

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, FEBRUARY 13, 2020

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 6 P.M. 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, Sally Nguyen

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

Significant exposure to litigation pursuant to Gov't Code § 54956.9(2)(d)

Existing facts and circumstances pursuant to Gov't Code § 54956.9(2)(e)

A storm drain failed near Chittenden Lane on or before December 1, 2019, resulting in the release of storm water into Brookvale Terrace during subsequent rain events.

(One potential case)

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

(One potential case)

LIABILITY CLAIMS [Gov't Code § 54956.95]

Claimant: Bryn Caisse

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, Sam Storey, and Mayor Kristen Petersen

2. PRESENTATIONS

Presentations are limited to eight minutes.

A. Update from Santa Cruz METRO

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

5. ADDITIONS AND DELETIONS TO AGENDA

6. 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.

7. 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.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Appointment to the Finance Advisory Committee
RECOMMENDED ACTION: Council Member Bertrand appoint his representative.

9. 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 January 23, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive the Planning Commission Action Minutes for the Regular Meeting of January 16, 2020
RECOMMENDED ACTION: Receive minutes.
- C. Liability Claim of Bryn Caisse
RECOMMENDED ACTION: Reject liability claim.

10. 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. Community Grants Strategic Plan
RECOMMENDED ACTION: Receive report and provide direction.
- B. Consider Proposed Recreation Strategic Plan
RECOMMENDED ACTION: Adopt proposed five-year Recreation Strategic Plan.
- C. Consider Approval of an Emergency Contract for Repairs to the Damaged Wharf Hoist Area
RECOMMENDED ACTION: Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050, and authorizing staff to enter into an emergency contract to Power Engineering Construction Company to repair damaged piles on the wharf (requires 4/5 vote).
- D. Introduce an Ordinance Amending Portions of Municipal Code Title 2: Administration to Update and Clarify Various Sections
RECOMMENDED ACTION: Approve the first reading of an Ordinance amending and adding sections of Title 2: Administration of the Capitola Municipal Code, and waive reading of the text.
- E. Award a Contract for Emergency Repairs to a Storm Drain off of Chittenden Lane
RECOMMENDED ACTIONS:
 - 1. Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050 and authorizing staff to enter a contract for such services to Anderson Pacific for repairs to a storm drain between Chittenden Lane and Brookvale

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

February 13, 2020

- Terrace at an estimated cost of \$65,000 (requires 4/5 vote);
2. Approve a budget amendment in the amount of \$32,500 to accept Zone 5 funding; and
 3. Authorize staff to sign an agreement with Santa Cruz County Flood Control District, Zone 5, to equally split payment of these repairs.

11. 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 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 FEBRUARY 13, 2020

FROM: City Manager Department
SUBJECT: Update from Santa Cruz METRO

BACKGROUND/DISCUSSION: The Santa Cruz Metropolitan Transit District, or METRO, provides public transportation services for Santa Cruz County. COE/General Manager Alex Clifford will provide an update regarding significant activity over the last year.

Report Prepared By: Chloe Woodmansee
Records Coordinator

Reviewed and Forwarded by:

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Jamie Goldstein, City Manager

2/7/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Appointment to the Finance Advisory Committee

RECOMMENDED ACTION: Council Member Bertrand appoint his representative.

BACKGROUND/DISCUSSION: At the December 19, 2019, City Council Reorganization meeting, Vice Mayor Yvette Brooks chose to serve on the Finance Advisory Committee. That eliminated her need for an appointee and created an appointment for Council Member Jacques Bertrand.

Several applications were received late in the process and at the January 23, 2020, City Council Meeting, Council Member Bertrand requested additional time to review those applications.

Three applications are attached: Doug Crowder (Attachment 1), Laura Alioto (Attachment 2), and Thomas Evans (Attachment 3).

ATTACHMENTS:

1. Crowder application Nov2018
2. Alioto application
3. Evans application

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

2/7/2020



CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission
[Artist; Arts Professional; At Large Member]
Please underline category above.
- Finance Advisory Committee
[Business Representative; At Large Member]
Please underline category above.
- Historical Museum Board
- Library Advisory Committee
- Architectural & Site Committee
[Architect; Landscape Architect; Historian]
Please underline category above.
- Traffic & Parking Commission
[Village Resident; Village Business Owner; At Large Member]
Please underline category above.
- Planning Commission
- Other Committee _____

Name: Crowder Douglas
Last First

Residential Neighborhood: Capitola - 48th Avenue, North of Capitola Rd

Occupation: Pharmaceutical Drug Development - Global Business Development Professional

Describe your qualifications and interest in serving on this Board/Commission/Committee: As a Capitola resident
 for over three years, my wife and I have come to treasure our unique and beautiful gem of a community. We put roots down in a wonderful neighborhood and look forward to one day raising
 a family here in Capitola. I also believe we are at a pivotal point in the City's future - an opportunity to embrace its small town heritage through intelligent growth,
 while the county of Santa Cruz and the greater region as a whole continue to experience exponential and seemingly unsustainable growth. As a Biologist by education and a business professional,
 I believe Capitola can continue to build upon symbiosis it has created as a thriving tourist destination and wonderful family community while ensuring a mutual beneficial
 and diversified city finance plan that considers the importance of year-round sustainability for our business community and residential quality of life. With my practical experience
 in managing multi-million dollar budgets in both small business and global markets, I look forward to collaborating with the City Council and Committee as they work to overcome the impending revenue
 shortfalls in the City's budget. Additionally, when called upon, to provide a voice as a resident that ensures the quality of life and heritage of our great city is planned for future generations.
 (Use additional paper, if necessary)

Please Note: Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

Nov 27th, 2018
Date


Signature of Applicant

Mail or Deliver Application to:
Capitola City Hall
Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Crowder application Nov2018 (FAC appointments)



CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission
[Artist; Arts Professional; At Large Member]
Please circle category above
- Finance Advisory Committee
[Business Representative; At Large Member]
Please circle category above
- Commission on the Environment
- Historical Museum Board
- Architectural & Site Committee
[Architect; Landscape Architect; Historian]
Please circle category above
- Planning Commission
- Other Committee _____
- Check if applying as youth member to any board

Name: ALIOTO LAURA
Last First

Residential Neighborhood: UPPER Jewel box

Occupation: Tax assistant/ bookkeeper

Describe your qualifications and interest in serving on this Board/Commission/Committee:

I am currently working for an accounting firm in the tax division. I have also worked as a bookkeeper. I became a certified tax preparer in 2018 and a notary in 2019. I am a commissioner for the Capitola Arts Cultural Commission as well as enrolled in the Capitola city government Academy. I wish to expand my knowledge of Capitola city and support it any way I can.

(Use additional paper, if necessary)

Please Note: Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

1/16/20
Date

Laura Alioto
Signature of Applicant

Mail or Deliver Application to:
Capitola City Hall
Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

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Attachment: Alioto application (FAC appointments)



CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission
[Artist; Arts Professional; At Large Member]
Please circle category above
- Finance Advisory Committee
[Business Representative; At Large Member]
Please circle category above
- Commission on the Environment
- Historical Museum Board
- Architectural & Site Committee
[Architect; Landscape Architect; Historian]
Please circle category above
- Planning Commission
- Other Committee _____
- Check if applying as youth member to any board

Name: Evans Thomas (Tom)
Last First

Residential Neighborhood: Jewel Box

Occupation: Analytical Business Consultant

Describe your qualifications and interest in serving on this Board/Commission/Committee:

I want to get more involved with the city of Capitola because I really love living here and want to help it continue to be such a wonderful place and get even better! The FAC is the best use/match of my skills
Qualifications: 10+ yrs strategic planning & modeling and financial analysis @ HP/HPE. MBA from MIT Sloan School of Management

(Use additional paper, if necessary)

Please Note: Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

Jan 22, 2020
Date

[Signature]
Signature of Applicant

Mail or Deliver Application to:
Capitola City Hall
Attn: City Clerk
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Evans application (FAC appointments)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Consider the January 23, 2020, 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 January 23, 2020.

ATTACHMENTS:

1. 1-23-20 draft minutes

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

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

2/7/2020

**DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, JANUARY 23, 2020**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ADDITIONAL MATERIALS - None

3. ADDITIONS AND DELETIONS TO AGENDA - None

4. PUBLIC COMMENTS

Pam Greeninger from the Capitola Museum Board invited the Council and the public to a screening of the movie, "The Testing Block" on January 26.

Monica McGuire invited the Council and the public to a question and answer session for the election of County Supervisor, 2nd District, on January 29. There will be an information night held on all the ballot issues on January 25.

Marilyn Garrett discussed Smart Meters.

Kassandra Flores, 211 Coordinator for non-profits from OES, talked about the 211 program.

5. CITY COUNCIL / STAFF COMMENTS

Public Works Director Steve Jesberg made an announcement on the progress of Capitola Wharf repairs.

Council Member Bertrand talked about efficient building techniques and energy efficiency.

Vice Mayor Brooks requested an item for a future meeting regarding the plastics ordinance.

Council Member Bertrand requested an item for a future meeting regarding a AAA advisory board.

Mayor Petersen announced the next sip and stroll is coming up on February 8. She discussed the Governor's budget and master plan on aging, health and well-being for youth.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
 January 23, 2020

6. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

- A. Consider Appointments to the Finance Advisory Committee
RECOMMENDED ACTION: Council appointment of the business representative and determination of whether to make an individual appointment or extend recruitment.

City Manager Jamie Goldstein presented the staff report. Pete Cullen has been recommended to fill the Business Representative position.

Council Member Bertrand's appointment will be continued to the next City Council Meeting of February 13, 2020.

MOTION:	APPOINT PETE CULLEN AS BUSINESS REPRESENTATIVE
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks

7. CONSENT CALENDAR

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks

- A. Consider the January 9, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Registers Dated December 6, December 13, December 20 and December 27, 2019
RECOMMENDED ACTION: Approve check registers.
- C. Consider the Budget Calendar for the 2020/21 Fiscal Year[330-05]
RECOMMENDED ACTION: Approve the Budget Calendar.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Overview of New State Requirements for Accessory Dwelling Units
RECOMMENDED ACTION: Accept staff presentation and provide general direction to the Planning Commission on the preferred approach for the new ordinance.

Associate Planner Matt Orbach presented the staff report.

Council provided direction to bring the municipal code into compliance with the state regulation and not to incorporate any regulations that are more permissive than the state. In general, the Council acknowledged the new state regulations are far more permissive than the local existing ordinance and the impacts of the changes should be observed.

Attachment: 1-23-20 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 23, 2020

RESULT:	RECEIVE REPORT
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- B. Consider a New Photo Traffic Enforcement Contract
RECOMMENDED ACTION: Enter into a five-year contract with Verra Mobility, formerly American Traffic Solutions, for red light photo enforcement services and authorize the City Manager or designee to sign the agreement.

Captain Andrew Dally presented the staff report.

MOTION:	ENTER INTO A FIVE-YEAR CONTRACT AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Sam Storey, Council Member
AYES:	Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks

- C. Discuss Developing a Code of Conduct
RECOMMENDED ACTION: Form a City Council ad hoc subcommittee to work with staff to create a draft Code of Conduct policy for review by the full City Council.

City Manager Jamie Goldstein presented the staff report.

Vice Mayor Brooks stated that she would like to be on the ad hoc committee along with Council Member Storey.

Council Member Storey accepted the nomination.

MOTION:	FORM A CITY COUNCIL AD HOC SUBCOMMITTEE WITH VICE MAYOR BROOKS AND COUNCIL MEMBER STOREY
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Vice Mayor
SECONDER:	Sam Storey, Council Member
AYES:	Jacques Bertrand, Sam Storey, Kristen Petersen, Yvette Brooks

9. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Kristen Petersen, Mayor

ATTEST:

Liz Nichols, Deputy City Clerk

Attachment: 1-23-20 draft minutes (Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Receive the Planning Commission Action Minutes for the Regular Meeting of
January 16, 2020

RECOMMENDED ACTION: Receive minutes.

DISCUSSION: Attached for Council review are the action minutes of the January 16, 2020, Planning Commission regular meeting.

ATTACHMENTS:

1. 1-16-20 Action

Report Prepared By: Chloe Woodmansee
Records Coordinator

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

2/7/2020



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JANUARY 16, 2020
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Newman, Routh, Wilk, and Chair Welch were all present.

2. NEW BUSINESS

A. Election of Chair and Vice Chair

MOTION: Appoint Ed Newman as Chair of the Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

MOTION: Appoint Mick Routh as Vice-Chair of the Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	TJ Welch
SECONDER:	Peter Wilk
AYES:	Newman, Welch, Wilk, Routh, Christiansen

3. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda – none**
- B. Public Comments**
- C. Commission Comments**
- D. Staff Comments – none**

4. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Dec 5, 2019 7:00 PM

MOTION: Approve the minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Peter Wilk
SECONDER:	TJ Welch
AYES:	Newman, Welch, Wilk, Routh, Christiansen

5. PUBLIC HEARINGS

- A. 1591 Prospect Avenue #19-0576 APN: 034-044-12**
 Fence Permit with a location exception and Major Revocable Encroachment Permit for a wall in the public right of way located within the R-1 (Single-Family Residential) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption

Property Owner: Eva Carpenter Trust, Attn: Nancy Yu
 Representative: Pedro Rosado, Filed: 10.24.19

MOTION: Approve the Fence Permit with a location exemption and Major Revocable Encroachment Permit.

RESULT:	APPROVED [3 TO 2]
MOVER:	Peter Wilk
SECONDER:	Mick Routh
AYES:	Welch, Wilk, Routh
NAYS:	Newman, Christiansen

B. Brommer Street Improvements #19-0740 APN: N/A
 Coastal Development Permit for roadway improvements on Brommer Street between 41st Avenue and 38th Avenue in the C-C, RM-H, PF-F, and PD Zoning Districts. The improvements include a new sidewalk on the north side of Brommer Street, new striping with Class 2 bike lanes, and roadway repaving.
 This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
 Environmental Determination: Categorical Exemption
 Property Owner: City of Capitola
 Representative: Kailash Mozumder, Filed: 12.17.2019

MOTION: Approve the Coastal Development Permit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

C. Update to Zoning Ordinance/Local Coastal Plan Implementation Plan
 Update to the City of Capitola Zoning Code including Chapter 17.74 Accessory Dwelling Units, density limits in Chapter 17.25 Commercial and Industrial Zoning Districts, and temporary sign standards and non-commercial messaging in Chapter 17.80 Signs. The Zoning Code serves as the Implementation Plan of the City’s Local Coastal Program and therefore must be certified by the Coastal Commission.
 Environmental Determination: Addendum to the General Plan Update EIR
 Property: The Zoning Code update affects all properties within the City of Capitola.
 Representative: Matt Orbach, Associate Planner, City of Capitola

RESULT:	ACCEPTED REPORT, PROVIDED DIRECTION
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- 6. DIRECTOR'S REPORT
- 7. COMMISSION COMMUNICATIONS
- 8. ADJOURNMENT

The meeting was adjourned at 8:57pm to the next regular meeting of the Planning Commission on February 6, 2020.

Attachment: 1-16-20 Action (PC Action Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Liability Claim of Bryn Caisse

RECOMMENDED ACTION: Reject liability claim.

DISCUSSION: Bryn Caisse 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 black ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

2/7/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department
SUBJECT: Community Grants Strategic Plan

RECOMMENDED ACTION: Receive report and provide direction.

BACKGROUND: The City of Capitola Community Grant Program (CGP) awarded more than \$258,000 to 31 different agencies funding nearly 40 programs for fiscal years 2018/19 and 2019/20. The grants were awarded for two years and included a cost-of-living adjustment in the second year.

At the February 28, 2019, City Council Meeting, the Council allocated \$7,000 and directed staff to issue a Request for Proposals (RFP) to review and recommend process improvements to the City of Capitola Community Grant Program. The City received four responses to the RFP. In June, the Council Subcommittee of then-Mayor Bertrand and Vice Mayor Peterson reviewed the proposals and selected Optimal Solutions Consulting (OSC) for the project. The full Council approved the contract at the July 25, 2019, City Council meeting.

OSC has significant experience in the local non-profit environment, assisting both the City and County of Santa Cruz in the development of their programs.

DISCUSSION: OSC began working on the project in August. The Community Grant program review process consisted of the following tasks:

- Review existing materials about the CGP
- Review examples of similar grant programs
- Meet with City staff and interviewed council members
- Contact a small sample of current grantees

Upon completion of the of the review process, OSC came away with the following key take-aways in reviewing the Community Grant Program:

- Community-based organizations value the community grants from Capitola
- CGP provides a mechanism for the City to address community needs
- City Council has not yet identified and prioritized which community needs to address through the CGP
- The CGP simplicity may have unintentionally contributed to some of the current challenges with the CGP process
- City has an array of options it can consider for improving the CGP

Upon completion of the review, OSC developed three possible directions for the City to take with the CGP:

Option 1: Maintain the status quo

Option 2: Take incremental steps to improve the Community Grant Program over time by

- a. Revising the CGP application
- b. Using a data-driven process to identify the priority needs for the City
- c. Revisiting the CGP funding allocation framework, criteria for screening and assessing the grant applications, and reporting requirements
- d. Aligning the City's identified priorities and/or co-invest with other funders in shared priorities that encompass Capitola and other parts of the County if desired.

Option 3: Eliminate the Community Grant Program altogether and transition to a system of contracting for services

According to the report, relatively few small cities take on the considerably resource-intensive task of assessing, vetting, funding, and overseeing local non-profit agencies to provide services. However, OSC suggests that making even a few modest changes to Capitola's CGP application, allocation, and reporting processes offers the potential of a more streamlined and manageable process and answering more of the questions about stewardship that council members have raised, while institutionalizing decisions about whether and how new applicants (and their services, approaches, and ideas) are eligible to apply for funding.

The consulting team's recommendation is to consider Option 2 and commit to a specific timeframe—within one or two years—to implement the steps outlined above. Specifically, OSC recommends:

- Streamline the application process
- Streamline and match the reporting requirements
- Identify priority needs based on community-level indicators, such as those found in DataShare Santa Cruz County or the Broadstreet community indicator web-based platform
- Develop a weighted checklist with criteria for assessing applications and using these to score applications, and
- Consider both a tiered funding allocation approach and moving towards a co-investment approach that aligns with other County funding priorities to amplify the impact in Capitola.

FISCAL IMPACT: Fiscal impact will be determined by Council action.

ATTACHMENTS:

1. OSC Grant Program Report

Report Prepared By: Larry Laurent
Assistant to the City Manager

Community Grants Strategic Plan
February 13, 2020

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

2/7/2020



CITY OF CAPITOLA COMMUNITY GRANT PROGRAM

Program Review & Recommendations

February 2020



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Introduction

Purpose of the Community Grant Program Review

In July 2019, the **City of Capitola (the City)** contracted with **Optimal Solutions Consulting (OSC)** to review the City's **Community Grant Program (CGP)** for community-based arts, education, environmental, and social service providers and recommend process improvements in order to better meet the needs of the City and the community. The review was initiated at the request of the City Council, in recognition that the structure of the CGP application, award, and reporting processes has made it difficult to determine the impact of the City's investments on the Capitola community.

After awarding \$258,000 in grant funding to 31 different agencies for nearly 40 programs in the 2018-19 fiscal year, City staff and Councilmembers acknowledged the grants were providing much-needed operating support for valuable services. However, they were unsure whether the funding was distributed equitably (i.e., with the greatest proportion of resources directed toward areas of greatest measurable need), the degree to which grant-funded services were directly benefitting the Capitola community, and what specific outcomes could be attributed to the City's funding.

Review Process

To identify opportunities and options for improving the CGP, the OSC consulting team (Nicole Young, OSC principal and subcontractor Nicole Lezin, Cole Communications):

- **Reviewed existing materials about the CGP** (applications, funding allocations, reports);
- **Reviewed examples of similar grant programs** in other small cities, larger jurisdictions, and nonprofit funders in California and other states;
- **Met with City staff and interviewed Councilmembers** to understand their perspectives about desired outcomes of the CGP review, expectations about what could be achieved with the City's CGP funding, and ideas about the ideal CGP structure; and
- **Contacted a small sample of current grantees** that receive grants between \$1,000 - \$3,000 to obtain additional feedback on the application and reporting process.

It should be noted that one Councilmember's spouse is an executive with a Community Grant recipient. That Councilmember was not interviewed, as advised by the City Attorney, in order to prevent a conflict of interest. In addition, grantees' feedback mentioned in this report should be interpreted with caution, as it reflects just a few people's perspectives.

This report highlights **key take-aways** from the review of the CGP, then provides a more detailed **overview of the current CGP**, a summary of **strengths and challenges of the CGP** that were identified during this review, and **recommendations for improvement** for the City Council's and staff's consideration.

Key Take-Aways

The review of Capitola's Community Grant Program (CGP) generated several insights about the strengths and challenges of the current process for awarding funds, as well as opportunities for improvement and greater impact. Key take-aways are highlighted below, then described in greater detail in the remainder of the report.

1. Community-based organizations **value the community grants from Capitola**, even when funding amounts are relatively small.
2. The CGP provides a **mechanism for the City to address community needs** by partnering with community-based organizations that provide services.
3. However, the City Council **has not yet identified and prioritized which community needs to address** through the CGP, based on community-level data on the status of Capitola residents' health, well-being, and quality of life. The absence of an agreed-upon set of data-driven priorities is a **key driver of the current challenges with the CGP**.
4. Although aspects of the current CGP process were designed to be simple for both grantees and City staff, this **simplicity may have unintentionally contributed to some of the current challenges** with the CGP process. For example, many of the open-ended questions in the application appeared to be simple to answer, but resulted in a wide variance in the clarity and completeness of responses, including grantees' methods for measuring and reporting on outcomes, making it difficult for staff and Councilmembers to review, summarize, and utilize the information to make funding decisions.
5. The City has **an array of options it can consider for improving the CGP**, with varying degrees of complexity and benefits to implement.

Overview of Capitola's Community Grant Program

Revenue Sources

The City of Capitola's Community Grant Program is funded as a specific line item in the General Fund, and effective January 1, 2019, an additional Children's Fund allocation earmarked for early childhood and youth services is funded by .35 percent of the City's Transient Occupancy Tax (TOT) revenue, as stated in Measure J approved by voters in November 2018. Together, these revenue sources fund grants for community-based services.

Application Process

Prior to each funding cycle, the City Council determines the amount available in the General Fund (and now the Children's Fund) for the CGP, whether to open the application process to new applicants, and whether to make any other process improvements to the CGP.

In 2018, the City shifted from participating in Santa Cruz County's common application system to its own application for the two-year funding cycle (covering 2018-19 and 2019-20), modeled after the City of Watsonville's brief application. The City also incorporated a 2 percent cost of living adjustment (COLA) each fiscal year, using 2017-18 award levels as the baseline. Only agencies that had received City funding during the previous grant cycle were eligible to apply for the 2018-20 two-year cycle.

The CGP application and award process for the current grants occurred between June and July 2018, after the Council developed its annual budget and determined the amount available in the General Fund for the CGP. Developing the City's budget first, separately from an active grantmaking process, enabled the Council to establish budget priorities and broad parameters for funding Community Grants in a more strategic manner. This is an example of incremental process improvements the City had made prior to this review.

Funding Allocations

Grant applications were reviewed by a panel of two Councilmembers, with support from City staff. One Councilmember offered to summarize information from the grantee applications in an effort to assist the panel in reviewing applications and formulating recommendations about grant awards. However, this process proved to be cumbersome because of a wide variance in the way that organizations responded to questions in the application.

The majority of the requests and allocations for the current two-year cycle (FY 2018-19 & 2019-20) were under \$10,000 per year, with 58 percent of the contracts awarded to organizations being under \$5,000 per year. The table below summarizes the grants awarded by the annual funding allocation range. A portion of the Children's Fund (\$20,364) has not been allocated in FY 2019-20 and is therefore not reflected in the figures below.

Annual Funding Allocation Ranges	# Organizations Funded in this Range*	% Organizations Funded in this Range*	Total Amount (and Percent) of 2-Year Grants Funded
< \$5,000	18	58%	\$85,058 (17%)
\$5,000 - \$9,999	6	19%	\$74,814 (15%)
\$10,000 - \$19,999	6	19%	\$151,812 (30%)
\$20,000+	1	3%	\$199,242 (39%)
Total	31	100%	\$510,926 (100%)

* May include multiple programs per organization

In addition to grants awarded to distinct agencies and programs, the City allocated funds to address emerging and/or urgent issues, including:

- \$2,500 for a Childcare Center Fee grant (to offset/subsidize the cost of planning permits to operate a childcare facility);
- \$10,000 for a Local Critical Need Fund (for local emergency needs);
- \$37,606 to address Regional Homeless Needs on an ongoing basis; and
- \$7,000 to conduct this assessment of the Community Grant Program.

Reporting Requirements

Currently, grantees are required to submit a year-end grant expenditure report, using templates provided by the City, and the 4th Quarter Report from the Contract Management web site.

Strengths & Benefits of the Community Grant Program

Community Needs

- City staff and Councilmembers recognize that grantee organizations provide **valuable services that improve the health, well-being, and quality of life** of community members.
- Although there is room for improving the process, the CGP represents a **mechanism for the City to address community needs** by partnering with community-based organizations to provide services that extend beyond the City's traditional role and capacity.

Application Process

- Grantees appreciate the **simplicity** of Capitola's CGP application and the **similarities to applications used by other jurisdictions** (e.g. City of Watsonville), as it makes it relatively easy for organizations to apply to multiple local funders. This is helpful to grantees, particularly when grant awards are small.

Funding Allocations

- Non-profit organizations **value Capitola's Community Grant Program**, even when they receive small grants. Funding from local jurisdictions, such as the City of Capitola, is an **important piece of the sustainability puzzle** for non-profit organizations of all sizes, as local funders typically **provide more latitude** than larger but more restrictive funding sources. In addition, some organizations are able to **leverage funds** they receive from local jurisdictions to **secure additional state and federal dollars**.
- Grantees appreciate the **multi-year grants**, as it saves administrative time and provides greater stability and predictability when planning organizational budgets.

- Grantees also appreciate the **Cost of Living Adjustment (COLA)**, as it acknowledges the reality of rising operational costs. Some grantees mentioned that Capitola is the only local jurisdiction that included a COLA in its budget for Community Grants.

Reporting Process

- Grantees expressed appreciation for the **simplicity of the reporting requirements**, especially given the small size of many of the grants.

Challenges & Areas to Improve

Community Needs

- Some CGP funding (through the Children's Fund) is earmarked for a specific age group—children and youth—but is **not otherwise tied to an assessment of specific community needs or priorities in Capitola** that is grounded in both quantitative and qualitative data.
- The absence of an agreed-upon set of priorities makes it difficult to answer the central question of concern to Councilmembers and the driver of this review: **"How is the City's community grant funding improving the lives of Capitola residents?"**
- This also leaves some Councilmembers **wondering whether the community grants are aligned with Capitola's needs** (e.g., "Mid-county has different demographics, different issues;" "My context doesn't go to the West Side.")—and how they would even know.
- In addition, Councilmembers are often faced with questions from community members about the City's spending decisions and priorities (e.g., "Why isn't the City paving streets?"). Without an agreed-upon set of data-driven priorities to refer to, Councilmembers find it **difficult to understand and convey the impact of the community grants in Capitola**. This, in turn, makes it difficult for Councilmembers to communicate that investing in the Community Grants Program is as important to community well-being as investing in roads, economic development, and other core City services.

Application Process

- The eligibility criteria (in recent cycles open only to prior grantees), combined with some Councilmembers' preference to continue funding many agencies in small amounts, left **little room for innovation or for new and different applicants**. In general, Councilmembers who were interviewed expressed openness to re-examining the application eligibility criteria – as they do prior to each new funding cycle – to determine whether the process will be open to new applicants in future years.
- Some grantees indicated that although they appreciated the simplicity of the application, it would be helpful to have more (or clearer) **communication and guidelines about how to complete the application**. Some organizations had to seek

clarification from the City during the application process to ensure they understood the requirements.

- The current application asks organizations to describe the need their program would address in Capitola, as well as the impact to Capitola if the program were not funded. **Some applicants addressed these open-ended questions directly and in detail, while others did not.** Minor modifications to the questions would help yield more specific and consistent answers, which would enhance the funding allocation process.
- Similarly, the **application asks for the anticipated number of people served, but not whether they will be served in Capitola or elsewhere** (and again, applicants responded in different ways). This means that some organizations might receive a significant amount of funding but provide relatively few services within the City or for City residents. The questions could clarify that the City is seeking information about Capitola and its residents if the Council wants to prioritize funding that directly benefits the Capitola community.
- It is worth noting that one grantee expressed concern that **responses about the number of people served could be misconstrued without the right context.** For example, one agency might provide a service that requires an intensive and/or longer-term intervention (e.g., counseling, home visiting, housing assistance) to produce meaningful changes in people's behaviors or health, economic, or social status, and therefore serve a smaller number of people. Meanwhile, another program might provide a service that involves a less intensive and/or briefer intervention (e.g., information and referrals, food distribution) that increases access to essential resources for a much larger number of people but doesn't lend itself to measuring changes in people's behaviors or health, economic, or social status. Simply comparing numbers of Capitola residents served and using that as the basis for funding decisions and measuring success without important context about the program structure and delivery would not capture the impact of more time-intensive interactions.
- When responding to the question, "How would you track and document the impact that this program had on the population served?" most applicants described the types of **outputs** they track (e.g., number of people served, number of activities/services provided) and their **methods and tools** for collecting and tracking data (e.g., surveys, databases) **instead of the anticipated results (outcomes) of the program** (e.g., changes in behaviors or health, economic, or social status). Some applicants mentioned they are required by other funders to measure program outcomes, but did not state what those outcomes were. Minor modifications to this question could yield more specific and consistent answers.
- The **budget form** (Attachment 2 of application) **yielded different responses from applicants.** Some applicants provided budgets for the whole organization, while others provided budgets for the whole program (with Capitola's funding representing a portion of the budget), and others provided budgets for only the portion of the program that Capitola's grant would fund. This makes it difficult to gauge what

proportion of an agency's or program's budget the Capitola funding request represents.

Funding Allocations

- The **absence of identified criteria or prioritized community needs** to address through the CGP, combined with the wide variance in applicants' narrative responses and limited staff capacity, makes it extremely **difficult to compile, analyze, or group** applications in a meaningful way. In turn, this makes it difficult for Councilmembers on the review panel to **evaluate and compare applications and articulate the rationale for funding decisions**.
- Some Councilmembers felt the **award amounts**, spread over dozens of organizations, may be too small to yield meaningful outcomes. However, the grantees that were contacted during this review indicated they **highly value even very small amounts**, especially when there is a great deal of flexibility and latitude in how they may be used. Many non-profits are accustomed to patching together multiple funding sources (small and large) and generally believe any amount can be put to good use. Reductions in one funding source, even if it's a small amount, can have a larger ripple effect on the stability of the agency's overall budget and capacity to provide services. Several grantees that provide services countywide also noted that **they value the principle of receiving funds from all jurisdictions in the county**, even if the amounts vary from one jurisdiction to another.
- Although the application asks organizations to identify how many Capitola residents are being served, in practice, **funding appears to be allocated to organizations serving significant populations outside of Capitola**. While there may be a rationale for this, such as people who work in Capitola and live elsewhere, it is not articulated in the application, allocation, or reporting process.
- Some Councilmembers would like to see greater emphasis on **ensuring equitable distribution of funding** in the City's allocation process (e.g., funding allocations are informed by an examination of which populations and needs within Capitola are or are not being addressed, and which grant applications are most likely to close gaps and barriers).
- Similarly, some Councilmembers would like to ensure the CGP funding allocation process **gives smaller organizations a fair chance**—e.g., rating or scoring criteria do not automatically give an advantage to larger, more established organizations with grant writing experience over smaller agencies that may have less grant writing

“We continue to fund the same organizations without really knowing what they're doing ...”

— Capitola City Councilmember

experience or capacity but may be providing more targeted and impactful services in Capitola

- The dedicated **Children's Fund**, which took effect on January 1, 2019, provides additional resources for community-based services focused on early childhood and youth. Although there are some broad parameters about the use of the Children's Fund, **allocations were not made pursuant to the existing CGP process in the first year of implementation**. However, the Council directed this study of the CGP to help guide the allocation process in future years. Councilmembers expressed interested in implementing improvements to the whole Community Grant Program, regardless of the revenue source (General Fund or Children's Fund).

Reporting Process

- Some grantees indicated they would find it helpful to have **more or clearer guidelines about the reporting requirements**, since the City does not use a specific template to report on program implementation and outcomes. One grantee mentioned that the contract referenced the old Contract Management web site, but the web site was not available when the report was due. Clearer guidelines would help grantees have a better understanding of what information to provide and how, which would save them time in the long run.
- Similar to the applications, grantees submitted their **progress reports in a variety of formats**. Some organizations wrote a letter and included some program data in narrative format, while others prepared a table that summarized their year-to-date progress toward meeting their targets for activities (outputs) and outcomes. The variance in report formats makes it **difficult to compile the information** in a way that would enable City staff to provide updates to the Council on the impact of the community grants.

Recommendations for Improvement

It is worth noting that relatively few small cities take on the considerably resource-intensive task of assessing, vetting, funding, and overseeing local non-profit agencies to provide services. Indeed, another small city in Northern California that the consultants contacted recently decided to transition to a multi-year contracting process (i.e. non-competitive) with a handful of nonprofits providing parks and recreation services that were formerly funded through a competitive grant-making process. As the city manager (who wishes to remain anonymous) noted, "Competitive grants were a huge time investment by staff, uncertainty to the non-profits, and little to no credit through the year for the City's investment," adding that some Councilmembers expressed concern the city was basically functioning as a foundation, but without the resources and expertise to do so.

However, making even a few modest changes to Capitola's CGP application, allocation, and reporting processes offers the potential of a more streamlined and manageable process, answering more of the questions about stewardship that Councilmembers have raised, while institutionalizing decisions about whether and how new applicants (and their services, approaches, and ideas) are eligible to apply for funding.

After taking into account the views of existing staff and Councilmembers, the experiences of other small cities grappling with similar issues, the initial feedback from a small sample of current grantees, and countywide shifts to results- or impact-based funding, the consulting team prepared an array of **possible options and steps to improve the CGP**, listed below in order of increasing complexity, as well as benefit.

Option 1

Maintain the status quo and continue the current approach of awarding mostly small amounts to an existing pool of grantees with no changes to the application, allocation, or reporting processes. This option would avoid disruptions to organizations currently receiving grants and would not require additional staff time or resources to manage a change process. However, choosing this option would also mean the challenges described in this report would remain unresolved and likely to continue.

Although some Councilmembers would not necessarily oppose continuing the current approach if there were a sound rationale for doing so, they also appear to be willing to consider other options, even if these cause some temporary discontent among existing grantees as funding shifts.

Option 2

Take incremental steps to improve the Community Grant Program over the next 1-2 years.

The steps suggested below are also listed in order of complexity and potential benefit—i.e., Step 1 would be relatively simple to implement and is likely to be beneficial to staff, Councilmembers, and grantees, but is unlikely to fully resolve the CGP challenges described earlier in this report. Whereas, Step 3 would be a more complex task that would require a more extensive, inclusive planning process, but is more likely to resolve the current challenges with the CGP. The Council could decide upfront to implement all four steps over a period of 1-2 years, or could choose to implement one step at a time before deciding whether and how to proceed to subsequent steps.

- **Step 1: Revise the CGP application** to obtain more uniform information regarding the specific ways Capitola residents are served and the expected impacts of the proposed program on the City. Suggested modifications include asking for:
 - Total number of individuals served, and number of Capitola residents served with grant funds
 - Specific use of grant funds in Capitola

- Specific outcomes of the program the grantee will measure
- Requested amount as a proportion of the organization's total budget and of the total program budget
- How the proposed program or service addresses an identified community need or priority (as suggested in Step 2)

Additional suggestions and a sample revised application are included in **Appendix A**. The reporting requirements would also need to be revised so that grantees are measuring and reporting on progress toward achieving their goals and outcomes, as described in their applications.

- **Step 2: Use a data-driven process to identify the priority needs for the City.** The Capitola-specific data in **Appendix B**, drawn from DataShare Santa Cruz County and Broadstreet's community indicator platform, are examples of data points that could help frame a discussion about setting Council priorities. Quantitative data could be supplemented (as resources allow) with qualitative data from community residents through surveys, focus groups, town halls, or "listening tours."

Examples of categories or ways of identifying priority needs could include:

- By key aspects of community well-being: health, education, economic security, thriving families, community connectedness (including arts, culture, and civic engagement), healthy environments, safety and justice, and stable, affordable housing and shelter
 - By age: children/youth, adults, seniors
 - By other demographics and characteristics of City residents: income level, social isolation, monolingual, under/un-employed, etc.
- **Step 3: Revisit the CGP funding allocation framework, criteria for screening and assessing the grant applications, and reporting requirements.** Councilmembers and City staff realize that with relatively small funding amounts per agency, significant outcomes (such as changing health status or educational attainment) may not be achievable with the City's grant funding alone. When the consultants asked Councilmembers about the types and degree of changes to the Community Grant Program that they would (or would not) be interested in exploring, some indicated that they would be open to different funding models, if the approach were based on further discussion and decisions about how to allocate funds across a more limited set of priority needs.

Assuming priorities are identified as suggested in Step 2, the City could consider adopting one or more of the following **funding allocation strategies**, many of which were suggested by Councilmembers during their interviews:

- **Balance or redirect existing funds among existing grantees** to ensure a more equitable distribution of resources, rather than cutting agencies from the pool. Some Councilmembers are very concerned about the pushback that any changes—cuts in funding amounts for specific organizations, or a reduced number of organizations funded—would spark, while others remain concerned but believe it would be worthwhile in the long run to make changes now.
- **Stagger funding cycles or commit to longer funding cycles**, to ensure some continuity while also **opening up the process to a broader pool of applicants** over time.
- **Fund fewer agencies**, but significantly **increase the grant awards** per agency, to align with expectations for achieving outcomes; and/or
- Adopt a **tiered funding model**, similar to the City of Hillsboro, Oregon, in which a portion of funding is reserved for smaller operating support grants (with minimal application and reporting requirements), while another, larger portion of funding is devoted to a smaller number of results-based grants focused on improving outcomes in particular priority needs (with more detailed and specific application and reporting requirements). While Capitola has a smaller CGP budget and population than Hillsboro, this strategy could be modified as needed to reflect Capitola's resources.
- Any of the above strategies could be accompanied by separate allocations for **one-time events or sponsorships**, an **“innovation fund”** to introduce more opportunities and flexibility, even if the *status quo* generally remains in place, and/or a **discretionary fund** to support emerging needs that arise between CGP funding cycles.

Spotlight: City of Hillsboro, OR

The City of Hillsboro, Oregon, located just west of the Portland, Oregon metro area, follows a **tiered funding model**, with a set of grants under \$5,000 (with streamlined reporting at the 6-month mark and no reporting required for grants under \$3,000) and another set of \$40,000/year “impact” grants for a 3-year period to address an ongoing priority (in 2017-20, housing and homelessness).

The City of Hillsboro (with a population of just under 107,000) also uses a scoring system in which three reviewers (Councilmembers who serve on the Finance Committee) assign scores to criteria matched to application responses, discuss and resolve discrepancies, and recommend funding allocations so that the highest scoring grant applications receive full funding, and others receive partial funding until the funds are spent.

Adopting new funding allocation strategies that support prioritized community needs would make it easier to implement the types of **criteria for reviewing and scoring grant applications** that Councilmembers also suggested (see sample scoring rubric in **Appendix C**), such as:

- Degree of alignment between the program's proposed activities and outcomes and the City's prioritized needs
- Organizational track record in achieving intended outcomes
- Degree of the program's contributions to "livability"—making Capitola a good place to live (e.g., safety, access to housing)
- Degree to which the program serves Capitola's population and the City of Capitola (and similarly, asking countywide/regional organizations to make the case for why Capitola should contribute funds for their programs)
- Degree to which the program serves populations that are particularly vulnerable and/or have unmet needs
- Degree to which organizations for whom the Capitola Community Grant funding is a minimal piece of a large budget is leveraging Capitola's funding to achieve impact (e.g., Capitola's funding provides required match for another funding source, enabling the organization to draw down additional funds that increase access to and impact of services in Capitola)

If the Council identifies and prioritizes community needs and improves the application and allocation process, the **reporting process could better address the questions of greatest concern or interest to Councilmembers**. These changes need not be complicated, but could **focus on the question of impact in Capitola** itself—e.g., asking grantees to describe whether and how any Capitola residents are better off, and how the funds awarded contributed to this outcome.

Step 3 is likely generate concerns or fears from current grantees, but **providing plenty of notice and clearly communicating the rationale and criteria** could help minimize disruption. If the change process is managed well, it offers the potential for increasing accountability and impact, while also reducing the administrative burden on grantees, City staff, and Councilmembers.

- **Step 4: Align the City's identified priorities and/or co-invest with other funders in shared priorities that encompass Capitola and other parts of the County.** The County and City of Santa Cruz's joint funding of safety net services through the Collective of Results and Evidence-based (CORE) Investments framework is one example of a type of co-investment for collective impact. The United Way of Santa Cruz County's effort to align its United 4 Youth grant process and outcomes with the CORE Investments framework is another example of how a local funder is amplifying the impact of its smaller investments (which are awarded separately from the County and City of Santa Cruz's CORE contracts) by aligning with similar but broader collective impact efforts.

Option 3

Eliminate the Community Grant Program altogether and transition to a system of contracting with a select number of community-based organizations to provide specific services in support of identified priorities. This represents a more drastic change that would only be recommended if the Council wanted or needed to do a complete overhaul of its approach to funding community-based services.

Consultants' Recommendation

The consulting team's overall recommendation is to **consider Option 2 and commit to a specific timeframe**—within 1 or 2 years—to implement the steps outlined above. Specifically, we recommend:

- At a minimum, streamline the application process as described above
- Streamline and match the reporting requirements accordingly
- Identify priority needs based on community-level indicators, such as those found in DataShare Santa Cruz County or the Broadstreet community indicator web-based platform
- Develop a weighted checklist with criteria for assessing applications (based on how well they address needs) and using these to score applications, and
- Consider both a tiered funding allocation approach (similar to the City of Hillsboro's) and moving towards a co-investment approach that aligns with other County funding priorities to amplify the impact in Capitola.

If the City chooses to pursue Option 2, there are likely to be opportunities to work alongside other local public and non-profit funders that are exploring, or even implementing, similar steps to enhance their funding processes as part of the CORE Investments initiative. This could help make it more feasible for City staff to guide the change process, and have the added benefit of creating greater alignment—and even uncover opportunities for greater collective impact—with other funders that share similar goals and values.

Appendix A: Suggested Changes to the Capitola CGP Application

Suggested Changes to Application (in bold)	Rationale
Organization	
How many Capitola residents does the organization serve annually? (Please provide a number)	Some grantees provided a specific number, while others provided a narrative response (e.g. "1% of agency clients" or "We serve many").
Staff / Board	
Add Number of Board members after Number of Volunteers	Provides helpful context for the next two questions about "How much money did the board of directors contribute..." and "What percentage of board of directors contributed..." without having to turn to the list of board members in Attachment 1
Program Information	
Add Total Program Budget (including this grant request) before Request Amount	Provides context about the total cost of the program
Add What percent of the Total Program Budget does this Request represent?	Provides context about the size of the grant request, relative to the total cost of the program (or organization)
Describe the need that this program will address in Capitola. What information or data indicates this is an area of need in Capitola?	Create greater consistency in responses about how the grants will impact Capitola, and how needs are being identified.
Omit "...what would be the impact to Capitola if this program is not funded."	Applicants have similar responses (e.g. fewer people served, reduced hours of operation, reduced capacity to leverage other funds, etc.) that are not likely to change or vary widely – i.e. added value of this narrative question is unclear
Add Describe how the requested grant funds would be used to support the proposed program (e.g. staff positions, program activities, general operating, etc)	This appears with varying levels of detail in the budget response, but it would be helpful to get a 1- or 2-sentence summary here.
Add What are 1-2 results (outcomes) of the program that you will measure? Outcomes are changes in knowledge, attitudes, behaviors, skills, or status before the question, "How would you track and	Elicit more specific responses about the intended results of the funded programs. The pending CORE Results Menu will contain examples of ways to phrase program-level outcomes that could be of use, both for applicants (will help them craft clear and

Suggested Changes to Application (in bold)	Rationale
document the impact that this program had on the population served?"	measurable outcome statements) and the City (will help create clusters or categories of types of results the City's funding is contributing to).
Change "How many individuals does the program intend to serve?" to How many individuals does the program intend to serve annually with this grant?	<p>Applicants answered the current question in different ways – i.e. some responses appear to refer to all clients served by the organization (versus the program that the grant request is for).</p> <p>The City may also want to decide whether to ask how many Capitola community members (people who live and/or work in Capitola) will be served annually with the grant.</p>
Program Classification	
<p>Split the current question, "Select the program area that most accurately represents this grant request" and response options into two questions:</p> <p>Select the <u>primary</u> population(s) that will be served by the program in this grant request.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Children <input type="checkbox"/> Youth <input type="checkbox"/> Adults <input type="checkbox"/> Seniors <input type="checkbox"/> Families <input type="checkbox"/> Immigrants <input type="checkbox"/> [add other agreed-upon categories] <p>Select the <u>primary</u> issue(s) or program area(s) that most accurately represent this grant request.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Health & Wellness: Physical, mental, behavioral, social-emotional health <input type="checkbox"/> Lifelong Learning & Education: High-quality education and learning opportunities <input type="checkbox"/> Economic Security: Employment, food security, ability to afford basic needs <input type="checkbox"/> Thriving Families: Safe, nurturing relationships and environments that promote optimal health and well-being of all family members across generations. 	<p>Make a distinction between populations and issues/programmatic areas</p> <p>Suggested issues/program areas are based on CORE Conditions for Health & Well-being. Although the City of Capitola has not formally incorporated elements of CORE into its Community Grant Program, some Councilmembers indicated an openness to the possibility during the interviews. This provides an opportunity to align with other local funders, even if Capitola does not co-invest (pool its grant funds) with other funders.</p> <p>If Capitola chooses to incorporate elements of CORE, the list of primary issues/program areas in the application could either include all of the CORE Conditions, or a smaller subset that more closely align with the Council's priorities</p>

Suggested Changes to Application (in bold)	Rationale
<ul style="list-style-type: none"> <input type="checkbox"/> Community Connectedness: A sense of belonging, diverse and inclusive neighborhoods and institutions, vibrant arts and cultural life, and civic engagement <input type="checkbox"/> Healthy Environments: A clean, safe, sustainable natural environment and a built environment and infrastructure that supports community members' health and well-being <input type="checkbox"/> Safe & Just Community: Fair, humane approaches to ensuring personal, public, and workplace safety <input type="checkbox"/> Stable, Affordable Housing & Shelter: Adequate supply of housing and shelter that is safe, healthy, affordable, and accessible. 	
Attachment 1: List of Board of Directors	
<p>Add column(s) for key demographics, such as race or ethnicity, gender, age, etc.</p>	<p>Funders, service providers, and policymakers across the county are renewing their focus on diversity, equity, and inclusion. Demographics of agency leaders and decision-makers, including the Board of Directors, are one valuable indicator of the degree to which the organization is reflective of the community they are serving.</p>
Attachment 2: Organization Budget	
<p>Clarify whether applicants should be providing the Organization budget (i.e. all programs and operations, including the program they're requesting funding for) or the Program budget (including the grant request). Modify the name and instructions for this attachment accordingly.</p>	<p>Some applicants seem to have provided the organization-wide budget, while others provided the program budget, and still others provided the budget for just the grant request (i.e. a portion of the total program budget).</p>

City of Capitola Community Services Grant Application **(with suggested revisions)**

Organization

Organization Name	Describe the Organization's history and major accomplishments in Capitola. (200 Word Limit)
Legal Name of the Organization	
Tax ID Number	
Address	
City State Zip Code	
Phone Number	
Website Address	
Year Established	
Organization Mission Statement (Limit 100 Characters)	
	How many Capitola residents does the organization serve annually? Please provide a number.
	Organization's Budget

Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Executive Director

First Name	
Last Name	
Title	
Email Address	
Office Phone	Ext.
Annual Salary	

Staff

Number of Full Time Staff
Number of Part Time Staff
Number of Volunteers
Number of Board members
List Current Board of Directors
*Including name, city of residence, profession, ethnicity.
Please see Attachment 1
How much money did the board of directors contribute to the organization during the most recent fiscal year?
What percentage of Board of Directors contributed to the organization during the most recent fiscal year?

Contact for Grant Request

Same as Executive Director	
<input type="checkbox"/>	
First Name	
Last Name	
Title	
Email Address	
Office Phone	Ext.

Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Program Information

Total Program Budget (including this grant request)
Request Amount
What percent of the Total Program Budget does this Request represent?
Program Title (10 Word Limit)
Program Start Date
Program End Date
Describe the need that this program will address in Capitola. What information or data indicates this is an area of need in Capitola? (250 Word Limit)

Summarize the program for which your organization is requesting grant funds. (300 Word Limit)

Program Information Continued

Describe the population this program serves. (200 Word Limit)

If not already explained elsewhere, please share what would be the impact to Capitola if this program is not funded (150 Word Limit)

Describe how the requested grant funds would be used to support the proposed program (e.g. staff positions, program activities, general operating, etc) (150 Word Limit)

What are 1-2 results (outcomes) of the program that you will measure? Outcomes are changes in knowledge, attitudes, behaviors, skills, or status.

How will you track and document the impact that this program had on the population served? (200 Word Limit)

Program Information Continued

**Please describe how you ensure that Capitola residents receive services?
(200 Word Limit)**

How many individuals does the program intend to serve **annually with this grant?**
(i.e. people impacted by programing) (Provide a number)

Organization Budget:

A detailed program showing income and expenses, and explaining how grant funds would be allocated for the program
.....

[See Attachment 2](#)

Leverage Funds / Partners

Provide a list of other funding sources leverage for this program and list agencies partnering with you. Indicate if other grant applications are pending or approved. Also share the role of partnering agencies.

[See Attachment 3](#)

Program Information Cont.

List your partners in this program and explain how they enhance your ability to provide services in Capitola. (150 Word Limit)

If you received funding in the last funding cycle describe the major accomplishments of your program. (200 Word Limit)

Program Classification

Select the primary population(s) that will be served by the program in this grant request.

- Children
- Youth
- Adults
- Seniors
- Families
- Immigrants
- [Add other agreed-upon categories]

Select the **primary** issue(s) or program area(s) that most accurately represent this grant request.

- Health & Wellness:** Physical, mental, behavioral, social-emotional health
- Lifelong Learning & Education:** High-quality education and learning opportunities
- Economic Security:** Employment, food security, ability to afford basic needs
- Thriving Families:** Safe, nurturing relationships and environments that promote optimal health and well-being of all family members across generations.
- Community Connectedness:** A sense of belonging, diverse and inclusive neighborhoods and institutions, vibrant arts and cultural life, and civic engagement
- Healthy Environments:** A clean, safe, sustainable natural environment and a built environment and infrastructure that supports community members' health and well-being
- Safe & Just Community:** Fair, humane approaches to ensuring personal, public, and workplace safety
- Stable, Affordable Housing & Shelter:** Adequate supply of housing and shelter that is safe, healthy, affordable, and accessible.

Type of Support
Select the type of Support for this grant request. (All that apply)

- Capital Support
- Operating Support
- Program Support

Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Attachment 1

List of Board of Directors

Name	City of residence	Profession	[insert column(s) for key demographics]

Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Organization Budget

Organization Name	Program
-------------------	---------

--	--

Income	Notes
Total:	

Expenses	Notes
<ul style="list-style-type: none"> Salaries Tax & Benefits Professional Services Supplies Travel Printing Office Supplies 	
Total:	

Attachment3

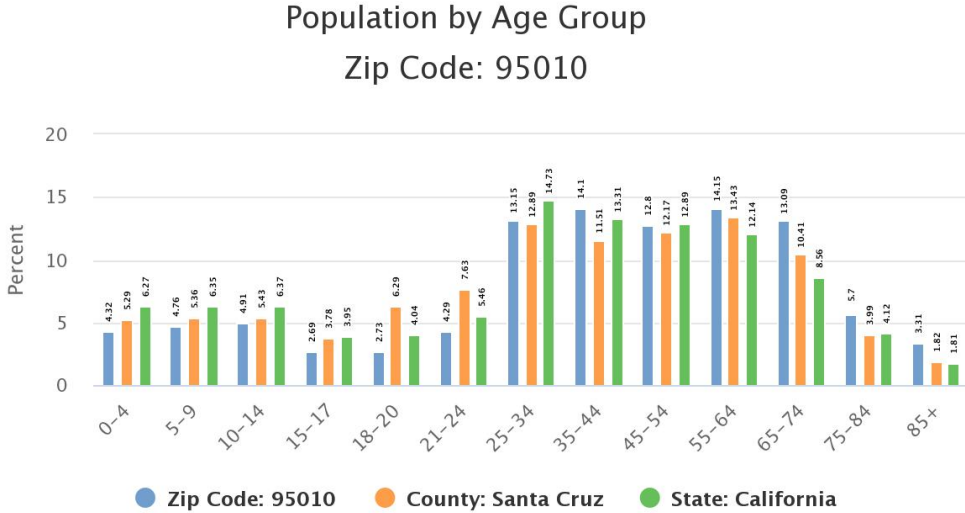
Leverage Funds

Funding Source/ Partner	Amount	Pending / Approved / Role of Partner

Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Appendix B: City of Capitola Data for Determining Priority Needs

(Sample 1: Accessed via www.datasharescc.org)

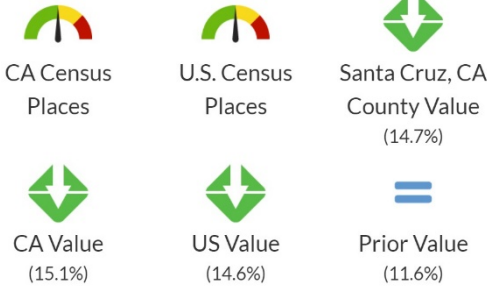


Claritas, 2019. www.datasharescc.org

People Living Below Poverty Level Census Place: Capitola

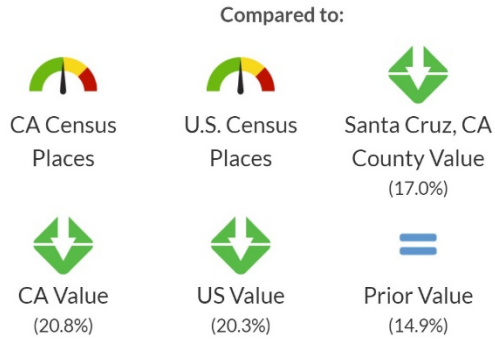
12.7%
(2013-2017)

Compared to:



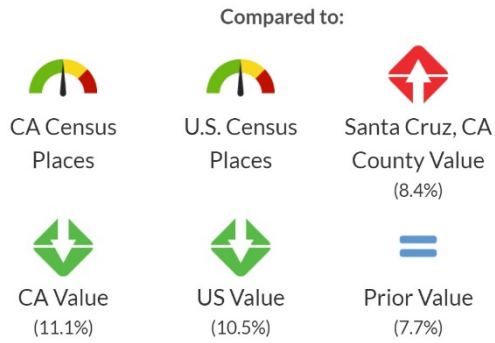
Children Living Below Poverty Level Census Place: Capitola

16.8%
(2013-2017)



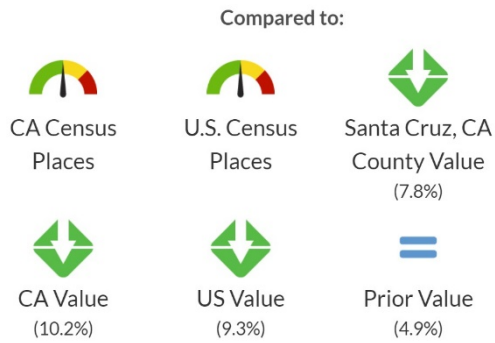
Families Living Below Poverty Level Census Place: Capitola

8.8%
(2013-2017)



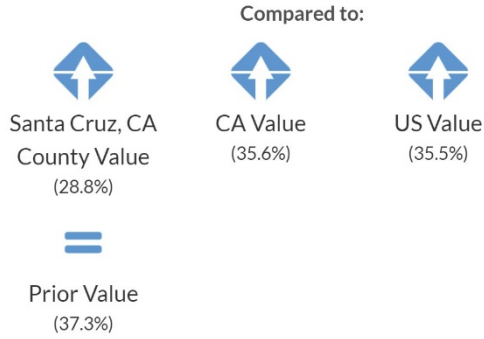
People 65+ Living Below Poverty Level Census Place: Capitola

6.6%
(2013-2017)



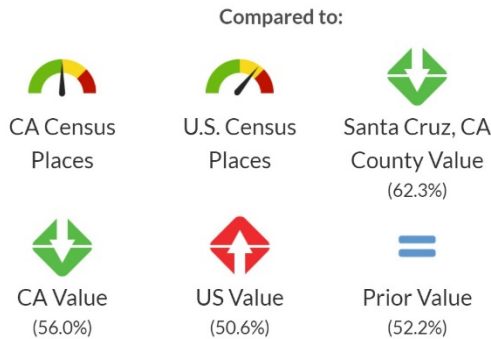
Adults 65+ with a Disability Census Place: Capitola

38.4%
(2013-2017)



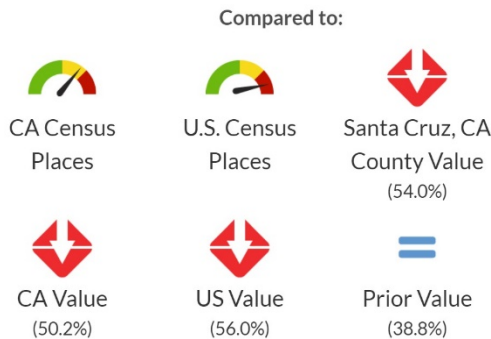
Renters Spending 30% or More of Household Income on Rent Census Place: Capitola

54.9%
(2013-2017)



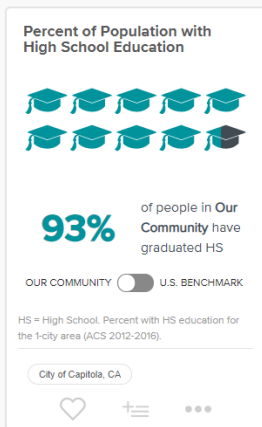
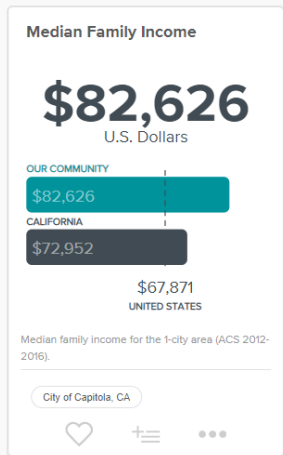
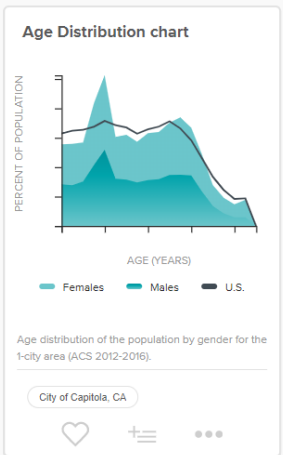
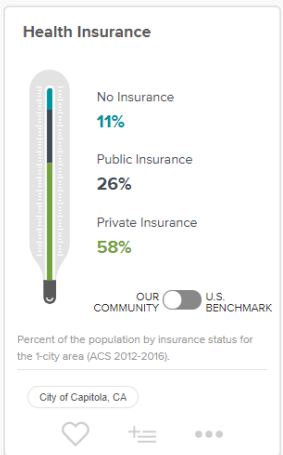
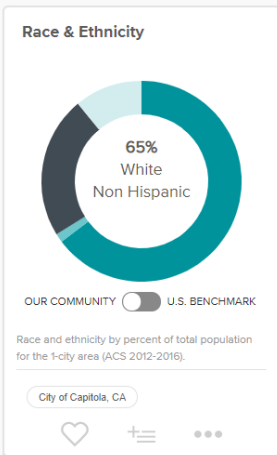
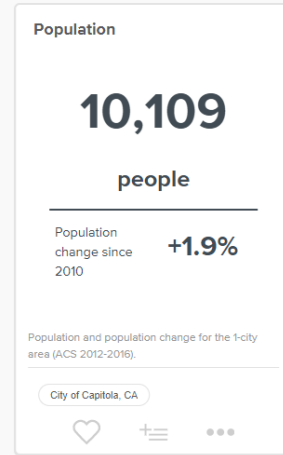
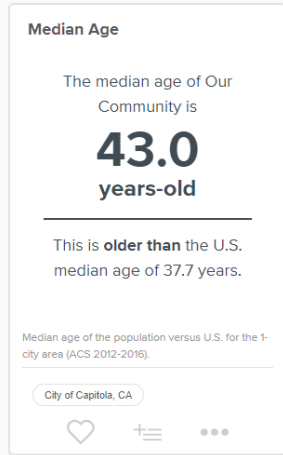
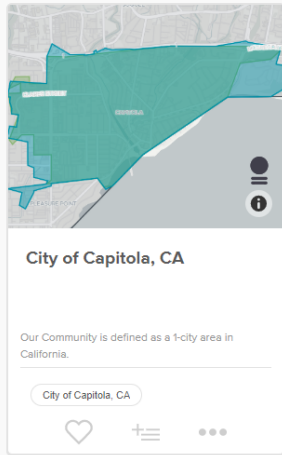
Homeownership Census Place: Capitola

41.2%
(2013-2017)



(Sample 2: accessed via <https://www.broadstreet.io/board/pubboard/Qm9hcmRDYXJkVXNITm9kZTo1MTA2NzE%3D>)

Demographics



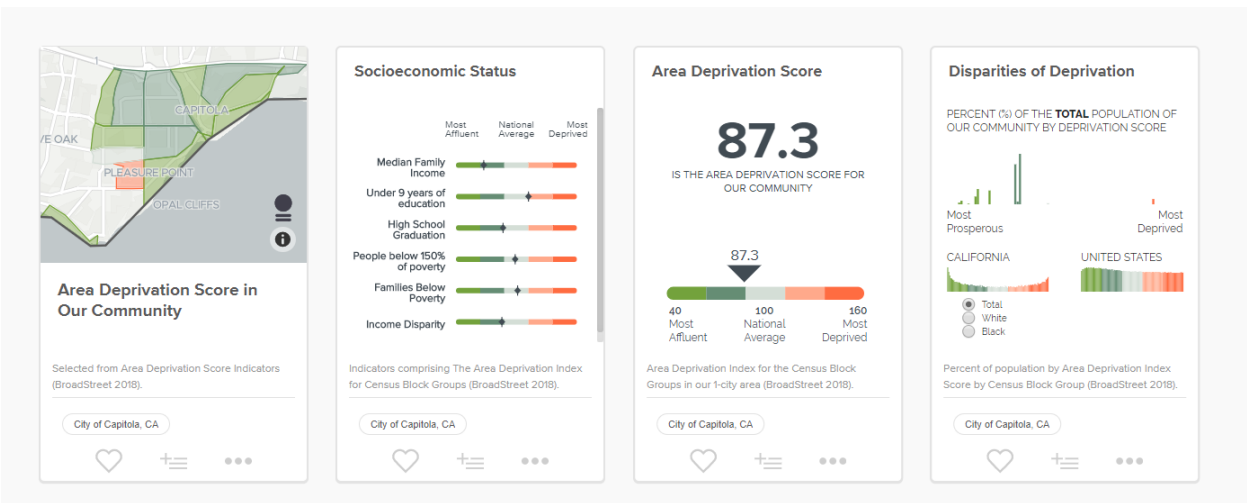
Attachment: OSC Grant Program Report (Community Grants Strategic Plan)

Measures of Vulnerability

The Social Determinants of Health are the conditions where people live, learn, work, and play. Social determinants include factors that contribute to or detract from overall health. Examples include: Access to clinical care, individual health behaviors (e.g. smoking), the physical environment, and social and economic factors. Social and economic factors can be measured by indicators such as income, employment, education, and housing conditions.

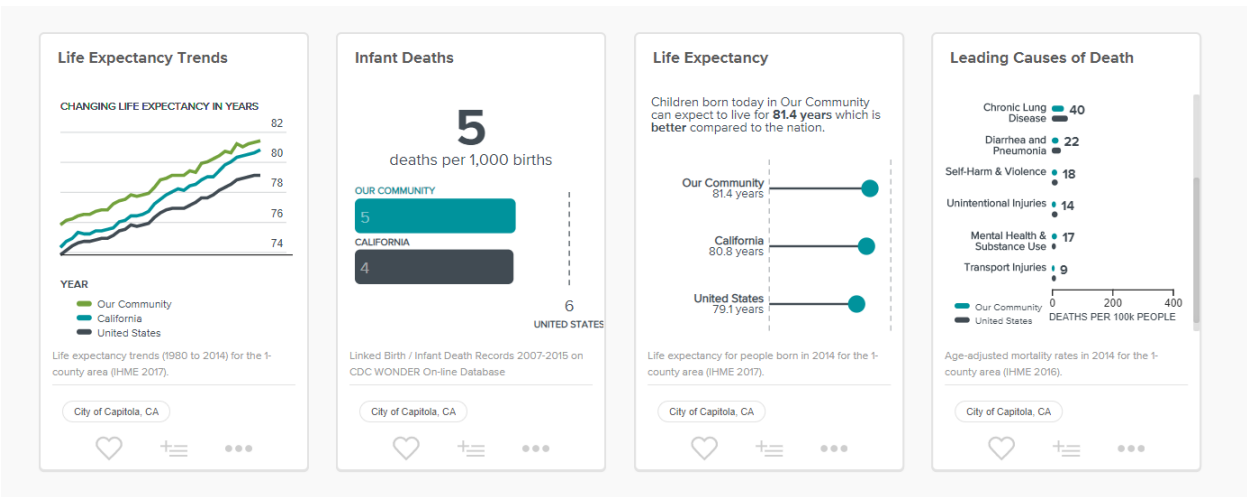
The Area Deprivation Index

The Area Deprivation Index (ADI) measures social vulnerability. The ADI combines 17 indicators of socioeconomic status (e.g. income, employment, education, housing conditions) and has been linked to health outcomes such as 30-day rehospitalization rates, cardiovascular disease death, cervical cancer incidence, cancer deaths, and all-cause mortality [1-6]. In Our Community, there are regional and racial disparities in deprivation. These disparities may contribute to unique health challenges for those living in the most deprived areas.



Life Expectancy and Mortality Trends

Health outcomes include life expectancy and mortality from potentially preventable causes. *Life expectancy* is the average age for which a child born in **Our Community** can expect to live. Nationally, life expectancy has increased over the last 30 years with evidence of widening disparities. Life expectancy is impacted by leading causes of death. In **Our Community**, the leading causes of death are similar to leading causes nationwide: (a) cardiovascular disease and (b) cancer and other tumors. Many leading causes of death are preventable and, indeed, have declined over the past several decades. In the cases where mortality rates are higher than U.S. benchmarks, there is the potential of saving lives by achieving benchmark rates.



Appendix C: Sample Grant Application Scoring Rubric

Criteria	Application Question(s)	Points
Addresses need / priority identified by the City Council	Program Information; "Describe the Need" Note: also requires City Council to set priorities	20
Proposed project / services improves the lives of Capitola residents	Capitola residents served Describe the need Summarize the program Describe impact if not funded	40
Outcomes are clear and reasonable; proposed evaluation yields useful information on project / program	What outcomes will this program achieve? What tools and methods will you use to measure whether the outcomes have been achieved?	25
Budget is reasonable to achieve stated goals; Ability to leverage grant funds	Organization and Program Budget Funds leveraged by Capitola grant	10
Organization is stable and well-run	Years in operation Prior grantee Board / management / staff composition (reflective of community)	5



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Consider Proposed Recreation Strategic Plan

RECOMMENDED ACTION: Adopt proposed five-year Recreation Strategic Plan.

BACKGROUND: The Recreation Division has utilized a consistent service model for many years, providing successful class programs for adults and Junior Guard and Camp Capitola summer youth programs. With the introduction of new management in the Division, the City sought to engage the community and develop a strategic plan to ensure the City's recreation offerings best serve the community's needs.

At its meeting on February 28, 2019, City Council approved \$13,700 to support a Recreation Strategic Plan project. A Request for Qualification was issued and BluePoint Planning chosen as consultant for the project.

Staff assembled a Core Team of community stakeholders and City staff. This group provided a review of existing conditions, identified recreation needs and gaps, and developed a vision and goals for the plan facilitated by BluePoint Planning. Staff and the Core Team engaged the community for feedback with an online survey and community meeting.

DISCUSSION: Using the information gathered, BluePoint Planning and the Core Team developed a Strategic Plan Framework (Attachment 1) and full plan (Attachment 2). The proposed framework provides a new Mission, Vision, and Values for the Recreation Division and outlines four goals, each with guiding strategies, that the Division would begin using for workplan and budget development starting at fiscal year 20/21.

The proposed strategic plan goals are:

1. **Efficient & Effective Umbrella Organization:** By 2021, transform the Division into an umbrella organization for programming parks, events, and recreation that is resourced, efficient, and effective.
2. **Affordable & Accessible:** Annually update and refine recreation programs and event offerings to ensure they are balanced, relevant, affordable, and accessible to all community members, regardless of age, socio-economic status, or ability.
3. **Maximize Facilities:** By 2022, complete an assessment of all city facilities and prioritize renovations, additions, and ongoing maintenance to maximize the function and flexibility to support the Division's mission.

Rec Strategic Plan Update
February 13, 2020

4. Partnerships: In 2020, establish partnership agreements with the school district, library, and other city organizations to secure use of facilities and shared use to expand ability to provide a range of services.

The proposed plan calls for increased collaboration, both with outside partners such as Soquel Union Elementary School District and Capitola Library, as well as internally within the city to leverage expertise and improve efficiency. As part of a five-year plan, the Division will conduct regular achievement analysis and evaluate goals through the plan's lifetime.


FISCAL IMPACT: No immediate fiscal impact.

ATTACHMENTS:

1. Strategic Framework
2. Capitola Strategic Plan

Report Prepared By: Nikki Bryant LeBlond
Recreation Supervisor

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

2/7/2020

Capitola Recreation & Parks Division

Strategic Plan Framework

Mission

The Capitola Recreation & Parks Division is committed to providing safe, affordable, intergenerational, and fun recreational activities and facilities to support the health and well-being of people of all backgrounds and ability levels.

Vision

We provide recreation programs and facilities that are progressive, evolve, and are responsive to the needs of the entire community.

Values

- Community-Oriented – Respond and anticipate community needs, informing, and shaping programs for all.
- Collaborative – Work hand and hand with city and regional partners to provide the best services possible.
- Innovative – Strive to incorporate innovative thinking in all aspects of the operation of the department.
- Efficient – Use resources, facilities, and staff efficiently to get the greatest benefit possible.
- Affordable – Provide a range of opportunities for all residents that are affordable and fully accessible.

Goals

1. Efficient & Effective Umbrella Organization: By 2021, transform the department into an umbrella organization for programming parks, events, and recreation that is resourced, efficient, and effective.

S.1.1 Plan for and understand operational needs for incorporating the city events into the Division in coordination with the Arts & Culture Commission.

S.1.2 Develop a process for Recreation to incorporate programming and enhance community participation in Parks in coordination with the Public Works Department.

S.1.3 Evaluate Division's role in the issuance of Special Event Permits in coordination with the Police Department.

S.1.4 Build a new Division organization, including incorporating the addition of Events and Parks, clearer job titles, and resources to support activities.

S.1.5 Establish budgetary parameters for a new department structure and needs for fundraising, grants, and general fund allocations.

2. Affordable & Accessible: Annually update and refine recreation programs and event offerings to ensure they are balanced, relevant, affordable, and accessible to all community members, regardless of age, socio-economic status, or ability.

S.2.1 Establish a cost recovery policy that enables more affordable access to programs for all residents of all ages with reasonable fees, scholarships, and revenue generation targets.

S.2.2 Explore need and roles of a Committee Advisory Group to provide input and feedback on new programs and activities and to support relevant and valuable services.

S.2.3 Expand and develop relationships with educational organizations outside of the City to promote internships and increase availability of teen programs.

S.2.4 Optimize the use of parks, facilities, and partner locations to pilot and offer programs throughout the City.

S.2.5 Systematically evaluate and update programs and program offerings to ensure that they serve the community as a whole.

3. Maximize Facilities: *By 2022, complete an assessment of all city facilities and prioritize renovations, additions, and ongoing maintenance to maximize the function and flexibility to support the Division's mission.*

S.3.1. Inventory existing City Recreation and Parks and Facilities, survey the community and conduct a Needs Assessment.

S.3.2 Prioritize facility upgrades to support program offerings, improve efficiencies, and broaden services to the community.

S.3. Identify and help develop additional park facilities and recreation programs associated with new developments or other available resources.

4. Partnerships: In 2020, establish partnership agreements with the school district, library and other city organizations to secure use of facilities and shared use to expand ability to provide a range of services.

S.4.1 Cooperate with School District to establish a long-term memorandum of understanding (MOU) regarding the shared use and programming of City and District facilities.

S.4.2 Establish a MOU with the library for programming and use of facilities at the new Capitola Library.

S.4.3 Foster relationships with other public and private recreation, event, and park providers to coordinate and amplify opportunities to serve residents.

S.4.4 Pursue grants and other funding with partners, building on the benefits of shared resources and cooperative services.



Capitola Recreation Strategic Plan

February 13, 2020



Attachment: Capitola Strategic Plan (Rec Strategic Plan Update)



Prepared by:
BluePoint Planning
1950 Mountain Blvd, #3
Oakland, CA 94611



Attachment: Capitola Strategic Plan (Rec Strategic Plan Update)

The Strategic Plan

In 2019, the City of Capitola identified the need and opportunity to develop a strategic plan for the Capitola Recreation Division to direct future growth and to explore ways to expand recreation services to the community. This Strategic Plan was developed in collaboration with Division staff, a representative advisory group - "Core Team", a community survey, and consultant assistance. The Strategic Plan was designed to do the following:

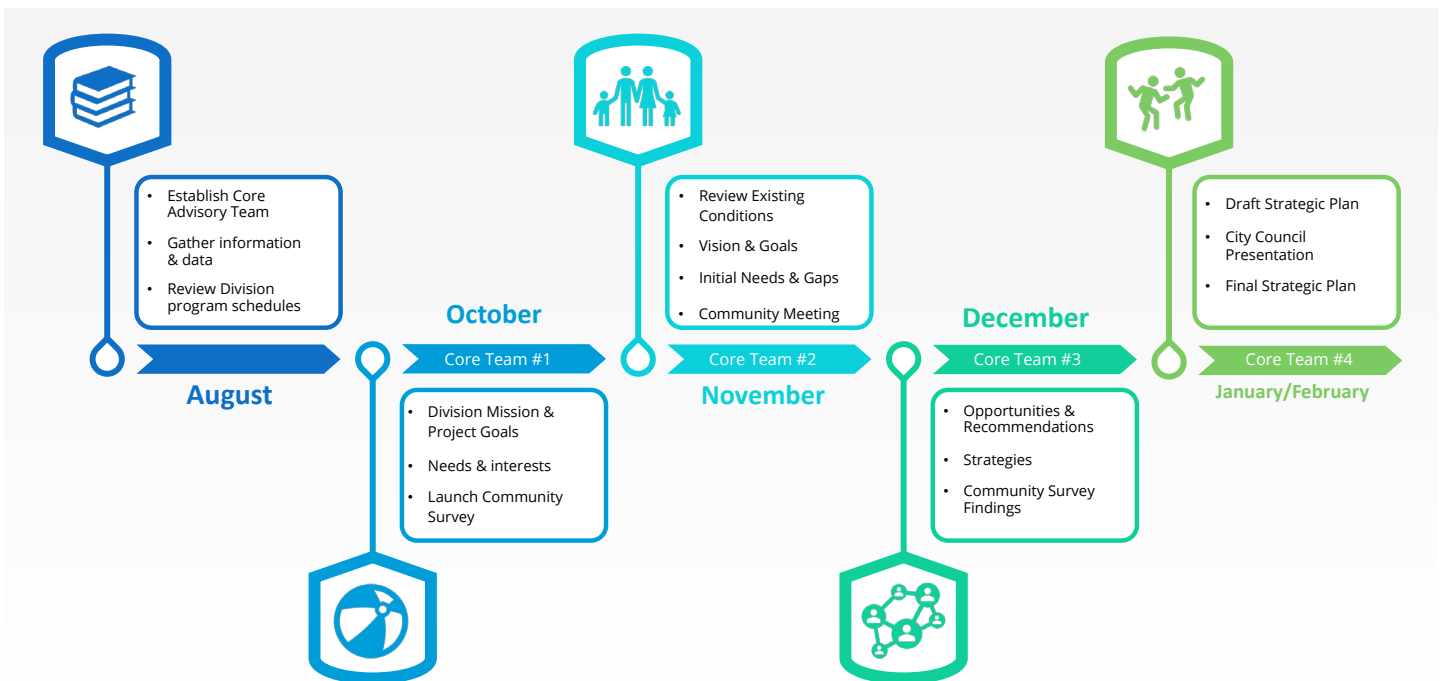
- Create a 5-year roadmap for the Recreation Division to meet community needs
- Establish strategies to maximize the use and function of the parks and facilities
- Identify which programs the Division should grow or add
- Create connections and efficiencies with other City community services
- Communicate the Division’s priorities to the community

About Capitola Recreation District

The Recreation District serves the residents within the City of Capitola and the Soquel Unified Elementary School District, a population of approximately 25,000 people. The Recreation Division currently offers a robust Class program operating out of the Jade St Community Center and other sites around Capitola and the County. We provide Junior Guard and Camp Capitola summer programs for youth, field rentals, and coed softball. These programs have been the foundation of Capitola’s recreation division.

Process

The Strategic Plan was developed over a six-month period and included four meetings with the Core Team, a diverse group of community representatives, a community survey, and a workshop. Below is a graphic of the process. The next step is to develop the specifics of how and when to enact the Strategic Plan.



S.W.O.T. Analysis

An important part of the Strategic Planning process was to assess Strengths, Weaknesses, Threats and Opportunities (SWOT) of the Division. The staff as well as the Core Team helped to identify and uncover the most critical issues that needed to be considered in the Strategic Plan. The follow is a summary of those findings.

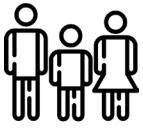
Internal Division Strengths & Weaknesses

External Opportunities & Threats

<p>Strengths</p> <ul style="list-style-type: none"> • Junior guards program! • Instructor model that enables lots of new adult classes and programs • Affordable and fun summer camp • New afterschool program! • Willingness to explore new ideas and options • Community center is used as efficiently as possible • Good relationship with the School District 	<p>Opportunities</p> <ul style="list-style-type: none"> • Potential to add more youth opportunities, holiday camps, and cooking classes • Expand Food Truck and similar events • Build awareness of the programs and Recreation Division • Expand access with an updated fee structure and subsidy program • Partnerships with School and Library • Putting parks, events and recreation programming in one Division • Potential new development
<p>Weaknesses</p> <ul style="list-style-type: none"> • The community center needs to be upgraded and its dividing walls aren't soundproof • There are limited programs for youth, particularly non-competitive ones • The website is not as accessibility or usable as needed • Fee structure and lack of scholarship program • Parks and large events are separate from recreation • Division organization is not optimized for best results and operation 	<p>Threats</p> <ul style="list-style-type: none"> • The community has a lack of awareness of the Recreation Division and its programs • Kids are "aging" out of the programs and there are not enough programs for teens and millennials • The Division is not recession proof and long-term economic sustainability • Ensuring affordability and access for all families and District residents.

Trends

The Strategic Planning process included considering major local, regional, and national trends that the Plan should address in establishing a vision and goals. The following are the highlights of those trends



Intergenerational

Programs and activities that encourage multi-generational activities are growing in popularity and supporting deeper learning by sharing experiences across age groups.

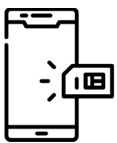
>> For Capitola this may mean programs at the library pairing high schoolers with older residents to help with computers, or community events welcoming to all ages.



Nature & Environment

Access to and appreciation of the natural world and the importance of the environment are strong trends that can be amplified by programs and parks.

>> By bringing parks into the Recreation Division, it offers the potential for classes related to wildlife viewing, environmental education classes, and creation of amenities such as community gardens.



Technology

Technology and digital access is everywhere. Parks and recreation can use technology and create places of respite from being always on.

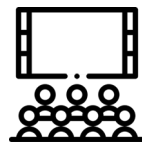
>> Creating a more intuitive website to provide greater access to programs and activities is a big opportunity as is a future digital tools to find parks, activities, rent facilities, or share information about events.



Health & Wellness

Access to parks and recreation directly help improve a community's health and wellness, combating obesity, heart disease, mental illness, and much more.

>> For Capitola this means integrating opportunities for exercise in classes, in the parks, for all ages and abilities. It also could mean health related classes, or wellness camps.



Art & Culture

Parks and recreation department are integrating arts and culture into their programming and parks, expanding participation for all ages.

>> By consolidating Events into the Recreation Division, there is the opportunity to connect the Arts and Culture Commission to the community recreation community, enhancing both.



Build community

Recreation sponsored events and programs help to build a sense of community and lasting connections to fellow residents.

>> Optimizing the park space, and increasing the number of events, will all serve to bringing greater awareness to the Division activities and enhancing the sense of community.

District Recreation Programs

Currently, the Capitola Recreation District primarily develops and operates programs at the Capitola Recreation Center at Jade Park. In addition, the District manages the rental of fields for sports, summer camps and the Junior Lifeguard program. Recently, they have started an afterschool program in partnership with the Soquel Elementary School District at the New Brighton Middle School.

Their programs include activities for adults and youth, as well as community events. Programs include youth and adult dance classes, a wide range of arts and crafts, music classes, adult wellness classes such as meditation, pilates and yoga, youth sports including skateboarding, and tennis. Community events include movies in the community center, clothing exchanges, and food truck nights.

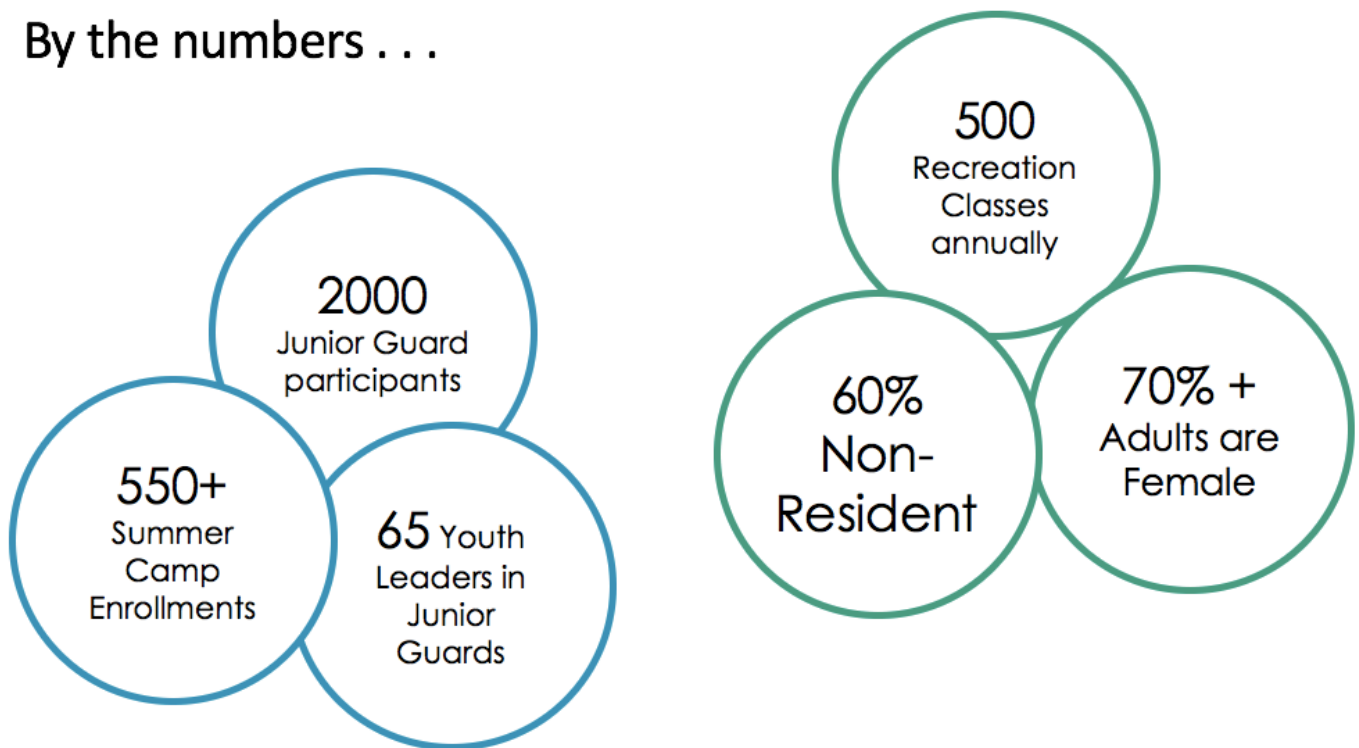
District Population Characteristics

The District includes the City of Capitola and extends to the Soquel Elementary School District. Over 60% of the District's population is within the ages of 25 to 64, with about 22% under the age of 19. The average annual median income of the District is \$68,000, with the City of Capitola's being substantially lower. The median age is 42, with an average household size of 2.43. As with many communities, the District is getting older, with fewer younger people. There are plans in the city for new housing, which will add population and likely attract some younger families.

Who uses the Programs now?

The District offers approximately 500 classes annually. The majority of participants are female over the age of 55. During the summer, the Division serves a larger number of youth, particularly with the Junior Guards and summer camp program. There is an opportunity for the District to broaden its appeal and increase the diversity of people who participate.

By the numbers . . .



District Parks and Other Providers



Attachment: Capitola Strategic Plan (Rec Strategic Plan Update)



Attachment: Capitola Strategic Plan (Rec Strategic Plan Update)

Capitola Recreation & Park Division Strategic Plan Framework

Our Mission

The Capitola Recreation & Parks Division is committed to providing safe, affordable, intergenerational, and fun recreational activities and facilities to support the health and well-being of people of all backgrounds and ability levels.

Our Vision

We provide recreation programs and facilities that are progressive, evolve, and are responsive to the needs of the entire community.

Our Values

Community-Oriented	Collaborative	Innovative	Efficient	Affordable
Respond and anticipate community needs, informing and shaping programs for all.	Work hand and hand with city and regional partners to provide the best services possible.	Strive to incorporate innovative thinking in all aspects of the operation of the division.	Use resources, facilities, and staff efficiently to get the greatest benefit possible.	Provide a range of opportunities for all residents that are affordable and fully accessible.

Goal 1: Efficiency & Effective Umbrella Organization

By 2021, transform the department into an umbrella organization for programming parks, events, and recreation that is resourced, efficient, and effective.

Goal 2: Affordable & Accessible

Annually update and refine recreation programs and event offerings to ensure they are balanced, relevant, affordable, and accessible to all community members, regardless of age, socio-economic status, or ability.

Goal 3. Maximize Facilities

By 2022, complete an assessment of all city recreation and park facilities and prioritize renovations, additions, and ongoing maintenance to maximize function and flexibility to support the Division's mission.

Goal 4. Partnerships

In 2020, establish partnership agreements with the school district, library and other city organizations to secure use of facilities and shared use to expand ability to provide a range of services.



Attachment: Capitola Strategic Plan (Rec Strategic Plan Update)

Key Initiatives



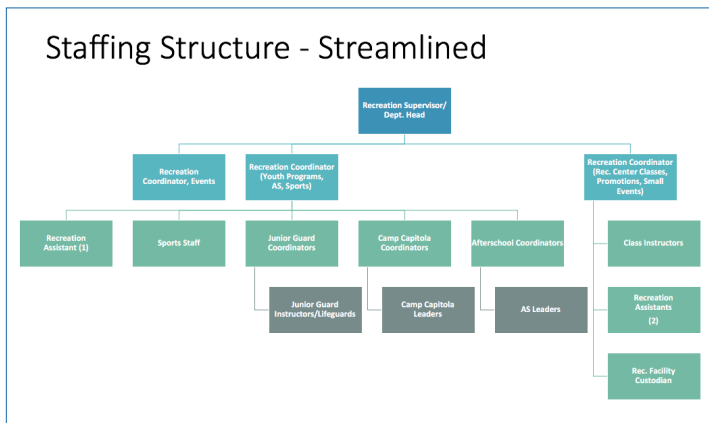
Add Park to the Recreation Division

Currently Capitola Parks are housed under Public Works. The Strategic Plan has identified moving Parks in to the Recreation Division as a key initiative to help better serve District residents. The proposal would ensure that parks are continued to be maintained by Public Works, with the Recreation Division overseeing their management in support of programs, programming, and in collaboration with Public Works identifying future enhancements to improve function and use. This change would increase the activation, use, and function of the parks.



Integrate Events into the Recreation Division

Major events in Capitola are primarily managed by a single staff person within the Arts and Culture Commission that is separate from the Recreation Division. This move would help to improve coordination and align with other City events operated out of Recreation. Further, uniting these efforts in one Division will allow for better communications to the community and awareness of the events.



Streamline Recreation Division Organization

The Recreation Division has not had a comprehensive update of staffing titles, positions, and structure for a long time. The result has been a reduction in efficiencies and lack of ability to operate effectively. The addition of Events and Parks, and the plan for future growth offers the right time to reassess the structure and to develop one more in line with a modern recreation department.

Goal 1: Efficiency & Effective Umbrella Organization

By 2021, transform the department into an umbrella organization for programming parks, events, and recreation that is resourced, efficient, and effective.

Goal 1. Strategies

S.1.1 Plan for and understand operational needs for incorporating the city events into the Division in coordination with the Arts & Culture Commission.

S.1.2 Develop a process for Recreation to incorporate programming and enhance community participation in Parks in coordination with the Public Works Department.

S.1.3 Evaluate Division's role in the issuance of Special Event Permits in coordination with the Police Department.

S.1.4 Build a new Division organization, including incorporating the addition of Events and Parks, clearer job titles, and resources to support activities.

S.1.5 Establish budgetary parameters for a new department structure and needs for fundraising, grants, and general fund allocations.

Goal 2: Affordable & Accessible

Annually update and refine recreation programs and event offerings to ensure they are balanced, relevant, affordable, and accessible to all community members, regardless of age, socio-economic status, or ability.

Goal 2. Strategies

S.2.1 Establish a cost recovery policy that enables more affordable access to programs for all residents of all ages with reasonable fees, scholarships, and revenue generation targets.

S.2.2 Explore need and roles of a Committee Advisory Group to provide input and feedback on new programs and activities and to support relevant and valuable services.

S.2.3 Expand and develop relationships with educational organizations outside of the City to promote internships and increase availability of teen programs.

S.2.4 Optimize the use of parks, facilities, and partner locations to pilot and offer programs throughout the City.

S.2.5 Systematically evaluate and update programs and program offerings to ensure that they serve the community as a whole.

Goal 3. Maximize Facilities

By 2022, complete an assessment of all city recreation and park facilities and prioritize renovations, additions, and ongoing maintenance to maximize function and flexibility to support the Division's mission.

Goal 3. Strategies

S.3.1. Inventory existing City Recreation and Parks and Facilities, survey the community and conduct a Needs Assessment.

S.3.2 Prioritize facility upgrades to support program offerings, improve efficiencies, and broaden services to the community.

S.3. Identify and help develop additional park facilities and recreation programs associated with new developments or other available resources.

Goal 4. Partnerships

In 2020, establish partnership agreements with the school district, library and other public organizations to secure use of facilities and shared use to expand ability to provide a range of services.

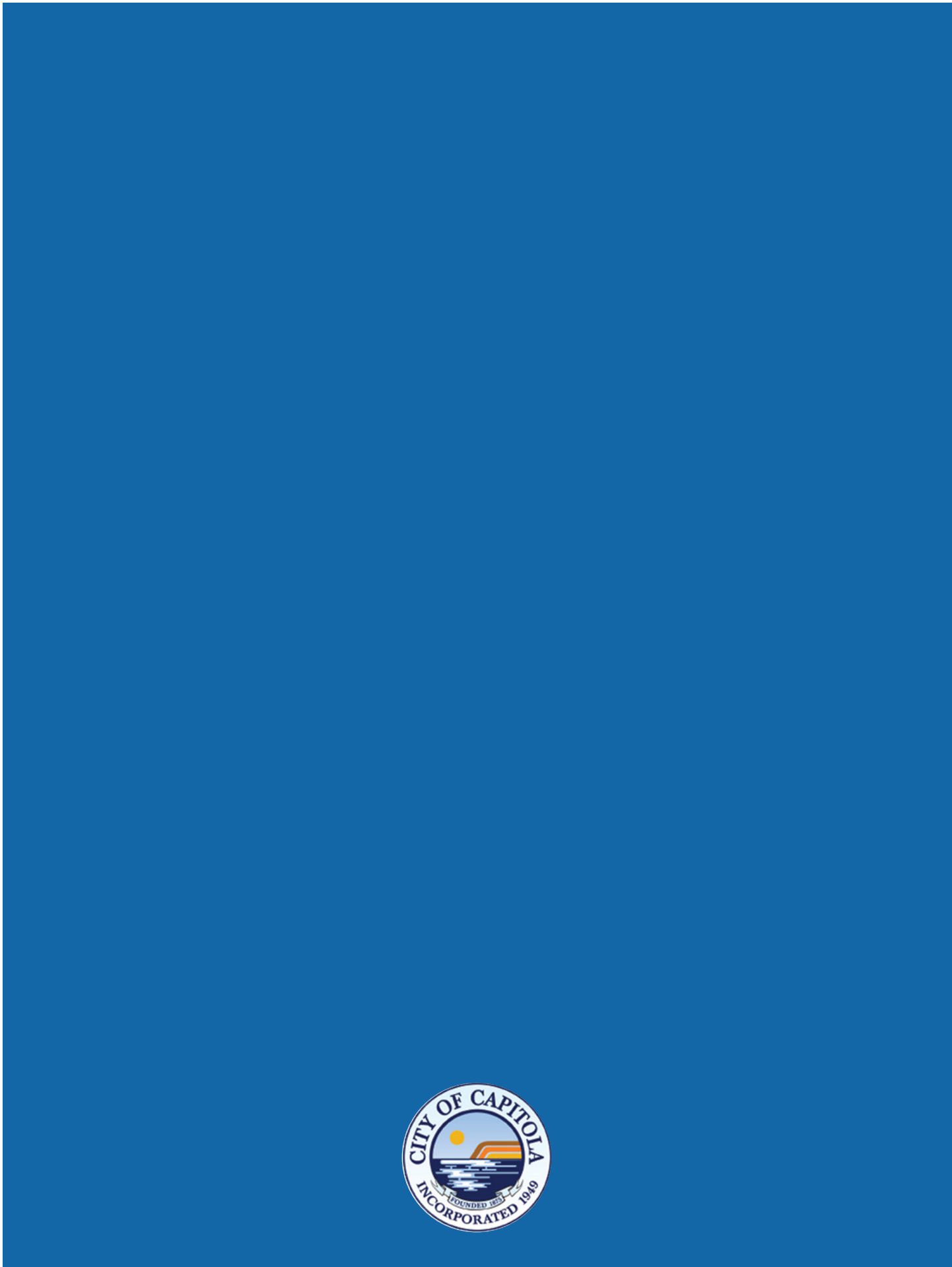
Goal 4. Strategies

S.4.1 Cooperate with School District to establish a long-term memorandum of understanding (MOU) regarding the shared use and programming of City and District facilities.

S.4.2 Establish a MOU with the library for programming and use of facilities at the new Capitola Library.

S.4.3 Foster relationships with other public and private recreation, event, and park providers to coordinate and amplify opportunities to serve residents.

S.4.4 Pursue grants and other funding with partners, building on the benefits of shared resources and cooperative services.





CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: Public Works Department

SUBJECT: Consider Approval of an Emergency Contract for Repairs to the Damaged Wharf Hoist Area

RECOMMENDED ACTION: Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050, and authorizing staff to enter into an emergency contract to Power Engineering Construction Company to repair damaged piles on the wharf (requires 4/5 vote).

BACKGROUND: On January 1, 2020, two piles underneath the small boat hoist on the wharf broke. With the failure of the two pilings, the wharf began to sag in that area. Engineers determined the wharf hoist was in danger of falling in the water. The City completed temporary emergency work to stabilize the failed area and prevent the loss of the hoist. This temporary work only prevented imminent failure, does not allow the hoist to resume operations, and is not a long-term repair. Without long-term, structural repair, the hoist could fall into the water.

Since January 1, City staff, engineers from Moffatt and Nichol, and construction personnel from Power Engineering Construction have worked to develop a long-term repair method that can be performed immediately, and is both cost effective and consistent with the wharf rehabilitation planned to be completed within the next year and half.

DISCUSSION: On January 21, 2020, divers from Power Engineering completed a dive inspection of the piles. The purpose of this dive was to determine if the ends of the broken piles that remain imbedded in the sea floor could be used as a foundation for a new pile that would be slipped over the stub.

The divers found that the broken piles were structurally sound below the water line and could act as a foundation for new piles. Power Engineering has drawn up a repair plan utilizing new fiberglass piles. These fiberglass piles will be the same piles used for the future rehabilitation project. The plan for this repair is detailed in Attachment 1.

In addition to the two piles that failed in early January, staff is recommending a third pile be replaced. This third pile is located on the western side of the wharf near the restaurant. It broke previously but the City has been unable to replace it during previous piling replacement projects due to difficulty getting the pile driver to its location. That failed pile is in an important location and should be replaced at this time to protect the wharf and restaurant's structural integrity.

Emergency Wharf Repairs Hoist Area
February 13, 2020

While more pile replacements could technically be considered at this time, no other piles require immediate emergency work to address. In addition, it will be more cost effective to include additional work in the pending wharf rehabilitation project rather than proceeding at this time.

Power Engineering estimates the cost to complete the repairs as detailed in the attachment. In addition, Power Engineering is preparing other estimates using other materials and methods for comparison purposes. Staff will present a report on the alternatives and costs at the Council meeting.

As outlined above, it is imperative the two piles that broke on January 1, 2020 below the hoist area be repaired as quickly as possible for two reasons. First the temporary repairs are short-term and are not sufficient to support the hoist and decking indefinitely. If that section of wharf were to fail, there would be a significant loss of property, environmental impacts as the hoist and associated mechanical equipment fell into ocean, and public safety issues as the wharf's overall structural integrity could be compromised. In order to protect these facilities, the repairs should be completed as quickly as possible. Second, the hoist is an important safety feature that allows small boats to launch from the wharf. Without an operational hoist, it is nearly impossible to launch, or retrieve any kind of small boat onto the wharf.

It is important to third piling be replaced at this time as it is located at a key location and should be replaced to protect the wharf and restaurant's structural integrity.

To prepare plans for bidding purposes, put the project out to bid, and award a contract would delay the repairs into June. By issuing an emergency contract the repairs will be completed by mid-April.

Staff is recommending that the City Council approve the attached resolution which allows the City Manager to enter into an emergency contract with Power Engineering Construction for the replacement of three piles based on an alternative to be selected at the Council meeting.

FISCAL IMPACT: Sufficient funding for this work is available from the Measure F funds allocated for the Wharf Rehabilitation project. This account currently has a fund balance of \$1.1 million. While a short term expenditure on this repair will reduce the overall availability of Measure F funding, the project must be completed to ensure the wharf is functional in the near term and sufficient funding for the wharf rehabilitation project will remain available.

ATTACHMENTS:

1. Wharf Pile Repair Plan (PDF)

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

2/7/2020

Emergency Wharf Repairs Hoist Area
February 13, 2020

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
DECLARING THE JANUARY 2020 DAMAGE TO THE WHARF AN EMERGENCY
AND AUTHORIZING PROCUREMENT AND SERVICES WITHOUT GIVING NOTICE
FOR BIDS PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050**

WHEREAS, California Public Resources Code Section 21060.3 defines an emergency as a “sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public service;” and

WHEREAS, Section 22050(a) of the California Public Contract Code allows a public agency, in the event of an emergency, pursuant to four-fifths vote of its governing body, to repair or replace a public facility; take any directly related and immediate action required by that emergency; and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, on January 1, 2020, two piles underneath the small boat hoist on the Capitola Wharf broke, and previously a third pile had failed near the Wharf House restaurant.

WHEREAS, the failed piles present an immediate danger to public safety because the boat hoist and wharf in those areas remain in danger of falling into the ocean and failure to immediately perform repairs would result in further danger and potential damage to public safety and property; and

WHEREAS, compliance with competitive bidding procedures typically takes several months and would not allow prompt action to be taken, as required to safeguard the public; and

WHEREAS, California Public Resources Code subsections 21080(b)(2) and (4) provide that the California Environmental Quality Act (CEQA) does not apply to emergency repairs to public service facilities or specific actions necessary to prevent or mitigate an emergency, and Section 15269 of the CEQA Guidelines establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, the damage to the piles in need of repair occurred suddenly and unexpectedly and involved a clear and imminent threat demanding immediate action to mitigate the immediate threat to public safety, and therefore emergency repairs to the piles and related infrastructure and improvements are exempt under CEQA.

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

1. Pursuant to Public Contract Code section 22050(a), the City Council finds, based on substantial evidence, that the emergency will not permit a delay resulting from competitive solicitation for bids for the repairs associated with the broken Wharf piles, and that this action is necessary to respond to the emergency.

Emergency Wharf Repairs Hoist Area
February 13, 2020

2. The City Council authorizes staff to proceed with the repair of the piles and procurement of the necessary equipment, services, and supplies for that purpose without giving notice for bids to let contracts.
3. Staff will proceed to obtain all necessary regulatory authorizations for the repair on an expedited basis using all available emergency procedures.
4. Staff will request all governmental entities with authority over this repair to expedite their consideration of the matter and to use available emergency procedures to ensure that this repair is completed in a timely manner.
5. The City Council will review the status of the emergency at each subsequent meeting and vote to authorize continuation of this resolution until the emergency action is completed.
6. Expenditures for this project will be made from the City's Measure F funds allocated for the Wharf Rehabilitation Project.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 13th day of February, 2020, by the following vote:

AYES:

NOES:

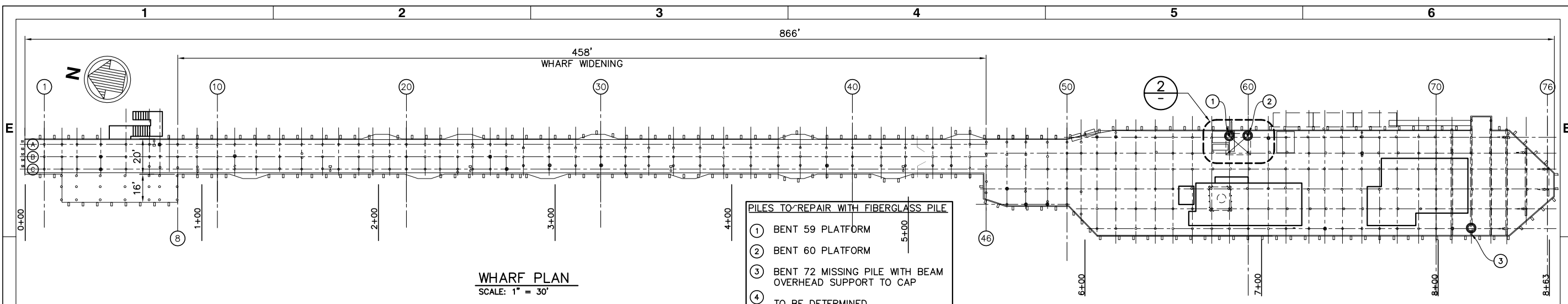
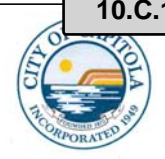
ABSENT:

ABSTAIN:

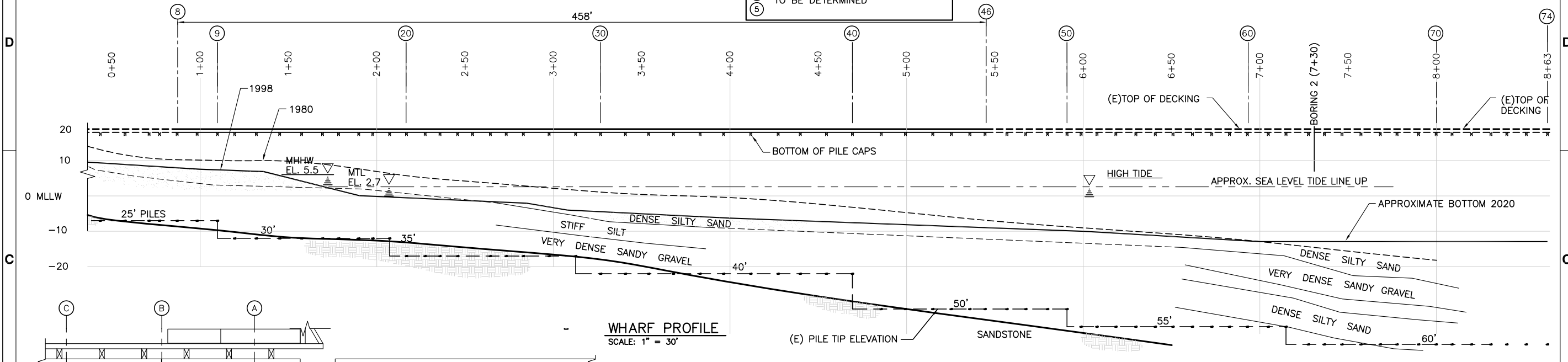
Kristen Petersen, Mayor

Attest:

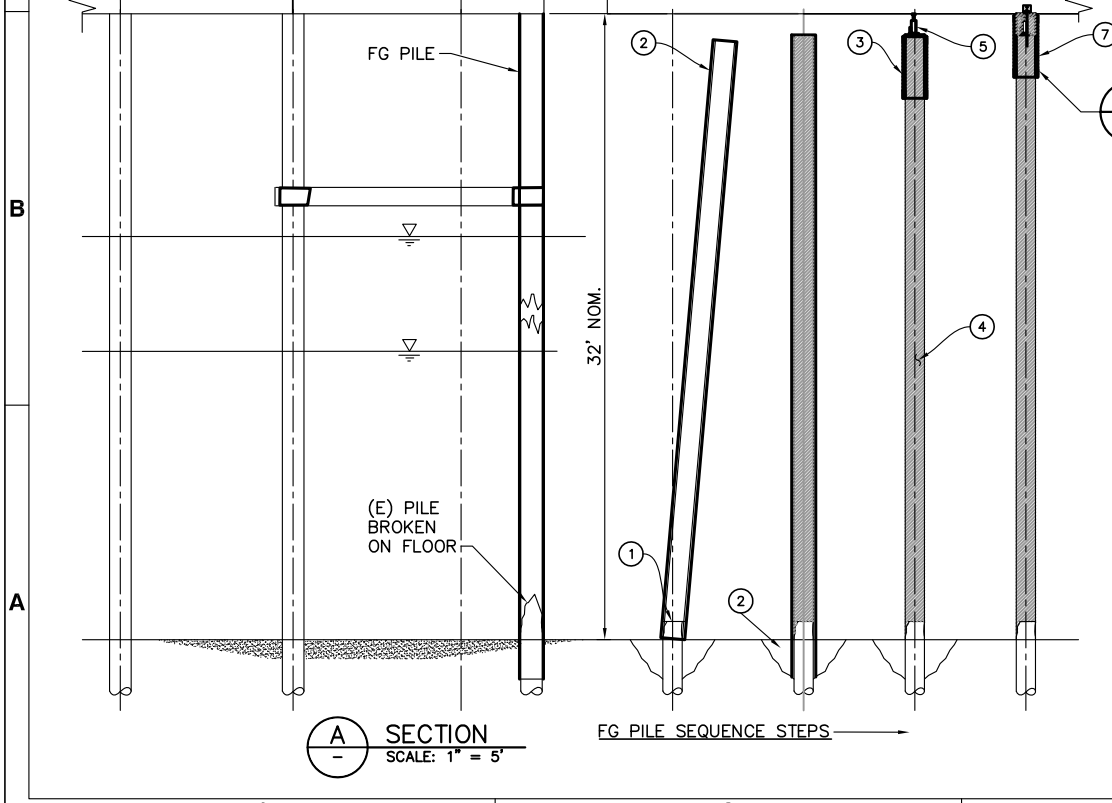
Linda Fridy, City Clerk



WHARF PLAN
SCALE: 1" = 30'



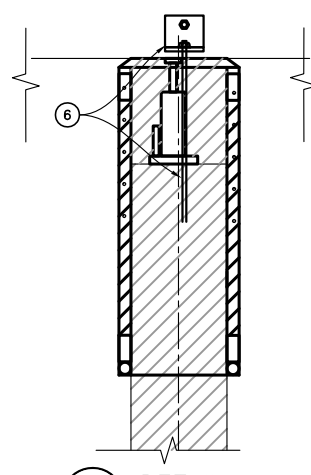
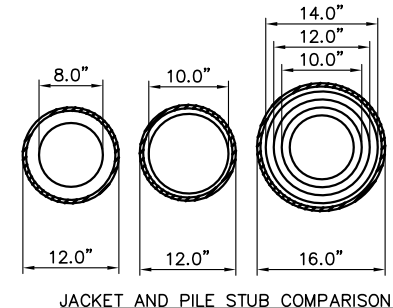
WHARF PROFILE
SCALE: 1" = 30'



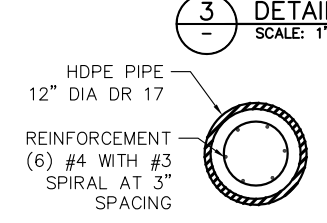
SECTION A
SCALE: 1" = 5'

FIBERGLASS OR HDPE PILE PROCEDURE

- 1 FRESH HEAD PILE STUB
- 2 FIT FIBERGLASS (F/G) PILE OVER STUB AND JET 3 FT MIN INTO SEA FLOOR SAND. ALT: USE HDPE SLEEVE WITH STEEL REINFORCED GROUT PER DETAIL 1.
- 3 PLACE LARGE COLLAR OVER FG PILE.
- 4 SEAL BOTTOM AND GROUT F/G PILE SOLID. GROUT SHALL BE SAND AND CEMENTITIOUS MIX.
- 5 PLACE HYDRAULIC JACK AND LIFT CAP.
- 6 ATTACH CAP TO PILE WITH 3/4" THREAD ROD INTO CAP AND COLLAR WITH ANGLE
- 7 SLIDE LARGE COLLAR OVER JACK AND GROUT SOLID.

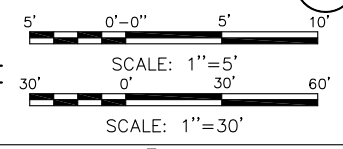
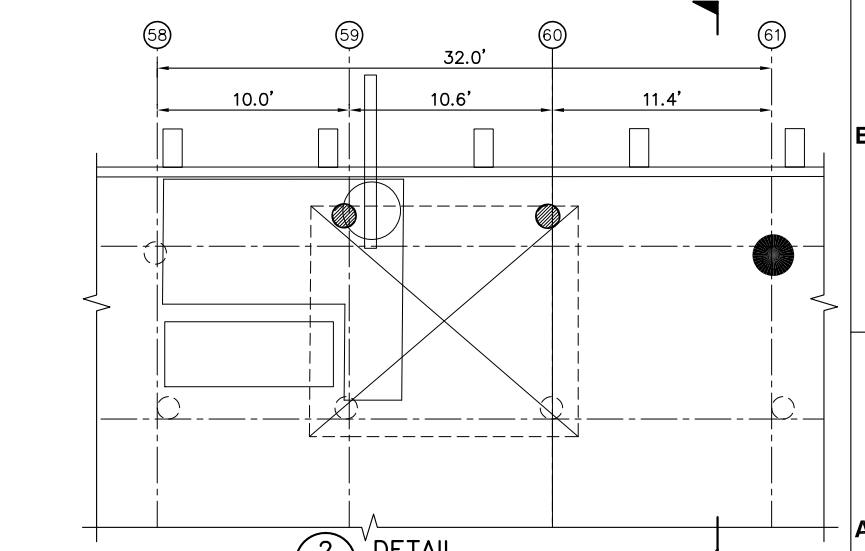


DETAIL 3
SCALE: 1"=1"



DETAIL 2
SCALE: 1" = 5'

DETAIL 1--HDPE SLEEVE
SCALE: 1"=1"



2020 EMERGENCY PILE REPAIRS
JAN 31, 2020

CAPITOLA WHARF
RESILIENCY AND PUBLIC ACCESS
IMPROVEMENT
WHARF PLAN AND
SECTION

DESIGNED BY	DSCN	DATE	REVNO
DRAWN BY	AC/PH	CHKR	INSERT PROJ. NO.
REVIEWED BY	REV	DRAWING CODE	DRAWING SCALE
SUBMITTED BY	SUBMITTER'S NAME		

2186 N. CALIFORNIA BLVD.
SUITE 600
WALNUT CREEK, CA 94596

moffatt & nichol



Sheet Reference No.
C-102



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: City Manager Department

SUBJECT: Introduce an Ordinance Amending Portions of Municipal Code Title 2: Administration to Update and Clarify Various Sections

RECOMMENDED ACTION: Approve the first reading of an Ordinance amending and adding sections of Title 2: Administration of the Capitola Municipal Code, and waive reading of the text.

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. At the January 9, 2020, City Council meeting, staff received Council direction on updates to Municipal Code Title 2: Administration regarding removal of Planning Commission members and the mayor or vice mayor, the process to refer an issue to an advisory commission, and rights of advisory chairs to place items on the Council agenda. Staff also noted several outdated items that need correction.

DISCUSSION: Staff has developed an ordinance based on the direction received that describes two options for removal of a planning commissioner, by either the appointing council member or by other members of the Council, and at Council direction added a similar process to remove a mayor or vice mayor. Council had an extensive debate over whether the removal vote should be a simple or super majority of the Council (three votes versus four), and while the majority leaned toward four votes, the proposed code is written so that either option can be selected at the hearing.

The proposed ordinance also adds Section 2.04.040: City Council Referrals requiring a motion at a public meeting to refer an item to an advisory body. The ordinance also proposes removing 2.04.140 (D), which gave advisory body chairs more authority to place items on the Council agenda than council members.

As noted at the January meeting, the proposed ordinance includes several other straightforward updates to better match existing practice or comply with state law:

- Addressing changes to meeting times and places to match existing practice
- Removing outdated Election Code references and updating the language regarding the selection of mayor for consistency with State law
- Updating public comment process to better match practice
- Clarifying appeal hearing process language

First Reading Code Cleanup Ordinance
February 13, 2020

- Eliminating the Redevelopment Agency section
- Removing references to policies and bonds that do not need to be codified

Current best practice for cities is to obtain a government crime insurance policy instead of obtaining bonds for specific employees. These insurance policies provide more broad protections for the City at a lower cost. State law calls for the City Council to establish bond amounts. However, as the City will continue to obtain crime insurance with a policy limit of at least \$1 million in lieu of bonds, setting such a limit is unnecessary.

FISCAL IMPACT: None.

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

2/7/2020

ORDINANCE NO. __

**AN ORDINANCE AMENDING SECTIONS 2.04, 2.12, AND 2.52
OF THE CAPITOLA MUNICIPAL CODE,
REPEALING SECTIONS 2.04.070, 2.04.090, 2.04.100, AND 2.04.285
OF THE CAPITOLA MUNICIPAL CODE, AND
ADDING SECTION 2.04.040 TO THE CAPITOLA MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

SECTION 1: Sections of Chapters 2.04, 2.12, 2.52 of the Capitola Municipal Code are hereby amended to read as follows:

2.04.080 Bonds

The bonding requirements of Government Code Section 36518 shall be fulfilled by a government crime insurance policy.

~~2.04.080 Officers~~

~~The following officials of the city shall be bonded with a statutory public official's bond, which shall include faithful performance provisions or conditions, in the following amounts:~~

Title of Official	Amount of Bond
Director of finance	\$50,000.00
City treasurer	50,000.00

~~(Ord. 830 § 1, 2001; Ord. 375 (part), 1974)~~

2.04.110 Regular meetings

A. Time. Regular meetings of the city council generally shall be held on the second and fourth Thursday of each month and shall commence immediately following the Capitola redevelopment agency meeting but in no event earlier than six p.m. ~~Whenever the day fixed for any such meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. Any other regular meeting will be in accordance with Government Code Sections 54954 and 54955.~~

B. Place. All regular meetings of the council shall be convened in the council chambers in the City Hall, 420 Capitola Avenue, Capitola, California. If, by reason of a natural disaster, emergency, or other event that makes it unsafe to meet ~~fire, flood, earthquake or other emergency, it is unsafe to meet~~ in the place designated, the meetings may be held for the duration of the event ~~emergency~~ at such place as is designated by the presiding officer of the council.

2.04.140 Agenda

The following have authority to place a matter on the council agenda:

A. The mayor or any member of the city council with the condition that the proposed agenda item be requested at an open city council meeting;

B. The city manager;

First Reading Code Cleanup Ordinance
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C. The city council may, after the seventy-two-hour agenda-posting deadline has expired, add items to the agenda in the manner provided in Government Code Section 54954.2(b). ~~A majority of a quorum of the city council may order that any designated matter be on any future agenda;~~
D. ~~The chair of any board or commission, 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;~~

2.04.150 Selection of the mayor (presiding officer)

A. Each year the City Council shall select a mayor and mayor pro tempore. During years with a general election, such selection shall be made at the meeting at which the declaration of the election results for a general municipal election is made. During years without a general election, such selection shall be made approximately one year after the prior selection.
~~Government Code Section 36804 provides as follows: "The city council shall meet on the Tuesday after the general municipal election and choose one of its number as mayor, and one of its number as mayor pro tempore." At a regular meeting which falls approximately one year after the last general municipal election, the city council shall consider choosing a new mayor and a new mayor pro tempore. Any city council member is eligible for either of those two positions. Government Code Section 36802 reads as follows: "The mayor shall preside at the meetings of the council. If he or she is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor pro tempore has all of the powers and duties of the mayor." (Ord. 768, 1994; Ord. 375 (part), 1974)~~

B. The mayor, or mayor pro tempore, may be replaced if at least (three/four) council members vote for the removal of the mayor, or mayor pro tempore, at a noticed city council meeting

2.04.220 Addressing council – Permission required

Any person desiring to address the council at a meeting shall first secure the permission of the presiding officer to do so; provided, however, that under the heading oral communications, after being recognized by the presiding officer, interested parties or their authorized representatives may address the council on matters concerning their interests. ~~Preference shall be given to those persons who have notified the city clerk of their desire to speak far enough in advance to allow the same to appear on the agenda of the council. (Ord. 375 (part), 1974)~~

2.12.020 Appointment

Beginning as soon as the ordinance codified in this chapter becomes effective, each council member may appoint one planning commission member. Except as provided in this chapter, the term of any commissioner so appointed shall terminate fourteen days after the canvassing of the next regular election of council members. However, a commissioner may serve until his or her successor takes office.

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

- A. The council member who made the appointment requests removal; ~~and~~ or
- B. At least (three/four) council members vote for the commissioner's removal at a noticed open city council meeting ~~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)~~

2.52.020 Time and form of appeal

All appeals shall be made in writing ~~and~~; delivered to the office of the city clerk with payment of the fee established by resolution. Such appeals shall be made within ten working days from the time of the ~~board~~ decision that is the subject of the appeal, except that when neither the applicant nor the applicant's representative has been present at the meeting in which the decision was rendered, the appeal time shall be fourteen working days from the date the staff

First Reading Code Cleanup Ordinance
February 13, 2020

mails to the applicant a notice of the decision. The ~~notice of request for~~ appeal shall set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. (Ord. 845 § 1, 2003; Ord. 519 (part), 1982)

2.52.050 Conduct of the hearing

The hearing shall be de novo. ~~Without city council approval,~~ The appellant's presentation shall be limited to issues raised in the ~~notice of request for~~ appeal and to reasonable rebuttal. The ordinary order of presentation is as follows: staff report; appellant; real party in interest, if any; public comments of other members of the audience; ~~appellant's rebuttal; rebuttal by real party in interest, if any;~~ council consideration. The presiding officer may set forth any reasonable time limits for any presentation, and may change these procedures, in his or her discretion upon the presentation of any person. (Ord. 519 (part), 1982)

SECTION 2: Sections of Chapter 2.04 of the Capitola Municipal Code are hereby repealed:

2.04.070 Policy adoption

A. ~~The policies of the city shall be adopted by resolution or formal motions of the city council upon the advice and recommendation of the city manager.~~

B. ~~In the absence of council policy, the city manager may establish an interim policy pending the formal action of the city council on the subject. (Ord. 375 (part), 1974)~~

2.04.090 Blanket bond

~~The bond required by Section 2.04.080 shall be so written as to include provisions constituting a public employees' honesty blanket position bond in the amount of two thousand five hundred dollars, covering such officers and employees in all city offices and departments as may be designated by the council. (Ord. 375 (part), 1974)~~

2.04.100 Terms

~~All bonds specified in Sections 2.04.080 and 2.04.090 shall indemnify the city against loss up to the penal sum of the bond relating to such loss, and the premium on the bond shall be paid by the city. All bonds shall be executed by a responsible corporate surety whose financial standing and qualifications shall be approved by the city manager. (Ord. 375 (part), 1974)~~

2.04.285 Redevelopment agency

A. ~~It is found, determined and declared that there is a need for a redevelopment agency to function in the city in accordance with the provisions of the Community Redevelopment Law.~~

B. ~~Said redevelopment agency is established pursuant to Section 33101 of the Community Redevelopment Law, to be known as the "redevelopment agency of the city of Capitola." Said redevelopment agency is authorized to transact business and exercise its powers under provisions of the Community Redevelopment Law.~~

C. ~~Pursuant to the provisions of Section 33200 of the Community Redevelopment Law, this city council declares itself to be the redevelopment agency of the city.~~

D. ~~The city council finds and determines that the designation of the city council as the redevelopment agency will serve the public interest and promote the public health, safety and welfare in an effective manner in that this public body is best able to serve the needs of the community to implement the purposes of the Community Redevelopment Law. (Ord. 505 §§ 1-4, 1981)~~

First Reading Code Cleanup Ordinance
February 13, 2020

SECTION 3: Chapter 2.04.040 of the Capitola Municipal Code is hereby added to read as follows:

2.04.040 City Council Referrals

The City Council may refer an item to a board, commission, or advisory body by motion, passed by a simple majority, at a noticed public meeting.

SECTION 4: Compliance with 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.

SECTION 5: Severability

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 6: Effective Date

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

This ordinance was introduced on the 13th day of February, 2020, and was passed and adopted by the City Council of the City of Capitola on the ____ day of _____, _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Kristen Petersen, Mayor

ATTEST:

Linda Fridy, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF FEBRUARY 13, 2020

FROM: Public Works Department

SUBJECT: Award a Contract for Emergency Repairs to a Storm Drain off of Chittenden Lane

RECOMMENDED ACTIONS:

1. Adopt a resolution declaring an emergency and authorizing procurement and services without giving notice for bids pursuant to Public Contract Code Section 22050 and authorizing staff to enter a contract for such services to Anderson Pacific for repairs to a storm drain between Chittenden Lane and Brookvale Terrace at an estimated cost of \$65,000 (requires 4/5 vote);
2. Approve a budget amendment in the amount of \$32,500 to accept Zone 5 funding; and
3. Authorize staff to sign an agreement with Santa Cruz County Flood Control District, Zone 5, to equally split payment of these repairs.

BACKGROUND: Earlier this winter the City was notified of a storm drain failure by the Brookvale Terrace Home Owners Association. Staff responded and determined that an 18-inch storm drain pipe flowing from Chittenden Lane down a hillside to Brookvale Terrace had broken and storm water was flowing into the park. Residents of the park had constructed a diversion channel to direct the flow back into a downstream ditch and Public Works crews helped fortify and maintain this channel. A schematic plan showing the location of the pipe and presumed point of failure is included as Attachment 1.

DISCUSSION: The failed storm drain is threatening to flood several coaches in Brookvale Terrace and repairs should be made immediately. Staff for Zone 5 of the County Flood Control and Water Conservation District (Zone 5) has tentatively agreed, pending Zone 5 Board of Directors approval, to split the cost of the repairs. Zone 5 staff are preparing a draft agreement which will be distributed to the Council upon receipt and review by the City Attorney.

Anderson Pacific Engineering Contractors has developed a cost estimate for the repairs. The proposed repair includes slip-lining a new pipe through the existing pipe and reconnecting the ends. Anderson Pacific estimates the repairs will cost between \$55,000 and \$65,000. A copy of an email detailing the scope of work is included as Attachment 2. The contract with Anderson Pacific will be paid on a time-and-materials basis. A copy of the agreement is included as Attachment 3.

Chittenden Lane Storm Pipe Repairs
February 13, 2020

FISCAL IMPACT: Barring unforeseen problems, the City's share of the costs will be between \$27,500 and \$32,500. Staff recommends using funds within the Capital Improvement Fund as follows: \$14,250 of fund balance from the recently completed slurry seal project and up to \$18,250 from the Park Avenue sidewalk project contingencies. Although the Park Avenue Sidewalk project is still in construction, the project is sufficiently near completion that staff is confident the existing contingency funding in this project of \$76,400 can be reduced by \$18,250.

ATTACHMENTS:

1. Chittenden Lane Storm Drain Map (PDF)
2. Anderson Pacific Estimate (PDF)
3. Anderson Pacific Contract (PDF)
4. Chittenden Lane Budget Amendment (PDF)

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:

Chittenden Lane Storm Pipe Repairs
February 13, 2020

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
DECLARING DAMAGE TO A STORM DRAIN AN EMERGENCY
AND AUTHORIZING PROCUREMENT AND SERVICES WITHOUT GIVING NOTICE
FOR BIDS PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050**

WHEREAS, California Public Resources Code Section 21060.3 defines an emergency as a “sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services;” and

WHEREAS, Section 22050(a) of the California Public Contract Code allows a public agency, in the event of an emergency, pursuant to four-fifths vote of its governing body, to repair or replace a public facility; take any directly related and immediate action required by that emergency; and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, earlier this winter city staff learned of a storm drain failure by the Brookvale Terrace Home Owners Association. Staff responded and determined that an 18-inch storm drain pipe flowing from Chittenden Lane down a hillside to Brookvale Terrace had broken and storm water was flowing into the park; and

WHEREAS, the failed storm drain presents an immediate danger to public safety because the storm drain is threatening to flood several coaches in Brookvale Terrace and repairs should be made immediately; and

WHEREAS, compliance with competitive bidding procedures typically takes several months and would not allow prompt action to be taken, as required to safeguard the public; and

WHEREAS, California Public Resources Code subsections 21080(b)(2) and (4) provide that the California Environmental Quality Act (CEQA) does not apply to emergency repairs to public service facilities or specific actions necessary to prevent or mitigate an emergency, and Section 15269 of the CEQA Guidelines establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, the damage to the storm drain in need of repair occurred suddenly and unexpectedly and involved a clear and imminent threat demanding immediate action to mitigate the immediate threat to public safety, and therefore emergency repairs to the storm drain and related infrastructure and improvements are exempt under CEQA.

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

1. Pursuant to Public Contract Code section 22050(a), the City Council finds, based on substantial evidence, that the emergency will not permit a delay resulting from competitive solicitation for bids for the repairs associated with the broken storm drain, and that this action is necessary to respond to the emergency.

Chittenden Lane Storm Pipe Repairs
February 13, 2020

2. The City Council authorizes staff to proceed with the repair of the storm drain and procurement of the necessary equipment, services, and supplies for that purpose without giving notice for bids to let contracts.
3. Staff will proceed to obtain all necessary regulatory authorizations for the repair on an expedited basis using all available emergency procedures.
4. Staff will request all governmental entities with authority over this repair to expedite their consideration of the matter and to use available emergency procedures to ensure that this repair is completed in a timely manner.
5. The City Council will review the status of the emergency at each subsequent meeting and vote to authorize continuation of this resolution until the emergency action is completed.
6. Expenditures for this project will be made from the City's Capital Improvement Program.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 13th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

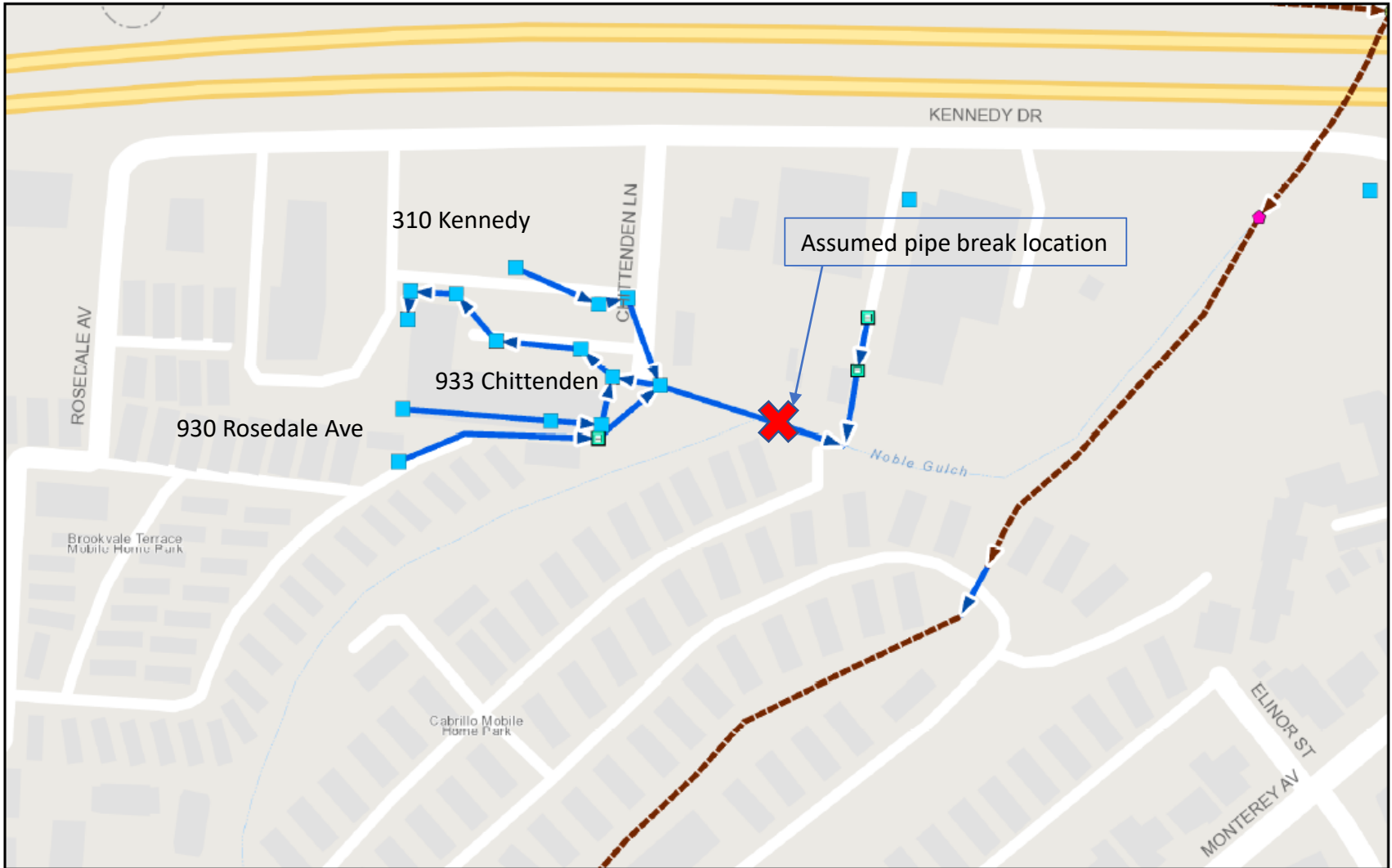
ABSTAIN:

Kristen Petersen, Mayor

Attest:

Linda Fridy, City Clerk

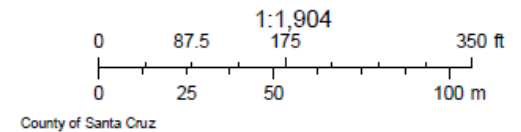
Chittenden Lane Drainage Map (County GIS)



December 18, 2019

Storm Drain Junctions

- | | | | | | | | |
|--|----------------|--|--------------------|--|----------|--|---------------|
| | Catch Basin | | Detention | | Junction | | Outfall |
| | City Structure | | Flood Control Pump | | Manhole | | Trash Capture |
| | Inlet | | Open Pipe | | UKN | | |



Attachment: Chittenden Lane Storm Drain Map (Chittenden Lane Storm Pipe Repairs)

Jesberg, Steve (sjesberg@ci.capitola.ca.us)

From: Scott Schumacher <scott@andpac.com>
Sent: Tuesday, February 4, 2020 10:07 AM
To: Jesberg, Steve (sjesberg@ci.capitola.ca.us)
Cc: Sam Duckworth
Subject: RE: Chittenden Lane SD

Steve,

Here is a rough estimate to repair/replace the existing 18" storm drain pipe at Chittenden Lane per your request. We are currently assuming we will be able to pull a new 16" SDR17 HDPE pipe inside the 18" storm drain from Chittenden Lane down the hill to the Brookvale Terrace fence line. At the fence line the new pipeline will flatten out and we will remove the existing 18" pipe and replace it with the new 16" HDPE pipe (from the fence line to the concrete channel). The scope of work will consist of the following items:

- Remove portion of existing fence at Chittenden Lane
- Excavate on downhill side of existing catch basin and install shoring
- Demo & remove portion of existing catch basin to allow for slip line of new pipe
- Fuse and slip line 16" SDR17 HDPE pipe in existing 18" storm drain from catch basin to Brookvale Terrace fence line
- Remove existing 18" pipe and replace with 16" HDPE pipe from fence line to concrete channel
- Restore concrete channel
- Restore catch basin
- Restore fence

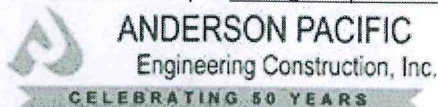
We estimate this will take approximately 6-7 days (barring any unforeseen circumstances) and should cost anywhere from \$55,000 to \$65,000. As discussed, work will be performed on a time and material basis and at the direction of the City of Capitola.

Please review and call me if you have any questions regarding this matter.

Thank you,
Scott

Scott L. Schumacher

Vice President
Underground, Grading & Paving Division
c: 408.318.0613 | e: scott@andpac.com



CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Emergency Storm Drain Repairs near Chittenden Lane
 Anderson Pacific Engineering Construction

THIS AGREEMENT is entered into on _____, 2020, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Anderson Pacific Engineering Construction, Inc., hereinafter called "Contractor".

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

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

SECTION 1
Scope of Services

The services to be performed under this Agreement are for emergency repairs to an 18-inch storm drain located downstream of Chittenden Lane and further detailed in Appendix One.

SECTION 2
Duties of Contractor

All work performed by Contractor, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Contractor's profession.

Contractor shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Contractor by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Contractor's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Contractor's control.

Contractor shall meet with Steven Jesberg, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Contractor's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Contractor all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Contractor in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Contractor relative to Contractor's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Contractor. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Contractor of the changes or revisions necessary to secure approval.

SECTION 4 Fees and Payment

Payment for the Contractor's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Contractor in carrying out the work. If Contractor is compensated on an hourly basis, Contractor shall track the number of hours Contractor, and each of Contractor's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Contractor shall immediately notify City if the number of hours worked during any fiscal year by any of Contractor's employees reaches 900 hours. In addition, each invoice submitted by Contractor to City shall specify the number of hours to date Contractor, and each of Contractor's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 Changes in Work

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Contractor's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 Time of Beginning and Schedule for Completion

This Agreement will become effective on _____, 2020 and will terminate on the earlier of:

- The date Contractor completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about _____, 2020.

In the event that major changes are ordered or Contractor is delayed in performance of its services by circumstances beyond its control, the City will grant Contractor a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Contractor must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 Termination

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Contractor. Contractor may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Contractor for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8

Insurance

Contractor shall procure and maintain for the duration of the contract and for 2 years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.

Minimum Limits of Insurance

Contractor shall maintain limits no less than:

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

Other Insurance Provisions

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

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

Acceptability of Insurers

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

Waiver of Subrogation

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

Verification of Coverage

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

SECTION 9 Indemnification

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

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

relating to design professional services shall not exceed the Contractor's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Contractor, Contractor's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

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

SECTION 11 **Legal Action/Attorneys' Fees**

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

SECTION 12 **Assignment**

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

SECTION 13 **Amendments**

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

SECTION 14 **Miscellaneous Provisions**

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Contractor to said work. No change in assignment may occur without prior written approval of the City.

2. *Contractor Service.* Contractor is employed to render professional services only and any payments made to Contractor are compensation solely for such professional services.

3. *Licensure.* Contractor warrants that he or she has complied with any and all applicable governmental licensing requirements.

4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Contractor pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Contractor shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Contractor's other work product shall not be used by the Contractor on other projects, except by agreement in writing and with appropriate compensation to the City.

6. *Contractor's Records.* Contractor shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Contractor's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Contractor's services.

7. *Independent Contractor.* In the performance of its work, it is expressly understood that Contractor, including Contractor's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Contractor shall not be considered an employee of the City for any purpose.

8. *Conflicts of Interest.* Contractor stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Contractor's work product prepared pursuant to this Agreement.

9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONTRACTOR
Anderson Pacific Engineering Construction
1390 Norman Avenue
Santa Clara, CA 95054-2047
408-970-9900

By: _____
Benjamin Goldstein, City Manager

By: _____
Peter E. Anderson, President

Dated: _____

Dated: _____

Approved as to Form:

Samantha Zutler, City Attorney

Attachment: Anderson Pacific Contract (Chittenden Lane Storm Pipe Repairs)

APPENDIX ONE Scope of Services

Pull a new 16" SDR17 HDPE pipe inside the 18" storm drain from Chittenden Lane down the hill to the Brookvale Terrace fence line. At the fence line the new pipeline will flatten out and we will remove the existing 18" pipe and replace it with the new 16" HDPE pipe (from the fence line to the concrete channel). The scope of work will consist of the following items:

- Remove portion of existing fence at Chittenden Lane
- Excavate on downhill side of existing catch basin and install shoring
- Demo & remove portion of existing catch basin to allow for slip line of new pipe
- Fuse and slip line 16" SDR17 HDPE pipe in existing 18" storm drain from catch basin to Brookvale Terrace fence line
- Remove existing 18" pipe and replace with 16" HDPE pipe from fence line to concrete channel
- Restore concrete channel
- Restore catch basin
- Restore fence

Contractor shall coordinate all work with Department of Public Works personnel to insure inspections of the work are completed. It is anticipated that decisions and directions to the final layout and construction will be made by City and Contractor personnel in the field.

Time is of the essence in completing this work and the contractor shall diligently work to complete this project as quickly as possible.

APPENDIX TWO Fees and Payments

For the services performed, City will pay contractor on a force account basis for time, materials, and equipment needed to satisfactory complete the services and delivery of work products. Payments will be issued monthly as charges accrue, the sum of contractor's salary expenses and non-salary expenses. For work that is performed payments under this contract the Contractor will be made per the markups specified in the attached Daily Extra Work Report (DEWR).

Contractor hereby represents and warrants, based upon Contractor's independent determination of the time and labor, including overtime, which will be required to perform said services, that Contractor will provide all said services. Contractor shall provide daily reports on labor, materials, and equipment used on the job site for verification by the City.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Contractor's indirect overhead costs and fees. For purposes of this Agreement, Contractor's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subcontractors or subcontractors, and other identifiable job expenses. The use of Contractor's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Payments shall be made monthly by the City, based on itemized invoices from the Contractor which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Contractor's firm:

"I hereby certify as principal of the firm of _____, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated _____, __, and has not been previously paid."

Work Performed by: **ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.**
Work Performed at the direction of:

Description of Work:

EQUIP. NO.	EQUIPMENT	OT/Delay Factor	HOURS		HOURLY RATE	EXTENDED AMOUNTS	LABOR		HOURLY RATE	EXTENDED AMOUNTS																																				
			RT	OT			LABOR	HOURS																																						
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35% MARK-UP ON LABOR COST 15% MARK-UP ON EQUIP., MATERIAL AND WORK COST 3% BOND & INSURANCE																																														
TOTAL THIS REPORT																																														

City of Capitola Budget Adjustment Form



Date 2/7/2020

Requesting Department Public Works

Administrative Council

Item # TBD
 Council Date 2/13/2020
 Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
1200-00-00-000-3700.001	CIP Other Revenue Contributions	32,500
Total		32,500

Expenditures		
Account #	Account Description	Increase/Decrease
1200-00-00-000-4390.100	Project Services - Chittenden Lane	32,500
Total		32,500

Net Impact -

Purpose: Contribution from Santa Cruz County for
Chittenden Lane Storm Drain Repair

Department Head Approval _____
 Finance Department Approval _____
 City Manager Approval _____

Attachment: Chittenden Lane Budget Amendment (Chittenden Lane Storm Pipe Repairs)