

City of Capitola Agenda

Mayor: Sam Storey
Vice Mayor: Dennis Norton
Council Members: Ed Bottorff
Stephanie Harlan
Michael Termini
Treasurer: Christine McBroom



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, JULY 10, 2014

CITY HALL COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 6:30 PM CITY MANAGER’S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the City Council's Open Session Meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Govt. Code §54956.9(A)]
Rae Ellen Leonard vs. the City of Capitola et al. [United States District, Case #C13-3714]

PUBLIC EMPLOYEE PERFORMANCE EVALUATION [Govt. Code §54957]
City Council's Performance Evaluation of the City Manager.

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

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Dennis Norton, Ed Bottorff, Michael Termini, and Mayor Sam Storey

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

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

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

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

6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.

7. CONSENT CALENDAR

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

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

- A. Consider approving a three year sole source contract with D.W. Alley & Associates for fish and wildlife monitoring of Soquel Creek, and authorize the City Manager to execute the agreement.

RECOMMENDED ACTION:

Approve Agreement.

CAPITOLA CITY COUNCIL REGULAR MEETING - Thursday, July 10, 2014

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

- A. Receive the Public Opinion Survey results and the Finance Advisory Committee's recommendation in regards to the appointment or election of the City Treasurer.

RECOMMENDED ACTION:

Receive report and the Finance Advisory Committee's recommendation.

9. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, July 24, 2014, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City's website: www.cityofcapitola.org and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

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

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

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

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CITY COUNCIL AGENDA REPORT

MEETING OF JULY 10, 2014

FROM: DEPARTMENT OF PUBLIC WORKS

SUBJECT: APPROVAL OF A THREE YEAR SOLE SOURCE CONTRACT WITH D.W. ALLEY
& ASSOCIATES FOR FISH AND WILDLIFE MONITORING OF SOQUEL CREEK

RECOMMENDED ACTION: Approve a sole source contract with D.W. Alley and Associates for a period of three years in an amount not to exceed \$31,490 for 2015, \$32,434 for 2016, and \$33,407 for 2017 for monitoring of Soquel Creek as mandated under the City's permits from California State Fish and Wildlife and other agencies for annual lagoon closure and beach grading.

BACKGROUND: The stream alteration permits issued to the City for beach grading and lagoon closure including operation of the flume requires the City to conduct year round fish monitoring of Soquel Creek. This monitoring consists of water temperature readings, fish counts, salinity testing, and related observations. Don Alley of D.W. Alley and Associates, author of the Soquel Creek Lagoon Management Plan, has completed this monitoring and reporting since 1990 and is considered a leading expert on the aquatic habitats of the creek.

DISCUSSION: Staff recommends re-establishing a contract with Don Alley of D. W. Alley and Associates for the Soquel Creek fish monitoring work.

FISCAL IMPACT: Annual costs are funded in the Public Works Streets Contracts fund.

ATTACHMENT:

1. Proposal from Don Alley for 2015-2017

Report Prepared By: Steven Jesberg
Public Works Director

Reviewed and Forwarded
By City Manager:

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D.W. ALLEY & Associates

aquatic biology

DRAFT Soquel Lagoon Monitoring Scope and Budget, 2015-2017

June 11, 2014

Task No.	Task	Personnel	Hours	Rate/hr	Miles (\$0.68/mile)	Total Cost
1	Sandbar construction and fish relocation.	Alley	40*	\$107.65	175	\$4,425.00
2	Mid-week salinity and water quality check	Alley	6	\$107.65	70	\$693.50
3	Writing of Army Corps Report on sandbar construction	Alley	10	\$107.65		\$1,076.50
4	Monitoring of water quality (14 @ 2-week intervals)	Alley	49**	\$107.65	490	\$5,608.05
5	Afternoon Water Quality Monitoring (14 @ 2-week intervals)	Alley	49**	\$107.65	490	\$5,608.05
6	Water Quality Monitoring Pre- and Post Begonia Festival and monitoring of clean-up	Alley	12	\$107.65	70	\$1,339.40
7	Launch and retrieve 7 water temperature probes	Alley	8	\$107.65	70	\$908.80
8	Annual steelhead and tidewater goby censusing.	Alley and 2 Assistants	16***	\$212.50	210	\$3,542.80
9	Sandbar breaching	Alley	4	\$107.65	35	\$454.40
10	Data analysis and writing lagoon report	Alley	65	\$107.65		\$6,997.25
11	Report Production and delivery	Alley	3	\$107.65	100	\$390.95
	Total Hours/ Miles		262+16		1,675	\$31,044.70
	Report reproduction cost (5 bound and 1 electronic)					\$220.00
	Purchase of 1 temperature probe and case					\$190.00
	Equipment batteries					\$35.00
	Total Budget 2015					\$31,489.70
	Total Budget 2016 (3% annual increase)					\$32,434.39
	Total Budget 2017 (3% annual increase)					\$33,407.47

* The time budgeted is based on experience. The budget may change, depending on the actual number of openings and closures are needed for sandbar construction. If the sandbar is destroyed by a late storm, the budget will increase.

** Assumes that sandbar construction occurs prior to Memorial Day Weekend and sandbar opening occurs by the middle of November, with monitoring occurring every 2 weeks, totaling 14 periods.

*** Assumes that at least 4 volunteers and 2 paid assistants show up each weekend to help seine the fish.

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CITY COUNCIL AGENDA REPORT

MEETING OF JULY 10, 2014

FROM: CITY MANAGER'S DEPARTMENT

SUBJECT: 2014 CAPITOLA VOTER SURVEY RESULTS

RECOMMENDED ACTION

1. Receive the Finance Advisory Committee's (FAC) recommendation regarding the appointment of the City Treasurer; and
2. Provide direction to staff regarding potential ballot measures for the City's November 4, 2014 General Municipal Election.

BACKGROUND: The City Council authorized a contract with Gene Bregman and Associates to conduct a survey of Capitola voters. The survey was conducted over the course of two weekends in June. The final poll includes results from 240 Capitola registered voters, with results accurate about $\pm 6\%$.

DISCUSSION: The polling shows nearly all residents rate the quality of life in Capitola as excellent or good, and most respondents feel the services provided by the City are excellent or good. These results are all improvements compared to the 2012 poll, and very similar to the 2008 results.

Poll Year	Quality of Life	Quality of Services	Job Managing Finances
2003	92%	63%	NA
2008	95%	77%	NA
2012	92%	65%	42%
2014	95%	77%	58%

City Treasurer

After the elected City Treasurer resigned in September of 2013, the City Council appointed a City Treasurer and asked the City's Finance Advisory Committee (FAC) to review the position and develop a recommendation as to whether a ballot measure should be considered to transition the Treasurer to an appointed position. As part of this survey, respondents were asked if they would support or disapprove of such a transition. Overall the results showed respondents were nearly split regarding whether or not to change the Treasurer to an appointed position, with 32% in favor and 36% opposed before arguments were read, and 44% in favor and 41% opposed after arguments. However, among likely voters, the level of support falls with those opposed leading by 7% before arguments and 1% after arguments.

The FAC met several times over the last year to review options. Last week the FAC reviewed the survey results, and requested information regarding how the Treasurer would be appointed should a measure be considered. The FAC will meet again next week to develop a final recommendation for the July 24, 2014 City Council Meeting.

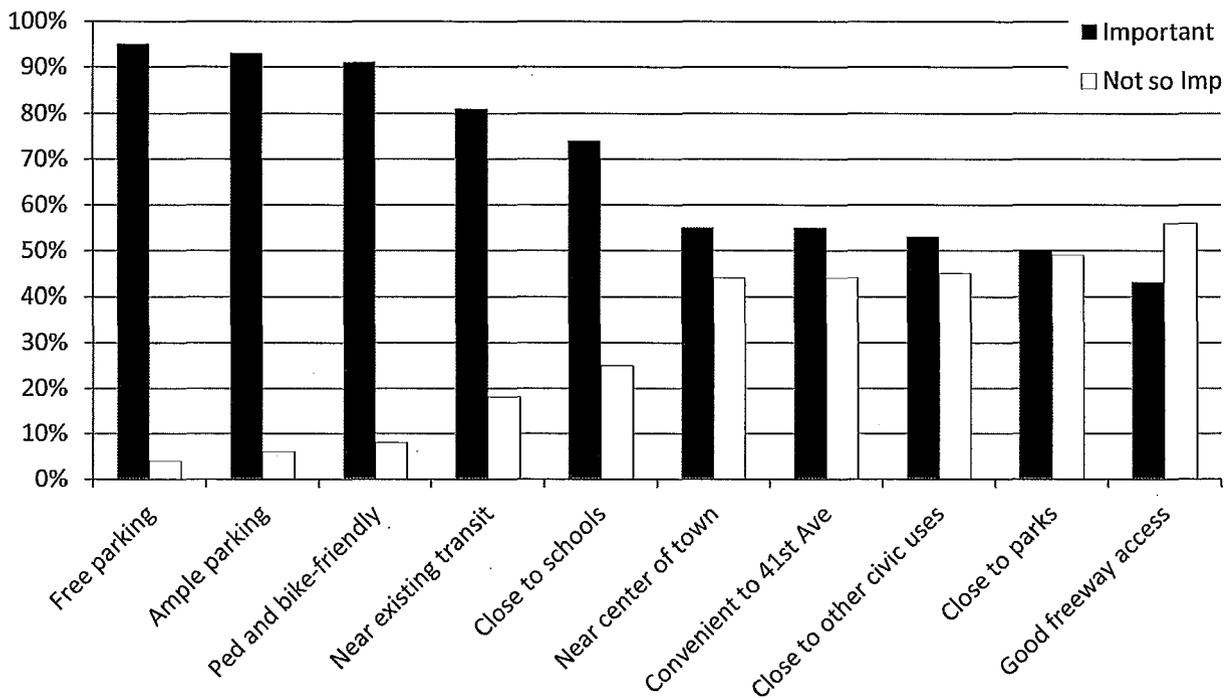
Transient Occupancy Tax (TOT)

Currently the TOT in Capitola is 10%, while the TOT is 11% in Santa Cruz and the County. The survey asked respondents if they would support increasing the TOT to match the Santa Cruz City/County level. Overall 74% of those surveyed said they would definitely or probably support such a measure. Each 1% of TOT generates about \$120,000 a year.

Library

The survey's library results show about half of the respondents used a library in the last year, with 75% of respondents indicating they used the Capitola Branch most frequently. The survey also asked respondents what adjacencies are important to consider as the City plans its new library. These results are depicted in the chart below.

Library Adjacency Factors



The deadline to place an item on the November election is August 8; therefore the last regular City Council meeting date to consider such a measure is July 24, 2014.

FISCAL IMPACT: Increasing the TOT from 10% to 11% would increase revenues by approximately \$120,000 annually.

ATTACHMENT:

1. Survey Results

Report Prepared By: Jamie Goldstein
City Manager

**Reviewed and Forwarded
By City Manager:** _____

GENE BREGMAN & ASSOC.

June 20, 2014

N = 240

Capitola Study
(FINAL)

Time Began _____
Time Ended _____

Hello, I'm _____ from GBA, an opinion research firm. We're conducting a survey about issues that concern the residents of Capitola. May I speak with _____. (MUST SPEAK WITH VOTER LISTED. VERIFY THAT THE VOTER LIVES AT THE ADDRESS LISTED - OTHERWISE TERMINATE.) We are not selling anything and all your answers will be kept confidential. Am I calling you on your cell phone? (IF YES, ASK): Are you in a safe place to talk? (If No, ask to make an appointment to call back)

- | | |
|---|--|
| 1. Generally speaking, how would you rate Capitola as a place to live? Is it an excellent place to live, a good place, only fair, or a poor place to live? | Excellent ----- 58%
Good ----- 37%
Only fair ----- 4%
Poor ----- 1%
DK/NA ----- 0% |
| 2. And how would you rate the overall job being done by Capitola City government in providing services and taking care of the needs of local residents: as excellent, good, only fair, or poor? | Excellent ----- 25%
Good ----- 53%
Only fair ----- 11%
Poor ----- 5%
DK/NA ----- 7% |
| 3. And how would you rate the job being done by Capitola City officials in managing the City's budget and finances: as excellent, good, only fair, or poor? | Excellent ----- 14%
Good ----- 44%
Only fair ----- 19%
Poor ----- 4%
DK/NA ----- 19% |

Next, I will be asking just a few questions about several other topics of interest and importance to people living in Capitola. First, are local public libraries.

- | | |
|--|---|
| 4. Have you visited a public library in Santa Cruz County in the past 12 months? | Yes ----- ASK Q.5 and 6 ----- 52%
No ----- SKIP TO Q.7 ----- 48%
DK/NA ----- SKIP TO Q.7 ----- 0% |
| 5. Which branch or branches of the public library, or other library services do you use most frequently? (DO NOT READ LIST: TRY TO FORCE CHOICE OF ONE BRANCH IF POSSIBLE; MORE THAN ONE IS OK IF NECESSARY) | |

N = 125

- | | |
|--|-----|
| Aptos ----- | 10% |
| Boulder Creek ----- | 1% |
| Branciforte (Bran-si-for-tay)/Gault Street ----- | 1% |
| Capitola ----- | 75% |
| Central/Main/Santa Cruz/Downtown ----- | 14% |
| Felton ----- | 0% |
| Garfield Park ----- | 0% |
| La Selva ----- | 1% |
| Live Oak ----- | 18% |
| Scotts Valley ----- | 2% |
| Bookmobile ----- | 0% |
| Accessing library electronic resources from outside a branch ----- | 2% |
| Using library telephone services ----- | 0% |
| Don't Know/No Answer ----- | 5% |

6. Why do you use that library most often? (PROBE; DO NOT READ LIST: CIRCLE ALL THAT APPLY)

N = 125

Convenient (in general – NFI) -----	25%
Close to my house/where I live-----	34%
Close to work -----	3%
Close to/convenient when I go shopping -----	0%
Close to/easy to get to from freeway/Highway 1 -----	1%
Better book collection -----	8%
Nice/modern/attractive facility or building -----	7%
Best for computers/to use internet-----	2%
Storytime/other programs for children -----	2%
Other programs -----	2%
Always gone there/habit-----	1%
Went there when lived in that area, so still go there-----	2%
Just like it (NFI) -----	0%
Books/Get books/reading material/CDs (in general) -----	17%
Has playground-----	2%
Hours of operation -----	3%
Other -----	8%
Don't Know/No Answer-----	2%

7. [ASK EVERYONE]: The City of Capitola is required by law to build a new permanent library to replace the existing Capitola library which is housed in portable buildings. As I read each of the following items, please tell me how important it is for the new library to have each attribute: very important, somewhat important, not too important, or not at all important. (ROTATE)

	<u>VERY</u> <u>IMP.</u>	<u>SMWT</u> <u>IMP.</u>	<u>NOT</u> <u>TOO</u> <u>IMP.</u>	<u>NOT AT</u> <u>ALL</u> <u>IMP.</u>	<u>DON'T</u> <u>KNOW</u>
a. Close to parks-----	18%	32%	26%	23%	1%
b. Close to schools -----	42%	32%	16%	9%	2%
c. Having a pedestrian and bike-friendly location-----	69%	22%	3%	5%	1%
d. Near existing public transit -----	46%	35%	11%	7%	1%
e. Close to other civic uses -----	19%	34%	28%	17%	2%
f. Have good freeway access -----	16%	27%	31%	25%	1%
g. Have ample parking available -----	68%	25%	3%	3%	2%
h. Have free parking -----	82%	13%	*	4%	1%
i. Near the center of town-----	21%	34%	26%	18%	1%
j. Convenient to 41 st Avenue-----	23%	32%	23%	21%	1%

8. On another topic, as far as you know, does your roof gutter system drain to a local stream or creek; to Monterey Bay; to an on-site Catchment system; or are you not sure where your roof gutter system drains?

Local stream/creek-----	15%
Monterey bay -----	18%
On-site catchment system -----	9%
Not sure -----	56%
No Answer-----	2%

9. How familiar are you with water runoff, drainage, and pollution issues that affect local creeks and the Monterey Bay: are you very familiar with these issues, somewhat familiar, not too familiar, or not at all familiar, or have you not seen, read or heard much about this issue?

Very familiar -----	20%
Somewhat familiar -----	41%
Not too familiar -----	17%
Not at all familiar -----	14%
Not seen/heard/read much -----	7%
(DON'T READ) DK/NA -----	1%

10. Before now, had you heard that the City of Capitola has a pollution prevention and protection program intended to improve water quality and reduce pollution caused by various types of runoff and drainage?

Yes, aware -----	39%
No, not aware -----	60%
DK/NA-----	1%

11. Thinking about local Capitola City government: Currently, some people have talked about changing the job of City Treasurer from an elected post to one that is appointed by the City Council. In general, would you approve or disapprove of this idea? If you need more information, you can tell me that, too.(IF APPROVE/DISAPPROVE, ASK): Do you strongly or somewhat (approve/disapprove)?

	<u>Total Sample</u>	<u>Likely Voters (N=149)</u>
Strongly approve -----	14%	13%
Somewhat approve -----	18%	20%
Somewhat disapprove -----	10%	11%
Strongly disapprove -----	26%	29%
Undecided/DK/NA -----	31%	27%

12. Next, I am going to read statements by those in favor of and those opposed to making the City Treasurer an appointed rather than an elected position: (ALTERNATE ORDER OF STATEMENTS)

(First/Next), those in favor say that: According to the State constitution, the only requirement to be a City Treasurer is to be 18 years old and a registered voter. But today, being Treasurer is a complex job requiring someone who is an expert in financial markets, investment policies, records management and other financial areas. More than two-thirds of the cities in California now have an appointed rather than an elected Treasurer, including all the other cities in Santa Cruz County. Appointing rather than electing a treasurer will save the City money. This job is too important to be left to a possibly unqualified politician who may be popular and likeable, but lacks even a basic understanding of municipal finance practices.

(First/Next), those opposed say an elected Treasurer is a key component of our local system of checks and balances, the built-in mechanism that prevents one component of City government from becoming too powerful. An elected Treasurer is independent, answerable only to the people at the next election. An appointed Treasurer will answer to the City Council, who have the power to fire the Treasurer if they do not like what he or she is doing. An elected Treasurer supports good government and accountability. An independent, elected Treasurer can prevent the kinds of abuses we saw in Bell, California and prevent the kind of mismanagement that has led to other cities, like Stockton, to go bankrupt.

Now that you know more about this issue, if an election were held today, would you vote "yes" to make the City Treasurer an appointed position, or "no," to keep it as an elected position? (IF YES/NO, ASK): Would you definitely or probably vote (yes/no)?

	<u>Total Sample</u>	<u>Likely Voters (N=149)</u>
Definitely yes -----	30%	31%
Probably yes -----	14%	12%
Probably no -----	9%	9%
Definitely no -----	32%	35%
Undecided/DK/NA -----	14%	13%

14. One final issue is being considered by the City: to increase the Transient Occupancy Tax, or hotel tax, by one percent, so it is the same as the tax charged in the City of Santa Cruz and the unincorporated areas of Santa Cruz County. It may read as follows:

"To protect the quality of life in the City of Capitola by supporting police, libraries, parks and recreation, and other essential city services; encouraging economic growth; and supporting efforts to create jobs for local residents, shall the City of Capitola be authorized to augment the city's General Fund by levying an additional tax of one percent in the Transient Occupancy Tax on people staying at local hotels and motels in the City of Capitola?" If the election were held today, would you vote "yes," in favor of it or "no," to oppose it? **(IF YES/NO ASK:)** "Is that definitely (yes/no) or probably (yes/no)?"

	<u>Total Sample</u>	<u>Likely Voters (N=149)</u>
Definitely yes -----	56%	57%
Probably yes -----	18%	17%
Probably no -----	6%	5%
Definitely no -----	14%	14%
Undecided/DK/NA -----	7%	8%

Now for some background questions so we can be sure we have a good representation of the population.

15a. Have you had any direct contact, either in person or by telephone with Capitola City government in the past year?

Yes-----	(ASK Q.15b/c) -----	24%
No-----	(GO TO Q.16) -----	76%
Refused---	(GO TO Q.16) -----	1%

15b. In general, how would you rate the service you received from the City employee or employees with whom you have spoken? Have they been: (READ CHOICES)

N = 57

Very courteous and helpful -----	74%
Somewhat courteous and helpful -----	18%
Somewhat discourteous and not too helpful -----	4%
Very discourteous and not too helpful -----	0%
(DO NOT READ)DK/NA -----	4%

15c. With which City department or departments have you had contact? (DO NOT READ LIST; CIRCLE ALL THAT APPLY)

N = 57

Police -----	42%
Planning/Permitting/Building -----	34%
City Council -----	29%
Public Works -----	28%
City Clerk -----	8%
City Manager -----	12%
Parking -----	7%
Capitola History Museum -----	5%
Recreation -----	5%
Finance -----	4%
Arts & Cultural (concerts, movies, art shows, etc.) -----	5%
Other (LIST) -----	7%
DK/NA -----	2%

16. Do you own or rent your home?

Own home -----	57%
Rent -----	42%
(DON'T READ) Refused -----	2%

17. Are there any children under the age of 18 living in your household?

Yes -----	21%
No -----	77%
DK/NA -----	2%

18. For about how long now have you lived in the City of Capitola?

Five years or less----- 19%
 Five to ten years ----- 24%
 11 to 20 years ----- 26%
 More than 20 years ----- 30%
 Refused ----- 2%

Gender: By observation

Male ----- 43%
 Female ----- 57%

Name _____

Phone # _____

Address _____

Date _____

Interviewer _____

Replicate # _____

Verified by _____

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Party Affiliation:

Democrat ----- 55%
 Republican ----- 17%
 Independent/No Party/Others ----- 28%

Age:

18-24----- 6%
 25-29----- 6%
 30-34----- 7%
 35-39----- 6%
 40-44----- 8%
 45-49----- 6%
 50-54----- 12%
 55-59----- 8%
 60-64----- 12%
 65+----- 30%

Voting History:

11/12----- 88%
 6/12 ----- 59%
 11/10----- 73%
 6/10 ----- 45%
 5/09 ----- 43%
 11/08----- 78%
 6/08 ----- 46%
 2/08 ----- 66%

Permanent Absentee:

Yes----- 53%
 No ----- 47%

Ever Voted Absentee:

Yes----- 81%
 No ----- 19%

Phone:

Cell ----- 44%
 Landline----- 56%

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