

# City of Capitola Agenda

Mayor: Michael Termini  
Vice Mayor: Jacques Bertrand  
Council Members: Ed Bottorff  
Stephanie Harlan  
Kristen Petersen  
  
Treasurer: Peter Wilk



## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MAY 10, 2018

7:00 PM

CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

## CLOSED SESSION – 6 PM CITY MANAGER’S OFFICE

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

### **CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]**

Negotiator: Dania Torres Wong

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads

## **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.*

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
May 10, 2018

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

Council Members Kristen Petersen, Jacques Bertrand, Ed Bottorff, Stephanie Harlan, and Mayor Michael Termini

**2. PRESENTATIONS**

A. Public Service Week Proclamation

B. Presentation of Check from Capitola Public Safety Foundation to Support Scholarships for Junior Guards

**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 / CITY TREASURER / STAFF COMMENTS**

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

**8. 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 April 26, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.

B. Approve a Side Letter with Capitola Mid-Management Employees Outlining a New Job Description and Salary for the Building Official  
RECOMMENDED ACTION: Approve the side letter with the new job description and salary for the Building Official reflecting a shared services role with Scotts Valley.

- C. Approve 2018 Slurry Seal Project Plans and Authorize Bidding  
RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the 2018 Slurry Seal Project and authorize the Public Works Department to advertise for bids, setting the bid opening date for June 20, 2018.

**9. 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. Finalize the Scope of Work for the Jetty Rehabilitation Project  
RECOMMENDED ACTION: Finalize the scope of work for the beach jetty rehabilitation project without the addition of a walking pathway on top of the jetty and direct staff to proceed with the final plans and permitting.
- B. Introduce an Ordinance Amending Chapter 13.02 Pertaining to Water Conservation Plumbing Fixture Retrofit Requirements  
RECOMMENDED ACTION: Approve the first reading of an ordinance amending Municipal Code Chapter 13.02.- Water Conservation Plumbing Fixture Retrofit Requirements
- C. Recreation Division Report  
RECOMMENDED ACTION: Receive report.
- D. Consider a Resolution Opposing the Industry-Backed "Tax Fairness, Transparency, and Accountability Act of 2018" Ballot Initiative  
RECOMMENDED ACTION: Adopt resolution.
- E. Introduce an Ordinance Amending Chapter 10.36.170 Curb Markings  
RECOMMENDED ACTION: Approve the first reading of an ordinance amending Municipal Code Chapter 10.36.170 Curb Markings to allow establishment of site-by-site time limits in loading zones.

**10. 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](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
May 10, 2018

available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

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

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

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



# CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 10, 2018

FROM: City Manager Department  
SUBJECT: Public Service Week Proclamation

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ATTACHMENTS:

1. Public Service Week Proclamation

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

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

Jamie Goldstein, City Manager

5/4/2018

# City of Capitola Mayor's Proclamation

## Designating May 6-12, 2018, as Public Service Recognition Week

*WHEREAS, the week of May 6 through May 12, 2018, has been designated as Public Service Recognition Week to honor the employees of local, state, and federal government and members of the uniformed services; and*

*WHEREAS, public employees take not only jobs, but also oaths; and*

*WHEREAS, those who work in government each and every day help find solutions to our problems, assist those in need, keep us safe, and advance our local, state, and national interests; and*

*WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its elected officials. These unsung heroes do the work that keeps our nation running smoothly; and*

*WHEREAS, the 66 employees of the City of Capitola provide invaluable service to both residents and visitors every day by keeping our City safe and clean, providing information, helping guide its future development, assuring that taxpayer dollars are appropriately spent, and more; and*

*WHEREAS, public servants include record keepers, safety inspectors, mechanics, teachers, doctors, nurses, scientists, police officers, firefighters, engineers, accountants, administrators, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their governments with efficiency and integrity; and*

*NOW, THEREFORE, I, Michael Termini, Mayor of Capitola, do hereby proclaim May 6-12, 2018, as Public Service Recognition Week to thank the people who work for us all.*



\_\_\_\_\_  
Michael Termini, Mayor  
Signed and sealed this 10<sup>th</sup> day of May, 2018



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 10, 2018

FROM: City Manager Department

SUBJECT: Presentation of Check from Capitola Public Safety Foundation to Support Scholarships for Junior Guards

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DISCUSSION: The Capitola Public Safety Foundation will present a check to the City of Capitola Recreation Department to help fund scholarships for the Capitola Junior Lifeguard program. Each year the Foundation directs part of its fundraising efforts to support youth who wish to participate in Capitola's Junior Guards program.

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

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

Jamie Goldstein, City Manager

5/4/2018



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 10, 2018

FROM: City Manager Department

SUBJECT: Consider the April 26, 2018, City Council Regular Meeting Minutes

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RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the regular meeting of April 26, 2018.

ATTACHMENTS:

1. 4-26 draft minutes

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

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

Jamie Goldstein, City Manager

5/4/2018



**DRAFT  
CAPITOLA CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, APRIL 26, 2018**

**CALL TO ORDER**

Mayor Termini called the meeting to order at 5:45 p.m. with the following items to be discussed in Closed Session:

**CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]**

Negotiator: Dania Torres Wong

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

(Two potential cases)

There was no public comment; therefore, the City Council recessed to Closed Session in the City Manager's Office.

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM**

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

Council Member Stephanie Harlan: Absent, Council Member Ed Bottorff: Present, Mayor Michael Termini: Present, Vice Mayor Jacques Bertrand: Present, Council Member Kristen Petersen: Present.

Treasurer Wilk was present.

**2. PRESENTATIONS**

A. Present Certificate of Appreciation to Stephanie Tetter

B. Introduce New Community Development Director Katie Herlihy

City Manager Jamie Goldstein said goodbye to departing Community Development Director Rich Grunow and introduced Katie Herlihy, the City's senior planner who will now be heading the department.

**3. REPORT ON CLOSED SESSION**

City Attorney Tony Condotti said for all items the Council received reports and took no reportable action.

**4. ADDITIONAL MATERIALS**

A. Item 9.A – Six public comment correspondence.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
April 26, 2018

5. **ADDITIONS AND DELETIONS TO AGENDA - NONE**

6. **PUBLIC COMMENTS**

Molly Ording asked for timely solutions to cut-through traffic on Topaz Street, especially as Camp Capitola will soon be in session. She also asked if excessive noise caused by motorcycles can be addressed.

Dana Ingersall, Topaz resident, echoed the desire for action on Topaz Street traffic.

7. **CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

Council Member Bertrand welcomed local school district representatives and noted he recently discussed the safe routes to school program at its board meeting. He also attended a Central Coast Climate Collaborative meeting that focused on tools for addressing climate change and sea level rise.

Mayor Termini noted that a statewide tax initiative is being circulated for the November ballot underwritten by soda companies that would raise voter passage of taxes to a two-thirds threshold. The annual car show is coming in June. The Council received comments about cars parked cars on Crystal Street longer than allowed and asked for enforcement. Finally, in relation to a recent release of comments through a public records request to the Regional Transportation Commission, he said the safety of the trestle is a genuine safety concern.

8. **CONSENT CALENDAR**

<b>MOTION:</b>	<b>ADOPT AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Vice Mayor
<b>SECONDER:</b>	Kristen Petersen, Council Member
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>ABSENT:</b>	Stephanie Harlan

- A. Consider the April 12, 2018, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes  
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated March 2, March 9, March 16, March 23 and March 30, 2018  
RECOMMENDED ACTION: Approve check registers.
- D. Consider Museum Space Agreement with Capitola Library  
RECOMMENDED ACTION: Direct the City Manager to enter an agreement with the Santa Cruz Public Library System for long-term display space for the Capitola Historical Museum at the Capitola Library, and appropriate \$15,000 from the Museum donations fund for this purpose.
- E. Consider Beacon Award Resolution to Recognize the City's Achievements in Reducing Greenhouse Gas Emissions  
RECOMMENDED ACTION: Adopt resolution.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
April 26, 2018

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

A. Food Cupboard and Free Little Libraries

RECOMMENDED ACTION: Accept staff presentation and continue to prohibit unsupervised food distribution in residential areas.

Community Director Grunow presented the staff report, noting concerns with both health and safety and zoning uses. He added that the Municipal Code limits garage sales to three a year to prevent similar impacts.

Council Member Bertrand asked about partnering with Second Harvest Food Bank and options for the back yard.

Bonnie Linden, who had a community cupboard at her home, advocated for allowing the use and explained potential benefits. She noted online and neighborhood support, and provided Council with printouts of support signatures.

The following spoke in support of food cupboards:

Asia Newman  
Eve Roberson  
Kristen Macdonald  
Helen Bryce  
Paula Bradley  
Peter Wilk

Council Member Bottorff said the City Council is entrusted with enforcing the rules. For most code violations, Capitola is a complaint-driven city, and staff has received complaints about this use. He also has concerns about regulating the safety of food. He would like to see libraries allowed, and moved the recommendation. The motion died for a lack of a second.

Council Member Petersen said she agrees with the cupboards' benefits but understands the need for proper zoning use. She also has food safety concerns including sabotage by those bothered by the use. She suggested developing online matching. She would be willing to look at amending accessory structures again after the Local Coastal Program (LCP) amendment adoption.

Council Member Bertrand said he walked the area and talked with neighbors. He noted both complaints and efforts to feed the needy are appropriate actions. He emphasized that guidelines for these types of projects say the use should suit the location and only be undertaken after checking local regulations.

Mayor Termini said the pantry is clearly a violation of the code and noted there are more intense uses at the property. He heard a lot of support for the intent, but not as currently handled.

Director Grunow noted the Community Development Department is short-staffed and asked how this issue stands with other priorities of developing a retail marijuana ordinance for the November ballot and overseeing LCP amendments.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
April 26, 2018

In response to questions, staff noted that regulated food pantries could currently be allowed in commercial zones and possibly at churches in residential areas.

<b>MOTION:</b>	<b>CONTINUE TO PROHIBIT UNSUPERVISED FOOD DISTRIBUTION IN RESIDENTIAL AREAS AND DIRECT STAFF TO RETURN TO CITY COUNCIL WITH A SUMMARY OF LOCATIONS ALLOWING THIS TYPE OF USE UNDER CURRENT ZONING REGULATIONS, AND AT THE TIME OF THE LCP AMENDMENTS CONSIDER MODIFICATIONS TO THE MUNICIPAL CODE TO ALLOW LITTLE LIBRARIES AND FOOD CUPBOARDS</b>
<b>RESULT:</b>	<b>ADOPTED AS AMENDED [3 TO 1]</b>
<b>MOVER:</b>	Jacques Bertrand, Vice Mayor
<b>SECONDER:</b>	Michael Termini, Mayor
<b>AYES:</b>	Michael Termini, Jacques Bertrand, Kristen Petersen
<b>NAYS:</b>	Ed Bottorff
<b>ABSENT:</b>	Stephanie Harlan

B. Presentation of Santa Cruz County Office of Education "Threat Assessment Guide for School Staff"

RECOMMENDED ACTION: Receive report.

Police Chief Terry McManus introduced the recently adopted threat assessment protocol, along with Soquel Union Elementary School District Superintendent Scott Turnbull and New Brighton Middle School Principal Craig Broadhurst. The effort came out of the Santa Cruz County Grand Jury report issued last spring, with the new protocol adopted in December 2017. Capitola Police Sergeant Cliff Sloma serves as the liaison with local schools.

Superintendent Turnbull emphasized the value of the flowchart and the chance for school personnel to lead the process. A key component is determining if an action is a transient or substantive threat. A substantive threat, one that continues even after a cooling off period, triggers law enforcement involvement. The superintendent praised the responsiveness of Capitola Police.

Principal Broadhurst noted that a written checklist strengthens the ability to fully respond. He explained that when administration speaks with the student issuing a threat, in most cases after time s/he will apologize. Saying there is a plan to carry out the threat will flag a student. Administration will also check the school record and social media. In response to a question, he agreed that the use of restorative justice is more effective than straight punishment.

<b>RESULT:</b>	<b>RECEIVED REPORT</b>
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C. Consider Approval of Plans, Specifications, and Construction Estimate for the Capitola Branch Library and Authorize Release of the Documents for Bidding Purposes

RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the Capitola Branch Library; authorize the Public Works Department to release the documents for bidding and advertise a notice listing the pre-qualified

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
April 26, 2018

general contractors; and set the bid opening date for May 30, 2018 at 11 a.m.

Public Works Director Steve Jesberg presented the staff report. He noted a reduction in furnishing costs and a lowered contingency, allowing the project to remain within its \$13.15 million budget.

In public comment, Gayle Ortiz spoke on behalf of the capital campaign. Its initial goal was to net \$350,000. She reported pledges to date total \$600,000, with no more than \$60,000 in costs expected. This will provide additional funding for construction and special projects.

Council Member Bottorff praised the design and fundraising support, but he remains concerned about the budget funding gap until bids are received.

Council Member Petersen expressed ongoing enthusiasm for the project and thanked the fundraisers.

Council Member Bertrand confirmed that an attractive, major civic project can be an additional attraction to bidders.

<b>MOTION:</b>	<b>APPROVE THE PLANS AND SET THE PROJECT BIDDING AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Kristen Petersen, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Michael Termini, Jacques Bertrand, Kristen Petersen
<b>NAYS:</b>	Ed Bottorff
<b>ABSENT:</b>	Stephanie Harlan

D. Consider a Community Survey Contract

**RECOMMENDED ACTION:** Authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$13,000 for a community survey to help gauge public interest on potential ballot measures for the November election.

City Manager Goldstein presented the staff report. He shared previous results from 2014 polling about the treasurer and increasing the Transient Occupancy Tax (TOT). He noted that Proposition 64 passed in Capitola by 72 percent and if the retail marijuana ordinance is intended as a voter referendum, polling may not be needed.

There was no public comment.

Council Member Bertrand said taking the issue to the voters is the ultimate polling result, and he is unsure of the language regarding the treasurer for polling.

Treasurer Wilk said the potentially dangerous conflict between the finance director and the treasurer roles as described by state law was not presented in previous polling.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
April 26, 2018

Council Member Bottorff noted that TOT polling was not accurate last time and said much of the outcome depends on the campaign and support. He favors saving the \$13,000.

Council Member Petersen clarified the option for a future resolution of intent to support a children's fund versus placing two marijuana taxes on the ballot, one of which requires a two-thirds vote to pass.

<b>MOTION:</b>	<b>DIRECT STAFF NOT TO PURSUE A CONTRACT FOR A COMMUNITY SURVEY AND INSTEAD CONTINUE DISCUSSIONS OF POSSIBLE MEASURES DURING THE ANNUAL BUDGET PROCESS.</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Vice Mayor
<b>AYES:</b>	Ed Bottorff, Michael Termini, Jacques Bertrand, Kristen Petersen
<b>ABSENT:</b>	Stephanie Harlan

10. **ADJOURNMENT**

The meeting adjourned at 9:12 p.m.

\_\_\_\_\_  
Michael Termini, Mayor

ATTEST:

\_\_\_\_\_  
Linda Fridy, City Clerk



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

**FROM:** City Manager Department

**SUBJECT:** Approve a Side Letter with Capitola Mid-Management Employees Outlining a New Job Description and Salary for the Building Official

**RECOMMENDED ACTION:** Approve the side letter with the new job description and salary for the Building Official reflecting a shared services role with Scotts Valley.

**BACKGROUND:** The City of Capitola has had a budgeted building official on staff since its incorporation in 1949. The building official is responsible for ensuring compliance with the California Building Code, the State Housing Code and the International Existing Building Code. In addition, the building official serves as the City of Capitola's Americans with Disabilities Act (ADA) compliance officer.

Last August, the City's building official resigned to take a position with the City of Belvedere in the North Bay. The City has been unsuccessful in recruiting a building official since that time. Other jurisdictions throughout Northern California are also reporting challenges recruiting and retaining qualified building officials due to market competition and the robust private construction industry.

As an interim solution, the City entered a contract with the private consulting firm 4Leaf to provide temporary, part-time building official services. On an annual basis, that contract cost is approximately \$135,000.

At the April 12, 2018, the City Council received a presentation outlining staff's research regarding the current Building Division workload, the job market for Building Officials, and a conceptual model to share Building Official services with Scotts Valley. At that meeting Council directed staff to proceed with the shared Building Official model, and prepare the documents necessary to amend the Building Official job description and salary schedule. Following Capitola's April 12 meeting, the Scotts Valley City Council also approved the concept.

**DISCUSSION:** The Building Official is part of the Capitola Mid-Management Employees group. As discussed last month, to accommodate the shared services role of the Building Official duties the job description needs to be amended, and the salary schedule updated to reflect the 15 percent increase. The City Manager has met with Mid-Management Employees group representatives to discuss the changes and no issues were brought up by the group.

**FISCAL IMPACT:** The anticipated cost of the shared Building Official model, which includes a

Building Official Job Description - MOU Side Letter  
May 10, 2018

contract with Scotts Valley to reimburse Capitola for 50 percent of the Building Official's total compensation plus overhead and the addition of a 50 percent Development Services Technician, will be approximately \$50,000 to \$60,000 less than a full-time Building Official at the current salary range.

ATTACHMENTS:

1. Mid-management Side Letter Building Official 5-2018

Report Prepared By: Larry Laurent  
Assistant to the City Manager

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

5/4/2018



**SIDE LETTER  
BETWEEN CITY OF CAPITOLA AND  
MID-MANAGEMENT EMPLOYEES**

WHEREAS, the City of Capitola (City) and Capitola Mid-Management Employees, have met and conferred in good faith regarding salary & benefits; and

WHEREAS, the City and the Union have previously agreed on an MOU with a term beginning on July 1, 2012 and expiring on June 30, 2018; and

WHEREAS, the City has been unable to recruit a qualified Building Official; and

WHEREAS, the City Council approved the concept of a shared Building Official with Scotts Valley on April 12, 2018; and

WHEREAS, it has become necessary for the City update the Building Official Job Description to include the shared option and update the Mid-Management Salary Schedule; and

IT IS HEREBY AGREED AS FOLLOWS;

Changes to the Building Official position shall include the following;

1. Attachment A – Updated Mid-Management Salary Schedule reflecting the changes to the Building Official Position;
2. Attachment B – Updated Building Official Job Description.

Mid-Management Employees

City of Capitola

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

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attachment: Mid-management Side Letter Building Official 5-2018 (Building Official Job Description - MOU Side Letter)

Attachment A – Salary Schedule

MID-MANAGEMENT SALARY SCHEDULE										
JULY 2, 2017 - JUNE 30, 2018	Monthly					Hourly				
3.1% COLA	A	B	C	D	E	A	B	C	D	E
ASSOCIATE PLANNER	\$5,909.06	\$6,204.84	\$6,514.76	\$6,840.99	\$7,183.53	\$34.09	\$35.80	\$37.59	\$39.47	\$41.44
BUILDING OFFICIAL	\$6,794.23	\$7,134.59	\$7,491.27	\$7,865.34	\$8,258.99	\$39.20	\$41.16	\$43.22	\$45.38	\$47.65
CIVIL ENGINEER/PROJECT MANAGER	\$6,794.23	\$7,134.59	\$7,491.27	\$7,865.34	\$8,258.99	\$39.20	\$41.16	\$43.22	\$45.38	\$47.65
ENVIRONMENTAL PROJECTS MANAGER	\$5,909.06	\$6,204.84	\$6,514.76	\$6,840.99	\$7,183.53	\$34.09	\$35.80	\$37.59	\$39.47	\$41.44
MAINTENANCE SUPERINTENDENT	\$5,813.33	\$6,106.41	\$6,410.21	\$6,730.09	\$7,066.06	\$33.54	\$35.23	\$36.98	\$38.83	\$40.77
FIELD SUPERVISOR	\$5,416.60	\$5,686.45	\$5,972.38	\$6,270.82	\$6,581.77	\$31.25	\$32.81	\$34.46	\$36.18	\$37.97
RECREATION SUPERVISOR	\$5,237.89	\$5,500.59	\$5,777.59	\$6,067.09	\$6,369.11	\$30.22	\$31.73	\$33.33	\$35.00	\$36.74
SENIOR PLANNER	\$6,794.23	\$7,134.59	\$7,491.27	\$7,865.34	\$8,258.99	\$39.20	\$41.16	\$43.22	\$45.38	\$47.65
SENIOR ACCOUNTANT	\$6,794.23	\$7,134.59	\$7,491.27	\$7,865.34	\$8,258.99	\$39.20	\$41.16	\$43.22	\$45.38	\$47.65
SENIOR MECHANIC	\$5,032.38	\$5,284.36	\$5,548.84	\$5,825.84	\$6,117.13	\$29.03	\$30.49	\$32.01	\$33.61	\$35.29
<u>BUILDING OFFICIAL Updated</u>	<u>\$7,813.36</u>	<u>\$8,204.78</u>	<u>\$8,614.96</u>	<u>\$9,045.14</u>	<u>\$9,497.84</u>	<u>\$45.08</u>	<u>\$47.34</u>	<u>\$49.70</u>	<u>\$52.18</u>	<u>\$54.80</u>

Attachment: Mid-management Side Letter Building Official 5-2018 (Building Official Job Description - MOU Side Letter)

## Attachment B – Updated

## Building Official Job Description

The Building Official is responsible for managing, coordinating and supervising the activities and operations of the Building Division within the Community Development Department; including plan review, issuance of building permits, and building construction inspection services and activities; coordinating assigned activities with other divisions, departments, and outside agencies; and providing highly responsible and complex administrative support to the Director of Community Development.

The Building Official position serves as the “Building Official” as defined in the International Building Code and is responsible for the administration, interpretation and enforcement of all building code regulations adopted by the City of Capitola. The Building Official serves as ADA Compliance Officer as defined in Title II of the Americans with Disabilities Act. The Building Official participates in the more difficult and complex project reviews, performs more difficult research and analysis of various building regulations, and directs and supervises the work performed by the Building Inspector. Under direction of the Community Development Director, the Building Official researches, prepares and carries out comprehensive, professional activities related to building code regulations and other related work as assigned.

The Building Official administers the City’s Green Building program and serves as the City Grading Official and FEMA Floodplain Coordinator.

### **SUPERVISION RECEIVED**

Receives general supervision from Community Development Director

### **SUPERVISION EXERCISED**

Exercises direct supervision over Building Inspectors and other technical and clerical staff.

### **SHARED EMPLOYMENT DUTIES**

The Building Official position may work under contract as Building Official in other jurisdictions.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES (Not Inclusive of all Duties)**

Manage building inspection and building code plan review processes.

Review, research, field inspect, analyze and write staff reports with staff recommendations based on appropriate finding and conditions for various types of building code issues.

Present reports and recommendations to Architectural and Site Review Committee, Planning Commission, City Council, and other committees and groups as required.

Assist applicants and the public with interpretation of building code regulations and standards, and provide information about the building code review process.

Conduct research and prepare reports and recommendations on building code issues.

Plan and coordinate the enforcement of laws and codes governing the construction of new buildings or altering existing structures.

Advise builders and homeowners as to the minimum standards of construction and materials.

Perform field inspections on industrial, commercial, and residential buildings and on mobile home park developments.

Abate building code violations in existing structures.

Research and prepare code updates governing green building.

Formulate building inspection and plan review policy.

Confer with architects, contractors and others concerning building code provisions and construction methods.

Supervise and evaluate building division staff.

Assist in preparation of building division budget.

Review building plans for conformance with building code provisions and perform plan checks to ensure building code compliance.

Administer FEMA Flood Regulations.

Administer contracts for building inspection and plan review services performed by outside consultants.

Prepare a variety of correspondence and reports.

Coordinate building project activity with other appropriate jurisdictions such as fire, planning, public works, utilities, environmental health, and the Coastal Commission, and assists them regarding code interpretations.

May manage construction projects on City Facilities

Assist with streamlining code activities and improving departmental work practices and procedures, including application forms and public information.

Coordinate building code activities and provide information to designers, contractors, developers, realtors, civic and business groups, citizen and neighborhood groups, advisory groups, other city departments, regional planning agencies, officials from nearby jurisdictions, and the public.

Examine plans for conformance with erosion control policies.

Serve as ADA Compliance Officer as defined in Title II of the Americans with Disabilities Act. Use a computer to prepare written reports and agendas, to conduct financial and other quantitative analyses, to generate maps and exhibits, and to input and retrieve land use and permit tracking information.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

- (A) Associate Science degree in Building Inspection sciences; and
- (B) Five (5) years of increasingly responsible experience in work involving a detailed knowledge of model building codes including inspection or related building code enforcement activities; or
- (C) Any equivalent combination of education and experience.

KNOWLEDGE, SKILLS AND ABILITIES

- (A) Knowledge of:  
Thorough knowledge of building, plumbing, mechanical and electrical codes; abatement of dangerous buildings procedures, State Administrative Code and the Americans With Disabilities Act; approved construction practices and techniques and proper building construction inspection methods.

Thorough knowledge of and ability to apply various State laws related to building code issues, including the California Green Building Code, Contractors State License Law, the Architect Practice Act, BORPELS, the Coastal Act, the California Environmental Quality Act, and the Permit Streamlining Act.

Knowledge of computers and electronic word and data processing; modern office practices and procedures.

- (B) Skill to:  
Proficiently learn and operate listed tools and equipment.

- (C) Abilities:  
Ability to interact and communicate with the public in a helpful, positive, fair, tactful, resourceful, courteous and effective manner, while providing accurate information regarding building codes, city ordinances and the development process, over the public counter, on the telephone, electronically and in the field.

Ability to learn, interpret and apply a large number of codes, ordinances, policies and procedures.

Ability to evaluate applications and proposals against state and local building code standards.

Ability to write clear and comprehensive reports.

Ability to perform thorough research and analysis related to building issues, including quantitative and statistical analysis.

Ability to analyze building code issues, information and data, and develop appropriate recommendations for action.

Ability to administer and enforce building code laws with sound judgment and impartiality.

Ability to use a computer and learn various word processing, database, spreadsheet, permit tracking, and GIS computer software programs.

Ability to make clear and effective oral presentations to advisory bodies, decision makers, members of the public, and community groups.

Ability to establish and maintain harmonious, effective and appropriate working relationships with other city staff, management, elected officials, applicants, and the general public.

Ability to work and use good judgement under stressful conditions and with frequent interruptions.

Ability to learn and appropriately employ various conflict management and conflict resolution techniques; and other skills used in dealing effectively with the public.

Ability to organize information and efficiently prioritize work.

Ability to follow and give oral and written instructions, including supervision of assigned personnel and following city administrative and personnel procedures.

### SPECIAL REQUIREMENTS

Possession of at time of hire and continued maintenance of a valid California driver's license and a safe driving record.

Possession of within two years of hire and continued maintenance of Internal Code Council Building Official certification.

### TOOLS AND EQUIPMENT USED

Personal computer, including word processing, database, GIS, spreadsheet, permit tracking software, telephone, pen/pencil, calculator, rulers, postage machine, fax machine, copy machine, light meter, noise meter, motor vehicle, portable radio; phone; ladder or scaffolding; tape measure.

### PHYSICAL DEMANDS AND WORK ENVIRONMENT

The physical demands and work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather

conditions. The employee is occasionally required to climb or balance, stoop, kneel, or crouch. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, or risk of electrical shock.

While performing the duties of this job, the employee is frequently required to stand or sit, drive a motor vehicle, walk, talk and hear, use hands to finger, handle, feel or operate objects, tools or controls, and reach with hands and arms. Hand-eye coordination is necessary to operate computers and various office and field equipment.

The employee must frequently retrieve files, and must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus, for detailed computer work, reading, and field work. The noise level in the work environment is usually quiet in the office, and moderate to loud in the field.



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

FROM: Public Works Department

SUBJECT: Approve 2018 Slurry Seal Project Plans and Authorize Bidding

**RECOMMENDED ACTION:** Approve the plans, specifications, and construction estimate for the 2018 Slurry Seal Project and authorize the Public Works Department to advertise for bids, setting the bid opening date for June 20, 2018.

**BACKGROUND:** Included in the current Capital Improvement Program budget is funding for a citywide slurry seal project. The work will include asphalt repairs of small failed sections and then a slurry seal coat on top. The construction estimate for the project is \$370,370. A copy of the construction estimate is included as Attachment 1.

The following streets will slurry sealed:

46 <sup>th</sup> Avenue	from Capitola Road to Clares Street
Wharf Road	from 49 <sup>th</sup> Avenue to the northern boundary
Garnet Street	from 49 <sup>th</sup> Avenue to Prospect Avenue
Lincoln Street	from Garnet Street to Wharf Road
Opal Street	from 49 <sup>th</sup> Avenue to Prospect Avenue
Prospect Avenue	from 49 <sup>th</sup> Avenue to Lincoln Avenue
Beverly Avenue	from Capitola Avenue to Burlingame Avenue
Burlingame Avenue	from Beulah Drive to Bay Avenue
Capitola Avenue	from Bay Avenue to northern boundary
Capitola Court	from West End to Capitola Avenue
Del Monte Avenue	from Pilgrim Drive to Bay Avenue
Pilgrim Drive	from Burlingame Avenue to Bay Avenue
Pine Street	from Capitola Avenue to Rosedale Avenue
Plum Street	from Capitola Avenue to Rosedale Avenue

A crack seal is also included along Bay Avenue from Oak Drive to Highway 1.

**DISCUSSION:** The plans and specifications will be available on May 7, 2018, in the Public Works Department for inspection.

The schedule for the project will be as follows:

Plan approval	May 10, 2018
Receive Bids	June 20, 2018
Award Contract	June 28, 2018

Slurry Seal Project  
May 10, 2018

Construction

July & August 2018

FISCAL IMPACT: The budget for this project is \$420,000. Design and preparation of plans and specifications cost \$50,000, leaving a balance of \$370,000 for construction.

ATTACHMENTS:

1. 2018\_Surface\_Seal\_Costs

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



---

Jamie Goldstein, City Manager

5/4/2018



**City of Capitola**  
**2018 Surface Seal Project**  
**Probable Construction Costs**  
**April 20, 2018**

**BASE BID BY STREET**

<b>STREET NAME</b>	<b>BEGINNING</b>	<b>END</b>	<b>BASE BID TOTALS</b>
46TH AVENUE	CAPITOLA ROAD	CLARES STREET	\$ 56,167
WHARF ROAD	49TH AVENUE	NORTHERN CITY BOUNDARY	\$ 82,882
GARNET STREET	49TH AVENUE	PROSPECT AVENUE	\$ 10,653
LINCOLN AVENUE	GARNET STREET	WHARF ROAD	\$ 21,053
OPAL STREET	49TH AVENUE	PROSPECT AVENUE	\$ 6,244
PROSPECT AVENUE	49TH AVENUE	LINCOLN AVENUE	\$ 48,398
BAY AVENUE (3)	PAVEMENT CHANGE	HWY 1 ON-RAMP	\$ 7,489
BEVERLY AVENUE	CAPITOLA AVENUE	BURLINGAME AVENUE	\$ 5,457
BURLINGAME AVENUE	BEULAH DRIVE	BAY AVENUE	\$ 12,423
CAPITOLA AVENUE	BAY AVENUE	NORTHERN CITY BOUNDARY	\$ 34,164
CAPITOLA COURT	WEST END	CAPITOLA AVENUE	\$ 6,257
DEL MONTE AVENUE	PILGRIM DRIVE	BAY AVENUE	\$ 7,535
PILGRIM DRIVE	BURLINGAME AVENUE	BAY AVENUE	\$ 9,522
PINE STREET	CAPITOLA AVENUE	ROSEDALE AVENUE	\$ 12,481
PLUM STREET	CAPITOLA AVENUE	ROSEDALE AVENUE	\$ 18,645
Base Bid Subtotal			\$339,370
9% Contingency			\$31,000
<b>Base Bid Total</b>			<b>\$370,370</b>

Attachment: 2018\_Surface\_Seal\_Costs (Slurry Seal Project)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

FROM: Public Works Department

SUBJECT: Finalize the Scope of Work for the Jetty Rehabilitation Project

**RECOMMENDED ACTION:** Finalize the scope of work for the beach jetty rehabilitation project without the addition of a walking pathway on top of the jetty and direct staff to proceed with the final plans and permitting.

**BACKGROUND:** Included in the projects listed as priorities by the Measure F sales tax extension is the rehabilitation of the beach jetty to restore it to its original condition. In developing the scope of the project, adding a pedestrian pathway along the top of the jetty was considered. As conceived, the pathway would have been approximately eight feet wide and extend from the walkway in Esplanade Park out to the end of the jetty, covering a portion of the sandy beach between Esplanade Park and the jetty.

A public workshop was held on April 9, 2018, where conceptual plans were reviewed showing the conceptual jetty pathway. Staff also has discussed this idea with various members of the public to get their input. A copy of the conceptual plans is included as Attachment 1.

**DISCUSSION:** The concept of adding a walkway was developed by staff as a way to provide a level walking surface out into the water, similar in nature but a much smaller version than the pathway at the Santa Cruz Yacht Harbor that goes out to Walton Lighthouse.

The public input received both at the workshop and individually was not supportive of adding the pathway. The primary reason people were against the pathway was impacts to the beach area where the pathway would connect to Esplanade Park. This walkway would be required to comply with the American's with Disabilities Act.

The affected area of beach is probably the most crowded location on the beach. Adding a concrete pathway and increased pedestrian traffic in this area was not supported by those who have provided input. Other reasons the pathway was not supported was the likelihood of damage in the winter and ongoing maintenance costs.

The consultant team and staff are currently working on construction plans and submittals of various permits required for this project. To facilitate timely completion of these items, the scope of work must be finalized now or in the near future. Current schedules are to have construction completed by May 2019.

**FISCAL IMPACT:** The 2017 report completed by Moffatt and Nichol estimated the cost of the jetty rehabilitation between \$250,000 and \$800,000 and adding the pathway would increase the cost by \$125,000. Saving the \$125,000 from the jetty project will increase the available funding

Jetty Reconstruction  
May 10, 2018

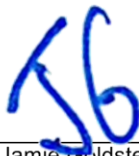
for the wharf rehabilitation project.

ATTACHMENTS:

1. Jetty Pathway Conceptual Drawings

Report Prepared By: Steve Jesberg  
Public Works Director

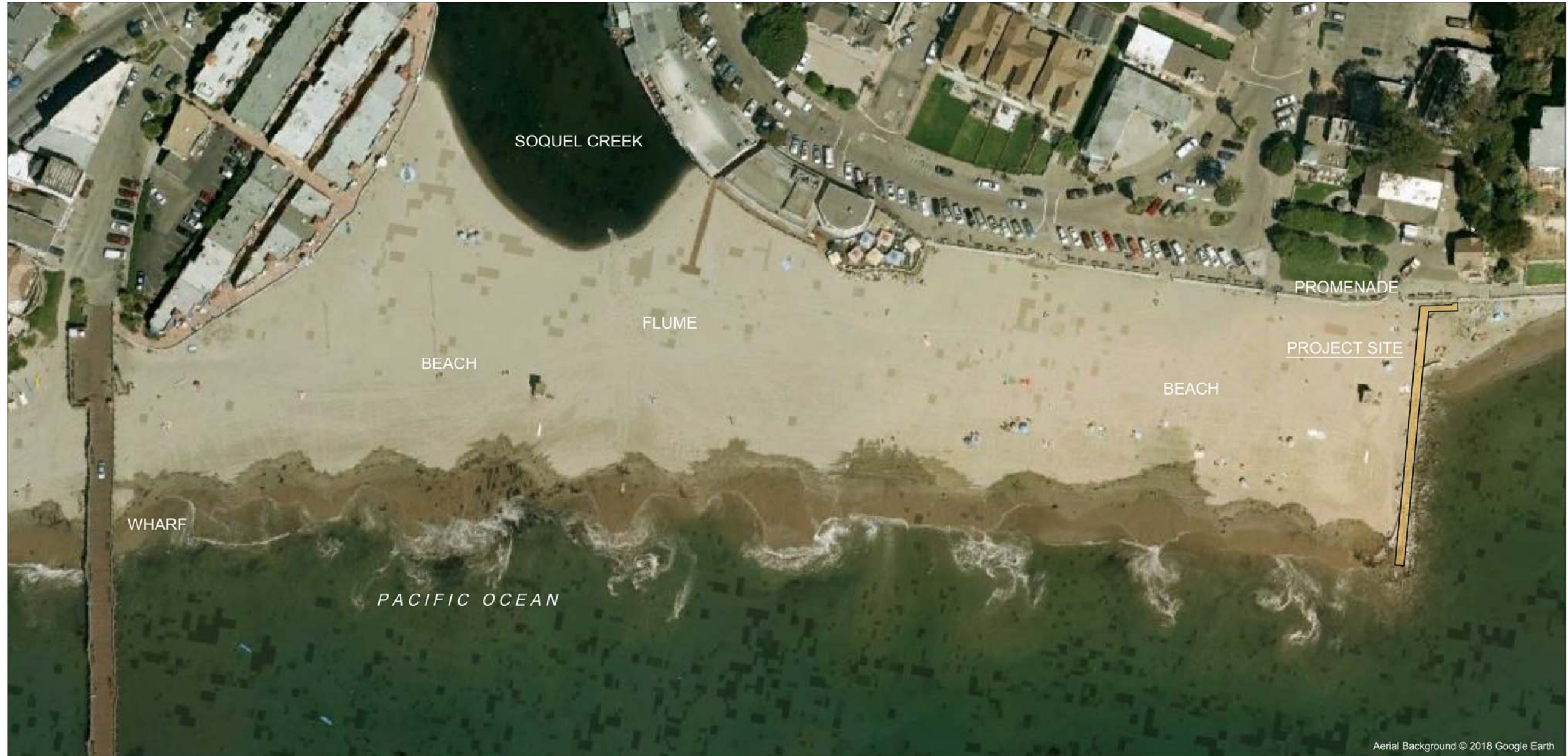
**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

5/4/2018



LOCATION PLAN



C:\WC\9154-01\Capitola Wharf Beach\4\_CADD\915401\_GROIN FIGS.dwg Jan 24, 2018 - 3:01 pm

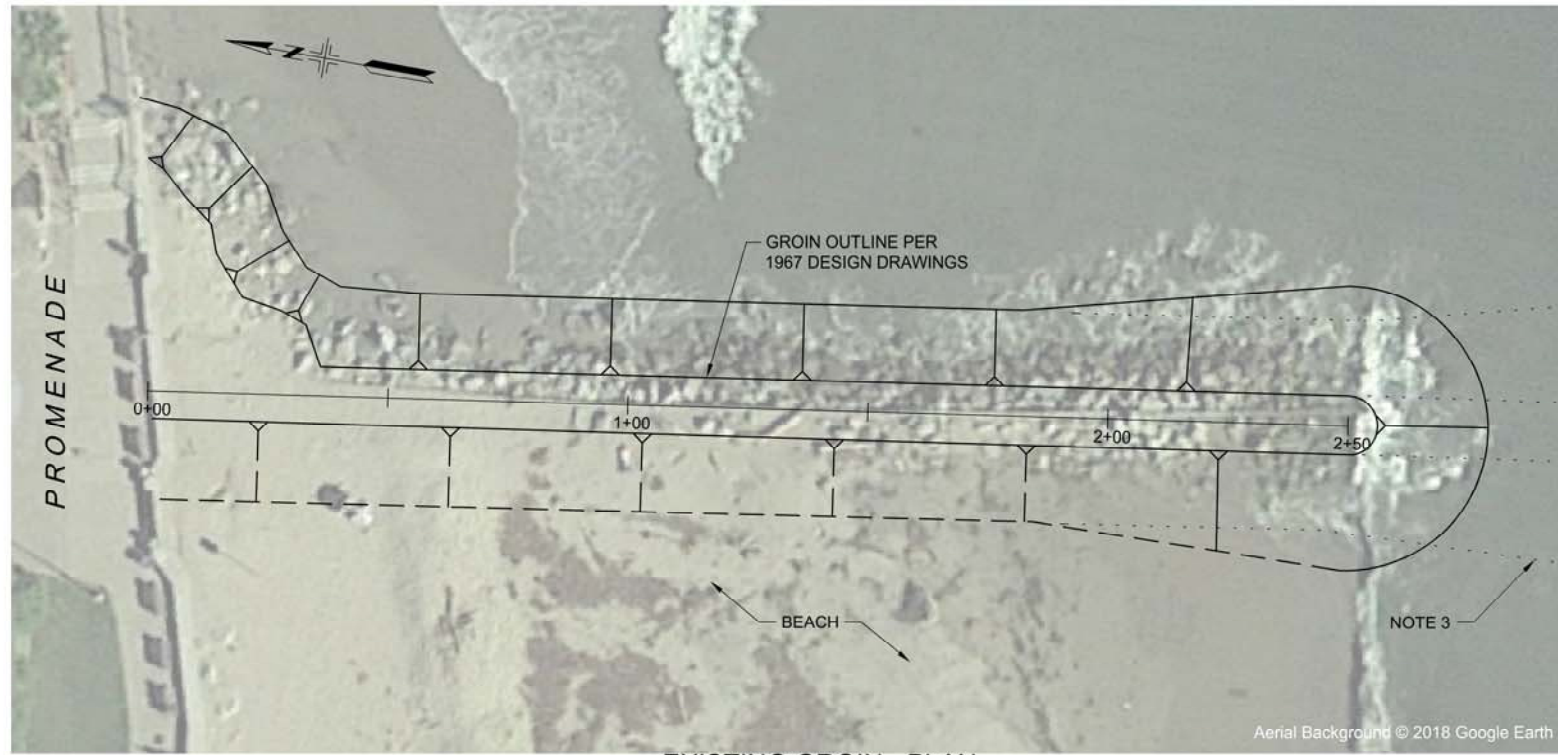


**moffatt & nichol**  
 2185 N. California Blvd., Suite 500  
 Walnut Creek, CA 94596

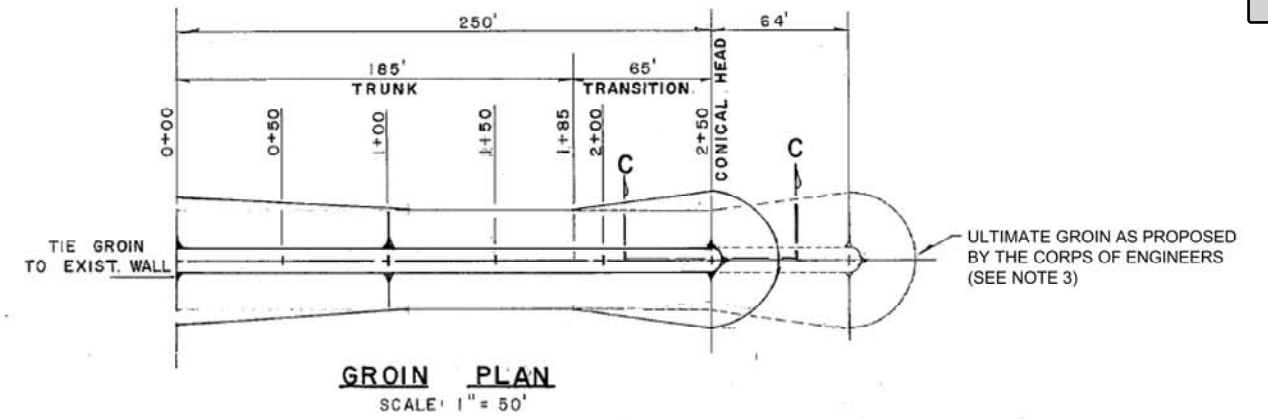


CAPITOLA WHARF BEACH  
 GROIN REHABILITATION  
 LOCATION PLAN

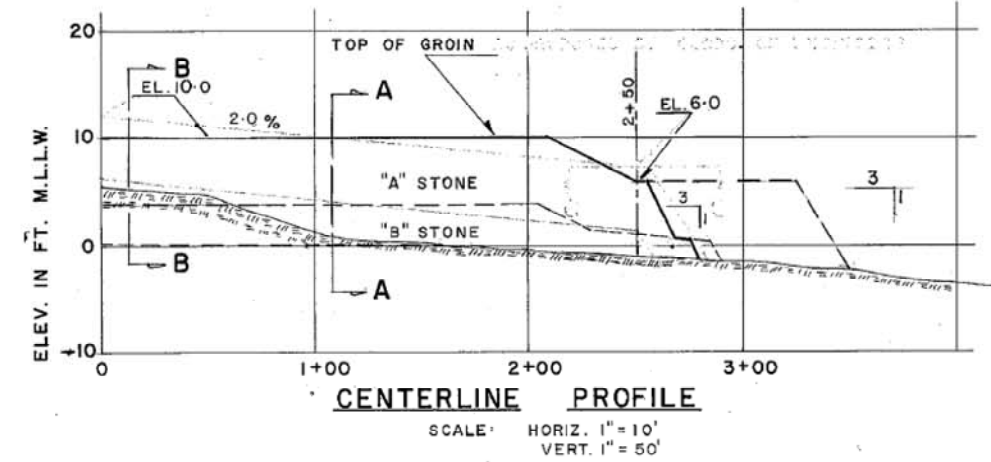
Date: 01-25  
 Sheet: 1



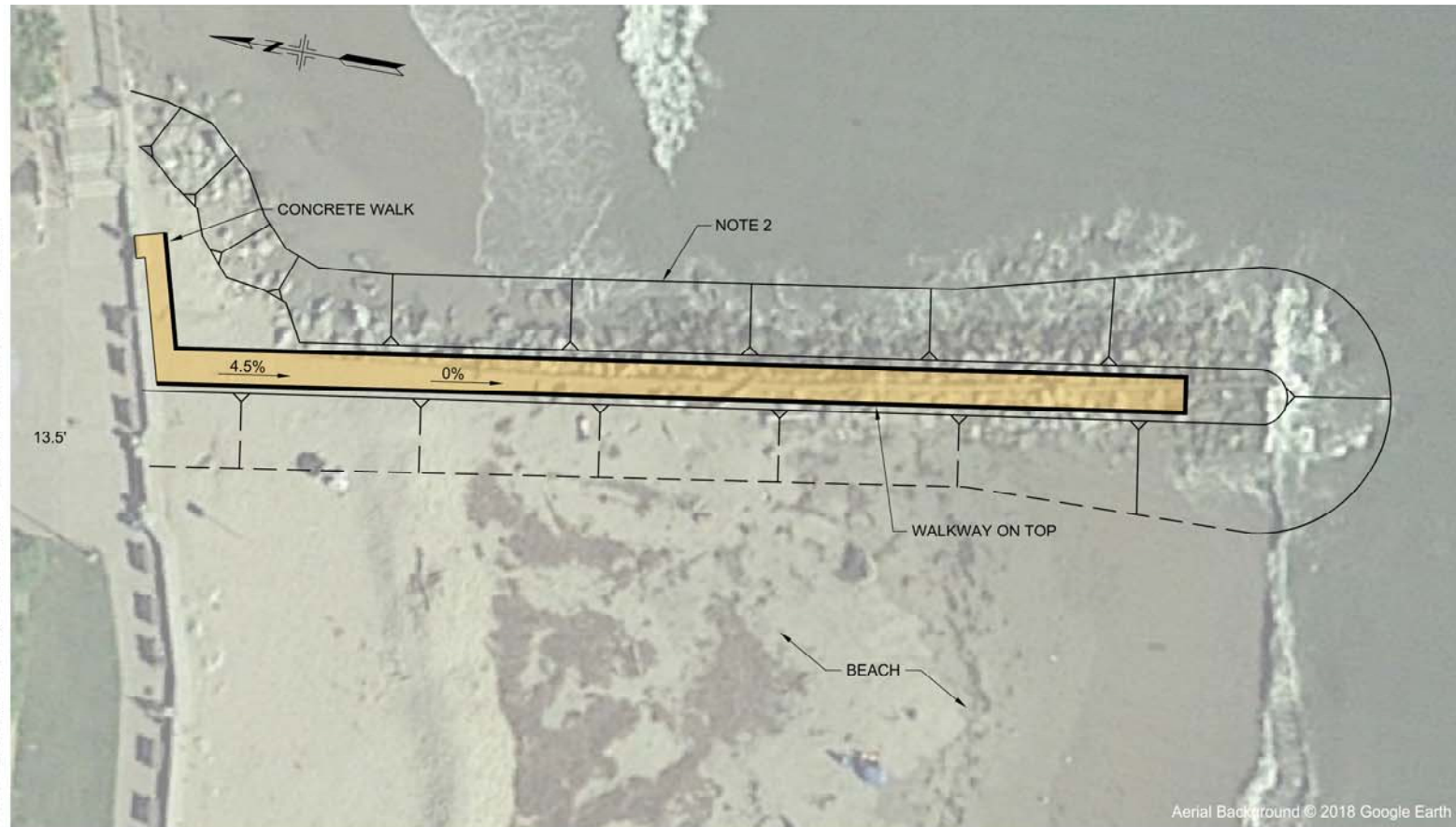
**EXISTING GROIN - PLAN**  
SCALE: 1"=40'-0"



**GROIN PLAN**  
SCALE: 1"=50'



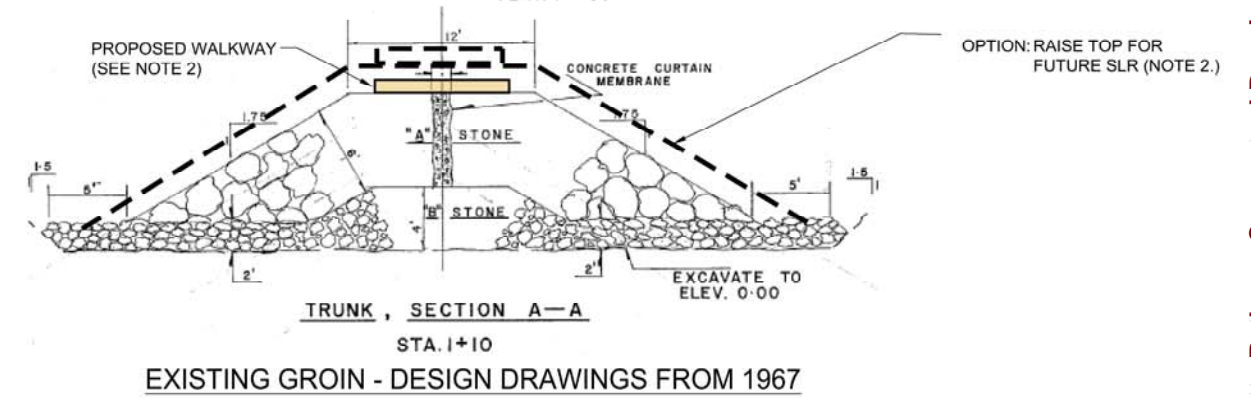
**CENTERLINE PROFILE**  
SCALE: HORIZ. 1"=10'  
VERT. 1"=50'



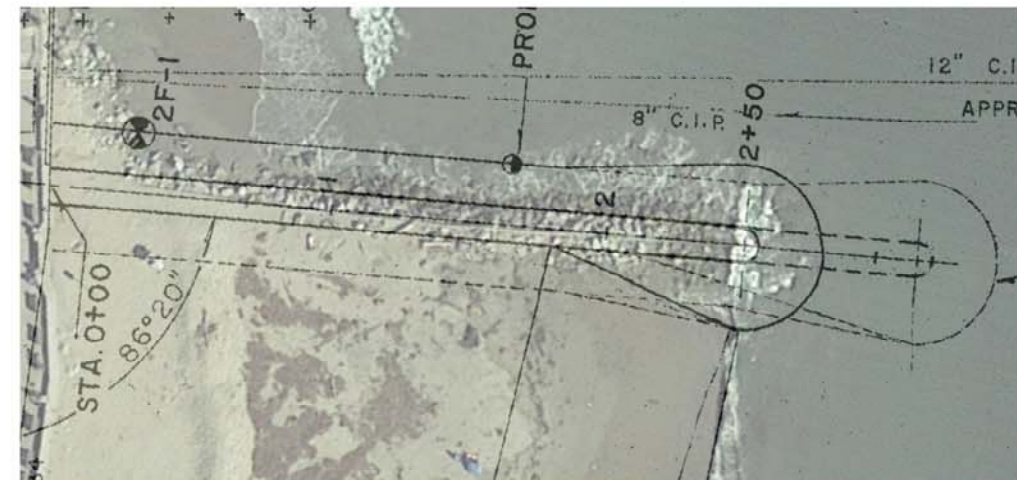
**PROPOSED GROIN REHABILITATION - PLAN**  
SCALE: 1"=40'-0"

**NOTES:**

- ELEVATIONS SHOWN ARE MLLW, APPROXIMATELY.
- REBUILD GROIN TO ORIGINAL CONFIGURATION PER 1967 DESIGN; ADD 8'-WIDE WALKWAY ON TOP. OPTION: RAISE TOP NOW FOR FUTURE SEA LEVEL RISE (SLR)
- ADDITIONAL 64' EXTENSION PROPOSED BY CORPS WAS NOT CONSTRUCTED.

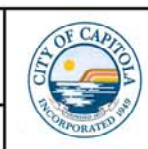


**TRUNK, SECTION A-A**  
STA. 1+10  
EXISTING GROIN - DESIGN DRAWINGS FROM 1967



**1967 DESIGN OVERLAY ON CURRENT AERIAL**

**moffatt & nichol**  
2185 N. California Blvd., Suite 500  
Walnut Creek, CA 94596

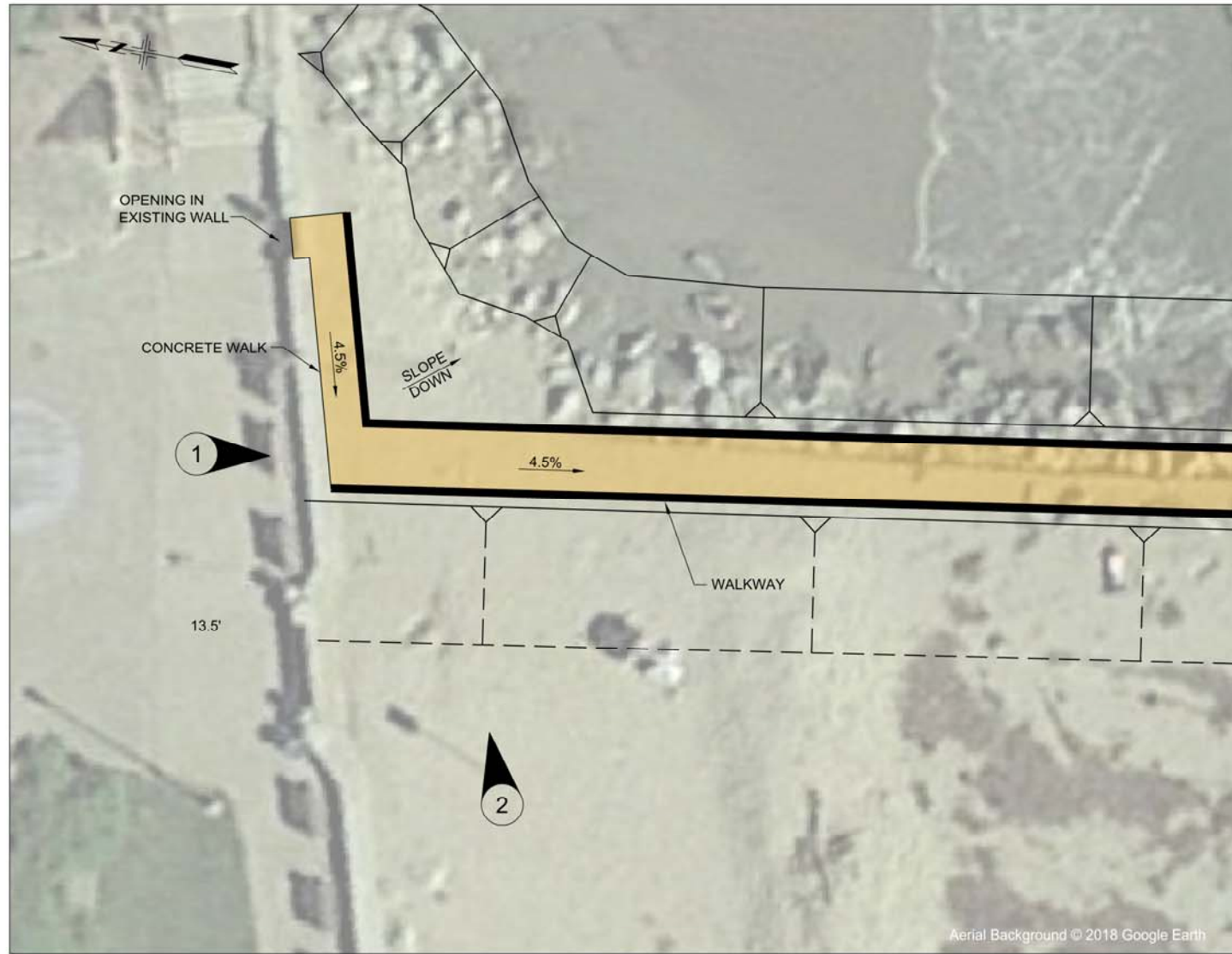


**CAPITOLA WHARF BEACH  
GROIN REHABILITATION  
PLANS AND SECTIONS**

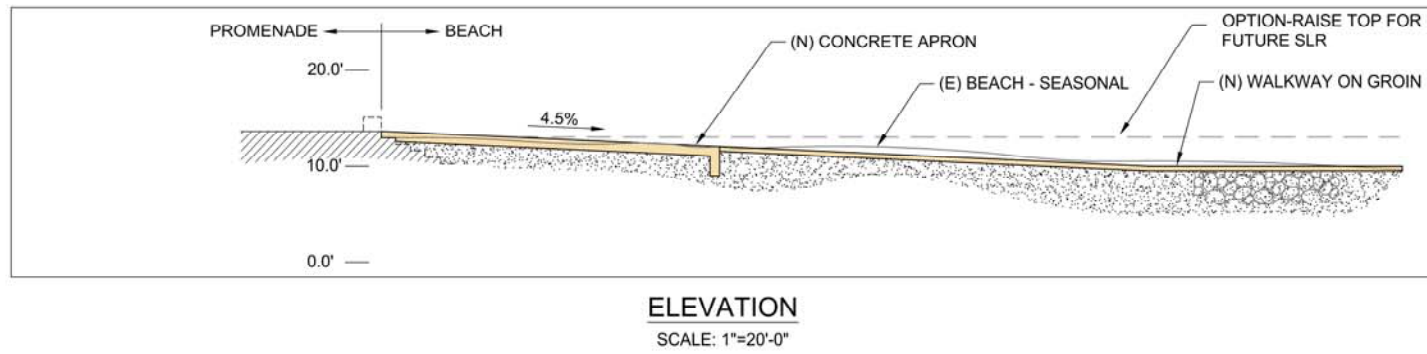
Date: 01-25  
Sheet: 2

C:\WC\9154-01\Capitola Wharf Beach\4\_CADD\915401\_GROIN FIGS.dwg Jan 24, 2018 - 3:04pm

Attachment: Jetty Pathway Conceptual Drawings (Jetty Reconstruction)



**PLAN**  
SCALE: 1"=20'-0"



**ELEVATION**  
SCALE: 1"=20'-0"



PHOTO 1



PHOTO 2



PHOTO 3

C:\WC\9154-01\Capitola Wharf Beach\4\_CADD\915401\_GROIN FIGS.dwg Jan 24, 2018 - 3:05pm

Attachment: Jetty Pathway Conceptual Drawings (Jetty Reconstruction)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

FROM: Public Works Department

SUBJECT: Introduce an Ordinance Amending Chapter 13.02 Pertaining to Water Conservation Plumbing Fixture Retrofit Requirements

**RECOMMENDED ACTION:** Approve the first reading of an ordinance amending Municipal Code Chapter 13.02.- Water Conservation Plumbing Fixture Retrofit Requirements

**BACKGROUND:** The City's water retrofit code section was enacted in 2003 at the joint request of Soquel Creek Water District and the City of Santa Cruz Water Department. Both agencies have service areas within Capitola and requested the original ordinance adoption to implement their respective plumbing fixture retrofit regulations, which require low flush toilets to be installed when a property is sold. The City's existing code identifies the respective water providers as the entity responsible for implementing the City's ordinance.

Soquel Creek Water District has notified the City that on April 3, 2018, its Board of Directors voted to discontinue implementing and enforcing Capitola's Municipal Code Section 13.02, Water Conservation Plumbing Fixture Retrofit Requirements (Attachment 1) as the program was yielding diminishing returns in comparison to the amount of staff time needed to implement and enforce the program. They estimate that at least 90% of the plumbing fixtures in their service area meet their efficiency requirements.

**DISCUSSION:** With Soquel Creek Water District's repeal of their retrofit requirement, the City has no enforcement mechanism for its ordinance in the Soquel Creek Water District area. Staff has reached out to the City of Santa Cruz Water Department who indicate that they intend to continue enforcement of their retrofit ordinance through 2020 (Attachment 2).

The proposed ordinance change removes references to Soquel Creek Water District's service area from the requirements (Attachment 3). Once the City of Santa Cruz Water Department notifies the Capitola that it has discontinued enforcement, anticipated in 2020, the entire ordinance can be repealed.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

1. Soquel Creek Water District letter (PDF)

First Reading Water Conservation Amendment  
May 10, 2018

2. Santa Cruz Water Department correspondence (PDF)
3. Stikeout Version of Chapter 13.02 (PDF)

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



---

Jamie Goldstein, City Manager

5/4/2018



First Reading Water Conservation Amendment  
May 10, 2018

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

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTIONS 13.02.010, 13.02.020, and 13.02.030(B) and (C)  
OF THE CAPITOLA MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Sections 13.02.010 and 13.02.020 of Chapter 13.02 "WATER CONSERVATION PLUMBING FIXTURE RETROFIT REQUIREMENTS" are hereby amended to read as follows:

**"13.02.010 Purpose.**

The purpose of this chapter is to reduce long-term demand for potable water within the portions of the city served by the City of Santa Cruz Water Department in order to ensure a reliable and adequate public water supply by establishing water efficiency standards for interior plumbing fixtures when changes in ownership of real property occur.

**13.02.020 Application of regulations.**

The provisions of this chapter shall apply to all residential, commercial, and industrial buildings served by the City of Santa Cruz Water Department that use water in showers, toilets, and urinals whenever the title to real property is conveyed from the seller to the buyer, for consideration, by means of a grant deed."

Section 2. Subsections B and C of Section 13.02.030 "Definitions" are hereby amended to read as follows:

"B. Department. For persons served by the City of Santa Cruz Water Department, the term "department" shall refer to the City of Santa Cruz Water Department.

C. Director. For persons served by the City of Santa Cruz Water Department, the term "director" shall refer to the director of the City of Santa Cruz Water Department."

Section 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

This ordinance was introduced on the \_\_\_\_ day of \_\_\_\_, 2018, and was passed and adopted by the City Council of the City of Capitola on the \_\_ day of \_\_\_\_, 2018, by the following vote:

**Board of Directors**

Dr. Bruce Daniels, President  
 Dr. Thomas R. LaHue, Vice-President  
 Dr. Bruce Jaffe  
 Carla Christensen  
 Rachél Lather

Ron Duncan, *General Manager*

April 26, 2018

Mr. Jamie Goldstein  
 City Manager  
 City of Capitola  
 420 Capitola Ave.  
 Capitola, CA 95010

Dear Mr. Goldstein,

This letter provides 30-day notice of the Soquel Creek Water District's (District) intention to terminate implementation and enforcement of City of Capitola (City) Ordinance No. 986 within the District's service area as related to water conservation plumbing fixture Retrofit on Sale (ROS) requirements. The District has implemented and enforced the City's ROS requirements since 2003 by performing property inspections, sending notification compliance letters to property owners, and recording Notices of Violation on non-compliant properties.

Because of the District's long-running fixture rebate and Water Demand Offset programs, California Green Building Code requirements, California point of sale requirements, and the ROS program itself, we estimate that at least 90 percent of the plumbing fixtures in our service area meet the ROS program fixture efficiency requirements. As the program was yielding diminishing returns in comparison to the amount of staff time needed to implement and enforce the program, the District's Board of Directors voted to discontinue the ROS program on April 3, 2018.

As discussed with Mr. Rich Grunow, we will work with City staff to help ensure a smooth transition by providing the following information: 1) the properties already certified by the District throughout the course of the program; and 2) the properties currently in the process that have received letters of compliance but have not been certified by May 26, 2108 when the District will discontinue all ROS activities.

If you can provide details about how the City plans to administer the program in the future, we can incorporate this information into the flyer that we plan to distribute next month to local real estate agents and other parties notifying them of the change. We will also update our website materials and can direct affected parties to the City's website if desired. If there is anything else we can do to aid in the transition, please let me know.

Attachment: Soquel Creek Water District letter (First Reading Water Conservation Amendment)

In regard to the properties with recorded Notices of Violation, we plan to notify them of a limited 90-day window of opportunity to resolve their violations and come into compliance so that they can clear the violations from their title if so desired.

Please feel free to contact me at (831) 475-8501 x156 if you have any questions or concerns.

Sincerely,



Shelley Flock  
Conservation and Customer Service Field Manager

Attachment

cc: Mr. Rich Grunow, City of Capitola  
Mr. Ron Duncan, Soquel Creek Water District

Attachment: Soquel Creek Water District letter (First Reading Water Conservation Amendment)

**Fridy, Linda (lfridy@ci.capitola.ca.us)**

---

**From:** Toby Goddard <tgoddard@cityofsantacruz.com>  
**Sent:** Friday, April 20, 2018 8:48 AM  
**To:** jgoldstein@ci.capitola.ca.us  
**Cc:** Jesberg, Steve (sjesberg@ci.capitola.ca.us)  
**Subject:** City water regulations in Capitola

Hi Jamie –

Chris Coburn forwarded to me your email about retrofit regulations. I became aware a few weeks ago that Soquel Creek decided to drop its program, whose service area covers the majority of the City of Capitola.

We should discuss the process moving forward. Our intention is to sunset the Santa Cruz City's ordinance at the end of 2020, so we have a few more years for it to run its course. As you may know, we administer it uniformly throughout our water service area, which covers Santa Cruz, parts of unincorporated Santa Cruz county, and a part of the City of Capitola. So we would wind that down all at the same time, and do it in coordination with all the local jurisdictions and real estate industry.

Also affecting the portion of Capitola served by the Santa Cruz Water Department are restrictions on use of water, starting May 1, 2018. We will be sending you correspondence on that subject to share with your City Council and affected departments next week.

In the meantime, please feel free to give me a call at the number below at your convenience,

Toby

Toby Goddard  
 Water Conservation Manager  
 Santa Cruz Water Department  
 (831) 420-5232

Attachment: Santa Cruz Water Department correspondence (First Reading Water Conservation Amendment)

## Chapter 13.02

### WATER CONSERVATION PLUMBING FIXTURE RETROFIT REQUIREMENTS

#### Sections:

- 13.02.010 Purpose.
- 13.02.020 Application of regulations.
- 13.02.030 Definitions.
- 13.02.040 Retrofit requirements upon sale of real property.
- 13.02.050 Exemptions.
- 13.02.060 Verification of compliance.
- 13.02.070 Persons authorized to perform plumbing fixture inspections.
- 13.02.080 Option to transfer responsibility for retrofitting.
- 13.02.090 Penalties for violation and enforcement.
- 13.02.100 Civil remedy.
- 13.02.110 Historic structure exemption.

#### **13.02.010 Purpose.**

The purpose of this chapter is to reduce long-term demand for potable water within the portions of the –city served by the City of Santa Cruz Water Department in order to ensure a reliable and adequate public water supply by establishing water efficiency standards for interior plumbing fixtures when changes in ownership of real property occur. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)

#### **13.02.020 Application of regulations.**

The provisions of this chapter shall apply to all residential, commercial, and industrial buildings served by the City of Santa Cruz Water Department ~~and the Soquel Creek Water District~~ that use water in showers, toilets, and urinals whenever the title to real property is conveyed from the seller to the buyer, for consideration, by means of a grant deed. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)

#### **13.02.030 Definitions.**

For the purpose of this chapter, the following words shall have the meanings set forth below:

- A. “Buyer” means the person, persons, or entity to whom the title to real property is conveyed.
- B. Department. For persons served by the City of Santa Cruz Water Department, the term “department” shall refer to the City of Santa Cruz Water Department. ~~For persons served by the Soquel Creek Water District, the term “department” shall refer to the Soquel Creek Water District.~~
- C. Director. For persons served by the City of Santa Cruz Water Department, the term “director” shall refer to the director of the City of Santa Cruz Water Department. ~~For persons served by the Soquel Creek Water District, the term “director” shall refer to the general manager of the Soquel Creek Water District.~~
- D. “High efficiency plumbing fixtures” means any fixture which is designated as a U.S. EPA WaterSense fixture; or any showerhead rated to use a maximum of two gallons of water per minute, any high efficiency toilet rated to use a maximum of one and twenty-eight-hundredths gallons of water per flush, and any urinal and associated flush valve rated to use a maximum of one-half gallon of water per flush.
- E. “Retrofit” means the replacement of conventional plumbing fixtures with high efficiency plumbing fixtures. Pre-existing toilets that use not more than one and six-tenths gallons per flush shall be considered to meet the requirements of this code.
- F. “Seller” means the owner of real property prior to the time of sale.
- G. “Time of sale” means the date of the recording of the deed transferring legal title to real property to implement a sale of the property.

H. “Transfer of responsibility to retrofit form” means a form provided by the director which certifies that the seller and buyer mutually agree that the responsibility for compliance with the retrofit requirements in this chapter is assumed by the buyer.

I. “Water conservation certificate” means a form provided by the director certifying compliance with the plumbing fixture requirements specified by this chapter. (Ord. 986 § 1 (part), 2013: Ord. 856 § 1, 2003)

**13.02.040 Retrofit requirements upon sale of real property.**

A. When Required. All existing residential, commercial, and industrial buildings shall, at the time of sale, be retrofitted, if not already so, exclusively with high efficiency plumbing fixtures.

B. Responsibilities of Seller. The seller shall be responsible for complying with the requirements of this chapter and for obtaining a water conservation certificate in accordance with Section 13.02.060 before the time of sale.

C. Disclosure of Retrofit Requirement. The seller and/or the seller’s real estate agent or broker, under the California Real Estate Transfer Disclosure Statement requirements made pursuant to Section 1102.6a of the California Civil Code, shall give a written statement to the prospective buyer of the requirements of this chapter as soon as practicable prior to the transfer of title. The statement shall be either included in the receipt for deposit in a real estate transaction, an addendum to the real estate transfer disclosure statement, or a separate document. A signed copy of the water conservation certificate and the statement of retrofit requirements shall be included in the transfer documentation. (Ord. 986 § 1 (part), 2013: Ord. 856 § 1, 2003)

**13.02.050 Exemptions.**

The director may grant an exemption to the provisions of this chapter to any person only if the director determines that the unique configuration of a building drainage system or portions of a public sewer, or both, are incompatible with high efficiency toilet specifications and require a greater quantity of water to flush the system in a manner that is consistent with public health. The director shall require sufficient evidence or proof be submitted to substantiate any exemption. (Ord. 986 § 1 (part), 2013: Ord. 856 § 1, 2003)

**13.02.060 Verification of compliance.**

A. Upon retrofitting with high efficiency plumbing fixtures, prior to time of sale, the seller shall verify compliance by one of the following methods:

1. Physical inspection of the building by the director or other person authorized by the director to perform an on-site property inspection and to certify that the plumbing fixture requirements specified in this chapter have been satisfied;
2. Participation in an available toilet rebate program, where documentation of an inspection demonstrates that the retrofit requirements of this chapter have been satisfied;
3. Documentation that all structures which include plumbing fixtures on the property changing ownership were constructed or renovated in 1994 or later.

B. Once compliance with the requirements of this chapter has been verified, a water conservation certificate will be issued to the seller within two business days.

C. The director may waive re-inspection and/or further proof of retrofit when a property already certified undergoes a subsequent sale. Water conservation certificates shall be maintained on file at the department in order to provide future verification that high efficiency plumbing fixtures have been installed. (Ord. 986 § 1 (part), 2013: Ord. 856 § 1, 2003)

**13.02.070 Persons authorized to perform plumbing fixture inspections.**

The following persons shall be authorized to perform an inspection of plumbing fixtures for the purpose of verifying compliance with the provisions of this chapter:

A. Employees of the department assigned by the director.

B. Plumbing contractors who hold a valid contractor's license issued by the state of California, and all A or B licensed contractors qualified to review plumbing fixtures.

C. Other persons approved by the director to perform plumbing fixture inspections. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)

**13.02.080 Option to transfer responsibility for retrofitting.**

Before the time of sale, the seller and buyer of any property may mutually agree to transfer responsibility for compliance with this chapter to the buyer. In the event the buyer agrees to assume responsibility for retrofitting, the buyer shall complete the retrofit within ninety calendar days from the date of the sale. Before the time of sale, the seller and buyer shall complete the following procedures:

A. The seller shall request from the department a transfer of responsibility to retrofit form. Both the seller and buyer shall sign the form certifying that the buyer has assumed responsibility for the retrofit.

B. The seller shall file the signed transfer of responsibility to retrofit form with the department and include it in the real estate transfer documentation in lieu of the water conservation certificate.

C. Upon completing the retrofit, the buyer shall contact the department to verify compliance. A water conservation certificate shall be issued to the buyer upon verification of compliance in accordance with Section 13.02.060. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)

**13.02.090 Penalties for violation and enforcement.**

A. Violation. It is unlawful for any person, firm, partnership, association, or corporation to fail to comply with the retrofit requirements of this chapter, or to alter or replace high efficiency plumbing fixtures required by this chapter with other than high efficiency plumbing fixtures. Violation of the provisions of this chapter shall constitute an infraction.

B. Notice of Correction. Whenever the director determines that there is a property where high efficiency plumbing fixtures have not been installed as required by this chapter or where such fixtures have been removed since initial installation and replaced with other than high efficiency plumbing fixtures, the director may serve a notice of correction on the owner(s) of the property on which the violation is situated and any other person responsible for the violation. The owner of record shall have ninety days to take corrective action. If corrective action is not taken within said ninety-day period the director may record a notice of violation in accordance with the administrative procedures for doing so set forth in this code.

C. Administrative Enforcement. In addition to any other remedy provided by this code, any provision of this ordinance may be enforced by an administrative order issued pursuant to any one of the administrative processes set forth in this code.

D. Persons Liable. No liability shall arise, nor shall any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of escrow officer, for any error, inaccuracy, or omission relating to compliance with this chapter. However, this section does not apply to a licensee, as defined in Section 10011 of the California Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this chapter with actual knowledge of the falsity of the disclosure. Except as otherwise provided in this chapter, this section shall not be deemed to create or imply a duty upon a licensee, as defined in Section 10011 of the California Business and Professions Code, or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow officer, to monitor or ensure compliance with this chapter, or to notify any person of requirements to comply with this chapter.

E. A transfer of title is not invalidated on the basis of failure to comply with this chapter. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)

**13.02.100 Civil remedy.**

If the seller fails to comply with the retrofit requirements, the buyer shall install the high efficiency plumbing fixtures within ninety days from the time of sale. Any seller who fails to comply with the requirements of this chapter is liable to the buyer in the amount of two hundred fifty dollars for each fixture that does not comply with

this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1 (part), 2003)

**13.02.110 Historic structure exemption.**

Structures which are considered architecturally significant and which are listed as such in a recognized federal, state or local historic registry or in the city's general plan are exempt from the requirements of this chapter when both of the following circumstances exist: authentic historic plumbing fixtures are presently in place in the structure; and the plumbing fixtures cannot be replaced by matching high efficiency fixtures. (Ord. 986 § 1 (part), 2013; Ord. 856 § 1, 2003)





# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

FROM: City Manager Department

SUBJECT: Recreation Division Report

RECOMMENDED ACTION: Receive report.

BACKGROUND: During the 2017-2018 budget hearings, City Council requested a report on the status of the Capitola Recreation program. The attached report includes the history of the Capitol Recreation program and discusses in depth the current and future status of the program.

DISCUSSION: In 1997, Capitola/Soquel Community Activities, the recreation Joint Powers Authority established by the City of Capitola and the Soquel Union Elementary School District, dissolved, and the City began providing recreation programs to the community.

The Capitola Recreation Division is located in the Community Center at Jade Street Park. The division also manages softball and soccer fields as well as tennis courts at Jade Street Park.

The City of Capitola Recreation staff includes full-time a recreation supervisor, two recreation coordinators, one recreation assistant, and a recreation facility custodian. In addition to the permanent staff, the division hires approximately 50 part-time/seasonal employees to run its summer programs and to help at the Community Center during the year. The Recreation Division contracts with approximately 40 instructors for classes.

Recreation Supervisor Elise Legare has been with the division since its inception. Supervisor Legare has announced that she will be retiring on June 15, 2018. To make sure the summer programs run successfully this year, the City will ensure additional resources will be available to support recreation and the programs. In addition, staff will review the current Recreation Supervisor job description and consider modifications prior to initiating a recruitment.

The recreation division operates four major programs:

- Classes
- Sports/Rentals
- Camp Capitola
- Junior Lifeguards

## **Classes**

The Capitola Recreation Division has seven sessions of classes each year with approximately 75 classes per session. Most of classes take place in the Community Center, the City's only indoor facility. The Community Center, especially in the summer, is significantly impacted during

Recreation Division Report  
May 10, 2018

popular class times. In addition to the classes at Jade Street park, the City contracts with private facilities for specialized classes. In the past, a number of classes were held at New Brighton Middle school, but with the changes in security and other requirements in schools that is no longer an option.

The recreation division is constantly searching for new classes and instructors. On average 10 percent to 15 percent of the classes each session are new. When setting up new classes, staff attempts to appeal to as wide demographic range as possible. However, historically, three times as many women as men participate in classes and most of the participants are between the ages of 40 and 70.

### **Sports/Rentals**

Currently the only sport leagues the City offers are spring and summer adult softball at Jade Street Park. The transfer of the New Brighton gym to the school district reduced the scope of sport leagues offered by the division.

Capitola Recreation currently manages softball and soccer fields at Jade Street Park and a combined softball/soccer field at Monterey Park. The fields are rented by youth sports leagues and groups. The tennis courts at Jade Street Park are used for lesson and competitive team tennis. The City also manages rentals of the community center at Jade Street park for events, meetings, and parties.

### **Camp Capitola**

The Camp Capitola program takes place every summer and is designed for children ages six to 11. The division offers four sessions during the summer. The sessions are either two or three weeks in length and can either be full or half days. Camp Capitola is based out of the Community Center and includes activities such as sports, arts and crafts projects, water games, and beach days.

The City hires at least 20 seasonal employees to manage the day-to-day aspects of the camp. Permanent staff also assists in coordinating and running the program.

Although the program is one of the least expensive programs in the area, over the past few years, Camp Capitola has seen a decline in enrollment, primarily due to new programs in the area. Staff is constantly looking at opportunities to improve the program and attract new participants.

### **Junior Guards**

Capitola Junior Guards is the largest, most popular City recreation program. The program has been running in Capitola for more than 35 years. Annually, up to 1,000 youth between the ages of six and 18 participate in Capitola Junior Guards. Beginning in 2017, the program has two four-week sessions with morning and afternoon times in each session. Capitola Junior Guards compete against other junior guard programs, both locally and regionally.

Over the past few years, the requirements and administration of the program have changed significantly. The organizing body for the regional competition, the California Surf Lifesaving Association (CSLSA), determined the Capitola Junior Guard program was not in compliance

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with the organization's policies and prescribed changes if Capitola Junior Guard program wished to continue to compete at the regional competitions in the future. These changes included enhanced training in coordination with City of Santa Cruz Marine Safety Division, more stringent requirements of Junior Guard instructors and finally, in 2017, the City hired its own beach lifeguard captain to be responsible for all training and certification requirements.

To better meet the training and staffing requirements, in November 2016, the City Council directed staff to reduce the number of participants in the program by 10 percent and change the first session from five weeks to four weeks. In 2017, these changes were successfully implemented at a cost of approximately \$110,000, due to the reduced enrollment and the reduction in the length of the program.

### **Future Challenges**

The Capitola Recreation division is facing quite a few challenges moving into the future. One of the biggest is the changing nature of recreation in general. Fewer people are relying on public recreation programs such as Capitola's; instead they are using specialized private spaces for their needs.

Technology makes it relatively easy for individuals to start their own businesses, rent spaces and market online through social media. This has allowed specialized spaces for activities such as yoga, Pilates, and art studios to successfully compete with larger recreation programs.

In addition, institutions such as community colleges are also offering programs that compete with local recreation departments.

In addition to the challenges from other sources, one significant obstacle is the limited facilities for classes in Capitola. The functionality of Community Center building itself limits the type of classes that can be held inside. Unless there are significant changes to the building this will always be a limitation.

The Recreation Division will continually evaluate its programs and will continue to meet the fundamental purpose of recreation services: to provide important and desirable quality programs and services to improve the quality of life for the community.

FISCAL IMPACT: N/A

Report Prepared By: Larry Laurent  
Assistant to the City Manager

Recreation Division Report  
May 10, 2018

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

5/4/2018



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

**FROM:** City Manager Department

**SUBJECT:** Consider a Resolution Opposing the Industry-Backed "Tax Fairness, Transparency, and Accountability Act of 2018" Ballot Initiative

**RECOMMENDED ACTION:** Adopt resolution.

**BACKGROUND:** A statewide ballot initiative known as the "Tax Fairness, Transparency and Accountability Act of 2018" is currently under circulation for signatures and proposed for the November ballot. This initiative would drastically limit local revenue authority by raising the threshold to pass any local tax to two-thirds. For cities and other local agencies, it would apply retroactively and would void any local measure approved by local voters on or after January 1, 2018, that do not comply with the provisions of the act.

The initiative is being primarily financed by the beverage industry and the California Business Roundtable's Political Action Committee (PAC) (Attachment 1).

**DISCUSSION:** The proposed amendment to the State Constitution would have the following impacts, according to the League of California Cities.

**Restricts Local Tax Authority:**

a) Eliminates local authority to impose a tax for general purposes by majority vote and instead requires all local proposed tax increases subject to a two-thirds vote. This proposal also requires two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot.

b) Requires a two-thirds vote to "extend" a tax to new territory, a new class of payor, or expanded base. For cities, this would limit all future annexations by requiring a separate two-thirds vote of the affected residents prior to applying any existing city tax. Other limitations may apply to a local interpretation that an existing local tax applies to a business or product.

c) Expands the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may cover local franchise fees.

d) Prohibits any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring reapproval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for "unrestricted revenue purposes."

Resolution Opposing Tax Fairness Transparency & Accountability Act  
May 10, 2018

- e) Requires tax measures to be consolidated with the regularly scheduled general election for members of the governing body, unless an emergency is declared by a unanimous vote of the governing body.
- f) Expands the application of this act to include actions and “legal authority” that may be “enforced” or “implemented” by a local government.
- g) Requires a tax imposed by initiative to also be subject to a two-thirds vote.
- h) Clarifies a levy, charge, or exaction retained by and payable to a non-governmental entity is a tax, if the local agency limits in any way the use of the proceeds.

**Restricting Local Fee Authority:**

Restricts the ability of a local government to impose fees or charges, other than those subject to Prop. 218, by:

- a) Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the legislative body.
- b) Authorizing a referendum on decisions of a legislative body to impose, increase or extend a fee or charge triggered by petitions signed by 5 percent of affected voters.
- c) Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate.
- d) Narrows the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc. Further, the measure authorizes new avenues to challenge “actual” costs by enabling a payor to also second-guess in court whether they are “reasonable.” Opens up further litigation and debate by replacing the existing standard that fees and charges bear a “fair and reasonable relationship to the payors burdens and benefits” with a more rigorous “proportional to the costs created by the payor” standard.
- e) Increases the legal burden of proof for local agencies from “preponderance of evidence” (more likely than not) to “clear and convincing evidence” (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

**FISCAL IMPACT:** Should this ballot initiative receive sufficient signatures to make the November ballot and be approved by more than 50 percent of voters, it would increase the threshold required to pass all future tax measures to two-thirds, potentially subject City fees to legal challenges, and increase the required vote threshold for taxes the City of Capitola may put on this year’s ballot.

**ATTACHMENTS:**

1. Donations to ballot initiative (PDF)

Report Prepared By: Jamie Goldstein  
City Manager

Resolution Opposing Tax Fairness Transparency & Accountability Act  
May 10, 2018

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

5/4/2018

Resolution Opposing Tax Fairness Transparency & Accountability Act  
May 10, 2018

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY CAPITOLA OPPOSING  
THE TAX FAIRNESS, TRANSPARENCY AND ACCOUNTABILITY ACT OF 2018**

**WHEREAS**, California's cities, counties and special districts follow strict guidelines and existing state law regarding the establishment of reasonable fees and the required voter approval of all local taxes; and

**WHEREAS**, there is a signature-gathering campaign for a state ballot measure currently sponsored by the California Business Roundtable, and heavily supported by the beverage industry, that would severely harm the ability of local governments to continue to provide quality services by imposing onerous roadblocks to raising local revenue to address community needs, services and infrastructure improvements; and

**WHEREAS**, it is important for local community members, in concert with their duly elected officials -- rather than a special interest group in Sacramento -- to determine the services and funding levels appropriate for their own cities; and

**WHEREAS**, the proposed ballot measure could allow businesses to escape from their existing obligations to pay the full cost of services that they request and receive from local agencies and benefit from; and

**WHEREAS**, the proposed ballot measure could then shift the burden of these uncovered costs from business interests to local general funds supported by taxpayers, and thereby reduce general funds available to support police, fire, park, planning, and other community services.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

SECTION 1. The City of Capitola hereby opposes the Tax Fairness, Transparency and Accountability Act of 2018 sponsored by the California Business Roundtable on the grounds that this measure would harm the ability of local communities to adequately fund services; and

SECTION 2. The City Manager is hereby directed to email a copy of this adopted resolution to the League of California Cities.

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 10<sup>th</sup> day of May, 2018, by the following vote:



Campaign Finance:  
 CALIFORNIANS FOR  
 ACCOUNTABILITY AND  
 TRANSPARENCY IN  
 GOVERNMENT SPENDING,  
 SPONSORED BY  
 CALIFORNIA BUSINESSES

NAME OF CONTRIBUTOR	PAYMENT TYPE	AMOUNT	TRANSACTION DATE
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC (NON-PROFIT 501 (C)(6))	MONETARY	\$200,000.00	2/20/2018
WINE INSTITUTE	MONETARY	\$150,000.00	2/2/2018
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC	MONETARY	\$50,000.00	2/6/2018
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC (NON-PROFIT 501 (C)(6))	MONETARY	\$500,000.00	2/26/2018
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC	MONETARY	\$200,000.00	3/1/2018
ANHEUSER-BUSCH COMPANIES, LLC	MONETARY	\$40,000.00	3/6/2018
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC	MONETARY	\$50,000.00	3/7/2018
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC (NON-PROFIT 501 (C)(6))	MONETARY	\$300,000.00	3/12/2018
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC (NON-PROFIT 501 (C)(6))	MONETARY	\$900,000.00	3/15/2018
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC	MONETARY	\$200,000.00	2/12/2018
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC	MONETARY	\$100,000.00	3/21/2018
AMERICAN BEVERAGE ASSOCIATION CALIFORNIA PAC (NON-PROFIT 501 (C)(6))	MONETARY	\$700,000.00	3/30/2018
CALIFORNIA BUSINESS ROUNDTABLE ISSUES PAC	NON-MONETARY	\$50,000.00	1/24/2018

**TOTAL**

**\$3,440,000**



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MAY 10, 2018**

FROM: Public Works Department

SUBJECT: Introduce an Ordinance Amending Chapter 10.36.170 Curb Markings

**RECOMMENDED ACTION:** Approve the first reading of an ordinance amending Municipal Code Chapter 10.36.170 Curb Markings to allow establishment of site-by-site time limits in loading zones.

**BACKGROUND:** On April 12, 2018, the City Council approved changes to curb markings along Capitola Avenue. At that time, the Council directed staff to prepare a municipal code amendment of Chapter 10.36.170 Curb Markings to allow alternate time limits for yellow curb markings (loading zones) on a site-by-site basis.

**DISCUSSION:** The Capitola Municipal Code currently specifies that a yellow curb means the loading zone is only restricted to loading uses from 8 a.m. to 1 p.m. and then the marked curb area becomes two-hour public parking. The Council directed staff to develop language that would allow different restrictions to be placed depending on location and circumstances.

The following ordinance will add this language to section 10.36.170 (B), the yellow curb definition:

3. The superintendent of streets may determine and declare other hours during which any yellow curb area shall be designated as a loading zone, and such designated period shall be effective when appropriate signs giving notice thereof are erected upon such street.

A copy of the entire section 10.35.170 Curb Markings showing the proposed amendments is included as Attachment 1.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

1. Municipal Code 10.36.170 Curb Markings with proposed changes (DOCX)

Report Prepared By: Steve Jesberg  
Public Works Director

Yellow Curb Ordinance Amendment  
May 10, 2018

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

5/4/2018

Yellow Curb Ordinance Amendment  
May 10, 2018

ORDINANCE NO. \_\_\_\_

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING SECTION 10.36.170 (B) OF THE CAPITOLA MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Chapter 10.36.170 Curb Markings is hereby amended by adding Section 10.36.107(B)(3) to read as follows:

**“Chapter 10.36.170**

B. 3. The superintendent of streets may determine and declare other hours during which any yellow curb area shall be designated as a loading zone, and such designated period shall be effective when appropriate signs giving notice thereof are erected upon such street.

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.

This ordinance was introduced on the \_\_\_\_ day of \_\_\_\_\_, 2018, and was passed and adopted by the City Council of the City of Capitola on the \_\_\_ day of \_\_\_\_, 2018, by the following vote:

**10.36.170 Curb markings.**

The city council may designate areas, indicated by painted, colored curbs, where vehicle stopping, standing, or parking is regulated. The colors that may be used, and what these colors indicate, are as follows:

A. “Red” means no stopping, standing, or parking, at any time, whether the vehicle is attended or unattended, except that a bus may stop in a red zone marked or signposted as a bus loading zone.

B. “Yellow” means:

1. From eight a.m. to one p.m. all days of the week including holidays, no stopping, standing or parking at any time, except that commercial vehicles loading or unloading freight, or passenger vehicles loading or unloading passengers, may park therein for twenty minutes, or for a period not to exceed the time necessary for the loading or unloading, whichever is less.

2. Between one p.m. and eight a.m. parking meter and/or two-hour restrictions shall apply.

[3. The superintendent of streets may determine and declare other hours during which any Yellow curb area shall be operative, and such operative period shall be effective when appropriate signs giving notice thereof are erected upon such street.](#)

C. “White” means, during all hours of the day, stopping only for loading or unloading of passengers or depositing mail for the minimal time necessary to accomplish the loading or unloading of passengers, or deposit of mail. No vehicle may be left unattended while in a white zone for the purpose of loading or unloading passengers. Providing that there is appropriate signing, yellow or white zones may, by city council resolution, for specific periods of time, be replaced by other regulations such as “shuttle bus parking only”.

D. “Green” means that from eight a.m. to eight p.m. parking is limited to twenty-four minutes. (Ord. 664, 1988; Ord. 625, 1987; Ord. 614 § 3, 1986; Ord. 204 § 10, 1963)