

# City of Capitola Agenda

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



## CAPITOLA CITY COUNCIL SPECIAL MEETING

WEDNESDAY, NOVEMBER 6, 2019

6:00 PM

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

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

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

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

**2. ADDITIONAL MATERIALS**

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

**3. ADDITIONS AND DELETIONS TO THE AGENDA**

**4. 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.*

**5. 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.*

**6. 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 Moving the Date of the December Council Reorganization Meeting  
RECOMMENDED ACTION: Amend the 2019 City Council and Successor Agency regular meeting schedule to move the December 12 meeting to December 19.
- B. Approval of an Air Board Grant and an Agreement with the Monterey Unified Air Pollution Control District for Traffic Signal Adaptive Control Systems  
RECOMMENDED ACTION: Approve an agreement with the Monterey Unified Air Pollution Control District to receive a grant in the amount of \$360,798 for Traffic Signal Adaptive Control Systems along 41<sup>st</sup> Avenue.

**7. 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 Adopting an Urgency Ordinance Temporarily Prohibiting No-Fault Evictions  
RECOMMENDED ACTION: Approve an urgency ordinance to temporarily prohibit no-fault evictions through December 31, 2019, for residential real property.
- B. Capitola Village Palm Tree Lights Update  
RECOMMENDED ACTION: Council discretion to either authorize an extension for the existing palm tree lights, or direct staff to remove them.

**8. 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.

CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA  
November 6, 2019

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

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

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

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



## CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

**MEETING OF NOVEMBER 6, 2019**

FROM: City Manager Department

SUBJECT: Consider Moving the Date of the December Council Reorganization Meeting

**RECOMMENDED ACTION:** Amend the 2019 City Council and Successor Agency regular meeting schedule to move the December 12 meeting to December 19.

**BACKGROUND/ DISCUSSION:** Each Fall, the City Council approves a meeting schedule for the next calendar year based on the Capitola Municipal Code direction that regular meetings be held on the second and fourth Thursdays of the month. The 2019 schedule includes a meeting on December 12, which is the reorganization meeting to consider selecting a new mayor and vice mayor.

Staff has been informed that not all council members can attend December 12. To allow all members to participate in the reorganization, staff recommends that another date be chosen. The municipal code requires that the selection of the mayor occur at a regular meeting, therefore the 2019 meeting schedule needs to be amended.

Based on a poll of availability, staff recommends the meeting schedule be amended to replace the December 12 meeting with one on December 19 at 6 p.m.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

1. Amended 2019 Meeting Schedule Council-Successor

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

Jamie Goldstein, City Manager

10/31/2019

**2019 CITY OF CAPITOLA**  
**City Council and Successor Agency Meeting Dates**  
**and Deadline for Submittal of Agenda Items**

SUBMITTAL DATE <sup>1</sup>	MEETING DATE <sup>2</sup>
DECEMBER 31	JANUARY 10
JANUARY 14	JANUARY 24
FEBRUARY 4	FEBRUARY 14
FEBRUARY 19	FEBRUARY 28
FEBRUARY 25	MARCH 14
MARCH 11	MARCH 28
APRIL 1	APRIL 11
APRIL 15	APRIL 25
APRIL 29	MAY 9
MAY 13	MAY 23
JUNE 3	JUNE 13
JUNE 17	JUNE 27
JULY 15	JULY 25
AUGUST 12	AUGUST 22
SEPTEMBER 3	SEPTEMBER 12
SEPTEMBER 16	SEPTEMBER 26
SEPTEMBER 30	OCTOBER 10
OCTOBER 15	OCTOBER 24
NOVEMBER 4	NOVEMBER 14
NOVEMBER 18	TUESDAY, NOVEMBER 26▲▲
DECEMBER 2	DECEMBER 12 19

Staff reports to be included on a particular agenda must be submitted to the City Manager's Office NO LATER than 5 p.m. on the submittal date so that it may be reviewed. Items received after that date may be scheduled for the next available agenda.

NOTE: ▲▲ Due to Thanksgiving Holiday, the meeting will be held on Tuesday.

This schedule was originally approved at the December 13, 2018, City Council Meeting and amended on November 6, 2019.

<sup>1</sup> Submittal dates are typically on Mondays; if a City holiday falls on a Monday the submittal date is on a Tuesday.

<sup>2</sup> Regular Meetings of the City Council/Successor Agency are held on the second and fourth Thursdays of each month. The Regular City Council meetings begin at 7 p.m. (or in no event earlier than 6 p.m.) in the Capitola City Hall Council Chambers, 420 Capitola Avenue, Capitola, CA.



## CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

**MEETING OF NOVEMBER 6, 2019**

FROM: Public Works Department

SUBJECT: Approval of an Air Board Grant and an Agreement with the Monterey Unified Air Pollution Control District for Traffic Signal Adaptive Control Systems

**RECOMMENDED ACTION:** Approve an agreement with the Monterey Unified Air Pollution Control District to receive a grant in the amount of \$360,798 for Traffic Signal Adaptive Control Systems along 41<sup>st</sup> Avenue.

**BACKGROUND:** The City has been awarded a Motor Emissions Reduction Program Grant in the amount of \$360,798 from the Monterey Bay Unified Air Pollution Control District for the study and implementation of an Adaptive Traffic Control System along 41<sup>st</sup> Avenue. Adaptive traffic control is a traffic management strategy in which traffic signal timing changes, or adapts, based on actual traffic demand. This is accomplished using an adaptive traffic control system consisting of both hardware and software. A similar system installed on Main Street in Salinas reduced travel times in all time periods by up to 46 percent, resulting in fuel saving of \$6,900 daily.

**DISCUSSION:** This grant combines with a second grant from the Air Board that was awarded to the City in 2018 to connect the City-owned traffic signals with the Caltrans signals at the Highway 1 ramps and 41<sup>st</sup> Avenue. In addition, the County of Santa Cruz was also awarded an Air Board grant this year to coordinate signals on Soquel Drive and the northern portion of 41<sup>st</sup> Avenue, and Public Works staff is working with the County to coordinate both efforts.

The design of the work within the City has already been completed as part of the first grant and currently the design consultant is working with Caltrans to obtain the necessary permits for integration with its systems. Staff anticipates that Caltrans approval will be obtained in the next six months, which will coincide well with the timing of the County project. If both projects come together concurrently, the City and County may combine the two projects into a single project to improve bid quantities and hopefully realize reduced costs.

The anticipated project schedule is as follows:

Caltrans Permit Issuance	February 2020
Finalize Plans and Specifications	March 2020
Bid Project	April 2020
System installation	June – August 2020
Post-project data collection	September 2020

Air Board Grant Approval  
November 6, 2019

Final report preparation  
Project acceptance

October 2020  
December 2020

This schedule remains flexible as needed if opportunities become available to coordinate with the County project.

FISCAL IMPACT: The two grants awarded to the City total \$760,798. The current total project estimated cost is \$850,000. The City will need to provide the \$90,000 gap in funding. The Gas Tax fund will be used to the maximum extent to cover these costs. Currently this fund has \$20,000 in fund balance and it is anticipated that an additional \$40,000 will be available next fiscal year when this project is built. Additional funding for this work will be identified in the 2020/21 Capital Improvement Program budget.

ATTACHMENTS:

1. Air Board Grant Agreement

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager

10/31/2019

FY20 AB2766 Motor Vehicle Emissions Reduction Program

**Grant Agreement No. 20-10**

**TABLE OF CONTENTS**

<u>Document</u>	<u>Description and Pages in Document</u>
Grant Agreement	Contract agreement that must be signed by both parties to execute grant (Pages 1-4).
Attachment 1	<b>Project Description, Budget and Schedule-- (Pages 1-4).</b> This Attachment includes the Project Description, Budget, Schedule and grantee contact info.
Attachment 2	<b>Special Grant Conditions-- (Up to 2 pages).</b> This Attachment lists any special grant conditions applicable to Grantee, based on the grant application submitted by Grantee, grant award conditions and applicable AB2766 Grant Program requirements.
Attachment 3:	<b>Conflict of Interest Certification – (One page).</b>
Attachment 4:	<b>Instructions for Completing Grant Agreement, Reimbursement Requests, and Reports – (Three pages).</b> This attachment provides detailed instructions for completing and returning this grant agreement for execution by District. It also provides instructions for invoicing and reporting, as well as a description of how District shall reimburse grantee for eligible project costs.

Attachment: Air Board Grant Agreement (Air Board Grant Approval)

*This concludes the Table of Contents page*



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## FY20 AB2766 Motor Vehicle Emissions Reduction Program

**Grant Agreement**

Between

The Monterey Bay Unified Air Pollution Control District

And

*City of Capitola***Grant Agreement Number: 20-10****Project Title: *41st Avenue Adaptive Traffic Control System***

The Monterey Bay Unified Air Pollution Control District (hereinafter, "District") and *City of Capitola* (hereinafter, "Grantee") enter into this Agreement (hereinafter, "Agreement") to implement the Project entitled *41st Avenue Corridor Adaptive Traffic Control System* (hereinafter, "Project") as described herein. The purpose of the Agreement is to reduce emissions of motor vehicles in accordance with Assembly Bill 2766 (California Health and Safety Code §§44220-44247) through implementation of the Project by Grantee, funded in part by AB2766 funding as agreed herein.

**A. General Agreements**

1. This Agreement shall be comprised of the Grant Agreement No. *20-10* and Attachments 1, 2 3 and 4.
2. The term of this Agreement ("Term") shall begin the date the Agreement is last signed by either party ("Start Date") and end on the date the grant agreement expires ("Completion Date").
3. To be eligible for reimbursement, expenditures shall be incurred solely during the Term of the Agreement.
4. Once the grant agreement has fully been executed, the grant award cannot be increased.
5. Expenditures for administration of the grant shall not exceed 5% of the grant award.
6. Grantee hereby promises that all other funds shown as "secured" in Attachment 1 of this Agreement have been appropriated by Grantee or awarded to Grantee after adoption of its current annual budget.
7. Secured funds shall be available for expenditure on the Project by *January 31, 2020*.
8. Grant-eligible expenditures are identified in the Attachment 1 Budget section of this Agreement.
9. Total funding by the District pursuant to this Agreement shall not exceed *\$360,798*.
10. Any final reimbursement may be withheld prior to the submittal by the grantee of a final report as defined in section D of this grant agreement.

**B. Grantee Obligations***Grantee shall:*

1. Execute and deliver this Agreement to the District no later than *December 31, 2019*
2. Implement the Project in accordance with the scope, budget and schedule specified herein.

Attachment: Air Board Grant Agreement (Air Board Grant Approval)

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3. Comply with all applicable District, federal, state and local laws and regulations, and obtain all permits, approvals or clearances required to implement the Project, including any necessary District permits.
4. Collect and report travel activity and other pertinent data, keep records and submit supporting expense documentation in accordance with the terms of this Agreement.
5. Request reimbursement for grant-eligible expenditures in accordance with Attachment 4, thereby affirming that grant-eligible expenditures have been incurred for the purposes specified in the request.
6. Provide supporting documentation for expenditures to the District in a manner and form satisfactory to District staff.
7. Request reimbursement for grant-eligible expenditures prior to the Completion Date, in accordance with Attachment 4.
8. Assist District staff in inspecting and reviewing the Project.
9. To obtain a final reimbursement of eligible expenditures for the grant amount, Grantee shall:
  - (a) Submit a reimbursement request for those expenditures if not previously invoiced;
  - (b) Submit a Final Report for the Project, satisfactory to the District, in accordance with Attachment 2 and 4 and;
10. Fulfill any other obligations, for which Grantee is responsible, specified in this Agreement.
11. Grantee shall defend, indemnify and hold harmless the District, its officers and employees from and against any liability or costs of any type, including attorney's fees, arising out of or related to Grantee's performance under this Agreement, except for liability or costs arising out of the sole negligence of the District, its officers or employees.
12. Grantee *must* formally submit in writing any requests to amend or modify the grant agreement, the project budget or project schedule.

### C. District Obligations

#### *District shall:*

1. Reimburse grant-eligible expenditures incurred by Grantee to implement the Project, provided they are documented in a reimbursement request submitted in accordance with the terms of this Agreement.
2. Disburse payment within 30 calendar days of District approval of each Grantee reimbursement request unless otherwise specified in Attachment 2.
3. Promptly respond to questions regarding the Agreement's terms and conditions, including, but not limited to: eligible expenses, reimbursement requests and reports.
4. Fulfill any other obligations, for which the District is responsible, specified in this Agreement.

### D. Reports

1. Grantee shall submit Quarterly Reports regardless of whether or not quarterly reimbursements are requested.
2. Quarterly reports submitted shall cover each three month period from Start Date to Completion Date, in accordance with Attachment 4.

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- For all projects, a Final report shall be submitted at the completion date of the project, in accordance with Attachment 4.

### **E. Grant Agreement and Obligation Period**

- This Agreement shall expire on the Completion Date and may be extended one time only upon written request and approval by the District Board of Directors. The grant agreement shall then be amended to reflect the new Completion Date.
- If Grantee has an unreimbursed grant award balance after the end of the Term, this Agreement shall terminate without notice and the District shall have no obligation to make any further reimbursement to Grantee.

### **F. Notices and Correspondence**

Correspondence or notices required by this Agreement shall be sent via First Class Mail or facsimile to the individuals and addressees specified below:

**District:** Richard Stedman, Air Pollution Control Officer  
Attention: Alan Romero  
24580 Silver Cloud Court, Monterey, CA 93940  
Tel: (831) 647-9411 FAX (831) 647-8501 email: aromero@mbuapcd.org

**Grantee:** **Steve Jesberg**  
**Public Works Director**  
**420 Capitola Avenue**  
**Capitola, California 95010**  
**Telephone: (831) 475-7300**  
**FAX: (831) 479-8879**  
[sjesberg@ci.capitola.ca.us](mailto:sjesberg@ci.capitola.ca.us)  
**Website:** [www.cityofcapitola.org](http://www.cityofcapitola.org)

### **G. Assignment and Delegation**

Except as provided in Attachment 2, herein, this Agreement and all associated benefits, including capital or equipment reimbursed in whole or part by AB2766 grant funds, and any duties, obligations or liabilities arising therein, may not be assigned or delegated during the Project or five years from the Start Date, whichever occurs first, without the prior written consent of the District.

### **H. Severability**

If any clause or term of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the Agreement shall remain in full force and effect.

### **I. Entire Agreement**

- This Agreement constitutes the entire agreement between the parties, and supersedes any prior agreement concerning the subject matter herein.

[Empty box for Grantee Initials]

- 2. Amendments to this Agreement shall be proposed in writing by either party and to become effective, shall be signed and dated by both District and Grantee.
- 3. Oral representations by either party or their representatives shall have no force or effect.

**J. Termination**

- 1. The District shall have the right to terminate this Agreement without prior notice if Grantee causes or fails to prevent any of the following:
  - (a) Failure to perform in a timely, professional or competent manner;
  - (b) Failure to make reasonable progress in implementing the Project;
  - (c) Material breach or failure to abide by any term or condition of the Agreement;
  - (d) Assignment of any benefits or delegation of any duties associated with this Agreement to a third party except as provided in Attachment 2;
  - (e) Failure to report any conflict of interest as required by Attachment 3, herein or
  - (f) Bankruptcy or dissolution of Grantee.
- 2. The District shall determine whether cause exists for termination and if so, shall issue a Stop Work Notice to Grantee, followed within three working days by a Notice of Termination, which shall specify a termination date.
- 3. Upon receipt of a District Stop Work Notice or a Notice of Termination, Grantee shall immediately stop work on all activities requiring reimbursement under this Agreement, unless the Notice includes directions as specified immediately below in Section 4.
- 4. If so stated in the Stop Work Notice or a Notice of Termination, the Grantee may continue to incur grant-reimbursable expenditures through the termination date specified in the Notice, to ensure:
  - (a) Continuation of any grant-funded activity needed to maintain air quality or reduce vehicular emissions; and
  - (b) Continuation of any grant-funded activity needed to discharge Grantee obligations if specified in the Notice of Termination.
- 5. Breach of any material term of this Agreement by Grantee shall be considered a breach of the entire Agreement.

**K. Acceptance**

The undersigned attest to being the duly authorized representatives of the parties to this Agreement, and further attest to having read this Agreement in its entirety and covenants to comply with all its terms and conditions.

Authorized signature for Grantee:

For the District:

\_\_\_\_\_  
Jamie Goldstein  
City Manager

\_\_\_\_\_  
Richard A. Stedman  
Air Pollution Control Officer (APCO)

Date: \_\_\_\_\_.

Date: \_\_\_\_\_.

Grant Expiration Date: \_\_\_\_\_.

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## ATTACHMENT 1 - PROJECT DESCRIPTION, BUDGET AND SCHEDULE FY20 AB2766 Motor Vehicle Emissions Reduction Program

**Project:** *20-10 41st Avenue Corridor Adaptive Traffic Control System*

**Grantee:** *City of Capitola*

### Project Narrative:

The City of Capitola is experiencing significant arterial roadway congestion along 41<sup>st</sup> Avenue that creates inefficient motor vehicle traffic resulting in considerable emissions of pollutants and particulate matter. The City will implement a regional adaptive system along the 41<sup>st</sup> Avenue corridor which spans several jurisdictions including Santa Cruz County, Caltrans, and Capitola. In addition to significantly reducing motor vehicle emissions, the project would decrease average travel time along the corridor by approximately 442,562 vehicle-hours and decrease fuel consumption by approximately 199,700 gallons of fuel in the first year after installation.

The project will focus on implementing the 41<sup>st</sup> Avenue adaptive traffic control system using the Rhythm Engineering In|Sync system at four (4) signalized intersections in the City of Capitola jurisdiction which extends from 41<sup>st</sup> Avenue /Clares Street on the north end to 41<sup>st</sup> Avenue / Jade Street on the south end. This project will be part of the entire 41<sup>st</sup> Avenue adaptive corridor from Soquel Drive to Jade Street

1. The City has already prepared construction ready PS&E documents for the project using local funds. The project was initially placed on-hold due to equipment and construction costs exceeding available project funds at the time. The City is committed to stake \$137,780 in matching funds to complete the project (see Budget).
2. The City is currently working on implementing the same adaptive signal system along 41<sup>st</sup> Avenue at the Caltrans Highway 1 ramps and Gross Road intersection (ref. AB27676 Grant Agreement #19-13). The project has received full cooperation and coordination with Caltrans District 5, and the City is applying for an encroachment permit to install new controllers and bridge communication with the entire 41<sup>st</sup> Avenue adaptive system corridor.
3. Santa Cruz County is also planning an adaptive signal system using In|Sync at six (6) intersections along 41<sup>st</sup> Avenue, Soquel Drive, Soquel San Jose Road, and Porter Street. The City and County are collaborating to ensure our proposed adaptive systems are linked to a shared network and can operate independently if needed. A networked adaptive signal system along the 41<sup>st</sup> Avenue and Soquel Drive corridors will provide joint transportation benefits for all regional agencies and bring connected traffic congestion relief during emergency response and during peak travel times.
4. For construction management, Capitola and Santa Cruz County are investigating a plan to advertise the 41<sup>st</sup> Avenue and Soquel Drive corridors as one bid project and administer each project separately once awarded. This approach of combining projects to a single bid will potentially reduce construction costs for procuring and installing the adaptive signal equipment in bulk quantity.

[Empty box for Grantee Initials]

The project will cover furnishing the equipment and construction costs to install the 41<sup>st</sup> Avenue adaptive system in City right-of-way. **Figure 1** illustrates the Capitola project area and the proposed intersections for the adaptive control system.

The 41<sup>st</sup> Avenue roadway suffers fluctuating traffic volumes and unpredictable traffic patterns on its segments due to a high concentration of retail, institutional, and commercial establishments and the signals not being synchronized/coordinated, especially at the Highway 1 freeway ramps. Commute traffic in the AM and PM peak period, as well as tourist traffic heading towards the beach areas located near the project corridor contribute to congestion along the corridor. Thus, while many of the intersections within the project segment operate at an acceptable LOS during peak periods, progression along the corridor is very poor. **Figure 2** shows relative traffic speeds on the study corridor in Google Maps during typical weekday morning and afternoon commute periods. An adaptive traffic signal system on this corridor will have substantial emissions-reduction benefits based on results seen in previous adaptive implementations in the City of Salinas and other cities in the U.S. as well as traffic model simulations. Additionally, installation of an adaptive system will benefit the corridor further to the north in the Santa Cruz County area, where an adaptive system on 41<sup>st</sup> Avenue and Soquel Drive is planned. We are confident traffic congestion caused by the fluctuating levels in traffic along the corridor will be alleviated by the implementation of an adaptive system.

The estimated cost to implement our project which includes furnishing the equipment and construction cost of the Capitola adaptive system is \$498,578.

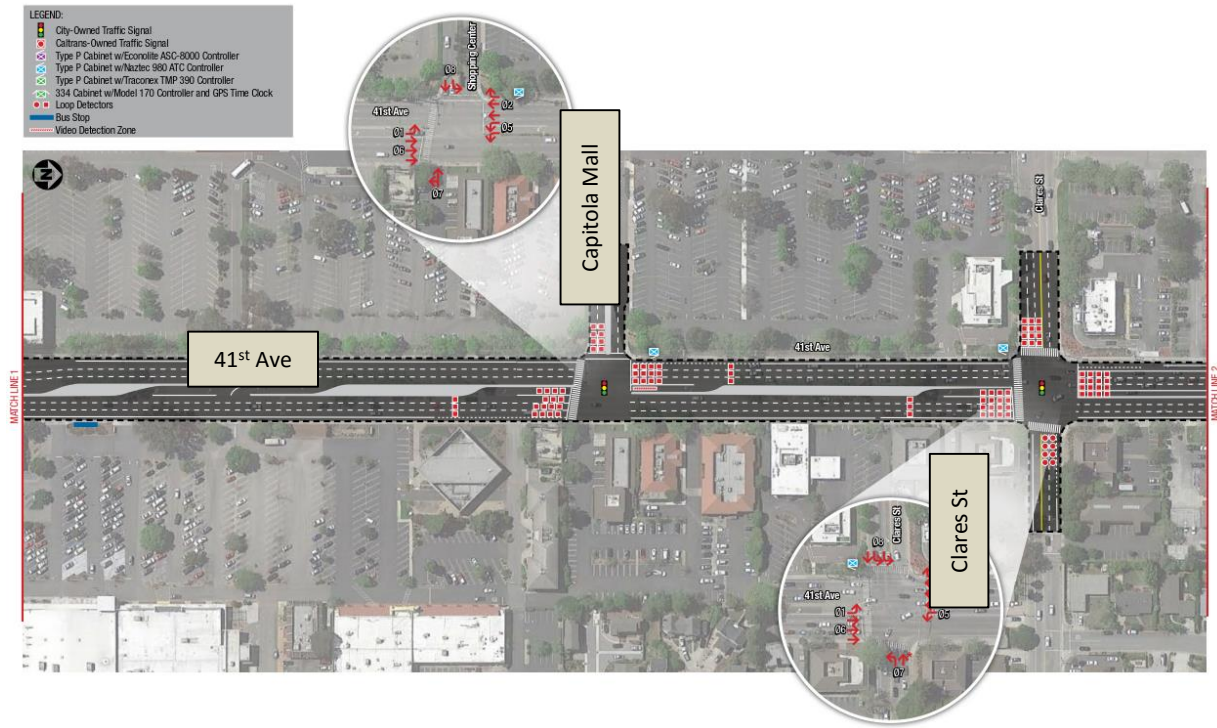
**Figure 1: Project Location Map**



Attachment: Air Board Grant Agreement (Air Board Grant Approval)



[Empty box for Grantee Initials]



Attachment: Air Board Grant Agreement (Air Board Grant Approval)



Santa Cruz County Adaptive System Project Area

Caltrans 41<sup>st</sup> Avenue Adaptive System Project Area  
(MBARD Grant #19-13)

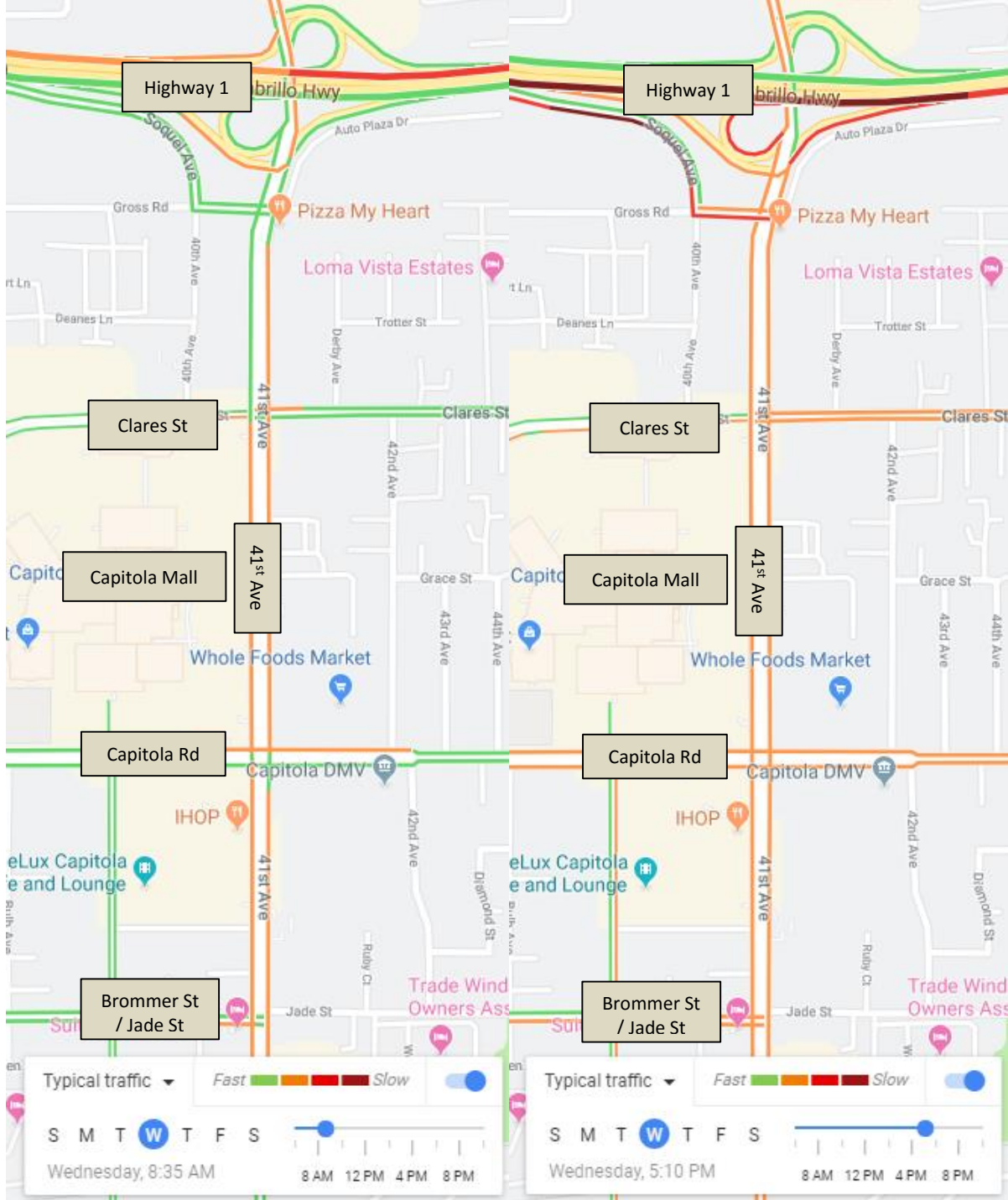
Capitola 41<sup>st</sup> Avenue Adaptive System Project Area

Attachment: Air Board Grant Agreement (Air Board Grant Approval)



[Empty box for Grantee Initials]

Figure 2: Existing Traffic Conditions (AM and PM peaks)



Attachment: Air Board Grant Agreement (Air Board Grant Approval)

## **SCOPE OF WORK**

### **Project Objective**

The City of Capitola will purchase and install an adaptive system using In|Sync along the 41<sup>st</sup> Avenue corridor at four (4) traffic signals in the City. The project will cover:

1. 41<sup>st</sup> Avenue / Clares Street
2. 41<sup>st</sup> Avenue / Capitola Mall
3. 41<sup>st</sup> Avenue / Capitola Road
4. 41<sup>st</sup> Avenue / Jade Street / Brommer Street

The objective is to substantially reduce emissions, improve the LOS, and improve traffic flow. Based on traffic data collected in 2017, the combined 41<sup>st</sup> Avenue project corridor is anticipated to increase average travel speeds by approximately 10%, decrease fuel used by 93,440 gallons per year, and decrease average travel time along the corridor by 442,562 vehicle hours per year..

*Table 1: Travel Activity Data for 41<sup>st</sup> Avenue Adaptive Intersections in Capitola (This Application):*

Measurement	Units	Source
Days of Use	365	N/A
Segment Length, miles	0.75	Google Maps from Gross Road to Jade Street along 41st Avenue
Volume, ADT	40,804	41st Ave SCC ADT (July 2015) and traffic counts (June 2017)
AM Before Speed, mph	13	Average speed along 41st Ave from Synchro 9 Analysis
AM After Speed, mph	18	Average speed along 41st Ave from Synchro 9 Analysis
PM Before Speed, mph	12	Average speed along 41st Ave from Synchro 9 Analysis
PM After Speed, mph	16	Average speed along 41st Ave from Synchro 9 Analysis
Annual VMT	11,170,095	N/A
Project Life	5 years	N/A

*Table 2: Travel Activity Data for Combined 41<sup>st</sup> Avenue Adaptive Corridor (Capitola, Caltrans, & County Jurisdiction):*

Measurement	Units	Source
Days of Use	365	N/A
Segment Length, miles	1.19	Google Maps from Soquel Drive to Jade Street along 41st Avenue
Volume, ADT	40,804	41st Ave SCC ADT (July 2015) and traffic counts (June 2017)
AM Before Speed, mph	13	Average speed along 41st Ave from Synchro 9 Analysis
AM After Speed, mph	18	Average speed along 41st Ave from Synchro 9 Analysis
PM Before Speed, mph	12	Average speed along 41st Ave from Synchro 9 Analysis
PM After Speed, mph	16	Average speed along 41st Ave from Synchro 9 Analysis
Annual VMT	17,723,217	N/A
Project Life	5 years	N/A

### **Detailed Task Description**

The following activities/tasks will be performed to successfully implement the adaptive signal control system on the 41<sup>st</sup> Avenue corridor:

1. Project Management, Grant Administration, and Report Preparation

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2. Engineering Design and PS&E
3. Before Travel Time Runs
4. Adaptive System Procurement and Installation
5. After Travel Time Runs and Benefit-Cost Analysis

### **Task 1 – Project Management, Grant Administration, and Report Preparation**

The City of Capitola and the Traffic Consultant will provide project management oversight and coordination for this project as well as oversee grant contracting, reports, reimbursements, and construction services. The City and the Traffic Consultant will also administer the construction contract with the electrical contractor and issue an encroachment permit to the Contractor. Throughout the project, quarterly progress reports will be submitted to the Monterey Air Resources District.

### **Task 2 – Engineering Design and PS&E**

The City of Capitola and the Traffic Consultant will be responsible for plans, specifications, and estimates for the project. We have assumed that there will be no civil or roadway improvements as part of the design. Final PS&E documents for this task have been completed, and the project is ready to advertise.

The Traffic Consultant and the Equipment Vendor will also verify the equipment in the controller cabinets and identify additional equipment necessary for communications between intersections during a field review. The engineering design of the adaptive system will be prepared by the Traffic Consultant with input from the vendor. The City and Traffic Consultant will coordinate with Santa Cruz County and Caltrans to ensure that the adaptive system is compatible and complements the signal equipment located north of the project.

### **Task 3 – Before Travel Time Runs**

The Traffic Consultant will conduct “Before” travel time runs will be conducted in the AM, Midday, and PM peak periods (2-hour periods maximum) for the study corridor to document the existing travel time, number of stops, and delay on the study corridor. Up to 16 travel time runs will be conducted for the following four peak period conditions:

- Weekday AM peak period (7:00 am to 9:00 am)
- Weekday MD peak period (11:30 am to 1:30 pm)
- Weekday PM peak period (4:00 pm to 6:00 pm)
- Weekend MD peak period (11:30 am to 1:30 pm)

Travel time run templates will be utilized to summarize the results in terms of average travel speed, average number of stops, average delay, etc.

### **Task 4 – System Procurement and Installation**

The City will establish communication to enable monitoring and maintenance from the City Traffic Maintenance and Engineering Offices. The City will follow City purchasing guidelines to RFP for the vendor to furnish the adaptive system and configure, implement, and provide technical support. Adaptive system equipment will be procured and installed at study intersections. The City and the Traffic Consultant will administer a contract agreement between the City and the Contractor. The Contractor will install detection equipment in the cabinets. The Contractor will

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also connect the wiring from the cabinets to the adaptive hardware inside the cabinet. Vendor staff will configure the adaptive system once the connections are made. The City and the Traffic Consultant will contract an electrical contractor or utilize their on-call maintenance contractor for installation of the communications system between intersections as well as for remote access for monitoring and updating the system. The Contractor will procure and install ancillary and/or peripheral materials necessary to install the adaptive system, including but not limited to Ethernet cables, power cables, and various connectors.

Project funds will be used to install the signal equipment and cover the cost of construction. For construction management, Capitola and Santa Cruz County are investigating a plan to advertise the 41st Avenue and Soquel Drive corridors as one bid project and administer each project separately once awarded. This approach of combining projects to a single bid will potentially reduce construction costs for procuring and installing the adaptive signal equipment in bulk quantity.

### **Task 5 – After Travel Time Runs and Benefit-Cost Analysis**

Similar to the travel time studies conducted prior to the implementation of the adaptive signal system, the Traffic Consultant will conduct “After” travel time runs for the same study peak periods. The summarized “After” study results will then be compared with the “Before” study results to calculate percent improvement in average speed, reduction in number of stops and delays, etc.

The Traffic Consultant will also provide the travel speed profiles for the “Before” and “After” studies as part of the report appendices.

#### ***“Before” and “After” Study with Bluetooth data (optional)***

Bluetooth data will be utilized to gather travel time data for 7-days on the corridor to gauge the benefit of the adaptive system. This would assist in expanding the cost-benefit analysis based on 24-7 data, instead of peak period only data. The Traffic Consultant will utilize the travel time data from the Bluetooth device and travel time runs to conduct the cost-benefit analysis for the product.

#### ***Benefit-Cost Analysis for the Adaptive Signal Timing Project***

The Traffic Consultant will perform a benefit-cost analysis of the implementation of the adaptive signal timing project using the summary of travel time runs (average number of stops, average speed, total delay, stopped time, fuel consumption, green-house gas emissions, etc.). The Traffic Consultant will utilize the Metropolitan Transportation Commission (MTC) Measures of Effectiveness (MOE’s) templates for this purpose.

The “Before and After” study report will be a comprehensive document illustrating the benefits of the adaptive signal system and can potentially be used for future grant applications. The proposed adaptive installation is a direct emission-reducing project. The impact of the project is quantifiable (similar to previous studies). All costs associated with this project are fixed costs.

Grant Acceptance Agreement  
No. 20-10

October 9, 2019

Grantee Initials:

### **Roles and Responsibilities of Personnel:**

<b>Project Management</b>	City of Capitola and Traffic Consultant
<b>Grant Administration</b>	City of Capitola and Traffic Consultant
<b>Before-After Study</b>	City of Capitola and Traffic Consultant

#### **Sub-consultants:**

<b>Traffic Consultant</b>	Kimley-Horn & Associates
<b>Equipment Vendor</b>	To Be Determined (TBD)
<b>Construction Contractor</b>	To Be Determined (TBD)
<b>Construction Management</b>	County of Santa Cruz

### **TASK DELIVERABLES**

#### **Task 1 – Project Management, Grant Administration, and Report Preparation**

This task covers the administrative work effort for executing the grant, reporting, and invoicing for reimbursement of funds as well as project management.

- Quarterly progress reports submitted to the Monterey Bay Air Resources District (by City) –Ongoing
- Caltrans coordination and support with Grant Agreement #19-13 - Completed

#### **Task 2 – Engineering Design & PS&E (ref. AB2766 Grant 19-13)**

This task covers the work effort to complete plans, specifications, and estimates of adaptive system design. It also covers field review and inventory of each controller cabinet.

- Report on the Evaluation of Adaptive Systems (by Traffic Consultant) – Completed
- 100% Final PS&E Bid Ready Documents (by City and Traffic Consultant) – Completed

#### **Task 3 – Before Travel Time Runs**

This task covers the sub-consultant work for preparing Before travel time study.

- Data results from “Before” study travel time runs (by Traffic Consultant) –Ongoing

#### **Task 4 – Adaptive System Procurement and Installation**

This task covers the work effort of all installation costs as well as adaptive signal control equipment required to implement a complete system, which includes vehicle detectors, processor, equipment panel for power and ethernet connectivity, cable connecting to controller, wiring and connections to controller cabinets, software, training, access to the cabinet communications, technical support and extended hardware and software warranty. This item also covers the cost of additional traffic signal equipment, such as ethernet switches and other components, necessary for system operation, but not specifically furnished with the adaptive system.

- Responses and/or clarifications to questions during bidding period of project (by City) – Ongoing
- Preparation of Bid Addenda, responses to RFIs, and field visits (by Traffic Consultant) – Ongoing
- Acquisition of adaptive signal control equipment (by Vendor TBD) –Ongoing
- Installation of adaptive signal control system (by Contractor TBD) –Ongoing

### Task 5 – After Travel Time Runs and Benefit-Cost Analysis

This task covers the sub-consultant work effort of preparing After travel time study and benefit-cost analysis to document and validate the expected air quality benefits.

- Data results from “After” study travel time runs (by Traffic Consultant) –Ongoing
- Draft and Final report of “Before and After” study of travel time runs. The appendices would include raw data sheets of travel time input sheets, calculations, etc. (by City and Traffic Consultant) –Ongoing

### Project Cost and Budget

**Total Project Cost: \$498,578**

**Table 3** shown below summarizes the work breakdown structure of the project identifying staff allocation, direct project costs, and the total project budget.

*Table 3: Estimated Project Cost and Budget*

Task #	Description	Project Total	City Match
1	Project Management, Grant Administration, Report Preparation	\$5,000	\$5,000
2	Engineering Design and PS&E	\$80,078	\$80,078
3	Before Travel Time Runs	\$5,000	\$5,000
4	System Procurement and Installation	\$400,000	\$39,202
5	After Travel Time Runs and Cost-Benefit Analysis	\$8,500	\$8,500
	<b>2020 Project Total</b>	<b>\$498,578</b>	<b>\$137,780</b>

The City match of \$39,202 for Task 4 reflects the actual grant amount received as stated in AB2766 Grant 20-10.

**Project Schedule:**

**2020 AB2766 Emission Reduction Grant Program - 41st Adaptive System in Capitola**



Task Description	2019				2020									
	September	October	November	December	January	February	March	April	May	June	July	August	September	October
<b>Task 1 Project Management, Grant Administration, and Report Preparation</b>														
Project Management														
Notification of Award														
Signed Agreement														
Statement/Scope of Work														
Kickoff Meeting														
<b>Task 2 PS&amp;E and Before Travel Time Runs</b>														
Field Review (Complete)														
PS&E Design (Complete)														
Review Meeting (Complete)														
<b>Task 3 Before Travel Time Runs</b>														
Before Travel Time Runs														
<b>Task 4 System Procurement and Installation</b>														
Construction Bid, Support, and System Selection														
Install Camera Mounting and Wiring														
Order and Process Time for Hardware														
Ship Hardware														
Contractor Training Adaptive System														
Installation of Adaptive System														
Review Meeting														
<b>Task 5 After Travel Time Runs and Benefit-Cost Analysis</b>														
After Travel Time Runs														
Benefit-Cost Calculations and Analysis														
Review Meeting														
Draft Study Report and Comments														
Final Study Report														
Completion of Project														

*This concludes Attachment 1*

Attachment: Air Board Grant Agreement (Air Board Grant Approval)



**ATTACHMENT 2: SPECIAL GRANT CONDITIONS  
FY20 AB2766 Motor Vehicle Emissions Reduction Program**

**Project:** *20-10 41st Avenue Corridor Adaptive Traffic Control System*  
**Grantee:** *City of Capitola*

**The special conditions in this Attachment take precedence over any conflicting terms and conditions elsewhere in this Agreement and are listed below:**

1. *GRANTEE shall not commence with any project activity as described in this grant agreement until the grant is fully executed by the grantor and grantee.*
2. *GRANTEE shall notify the District of all vendor solicitations for this project and provide a copy of the RFP.*
3. *GRANTEE shall meet and confer with the District prior to the vendor selection and provide a copy to the District of the vendor contract for this project.*
4. *GRANTEE shall, in conjunction with the monitoring program as described in the "Task Deliverables" section of the grant agreement, evaluate and assess the Level of Service (LOS) of all the adaptive signal intersections before and after project implementation.*
5. *GRANTEE shall immediately notify MBUAPCD of any schedule delays. Quarterly reports shall include project milestone chart updates and task completions.*
6. *GRANTEE shall re-baseline ROG, NOx, and PM emissions after signal coordination project is completed with data submitted to the District.*
5. *GRANTEE shall identify and acknowledge the District as the source of grant funding in all literature, press releases or media events regarding the project.*

*This concludes Attachment 2*



Grant Acceptance Agreement  
No. 20-10

October 9, 2019

Grantee Initials:

**ATTACHMENT 3 - CONFLICT OF INTEREST CERTIFICATION  
FY20 AB2766 Motor Vehicle Emissions Reduction Program**

**Project:** *20-10 41st Avenue Corridor Adaptive Traffic Control System*

**Grantee:** *City of Capitola*

I certify that no Principal, Director, or Executive of the Grantee is a member of the District Board of Directors, District Advisory Committee, District Hearing Board, any other District committee, nor is a member of the District staff, unless listed below.

I further certify that no principal of the Grantee has an economic relationship with a member of the Board of Directors, Advisory Committee, Hearing Board, or any member of the District staff, unless listed below.

Disclosure of any said memberships or economic relationships is required. Non-disclosure may result in immediate termination of this Agreement by District, without prior notice.

List of conflicts disclosed:

Grantee Principal, Director, or Executive:

Basis of conflict

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For the Grantee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

*This concludes Attachment 3*

Attachment: Air Board Grant Agreement (Air Board Grant Approval)



## CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

**MEETING OF NOVEMBER 6, 2019**

FROM: City Manager Department

SUBJECT: Consider Adopting an Urgency Ordinance Temporarily Prohibiting No-Fault Evictions

**RECOMMENDED ACTION:** Approve an urgency ordinance to temporarily prohibit no-fault evictions through December 31, 2019, for residential real property.

**BACKGROUND:** On October 8, 2019, the Governor signed Assembly Bill (AB) 1482, the Tenant Protection Act of 2019. AB 1482 will limit annual rent increases for covered tenancies to 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower. The bill will also prohibit an owner from terminating a tenancy without just cause. After AB 1482 becomes effective, the rent increase restrictions will apply to all rent increases occurring on or after March 15, 2019, but the prohibitions on eviction without just cause will not go into effect until January 1, 2020.

AB 1482 applies to households in which all tenants have lived in a unit for 12 months or more, or if any tenant has lived in the unit for 24 months or more. Covered tenants may only be evicted for just cause, as defined in the statute. AB 1482 applies to all housing units except single family homes (unless the single-family home is owned by a real estate investment trust (REIT) or corporation), owner-occupied duplexes, subsidized housing units or units receiving other sources of state/federal assistance, and units built in the last 15 years.

Currently, California Civil Code Section 1946.1 requires a landlord provide 30 days' notice of eviction to a tenant who has lived in the unit for less than one year, and 60 days' notice to a tenant who has lived in the unit for more than one year.

**DISCUSSION:** At the October 22, 2019, City Council meeting, during public comment, a group of tenants explained they had recently received significant rent increases, followed by eviction notices. Their comments sparked concern on the Council that landlords might move to evict tenants in advance of the eviction protections of AB 1482 becoming effective, so that the landlord may sell the building at an increased price or rent the units to higher paying tenants.

When AB 1482 becomes effective on January 1, 2020, it will limit rent increases on covered units to the rent that was in place in March 2019. However, the eviction control provisions are not similarly retroactive.

Urgency Ordinance No-Fault Evictions  
November 6, 2019

Several jurisdictions across the State have enacted ordinances making the eviction control provisions of AB 1482 effective sooner than January 1, 2020, in order to prevent displacement of tenants between now and then. Those jurisdictions include the City of Los Angeles, the County of Los Angeles, the City of Santa Cruz, and the County of Marin. If the City Council chooses to adopt the attached urgency ordinance, it would prevent no-fault evictions between November 6 and December 31, when AB 1482 becomes effective.

An eviction occurs when a tenancy is terminated, not when a notice of eviction is delivered. Therefore, a tenant who is in possession of unit on November 6 would be entitled to the protections described in the proposed ordinance, even if they had previously received a notice of eviction.

FISCAL IMPACT: The most likely fiscal impact is from a code enforcement action by the City, in the event of violation of the Ordinance. Costs of such an action are unknown.

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager

10/31/2019

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

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REQUIRING CAUSE TO TERMINATE A RESIDENTIAL TENANCY  
THROUGH DECEMBER 31, 2019**

**WHEREAS**, the City of Capitola (“City”) is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers;

**WHEREAS**, Government Code sections 36934 and 36937 authorize ordinances to take effect immediately if they are for the immediate preservation of the public peace, health or safety, contain a declaration of the facts constituting the urgency, and are passed by a four-fifths vote of the City Council;

**WHEREAS**, the State of California, including the City of Capitola, is experiencing an unprecedented and critical housing shortage;

**WHEREAS**, on October 8, 2019, the California Governor signed into law the Tenant Protection Act of 2019, Assembly Bill 1482 (“AB 1482”), which, among other things, prohibits evictions without “just cause,” and prohibits owners of residential rental property from increasing rents each year by more than 5 percent plus the change in the area Consumer Price Index or 10 percent, whichever is lower;

**WHEREAS**, AB 1482 will be effective on January 1, 2020;

**WHEREAS**, AB 1482 will provide protection to the nearly 2,500 rental households in the City of Capitola;

**WHEREAS**, many of the City’s renters, including 70 to 85 percent of its low-income renters, spend over 30 percent of their annual incomes on rent already;

**WHEREAS**, while AB 1482 is expected to provide some relief for Capitola tenants, the lapse in time between the date AB 1482 became law, and January 1, 2020, combined with rapidly escalating real estate values, may provide an incentive to landlords to evict long-term, lower-income tenants, in order to raise rents and attract wealthier tenants, before AB 1482 becomes effective. The City has already received a report of the attempted eviction of an entire building, including several low-income tenants. It is imperative that the City act now to implement temporary strategies to keep people in their homes;

**WHEREAS**, particularly given the high cost of housing, evictions of tenants, particularly low-income tenants, could lead to long-term or permanent displacement, impacting the health and safety of these tenants, as well as the City of Capitola;

**WHEREAS**, the City Council is concerned that, in advance of the implementation of AB 1482, eviction notices and threats of eviction will surge;

Urgency Ordinance No-Fault Evictions  
November 6, 2019

**WHEREAS**, the City of Capitola wishes to protect renters from no-fault evictions through December 31, 2019, until the protections of AB 1482 become effective, in order to prevent displacement of tenants.

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

**Section 1: Interim Urgency Ordinance.** The City Council of the City of Capitola incorporates the findings above by reference and adopts the Urgency Ordinance attached hereto as Attachment A.

**Section 2: Effective Date.** This Ordinance shall take effect and be in force immediately.

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

**Section 4: Codification.** This urgency ordinance shall not be codified in the Capitola Municipal Code.

**Section 5: California Environmental Quality Act (CEQA).** The City Council hereby finds that the action to adopt this Ordinance will not result in any change in the environment and thus is not a project subject to the requirements of CEQA. Further, even if the action to adopt this Ordinance was deemed to be a project subject to CEQA, the City Council finds the proposed Ordinance is exempt from CEQA under the common sense exemption set forth in Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and thus where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Section 6: Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety. Without it, City of Capitola tenants would suffer potentially irreversible displacement of tenants resulting from no-fault evictions prior to the effective date of AB 1482. The Council, therefore, adopts this ordinance to become effective immediately, pursuant to California Government Code Section 36937.

This urgency ordinance was passed and adopted by the City Council of the City of Capitola on the 6th day of November, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

APPROVED:

\_\_\_\_\_  
Jacques Bertrand, Mayor

Urgency Ordinance No-Fault Evictions  
November 6, 2019

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Linda Fridy, City Clerk

## ATTACHMENT A

### SECTION 1: PURPOSE.

On October 8, 2019, California Governor Gavin Newsom signed Assembly Bill 1482 (AB 1482), the “Tenant Protections Act of 2019”. AB 1482 addresses California’s affordable housing crisis by preventing rent gouging and arbitrary evictions. AB 1482 becomes effective on January 1, 2020. The City of Capitola is home to approximately 2,000 rental households. There are currently no rent or eviction control protections in place in Capitola, exposing those rental households to significant and unexpected rent increases or eviction notices.

This section will temporarily prohibit no-fault evictions through December 31, 2019, for residential real property that will be subject to the protections of AB 1482 beginning on January 1, 2020.

### SECTION 2: APPLICATION.

This Ordinance shall apply to tenancies for which the tenant remains in possession and the period of notice required under California Civil Code section 1946.1 has not expired.

### SECTION 3: DEFINITIONS.

The following words and phrases, whenever used in this section, shall be construed as follows:

1. “Dwelling Unit” means a structure or the part of a structure that is used as a home, residence, or sleeping place by one or more persons who maintain a household or common household.
2. “Landlord” means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Dwelling Unit or portion thereof.
3. “Owner” means any person, acting as principal or through an agent, offering residential real property for rent, and includes a predecessor in interest to the owner.
4. “Primary Residence” means a Dwelling Unit that an Owner occupies as a primary residence, as evidenced by the Dwelling Unit qualifying for a homeowner’s property tax exemption.
5. “Residential real property” means any dwelling or unit that is intended or used for human habitation.
6. “Tenant” means any person entitled by written or oral agreement, or by sufferance, to the use or occupancy of a Dwelling Unit.

### SECTION 4: PROHIBITION ON EVICTIONS.

A. Through December 31, 2019, and for any Dwelling Unit in which all of the tenants have continuously and lawfully occupied the property for 12 months or more, or one or more of the tenants have continuously and lawfully occupied the property for 24 months or more, the owner of residential rental property shall not terminate a lawful tenancy unless the termination is a “for-cause termination,” or a “no-fault termination,” as defined in this Section, unless the termination is required to comply with an order issued by a government agency or court necessitating vacating the residential real property or to comport with due process, federal, or

Urgency Ordinance No-Fault Evictions  
November 6, 2019

state law, which shall be stated in the written notice of termination of tenancy. This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this section shall render any notice of termination of tenancy void. This section may be asserted as an affirmative defense in an unlawful detainer action. An owner's failure to comply with this section does not constitute a criminal offense. If a property owner can show any of the following circumstances with respect to a termination of tenancy, the termination will qualify as "For Cause":

1. Default in the payment of rent.
  2. A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the California Code of Civil Procedure, including, but not limited to, violation of a provision of a lease after being issued a written notice to correct the violation.
  3. Maintaining, committing, or permitting the maintenance or commission of a nuisance or waste as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
  4. Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the California Penal Code, on or off the residential real property against the owner of the residential real property.
  5. Assigning or subletting the premises in violation of the tenant's lease, as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
  6. The tenant's refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of the California Civil Code, and Sections 13113.7 and 17926.1 of the California Health and Safety Code.
  7. Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the California Code of Civil Procedure.
  8. The employee, agent, or licensee's failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the California Code of Civil Procedure.
  9. When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the California Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the owner, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the California Code of Civil Procedure.
- B. If a Landlord can show any of the following circumstances with respect to a termination of tenancy, the termination will qualify as "No Fault."
1. Landlord will imminently demolish the dwelling unit or otherwise permanently remove the Dwelling Unit from any residential use or purpose, in accordance with California Government Code sections 7060-7060.7.\



Urgency Ordinance No-Fault Evictions  
November 6, 2019

2. Landlord, or one of Landlord's parents or children, intends to move into and reside in the Dwelling Unit as his, her, or their Primary Residence. The Dwelling Unit must be occupied as the Primary Residence within three months of the tenant household vacating the Dwelling Unit, and continue to occupy the Dwelling Unit as his or her Primary Residence for at least one year.

3. Landlord has obtained permits to undertake substantial repairs to the Dwelling Unit and such repairs cannot be completed while the Dwelling Unit is occupied. To qualify for this exception, such repairs must be for the primary purpose of bringing the Dwelling Unit into compliance with applicable health and safety codes.

C. This section shall not apply to any of the following residential real property or residential circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940 of the California Civil Code.

2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

3. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

4. Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

5. Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

6. A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

7. Housing that has been issued a certificate of occupancy within the previous 15 years.

8. Any dwelling unit that is alienable separate from the title to any other dwelling unit, including single family residences and condominiums, but excluding mobile homes offered for rent by the owner of the mobile home, provided that the owner is not any of the following:

(a) A real estate investment trust, as defined in Section 856 of the internal Revenue Code.

(b) A corporation.

Urgency Ordinance No-Fault Evictions  
November 6, 2019

(c) A limited liability company in which at least one member is a corporation.

9. Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.



## CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

**MEETING OF NOVEMBER 6, 2019**

FROM: City Manager Department  
SUBJECT: Capitola Village Palm Tree Lights Update

**RECOMMENDED ACTION:** Council discretion to either authorize an extension for the existing palm tree lights, or direct staff to remove them.

**BACKGROUND:** Since at least the mid-1980s Capitola Village has been decorated for the Christmas holidays. For the last couple decades, the businesses in the Village have purchased and supplied the decorations and Public Works crews have installed them.

At one time the decorations consisted of a lighted tree that was placed in the middle of the intersection of Capitola Avenue and San Jose Avenue. With the widening of the sidewalks along Capitola Avenue in 2001 the Christmas tree was relocated to the sidewalk at the corner of Stockton Avenue and Capitola Avenue and lights were added on the street trees along Capitola Avenue.

In the past few years, additional Christmas trees have been added at the Mercantile entrance and the sidewalk at Capitola Avenue and Monterey Avenue, and lights for the street trees have expanded to other streets and Esplanade Park. The tree lights have typically been mini soft white lights, although some LED mini lights have been added to the mix over the last several years.

This past year, LED rope lights were purchased by the Capitola Village and Wharf Business Improvement Association (BIA) and installed on the trees throughout the Village by Public Works.

The LED rope lights provide illumination in the daylight spectrum emitting a bright white light. Following the installation of the lights, the City received multiple complaints about the color and brightness of the lights. These complaints were referred to the BIA.

On February 14 and May 9, 2019, City Council held hearings regarding the new LED rope lights. At the conclusion of the hearings Council directed staff to leave the existing rope lights in place, for the City to buy and install an alternative rope light, and for the BIA to propose alternative lights by October.

**DISCUSSION:** While several alternative tree light options have been tested in the Village, the BIA has not yet made a proposal for new tree lights. Staff is seeking input from the City Council if the existing lights should be removed/turned off at this time, pending the submittal of an alternative lighting proposal from the BIA, or if the City should offer the BIA an extension.


Village Palm Tree Lights update  
November 6, 2019

In order to have new lights authorized and hung prior to the holidays, the BIA would need to submit a proposal to the City no later than November 19.

FISCAL IMPACT: None

Report Prepared By: Jamie Goldstein  
City Manager

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

11/1/2019