

City of Capitola

City Council Meeting Agenda

Thursday, July 24, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session – 5 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. **LIABILITY CLAIMS** (Government Code § 54956.95)
Claimants: Richard Aberman, Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Kelty, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok
Agency Claimed Against: City of Capitola
- ii. **LIABILITY CLAIM** (Government Code § 54956.95)
Claimant: John Mulry
Agency Claimed Against: City of Capitola
- iii. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** (Gov't Code § 54956.8)
Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)
Under Negotiation: Use of Premises

Regular Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

A. Annual Presentation from Central Coast Community Energy

4. Report on Closed Session

5. Additional Materials

Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. 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.

- [A.](#) Item 8C - Correspondence Received
- [B.](#) Item 8I - Correspondence Received
- [C.](#) Item 8J - Correspondence Received
- [D.](#) Item 9A - Correspondence Received
- [E.](#) Item 9D - Updated Staff Report
- [F.](#) Item 9E - Correspondence Received

6. Oral Communications by Members of the Public

*Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. **A maximum of 30 minutes** is set aside for Oral Communications.*

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

All items listed as "Consent Items" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- [A.](#) City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on June 26, 2025.
- [B.](#) Liability Claims
Recommended Action: Deny a liability claim from the following claimants: Richard Aberman, Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Kelty, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok
- [C.](#) Liability Claim
Recommended Action: Deny a liability claim from John Mulry.
- [D.](#) Military Equipment Use

Recommended Action: Adopt a resolution renewing Chapter 2.60 of the Capitola Municipal Code entitled Military Equipment Use Ordinance, Capitola Military Equipment Use Policy 706, and finding that the annual Military Equipment Report complies with the standards of approval outlined in Government Code Section 7071(d).

E. Conflict of Interest Code

Recommended Action: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure.

F. Title VI Program Manual

Recommended Action: Adopt a resolution adopting the City of Capitola Title VI Program Manual to comply with Caltrans and Federal Highway Administration (FHWA) requirements for recipients of federal transportation funding; appoint the Public Works Director as the City's Title VI Coordinator; and authorize submittal of required Title VI Program documentation to Caltrans Division of Local Assistance.

G. Upper Village Parking Lot Sidewalk Improvement Project Completion

Recommended Action: 1) Accept as complete the Upper Village Parking Lot Sidewalk Improvement Project constructed by Diamond D Company at a final cost of \$382,491; 2) authorize the City Clerk to file and record a Notice of Completion; 3) adopt a resolution amending the FY 2025-26 Adopted Budget to allocate \$12,491 for additional project expenditures; and 4) authorize the release of the contract retention of \$18,528 as prescribed in the construction agreement.

H. Coastal Rail Trail Segments 10 & 11

Recommended Action: Reschedule the Coastal Rail Trail Project update to the August 2025 City Council meeting to allow participation by representatives from the Santa Cruz County Regional Transportation Commission (RTC) and the County of Santa Cruz.

I. 2024 CDBG Grant Award

Recommended Action: Receive staff update on the 2024 Community Development Block Grant Award for the Jade Street Community Center Project Phase II and Public Service Food Distribution Programs; and adopt a resolution amending the FY 2025-26 budget to accept \$3.6 million into the CDBG Special Revenue Fund.

J. Treasure Cove Playground and Jade Street Park Improvements

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Cumming Management Group, Inc. in the amount of \$242,000 for construction management services related to the Treasure Cove Playground, public restroom renovation, and Community Center patio improvements.

K. Police Department Staffing

Recommended Action: Authorize the over-hire of one Police Officer Trainee position for a period of three months, while concurrently holding a vacant Community Service Officer position to offset the cost.

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. Community Grant Program

Recommended Action: 1) Provide direction to staff on the upcoming Community Grant Program term length and other program details; 2) consider grant priorities for the use of restricted Early Childhood and Youth Programming funds; and 3) appoint City Council Members to a subcommittee to review grant applicants and prepare funding recommendations.

B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26

Recommended Action: Continue the noticed public hearing to adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget to the August 28, 2025, Council meeting.

C. CVWBIA Advisory Committee

Recommended Action: Adopt a resolution approving bylaws for the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

D. Appointment to City Advisory Bodies

Recommended Action: By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board; and, in accordance with Capitola Municipal Code Section 2.12.020, appoint a member of the public to the Planning Commission.

E. Administrative Policy I-42: Code of Conduct

Recommended Action: Review Administrative Policy I-42: Council and Board Code of Conduct; and provide direction to staff for desired changes.

F. City Council Representation on Regional Boards & City Advisory Bodies

Recommended Action: Review appointments of City Council representatives on regional boards and committees and City advisory bodies.

G. Regional Transportation Improvement Program Grant - Sidewalk Infill

Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to construct high-priority sidewalk segments identified in the City's ADA Transition Plan.

H. Regional Transportation Improvement Program Grant – Bay Avenue

Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to complete final design of the Bay Avenue Corridor Project.

10. Adjournment

The next regularly scheduled City Council meeting is on August 28, 2025, at 6:00 PM.

How to View the Meeting

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

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

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

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

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

How to Provide Comments to the City Council

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

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City's website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

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

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

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

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

Gautho, Julia

From: John Mulry [REDACTED] >
Sent: Sunday, July 6, 2025 5:56 PM
To: City Council; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Subject: Formal Complaint and Pre-Litigation Mediation Proposal – City of Capitola

Dear Capitola City Council and City Manager Jamie Goldstein,

Please find below a formal notice of my intent to file a civil lawsuit against the City of Capitola, for multiple violations of my constitutional and civil rights. I am including a final opportunity to resolve this matter through mediation.

NOTICE OF INTENT TO FILE CIVIL ACTION — DEMAND FOR DAMAGES UNDER COLOR OF LAW AND OFFER OF MEDIATION

I, John William Mulry, residing at [REDACTED], am preparing to file a civil lawsuit against the City of Capitola, including City Manager Jamie Goldstein, City Councillor Melinda Orbach, and involved members of the Capitola Police Department, for violations under both federal and California law.

Allegations include:

- Retaliatory harassment and intimidation in violation of the First and Fourteenth Amendments;
- Abuse of authority and misuse of police power under color of law, actionable under 42 U.S.C. §1983;
- Violation of the Bane Act (Cal. Civ. Code §52.1) for intimidation and coercion;
- Violations of the City's Code of Conduct, including misuse of public office for political targeting.

These actions—reportedly directed at me due to my political activity as a Republican resident—constitute a serious abuse of power and a chilling infringement on protected rights.

Claim for Damages: \$1,000,000.00

This includes compensatory and punitive damages for:

- Emotional distress
- Reputational harm
- Civil liberties violations
- Legal and related costs

Offer of Mediation (48-Hour Deadline)

In good faith, I am offering a one-time opportunity for confidential mediation before initiating legal proceedings. If the City agrees in writing within 48 hours of this notice, I will suspend further legal action to engage in mediated resolution.

I propose City Councillor Gerry Jensen as the neutral mediator. If unavailable, we may agree on a mutually acceptable alternative.

If no agreement is received within 48 hours, I will proceed with legal action in Santa Cruz County Superior Court or U.S. District Court, as appropriate.

Please direct written responses to [REDACTED].

Sincerely,

John William Mulry

[REDACTED]

[REDACTED]

[REDACTED]

Item ii.



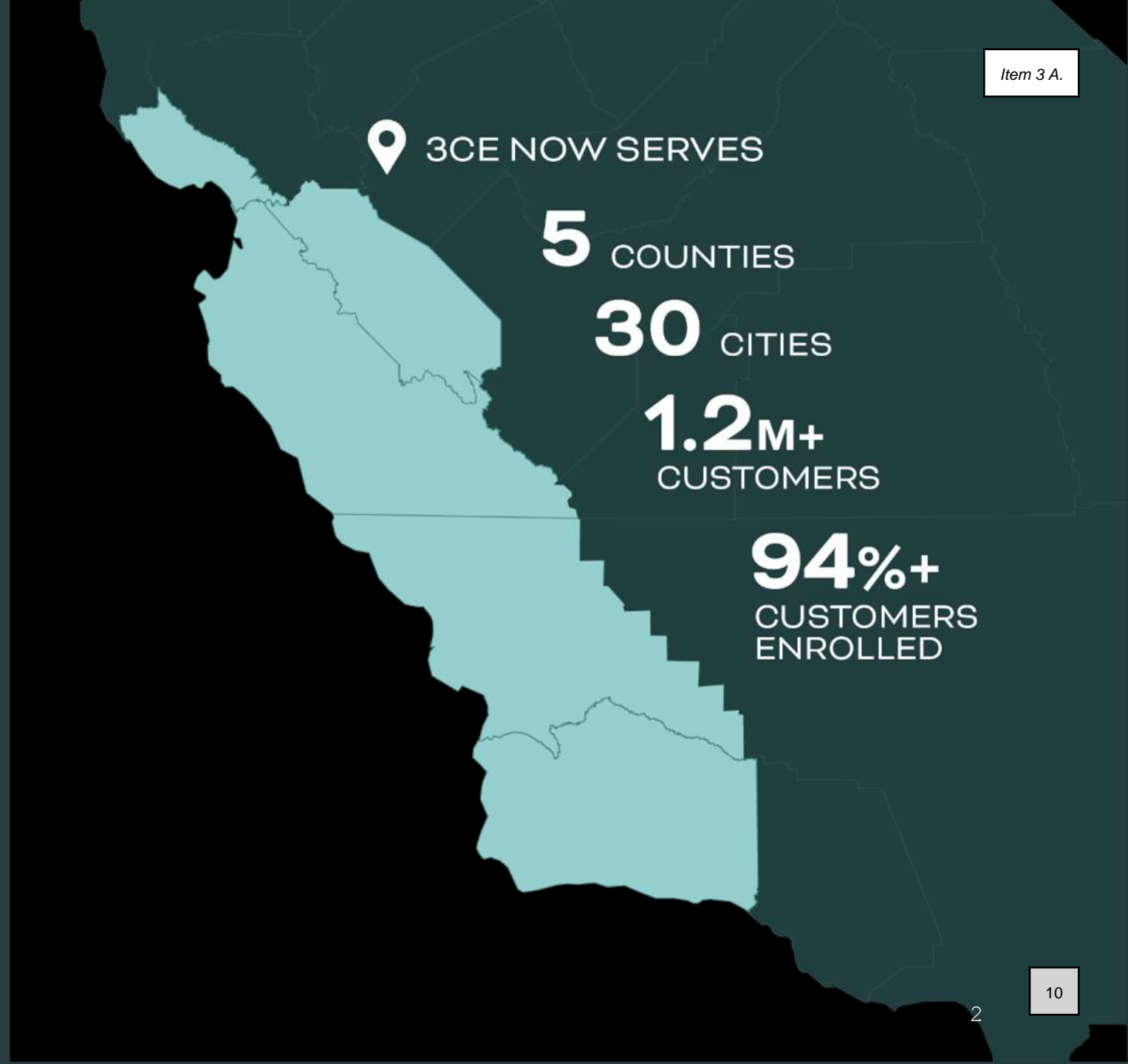
3CE Annual Update

Capitola

July 24th, 2025



Together, Power for Good



2024 Energy Highlights

Item 3 A.



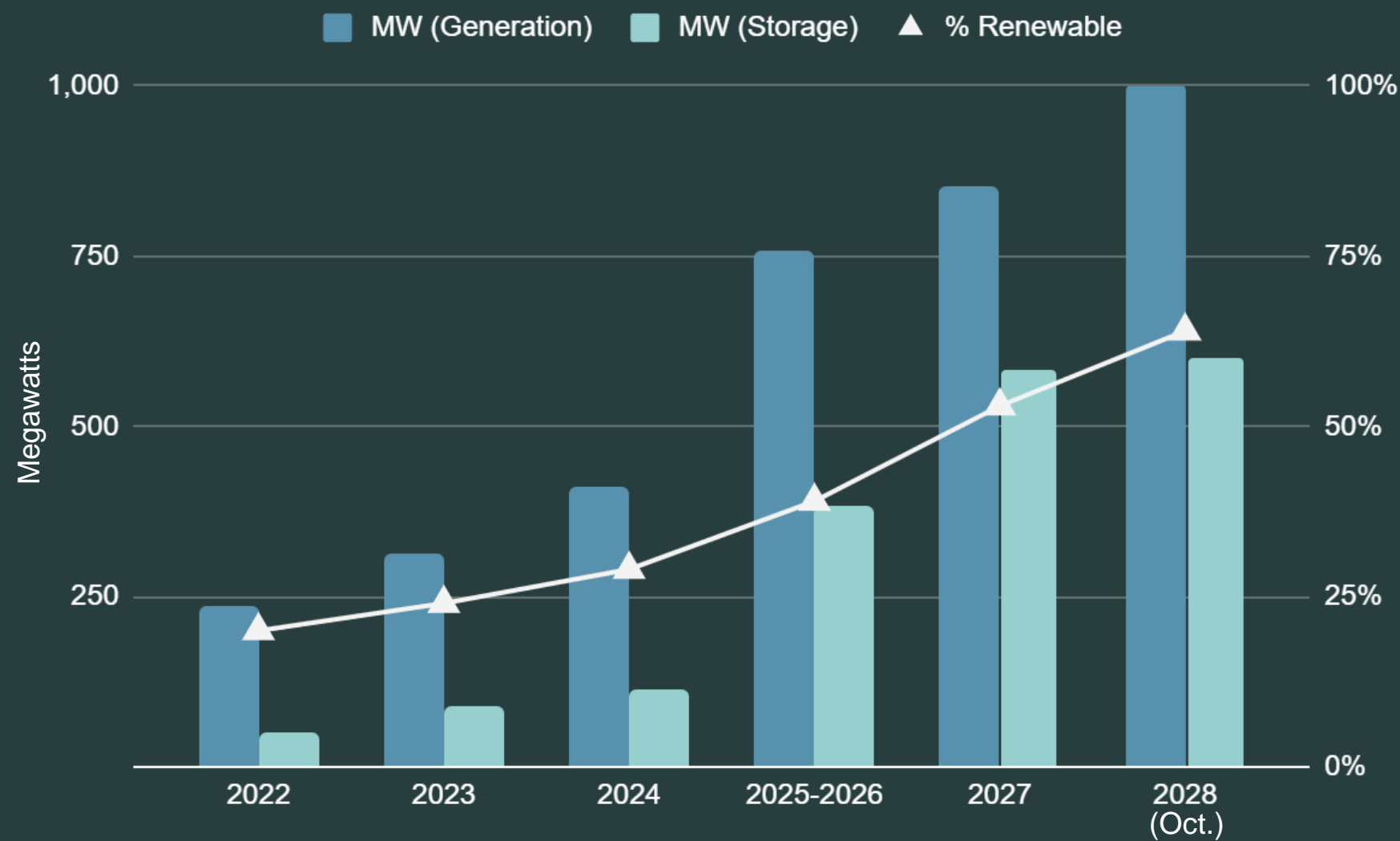
Sourced 409 Megawatts

of clean & renewable energy in 2024, enough to power 350,850 households with renewable energy.

Sourcing Renewable Energy

avoided more than 445,000 metric tons of CO₂, the equivalent of taking 105,911 gasoline-powered passenger vehicles off the road for a year.

Renewable Energy Progress



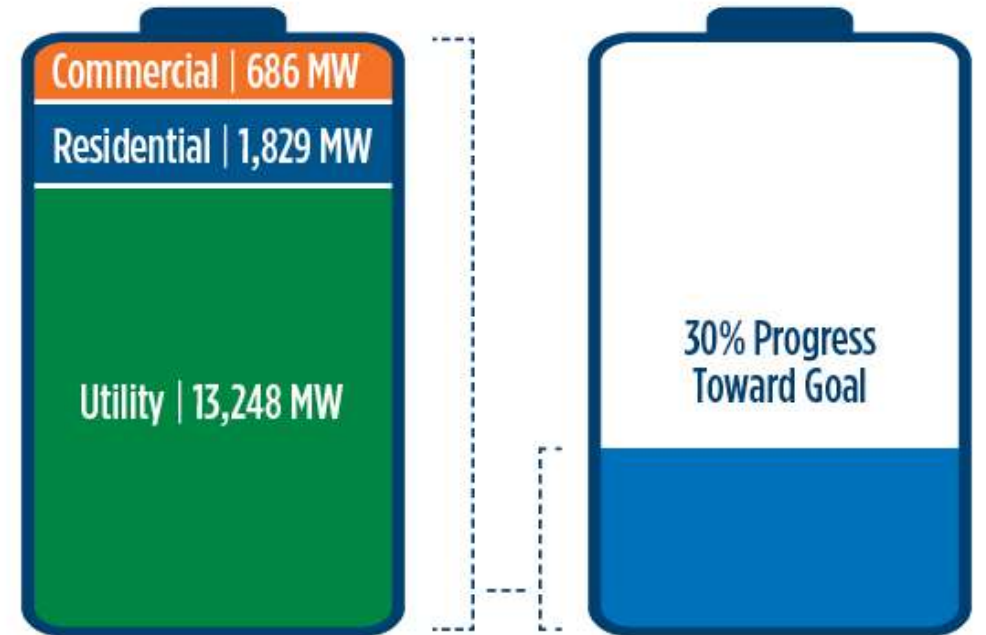
Battery Energy Storage Systems

Support the Renewable Transition

- Balances intermittent renewables
- Supports stability
- Reduces reliance on fossil fuels
- Drives affordability
- Empowers customers

Energy Storage in California by Type

* As of April 2025

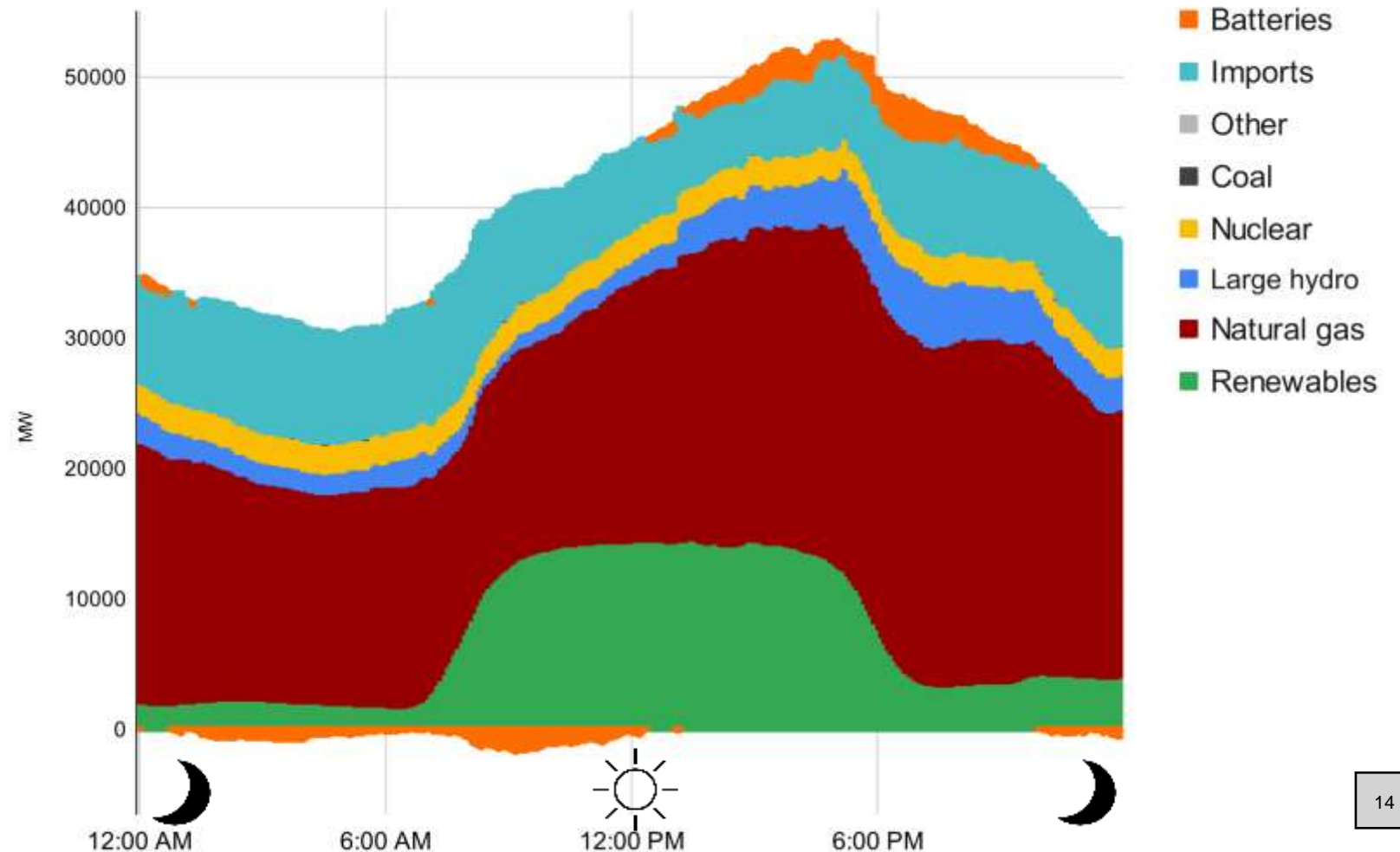


2025 | 15,763 MW

2045 | 52,000 Total

Supply Trend September 2022

- Labor Day Weekend 2022
- Flex Alert
- Text message from Governor's Office



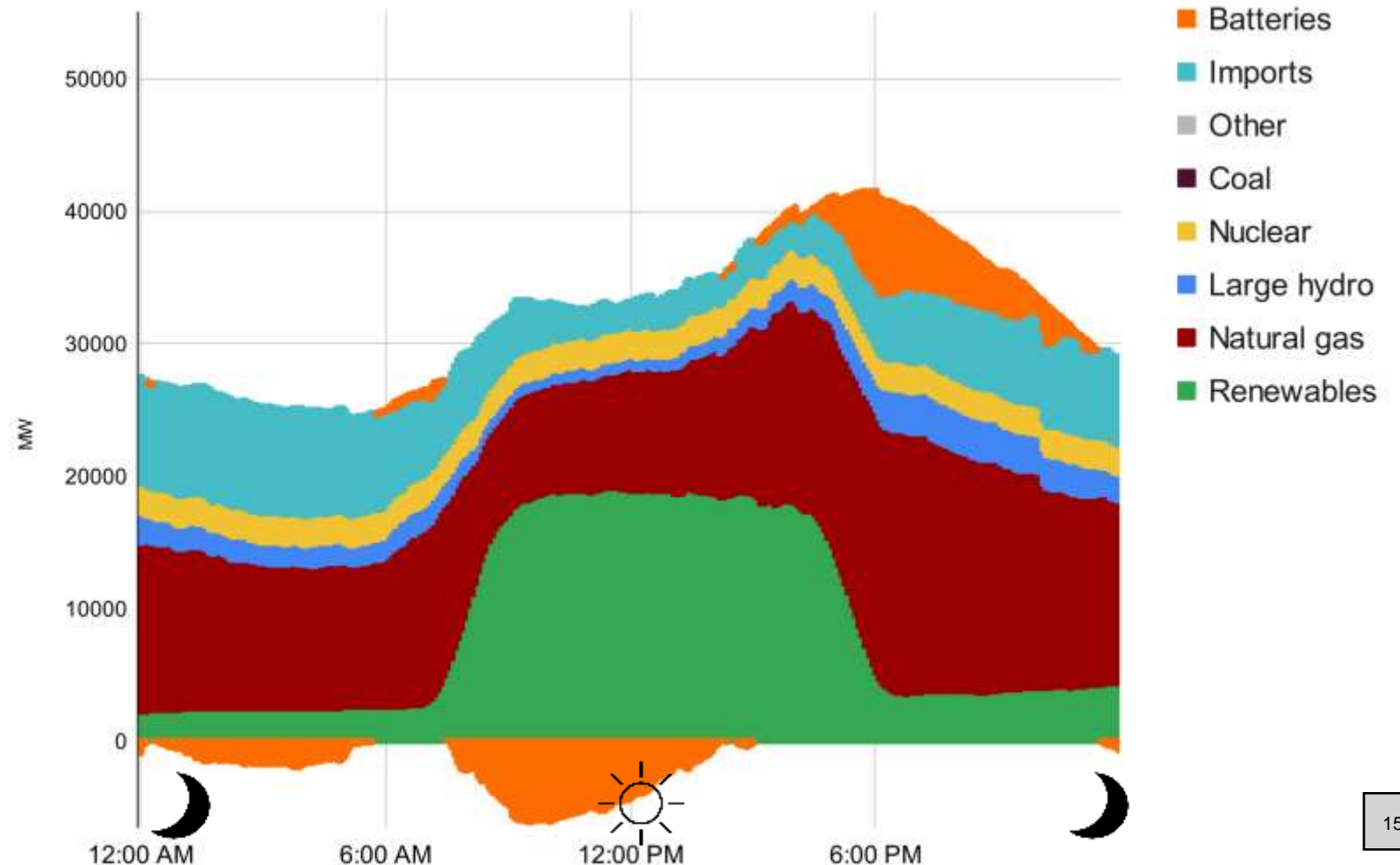
Supply Trend July 2024



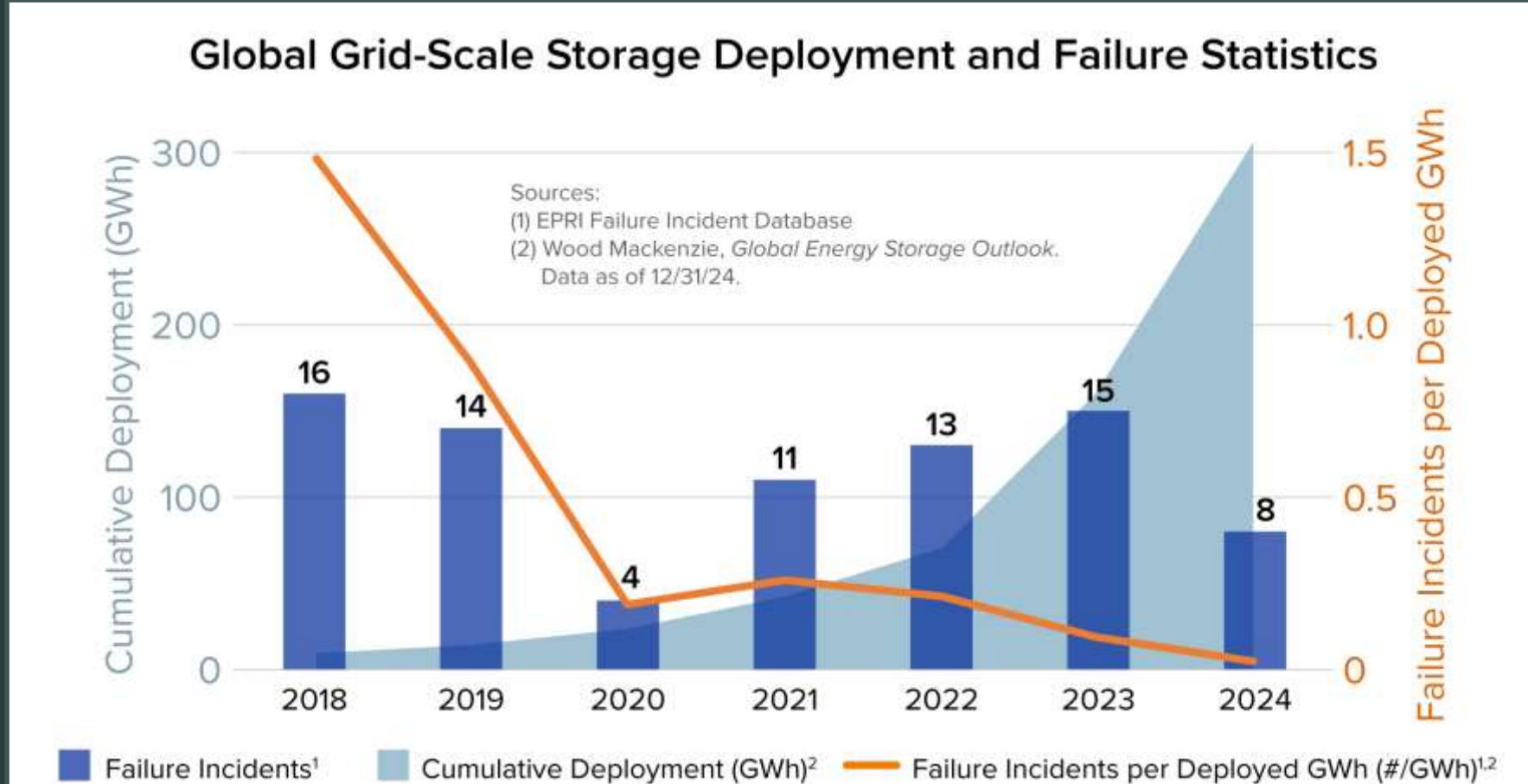
Central Coast
Community
Energy

Item 3 A.

- **Independence Day
holiday weekend
2024**



Utility Scale Battery Safety



Energy Storage Innovation

Advanced Compressed Air Energy Storage (A-CAES)



Willow Rock Energy Storage Center

- Storage is essential for CA's transition to carbon-free energy
- Utilizes compressed air to generate power on demand
- Largest compressed air energy storage project in the world
- 200 megawatts for 3CE customers

Our Energy Future

New Renewable Energy Projects



Aratina Solar + Storage

- 120 MW to power 90,000 homes

Atlas Solar

- 150 MW to power 105,100 homes

Victory Pass Solar + Storage – **ONLINE**

- 100 MW to power 68,000 homes

Community Engagement



- Ongoing outreach through events, webinars, and workshops
- Added bilingual staff and expanded translated materials
- Adopted Underserved Communities Action Plan
- Increased access with interpreters and bilingual promotion

Community Programs



Public Agency Programs



Plan Your Fleet

**Fleet &
Charging
Infrastructure Plans**



Electric Bus Program

\$400,000



Charge Your Fleet

**Up to
\$150,000**



Electrify Your Fleet

**Up to
\$150,000**



Reach Codes Program

**Assistance for
development and
adoption**

Making a Difference

Community Investment

Item 3 A.



Snapshot of Rebates & Incentives:

- 2,843 electric vehicles
- 2,085 EV chargers
- 1,663 projects for EV readiness
- 38 electric buses
- 746 all-electric water heaters & HVAC systems
- 1,458 all-electric affordable housing units
- 93 all-electric agriculture equipment projects

Community Investment

Rebates & Incentives



Capitola 3CE Investment:

- \$4,270 – Charge Your Fleet
- \$260,000 – Electrify Your Fleet
- \$64,313 – Plan Your Fleet
- \$6,500 – Electrify Your Home
- \$79,034 – Electrify Your Ride

Scotts Valley 3CE Investment:

- *\$56,900 – Electrify Your Home*
- *\$253,591 – Electrify Your Ride*

Legislative Update

- EV and Home Energy Tax Credits
- Federal Taxes and Tax Credits
- Resource Adequacy Slice of Day
- Pathways Initiative (SB 540)

Thank You!

Contact Us:

- Northern Region: Sophia Schwirzke (sschwirzke@3ce.org)
- Southern Region: Spencer Brandt (sbrandt@3ce.org)
- Senior Advisor for Policy and Legislative Affairs: Das Williams (dwilliams@3ce.org)

Learn more & apply for programs at 3Cenergy.org

Gautho, Julia

From: John Mulry <jxmuly@icloud.com>
Sent: Friday, July 18, 2025 2:46 PM
To: City Council; City Clerk; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Subject: Request to Move Item 8C from Consent Calendar to General Agenda for July 24, 2025 Capitola City Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Subject: Request to Move Item 8C from Consent Calendar to General Agenda for July 24, 2025 Capitola City Council Meeting

Dear Esteemed Councillors

I am requesting that Item 8c be removed from the consent calendar and placed on the general agenda for the Capitola City Council meeting on July 24 2025,

This item requires public discussion and council consideration rather than automatic approval.

Please each of you, confirm receipt of this request and let me know if any further steps are needed. I have compelling, irrefutable evidence I am willing to share in the public setting.

Happy Friday

John Mulry

Gautho, Julia

From: Heidy Kellison <heidy@cwo.com>
Sent: Monday, July 21, 2025 6:48 AM
To: City Council
Subject: Treasure Cove

Dear Capitola City Council,

I'm delighted to see items 8 I&J pertaining to CDBG funding and Treasure Cove construction on the consent agenda. Their inclusion reflects the hard work of many, our city staff in particular, who are skilled in acquiring additional dollars for important community assets.

Thank you for your continued commitment to children and families. What an exciting time!

Best Regards,
Heidy Kellison, Commissioner
First 5 Santa Cruz County District 2

Gautho, Julia

From: Heidy Kellison <heidy@cwo.com>
Sent: Monday, July 21, 2025 6:48 AM
To: City Council
Subject: Treasure Cove

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I'm delighted to see items 8 I&J pertaining to CDBG funding and Treasure Cove construction on the consent agenda. Their inclusion reflects the hard work of many, our city staff in particular, who are skilled in acquiring additional dollars for important community assets.

Thank you for your continued commitment to children and families. What an exciting time!

Best Regards,
Heidy Kellison, Commissioner
First 5 Santa Cruz County District 2

Gautho, Julia

From: michael routh <qwakwak@gmail.com>
Sent: Friday, July 18, 2025 3:41 PM
To: City Council
Subject: item 9a Community Grants,

Council members,

Based on the performance of the City Council in 2022, and the awarding of a \$15000 grant to the phony Blue Circle non-profit, it's imperative that the council put more effort into analyzing the groups requesting city funds and the benefits they specifically provide to Capitola residents. Particularly important is to consider de-funding organizations that provide a duplication of services offered by other government bodies, such as children's programs offered by the County Office of Education and/or children's programs offered by local school districts.

Mick Routh
Crystal St
Capitola

Sent from my iPad



CITY MANAGER DEPT.

Memo

To: City Council
From: Julia Gautho, City Clerk
Date: July 21, 2025
Re: Item 9D - Advisory Body Applicants

Mayor and City Council,

Two applicants requested to withdraw their applications for City advisory groups.

Staff has revised the report for Item 9D and includes it for Council review.

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: Appointment to City Advisory Bodies



Recommended Action: By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board; and, in accordance with Capitola Municipal Code Section 2.12.020, appoint a member of the public to the Planning Commission.

Background: Members of the public are appointed to serve in a voluntary capacity on the City's advisory bodies for terms, some of which expired in June 2025. This necessitates that the Council make reappointments or new appointments for the next term.

Applications for membership on advisory bodies are accepted year-round and are valid for one year. Members who are currently serving on advisory bodies were notified of their term expiration and invited to reapply to be reappointed.

As a part of the advisory body appointment process, staff published a regular vacancy notice on the City website and through social media, and an unscheduled vacancy notice in the Santa Cruz Sentinel.

Discussion: Each of the City's advisory bodies is governed by relevant bylaws, which outline information about the appointment process of the group.

Capitola Village and Wharf Business Improvement Area Advisory Committee: In 2005, the City formed the CVWBIA and appointed an initial Advisory Committee. Section 36530 of the California Streets and Highways Code requires that the City Council appoint members to the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee. Staff recommends that the Council appoint (by motion and vote) new members to this group. Staff has received two applications for this group, from Daniel Castagnola and Ted Burke.

Historical Museum Board: The Historical Museum Board was founded in 1967 through the adoption of Ordinance No. 301. The Board promotes a program that will bring about better understanding and appreciation by the Capitola community of its history, architecture, culture, technology, and its creative and natural environments. Board Bylaws (Resolution No. 4099) state that the Board is composed of seven members. The Bylaws state that the Commission must review applications and provide a recommendation to the City Council for appointment. There are four terms which expired on June 30, 2025, and require reappointment. Staff recommends that the Council appoint (by motion and vote) four members to this group. Staff has received four applications for this group, from the following:

1. Cami Corvin
2. Enrique Dolmo
3. Gordon Van Zuiden
4. Helynne Nourishad

Planning Commission: The Planning Commission was originally established in May 1949, through the adoption of Ordinance No. 32. The Planning Commission is responsible for reviewing land use and development permits (including Conditional Use Permits, Coastal Development Permits, Design Permits, etc.) for consistency with the Capitola General Plan and Municipal Code. The Planning Commission also

provides recommendations to the City Council on General Plan amendments and rezoning requests, such as the Housing Element update in 2024.

The Planning Commission is comprised of five members, each appointed by an individual City Council Member. Members of the Planning Commission are appointed for two-year terms. The current Planning Commissioners' terms expire in December 2026. With the appointment of Susan Westman to the City Council, an unscheduled vacancy was created on the Planning Commission. Capitola Municipal Code 2.12.020 states that each City Council Member may appoint one planning commission member. The current composition of the Commission is as follows:

| Appointing Council Member | Planning Commissioner | Date Appointed |
|----------------------------------|------------------------------|-----------------------|
| Yvette Brooks | Courtney Christiansen | 12/12/2024 |
| Joe Clarke | Matthew Howard | 12/12/2024 |
| Gerry Jensen | VACANT | |
| Melinda Orbach | Nathan Kieu | 12/12/2024 |
| Alexander Pedersen | Paul Estey | 12/12/2024 |

Staff recommends that Council Member Jensen appoint a member to the Commission, in accordance with CMC Section 2.12.020. Staff has received 9 applications for this group, from the following:

1. James Weller
2. John Mulry
3. Mick Routh
4. Narendra Dev
5. Nicholas Brown
6. Peter Wilk
7. Rosamaria Garcia
8. TJ Welch
9. Trevor Whitcomb

Fiscal Impact: None.

Attachments:

1. Applications

https://www.dropbox.com/scl/fo/ogtqc5pxeroxta8zm4zkr/APc_ityEHeoOLeMXO1GKOgl?rlkey=hbk8kt42be4ut9kbfnhw67shy&st=82vlh6to&dl=0

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Gautho, Julia

From: John <jxmuly@gmail.com>
Sent: Monday, July 21, 2025 8:35 PM
To: City Council; City Clerk
Subject: Item 9e

The code of conduct must be ministerial. Council should determine if X happened. If so the predetermined resolution is Y. Censure or removal or whatever is legal and appropriate. This way council merely adjudicates if something happened. They don't decide the penalty, they just enforce it with no discretion.

For instance

If a city councillor uses their office to direct the city manager to harass a political opponent or remove them from a commission. They say lose everything, get charged with a felony and then sued without city support. Just brainstorming that's impossible to imagine happening. We would be so corrupt in that circumstance.

Warmly JM

Gautho, Julia

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Wednesday, July 23, 2025 8:01 AM
To: City Council; City Clerk
Subject: Agenda Item 9.E Administrative Policy I-42: Code of Conduct 7.23.2025
Attachments: Code of Conduct Draft resolution 7.4.2025.docx

Kevin Maguire
kmaguire831@gmail.com

Date: July 23, 2025

Mayor Joe Clarke and Members of the Capitola City Council

Capitola City Hall
 420 Capitola Avenue
 Capitola, CA 95010

Subject: Request for the City of Capitola to Adopt Stronger Standards and Accountability Procedures for Council Conduct Violations

Dear Mayor Clarke, and Councilmembers,

I am writing as a long-time resident and deeply engaged community member to express my concern regarding recent violations of the City's Code of Conduct by Councilmember Melinda Orbach. Specifically, her public statements have contravened:

- **Section 5.4 – Council Conduct with the Public**, which requires that “Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public,” and
- **Section 7.2.4(i) – Public Communication and Appearance**, which states that “Members should express their dissenting views with tact and civility.”

These violations have resulted not only in reputational harm to individuals, including myself, but have also undermined the City's stated values of integrity, transparency, and respectful governance. It is now imperative that the City Council adopt a formal process to ensure accountability and rebuild public trust.

As an agenda item for 7.24.2025 council meeting, there needs to be a path towards accountability, roles of the council, and rebuilding public trust.

Recommended Best Practices and Policy Framework for Council Accountability

I respectfully request the City of Capitola consider implementing the following standards and protocols, consistent with best practices from other California municipalities:

Please see attached file **Code of Conduct Draft Resolution**.

1. Create a Clear and Transparent Complaint & Investigation Procedure

Establish a process for submitting and reviewing complaints of Code of Conduct violations:

- Complaints may be submitted to the City Clerk, City Attorney, or designated Ethics Officer.
- A tiered review process (intake → preliminary review → formal investigation → adjudication).
- Investigations may be conducted by an independent ethics panel or hearing officer.

Model Cities: Bellflower, Pismo Beach, Sunnyvale, Windsor.

2. Define a Graduated System of Sanctions

Develop a clear policy outlining escalating consequences for violations, and based on seriousness.

- **Admonishment or verbal warning**
- **Formal written reprimand**
- **Public censure by Council vote**
- **Removal from committee assignments or leadership roles**
- **Mandatory ethics or civility training**

Model Cities: Bellflower, Ventura, Sunnyside (WA).

3. Adopt Independent Oversight Measures

To avoid conflicts of interest and reinforce impartiality:

- Refer formal complaints to an independent third-party ethics panel or hearing officer.
- Empower the panel to investigate and make findings for Council review and action.

Model: San Antonio's external Ethics Review Board.

4. Address Slander and Abuse of Power Directly

Enhance the Code of Conduct to:

- Define and prohibit defamatory or slanderous speech made in official capacity, during official city business activities, including city council meetings, public appearances, participation on other boards and committees.
- Reference constitutional limits of protected speech in cases of malicious or knowingly false statements.

- Include mandatory training in defamation law and public communication.
 - Empowerment to intervene: The Mayor, City Clerk, City Manager, and City Attorney shall each have the express authority to interject and call to order any councilmember whose statements: Violate the City's code of Conduct, constitute slanderous, defamatory, or abusive remarks, engage in personal attacks against members of the public, staff, or fellow councilmembers
-

5. Formalize the Appeal and Public Disclosure Process

- Allow the accused councilmember the right to respond or appeal findings.
 - Require public reporting of outcomes (except in confidential matters).
-

6. Regular Ethics Training and Code Review

- Require all councilmembers to attend annual ethics and civility training.
 - Reaffirm commitments to the Code of Conduct at the start of each term or annually.
 - Consider a signed “Model of Excellence” pledge, as adopted by Sunnyvale and Ventura.
-

7. Cultivate a Culture of Accountability

- Encourage open discussion about civility and public trust in Council retreats.
 - Foster a council culture that prioritizes transparency, humility, and repair when harm is caused.
-

A Call to Act Now

Capitola deserves a leadership body that holds itself to the highest standards. The actions of any one councilmember reflect on the entire Council and City. Failing to respond undermines trust in government. By adopting these best practices and procedures, Capitola can lead with integrity, ensure accountability, and model the civic respect our community expects and deserves.

I would appreciate the opportunity to discuss these recommendations further or to support a working group tasked with strengthening Council accountability. Thank you for your time and service to our community.

Sincerely,

Kevin Maguire

kmaguire831@gmail.com

DRAFT RESOLUTION

RESOLUTION NO. [XXXX]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ESTABLISHING PROCEDURES TO ADDRESS COUNCILMEMBER MISCONDUCT AND PROTECT THE PUBLIC FROM ABUSIVE OR SLANDEROUS CONDUCT DURING PUBLIC MEETINGS

WHEREAS, the City of Capitola affirms its commitment to integrity, civility, and respectful public discourse as outlined in its adopted Code of Conduct; and

WHEREAS, Section 5.4 of the City Council Code of Conduct prohibits councilmembers from engaging in “abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public”; and

WHEREAS, Section 7.2.4(i) of the Code of Conduct requires councilmembers to “express their dissenting views with tact and civility”; and

WHEREAS, recent events have revealed the need for stronger procedural authority and real-time enforcement to ensure these standards are upheld;

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

Section 1: Empowerment to Intervene

The Mayor, City Clerk, City Manager, and City Attorney shall each have the express authority to interject and call to order any councilmember whose statements:

- Violate the City’s Code of Conduct,
 - Constitute slanderous, defamatory, or abusive remarks,
 - Engage in personal attacks against members of the public, staff, or fellow councilmembers.
-

Section 2: Immediate Action Procedures

Upon identifying inappropriate conduct from the dais:

- The presiding officer or any of the authorized officials listed above may issue a verbal request for the offending councilmember to cease their remarks.

- The City Attorney shall be empowered to advise the Council on potential legal risks arising from the continued statements.
- If the conduct persists, the presiding officer may call for a recess or move to suspend the speaking privileges of the councilmember for the remainder of the item.

Section 3: Protection of Public Participants

Any public speaker or resident who is personally attacked, mischaracterized, or defamed by a councilmember during a meeting may request immediate intervention by the Mayor or City Attorney, and may file a formal Code of Conduct complaint to be reviewed under City procedures.

Section 4: Follow-Up Accountability

All instances of intervention shall be documented by the City Clerk and reviewed as part of a formal Code of Conduct complaint, if filed. Disciplinary actions may include, but are not limited to:

- Verbal admonishment or warning,
- Public censure by Council resolution,
- Loss of committee assignments,
- Mandatory participation in civility or ethics training.

Section 5: Annual Review

The City Council shall review this resolution annually as part of its organizational procedures and Code of Conduct reaffirmation.

PASSED AND ADOPTED this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed,

Joe Clarke, Mayor

Jamie Goldstein, City Manager

[Attestation: City Clerk Name]



[PDF] Fwd: Item 9 E-Code of Conduct and Residency

From Welch, Troy (TJ) (noworries4TJ@mac.com) <noworries4TJ@mac.com>

Date Wed 7/23/2025 11:04 AM

To Gautho, Julia <jgautho@ci.capitola.ca.us>; City Council <citycouncil@ci.capitola.ca.us>

1 attachment (616 KB)

Jamie-Samantha response to Formal Complaint to city.pdf;

My apologies, this has the attachment.

Begin forwarded message:

From: TJ WELCH <noworries4tj@mac.com>

Subject: Item 9 E-Code of Conduct and Residency

Date: July 23, 2025 at 11:00:30 AM PDT

To: Julia Gautho <jgautho@ci.capitola.ca.us>, Capitola City Council
<citycouncil@ci.capitola.ca.us>

Cc: Undisclosed CC recipients <noworries4tj@mac.com>, Concerned Citizens Of
Capitola <concernedcitizensofcapitola@gmail.com>

Dear City Council Members,

I strongly encourage the continued support for the Code of Conduct Policy I-42.
Additionally, I recommend the following additions and clarifications

1. **Acknowledgment of Formal Complaints (8.4.1):** Include language that ensures all formal complaints are acknowledged, regardless of their merit
2. **Complaint Handling Process (8.4.2):** Provide a clear response regarding how each complaint will be handled.
3. **Forwarding Complaints (8.4.2):** Add language specifying that all formal complaints are forwarded to the City Council, irrespective of the City Attorney's understanding or recommendations.
4. **Open Session Discussions (8.4.2):** Require that all formal complaints, regardless of enforcement, be addressed during open sessions of scheduled City Council meeting.
5. **Dismissal Reasons:** Ensure that if a complaint is dismissed, a reason is provided.

In 2024, a formal complaint was filed against two council members for allegedly violating CMC 8.42. Within an hour, the City Manager responded via email, stating that there is no

internal procedure for a resident to file a complaint against either the full Council or individual Councilmembers, followed by a similar email from the City Attorney (attached). This should be cleared up, so the residents have access for complaints to be heard by our City Representatives.

Policy I-42 is an essential resource for Capitola residents to address issues with Council Members or Commissioners not acting within the city's framework. I urge you to embrace this process and enhance the transparency of the policy.

Residency Requirements

I initially believed that State law sufficed for City Council residency requirements; however, recent events suggest otherwise. It was my expectation that upon filing the formal complaint, the City Attorney would conduct thorough due diligence to investigate whether Council Member Pedersen meets the residency requirements outlined in State election law. This did not occur and led to further turmoil within the community. Notably, the City Attorney publicly stated that the City lacks a residency requirement, which appears disingenuous given the obligation to adhere to State law.

Given the prevalence of vacation homes in our community, we must articulate residency requirements specifically as outlined in State laws regarding domiciles. We should not permit part-time homeowners with a "primary" residence outside of Capitola to serve as City Council Members.

Respectfully,

TJ Welch

From: Zutler, Samantha W. <SZutler@bwsllaw.com>

Sent: Thursday, April 04, 2024 11:33 AM PDT

To: capcouncil@aol.com <capcouncil@aol.com>; noworries4TJ@mac.com <noworries4TJ@mac.com>

CC: jgoldstein@ci.capitola.ca.us <jgoldstein@ci.capitola.ca.us>

Subject: FW: [PDF] Formal Complaint to city

Item 5 F.

TJ and Bruce:

I have reviewed your May 27 complaint.

The City has no jurisdiction over the RTC, and thus cannot respond to complaints about Capitola Councilmembers in their capacity as RTC Board members. Your complaints about Councilmembers in their capacity as Councilmembers appear to be: 1) at the January 25, 2024 Council meeting, Councilmember Pedersen "requested that the city also review widening Stockton bridge, specifically for the Rail-Trail bicycle and pedestrian path"; and 2) the Council "abdicated their responsibility to uphold the municipal code by voting for the joint Coastal Development Permit."

Your complaint regarding Councilmembers' votes is not subject to the City Council and Commissioner Code of Conduct, including the Enforcement procedures in Section 8.0. The Code of Conduct governs Council and Commission conduct, specifically Councilmembers' treatment of each other and staff. It does not limit Councilmembers' authority to take legislative or quasi-judicial action. The Council is the final authority on decisions made by the City; there is no internal procedure for you to challenge or appeal Councilmember votes. Indeed, there is no person or body in the City that could rule on such a challenge, and there are no available remedies. If you believe one of the votes listed above should be challenged, your remedy is to request that the Council reconsider or to seek judicial intervention.

Your complaint regarding Councilmembers' comments is also not subject to the Code of Conduct. Councilmembers have wide latitude to make requests at Council meetings. (See Code of Conduct Section 7.1(b)(i).) The Code of Conduct does not limit substantive questions from Council, nor does it require specific responses from staff.

Regardless, even assuming, for the sake of argument, that the Code of Conduct does apply to your complaints, that analysis would lead to the same result. Section 8.4.1 states that complaints are forwarded to the City Attorney for determination of next steps.

Section 8.4.2 states that, after review of the complaint with the City Manager, the City Attorney determines appropriate next steps. I have reviewed the complaint with the City Manager. My determination is above.

Best,

Samantha

Samantha W. Zutler | Partner

Pronouns: she, her, hers

1 California Street, Suite 3050 | San Francisco, CA 94111

d - 415.655.8113 | t - 415.655.8100 | f - 415.655.8099

szutler@bwsllaw.com | [vCard](#) | bwsllaw.com

Burke, Williams & Sorensen, LLP

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From: capcouncil (null) <capcouncil@aol.com>
Sent: Tuesday, April 2, 2024 3:13 PM
To: Welch, Troy (TJ) (noworries4TJ@mac.com) <noworries4TJ@mac.com>
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>; Samantha Zutler <SZutler@bwsllaw.com>; City Council <citycouncil@ci.capitola.ca.us>
Subject: Re: [PDF] Formal Complaint to city

Outstanding. Waiting with bated breath to hear the spin the city manager and or the city attorney come up with.

Bruce

Sent from my iPhone

On Apr 2, 2024, at 7:58AM, TJ WELCH <noworries4tj@mac.com> wrote:

Jamie,

We want to follow up and make sure that everyone is on the same page. Don't be confused as this is not an issue for the RTC, the complaint is based completely on the actions of the City of Capitola staff and City Council. Additionally, City administrative policy 8.4 was followed to file the complaint.

City administrative policy 8.4, clearly states that any resident with complaints against any Member shall be filed with the City Clerk, who will then forward it to the City Manager and City Attorney. The complaint filed was in response to section 8.3-violation of oath of office. The policy states under section 8.3.1, that all members take an oath to uphold the laws of the City, and we feel that this oath has been violated as council members voted to approve a project that is in direct conflict of municipal code 8.72.

Based on the quickness of your response, I am not sure that the city administrative policy was followed. The policy states that both the City Manager and the City Attorney will review and determine the appropriate next action. Under Section 8.4.2, if in the City Attorney's determination, the complaint alleges violation of law, the City Attorney shall determine appropriate next steps.

If the attorney finds, as you say that the City is in compliance, does that mean

1. the City has not and will not issue any permits for roads to be painted or signage to be installed?
2. the City, including the City Attorney, had no involvement in encouraging the City Council's decision to approve the CDP to avoid our Planning Commission involvement?
3. City staff, including the City Attorney, has not discussed means or methods to work around City municipal code 8.72?
4. the City, staff and/or council, is not supporting the county in any way to build a path through the city which is in clear conflict with the will of the community?

If in fact the City Attorney has reviewed the complaint and found the complaint to be unfounded; and that no City staff and/or Council Members have taken any action that would be in conflict with municipal code 8.72, please advise so we can move forward.

We find it very disheartening that the City has not demonstrated support our community, as well as enforcing the intent and purpose of our municipal code 87.2. We believe that municipal code 8.72 is not a choice and that the City should use all methods available to prevent the unsafe bike trail of being routed through the city.

Item 5 F.

Respectfully,

TJ

<Screen Shot 2024-04-01 at 12.40.07 PM.png>

On Mar 28, 2024, at 7:27 PM, Goldstein, Jamie (goldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us> wrote:

Hi TJ

I am in receipt of your letter dated March 27, in which you complained about the Council's actions regarding Segments 10 and 11 of the Santa Cruz County Coastal Rail Trail Project. The City believes it is in compliance with Measure L.

The City Council is the final authority for legislative action taken by the City, so there is no internal procedure for a resident to file a complaint against the full Council or any individual Councilmember regarding any such action. I will forward your letter to the City Council. If you would like to comment on the Proposed Project, we suggest contacting the County or the RTC.

Jamie Goldstein, City Manager

City of Capitola

831.475.7300

<image001.jpg>

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

From: TJ WELCH <noworries4tj@mac.com>

Sent: Wednesday, March 27, 2024 2:38 PM

To: Gautho, Julia <jGautho@ci.capitola.ca.us>

Cc: Sam Storey <sam@storeylaw.net>; Westman, Nels (nels@bestwestman.com) <nels@bestwestman.com>; Hanna, Carin (carinhanna@aol.com) <carinhanna@aol.com>; Welch, Troy (TJ) (noworries4TJ@mac.com) <noworries4TJ@mac.com>

Subject: [PDF] Formal Complaint to city

On behalf of concerned citizens of Capitola, please find attached a formal complaint to the City of Capitola. This letter will also be presented during public comment at the city council meeting tomorrow, March 28, 2024.

CAP_000014

Respectfully,

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: City Council Meeting Minutes



Recommended Action: Approve minutes from the regular meeting on June 26, 2025.

Background: Attached for City Council review and approval are the draft minutes from the regular meeting on June 26th.

Attachments:

1. Regular Meeting 6/26/2025

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, June 26, 2025 – 4:30 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Regular Meeting of the Capitola City Council – 4:30 PM

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 4:30 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Presentations**
 - A. *Mayor Clarke presented a Proclamation Honoring the 2025 Torch Run to Police Chief Ryan.*
4. **Additional Materials**
 - A. *Item 5 – One email received after publication of the agenda.*
 - B. *Item 7A – Staff memo with corrected minutes.*
 - C. *Item 7B - One email received after publication of the agenda.*
 - D. *Item 8B - One email received after publication of the agenda and staff memo with updated attachment.*
 - E. *Item 8C - One email received after publication of the agenda.*
 - F. *Item 8F - Three emails received after publication of the agenda.*
5. **Oral Communications by Members of the Public**
 - *Brenda*
 - *Joe*
6. **Staff / City Council Comments**
 - *Community Services and Recreation Director Bryant shared that July is known as Parks and Recreation Month and advised the public of upcoming local recreation events.*
 - *Public Works Kahn provided an update on the City's application for the CalTrans Sustainable Transportation Planning Grant.*
 - *City Manager Goldstein reminded the public to apply for vacancies on the City's advisory bodies.*
 - *Council Member Orbach provided updates on recent local meetings attended and provided comments about conflict resolution and the passing of Mike Rotkin.*
 - *Council Member Jensen provided updates on recent local meetings attended; requested the Cliff Drive Resiliency Project on an upcoming agenda, requested a copy of future grants be sent to the City Council.*

- Council Member Westman thanked Council Member Orbach for her comments; and requested that the Code of Conduct come back to the City Council for review.
- Vice Mayor Morgan thanked Council Member Orbach for her comments; provided comments on recent local events attended.
- Mayor Clarke acknowledge the passing of Mike Rotkin.

7. Consent Items

- A. City Council Meeting Minutes
Recommended Action: Approve minutes from the regular meeting on June 12, 2025.
- B. City Check Registers
Recommended Action: Approve check registers dated May 23, 2025, May 30, 2025, and June 6, 2025.
- C. Surplus Vehicle
Recommended Action: Adopt a resolution to declare Police Department Vehicle #182 as surplus property and authorize Public Works to dispose of the vehicle through public auction, in accordance with Administrative Policy III-8 – Surplus Property. **(Resolution No. 4435)**
- D. Sea-Level Rise Adaptation Planning Grant
Recommended Action: Authorize staff to submit an application to the Ocean Protection Council's SB 1 Sea-Level Rise Adaptation Planning Grant Program.

Motion to approve the Consent Calendar: Vice Mayor Morgan

Second: Council Member Orbach

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

8. General Government / Public Hearings

- A. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26
Recommended Action: Receive update and continue the noticed public hearing to adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget to the July 24, 2025, Council meeting.

City Manager Goldstein provided an update to the City Council.

Public Comment: None

Motion to continue this item to July 24th: Council Member Westman

Second: Council Member Jensen

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

- B. Capitola Wharf Master Plan Public Input Summary
Recommended Action: Direct staff to proceed with the final development of Wharf Master Plan and return to Council in the fall for adoption.

Community Development Director Herlihy and Dan Townsend, Fuse Architects, provided a report to the City Council.

Public Comment:

- ***Heidy Kellison***
- ***Theresa Locke***
- ***NorCal Carpenters Union Representative***

The City Council discussed a preference for implementation of additional restrooms on the Wharf and a lifeguard station.

Motion to direct staff to proceed with final development of the Wharf Master Plan and return to Council in the fall for final adoption: Council Member Orbach

Second: Vice Mayor Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

C. FY 2025 – 2026 Salary Schedule

Recommended Action: Adopt a resolution approving the Fiscal Year 2025-26 annual salary adjustments, consistent with the following employment agreements: Association of Capitola Employees, Police Officers Association, Confidential Employees, Mid-Management Employees, Police Captains, the Department Head Compensation Plan, and City Manager Employment Agreement.

Council Member Jensen recused himself due to a conflict of interest. Assistant to the City Manager Woodmansee provided a report to the City Council.

Public Comment: None

Motion to adopt Resolution No. 4436 approving the FY 2025-26 annual salary adjustments: Vice Mayor Morgan

Second: Council Member Orbach

Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

Abstain: Council Member Jensen

D. Compliance with Assembly Bill 2561/Government Code Section 3502.3 regarding Vacancies, Recruitment, and Retention Efforts

Recommended Action: Conduct the duly noticed public hearing and receive a report on the City of Capitola's recruitment and retention efforts.

Assistant to the City Manager Woodmansee provided a report to the City Council.

Public Comment: None

E. City-Owned Property Leasing Policy

Recommended Action: Establish a standard frequency to put leases of City-owned property out for proposals and adopt an administrative policy outlining the process for the lease of City-owned property.

Public Comment: None

Motion to continue the item to a future Council meeting date: Mayor Clarke

Second: Council Member Westman

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

F. Fiscal Year 2025-26 Operating Budget and Capital Improvement Program

Recommended Action: Adopt a resolution adopting the Fiscal Year 2025-26 City of Capitola Budget and Capital Improvement Program.

Finance Director Malberg provided a report to the City Council.

Public Comment: None

Motion to adopt Resolution No. 4437 adopting the FY 2025-26 Budget and Capital Improvement Program: Council Member Orbach

Motion amended to not release \$150,000 until the CDBG grant is announced: Vice Mayor Morgan

Amendment accepted: Council Member Orbach

After clarification from the City Manager, Council Member Orbach and Vice Mayor Morgan agreed to let the original motion stand.

Second: Council Member Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

G. FY 2025-26 Bail Schedule

Recommended Action: Conduct the duly noticed public hearing and adopt a resolution repealing Resolution No. 4233.1 and approving the Fiscal Year 2025-26 Bail Schedule.

Finance Director Malberg provided a report to the City Council.

Public Comment: None

Motion to adopt Resolution No. 4438 repealing Resolution No. 4233.1 and approving the FY 2025-26 Bail Schedule: Council Member Westman

Second: Council Member Orbach

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

H. FY 2025-26 City Fee Schedule

Recommended Action: Conduct the duly noticed public hearing on the proposed changes to the City's Fee Schedule and adopt a resolution approving the Fiscal Year 2025-26 Fee Schedule.

Finance Director Malberg provided a report to the City Council.

Public Comment: None

Motion to adopt Resolution No. 4439 approving the FY 2025-26 Fee Schedule: Council Member Orbach

Second: Vice Mayor Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

The Council took a recess at 6:08 PM and reconvened at 6:12 PM.

I. Treasure Cove Playground, Restroom Renovation, and Community Center Patio Improvements

Recommended Action: Staff recommends the City Council: 1) Approve the construction plans for the Treasure Cove Playground, public restroom renovation, and Community Center patio improvements; 2) authorize the Public Works Department to advertise the project for competitive construction bids; 3) authorize staff to execute Amendment 1 to the Professional Services Agreement with Boone Low Ratliff Architects for construction support services related to the patio and restroom renovation, in the amount of \$35,000, for a revised total contract amount of \$70,258; 4) authorize staff to execute Amendment No. 2 to the Professional Services Agreement with Verde Design, Inc. for construction-phase services related to the playground, in the amount of \$99,000, for a revised total contract amount of \$293,083; and 5) direct staff to return to Council with construction contract award recommendations and budget amendments once bids are received and funding is secured (anticipated August 2025).

Public Works Director Kahn provided a report to the City Council.

Public Comment:

- **Heidy Kellison**
- **Dan Haifley**

Motion to approve staff's recommendation: Council Member Orbach

Second: Vice Mayor Morgan

Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, Mayor Clarke

- 9. Adjournment** – *The meeting adjourned at 6:39 PM. The next regularly scheduled City Council meeting is on July 24, 2025, at 6:00 PM.*

ATTEST:

Joe Clarke, Mayor

Julia Gautho, City Clerk

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Police Department

Subject: Military Equipment Use



Recommended Action: Adopt a resolution renewing Chapter 2.60 of the Capitola Municipal Code entitled Military Equipment Use Ordinance, Capitola Military Equipment Use Policy 706, and finding that the annual Military Equipment Report complies with the standards of approval outlined in Government Code Section 7071(d).

Background: Effective January 1, 2022, Assembly Bill 481 (codified in Government Code §§7070 et seq.) requires legislative bodies to adopt ordinances approving military equipment use policies. Adopting such policies was required before law enforcement agencies could continue to engage in activities related to the use of “military equipment” as defined in the Government Code. The Capitola Police Department has “military equipment” in its inventory and engages in critical public safety activities in coordination with other local jurisdictions.

Pursuant to AB 481, on April 28, 2022, the City Council adopted Ordinance No. 1051, adding Chapter 2.60 to the Capitola Municipal Code (CMC), which approved a military equipment use policy for Police services and included an inventory (report) of the City’s military equipment. The Government Code and CMC require the City Council to conduct an annual review of the Military Equipment Use Ordinance and Policy and vote on whether to renew the Ordinance and Policy. As explained in more detail below, the Government Code also requires an annual review of the military equipment report.

Discussion: Staff is proposing no changes to the City’s Military Equipment Use Policy this year.

The proposed resolution (Attachment 1) would confirm that the City Council has reviewed the Capitola Military Equipment Use Ordinance (Attachment 2), the Capitola Police Military Equipment Use Policy 706 (Attachment 3), and the annual military equipment report (Attachment 4).

As required by Government Code §7071(e)(1) and CMC 2.60.030(F), the City Council shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to the Brown Act.

On April 28, 2022, the City Council adopted Ordinance No. 1051 implementing CMC Chapter 2.60 as well as the Capitola Police Military Equipment Use Policy 709 which are attached hereto as Attachments 2 and 3, respectively.

The Police Department is responsible for ensuring that all provisions of Government Code §§7071 and 7072 and CMC Chapter 2.60 are met. The City Council will continue to be required by law to review the ordinance and policy at least once per year and will have the opportunity to renew it or make any necessary changes.

Policy 709 approves the continued use of equipment currently in the Police Department’s inventory by authorized and trained personnel when the use is necessary to maintain safety.

Policy 709 also allows continued collaboration with other law enforcement agencies in the deployment or other use of military equipment within the City when exigent circumstances require a swift response. The Department works closely with other local, county, state, and federal law enforcement agencies on police-related matters, including safeguarding the public’s welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid, and responding to emergencies. In exigent circumstances, there is sometimes the need to deploy military equipment from or lend military equipment to outside entities to promote the safety and security of the community. When military equipment is used

under exigent circumstances, the proposed ordinance requires prompt reporting on the use to the City Council.

In addition, pursuant to Government Code § 7071(e)(2) and CMC 2.60.050, the City Council shall determine, based on the annual military equipment report (Attachment 4), whether each type of military equipment identified in that report has complied with the standards of approval outlined in §7071(d) and CMC 2.60.030(D). The standards for approval are set forth below.

1. Authorizing the use of military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The acquisition and use of this equipment is part of the Capitola Police Department's overall approach to Critical Incident Management, Use of Force, De-Escalation, and public safety. The equipment will enable department members to properly respond to both planned and unplanned events efficiently and effectively.
2. The Military Equipment Use Policy safeguards the public's welfare, safety, civil rights, and civil liberties by ensuring required reporting, providing opportunities for community engagement and feedback, and ensuring transparency and oversight regarding the acquisition and use of the specified military equipment in the City of Capitola.
3. If purchasing the equipment, it is required that the equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the Military Equipment Use Policy that was in effect at the time of the use.

Fiscal Impact: There would not be any new, unplanned direct fiscal impacts to continuing the use of equipment already in the Department's inventory or continuing to collaborate with other law enforcement agencies, including in mutual aid circumstances. The maintenance costs of existing equipment are within the Department's budget. Additional equipment sought, as identified in the annual military equipment report (Attachment 4), is accounted for within the Department's adopted budget.

There will be staff time associated with compliance, annual review, reporting, and community engagement meetings, all of which are required pursuant to applicable provisions of the Government Code.

Environmental Analysis: Pursuant to California Public Resources Code § 21065 and the California Environmental Quality Act ("CEQA") Guidelines § 15378, there is no possibility that this ordinance will have a significant impact on the physical environment and is not a project as defined under CEQA.

Attachments:

1. Resolution
2. Chapter 2.60 Military Equipment Ordinance
3. Military Use Policy (706)
4. 2025 Military Equipment Report

Report Prepared By: Sarah Ryan, Chief of Police

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

CITY OF CAPITOLA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA PURSUANT TO GOVERNMENT CODE SECTION 7071 RENEWING CHAPTER 2.60 OF THE CAPITOLA MUNICIPAL CODE ENTITLED MILITARY EQUIPMENT USE ORDINANCE, CAPITOLA MILITARY EQUIPMENT USE POLICY 709, AND FINDING THAT THE ANNUAL MILITARY EQUIPMENT REPORT COMPLIES WITH THE STANDARDS OF APPROVAL SET FORTH IN GOVERNMENT CODE SECTION 7071(d)

WHEREAS, effective January 1, 2022, Assembly Bill 481 (AB 481) (Government Code sections 7071 *et. seq.*) requires legislative bodies to adopt ordinances approving military equipment use policies, which are required before law enforcement agencies can continue to engage in activities related to the use of military equipment; and

WHEREAS, the Capitola Police Department has “military equipment” in its inventory and engages in critical public safety activities in coordination with other jurisdictions on police related matters, including safeguarding the public’s welfare and safety, working on regional task forces, conducting training exercises, providing mutual aid and responding to emergencies; and

WHEREAS, in exigent circumstances, there is sometimes the need to deploy military equipment from or lend military equipment to other local jurisdictions to promote the safety and security of community members; and

WHEREAS, on April 14, 2022, the City Council adopted Ordinance No. 1051, adding Chapter 2.60 to the Capitola Municipal Code, which approved Military Equipment Use Policy 709 for police services, and included a report (inventory) of the City’s military equipment; and

WHEREAS, Capitola Military Equipment Use Policy 709 sets forth a military equipment use policy that is consistent with the Police Department’s current practices, complies with all the requirements of the Government Code and the Capitola Municipal Code, will continue to ensure ongoing regulation and compliance with the law going forward and will continue to provide a means of community engagement and transparency regarding use of military equipment by the Department; and

WHEREAS, the Government Code and the Capitola Municipal Code require the City Council to conduct an annual review of the Military Equipment Use Ordinance and Policy and vote on whether to the renew the Ordinance and Policy; and

WHEREAS, the City Council has conducted its annual review of the Military Equipment Use Ordinance contained in Chapter 2.60 of the Capitola Municipal Code as well as its annual review of Capitola Military Equipment Use Policy 709; and

WHEREAS, the City Council has also conducted its annual review of the military equipment report prepared and submitted pursuant to section 7072 of the Government Code and has considered the requirements contained in section 7071(d) of the Government Code;

WHEREAS, public notice has been provided in accordance with applicable law; and

WHEREAS, the City Council has reviewed and desires to renew Chapter 2.60 of the Capitola Municipal Code and the Capitola Military Equipment Use Policy 709.

NOW, THEREFORE, the City Council of the City of Capitola, California, **DOES HEREBY FIND** as follows:

Section 1. All of the statements and facts set forth above in the recitals are true and correct and incorporated herein by this reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken herein.

Section 2. The City Council finds that Chapter 2.60 of the Capitola Municipal Code and Capitola Military Equipment Use Policy 709 are exempt from the provisions of the California Environmental Quality Act ("CEQA") because they will not result in a direct or reasonably foreseeable indirect physical change in the environment and are not a "project," as defined in Section 15378 of the CEQA Guidelines.

Section 3. The City Council has reviewed Chapter 2.60 of the Capitola Municipal Code and hereby renews that Chapter without change.

Section 4. The City Council has reviewed Capitola Military Equipment Use Policy 709 and hereby renews the Policy with any changes duly noted in the Policy.

Section 5. The City Council has reviewed the annual military equipment report and finds that it complies with the standards of approval set forth in subdivision (d) of Government Code section 7071 because of the following:

1. Authorizing the use of military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The acquisition and use of this equipment is part of the Capitola Police Department's overall approach to Critical Incident Management, Use of Force, De-Escalation and public safety. The equipment will enable department members to properly respond to both planned and unplanned events efficiently and effectively.

2. The Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties by ensuring required reporting out, the opportunity for community engagement and feedback, and transparency and oversight regarding the acquisition and use of the specified military equipment in the City of Capitola.

3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

4. Prior military equipment use complied with the military equipment use policy that was in effect at the time of the use.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

PASSED and ADOPTED by the City Council of the City of Capitola at a regular meeting thereof this 24th day of July, 2025, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Joe Clarke

Mayor of the City of Capitola, California

ATTEST:

Julia Gautho, City Clerk

City of Capitola, California

ADDING A NEW CHAPTER 2.60 TO THE CAPITOLA MUNICIPAL CODE REGARDING
POLICE ACQUISITION AND USE OF “MILITARY EQUIPMENT”

BE IT ORDAINED by the Council of the City of Capitola as follows:

Section 1. The Capitola Municipal Code Chapter 2.60 is amended to read as follows:

Chapter 2.60

“MILITARY EQUIPMENT” USE ORDINANCE

Sections:

2.60.010 Name of Ordinance

2.60.020 Definitions

2.60.030 Military Equipment Use Policy Requirement

2.60.040 Use In Exigent Circumstances

2.60.050 Reports on the Use of Military Equipment

2.60.060 Severability

2.60.010 Name of Ordinance

A. This Ordinance shall be known as the Military Equipment Use Ordinance.

2.60.020 Definitions

A. “Military Equipment” includes all of the following (Per CA Gov. Code §7070):

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram

designed to be operated by one person, are specifically excluded from this subdivision.

8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "City" means any department, agency, bureau, and/or subordinate division of the City of Capitola.
- C. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the Capitola Police Department.
- D. "City Council" means the governing body that is the Capitola City Council.
- E. "Military Equipment Use Policy" means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
 3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
 4. The legal and procedural rules that govern each authorized use.

5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
 6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
 7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.
- G. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- H. "Type" means each item that shares the same manufacturer model number.

2.60.030 Military Equipment Use Policy Requirement

- A. The Capitola Police Department shall obtain approval of the City Council, by a resolution adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:
1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
 3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Capitola.

5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
 7. Acquiring Military Equipment through any means not provided by this section.
- B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Capitola Police Department shall commence a City Council approval process in accordance with this section. If the City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Capitola Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.
- C. In seeking the approval of City Council, the Capitola Police Department shall submit a proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.
- D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- E. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
- F. The City Council shall review this ordinance at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

2.60.040 Use in Exigent Circumstances

- A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.
- B. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:
 - 1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
 - 2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
 - 3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

2.60.050 Reports on the Use of Military Equipment.

- A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
 - 1. A summary of how the Military Equipment was used and the purpose of its use.
 - 2. A summary of any complaints or concerns received concerning the Military Equipment.
 - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
 - 4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.

5. The quantity possessed for each type of Military Equipment.
 6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.
- E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

2.60.060 Severability

- A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.
- B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

The Capitola Department (CPD) does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. Notwithstanding, California Government Code § 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing board for approval.

California Government Code § 7070 provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Capitola Police Department, or reasonably likely to be deployed in Capitola by other law enforcement partners.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the [Department/Office].

Military equipment – Includes but is not limited to the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.

Military Equipment

12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
14. Kinetic energy weapons and munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

709.2 POLICY

It is the policy of the Capitola Police Department that members of this [department/office] comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Police Captain to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying [department/office] equipment that qualifies as military equipment in the current possession of the [Department/Office], or the equipment the [Department/Office] intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Capitola Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the [department/office]'s funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the [department/office] website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the [Department/Office] will respond in a timely manner.
 1. A complaint, concern, or question related to Military Equipment utilization by the Capitola Police Department can be made:
 - (a) Via email to: policechief@ci.capitola.ca.us

Military Equipment

- (b) Via phone call to: 831.475.4242 and request to speak to the Military Equipment Coordinator.
- (c) Via mail sent to Capitola Police Department; Attn: Military Equipment Coordinator; 422 Capitola Avenue, Capitola, CA 95010

709.4 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the [department/office] website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body by May 1, 2022, for approval by the governing body within 180 days of the presentation (Government Code § 7071(2)) for continuing use of military equipment currently being utilized by the Department. Thereafter, the following must be approved by the governing body, prior to engaging in (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this [department/office].
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and in accordance with this Departmental policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department, or otherwise engaged in a law enforcement operation in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid as defined by Government Code § 7070; Government Code § 7071; and Government Code § 7072.

Military Equipment

709.6 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the [department/office] website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in [department/office] inventory.

709.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the [Department/Office] shall hold at least one well-publicized and conveniently located community engagement meeting, at which the [Department/Office] should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.8 MILITARY EQUIPMENT INVENTORY

The attached list is divided into three sections.

- Section One - lists qualifying equipment that is owned and/or utilized by the Capitola Police Department.
- Section Two - lists qualifying equipment that is not owned or regularly utilized by the Capitola Police Department, but which is known to be owned and/or utilized by law enforcement agencies which the Capitola Police Department collaborates and/ or participates for law enforcement purposes.
- Section Three - lists qualifying equipment that the Capitola Police Department will be procuring, with anticipated dates of procurement.



CITY OF CAPITOLA

POLICE DEPARTMENT



2025

Military Equipment Use AB 481 – Annual Report

Sarah A. Ryan, Chief of Police



CITY OF CAPITOLA

POLICE DEPARTMENT

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CITY OF CAPITOLA

POLICE DEPARTMENT

Annual Reporting Requirements

AB481 requires on an annual basis the police department to seek and obtain City Council approval for future acquisition and funding of new military equipment and provide City Council and the public a report outlining how the military equipment was used, to ensure the police department is adhering to our policy and the city ordinance.

Capitola Municipal Code 2.60.050 (Reports on the use of Military Equipment) required the police department to submit to City Council an annual equipment report for each type of military equipment approved by the City Council within one year of approval, and annually thereafter for as long as the military equipment is available for use. The police department shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

This annual military equipment report includes all the following required information for the immediately preceding calendar year for each type of military equipment:

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

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



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Summary of Uses (Section One)*1) Lethal Firearms and Ammunition*

How equipment was used: Firearms and ammunition were deployed during daily operations and used during POST-approved law enforcement training. There were no other uses for this category of equipment.

Purpose of Use: Training Exercise

2) Less-lethal shotgun and Less-lethal Ammunition

How equipment was used: Firearms and ammunition were deployed during daily operations and used during POST-approved law enforcement training. There were no other uses for this category of equipment.

Purpose of Use: Training Exercise

3) Drone – Unmanned Aircraft Systems (UAS)

How equipment was used: Drones assisted in several calls for service that involved attempts to locate suspects in crimes as well as assisting the fire department with water rescues.

Purpose of Use: The drones have been a great addition to the police department. Drones have helped increase operational efficiency by reducing the amount of personnel and time needed to search large areas. They have also increased both officer and public safety.

Complaints or Concerns Received*1) Lethal Firearms and Ammunition*

Complaint/Concern: No complaints or concerns were received.

2) Less-lethal shotgun and Less-lethal Ammunition

Complaint/Concern: No complaints or concerns were received.

3) Drone – Unmanned Aircraft Systems (UAS)

Complaint/Concern: No complaints or concerns were received.

Internal Audits of Equipment*1) Lethal Firearms and Ammunition*

Results of any internal audits: There were no uses or deployments outside approved training. No additional audits were conducted.

Information about violations of the military equipment use policy: N/A **Actions taken in response:** N/A

2) Less-lethal shotgun and Less-lethal Ammunition

Results of any internal audits: There were no uses or deployments outside approved training. No additional audits were conducted.

Information about violations of the military equipment use policy: N/A **Actions taken in response:** N/A



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3) Drone – Unmanned Aircraft Systems (UAS)

Results of any internal audits: There were no uses or deployments outside approved calls for service and training. No additional audits were conducted.

Information about violations of the military equipment use policy: N/A **Actions taken in response:** N/A

Annual Costs

1) *Lethal Firearms and Ammunition*

Department Owned Firearms and ammunition from approved FY2025-26 budget.

2) *Less-lethal shotgun and Less-lethal Ammunition*

Department Owned less-lethal shotguns and ammunition from approved FY2025-26 budget.

3) *Drone – Unmanned Aircraft Systems (UAS)*

Department Owned Unmanned Aircraft Systems (UAS) from approved FY 2025-26 budget.

Inventory of Equipment

1) *Lethal Firearms and Ammunition.* See Section One below.

2) *Less-Lethal Shotgun and Less-lethal Ammunition.* See Section One below.

3) *Drones – Unmanned Aircraft Systems (UAS)*



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Section One: Qualifying Equipment Owned/Utilized by the Capitola Police Department

| Lethal Weapon | |
|---|---------------------------|
| Equipment Type: Semi-Automatic Patrol Rifles - These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. | |
| Description: Colt LE6945, semi-auto rifle, black with an adjustable stock. | |
| Quantity Owned/Sought: 6 owned – Department | Lifespan: 10 years |
| Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol. | |
| Manufacturer Product Description: The Colt LE6945CQ Carbine is a Gas Operated Semi-Auto rifle, chambered in 223 Remington/5.56 NATO (M4), with adjustable stock, featuring a monolithic upper receiver, 10.3" barrel, and A2 flash hider. | |
| Purpose/Authorized Uses: The Colt M4 enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision. | |
| Fiscal Impacts: \$600 In maintenance. | |
| Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303. | |
| Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy. | |
| Compliance mechanisms: Use is subject to the applicable policies 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Lethal Weapon | |
|--|---------------------------|
| Equipment Type: Semi-Automatic Patrol Rifles - These rifles are personally owned and are registered with the Department under CPD policy 312.2.4 and are standard service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. | |
| Description: Smith and Wesson M&P 15 Sport .223/5.56 with 16" barrel | |
| Quantity Owned/Sought: 5 owned – personal | Lifespan: 10 years |
| Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol. | |
| Manufacturer Product Description: Smith and Wesson M&P15 rifles are the ideal modern sporting rifle. Built to perform multiple uses under various conditions, M&P15 Rifles are as versatile as they are reliable. Engineered for a wide variety of recreational, sport shooting, and professional applications, M&P15 Rifles are easy to accessorize but hard to put down. M&P15 Rifles are lightweight and rugged embodying the best combination of function and form. | |
| Purpose/Authorized Uses: The Smith and Wesson M&P rifle enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision. | |
| Fiscal Impacts: None. Privately owned by officers. | |
| Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 312.2.4 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303. | |
| Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy. | |
| Compliance mechanisms: Use is subject to the applicable policies 312.2.4 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Lethal Weapon | |
|---|---------------------------|
| Equipment Type: Semi-Automatic Patrol Rifles - This rifle is personally owned and is registered with the Department under CPD policy 312.2.4 and is a standard service weapon for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. | |
| Description: Sig Sauer MP 400 rifle .223/5.56 with 16" barrel | |
| Quantity Owned/Sought: 1 owned – personal | Lifespan: 10 years |
| Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol. | |
| Manufacturer Product Description: The Sig Sauer MP400 rifle is designed, engineered, and manufactured in America, and ready to perform whenever and wherever the need arises. SIG SAUER is combining industry-leading product innovation with decades of battle-tested experience to engineer the toughest and most accurate rifles for the military and federal agencies. It's our mission at SIG SAUER to provide our elite end-users with a complete weapons system they can depend on to prevail under any circumstance. | |
| Purpose/Authorized Uses: Sig Sauer MP 400 rifle enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision. | |
| Fiscal Impacts: None. Privately owned by officer. | |
| Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 312.2.4 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303. | |
| Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy. | |
| Compliance mechanisms: Use is subject to the applicable policies 312.2.4 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Lethal Weapon | |
|--|---------------------------|
| Equipment Type: Semi-Automatic Patrol Rifles - This rifle is personally owned and is registered with the Department under CPD policy 312.2.4 and is a standard service weapon for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. | |
| Description: Rainier Arms RUC Mod 2 rifle .223/5.56 with 16" barrel | |
| Quantity Owned/Sought: 1 owned - personal | Lifespan: 10 years |
| Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol. | |
| Manufacturer Product Description: Rainier Arms RUC Mod2 Rifle weighs 6 lbs. empty, the Rainier Arms RUC Mod2 has a 15" RA Force Key Mod Rail, as well as the brand-new Rainier Arms Compensator (RAC), a tuned mil sped trigger, and RA MPI/HP Bolt with staked FA carrier, and much more. | |
| Purpose/Authorized Uses: Rainier Arms RUC Mod 2 rifle enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision. | |
| Fiscal Impacts: None. Privately owned by officer. | |
| Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 312.2.4 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303. | |
| Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy. | |
| Compliance mechanisms: Use is subject to the applicable policies 312.2.4 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Lethal Weapon | |
|--|---------------------------|
| Equipment Type: Semi-Automatic Patrol Rifles - This rifle is personally owned and is registered with the Department under CPD policy 312.2.4 and is a standard service weapon for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. | |
| Description: BRO-SPEC15-P rifle .223/5.56 with 16" barrel | |
| Quantity Owned/Sought: 1 owned personal | Lifespan: 10 years |
| Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol. | |
| Manufacturer Product Description: Black Rain Ordnance manufacturing standards are prominent throughout our line of Spec Series weapons, allowing us to produce the highest quality rifle with a cost effective price tag. The Chromoly barrels and black nitride bolt-carrier groups in the Spec Series combine to provide the reliability and dependability you expect from the BRO family of rifles. Whether it's your first rifle, a patrol weapon, or simply supplementing your collection, the Spec Series is a great addition to your lineup. | |
| Purpose/Authorized Uses: BRO-SPEC15-P rifle enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision. | |
| Fiscal Impacts: None. Privately owned by officer. | |
| Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 312.2.4 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303. | |
| Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

Compliance mechanisms: Use is subject to the applicable policies 312.2.4 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9.

Lethal Weapon

Equipment Type: Semi-Automatic Patrol Rifles - These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.

Description: Primary Weapons System MK107 with Surefire RC2 Suppressor

Quantity Owned/Sought: 6 Department Owned

Lifespan: 10 years

Equipment Capabilities: A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol.

Manufacturer Product Description: The Primary Weapons System MK107 Mod 1-M is a 7.75" semiautomatic AR-15 platform rifle. The rifle features a long-stroke piston system with a three-way adjustable gas system. The size, weight, and reliability are unmatched by any standard production rifle company. The Surefire suppressor protects the operator and the public. The suppressor is proven to provide a minimal impact shift and group size to ensure accuracy in the field.

Purpose/Authorized Uses: The PWS MK107 enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.

Fiscal Impacts: \$600 In maintenance.

Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303.



CITY OF CAPITOLA

POLICE DEPARTMENT

Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course and annual department firearms training and qualifications as required by law and policy.

Compliance mechanisms: Use is subject to the applicable policies 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9.

Lethal Weapon

Equipment Type: Daniel Defense Delta Pro 5 Bolt Action 6.5CM - This rifle is standard issue service weapon and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and the interest of transparency.

Description: The rifle is a bolt-action 6.5CM rifle used by trained Capitola Police Officer

Quantity Owned/Sought: 1 Department Owned

Lifespan: 15 years

Equipment Capabilities: A rifle that fires an intermediate-power cartridge (6.5CM) which is more powerful than a standard pistol. To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

Manufacturer Product Description: DELTA 5 PRO is the ultimate package of performance, accuracy, and custom features that are rarely found on a production bolt gun. This bolt gun bridges the gap between basic platforms and more expensive, custom builds. So, whether you're a weekend shooter looking to improve your long-range capabilities for the thrill and fun, or a more seasoned competitor looking to improve your custom rig, the DELTA 5 PRO is a firearm that will grow with your capabilities. Guaranteed to shoot sub-half MOA and one of the first production rifles to feature Area 419's ARCA Rail, this serious competition-ready firearm comes without the hefty competition price tag.

Purpose/Authorized Uses: The Daniel Defense Delta Pro enables officers when in compliance with the CPD's Use of Force Policy, to address short to long-distance threats, or those threats who are heavily armed, armored, or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.

Fiscal Impacts: \$150 In maintenance.

Legal/Procedural Rules Governing Use: Use is subject to the applicable policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303.



CITY OF CAPITOLA

POLICE DEPARTMENT

Training Required: Officers must complete a CA POST-certified 16-hour patrol rifle course, advance rifle course and annual department firearms training and qualifications as required by law and policy.

Compliance mechanisms: Use is subject to the applicable policies 300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9.

Lethal Ammunition

Equipment Type: Speer Gold Dot Duty Ammunition .223 Caliber 55-grain rifle round. (Or equivalent duty ammunition)

Description: Speer Gold Dot features nickel-plated brass cases and Boxer primers and is a non-corrosive round. The Gold Dot projectile goes through a process of joining the jacket and core one molecule at a time which eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. Gold Dot rifle ammunition asserts remarkable accuracy with exact tolerances and unparalleled bullet uniformity.

Quantity Owned/Sought: 5000

Lifespan: 10 years

Equipment Capabilities: Operational range 0-300 yards



CITY OF CAPITOLA

POLICE DEPARTMENT

Manufacturer Product Description: SPEER LE® Gold Dot® Duty Rifle brings proven bullet technology to the rifle platform. The Gold Dot® bullet was the first high-performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. The nation's number one law enforcement option is now available in rifle ammunition for agencies everywhere. These specially designed loads bring law enforcement rifle ammunition to the next level. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down to 10" at a wide variety of velocities out to 200 yards. This kind of performance greatly increases the capabilities of duty rifles and gives law enforcement personnel a distinct advantage when it matters most. In addition, these new loads boast outstanding feeding in short, very short, and standard-length AR platforms. Like their handgun counterparts, the Gold Dot rifle bullets are constructed using Gold Dot technology. The process of joining the jacket and core one molecule at a time eliminates the potential for the leading cause of bullet failure—jacket/core separation. It also ensures impressive weight retention through barriers as tough as auto-glass. In addition to being tough, Gold Dot rifle loads boast outstanding accuracy. Exact tolerances and unprecedented bullet uniformity of jacket thickness give Gold Dot rifle loads outstanding accuracy. In addition, these loads feature flash-suppressed propellants and a muzzle velocity of up to 3000 fps. The versatility, reliability, and superior construction of the new Speer LE Gold Dot Duty Rifle loads allow law enforcement agencies to utilize this tested and proven bullet technology in duty rifles with complete confidence.

Purpose/Authorized Uses: To project a force against a selected target to have an effect and stop the threat when other reasonable options are not viable. A verbal warning should precede its application.

Fiscal Impacts: \$560.00 per case of 1000.

Legal/Procedural Rules Governing Use: Refer to policies 300, 300.4, 300.4.1, 300.5, 300.5.1, 300.5.3, 300.11, 303, 303.3

Training Required: Sworn members utilizing Speer Gold Dot ammunition are trained in their use by CA POST certified instructors.

Compliance Mechanism: Use is subject to applicable policies 303.3, 303.3.2.

Equipment Type: Hornady 6.5 Creedmoor 147gr ELD Match TAP Precision rifle round

Description: The Hornady 6.5 Creedmoor TAP Precision is specifically designed to meet FBI protocol and provide superior external ballistics when compared to standard 308 WIN offerings. The 147 gr. ELD Match bullet with Heat Shield tip delivers excellent terminal performance and results in higher retained velocities, less drop, less wind drift, and more energy on target.

Quantity Owned/Sought: 200 rounds

Lifespan: 10 years

Equipment Capabilities: Operational range 0-300 yards



CITY OF CAPITOLA

POLICE DEPARTMENT

Manufacturer Product Description: The name says it all! The 6.5 Precision Rifle Cartridge was designed to achieve the highest levels of accuracy, flat trajectory, and extended range performance in a sensibly designed compact package. Utilizing moderate powder charges that result in repeatable accuracy, low recoil, and reasonable barrel life, the 6.5 PRC produces high velocities for target shooting with performance well beyond 1000 yards.

Purpose/Authorized Uses: To be used with precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

Fiscal Impacts: \$35.80 per box of 20.

Legal/Procedural Rules Governing Use: Refer to policies 300, 300.4, 300.4.1, 300.5, 300.5.1, 300.5.3, 300.11, 303, 303.3

Training Required: Sworn members utilizing department issued ammunition are trained in their use by CA POST certified instructors.

Compliance Mechanism: Use is subject to applicable policies 303.3, 303.3.2.



CITY OF CAPITOLA

POLICE DEPARTMENT

| Lethal Ammunition – Practice | |
|--|---------------------------|
| Equipment Type: Winchester Target Ammunition 5.56 Caliber 55-grain rifle round. (Or equivalent practice ammunition) | |
| Description: Winchester Target Ammunition features brass cases and Boxer primers and is a non-corrosive round. This ammunition is loaded with a full metal jacket bullet which is known for its positive functioning and exceptional accuracy. On impact, this bullet does not expand and is ideal for target shooting. | |
| Quantity Owned/Sought: 7000 rounds | Lifespan: 10 years |
| Equipment Capabilities: Operational range 0-300 yards | |
| Manufacturer Product Description: Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of shooter's needs by providing consistent accuracy, positive functioning, and no expansion. | |
| Purpose/Authorized Uses: Practice | |
| Fiscal Impacts: \$380.00 per case of 1000 | |
| Legal/Procedural Rules Governing Use: Refer to policies 300, 300.4, 300.4.1, 300.5, 300.5.1, 300.5.3, 300.11, 303, 303.3 | |
| Training Required: Sworn members utilizing department-issued ammunition are trained in their use by CA POST-certified instructors. | |
| Compliance Mechanism: Use is subject to applicable policies 303.3, 303.3.2. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Less Lethal Weapon | |
|--|---------------------|
| Equipment Type: Less Lethal Shotgun with orange stock and foregrip. | |
| Quantity Owned/Sought: 4 owned – Departmental | Lifespan: 15 |
| Equipment Capabilities: The Remington 870 Police Magnum with orange stock and foregrip deploy lesslethal weighted munitions. These are used to de-escalate hostile situations and reduce the chance of using deadly force. | |
| Manufacturer Product Description: The Remington Model 870 Pump Shotgun is a reliable 12-gauge with double-action bars for smooth pump operation. A steel-lined/grooved fore-end provides a stronger grip, while the Flexitab feeding system provides positive and easier cycling. A less-lethal application shotgun is available with the addition of a blaze orange synthetic stock and foregrip for the instant recognition required. | |
| Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. | |
| Fiscal Impacts: Approximately \$250 in yearly maintenance. | |
| Legal/Procedural Rules Governing Use: Refer to policies 300, 301, 301.8-301.11 | |
| Training Required: Sworn members utilizing the Remington 870 less-lethal shotguns are trained in their use by CA POST-certified less-lethal instructors. | |
| Compliance mechanisms: Use is subject to the applicable policies 300.5, 300.5.1, 300.5.3, 301, 303.4. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

| Less Lethal Ammunition | |
|--|--------------------------|
| Equipment Type: Combined Tactical System (CTS) Model 2851 Super-sock 12-Gauge Less Lethal Round | |
| Description: A less lethal 2 ¾ inch 12-gauge shotgun shell firing a Super-Sock bean bag round. | |
| Quantity Owned/Sought: 100 | Lifespan: 5 years |
| Equipment Capabilities: 12-gauge “Super-Sock” bean bag round with an effective range between 5 and 20 yards. | |
| Manufacturer Product Description: The Super Sock projectile is in its deployment state immediately upon exiting the weapon’s barrel. It does not require a minimum range to “unfold” or “stabilize”. Optimal ranges are between 5 and 20 yards. | |
| Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. | |
| Fiscal Impacts: \$814 for 100 rounds. | |
| Legal/Procedural Rules Governing Use: Refer to policies 300, 301, 301.8-301.11 | |
| Training Required: Sworn members utilizing the Remington 870 less-lethal shotguns are trained in their use by CA POST-certified less-lethal instructors. | |
| Compliance Mechanisms: Use is subject to the applicable policies 300.5, 300.5.1, 300.5.3, 301, 303.4. | |



CITY OF CAPITOLA

POLICE DEPARTMENT

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|---|--|
| Equipment Type: Unmanned Aircraft Systems (UAS/Drones) – CA Gov’t Code §7070(c)(1) | |
| Quantity Owned/Sought: 5 UAS | Lifespan: Approximately 5 years |
| Equipment Capabilities: Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses. | |
| Manufacturer Product Description: <u>1-DJI Mavic 3T</u> redefines industry standards for small commercial drones. The Mavic 3 has a wide, telephoto, and thermal lens. The wide 48 MP lens has a ½ CMOS sensor with a 24 mm equivalent focal length. The telephoto 12 MP lens has a 162 equivalent focal length with a 52x Hybrid Zoom. The thermal has a 640 x 512 resolution with a 40 mm equivalent focal length with a 61-degree field of view. Max flight time is 45 minutes. <u>3-DJI Mini 3</u> is a compact, ultra-lightweight camera drone built for adventure. It features extended battery life, detail-rich 4K HDR video, and features like Ture Vertical Shooting for social-mediaoptimized shots. The Mini 3’s camera is equipped with a 1/1.3-inch CMOS sensor with dual native ISO and chip-level HDR technology. During the day, capture highlight and shadow details for more nuanced visual results with greater depth. Continue to capture clearly and vividly, even as day turns to night. The camera’s f/1.7 aperture with larger pixels and 4x zoom. Max flight time is 30 minutes. <u>1-Avata</u> is a Compact and lightweight drone that is nimble in tight spaces. Every aspect of its design was made for you to be bold. The built-in propeller guard means that if Avata comes in contact with an object, it can bounce back, stay in the air, and keep on flying. The Avata UAS adopts a new innovative design that is made with convenience in mind. It is more lightweight, compact, and easy to carry. Rediscover your surroundings with complete freedom and find incredible ways to capture video. DJI Avata's flexibility in various scenarios opens up a world of creative possibilities. | |
| Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications; and legally authorized surveillance. | |
| Fiscal Impacts: UAS operation and maintenance is approximately \$5,000 per year. | |



CITY OF CAPITOLA

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Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

Training Required: Before piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.

Other Notes: None.

Section Two: Qualifying equipment not owned but utilized by the Capitola Police Department

709.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and following Departmental policy. Military equipment can be used by other jurisdictions that are providing mutual aid to this Department, or otherwise engaged in a law enforcement operation in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid as defined by Government Code § 7070; Government Code § 7071; and Government Code § 7072.

Section Three: Qualifying Equipment to be procured by the Capitola Police Department

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| No new items requested for 2025 | |
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Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: Conflict of Interest Code



Recommended Action: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure.

Background: The California Political Reform Act requires jurisdictions to adopt a Conflict of Interest Code to identify positions that involve decision-making or participation in decision-making that may affect the personal economic interests of people holding these positions. These positions are in addition to those mandated in Government Code 87200. Once designated, the individuals occupying these positions are required to make annual disclosures in a Statement of Economic Interest (Form 700) regarding sources of income. These may include investments, interest in real property, and any business positions held outside of their employment with the City and are identified in order to avoid potential conflicts of interest.

The California Fair Political Practices Commission (FPPC) requires local jurisdictions to review (and amend, if necessary) their conflict-of-interest code biennially. The last update was adopted August 22, 2024. Since the last update, there have been staffing changes to titles which necessitate a change to the code. In addition, staff recommends amending the Code to include the City's Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee and the Finance Advisory Committee as filers.

Discussion: The proposed changes to the City's Conflict of Interest Code:

- Add CVWBIA Advisory Committee
- Add Finance Advisory Committee
- Change Finance Director to Administrative Services Director
- Change Community Development Director to Community and Economic Development Director

Fiscal Impact: There is no fiscal impact associated with the recommended action.

Attachments:

1. Resolution

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO.**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
RESCINDING RESOLUTION NO. 4391 AND ADOPTING A REVISED
CONFLICT OF INTEREST CODE FOR THE CITY OF CAPITOLA**

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code; and

WHEREAS, said standard conflict of interest code can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, the City of Capitola adopted a revised Conflict of Interest Code effective on August 22, 2024, by Resolution No. 4391; and

WHEREAS, the Conflict of Interest Code is currently being updated to add to the list of designated positions in Appendix A and to clarify its application to designated persons.

NOW, THEREFORE, the City Council of the City of Capitola resolves as follows:

1. As of July 24, 2025, Resolution No. 4391 is rescinded, and this resolution shall become effective.
2. This resolution does not pertain to the following offices because these offices are already regulated by and subject to Government Code Section 87200: Council Members, Planning Commissioners, City Manager, and City Attorney.
3. The terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix "A" and "B" in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Capitola.
4. Upon electronic filing or receipt of the statements of the Council Members, Planning Commission Members, City Manager, and City Attorney, the City Clerk shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Designated employees shall file statements of economic interests with the City Clerk who will make the statements available for public inspection and reproduction (Government Code Section 81008). The City Clerk will retain statements for all designated employees.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 24th day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk

LIST OF DESIGNATED POSITIONS

| <u>TITLE</u> | <u>DISCLOSURE CATEGORIES</u> |
|---|------------------------------|
| Administrative Services Director | A |
| Art & Cultural Commission Members | A |
| Assistant to the City Manager | C, D |
| Associate Planner | C, D |
| Building Official | C, D |
| Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee Members | A |
| Chief of Police | A |
| City Clerk | C |
| Community and Economic Development Director | C, D |
| Community Services and Recreation Director | C, D |
| Community Services and Recreation Coordinator | C |
| Deputy City Attorney | A |
| Environmental Project Manager | C, D |
| Information Systems Specialist | B |
| Finance Advisory Committee Members | A |
| Historical Museum Board Members and Curator | C |
| Operations Maintenance Supervisor | C |
| Police Captain | A |
| Project Manager | C, D |
| Public Works Director | C, D |
| Senior Planner | C, D |
| Senior Mechanic | C |
| Consultants * | A |

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

The Disclosure Categories for the City of Capitola are listed below.

- CATEGORY A.** All sources of income, interests in real property, and investments and business positions in business entities.
- CATEGORY B.** Investments and positions in business entities, and sources of income, including interests in real property, if the source is of the type which provide services, supplies, materials, machinery, or equipment of the type utilized by the City of Capitola.
- CATEGORY C.** Investments and positions in business entities, and sources of income, if the source is of the type which provide services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division.
- CATEGORY D.** Investments and positions in business entities, and sources of income, including interests in real property, if the source is of the type that is subject to the regulatory permit or licensing authority by the department in which that person is employed or if the source of income is from land development, construction or the acquisition or sale of real property by the City of Capitola.

General Provisions

When a designated person is required to disclose investments and sources of income, the person need only disclose investments in business entities and sources of income, which are doing business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated person is required to disclose interests in real property, the person need only disclose real property, which is located in whole or in part within, or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated persons shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix "A."

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Title VI Program Manual



Recommended Action: Adopt a resolution adopting the City of Capitola Title VI Program Manual to comply with Caltrans and Federal Highway Administration (FHWA) requirements for recipients of federal transportation funding; appoint the Public Works Director as the City's Title VI Coordinator; and authorize submittal of required Title VI Program documentation to Caltrans Division of Local Assistance.

Background: Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes prohibit discrimination on the basis of race, color, national origin, sex, age, disability, or income status in programs and activities receiving federal financial assistance. As a recipient of federal funds through programs such as the Regional Surface Transportation Program (RSTP) and the Active Transportation Program (ATP), the City of Capitola is required to adopt and maintain a Title VI Program.

In January 2025, Caltrans updated the Local Assistance Procedures Manual (LAPM) to clarify Title VI Program requirements for local public agencies (LPAs), including the biennial submission of a Title VI Program Assessment. These requirements are intended to ensure continued compliance with federal law and maintain eligibility for future funding.

Discussion: The attached Title VI Program Manual outlines how the City of Capitola complies with federal nondiscrimination requirements. The Program includes the following key components:

- A Title VI Policy Statement
- Appointment of a Title VI Coordinator
- Public Notice of Rights under Title VI
- Title VI Complaint Procedures and Tracking
- Limited English Proficiency (LEP) Strategy
- Public Participation and Environmental Justice Practices
- Staff Training and Subrecipient Monitoring
- Program Review and Triennial Updates

The manual is designed to reflect current best practices and fulfill the expectations set forth in LAPM Chapter 9. It includes the required forms, procedures, and demographic data and will be posted on the City's website following adoption.

Fiscal Impact: There is no direct fiscal impact associated with adoption of the Title VI Program Manual. However, adoption is necessary to maintain eligibility for state and federal transportation funding programs administered through Caltrans.

Attachments:

1. City of Capitola Title VI Program Manual
2. Resolution

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager



TITLE VI PROGRAM

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300
<https://www.cityofcapitola.org/>

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I. Summary

The City of Capitola is committed to providing high-quality public services to all residents while enhancing and maintaining the community's physical and social infrastructure. As a recipient of federal funding—including from the Federal Highway Administration (FHWA), Caltrans, and Active Transportation Program (ATP)—the City is required to comply with Title VI of the Civil Rights Act of 1964 and related federal regulations.

Title VI requires that no person in the United States, on the grounds of race, color, or national origin, shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. The Federal-Aid Highway Act of 1973 further prohibits discrimination on the basis of sex. The Civil Rights Restoration Act of 1987 clarifies that these requirements apply to all programs and activities of federal funding recipients.

This Title VI Program Manual describes how the City of Capitola complies with Title VI and ensures equitable access to services and transportation-related projects. It includes complaint procedures, Limited English Proficiency (LEP) strategies, public participation policies, environmental justice practices, and subrecipient monitoring procedures.

II. Introduction

A. Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Additional federal protections include:

- Section 162(a) of the Federal-Aid Highway Act of 1973: prohibits discrimination based on sex.
- The Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990
- Executive Order 12898 on Environmental Justice
- Executive Order 13166 on Improving Access for Persons with Limited English Proficiency

B. Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited

ability to read, write, speak, or understand English are considered Limited English Proficient (LEP). Title VI requires recipients of federal funding to take reasonable steps to ensure meaningful access to programs and activities by LEP individuals.

The City of Capitola provides language assistance based on U.S. Census data and local community needs. Interpretation services, document translation, and bilingual outreach are provided when appropriate.

C. City Governance

The City of Capitola is a general law city operating under a Council-Manager form of government. The City Council consists of five elected members who serve four-year terms. The Council appoints a City Manager to oversee daily operations.

III. Title VI Program

The City of Capitola is a recipient of federal transportation funds and complies with Title VI of the Civil Rights Act of 1964, as well as other nondiscrimination statutes and regulations. This Title VI Program outlines how the City ensures equitable service and access across all federally funded programs, activities, and services.

A. Title VI Policy Statement

It is the policy of the City of Capitola that no person shall, on the grounds of race, color, national origin, sex, age, disability, or income status, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

B. Title VI Coordinator

Jessica Kahn, P.E.

Public Works Director / Title VI Coordinator

City of Capitola

420 Capitola Avenue, Capitola, CA 95010

Email: capitolaDPW@ci.capitola.ca.us

Phone: (831) 475-7300

The Coordinator is responsible for Title VI compliance, complaints processing, LEP and EJ planning, data collection, subrecipient monitoring, and staff training. The Coordinator is also responsible for developing procedures for collecting and analyzing statistical data, conducting annual program assessments, and supporting monitoring of subrecipients.

C. Title VI Requirements

1) Notice to the Public

Title VI notices are posted at City facilities, on the City website, and at public meetings. A sample public notice is provided in Appendix A.

2) Title VI Complaint Procedure

Any person who believes they have been discriminated against on the basis of a protected class may file a complaint within 180 days of the alleged incident. The process includes:

- Submitting a signed complaint (Appendix B) to the Title VI Coordinator.
- City acknowledgment within 10 business days.
- Investigation completed within 30 business days.
- Response and resolution letter issued.

The City maintains a log of complaints and resolutions. This is updated annually and made available to oversight agencies upon request. See Appendix C.

3) Public Participation Plan

The City conducts inclusive public engagement by:

- Holding meetings at accessible locations and times.
- Translating notices into Spanish and providing interpreters upon request.
- Using bilingual outreach when planning significant federally funded projects.
- Documenting participation demographics.

To ensure Language Assistance Plan (LEP) individuals have meaningful access:

- City uses ACS 5-Year Estimates to identify local LEP populations.
- Translates critical materials into Spanish and other commonly spoken languages.
- Provides interpretation at meetings when requested in advance.
- Reviews LEP needs and services every three years.

4) Environmental Justice (EO 12898)

For all federally funded transportation projects, the City assesses:

- Whether minority or low-income populations bear adverse impacts.
- Mitigation strategies where disproportionate effects are found.

- Use of CalEnviroScreen or similar tools to support analysis.

D. Data Collection and Monitoring

Capitola collects the following to support compliance:

- Participant demographics for outreach events.
- Service area maps and language distribution data.
- Title VI complaint tracking logs.

If the City awards federal transportation funds to subrecipients:

- It ensures Title VI clauses are included in agreements.
- It requires annual reporting of Title VI activities.
- It conducts monitoring as needed.
- Department directors will periodically review the compliance of subrecipients, including contractors and consultants. Oversight is supported and documented by the Title VI Coordinator.

E. Staff Training

City staff receive Title VI training at least once every three years or upon program changes. Attendance is documented (Appendix E).

F. Program Review and Updates

This program will be reviewed and updated every three years or upon major changes in federal regulations or City responsibilities. The next update is due: **July 1, 2028**

Appendix A: Title VI Public Notice (English/Spanish)**English:****Your Rights Under Title VI**

The City of Capitola operates its programs, services, and activities without regard to race, color, national origin, sex, age, disability, or income status in accordance with Title VI of the Civil Rights Act and related nondiscrimination authorities.

Any person who believes they have been discriminated against under Title VI may file a complaint with the City of Capitola.

For more information about the City of Capitola's Title VI obligations or to file a complaint, please contact:

Title VI Coordinator
City of Capitola
420 Capitola Avenue
Capitola, CA 95010
Phone: (831) 475-7300 x217
Email: capitolaDPW@ci.capitola.ca.us

A complaint must be filed within 180 days of the alleged discrimination.

Spanish:**Sus Derechos Bajo el Título VI**

La Ciudad de Capitola opera sus programas, servicios y actividades sin importar raza, color, origen nacional, sexo, edad, discapacidad o nivel de ingresos, de acuerdo con el Título VI de la Ley de Derechos Civiles y otras leyes relacionadas de no discriminación.

Cualquier persona que crea que ha sido discriminada en virtud del Título VI puede presentar una queja ante la Ciudad de Capitola.

Para obtener más información sobre las obligaciones de la Ciudad de Capitola bajo el Título VI o para presentar una queja, comuníquese con:

Title VI Coordinator
City of Capitola
420 Capitola Avenue
Capitola, CA 95010
Phone: (831) 475-7300 x217
Email: capitolaDPW@ci.capitola.ca.us

Una queja debe presentarse dentro de los 180 días posteriores a la presunta discriminación.

Appendix B: Title VI Complaint Form



City of Capitola Title VI Complaint Form

Any person who believes they have been subjected to discrimination on the basis of basis of race, color, national origin, sex, age, disability, or income status under Title VI, may file a grievance under this procedure. It is against the law for the City of Capitola to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

For assistance completing this form or to receive the form in an alternative format, please contact the City of Capitola at (831) 475-7300 or capitolaDPW@ci.capitola.ca.us

COMPLAINANT INFORMATION

Name:

Address:

City, State and Zip Code:

Telephone: _____ Email:

Name of Person Completing Form

If different from the complainant, provide the name of the person completing the form.

Name:

Address:

City, State and Zip Code:

Telephone: _____ Email:

COMPLAINT INFORMATION**Date of Alleged Discrimination**

Location of Incident

Basis of Discrimination (check all that apply):☐ Race ☐ Color ☐ National Origin ☐ Sex☐ Age ☐ Disability ☐ Income Level

Describe the alleged discriminatory incident. Provide names, dates, and specific details. Attach additional pages if necessary:

Have you filed this complaint with another agency?☐ Yes ☐ No**If yes, which agency/agencies and when:**

Signature and Certification I certify that the information above is true and correct to the best of my knowledge.

Signature: _____ Date: _____

Return to:

Title VI Coordinator
City of Capitola
420 Capitola Avenue
Capitola, CA 95010
capitolaDPW@ci.capitola.ca.us
Phone: (831) 475-7300
TTY: California Relay at 7-1-1

Appendix C: Title VI Complaint Tracking Log

The City is required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, national origin, sex, disability or age:

- Active investigations
- Lawsuits
- Complaints naming the City of Capitola

Below is the list that will be used for tracking these incidents:

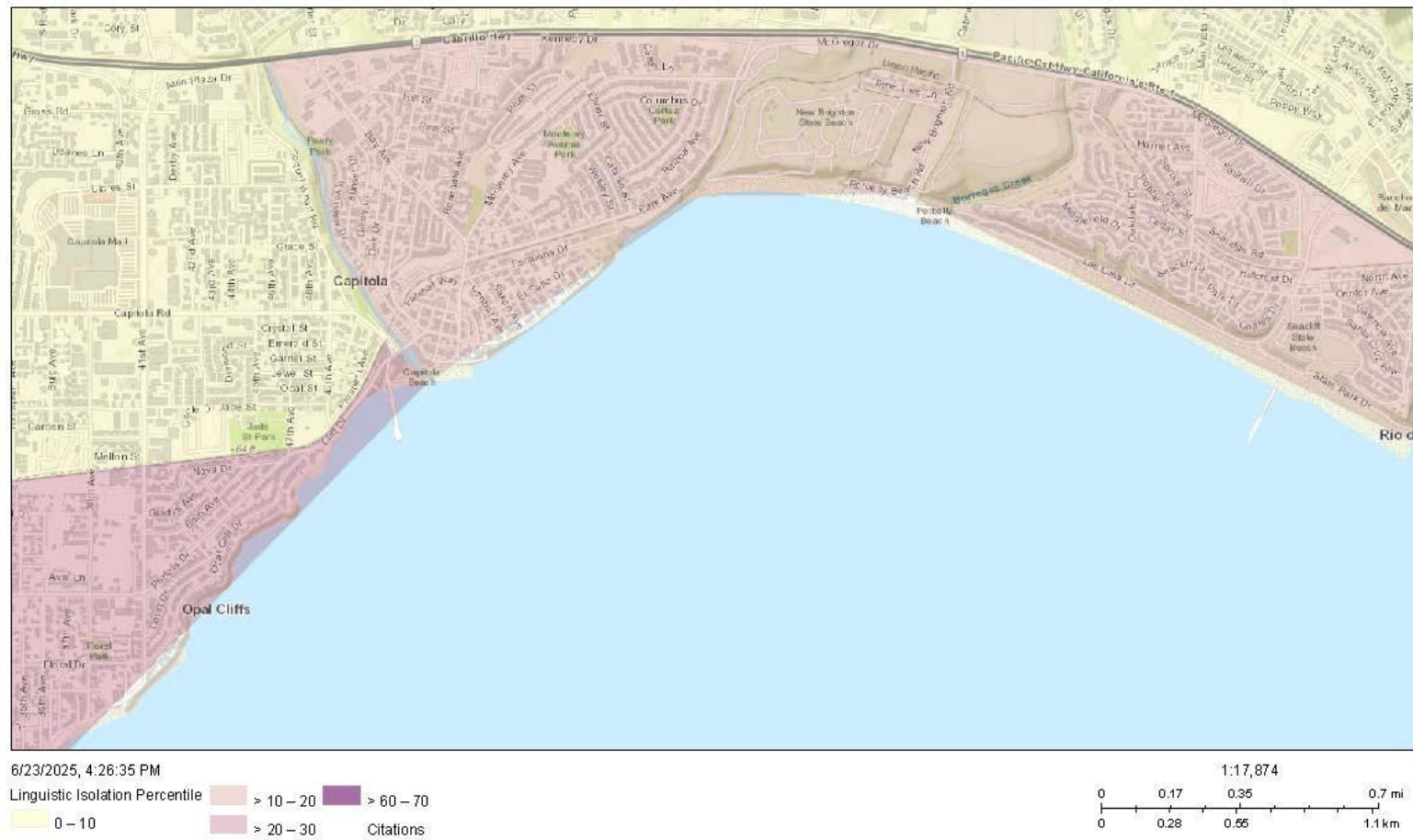
Investigations, Lawsuits and Complaints

| | Date | Summary (Include basis of complaint: race, color, national origin) | Status | Actions Taken |
|----------------|------|--|--------|---------------|
| Complaints | | | | |
| Investigations | | | | |
| Lawsuits | | | | |

Appendix D: Maps of Limited English Proficiency in the City of Capitola

CalEnviroScreen 4.0 Linguistic Isolation Map

ArcGIS Web Map



Appendix E: Title VI Program and Language Assistance Plan Staff Training Form

No person shall, on the grounds of race, color, national origin, sex, disability, or age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Employees of the City of Capitola are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to the City of Capitola Title VI Coordinator.

I hereby acknowledge receipt of City of Capitola's Title VI Program and Language Assistance Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of services delivered by the City of Capitola on the basis of race, color, or national origin, as protected by Title VI.

Signature

Print Name

Date

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADOPTING THE
CITY OF CAPITOLA TITLE VI PROGRAM MANUAL AND APPOINTING THE PUBLIC
WORKS DIRECTOR AS THE TITLE VI COORDINATOR**

WHEREAS, Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes prohibit discrimination on the basis of race, color, national origin, sex, age, disability, or income status in programs and activities receiving federal financial assistance; and

WHEREAS, the City of Capitola receives federal and state transportation funding through programs administered by the California Department of Transportation (Caltrans), and is therefore required to maintain a Title VI Program to ensure continued eligibility for such funding; and

WHEREAS, Caltrans has updated the Local Assistance Procedures Manual (LAPM) to require that local public agencies adopt a formal Title VI Program and submit a Title VI Program Assessment to demonstrate compliance; and

WHEREAS, the City of Capitola has prepared a Title VI Program Manual outlining the City's policies and procedures for ensuring compliance with Title VI and related authorities, including provisions for public notice, complaint procedures, limited English proficiency services, environmental justice, staff training, and subrecipient monitoring; and

WHEREAS, the City wishes to adopt the Title VI Program Manual and designate a Title VI Coordinator to manage and oversee implementation of the program.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Capitola, State of California, as follows:

1. The City of Capitola hereby adopts the Title VI Program Manual, dated July 2025 attached hereto as Exhibit A and incorporated herein by reference, as its official program for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related federal nondiscrimination requirements.
2. The City Council designates the Public Works Director as the City's Title VI Coordinator, responsible for managing Title VI compliance, coordinating related efforts across departments, and serving as the primary point of contact for Caltrans and other agencies.
3. The City Manager or designee is hereby authorized to execute related documents, implement the Title VI Program, and submit required reports and assessments to Caltrans as necessary to maintain compliance and funding eligibility.

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 24th day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Upper Village Parking Lot Sidewalk Improvement Project Completion



Recommended Action: 1) Accept as complete the Upper Village Parking Lot Sidewalk Improvement Project constructed by Diamond D Company at a final cost of \$382,491; 2) authorize the City Clerk to file and record a Notice of Completion; 3) adopt a resolution amending the FY 2025-26 Adopted Budget to allocate \$12,491 for additional project expenditures; and 4) authorize the release of the contract retention of \$18,528 as prescribed in the construction agreement.

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 pedestrian pathway (Pathway Project) to connect the Upper Beach and Village Parking Lot (Parking Lot) and Monterey Avenue.

The project was designed to separate vehicles and pedestrians entering and exiting the parking lot, providing a safe pathway for pedestrians. On February 10, 2022, staff presented a schematic plan of the pathway configuration to the City Council, and on September 14, 2023, the Council directed staff to develop the final design for the Pathway Project. On April 11, 2024, the City Council authorized staff to advertise the project, and a construction contract was awarded in August 2024.

Discussion: The completed pathway integrates with the existing driveway and maintains the grade and alignment of surrounding features. Improvements include a 5-foot-wide sidewalk with a retaining wall up to 3 feet in height, ADA-compliant curb ramps at the southwest and northwest corners of the Monterey Avenue and Park Avenue intersection, and new striping to support bicycle and pedestrian crossings. A drop-off/pick-up pull-out was also added on the south side of Monterey Avenue, just east of the intersection, with curbs and striping to clearly define the space. Several trees were removed to accommodate the improvements.

During construction, field modifications were made to adjust the sidewalk and improve transitions, which resulted in additional quantities of bid items, including retaining wall, retaining curb, and asphalt. These changes were necessary due to site conditions and added \$12,491 in cost.

Construction was completed in May 2025. Staff recommends accepting this project as complete and filing a Notice of Completion for the project.

Fiscal Impact: The following tables itemize the final revenue and expenditures for the project.

Table 1. Upper Village Parking Lot Sidewalk Project Funding

| Source | Amount |
|------------------------------|------------------|
| FY 2024-25 budget | \$20,000 |
| SCCRTC Grant | \$250,000 |
| SCCRTC TDA Funds | \$100,000 |
| Total Project Funding | \$370,000 |

Table 2. Upper Village Parking Lot Sidewalk Project Expenses

| Item | Amount |
|---------------------------------|------------------|
| Initial Contract | \$370,000 |
| Additional quantities performed | \$12,491 |
| Total Project Expenses | \$382,491 |

The \$12,491 budget shortfall will be covered by a budget amendment using available funds from the Gas Tax Restricted Fund.

Attachments:

1. Notice of Completion
2. Resolution

Report Prepared By: Kailash Mozumder, Public Works Project Manager

Reviewed By: Jessica Kahn, Public Works Director, Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Capitola
Public Works Department
Attn: Jessica Kahn
420 Capitola Avenue
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA.
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: Upper Village Parking Lot Sidewalk Improvements

PROJECT DESCRIPTION: Sidewalk, Retaining Wall, and ADA ramp construction. To be constructed on property more particularly described as follows:

DESCRIPTION: Upper Village Parking Lot

ADDRESS: Intersection of Monterey and Park Avenue, Capitola CA 95010

APN: 035-141-36

The work of the improvement was completed by:

CONTRACTOR: Diamond D Company

ADDRESS: 310 Kennedy Drive, Capitola CA 95010

The work of the improvements was actually completed on the 13th day of May 2025 and accepted by the City Council of said City on the 24th day of July 2025.

Signature of City Official: _____
Julia Gautho, City Clerk

The undersigned certifies that she is an officer of the City of Capitola, that she has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of her own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that she believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Signed: _____
Jessica Kahn, Director of Public Works

Date: _____

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM BUDGET**

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025, through June 30, 2026; and

WHEREAS, since the adoption of the budget, additional construction work was required on the Upper Village Parking Lot Sidewalk Improvement Project due to field conditions; and

WHEREAS, the original project budget did not include the cost of the additional quantities of concrete, retaining curb, and asphalt needed to complete the improvements; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to include the \$12,491 in additional project expenditures; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2025-25 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

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

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 24th day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk



Budget Adjustment Request

Date

07/11/2025

Requesting Department *

Public Works

Type of Adjustment

- ☐ Administrative
- ☒ Council

Item #
Council Date

7/24/25

Council Approval

Revenues

| Account Number | Account Description | Increase/Decrease |
|----------------|---------------------|-------------------|
| | | |

Total Revenues

\$0.00

Expenditures

| Account Number | Account Description | Increase/Decrease |
|----------------|--------------------------|-------------------|
| 1310-1000.000 | Gas tax - Cash Operating | \$12,491.00 |

Total Expenditures

\$12,491.00

Net Impact

-\$12,491.00

Purpose

Additional quantities for the Upper Village Parking Lot Sidewalk Improvement Project

Department Head Approval

Jessica Kahn

Finance Director Approval

Jim Malberg

City Manager Approval

Jamie Goldstein

Action History (all history times shown in Pacific Standard Time)

| | |
|--|--|
| Submit | by Jessica Kahn 7/11/2025 9:22:54 am (Budget Amendment Request Submitted) |
| Approve | by Jessica Kahn 7/11/2025 10:24:21 am (Routed to PW) <ul style="list-style-type: none">The task was assigned to Jessica Kahn 7/11/2025 9:22:54 am |
| Approve (send to CM for approval) | by Jim Malberg 7/11/2025 10:27:05 am (Routed to Finance Director) <ul style="list-style-type: none">The task was assigned to Jim Malberg 7/11/2025 10:24:21 am |
| Approve (return to Finance for processing) | by Jamie Goldstein 7/16/2025 5:31:10 pm (Routed to CM for final approval) <ul style="list-style-type: none">The task was assigned to Jamie Goldstein 7/11/2025 10:27:05 am |

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Coastal Rail Trail Segments 10 & 11



Recommended Action: Reschedule the Coastal Rail Trail Project update to the August 2025 City Council meeting to allow participation by representatives from the Santa Cruz County Regional Transportation Commission (RTC) and the County of Santa Cruz.

Background: During the May 28, 2025, City Council meeting, Council Member Orbach requested an update on the Coastal Rail Trail Segments 10 and 11 Project, to be heard during the regularly scheduled July City Council meeting. During the June 12, 2025, City Council meeting, Councilmembers Orbach and Jensen reiterated this request.

At the June 12th meeting, the Council also formed an ad-hoc subcommittee, composed of Mayor Clarke and Councilmember Jensen, to draft a letter to the RTC Board. The letter outlines a series of questions and concerns related to the trail alignment and associated impacts within the City of Capitola. A copy of the letter is included as an attachment to this report.

Discussion: Staff has coordinated with RTC and County Public Works staff regarding attendance at a future Council meeting to provide a project update and respond to the questions raised in the letter. Due to scheduling conflicts, neither RTC nor County staff are available to attend the Council meeting on July 24, 2025.

Staff recommends rescheduling the Coastal Rail Trail Project update to a meeting in August or September to ensure both agencies can participate and provide a comprehensive response to Council's inquiries.

Attachments:

1. June 27, 2025, Subcommittee letter

Report Prepared By: Jessica Kahn, Public Works Director;

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

Approved By: Jamie Goldstein, City Manager



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

Item 8 H.

June 27, 2025

Santa Cruz County Regional Transportation Commission
1101 Pacific Avenue, Suite 250
Santa Cruz, CA 95060

RE: Request for Clarification on Rail and Trail Project Impacts in Capitola

Dear Chair Montesino and Commissioners,

On behalf of the City of Capitola, we respectfully request clarification on several elements of the Rail and Trail Project that may directly impact public safety, private property, and the overall well-being of our community. These questions are particularly important to ensure equity across Capitola neighborhoods, especially for residents of Castle Mobile Home Estates at 1099 38th Avenue.

Castle Mobile Home Estates is a 108-space affordable housing community, home to many seniors, fixed-income households, and families. Since its acquisition by the nonprofit Millennium Housing Corporation in 2011—with financial support from the City—the City has remained committed to preserving the long-term affordability, livability, and stability of this park. The success of that commitment depends in part on how infrastructure projects like the Rail and Trail are designed and implemented.

Over the past several years, Capitola residents have voiced significant concerns. In response, the City Council seeks specific information to help:

- Can the RTC consider a phased approach to resolving encroachments , potentially allowing some issues to be resolved upon transfer of title for the coach
- Provide accurate and transparent updates to the public
- Identify and address potential safety risks
- Respectfully request compliance with City’s municipal codes and Measure L
- Plan effectively for long-term impacts
- Uphold equity across all affected neighborhoods

We respectfully request the RTC’s response to the following:

Property Impacts & Detours

- Will the Rail and Trail require a detour at 41st Avenue onto City of Capitola property and will a detour be required at 47th Avenue?
- Will the route shift onto City property between 47th Avenue and the area between Cliff Drive and Prospect Avenue?
- Will the current design between Monterey Avenue and Grove Lane impact the 26 properties on Escalona Drive adjacent to the RTC corridor?



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879

Website: <http://www.cityofcapitola.org>

- Is the RTC proposing any wayfinding signage or markings within Capitola but outside the RTC corridor?
- Are there any other corridor constraints within Capitola that could require a detour of trail or rail infrastructure onto City property?

Clearances & Corridor Conditions:

- What is the minimum required clearance for both freight and passenger rail in the Rail and Trail design?
- What is the existing clearance between the corridor and Capitola Beach Villas?
- What is the existing clearance between the corridor and Castle Mobile Home Estates?

Future Design Considerations with the anticipated implementation of Zero-Emission Passenger Rail Transit (ZEPRT):

- What design modifications or additional right-of-way would be needed at Park Avenue?
- Is it true that the trail segment between Monterey Avenue and Grove Lane would be removed to make room for a ZEPRT passing lane?
- Who currently holds maintenance responsibility for the rail corridor within Capitola city limits?

We recognize that some of the answers to these questions may be the subject of settlement negotiations, and therefore not available at this time. Regardless, we feel it is important to raise these questions to help demonstrate our shared commitment to our residents.

Thank you for your time and attention to these important questions. The City of Capitola looks forward to your response and to continued collaboration in ensuring that this regional project moves forward with safety, transparency, and fairness at its core.

Sincerely,

Joe Clarke, Mayor, City Council Ad Hoc Subcommittee

Gerry Jensen, Council Member, City Council Ad Hoc Subcommittee

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Building, Planning, and Economic Development Department

Subject: 2024 CDBG Grant Award



Recommended Action: Receive staff update on the 2024 Community Development Block Grant Award for the Jade Street Community Center Project Phase II and Public Service Food Distribution Programs; and adopt a resolution amending the FY 2025-26 budget to accept \$3.6 million into the CDBG Special Revenue Fund.

Background: The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program authorizes the use of funds to assist low- and moderate-income families or aid in the prevention or elimination of blight. There are two types of CDBG programs: “entitlement” and “non-entitlement”. Large metropolitan cities and urban counties are entitled to receive annual grants under the “entitlement” program directly from HUD. The City falls within the “non-entitlement” program, which is administered by the State Department of Housing and Community Development (HCD) and where the City can apply for funding under a competitive application process.

On August 30, 2024, HCD released the 2024 NOFA that allows a jurisdiction to apply for up to three applications for a maximum of \$3.6 million. Funding limits for the NOFA are as follows:

- Over-the-Counter (OTC) Project (public improvement, public facility, etc.) – Up to \$3.3 million
- OTC Program (housing programs, economic development programs, etc.) – Up to \$1.5 million
- Competitive Program (public services, planning study, etc.) – Up to \$300,000

On September 26, 2024, the City Council Adopted a resolution authorizing staff to submit a grant application under the 2024 CDBG NOFA.

Discussion: On July 14, 2025, the City received an award notification for \$3.6 million, for the two following projects/programs:

1. **Public Facility:** The Jade Street Park Improvements Project includes the following: replace the existing playground structure with a universally accessible playground, renovate the restrooms in the park to improve accessibility, and rehabilitate the outdoor/patio space adjacent to the Community Center. The City requested \$3.3 million in CDBG funds for the Jade Street Park Improvements.
2. **Public Service:** In 2021, the City was awarded public service dollars from CDBG for three non-profits for their food distribution programs: Grey Bears (\$52,950), Second Harvest Food Bank (\$112,000), and Community Bridges (\$299,720). Within the 2024 NOFA, the City is only able to apply on behalf of two organizations. The application included Grey Bears and Second Harvest as they have now exhausted the 2021 funding.

Fiscal Impact: The \$3.6 million award is 100% grant funded. A budget amendment is required to increase the CDBG Special Revenue account by \$3.6 million.

Attachments:

1. Notification of Award
2. Resolution Amending Budget

Report Prepared By: Katie Herlihy, Community and Economic Development Director

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

Approved By: Jamie Goldstein, City Manager

Award Notification Letter

Dear Kathleen Herlihy,

Congratulations! An award package has been created for the following program:

Project: kherlihy@ci.capitola.ca.us

Program: 2024 CDBG Main

Award Amount: \$3,600,000.00

Federal Awards:

- ORG0097 CDBG - 2024 (SL - 46856): \$3,600,000.00
 - Agency: U.S. Department of Housing and Urban Development
 - Fiscal Year: 2024
 - CFDA/ALN: 14.228

Total Federal: \$3,600,000.00

Other Awards: No non-federal funds were included in this award.

Total Match: \$0.00

Period of Performance: 07/09/2025 - 07/08/2028

**Award/Contract
Number:** 24-CDBG-10001

Ein: 94-6002834

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT AWARD AND AMENDING THE CITY'S FISCAL YEAR 2025-26 ADOPTED BUDGET

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, and modified the proposed budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025, through June 30, 2026; and

WHEREAS, since the budget was adopted in Resolution No. 4437, the City of Capitola received notice of a \$3.6 million Community Development Block Grant Funding award on July 14, 2025; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to accept the \$3,600,000 grant award, appropriate funds as identified in the grant award for public services, grant administration, and transfer \$3,200,000 to the capital improvement fund and appropriate those funds for the Treasure Cove Universally Accessible Playground Project and the Jade Street Park Improvement Project and the Bathroom and Playground Park Patio Projects; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the FY 2025-26 Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

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

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 24th day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk



Budget Adjustment Request

Date

07/15/2025

Requesting Department *

Community Development

Type of Adjustment

- ☐ Administrative
☒ Council

Item #
Council Date

July 24, 2025

Council Approval

Revenues

| Account Number | Account Description | Increase/Decrease |
|-------------------------|---------------------|-------------------|
| 1350-00-00-000-3310.612 | CDBG Grant - 2024 | \$3,600,000.00 |
| 1200-00-00-000-3910.350 | Transfer in - CDBG | \$3,200,000.00 |

Total Revenues

\$6,800,000.00

Expenditures

| Account Number | Account Description | Increase/Decrease |
|-------------------------|-----------------------|-------------------|
| 1200-00-00-000-4910.100 | Construction Services | \$3,200,000.00 |
| 1350-00-00-000-4350.613 | Public Services | \$280,400.00 |
| 1350-00-00-000-4345.202 | Grant Admin Svcs | \$119,600.00 |
| 1350-00-00-000-4910.200 | Transfer out - CIP | \$3,200,000.00 |

Total Expenditures

\$6,800,000.00

Net Impact

\$0.00

Purpose

To recognize the 2024 CDBG Main grant award and program expenditures.

Department Head Approval

Herlihy

Finance Director Approval

Jim Malberg

City Manager Approval

Jamie Goldstein

Action History (all history times shown in Pacific Standard Time)

| | |
|--|---|
| Submit | by Jim Malberg 7/15/2025 12:00:59 pm (Budget Amendment Request Submitted) |
| Approve | by kherlihy@ci.capitola.ca.us 7/15/2025 12:10:08 pm (Routed to CDD) <ul style="list-style-type: none">The task was assigned to kherlihy@ci.capitola.ca.us 7/15/2025 12:00:59 pm |
| Approve (send to CM for approval) | by Jim Malberg 7/17/2025 8:45:36 am (Routed to Finance Director) <ul style="list-style-type: none">The task was assigned to Jim Malberg 7/15/2025 12:10:08 pm |
| Approve (return to Finance for processing) | by Jamie Goldstein 7/18/2025 11:16:50 am (Routed to CM for final approval) <ul style="list-style-type: none">The task was assigned to Jamie Goldstein 7/17/2025 8:45:36 am |

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Treasure Cove Playground and Jade Street Park Improvements



Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Cumming Management Group, Inc. in the amount of \$242,000 for construction management services related to the Treasure Cove Playground, public restroom renovation, and Community Center patio improvements.

Background: On June 26, 2025, the City Council approved construction plans and authorized the Public Works Department to advertise the Treasure Cove Playground, restroom renovation, and Community Center patio improvements for competitive bids. Staff also received authorization to proceed with consultant amendments for construction-phase services. At that time, staff indicated they would return to Council with an additional construction service contract should the CDBG grant be obtained.

On July 14, 2025, staff received notification of a \$3.6 million Community Development Block Grant (CDBG) funding award from the US Department of Housing and Urban Development. This funding award provides \$3.2 million for the project and closes the funding gap between the City's initial funding allocation for the Treasure Cove Playground Project, an inclusive playground to be located at Jade Street Park. In addition, the CDBG award allows the City to implement key upgrades to Jade Street Park's infrastructure, including improved restroom facilities, enhanced connectivity, and better pedestrian access.

In order to support the construction management of the combined project scopes, staff recommends issuing a professional services agreement with Cumming Group. The need for a dedicated construction manager is driven by the overlapping work areas and coordination required with the contractor currently on site as part of the Community Center Renovation Project.

Discussion: Upcoming construction involves three separate bid packages for the playground, restroom, and patio improvements. All work will take place adjacent to the ongoing Community Center Renovation Project, and close coordination will be essential to avoid scheduling conflicts and ensure continuity.

Cumming Management Group, Inc. was originally selected through a competitive request for proposals process in 2024, during which five firms submitted qualifications. After interviews and evaluation by City staff, Cumming was selected based on their relevant experience with similar municipal projects and strong references. Their performance on the Community Center Renovation Project to date has been timely, responsive, and effective.

Under this new agreement, Cumming Management Group, Inc. will provide construction management services including bid-phase assistance, contractor coordination, field inspection, schedule tracking, and closeout support for the remaining scopes of work. The agreement covers services through the anticipated completion of construction in summer 2026.

Fiscal Impact: The \$242,000 contract will be funded through the City's 2025 Community Development Block Grant (CDBG) award. This expenditure is included in the approved project budget and requires no new appropriation from the General Fund.

Attachments:

1. Professional Services Agreement

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk; Jim Malberg, Finance Director; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT**

Jade Street Improvements Construction Management Services
Cumming Management Group, Inc

THIS AGREEMENT is entered into on July 24, 2025, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Cumming Management Group, Inc, hereinafter called "Consultant".

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

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

**SECTION 1
Scope of Services**

The services to be performed under this Agreement are for construction project management 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 Public Works 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 July 25, 2025

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

Other Insurance Provisions

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

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

Acceptability of Insurers

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

Waiver of Subrogation

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

Verification of Coverage

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

SECTION 9 Indemnification

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

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

SECTION 10

Civil Rights Compliance/Equal Opportunity Assurance

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

SECTION 11

Legal Action/Attorneys' Fees

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

SECTION 12

Assignment

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

SECTION 13

Amendments

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

authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14 Federal Contract Requirements

This Agreement is funded in whole or in part with Community Development Block Grant (CDBG) funds provided by the U.S. Department of Housing and Urban Development (HUD). Consultant agrees to comply with all applicable federal laws, regulations, and requirements as set forth in Appendix Three Federal Terms and Conditions, which is attached hereto and incorporated herein by this reference.

SECTION 15 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

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 \$242,000 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 \$242,000, 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 Cumming Management Group, Inc, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated July 24, 2025, and has not been previously paid."

APPENDIX THREE

Federal Terms and Conditions

FEDERAL TERMS AND CONDITIONS:

During the performance of the contract, the Contractor must agree to comply with all applicable Federal laws and regulations including but not limited to the following:

AFFIRMATIVE ACTION:

The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the United States Department of Housing and Urban Development (HUD) and subject to 24 CFR 85.36(e). The CITY hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged, minority and women's business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religious creed, sex, or national origin in consideration for an award. Minority and women-owned and operated businesses encouraged to apply.

SECTION 3:

The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the HUD, Community Development Block Grant Program, and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low and moderate income persons residing within the project area and that the contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the area of the project. Regulations for implementing the Section 3 clause are contained in 24 CFR 135, as amended, and as specified in the project specifications.

NON-DISCRIMINATION CLAUSE:

During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

EQUAL OPPORTUNITY:

During the performance of this Contract, the Contractor agrees as follows:

1. The Contractor will comply with Executive Order 11246 of September 24, 1965 entitled Equal Employment Opportunity as amended by Executive Order 11375 of October 1967 as supplemented in Department of Labor regulations (41 CFR chapter 60).

2. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion, transfer, recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City Setting forth the provisions of this nondiscrimination clause.
3. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to their race, color, religion, sex, or national origin.
4. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
8. The Contractor shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.
9. Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.
10. Whenever the Contractor or subcontractor has a collective bargaining agreement or other Contract or understanding with a labor union or an agency referring workers or providing or supervising

apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided*, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

11. The Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the Secretary of Labor may require.
12. The Contractor will cause the foregoing provisions to be inserted in all subcontracts for work covered by this Agreement so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

CONFLICT OF INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF CONTRACTORS, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS:

Pursuant to 24 CFR 570.611, no member, officer, or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract or agreement with respect to a CDBG-assisted activity or its proceeds, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one (1) year thereafter. The Grantee shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this Section.

INSURANCE:

Maintenance, if so required by law, unemployment insurance, disability insurance and liability insurance, which is reasonable to compensate any person, firm, or corporation, who may be injured or damaged by the contractor, or any subcontractor in performing the grant activity(ies) or any part of it.

DISADVANTAGED/MINORITY/WOMEN BUSINESS ENTERPRISE FEDERAL REGULATORY REQUIREMENTS UNDER 24 CFR 85.36(e):

The Contractor will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

1. Affirmative steps shall include:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- v. Using the services/assistance of the Small Business Administration (SBA), and the Minority Business Development Agency (MBDA) of the Department of Commerce.

COPELAND "ANTI-KICKBACK" ACT (18 U.S.C. 874):

Contractor shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

COMPLIANCE WITH ALL FEDERAL LABOR STANDARD PROVISIONS: Contractor shall comply with all provisions contained in the form HUD-4010, Federal Labor Standards Provisions.

COMPLIANCE WITH SECTIONS 103 AND 107 OF THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 327-330):

Contractor will comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). Requires the contracting officer to insert the clauses set forth in 29 CFR part 5, Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

REQUIREMENTS AND REGULATIONS PERTAINING TO DATA AND DESIGN:

All data and design and engineering work created under this Agreement shall be owned by the City and shall not be subject to copyright protection. The rights to any invention which is developed in the course of this Agreement shall be the property of the City.

REQUIREMENTS AND REGULATIONS PERTAINING TO REPORTING:

The City, State CDBG, HUD and the Comptroller General of the United States or any of their duly authorized representatives shall be granted access to any books, documents, papers and records of Contractor which are directly pertinent the contract.

COMPLIANCE WITH CLEAN AIR ACT AND CLEAN WATER ACT:

Contractor shall comply with all applicable standards, orders and requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h).

1. Contractor shall comply with all applicable standards, orders and requirements issued under Section 508 of the Clean Air Act (33 U.S.C. 1368).
2. Contractor shall comply with Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15).

COMPLIANCE WITH ENERGY POLICY AND CONSERVATION ACT (Pub. L. 94-163, 89 Stat. 871):

The Contractor shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

D/MBE/WBE IMPLEMENTATION GUIDELINES:

The following information, as applicable, shall be retained by Contractor and produced upon request by General Services if determined by General Services to be necessary to establish the bidder's "good faith efforts" to meet the Disadvantaged/Minority/Women Business Enterprise (D/M/WBE) requirements.

1. The names and dates of advertisement of each newspaper, trade paper, and minority- focus paper in which a request for D/M/WBE participation for this project was placed by the bidder.
2. The names and dates of notices of all certified D/M/WBEs solicited by direct mail for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the D/M/WBEs were interested.
3. The items of work for which the bidder requested subbids or materials to be supplied by D/M/WBEs, the information furnished interested D/M/WBEs in the way of plans, specifications and requirements for the work, and any breakdown of items of work into economically feasible units to facilitate D/M/WBE participation. Where there are D/M/WBEs available for doing portions of the work normally performed by the bidder with his own forces, the bidder will be expected to make portions of such work available for D/M/WBEs to bid on.
4. The names of D/M/WBEs who submitted bids for any of the work indicated in (3) above, which were not accepted, a summary of the bidder's discussions and/or negotiations with them, the name of the subcontractor or supplier that was selected for that portion of work, and the reasons for the bidder's choice. If the reason for rejecting the D/M/WBE bid was price, give the price bid by the rejected D/M/WBE and the price bid by the selected subcontractor or supplier.
5. Assistance that the bidder has extended to D/M/WBEs identified in (4) above to remedy the deficiency in their sub-bids.
6. To find a D/M/WBE certified firm, you may call (916) 445-3520, go on-line to: <http://www.dot.ca.eov/hq/bep>, or via mail at: D/M/WBE Listing for County, CalTrans - Publications Distribution Unit, 1900 Royal Oaks, Sacramento, CA 95815-3800.

AUDIT, RETENTION AND INSPECTION OF RECORDS:

The Contractor agrees that the (City/County), the Department of Housing and Community Development, the Federal Department of Housing and Urban Development (HUD), or its designee will have the right to review, obtain, and copy all records pertaining to performance of this Agreement. The Contractor agrees to provide any relevant information requested and shall permit the (City/County), the Department of Housing and Community Development, the Federal Department of Housing and Urban Development (HUD), or its designee access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with California Public Contract Code (PCC) Section 10115 et seq., Government Code (GC) Section 8546.7 and 2 CCR 1896.60 et seq.

The Contractor further agrees to maintain such records for a period of five (5) years after final payment under this Agreement, and that on or before the end of the five (5) year audit/retention period, the Consultant shall release and deliver to the (City/County) all original records and related documentation.

May 15, 2025

Jessica Khan
Public Works Director
City of Capitola

Re: Construction Project Management Proposal to Proceed-Task 1.0 Jade Street Improvements Project

Dear Jessica:

Thank you for giving Cumming Group the opportunity to extend our Construction Project Management Services proposal for the Jade Street Improvements Project.

SECTION 1 - PROJECT UNDERSTANDING:

We understand the scope of the project to include all required work to install a new playground structure and the remodel of an existing restroom at the Jade Street Community Center site.

The Construction scope of work is anticipated to include the following:

- Work with City stakeholders to confirm best design for their needs.
- Construction Scope of Work by General Contractor, as per Verde Design drawings (Playground), and Boone Low Ratliff (Restrooms), as changes to be made after City Planning consultation and confirmation of work to current codes, including:
 - o Installation of new playground structure, planting, irrigation, hardscape, site furnishings, new drainage system, improvements to accessible path of travel from existing parking lot to existing sports field and hardcourts.
 - o Accessibility upgrades to existing restroom building, remodel of entryway, FFE, floor, entry gates, rafter repairs, roof repair and replacement and drainage.
- Workout schedule to minimize effect of Construction on existing Community Center Project.
- Complete close out of job.

CUMMING CONSTRUCTION PROJECT MANAGEMENT:

Review site, provide drawings review, and meet with, Designers, Engineers, and City officials, as needed:

- Architectural, MEP Design, and bidding:
 - o Upon receiving final Construction drawings, review, and put project out for General Contractor pricing.
 - o Conduct site visit with Contractor, answer questions and RFI's.
 - o Qualifying Contractor pricing, add value engineering thoughts where possible, give recommendation to City for awarding project.
 - o Aid Owner in issuing a Notice to Proceed, and contract.

- Provide initial project estimate and constructability review as requested.
- Project Managers effort for this project is expected to be as shown below.
- Contractor management with construction observation for Quality Assurance and Quality Control on behalf of City estimated at twice a week site visits.
- Attend weekly City and Contractor meetings to track project progress and review any concerns City may have.
- Meet and give City updates periodically.
- Review any needed Submittals, RFIs, Contractor Schedules, Pay Apps, or Change orders for Owner's benefit.
- Manage close-out.
 - o Determine close-out procedures for the project at the start of construction.
 - o Walk punch list to confirm City/Architects/Police requirements as agreed and confirm completion of all items.
 - o Confirm Contractor permit approvals and Certificate of Occupancy from the City has been provided.
 - o Obtain equipment and maintenance manuals.
 - o Assist with collecting copies of all final warranties, and lien waivers.

SECTION 2 - SCOPE OF SERVICES FEES

This proposal is not a representation that we have validated that the project can be accomplished within any established budget or schedule requirements. All representations that the project can be completed, and all cost associations are the responsibility of others.

We propose to start the above noted Construction Project Management work on or about July 1, 2025 and run through the end of June 2026, and to provide all noted services on a **Time and Material** fee basis according to the estimated effort level on the fee table below.

FEE BREAKDOWN

| Phase/Time Period | Team Member, Role and Effort Level | Fee |
|--|--|------------------|
| <i>Construction Management Services from July 2025 to June, 2026</i> | John Olsson Project Executive | \$2,100 |
| | Tyler Sutton Project Director | \$3,780 |
| | Roslyn Wheeler-Springer Project Manager | \$192,696 |
| | Sam Arreola Project Engineer | \$43,092 |
| Estimated Total Not to Exceed Fee and Reimbursables | | \$241,668 |

We will invoice Monthly with payments net 30.

If additional efforts are needed beyond the effort levels described above, they can be provided according to the hourly rate sheet included this proposal, or as otherwise mutually agreeable.

Fees are valid for 30 days from the date of this proposal, and if accepted, we agree to maintain these rates through the project completion anticipated in April 2024. The fee above is on a time and material basis as shown and **is not a lump sum**. Should the project schedule be adjusted, whether extended or reduced, we will work with you to develop a revised arrangement and adjust our efforts to align.

OTHER SERVICES

Extensive estimating, cost management, constructability reviews, quantity surveying, scheduling, project controls, risk management analysis, or project management beyond the effort levels expressly described above can be provided by our in-house team members as an additional service. If such a need arises, we will discuss an arrangement that works for you and provide a separate proposal.

REIMBURSABLE EXPENSES

Any project-related reimbursable expenses are additional and will be billed at cost. Mileage for direct project related- travel will be billed at the applicable IRS rate. We will request approval before incurring any such expenses, except for reasonable local travel to and from the project site or other project team member offices at the discretion of our staff.

We look forward to working with you on this project.

Sincerely,



JOHN OLSSON, CCM
Senior Vice President

**CUMMING
GROUP**

M +1 (408) 540-4708
O +1 (408) 769-6942

HOURLY RATES**PROJECT MANAGEMENT**

| DISCIPLINE | HOURLY RATE |
|--|--------------------|
| Managing Director / Project Director / Senior Director | \$225.00 |
| Senior Scheduler | \$210.00 |
| Senior Project Manager / Associate Director | \$200.00 |
| Project Manager | \$185.00 |
| Scheduler | \$170.00 |
| Assistant Project Manager | \$145.00 |
| Project Engineer or Coordinator / Intern | \$135.00 |
| Administration / Clerk | \$70.00 |

COST MANAGEMENT

| DISCIPLINE | HOURLY RATE |
|---|--------------------|
| Managing Director / Director | \$225.00 |
| Associate Director | \$200.00 |
| Senior Cost Manager | \$190.00 |
| Cost Manager | \$175.00 |
| Assistant Cost Manager / Estimating Technician / Intern | \$110.00 |



Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Police Department

Subject: Police Department Staffing



Recommended Action: Authorize the over-hire of one Police Officer Trainee position for a period of three months, while concurrently holding a vacant Community Service Officer position to offset the cost.

Background: The Capitola Police Department continues to face critical staffing challenges due to the time required for new officers to complete the Police Academy and subsequent field training. Even with proactive hiring, there is a significant delay—often exceeding six months—before newly hired officers are available for solo patrol duty.

While the Department has recently hired new personnel, those officers remain unavailable for full deployment due to ongoing training requirements. As a result, the Department is experiencing operational strain, with existing staff working extended shifts and overtime to maintain minimum staffing levels and public safety coverage.

Discussion: To ensure continuity of public safety services and to relieve pressure on current staff, staff recommends over-hiring one full-time Police Officer Trainee, utilizing the savings from two Community Service Officer (CSO) vacancies.

This approach will allow the Department to plan for anticipated retirements and training delays while maintaining staffing flexibility. This over-hire would be for a 3-month period based on the retirement date of a Senior Officer in November 2025. Once the Senior Officer officially retires, the Police Department will begin the hiring process to fill the CSO positions.

Over-hiring is a proactive strategy that reduces overtime costs, improves officer safety and wellness, and ensures consistent public safety services during the transitional period.

Fiscal Impact: The cost of a police officer trainee is approximately \$10,000 per month. However, this cost will be offset by existing monthly savings from the two vacant CSO positions (approximately \$19,600 per month).

Report Prepared By: Sarah Ryan, Chief of Police

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: Community Grant Program



Recommended Action: 1) Provide direction to staff on the upcoming Community Grant Program term length and other program details; 2) consider grant priorities for the use of restricted Early Childhood and Youth Programming funds; and 3) appoint City Council Members to a subcommittee to review grant applicants and prepare funding recommendations.

Background: In 2020, the City contracted with Optimal Solutions Consulting to evaluate and improve the City's Community Grant Program. In early 2022, a Council subcommittee was formed to review the City's Community Grant Program and provide recommendations on the application process and grant cycle. On May 26, 2022, the Council approved several of the subcommittee's recommendations to increase accessibility and transparency, including:

- A simplified application process
- A three, rather than two, year grant cycle (next cycle to begin Summer 2025)
- Clear funding allocations and priorities
- A simplified reporting process, requiring one presentation to Council per grant cycle, and only for Outcome Grant recipients (organizations receiving \$7,500/year or more)

In FY 2022–23, Council allocated \$125,000 to the Community Grant Program, with an additional \$64,000 set aside for Early Childhood and Youth Programming (ECYP). This funding allocation was repeated in FY 2023-24 and FY 2024-25 budgets, consistent with Council's direction for a three-year grant cycle.

In 2022, Council approved the creation of three grant categories, along with a proportional funding structure:

- Stable/Affordable Housing and Shelter: 50% of total funds
- Health and Wellness: 30% of total funds
- Healthy Environment: 20% of total funds

Two types of grants were also recommended:

- Operational Grants (up to \$7,500) *limited to 30% of total funds*
- Outcome Grants (\$7,500–\$15,000) *prioritized to receive 70% of total funds*

This direction was included in a Notice of Funding Available (NOFA) and the City accepted applications in summer 2022. The City received 24 applications from 23 organizations. Notably:

- Only two applications self-categorized as Stable/Affordable Housing and Shelter, despite this being the highest funding priority
- One application fell under Healthy Environment
- Thirteen applications were identified as Health and Wellness, exceeding the intended allocation

Council designated a subcommittee to review applications and make an initial funding recommendation. The subcommittee met with staff and, to avoid underutilizing available funding, prioritized applicant eligibility and proposed impact over adherence to the predetermined category allocations. This allowed for full use of available funds and broadened program impact; and resulted in a subcommittee recommendation for all applicants to receive grant funding. A list of 2022-2025 grant recipients is included as Attachment 1.

The subcommittee also noted that many applicants did not provide a specific funding amount in their applications. Most indicated only a preference for Operational or Outcome Grants, likely due to the fixed

ranges tied to each. Staff has created a new and improved online grant application, including a required dollar-amount request field for clarity.

Discussion: During special hearings in preparation for the now-approved FY 2025-26 Budget, Council posed questions regarding the Community Grant Program related to term length and reporting requirements, and the overall Community Grant Program funding structure. Now, staff recommends Council designate members to a subcommittee to review grant applications and make an initial funding allocation, and requests direction on the following:

1. **Grant Term Length:** The current three-year grant cycle was recommended and approved by City Council in 2022, to offer greater consistency and administrative efficiency than the previous two-year cycle. At the time of this decision, staff received positive feedback from past grantees, citing the three-year cycle meant they spent less administrative time applying for grants, and appreciated the funding stability for a longer time frame.

Staff will administer the program with a grant cycle length as directed by City Council.

2. **Grant Reporting Requirements:** The current requirement for Outcome Grant recipients (approved by Council in 2022) is to report to the City Council once within the three-year grant period. At that time, the Council's goal was to streamline the program to allow applicants flexibility so that non-profits awarded funding could focus on their programs and community services. This requirement was also developed to keep efficient Council meeting agendas in mind. If each grant recipient (23 organizations) provided a presentation to the City Council each year, this could potentially amount to three hours of meeting time per calendar year.

Staff recommends the current reporting requirement remain in place (one public presentation to Council per grant cycle, by Outcome grantees only). If Council wants to increase reporting, staff suggests adding a written summary of how Capitola Community Grant funds contributed to the success of programs, to be submitted to City Council once over the grant cycle.

3. **Grant Categories and Funding Allocation:** As previously outlined, there was a misalignment between the pre-allocated funding for the three Council-approved grant categories (Stable/Affordable Housing and Shelter, Health and Wellness, and Healthy Environment) and the 2022 applicants' self-categorization. However, if the Council is comfortable with flexibility, rather than strict adherence to pre-allocating specific funding amounts, staff suggests maintaining the three grant categories and overall budget amount, but not pre-allocating funding to each category. Applications would be reviewed through the subcommittee process, for ultimate consideration by the full City Council.
4. **Early Childhood and Youth Programming (ECYP) Funding:** Starting in 2018, the City received restricted funding from a portion of Transient Occupancy Tax (TOT). Since then, Council has allocated a portion of this restricted fund to the Community Grant Program, without specified grant priorities. In 2022, Council did not specify additional funding priorities for ECYP grant applications because the funding is restricted to applicants primarily serving children and youth.

Historically a portion of the City's Community Services and Recreation Department Scholarship Program was funded by ECYP funds, in addition to donations from the School District and Junior Guards Parents Club. The Scholarship Program fund balance is not suffice to meet projected needs, therefore staff recommends allocating \$15,000 of ECYP Funding towards the program. This would allow the remaining ECYP funds (\$49,000) to be available for the community grant program.

As discussed during the Budget Hearing, Council could establish a priority for the ECYP grants for specific community services or programing.

Next Steps: With direction from Council, staff will issue a NOFA, post the grant opportunity on the City website and on social media, collect applications, and work with the Council-appointed subcommittee to bring an initial funding recommendation to the whole Council early this fall. If Council makes formal grant awards by the end of October, staff will have time to process and issue grant payments before the end

of 2025. Typically, grantees receive funding in two payments: half in December and the second half in June.

Fiscal Impact: None. City Council approved FY 2025-26 Budget, which allocated \$133,000 in general funds and \$64,000 in ECYP funds to the Community Grant Program.

Attachments:

1. List of Past Grant Recipients

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

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

Approved By: Jamie Goldstein, City Manager

Capitola Community Grants
Annual Funding, 2022-2025

Item 9 A.

| <u>Organization</u> | <u>Grant Type</u> | <u>Annual Funding Received</u> <u>2022-2025</u> | |
|--|-------------------|--|-------------------|
| Community Action Board | Outcome | \$ | 10,000.00 |
| Monarch Services | Operational | \$ | 7,500.00 |
| Advocacy Inc (last funded 2019/20) | Outcome | \$ | 10,000.00 |
| Arts Council SC County | Operational | \$ | 2,500.00 |
| Cabrillo College Stroke Disability Learning Center | Outcome | \$ | 10,000.00 |
| Family Service Agency of the Central Coast (last funded 2019/20) | Operational | \$ | 7,500.00 |
| Hospice of SC County | Operational | \$ | 3,000.00 |
| MidCounty Senior Center | Operational | \$ | 7,500.00 |
| NAMI - SC County | Outcome | \$ | 12,000.00 |
| Parents Center | Operational | \$ | 7,500.00 |
| Senior Network Services | Operational | \$ | 7,500.00 |
| Seniors Council | Outcome | \$ | 10,000.00 |
| United Way | Outcome | \$ | 7,500.00 |
| Vista Center for Blind and Visually Impaired | Outcome | \$ | 5,000.00 |
| Volunteer Center | Operational | \$ | 7,500.00 |
| Monterey Bay Natinal Marine Sanctuary Foundation | Operational | \$ | 5,000.00 |
| General Fund | | \$ | 120,000.00 |

| <u>Organization</u> | <u>Grant Type</u> | <u>Annual Funding Received</u> <u>2022-2025</u> | |
|---|-------------------|--|------------------|
| Big Brothers Big Sisters | Operational | \$ | 7,500.00 |
| Boys & Girls Club | Operational | \$ | 7,500.00 |
| Court Appointed Special Advocates of SC County | Operational | \$ | 7,500.00 |
| Diversity Center SC County | Operational | \$ | 7,500.00 |
| Monterey Bay National Marine Sactuary Foundation | Operational | \$ | 7,500.00 |
| O'Neill Sea Odyssey* (last year GF) | Outcome | \$ | 10,000.00 |
| SC Children's Discovery Museum | Outcome | \$ | 12,500.00 |
| ECYP | | \$ | 60,000.00 |

Community Grant Program

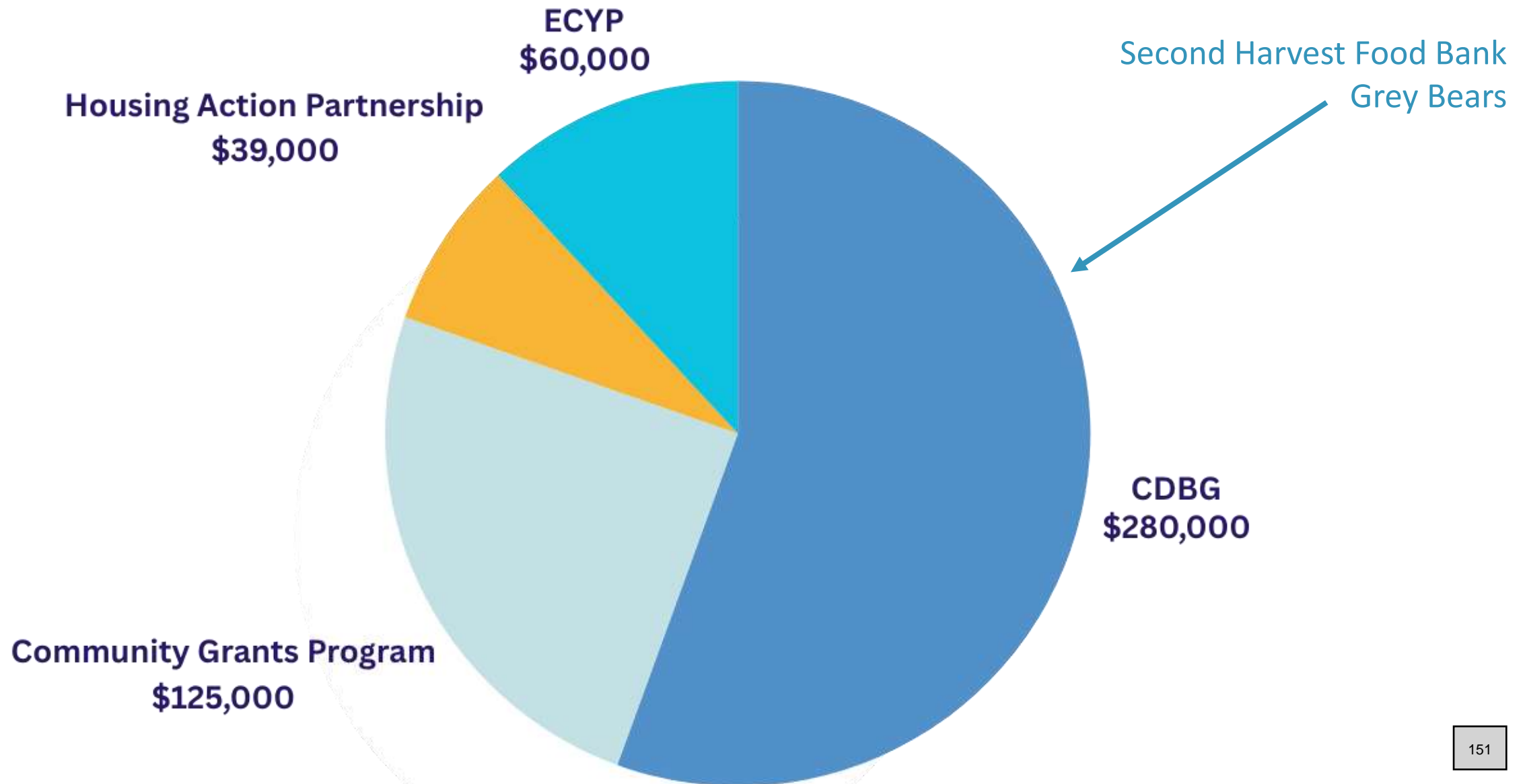
July 24, 2025

Council Decisions:

- 1) **Provide direction** on upcoming Community Grant Program, including any adjustments to term length
- 2) **Consider grant priorities** for use of restricted Early Childhood and Youth Programming funds
- 3) **Appoint City Council Members to a subcommittee** to review grant applicants and prepare funding recommendations

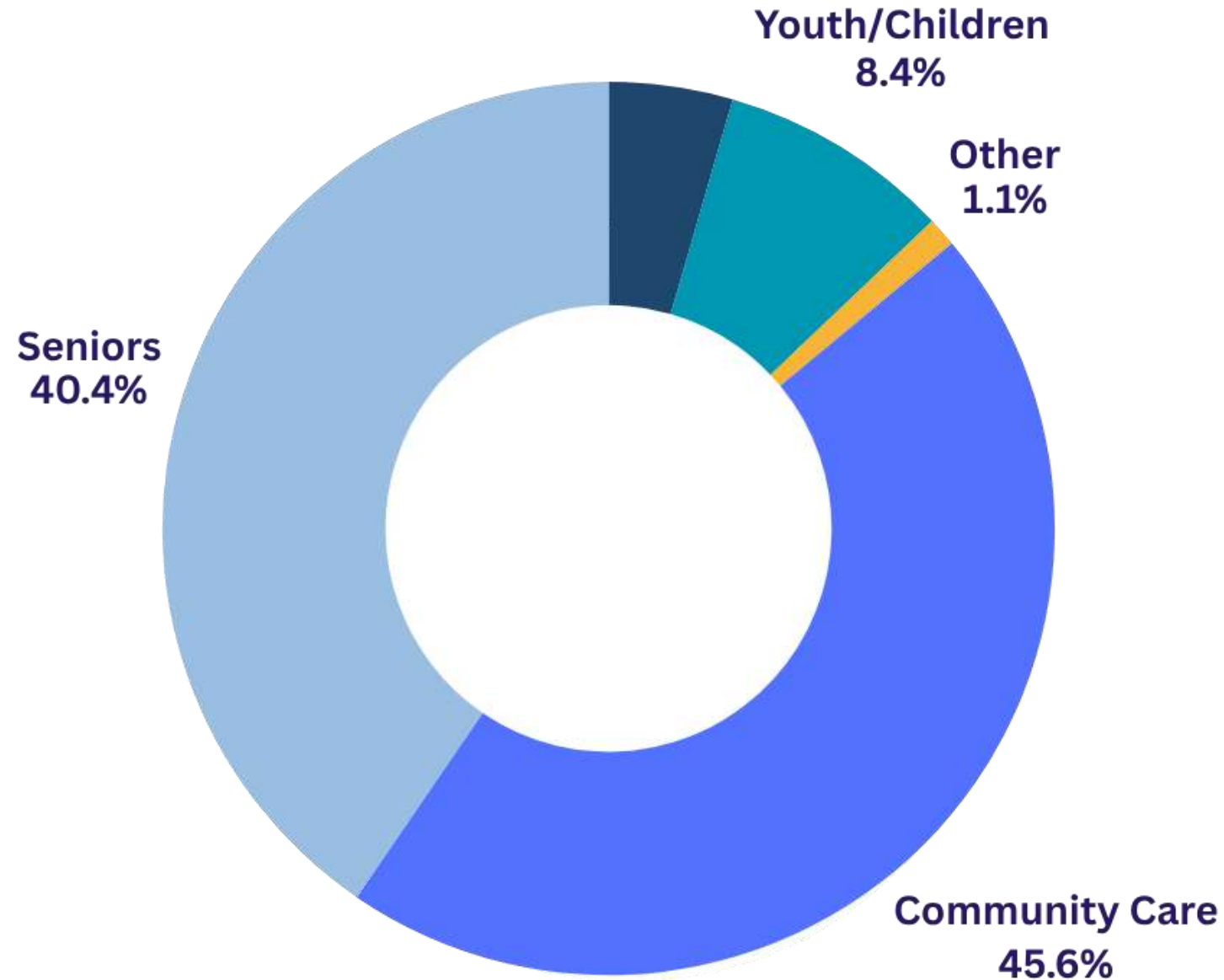
City Social Services Giving FY 2025-26 Budget

Item 9 A.



FY 2024-25 Social Services Funding

Item 9 A.

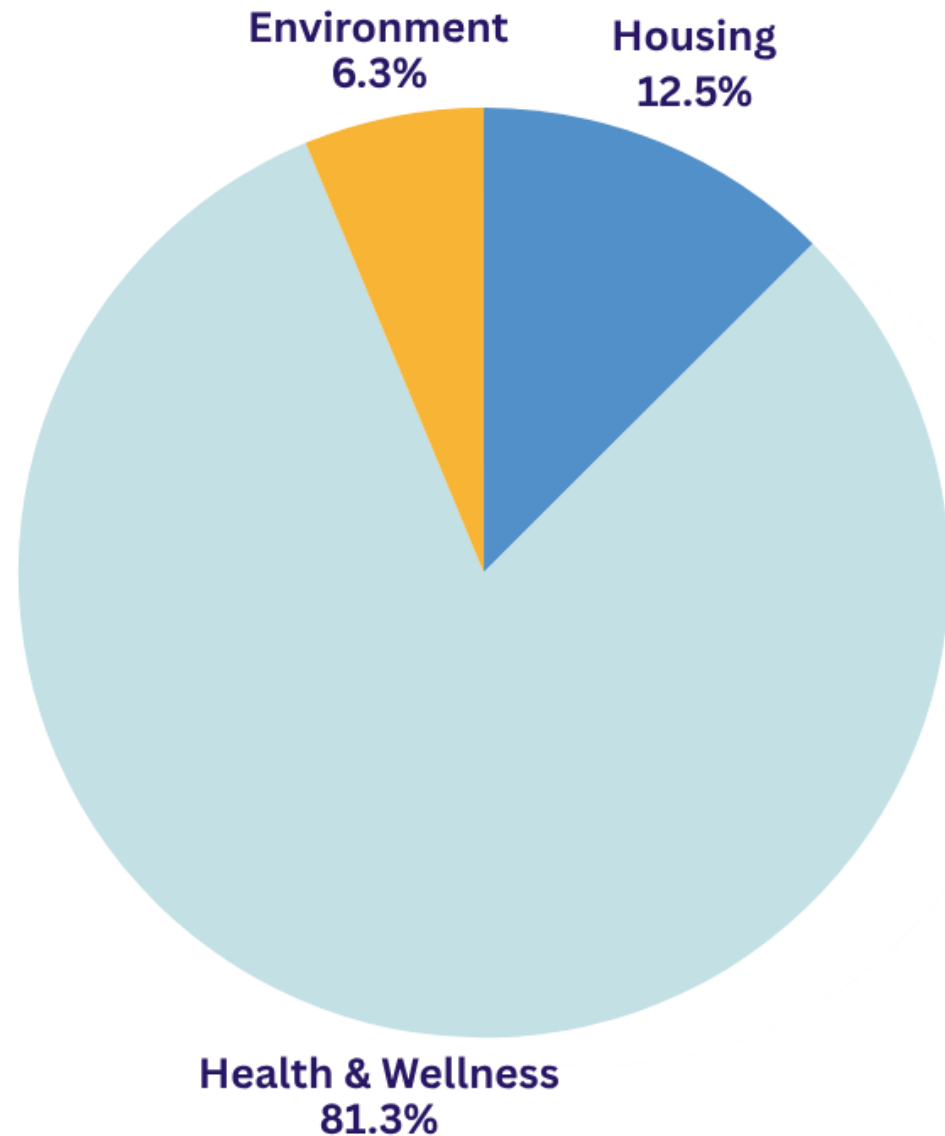


Community Grants Background: 2022-2025

- Three Grant Priorities
 - Housing
 - Health and Wellness
 - Environment
- Three Year Term
- Two grant types
 - *Operational*: up to \$7,000
 - *Outcome*: \$7,500 and more

Community Grants: Funding Breakdown

- Subcommittee review
- City Council approval



Council Discussion:

- Term Length
 - *Past cycle: Three years; prior cycles were two years*
- Grant Reporting Requirements
 - *Past cycle: Verbal report once per grant cycle, Outcome grants only*
- Grant Priorities
 - *Past cycle: Housing, Health & Wellness, Environment*
- Early Childhood & Youth Programming Funding
 - *Past cycle: no additional priority, restricted to children/youth*
 - Recommendation to allocate \$15,000 to City's Scholarship Program

Timeline

- Tonight: Appointments to subcommittee
- August: Notice of Funding Available / Application Period
- September: Subcommittee review
- October: Council Awards (October 9 or 23)
- December 2025: First funding allocation

Council Decisions:

- 1) **Provide direction** on upcoming Community Grant Program:
 - Term length
 - Reporting timeline
 - Any other program details

- 2) **Consider grant priorities** for use of restricted Early Childhood and Youth Programming funds:
 - Allocate \$15k to scholarships and \$49k to ECYP grants
 - Consider if priority for ECYP grants should be included in NOFA

- 3) **Appoint City Council Members to subcommittee** to review grant applicants and prepare funding recommendations

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Finance Department

Subject: Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26



Recommended Action: Continue the noticed public hearing to adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget to the August 28, 2025, Council meeting.

Background: On June 23, 2005, the City Council adopted Ordinance No. 889 adding Chapter 5.10 to the Capitola Municipal Code and establishing the Capitola Village and Wharf Business Improvement Area (CVWBIA). The CVWBIA assessments are renewed annually and fund various programs that benefit businesses within the CVWBIA district boundaries.

Discussion: On June 12, 2025, the City Council adopted Resolution No. 4433, Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2025-26, which set a public hearing for June 26, 2025, in accordance with state law and Chapter 5.10 of the Capitola Municipal Code. Notice of this public hearing was published in the Santa Cruz Sentinel newspaper on Thursday, May 23, 2025.

The CVWBIA is a business-based, self-imposed assessment district in which the assessments are paid by business owners within the district boundary for improvements and activities that support and revitalize businesses as well as attract visitors. The assessment amount for each business is based on the business type and may be a flat fee or an increasing fee based on the number of full-time equivalent employees. Consistent with the FY 2024-25 adopted assessments, the proposed FY 2025-26 assessments are proposed at the same reduced rates.

The billing for City services identified in the CVWBIA plan was based on past agreements. The annual billing rates are \$3,000 for Public Works and \$4,200 for accounting services. The annual report and budget are included as Exhibit A.

During the public comment portion of this hearing, written and oral protests may be made pertaining to the proposed levy of assessments, the amount of the proposed assessments, and the proposed improvements and activities in accordance with California Streets & Highways Code §36524 and §36525.

In November 2018, voters approved Measure J, which increased the transient occupancy tax (TOT) from 10 percent to 12 percent. It restricted 20 percent of the TOT increase to be used for local business groups' marketing and community improvements. In February 2019, Council directed that restricted TOT funding be split evenly between the Capitola-Soquel Chamber of Commerce and the CVWBIA. Council also requested that a minimum of 25 percent of restricted TOT revenues be allocated toward community improvements, which may include special events. The proposed CVWBIA budget includes \$35,000 of TOT revenues for FY 2025-26. \$14,000 (40%) of the proposed TOT budget is for village enhancement.

Staff recommends that Council adopt the proposed resolution confirming the Fiscal Year 2025-26 CVWBIA Assessments and adopting the Annual Plan and Fiscal Year 2025-26 budget, as received by the Council on June 12, 2025, unless it receives oral and written protests from the

owners of businesses that will pay 50 percent or more of the assessments as mandated by state law.

Fiscal Impact: There is no fiscal impact for the City. All administrative costs for billing and collections incurred by the City are reimbursed by the CVWBIA.

Attachments:

1. Proposed Resolution
2. Exhibit A: BIA

Report Prepared By: Leda Laidlaw-Hunter, Accountant II

Reviewed By: Jim Malberg, Finance Director; Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. ____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
CONFIRMING THE FISCAL YEAR 2025-26 CAPITOLA VILLAGE AND WHARF BUSINESS
IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN
AND FISCAL YEAR 2025-26 CVWBIA BUDGET

WHEREAS, the Capitola Village and Wharf Business Improvement Area (CVWBIA) has prepared a report to the City of Capitola for Fiscal Year 2025-26 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, that report was filed with the City Clerk on May 22, 2025; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution No. 3453 referenced in Capitola Municipal Code §5.10.030, and later amended by Resolution No. 3546 and Resolution No. 4186; and

WHEREAS, on June 12, 2025, the City Council adopted Resolution No. 4433 stating its intention to levy business improvement assessments for Fiscal Year 2025-26, receiving the Annual Report and Fiscal Year 2025-26 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 4433 the City Council, in accordance with California Streets and Highways Code Section §36535, held a public hearing on June 26, 2025, as provided for in Streets and Highways Code Sections §36524 and §36525, at which time it considered the annual report, the levy of business improvement assessments for Fiscal Year 2025-26, and received oral and written protests and endorsements to the regularity or sufficiency of the proposed business improvement assessments.

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

1. The Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2025-26 budget, as filed with the City Clerk on May 22, 2025, and received by the City Council on June 12, 2025, as part of Resolution No. 4433, is hereby confirmed and adopted.

2. The adoption of this Resolution shall constitute the Fiscal Year 2025-26 levy of assessments provided for in Chapter 5.10 of the Capitola Municipal Code pertaining to the Capitola Village and Wharf Business Improvement Area zone and rate of assessments adopted by the City Council on June 26, 2025.

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 26th day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk

EXHIBIT A

Resolution No.

Annual Report & Proposed Fiscal Year 2025-26 Budget

CVWBIA Assessment Basis

CVWBIA Business Listing and Assessment Method

Mission Statement

The objective of the CVWBIA is to provide a unified organization to promote, stimulate and improve the business conditions in the designated area, primarily during the shoulder season, September – May. The belief is that if the lodging properties and short-term rentals are full, the rest of the businesses in the area will benefit.

This can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Improve access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via newsletters, the internet, print and television advertising.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf.
- Improve and enhance the appearance of the Village and Wharf in partnership with the City of Capitola.
- Enhance the ability of the CVWBIA to serve as a liaison between the business community and local governments.

In FY 2019-20 CVWBIA began to receive a portion of the Transient Occupancy Tax (TOT) collected by the City and made commitments based on projected TOT revenues. In January 2023 storm related flooding caused major damage to the wharf and some village businesses. Recovery has moved swiftly but business has not returned to pre-storm levels. FY 2025-26 assessments will remain at FY 2024-25 levels.

As the CVWBIA begins its twentieth year we will continue to expand successful programs from prior years, which include the following:

1. **Website** – In 2021-22 the CVWBIA marketing team created a new, up to date, mobile compatible, website (www.capitolavillage.com) for ease of use and connectivity to BIA member's businesses, lodging and short-term rentals. Each member has a unique page with links to their individual websites. There is a schedule of events and other helpful features. Visitors can sign up on the site to receive newsletters. This process will continue in 2025-26 as technology changes quickly. We will also take advantage of opportunities to direct visitors to our website through QR Codes for special events, parking, and other visitor information. Visitors can now access members' website or business phone directly from the BIA website. Monthly summaries of traffic to the site have shown the businesses the value of the website. The website is managed by Craig Nunes, Board Member and Volunteer Web Admin.
2. **Social Media** – Our Communication Team is Opposite of East, Santa Cruz. They create a monthly newsletter, manage all our social media channels and plan new avenues to promote the village. Their blogs and itineraries are shared on social media channels and are available on the website. Our email newsletters are sent to over 24,000 subscribers each month. Our Facebook page has over 22,000 followers with our top 5 cities being: San Jose, Santa Cruz, Modesto, Sacramento, and Capitola. Our Instagram is growing the fastest with over 25,000

active followers. The purpose of the Communication Team is to collectively promote the Capitola Village businesses and to be a resource for ongoing growth. Our Village Ambassador continues to develop relationships with our members to facilitate sharing their promotions and announcements. She also creates spotlight features of business owners for the website.

3. **Advertising** – While placing an emphasis on our social media development, there is still a need for carefully placed advertising in quality visitor publications. We are constantly monitoring these publications for the ones with the most effective online presence. In addition, in 2024-25 the BIA continued the television promotion on Hulu. With Hulu we can target very specific audiences by income levels and zip codes. The analytics are quite extensive as well. We are focusing on Sacramento, San Francisco and the Central Valley. This campaign will continue in 2025-26. We are adding radio promotions and exploring additional TV.
4. **Village Brochures** – We print 25,000 brochures and distribute them throughout Santa Cruz County. A new addition to the brochure is a QR Code taking the visitor directly to our website. Many visitors depend on their phones to access information while traveling.
We contract with Certified Display Service. This company has exclusive rights to lobby racks in hotels, resorts, and visitor centers in the county. These brochures are also available in various places of business throughout the Village and Wharf. We feel it is important to make visitors to other areas in the county aware of Capitola Village and Wharf through these brochures. Additionally, there are distribution locations at the Gilroy Visitors Center on Hwy 101, San Jose Airport, and the Monterey Airport.
5. **Branding and Logo Development** – We continue to update logos, colors, and other marketing material to reflect current trends.
6. **Sip and Stroll & Cookie Walk** – These events benefit all the businesses in the village. We hope to be able to hold up to three Sip and Stroll events in November, February and May. The Cookie Walk is family-oriented and takes place the weekend after Thanksgiving.
7. **Winter Festivities** – Window decorating contest, lighted wreaths and palm trees are components of the winter festivities with other events in the planning stages.
8. **Public Works and Village Enhancement** – The CVWBIA contributes annually to the City of Capitola Public Works Department. Our contribution is used to help maintain the Village and Wharf. This year we are concentrating on landscaping and cleanliness of the village both in public spaces and private planting areas. The BIA has been instrumental in providing and maintaining signage for Long Term Parking in Lots 1 & 2. The CVWBIA is developing a directory to be placed in the village featuring mosaic art by the artists who created the mosaics for the wharf.

Capitola Village & Wharf Business Improvement Area Assessment Basis

The method of assessment classifies businesses within the CVWBIA boundaries into nine categories:

1. Retail / Service businesses
2. Restaurant - Full Bar
3. Restaurant - Beer and Wine
4. Restaurant - No Alcohol
5. Wine/Beer Service
6. Seasonal Food Service
7. Office and Professional businesses / Specialty
8. Short-term Rental businesses
9. Hotel / Motel / Inn businesses

Assessment fees are assigned to these nine business categories by the number of full-time equivalent employees, a flat rate, and a per unit amount. Registered non-profits are exempt from assessment fees.

The following table shows the assessment fees for the proposed CVWBIA for FY 2025-26 at same level as last fiscal year.

| Business Category | Number of Full-Time Equivalent Employees* | | |
|-----------------------------------|---|------------------|------------------------|
| | 0 – 5 employees | 6 – 10 employees | More than 10 employees |
| Retail / Service | \$315 | \$630 | N/A |
| Restaurant Full Bar | N/A | \$720 | \$1,080 |
| Restaurant Beer and Wine | \$367.50 | \$682.50 | \$1,042.50 |
| Restaurant No Alcohol | \$315 | \$630 | N/A |
| | Flat Fee | | |
| Wine/Beer Service | \$315 | | |
| Office / Professional / Specialty | \$90 | | |
| Short-term Rental** | \$135 | | |
| Seasonal Food Service | \$210 | | |
| | Per Unit Fee | | |
| Hotel / Motel / Inn | \$180 per unit | | |

Footnote* “Full-time employee” is an employee who works 2,000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation. (i.e. “fulltime equivalents”)

Footnote** “Short-term rental” businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

Associate Membership. CVWBIA is authorized to accept “associate membership” financial contributions from businesses outside the CVWBIA with approval of the board. The category and assessment will be the same as if the business is within the CVWBIA area.

New Business Assessment. Assessments will be prorated by the quarter in which a business opens.

Business Closing. A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that it will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year's assessment in full.

Late Charge. No late charge will be assessed with the FY 20256-26 dues.

Delinquencies. CVWBIA has a clear policy relative to delinquent assessments. Businesses that have not paid their assessment by October 31, 2025, will be removed from the CVWBIA website and brochure. They will be ineligible to participate in any CVWBIA activity. Assessments that have not been paid by January 31, 2026, may be sent to collections.

Capitola Village & Wharf Business Improvement Area Estimated Actual for FY 2023-24, Adopted FY 2024-25 and Proposed Budget for FY 2025-26

| | FY 23/24 | FY 24/25 | FY 25/26 | FY 25/26 | FY 25/26 |
|-------------------------------|-------------------|-------------------|-------------------|------------------|-------------------|
| | Actual | Adopted Budget | Assessment Budget | TOT Budget | Total Budget |
| Beginning Fund Balance | \$ 44,242 | \$ 32,486 | \$ 23,556 | | \$ 23,556 |
| Revenues | | | | | |
| Member Assessment | 53,854 | 53,370 | 55,000 | | 55,000 |
| Associate Assessment | | 0 | | | 0 |
| Assessment Revenues - Trade | 0 | 0 | | | 0 |
| Late Fees | 0 | 0 | | | 0 |
| TOT Revenue | 36,761 | 37,000 | 0 | 35,000 | 35,000 |
| Sip N' Stroll | 41,704 | 54,000 | 54,000 | | 54,000 |
| Cookie Walk | | 2,500 | 5,000 | | 5,000 |
| Interest Revenue | 1,936 | 100 | 100 | | 100 |
| Total Revenues | \$ 134,254 | \$ 146,970 | \$ 114,100 | \$ 35,000 | \$ 149,100 |
| Total Source of Funds | \$ 178,496 | \$ 179,456 | \$ 137,656 | \$ 35,000 | \$ 172,656 |
| Expenditures | | | | | |
| Charitable Donations | | 6,000 | 6,000 | | 6,000 |
| CDS Direct Distribution | 3,028 | 4,000 | 4,000 | | 4,000 |
| Doubtful Accounts | 8,376 | 5,000 | 3,000 | | 3,000 |
| Insurance | 0 | 2,000 | 2,000 | | 2,000 |
| Office Supplies | 418 | 1,000 | 500 | | 500 |
| Storage Unit | 1,836 | 1,700 | 2,000 | | 2,000 |
| Renewal | 636 | 800 | 800 | | 800 |
| Total Administration | \$ 14,293 | \$ 20,500 | \$ 18,300 | \$ - | \$ 18,300 |
| City Accounting Services | \$ 4,200 | \$ 4,200 | \$ 4,200 | | \$ 4,200 |
| City Public Works | 3,000 | 3,000 | 3,000 | | 3,000 |
| Total City Services | \$ 7,200 | \$ 7,200 | \$ 7,200 | \$ - | \$ 7,200 |
| Ambassador | \$6,600 | \$7,200 | \$6,000 | | \$6,000 |
| Communications Manager | 25,500 | 18,000 | 36,000 | | 36,000 |
| Directories Printing | 74 | 2,000 | 4,500 | | 4,500 |
| TV Radio Print Advertising | 9,407 | 0 | 25,000 | | 25,000 |
| VSC Map | 700 | 400 | 0 | | 0 |
| Insurance | 1,435 | 2,000 | | | 0 |
| Miscellaneous Print | 2,990 | 0 | | | 0 |
| Miscellaneous Advertising | | 15,000 | 0 | | 0 |
| Miscellaneous Marketing | | | 0 | | 0 |
| Monterey Travel Magazine | | 600 | | | 0 |
| Print Explore | | 1,000 | | | 0 |
| Social Media Boost | 2,250 | 3,000 | 1,500 | | 1,500 |
| Website Management | 7,199 | 6,000 | 10,000 | | 10,000 |
| Video Photo Production | | 6,000 | 3,000 | | 3,000 |
| Village Enhancement | 13,340 | 16,000 | 0 | 14,000 | 14,000 |
| Total Marketing | \$ 69,496 | \$ 77,200 | \$ 86,000 | \$ 14,000 | \$ 100,000 |
| Holiday & Events | \$474 | \$15,000 | \$4,000 | \$0 | \$4,000 |
| Palm Tree Lights | | 0 | 0 | | 0 |
| Sip N' Stroll - Cookie Walk | 54,547 | 36,000 | 36,000 | | 36,000 |
| Total Special Events | \$ 55,021 | \$ 51,000 | \$ 40,000 | \$ - | \$ 40,000 |
| Total Expenditures | \$ 146,011 | \$ 155,900 | \$ 151,500 | \$ 14,000 | \$ 165,500 |
| Ending Fund Balance | \$ 32,486 | \$ 23,556 | | | \$ 7,156 |

Capitola Village & Wharf Business Improvement Area Budget Discussion

The CVWBIA will begin the Fiscal Year 2025-26 with an estimated fund balance of \$23,556.

Revenues: The proposed revenue is derived from the CVWBIA business roster and corresponding assessment rates.

Expenditures:

Summary. The proposed expenditures are divided into these categories: Administration \$18,300 City Services \$7,200, Marketing & Village Enhancement \$100,000, and Special Events \$40,000.

The following is a roster of open businesses in the assessment area as of June 2, 2024.

Capitola Village & Wharf Business Improvement Area Business Listing and Assessment Method

| Business Type | Assessment Method | Estimate Assessment | |
|-----------------------------|---|---------------------|-----------------|
| AM = Associate Member | Associate Member | AM | \$405 |
| F1 = Restaurant Full Bar | Per employee category: 6-10 EEs, >10 EEs | F1 | \$7,920 |
| F2 = Restaurant Beer & Wine | Per employee category: 0-5 EEs, 6-10 EEs, >10 EEs | F2 | \$3,255 |
| F3 = Restaurant No Alcohol | Per employee category: 0-5 EEs, 6-10 EEs | F3 | \$4,095 |
| F4 = Wine & Beer Service | Flat fee | F4 | \$1,575 |
| F5 = Seasonal Food | Flat fee | F5 | \$210 |
| H = Hotel/Motel/Inn | Flat fee per unit or room | H | \$9,180 |
| O = Office/Professional | Flat fee | O | \$1,530 |
| R = Retail/Service | Per employee category: 0-5 EEs, 6-10 EEs | R | \$13,939 |
| SR = Short Term Rental | Flat fee per unit | SR | \$11,475 |
| | | Total | \$53,584 |

| Business Name | Type | FY 25-26 Est. Size | FY 25-26 Amount |
|--|------|-----------------------|--------------------|
| Paradise Beach Grille | F1 | 11+ | \$1,080 |
| Shadowbrook Restaurant | F1 | 11+ | \$1,080 |
| Zelda's | F1 | 11+ | \$1,080 |
| Britannia Arms Pub & Rest. | F1 | 0 - 10 | \$720 |
| Bay Bar & Grill | F1 | 0 - 10 | \$720 |
| The Sand Bar | F1 | 0 - 10 | \$720 |
| Margaritaville | F1 | 11+ | \$1,080 |
| Pete's Fish House | F1 | 11+ | \$1,080 |
| El Toro Bravo | F2 | 0 - 5 | \$368 |
| Thai Basil | F2 | 0 - 5 | \$368 |
| Geisha Japanese Restaurant & Tea House | F2 | 0 - 5 | \$368 |
| My Thai Beach / Sea Side Siam | F2 | 0 - 5 | \$368 |
| Caruso's Tuscan Cuisine | F2 | 0 - 5 | \$368 |
| Avenue Café | F2 | 0 - 5 | \$368 |
| Tacos Moreno 3 | F2 | 0 - 5 | \$368 |
| Trestles Restaurant | F2 | 6 - 10 | \$683 |
| Mr. Toots Coffee & Tea | F3 | 0 - 5 | \$315 |
| Pizza My Heart | F3 | 6 - 10 | \$630 |
| Castagnola Deli & Café | F3 | 0 - 5 | \$315 |
| Polar Bear Ice Cream | F3 | 6 - 10 | \$630 |

| Business Name | Type | FY 25-26 Est. Size | FY 25-26 Amount |
|---|------|-----------------------|--------------------|
| Mijos Taqueria | F3 | 0 - 5 | \$315 |
| Sandcastle Café | F3 | 0 - 5 | \$315 |
| Schneider Consulting LLC dba Boba Bay | F3 | 0 - 5 | \$315 |
| La Marea Café | F3 | 0-5 | \$315 |
| Lost Gatos Meats Capitola | F3 | 0-5 | \$315 |
| Armida Winery | F4 | n/a | \$315 |
| Capitola Wine Bar & Merchants | F4 | n/a | \$315 |
| Capitola Tap House | F4 | n/a | \$315 |
| Brewtopia831 | F4 | n/a | \$315 |
| Left Coast Sausage Worx | F5 | n/a | \$210 |
| Venetian Hotel | H | 19 | \$3,420 |
| Capitola Beach Suites aka Harbor Lights | H | 10 | \$1,800 |
| Inn at Depot Hill | H | 13 | \$2,340 |
| Capitola Hotel | H | 10 | \$1,800 |
| David Lyng & Associates | O | n/a | \$90 |
| Katz & Lapidés | O | n/a | \$90 |
| Michael Lavigne Real Estate | O | n/a | \$90 |
| Newman & Marcus,LLP | O | n/a | \$90 |
| Suess Insurance Agency | O | n/a | \$90 |
| Latta | O | 0 - 5 | \$90 |
| Ted Mendoza and Lisa Salinero Real Estate | O | n/a | \$90 |
| Law Offices of Sam Storey | O | n/a | \$90 |
| John H. McSpadden | O | n/a | \$90 |
| Miles J. Dolinger, Attorney at Law | O | n/a | \$90 |
| Art of Energy (Visions by Sheena) | O | n/a | \$90 |
| Capitola Village Massage | O | n/a | \$90 |
| Yellow Bus | O | n/a | \$90 |
| Revest Homes, Inc. | O | n/a | \$90 |
| Monet Salon | O | n/a | \$90 |
| Community CPA | O | n/a | \$90 |
| Bare Skin & Body | O | n/a | \$90 |
| Law Offices of Peter Rausch, Jr. | O | n/a | \$90 |
| Keenly Financial Inc. | O | n/a | \$90 |
| Wiseman Construction | O | | \$90 |
| Andren Homes Property Management | O | n/a | \$90 |
| MRA Sales, dba Capitola Beach Co. | R | 0 - 5 | \$315 |
| Big Kahuna Hawaiian Shirts | R | 0 - 5 | \$315 |
| Craft Gallery | R | 0 - 5 | \$315 |
| Craft Gallery Annex | R | 0 - 5 | \$315 |
| Euphoria Rio Mix | R | 0 - 5 | \$315 |
| Hot Feet | R | 0 - 5 | \$315 |
| Kickback | R | 0 - 5 | \$315 |
| Nubia Swimwear | R | 0 - 5 | \$315 |
| Oceania | R | 0 - 5 | \$315 |
| Phoebe's | R | 0 - 5 | \$315 |
| Rainbow City Limit | R | 0 - 5 | \$315 |
| Slap Happy | R | 0 - 5 | \$315 |
| Super Silver | R | 0 - 5 | \$315 |
| Sweet Asylum | R | 0 - 5 | \$315 |

| Business Name | Type | FY 25-26 Est. Size | FY 25-26 Amount |
|--|-------------|-------------------------------|----------------------------|
| Yvonne | R | 0 - 5 | \$315 |
| Parking at the Mercantile | R | 0 - 5 | \$315 |
| Parking at the Theater | R | 0 - 5 | \$315 |
| Lumen Gallery | R | 0 - 5 | \$315 |
| Capitola Reef | R | 0 - 5 | \$315 |
| Art Inspired | R | 0 - 5 | \$315 |
| Sea Level T's | R | 0 - 5 | \$315 |
| Vanity by the Sea | R | 0 - 5 | \$315 |
| Xandra Swimwear | R | 0 - 5 | \$315 |
| Quality Market | R | 0 - 5 | \$315 |
| Capitola Seashells | R | 0 - 5 | \$315 |
| Pueblo Viejo Imports | R | 0 - 5 | \$315 |
| Ethos Santa Cruz | R | 0 - 5 | \$315 |
| Tony Pagliaro Photography | R | 0 - 5 | \$315 |
| Mercantile Arcade | R | 0 - 5 | \$315 |
| Carousel Taffy & Treats | R | 0 - 5 | \$315 |
| Capitola Candy Café | R | 0 - 5 | \$315 |
| Santa Cruz Apparel | R | 0 - 5 | \$315 |
| Capitola Paws | R | 0 - 5 | \$315 |
| Nectar California LLC | R | 0 - 5 | \$315 |
| Katalinas Boutique LLC | R | 0 - 5 | \$315 |
| Clementine & Co. | R | 0 - 5 | \$315 |
| Coastal Life | R | 0 - 5 | \$315 |
| Out West Design Company | R | 0 - 5 | \$315 |
| Studio About Her | R | 0 - 5 | \$315 |
| Play Date | R | 0-5 | \$315 |
| Capitola Family Home | SR | 1 | \$135 |
| Capitola Pelican House | SR | 1 | \$135 |
| Capitola Venetian #5 | SR | 1 | \$135 |
| Capitola Venetian #14 | SR | 1 | \$135 |
| Capitola Venetian #8 | SR | 1 | \$135 |
| Capitola Beach Bungalow | SR | 1 | \$135 |
| Capitola Beach Cottage | SR | 1 | \$135 |
| Capitola Cliffs Unit 3 | SR | 1 | \$135 |
| Good Time | SR | 1 | \$135 |
| Relaxing Family Condo by the River | SR | 1 | \$135 |
| Bridgepoint Bungalow | SR | 1 | \$135 |
| Capitola Cliffs Unit 4 / Begonia Beach Cottage | SR | 2 | \$270 |
| Capitola Venetian Unit 3 | SR | 1 | \$135 |
| Capitola Venetian #1 | SR | 1 | \$135 |
| Oceanfront Capitola Tuscan Villa | SR | 1 | \$135 |
| Capitola Cliffs #4960-2 | SR | 1 | \$135 |
| Capitola Venetian #11 | SR | 1 | \$135 |
| Beach Charmer | SR | 1 | \$135 |
| Capitola Venetian #2 | SR | 1 | \$135 |
| Castillo Properties | SR | 2 | \$270 |
| Capitola Cliffs Unit #1 | SR | 1 | \$135 |
| Deborah Cohen | SR | 1 | \$135 |
| Bayside Capitola Beach Condo | SR | 1 | \$135 |

| Business Name | Type | FY 25-26 Est. Size | FY 25-26 Amount |
|---|-------------|-------------------------------|----------------------------|
| Capitola Vista #1 | SR | 1 | \$135 |
| Capitola Vista #2 | SR | 1 | \$135 |
| Capitola Vista #3 | SR | 1 | \$135 |
| Capitola Vista #4 | SR | 1 | \$135 |
| Capitola Sea Spray | SR | 1 | \$135 |
| Creekside Cottage | SR | 1 | \$135 |
| Capitola Cherry Ave | SR | 1 | \$135 |
| Luxurious Historic Windmill Silo House | SR | 2 | \$270 |
| Capitola Bluegum A & B | SR | 2 | \$270 |
| Grandma's Nest Capitola Venetian #9 | SR | 1 | \$135 |
| CV Retreat with Garage | SR | 1 | \$135 |
| Capitola Seashell Sanctuary Units A and B | SR | 2 | \$270 |
| Vista Cortile Condo | SR | 1 | \$135 |
| Capitola Village Deco Beach House | SR | 1 | \$135 |
| Capitola Venetian #16 | SR | 1 | \$135 |
| Capitola Lawn Way #5-4 | SR | 1 | \$135 |
| Capitola Breeze Condo & Seaview Condo | SR | 2 | \$270 |
| Luxury Home in CV with Hot Tub | SR | 1 | \$135 |
| Capitola Riverview #421 | SR | 1 | \$135 |
| Capitola Riverview #323 | SR | 1 | \$135 |
| An Iconic Oceanfront Pink Venetian | SR | 1 | \$135 |
| 114 - 116 Lawn Way LLC | SR | 2 | \$270 |
| Capitola Village Retreat Units A & B | SR | 2 | \$270 |
| Capitola Cliff House | SR | 1 | \$135 |
| 208 Monterey Ave #A | SR | 1 | \$135 |
| James Lin | SR | 1 | \$135 |
| Urban Chic Living / Life is Better at Capitola Beach | SR | 2 | \$270 |
| Capitola Oceanside | SR | 1 | \$135 |
| Capitola Dreamin' | SR | 1 | \$135 |
| Capitola Riverview #402 | SR | 1 | \$135 |
| Capitola Riverview #310 | SR | 1 | \$135 |
| Capitola Riverview #312 | SR | 1 | \$135 |
| Oceanside Dream Beach House | SR | 1 | \$135 |
| Capitola Trestles #5 | SR | 1 | \$135 |
| Paradise Properties Capitola Village #321-B | SR | 1 | \$135 |
| Bombora LLC Capitola Village #419 | SR | 2 | \$270 |
| Colorful Capitola Village Cottage Unit A & UnitB | SR | 2 | \$270 |
| Five Bedroom Beach Front Home in CV | SR | 1 | \$135 |
| Capitola Monterey 109-3 & 109-10 | SR | 1 | \$135 |
| Capitola Riverfront Home with Parking | SR | 1 | \$135 |
| Surf Loft | SR | 1 | \$135 |
| 425 Capitola Ave | SR | 1 | \$135 |
| Beach Getaway in the Heart of CV / Brand New Luxury CV Home | SR | 2 | \$270 |
| CV Condo, Dog Friendly, Free Parking | SR | 1 | \$135 |
| CV Home with Parking Spot | SR | 1 | \$135 |
| Riverview Retreat (A) / Oceanview Oasis (B) | SR | 2 | \$270 |
| Capitola Hideaway | SR | 1 | \$135 |
| Bella Capitola | SR | 1 | \$135 |

| Business Name | Type | FY 25-26 Est. Size | FY 25-26 Amount |
|--|-------------|-------------------------------|----------------------------|
| Kohala Properties 831 | SR | 1 | \$135 |
| 109 Monterey Avenue#9 | SR | 1 | \$135 |
| Capitola Village Bungalow | SR | 1 | \$135 |
| Capitola Village Hideaway | SR | 1 | \$135 |
| 321 Riverview Ave. | SR | 1 | \$135 |
| Capitola Seaglass Cottage | SR | 1 | \$135 |
| 222 San Jose Ave. | SR | 1 | \$135 |
| 201 Monterey Avenue Suite 2 | SR | 1 | \$135 |
| 109 Monterey Avenue#2 & #7 | SR | 2 | \$270 |
| Lawn Way | SR | 1 | \$135 |
| 206 1/2 California Ave. | SR | 1 | \$135 |
| 108 Park Place Unit B | SR | 1 | \$135 |
| 1532 Wharf Rd | SR | 1 | \$135 |
| 210 Stockton Ave. Unit B | SR | 1 | \$135 |
| 318 Capitola Ave. #3 | SR | 1 | \$135 |
| 321 Capitola Ave. | SR | 1 | \$135 |
| 327 Riverview Ave. Unit B | SR | 1 | \$135 |
| 329 Cherry Ave. | SR | 1 | \$135 |
| 4960 Cliff Dr. #1 | SR | 1 | \$135 |
| 502 Beulah Dr. | SR | 1 | \$135 |
| 206 Stockton Ave | SR | 1 | \$135 |
| 306 Riverview Ave. | SR | 1 | \$135 |
| 304 Riverview Ave. | SR | 1 | \$135 |
| Fuse Architects | O | n/a | \$90 |
| Surf City Properties | O | n/a | \$90 |
| O'Neal Properties | O | n/a | \$90 |
| Beach Nest Vacation Rentals | O | n/a | \$90 |
| Kendall and Potter Property Management | O | n/a | \$90 |

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: CVWBIA Advisory Committee



Recommended Action: Adopt a resolution approving bylaws for the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

Background: In May 2005, the City formed the CVWBIA and appointed an initial Advisory Committee. The purpose of this group is to review and recommend a budget for the CVWBIA and advise the City Council regarding other matters related to the assessments.

Section 36530 of the California Streets and Highways Code requires the City Council appoint members to the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

Discussion: As this group is an advisory body to the City Council, staff recommends adopting a resolution establishing bylaws for the group. Staff suggests an initial composition of three members: two members of the public and one Planning Commission or Finance Advisory Committee member.

Fiscal Impact: There is no fiscal impact related to the recommended action.

Attachments:

1. Resolution

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CAPITOLA ADOPTING CAPITOLA VILLAGE AND WHARF
BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE
BYLAWS**

WHEREAS, The City of Capitola first established the Capitola Village and Wharf Business Improvement Area (CVWBIA) under the California Streets and Highways Code Section 36530 in May 2005; and

WHEREAS, as required by Section 36530 of the California Streets and Highways Code, the City Council appoints members to the CVWBIA Advisory Committee; and

WHEREAS, the CVWBIA Advisory Committee is an advisory body, formed by the City Council, to make a recommendation to the Council on the expenditure of revenues derived from the levy of the business assessments and other matters related to the assessments; and

WHEREAS, since the formation of the CVWBIA Advisory Committee, the City Council has not adopted any formal bylaws for the group.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the CVWBIA Advisory Committee Bylaws attached hereto as Exhibit A and incorporated herein by reference are hereby adopted and shall serve as the governing document for the CVWBIA Advisory Committee.

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 24th day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

ATTEST:

Julia Gautho, City Clerk

EXHIBIT A

BYLAWS OF THE CVWBIA ADVISORY COMMITTEE

The Capitola Wharf and Village Business Improvement Area (CVWBIA) Advisory Committee was established in May 2005, by the City Council, pursuant to Section 36530 of the California Streets and Highways Code.

Section 1. The Committee shall be called the Capitola Wharf and Village Business Improvement Area (CVWBIA) Advisory Committee and is hereby established.

Section 2. The purpose of the CVWBIA Advisory Committee is to make a recommendation to the Council on the expenditure of revenues derived from the levy of the business assessments and other matters related to the assessments.

Section 3. The CVWBIA Advisory Committee shall be comprised of the following representation:

- No more than three members, appointed by a motion and vote of the City Council
 - Two members of the community, who must either work or reside in Capitola.
 - One non-conflicted member of the City Planning Commission or Finance Advisory Committee.
- No member of the CVWBIA Advisory Committee may also serve as a member of the CVWBIA non-profit Board; however, members may include business owners subject to the assessment.
- The Committee may also recruit youth members pursuant to Administrative Policy I-38.

Section 4. The term of office shall be two years.

Section 5. The regular meetings of the CVWBIA Advisory Committee will be established each year, with meeting dates and times to be determined by the committee.

Section 6. The City will provide staff support to the CVWBIA Advisory Committee with the Assistant to the City Manager to be primarily responsible for ensuring this support, to include preparation of agendas and minutes, compilation of material for discussion at committee meetings and follow-up as necessary.

Section 7. Meetings of the CVWBIA Advisory Committee are subject to the Brown Act and members are subject to the Public Records Act and the Political Reform Act. Members identified in the City's Conflict of Interest Code are required to file a Form 700.

CVWBIA Advisory Committee

July 24, 2025

Background

- In May 2005, City formed CVWBIA and appointed an initial Advisory Committee.
 - Purpose of this group is to review and recommend a budget for CVWBIA and advise City Council regarding matters relating to assessments.
- Section 36530 of California Streets and Highways Code requires City Council appoint members to the CVWBIA Advisory Committee.

Discussion

- Staff suggests an initial composition of three members:
 - *Two members of the public*
 - *One Planning Commission or Finance Advisory Committee member.*

Recommendation

Adopt a resolution approving bylaws for Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: Appointment to City Advisory Bodies



Recommended Action: By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board; and, in accordance with Capitola Municipal Code Section 2.12.020, appoint a member of the public to the Planning Commission.

Background: Members of the public are appointed to serve in a voluntary capacity on the City's advisory bodies for terms, some of which expired in June 2025. This necessitates that the Council make reappointments or new appointments for the next term.

Applications for membership on advisory bodies are accepted year-round and are valid for one year. Members who are currently serving on advisory bodies were notified of their term expiration and invited to reapply to be reappointed.

As a part of the advisory body appointment process, staff published a regular vacancy notice on the City website and through social media, and an unscheduled vacancy notice in the Santa Cruz Sentinel.

Discussion: Each of the City's advisory bodies is governed by relevant bylaws, which outline information about the appointment process of the group.

Capitola Village and Wharf Business Improvement Area Advisory Committee: In 2005, the City formed the CVWBIA and appointed an initial Advisory Committee. Section 36530 of the California Streets and Highways Code requires that the City Council appoint members to the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee. Staff recommends that the Council appoint (by motion and vote) new members to this group. Staff has received two applications for this group, from Daniel Castagnola and Ted Burke.

Historical Museum Board: The Historical Museum Board was founded in 1967 through the adoption of Ordinance No. 301. The Board promotes a program that will bring about better understanding and appreciation by the Capitola community of its history, architecture, culture, technology, and its creative and natural environments. Board Bylaws (Resolution No. 4099) state that the Board is composed of seven members. The Bylaws state that the Commission must review applications and provide a recommendation to the City Council for appointment. There are four terms which expired on June 30, 2025, and require reappointment. Staff recommends that the Council appoint (by motion and vote) four members to this group. Staff has received five applications for this group, from the following:

1. Cami Corvin
2. Enrique Dolmo
3. Gordon Van Zuiden
4. Helynn Nourishad
5. Narendra Dev

Planning Commission: The Planning Commission was originally established in May 1949, through the adoption of Ordinance No. 32. The Planning Commission is responsible for reviewing land use and development permits (including Conditional Use Permits, Coastal Development Permits, Design Permits, etc.) for consistency with the Capitola General Plan and Municipal Code. The Planning Commission also

provides recommendations to the City Council on General Plan amendments and rezoning requests, such as the Housing Element update in 2024.

The Planning Commission is comprised of five members, each appointed by an individual City Council Member. Members of the Planning Commission are appointed for two-year terms. The current Planning Commissioners' terms expire in December 2026. With the appointment of Susan Westman to the City Council, an unscheduled vacancy was created on the Planning Commission. Capitola Municipal Code 2.12.020 states that each City Council Member may appoint one planning commission member. The current composition of the Commission is as follows:

| Appointing Council Member | Planning Commissioner | Date Appointed |
|----------------------------------|------------------------------|-----------------------|
| Yvette Brooks | Courtney Christiansen | 12/12/2024 |
| Joe Clarke | Matthew Howard | 12/12/2024 |
| Gerry Jensen | VACANT | |
| Melinda Orbach | Nathan Kieu | 12/12/2024 |
| Alexander Pedersen | Paul Estey | 12/12/2024 |

Staff recommends that Council Member Jensen appoint a member to the Commission, in accordance with CMC Section 2.12.020. Staff has received 11 applications for this group, from the following:

1. Brian Candau
2. James Weller
3. John Mulry
4. Mick Routh
5. Narendra Dev
6. Nicholas Brown
7. Peter Wilk
8. Rosamaria Garcia
9. TJ Welch
10. Trevor Whitcomb

Fiscal Impact: None.

Attachments:

1. Applications
https://www.dropbox.com/scl/fo/ogtqc5pxeroxta8zm4zkr/APc_ityEHeoOLeMXO1GKOqI?rlkey=hbk8kt42be4ut9kbfnhw67shy&st=82vlh6to&dl=0

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

APPOINTMENTS TO CITY ADVISORY BODIES

JULY 24, 2024

STAFF RECOMMENDS:

- By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board.
- Appoint a member of public to the Planning Commission in accordance with Capitola Municipal Code Section 2.12.020

BACKGROUND:

- Members of public are appointed to serve in voluntary capacity on City's advisory bodies for terms, some of which expired in June 2025.
- Applications for membership on advisory bodies are accepted year-round and are valid for one year.
- Members currently serving were notified of their term expiration and invited to reapply.

CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE:

- Staff suggests the Council appoint (by motion and vote) members of the public to this group (number based on bylaws).
- Terms will expire June 2027
- Staff has received 3 applications for this group:
 - Daniel Castagnola
 - Ted Burke
 - Kathleen French (after deadline)

HISTORICAL MUSEUM BOARD:

- There are four terms which expired on June 30, 2025
- Staff has received four applications for this group
- New terms will expire June 2028
- Museum Board has recommended the appointment/reappointment of
 - Enrique Dolmo
 - Gordon Van Zuiden
 - Cami Corvin

PLANNING COMMISSION:

- Planning Commission is comprised of five members, each appointed by an individual City Council Member, for two-year terms.
- With appointment of Susan Westman to City Council, an unscheduled vacancy was created.
- Term will expire December 2026
- Current composition of the Commission:

| Appointing Council Member | Planning Commissioner | Date Appointed |
|---------------------------|-----------------------|----------------|
| Yvette Brooks | Courtney Christensen | 12/12/2024 |
| Joe Clarke | Matthew Howard | 12/12/2024 |
| Gerry Jensen | VACANT | |
| Melinda Orbach | Nathan Kieu | 12/12/2024 |
| Alexander Pedersen | Paul Estey | 12/12/2024 |

PLANNING COMMISSION:

- Staff recommends Council Member Jensen appoint a member to Commission, in accordance with CMC Sec 2.12.020.
- Staff has received nine applications for this group:
 - James Weller
 - John Mulry
 - Mick Routh
 - Narendra Dev
 - Nicholas Brown
 - Peter Wilk
 - Rosamaria Garcia
 - TJ Welch
 - Trevor Whitcomb

STAFF RECOMMENDS:

- By motion and vote appoint to City's Capitola Village and Wharf Business Improvement Area Advisory Committee and Historical Museum Board
- Council Member Jensen appoint a member to Planning Commission

Capitola City Council

Agenda Report

Meeting: June 12, 2025

From: City Manager Department

Subject: Administrative Policy I-42: Code of Conduct



Recommended Action: Review Administrative Policy I-42: Council and Board Code of Conduct; and provide direction to staff for desired changes.

Background: In September 2019, the City Council requested that staff develop a code of conduct for City Council Members and appointed members of City advisory bodies. Council adopted Administrative Policy I-42: Council and Board Code of Conduct in September 2020.

The Code of Conduct was developed by a subcommittee of two City Councilmembers, who worked with staff and the City Attorney's office. The Code of Conduct developed core values for City Councilmembers and appointed officials, transparency and decision-making standards, standards for how City Council and appointed officials are expected to interact with City staff, standards for interactions with other Councilmember and decorum at public meetings, standards for communications with the public, boards and commissions, other governmental agencies, staff, and media, and procedures to investigate and penalties for alleged violations.

The Code of Conduct does not supersede any legal requirements for Councilmembers and appointed officials; it is intended to work in conjunction with other requirements and provide a framework to guide how elected and appointed officials should conduct themselves, and a structure in which to consider violations of the Code of Conduct.

In Spring 2025, Council identified the review and update of the Code of Conduct as a FY 2025-26 goal. Since the Code of Conduct was adopted, staff has identified a section of the Code that may benefit from clarification. In addition, Council has asked questions about residency requirements for General Law cities and the complaint process.

Discussion: The City has multiple documents governing Councilmembers and appointed officials, summarized below.

- **Administrative Policy I-42:** Code of Conduct: As described above, staff and the Council developed the Code of Conduct in 2019 and 2020.
- **Administrative Policy I-8:** Public Records Act Request Policy: Requests for records through the Public Records Act are an important aspect of transparency in our open government process. These requests should be viewed in a positive manner, and it is the goal of the City to respond to them accordingly. City Council Members' electronic communications related to City business can be found responsive to the Public Records Act (Administrative Policy V-5).
- **Administrative Policy I-13:** Civic Recognition Program: The City's Civic Recognition Award Committee is comprised of the mayor, one staff member from the city manager's office, and the police chief. The Committee shall review all nominations for the City's Civic Recognition Award, the winner of which must be one who provides a significant benefit to the Capitola community of its residents through acts of exceptional effort, not in the recipient's self-interest.
- **Administrative Policy I-18:** Elected/Appointed Officials & Social Media: This policy provides guidance and best practices for the appropriate use of social media by elected and appointed officials and outlines proper responses if social media is used inconsistently with this policy.

- Administrative Policy I-28: Distribution of Tickets & Passes: This policy pertains to the distribution of tickets and passes for a facility, event, show, or other performance for entertainment, amusement, recreational or similar purposes received by the City and is established in accordance with Section 18944.1 of the FPPC's regulations.
- Administrative Policy I-31: Abstentions: Council Members are prohibited from participating in governmental decisions that may have a material financial effect on their economic interests, including his or her personal finances. Council Members should not abstain from voting to avoid casting a controversial vote.
- Administrative Policy I-35: Proclamation Policy: The City Council may request that a proclamation is prepared. Only proclamations dealing with local, county, state issues, or those that positively impact the community and convey an affirmative message to residents will be considered. Requests should be directed to the city clerk.
- Administrative Policy I-44: Additional Materials: This policy outlines which correspondences to the Council qualify as Additional Materials, as defined in the policy, and the process for distributing Additional Materials.
- Administrative Policy III-2: Employee and Public Official Travel Expense Reimbursement and Travel Regulations: City Council Members will be required to provide a brief report on meetings attended at the expense of the City.
- Administrative Policy V-10: Digital Reading Hardware/Software Reimbursement: Council Members who elect to go paperless may receive an annual reimbursement for the purchase or licensing of hardware or software to facilitate the use and viewing of the agenda packets.
- Administrative Policy V-11: Electronic Communications During Open Public Meetings Subject to the Brown Act: During City Council meetings noticed and open to the public pursuant to the Brown Act, the use of electronic communications (text message, email, private messages or communications through Twitter, Facebook, etc.) is not permitted. This prohibition does not apply to communications from the City Clerk, family members or care givers, or other personal matters that do not address City business.

Residency

As a general law city, Capitola follows the requirements for elected office outlined in California Government Code Sections 36502 and 34882.

Once elected, Council Members are required to file personnel forms and paperwork that includes their residential address. A Councilmember or Appointed Official is not required to notify City staff if they purchase a home or other property outside the City limits. Council Members are required to disclose property purchased within the jurisdiction (as defined by the Fair Political Practices Commission) due to FPPC requirements.

Elections Code section 200, subdivision (a), defines the term "residence" as meaning a person's "domicile" for voting purposes. It defines the domicile of a person as that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At any given time, a person may only have one domicile. (See Elec. Code, § 200(b).) Elections Code Section 200(c) provides, however, that the residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. It further provides that at any given time, a person may have more than one residence but may not have more than one domicile.

The test for determining a person's domicile is physical presence plus an intention to make that place his permanent home. Courts consider a person's acts and declarations, mailing address, voter registration, tax returns, driver's license, and homeowners' exemption.

During the regular elections cycle, staff verifies candidates residency in the following ways:

1. Candidates provide their address to staff, staff verifies that the address is within Capitola.
2. Staff verifies their voter registration address through the Santa Cruz County Elections Department. The voter registration address must be within Capitola.
3. Candidates complete an affidavit with the City Clerk/Elections Official to affirm that they meet the requirements of elected office.

This process is utilized by nearly all General Law cities and is supported by existing case law.

Complaint Process

The complaint process currently indicates any City Council review of a Code of Conduct complaint must happen in open session; the City Council may wish to establish a process in the Code of Conduct to trigger such a hearing.

Use of City Stationery

In addition, the current language regarding City stationery indicates that City letterhead, stationery, or other City resources may not be used by Members to promote personal interests. As the use of City letterhead usually indicates a message is an official communication from the City, staff suggests a revision to read:

6.2.3 City Stationery.

City ~~letterhead or~~ stationery or other City resources may not be used by Members to promote personal interests. City letterhead may only be used by Members for official City business.

Fiscal Impact: There is no fiscal impact associated with the recommended action.

Attachments:

1. Administrative Policy I-42

Report Prepared By: Samantha Zutler, City Attorney

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager



ADMINISTRATIVE POLICY

Number: I-42
 Issued: September 10, 2020
 Jurisdiction: City Council

CITY COUNCIL AND COMMISSIONER CODE OF CONDUCT

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1.0 **Preamble**

The Capitola City Council declares that citizens of the City of Capitola are entitled to have fair, open, ethical, efficient and accountable local government and that City officials should continually strive to earn the public's confidence. Toward that end, these Protocols establish higher standards of conduct for members of the City Council and members of City boards and commissions (collectively "Members") than are currently required under the laws of the State of California.

The Members pledge to hold themselves and other Members responsible for observing the standards set forth in these Protocols, and to enforce these Protocols when necessary to preserve the integrity of City government.

2.0 **Core Values**

Responsibility

- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit
- I will avoid and discourage conduct which is divisive or harmful to the best interests of Capitola
- I make decisions based on the merits of an issue, including research and facts.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Integrity

- I am honest with my fellow City officials, City staff, members of the community, and others.
- I promote equity and non-discrimination in public agency decision-making.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my actions as a City Official

Respect/Value others

- I recognize the worth and dignity of individual members and appreciate their individual talents, perspectives and contributions; value in others.
- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

- I help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff.

Accountability

- I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- I do not make promises on behalf of the City without concurrence from the City Council at a duly noticed public meeting.
- I take responsibility for my actions, even when it is uncomfortable to do so.
- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

3.0 Setting a Higher Standard within the Existing Framework

By adopting these Protocols, the Council intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the Council intends that these Protocols will not merely restate existing legal obligations but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to Appendix "A" (Legal Framework & Resources) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

4.0 Transparency in decision making.

Transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Toward that end, Members will adhere to the following standards:

4.1 Public Meetings.

Members will hold public meetings in accordance with the Ralph M. Brown Act (the "Brown Act"). Members will seek guidance from the City Attorney as to the Brown Act requirements and will apply those provisions conservatively in favor of the public's right to participate in public decisions.

4.2 Council Communications & Serial Meetings.

Members will not engage in "serial meetings" with colleagues – a discussion of City issues among a majority of Councilmembers or Commissioners either collectively (i.e. all meeting together) or in a sequence (A talks to B who talks to C). Members

will not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Ralph M. Brown Act.

4.3 Closed Session Discussions.

As part of a properly agendized meeting, Members may only hold sessions closed to the public, pursuant to the advice of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are confidential and shall not be disclosed except as the City Attorney may advise.

4.4 Closed Session Materials.

Confidential materials provided in preparation for and during closed sessions must be returned to the City Attorney at the conclusion of the closed session.

5.0 **Fairness of Process**

Members will comply with the meeting and hearing procedures set forth by these protocols, the Brown Act, and Rosenberg's Rules of Order. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members will adhere to the following standards of conduct:

5.1 Decisions on the Merits.

Members will base their decisions on the facts and merits of each matter, not upon personal or other biases, and will strive to make decisions that are in the best interests of the community as a whole.

5.2 Disclose Information.

Prior to any deliberations on a project or matter at a public meeting, Members shall publicly disclose information about the matter that they have obtained from sources, not presented in the staff report (e.g. their own site visit, from the public, from the applicant, etc.), which may influence their decision or that of Members.

Remain neutral on quasi-judicial hearings. A quasi-judicial hearing occurs when;

- a) a hearing is held to apply a rule or standard to an individual person, project or circumstance;
- b) it involves the taking of evidence;
- c) it results in the rendering of a written decision issued by the hearing officer or tribunal (including adoption of findings); and

d) the written decision is based on the facts and arguments submitted at the hearing.

Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter.

5.3 Consider All Sides.

Members should consider the various viewpoints related to a project or matter and afford project applicants and interested persons an adequate opportunity to comment upon a project or matter before action is taken.

5.4 Decorum.

To ensure the fairness and integrity of the deliberative process, the presiding officer should preserve decorum and conduct meetings in an orderly manner. Members should remain attentive of the business at hand and conduct themselves in a manner that is civil, polite and respectful. Members should refrain from unnecessarily interrupting speakers and not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

5.5 Attentiveness.

Members should remain attentive at meetings. Members should not make or receive phone calls, text messages or e-mails from the dais. Members should place cellphones and other communication devices in “off” or “silent” mode. Members should refrain from side-bar conversations with other Members while at the dais.

6.0 **Ethical Decision Making**

Members should observe the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should avoid even the appearance of impropriety and apply the guidelines for “Making Ethical Decisions” provided below:

6.1 Avoiding the Appearance of Impropriety.

6.1.1 Make Ethical Decisions. Members are referred to Appendix “B” (*Guidelines for Making Ethical Decisions*) for the process Members are encouraged to utilize in making City related decisions.

6.1.2 You May Need to Refrain from Participating. Conflict-of-interest issues are complex. Some situations are not “legal” conflicts of interest but may nevertheless pose the “appearance of impropriety” to the public. If a Member believes they have a conflict, the Member should contact the City

Attorney or FPPC for advice as soon as possible. The Member should not participate in any matter in which they have a conflict.

- 6.1.3 Get Help. To assist in making a decision not to participate, Members should consult the guidelines for Making Ethical Decisions (below), the City Attorney or the FPPC helpline, and/or their constituents.

6.2 Ethical Principles to Follow.

6.2.1 **Avoid Personal Interests.**

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

6.2.2 **No Personal Gain.**

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

6.2.3 **City Stationery.**

City letterhead or stationery or other City resources may not be used by Members to promote personal interests.

6.2.4 **Appearing before Council.**

Members shall not appear before the City Council or other City board or commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter related solely to the Council Member's personal interest but may not participate in the matter as a Member.

6.2.5 **Gifts.**

Members will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

7.0 Efficiency and Accountability

The City of Capitola operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its implementation. The City Manager serves as the City's administrative head and is

responsible for directing the day-to-day operations of the City and for administering all City business.

7.1 Members Should Not Interfere with Operations.

Implementing this Rule:

- a) City Manager is responsible for City Personnel Members will not interfere with the appointment, evaluation, discipline, or removal by the City Manager of any Department Head or employee of the City.
 - (i) *Exception – City Attorney.* The City Attorney is hired, appointed, evaluated, and removed directly by the Council.
- b) Orders and Direction to Employees. Only the City Manager or applicable Department Head may give orders and direction to City employees. Members may not direct the work or actions of City employees. (CMC Section 2.08.090)
 - (i) *Requests for Information.* All Members should direct requests for information, research, or reports to the City Manager or applicable Department Head. If there is a legal question it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.
 - (ii) *Responses.* Substantive responses to Member's information inquiries will be provided to all Members of the legislative body (e.g. a response to a request by a Councilmember will be provided to all Councilmembers).
 - (iii) *Notifications.* Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, the information should be provided to all Members of the legislative body.
- c) Staff Liaisons to City Commissions / Committees and Outside Agencies. Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.
- d) Operations and Service Levels. Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a regular Council, board or commission meeting.

- e) Political Solicitation & Activities. Members will not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members will not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

7.2 Interaction of Members.

7.2.1 **Positions of Mayor and Chairperson.**

- a) Honorary Presiding Officer. The positions of Mayor and Mayor Pro Tempore on the City Council and the positions of chairperson and vice chairperson on City boards and commissions are generally considered honorary and ceremonial, but also serve an important procedural role as the presiding officer at meetings of their body. Persons appointed to those positions by a majority of their council, board or commission serve at the pleasure of their appointing body.
- b) Maintain Order, Decorum & Procedure. The Mayor and chairperson are responsible for maintaining order and decorum of their body's meetings and enforcing these policies where necessary. They are responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.
- c) Ceremonial Head. The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.
- d) Spokesperson. The Mayor is the official spokesperson for the City and has the primary responsibility for communications with the press and public on official City business, with the exception of a state of emergency. During a state of emergency, the Director of Emergency Services may serve as the primary contact for the public, other governing officials and the press. The Mayor will work on press releases and statements to the press with the City Manager and will report the majority position adopted by the Council, and not his or her personal opinion on matters.

7.2.2 **At Public Meetings**

- a) Follow Rules of Order, Decorum and Procedure. Members should adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

- b) Keep Conduct Professional. Members should conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.
- c) Keep Comments On-Topic. Public meetings are to attend to and resolve City business. Members should avoid being overly repetitious and should endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.
- d) Ask Questions in Advance. When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City employee responsible for the meeting so that meaningful information and responses can be shared at the meeting.

7.2.3 Relations with Fellow Members

- a) Civility. Members should always practice civility. By doing so, Members help the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.
- b) Different Points of View. Members should exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and recognize their right to express these views on matters of City business within the established rules of decorum and order of business.
- c) Managing Conflict. Members should manage disagreement with civility and professionalism and not allow disagreement to turn into open conflict or hostility. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City employees and/or members of the public.

7.2.4 Public Communication and Appearance

- a) Personal versus City Positions. It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member should clearly set forth the City's official position, and then may express their own position.

- (i) *Expressing Dissent.* Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members should express their dissenting views with tact and civility.
- b) Use of Official Titles. Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.
- c) Response to Public Communication. Members are encouraged to respond promptly to letters, telephone calls, electronic communication, and other communications received from member of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious or harassing communications.

8.0 Enforcement

8.1 Member Responsibility.

Upon assuming office each Member shall sign a statement affirming that they have received and reviewed these Protocols. Each Member is responsible for adhering to these Protocols as well as the laws that comprise the basic legal framework for local government.

8.2 Council Authority.

The City Council has authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

8.2.1 Training and Education.

The City Council may sponsor or require periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

8.2.2 Councilmembers.

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 8.4.3, a majority of the Councilmembers may remove a Councilmember from all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

8.3 Violation of Oath of Office.

8.3.1 **Oath of Office.**

All Members take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

8.4 Violation of Protocols.

8.4.1 **Complaint.**

Where any Board or Commission Member, Councilmember, City employee, or resident of the City believes that a Member has violated these Protocols or their Oath of Office, they may file a written complaint with the City Clerk who will then provide it to the City Manager and City Attorney. The complaint shall be considered confidential until the City Attorney has determined the appropriate next action.

8.4.2 **Investigation.**

Within thirty (30) days of receipt of a Complaint as provided in Section 7.4.1., the City Manager and City Attorney shall review the complaint. If, in the City Attorney's determination, the complaint alleges a violation of law, the City Attorney shall determine appropriate next steps.

For example, a complaint alleging theft of public funds or bribery, or a complaint from a purported whistle-blower (pursuant to California Labor Code Section 1102.5) may be forwarded to the Office of the District Attorney. Complaints alleging other violations of the law may be forwarded to the City's risk-management pool for a determination. The City Attorney shall have the authority to retain an outside investigator to investigate complaints from employees alleging violations of the Fair Employment and Housing Act.

All complaints, including complaints alleging violations of these protocols and any other City policy or procedure, at the appropriate point in the process as determined by the City Attorney shall be forwarded to the City Council for consideration in open session. The City Council may order an investigation.

8.4.3 **Enforcement.**

The City Council may use any of the following to respond to any and all violations of these protocols: (i) a warning (ii) a written reprimand; or (iii) censure. In addition, the City Council shall have the authority to remove

Board or Commission Members from office as a remedy for violations. (CMC 2.12.020 for Planning Commissioners).

The City Council, Boards and Commissions shall use the following procedure to consider complaints forwarded by the City Attorney:

- a) *Receipt of Complaint.* Upon receipt of the complaint, the Council will hold a public meeting at which it will determine whether the complaint should be dismissed for the reasons stated in section b)(i), below, or added to a future agenda for further discussion and determination. If the complaint is added to a future agenda, the subject Member shall have the opportunity to address the allegations in the complaint at the future meeting.
- b) *Determination.* The Council shall make a determination on the allegations in the complaint based on the following:
 - (i) *Dismissal.* Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the Council may dismiss the complaint.
 - (ii) *Reprimand.* The Council may adopt a verbal or written statement reprimanding the subject Member for their conduct. The subject Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.
 - (iii) *Censure.* Where the Council, based on the Report, any statement from the subject Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of these Protocols, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the subject member by condemning their actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting them if they hold a position of mayor, mayor pro tempore, chairman or vice chairman, stating that the violations shall cease, and demanding corrective actions. The subject Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.
- c) *Commissioner and Board Member Removal from Office.*
 - (i) Planning Commissioner - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove a

Planning Commissioner by following procedure in CMC Section 2.12.020. Nothing in these Protocols affects or diminishes such power nor vests Planning Commissioners with any additional rights, including, without limitation, rights of procedural due process.

- (ii) Other Commissioners and Board Members - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove any commissioner or board member appointed by the City Council. Nothing in these Protocols affects or diminishes such power nor vests such commissioners or board members with any additional rights, including, without limitation.

APPENDIX A – LEGAL FRAMEWORK & RESOURCES

1.0 Legal Framework

| <u>Law or Regulations</u> | <u>Citation</u> |
|--|---|
| <u>California Laws</u> | |
| California Constitutions <i>General City Authority</i> | Article XI §§ 2, 5, 7, & 11. |
| Ralph M. Brown Act <i>Open Meeting Laws</i> | Government Code §§ 54950 <i>et seq.</i> |
| California Public Records Act <i>Public Records Disclosure</i> | Government Code §§ 6250 <i>et seq.</i> |
| California Political Reform Act <i>Conflicts, Disclosures & Campaigns</i> | Government Code §§ 81000 <i>et seq.</i> |
| FPPC Regulations <i>Conflicts, Disclosures & Campaigns</i> | 2 Cal. Code Regs. §§ 18109 <i>et seq.</i> |
| <i>Legally Required Participation</i> | 2 Cal. Code Regs. §18708 |
| California Anti-Self Dealing Law <i>Self Interest in Contracts</i> | Government Code §§ 1090 <i>et seq.</i> , |
| California Incompatibility of Office Law <i>Holding Two Public Offices</i> | Government Code § 1126 & § 1099 |
| <u>City of Capitola Documents</u> | |
| City's Charter | |
| City Municipal Code | |
| City Council Rules of Order and Protocols | |
| Reimbursement Policy | |
| Social Media Policy | |
| Handbook | |
| Anti-Harassment and Ethics Training | |

2.0 Online Resources

| <u>Resource</u> | <u>Web Address</u> |
|--|--|
| State of California <i>Portal to State Websites</i> | www.ca.gov/index.asp |
| Official Cal Legislative Information <i>California Bills & Codes Online</i> | www.leginfo.gov |
| Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i> | www.ca.fppc |
| Cal. Attorney General <i>See AG Opinions</i> | www.ag.ca.gov |
| Cal. Senate <i>Bill Information Online</i> | www.senate.ca.gov |
| Cal. Secretary of State <i>Election Information</i> | www.sos.ca.gov |
| League of California Cities <i>Municipal resources</i> | www.cacities.org |
| Institute for Local Government <i>Municipal resources</i> | www.ca-ilg.org |
| Cal. Joint Powers Insurance Authority <i>Risk Management & Training</i> | www.cjpia.gov |
| Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i> | www.scu.edu/ethics/practicing/decision |
| Institute for Local Self Government <i>Government Ethics</i> | www.ilsg.org |

APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS

[Please visit the Markkula Center for Applied Ethics at the University of Santa Clara]

How to Make an Ethical Decision. When presented with an opportunity to participate in making a decision for the City, the City Official should:

A. Recognize whether an ethical issue is involved.

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision nor the most popular.

B. Get the facts.

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

C. Evaluate alternative actions. Which option will:

1. Produce the most good and do the least harm? (See the Markkula Center's Utility Test.)
 - a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
 - b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
 - c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
 - d. Ask *what would happen if* the action were a *policy for all similar situations*.
2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)

- a. *Identify the right* being upheld or violated.
 - b. Explain why it *deserves the status* of a right.
 - c. Ask whether that *right conflicts with the rights* of others.
3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)
- a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?
 - b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.
4. Best serve the community as a whole. (See The Markkula Center's Common Good Test.)
- a. *Identify* what parts of the *common good* are involved.
 - b. Explain obligations to *promote or protect* the common good.
 - c. Discern whether the proposed action *conflicts with* an obligation to promote or protect the *common good*.
5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)
- a. Will the action help to *make you the kind of person you want to be*?
 - b. Will the action fit the City's reputation or vision of what it would like to be?
 - c. Will the action maintain the right balance between *excellence and success* for the City?

D. Make a decision and test it.

- 1. Which approach best suits the situation and arrives at the *most ethical decision*?
- 2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

E. Act and reflect on the outcome.

- 1. How can the decision be *implemented* to *best reflect the intention and reasons* for the decision?
- 2. What was the end result of the decision and what feedback has the City Official received?

APPENDIX C – Receipt of Code of Conduct

I affirm that I have read and that I understand, accept and support the City of Capitola City Council and Commissioner Code of Conduct

Board, Commission, Committee Position

(Print Name)

Signature

Date

Council and Board Code of Conduct Review

July 24, 2025

Background

- September 2019, Council requested staff develop a code of conduct for City Council members and appointed members of City advisory bodies.
- Code of Conduct was drafted by a subcommittee of two Councilmembers, who worked with staff and City Attorney's office
- September 2020 Council adopted Administrative Policy I-42: Council and Board Code of Conduct

Background Continued

- Spring 2025, Council identified review and update of Code of Conduct as FY 2025-26 goal.
- Since Code of Conduct was adopted, staff has identified section of Code that may benefit from clarification.
- Additionally, Council has inquired about residency requirements for General Law cities and complaint process.

Code of Conduct Sections

City Stationery – City letterhead may only be used for official City business; stationery may not be used to promote personal interests.

Residency – Staff conducted research on other General Law cities' practices; current practice consistent and supported by existing case law.

Complaint Process – Potentially clarify steps
Conduct versus Council decisions

Recommendation

Review Administrative Policy I-42: Council and Board Code of Conduct and provide direction to staff for desired changes.

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: City Manager Department

Subject: City Council Representation on Regional Boards & City Advisory Bodies



Recommended Action: Review appointments of City Council representatives on regional boards and committees and City advisory bodies.

Background: City Council Members sit on several County and Multi-Jurisdiction boards. On June 25, 2025, staff received a request from Council Member Jensen to review and change certain regional board appointments.

Discussion: Attachment 1 lists the current appointments and expiration dates of Council appointments to regional boards. Groups marked with an asterisk require the filing of an FPPC Form 700.

Fiscal Impact: None.

Attachments:

1. County and Regional Board Appointments

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

2025 COUNTY/MULTI-COUNTY BOARDS CAPITOLA REPRESENTATIVES LIST

| Name of Board – Meeting Information | Capitola Representative(s) |
|--|---|
| <p>Advisory Council of the Area Agency on Aging -Seniors Council of Santa Cruz & San Benito Counties</p> <p><i>(Meets: 2nd Wednesday of each month except for August and December, at 10 AM in Aptos)</i></p> | <p><i>No Alternate, No Term Limits. Recommended to review appts. every 2 years.</i></p> <ul style="list-style-type: none"> Gerry Jensen (Appt. Jan. 25) |
| <p>Arts Council Santa Cruz County</p> <p><i>(Meeting dates are variable; Wednesdays 4:30-6:30 PM)</i></p> <p><i>Not a dedicated Capitola seat</i></p> | <p><i>No Alternate. No Term Limits</i></p> <ul style="list-style-type: none"> Roy Holmberg (A&C) (Nom. By Art & Cultural 1/21/25, confirmed by CC 2/13/25) |
| <p>Association of Monterey Bay Area Governments (AMBAG)</p> <p>▲ ◆</p> <p><i>(Meets: 2nd Wednesday of each month at 6 PM in Monterey)</i></p> | <p><i>No Term Limits. Recommended to review appts. every 2 years.</i></p> <ul style="list-style-type: none"> Melinda Orbach Margaux Morgan (<i>Alternate</i>) |
| <p>Bicycle Advisory Committee of the SCCRTC</p> <p>(Santa Cruz County Regional Transportation Commission)</p> | <p><i>2-year term, expires 2025</i></p> <ul style="list-style-type: none"> Paula Bradley (Appt. Feb. 24) Alternate: Christopher O'Connell (Appt. Jan. 25) <p><i>Recruited through RTC, City Council reviews applications and provides nomination.</i></p> |
| <p>Capitola Community Safety Foundation</p> | <p><i>No Alternate, No Term Limits, no fixed term</i></p> <ul style="list-style-type: none"> Joe Clarke (Appt. Dec. 24) |
| <p>Central Coast Community Energy Policy Board</p> <p><i>(Meets: Meeting dates are variable, virtual option in SC County)</i></p> | <p><i>Shared seat with Scotts Valley, Chosen by City Selection, No Term Limits. Terms last 2 years.</i></p> <ul style="list-style-type: none"> Currently Scotts Valley, Capitola in 2026 |
| <p>Community Action Board of Santa Cruz County</p> <p><i>(Meets: 3rd Wednesday of each month at 6:15 PM)</i></p> | <p><i>2-year terms</i></p> <ul style="list-style-type: none"> Kristen Brown (Appt. Jan. 25 as a resident) |
| <p>Community Television of Santa Cruz County Board of Directors</p> <p><i>(Meets: Monthly at 5:30 PM)</i></p> | <ul style="list-style-type: none"> Chloe Woodmansee, Assistant to the City Manager |

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|---|---|
| <p>Criminal Justice Council of Santa Cruz County ♦</p> <p><i>(Meets: Quarterly at 3 PM)</i></p> <p><i>2 seats, 1 Council and 1 Council, CM, or ACM</i></p> | <p><i>Review following seating of new Council</i></p> <ul style="list-style-type: none"> • Joe Clarke (Appt. Dec. 24) • Gerry Jensen |
| <p>LAFCO (Local Agency Formation Commission) ▲ ♦</p> <p><i>(Meets: 1st Wednesday of each month except for July, at 9 AM in the County Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz)</i></p> | <p><i>Share voting seat with Scotts Valley. Ex-officio when not holding voting seat. 2-year terms. Term ends 2027.</i></p> <ul style="list-style-type: none"> • Joe Clarke (Appt. Jan. 25) |
| <p>League of California Cities</p> <p><i>(Meets: Monterey Bay Division meets on the 1st Monday of every other month at 7 PM at various locations.)</i></p> | <p>Open to All Council Members</p> |
| <p>Measure Q Citizens Advisory Board</p> <p><i>(Meets: Various locations throughout County)</i></p> | <p><i>Appointed by City Council, 4-year term.</i></p> <ul style="list-style-type: none"> • Scott Harway (Appt. Mar. 25) |
| <p>Monterey Bay Unified Air Pollution Control District (MBUAPCD)▲</p> <p><i>(Meets: 3rd Wednesday of each month at 1:30 PM at the District Office: 24580 Silver Cloud Ct., Monterey)</i></p> | <p><i>Chosen by Selection Committee, rotates between all cities in County. Council should review and recommend every 2 years.</i></p> <p>Gerry Jensen (Appt. Jan. 25)</p> |
| <p>Santa Cruz County Children's Network</p> <p><i>(Meets five times a year at noon in the County Office of Education)</i></p> | <p><i>No Term Limits. Council should review and recommend every 2 years.</i></p> <ul style="list-style-type: none"> • Melinda Orbach (Appt. Jan. 25) |
| <p>Santa Cruz County Conference & Visitors Council</p> <p><i>(Meets: Last Wednesday at 3:00 PM every other month except for November when meeting is TBD, at Goodwill Industries, 350 Encinal Street, Santa Cruz)</i></p> | <p><i>Chosen by City Selection Committee, rotates between Cap, Wat, SV. Council should review and recommend every 2 years.</i></p> <p>Not currently Capitola</p> |

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| <p>Santa Cruz County Flood Control & Water Conservation District, Zone 5 ▲ ◆ (<u>Meets</u>: Quarterly on the 4th Tuesday at 10 AM in the County Board of Supervisors Chambers, 701 Ocean Street)</p> | <p><i>Council to review appointments annually</i></p> <ul style="list-style-type: none"> • Joe Clarke (Appt. Dec. 24) • Melinda Orbach (<i>Alternate</i>) |
| <p>Santa Cruz County Hazardous Materials Advisory Commission (<u>Meets</u>: 4th Wednesday of every other month at 9 AM at Capitola City Hall Community Room)</p> | <p><i>Four-year term expires in April 2027</i></p> <ul style="list-style-type: none"> • Nicholas Brown (Appt. Apr. 23) |
| <p>Santa Cruz County Library Financing Authority ◆ (<u>Meets</u>: Semi-annually, in January and June, Main Library)</p> | <p><i>Council to review appointments annually</i></p> <ul style="list-style-type: none"> • Melinda Orbach (Appt. Dec. 24) • Joe Clarke (<i>Alternate</i>) |
| <p>Santa Cruz Public Libraries Library Advisory Commission (<u>Meets</u>: Monday evenings, various branches)</p> | <p><i>4-year term, expires March 2027</i></p> <ul style="list-style-type: none"> • Mike Termini (Appt. Jan. 23) <i>Recruited through Library, City Council reviews applications and provides appointment.</i> |
| <p>Santa Cruz Public Libraries Joint Powers Authority Board ▲ (LJPA) (<u>Meets</u>: 1st Monday of each month at 7:30 PM at the Main Library Community Room)</p> | <p><i>City Manager is appointed by JPA</i></p> <ul style="list-style-type: none"> • Jamie Goldstein |
| <p>Santa Cruz County Integrated Waste Management Local Task Force (<u>Meets</u>: Quarterly)</p> | <ul style="list-style-type: none"> • Erika Senyk (Appt. Dec. 24) • Susan Westman (<i>Alternate – Appt. June 2025</i>) |
| <p>Santa Cruz County Regional Transportation Commission (SCCRTC) ▲ ■ (<u>Meets</u>: 1st Thursday of each month except for July, at 9 AM at various locations)</p> | <p><i>No Term Limits. Council should review and recommend every 2 years.</i></p> <ul style="list-style-type: none"> • Gerry Jensen (Appt. June 25) • Joe Clarke (<i>Alternate</i>) |

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|---|---|
| <p>Santa Cruz County Sanitation District ▲ ♦ (Meets: 1st & 3rd Thursday of each month at 4:45 PM at the East Cliff Pumping Station on Lode St., Santa Cruz)</p> | <p><i>Council to review appointments annually</i></p> <ul style="list-style-type: none"> • Joe Clarke (Appt. Dec. 24) • Gerry Jensen (Alternate) |
| <p>Santa Cruz Metropolitan Transit District Board ▲ ■ (Meets: 3rd Friday of each month at 8:15 AM at various locations)</p> | <p><i>Four-year term, expires December 31, 2024</i></p> <ul style="list-style-type: none"> • Melinda Orbach (Appt. Dec. 24) • Susan Westman (Alternate – Appt. June 2025) |
| <p>Santa Cruz Regional 911 Board ▲ (Meets: Every other month at 1:30 PM)</p> | <p><i>City Manager is appointed</i></p> <ul style="list-style-type: none"> • Jamie Goldstein, City Manager |
| <p>Housing for Health Partnership Policy Board</p> | <p><i>Two-year term, rotates with Scotts Valley, term expires Fall 2026</i></p> <p>Not currently Capitola</p> |
| <p>Santa Cruz County Animal Services Agency</p> | <p>Chief Ryan</p> |
| <p>United Way Youth Liaison Program</p> | <ul style="list-style-type: none"> • Joe Clarke (Appt. July 2024) • Melinda Orbach (Appt. June 2025) |

▲ = Members are required to File Statements of Economic Interest, Form 700

■ = Members are required to complete AB 1234 Ethics Training

♦ = Council Member appointment required

Revised: 6/13/2025 JG

CITY COUNCIL REPRESENTATION ON REGIONAL BOARDS

JULY 24, 2025

STAFF RECOMMENDS:

- Review appointments of City Council representatives on regional boards and committees.

BACKGROUND:

- City Council Members sit on several County boards and committees.
- On June 25th, 2025, staff received a request to change certain regional board appointments.

| GROUP | APPOINTMENT | ALTERNATE |
|---|-----------------------|------------------------|
| Advisory Council on Aging | Council Member Jensen | N/A |
| Assoc. of Monterey Bay Govts. | Council Member Orbach | Vice Mayor Morgan |
| Capitola Community Safety Foundation | Mayor Clarke | N/A |
| Criminal Justice Council of SCC | Mayor Clarke | Council Member Jensen |
| Local Agency Formation Commission | Mayor Clarke | N/A |
| Monterey Bay Unified Air Pollution Control District | Council Member Jensen | N/A |
| SCC Children’s Network | Council Member Orbach | N/A |
| SC Library Financing Authority | Council Member Orbach | Mayor Clarke |
| SCC Integrated Waste Management Local Task Force | Staff | Council Member Westman |
| SCC Regional Transportation Commission | Council Member Jensen | Mayor Clarke |
| SCC Sanitation District | Mayor Clarke | Council Member Jensen |
| SCC Metropolitan Transit Board | Council Member Orbach | Council Member Westman |
| United Way Youth Liaison Program | Mayor Clarke | Council Member Orbach |

Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Regional Transportation Improvement Program Grant - Sidewalk Infill



Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to construct high-priority sidewalk segments identified in the City's ADA Transition Plan.

Background: The Regional Transportation Improvement Program (RTIP) is a competitive funding program managed by the RTC to allocate federal and state transportation funds to high-priority regional projects. Funding is available through a combination of State Transportation Improvement Program (STIP), Surface Transportation Block Grant/Regional Surface Transportation Program Exchange (STBG/RSTPX), and Local Partnership Program formulaic (LPP-f) sources, with total funding estimated between \$10 and \$17 million countywide through FY 2030–31. The program prioritizes projects that support multimodal transportation, safety, equity, climate resilience, and system preservation.

In the last RTIP cycle, Capitola successfully secured \$1 million for the 41st Avenue Multimodal Improvements Project.

Discussion: Staff intends to submit an application to fund construction of sidewalk segments prioritized in the City's ADA Transition Plan. These segments serve critical pedestrian routes near schools, parks, and transit stops and address known access barriers. The project advances the City's goals for equitable, accessible, and safe pedestrian infrastructure.

Proposed Sidewalk Locations

| Location | Scope |
|------------------------------------|--|
| Hill Street | South side infill near parking lots |
| Capitola Ave at Pine Street | East side gap closure |
| Mall to Summerfield ADA Ramp | New ADA ramp at pedestrian cut-through |
| Washburn Ave to Park Ave | East side gap near school |
| 47th – Jade Street Park | West side sidewalk and curb |
| Wharf Rd (49th to Capitola Rd) | East side infill |
| Wharf Rd (Grace to Soquel Wharf) | East side infill |
| Center St and Riverview | New curb ramp |
| Capitola Ave to Hwy 1 | West side gap closure |
| 42nd Ave (Clares to Capitola Rd) | East side sidewalk |
| 46th Ave (Clares to Capitola Rd) | West side sidewalk |
| 49th Ave (Capitola Rd to Prospect) | West side sidewalk |

Staff anticipates requesting approximately \$850,000 in RTIP funds. The project is scalable, allowing construction of individual segments if only partial funding is awarded.

Applications are due September 15, 2025. RTC advisory committees will review applications in October, with final decisions scheduled for November 6, 2025.

Fiscal Impact: There is no immediate fiscal impact. If awarded, required matching funds will be programmed in future capital improvement budgets.

Attachments:

1. RTC 2025 Consolidated Call for Projects

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

**SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95060-4418 • (831)460-3200 • info@sccrtc.org**MEMORANDUM**

DATE: July 1, 2025

TO: Transportation Project Sponsors

FROM: RTC Programming

RE: 2025 Consolidated Call for Projects

Project sponsors are hereby invited to submit applications to the Santa Cruz County Regional Transportation Commission (RTC) requesting funding for transportation projects and programs in Santa Cruz County.

Deadline: Applications are due no later than **3:00 p.m. on September 15, 2025**. Complete application packages – including the multi-tabbed Excel file and PDFs of supporting materials - must be submitted electronically to programming@sccrtc.org by the application deadline in order to be considered for funding. *Hard copies are not required.*

Available Funds: This is a consolidated call for projects with approximately \$15 million anticipated to be available from the following state and federal fund sources:

- State Transportation Improvement Program (STIP): **\$4.35 million** target through FY30/31.
- Surface Transportation Block Grant Program (STBG)/Regional Surface Transportation Program Exchange (RSTPX): Approximately **\$8 million** through FY27/28.
- SB1-Local Partnership Program (LPP): **\$1 million** LPP-formula through FY28/29.
- Low Carbon Transit Operations Program (LCTOP) 99313: **\$650 thousand** FY25/26.
- State Transit Assistance-99313 (STA): **\$900 thousand** through FY26/27.

Required Application Package Contents: For an application to be considered complete, the following documents must be submitted:

- 1. Application-Project Programming Request** (Excel document – includes multiple tabs)
 - a. Project Information
 - b. Project Benefits/Evaluation Criteria
 - c. Project Costs: Fill in either **capital** or **non-infrastructure** projects (not both)

- i. Capital Projects:
 - 1. Schedule, Cost and Funding Summary
 - 2. Engineers estimate
 - ii. Non-infrastructure projects/programs:
 - 1. Detailed task, cost, schedule
 - 2. Staffing
 - d. Certification and Assurances
- 2. Detailed project description/scope** (created by applicant)
 - 3. Map, photos, public outreach information, and any other supporting materials** (created by applicant)
 - 4. Roadway Preservation Projects Certifications** (MS Word documents)
 - *only required for roadway preservation projects**
 - a. Rehabilitation: Exhibit 25-K: Local Road Rehabilitation Project Certification
 - b. Preventive Maintenance: Exhibit 25-L: Pavement Management System (PMS) Certification

The information included in the application packet is needed for evaluation and programming purposes. Electronic copies of application materials are available by emailing programming@sccrtc.org and online at <https://www.sccrtc.org/funding-planning/grant-programs/25-26-rtip/>.

Eligible Projects: Funds are available for transportation projects and programs in Santa Cruz County. Eligible projects include a wide range of public street/road and highway, local roadway reconstruction/rehabilitation, bicycle, pedestrian, transit, transportation system management, transportation demand management and other projects summarized in *Attachment 1* and set forth in federal and/or state guidelines for each funding source. Ongoing, general roadway and transit operations and maintenance are not eligible for STIP or STBG/RSTPX funds. While a wide range of projects are eligible for these funds, project sponsors should submit applications for projects that will significantly improve the transportation system and are encouraged to submit applications for projects serving equity priority communities. For example, system preservation projects located in an equity priority community that integrate complete streets and include components that reduce collisions will score higher than paving projects that do not also improve bike or pedestrian facilities.

Eligible Applicants: Cities, the County of Santa Cruz, SCCRTC, Caltrans, Santa Cruz Metropolitan Transit District (METRO), University of California at Santa Cruz (UCSC) and other governmental agencies with a Master Agreement with Caltrans are eligible recipients of these funds. Non-governmental and other entities interested in applying for funds are required to have a

public agency sponsor (with a Master Agreement with Caltrans) that will be responsible for ensuring state and federal accounting and implementation requirements are met.

Project Evaluation: Projects will be evaluated based on a range of criteria and project benefits (*Attachment 2* and second tab of the application programming request excel file). Applicants should clearly and succinctly articulate the benefits of their project, demonstrating how their project advances Santa Cruz County Regional Transportation Plan, state, and/or federal goals, policies, performance metrics, and targets related to **safety, infrastructure condition, system performance/reliability, access for all, and/or health and equity. Although some projects may not address all the measures, projects that address all or almost all of the measures will receive higher scores. Project sponsors are encouraged to submit applications for projects that provide multiple benefits to the community.**

Type of Funds for Approved Projects: Staff will work with project sponsors and the Interagency Technical Advisory Committee (ITAC) to determine the most appropriate funding source (“color of funds”) for each project that is recommended and approved for funds, taking into consideration funding source-specific eligibility criteria, project schedules, size, potential delivery risks, and other factors. Staff works to focus funds which have more requirements (such as STIP and LPP funds) on fewer projects that can more easily navigate such requirements and deadlines. Staff will work with project sponsors to coordinate and expedite the use of funds.

Project Implementation: Approved projects will be subject to California and Federal requirements, as applicable to each funding source. These include, but not necessarily limited to:

- Caltrans’ [Local Assistance Program Guidelines \(LAPG\)](#) and [Local Assistance Procedures Manual \(LAPM\)](#)
- California Transportation Commission (CTC) Guidelines (STIP, SB-1 LPP-formula)
- Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) guidelines
- Other state or federal requirements, as may be applicable.

Workshop: An optional workshop to review and respond to questions on the application will be held by Zoom on **July 17th at 1:00pm**. Zoom Link: <https://us02web.zoom.us/j/89550911277> (Meeting ID: 895 5091 1277; Passcode: 921387)

Applicants are encouraged, but not required, to attend. Applicants should begin filling in the application prior to the workshop and are encouraged to submit questions in advance to programming@sccrtc.org. A list of frequently asked question (FAQ) will be posted online and periodically updated.

Matching Funds: To maximize funding options for each project, applicants should include an 11.47% non-federal match or in-kind donations for each project. For the LPP funds, a 1-to-1 match is required from private, local, federal, or state funds.

Timeline:

- **July 1, 2025** – Call for Projects issued.
- **July 17** – Application workshop [via Zoom](#) at 1:00 pm.
- **September 15** – Applications due to programming@sccrtc.org by 3:00pm
- **Week of October 13th** – RTC advisory committees review/recommend projects.
- **November 6** – Public hearing and RTC approval of projects.
- **December 15** – RTIP due to California Transportation Commission (CTC)
- **March 2026** – CTC action on STIP and LPP funds.

Contact: For any questions about this application or to request additional information, please contact Rachel Moriconi at programming@sccrtc.org or 831-460-3200.

Background: The Santa Cruz County Regional Transportation Commission (RTC), in its capacity as the state-designated Regional Transportation Planning Agency (RTPA) is responsible for selecting projects to receive certain federal and state funds. Approved projects will be programmed in the RTC's Regional Transportation Improvement Program (RTIP) and/or RTC budget, as appropriate. Projects approved for STIP funding by the RTC are subject to concurrence and allocation from the California Transportation Commission (CTC). Projects approved for federal funds or considered capacity increasing or regionally significant will also be programmed in AMBAG's Metropolitan Transportation Improvement Program (MTIP).

Attachment Links:

1. [Discretionary Fund Descriptions](#)
2. [Evaluation Criteria](#)
3. [Application](#) (MS Excel file)
4. Certifications for Roadway Preservation Projects (required for roadway repair, rehab, preservation projects only)
 - a. [Local Road Rehabilitation Project Certification: LAPM Exhibit 25-K](#)
 - b. Pavement Management System Certification: [LAPM Exhibit 25-L](#)

[https://rtcsc.sharepoint.com/sites/programming/shared documents/2026 rtip/application materials/memo.docx](https://rtcsc.sharepoint.com/sites/programming/shared%20documents/2026%20rtip/application%20materials/memo.docx)

RTC Discretionary Funding Program Descriptions

The Santa Cruz County Regional Transportation Commission (RTC) is responsible for selecting projects to receive certain state and federal funding sources. The following is a summary of fund sources the RTC plans to program in its 2025 Consolidated Grants/2026 *Regional Transportation Improvement Program (RTIP)*. Additional information about each funding source can be found in state and federal guidelines linked at the end of each section.

State Transportation Improvement Program (STIP)

Background: Since approval of Senate Bill 45 in 1997, regions have received 75% of STIP funds by formula for projects approved by the Regional Transportation Planning Agency (RTPA) – RTC in Santa Cruz County. Criteria for use of the funds and final approval and allocation of funds is set by the California Transportation Commission (CTC). The CTC is set to approve the [2026 STIP Guidelines](#) and final Fund Estimate on August 15, 2025.

Available Funds: Approximately **\$4.35 million** through Fiscal Year (FY) 2030/31; with 5% for the RTC’s state-mandated planning, programming, and monitoring (PPM) activities. The first three years of the 2026 STIP (FY26/27-28/29) are currently overcommitted and CTC has indicated that new funds may not be available until FY29/30 and FY30/31.

Eligible Applicants: Governmental entities implementing eligible activities, including RTC, Caltrans, cities, counties, METRO.

Eligible Uses:

- Projects that meet eligibility requirements for funds from the State Highway Account in accordance with Article XIX of the California Constitution.
- Capital projects (including project development costs). These projects generally may include, but are not limited to, improving State highways, local roads, public transit (including buses), intercity rail, pedestrian and bicycle facilities, grade separations, transportation system management, transportation demand management, soundwalls, intermodal facilities, and safety.
 - Rail rolling stock and buses may be funded only from the Federal revenues.
- Non-capital costs for transportation system management (TSM) or transportation demand management (TDM) may be included where the regional agency finds the project to be a cost-effective substitute for capital expenditure.
- RTC project planning, programming, and monitoring (5%): this includes preparation of the RTIP, RTP, coordination with Caltrans on highway projects, etc.
- Not eligible: Road and transit maintenance.

While the Regional Transportation Commission (RTC) is responsible for choosing projects to receive the region's shares of State Transportation Improvement Program (STIP) funds, the California Transportation Commission (CTC) ultimately decides which projects are included in the STIP and in which year. The CTC is placing greater emphasis on how well projects perform across various metrics, their contribution to climate readiness, and their effectiveness in mitigating greenhouse gas emissions. Furthermore, the CTC has stated that projects leading to an increase in vehicle miles traveled (VMT) must provide a clear justification and demonstrate that other projects will achieve corresponding VMT reductions.

Timing: The RTC's proposal for STIP funds is due to the California Transportation Commission (CTC) by December 15, 2025. CTC approval is scheduled for March 2026. Funds must be obligated by June 30, 2031, and are subject to strict use-or-lose schedule deadlines.

Source: [CTC STIP](#)

SB 1 Local Partnership Formula Funds (LPP-f)

Background: The RTC is responsible for selecting projects to receive a portion of the Local Partnership Program formulaic funds that are generated by Senate Bill 1 taxes and fees. The region's shares of LPP funds are relatively small in comparison to the STIP and STBG/RSTPX programs. Criteria for use of the funds and final approval and allocation of funds is set by the California Transportation Commission (CTC).

Available Funds: Approximately **\$1.1 million** through FY 2028-29. Requires at least 50% match.

Eligible Applicants: Recipients of Measure D or other voter-approved taxes, tolls, or fees which that are dedicated solely to transportation improvements.

Eligible Uses: Eligible projects for the Local Partnership Program will be consistent with subdivisions (a) and (b) of Government Code Section 8879.70, and Streets and Highways Code Section 2032(a). The CTC encourages projects that align with the state's climate and equity goals as well as those that identify and incorporate the installation of conduit or fiber, where appropriate and feasible, along strategic corridors.

Eligible projects include:

- A. Highways: Improvements to the state highway system including major rehabilitation, new construction, safety or operational improvement, soundwalls.
- B. Transit projects:
 - a. Improvements to transit facilities, including guideways, that expand transit services, increase transit ridership, improve transit safety, enhance access or convenience of the traveling public, or otherwise provide or facilitate a viable alternative to driving.

- b. The acquisition, retrofit, or rehabilitation of rolling stock, buses, paratransit transit equipment and vehicles for seniors and people with disabilities, maintenance facilities, transit stations, rail transit guideways, passenger shelters, fare collection equipment, and other transit equipment.
- C. Local Road Improvements:
 - Major roadway rehabilitation, resurfacing, or reconstruction that extends its useful life by at least 15 years;
 - New construction and facilities to increase capacity, improve mobility; and
 - Safety or operational improvements that are intended to reduce crashes and fatalities and/or improve traffic flow.
- D. Complete Streets: Improvements to bicycle or pedestrian safety or mobility.
- E. Mitigations: Improvements to mitigate the environmental impact of new transportation infrastructure on local air quality or water quality, commonly known as “urban runoff,” including management practices for capturing or treating urban runoff; landscaping, wetlands or habitat restoration or creation, replacement plantings, and drainage facilities.

Required Match: LPP-funded projects are required to provide a 1-to-1 match of private, local, federal, or certain state funds.

Source: [Local Partnership Formulaic Program](#)

Surface Transportation Block Grant Program (STBG)/ Regional Surface Transportation Program Exchange (RSTPX)

Background: The STBG program (sometimes referred to as RSTP and STP) is established through the federal transportation act, with criteria set by FHWA and Caltrans Local Assistance guidance, and RTC Rules and Regulations. As a smaller county in California, the state usually allows RTC to exchange the federal STBG funds for state exchange funds (RSTPX). Following a performance audit of several regional agencies, FHWA informed regions that they are not allowed to sub-allocate the funds by formula to certain agencies or modes and that a performance-based evaluation should be used to select projects to receive these and other funds.

Available Funds: Approximately **\$ 8 million** through FY 2027-28. In addition to these funds, the County of Santa Cruz receives \$224,813 of the region’s share of RSTPX funds directly each year, as set forth in state statute.

Eligible Applicants: Governmental entities implementing eligible activities, including RTC, Caltrans, cities, counties, UCSC, METRO, Cabrillo, and non-profits with a master agreement with Caltrans or with a public agency sponsor – such as Community Bridges, Ecology Action, Bike Santa Cruz County, Community Traffic Safety Coalition, etc.

Eligible Projects and Activities: Funds must be used for projects as defined in Article XIX--Motor Vehicle Revenues of the California State Constitution or in Sections 133(b) and 133(c) of Title 23--Highways of the United States Code (U.S.C.). Only direct project-related costs are eligible. Local agency overhead and other non-direct charges are ineligible. General maintenance is not eligible.

Eligible Projects (See 23 U.S.C. 133(b)): Subject to the location of projects requirements in paragraph a above, the following eligible activities are listed in 23 U.S.C. 133(b):

(1) Construction of-

(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

(B) ferry boats and terminal facilities-

(i) that are eligible for funding under section 129(c); or

(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);

(C) transit capital projects eligible for assistance under chapter 53 of title 49;

(D) infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;

(E) truck parking facilities eligible for funding under section 1401 of MAP-21 (23 U.S.C. 137 note);

(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA-LU (23 U.S.C. 101 note); and

(G) wildlife crossing structures.

(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

(3) Environmental measures eligible under sections 119(g), 148(a)(4)(B)(xvii), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

(5) ¹ Highway and transit safety infrastructure improvements and programs, including projects eligible under section 130 and installation of safety barriers and nets on bridges.

(6) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

(7) Recreational trails projects eligible for funding under section 206 including the maintenance and restoration of existing recreational trails,,² pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 208.

(8) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(9) Development and implementation of a State Asset Management Plan for the National Highway System and a performance-based management program for other public roads.

(10) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

(11) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

(12) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

(13) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.

(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.

(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.

(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.

(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats.

(20) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

(21) The creation and operation by a State of an office to assist in the design, implementation, and oversight, including conducting value for money analyses or similar comparative analyses, of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

(22) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).

(24) Projects to enhance travel and tourism.

The following activities are made eligible by other sections of 23 U.S.C.:

(1) Public transportation projects: (i) as described in 23 U.S.C. 142(a)(1), (a)(2), (a)(3), and (c); and (ii) meeting the requirements contained in 23 U.S.C. 142.

(2) Initiatives to halt the evasion of payment of motor fuel taxes as provided for under 23 U.S.C. 143(b)(8), including expenditure limitations.

(3) Workforce development, training, and education activities under 23 U.S.C. 504(e).

Location of Projects (See 23 U.S.C. 133(c)): STBG projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

(2) for a project described in paragraphs (5) through (15) and paragraph (23) of subsection (b);

(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;

(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and

(5) as approved by the Secretary.

Applicability of Planning Requirements (See 23 U.S.C. 133(d)(5)): Programming and expenditure of funds for projects shall be consistent with 23 U.S.C. 134 and 135, as amended by the BIL. Projects must be identified in the Statewide Transportation Improvement Program (STIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s) (See 23 U.S.C. 133(d)(5)). When obligating suballocated funding (discussed below), the State must coordinate with relevant metropolitan planning organizations (MPO) or rural planning organizations (See 23 U.S.C. 133(d)(3)). STBG projects for eligible planning purposes must be reflected in the statewide SPR work program or Metropolitan Unified Planning Work Program (See 23 CFR 420.111). Further, these projects must be in the STIP/TIP unless the State DOT or MPO agree that they may be excluded (See 23 CFR 420.119(e)).

Applicability of 23 U.S.C. 217(i) for Bicycle Projects: 23 U.S.C. 217(i) requires that bicycle facilities be principally for transportation, rather than recreation, purposes. However, 23 U.S.C. 133(b)(7) and 133(h) list “recreational trails projects” as eligible activities under STBG. Therefore, the requirement in 23 U.S.C. 217(i) does not apply to recreational trails projects (including for bicycle use) using STBG funds. Section 217(i) continues to apply to bicycle facilities other than trail-related projects, and Section 217(i) continues to apply to bicycle facilities using other Federal-aid highway program funds (e.g., NHPP, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement Program). The transportation requirement under Section 217(i) is applicable only to bicycle projects; it does not apply to any other trail use or transportation mode.

Per [Caltrans Local Assistance Program Guidelines, Chapter 18](#), RSTPX funds are available for projects and to entities authorized under Article XIX of the California State Constitution and Section 182.6(d)(1) of the Streets and Highways Code.

Ineligible Costs: Only direct project related costs are eligible. Local agency overhead and other non-direct charges are ineligible for STBG and RSTPX. Ongoing maintenance and operations are also ineligible.

Required Match: 11.47% non-federal

Source: [STBG Guidelines](#)

Low-Carbon Transit Operations Program (LCTOP) – 99313

Background: LCTOP funds are part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade/Invest dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment, particularly in disadvantaged communities. The RTC, as the RTPA, receives a portion of these funds (99313 funds) to distribute to transit agencies for operations and capital projects that reduce greenhouse gas emissions. LCTOP Funds are distributed based on review of project benefits, schedules, and

program guidelines established by Caltrans. Any funds allocated to community transit services flow through the RTC.

Available Funds: Approximately \$650 thousand for Fiscal Year (FY) 2025-26.

Eligible Applicants: Public transit operators (e.g., Santa Cruz METRO) and community transit services, as set forth in Article 4.5 of the Transportation Development Act (e.g. Lift Line).

Eligible Uses:

- **Operating and capital assistance for transit agencies** to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities.
- Projects that meet at least one of the following criteria:
 - **Reduced Greenhouse Gas (GHG) Emissions:** Projects that directly reduce GHG emissions through improved transit service, increased ridership, or adoption of zero-emission technologies.
 - **Increased Transit Ridership:** Projects that attract new riders or increase the frequency of transit use.
 - **Improved Transit Service:** Projects that enhance the quality, reliability, or accessibility of transit services.
 - **Support for Disadvantaged Communities:** Projects that specifically benefit or provide access for residents in disadvantaged communities, as defined by CalEnviroScreen.
- Examples include:
 - Increased bus service frequency or expanded routes.
 - Purchase of zero-emission buses or other low-carbon vehicles.
 - Improvements to transit stops, stations, or intermodal facilities that encourage transit use.
 - Fares reduction programs or free transit for specific populations (e.g., youth, low-income).
 - First/last mile connections to transit.

Ineligible Costs:

- Road and highway projects that are not directly related to transit.
- General administrative overhead not directly attributable to an LCTOP-eligible project.

- Projects that do not demonstrate a clear path to greenhouse gas emission reductions or other program goals.

Required Match: No local match is explicitly required for LCTOP funds, but projects that leverage other funding sources may be viewed favorably.

For more information visit: <https://dot.ca.gov/programs/rail/low-carbon-transit-operations-program-lctop/>

State Transit Assistance (STA) 99313 funds

Background: The State Transit Assistance (STA) program provides formulaic allocations to transit agencies and Regional Transportation Planning Agencies (RTPAs) across California. These funds are derived from the Public Transportation Account, primarily funded by the statewide sales tax on diesel fuel. The 99313 funds are the discretionary portion allocated to RTPAs, which the RTC (as the RTPA for Santa Cruz County) distributes to eligible transit operators within its jurisdiction. SB1 increased STA funds statewide and the RTC agreed to make 15% of the RTC's FY25/26 share and 20% of the RTC's FY26/27 funds available through a competitive process.

Available Funds: Approximately \$900 thousand through Fiscal Year (FY) 2026-27.

Eligible Applicants: Public transit operators (e.g., Santa Cruz METRO) and community transit services meeting TDA Article 4.5 criteria (e.g., Lift Line).

Eligible Uses: STA funds can be used for planning, public transit, and community transit services.

- Public transit capital projects: This includes the acquisition of transit vehicles (buses, rail cars), construction or rehabilitation of transit facilities (maintenance yards, stations, bus stops), and other fixed guideway improvements.
- Public transit operational costs: This includes expenses related to running transit services such as driver salaries, fuel, maintenance, and administrative costs directly associated with operations.
- Transit planning activities.
- Projects that improve transit services or efficiency.

Ineligible Costs: Non-transit related projects and general agency overhead not directly attributable to transit operations or capital projects.

Required Match: No local match is required.

Source: [Transportation Development Act](#), Public Utilities Code Sections 99313

2025 Consolidated Call for Projects Evaluation Criteria

Below are the criteria for the Santa Cruz County Regional Transportation Commission's 2025 Consolidated Call for Projects for the region's shares of State Transportation Improvement Program (STIP), SB1-Local Partnership Program (LPP), Surface Transportation Block Grant (STBG)/Regional Surface Transportation Program Exchange (RSTPX), State Transit Assistance (STA-99313), and Low Carbon Transit Operations Program (LCTOP) funds. State and federal regulations require state departments of transportation (Caltrans), regions (RTC and AMBAG), and transit agencies to establish and advance projects that meet performance targets. A performance-based approach to transportation planning and programming aims to ensure the most efficient investment of transportation funds, support improved decision-making, and increase accountability and transparency. Projects will be evaluated to ensure they meet the objectives and policies outlined in the Regional Transportation Plan (RTP), including meeting state and federal guidelines, legislative requirements, and executive orders.

Evaluation Criteria

Responses to the evaluation criteria must demonstrate how the project nomination meets the objectives and policies outlined in the Regional Transportation Plan. Project sponsors should respond only to those evaluation questions that are applicable to the nature and scope of their proposed project. Project applications will be evaluated, scored, and then prioritized based on how well the project nomination addresses and demonstrates the following criteria:

- Access for All
- Collisions and Safety
- System Preservation
- System Performance
- Climate Change and Resiliency
- Public Health
- Benefits to Equity Priority Communities
- Funding Plan
- Project Readiness and Delivery Risks
- Complete Streets Integration
- Public Participation
- Consistency with RTP (and other Plans)
- Scale of Benefits

Instructions for Project Sponsors

The questions under each evaluation category provide *examples* of ways a project sponsor can demonstrate the benefits of their project in the application. Project sponsors are not required to answer every question.

Access for All

Expand affordable and convenient multi-modal travel options and choices, especially to and within key destinations, to allow people to access their regular needs.

- Will the project expand affordable and convenient multi-modal travel options and choices, particularly to and within key destinations, to improve accessibility for all people to their regular needs?
- Will the project address the transportation needs of people with limited mobility?
- If the project aims to increase walking, describe the new sidewalks, crosswalks, or obstacle minimization efforts it will include. What is the anticipated increase in walking as a result of the project?

- If the project aims to increase bicycling, describe the new bicycle lanes/paths, network gap closures, or bicycle box installations at intersections. What is the anticipated increase in bicycling as a result of the project?
- Will the project increase public transit access or improve the quality of the transit rider experience? What is the anticipated impact on transit ridership?
- Does the project fill a gap in the complete streets network and increase network connectivity by closing gaps in the bike, sidewalk, and transit networks? If so, please describe the gap(s) being addressed. Are there currently no alternative routes for these modes of transportation in the project area?
- How will the project expand the bicycle and pedestrian network across physical barriers such as creeks, freeways, and private property? Describe the specific crossings or connections proposed.
- Does the project include any education and encouragement programs to promote walking, bicycling, or transit use?

Collisions and Safety

Reduce transportation related fatalities and serious injuries (crashes) and enhance healthy, safe transportation options.

- Is there a documented history of collisions in the project area? If so, how will the proposed safety measures in the project specifically reduce collisions or address identified hazards? Please provide relevant collision data.
- What specific countermeasures are incorporated into the project design to reduce collisions, with a particular focus on preventing fatalities and serious injuries? Please provide details on these measures and their anticipated impact.
- How will the project reduce the potential for conflict between bicyclists, pedestrians, and vehicles? Please describe the design elements that will improve safety for all modes.
- In what specific ways will the project improve safety for more vulnerable users, such as low-income individuals, seniors, people living with disabilities, people of color, and youth? Please provide data or analysis to support the claims.
- If the project involves transit, will it reduce or prevent major mechanical failures for transit vehicles? If so, how? What is the current rate of mechanical failures?
- Does the project address any perceived safety or security issues that currently discourage increased transit ridership, biking, or walking (e.g., lack of lighting at bus stops, unsafe crossings)? If so, please describe the issues and the proposed solutions. What is the anticipated impact on ridership or active transportation?
- If the project fills a gap in the bicycle or pedestrian network within the project area, how will this contribute to improved safety for these users?
- Does the project eliminate any existing hazards, such as trees in roadways, dips in roads, or drainage issues? If so, please describe the hazards and the proposed solutions.
- How will the project improve access to and for emergency services and emergency evacuation routes? Please provide details.

System Preservation & Infrastructure Condition

Maintain and improve the condition of transportation assets cost-effectively and responsive to the needs of all transportation system users.

- How will the project contribute to an increase in the percentage of transportation facilities in good condition? Please provide current condition data and anticipated improvement.
- If the project involves transit vehicles, how will it reduce the percentage of vehicles that have met or exceeded their useful life benchmark? What is the current percentage and the anticipated reduction?
- Will the project extend the useful life of a transportation facility or program? If so, by how much and what is the current estimated lifespan?
- How will the project ensure that transportation facilities are maintained in a state of good repair? Please describe the maintenance aspects of the project.
- Does the project incorporate sustainable pavement practices? If so, please describe the specific practices being used and their benefits.
- How will the project enhance the cost-effectiveness of the transportation system or its assets? Will it lead to lower long-term maintenance costs, operational efficiencies, or other sustained financial benefits? Please provide details and any relevant estimates.

System Performance

Improve efficiency and enhance performance of the transportation system while protecting and enhancing the natural environment. Includes improving goods movement, supporting economic development, improving travel times, and reducing congestion.

- Reduction of Vehicle Miles Traveled (VMT): How will the project minimize vehicle miles traveled while maximizing person throughput? Please provide data or modeling to support the claims. What is the anticipated reduction in VMT?
- Reduction of Greenhouse Gases: How will the project reduce greenhouse gas emissions and criteria pollutants? Please describe the specific mechanisms and provide any relevant emissions reduction estimates or air quality benefits. How does the project advance air quality and climate goals?
- Potential for Mode Shift: How will the project encourage a shift from automobile travel to alternative modes such as bicycling, walking, transit, or carpooling? What is the anticipated percentage increase in trips made via these modes? Does the project involve increasing telecommuting options or coordinating land-use, housing, and transportation policies to reduce the need for travel? Please explain.
- System Reliability: How will the project improve the reliability and efficiency of the multimodal transportation system? Will it reduce variability in travel times, especially during peak travel periods and for transit? Please provide data or analysis to support the claims.
- Freight & Goods Movement: If applicable, how will the project improve freight and goods movement efficiency? Will it increase freight throughput on existing facilities or services? Please provide details and any relevant metrics.
- System Integration and Gap Closure: How will the project address existing gaps in the transportation network and contribute to downstream benefits or broader system improvements? (e.g., how a new parking lot relates to a Transportation Demand Management (TDM) plan, or how a new segment of a trail connects to an existing network). Please explain the broader impact and connections

Public Health

- Improves Public Health: Does the project directly target specific public health issues such as obesity, physical inactivity, asthma, or other health concerns? If so, please describe how and provide any relevant data or anticipated health outcomes.

Benefits to Equity Priority Communities

Ensure that plans, investments, policies, and transportation decisions will reduce disparities for historically and systemically marginalized, underserved, and excluded populations.

- Reduce Disparities: How will the project specifically reduce disparities in safety and access for people who are transportation disadvantaged due to age, income, disability, language, or race/ethnicity? Please provide data or analysis to support the claims.
- Serves Disadvantaged Populations: Does the project directly serve transportation disadvantaged populations? Will it avoid placing substantial burdens on a disadvantaged community? Please explain.
- Demographics: What is the estimated percentage of the population in the project area that identifies as minority or low-income? Please provide the data source.
- Concentration of Underserved Groups: Does the project area contain higher than average concentrations of traditionally underserved groups when compared to the surrounding area, city, or county as a whole? Please provide data to support the answer.
- Disproportionate Impacts: Are the areas where these populations are located currently subject to disproportionate negative transportation impacts (e.g., higher pollution, lower safety, limited access)? Please describe these impacts.
- Increased Traffic in Disadvantaged Neighborhoods: Will the proposed project potentially increase traffic in low-income and minority neighborhoods? If so, what measures will be taken to mitigate any negative impacts?
- Impact on Minority-Owned Businesses: Will minority-owned businesses that serve a minority or low-income population be impacted by the project? If so, please describe the potential impacts and any proposed mitigation measures.

Climate Change and Resiliency

Build a climate-resilient transportation system by preparing for, adjusting to, and reducing the effects of climate change. This includes making roads, bridges, and other surface transportation infrastructure more resistant to natural hazards like climate change, rising sea levels, floods, severe weather, and other disasters.

- Wildfire and Emergency Evacuation: How will the project increase safety and reduce emergency evacuation times in the event of a wildfire or other emergency?
- Extreme Heat: Does the project include measures to alleviate the impacts of extreme temperatures across the region (e.g., bus shelters with shade, improved ventilation)? Please describe these strategies and their anticipated benefits.
- Flooding: How will the project address increased rainfall, erosion, and flooding? Please describe the specific improvements.
- Erosion: How will the project mitigate slope erosion and flooding vulnerability? If applicable, describe any hillside stabilization efforts to prevent repeated slides.

- At-risk Coastal Infrastructure: If the project is located along the coast, how will it protect communities and natural resources from sea-level rise, with a focus on the adaptation of public infrastructure?

Funding Plan

- Overall Funding Plan: If the RTC approves the requested funds, will the project be fully funded? If not, how much additional funding is needed, and what is the likelihood of securing those funds? Please provide a realistic assessment of the project's overall funding security.
- Committed Funding: What other funding sources have already been secured for this project? Please provide details on the amount and source of each committed fund.
- Leveraging: Will the funds you are requesting from RTC be used to leverage other grants? If so, please identify those grants and the potential funding amounts. If RTC funding is not approved, will any of this other funding be at risk of being lost?
- Eligibility for Other Grants: Is this project eligible for any other competitive grants? If so, what other grants are reasonably available for this project, and what is the status of those applications?
- Funding for Cost Increases: What potential funding sources are available to cover unanticipated cost increases for the project? Identify potential sources and their likelihood of being accessible.

Project Readiness & Potential Delivery Risks

- Schedule: How quickly can the project be implemented to provide benefits to the community? Please provide a realistic project schedule with key milestones. Are there any potential risks that could impact the project schedule? Please identify these risks and proposed mitigation strategies.
- Deliverability: What is the agency's ability to complete this project on schedule and within budget? Please provide examples of the agency's performance on past grant-funded projects and discuss the timing of any other relevant projects that may impact deliverability. Are there opportunities to consolidate this project with other planned projects (e.g., timed utility upgrades, new development)?
- Mitigating Risks: Please describe the efforts undertaken to minimize risks to project implementation
- Other: Are there any other potential risks (financial, operational/asset, strategic/organizational compliance, political, etc.) that could delay the project? Please describe these risks and proposed mitigation strategies.

Complete Streets Integration

Complete streets are roadways designed to safely and comfortably accommodate all users of all ages and abilities. Complete streets expand transportation choices by making walking, bicycling, and public transportation more convenient and safer.

- Complete Streets Checklist: Has the project sponsor completed the project checklist in the [Monterey Bay Area Completes Streets Guidebook](#) (page 122)? Provide confirmation.
- Consistency with Guidelines and Policies: Is the project consistent with current complete streets guidelines and policies? Please cite the specific guidelines and policies.
- Integration of Components: How does the project integrate complete streets components appropriate for the project type and location to safely and comfortably accommodate all users of all ages and abilities? If the project does not incorporate complete streets design treatments,

please document why not and what alternative accommodations will be provided for pedestrians, bicyclists, and/or transit users (unless the project is exempt).

Public Participation and Community Engagement

Describe how the project was identified as a community priority. List any public outreach that has already occurred.

- Community Priority: Please describe how this project was identified as a community priority. What community needs or desires does it address? How have residents in the project area been involved in the decision-making or project information process to date? How will they be involved moving forward?
- Prior Outreach: Please list any public outreach that has already occurred for this project, including dates, methods, and key outcomes.
- Planned Outreach: Describe any planned outreach activities that will occur during project planning and/or implementation (e.g., outreach to stakeholder groups, advisory committees, other jurisdictions/agencies, transit, environmental groups, seniors, surveys, open houses). Please be specific about the methods and target audiences.
- Ongoing Participation: How will the project provide early and ongoing opportunities for meaningful public participation for all users throughout the project lifecycle?
- Diverse Participation: How will you ensure participation from diverse and historically underrepresented members of the public in project planning? Please describe specific outreach strategies. What specific outreach to low-income, BIPOC (Black, Indigenous, and People of Color), etc., residents about this project has already been conducted or is planned?

Consistency with Plans

- RTP Consistency: Is the project included in the current Regional Transportation Plan (RTP) Project List, which implements the SB375-mandated Sustainable Communities Strategy (SCS)? Please provide the RTP Project List reference if applicable.
- Consistency With Other Plans: Is the project consistent with other regional and/or local plans? If so, please identify the specific plans and describe the alignment:
 - Vision Zero/zero traffic fatalities, local roadway safety plans
 - Active Transportation Plans, Complete Streets Plans, Safe Routes to Schools Plans
 - Transit asset management, Public Transportation Agency Safety Plan (PTASP) and other transit plans
 - General Plans
 - Capital Improvement Programs
 - Unmet Transit Needs
 - Unified Corridor Investment Study (UCS)
 - Local Roadway Safety Plans
 - Safe Streets for All Plan

Scale of Benefits:

How many people could potentially benefit from this project? What is the estimated number of anticipated users for the facility, service, or program (e.g., number of cars, transit riders, bicyclists, and/or pedestrians)? Please provide data to support these estimates, such as:

- Current traffic volumes, transit ridership, bicycle and pedestrian counts (if available).
- A work plan for a program and the targeted number of people to use program.
- The key destinations served by the project (e.g., employment center, transit center, retail/commercial area, visitor destination, school).
- Modeling information for future use, if available.

Project Rating and Selection Process

Project nominations will be evaluated and ranked based on the established criteria. Each criterion will receive a rating of "High," "Medium-High," "Medium," "Medium-Low," or "Low." Projects that demonstrate strong performance across multiple evaluation criteria and offer a wider range of benefits to the community will generally be ranked higher. Projects that receive the highest overall scores will have provided data-supported responses to strengthen their narrative. These highest-rated project nominations will be recommended for inclusion in the program. While the evaluation score is a key factor in project selection, additional criteria may be considered if multiple projects receive the same score.

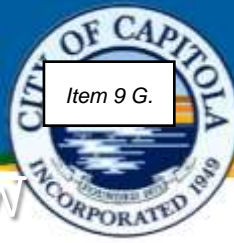
An applicant submitting multiple project nominations must clearly prioritize its project nominations. The Regional Transportation Commission may elect to only award the highest priority project nomination submitted by each applicant. To ensure a balanced distribution of transportation projects throughout the region, the Regional Transportation Commission may also take geographic balance into account when approving funding.

RTIP Grant Application – Sidewalk Infill

City Council
Meeting
July 24, 2025



RTIP Grant Application – Background & Program Overview



What is RTIP?

- Consolidated Call for Projects
- Competitive funding through RTC: STIP, STBG/RSTPX, and LPP-f
- ~\$13.4 million available countywide through

FY 2020-21

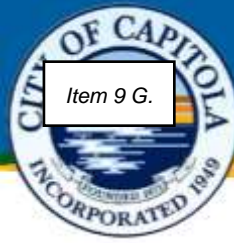
Program Goals

- Enhance multimodal transportation, safety, equity, climate resilience, and infrastructure preservation

Previous Funding to City

- \$1million awarded for 41st Avenue Multimodal Improvements

RTIP Grant Application – Sidewalk Description



Project Scope

- 12 sidewalk segments (~6,000 ft)
- 25 curb cuts, 13 driveways, 2 retaining walls
- Removes 240 ADA barriers

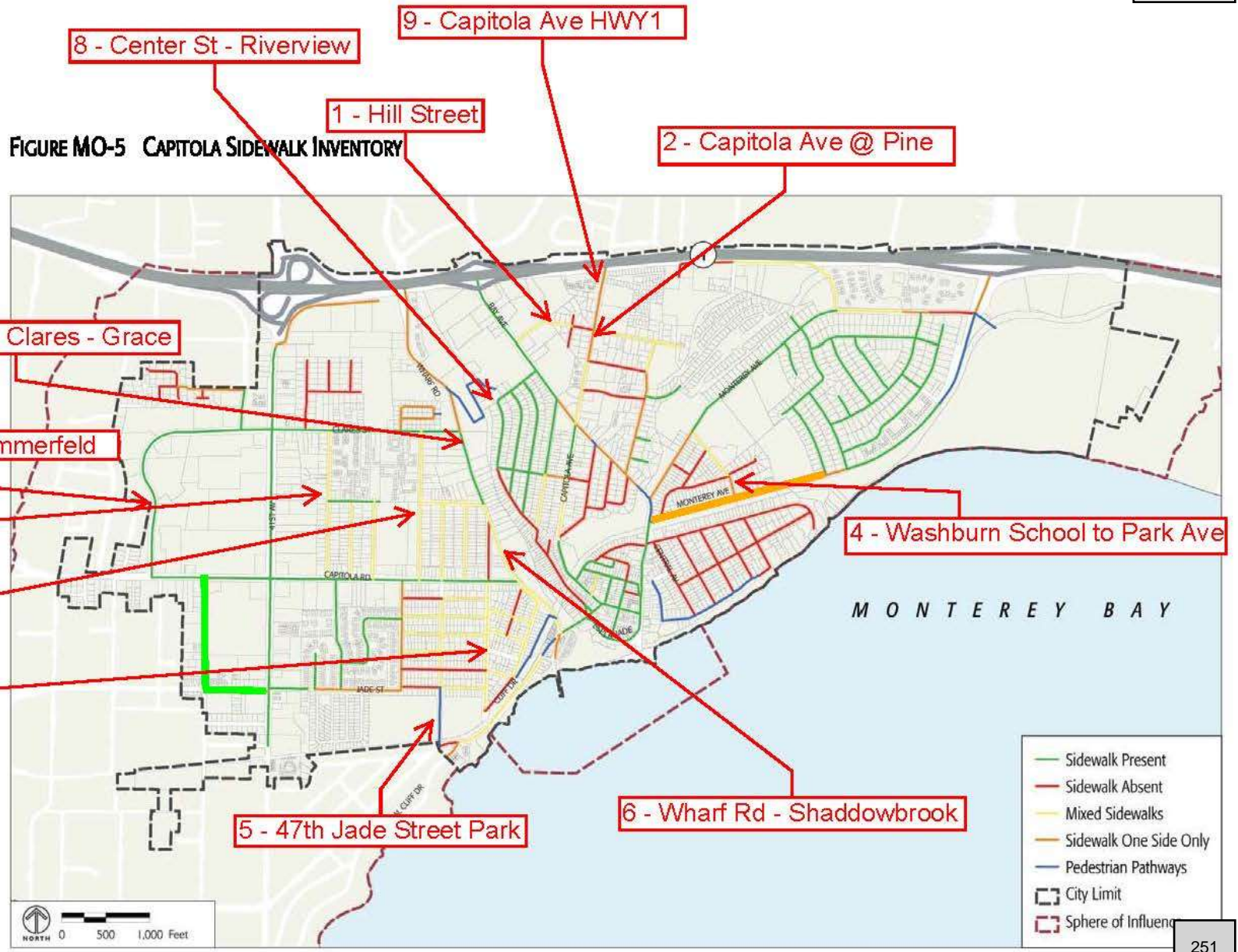
Key Benefits

- Reduces pedestrian-vehicle conflicts
- Improves mobility for seniors and disabled users
- Encourages walking and biking

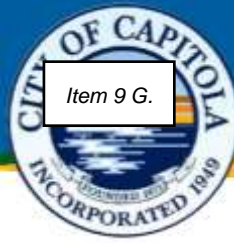
Citywide Impact

- Spans neighborhoods, business areas, and key routes
- Benefits residents, visitors, and all users





RTIP Grant Application – Side Selection



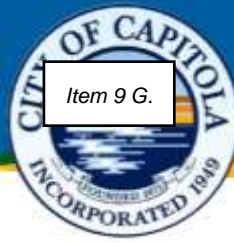
Needs-Based Identification

- General Plan & ADA Plan inventory
- Public Works field surveys
- Community input from E&D TAC and Vista Center for the Blind

Prioritization Criteria

- Highest mobility benefit for seniors, students, and residents with disabilities
- Fills gaps linking key destinations
- Deliverable within grant and budget limits

RTIP Grant Application – Sundevik Schedule



Requested RTIP Funds

- Estimated \$850,000

Scalability

- Full funding covers all segments
- Partial funding allows prioritized segment construction

Schedule

- Application deadline: September 15, 2025
- RTC review: October 2025
- Final awards: November 6, 2025
- Final design will include public outreach and coordination with adjacent properties to address impacts

Recommended Action

Authorize staff to submit an application for Regional Transportation Improvement Program funding to construct high-priority sidewalk segments identified in the City's ADA Transition Plan.





RTIP Grant Application

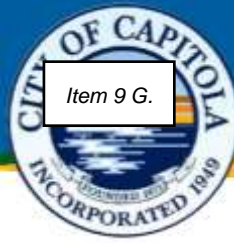
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Bay Avenue Design

City Council Meeting

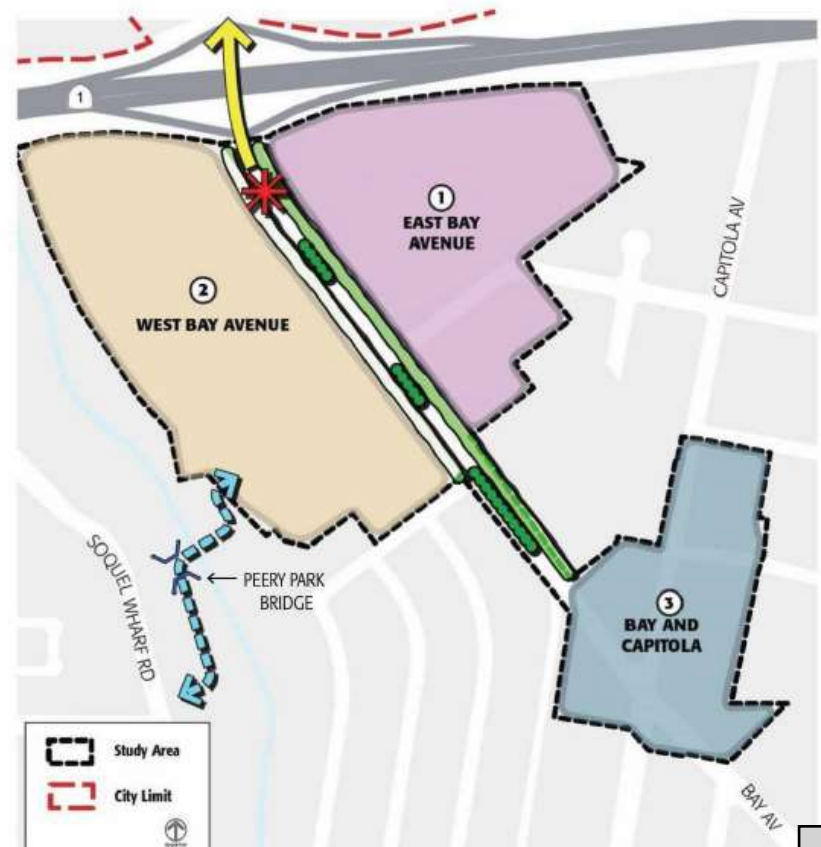
July 24, 2025

RTIP Grant Application – Bay Avenue

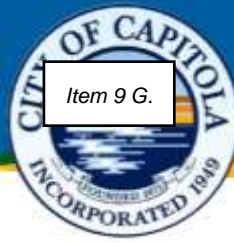


- Bay Avenue: major arterial linking Hwy 1 to Capitola Village
- High traffic volumes, regional circulation, multimodal use
- Longstanding congestion, safety, and access issues
- Quick-build traffic calming pilot at Bay & Hill (2024) informed study

FIGURE LU-7 BAY AVENUE VISION



RTIP Grant Application – Bay Avenue Development to Date



Bay Avenue
Corridor Study
by Kimley-Horn

2024–2025

KH contract for
property
coordination,
public outreach,
and conceptual
design.

Apr. 2025

Concept planning
complete by late
summer 2025

**Late Summer
2025**

Feb. 2025

Council
selected
Roundabout
Alternative
(Alt 2)

Summer 2025

Data collection
and design
underway;
outreach begins
summer 2025

RTIP Grant Application – Band Avenue Schedule



Requested RTIP Funds

- Estimated \$500,000

Opportunity to Advance Project

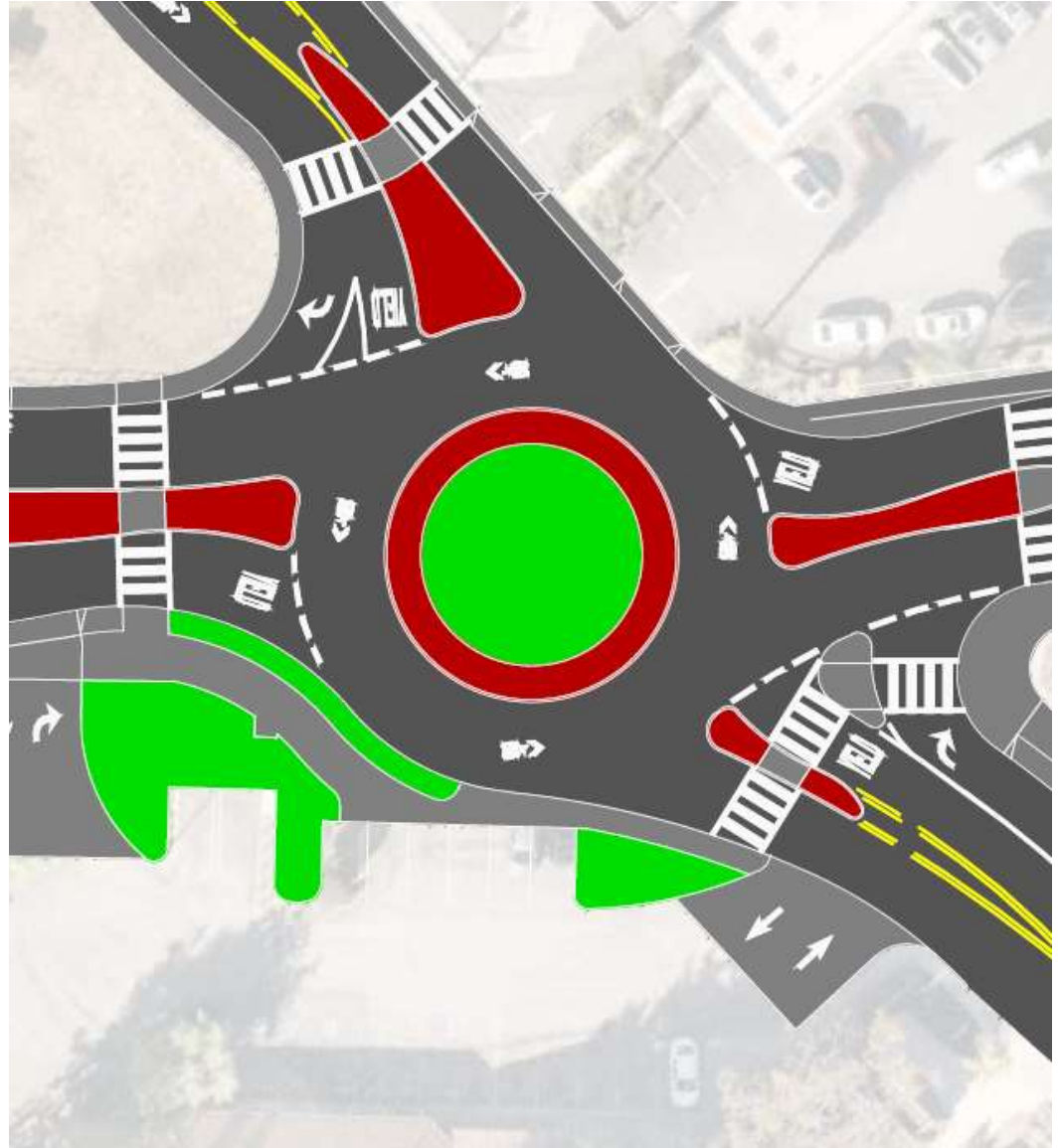
- Moves project to construction-ready stage
- Strengthens competitiveness for construction grants

Schedule

- Application deadline: September 15, 2025
- RTC review: October 2025
- Final awards: November 6, 2025

Recommended Action

Authorize staff to submit application for Regional Transportation Improvement Program funding to complete final design of Bay Avenue Corridor Project



Capitola City Council

Agenda Report

Meeting: July 24, 2025

From: Public Works Department

Subject: Regional Transportation Improvement Program Grant – Bay Avenue



Recommended Action: Authorize staff to submit an application for Regional Transportation Improvement Program funding to complete final design of the Bay Avenue Corridor Project.

Background: The Bay Avenue Corridor is a major arterial linking Highway 1 to Capitola Village and other key destinations. It carries high traffic volumes, supports regional circulation, and accommodates multiple transportation modes, including pedestrians, bicyclists, and transit riders. The corridor faces longstanding challenges with congestion, multimodal safety, and access at several key intersections.

In 2024, the City implemented a quick-build project at Bay Avenue and Hill Street to test a potential “road diet” and traffic calming measures. Feedback from the pilot, along with detailed engineering analysis, informed the Bay Avenue Corridor Study, prepared by Kimley-Horn and completed in early 2025.

On February 13, 2025, staff presented the final study results to City Council, which included three long-term improvement alternatives. Council selected the roundabout control alternative (Alternative 2) as the preferred solution and directed staff to proceed with public outreach and conceptual design refinement as the next steps in project development.

In April 2025, Council approved a \$75,642 professional services agreement with Kimley-Horn and Associates, Inc. to conduct public outreach and prepare the conceptual design. Data collection and design work are underway, with outreach scheduled to begin later this summer. Conceptual planning is expected to be completed by late summer 2025.

Discussion: Staff intends to request approximately \$500,000 in Regional Transportation Improvement Program (RTIP) funding for final design. Advancing design at this stage will improve competitiveness for future construction funding through programs such as the Active Transportation Program (ATP) and STIP augmentation, while also accelerate project delivery. The project supports complete streets goals, improves multimodal safety and access, and addresses climate resilience.

Applications are due September 15, 2025. RTC advisory committees will review applications in October, with a final selection expected on November 6, 2025.

Fiscal Impact: There is no immediate fiscal impact. If awarded, required matching funds will be programmed in future capital improvement budgets.

Attachments:

1. RTC 2025 Consolidated Call for Projects

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

**SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95060-4418 • (831)460-3200 • info@sccrtc.org**MEMORANDUM**

DATE: July 1, 2025

TO: Transportation Project Sponsors

FROM: RTC Programming

RE: 2025 Consolidated Call for Projects

Project sponsors are hereby invited to submit applications to the Santa Cruz County Regional Transportation Commission (RTC) requesting funding for transportation projects and programs in Santa Cruz County.

Deadline: Applications are due no later than **3:00 p.m. on September 15, 2025**. Complete application packages – including the multi-tabbed Excel file and PDFs of supporting materials - must be submitted electronically to programming@sccrtc.org by the application deadline in order to be considered for funding. *Hard copies are not required.*

Available Funds: This is a consolidated call for projects with approximately \$15 million anticipated to be available from the following state and federal fund sources:

- State Transportation Improvement Program (STIP): **\$4.35 million** target through FY30/31.
- Surface Transportation Block Grant Program (STBG)/Regional Surface Transportation Program Exchange (RSTPX): Approximately **\$8 million** through FY27/28.
- SB1-Local Partnership Program (LPP): **\$1 million** LPP-formula through FY28/29.
- Low Carbon Transit Operations Program (LCTOP) 99313: **\$650 thousand** FY25/26.
- State Transit Assistance-99313 (STA): **\$900 thousand** through FY26/27.

Required Application Package Contents: For an application to be considered complete, the following documents must be submitted:

- 1. Application-Project Programming Request** (Excel document – includes multiple tabs)
 - a. Project Information
 - b. Project Benefits/Evaluation Criteria
 - c. Project Costs: Fill in either **capital** or **non-infrastructure** projects (not both)

- i. Capital Projects:
 - 1. Schedule, Cost and Funding Summary
 - 2. Engineers estimate
- ii. Non-infrastructure projects/programs:
 - 1. Detailed task, cost, schedule
 - 2. Staffing
- d. Certification and Assurances
- 2. Detailed project description/scope** (created by applicant)
- 3. Map, photos, public outreach information, and any other supporting materials** (created by applicant)
- 4. Roadway Preservation Projects Certifications** (MS Word documents)
 - *only required for roadway preservation projects**
 - a. Rehabilitation: Exhibit 25-K: Local Road Rehabilitation Project Certification
 - b. Preventive Maintenance: Exhibit 25-L: Pavement Management System (PMS) Certification

The information included in the application packet is needed for evaluation and programming purposes. Electronic copies of application materials are available by emailing programming@sccrtc.org and online at <https://www.sccrtc.org/funding-planning/grant-programs/25-26-rtip/>.

Eligible Projects: Funds are available for transportation projects and programs in Santa Cruz County. Eligible projects include a wide range of public street/road and highway, local roadway reconstruction/rehabilitation, bicycle, pedestrian, transit, transportation system management, transportation demand management and other projects summarized in *Attachment 1* and set forth in federal and/or state guidelines for each funding source. Ongoing, general roadway and transit operations and maintenance are not eligible for STIP or STBG/RSTPX funds. While a wide range of projects are eligible for these funds, project sponsors should submit applications for projects that will significantly improve the transportation system and are encouraged to submit applications for projects serving equity priority communities. For example, system preservation projects located in an equity priority community that integrate complete streets and include components that reduce collisions will score higher than paving projects that do not also improve bike or pedestrian facilities.

Eligible Applicants: Cities, the County of Santa Cruz, SCCRTC, Caltrans, Santa Cruz Metropolitan Transit District (METRO), University of California at Santa Cruz (UCSC) and other governmental agencies with a Master Agreement with Caltrans are eligible recipients of these funds. Non-governmental and other entities interested in applying for funds are required to have a

public agency sponsor (with a Master Agreement with Caltrans) that will be responsible for ensuring state and federal accounting and implementation requirements are met.

Project Evaluation: Projects will be evaluated based on a range of criteria and project benefits (*Attachment 2* and second tab of the application programming request excel file). Applicants should clearly and succinctly articulate the benefits of their project, demonstrating how their project advances Santa Cruz County Regional Transportation Plan, state, and/or federal goals, policies, performance metrics, and targets related to **safety, infrastructure condition, system performance/reliability, access for all, and/or health and equity. Although some projects may not address all the measures, projects that address all or almost all of the measures will receive higher scores. Project sponsors are encouraged to submit applications for projects that provide multiple benefits to the community.**

Type of Funds for Approved Projects: Staff will work with project sponsors and the Interagency Technical Advisory Committee (ITAC) to determine the most appropriate funding source (“color of funds”) for each project that is recommended and approved for funds, taking into consideration funding source-specific eligibility criteria, project schedules, size, potential delivery risks, and other factors. Staff works to focus funds which have more requirements (such as STIP and LPP funds) on fewer projects that can more easily navigate such requirements and deadlines. Staff will work with project sponsors to coordinate and expedite the use of funds.

Project Implementation: Approved projects will be subject to California and Federal requirements, as applicable to each funding source. These include, but not necessarily limited to:

- Caltrans’ [Local Assistance Program Guidelines \(LAPG\)](#) and [Local Assistance Procedures Manual \(LAPM\)](#)
- California Transportation Commission (CTC) Guidelines (STIP, SB-1 LPP-formula)
- Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) guidelines
- Other state or federal requirements, as may be applicable.

Workshop: An optional workshop to review and respond to questions on the application will be held by Zoom on **July 17th at 1:00pm**. Zoom Link: <https://us02web.zoom.us/j/89550911277> (Meeting ID: 895 5091 1277; Passcode: 921387)

Applicants are encouraged, but not required, to attend. Applicants should begin filling in the application prior to the workshop and are encouraged to submit questions in advance to programming@sccrtc.org. A list of frequently asked question (FAQ) will be posted online and periodically updated.

Matching Funds: To maximize funding options for each project, applicants should include an 11.47% non-federal match or in-kind donations for each project. For the LPP funds, a 1-to-1 match is required from private, local, federal, or state funds.

Timeline:

- **July 1, 2025** – Call for Projects issued.
- **July 17** – Application workshop [via Zoom](#) at 1:00 pm.
- **September 15** – Applications due to programming@sccrtc.org by 3:00pm
- **Week of October 13th** – RTC advisory committees review/recommend projects.
- **November 6** – Public hearing and RTC approval of projects.
- **December 15** – RTIP due to California Transportation Commission (CTC)
- **March 2026** – CTC action on STIP and LPP funds.

Contact: For any questions about this application or to request additional information, please contact Rachel Moriconi at programming@sccrtc.org or 831-460-3200.

Background: The Santa Cruz County Regional Transportation Commission (RTC), in its capacity as the state-designated Regional Transportation Planning Agency (RTPA) is responsible for selecting projects to receive certain federal and state funds. Approved projects will be programmed in the RTC's Regional Transportation Improvement Program (RTIP) and/or RTC budget, as appropriate. Projects approved for STIP funding by the RTC are subject to concurrence and allocation from the California Transportation Commission (CTC). Projects approved for federal funds or considered capacity increasing or regionally significant will also be programmed in AMBAG's Metropolitan Transportation Improvement Program (MTIP).

Attachment Links:

1. [Discretionary Fund Descriptions](#)
2. [Evaluation Criteria](#)
3. [Application](#) (MS Excel file)
4. Certifications for Roadway Preservation Projects (required for roadway repair, rehab, preservation projects only)
 - a. [Local Road Rehabilitation Project Certification: LAPM Exhibit 25-K](#)
 - b. Pavement Management System Certification: [LAPM Exhibit 25-L](#)

[https://rtcsc.sharepoint.com/sites/programming/shared documents/2026 rtip/application materials/memo.docx](https://rtcsc.sharepoint.com/sites/programming/shared%20documents/2026%20rtip/application%20materials/memo.docx)

RTC Discretionary Funding Program Descriptions

The Santa Cruz County Regional Transportation Commission (RTC) is responsible for selecting projects to receive certain state and federal funding sources. The following is a summary of fund sources the RTC plans to program in its 2025 Consolidated Grants/2026 *Regional Transportation Improvement Program (RTIP)*. Additional information about each funding source can be found in state and federal guidelines linked at the end of each section.

State Transportation Improvement Program (STIP)

Background: Since approval of Senate Bill 45 in 1997, regions have received 75% of STIP funds by formula for projects approved by the Regional Transportation Planning Agency (RTPA) – RTC in Santa Cruz County. Criteria for use of the funds and final approval and allocation of funds is set by the California Transportation Commission (CTC). The CTC is set to approve the [2026 STIP Guidelines](#) and final Fund Estimate on August 15, 2025.

Available Funds: Approximately **\$4.35 million** through Fiscal Year (FY) 2030/31; with 5% for the RTC’s state-mandated planning, programming, and monitoring (PPM) activities. The first three years of the 2026 STIP (FY26/27-28/29) are currently overcommitted and CTC has indicated that new funds may not be available until FY29/30 and FY30/31.

Eligible Applicants: Governmental entities implementing eligible activities, including RTC, Caltrans, cities, counties, METRO.

Eligible Uses:

- Projects that meet eligibility requirements for funds from the State Highway Account in accordance with Article XIX of the California Constitution.
- Capital projects (including project development costs). These projects generally may include, but are not limited to, improving State highways, local roads, public transit (including buses), intercity rail, pedestrian and bicycle facilities, grade separations, transportation system management, transportation demand management, soundwalls, intermodal facilities, and safety.
 - Rail rolling stock and buses may be funded only from the Federal revenues.
- Non-capital costs for transportation system management (TSM) or transportation demand management (TDM) may be included where the regional agency finds the project to be a cost-effective substitute for capital expenditure.
- RTC project planning, programming, and monitoring (5%): this includes preparation of the RTIP, RTP, coordination with Caltrans on highway projects, etc.
- Not eligible: Road and transit maintenance.

While the Regional Transportation Commission (RTC) is responsible for choosing projects to receive the region's shares of State Transportation Improvement Program (STIP) funds, the California Transportation Commission (CTC) ultimately decides which projects are included in the STIP and in which year. The CTC is placing greater emphasis on how well projects perform across various metrics, their contribution to climate readiness, and their effectiveness in mitigating greenhouse gas emissions. Furthermore, the CTC has stated that projects leading to an increase in vehicle miles traveled (VMT) must provide a clear justification and demonstrate that other projects will achieve corresponding VMT reductions.

Timing: The RTC's proposal for STIP funds is due to the California Transportation Commission (CTC) by December 15, 2025. CTC approval is scheduled for March 2026. Funds must be obligated by June 30, 2031, and are subject to strict use-or-lose schedule deadlines.

Source: [CTC STIP](#)

SB 1 Local Partnership Formula Funds (LPP-f)

Background: The RTC is responsible for selecting projects to receive a portion of the Local Partnership Program formulaic funds that are generated by Senate Bill 1 taxes and fees. The region's shares of LPP funds are relatively small in comparison to the STIP and STBG/RSTPX programs. Criteria for use of the funds and final approval and allocation of funds is set by the California Transportation Commission (CTC).

Available Funds: Approximately **\$1.1 million** through FY 2028-29. Requires at least 50% match.

Eligible Applicants: Recipients of Measure D or other voter-approved taxes, tolls, or fees which that are dedicated solely to transportation improvements.

Eligible Uses: Eligible projects for the Local Partnership Program will be consistent with subdivisions (a) and (b) of Government Code Section 8879.70, and Streets and Highways Code Section 2032(a). The CTC encourages projects that align with the state's climate and equity goals as well as those that identify and incorporate the installation of conduit or fiber, where appropriate and feasible, along strategic corridors.

Eligible projects include:

- A. Highways: Improvements to the state highway system including major rehabilitation, new construction, safety or operational improvement, soundwalls.
- B. Transit projects:
 - a. Improvements to transit facilities, including guideways, that expand transit services, increase transit ridership, improve transit safety, enhance access or convenience of the traveling public, or otherwise provide or facilitate a viable alternative to driving.

- b. The acquisition, retrofit, or rehabilitation of rolling stock, buses, paratransit transit equipment and vehicles for seniors and people with disabilities, maintenance facilities, transit stations, rail transit guideways, passenger shelters, fare collection equipment, and other transit equipment.
- C. Local Road Improvements:
 - Major roadway rehabilitation, resurfacing, or reconstruction that extends its useful life by at least 15 years;
 - New construction and facilities to increase capacity, improve mobility; and
 - Safety or operational improvements that are intended to reduce crashes and fatalities and/or improve traffic flow.
- D. Complete Streets: Improvements to bicycle or pedestrian safety or mobility.
- E. Mitigations: Improvements to mitigate the environmental impact of new transportation infrastructure on local air quality or water quality, commonly known as “urban runoff,” including management practices for capturing or treating urban runoff; landscaping, wetlands or habitat restoration or creation, replacement plantings, and drainage facilities.

Required Match: LPP-funded projects are required to provide a 1-to-1 match of private, local, federal, or certain state funds.

Source: [Local Partnership Formulaic Program](#)

Surface Transportation Block Grant Program (STBG)/ Regional Surface Transportation Program Exchange (RSTPX)

Background: The STBG program (sometimes referred to as RSTP and STP) is established through the federal transportation act, with criteria set by FHWA and Caltrans Local Assistance guidance, and RTC Rules and Regulations. As a smaller county in California, the state usually allows RTC to exchange the federal STBG funds for state exchange funds (RSTPX). Following a performance audit of several regional agencies, FHWA informed regions that they are not allowed to sub-allocate the funds by formula to certain agencies or modes and that a performance-based evaluation should be used to select projects to receive these and other funds.

Available Funds: Approximately **\$ 8 million** through FY 2027-28. In addition to these funds, the County of Santa Cruz receives \$224,813 of the region’s share of RSTPX funds directly each year, as set forth in state statute.

Eligible Applicants: Governmental entities implementing eligible activities, including RTC, Caltrans, cities, counties, UCSC, METRO, Cabrillo, and non-profits with a master agreement with Caltrans or with a public agency sponsor – such as Community Bridges, Ecology Action, Bike Santa Cruz County, Community Traffic Safety Coalition, etc.

Eligible Projects and Activities: Funds must be used for projects as defined in Article XIX--Motor Vehicle Revenues of the California State Constitution or in Sections 133(b) and 133(c) of Title 23--Highways of the United States Code (U.S.C.). Only direct project-related costs are eligible. Local agency overhead and other non-direct charges are ineligible. General maintenance is not eligible.

Eligible Projects (See 23 U.S.C. 133(b)): Subject to the location of projects requirements in paragraph a above, the following eligible activities are listed in 23 U.S.C. 133(b):

(1) Construction of-

(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

(B) ferry boats and terminal facilities-

(i) that are eligible for funding under section 129(c); or

(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);

(C) transit capital projects eligible for assistance under chapter 53 of title 49;

(D) infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;

(E) truck parking facilities eligible for funding under section 1401 of MAP-21 (23 U.S.C. 137 note);

(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA-LU (23 U.S.C. 101 note); and

(G) wildlife crossing structures.

(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

(3) Environmental measures eligible under sections 119(g), 148(a)(4)(B)(xvii), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

(5) ¹ Highway and transit safety infrastructure improvements and programs, including projects eligible under section 130 and installation of safety barriers and nets on bridges.

(6) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

(7) Recreational trails projects eligible for funding under section 206 including the maintenance and restoration of existing recreational trails,,² pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 208.

(8) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(9) Development and implementation of a State Asset Management Plan for the National Highway System and a performance-based management program for other public roads.

(10) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

(11) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

(12) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

(13) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.

(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.

(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.

(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.

(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats.

(20) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

(21) The creation and operation by a State of an office to assist in the design, implementation, and oversight, including conducting value for money analyses or similar comparative analyses, of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

(22) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).

(24) Projects to enhance travel and tourism.

The following activities are made eligible by other sections of 23 U.S.C.:

(1) Public transportation projects: (i) as described in 23 U.S.C. 142(a)(1), (a)(2), (a)(3), and (c); and (ii) meeting the requirements contained in 23 U.S.C. 142.

(2) Initiatives to halt the evasion of payment of motor fuel taxes as provided for under 23 U.S.C. 143(b)(8), including expenditure limitations.

(3) Workforce development, training, and education activities under 23 U.S.C. 504(e).

Location of Projects (See 23 U.S.C. 133(c)): STBG projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

(2) for a project described in paragraphs (5) through (15) and paragraph (23) of subsection (b);

(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;

(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and

(5) as approved by the Secretary.

Applicability of Planning Requirements (See 23 U.S.C. 133(d)(5)): Programming and expenditure of funds for projects shall be consistent with 23 U.S.C. 134 and 135, as amended by the BIL. Projects must be identified in the Statewide Transportation Improvement Program (STIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s) (See 23 U.S.C. 133(d)(5)). When obligating suballocated funding (discussed below), the State must coordinate with relevant metropolitan planning organizations (MPO) or rural planning organizations (See 23 U.S.C. 133(d)(3)). STBG projects for eligible planning purposes must be reflected in the statewide SPR work program or Metropolitan Unified Planning Work Program (See 23 CFR 420.111). Further, these projects must be in the STIP/TIP unless the State DOT or MPO agree that they may be excluded (See 23 CFR 420.119(e)).

Applicability of 23 U.S.C. 217(i) for Bicycle Projects: 23 U.S.C. 217(i) requires that bicycle facilities be principally for transportation, rather than recreation, purposes. However, 23 U.S.C. 133(b)(7) and 133(h) list “recreational trails projects” as eligible activities under STBG. Therefore, the requirement in 23 U.S.C. 217(i) does not apply to recreational trails projects (including for bicycle use) using STBG funds. Section 217(i) continues to apply to bicycle facilities other than trail-related projects, and Section 217(i) continues to apply to bicycle facilities using other Federal-aid highway program funds (e.g., NHPP, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement Program). The transportation requirement under Section 217(i) is applicable only to bicycle projects; it does not apply to any other trail use or transportation mode.

Per [Caltrans Local Assistance Program Guidelines, Chapter 18](#), RSTPX funds are available for projects and to entities authorized under Article XIX of the California State Constitution and Section 182.6(d)(1) of the Streets and Highways Code.

Ineligible Costs: Only direct project related costs are eligible. Local agency overhead and other non-direct charges are ineligible for STBG and RSTPX. Ongoing maintenance and operations are also ineligible.

Required Match: 11.47% non-federal

Source: [STBG Guidelines](#)

Low-Carbon Transit Operations Program (LCTOP) – 99313

Background: LCTOP funds are part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade/Invest dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment, particularly in disadvantaged communities. The RTC, as the RTPA, receives a portion of these funds (99313 funds) to distribute to transit agencies for operations and capital projects that reduce greenhouse gas emissions. LCTOP Funds are distributed based on review of project benefits, schedules, and

program guidelines established by Caltrans. Any funds allocated to community transit services flow through the RTC.

Available Funds: Approximately \$650 thousand for Fiscal Year (FY) 2025-26.

Eligible Applicants: Public transit operators (e.g., Santa Cruz METRO) and community transit services, as set forth in Article 4.5 of the Transportation Development Act (e.g. Lift Line).

Eligible Uses:

- **Operating and capital assistance for transit agencies** to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities.
- Projects that meet at least one of the following criteria:
 - **Reduced Greenhouse Gas (GHG) Emissions:** Projects that directly reduce GHG emissions through improved transit service, increased ridership, or adoption of zero-emission technologies.
 - **Increased Transit Ridership:** Projects that attract new riders or increase the frequency of transit use.
 - **Improved Transit Service:** Projects that enhance the quality, reliability, or accessibility of transit services.
 - **Support for Disadvantaged Communities:** Projects that specifically benefit or provide access for residents in disadvantaged communities, as defined by CalEnviroScreen.
- Examples include:
 - Increased bus service frequency or expanded routes.
 - Purchase of zero-emission buses or other low-carbon vehicles.
 - Improvements to transit stops, stations, or intermodal facilities that encourage transit use.
 - Fares reduction programs or free transit for specific populations (e.g., youth, low-income).
 - First/last mile connections to transit.

Ineligible Costs:

- Road and highway projects that are not directly related to transit.
- General administrative overhead not directly attributable to an LCTOP-eligible project.

- Projects that do not demonstrate a clear path to greenhouse gas emission reductions or other program goals.

Required Match: No local match is explicitly required for LCTOP funds, but projects that leverage other funding sources may be viewed favorably.

For more information visit: <https://dot.ca.gov/programs/rail/low-carbon-transit-operations-program-lctop/>

State Transit Assistance (STA) 99313 funds

Background: The State Transit Assistance (STA) program provides formulaic allocations to transit agencies and Regional Transportation Planning Agencies (RTPAs) across California. These funds are derived from the Public Transportation Account, primarily funded by the statewide sales tax on diesel fuel. The 99313 funds are the discretionary portion allocated to RTPAs, which the RTC (as the RTPA for Santa Cruz County) distributes to eligible transit operators within its jurisdiction. SB1 increased STA funds statewide and the RTC agreed to make 15% of the RTC's FY25/26 share and 20% of the RTC's FY26/27 funds available through a competitive process.

Available Funds: Approximately \$900 thousand through Fiscal Year (FY) 2026-27.

Eligible Applicants: Public transit operators (e.g., Santa Cruz METRO) and community transit services meeting TDA Article 4.5 criteria (e.g., Lift Line).

Eligible Uses: STA funds can be used for planning, public transit, and community transit services.

- Public transit capital projects: This includes the acquisition of transit vehicles (buses, rail cars), construction or rehabilitation of transit facilities (maintenance yards, stations, bus stops), and other fixed guideway improvements.
- Public transit operational costs: This includes expenses related to running transit services such as driver salaries, fuel, maintenance, and administrative costs directly associated with operations.
- Transit planning activities.
- Projects that improve transit services or efficiency.

Ineligible Costs: Non-transit related projects and general agency overhead not directly attributable to transit operations or capital projects.

Required Match: No local match is required.

Source: [Transportation Development Act](#), Public Utilities Code Sections 99313

2025 Consolidated Call for Projects Evaluation Criteria

Below are the criteria for the Santa Cruz County Regional Transportation Commission's 2025 Consolidated Call for Projects for the region's shares of State Transportation Improvement Program (STIP), SB1-Local Partnership Program (LPP), Surface Transportation Block Grant (STBG)/Regional Surface Transportation Program Exchange (RSTPX), State Transit Assistance (STA-99313), and Low Carbon Transit Operations Program (LCTOP) funds. State and federal regulations require state departments of transportation (Caltrans), regions (RTC and AMBAG), and transit agencies to establish and advance projects that meet performance targets. A performance-based approach to transportation planning and programming aims to ensure the most efficient investment of transportation funds, support improved decision-making, and increase accountability and transparency. Projects will be evaluated to ensure they meet the objectives and policies outlined in the Regional Transportation Plan (RTP), including meeting state and federal guidelines, legislative requirements, and executive orders.

Evaluation Criteria

Responses to the evaluation criteria must demonstrate how the project nomination meets the objectives and policies outlined in the Regional Transportation Plan. Project sponsors should respond only to those evaluation questions that are applicable to the nature and scope of their proposed project. Project applications will be evaluated, scored, and then prioritized based on how well the project nomination addresses and demonstrates the following criteria:

- Access for All
- Collisions and Safety
- System Preservation
- System Performance
- Climate Change and Resiliency
- Public Health
- Benefits to Equity Priority Communities
- Funding Plan
- Project Readiness and Delivery Risks
- Complete Streets Integration
- Public Participation
- Consistency with RTP (and other Plans)
- Scale of Benefits

Instructions for Project Sponsors

The questions under each evaluation category provide *examples* of ways a project sponsor can demonstrate the benefits of their project in the application. Project sponsors are not required to answer every question.

Access for All

Expand affordable and convenient multi-modal travel options and choices, especially to and within key destinations, to allow people to access their regular needs.

- Will the project expand affordable and convenient multi-modal travel options and choices, particularly to and within key destinations, to improve accessibility for all people to their regular needs?
- Will the project address the transportation needs of people with limited mobility?
- If the project aims to increase walking, describe the new sidewalks, crosswalks, or obstacle minimization efforts it will include. What is the anticipated increase in walking as a result of the project?

- If the project aims to increase bicycling, describe the new bicycle lanes/paths, network gap closures, or bicycle box installations at intersections. What is the anticipated increase in bicycling as a result of the project?
- Will the project increase public transit access or improve the quality of the transit rider experience? What is the anticipated impact on transit ridership?
- Does the project fill a gap in the complete streets network and increase network connectivity by closing gaps in the bike, sidewalk, and transit networks? If so, please describe the gap(s) being addressed. Are there currently no alternative routes for these modes of transportation in the project area?
- How will the project expand the bicycle and pedestrian network across physical barriers such as creeks, freeways, and private property? Describe the specific crossings or connections proposed.
- Does the project include any education and encouragement programs to promote walking, bicycling, or transit use?

Collisions and Safety

Reduce transportation related fatalities and serious injuries (crashes) and enhance healthy, safe transportation options.

- Is there a documented history of collisions in the project area? If so, how will the proposed safety measures in the project specifically reduce collisions or address identified hazards? Please provide relevant collision data.
- What specific countermeasures are incorporated into the project design to reduce collisions, with a particular focus on preventing fatalities and serious injuries? Please provide details on these measures and their anticipated impact.
- How will the project reduce the potential for conflict between bicyclists, pedestrians, and vehicles? Please describe the design elements that will improve safety for all modes.
- In what specific ways will the project improve safety for more vulnerable users, such as low-income individuals, seniors, people living with disabilities, people of color, and youth? Please provide data or analysis to support the claims.
- If the project involves transit, will it reduce or prevent major mechanical failures for transit vehicles? If so, how? What is the current rate of mechanical failures?
- Does the project address any perceived safety or security issues that currently discourage increased transit ridership, biking, or walking (e.g., lack of lighting at bus stops, unsafe crossings)? If so, please describe the issues and the proposed solutions. What is the anticipated impact on ridership or active transportation?
- If the project fills a gap in the bicycle or pedestrian network within the project area, how will this contribute to improved safety for these users?
- Does the project eliminate any existing hazards, such as trees in roadways, dips in roads, or drainage issues? If so, please describe the hazards and the proposed solutions.
- How will the project improve access to and for emergency services and emergency evacuation routes? Please provide details.

System Preservation & Infrastructure Condition

Maintain and improve the condition of transportation assets cost-effectively and responsive to the needs of all transportation system users.

- How will the project contribute to an increase in the percentage of transportation facilities in good condition? Please provide current condition data and anticipated improvement.
- If the project involves transit vehicles, how will it reduce the percentage of vehicles that have met or exceeded their useful life benchmark? What is the current percentage and the anticipated reduction?
- Will the project extend the useful life of a transportation facility or program? If so, by how much and what is the current estimated lifespan?
- How will the project ensure that transportation facilities are maintained in a state of good repair? Please describe the maintenance aspects of the project.
- Does the project incorporate sustainable pavement practices? If so, please describe the specific practices being used and their benefits.
- How will the project enhance the cost-effectiveness of the transportation system or its assets? Will it lead to lower long-term maintenance costs, operational efficiencies, or other sustained financial benefits? Please provide details and any relevant estimates.

System Performance

Improve efficiency and enhance performance of the transportation system while protecting and enhancing the natural environment. Includes improving goods movement, supporting economic development, improving travel times, and reducing congestion.

- Reduction of Vehicle Miles Traveled (VMT): How will the project minimize vehicle miles traveled while maximizing person throughput? Please provide data or modeling to support the claims. What is the anticipated reduction in VMT?
- Reduction of Greenhouse Gases: How will the project reduce greenhouse gas emissions and criteria pollutants? Please describe the specific mechanisms and provide any relevant emissions reduction estimates or air quality benefits. How does the project advance air quality and climate goals?
- Potential for Mode Shift: How will the project encourage a shift from automobile travel to alternative modes such as bicycling, walking, transit, or carpooling? What is the anticipated percentage increase in trips made via these modes? Does the project involve increasing telecommuting options or coordinating land-use, housing, and transportation policies to reduce the need for travel? Please explain.
- System Reliability: How will the project improve the reliability and efficiency of the multimodal transportation system? Will it reduce variability in travel times, especially during peak travel periods and for transit? Please provide data or analysis to support the claims.
- Freight & Goods Movement: If applicable, how will the project improve freight and goods movement efficiency? Will it increase freight throughput on existing facilities or services? Please provide details and any relevant metrics.
- System Integration and Gap Closure: How will the project address existing gaps in the transportation network and contribute to downstream benefits or broader system improvements? (e.g., how a new parking lot relates to a Transportation Demand Management (TDM) plan, or how a new segment of a trail connects to an existing network). Please explain the broader impact and connections

Public Health

- Improves Public Health: Does the project directly target specific public health issues such as obesity, physical inactivity, asthma, or other health concerns? If so, please describe how and provide any relevant data or anticipated health outcomes.

Benefits to Equity Priority Communities

Ensure that plans, investments, policies, and transportation decisions will reduce disparities for historically and systemically marginalized, underserved, and excluded populations.

- Reduce Disparities: How will the project specifically reduce disparities in safety and access for people who are transportation disadvantaged due to age, income, disability, language, or race/ethnicity? Please provide data or analysis to support the claims.
- Serves Disadvantaged Populations: Does the project directly serve transportation disadvantaged populations? Will it avoid placing substantial burdens on a disadvantaged community? Please explain.
- Demographics: What is the estimated percentage of the population in the project area that identifies as minority or low-income? Please provide the data source.
- Concentration of Underserved Groups: Does the project area contain higher than average concentrations of traditionally underserved groups when compared to the surrounding area, city, or county as a whole? Please provide data to support the answer.
- Disproportionate Impacts: Are the areas where these populations are located currently subject to disproportionate negative transportation impacts (e.g., higher pollution, lower safety, limited access)? Please describe these impacts.
- Increased Traffic in Disadvantaged Neighborhoods: Will the proposed project potentially increase traffic in low-income and minority neighborhoods? If so, what measures will be taken to mitigate any negative impacts?
- Impact on Minority-Owned Businesses: Will minority-owned businesses that serve a minority or low-income population be impacted by the project? If so, please describe the potential impacts and any proposed mitigation measures.

Climate Change and Resiliency

Build a climate-resilient transportation system by preparing for, adjusting to, and reducing the effects of climate change. This includes making roads, bridges, and other surface transportation infrastructure more resistant to natural hazards like climate change, rising sea levels, floods, severe weather, and other disasters.

- Wildfire and Emergency Evacuation: How will the project increase safety and reduce emergency evacuation times in the event of a wildfire or other emergency?
- Extreme Heat: Does the project include measures to alleviate the impacts of extreme temperatures across the region (e.g., bus shelters with shade, improved ventilation)? Please describe these strategies and their anticipated benefits.
- Flooding: How will the project address increased rainfall, erosion, and flooding? Please describe the specific improvements.
- Erosion: How will the project mitigate slope erosion and flooding vulnerability? If applicable, describe any hillside stabilization efforts to prevent repeated slides.

- At-risk Coastal Infrastructure: If the project is located along the coast, how will it protect communities and natural resources from sea-level rise, with a focus on the adaptation of public infrastructure?

Funding Plan

- Overall Funding Plan: If the RTC approves the requested funds, will the project be fully funded? If not, how much additional funding is needed, and what is the likelihood of securing those funds? Please provide a realistic assessment of the project's overall funding security.
- Committed Funding: What other funding sources have already been secured for this project? Please provide details on the amount and source of each committed fund.
- Leveraging: Will the funds you are requesting from RTC be used to leverage other grants? If so, please identify those grants and the potential funding amounts. If RTC funding is not approved, will any of this other funding be at risk of being lost?
- Eligibility for Other Grants: Is this project eligible for any other competitive grants? If so, what other grants are reasonably available for this project, and what is the status of those applications?
- Funding for Cost Increases: What potential funding sources are available to cover unanticipated cost increases for the project? Identify potential sources and their likelihood of being accessible.

Project Readiness & Potential Delivery Risks

- Schedule: How quickly can the project be implemented to provide benefits to the community? Please provide a realistic project schedule with key milestones. Are there any potential risks that could impact the project schedule? Please identify these risks and proposed mitigation strategies.
- Deliverability: What is the agency's ability to complete this project on schedule and within budget? Please provide examples of the agency's performance on past grant-funded projects and discuss the timing of any other relevant projects that may impact deliverability. Are there opportunities to consolidate this project with other planned projects (e.g., timed utility upgrades, new development)?
- Mitigating Risks: Please describe the efforts undertaken to minimize risks to project implementation
- Other: Are there any other potential risks (financial, operational/asset, strategic/organizational compliance, political, etc.) that could delay the project? Please describe these risks and proposed mitigation strategies.

Complete Streets Integration

Complete streets are roadways designed to safely and comfortably accommodate all users of all ages and abilities. Complete streets expand transportation choices by making walking, bicycling, and public transportation more convenient and safer.

- Complete Streets Checklist: Has the project sponsor completed the project checklist in the [Monterey Bay Area Completes Streets Guidebook](#) (page 122)? Provide confirmation.
- Consistency with Guidelines and Policies: Is the project consistent with current complete streets guidelines and policies? Please cite the specific guidelines and policies.
- Integration of Components: How does the project integrate complete streets components appropriate for the project type and location to safely and comfortably accommodate all users of all ages and abilities? If the project does not incorporate complete streets design treatments,

please document why not and what alternative accommodations will be provided for pedestrians, bicyclists, and/or transit users (unless the project is exempt).

Public Participation and Community Engagement

Describe how the project was identified as a community priority. List any public outreach that has already occurred.

- Community Priority: Please describe how this project was identified as a community priority. What community needs or desires does it address? How have residents in the project area been involved in the decision-making or project information process to date? How will they be involved moving forward?
- Prior Outreach: Please list any public outreach that has already occurred for this project, including dates, methods, and key outcomes.
- Planned Outreach: Describe any planned outreach activities that will occur during project planning and/or implementation (e.g., outreach to stakeholder groups, advisory committees, other jurisdictions/agencies, transit, environmental groups, seniors, surveys, open houses). Please be specific about the methods and target audiences.
- Ongoing Participation: How will the project provide early and ongoing opportunities for meaningful public participation for all users throughout the project lifecycle?
- Diverse Participation: How will you ensure participation from diverse and historically underrepresented members of the public in project planning? Please describe specific outreach strategies. What specific outreach to low-income, BIPOC (Black, Indigenous, and People of Color), etc., residents about this project has already been conducted or is planned?

Consistency with Plans

- RTP Consistency: Is the project included in the current Regional Transportation Plan (RTP) Project List, which implements the SB375-mandated Sustainable Communities Strategy (SCS)? Please provide the RTP Project List reference if applicable.
- Consistency With Other Plans: Is the project consistent with other regional and/or local plans? If so, please identify the specific plans and describe the alignment:
 - Vision Zero/zero traffic fatalities, local roadway safety plans
 - Active Transportation Plans, Complete Streets Plans, Safe Routes to Schools Plans
 - Transit asset management, Public Transportation Agency Safety Plan (PTASP) and other transit plans
 - General Plans
 - Capital Improvement Programs
 - Unmet Transit Needs
 - Unified Corridor Investment Study (UCS)
 - Local Roadway Safety Plans
 - Safe Streets for All Plan

Scale of Benefits:

How many people could potentially benefit from this project? What is the estimated number of anticipated users for the facility, service, or program (e.g., number of cars, transit riders, bicyclists, and/or pedestrians)? Please provide data to support these estimates, such as:

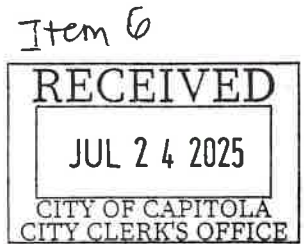
- Current traffic volumes, transit ridership, bicycle and pedestrian counts (if available).
- A work plan for a program and the targeted number of people to use program.
- The key destinations served by the project (e.g., employment center, transit center, retail/commercial area, visitor destination, school).
- Modeling information for future use, if available.

Project Rating and Selection Process

Project nominations will be evaluated and ranked based on the established criteria. Each criterion will receive a rating of "High," "Medium-High," "Medium," "Medium-Low," or "Low." Projects that demonstrate strong performance across multiple evaluation criteria and offer a wider range of benefits to the community will generally be ranked higher. Projects that receive the highest overall scores will have provided data-supported responses to strengthen their narrative. These highest-rated project nominations will be recommended for inclusion in the program. While the evaluation score is a key factor in project selection, additional criteria may be considered if multiple projects receive the same score.

An applicant submitting multiple project nominations must clearly prioritize its project nominations. The Regional Transportation Commission may elect to only award the highest priority project nomination submitted by each applicant. To ensure a balanced distribution of transportation projects throughout the region, the Regional Transportation Commission may also take geographic balance into account when approving funding.

Pedestrian & Bike Safety Enhancements



The following actions to improve pedestrian and bicycle safety can be taken now, regardless of future traffic flow resolutions. They address many current concerns and would still be viable even after any long-term traffic modifications.

● Immediate Modifications

● Visible Police Monitoring Presence

- Patrol Car at intersection random times
- Officer/Patrol at peak traffic times

● Pedestrian and Bike Visibility

- Carry/Replace Red Flags at crossings
- Re-paint crossing lines and traffic lanes
- Color Code the Bike Lanes

● Pedestrian crossings at:

- **Bay Ave:**
 - Center Street; Oak Dr.; Burlingame Ave
- **Capitola Ave:**
 - Carl Lane

● Lighting / Signage

- Lighted Stop Signs
- Pedestrian Crossing Signs
- Painted STOP AHEAD warning

● Next Steps

● Stanchions to Separate Bike Lane

● Enhance Pedestrian new crossings

- Push Button Lights at Pedestrian Crossings
- Speed Tables at Pedestrian Crossings

● Street Lighting

● Basic Traffic Lights

● Monitoring Cameras

LFP Batteries Are Dangerous, Warn Scientists

By Nina Audino

www.stoplithiumbessinsantacruzcountv.org



Neermoor, Germany, Intilion LFP Battery Storage, April 2024

The 2nd generation, allegedly "safer" lithium iron phosphate (LFP) batteries planned for use in New Leaf Energy's proposed 200 MW battery energy storage facility (BESS) near Watsonville may be cheaper to produce, but they are not safe. The BESS industry sector is proliferating a 'best practice' narrative that promotes the LFP battery as the 'safer' and cheaper antidote to the nickel-manganese-cobalt (NMC) battery. But this marketing narrative is not supported by scientific research. Scientists are warning that the 2nd Gen LFP battery is dangerous.

A peer-reviewed, scientific meta-analysis study published in the March 2024 issue of the *Journal of Energy Storage* examined 60 other scientific papers and concluded that LFP batteries present a greater flammability hazard, show a greater toxicity, producing significantly more of the highly toxic hydrogen fluoride (HF) gas, and have a greater risk of vapor cloud explosions than the nickel-manganese-cobalt (NMC) chemistry.

The BESS sector's and the lithium battery industry's efforts promoting the LFP battery as a safer and cheaper replacement for the NMC lithium battery have escalated in the aftermath of the 250-foot-tall inferno, fed by NMC lithium batteries, that demolished Vistra's Moss Landing BESS 300 in January of 2025.

The authors of the meta-analysis described the popular and incorrect belief in LFP being the "safest" battery as stemming from "typical abuse tests (overheating, penetration, etc.) due

to LFP having lower maximum temperatures and heat generation or based on the absence of visible sparks and flames." The study's authors further cautioned that "it is unwise to categorize the safety of a battery system based on the abuse tests of cells that do not account for the explosion of the off-gas (and its toxicity) or the influence of the battery system design on failure behavior."

At a California State Fire Alarm Advisory Committee (FAAC) meeting in February of 2025, committee members, as advisors to the State Fire Marshal, spoke to potential BESS design failures, stating that they have seen many BESS containers shipped in with pre-installed and unlisted fire alarm equipment installed by a non-licensed integrator or installer. Other potential design failure factors mentioned included container equipment exceeding its warranty period due to length of time spent waiting on the docks on ships, and a 50 percent failure rate at point of inspection.

The lithium-based battery energy storage industry is self-policing and has not produced a complete and accurate record of facility failures and fires. The industry-tied Palo Alto based Electrical Power Research Institute (EPRI) has compiled an incomplete list that frequently fails to identify the specific type of lithium battery chemistry that failed or burned.

In April of 2024 in Neermoor, a small town in northern Germany, containerized LFP battery energy storage exploded and burned for 10 hours. Two firefighters were injured, the nearby highway was closed for six hours and the town's residents were told to close their windows and doors.

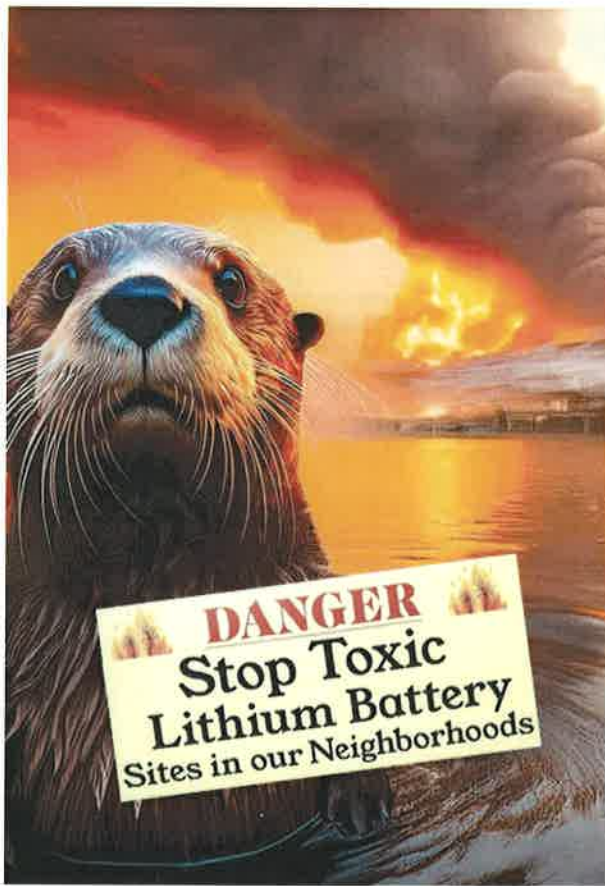
In April of 2021 in Beijing China, a shopping mall rooftop co-located solar panel and LFP battery energy storage exploded and burned for over 10 hours. Two firefighters were killed and a third injured. The fire involved 235 fire-fighters, 47 trucks, and 15 stations.

https://www.sciencedirect.com/science/article/pii/S2352152X24008739?ref=pdf_download&fr=RR-2&rr=912a086e6fdd67f0#b110

<https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/committees/fire-alarm-advisory-committee/may-2025/attachment-1--faac-meeting-minutes-draft-20250205.pdf?rev=feeb5d45fea345fbb1b816e1d737f011&hash=964EE9F4000B2786F54CDC7D7767B1E8>

<https://www.linkedin.com/pulse/lfp-battery-energy-storage-project-caught-fire-exploded-herry-tang-lwuuc/?trackingId=szFaXSG%2FTgeVOmBApFVc9Q%3D%3D>

<https://ctif.org/news/accident-analysis-beijing-lithium-battery-explosion-which-killed-two-firefighters>



STOP!

Dangerous
Lithium-Based

BESS

(Battery Energy
Storage Systems)

Planned Near

*Dominican Hospital
Aptos High School
Minto Rd Watsonville*

NEW 1 Planned In
Monterey County

*Uncontrollable Fires / Explosions / Toxic Smoke / Poison Gases
Toxic Ash Contaminates Farmlands, Water, Homes, Schools, Parks
100's of People Sickened / Severe Lung, Skin, Eye Symptoms
Potential Cancers; Cardiovascular, Kidney, Other Health Risks*

PROTECT YOUR FAMILIES & NEIGHBORHOODS

***Help STOP Lithium BESS!
Donate --- Learn More***

Go to: neveragainmosslanding.org/join-us/
stophiliumbessinsantacruz.org

