

City of Capitola Agenda

Mayor: Kristen Petersen
Vice Mayor: Yvette Brooks
Council Members: Jacques Bertrand
Ed Bottorff
Sam Storey



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, JANUARY 9, 2020

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 5:30 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 Open Session Meeting.

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiators: Larry Laurent, Samantha Zutler

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Confidential Employees; (4) Mid-Management Group; and (5) Department Heads

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).

(One potential case)

LIABILITY CLAIMS [Gov't Code § 54956.95]

Claimant: Stacy Austin

Agency claimed against: City of Capitola

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

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

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 Jacques Bertrand, Ed Bottorff, Yvette Brooks, and Sam Storey, and Mayor Kristen Petersen

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

Additional information submitted to the City 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 / STAFF COMMENTS

City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.

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 the December 19, 2019, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

B. Liability Claim of Stacy Austin
RECOMMENDED ACTION: Reject liability claim.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

All items listed in "General Government" 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. Consider Contracts with the City of Santa Cruz Marine Safety Division for Beach Lifeguard Services and with Central Fire Protection District for Lifeguard Training Services
RECOMMENDED ACTION: Authorize the City Manager to sign one-year contracts in an amount not to exceed \$91,500 with the City of Santa Cruz Marine Safety Division and \$13,000 with Central Fire Protection District.

- B. Report on Damage Sustained on the Capitola Wharf
RECOMMENDED ACTION: Receive a report on the January 1, 2020, damage to the Capitola Wharf; ratify emergency actions taken to protect the wharf; if necessary, approve additional emergency actions to facilitate repairs to the wharf; and authorize associated expenditures from Measure F funding.

- C. Consider Items for a Municipal Code Title 2 Administration Cleanup Ordinance
RECOMMENDED ACTION: Provide direction.

- D. Annual Donations Report
RECOMMENDED ACTION: Receive the donations and contributions report.

9. ADJOURNMENT

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

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

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

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

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
January 9, 2020

in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

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



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: City Manager Department

SUBJECT: Consider the December 19, 2019, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the regular meeting of November 26, 2019.

ATTACHMENTS:

1. 12-19 draft minutes

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

A handwritten signature in black ink, appearing to be "JG", written over a horizontal line.

Jamie Goldstein, City Manager

12/31/2019

**DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, DECEMBER 19, 2019**

Mayor Bertrand called the meeting to order at 5:15 p.m. with the following in attendance:

Council Member Yvette Brooks: Present, Council Member Ed Bottorff: Present, Council Member Sam Storey: Present, Vice Mayor Kristen Petersen: Present, Mayor Jacques Bertrand: Present.

There were no members of the public present and the Council adjourned to the City Manager's Office to discuss the following items in closed session:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Confidential Employees; (4) Mid-Management Group; and (5) Department Heads

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Govt. Code § 54956.9(d)(4).

(One potential case)

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 6 PM

1. PLEDGE OF ALLEGIANCE

2. REPORT ON CLOSED SESSION

City Attorney Samantha Zutler reported that Council discussed the two listed items and provided direction.

3. ADDITIONAL MATERIALS

A. Item 9.D – corrected staff report

B. Item 10.A – public comment

C. Item 10.B – California Coastal Commission comment

4. ADDITIONS AND DELETIONS TO AGENDA - None

5. PUBLIC COMMENTS

Cherrie McCoy spoke about the Capitola Mall and her desire for a destination site that reflects Capitola's charm.

6. CITY COUNCIL / STAFF COMMENTS

Mayor Bertrand expressed his pleasure with the community dialog he has seen during his tenure a mayor and he encouraged public participation in the many local non-profit organizations. He praised efforts to train police officers in de-escalation, which he recently observed in practice, and thanked Public Works on behalf of residents for the new small

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

December 19, 2019

park in the McCormick triangle. Vice Mayor Petersen presented him with a plaque thanking him for service as mayor.

7. COUNCIL REORGANIZATION

1. City Council Reorganization for the Selection of Mayor and Vice Mayor [120-37]
RECOMMENDED ACTION: City Council consideration of a new Mayor and Mayor Pro Tempore.

MOTION:	APPOINT KRISTEN PETERSEN AS MAYOR
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

Former Mayor Bertrand handed the gavel to incoming Mayor Petersen, who chaired the remainder of the meeting.

MOTION:	APPOINT YVETTE BROOKS AS VICE MAYOR
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Appoint Art and Cultural Commission Members
RECOMMENDED ACTION: Reappoint Mary Beth Cahalen, Laurie Hill, and James Wallace as at-large members for terms expiring in December 2021 as recommended by the Art and Cultural Commission.

MOTION:	REAPPOINT MARY BETH CAHALEN, LAURIE HILL, AND JAMES WALLACE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

- B. Appointment of Youth Member to Art and Cultural Commission
RECOMMENDED ACTION: Appoint Ayden MacKenzie to a one-year term as a youth member as recommended by the Art and Cultural Commission.

MOTION:	APPOINT AYDEN MACKENZIE AS A YOUTH MEMBER AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
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- C. Consider Council Financial Advisory Committee membership
RECOMMENDATION: Determine if the new mayor and vice mayor wish to serve on the Finance Advisory Committee, and provide direction on related appointments and recruitment.

Mayor Petersen and Vice Mayor Brooks both indicated they will serve on the committee. Therefore, no other council members need to serve. Council Member Bertrand will need to make an appointment. The vacancy will be noticed as required.

9. **CONSENT CALENDAR**

MOTION:	APPROVE OR ADOPT AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand, Mayor
SECONDER:	Yvette Brooks, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

- A. Consider the November 26, 2019, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive the Planning Commission Action Minutes for the Regular Meeting of December 5, 2019
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated November 1, November 8, November 15, November 22, and November 29, 2019
RECOMMENDED ACTION: Approve check registers.
- D. Consider a Resolution Authorizing an Increase in the Residential and Commercial Garbage Collection Rates[930-45]
RECOMMENDED ACTION: Adopt a Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola, resulting in a 3.03 percent rate increase pursuant to the franchise agreement with GreenWaste Recovery, effective January 1, 2020.
- E. Adopt a Resolution Setting the Interest Rate for Tenants' Security Deposits for 2020 at Zero Percent (0.00%) [750-10]
RECOMMENDED ACTION: Adopt Resolution.
- F. Adopt an Ordinance Amending Capitola Municipal Code Chapter 12.64 Sidewalk Vending Prohibitions
RECOMMENDED ACTION: Approve the second reading of an ordinance to amend Chapter 12.64 to allow sidewalk vending consistent with Senate Bill 946, by title only, waiving further reading.

10. **GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Consider an Appeal of the Planning Commission's Denial of a Tree Removal Permit for a Coast Redwood at 1600 49th Avenue
RECOMMENDED ACTION: Deny the appeal and support approval of pruning measures established in the arborist report.

Planner Matt Orbach presented the staff report, walking the Council through the process

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
December 19, 2019

to date and the findings required to grant a permit. Council Member Storey asked about maintenance to avoid branch failure. Community Development Director Katie Herlihy clarified the City's arborist recommends branch trimming, not tree removal.

Appellants Michael and Vickie Oliver presented their concerns and why they believe safety concerns cannot be mitigated, leaving removal as the only option. They shared images showing sizable branch failure. Mrs. Oliver shared her fears of future failure.

In public comment, Robert McGanty, adjacent neighbor, said he fears falling large branches could cause injuries.

Council Member Bertrand noted tree appears unbalanced and heavier toward the neighbor's property, and confirmed that many failures are branches near the area of the trunk that narrows. He believes staff came to the correct conclusion based on arborist's report; however, previous trimming has made the tree unstable. Council members agreed that the tree is a safety hazard. Council Member Storey acknowledged that the required finding that there are no feasible alternatives is more challenging, but members agreed that since the tree was previously topped, growth will continue on lower branches, making them heavier and more likely to fail even if trimmed.

MOTION:	MAKE THE REQUIRED FINDINGS FOR REMOVAL, GRANT THE REMOVAL PERMIT, AND REFUND THE COUNCIL APPEAL FEE.
RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Jacques Bertrand, Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

B. Report on Emergency Declaration from December 3, 2019

RECOMMENDED ACTION: Receive a report on a Proclamation of Existence of a Local Emergency made by the City Director of Emergency Services on December 3, 2019, in response damages to the Grand Avenue Pathway following heavy rains, and authorize associated expenditures from Measure F funding.

Public Works Director Steve Jesberg presented the staff report and images of the damage that began with a storm December 2. The emergency drain installation was done by hand and with workers tied off should further bluff failure occur.

Several council members had questions and concerns about the Coastal Commission communication including safety concerns about removing asphalt, fencing and other elements as requested by Coastal Commission and the feasibility of reclaiming land for the path.

Director Jesberg noted responses will be part of the permit application, will go to the Planning Commission. Footpath failures are already within a foot of private property so the path cannot be restored without taking private property. An entire new drainage system is required to address full bluff protection and would be very costly. The current drains were identified 10 years ago as the affordable option. Any new expenditures would need Council approval.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
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MOTION:	AUTHORIZE THE USE OF MEASURE F FUNDS TO PAY FOR EMERGENCY REPAIRS AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Botorff, Council Member
SECONDER:	Jacques Bertrand, Mayor
AYES:	Brooks, Botorff, Storey, Petersen, Bertrand

C. Receive Update Report on the Construction of the Capitola Branch Library
RECOMMENDED ACTION: Receive report.

Director Jesberg presented the staff report. He announced PG&E provided the long-awaited undergrounding plans this week, with omissions already identified by staff and now being addressed by PG&E. He noted that revenue is above original projections by more than \$375,000.

Council Member Brooks requested the library staff look into access furniture.

RESULT:	RECEIVED REPORT
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D. Receive Audit Report for Fiscal Year 2018-19
RECOMMENDED ACTION: Receive report.

Finance Director Jim Malberg introduced Ahmad Gharaibeh, CPA, an auditor from Eide Bailly, which recently completed its review of fiscal year 2018/19 finances. The audit confirms that the City has accurately reported its financial statements. He noted many requirement changes in recent years make the reports more complex.

RESULT:	RECEIVED REPORT
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E. Consider a Consolidated Coastal Development Permit Process for Pure Water Soquel
RECOMMENDED ACTION: Authorize a Consolidated Coastal Development Permit application for California Coastal Commission review of a major public works facility, in lieu of a local Coastal Development Permit.

Council Member Brooks lives within 500 feet of the proposed well site, so she recused herself and left the dais.

Community Development Director Katie Herlihy provided an overview of the consolidated permit process, which Soquel Creek Water District's (SCWD) Pure Water Soquel is seeking. Staff emphasized two mitigation measures in its proposed letter of support.

Ron Duncan and Melanie Schumaker of SCWD gave a brief look at the Capitola portion of the project. The project has received financial support from a \$49 million grant from the Environmental Protection Agency and \$50 million from the state, which is also providing a \$36 million low-interest loan.

Ms. Schumaker offered images of the well site and pledged strong public outreach efforts. It will have very low noise impact once well is up and running, but the district will offer to relocate residents during the 24-hour drilling. The district hopes the permit will be

Attachment: 12-19 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

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heard by the Coastal Commission on its March agenda in Scotts Valley.

Mayor Petersen asked the district to investigate options for short-term home rental rather than only hotel rooms, and Council Members encouraged using the project as an ongoing educational opportunity.

MOTION:	AUTHORIZE THE CONSOLIDATED PERMIT AS RECOMMENDED
RESULT:	ADOPTED [4 TO 0]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Ed Bottorff, Sam Storey, Kristen Petersen, Jacques Bertrand
RECUSED:	Yvette Brooks

11. **ADJOURNMENT**

The meeting adjourned at 8:12 p.m.

Kristen Petersen, Mayor

ATTEST:

Linda Fridy, City Clerk

DRAFT

Attachment: 12-19 draft minutes (Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: City Manager Department
SUBJECT: Liability Claim of Stacy Austin

RECOMMENDED ACTION: Reject liability claim.

DISCUSSION: Stacy Austin has filed a liability claim against the City for an undetermined amount.

Report Prepared By: Liz Nichols
Executive Assistant to the City Manager

Reviewed and Forwarded by:

A handwritten signature in blue ink that reads "Linda Fridy". The signature is written in a cursive style.

Linda Fridy, City Clerk

1/3/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: City Manager Department

SUBJECT: Consider Contracts with the City of Santa Cruz Marine Safety Division for Beach Lifeguard Services and with Central Fire Protection District for Lifeguard Training Services

RECOMMENDED ACTION: Authorize the City Manager to sign one-year contracts in an amount not to exceed \$91,500 with the City of Santa Cruz Marine Safety Division and \$13,000 with Central Fire Protection District.

BACKGROUND: In 2012, the City contracted with Santa Cruz Marine Safety Division (SCMSD) to operate beach lifeguard services at Capitola Beach. Capitola contracted with SCMSD due to its well-established training protocols, access to significant resources, and operations on nearby beaches. City Council authorized extensions through September 2019.

After the City contracted for beach lifeguard services with SCMSD in 2012, the California Surf Lifesaving Association (CSLSA) became concerned that the City's Junior Lifeguard Program was not being managed by a lifeguard agency. To address this, beginning in 2014 Capitola began working with SCMSD to train the City's Junior Lifeguard instructors according to United States Lifesaving Association (USLA) standards. After the summer of 2016, SCMSD notified the City it would be unable to continue to provide training for the City's Junior Guard program staff.

The City attempted to resolve the Junior Guard training needs with a staff solution for 2017 and 2018, however that solution proved unsustainable. For the 2019 season Council authorized a contract with Central Fire Protection District (CFPD) to provide training in Open Water Lifeguarding according to USLA standards, Title 22 and CPR.

The City and CFPD began working together in 2019 with the intent to pursue a larger partnership where CFPD would provide beach lifeguard services for Capitola Beach in addition to Junior Guard program staff training for the 2020 season. In recent months Central Fire began a merger with Aptos/La Selva Fire Protection District. In November the CFPD Board gave direction for the merger to take priority and to revisit beach lifeguarding services for the 2021 season at a later date. The CFPD board supported continuing to provide the City with lifeguard training services for the Junior Guard program staff for the 2020 season.

Based on the success of the past season, staff is recommending the City extend the contract with SCMSD for an additional year of beach lifeguard services at Capitola Beach and also to extend the contract with Central Fire for an additional year of lifeguard testing and training services for Junior Guard program staff.

Lifeguard Contracts
January 9, 2020

DISCUSSION: Under the proposed agreement with SCMSD, they will continue to assume full responsibility for lifeguard operations of Capitola Beach for the 2020 season, providing services between Memorial Day and Labor Day. Additionally, should the lifeguard staffing needs at Capitola Beach extend beyond the established schedule, the contract includes provisions for those services to be rendered on an actual cost basis.

SCMSD will staff the two existing Capitola lifeguard towers and provide one roving Beach Lifeguard II for supervisor support on summer weekdays. During weekends, holidays, and periods of high surf advisory, SCMSD will staff additional roving lifeguards on the beach as precautionary measures dictate. The City of Santa Cruz will operate the Capitola Beach Lifeguard Operations including recruiting, hiring, training, scheduling, organizing, administration, payroll, and equipment.

Under the proposed agreement with Central Fire, they will administer at least two 500-meter swim tests for Junior Guard staff candidates to determine eligibility for employment as Capitola Lifeguard/Junior Guard instructors and coordinators. CFPD will also provide training services for seasonal open water lifeguards according to USLA standard that will include at least 40 hours of course instruction in open water lifesaving and Title 22 First Aid or equivalent.

FISCAL IMPACT: The SCMSD proposed contract from May to September 2020 is \$91,119. This is an increase of approximately \$8,000 from the previous contract. The contract increase is due to increased hours and increased personnel costs. The CFPD proposed contract to provide testing and training services for the Junior Guard program staff is \$12,085 which is the same amount as the prior year. If approved, these contract amounts will be included in the FY 2020-21 budget.

Report Prepared By: Nikki Bryant LeBlond
Recreation Supervisor

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

12/31/2019



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: Public Works Department

SUBJECT: Report on Damage Sustained on the Capitola Wharf

RECOMMENDED ACTION: Receive a report on the January 1, 2020, damage to the Capitola Wharf; ratify emergency actions taken to protect the wharf; if necessary, approve additional emergency actions to facilitate repairs to the wharf; and authorize associated expenditures from Measure F funding.

BACKGROUND: High surf on January 1, 2020, damaged two pilings on the wharf. The two piles were located underneath the small boat hoist and the damage severely compromised the structural stability of the wharf in this area (Attachment 1). The wharf was closed to the public and will remain closed until the area is stabilized and further assessments can be completed to ensure the area is safe to the public. City staff have been in contact with both businesses on the wharf and is keeping them informed on the status of the repairs.

DISCUSSION: On January 2, 2020, Public Works staff met with engineers from Moffatt and Nichol, which provides marine engineering services, and Power Engineering, which has completed past repairs to the wharf, to assess the damage and develop a plan of action. The assessment quickly determined the hoist was in danger of falling into the bay and needed immediate action to prevent this from happening. The engineer and contractor developed a plan to install a steel beam spanning the failed area that could support the weight of the hoist and concrete ballast. The Public Works Director authorized the contractor to proceed immediately with this work, which is preliminarily estimated to cost less than \$25,000. The contractor mobilized on January 3 and as of the writing of this report has begun installation of the steel beam. Staff anticipates work will continue until the danger of losing the hoist has been mitigated. The California Coastal Commission has issued the City an emergency permit for this work.

The next phase of work will include replacement of the broken piles and related broken structural members. Public Works will work with Moffatt and Nichol to develop this scope, which may include removal and reinstallation of the hoist. Staff anticipates this scope of work will be consistent with the planned wharf rehabilitation project currently expected to be completed in the next two years. The urgency of this work cannot be determined until further evaluation of the damage has been completed. Staff will provide a verbal update to the Council at the meeting on January 9, 2020. This report may include the necessity to declare an emergency and consideration of awarding an emergency contract for additional repairs.

FISCAL IMPACT: Funding for the current work to save the hoist and subsequent further repairs,

Wharf Damage Report Jan 2020
January 9, 2020

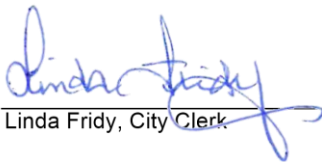
if needed, may come from the Measure F funds in the Capital Improvement Fund allocated to the Wharf Rehabilitation Project. Currently this fund balance totals just over \$1.2 million and is earmarked for flume, jetty, and wharf improvements.

ATTACHMENTS:

1. Broken pilings image

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Linda Fridy, City Clerk

1/3/2020



Broken pilings below the boat hoist are causing the wharf to sag.

Attachment: Broken pilings image (Wharf Damage Report Jan 2020)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: City Manager Department

SUBJECT: Consider Items for a Municipal Code Title 2 Administration Cleanup Ordinance

RECOMMENDED ACTION: Provide direction.

BACKGROUND: The City's municipal code is a living document that is frequently amended to address changes in state law and implement new approaches and requirements. Staff regularly refers to the Code to confirm what is permitted in various situations, and at times finds sections that are outdated or no longer relevant. Additionally, last year during the adoption hearings for Ordinance No. 1036, which created residency requirements for Planning Commission members, Council members directed staff to develop code amendment options to revise the process for removing a planning commissioner.

DISCUSSION: Staff has developed a list of several items for a code "cleanup" to sections of Title 2, Administration and Personnel. Some of those items require Council direction prior to preparation of the draft ordinance. Specifically, one item staff is seeking input regarding is the process for removal of a planning commissioner.

Section 2.12.020 currently reads:

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

- A. The council member who made the appointment requests removal; and
- B. At least three council members vote for the commissioner's removal at the next council meeting at which four or more council members are present. (Ord. 428 (part), 1978; Ord. 295 § 2, 1967; Ord. 58 § 2, 1951)

As written, the code requires a two-step process. First the appointing council member must request removal, then the matter is voted on by the full Council. Some other cities where council members appoint individual planning commissioners, such as Auburn, Windsor, and Norwalk, allow removal by a majority of the Council. Norwalk's code allows for removal either by the appointing member or a Council majority. Council could also consider a removal provision that required a super majority of the full City Council.

Many cities also specifically reference a number of absences as an automatic trigger for removal. Capitola addresses board and commission attendance in Administrative Policy I-5 rather than in the Municipal Code, allowing three non-consecutive absences a year. The Planning Commission has not historically had absence issues.

Code Cleanup Ordinance
January 9, 2020

Another issue staff has noted is how tasks are referred to an advisory body. When items are assigned to an advisory body, the assignment often requires a significant amount of work, both by staff and the public committee members. It is likely that directing this level of work should be based on a determination by more than one council member. Currently the City's code is silent on this issue but, over the last few years, single council members generally refer items to an advisory body. Options the Council may wish to consider are:

- Requiring that referring issues to advisory committees be an agenda item and require a Council majority; or
- A council member could make a referral at a Council meeting with the concurrence of one/two other members.

The last code cleanup item staff is seeking direction regarding is whether or not the chairs of boards and commissions should be granted the authority to place items on City Council agendas. Currently the code allows council members to place items on future agendas, provided the item is requested at a City Council meeting. However, the code includes more permissive language for the chair of any City board or commission. Specifically, 2.04.140 states that the chair of any board or commission may place an item on an agenda, "provided the subject is reasonably related to the powers and duties of the body and concerns a matter upon which the council has authority to act." Council may wish to remove this authority so an advisory board chairperson does not have greater agenda-setting authority than council members.

Other amendments that will be included in the ordinance update are more straightforward and include removing outdated references and updating language to reflect current practice. These include:

- Removing references to policies and bonds that do not need to be codified
- Addressing changes to meeting times and places to match existing practice
- Removing outdated Election Code references
- Updating public comment process to eliminate a preference for persons who have notified the City Clerk in advance of a hearing
- Clarifying appeal hearing process language
- Updating the language regarding the selection of Mayor for consistency with State law
- Eliminating the Redevelopment Agency section

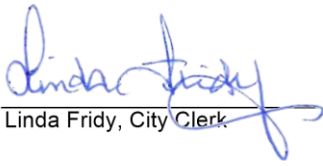
These specific changes will be included in a future cleanup ordinance for Council review.

FISCAL IMPACT: None.

Report Prepared By: Jamie Goldstein
City Manager

Code Cleanup Ordinance
January 9, 2020

Reviewed and Forwarded by:

A handwritten signature in blue ink that reads "Linda Fridy". The signature is written in a cursive style with a large initial 'L' and a long horizontal stroke at the end.

Linda Fridy, City Clerk

1/3/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 9, 2020

FROM: Finance Department

SUBJECT: Annual Donations Report

RECOMMENDED ACTION: Receive the donations and contributions report.

BACKGROUND: In July 2013, the City implemented Administrative Policy III-15, which authorizes the City Manager to accept and appropriate donations or grants of \$5,000 or less to support existing City projects and programs. Attachment 1 shows donations and contributions for the period July 2018 through June 2019.

DISCUSSION: Between July 2018 and June 2019, the City received \$68,086.19 in donations and contributions with values of \$5,000 or less. The contributions include support for the summer twilight concert series, Sunday art and music, movies at the beach, museum donations, library donations, CPR and first aid training, and junior lifeguard supplies.

During this period the City also received \$154,226.11 in state and federal grants (Attachment 2). Included was \$96,540 for 38th Avenue sidewalk reconstruction, \$37,568 for Park Avenue storm damage repairs, and a \$7,500 safety grant from the Monterey Bay Area Self Insurance Authority (MBASIA).

In February 2019, the Friends of the Capitola Branch Library contributed \$225,000 towards the Capitola Library capital campaign through its fundraising efforts, with help from the Santa Cruz County Community Foundation. Additionally, in Fiscal Year 2018-19 more than \$28,000 was raised from individual donors through the library paver program and capital campaign.

FISCAL IMPACT: The City of Capitola benefits greatly from the generosity of individual citizens, local businesses, non-profit agencies, and others. Between July 2018 and June 2019, the City received over \$447,000 in donations, contributions, and grant funding.

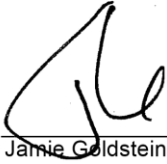
ATTACHMENTS:

1. Donations
2. Grants

Report Prepared By: Mark Sullivan
Senior Accountant

Donations Report
January 9, 2020

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

12/31/2019

City of Capitola
Donations & Contributions \$5,000 and under
July 2018 - June 2019

Date	From	Description	Amount
4/25/19	Capitola Public Safety Foundation	CPR & first aid training	\$ 2,000.00
Various	Various	Library donations	\$ 28,581.77
7/12/18	Pizza My Heart	Movies at the Beach sponsorship	\$ 3,000.00
6/27/19	Pizza My Heart	Movies at the Beach sponsorship	\$ 3,000.00
			\$ 6,000.00
Various	Various	Museum donations	\$ 10,553.06
9/27/18	Various	National Night Out	\$ 629.07
6/30/19	Jr. Lifeguard Parents Club	Rescue Boards	\$ 1,822.29
4/4/19	Greenwaste	Sunday Art & Music sponsorship	\$ 2,400.00
7/12/18	Mijo's Taqueria	Twilight concert sponsorship	\$ 700.00
7/26/18	Left Coast Sausage Worx	Twilight concert sponsorship	\$ 400.00
8/2/18	Britannia Arms	Twilight concert sponsorship	\$ 1,400.00
8/9/18	Left Coast Sausage Worx	Twilight concert sponsorship	\$ 300.00
8/9/18	Barry Swenson	Twilight concert sponsorship	\$ 1,400.00
4/11/19	Gayle's Bakery	Twilight concert sponsorship	\$ 1,400.00
4/11/19	Devcon	Twilight concert sponsorship	\$ 1,400.00
4/18/19	Lanai Financial Solutions	Twilight concert sponsorship	\$ 1,400.00
4/25/19	Zelda's	Twilight concert sponsorship	\$ 1,400.00
5/9/19	Britannia Arms	Twilight concert sponsorship	\$ 1,400.00
5/23/19	MGP XI REIT, LLC.	Twilight concert sponsorship	\$ 1,400.00
5/30/19	Aspromonte Hotel Group	Twilight concert sponsorship	\$ 1,400.00
5/30/19	Barry Swenson	Twilight concert sponsorship	\$ 1,400.00
6/6/19	Left Coast Sausage Worx	Twilight concert sponsorship	\$ 700.00
			\$ 16,100.00
			<u>\$ 68,086.19</u>

Attachment: Donations (Donations Report)

City of Capitola Grants July 2018 - June 2019

Date	From	Description	Amount
7/26/18	State of CA	Recycling Grant	\$ 5,000.00
5/23/19	State of CA	Recycling Grant	\$ 5,000.00
			<u>\$ 10,000.00</u>
12/21/18	DOJ	Bulletproof Vests	\$ 1,261.26
12/21/18	DOJ	Bulletproof Vests	\$ 48.11
6/30/19	DOJ	Bulletproof Vests	\$ 1,309.37
			<u>\$ 2,618.74</u>
6/30/19	Dept. of Transportation	Park Ave. storm damage repairs	\$ 37,567.70
8/2/18	MBASIA	Safety Grant	\$ 7,500.00
6/30/19	Santa Cruz County	RSTPX 38th Ave. sidewalks	\$ 96,539.67
			<u><u>\$ 154,226.11</u></u>

Attachment: Grants (Donations Report)