive any other benefit, incentive, compensation in lieu of benefits, or other forms of compensation.

Due to the circumstances within the City and the anticipated prolonged recruitment process to find a well-qualified candidate in the area for the permanent Building Official position, the City has a critical need for Ms. Woodman to fill the Interim Building Official – Retired Annuitant sooner than the 180-day wait period generally required by the GC.

Fiscal Impact: The hours required for this appointment are reasonably contemplated within the City's budget for personnel servicing the Building Division; no significant impact is anticipated from hiring Ms. Woodman as a Retired Annuitant.

Attachments:

1. Resolution
2. Appointment Document

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

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

Approved By: Jamie Goldstein, City Manager

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA****180-DAY WAIT PERIOD EXCEPTION GOVERNMENT CODE SECTIONS 7522.56 & 21221(h)****September 14, 2023**

**WHEREAS**, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the City Council of the City of Capitola must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

**WHEREAS**, Robin Woodman (CalPERS ID 5166434908) retired from the City of Capitola in the position of Building Official, effective July 1, 2023; and

**WHEREAS**, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 29, 2023, without this certification resolution; and

**WHEREAS**, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the City Council of the City of Capitola, the City of Capitola and Robin Woodman certify that Robin Woodman has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

**WHEREAS**, the City has authorized the search for a permanent appointment on September 8, 2023,

**WHEREAS**, the City Council of the City of Capitola hereby appoints Robin Woodman as an interim appointment retired annuitant to the vacant position of Building Official for the City of Capitola under Gov. Code section 21221(h) effective September 18, 2023; and

**WHEREAS**, the Gov. Code Section 21221(h) appointment shall only be made once and therefore will end on September 18, 2024; and

**WHEREAS**, the entire appointment document between Robin Woodman and the City of Capitola has been reviewed by this body and is attached herein; and

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and



**WHEREAS**, currently the maximum base salary for this position, part-time, is \$2,870.831.66 per month and the hourly equivalent is \$66.25, and the minimum base salary for this position is \$2,361.67 per month and the hourly equivalent is \$54.50; and

**WHEREAS**, the hourly rate paid to Robin Woodman will be \$66.25; and

**WHEREAS**, Robin Woodman has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Capitola hereby certifies the nature of the employment of Robin Woodman as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Interim Building Official for the City of Capitola by September 18, 2023, because of the critical need for this role due to several special and in-progress projects in the City. Specifically, due to historic rainfall this past winter, the City anticipates a substantial burden on resources to continue its infrastructure repairs and storm recovery construction in Capitola Village. Moreover, Ms. Woodman’s specialized skills and knowledge will be critical to the City’s successful launch of several special projects. Further, appointing Robin Woodman is necessary to fill the critically needed position of interim Building Official, because the City of Capitola is actively recruiting for a permanent appointment, but the City needs an interim Building Official with sufficient knowledge and expertise to oversee the above-referenced projects.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 14<sup>th</sup> day of September 2023, by the following vote:

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

\_\_\_\_\_  
Margaux Keiser, Mayor

ATTEST:

\_\_\_\_\_  
Julia Moss, City Clerk



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

September 14, 2023

Robin Woodman  
10186 East Zayante Road  
Felton, California 95018

Subject: Retired Annuitant Appointment

Dear Robin,

This letter is to confirm your appointment as the Interim Building Official for the City of Capitola. Your appointment will begin on September 18, 2023, and end on September 18, 2024. You will be paid the maximum hourly rate in effect at the time for employees performing comparable duties. You will work no more than 960 hours/fiscal year. As a Retired Annuitant – Interim Building Official, you will not receive any other benefit, incentive, or compensation in addition to your hourly rate.

Your appointment as the Interim Building Official is to ensure the City of Capitola temporarily fills this critical role while it actively recruits a permanent Building Official. You will also assist with the current backlog of work associated with: 1) continued storm recovery of both residential and commercial owners in Capitola Village; and 2) inordinate public infrastructure repairs the City anticipates beginning late summer 2023 due to historic rainfall this past winter. Your appointment will further assist the Building Division with the following special projects: 1) the 2023-2031 Housing Element Update; 2) the 720 Hill Street hotel project; 3) the 4401 Capitola Avenue affordable housing project; and 4) the anticipated 1698 38th Avenue affordable housing project.

If you have any questions, please contact Renee DeMar, HR Analyst, or Chloé Woodmansee, Assistant to the City Manager.

Sincerely,

Jamie Goldstein, City Manager

# 180-Day Exception for Limited Duration Retired Annuitant

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SEPTEMBER 14, 2023

# Interim Retired Annuitant

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## Government Code Section 21221(h)

Specific rules must be followed:

- Work less than 960 hours/fiscal year
- Paid only an hourly rate
- No other benefits
- Interim while City recruits for employee

# Exception to 180-Day Wait Period

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- Per Government Code, retired annuitants must wait to begin work 180 days after retirement. Exceptions:
  - Appointment is necessary to fill a critically needed position
- Council must approve this exception by adopting a resolution

# Recommendation

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Adopt a resolution for an exception to the 180-day wait period per Government Code Section 7522.56 & 21221(h) and approve the appointment of Robin Woodman as the Interim Building Official (retired annuitant)

# Capitola City Council

## Agenda Report

**Meeting:** September 14, 2023

**From:** City Manager Department

**Subject:** City Council Appointments to City Advisory Bodies



**Recommended Action:** Appoint members of the public to the City of Capitola Arts and Cultural Commission.

**Background:** The Arts and Cultural Commission (Commission) advises 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 of works of art. The Commission was created in 2003 through the adoption of Ordinance No. 851, and is composed of nine members, each serving two-year terms.

**Discussion:** In accordance with Government Code Section 54974, recruitment was conducted to fill one unscheduled vacancy on the Commission. The notice of vacancy was posted at City Hall, in a local newspaper, on the City website, and advertised through social media. Applications for appointment on any City advisory body are accepted year-round and remain valid for a one-year period.

Attached are the applications for appointment received on or before the printing of this agenda packet. The Commission met on June 13, 2023, and July 11, 2023, and reviewed the applications received by the City Clerk's office. The Commission recommends the appointment of Mario Beltramo. The COE received one application for a youth member appointment.

The Commission currently has another vacancy for an artist position. The City Clerk's office reached out to applicants to see if any were eligible/interested in the artist vacancy. None of the applicants on file are eligible to fill this vacancy.

**Fiscal Impact:** None.

**Attachments:**

1. Advisory Group Applications

**Report Prepared By:** Julia Moss, City Clerk

**Approved By:** Jamie Goldstein, City Manager



# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission
  - Artist
  - Arts Professional
  - At Large
- Finance Advisory Committee
  - Business Representative
  - At Large
- Commission on the Environment
- Historical Museum Board
- Planning Commission
- Check if applying as youth member for any board
- Other Committee \_\_\_\_\_

Name: Payonzeck Lengro Jill  
Last First

Residential Neighborhood: Riverview Terrace

Occupation: Retired

Describe your qualifications and interest in serving on this Board/Commission/Committee: \_\_\_\_\_

\_\_\_\_\_  
please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

June 13, 2023  
Date

Jill Payonzeck Lengro  
Signature of Applicant

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.



I am writing to express my enthusiasm to join the Arts and Cultural Commission. I believe I would be an exceptional fit for this position. I recently moved to Capitola in September 2022 and one of the reasons was not only the ocean but the cities love of the arts.

Allow me to outline the reasons why I believe I would be a good member of the Arts and Cultural Commission:

**Passion for cultural diversity:** I have lived in many countries (England, France, Mexico and the USA). Each country has its unique cultural heritage, traditions, and artistic expressions. I have gained firsthand exposure to diverse artistic practices, aesthetics, and perspectives and well as experiences of various cultural, social, and political contexts. I have working knowledge of French and Spanish.

**Passion for the arts:** Whether it's through visual art, music, dance, literature, or theater, the arts can tap into our emotions, allowing us to explore and communicate complex feelings that may be difficult to express through other means. I have enjoyed learning many different types of art forms over the years - from learning how to watercolor in France, to making alebrijes in Mexico to recently taking a jewelry making class at Cabrillo College, I am passionate about the arts. I am also a member of the California Art Club, a dynamic, member-based, nonprofit educational organization, dedicated to expanding the knowledge and appreciation of traditional fine arts in the fields of painting, drawing and sculpting.

**Communication and collaboration skills:** My college degree was in Interpersonal and Organizational communication. I have found the skills I learned essential for conveying ideas, building relationships, and resolving conflicts in personal and professional settings. I worked for 30+ years in marketing and customer experience roles and can apply these skills to the arts and cultural commission.

Thank you,

  
Jill Payonzeck Lengré



# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

CITY OF CAPITOLA  
CITY CLERK

JUN 14 2023

Application for:

- Art & Cultural Commission
  - Artist
  - Arts Professional
  - At Large
- Finance Advisory Committee
  - Business Representative
  - At Large
- Commission on the Environment
- Historical Museum Board
- Planning Commission
- Check if applying as youth member for any board
- Other Committee \_\_\_\_\_

Name: BELTRAMO MARIO  
Last First

Residential Neighborhood: RIVERVIEW TERRACE

Occupation: RETIRED TRIAL ATTORNEY

Describe your qualifications and interest in serving on this Board/Commission/Committee:

MY WIFE, LINDA, AND I HAVE OWNED OUR RIVERVIEW DRIVE PROPERTY FOR OVER 23 YEARS, BUT HAVE ONLY BEEN FULL TIME RESIDENTS SINCE MY RETIREMENT IN 2017. OVER THESE LAST 6 YEARS I HAVE BECOME INCREASINGLY AWARE OF CAPITOLA'S UNRIVALED BEAUTY AND ITS UNIQUELY COHESIVE AND ENERGIZED POPULACE, AND BELIEVE THAT WITH THE COMMUNICATIVE SKILLS THAT I HAVE DEVELOPED OVER 40 YEARS OF PRACTICING LAW THAT I CAN HELP MAKE THE ACC BOTH EFFECTIVE & ENERGIZED. (Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

June 10, 2023  
Date

Mario Beltramo  
Signature of Applicant

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.





# BOARD & COMMISSION APPOINTMENTS

September 14, 2023



# Background

- Government Code 54974 – Vacancy Notice and Recruitment
  - City Clerk had three applications on file
  - 2 Unscheduled vacancies – 1 At-Large & 1 Artist
  - Applications on file do not meet requirements for Artist
- Arts & Cultural Commission
  - Unscheduled At-Large vacancy expires 12/31/2024
  - 3 applicants were reviewed in accordance with the Commission Bylaws



# Applicants

## □ Arts & Cultural Commission:

Mario Beltramo	Jill Payonzeck Lengre
Neil Pearlberg	

- The Commission recommends appointment of Mario Beltramo



# Recommended Action

- Appoint 1 member of the public to the Arts & Cultural Commission