

City of Capitola

Council Meeting Agenda



Mayor: Yvette Brooks
Vice Mayor: Sam Storey
Council Members: Jacques Bertrand
Margaux Keiser
Kristen Petersen

THURSDAY, MAY 27, 2021

REGULAR MEETING - 7 PM

CLOSED SESSION – 6:30 PM

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 NEGOTIATORS

(Gov' t Code § 54957.6)

Negotiators: Algeria Ford, Larry Laurent

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

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Kristen Petersen, Jacques Bertrand, Margaux Keiser, Sam Storey, and Mayor Yvette Brooks

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

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

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Please review the Notice of Remote Access for instructions.

6. CITY COUNCIL / STAFF COMMENTS

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

7. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the 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 May 13, 2021, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Consider Extending the Santa Cruz County Criminal Justice Council Joint Powers Agreement
RECOMMENDED ACTION: Approve the second amendment to the Joint Exercise of Powers Agreement re-establishing the Criminal Justice Council (CJC) of Santa Cruz to provide for a three-year extension through June 30, 2024, and authorize the Mayor to sign the amendment.
- C. Central Coast Public Banking Resolution of Support
RECOMMENDED ACTION: Adopt the proposed resolution expressing interest in participating in a viability study for a Central Coast public bank.
- D. Agreement with California Department of Transportation for Sharing Cost of Electrical Facilities
RECOMMENDED ACTION: Approve an agreement with California Department of Transportation (CalTrans) for sharing the cost of State Highway Electrical Facilities (traffic signals and lighting).
- E. Receive Update on Pandemic Response
RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
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- F. Acceptance of the Capitola Beach Flume and Jetty Project and Approval of the Notice of Completion
RECOMMENDED ACTION: Approve the Notice of Completion for the Capitola Beach Flume and Jetty Rehabilitation Project constructed by Graniterock Company at a final cost of \$463,877 and direct the Public Works Department to record the Notice of Completion.
- G. Renewal of the Santa Cruz County Tourism Marketing District
RECOMMENDED ACTION: Adopt the proposed resolution, consenting to the County of Santa Cruz renewing the Tourism Marketing District, which includes the City of Capitola.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

- A. Consider the Previously Approved Depot Hill Stairs Public Art Project
RECOMMENDED ACTION: Provide direction on the approved Depot Hill Stairs Mural Project.
- B. Consider a Request from the Owners of 403 Loma Avenue to Amend the Existing Accessory Dwelling Unit Size Limit Deed Restriction and Associated Policy
RECOMMENDED ACTION: 1) Approve request from the owner of 403 Loma Avenue to amend the existing ADU size limit deed restriction; and 2) Approve an Administrative Policy to allow administrative amendments to all existing ADU deed restrictions that limit maximum size below that which is permitted by the Capitola zoning code and State law.
- C. Consider Additions to the Memorial Program
RECOMMENDED ACTION: Approve modification to Administrative Policy I-7: Memorial Program to allow additional memorial location along the Cliff Avenue Railing, and City Administrative Policy II-12: 30-Year Employee Recognition Program.
- D. Administrative Policy Regarding Proper Flag Procedures at the City Hall Complex
RECOMMENDED ACTION: Approve proposed Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property and direct staff to fly the Pride Flag for the month of June in accordance with Policy Section V: Approved Non-Governmental Flag List.

9. ADJOURNMENT

NOTICE OF REMOTE ACCESS

In accordance with Executive Order N-29-20 from the Executive Department of the State of California, the City Council meeting is not physically open to the public and in person attendance cannot be accommodated.

To watch:

- Online <http://capitolaca.igmp2.com/Citizens/Default.aspx>

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
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- Spectrum Cable Television channel 8

To join Zoom:

- Join the Zoom Meeting with the following link:

<https://us02web.zoom.us/j/82453449090?pwd=aIZaMXV1WnRqOVFmL2ZwUWJ2SmVLUT09>

- If prompted for a passcode, enter **707147**
- **-OR-** With a landline or mobile phone, call one of the following numbers:
 - **1 669 900 6833**
 - 1 408 638 0968**
 - 1 346 248 7799**
- Enter the meeting ID number: **824 5344 9090**
- When prompted for a Participant ID, press #

To submit public comment:

When submitting public comment, one comment (via phone **or** email, not both), per person, per item is allowed. If you send more than one email about the same item, the last received will be read.

1. Zoom Meeting (Via Computer or Phone) Link:

A. IF USING COMPUTER:

§ Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak

A. IF CALLED IN OVER THE PHONE:

§ Press *9 on your phone to “raise your hand” when the mayor calls for public comment. Once unmuted, you will have up to 3 minutes to speak

1. Send Email:

A. During the meeting, send comments via email to

publiccomment@ci.capitola.ca.us

§ Emailed comments on items will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed.

§ Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.

§ Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.

§ Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

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

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

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to

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May 27, 2021

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

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

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

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



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Consider the May 13, 2021, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for Council review and approval are the minutes of the regular meeting held on May 13, 2021.

ATTACHMENTS:

1. 5-13-21 draft

Report Prepared By: Chloe Woodmansee
City Clerk

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

5/21/2021

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MAY 13, 2021 - 7 PM**

CLOSED SESSION – 5:30 PM

CONFERENCE WITH LABOR NEGOTIATORS

(Gov't Code § 54957.6)

Negotiators: Algeria Ford, Larry Laurent

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Gov't Code § 54957(b))

City Council Performance Evaluation of City Attorney

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Jacques Bertrand: Remote, Council Member Kristen Petersen: Remote, Vice Mayor Sam Storey: Remote, Mayor Yvette Brooks: Remote, Council Member Margaux Keiser: Remote.

2. PRESENTATIONS

A. Presentation from Visit Santa Cruz

Maggie Ivy, CEO of Visit Santa Cruz County, presented on the state of tourism and the effects of the COVID-19 pandemic on our local area.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

5. ADDITIONS AND DELETIONS TO AGENDA – NONE

6. PUBLIC COMMENTS – NONE

7. STAFF / CITY COUNCIL COMMENTS

Vice-Mayor Storey reported that the BIA presented updated banners as part of their Village beautification initiative at the recent Art and Cultural Commission meeting

Council Member Petersen announced that May is Community Action Month.

Council Member Keiser asked that staff return with a flag policy or solution to allow for the City to fly the Pride flag during the month of June.

Mayor Brooks acknowledged the emails received regarding Central Coast Community Power's recent

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 13, 2021

proposed changes.

8. CONSENT CALENDAR

MOTION:	APPROVE, RECEIVE, AUTHORIZE, AND DETERMINE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristen Petersen
SECONDER:	Margaux Keiser
AYES:	Bertrand, Petersen, Storey, Brooks, Keiser

- A. Consider the April 22, 2021, 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 April 2, April 9, April 16, April 23, and April 30.
RECOMMENDED ACTION: Approve the check registers.
- D. Contract with Workbench for Accessory Dwelling Unit Guidance and Prototypes
RECOMMENDED ACTION: Authorize the City Manager to enter a contract with Workbench in the amount of \$107,000 for the Senate Bill 2 project developing public outreach tools regarding Accessory Dwelling Units (ADUs) and create four ADU prototype building plans.
- E. Amend the Current Joint Powers Authority Agreement with the Santa Cruz County Library Finance Authority
RECOMMENDED ACTION: Approve the third amendment to the Joint Powers Authority agreement establishing the Santa Cruz County Library Financing Authority and authorize the City Manager to sign the amendment.
- F. Receive Update on Pandemic Response
RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Presentation of Coastal Commission Recommended Modifications to Capitola Municipal Code Chapter 17: Zoning Code
RECOMMENDED ACTION: Receive staff presentation and adopt a resolution accepting the California Coastal Commission modifications to amendments to the City of Capitola General Plan Map, Zoning Map, and Zoning code Chapters 17.28 Visitor Serving Overlay Zones and Chapter 17.88 Incentive for Community Benefits, and reinstating portions of Zoning Code Chapter 17.30 V-S Visitor Serving District specific to the Monarch Cove Inn.

Community Development Herlihy presented a staff report.

Vice-Mayor Storey asked if the owner of the theater site could develop something for residential

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 13, 2021

use; Director Herlihy replied that to do so, a zoning code amendment would be required.

Council Member Bertrand clarified that there is no timeline for the Monarch Cove property to discuss further requirements with Staff and the Coastal Commission; this can be on their timeframe.

There was no public comment.

MOTION:	ADOPT RESOLUTION AS RECOMMENDED
RESULT:	ADOPTED [4 TO 0]
MOVER:	Jacques Bertrand
SECONDER:	Kristen Petersen
AYES:	Jacques Bertrand, Kristen Petersen, Yvette Brooks, Margaux Keiser
RECUSED:	Sam Storey

- B. Update on the Wharf Rehabilitation Project, Contract Amendment with Moffatt and Nichol Engineers for Final Design and Construction Services and Authorization to Proceed with Preparing Plans and Specifications for a Piling Repair Project
RECOMMENDED ACTION: Approve a contract amendment to Moffatt and Nichol Engineers contract for the Wharf Rehabilitation Project in the amount of \$351,300 for final design and construction services and receive a report regarding a phased project to address existing failing piles in advance of the primary wharf resiliency project.

Public Works Director Jesberg presented the staff report.

Vice-Mayor Storey asked if upon getting final plans, the project would be presented in a public hearing; Director Jesberg said that staff would bring project specs and other details before Council for final approval.

Council Member Keiser confirmed that filing the piles with concrete now is a long-term repair and will not need to be redone upon the project's start.

There was no public comment.

MOTION:	APPROVE CONTRACT AMENDMENT
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand
SECONDER:	Kristen Petersen
AYES:	Bertrand, Petersen, Storey, Brooks, Keiser

- C. Camp Capitola in the Soquel Union Elementary School District
RECOMMENDED ACTION: Receive presentation regarding the operation of the Camp Capitola program at Soquel Union Elementary School District sites and adopt the proposed resolution amending the FY 2020/2021 Recreation Division budget.

Recreation Division Supervisor Bryant-LeBlond presented the staff report.

In response to a question from Council Member Petersen, Supervisor Bryant-LeBlond said that the State has not released updated COVID-19 guidance and that Recreation will follow the most recent guidance upon the start of Family Camp.

Attachment: 5-13-21 draft (Approve Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 13, 2021

MOTION:	RECEIVE PRESENTATION
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey
SECONDER:	Margaux Keiser
AYES:	Bertrand, Petersen, Storey, Brooks, Keiser

D. Receive Report on Grant Award from California Office of Emergency Services for Emergency Power Improvements at the City Hall Complex

RECOMMENDED ACTION: Authorize the Department of Public Works to issue a request for qualification and advertise for bids for a design/build contract to install solar panels, battery storage, and related equipment for emergency power at the City Hall Complex.

Director Jesberg presented a brief staff report.

There was no public comment.

MOTION:	AUTHORIZE DEPARMET OF PUBLIC WORKS TO ISSUE DESIGN/BUILD CONTRACT
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacques Bertrand, Council Member
SECONDER:	Margaux Keiser, Council Member
AYES:	Bertrand, Petersen, Storey, Brooks, Keiser

E. Review Implicit Bias Training Proposals

RECOMMENDED ACTION: Select a vendor for implicit/unconscious bias training and authorize the City Manager to negotiate and enter into an agreement for the training.

Assistant to the City Manager Laurent presented the staff report.

Council Member Petersen asked if there was a previously approved budget range that should be considered when selecting a vendor; Assistant Laurent replied that staff had identified funding for any of the three options.

Both Chief McManus and Assistant Laurent emphasized that all three selected vendors are equally qualified to provide sufficient training.

There was no public comment.

Council Member Petersen said that her preference leaned towards CircleUp. Council Member Keiser and Vice-Mayor Storey agreed.

Mayor Brooks emphasized her preference for in-person training.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
May 13, 2021

MOTION:	DIRECT STAFF TO SELECT CIRCLE UP AS THE VENDOR FOR IMPLICIT/UNCONSCIOUS BIAS TRAINING AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE TRAINING
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristen Petersen
SECONDER:	Margaux Keiser
AYES:	Bertrand, Petersen, Storey, Brooks, Keiser

10. ADJOURNMENT

The meeting was closed at 8:36 PM to the next regular City Council meeting scheduled for May 27, 2021. Council will meet for a special meeting/budget hearing on May 20, 2021.

Yvette Brooks, Mayor

ATTEST:

Chloé Woodmansee, City Clerk

Attachment: 5-13-21 draft (Approve Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: Capitola Police Department

SUBJECT: Consider Extending the Santa Cruz County Criminal Justice Council Joint Powers Agreement

RECOMMENDED ACTION: Approve the second amendment to the Joint Exercise of Powers Agreement re-establishing the Criminal Justice Council (CJC) of Santa Cruz to provide for a three-year extension through June 30, 2024, and authorize the Mayor to sign the amendment.

BACKGROUND: In Fall 2011, City Council approved the Joint Exercise of Powers Agreement re-establishing the Criminal Justice Council (CJC). This followed discussions on collaborative efforts to address county-wide gang prevention and intervention. The term of the agreement was extended for five years in 2016 and expires on June 30, 2021.

DISCUSSION: The Criminal Justice Council of Santa Cruz County (CJC) is a collaborative forum for discussing and recommending programs and policies to address criminal justice issues. During the next three years, the CJC will focus on policing policy, practices, and alignment across county law enforcement agencies in collaboration with the community. The attached amendment to the agreement would extend the CJC term for another three years until June 30, 2024. The City is represented on the CJC by Councilmembers Petersen and Keiser, and the Police Chief.

FISCAL IMPACT: Annual membership in the CJC is \$1,000 per seat, or \$3,000 for Capitola. In recent years the CJC has only collected 50% of the dues, or \$1,500 for Capitola. Those funds have been included in the annual budget.

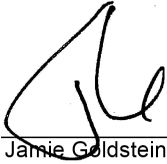
ATTACHMENTS:

1. CJC JPA Second Amendment

Report Prepared By: Terry McManus
Police Chief

Criminal Justice Joint Powers Agreement
May 27, 2021

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

SECOND AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT
RE-ESTABLISHING THE CRIMINAL JUSTICE COUNCIL
OF SANTA CRUZ COUNTY

WHEREAS, the Criminal Justice Council of Santa Cruz County (“CJC”) was re-established in 2011 to create a forum for the discussion and recommendation of policies, programs and plans for solutions to criminal justice issues; and

WHEREAS, the CJC was established pursuant to the Joint Exercise of Powers Act of the State of California, constituting Chapter 5, Division 7 of Title 1 of the Government Code of the State of California (Sections 6500 et seq.); and

WHEREAS, the “Joint Exercise of Powers Agreement Re-Establishing the Criminal Justice Council of Santa Cruz County” (“Agreement”) was entered into by the County and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley in October 2011; and

WHEREAS, Section 10 of the Agreement authorizes amendments at any time by the written agreement by and among the County and signatory City governments;

NOW, THEREFORE, the County of Santa Cruz and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley agree to amend the Agreement as follows.

Section 8 of the Agreement is amended to read:

8. EFFECTIVE DATE AND TERM

This agreement shall be in full force and effect upon the date of execution by the County and all Cities within the County. Absent an agreement to extend the terms of this agreement, this agreement will terminate on June 30, 2024.

All other provisions of the Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties. This Amendment may be signed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

COUNTY OF SANTA CRUZ

Approved as to form:

By: _____

Dated: _____

Attachment: CJC JPA Second Amendment (Criminal Justice Joint Powers Agreement)

CITY OF SANTA CRUZ

Approved as to form:

By: _____

Dated: _____

CITY OF WATSONVILLE

Approved as to form:

By: _____

Dated: _____

CITY OF CAPITOLA

Approved as to form:

By: _____

Dated: _____

CITY OF SCOTTS VALLEY

Approved as to form:

By: _____

Dated: _____



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Central Coast Public Banking Resolution of Support

RECOMMENDED ACTION: Adopt the proposed resolution expressing interest in participating in a viability study for a Central Coast public bank.

BACKGROUND: Assembly Bill (AB) 857, enabling the establishment of public banks in California, was approved by the Governor on October 2, 2019. Prior to the Bill's passage, the Capitola City Council authorized the Mayor to send a letter in support in July of 2019.

DISCUSSION: People for Public Banking Central Coast (PPBCC) is subgroup of the California Public Banking Alliance (CPBA), a coalition of activists in California working to create socially and environmentally responsible city and regional public banks. PPBCC has initiated the concept for a public bank here in the Central Coast.

The Santa Cruz County Board of Supervisors passed a resolution on February 11, 2020, supporting the concept of a Central Coast Public Bank and eventually reached out to other local jurisdictions regarding a viability study for such a bank. Santa Cruz City Council sent a letter in support on March 24, 2020.

Now, Santa Cruz County is interested in studying the possibilities for a regional public bank and is looking for agencies that want to potentially join in the viability study for a public bank for the Central Coast.

FISCAL IMPACT: Currently unknown. Once the County receives statements of interest, such as the proposed resolution, from local entities, they will develop a funding proposal for the study with appropriate contributions from the various agencies. The statement of interest is not a commitment to fund the study.

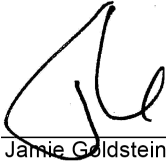
ATTACHMENTS:

1. Central Coast Public Banking Request Letter (PDF)

Report Prepared By: Jamie Goldstein
City Manager

Central Coast Public Banking
May 27, 2021

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

Central Coast Public Banking
May 27, 2021

RESOLUTION NO __

**RESOLUTION OF THE CITY OF CAPITOLA CITY COUNCIL
EXPRESSING INTEREST IN PARTICIPATING IN A VIABILITY STUDY
FOR A CENTRAL COAST PUBLIC BANK**

WHEREAS, a recent State law (AB 857) enabling the establishment of local and regional public banks in California has been passed by both houses of the State Legislature and signed into law by our Governor; and

WHEREAS, none of the public agencies in the Central Coast of California are large enough by themselves to easily create a public bank, and collaboration with other agencies will achieve an economy of scale that improves feasibility and benefits the entire region, so there is now growing interest in a Central Coast Public Bank; and

WHEREAS, a public bank can efficiently deliver funds to local governments impacted by the COVID-19 pandemic, other disasters, and contribute to needed economic recovery; and

WHEREAS, public banks can increase funding to address infrastructure needs, homelessness, affordable housing, a regenerative future, climate change, solar energy production, education, public safety, health care and other public needs, without raising taxes, cutting public services, or selling off parks, water systems, roads, public lands, or other publicly owned assets; and

WHEREAS, public banks can help local governments to meet the needs of low-income residents; and

WHEREAS, capitalizing a public bank can leverage a city, county, or state's existing funds to a much greater degree than could a loan fund, and furthermore, in partnership with community banks and credit unions, public banks will be best suited to address our community's specific needs; and

WHEREAS, a public bank can purchase or broker municipal bonds issued by cities and counties to pay for emergency lending and direct subsidy programs, thus funding preventive measures for resiliency in future crises; and

WHEREAS, the Santa Cruz County Board of Supervisors is taking the lead on developing funding for a viability study for a Central Coast Public Bank and is seeking expressions of interest in participating in such a study from public agencies in the Central Coast; and

WHEREAS, once the interest of various Central Coast agencies in participating in a viability study of a public bank is determined, a financial plan to fund the viability study with equitable contributions from involved agencies can be developed to be considered by the potential participants.

NOW, THEREFORE BE IT RESOLVED, that The City Council of the City of Capitola hereby expresses its preliminary interest in participating in a viability study for a central coast public bank;

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 27th day of May 2021, by the following vote:

AYES:
NOES:

Central Coast Public Banking
May 27, 2021

ABSENT:
ABSTAIN:

Yvette Brooks, Mayor

ATTEST:

Chloé Woodmansee, City Clerk



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

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FIRST DISTRICT

ZACH FRIEND
SECOND DISTRICT

RYAN COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

BRUCE MCPHERSON
FIFTH DISTRICT

April 1, 2021

Mayor Yvette Brooks
420 Capitola Ave
Capitola, CA 95010

Dear Mayor Brooks,

I am writing to you today to seek your agency's interest in participating in a viability study to establish a Central Coast Public Bank encompassing the counties of Santa Cruz, Monterey, San Benito, San Luis Obispo, and Santa Barbara. As you may know, AB 857, a new state law enabling the establishment of public banks in California, was adopted in late 2019. You may have received a similar letter from us in the past, but now citizens' groups from multiple regions throughout the Central Coast of California have joined to form the group People for Public Banking Central Coast (PPBCC) with the goal of exploring the prospect of a cohesive public bank serving our Central Coast communities.

No singular city or county in the Central Coast region is large enough to easily create its own public bank, so Santa Cruz County has decided to take the lead in studying the possibilities for a regional public bank. We are sending this letter to boards of supervisors, city councils, and special district boards throughout the Central Coast to determine if they would be interested in participating in a viability study for a public bank for the Central Coast.

Local public agencies routinely undertake infrastructure projects funded by private banks which have significant interest rates and fees. Public banks can serve that need by issuing bonds to public agencies at much lower costs. By saving on the fees and high interest rates charged by private banks, local governments can maximize their available funds for crucial projects and services such as affordable housing, infrastructure, and preventative measures for resiliency. In addition, the revenue created by the public bank's lending services can be reinvested back into the community.

Public banks can also act quickly in times of local disasters by making emergency loans to social service providers, schools, small businesses, and other vital infrastructures. Public banks can purchase municipal bonds issued by cities and counties to pay for emergency lending and direct subsidy programs

Attachment: Central Coast Public Banking Request Letter (Central Coast Public Banking)

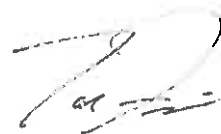
Page 2
 RE: PUBLIC BANKS
 March 25, 2021

which can introduce new funding during times of crisis without exhausting local government reserves, and repayments can then be invested back into the impacted region.

The County of Santa Cruz is currently seeking statements of interest from Central Coast cities, counties, and other public agencies in participating in a viability study for the establishment of a Central Coast public bank. This is not a request for a commitment to fund the study, but rather an inquiry as to whether your agency would like to participate in the process of developing a proposal for a viability study. This viability study will address the issues of funding sources, governance structure, and policies for a Central Coast public bank. Once we have received statements of interest from local entities, we will develop a funding proposal for the viability study with appropriate contributions from the various agencies and, potentially, outside sources.

Attached is a draft resolution for your review. We encourage you to introduce this resolution, which you are welcome to modify as necessary, to your agency's agenda for approval. If approved by your agency, please forward the signed resolution to me at the email below. If you are interested in more information about public banks, including presentations to your agency, feel free to email me at: zach.friend@santacruzcounty.us

Sincerely,



ZACH FRIEND, Supervisor
 Second District

Enclosures: Draft Resolution for Viability Study

ZF:cs

cc: Councilmember Kristen Petersen
 Councilmember Jacques Bertrand
 Councilmember Margaux Keiser
 Vice Mayor Sam Storey
 City Manager Jamie Goldstein

Attachment: Central Coast Public Banking Request Letter (Central Coast Public Banking)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: Public Works Department

SUBJECT: Agreement with California Department of Transportation for Sharing Cost of Electrical Facilities

RECOMMENDED ACTION: Approve an agreement with California Department of Transportation (CalTrans) for sharing the cost of State Highway Electrical Facilities (traffic signals and lighting).

BACKGROUND: The street system in Capitola includes three Highway 1 crossings where traffic signals are located to control traffic entering, exiting, and crossing the State Highway. These intersections are at 41st Avenue, Bay Avenue, and Park Avenue. California Department of Transportation (CalTrans) owns and operates all the on-and-off ramp traffic signals; the costs for power and maintenance are shared between the City and CalTrans based on the number of approaches each agency has at a given intersection.

At two of the three intersections, the costs are split evenly at 50% each, as both agencies have an equal number of intersection approaches. The exception is the 41st Avenue and south bound ramps where the signal operations include the Gross Road and 41st Avenue intersection. At this intersection, the City has six approaches compared to only one Caltrans approach. The City therefore pays 86% of the costs of this traffic signal.

DISCUSSION: Both agencies recently discovered the existing cost-share agreement is out of date and only covers the operations at Park Avenue and Highway 1. Caltrans prepared the updated agreement (Attachment 1) to include all three crossings.

FISCAL IMPACT: The City has paid Caltrans for the power and operation of these traffic signals for several years. The cost to the City averages \$7,500 annually.

\$130,000 of the Gas Tax Fund is budgeted annually for traffic signal power and maintenance. This appropriation pays what is owed to Caltrans pursuant to the attached agreement, and also pays for the operation and maintenance of eight traffic signals owned by the City along 41st Avenue and Capitola Road and for City-owned streetlights.

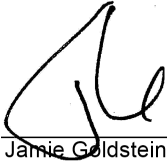
ATTACHMENTS:

1. Capitola Electrical Agreement 03122020

Report Prepared By: Steve Jesberg
Public Works Director

CalTrans Signal Maintenance Agreement
May 27, 2021

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

**AGREEMENT FOR SHARING COST OF STATE HIGHWAY
ELECTRICAL FACILITIES WITH CITY OF CAPITOLA**

THIS AGREEMENT is made effective this 27th day of May, 2021, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the City of Capitola, hereinafter referred to as "CITY" and collectively referred to as "PARTIES."

This Agreement shall supersede any previous Agreement and/or Amendments thereto for sharing State-incurred costs with the CITY.

The cost of operating and maintaining flashing-beacons traffic-signals, traffic-signal systems, safety-lighting, and sign-lighting now in place at the intersection of any State Highway Route and any CITY street/road shall be shared as shown in Exhibit "A".

NOW THEREFORE IT IS AGREED:

1. Basis for Billing:

1.1. It is agreed that quarterly billings for flashing-beacons, traffic-signals, and traffic-signal systems shall be based on actual intersection costs, which are as follows:

1.1.1. Maintenance Labor, including overhead assessment, other expenses including, equipment, materials, and miscellaneous expenses

1.1.2. Electrical energy

1.2. It is agreed that quarterly billings for safety-lighting and sign-lighting shall be based on calculated unit-costs derived by averaging STATE's District-wide costs each quarter. Costs are as follows:

1.2.1. Maintenance Labor, including overhead assessment, other expenses including, equipment, materials, and miscellaneous expenses

1.2.2. Electrical energy

1.3. It is agreed that quarterly billings invoiced to CITY for STATE-owned and maintained electrical facilities identified in Exhibit "A" will be based on actual costs paid by STATE, when derived from utility company billings. STATE will bill CITY quarterly in arrears for any CITY share of electrical facilities expenses shown in Exhibit "A".

2. Exhibit "A" will be amended, as necessary by written concurrence of both parties, to reflect changes to the system.

3. STATE costs and expenses assumed under the terms of this Agreement are conditioned upon the passage of the annual State of California Budget by the Legislature, the allocation of

funding by the California Transportation Commission as appropriate, and the encumbrance of funding to the District Office of STATE to pay the billings by CITY.

4. LEGAL RELATIONS AND RESPONSIBILITIES

- 4.1. Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not PARTIES to this Agreement or to affect the legal liability of a PARTY to the Agreement by imposing any standard of care with respect to the operation and maintenance of STATE highways and local facilities different from the standard of care imposed by law.
 - 4.2. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or jurisdiction conferred upon STATE arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless CITY and all of their officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement with exception of those actions of STATE necessary to cure a noticed default on the part of the CITY.
 - 4.3. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY and arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.
5. TERMINATION - This Agreement may be terminated by timely mutual written consent by PARTIES; by either party upon thirty (30) days' notice to the other party.
 6. TERM OF AGREEMENT - This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code Section 114 and 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF CAPITOLA

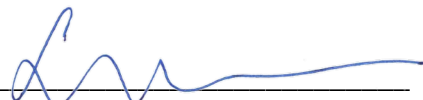
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

TOKS OMISHAKIN
Director of Transportation

By: _____
Jamie Goldstein, City Manager

By: _____
Deputy District Director
Maintenance District 5

Approved as to form:

By: 
Samantha Zutler, City Attorney

Attachment: Capitola Electrical Agreement 03122020 (CalTrans Signal Maintenance Agreement)

March 30, 2020

EXHIBIT A
 TRAFFIC SIGNAL AND LIGHTING AGREEMENT
 Caltrans and CITY of CAPITOLA
 Effective May 7, 2021

BASIS OF COST DISTRIBUTION
State-Owned and Maintained
 Billed by the State

County-Route-PM	Location	Type of Facility	Cost Distribution	
			State	City
SCR-001-12.08	Park & SB ramps	Signal & Lighting	50%	50%
SCR-001-12.09	Park & NB ramps	Signal & Lighting	50%	50%
SCR-001-13.20	Bay/Porter & SB ramps	Signal & Lighting	50%	50%
SCR-001-13.21	Bay/Porter & NB ramps	Signal & Lighting	50%	25% *
SCR-001-13.62	41 st & SB ramps	Signal & Lighting	14%	86%
SCR-001-13.63	41 st & NB ramps	Signal & Lighting	50%	50%

* County of Santa Cruz 25%



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Receive Update on Pandemic Response

RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

BACKGROUND: In December 2019, an outbreak of a respiratory illness linked to the novel coronavirus (COVID-19) was first identified. In March 2020, the State of California, the County of Santa Cruz, and the City of Capitola each declared a state of emergency due to the virus. Also in March, the World Health Organization declared COVID-19 a pandemic.

Since March 2020, State and local health officers have issued health orders to stop the spread of COVID-19; in Santa Cruz County this included March, April, and May 2020 Shelter-In-Place orders that were more restrictive than statewide guidance. Since then, the County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel business activities.

Blueprint for a Safer Economy & Local Tier Status

On August 28, 2020, the State Monitoring List was replaced by the Blueprint for a Safer Economy. In this new system, every county in California is assigned to a tier based on its rate of new COVID-19 cases and positivity. The tiers, from most restrictive to least, are: Purple-Widespread; Red- Substantial; Orange- Moderate; and Yellow- Minimal. On August 31, 2020 Santa Cruz County was placed in the Purple- Widespread tier. Originally, tier assignments were announced weekly, on Tuesdays. The table below shows where Santa Cruz County has fallen within the tier system since its implementation.

Date	Tier Assignment	Weeks in Tier
August 31, 2020	Purple Widespread Tier	Two
September 8, 2020	Red Substantial Tier	Seven
October 27, 2020	Orange Moderate Tier	Two
November 10, 2020	Red Substantial Tier	Two
November 16, 2020	Purple Widespread Tier	Sixteen

COVID-19 Emergency- Update 26
May 27, 2021

March 10, 2021	Red Substantial Tier	Two
March 31, 2021	Orange Moderate Tier	Seven
May 19, 2021	Yellow Minimal Tier	1+

As of May 19, 10 counties are in the Red-Substantial tier, 35 are in the Orange-Moderate tier, and 13 Counties are in the Yellow-Minimal Tier (Including Santa Cruz County). All Bay Area counties are in the Yellow-Minimal tier, and no counties in the state are in the most restrictive, Purple-Widespread, tier.

Yellow Tier & Beyond the Blueprint: State Reopening

On May 19, Santa Cruz County was placed in the Yellow Minimal Tier of the Blueprint for a Safer Economy. This is the least limiting tier, and the County has never had data that allowed this classification before now. Some of the new allowances include; bars may open indoors at 25 percent capacity, or 50 percent if customers show proof of a vaccination or negative test. Indoor music venues may increase to 50 percent capacity with proof of vaccination or negative test. Outdoor performance venues, including music, sporting events and theater, may increase to two-thirds capacity. Saunas and steam rooms may open at 50 percent capacity. Family entertainment centers (bowling alleys, arcades, etc.) may increase to 50 percent, or 75 percent with proof of vaccination or a negative test. Gyms may increase to 50 percent capacity, while amusement parks may increase to 35 percent.

As has been reported since April, California will move Beyond the Blueprint on June 15, which eliminates the tier system and allows for normal operations in most business sectors.

Local Case Numbers and Statistics

As of May 21, there are 16,159 known COVID-19 cases in Santa Cruz County; of these, 456 are in the City of Capitola. In our County, there have been 206 deaths due to COVID-19.

In Santa Cruz County, the rate of new cases per day per 100k is at 1.4 with an adjusted case rate for tier assignment of 1.0. There is an overall positivity rate of 0.5 %.

Vaccine/Testing Status

According to state data recorded on May 21, more than 35 million COVID-19 vaccine doses have been administered in the State of California. 48.1% of Californians over the age of 12 are fully vaccinated and 13.5% are partially vaccinated. There is an average vaccination rate of about 255,843 per day. All Californians aged 12 and older are now eligible for a vaccination. As of May 21, Santa Cruz County had administered 293,613 doses of the vaccine.

The City continues to offer voluntary onsite COVID-19 rapid-testing clinic to all employees and insured household members, through the private company Virtual Hearing Solutions.

Behavioral Guidance & Masks

On May 18, California government announced that the State's current mask guidance will remain in place until June 15 when it aims to fully open the economy. Under this guidance, masks are still required in indoor public settings. After June 15, the state plans to allow fully vaccinated Californians to go without a mask in most indoor settings.

COVID-19 Emergency- Update 26
May 27, 2021

This statement came a few days after the Center for Disease Control (CDC) announced that fully vaccinated people can resume activities done prior to the pandemic and resume the activities without wearing a mask or physically distancing (even when indoors). The CDC's guidance included the stipulation that going without a mask was only allowed where masking was not required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

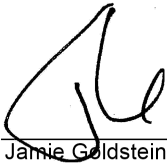
DISCUSSION: Due to the City, County, and State's emergency declarations, City departments continue to implement strategies to protect the community and employees while maintaining essential levels of service to the public.

If major changes occur between the date of agenda publication and the City Council meeting, further updates on the regional and local coronavirus response can be provided in a verbal report at the meeting.

FISCAL IMPACT: Fiscal impacts from the pandemic have been accounted for in the updated FY 20/21 Budget. Those impacts are being reviewed on a quarterly basis by the City Council. In addition, the City Council has set aside \$600,000 to help ensure the City has available resources should the pandemic result in further unforeseen impacts.

Report Prepared By: Chloe Woodmansee
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: Public Works Department

SUBJECT: Acceptance of the Capitola Beach Flume and Jetty Project and Approval of the Notice of Completion

RECOMMENDED ACTION: Approve the Notice of Completion for the Capitola Beach Flume and Jetty Rehabilitation Project constructed by Graniterock Company at a final cost of \$463,877 and direct the Public Works Department to record the Notice of Completion.

BACKGROUND: The Capitola Beach Flume and Jetty Rehabilitation project was the first project completed using Measure F funds to renovate coastal infrastructure. The scope of work for the flume project included installing a liner, reconstructing the top of the outer end of the flume, and installing cutoff walls underneath the flume. The jetty work included re-establishing the height and nose of the jetty to its originally constructed dimensions by restacking both existing and imported rocks.

DISCUSSION: The final cost of construction was \$463,877 which is \$11,477 more than the contract bid amount. The increase from the bid amount resulted from changes in the liner material and resins that were recommended upon inspection of the flume, reconstructing additional portions of the flume, and additional costs to clean out unanticipated debris in the flume. The total additional work totaled \$46,477. This amount was partially offset by deleting the contingency bypass, an item from the original bid that was not needed in construction; the deletion saved \$35,000.

The Notice of Completion is included as Attachment 1, and a Final Cost Summary as Attachment 2.

FISCAL IMPACT:

Budget: \$921,937

Final Expenditures:

Engineering design and permitting	\$299,254
Construction Monitoring	\$ 40,508
Construction	\$463,877
Total	\$803,639

Fund Balance: \$117,698 (moved to Wharf Resiliency Project)

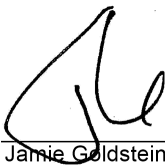
ATTACHMENTS:

Flume and Jetty Rehab Project NOC
May 27, 2021

1. Notice of Completion Flume and Jetty
2. Final Cost Summary - Flume and Jetty

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Capitola
Public Works Department
Attn: Steven Jesberg
420 Capitola Avenue
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA.
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: Capitola Beach Flume and Jetty Rehabilitation Project

PROJECT DESCRIPTION: Repairs and reconstruction of the flume and jetty on Capitola Beach

to be constructed on property more particularly described as follows:

DESCRIPTION: Capitola Beach

ADDRESS: N/A

APN: 035-21-106

The work of the improvement was completed by:

CONTRACTOR: Graniterock Company

ADDRESS: 5225 Heller Ave, Suttie 220, San Jose, CA 95138

The work of the improvements was actually completed on the 30th day of April 2021, and accepted by the City Council of said City on the 27th day of May 2021

Signature of City Official: _____

The undersigned certifies that he is an officer of the City of Capitola, that he has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of his own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that he believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Steven E. Jesberg
Director of Public Works

Signed: _____

Date: _____

Attachment: Notice of Completion Flume and Jetty (Flume and Jetty Rehab Project NOC)

Capitola Beach Flume & Jetty Rehabilitation Final Cost Summary

Date: 14-May-21

Item #	Bid Item	UNITS	BID QTY	Actual FINAL QTY	QTY Diff	Unit Cost	Bid Cost	Final Cost	Difference
1	Mobilization and Demobilization to Site	LS	1	1	0	\$ 38,000	\$ 38,000	\$ 38,000	\$ -
2	Flume –Surface Preparation	LS	1	1	0	\$ 61,750	\$ 61,750	\$ 61,750	\$ -
3	Flume- Construct Fiberglass Liner	LS	1	1	0	\$ 61,750	\$ 61,750	\$ 61,750	\$ -
4	Flume-Eroded Concrete Repair Sta 1+80 to 2+17	LS	1	1	0	\$ 80,000	\$ 80,000	\$ 80,000	\$ -
5	Flume-Construct Cutoff Walls	EA	7	7	0	\$ 4,571	\$ 32,000	\$ 32,000	\$ -
6	Jetty-Reposition Existing Scattered Armor	LS	1	1	0	\$ 33,500	\$ 33,500	\$ 33,500	\$ -
7	Jetty-Furnish and Install Armor	TON	600	600	0	\$ 127	\$ 76,200	\$ 76,200	\$ -
8	All Contract Items Not Included in Items 1-7	LS	1	1	0	\$ 34,200	\$ 34,200	\$ 34,200	\$ -
9	Contingency Bypass	LS	1	0	-1	\$ 35,000	\$ 35,000	\$ -	\$ (35,000)
CO1	Extension of concrete flume repair	LS		1	1	\$ 13,203		\$ 13,203	\$ 13,203
CO2	FDT Add-on Treatments	LS		1	1	\$ 24,900		\$ 24,900	\$ 24,900
CO3	Flume obstruction removal	LS		1	1	\$ 8,374		\$ 8,374	\$ 8,374

subtotal	\$ 452,400	\$ 463,877	\$ 11,477
Invoice Totals		\$ 440,683	
Final Retention		\$ 23,194	

Summary

Original Bid:	\$	452,400
Changes:	\$	11,477
Final Cost:	\$	463,877

Attachment: Final Cost Summary - Flume and Jetty (Flume and Jetty Rehab Project NOC)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Renewal of the Santa Cruz County Tourism Marketing District

RECOMMENDED ACTION: Adopt the proposed resolution, consenting to the County of Santa Cruz renewing the Tourism Marketing District, which includes the City of Capitola.

BACKGROUND: Tourism Marketing Districts (TMDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. The TMDs allows lodging businesses to organize their efforts to increase tourism and thus lodging occupancy. Tourism-related lodging businesses within the district fund a TMD, and those funds are used to provide services that the businesses desire and that benefit the Lodging Businesses within the District. Tourism Marketing Districts are formed and renewed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area, in this case, Santa Cruz County.

The TMD was originally established on June 15, 2010 and supplemented on June 28, 2013 for a period of five years through June 30, 2015 with boundaries contiguous to the County of Santa Cruz, including the four cities. The TMD was thereafter renewed on July 1, 2015 for an additional seven-year period which will expire on June 30, 2022. The purpose of the district is to provide a sustained, consistent source of funding for tourism promotion benefiting lodging businesses, to increase occupancy in the lodging industry, to market Santa Cruz County as a visitor destination, and to allow our community to be competitive in the group and leisure markets.

Adopting the proposed resolution will grant consent to the County of Santa Cruz to renew the Santa Cruz County Tourism Marketing District (SCCTMD) for seven years, with a new expiration date of June 30, 2021.

DISCUSSION:

Proposed Changes in TMD Plan

Proposed modifications to the Plan include:

1. Modification to TMD membership. Nonprofit lodging businesses are now included. Based on the benefit received, assessments will not be collected on stays of more

Santa Cruz County TMD
May 27, 2021

than thirty (30) consecutive days, nor on complimentary stays, defined as one when the customer is not paying any fee for any portion of their stay.

2. Assessment Rate Increases and Tier Adjustments.

The assessment structure using Revenue Per Available Room (RevPAR) Tiers as implemented at the July 1, 2015 renewal of the TMD is consistent with what is being proposed in the renewed Plan. Tier rates are recommended to be increased by 10% for Tier 1, 15% for Tiers 2 and 3 and 25% for Tier 4. Additionally, under the 2015 renewal annual increases were determined by a cost of living (CPI) adjustment; this renewal proposes steady 1.5% annual increases.

Annual assessment rates are currently, and will continue to be, assessed upon each night of a visitor stay within tiers based upon annual benefit measured by calculating "Revenue per Available Room," or RevPAR. RevPAR is a widely used performance metric in the lodging industry, and it is calculated by dividing the total guestroom revenue for a lodging property for the prior fiscal year by the room count and by the number of days in the period being measured, in this case, one year. The benefit tiers are as follows:

Tier 1 (RevPar less than \$50.00)	\$2.10 per occupied unit per night
Tier 2 (RevPar \$50.00 to \$74.99)	\$2.75 per occupied unit per night
Tier 3 (RevPar \$75.00 to \$99.00)	\$3.10 per occupied unit per night
Tier 4 (RevPar \$100.00 or more)	\$4.00 per occupied unit per night

Vacation Rental Management Company (VRMC) businesses, which operate as agents on behalf of other property owners, are a unique sector within the lodging industry. This sector is designated as a special class within the TMD and is assessed without calculation of RevPAR. VRMC businesses will start at a rate equivalent to Tier 3 in year one of the District operations and then move to Tier 4 in year two. Rates are as follows:

VRMC Tier 3	\$3.10 per room night sold
VRMC Tier 4	\$4.00 per room night sold

As provided for in Section 36632(c) of the Streets and Highways Code, properties zoned solely for residential use or for agricultural use are conclusively presumed not to benefit from the services funded through TMD assessments and are therefore not subject to assessment. For example, there are many Privately Owned and Operated Vacation Rentals such as houses and condominiums in various areas of Santa Cruz County. These properties are rented and promoted by their owners, primarily through online outlets such as the Vacation Rental By Owner (VRBO) and Airbnb web sites. Substantially all of these individually owned properties are zoned solely for residential use, and those properties are not subject to assessment. These entities do not receive direct benefits provided to TMD members such as placement on the website and direct promotion through social media or other marketing initiatives. (In the unusual case that a privately owned and operated Vacation Rental is not zoned exclusively for residential purposes then such a lodging business would also be assessed at the same rates identified for VRMCs and are subject to 1.5 percent annual increase.)

Recreational Vehicle (RV) Parks and campgrounds continue to be exempt from assessment.

In order to ensure a competitive marketing position and avoid erosion of the marketing budget due to inflation or increases in the cost of services such as media buys, under the July 1, 2015 renewal assessment rates were subject to review and update by a change in a Consumer Price

Santa cruz County TMD
May 27, 2021

Index (CPI) measure specified in the Plan in years three, six and nine. The current plan proposes a simpler 1.5% annual increase. In addition, each year VSCC as Plan Administrator will review each member's Tier Rate, and if that review results in a finding to recommend a change, the recommendation will be made in writing by January 31st prior to implementation the following July 1st. There is an administrative review process for any dispute of the findings.

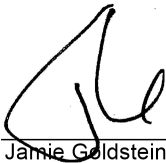
3. The initial annual service plan budget for the TMD is estimated at approximately \$3 million.

The renewal of the SCCTMD will increase their budget by 5% based on pre-COVID assessment rate collections.

FISCAL IMPACT: None.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

Santa Cruz County TMD
May 27, 2021

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF CAPITOLA,
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF SANTA
CRUZ TO RENEW THE SANTA CRUZ COUNTY
TOURISM MARKETING DISTRICT (TMD)**

WHEREAS, the Board of Supervisors of the County of Santa Cruz desires to declare its intention to undertake the proceedings required to renew the Santa Cruz County Tourism Marketing District including fixing the time and place of a Public Meeting, and a Public Hearing thereon, and giving notice thereof; and

WHEREAS, a portion of the territory proposed to be included in the TMD lies within the boundaries of the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville (the "cities"), as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the cities which lies within the boundaries of the proposed TMD will, in the opinion of the Board, be benefited by the activities and the purpose sought to be accomplished and that the work can best be accomplished by a single comprehensive scheme of work; and

WHEREAS, the Board of Supervisors of the County of Santa Cruz has requested consent to form the TMD in the City of Capitola with adoption of Santa Cruz Board of Supervisors Resolution No. _____, dated May 11, 2021;

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

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Santa Cruz forming the TMD which District shall include the City of Capitola.

Section 3: The Clerk of the City Council is hereby directed to transmit a certified copy of this Resolution to the county of Santa Cruz Board of Supervisors.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 27th day of May 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yvette Brooks, Mayor

ATTEST:

Santa cruz County TMD
May 27, 2021

Chloé Woodmansee, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Consider the Previously Approved Depot Hill Stairs Public Art Project

RECOMMENDED ACTION: Provide direction on the approved Depot Hill Stairs Mural Project.

BACKGROUND: In 2004, the City established a public art program funded by private development, which allows the city to promote general welfare while balancing the community's physical growth and revitalization with its cultural and artistic resources.

Public art funding is required from commercial development projects where the valuation of the project is more than \$250,000. The developer has the option of creating public art on site (worth at least 2% of the project's valuation) or contributing 1% of the project's valuation to the City's public art fund. This fund can only be used for the creation of public art.

One of the roles of the Capitola Art and Cultural Commission is to advise the City Council on the allocation of public funds to support existing and new programs in the arts, including public art.

When considering a public art project, the Commission forms a subcommittee to define the project, budget, and create a "call to artists" for the project. The Commission reviews project proposals and can then recommend them to City Council for approval; City Council ultimately approves public art projects.

DISCUSSION: Over the past few years, the Commission has discussed an installation of public art on the stairs that lead from Capitola Village to Depot Hill (known as the Depot Hill Stairs). In 2019, the Commission began to move forward with a Depot Hill Stairs Mural public art project by forming a subcommittee to create a call to artists and make recommendations to the entire Commission. The subcommittee included members of the Commission as well as members of the public. The Depot Hill Stairs project that was ultimately proposed was the painting of a mural on the vertical risers of the stairs. In June 2020, the subcommittee issued a call to artists for the Depot Hill Stairs Mural public art project with a \$10,000 budget; the call was published on several public art websites. The call to artists closed on August 3, 2020 and received 13 submissions. The subcommittee reviewed the applications and recommended three applicants, who were asked to submit detailed project proposals. At the October Art and Cultural Commission meeting, the three proposals were studied, and two artists were asked to provide more information to be reviewed during the Commission's November meeting.

At the November meeting, the Commission recommended artist Michael Kirby's proposal be considered for approval by the City Council after January 1, 2021. Mr. Kirby's proposal included an ocean themed mural with a whale at the base of the stairs leading up to a sunset at the top

Depot Hill Stairs Public Art
May 27, 2021

of the stairs. Mr. Kirby has more than 20 years of experience in public murals, both in the United States and other countries.

Because of the December 2020 California State Stay-Home Order, Staff and the Commission felt it was best to bring the item to Council after the Order was lifted. At the February Commission meeting, the Commission requested that Michael Kirby present an updated proposal to the Commission, with the goal of refining how the mural would look on the stairs. At the March Commission meeting, Mr. Kirby presented an updated proposal which included revised images of the design on the stairs. The Commission once again recommend the proposal to be considered for approval by the City Council.

At the April 8, 2021 City Council Meeting, the City Council approved the project in Mr. Kirby's proposal. As part of the motion, the City Council requested that the purple color be modified to a more blue/green color scheme to be reflective of the Pacific Ocean. City Council also requested that the final color(s) be reviewed by the Commission or staff before installation of the mural.

During public comment at the April 22, 2021 City Council meeting, eight people spoke against the mural. After hearing public comment, Councilmember Bertrand requested the approved mural project be brought back to the City Council at a future agenda.

The comments on the mural were mainly from people that live on Depot Hill and included disliking the mural design, a perceived lack of noticing, concerns about liability and safety, the historical nature of the stairs, and that the mural would cause more people to use the stairs.

Staff has investigated some of the concerns mentioned at the April 22 City Council meeting.

- There have been no known liability claims on the stairs.
- The mural will not be visible walking down the stairs.
- The current stairs are not original; they are concrete stairs that were installed over the past stairs.
- The project was noticed as a regular agenda item on the April 8, 2021 agenda. The item was discussed at Art and Cultural Commission several meetings. The item was noticed on July 14, 2020, September 8, 2020, October 13, 2020, November 10, 2020, February 9, 2021, March 9, 2021, April 13, 2021, and May 11, 2021 Art and Cultural Commission meetings. Public mural art projects do not trigger any public noticing requirements, beyond the Brown Act requirements for public meetings.

On May 5, 2021, the artist, Michael Kirby, held a question-and-answer session with the public on the project. Three people attended; two people spoke regarding similar concerns that were mentioned at the April 22, 2021 City Council meeting. Mr. Kirby reiterated his desire to work with the community to create a mural for the City of Capitola. The original submitted image of the mural is included in Attachment 1.

FISCAL IMPACT: The budget for the Depot Hill Stairs Public Art project is \$10,000. The funding is from the Public Art Fund which can only be used for Public Art Projects.

ATTACHMENTS:

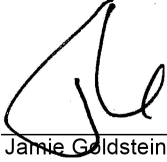
1. Depot Hill Stairs Proposal Images

Report Prepared By: Larry Laurent

Depot Hill Stairs Public Art
May 27, 2021

Assistant to the City Manager

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021



Attachment: Depot Hill Stairs Proposal Images (Depot Hill Stairs Public Art)



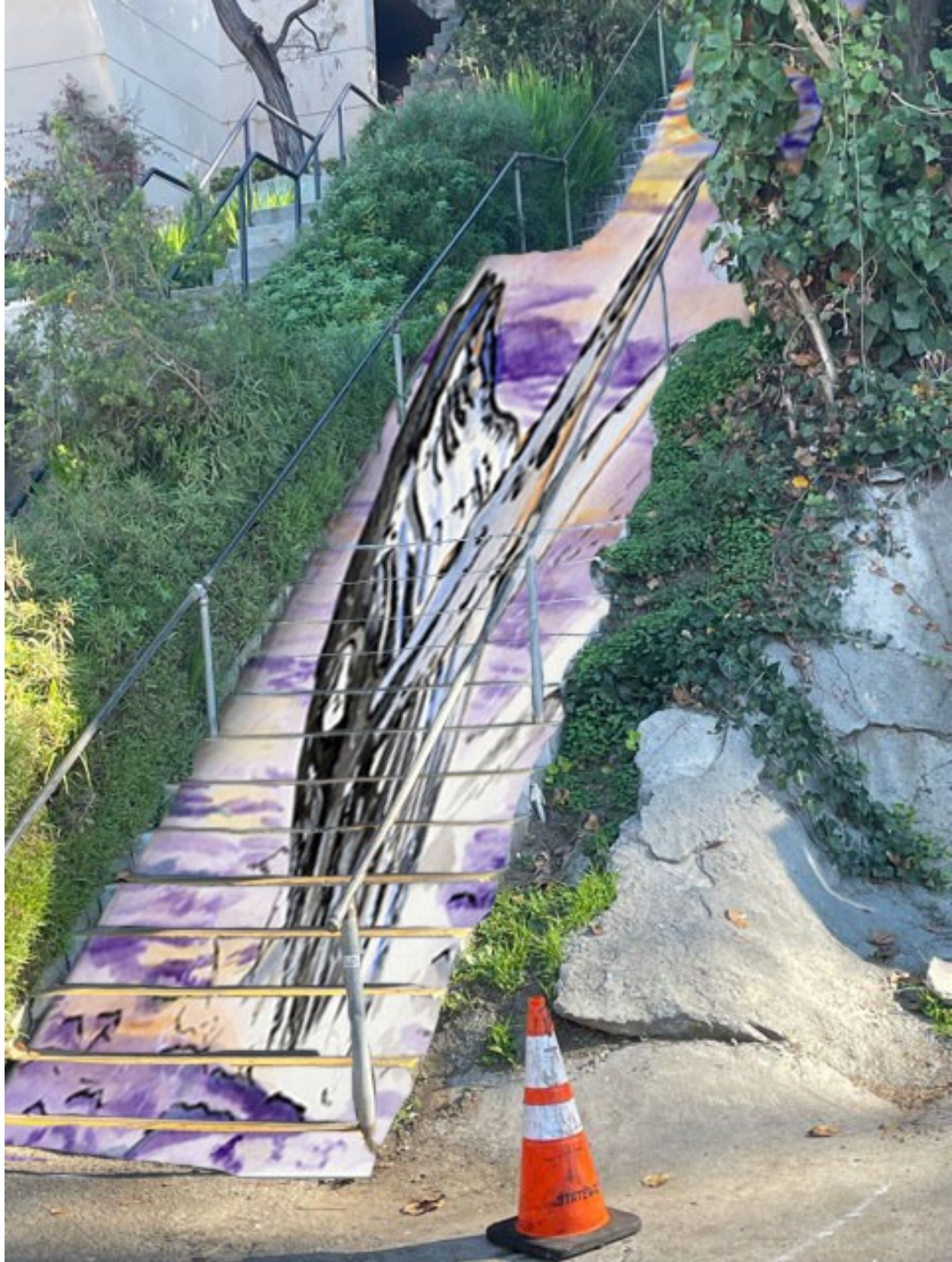
Attachment: Depot Hill Stairs Proposal Images (Depot Hill Stairs Public Art)



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Attachment: Depot Hill Stairs Proposal Images (Depot Hill Stairs Public Art)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: Community Development

SUBJECT: Consider a Request from the Owners of 403 Loma Avenue to Amend the Existing Accessory Dwelling Unit Size Limit Deed Restriction and Associated Policy

RECOMMENDED ACTION: 1) Approve request from the owner of 403 Loma Avenue to amend the existing ADU size limit deed restriction; and 2) Approve an Administrative Policy to allow administrative amendments to all existing ADU deed restrictions that limit maximum size below that which is permitted by the Capitola zoning code and State law.

BACKGROUND: In 2019, the Governor signed into law Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13 amending the section of the California Government Code related to ADUs (Government Code Section 65852.2). Additionally, AB 68 amended standards for Junior ADUs, and SB 13 made additions to the State Health and Safety Code (adding Section 1790.12). The new laws took effect on January 1, 2020.

Historically the City of Capitola's zoning code required property owners to record a deed restriction when building an ADU that limited the size of the ADU and required the property owner to live in the main house or the ADU. In 2020, the City Council adopted ordinance 1039, which amended Capitola's ADU regulations and established standards for the location and construction of ADUs consistent with state law. In line with the new State laws, the 2020 update eliminated the requirement for deed restrictions regarding the size and owner occupancy of all ADUs (The 2020 update retains these restrictions as to junior ADUs).

On March 5, 2021, staff received a request from the owner of 403 Loma Avenue to amend the deed restriction on her unit to remove the size limitation, which was recorded in 2011. Staff is seeking direction from Council on this request. Also, in the future rather than considering each request for a deed restriction individually, staff is proposing the attached policy to assist in the response to such requests.

DISCUSSION: Prior to the 2020 ordinance update, the City's ADU regulations required deed restrictions related to owner occupancy and unit size restrictions when a new ADU was built. As a result, all ADUs in Capitola established prior to January 1, 2020 have deed restrictions requiring the units be owner occupied and limited to 500-800 square feet, depending on lot size.

Since the adoption of the 2020 amendment, City staff has received multiple inquiries from homeowners seeking to increase the size of their ADUs, but they are unable to do so because the ADUs are subject to deed restrictions limiting their size. The new state law is not retroactive,

Policy regarding ADU size limitations
May 27, 2021

therefore the existing deed restrictions for owner occupancy and size limitations continue to apply to the properties. While these deed restrictions are still lawful, they would not be required for a new ADU permitted in 2021. To allow existing ADUs to expand in size or not require owner occupancy, the existing deed restrictions, which are recorded with the County, would need to be amended.

Owner-Occupancy Restrictions:

Prior to the March 2020 amendment, the City required ADUs to be deed restricted to require owner occupancy of either the main residence or the ADU. During the 2018 Zoning Code update, many Capitola residents and property owners provided public comment on owner-occupancy requirements. Ultimately, the City Council directed staff to maintain owner-occupancy requirements in the 2018 adopted code.

Under the new state law, cities are not permitted to impose owner-occupancy requirements for ADUs approved between January 1, 2020, and January 1, 2025.

Government Code Section 65052.2(a)(6) (A), "a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, ..."

In 2020, the City updated the ADU regulations to be consistent with state law, including removing the previous owner-occupancy requirements. As currently drafted, the state law will permit cities to impose owner-occupancy requirements after January 1, 2025.

Size Limitations:

Under the City's Code prior to the 2020 update, ADUs were limited in size based on the size of the lot. Size limitations ranged from 500 square feet on a 5,000 square foot lot, up to 800 square feet on a lot of 10,000 square feet or more. Historically, ADUs could not be built larger than 800 square feet within Capitola City limits.

New state law includes standards that allow larger ADUs, well beyond the City's previous maximums. The new standards regulate the size of an ADU dependent on the type of ADU, as outlined in the following table:

Type of ADU	Maximum Size
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.

Deed Restrictions:

Prior to the 2020 update, the City's Code required a deed be recorded for every ADU, mandating the following items:

1. The secondary dwelling unit shall not be sold separately;

Policy regarding ADU size limitations
May 27, 2021

2. The unit is restricted to the approved size;
3. The administrative review or the architecture and site review permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
4. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies; and
5. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

The March 2020 amendment requires only the following deed restrictions:

1. The accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The accessory dwelling unit may not be sold separately from the primary dwelling.
3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

Many ADUs that were permitted prior to the 2020 Code revisions include deed restrictions that limit the size of an ADU and require owner occupancy. Current state law does not allow these types of deed restrictions on ADUs permitted after January 1, 2020. Since the law is not retroactive, cities are not required to remove deed restrictions that were implemented under prior state law. These deed restrictions are thus still lawful, but are no longer required by state law.

Request from 403 Loma Avenue:

On March 5, 2021, planning staff received a request from the property owner at 403 Loma Avenue to amend the existing deed restriction on her ADU, which limited the size of the ADU (Attachment 2). The owner asked the City to remove the size restriction so they can expand the 440 square foot ADU up to 800 square feet, consistent with the Code for new ADUs. Staff also received two similar inquiries related to existing ADUs. A property owner in Cliffwood Heights is interested in amending the deed restriction limiting the size on their ADU; another property owner in Depot Hill is interested in amending the deed restrictions limiting the size and requiring owner occupancy of their ADU.

Staff recommends the City agree to amendments to size restrictions to provide all property owners the opportunity to expand their ADUs to the maximum square footage permitted by the new state law. A guiding principle in Capitola's General Plan for neighborhoods and housing states:

“Protect and enhance the quality of life within residential neighborhoods. Strive for neighborhood improvements that foster identity and build stability, inclusiveness, and interaction. Minimize impacts to neighborhoods - such as noise, cut-through traffic, and overflow parking. Ensure that infill development and neighborhood improvements are designed with careful attention to scale, minimized impacts, and community benefits”.

Allowing property owners to expand their ADUs will provide enhanced quality of life for the resident living in the ADU.

Regarding owner occupancy, staff does not recommend removing these requirements. Owner-occupancy requirements are a tool to minimize impacts of ADUs on neighborhoods by having the owner onsite to manage any issues that arise. Since the state law includes a sunset provision, staff recommends the City maintain the owner-occupancy deed restrictions for

Policy regarding ADU size limitations
May 27, 2021

existing ADUs and revisit the discussion on owner-occupancy in 2025, when the state law sunsets.

Deed restrictions cannot be amended without City Council authorization. The Council could review individual requests for amendments as they are submitted, or the City can adopt a policy authorizing staff to administratively approve amendments. For ease of administration, staff recommends that Council authorize staff to, upon request, administratively amend existing deed restrictions related to maximum size of ADUs. Staff has prepared a policy providing this authorization (Attachment 1).

Alternatively, if the Council does not wish to authorize a policy regarding all requests for amendments to deed restrictions, staff requests direction regarding the request from the owner of 403 Loma Avenue to amend the deed restriction applicable to her property.

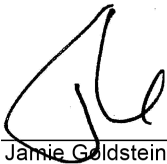
FISCAL IMPACT: An amendment to a deed restriction will require staff time to draft the amendment, acquire notarized signatures, submit the modification to the County for recordation, and update City records. Staff will add a new fee in June during the annual fee schedule update. In the interim, staff will collect a deposit from the requesting owner to cover staff's time and the related County fees.

ATTACHMENTS:

1. Draft Policy for ADU Deed Restriction Amendments
2. 403 Loma Avenue ADU Amendment Request

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021



ADMINISTRATIVE POLICY

Number: V-18
 Issued: 5.13.2021
 Jurisdiction: City Manager

POLICY REGARDING AMENDMENT TO DEED RESTRICTIONS FOR ACCESSORY DWELLING UNITS

I. PURPOSE

On January 1, 2020, new state laws regarding accessory dwelling units (ADUs) took effect which substantially changed the City's oversight and development standards related to ADUs. The City codified these revisions in its Municipal Code in March 2020. Many ADUs that were permitted prior to the Code revisions include deed restrictions that limit the size of an ADU and require owner occupancy. While those restrictions were required by the City's previous Code, they are not required under the current Code. Currently, the Code allows larger ADUs and does not require owner occupancy. Likewise, state law previously permitted these deed restrictions; the current law allows the deed restrictions for previously permitted ADUs, but does not require them. Current law also does not allow these deed restrictions on ADUs permitted after the law was revised. Since the law is not retroactive, cities are not required to remove deed restrictions that were implemented under prior state law.

Maximum Size Restrictions:

A prior version of the City's Code required ADUs to be up to 600 square feet and deed restricted "to the approved size". Accordingly, many ADUs permitted prior to March 26, 2020 include such a deed restriction which limit the existing ADU to the size approved for the original permit. On May 27, 2021, the City Council authorized staff to work with applicants to remove these deed restrictions. Allowing property owners to expand their ADUs will provide enhanced quality of life for the resident living in the ADU.

Owner-Occupancy Restrictions:

The prior version of the City's Code also required ADUs to have a deed restriction requiring the owner of record occupy either the main residence or the ADU. This policy does not allow owner-occupancy requirements to be removed.

II. POLICY

It is the policy of the City of Capitola to authorize the City Manager to approve amendments to ADU deed restrictions related to size of the ADU to the size permitted in the applicable state law and City ordinance in place at the time of the requested amendment. This policy does not authorize amendments to owner-occupancy requirements.

III. PROCEDURE

1. A property owner must submit a completed ADU Deed Restriction Amendment Application with all required documentation and fees to the Community Development Department.
2. Upon receipt of a complete application, planning staff will prepare an amendment to the deed restriction.
3. Staff will provide the amendment to property owner for notarized signatures.

4. Upon receipt of the document with owners' notarized signatures, the City Manager will provide a notarized signature on behalf of the City.
5. The City Clerk will file the amendment to the deed restriction with the County. The recording fee will be charged to the property owner.

This policy is approved and authorized by:

March 5, 2021

Matt Orbach
Associate Planner
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

Dear Matt:

In 2011, I had approved by the City of Capitola the conversion of an accessory building on my property at 403 Loma Avenue into an Accessory Dwelling Unit. (ADU) At the time, as required by the Capitola Municipal Code Section 17.99.070, a Notice of Restrictions was applied indicating:

- a) The secondary dwelling unit could not be sold separately
- b) The unit was restricted to the approved size (440 sq. ft.)
- c) The applicable permits were only in effect as long as I as the owner of record occupied the main residence or the secondary unit.

Since then the regulations concerning ADUs have changed with the state and city jurisdictions such that it is acceptable now to increase the size of the existing ADU from 440 sq. ft. to 800 sq. ft.

I am writing to ask if the deed restriction that limits the ADU size can be removed so that I can apply for a permit to increase the size of this ADU.

Thanks in advance for support and help in this matter.



Gaye Clemson

WHEN RECORDED MAIL TO:

City of Capitola)
Attention: City Clerk)
420 Capitola Avenue)
Capitola, CA 95010)



2011-0047781 11/17/2011 03:04:50 PM
OFFICIAL RECORDS OF Santa Cruz County
Sean Saldavia Recorder
RECORDING FEE: \$24.00
COUNTY TAX: \$0.00
CITY TAX: \$0.00

CONFORMED COPY

DRES
4 PGS

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

NOTICE OF RESTRICTIONS/AGREEMENT

1. "Property," as used herein, refers to that certain real property commonly known as 403 Loma Avenue, APN 036-092-17, which is more particularly described in Exhibit "A" attached hereto. The owner(s) of the property is Gaye Clemson.

2. The property owner(s) applied to the City of Capitola for certain discretionary permits, Application #11-117. Pursuant to its authority in responding to such discretionary permit applications, and approving said application, the Community Development Department imposed restrictions as outlined in the "Notice of Restrictions" paragraph(s) below.

3. The purpose of the within document is to specify certain restrictions which will run with the land, applying not only to the present owners but to future owners as well.

NOTICE OF RESTRICTIONS

Pursuant to Government Code Section 27281.5, notice is hereby given that:

1. This property is subject to Chapter 17.99 of the Capitola Municipal Code, as it presently exists and as it may hereafter be amended. Said chapter of the Municipal Code generally imposes restrictions on the establishment of secondary dwelling units in the Single-Family Residence District (R-1).

- 2. Per Code Section 17.99.070, the following restrictions apply to the subject property:
 - a. The secondary dwelling unit shall not be sold separately.
 - b. The unit is restricted to the approved size.
 - c. The administrative review or the architectural and site review permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit.

Attachment: 403 Loma Avenue ADU Amendment Request (Policy regarding ADU size limitations)

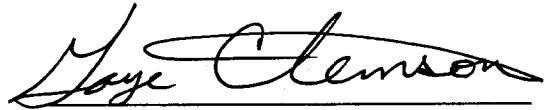
- d. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies.
- e. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

AGREEMENT

Violation of the restrictions set forth in this paragraph shall constitute a nuisance. Notices shall be made in writing to the property owner with reasonable opportunity provided to cure the violation, except that the property owner shall not be obligated to pay City costs if the City does not prevail. If legal action is necessary for the City to abate that nuisance, the then property owner must pay all reasonable attorney's fees and court costs incurred directly or indirectly by the City in achieving that abatement. The provisions of this paragraph shall run with the land and be binding on future property owners. By their signatures below, the property owners agree to the terms of this paragraph.

Date 11-17-11

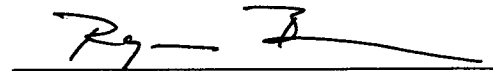
OWNER



Gaye Clemson

Date 11/17/11

CITY OF CAPITOLA



By: Ryan Bane, Senior Planner

Attachment: 403 Loma Avenue ADU Amendment Request (Policy regarding ADU size limitations)

A.P.N.: 036-092-17

File No.: 4408-3412216 (BB)

EXHIBIT A**PARCEL ONE:**

LOT 2, IN BLOCK "B", AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MCCORMICK'S ADDITION TO CAPITOLA," FILED FOR RECORD JUNE 10, 1925, IN VOLUME 18 OF MAPS, AT PAGE 62, SANTA CRUZ COUNTY RECORDS.

PARCEL TWO:

A RIGHT OF WAY 20 FEET IN WIDTH AT RIGHT ANGLES THE CENTER LINE OF WHICH IS THE DIVIDING LINE BETWEEN LOTS 1, 3, 5, 7, 9, 11, 13, 15, 17 AND LOTS 2, 4, 6, 8, 10, 12, 14, AND 16 IN BLOCK "B", AS THE SAME ARE SHOWN AND DESIGNATED ON THE ABOVE ENTITLED MAP.

PARCEL THREE:

LOTS 4 AND 6, IN BLOCK "B", AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MCCORMICK'S ADDITION TO CAPITOLA", FILED FOR RECORD JUNE 10TH, 1925, IN VOLUME 18 OF MAPS, AT PAGE 62, SANTA CRUZ COUNTY RECORDS.

PARCEL FOUR:

A RIGHT OF WAY: BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK "B"; THENCE NORTH 31° 10' EAST 345 FEET TO A STATION AT THE MOST NORTHERLY CORNER OF LOT 16, IN SAID BLOCK "B"; SAID STATION BEING ON THE WESTERLY SIDE OF WASHBURN AVENUE, AS DESIGNATED ON SAID MAP; THENCE ALONG THE WESTERLY SIDE OF SAID AVENUE NORTH 40° 09' WEST TO A STATION 10 FEET AT RIGHT ANGLES TO THE NORTHWESTERLY BOUNDARY OF SAID LOT 16, IF SAME WERE EXTENDED NORTHEASTERLY; THENCE SOUTH 31° 10' WEST 347 FEET, MORE OR LESS TO A STATION ON THE NORTHEASTERLY BOUNDARY OF YOUNGER AVENUE, WHICH IS NORTH 58° 50' WEST FROM THE PLACE OF BEGINNING; THENCE SOUTH 58° 50' EAST 10 FEET TO THE PLACE OF BEGINNING.

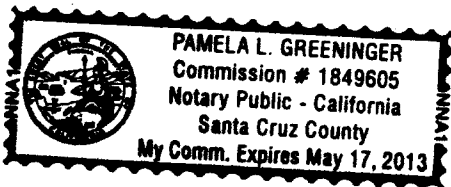
Attachment: 403 Loma Avenue ADU Amendment Request (Policy regarding ADU size limitations)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California)
County of Santa Cruz) ss

On November 17, 2011, before me, Pamela L. Greeninger, Notary Public, personally appeared
Here Insert Name and Title of Officer

Gaye Clemson and Ryan Bane
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pamela Greeninger
Signature of Notary Public

Attachment: 403 Loma Avenue ADU Amendment Request (Policy regarding ADU size limitations)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Consider Additions to the Memorial Program

RECOMMENDED ACTION: Approve modification to Administrative Policy I-7: Memorial Program to allow additional memorial location along the Cliff Avenue Railing, and City Administrative Policy II-12: 30-Year Employee Recognition Program.

BACKGROUND: The City of Capitola memorial bench program began in the 1990s. The original intent of the program was to allow members of the public to request and purchase memorial plaques on benches in Capitola Village and the Wharf, which helped pay for them. Individual benches and inscriptions were requested by letter and required approval by the City Council.

The official City of Capitola Memorial Program was established in 2002. The purpose of the program was to provide a uniform procedure for the purchase and placement of memorial items in the City of Capitola. In addition to benches, the program includes plaques along the railings of Capitola Wharf, Grand Avenue, and on Depot Hill. The City Council approves the location and number of memorials in the location. Staff processes the memorial requests in the order in which they are received.

The City Memorial Program includes memorial plaques, memorial benches, and memorial trees. The program currently includes approximately 500 installed memorials, with fewer than 10 available memorial spaces in the approved locations. None of the available spaces have ocean views.

In the past three years, more than 65 memorials have been installed, most along the Depot Hill railing.

DISCUSSION: Currently there are a fewer than 10 benches available in approved locations; at Jade Street and McGregor Park. There are no available memorial spaces with ocean views.

Most people inquiring about memorials want an ocean view and generally start by requesting a bench along the Esplanade or a plaque on Capitola Wharf. These locations have been full for several years. As an alternative to the Esplanade and Wharf, staff has been directing people to the Grand Avenue railing on Depot Hill. The Grand Avenue location on Depot Hill location is now full.

The Memorial Program is outlined in City Administrative Policy I-7: Memorial Program, which was last updated in 2017 to include a lottery procedure for when a memorial space becomes available in a previously full location. The City has held one lottery, which had more than 40 submissions for two available benches along the Esplanade.

Consider Additions to the Memorial Program
May 27, 2021

In addition to the Memorial Program, the City has a 30-year employee recognition program which includes installing a plaque in their honor on the Wharf. Currently, there are no available spaces on the wharf for additional plaques. Therefore, staff recommends amending Administrative Policy II-12: 30-Year Employee Recognition Program to indicate that 30-year recognition plaques will be placed at a previously approved memorial location, and not exclusively on the wharf.

At the February 25, 2021 City Council meeting, staff presented potential options for additional plaques at the following locations.

- Wooden railing along Cliff Avenue on Depot Hill overlooking Capitola Village (25 spaces)
- Wooden railing along Cliff Drive entering from west (50 spaces)
- Wooden retaining wall in upper Esplanade Park (20 spaces)

The City Council gave staff direction to investigate: the wall in upper Esplanade Park, the Cliff Avenue railing, and options for a suitable location for a multi-memorial wall. Council also suggested the spacing between memorials on the railing along Cliff Avenue could be reduced from the current eight feet to four feet to allow for more memorials.

After evaluating options, staff recommends the railing along Cliff Avenue for additional plaques and reducing the space between plaques to 4-feet at the Cliff Avenue location. This will increase the number of available memorial plaques on Cliff Avenue from approximately 25 to approximately 50. The proposed amendments to Administrative Policy I-7: Memorial Program, implement these changes.

Due to concerns about the permanency of the current retaining wall in upper Esplanade Park, staff does not recommend that location for memorial plaques. When staff has better idea of the status of the retaining wall and its permanency, the City can re-investigate the location. Staff will continue to assess suitable locations to expand the memorial program.

Staff has not identified a location for a multi-memorial wall. Several City parks could accommodate such a memorial wall, however community interest in locations that do not have ocean views has been very low.

FISCAL IMPACT: The memorial program is designed to be cost neutral for the life of the memorial and includes the purchasing cost, installation, and maintenance.

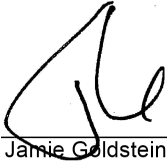
ATTACHMENTS:

1. Memorial Program Policy
2. 30-Year Employee Recognition Program Policy
3. Proposed Cliff Ave Railing Memorial Location Images

Report Prepared By: Larry Laurent
Assistant to the City Manager

Consider Additions to the Memorial Program
May 27, 2021

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021



ADMINISTRATIVE POLICY

Number: I-7
 Issued: 3/14/02
 Revised: 9/12/02
 Revised: 12/9/04
 Revised: 6/28/07
 Revised: 4/26/12
 Revised: 10/27/16
 Revised: 8/24/2017
Revised: 5/27/2021
 Jurisdiction: City Council

MEMORIAL PROGRAM

- I. PURPOSE: To establish a uniform procedure for the purchase and placement of memorial items in the City of Capitola.

It is the intent of the City to allow citizens to memorialize ~~loved-ones~~loved ones while at the same time balancing the needs of the City. This policy is meant to emphasize the importance of the memorials while assuring that they are consistent with City policies and do not negatively impact City resources.

- II. POLICY:

1. The City has ~~four~~five approved memorial programs: Memorial Benches, Memorial Plaques on Capitola Wharf, Memorial Plaques on the Grand Avenue and Cliff Avenue railing, and Memorial Trees. The policy may be amended to add other programs as directed by the City Council.
2. Applications for a memorial item will be received and approved by the City Manager or his/her designee, with site selection review by the Public Works Department.
3. All memorial items costs, including asset materials, installation materials, staff time for installation and maintenance will be covered by the application fee. The applicable fees will be reviewed and adjusted annually by the City Council to ensure cost recovery.
4. Memorial assets become the property of the City of Capitola. Arrangements can be made with the City for the return of plaques upon request or the removal of the asset.

- III. PROCEDURE:

1. Customers may download or request information and an application for a memorial item. If required, City staff will send the customer an informational letter along with a list of currently available sites.
2. Customer will take a photograph of the desired location and submit along with application and payment. If necessary, City staff will coordinate with Public Works Department to schedule a site meeting for approval of exact location of the memorial item. A receipt will be issued, and the application

with a copy of the receipt and photograph are given to the City staff for ordering and the Public Works Department for installation.

3. Upon installation, the City staff will notify the customer.

IV. MEMORIAL PROGRAMS

1. Municipal Plaques: Memorial plaques may be purchased on a railing along the Capitola Wharf ~~or~~, Grand Avenue, or Cliff Avenue. All memorial plaque locations are subject to environmental conditions that may require plaques to be moved to a new location or removed and returned to the purchaser if no alternative location is available.
 - a. Location:
 1. **Wharf**: No more than one plaque will be placed on the top railing unless the additional plaque is for a relative. If possible, the City should be notified of this intent when the first plaque is purchased.
 2. **Grand Avenue**: No more than one plaque for every eight feet of railing along Grand Avenue unless the additional plaque is for a relative. If possible, City should be notified of this intent when the first plaque is purchased.
 - 2.3. **Cliff Avenue**: No more than one plaque for every four feet of railing along Cliff Avenue overlooking Capitola Village.
 - b. Plaque: The plaques are made of ~~bronze, and bronze and~~ are eight inches by three inches (8"x3"). The customer will determine inscriptions on the plaque, which will be ordered and installed by the City.
 - c. Cost: The cost of the plaque, installation and maintenance is determined by their actual cost, and is reviewed annually by the City Council (see application for current cost).
 - d. Maintenance/ Replacement/ Removal: The City will maintain plaques. The City of Capitola will determine when the plaque is no longer reasonable to maintain and needs to be either replaced or removed. Upon such determination, the customer will be notified by mail. The customer may elect to purchase another plaque or relinquish the site. If a reasonable attempt to contact the customer fails, the City will open the site for purchase after 60 days. If the plaque is missing or damaged, the customer may elect to purchase another plaque or relinquish the site. Replacement plaques will be charged at the City's direct replacement cost, not including maintenance.
2. Memorial Benches: A Memorial Bench Program was established in 1993. The primary purpose of the program was to aid the City in the maintenance of the benches along the Esplanade. The popularity of the program led to the expansion of the bench placements to include other areas of the City, as listed below. When the approved number of benches have been purchased, the locations are considered "full". Customers may choose the inscription for the plaque, the plaques will be ordered and installed by the City.
 - a. Bench Locations:

Administrative Procedure I-7

Memorial Benches

Page 3 of 5

1. Esplanade
2. Jade Street Park
3. Wharf
4. Cortez Park
5. Depot Hill
6. Monterey Park
7. Cliff Ave /Grand Ave
8. Noble Gulch Park
9. Prospect Avenue
10. Peery Park
11. McGregor Park
12. Cliff Dr.
13. Soquel Creek Park
14. Depot Hill Park
15. Riverview
16. Lawn Way
17. Library
18. Hihn Park
19. Capitola Road and Wharf Road
20. Rispin Park

- b. Maintenance, Removal or Replacement of Existing Benches: The City will maintain all benches. The City will determine when a Memorial Bench is no longer reasonable to ~~maintain~~maintain, or it is necessary to remove for any reason. Upon such determination, the customer will be notified by mail and the customer may elect to purchase another bench or relinquish the bench. If after a reasonable attempt to contact the customer fails, the City may dispose of the plaque and the bench location may become available for purchase.
- c. Plaque: The plaques are made of ~~bronze, and~~bronze and are ~~eight-ten~~ inches by ~~three-two~~ inches (8"x2"). The customer will determine inscriptions on the plaque, which will be ordered and installed by the City.
- d. Cost: The cost of the bench, plaque, ~~installation~~installation, and maintenance is determined by their actual cost, and is reviewed annually by the City Council (see application for current cost).
- e. Damage: If a plaque is damaged or unreadable, the customer will be notified by mail and the customer may elect to purchase another plaque or relinquish the bench. If a reasonable attempt to contact the customer fails, the City will proceed with removal within 60 days and make the bench available. If the customer does not wish to replace the plaque, another customer may purchase a plaque to be placed there and the original plaque will be returned if desired. Replacement benches will be charged at City's direct replacement cost not including maintenance.

3. Memorial Trees:

- a. An existing tree in the City may be memorialized with a plaque placed at the foot of the tree, mounted on a cement platform. Approval of

memorializing an existing tree will be at the discretion of the Public Works Department, unless it is deemed necessary by the City Manager to be approved by the City Council.

- b. A customer may purchase a new tree to be planted and memorialized with a plaque in the City with the approval of the Public Works Department and the City Council.
 - c. Plaque: The plaques are made of ~~bronze, and~~ bronze and are 4" x 4". The customer will determine inscription on the plaque, which will be ordered and installed by the City.
 - d. Cost: The cost of the plaque, installation and maintenance is determined by their actual cost, and is reviewed annually by the City Council (see application for current cost).
 - e. Maintenance/ Replacement/ Removal: The City will maintain plaques for the life of the plaque. The City will determine when the plaque is no longer reasonable to maintain and needs to be either replaced or removed. Upon such determination, the customer will be notified by mail. The customer may elect to purchase another plaque or relinquish the site. If a reasonable attempt to contact the customer fails, the City will open the site for purchase after 60 days. Replacement Plaques will be charged at the City's direct replacement cost, not including maintenance.
 - f. If it is determined that the tree is to be permanently removed for any reason or is destroyed, the plaque will be returned to the customer. If a reasonable attempt to contact the customer fails, the City will proceed with removal.
 - g. Program Completion: The program will continue until it is determined by the Public Works Department and the City Council to be complete or it begins to negatively impact City resources.
4. Memorial space availability in previously "full" locations
- a. ~~At such time as~~ When a bench or plaque space becomes available in a previously "full" location, the City will follow a lottery procedure to determine who will have first right to purchase the memorial.
 1. The City will announce the location and number of memorial spaces available.
 2. The City will publicize the lottery information.
 3. The lottery will remain open for a minimum of four weeks.
 4. Interested parties will submit a complete memorial program application to enter the lottery.
 5. Upon the closing of the lottery, the City Clerk will randomly select those eligible for the memorial space.
 6. The eligible applicant will have two weeks to submit payment for the memorial.
 7. If applicant does not submit payment, another applicant name will be drawn.

Administrative Procedure I-7
Memorial Benches
Page 5 of 5

Jamie Goldstein
City Manager

Attachment: Memorial Program Policy (Consider Additions to the Memorial Program)



Number: II-12
 Issued: 01/08/04
 Revised: 5/27/2021
 Jurisdiction: City Council

ADMINISTRATIVE POLICY

30 YEAR EMPLOYEE RECOGNITION PROGRAM

I. PURPOSE

The purpose of this program is to recognize an individual who has worked for the City of Capitola for 30 consecutive years.

II. POLICY

It is the Policy of the City of Capitola to recognize an employee who has provided 30 years of service and effort to the benefit to the City of Capitola and its residents.

III. CRITERIA

The recipient of the City of Capitola 30 Year Recognition Award must be one who has worked for 30 consecutive years and must in good standing.

IV. PROCEDURE

The City Council will award the City of Capitola 30-Year Employee Recognition Plaque to the employee. The plaque will be placed on the in an available City Council approved Memorial Plaque location.

The Wharf Plaque may read: In honor of _____ for 30 Years of Service to the City of Capitola 1991 – 2021.

This policy is approved and authorized by:

 Jamie Goldstein, City Manager



Attachment: Proposed Cliff Ave Railing Memorial Location Images (Consider Additions to the Memorial



Attachment: Proposed Cliff Ave Railing Memorial Location Images (Consider Additions to the Memorial



Attachment: Proposed Cliff Ave Railing Memorial Location Images (Consider Additions to the Memorial



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MAY 27, 2021

FROM: City Manager Department

SUBJECT: Administrative Policy Regarding Proper Flag Procedures at the City Hall Complex

RECOMMENDED ACTION: Approve proposed Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property and direct staff to fly the Pride Flag for the month of June in accordance with Policy Section V: Approved Non-Governmental Flag List.

BACKGROUND: At the May 13 City Council Meeting, Councilmember Keiser requested staff return with a policy allowing the City to fly the Pride flag for the month of June; LGBTQ+ Pride Month.

DISCUSSION: A flag policy serves the City by ensuring all requests for flags to be flown are treated similarly. Staff has prepared the attached policy in response to Councilmember Keiser's request, and to standardize the City's practices regarding the flying of flags on City-owned flag poles.

The proposed flag policy includes the following:

- On all official, City owned flagpoles, the City will regularly fly the flags of the United States and California.
- The City will fly the above flags at half-staff upon the death of:
 - A City Councilmember, past or present;
 - A current City employee;
 - A City retiree having served the City for 25 or more years;
 - A police officer, Sheriff's deputy, or firefighter employed by an agency in Santa Cruz County, San Mateo County, Santa Clara County, San Benito County or Monterey County, and killed in the line of duty
 - A person whose accomplishments and contributions to the community demonstrated a significant commitment to the Capitola community, as determined by the Mayor and the City Manager.
- Flags will ordinarily be flown at half-staff as soon as practicable following the notification of a death, and for an additional 48 hours. For public safety officer line of duty deaths, the flag will fly at half-staff immediately from notification of death to sunset on the day of service/funeral.
- Any person wishing for the City to display a Non-Governmental flag that is not on the

Flag Policy
May 27, 2021

“Approved Non-Governmental Flags List” below must submit a request to the City Manager’s office at least 60 days in advance; the request must include a photograph and the dimensions of the flag, and the requested dates for it to be flown.

- The City Council will determine whether the request will be granted, denied, or granted in part.
- Flags on the Approved Non-Governmental Flags List will be flown every year, on the dates indicated in the policy, without additional Council approval.
- The draft policy specifies that the LGTBQ+ “Pride Progress Flag” shall be displayed, as recommended by the Santa Cruz Diversity Center.

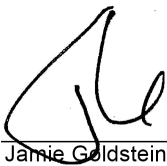
FISCAL IMPACT: None, though the City may incur minor costs to purchase approved Non-Governmental flags to fly.

ATTACHMENTS:

1. Proposed Capitola Flag Policy

Report Prepared By: Chloe Woodmansee
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

5/21/2021

ADMINISTRATIVE PROCEDURE

Number: V-18
 Issued: May 27, 2021
 Jurisdiction: City Council

Outdoor Display of Governmental and Non-Governmental Flags on City Property

I. Purpose

The purpose of this administrative policy is to establish uniform policies to govern the flying of the United States and California flags (“Governmental Flags”) on City-owned flagpoles, and the flying of flags other than the United States and California flag (“Non-Governmental Flags”) as an expression of the City’s official sentiments on City-owned flagpoles. The City’s flagpoles are intended to serve as a forum for expression by the City, and not a forum for expression by the public.

II. Applicability

The City shall regularly fly, on official, City-owned flagpoles, the flags of the United States of America and the State of California, and Non-Governmental flags pursuant to this Policy. Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

III. Half-Staff

National flags and/or the California flag on City-owned property shall be flown at half-staff upon order of the President of the United States, or authorization by the Governor of California or the City Council of the City.

National and/or California flags on City-owned property shall also be flown at half-staff upon the death of:

- A City Councilmember, past or present;
- A current City employee;
- A City retiree having served the City for 25 or more years;
- A public safety officer (police officer, Sheriff’s deputy, or firefighter) killed in the line of duty and employed by an agency in Santa Cruz County, San Mateo County, Santa Clara County, San Benito County or Monterey County; and
- A person whose accomplishments and contributions to the community demonstrated a significant commitment to the Capitola community, as determined by the City Manager and the Mayor.

In most of the above circumstances, flags will ordinarily be flown at half-staff as soon as practicable following the notification of a death, and for an additional 48 hours. For public safety

officer line of duty deaths, the flag will fly at half-staff immediately from notification of death to sunset on the day of service/funeral.

IV. Non-Governmental Flag Procedure

Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” below must submit a request to the City Manager’s office. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The City Council shall determine whether the request will be granted, denied, or granted in part.

If the request is approved, this policy may be updated to include the approved flag, time when the flag shall be displayed, and approved flag image. If the request is not approved, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months. The City Council’s determination shall be final and not subject to appeal.

Unless otherwise noted herein, or approved by the City Council, Non-Governmental flags shall only be flown at City Hall and, when raised, shall replace the flag of the State of California, not the flag of the United States.

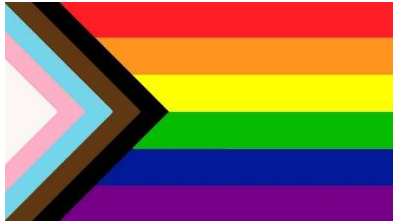
If, while a Non-governmental flag is flying for its approved time, there is reason to fly flags at Half-Staff, the Non-governmental flag shall follow the same protocol as outlined above.

The City will take responsibility for obtaining and paying for any approved Non-Governmental Flags.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

V. Approved Non-Governmental Flag List

The following flag(s) are approved for the following locations and time periods. The City Council may update this list at its discretion.

Flag	Location	Time Period	Approved Flag Image
LGBTQ+ Pride “Progress” Flag	City Hall	June 1 – June 30	

Attachment: Proposed Capitola Flag Policy (Flag Policy)

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